

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, March 21, 2017, in the Commission Chambers in the County Administration Building, Rapid City, South Dakota. Chairman Deb Hadcock called the meeting to order with the following Commissioners present: Mark DiSanto, George Ferebee and Lloyd LaCroix. Commissioner Ron Buskerud joined by videoconference. Pursuant to SDCL 1-25-1, votes were taken by roll call vote.

REVIEW AND APPROVE AGENDA

MOVED by LaCroix and seconded by DiSanto to approve the agenda as presented. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

CONSENT AGENDA ITEMS

The following items have been placed on the Consent Agenda for action to be taken by a single vote of the Board of Commissioners. Any item may be removed from the Consent Agenda at the request of a board member or citizen for separate consideration.

MOVED by DiSanto and seconded by LaCroix to approve the Consent Agenda as presented. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

5. Approve the minutes of the regular meeting – March 7, 2017.
6. Approve the following resolution to acknowledge the Order of Organization and Incorporation for the WHEEL INN ROAD DISTRICT.

**ORDER FOR ORGANIZATION AND INCORPORATION
OF THE WHEEL INN ROAD DISTRICT
PENNINGTON COUNTY, SOUTH DAKOTA**

WHEREAS, all property owners of record that are within the proposed district boundaries have agreed to and petitioned for the organization of the WHEEL INN ROAD District

AND WHEREAS, said petitions indicate the desire of all landowners of record within the proposed boundaries to organize the WHEEL INN ROAD District to maintain the roads at the level as determined by the elected Board of Trustees

NOW, THEREFORE, BE IT ORDERED, that the Pennington County Commission acknowledge and declare the WHEEL INN ROAD District to be organized and established as a governmental subdivision of the State of South Dakota and a public body, corporate and political to be effective as of today's date with taxing authority for the 2017 pay 2018 tax year and after.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

BE IT FURTHER ORDERED that the WHEEL INN ROAD District which legal description is: LOTS 9-14 INCLUSIVE AND LOT 15R OF WHEEL INN #2, LOTS 1-9 INCLUSIVE AND LOT 10R OF WHEEL INN #3, AND LOTS 12-16 OF WHEEL INN #4 BHM Pennington County, SD.

/s/Deb Hadcock, Chairman

ATTEST:

/s/ Julie A. Pearson, Auditor

7. Schedule a hearing at 11:15 a.m. on Tuesday, April 4, 2017 to supplement the 2017 Accumulated Building Fund Black Creek Capital Projects budget in the amount of \$278,582 from assigned and restricted fund balance.
8. Recognize and thank the volunteers for the month of February 2017. The list of volunteers is on file in the Human Resources office and is posted on the County Bulletin Board.

End of Consent Agenda Items

DESIGN AUTHORIZATION FOR SOUTH ROCHFORD ROAD PROJECT: MOVED by DiSanto and seconded by Ferebee to continue this item until the April 4, 2017 Commission meeting. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

ISOLATED TRACT – ROBERT L & BARBARA STEELE, JODY SPECK, ESQ: MOVED by Ferebee and seconded by DiSanto to continue this item and encourage the applicants to follow state law. The motion carried with 4-0 on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, LaCroix – yes, Hadcock – abstaining.

REQUEST FOR VARIANCE TO ORDINANCE #14 APPROVAL OF ADDITIONAL APPROACH – ROBBIN FEATHERSTONE: MOVED by DiSanto and seconded by Ferebee to approve the construction of an approach to the north side of Fort St. located approximately 23 feet east of the west property line. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

REQUEST FOR WAIVER OF PENALTY FEES FOR CONDITIONAL USE PERMIT – JEREMIAH & ANGELA THOMAS: MOVED by Ferebee and seconded by DiSanto to waive the penalty fees for not applying for a Portable Sawmill Operation Conditional Use Permit. The motion carried 4-1 on a roll call vote: Buskerud – no, DiSanto – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

ITEMS FROM THE AUDITOR

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

- A. 9:15 a.m. PUBLIC HEARING – NEW RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE LICENSE PUBLIC HEARING – RUSH MOUNTAIN ADVENTURE PARK: MOVED by Ferebee and seconded by LaCroix to approve the issuance of the following Alcoholic Beverage License: Rush Mountain Adventure Park (On-Off Sale Malt Beverage License & SD Farm Wine.) The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

ITEMS FROM THE SHERIFF/STATES ATTORNEY/HEALTH & HUMAN SERVICES:

- A. UPDATE ON MENTAL HEALTH CARE EFFORTS WITH RAPID CITY REGIONAL HEALTH FACILITIES AND THE PENNINGTON COUNTY JAIL: No Action Taken.

ITEMS FROM HIGHWAY DEPARTMENT

- A. REQUEST FOR PUBLIC HEARING TO REVISE THE OFFICIAL PENNINGTON COUNTY HIGHWAY SYSTEM – RESOLUTION 2017-04-18; SOUTH VALLEY DRIVE: MOVED by LaCroix and seconded by DiSanto to advertise the Notice of Public Hearing for 9:30 a.m. on April 18, 2017. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.
- B. AUTHORIZATION TO PURCHASE TWO 2017 JD 772GP MOTOR-GRADERS OFF THE MINNESOTA STATE BID: MOVED by LaCroix and seconded by Hadcock to authorize the Highway Department to purchase two 2017 John Deere 772GP motor-graders off the Minnesota State bid for the price of \$294,701.00 each.

Substitute motion: MOVED by Ferebee and seconded by DiSanto to purchase one 2017 John Deere 772GP motor-grader from the Minnesota State bid for the price of \$294,701.00. The motion failed 2-3 on a roll call vote: Buskerud – no, DiSanto – yes, Ferebee – yes, LaCroix – no, Hadcock – no.

The vote on the original motion failed 2-3 on a roll call vote: Buskerud – no, DiSanto – no, Ferebee – no, LaCroix – yes, Hadcock – yes.

- C. PURCHASE OF BRUSH CHIPPER: MOVED by DiSanto and seconded by LaCroix to authorize the Highway Department to purchase a 2014 Vermeer BC1000XL brush chipper #21532 and declare surplus for trade-in the 2001 Vermeer brush chipper, Asset #005309.

The Board decided to make two separate motions, one for the purchase and one for the trade in.

MOVED by DiSanto and seconded by LaCroix to purchase a 2014 Vermeer BC 1000XL brush chipper #21532. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

MOVED by DiSanto and seconded by LaCroix to surplus for trade-in the 2001 Vermeer brush chipper, Asset #005309. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

ITEMS FROM EQUALIZATION

A. 2017 PENNINGTON COUNTY ASSESSMENT PRESENTATION – SHANNON RITTBERGER

MOVED by Ferebee and seconded by DiSanto to take a five minute recess. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

The Board reconvened at 11:43 a.m. with all members present

ITEMS FROM PLANNING & ZONING

BOARD OF ADJUSTMENT: MOVED by LaCroix and seconded by DiSanto to convene as the Board of Adjustment. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto - yes Ferebee – yes, LaCroix – yes, Hadcock – yes.

A. VARIANCE / VA 17-04: Black Hills Raptor Center; Davis Engineering - Agent. To reduce the minimum required lot size from 40 acres to 5.06 acres in a General Agriculture District in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

Beginning at the Northeast corner of the NW1/4 of the SE1/4 of Section 35, T1N, R9E, BHM which is a 5/8 rebar with cap marked LS 2652 which is the point of beginning; Thence Due South 520.00 feet to a 5/8 rebar with cap marked “LS-3095” which is the True Point of Beginning: Thence, S 89⁰ 59’ 22”W a distance of 350.00’ feet to a rebar cap marked LS 3095; Thence, S 00⁰ 00’ 00”W a distance of 545.92 feet to a rebar and cap marked LS 3095; Thence, S 64⁰ 25’ 09”E a distance of 388.04 feet to a rebar cap marked LS 3095; Thence, N 00⁰ 00’ 00” E a distance of 713.54 feet to a rebar cap marked LS 3095 which is the True Point of Beginning, containing 5.06 Acres “more or less” and all located in NW1/4 of the SE1/4 of Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

MOVED by Ferebee and seconded DiSanto by to continue this until the two new board members get up to speed with this application. Motion failed on a roll call vote: Buskerud – no, DiSanto – yes, Ferebee – yes, LaCroix – no, Hadcock – no.

MOVED by LaCroix and seconded by Buskerud to approve Variance / VA 17-05 with no conditions as any concerns or requirements will be addressed through the platting process. The motion carried 4-1 on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – no, LaCroix – yes, Hadcock – yes.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

MOVED by LaCroix and seconded by Buskerud to adjourn as the Board of Adjustment and reconvene as the Board of Commissioners. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – no, Ferebee – yes, LaCroix – yes, Hadcock – yes.

PLANNING & ZONING CONSENT AGENDA ITEMS

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

MOVED by LaCroix and seconded by DiSanto to approve the Planning and Zoning consent agenda with the removal of item D. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

- B. SECOND READING OF ORDINANCE AMENDMENT / OA 16-02: Pennington County. To amend Section 103 “Definitions”; Section 205 “General Agriculture District”; Section 206 “Limited Agriculture District”; Section 207 “Low Density Residential District”; Section 208 “Suburban Residential District”; Section 209 “General Commercial District”; Section 210 “Highway Service District”; Section 211 “Light Industrial District”; Section 212 “Heavy Industrial District”; Section 213 “Planned Unit Development District”; Section 317 “Wind Energy Systems” and Section 511 “Fees” of the Pennington County Zoning Ordinance.

ORDINANCE #34-33

AN ORDINANCE AMENDMENT TO THE PENNINGTON COUNTY ZONING ORDINANCE.

BE IT HEREBY ORDAINED BY THE PENNINGTON COUNTY BOARD OF COMMISSIONERS THAT THE PENNINGTON COUNTY ORDINANCE #34 BE AMENDED AS FOLLOWS:

SECTION 103: Definitions shall be amended to include the following:

AIRFIELD ELEVATIONS/LENGTH: Ellsworth Air Force Base (AFB) has a Class B Runway with established airfield elevation of approximately 3,280 feet above Mean Sea Level (MSL). Ellsworth AFB runway length is 13,497 feet. Rapid City Regional Airport runway is 3,204 feet above MSL with max length of 8,701 feet.

AIRSPACE IMAGINARY SURFACES: A structure of imaginary control surfaces that exist primarily to enhance the safety and efficiency of aircraft operations by preventing existing or proposed manmade objects, objects of natural growth or terrain from extending upward into navigable airspace. These imaginary surfaces either slope out and up from all sides and ends of runways or are a horizontal plane or a sloping plain above airports. (Imaginary surfaces are shown on Exhibits at the end of this Ordinance.)

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

AIRSTRIP: A strip of ground set aside for the takeoff and landing of aircraft.

AMERICAN LAND TITLE ASSOCIATION (ALTA): American Land Title Association is the national trade association and voice of the abstract, the person who prepares a summary (or abstract) of public records relating to title to a specific parcel of land, and title insurance industry. ALTA members search, review, and ensure land titles to protect home buyers and mortgage lenders who invest in real estate.

AMERICAN WIND ENERGY ASSOCIATION (AWEA): The national trade association that represents the interests of America's wind energy industry.

ALTERNATING CURRENT (AC): A type of electrical current, the direction of which is reversed at regular intervals or cycles. In the United States, the standard is 120 reversals or 60 cycles per second.

ANGLE OF INCIDENCE: The angle that a ray of sun makes with a line perpendicular to the surface. For example, a surface that directly faces the sun has a solar angle of incidence of zero, but if the surface is parallel to the sun (for example, sunrise striking a horizontal rooftop), the angle of incidence is 90°.

BALANCE OF SYSTEM: A Solar (PV) Balance-of-System (BOS) refers to the components and equipment that move DC energy produced by solar panels through the conversion system which in turn produces AC electricity.

CLASS DELTA AIRSPACE: Class D airspace can generally be described as a controlled airspace that extends from the surface or a given altitude to a specific higher altitude. Ellsworth Air Force Base and Rapid City Class D Airspaces overlap. Ellsworth Air Force Base and Rapid City Air Traffic Control facilities mutually agree that the ridge of hills southeast of Ellsworth Air Force Base constitute the geographical boundary between the Class D Airspaces (Imaginary surfaces are shown on Exhibits at the end of this Ordinance). Ellsworth Air Force Base's Class D Airspace extends from the surface up to and including 5,800 feet Mean Sea Level (MSL) and a 5.9 nautical mile (6.8 mile) radius of the airport center. Rapid City's Class D airspace extends from the surface up to and including 5,700 feet mean seas level (MSL) and a 4.4 nautical (5 mile) mile radius from the airport center.

COLLECTOR LINE: A single or group of transmission lines that links one generator or a group of generators to the bulk power grid.

CONCENTRATING PHOTOVOLTAIC (CPV): A solar technology that uses lenses or mirrors to concentrate sunlight onto high-efficiency solar cells.

CONCENTRATING SOLAR POWER (CSP): A dispatchable, renewable energy option that uses mirrors to focus and concentrate sunlight onto a receiver, from which a heat transfers fluid carries the intense thermal energy to a power block to generate electricity.

CONVERTER: A unit that converts a direct current (DC) voltage to another DC voltage.

dB(A): A frequency weighting that relates to the response of the human ear to sound.

DECIBEL (dB): A unit for expressing the relative intensity of sounds on a scale from zero to greater than 130, with 85 possibly being harmful to humans.

DIRECT CURRENT (DC): A type of electricity transmission and distribution by which electricity flows in one direction through the conductor, usually relatively low voltage and high current.

DISTRIBUTED SOLAR ENERGY SYSTEM (DSES): A SES to directly power a home, farm, or small business as its primary use.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

DISTRIBUTED WIND ENERGY SYSTEM (DWES): Turbines to directly power a home, farm, or small business as its primary use.

EASEMENT (WIND OR SOLAR): A right whether or not stated in the form of a restriction, option to obtain an easement, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of any owner of land or air space for the purpose of ensuring adequate exposure of a photovoltaic solar power system to the sun, or an agreement to refrain from developing a photovoltaic solar power system.

FACILITY: A place, especially including buildings, where a particular activity happens.

FEDERAL AVIATION ADMINISTRATION (FAA): The Federal Aviation Administration is the national aviation authority of the United States, with powers to regulate all aspects of American Civil Aviation.

FEEDER LINE: A primary or main distribution power line that distributes or “feeds” power from a substation to the surrounding area. Feeder lines typically have many smaller “taps” or “pull-off” lines that lead to transformers and service lines serving homes and businesses.

FENCE: A manmade, unroofed structure, barrier, railing, or other upright structure, typically of wood or wire, enclosing an area of ground to mark a boundary, control access, or prevent escape.

GLARE: A continuous source of brightness, relative to diffused lighting. Not a direct reflection of the sun, but a reflection of the bright sky around the sun. Glare is significantly less intense than glint.

GLINT: Also known as a specular reflection, produced as a direct reflection of the sun in the surface of the PV solar panel. Also a momentary flash of light.

GLINT AND GLARE STUDY: An assessment to determine the impact of solar reflections upon surrounding roads, dwellings and aircraft locations.

GRID: An interconnected network for delivering electricity from suppliers to consumers.

INTERCONNECTION AGREEMENT: To set forth the terms and conditions to allow consumers to install an independent power generation system and connect to a local utility.

INVERTER: A device that converts direct current electricity to alternating current either for stand-alone systems or to supply power to an electricity grid.

KILOWATT (kW): A standard unit of electrical power equal to 1000 watts.

KILOWATT-HOUR (kWh): 1,000 watts acting over a period of 1 hour. The kWh is a unit of energy.

MEGAWATT (MW): 1,000 kilowatts, or 1 million watts; standard measure of electric power plant generating capacity.

MEGAWATT-HOUR: 1,000 kilowatt-hours or 1 million watt-hours.

METEOROLOGICAL TOWER: A tower which is erected primarily to measure wind speed and direction, plus other data relevant to siting of a WES. Other meteorological towers, such as those used by airports, municipalities, weather services or research facilities, are not affected by this definition or this section of the Ordinance.

NATIONAL ELECTRICAL CODE (NEC): National Electrical Code sets standards and best practices for wiring and electrical system, which contains guidelines for all types of electrical installations. The current version of the NEC shall be followed.

NOAA: National Oceanic and Atmospheric Administration.

OBSTRUCTION EVALUATION / AIRPORT AIRSPACE ANALYSIS (OE/AAA): An Obstruction Evaluation is required for all systems 200 feet or above in total height from ground

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

level. An object typically is considered an obstruction when it exceeds (penetrates) Airspace Imaginary Surfaces and/or Class D Airspace, whichever is lowest, but the FAA may have additional restrictions in any airspace. The OE/AAA is a process for aeronautical studies of obstructions to air navigation or navigational facilities to determine the effect on the safe and efficient use of navigable airspace, air navigation facilities or equipment; and the process to petition the Federal Aviation Administration (FAA) for discretionary review of determinations, revisions, and extensions of determinations. View Title 14 Chapter 1 Subchapter E Part 77 Subpart 9 (14 CFR Part 77.9) for the most current information.

PARKS: National parks, national monuments, national grasslands, wilderness areas, state, and local parks.

PHOTOVOLTAIC (PV): A method for generating electric power by using solar cells to convert energy from the sun into a flow of electrons.

PHOTOVOLTAIC (PV) DEVICE: A solid-state electrical device that converts energy from the sun directly into direct current (DC) electricity.

PHOTOVOLTAIC (PV) SOLAR ARRAY: An interconnected system of PV modules that function as a single electricity-producing unit. The modules are assembled with common support or mounting.

PHOTOVOLTAIC (PV) SOLAR CELL: The smallest semiconductor element within a PV module to perform the immediate conversion of energy from the sun into electrical energy (direct current voltage and current). Also called a solar cell.

PHOTOVOLTAIC (PV) SOLAR MODULE: A packaged, connected assembly of solar cells.

PHOTOVOLTAIC (PV) SOLAR PANEL: Refers to a physically connected collection of modules (i.e., a laminate string of modules used to achieve a required voltage and current).

PHOTOVOLTAIC (PV) SYSTEM: A complete set of components for converting energy from the sun into electricity by the photovoltaic process, including the array and balance of system components.

RECREATION AREAS: Formally designated recreation areas, picnic areas, common lots, hiking trails, public beaches and lakeshores.

SOLAR ENERGY: Electromagnetic energy transmitted from the sun (solar radiation).

SOLAR ENERGY SYSTEM: A device or structural design feature intended to provide for collection, storage, and distribution of solar energy for heating or cooling, electricity generating, or water heating.

SOLAR-THERMAL SYSTEM: A system that uses reflective materials that concentrate the energy from the sun to an absorber where it is converted to heat.

STAND-ALONE SYSTEM: An autonomous alternative energy system not connected to a grid. May or may not have storage, but most stand-alone systems require batteries or some other form of storage.

STRUCTURE: Any material or combination of materials, completely or partially constructed, or erected in or upon the ground, including, but not by way of limitation, buildings; mobile homes; radio towers; sheds; signs; and storage bins, but excluding sidewalks and paving on streets, driveways, parking areas, fences, earthwork, wind-breaks, and nonbusiness signs related to farming or ranching operations. An object, including a mobile object, constructed or installed by man, including but without limitation; buildings; towers; cranes; smokestacks; earth formation; and overhead transmission lines.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

SUBSTATION: Any electrical facility designed to convert electricity to a voltage for interconnection with transmission lines.

SYSTEM: A set of connected things or devices that operate together.

SYSTEM HEIGHT: The height of the total system measured from grade to the max vertical height of the extended blade tip.

TELECOMMUNICATIONS: Any communication transmission that affects Federal, State, and local two-way communication within this state.

TURBINE: All the parts of the WES, including the blades, generator, and tail.

UTILITY: Any person or entity engaged in the generation, transmission or distribution of electric energy in this state including, but not limited to: a private investor owned utility, a cooperatively owned utility, a consumer's power district and a public or municipal utility.

UTILITY-SCALE SOLAR ENERGY SYSTEM (USES): Any SES with the primary purpose of delivering electricity to the power grid and distributed to the end user by electric utilities or power system operators. USES can also be referred to as Solar Farm.

UTILITY-SCALE WIND ENERGY SYSTEM (UWES): Turbines delivering electricity to the power grid and distributed to the end user by electric utilities or power system operators. Utility-Scale Wind Energy Systems can also referred to as Wind Farms.

WATT: The rate of energy transfer equivalent to one ampere under an electrical pressure of one volt.

WIND ENERGY SYSTEM (WES): A system that converts wind movement into electricity. All of the following are encompassed in this definition of system:

- a. Tower or multiple towers, including foundations;
- b. Generator(s);
- c. Blades;
- d. Power collection systems, including pad-mount transformers;
- e. Access roads, meteorological towers, on-site electric substations, control building, and other ancillary equipment and facilities; and,
- f. Electric interconnection systems or portion thereof dedicated to the WES.

WIND ENERGY SYSTEM (WES) / WIND FARM (WF): A commercial facility whose main purpose is to generate and sell electricity.

WIND GENERATOR: A mechanical device designed and operated so as to generate electricity.

SECTION 205-B: General Agriculture District shall be amended to read as follows:

22. Distributed Wind Energy System in accordance with Section 317 and Section 317-B-4.
23. Distributed Solar Energy System in accordance with Section 317 and Section 317-A-5.
24. Meteorological tower, as part of a wind farm, in accordance with Section 317.

SECTION 205-C: General Agriculture District shall be amended to read as follows:

27. Distributed Wind and Solar Energy System in accordance with Section 317.
28. Utility-Scale Wind and Solar Energy System in accordance with Section 317.
29. Guest House in accordance with Section 318.
30. Vacation Home Rental in accordance with Section 319.

SECTION 206-B: Limited Agriculture District shall be amended to read as follows:

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

19. Distributed Wind Energy System in accordance with Section 317 and Section 317-B-4.
20. Distributed Solar Energy System in accordance with Section 317 and Section 317-A-5.

SECTION 206-C: Limited Agriculture District shall be amended to read as follows:

24. Distributed Wind and Solar Energy System in accordance with Section 317 and Section 317-A-5 and Section 317-B-4.
25. Utility-Scale Wind and Solar Energy System in accordance with Section 317 and Section 317-A-5 and Section 317-B-4.

SECTION 207-B: Low Density Residential District shall be amended to read as follows:

9. Distributed Wind Energy System in accordance with Section 317 and Section 317-B-4.
10. Distributed Solar Energy System in accordance with Section 317 and Section 317-A-5.

SECTION 207-C: Low Density Residential District shall be amended to read as follows:

16. Distributed Wind and Solar Energy System in accordance with Section 317 and Section 317-A-5 and Section 317-B-4.

SECTION 208-B: Suburban Residential District shall be amended to read as follows:

9. Distributed Wind Energy System in accordance with Section 317 and Section 317-B-4.
10. Distributed Solar Energy System in accordance with Section 317 and Section 317-A-5.

SECTION 208-C: Suburban Residential District shall be amended to read as follows:

19. Distributed Wind and Solar Energy System in accordance with Section 317 and Section 317-A-5 and Section 317-B-4.

SECTION 209-B: General Commercial District shall be amended to read as follows:

31. Distributed Wind Energy System in accordance with Section 317 and Section 317-B-4.
32. Distributed Solar Energy System in accordance with Section 317 and Section 317-A-5.

SECTION 209-C: General Commercial District shall be amended to read as follows:

9. Distributed Wind and Solar Energy System in accordance with Section 317.
10. Utility-Scale Wind and Solar Energy System in accordance with Section 317.

SECTION 210-B: Highway Service District shall be amended to read as follows:

16. Distributed Wind Energy System in accordance with Section 317 and Section 317-B-4.
17. Distributed Solar Energy System in accordance with Section 317 and Section 317-A-5.

SECTION 210-C: Highway Service District shall be amended to read as follows:

8. Distributed Wind and Solar Energy System in accordance with Section 317.
9. Utility-Scale Wind and Solar Energy System in accordance with Section 317.

SECTION 211-B: Light Industrial District shall be amended to read as follows:

18. Distributed Wind Energy System in accordance with Section 317 and Section 317-B-4.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

19. Distributed Solar Energy System in accordance with Section 317 and Section 317-A-5.

SECTION 211-C: Light Industrial District shall be amended to read as follows:

1. Distributed Wind Energy System in accordance with Section 317.
2. Utility-Scale Wind and Solar Energy System in accordance with Section 317.

SECTION 212-B: Heavy Industrial District shall be amended to read as follows:

24. Distributed Wind Energy System in accordance with Section 317 and Section 317-B-4.
25. Distributed Solar Energy System in accordance with Section 317 and Section 317-A-5.

SECTION 212-C: Heavy Industrial District shall be amended to read as follows:

1. Distributed Wind Energy System in accordance with Section 317.
2. Utility-Scale Wind and Solar Energy System in accordance with Section 317.

SECTION 213-B-2: Planned Unit Development District shall be amended to read as follows:

2. Uses permitted in the Planned Unit Development may include single-family dwellings, duplexes, triplexes, four-plexes, apartments, townhouses, patio-houses, mobile homes, neighborhood commercial, school sites, parks, Wind and Solar Energy Systems in accordance with Section 317, Vacation Home Rentals in accordance with Section 319, and open space uses as necessary and as part of a general plat and plan. .

SECTION 317: Wind Energy Systems shall be amended to read as follows:

SECTION 317 – ALTERNATIVE ENERGY SYSTEMS

PURPOSE: The purpose of Alternative Energy is to encourage the development of alternative sources of energy, while protecting the health, safety, and welfare of the public

A. SOLAR ENERGY SYSTEMS

1. Purpose

- a. The purpose of this section is to ensure that the placement, construction and modification of any Solar Energy System (SES) and a SES facility is consistent with the Pennington County's land use policies, to minimize the impact of SES facilities, to establish a fair and efficient process for review and approval of applications, to assure a comprehensive review of such facilities, and to protect the health, safety and welfare of Pennington County's citizens.

2. Federal, State, and Local Requirements

- a. All Solar Energy System (SES) and SES facilities must meet or exceed standards and regulations of the U.S. Department of Energy, the International Energy Conservation Code (IECC), the Federal Aviation Administration (FAA), National Electrical Code (NEC), International Building Code (IBC), South Dakota State Statutes, and any other agency of federal, or local government with the authority to regulate SES and SES facilities in Pennington County.

3. Definitions – See also Section 103- Definitions

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

AIRFIELD ELEVATIONS/LENGTH: Ellsworth Air Force Base (AFB) has a Class B Runway with established airfield elevation of approximately 3,280 feet above Mean Sea Level (MSL). Ellsworth AFB runway length is 13,497 feet. Rapid City Regional Airport runway is 3,204 feet above MSL with max length of 8,701 feet.

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AIRSTRIP: A strip of ground set aside for the takeoff and landing of aircraft.

AMERICAN LAND TITLE ASSOCIATION (ALTA): American Land Title Association is the national trade association and voice of the abstract, the person who prepares a summary (or abstract) of public records relating to title to a specific parcel of land, and title insurance industry. ALTA members search, review, and insure land titles to protect home buyers and mortgage lenders who invest in real estate.

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ANGLE OF INCIDENCE: The angle that a ray of sun makes with a line perpendicular to the surface. For example, a surface that directly faces the sun has a solar angle of incidence of zero, but if the surface is parallel to the sun (for example, sunrise striking a horizontal rooftop), the angle of incidence is 90°.

BALANCE OF SYSTEM: A Solar (PV) Balance-of-System (BOS) refers to the components and equipment that move DC energy produced by solar panels through the conversion system which in turn produces AC electricity.

CLASS DELTA AIRSPACE: Class D airspace can generally be described as a controlled airspace that extends from the surface or a given altitude to a specific higher altitude. Ellsworth Air Force Base and Rapid City Class D Airspaces overlap. Ellsworth Air Force Base and Rapid City Air Traffic Control facilities mutually agree that the ridge of hills southeast of Ellsworth Air Force Base constitute the geographical boundary between the Class D Airspaces (Imaginary surfaces are shown on Exhibits at the end of this Ordinance). Ellsworth Air Force Base's Class D Airspace extends from the surface up to and including 5,800 feet Mean Sea Level (MSL) and a 5.9 nautical mile (6.8 mile) radius of the airport center. Rapid City's Class D airspace extends from the surface up to and including 5,700 feet mean seas level (MSL) and a 4.4 nautical (5 mile) mile radius from the airport center.

CONCENTRATING PHOTOVOLTAIC (CPV): A solar technology that uses lenses or mirrors to concentrate sunlight onto high-efficiency solar cells.

CONCENTRATING SOLAR POWER (CSP): A dispatchable, renewable energy option that uses mirrors to focus and concentrate sunlight onto a receiver, from which a heat transfers fluid carries the intense thermal energy to a power block to generate electricity.

CONVERTER: A unit that converts a direct current (DC) voltage to another DC voltage.

dB(A): A frequency weighting that relates to the response of the human ear to sound.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

DECIBEL (dB): A unit for expressing the relative intensity of sounds on a scale from zero to greater than 130, with 85 possibly being harmful to humans.

DIRECT CURRENT (DC): A type of electricity transmission and distribution by which electricity flows in one direction through the conductor, usually relatively low voltage and high current.

DISTRIBUTED SOLAR ENERGY SYSTEM (DSES): A SES to directly power a home, farm, or small business as its primary use.

EASEMENT (WIND OR SOLAR): A right whether or not stated in the form of a restriction, option to obtain an easement, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of any owner of land or air space for the purpose of ensuring adequate exposure of a photovoltaic solar power system to the sun, or an agreement to refrain from developing a photovoltaic solar power system.

FACILITY: A place, especially including buildings, where a particular activity happens.

FEDERAL AVIATION ADMINISTRATION (FAA): The Federal Aviation Administration is the national aviation authority of the United States, with powers to regulate all aspects of American Civil Aviation.

FENCE: A manmade, unroofed structure, barrier, railing, or other upright structure, typically of wood or wire, enclosing an area of ground to mark a boundary, control access, or prevent escape.

GLARE: A continuous source of brightness, relative to diffused lighting. Not a direct reflection of the sun, but a reflection of the bright sky around the sun. Glare is significantly less intense than glint.

GLINT: Also known as a specular reflection, produced as a direct reflection of the sun in the surface of the PV solar panel. Also a momentary flash of light.

GLINT AND GLARE STUDY: An assessment to determine the impact of solar reflections upon surrounding roads, dwellings and aircraft locations.

GRID: An interconnected network for delivering electricity from suppliers to consumers.

INTERCONNECTION AGREEMENT: To set forth the terms and conditions to allow consumers to install an independent power generation system and connect to a local utility.

INVERTER: A device that converts direct current electricity to alternating current either for stand-alone systems or to supply power to an electricity grid.

KILOWATT (kW): A standard unit of electrical power equal to 1000 watts.

KILOWATT-HOUR (kWh): 1,000 watts acting over a period of 1 hour. The kWh is a unit of energy.

MEGAWATT (MW): 1,000 kilowatts, or 1 million watts; standard measure of electric power plant generating capacity.

MEGAWATT-HOUR: 1,000 kilowatt-hours or 1 million watt-hours.

NATIONAL ELECTRICAL CODE (NEC): National Electrical Code sets standards and best practices for wiring and electrical system, which contains guidelines for all types of electrical installations. The current version of the NEC shall be followed.

OBSTRUCTION EVALUATION / AIRPORT AIRSPACE ANALYSIS (OE/AAA): An Obstruction Evaluation is required for all systems 200 feet or above in total height from ground level. An object typically is considered an obstruction when it exceeds (penetrates) Airspace Imaginary Surfaces and/or Class D Airspace, whichever is lowest, but the FAA may have additional restrictions in any airspace. The OE/AAA is a process for aeronautical studies of

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

obstructions to air navigation or navigational facilities to determine the effect on the safe and efficient use of navigable airspace, air navigation facilities or equipment; and the process to petition the Federal Aviation Administration (FAA) for discretionary review of determinations, revisions, and extensions of determinations. View Title 14 Chapter 1 Subchapter E Part 77 Subpart 9 (14 CFR Part 77.9) for the most current information.

PHOTOVOLTAIC (PV): A method for generating electric power by using solar cells to convert energy from the sun into a flow of electrons.

PHOTOVOLTAIC (PV) DEVICE: A solid-state electrical device that converts energy from the sun directly into direct current (DC) electricity

PHOTOVOLTAIC (PV) SOLAR ARRAY: An interconnected system of PV modules that function as a single electricity-producing unit. The modules are assembled with common support or mounting.

PHOTOVOLTAIC (PV) SOLAR CELL: The smallest semiconductor element within a PV module to perform the immediate conversion of energy from the sun into electrical energy (direct current voltage and current). Also called a solar cell.

PHOTOVOLTAIC (PV) SOLAR MODULE: A packaged, connected assembly of solar cells.

PHOTOVOLTAIC (PV) SOLAR PANEL: Refers to a physically connected collection of modules (i.e., a laminate string of modules used to achieve a required voltage and current).

PHOTOVOLTAIC (PV) SYSTEM: A complete set of components for converting energy from the sun into electricity by the photovoltaic process, including the array and balance of system components.

SOLAR ENERGY: Electromagnetic energy transmitted from the sun (solar radiation).

SOLAR ENERGY SYSTEM: A device or structural design feature intended to provide for collection, storage, and distribution of solar energy for heating or cooling, electricity generating, or water heating.

SOLAR-THERMAL SYSTEM: A system that uses reflective materials that concentrate the energy from the sun to an absorber where it is converted to heat.

STAND-ALONE SYSTEM: An autonomous alternative energy system not connected to a grid. May or may not have storage, but most stand-alone systems require batteries or some other form of storage.

STRUCTURE: Any material or combination of materials, completely or partially constructed, or erected in or upon the ground, including, but not by way of limitation, buildings; mobile homes; radio towers; sheds; signs; and storage bins, but excluding sidewalks and paving on streets, driveways, parking areas, fences, earthwork, wind-breaks, and nonbusiness signs related to farming or ranching operations. An object, including a mobile object, constructed or installed by man, including but without limitation; buildings; towers; cranes; smokestacks; earth formation; and overhead transmission lines.

SUBSTATIONS: Any electrical facility designed to convert electricity to a voltage for interconnection with transmission lines.

SYSTEM: A set of connected things or devices that operate together.

SYSTEM HEIGHT: The height of the total system measured from grade to the max vertical height of the extended blade tip.

TELECOMMUNICATIONS: Any communication transmission that affects Federal, State, and local two-way communication within this state.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

UTILITY-SCALE SOLAR ENERGY SYSTEM (USES): Any SES with the primary purpose of delivering electricity to the power grid and distributed to the end user by electric utilities or power system operators. USES can also be referred to as Solar Farm.

WATT: The rate of energy transfer equivalent to one ampere under an electrical pressure of one volt.

4. Two Types of Solar Energy Technologies

- a. Solar Electric System: Solar electric systems convert sunlight into electricity.
 - 1. Photovoltaic (PV) System is utilized in panels. When the sun shines onto a solar panel, photons from the sunlight are absorbed by the cells in the panel, which creates an electric field across the layers and causes electricity to flow.
 - 2. Concentrating Solar Power (CSP) System uses lenses or mirrors to focus a large area of sunlight onto a small area to collect solar energy.
 - 3. Solar-Thermal System. Solar-thermal systems convert solar energy to heat.

5. District Regulations

- a. A Distributed Solar Energy System (DSES) shall require a Building Permit in all zoning districts. A Building Permit is also required in a Planned Unit Development District (PUD), if the existing conditions allow a DSES. If the existing conditions of a PUD do not allow a DSES, a Planned Unit Development Amendment is required.
 - 1. If it is determined by the Planning Director that a Conditional Use Permit is required for a DSES, the application will be placed on a scheduled Planning Commission meeting in order for the Planning Commission to review and approve if issuance of the application may be in conflict with the public interest; adversely affects property owners in the area; or is not consistent with the general requirements of this Ordinance.
 - 2. No application shall be issued by the Planning Director, except in conformity with the provisions of these Zoning Ordinances, unless he/she receives a written order from the Board of Adjustment or the Board in the form of an Administrative Review, Conditional Use Permit, or Variance as provided in this Zoning Ordinance. This meeting is a public meeting and standard fees apply.
 - 3. Distributed Solar Energy Systems (DSES) and DSES structures shall be a permitted use in all Zoning Districts, except within Special Flood Hazard Areas (SFHA), provided the system complies with minimum lot size requirements and setbacks. Within SFHAs, the Pennington County Flood Damage Prevention Ordinance shall be followed.
- b. A Utility-Scale Solar Energy System (USES) shall require an approved Conditional Use Permit in General Agriculture, Limited Agriculture, General Commercial, Highway Service, Light Industrial, Heavy Industrial, and Planned Unit Development Zoning Districts. A Planned Unit Development Amendment may be required if USESs are not an allowed use in the existing Planned Unit

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

Development. An USES is prohibited in Suburban Residential and Low Density Residential Zoning Districts.

1. Within SFHAs, the Pennington County Flood Damage Prevention Ordinance shall be followed.

6. Distributed Solar Energy System (DSES)

- a. Zoning District: DSES and DSES structure(s) shall be a permitted use in all districts, provided the system complies with setbacks and easements. Within SFHAs, the Pennington County Flood Damage Prevention Ordinance shall be followed.
- b. Setback Requirements: The underlying zoning district minimum setback requirements for these systems shall be complied with. DSES and DSES structure(s) may be exempt from setback and lot coverage restrictions in each zoning district by the appropriate Variance(s).
- c. Height Restriction: The underlying zoning district maximum height requirements for these systems shall be complied with. DSES and DSES structure(s) may be exempt from height restriction in each zoning district by the appropriate Variance(s) and shall in no way infer exceptions to height requirements within any FAA, Ellsworth AFB, and/or Rapid City Regional Airport controlled airfield flight patterns (Imaginary surfaces are shown on Exhibits at the end of this Ordinance).
- d. Fire Safety: The design of the DSES and DSES structure(s) shall conform to applicable Local, State, Federal, and National Solar Codes and Standards.
 1. An approved Building Permit, reviewed by the Planning Director, shall be obtained for a solar energy system.
 2. All design and installation work shall comply with all applicable provisions in the National Electric Code (NEC), the International Building Code (IBC), the International Residential Code (IRC), International Commercial Building Code, State Fire Code, and any additional requirements set forth by the local utility (for any grid-connected DSES).
 3. The Distributed Solar Energy System (DSES) and DSES structure(s) shall comply with all applicable Pennington County Ordinances to ensure the structural integrity of such DSES and DSES structures. Please note that the existing roof structure and the weight of the DSES shall be taken into consideration when applying for a Building Permit.
 4. Prior to operation, electrical connections must be inspected by South Dakota State Electrical Inspector. Any connection to the public utility grid must be approved by the appropriate public utility.
 5. Unless otherwise specified through a contract or agreement, the property owner of record will be presumed to be the responsible party for owning and maintaining the solar energy system.
- e. Signage: A DSES and DSES structure(s) shall not be used to display permanent or temporary advertising, including signage, streamers, pennants, spinners, reflectors, banners, or similar materials. The manufacturers and equipment

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

- information, warning, or indication of ownership shall be allowed on any equipment of the DSES, provided they comply with Section 312.
- f. Noise: Any DSES and DSES structure(s) shall not exceed fifty-five (55) dB(A), as measured at the closest property line at the time the Building Permit application is filed. The level, however, may be exceeded during short-term events, such as utility outages or wind storms.
- g. Appearance, Color, Finish: Non-reflective unobtrusive color.
- h. Lighting: A DSES may not be artificially lit unless such lighting is required by the FAA.
- i. Utility Notification: No DSES may be installed until documentation has been provided that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid DSESs are exempt from this requirement.
- j. Building Permit Requirements: A Building Permit application must be filed with the Planning Department and the application must include:
1. A letter from the property owner(s), if other than the applicant, authorizing the Building Permit application.
 2. Identify and describe the work to be covered by the permit for which the application is made.
 3. Describe the land on which the proposed work is to be done by legal description, street address or similar description that enables the Planning Department to readily identify and definitively locate the proposed work.
 4. Provide a detailed site plan which shall include the following information:
 - i. Property lines and physical dimensions of the property;
 - ii. Location, dimensions, and types of existing structures on the property and their distances from property lines;
 - iii. Location of the proposed DSES and setback distances from property lines;
 - iv. Dimensions, size, design, and height of the proposed DSES;
 - v. The right-of-way of any public road that is contiguous with the property;
 - vi. Location of flood hazard area, if applicable; and,
 - vii. Any overhead utility lines.
 5. DSES specifications, including manufacturer and model.
 6. DSES foundation and structural drawings, stamped by a South Dakota Registered Professional Engineer.
 7. Proof of notification from the local utility company in the service territory in which the DSES is to be located.
 8. If connected to a grid, signed and executed interconnection agreements shall be provided to the County.
 9. State the valuation of the proposed work.
 10. Be signed by the applicant, or the applicant's authorized representative.
- k. Installation:

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

- a. The installation and construction of a roof-mount solar energy system shall be subject to the following development and design standards:
 1. A roof- or building-mounted solar energy system may be mounted on a principal and/or accessory building.
 - i. Pitched-roof mounted solar systems. For all roof-mounted systems other than a flat roof, the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
 - ii. For pitched, hipped, or gambrel roofs, the panels must be mounted no more than twelve (12) inches from the surface of the roof they are on, at any point, and will not be extend beyond the roof ridge line and shall meet Pennington County height restrictions.
 2. Flat-roof mounted solar systems. For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building.
 - i. For flat roofs or the horizontal portion of mansard roofs, the panels may extend up to five (5) feet above the highest point of the roof, and shall meet Pennington County height restrictions.
 3. Height restrictions of the Pennington Zoning Ordinance, FAA, and/or militarily controlled airfield flight patterns, shall be adhered.
 4. Placement of solar collectors on flat roofs shall be allowed by right, if panels do not extend horizontally past the roofline.
 5. Installation must meet NEC, IBC, State Fire Code, and any additional requirements set forth by the local utility company (for any grid-connected solar systems).
- b. The installation and construction of a ground-mount or pole-mount solar energy system shall be subject to the following development and design standards:
 1. The height of the solar collector and any mounts shall not exceed 20 feet when oriented at maximum tilt.
 2. The minimum solar energy system setback distance from the property lines shall be equivalent to the building setback or accessory building setback requirement of the underlying zoning district.
 3. All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located underground and/or in accordance with the NEC, as appropriate.
 4. Installation must meet NEC, IBC, State Fire Code, and any additional requirements set forth by the local utility company (for any grid-connected solar systems).

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

7. Utility-Scale Solar Energy System (USES)

- a. Zoning District: A USES and USES facility are prohibited in Suburban Residential and Low Density Residential Zoning Districts. A Conditional Use Permit is required in General Agriculture, Limited Agriculture, General Commercial, Highway Service (on twenty (20) acres or more), Light Industrial, and Heavy Industrial Zoning Districts; and, a Planned Unit Development Amendment in a Planned Unit Development Zoning District.
 1. Within SFHAs, the Pennington County Flood Damage Prevention Ordinance shall be followed.
- b. Lot Size: No CSP plant shall be erected on any lot less than forty (40) acres in size. No PV plant shall be erected on any lot less than five (5) acres in size.
- c. Setback Requirements: USES structures shall be set back from all property lines and public road rights-of-way at least twenty-five (25) feet, or one and one-half (1.5) times the height of the structure, whichever is greater.
 1. In addition, USES structures must be located at least one (100) hundred feet from all residentially zoned lots and existing residences.
 2. Additional setbacks may be required to mitigate noise and glare impacts, or to provide for designated road or utility corridors, as identified through the review process.
 3. Solar energy systems and solar structures may be exempted from setback, height, and lot coverage restrictions in each zoning district by the appropriate Variance(s).
- d. Safety/Access: An appropriate security/livestock fence (height and material to be established through the Conditional Use Permit process) shall be placed around the perimeter of the solar power plant, if appropriate or deemed necessary. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. Appropriate warning signage shall also be placed at the entrance and perimeter of the USES plant project.
- e. Height Restriction: The underlying zoning district maximum height requirements for these systems shall be complied with. USES and USES structure(s) may be exempt from height restriction in each zoning district by the appropriate Variance(s) and shall in no way infer exceptions to height requirements within any FAA, Ellsworth AFB, and/or Rapid City Regional Airport controlled airfield flight patterns (Imaginary surfaces are shown on Exhibits at the end of this Ordinance).
 1. The maximum height for all structures shall be established through the Conditional Use Permit, PUD Amendment or Variance process.
- f. Fire safety:
 1. The design of the solar energy system shall conform to applicable Local, State, and National Solar Codes and Standards. A Building Permit, reviewed by the Planning Department, shall be obtained for a solar energy system. All design and installation work shall comply with all applicable provisions in the National Electric Code (NEC), the International Building Code (IBC), the International Residential Code (IRC), International

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

- Commercial Building Code, State Fire Code, and any additional requirements set forth by the local utility company (for any grid-connected solar systems).
2. The solar energy system shall comply with all applicable Pennington County Ordinances to ensure the structural integrity of such solar energy system. Please note that the existing roof structure and the weight of the solar energy system shall be taken into consideration when applying for a Solar Energy System Permit.
 3. Prior to operation, electrical connections must be inspected by the South Dakota State Electrical Inspector. Any connection to the public utility grid must be approved by the appropriate public utility company.
 4. If solar storage batteries are included as part of the solar collector system, they must be installed according to all requirements set forth in the NEC and State Fire Code when in operation. When no longer in operation, the batteries shall be disposed of in accordance with the laws and regulations of Federal, State, Local, and any other applicable laws and regulations relating to hazardous waste disposal.
 5. Unless otherwise specified through a contract or agreement, the property owner of record will be presumed to be the responsible party for owning and maintaining the solar energy system.
- g. Signage: USES and USES facilities shall not be used to display permanent or temporary advertising, including signage, streamers, pennants, spinners, reflectors, banners, or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the USES, provided they comply with Section 312.
- h. Noise: USES and USES facilities may not exceed fifty-five (55) dB(A), as measured at the closest property line at the time the Building Permit application is filed. The level, however, may be exceeded during short-term events, such as utility outages or wind storms.
- i. Appearance, Color, Finish: Be coated with a non-reflective surface, be non-reflective and of an unobtrusive color.
- j. Lighting: A USES may not be artificially lighted unless such lighting is required by the FAA, are located at entry gates, or during maintenance work during hours of darkness.
 1. All lighting is to be installed and maintained so as to minimize spillage of light so as not to create a nuisance and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle.
- k. Utility Notification: No USES may be installed until documentation has been provided showing that the local utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
- i. Mitigation Measurement:

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

1. Site Clearance: The permittees shall disturb or clear the site only to the extent necessary to assure suitable access for construction, safe operation, and maintenance of the USES.
2. Topsoil Protection: The permittees shall implement measures to protect and segregate topsoil from subsoil in cultivated lands unless otherwise negotiated with the affected landowner.
3. Compaction: The permittees shall implement measures to minimize compaction of all lands during all phases of the project's life and confine compaction to as small an area as practicable.
4. Livestock Protection: The permittees shall take precautions to protect livestock from project operations during all phases of the project's life.
5. Fences: All USES facilities shall be designed to be resistant to and minimize opportunities for unauthorized access, climbing, and vandalism. The facilities shall be surrounded by a fence or wall at least seven (7) feet in height. The permittees shall promptly replace or repair all fences and gates removed or damaged by project operations during all phases of the project's life unless otherwise negotiated with the fence owner. Screening may be required around some or all of the perimeter and any related equipment buildings.
6. Roads:
 1. Public Roads: As part of the Conditional Use Permit process, the permittees shall identify all state, county or township "haul roads" that will be used for the USES project and shall notify the state, county or township governing body having jurisdiction over the roads to determine if the haul roads identified are acceptable. The governmental body shall be given adequate time to inspect the haul roads and haul road agreements must be in place before the Conditional Use Permit is granted. Where practicable, existing roadways shall be used for all activities associated with the project. The permittees must notify the Planning Department of such arrangements.
 2. Access Road: Access roads shall avoid crossing streams and drainage ways wherever possible. If access roads must be constructed across streams and drainage ways, the access roads shall be designed in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed.
 3. Private Roads: The permittees shall promptly repair private roads or lanes damaged when moving equipment or when obtaining access to the site, unless otherwise negotiated with the affected landowner.
 4. Control of Dust: The permittees shall utilize all reasonable measures and practices of construction to control dust during construction.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

5. Soil Erosion and Sediment Control Plan. The permittees will comply with all applicable requirements from applicable ordinances. Note: A project may also require a South Dakota Department of Environment and Natural Resources (SD DENR) Storm Water Permit.

8. Conditional Use Permit Submittal Requirements
The Conditional Use Permit application must be accompanied by the following:
 - a. The applicant(s) is to schedule a meeting with the Planning Department prior to applying for a Conditional Use Permit to discuss the application process and necessary submittal items;
 - b. Boundaries of the site proposed for the project and associated facilities on United States Geological Survey Map or other map as appropriate;
 - c. Map and copies of easements for the project;
 - d. Map of occupied residential, business, and public structures within one-half mile of the proposed project site boundaries;
 - e. Preliminary map of sites for each USES, access roads, and all utility lines, including collector and feeder. Location of other USES within five (5) miles of the proposed project site;
 - f. All necessary haul road agreements;
 - g. Project-specific environmental and cultural concerns (e.g. native habitat, rare species, and migratory routes). This information should be obtained by consulting with the following agencies, which includes but are not limited to:
 - i. South Dakota Department of Game, Fish and Parks;
 - ii. U.S. Fish and Wildlife Service;
 - iii. South Dakota State Historical Society; and
 - iv. United States Forest Service.Evidence of such consultation must be included in the application.
 - h. Project schedule;
 - i. Mitigation measures;
 - j. Decommissioning Plan;
 - k. Conditional Use Permit fee;
9. That prior to a Building Permit being issued after an approved Conditional Use Permit, a FAA determination of “Does Not Exceed” or “Determination of No Hazard” in response to submission of Form 7460-1 through the OE/AAA Process be obtained; and, Aeronautical Hazard Permit issued by the South Dakota Aeronautics Commission.
10. Conditional Use Permit fee shall be \$1,000.00.
11. The Planning Department shall inspect the project annually for compliance with this Section of the Ordinance, unless the Conditions of Approval within the Conditional Use Permit note otherwise.
12. For each Conditional Use Permit Review, there will be a permit review fee of \$200.00 payable prior to said review.
13. Building Permit Requirements

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

A Building Permit application must be filed with the Planning Department and the application must include:

- a. A letter from the property owner(s), if other than the applicant, authorizing the Building Permit application;
 - b. Identify and describe the work to be covered by the permit for which application is made;
 - c. Describe the land on which the proposed work is to be done by legal description, street address or similar description that enables the Planning Department to readily identify and definitively locate the proposed work;
 - d. Provide a detailed site plan with the minimum following information:
 1. Property lines and physical dimensions of the property;
 2. Location, dimensions, and types of existing structures on the property and their distances from property lines;
 3. Location of the proposed USES and setback distances from property lines;
 4. Dimensions, size, design, and height of the proposed USES.
 5. The right-of-way of any public road that is contiguous with the property.
 6. Location of flood hazard area, if applicable; and,
 7. Any overhead utility lines.
 - e. USES specifications, including manufacturer and model;
 - f. USES foundation and structural drawings, stamped by a South Dakota Registered Professional Engineer;
 - g. Proof of notification, from the utility company in the service territory in which the USES is to be located;
 - h. If connected to a grid signed and executed interconnection agreements shall be provided to the County;
 - i. Certificate of Insurance for the denomination approved with the Decommissioning Plan;
 - j. FAA determination of “Does Not Exceed” or “Determination of No Hazard” in response to submission of Form 7460-1 through the OE/AAA Process; and, Aeronautical Hazard Permit issued by the South Dakota Aeronautics Commission;
 - k. Provide the glint and glare study as provided to the FAA with a determination of no hazard;
 - l. Provide Compliance with any applicable airport overlay zoning requirements and the ability to comply with FAA and Ellsworth Air Force Base regulations pertaining to hazards to air navigation must be demonstrated;
 - m. Submit written documentation from Ellsworth Air Force Base and Rapid City Regional Airport, acknowledging the location and size of the proposed USES;
 - n. State the valuation of the proposed work;
 - o. Be signed by the applicant, or the applicant’s authorized representative.
14. Post-Construction
Upon completion of construction of the project, the applicant shall supply an “as-built” ALTA survey indicating that the proposed facilities comply with the setbacks in the permit within ninety (90) days.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

15. Decommissioning:

To be provided at the time of Conditional Use Permit submittal.

- a. Cost Responsibility: The owner or operator of a project is responsible for decommissioning that facility and for all costs associated with decommissioning that facility and associated facilities. The decommissioning plan must clearly identify the responsible party.
- b. Useful Life: A project is presumed to be at the end of its useful life if the facility generates no electricity for a continuous period of twelve (12) months. The presumption may be rebutted by submitting to the Planning Commission for approval of a plan outlining the steps and schedule for returning the project to service within twelve (12) months of the submission.
- c. Decommissioning Period: The facility owner or operator must begin decommissioning a project facility within eight (8) months after the time the SES and SES facilities reaches the end of its useful life, as determined in 12(b). Decommissioning must be completed within eighteen (18) months after the facility or solar energy system reaches the end of its useful life.
- d. Decommissioning Plan: Prior to approval of a Conditional Use Permit for an USES facility, the facility owner or operator must file the following documents with the Planning Director: the estimated decommissioning cost; USES and for restoring each haul road, in current dollars at the time of the application, for the proposed facility; a decommissioning plan that describes how the facility owner will ensure that resources are available to pay for decommissioning the facility at the appropriate time. The Planning Commission will review a plan filed under this section and shall approve or disapprove the plan in conjunction with the Conditional Use Permit application. The Planning Commission or Planning Director may at any time require the owner or operator of a project to file a report describing how the project owner or operator is fulfilling this obligation.
- e. Decommissioning Requirements: To the extent possible, the site must be restored and reclaimed to the topography and topsoil quality that existed just prior to the beginning of the construction of the project. The landowner may request in writing that the access roads be retained. Decommissioning and site restoration, includes signing appropriate haul road agreements for the decommissioning process. Dismantling and removal of all USES-related equipment, foundations, buildings and ancillary equipment to a depth of forty-two (42) inches. Removal of surface road material and restoration of the roads and USES sites to substantially the same physical condition that existed immediately before construction of the project.
- f. Financial Assurance: Before construction begins on the project, the facility owner shall provide to the Planning Department a certificate of insurance, including either a performance or surety bond, which covers the total cost to decommission the facility. The certificate of insurance shall be renewed and a copy submitted to the Planning Department each year the facility is in operation.
- g. Failure to Decommission: If the project facility owner or operator does not complete decommissioning, the Planning Commission may take such action, as

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

may be necessary, to complete decommissioning, including requiring forfeiture of the bond. The entry into a participating landowner agreement constitutes agreement and consent of the parties to the agreement, their respective heirs, successors, and assigns, that the Planning Commission may take such action as may be necessary to decommission a project facility and seek additional expenditures necessary to do so from the facility owner.

16. Violation

It is unlawful for any person to construct, install, or operate a Solar Energy System that is not in compliance with this section or with any condition contained in a Building Permit issued pursuant to this section. Solar Energy System facilities installed prior to the adoption of this section are exempt.

B. WIND ENERGY SYSTEMS

1. Purpose

a. The purpose of this section is to ensure that the placement, construction and modification of a Wind Energy System (WES) facility is consistent with the County's land use policies, to minimize the impact of WES facilities, to establish a fair and efficient process for review and approval of applications, to assure a comprehensive review of such facilities, and to protect the health, safety, and welfare of Pennington County's citizens.

2. Federal, State, and Local Requirements

a. All Wind Energy System (WES) facilities must meet or exceed standards and regulations of the Federal Aviation Administration (FAA) and South Dakota Statutes and any other agency of federal or state government with the authority to regulate WES facilities.

3. Definitions – See also Section 103- Definitions

AIRFIELD ELEVATIONS/LENGTH: Ellsworth Air Force Base (AFB) has a Class B Runway with established airfield elevation of approximately 3,280 feet above Mean Sea Level (MSL). Ellsworth AFB runway length is 13,497 feet. Rapid City Regional Airport runway is 3,204 feet above MSL with max length of 8,701 feet.

AIRSPACE IMAGINARY SURFACES: A structure of imaginary control surfaces that exist primarily to enhance the safety and efficiency of aircraft operations by preventing existing or proposed manmade objects, objects of natural growth or terrain from extending upward into navigable airspace. These imaginary surfaces either slope out and up from all sides and ends of runways or are a horizontal plane or a sloping plain above airports. (Imaginary surfaces are shown on Exhibits at the end of this Ordinance.)

AIRSTRIP: A strip of ground set aside for the takeoff and landing of aircraft.

AMERICAN WIND ENERGY ASSOCIATION (AWEA): The national trade association that represents the interests of America's wind energy industry.

CLASS DELTA AIRSPACE: Class D airspace can generally be described as a controlled airspace that extends from the surface or a given altitude to a specific higher altitude. Ellsworth Air Force Base and Rapid City Class D Airspaces overlap. Ellsworth Air Force Base and Rapid City Air Traffic Control facilities mutually agree that the ridge of hills southeast of Ellsworth Air

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

Force Base constitute the geographical boundary between the Class D Airspaces (Imaginary surfaces are shown on Exhibits at the end of this Ordinance). Ellsworth Air Force Base's Class D Airspace extends from the surface up to and including 5,800 feet Mean Sea Level (MSL) and a 5.9 nautical mile (6.8 mile) radius of the airport center. Rapid City's Class D airspace extends from the surface up to and including 5,700 feet mean seas level (MSL) and a 4.4 nautical (5 mile) mile radius from the airport center.

COLLECTOR LINE: A single or group of transmission lines that links one generator or a group of generators to the bulk power grid.

DECIBEL (dB): A unit for expressing the relative intensity of sounds on a scale from zero to greater than 130, with 85 possibly being harmful to humans.

DISTRIBUTED WIND ENERGY SYSTEM (DWES): Turbines to directly power a home, farm, or small business as its primary use.

EASEMENT (WIND OR SOLAR): A right whether or not stated in the form of a restriction, option to obtain an easement, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of any owner of land or air space for the purpose of ensuring adequate exposure of a photovoltaic solar power system to the sun, or an agreement to refrain from developing a photovoltaic solar power system.

FEDERAL AVIATION ADMINISTRATION (FAA): The Federal Aviation Administration is the national aviation authority of the United States, with powers to regulate all aspects of American Civil Aviation.

FEEDER LINE: A primary or main distribution power line that distributes or "feeds" power from a substation to the surrounding area. Feeder lines typically have many smaller "taps" or "pull-off" lines that lead to transformers and service lines serving homes and businesses.

FENCE: A manmade, unroofed structure, barrier, railing, or other upright structure, typically of wood or wire, enclosing an area of ground to mark a boundary, control access, or prevent escape.

INTERCONNECTION AGREEMENT: To set forth the terms and conditions to allow consumers to install an independent power generation system and connect to a local utility.

METEOROLOGICAL TOWER: A tower which is erected primarily to measure wind speed and direction, plus other data relevant to siting of a WES. Other meteorological towers, such as those used by airports, municipalities, weather services or research facilities, are not affected by this definition or this section of the Ordinance.

NOAA: National Oceanic and Atmospheric Administration.

OBSTRUCTION EVALUATION / AIRPORT AIRSPACE ANALYSIS (OE/AAA): An Obstruction Evaluation is required for all systems 200 feet or above in total height from ground level. An object typically is considered an obstruction when it exceeds (penetrates) Airspace Imaginary Surfaces and/or Class D Airspace, whichever is lowest, but the FAA may have additional restrictions in any airspace. The OE/AAA is a process for aeronautical studies of obstructions to air navigation or navigational facilities to determine the effect on the safe and efficient use of navigable airspace, air navigation facilities or equipment; and the process to petition the Federal Aviation Administration (FAA) for discretionary review of determinations, revisions, and extensions of determinations. View Title 14 Chapter 1 Subchapter E Part 77 Subpart 9 (14 CFR Part 77.9) for the most current information.

PARKS: National parks, national monuments, national grasslands, wilderness areas, state, and local parks.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

RECREATION AREAS: Formally designated recreation areas, picnic areas, common lots, hiking trails, public beaches and lakeshores.

SUBSTATIONS: Any electrical facility designed to convert electricity to a voltage for interconnection with transmission lines.

SYSTEM HEIGHT: The height of the total system measured from grade to the max vertical height of the extended blade tip.

TELECOMMUNICATIONS: Any communication transmission that affects Federal, State, and local two-way communication within this state.

TURBINE: All the parts of the WES, including the blades, generator, and tail.

UTILITY: Any person or entity engaged in the generation, transmission or distribution of electric energy in this state including, but not limited to: a private investor owned utility, a cooperatively owned utility, a consumer's power district and a public or municipal utility.

UTILITY-SCALE WIND ENERGY SYSTEM (UWES): Turbines delivering electricity to the power grid and distributed to the end user by electric utilities or power system operators. Utility-Scale Wind Energy Systems can also referred to as Wind Farms.

WATT: The rate of energy transfer equivalent to one ampere under an electrical pressure of one volt.

WIND ENERGY SYSTEM (WES): A system that converts wind movement into electricity. All of the following are encompassed in this definition of system:

- a. Tower or multiple towers, including foundations;
- b. Generator(s);
- c. Blades;
- d. Power collection systems, including pad-mount transformers;
- e. Access roads, meteorological towers, on-site electric substations, control building, and other ancillary equipment and facilities; and,
- f. Electric interconnection systems or portion thereof dedicated to the WES.

WIND ENERGY SYSTEM (WES) / WIND FARM (WF): A commercial facility whose main purpose is to generate and sell electricity.

WIND GENERATOR: A mechanical device designed and operated so as to generate electricity.

NOTE: For a more complete description of airspace and control surfaces, see Federal Aviation Regulations Part 77, Subpart C, or U.S. Airforce (USAF) Instruction 32-106. See 14 CFR Part 77.9 for notification requirements to the FAA for construction or alterations of structures or systems that exceed 200 feet or above in total height from ground level or penetrate Airspace Imaginary Surfaces and/or Class D Airspace, whichever is lowest. Imaginary surfaces, including heights and elevations are shown on Exhibits at the end of this Ordinance.

4. District Regulations

A Distributed Wind Energy System (DWES) shall require a Conditional Use Permit on parcels of one-half (1.5) acre or larger in all zoning districts or a Minor PUD Amendment in a Planned Unit Development Zoning District. A Building Permit is also required, and may be issued only after the Conditional Use Permit is approved by the Planning Commission. On 20 acres or more, a DWES can be authorized by the Planning Department with the issuance of a Building Permit, provided the DWES meets the

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

requirements of Section 317-B-5.

A Large Utility-Scale Wind Energy System (UWES) or Meteorological Tower (MT) shall require a Conditional Use Permit in General Agriculture, Limited Agriculture, General Commercial, Highway Service, Light Industrial, and Heavy Industrial Zoning Districts and a Minor PUD Amendment in a Planned Unit Development Zoning District. A Building Permit is also required, and may be issued only after the Conditional Use Permit is approved by the Planning Commission. A UWES is prohibited in Suburban Residential and Low Density Residential Zoning Districts.

5. Requirements For Siting Distributed Wind Energy Systems

1. Standards:

Distributed Wind Energy Systems are subject to the following requirements:

- a. Setbacks and Minimum Lot Size. See Table 1.

Table 1: Setbacks and Lot Size Requirements for Distributed Wind Energy Systems.

MINIMUM REQUIRED	DISTRIBUTED WIND ENERGY SYSTEM
Lot Size	One-Half (1.5) acre
Setback from Property Lines ¹	1.1 times system height
Setback from Overhead Electrical Lines	1.1 times system height
Setback from Electrical Substations	1.1 times system height
Setback from Public Roads	1.1 times system height
Setback from Off-Site Occupied Dwellings ¹	1.1 times system height
Setback from Other Wind Turbine Towers	1.1 times system height
Setback from Communication Facilities	1.1 times system height

- b. Access. All ground mounted electrical and control equipment will be labeled and secured to prevent unauthorized access, and the tower must be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of twelve (12) feet above the ground.
- c. Lighting. A DWES may not be artificially lighted unless such lighting is required by the FAA.
- d. Noise. DWES facilities may not exceed fifty-five (55) dB(A), as measured at the closest neighboring inhabited dwelling at the time the permit application is filed, unless a signed waiver or easement is obtained from the owner of the inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages or wind storms.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

- e. Appearance, Color, Finish. The DWES will be painted in a neutral or natural color with a non-reflective finish, unless otherwise approved with the Conditional Use Permit.
- f. Signs. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a DWES visible from any public road, are prohibited.
- g. Code Compliance. A DWES must comply with all applicable state construction and electrical codes, and the National Electrical Code.
- h. Utility Notification. No DWES may be installed until documentation has been provided that the appropriate utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

2. Building Permit Requirements:

The Building Permit application must be accompanied by a site plan which includes the following:

- a. Property lines and physical dimensions of the property;
- b. Location, dimensions, and types of existing structures on the property and their distances from property lines;
- c. Location of the proposed DWES and setback distances from property lines;
- d. The right-of-way of any public road that is contiguous with the property;
- e. Any overhead utility lines;
- f. Wind system specifications, including manufacturer and model, rotor diameter, tower height, and tower type (e.g. monopole, lattice, guyed);
- g. Tower foundation and structural drawings, stamped by a South Dakota Registered Professional Engineer;
- h. Proof of notification from the utility company in the service territory in which the DWES is to be erected; and,
- i. If connected to a grid, signed and executed interconnection agreements shall be provided to the County.

3. Abandonment:

A DWES that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Planning Director may issue a Notice of Abandonment by Certified mail to the owner of a DWES that is deemed to have been abandoned. The owner has the right to respond to the Notice of Abandonment within thirty (30) days from Notice receipt date. The Planning Director may withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the DWES has not been abandoned.

- a. If the DWES is determined to be abandoned, the owner of the DWES must

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

remove the wind generator and tower at the owner’s sole expense within three (3) months of receipt of Notice of Abandonment. If the owner fails to remove the wind generator and tower, the Planning Director may pursue legal action to have the wind generator and tower removed at the owner’s expense.

6. Requirements For Siting Utility-Scale Wind Energy System (UWES) and Meteorological Towers (MT).

1. Standards

Wind Farms are subject to the following requirements:

- a. Setbacks and Minimum Acreage. See Table 2.
- b. Access. All ground mounted electrical and control equipment will be labeled and secured to prevent unauthorized access. All towers must be unclimbable by design or protected by anti-climbing devices such as:
 - i. Site appropriate security enclosures with locking portals at least seven (7) feet high, or
 - ii. Anti-climbing devices twelve (12) feet vertically from the base of the tower.
- c. Lighting. Each UWES must be marked as required by the FAA. There may be no lights on the towers other than lighting required by the FAA and infrared heating devices used to protect monitoring equipment.
- d. Noise. UWES facilities may not exceed fifty-five (55) dB(A), as measured at the closest property line at the time of permit application is filed. The level, however, may be exceeded during short-term events such as utility outages or wind storms.
- e. Appearance, Color, Finish. Non-reflective unobtrusive color. Black blades are acceptable for mitigation of icing.

Table 2: Setbacks and Lot Size Requirements for Utility-Scale Wind Energy Systems and Meteorological Towers.

MINIMUM REQUIRED	UTILITY-SCALE WIND ENERGY SYSTEM	METEOROLOGICAL TOWERS
Lot Size	40 acres	NA
Setback from Property Lines ²	1.5 times system height or 1,000 feet, whichever is greater	1.1 times tower height
Setback from Overhead Electrical Lines	1.5 times system height or 1,000 feet, whichever is greater	1.1 times tower height
Setback from Electrical Substations	1.5 times system height or 1,000 feet,	1.1 times tower height

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

	whichever is greater	
Setback from Public Roads	1.5 times system height or 1,000 feet, whichever is greater	1.1 times tower height
Setback from Occupied Dwellings ²	1.5 times system height or 1,000 feet, whichever is greater	1.1 times tower height
Setback from Communication Facilities	1.5 times system height or 1,000 feet, whichever is greater	1.1 times tower height
Setback from Border of Incorporated Municipality	1 mile	1 mile
Setback from Parks	1 mile	1 mile
Setback from Airports/Airstrips/ Helipads other than those EAFB and RCRA ²	3 miles	3 miles
Setback from Ellsworth Air Force Base and Rapid City Regional Airport ²	Prohibited within Imaginary Airspace	Prohibited within Imaginary Airspace
Setback from Recreation Areas	300 yards	300 yards

- f. Signs. All signs, other than the manufacturer’s or installer’s identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with each UWES visible from any public road, are prohibited.
- g. Code Compliance. Each UWES must comply with all applicable state construction and electrical codes, and the National Electrical Code.
- h. Utility Notification. No UWES may be installed until documentation has been provided that the appropriate utility company has been informed of the customer’s intent to install an interconnected customer-owned generator.
- i. Electromagnetic Interference. The permittee may not operate any UWES so as to cause microwave, television, telecommunication, radio, or navigation interference contrary to Federal Communications Commission (FCC) regulations or any other law. If the Planning Department receives a complaint about electromagnetic interference from existing telecommunication or navigation facilities in the area and, if the FCC or the Federal Aviation Administration (FAA) or any other state or federal regulatory agency determines such interference is caused by the UWES or its operation, the permittee must take measures necessary to correct the problem.
- j. Height from Ground Surface. The minimum height of blade tips at their lowest possible point must be twenty-five (25) feet above grade.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

- k. Turbine Spacing. The turbines may be spaced no closer than is allowed by the turbine manufacturer in its approval of the turbine array for warranty purposes.
- l. The developer must submit written documentation from Ellsworth Air Force Base and Rapid City Regional Airport acknowledging the location and size of the proposed UWES.
- 2. Mitigation Measures
 - a. Site Clearance. The permittees shall disturb or clear the site only to the extent necessary to assure suitable access for construction, safe operation and maintenance of the UWES.
 - b. Topsoil Protection. The permittees shall implement measures to protect and segregate topsoil from subsoil in cultivated lands unless otherwise negotiated with the affected landowner.
 - c. Compaction. The permittees shall implement measures to minimize compaction of all lands during all phases of the project's life and confine compaction to as small an area as practicable.
 - d. Livestock Protection. The permittees shall take precautions to protect livestock from project operations during all phases of the project's life.
 - e. Fences. The permittees shall promptly replace or repair all fences and gates removed or damaged by project operations during all phases of the project's life unless otherwise negotiated with the fence owner.
 - f. Roads:
 - i. Public Roads. As part of the Conditional Use Permit process, the permittees shall identify all state, county or township "haul roads" that will be used for the project and shall notify the state, county or township governing body having jurisdiction over the roads to determine if the haul roads identified are acceptable. The governmental body shall be given adequate time to inspect the haul roads and haul road agreements must be in place before the conditional use permit is granted. Where practicable, existing roadways shall be used for all activities associated with the project. Where practicable, all-weather roads shall be used to deliver concrete, turbines, towers, assemble nacelles and all other heavy components to and from the turbine sites.

The permittees shall, prior to the use of approved haul roads, make satisfactory arrangements with the appropriate state, county or township governmental body having jurisdiction over approved haul roads for construction of the project for the maintenance and repair of the haul roads that will be subject to extra wear and tear due to transportation of equipment and Wind Farm components. The permittees must notify the Planning Department of such arrangements.

- ii. Turbine Access Roads. Construction of turbine access roads shall

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

be minimized. Access roads shall be low profile roads so that farming equipment can cross them and shall be covered with Class 5 gravel or similar material. Access roads shall avoid crossing streams and drainage ways wherever possible. If access roads must be constructed across streams and drainage ways, the access roads shall be designed in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed.

- iii. Private Roads. The permittees shall promptly repair private roads or lanes damaged when moving equipment or when obtaining access to the site, unless otherwise negotiated with the affected landowner.
- iv. Control of Dust. The permittees shall utilize all reasonable measures and practices of construction to control dust during construction.

- 3. Soil Erosion and Sediment Control Plan.
The permittees will comply with all requirements of Pennington County Ordinances. NOTE: The project may also require a South Dakota Department of Environment and Natural Resources (SD DENR) Storm Water Permit.
- 4. Footprint Minimization.
The permittees shall design and construct the project so as to minimize the amount of land that is impacted.
- 5. Electrical Cables.
This paragraph does not apply to feeder lines. The permittees must place collector lines and communication cables located on private property underground, except where the distance to the substation necessitates an overhead installation because of line loss.
- 6. Feeder Lines.
The permittees will place feeder lines in public rights-of-way, if a public right-of-way exists or immediately adjacent to the public right-of-way on private property. Changes in routes may be made as long as feeders remain on public rights-of-way or immediately adjacent to the public right-of-way on private property and approval has been obtained from the governmental unit responsible for the affected right-of-way. If no public right-of-way exists, the permittees may place feeders on private property. When placing feeders on private property, the permittees must place the feeder in accordance with the easement(s) negotiated. The permittees must submit the site plan and engineering drawings for the feeder lines to the Planning Director before commencing construction.

- 7. Conditional Use Permit Submittal Requirements
The Conditional Use Permit application must be accompanied by the following:

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

- a. The applicant(s) is to schedule a meeting with the Planning Department prior to applying for a Conditional Use Permit to discuss the application process and necessary submittal items;
 - b. Boundaries of the site proposed for the project and associated facilities on United States Geological Survey Map or other map as appropriate;
 - c. Map and copies of easements for the project;
 - d. Map of occupied residential, business, and public structures within one-half mile of the proposed project site boundaries;
 - e. Preliminary map of sites for each UWES, access roads, and all utility lines, including collector and feeder. Location of other UWES within five (5) miles of the proposed project site;
 - f. All necessary haul road agreements;
 - g. Project-specific environmental and cultural concerns (e.g. native habitat, rare species, and migratory routes). This information should be obtained by consulting with the following agencies, which includes but are not limited to:
 - i. South Dakota Department of Game, Fish and Parks;
 - ii. U.S. Fish and Wildlife Service;
 - iii. South Dakota State Historical Society; and
 - iv. United States Forest Service.Evidence of such consultation must be included in the application.
 - h. Project schedule;
 - i. Mitigation measures;
 - j. Decommissioning Plan;
 - k. Conditional Use Permit fee;
8. That prior to a Building Permit being issued after an approved Conditional Use Permit, a FAA determination of “Does Not Exceed” or “Determination of No Hazard” in response to submission of Form 7460-1 through the OE/AAA Process be obtained; and, Aeronautical Hazard Permit issued by the South Dakota Aeronautics Commission.
9. Conditional Use Permit fee, see Section 511 “Fees”.
10. The Planning Department shall inspect the project annually for compliance with this Section of the Ordinance and shall charge an annual permit review fee – see Section 511 “Fees”.
11. Building Permit Requirements
A Building Permit application must be filed with the Planning Department and the application must include:
- a. Property lines and physical dimensions of the property;
 - b. Location, dimension, and types of existing structures on the property and their distances from property line;
 - c. Location of the proposed UWES and setback distances from property lines;
 - d. The right-of-way of any public road that is contiguous with the property;
 - e. Any overhead utility lines;
 - f. Wind system specifications, including manufacturer and model, rotor diameter, tower height, and tower type (monopole, lattice, guyed);
 - g. Tower foundation blueprints or drawings, stamped by a South Dakota Registered

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

- Professional Engineer;
 - h. Tower blueprint or drawing, stamped by a South Dakota Registered Professional Engineer;
 - i. Proof of notification from the utility company in the service territory in which the UWES is to be erected;
 - j. All signed and executed interconnection agreements shall be provided to Pennington County.
 - k. Certificate of Insurance for the denomination approved with the Decommissioning Plan;
 - l. FAA determination of “Does Not Exceed” or “Determination of No Hazard” in response to submission of Form 7460-1 through the OE/AAA; and, Aeronautical Hazard Permit issued by the South Dakota Aeronautics Commission.
12. Post-Construction
Upon completion of construction of the project, the applicant shall supply an “as-built” ALTA survey indicating that the proposed facilities comply with the setbacks in the permit within ninety (90) days.
13. Decommissioning:
To be provided at the time of Conditional Use Permit submittal.
- a. Cost Responsibility: The owner or operator of a project is responsible for decommissioning that facility and for all costs associated with decommissioning that facility and associated facilities. The decommissioning plan must clearly identify the responsible party.
 - b. Useful Life: A project is presumed to be at the end of its useful life if the facility generates no electricity for a continuous period of twelve (12) months. The presumption may be rebutted by submitting to the Planning Commission for approval of a plan outlining the steps and schedule for returning the project to service within twelve (12) months of the submission.
 - c. Decommissioning Period: The facility owner or operator must begin decommissioning a project facility within eight (8) months after the time the facility or turbine reaches the end of its useful life, as determined in 12(b). Decommissioning must be completed within eighteen (18) months after the facility or solar energy system reaches the end of its useful life.
 - d. Decommissioning Plan: Prior to approval of a Conditional Use Permit for an Wind Farm facility, the facility owner or operator must file the following documents with the Planning Director: the estimated decommissioning cost; UWES and for restoring each haul road, in current dollars at the time of the application, for the proposed facility; a decommissioning plan that describes how the facility owner will ensure that resources are available to pay for decommissioning the facility at the appropriate time. The Planning Commission will review a plan filed under this section and shall approve or disapprove the plan in conjunction with the Conditional Use Permit application. The Planning Commission or Planning Director may, at any time, require the owner or operator

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

of a project to file a report describing how the project owner or operator is fulfilling this obligation.

- e. Decommissioning Requirements: Decommissioning and site restoration includes signing appropriate haul road agreements for the decommissioning process; dismantling and removal of all towers, turbine generators, transformers, forty-two (42) inches; and removal of surface road material and restoration of the roads and turbine sites to substantially the same physical condition that existed immediately before construction of the project. To the extent possible, the site must be restored and reclaimed to the topography and topsoil quality that existed just prior to the beginning of the construction of the project. Disturbed earth must be graded and reseeded, unless the landowner requests in writing that the access roads or other land surface areas be retained.
- f. Financial Assurance: Before construction begins on the project, the facility owner shall provide to the Planning Department a certificate of insurance, including either a performance or surety bond, which covers the total cost to decommission the facility. The certificate of insurance shall be renewed and a copy submitted to the Planning Department each year the facility is in operation.
- g. Failure to Decommission: If the project facility owner or operator does not complete decommissioning, the Planning Director may take such action, as may be necessary, to complete decommissioning, including requiring forfeiture of the bond. The entry into a participating landowner agreement constitutes agreement and consent of the parties to the agreement, their respective heirs, successors, and assigns, that the Planning Commission may take such action as may be necessary to decommission a project facility and seek additional expenditures necessary to do so from the facility owner.

14. Violation

It is unlawful for any person to construct, install, or operate a Wind Energy System that is not in compliance with this section or with any condition contained in a Building Permit issued pursuant to this section. Wind Energy System facilities installed prior to the adoption of this section are exempt.

Exhibits are available at Planning and Zoning.

SECTION 511: Fees shall be amended to read as follows:

- F. Conditional Use Permit: \$300.00. If a structure is involved, a Building Permit is also required, pursuant to Section 511-A.
 - 1. Mobile Home Parks: A Building Permit is required for the placement of any mobile, manufactured or modular home within an approved mobile home park at \$50.00.
 - 2. Utility-Scale Wind Energy System: \$1,000.00.
 - i. Annual Review Fee: \$200.00.
 - 3. Utility-Scale Solar Energy System: \$1,000.00.
 - i. Annual Review Fee: \$200.00.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

/s/ Deb Hadcock, Chairman

ATTEST:

/s/ Julie A. Pearson, Auditor

- C. FIRST READING AND PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 16-03: Pennington County. To amend Section 103 “Definitions”; Section 204-C “General District Provisions”, Section 205-B and C “General Agriculture District”; Section 206-B “Limited Agriculture District”; Section 207-B “Low Density Residential District”; Section 208-B “Suburban Residential District”; Section 209-B “General Commercial District”; Section 210-B “Highway Service District”; Section 211-B “Light Industrial District”; Section 212-B “Heavy Industrial District”; Section 213-D “Planned Unit Development District”; Section 312 “Signs, Billboards and Other Advertising Structures”; Section 314-C “Temporary Campgrounds and Assemblies of People”; Section 316-H-3 “Telecommunications Facility”; Section 508-B-4 “Zoning or Rezoning”; Section 509-D-3 “Variance”; Section 510-A-3 “Conditional Use Permits”; and Section 511-B “Fees” and Section 511-W-2 “Fees” of the Pennington County Zoning Ordinance.

Continue Ordinance Amendment / OA 16-03 the April 18, 2017, Board of Commissioner’s meeting.

- D. Removed for separate consideration.

- E. SECOND READING OF REZONE / RZ 17-01 AND COMPREHENSIVE PLAN AMENDMENT / CA 17-01: Jimmy and Alice Dehaai. To rezone 3.49 acres from Suburban Residential District to Highway Service District and to amend the Comprehensive Plan to change the Future Land Use from Suburban Residential District to Highway Service District in accordance with Sections 208, 210, and 508 of the Pennington County Zoning Ordinance.

Lot H, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

Approve Rezone / RZ 17-01 and Comprehensive Plan Amendment / CA 17-01 with no recommendation.

ORDINANCE NO. RZ 17-01

AN ORDINANCE AMENDING SECTION 508 OF THE PENNINGTON COUNTY ZONING ORDINANCE, REZONING THE WITHIN DESCRIBED PROPERTY:

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

BE IT HEREBY ORDAINED BY THE PENNINGTON COUNTY COMMISSION THAT THE PENNINGTON COUNTY ZONING ORDINANCE BE AND HEREBY IS AMENDED BY AMENDING THE ZONING OF THE FOLLOWING DESCRIBED PROPERTY:

Lot H, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

The above-described property is hereby rezoned from Suburban Residential District to Highway Service District.

Dated this 21st day of March, 2017.

/s/ Deb Hadcock, Chairman

ATTEST:

/s/ Julie A. Pearson, Auditor

Removed for separate consideration

D. FIRST READING AND PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 16-04: Ernest Getty; Tina Mulally – Agent. To amend Section 204-J-2 “Operating Permit”; Section 204-J-3-P “Service Providers/Liquid Waste Pumpers/Requirements”; Section 204-J-3-Q-v “Following the completion of the final evaluation by Pennington County, the system will then be registered with the County and an Operating Permit issued”; and Section 204-J-4 “Exemption for Operating Permit” of the Pennington County Zoning Ordinance.

MOVED by LaCroix and seconded by Buskerud to deny without prejudice Ordinance Amendment / OA 16-04. The motion carried 4-1 on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – no, LaCroix – yes, Hadcock – yes.

End of Planning Consent Agenda

PLANNING & ZONING REGULAR AGENDA

F. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 17-03 AND COMPREHENSIVE PLAN AMENDMENT / CA 17-03: Tyler Schad; Renner Associates – Agent. To rezone 59.475 acres from General Agriculture District to Heavy Industrial District and to amend the Comprehensive Plan to change the Future Land Use from Low Density Residential District to Heavy Industrial District in accordance with Sections 205, 207, 212, and 508 of the Pennington County Zoning Ordinance.

To rezone 10.010 acres from General Agriculture District to Limited Agriculture District and to amend the Comprehensive Plan to change the Future Land Use from Low Density Residential District to Limited Agriculture District in

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

accordance with Sections 205, 206, 207, and 508 of the Pennington County Zoning Ordinance.

Commencing at the section 1/4 corner common to Sections 20 and 21, T2N, R8E, BHM, thence S 89°57'28" W, a distance of 33.06 feet, to a point on the westerly edge of section line right-of-way common to said Sections 20 and 21 and the point of beginning; Thence, first course: S 89°52'30" W, along the section 1/4 line, a distance of 2477.26 feet; Thence, second course: N 00°01'41" W, a distance of 1225.19 feet; Thence, third course: N 89°51'47" E, a distance of 1185.70 feet; Thence, fourth course: N 89°52'15" E, a distance of 153.22 feet; Thence, fifth course: S 00°00'26" W, a distance of 391.00 feet; Thence, sixth course: N 89°52'15" E, a distance of 1139.10 feet, to a point on the said westerly edge of section line right-of-way common to Sections 20 and 21; Thence, eighth course: S 00°00'26" W, along the said westerly edge of section line right-of-way, a distance of 834.53 feet, to the said point of beginning. Said Parcel contains 59.475 acres more or less.

Commencing at the northwesterly corner of Lot 1 of Blue Marlin Estates, Section 20, T2N, R8E, BHM., Pennington County, South Dakota, common to a point on the section 1/16th line, and the point of beginning; Thence, first course: S 00°00'26" W, along the westerly boundary of said Lot 1, a distance of 416.00 feet, to the south westerly corner of said Lot 1; Thence, second course: N 89°52'15" E, along the southerly boundary of said Lot 1, a distance of 1047.10 feet, to the southeasterly corner of said Lot 1; Thence, third course: N 89°52'15" E, a distance of 17.00 feet, to a point on the westerly edge of section line right-of-way common to Sections 20 and 21, T2N, R8E, BHM; Thence, fourth course: S 00°00'26" W, along the said westerly edge of section line right-of-way, a distance of 75.00 feet; Thence, fifth course: S 89°52'15" W, a distance of 1139.10 feet; Thence, sixth course: N 00°00'26" E, a distance of 391.00 feet; Thence, seventh course: S 89°52'15" W, a distance of 153.22 feet; Thence, eighth course: S 89°51'47" W, a distance of 1185.70 feet, Thence, ninth course: S 00°01'41" E, a distance of 1225.19 feet; to a point on the section 1/4 line; Thence, tenth course: S 89°52'30" W, along the said section 1/4 line, a distance of 140.00 feet, to the center 1/4 corner of Section 20, T2N, R8E, BHM; Thence, eleventh course: N 00°01'41" W, along the section 1/4 line, a distance of 1325.16 feet, to the section 1/16th line; Thence, twelfth course: N 89°51'47" E, along the said section 1/16th line, a distance of 1325.52 feet, to the section 1/16th corner; Thence, thirteenth course: N 89°52'15" E, along the said section 1/16th line, a distance of 228.46 feet, to the said point of beginning. Said Parcel contains 10.010 acres more or less.

MOVED by DiSanto and seconded by LaCroix to continue Rezone / RZ 17-03 and Comprehensive Plan Amendment / CA 17-03 so that the applicant can address the questions and concerns with the community and the neighbors. The motion carried

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

G. DISCUSSION TO FORM A COMMITTEE TO ADDRESS THE HAWTHORN DITCH AND STORM WATER RUNOFF: No action taken

APPROVAL OF VOUCHERS: MOVED by LaCroix and seconded by Buskerud to approve the vouchers entered below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment totaling \$2,535,124.43. The motion carried 4-1 on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – no, LaCroix – yes, Hadcock – yes.

3D Specialties Inc, \$950.25; A & B Business Inc, \$3,082.27; A & B Welding Supply Co, \$618.36; A To Z Shredding, \$547.11; Aaron Klapkin, \$612.00; Adams-LSC LLC, \$292.65; Advanced Drug Testing Inc, \$71.00; Ainsworth Benning Construction Inc, \$180,057.92; ALB Unlimited LLC, \$1,350.00; Alcohol Monitoring Systems Inc, \$15.90; Alexa White, \$284.00; Alldata LLC, \$1,500.00; Allegiant Emergency, \$120.85; Allen Reuer, \$1,760.00; American Correctional Association, \$4,500.00; American Correctional Association, \$300.00; Americinn Motel, \$1,222.00; Amerigas, \$84.84; Amos Armijo Jr, \$72.00; Amy Mcglade, \$79.00; Angela L Miller, \$203.22; Angela M Colbath Atty PC, \$3,059.50; Applied Concepts Inc, \$14,380.80; Armstrong Extinguishers, \$137.00; Asap Inc, \$15.00; Atb Tel LLC, \$90.00; Audra Hill Consulting Inc, \$9,452.40; Badlands Automotive, \$648.24; Bangs McCullen Butler Foye & Simmons LLP, \$2,073.35; Barnier Law Office PC, \$1,827.00; Basler Printing Co, \$385.00; Behavior Management Systems Inc, \$104.48; Behrens-Wilson Funeral Home, \$7,640.00; Benjamin J Milbrandt, \$40.00; BH Chemical Company Inc, \$5,243.91; BH Doors, \$833.98; BH Funeral Home & Cremation Service Inc, \$1,910.00; BH Insurance Agenc Inc, \$60.00; BH Oral & Maxillofacial Surgery PC, \$1,262.00; BH Orthopedic & Spine Center PC, \$712.46; BH Pediatrics & Neonatology LLP, \$303.00; BH Power Equipment Inc, \$203.93; BH Power Inc, \$65,713.03; BH Power Inc, \$1,145.77; BH Property Management LLC, \$1,000.00; BH Services Inc, \$259.39; BH Urgent Care LLC, \$429.00; BH Wilbert Vault, \$720.00; Biddle Consulting Group Inc, \$3,500.00; Big D Oil Co, \$30.00; Birch Communications Inc, \$59.03; Blackstrap Inc, \$15,904.51; Bluetrack Inc, \$297.16; Bob Barker Company Inc, \$7,070.77; Border States Electric, \$41.53; Bravo Company USA Inc, \$17,170.90; Brenda Wood, \$74.00; Brosz Engineering Inc, \$6,342.50; Brownells Inc, \$1,861.75; Budget Inn, \$570.00; Butler Machinery Company, \$324.16; Cadpage, \$10.00; Canyon Business Products, \$1,007.22; Cash-Wa Distributing, \$1,520.19; CBH Cooperative, \$24.50; CBM Food Service, \$101,002.09; Cdw Government Inc, \$13,467.56; Central States Fair Inc, \$18,495.00; Century Link, \$7,100.05; Certified Laboratories, \$1,200.10; Chemsearch, \$375.00; Chris Supply Co Inc, \$338.47; Christopher Rogers, \$87.20; Cindy Stolte Brown, \$440.00; City Of Rapid City, \$25,522.44; City Of Rapid City-Water, \$909.94; Civic Research Institute, \$179.95; Clark Printing, \$1,414.02; Clia Laboratory Program, \$150.00; Climate Control Systems And Service LLC, \$14,668.11; Clinical Laboratory Of The Black Hills, \$2,212.00; Community Health Center Of The Black Hills Inc, \$476.90; Community Services Connection Of The Black Hills, \$250.00; Connections Inc EAP,

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

\$1,009.44; Constance L Johnson, \$300.00; Contractors Insulation And Drywall Supply, \$47.04; Contractors Supply Inc, \$678.02; Convergent Technologies LLC, \$170.54; Cooks Correctional, \$804.08; Copy Country, \$416.30; Coremr LC, \$909.00; Countryside Property Management LLC, \$511.00; Craig Smith, \$117.08; Creative Services Of New England, \$174.95; Crescent Electric Supply, \$537.66; Croell Redi-Mix Inc, \$2,554.25; Crum Electric Supply, \$215.64; Cummins Central Power LLC, \$1,686.61; Cynthia M Weichmann, \$80.40; D & J Mobile Home Est, \$300.00; D & R Service Inc, \$567.10; Dak Generator Services Inc, \$320.22; Dakota Business Center, \$121.56; Dakota Forensic Consulting, \$400.00; Dakota Plains Legal Services Inc, \$19,791.67; Dakota Supply Group Inc, \$104.68; Dakotaland Autoglass Inc, \$405.00; Dale's Tire & Retreading Inc, \$5,158.42; Dan Rose, \$108.13; Dan Wardle, \$52.82; Dawn Riter, \$150.00; Deanna K Clayborne, \$942.50; Delilah Ayers, \$63.84; Delta Dental Of South Dakota, \$33,145.96; Demersseman Jensen Tellinghuisen & Huffman LLP, \$943.20; Dennis Supply - RC, \$186.73; De's Oil Inc, \$626.10; Dewey J Ertz, \$5,980.00; Dharma Trading Co, \$203.33; Diamond Vogel Paint Center, \$83.95; Diann Asher, \$318.75; Diesel Machinery Inc, \$90.26; Dillon Law Office, \$151.80; Donald A Janz, \$1,400.00; Dot Fhwa, \$1,478.25; Dustin Willett, \$202.00; Eaton Corporation, \$7,295.40; Eddie's Truck Sales Inc, \$1,015.88; Elizabeth M Frederick, \$722.80; Emergency Services Marketing Corp Inc, \$305.00; Epicenter Media & Training, \$6,383.50; Eprovider Solutions, \$195.20; Estes Park Apartments, \$300.00; Evergreen Office Products, \$1,505.65; Excelsior Companies LLC, \$584.74; Executive Mgmt Fin Office, \$135.00; Fall River County Sheriff's Office, \$75.00; Farmer Brothers Coffee, \$301.46; Fastenal Company, \$69.58; Fennell Design Inc, \$3,108.00; First Interstate Bank, \$435.71; First Interstate Bank, \$264.41; First Interstate Bank, \$355.25; Flooring America, \$14,892.18; Foley's Custom Print, \$167.50; Foothills East Apartments, \$215.00; Forensic Itc Services, \$3,165.71; Frank H Haacke, \$1,675.00; Fremont Industries Inc, \$1,437.68; Frontier Auto Glass LLC, \$900.00; Fruit Of The Loom, \$768.16; G & H Distributing - RC, \$291.15; Gail Schmidt, \$175.00; Genpro Energy Solutions, \$202,998.10; Global Tel'link, \$10.62; Godfrey Brake Service And Supply Inc, \$2,968.02; Golden West Companies, \$1,382.48; Golden West Companies, \$165.00; Golden West Technologies, \$1,380.50; Great Western Tire Inc, \$1,698.88; Green Star Camper Center, \$21.59; Grey & Eisenbraun Law Prof LLC, \$319.60; Grimm's Pump Service Inc, \$3,872.69; Gumbo Drive LLC, \$300.00; Gunderson Palmer Nelson And Ashmore LLP, \$883.00; Gustave A Larson Company, \$24.74; Hagen Glass Company, \$6,194.00; Harmelink Fox & Ravensborg Law Office, \$565.50; Harveys Lock Shop, \$508.81; Heartland Paper Company, \$11,295.21; Heather M Lacroix, \$256.03; Heather Wood, \$149.00; Hill City Hardware Inc, \$98.55; Hill City Prevalier, \$1,083.88; Hills Materials Company, \$820.50; Hillyard/Sioux Falls, \$1,637.78; Holloway Vision Care LLC, \$280.00; Honeywell Inc, \$18,029.69; Horst Acoustical Co Inc, \$1,394.80; Horwath Laundry Equipment, \$1,986.28; Howes Oil Company Inc, \$15,207.46; Humane Society Of The Black Hills, \$4,166.67; Identisys Inc, \$2,470.45; Iiarc, \$167,683.85; Indoff Inc, \$1,917.77; Industrial Organizational Solutions Inc, \$100.00; Inland Truck Parts, \$55.04; Integrity International Investigations & Training, \$972.81; International Public Management Association, \$109.00; Interprecops, \$100.00; Interstate All Battery Center, \$599.70; Interstate Batteries, \$102.95; Interstate Powersystems, \$257.11; Intoximeters Inc, \$3,500.00; Intoximeters Inc, \$2,485.00; Inventory Trading Company, \$300.00; Ione Wolf, \$197.50; J Scull Construction, \$186,670.60; Jackson Lewis LLP, \$479.50; Jantech LLC, \$350.00; JD's Equipment Service LLC, \$267.50; Jean Carlson, \$721.10; Jean L Johnson,

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

\$237.50; Jean M Cline, \$1,862.85; Jefferson Lines, \$43.50; Jeffries Law Office PC, \$1,931.48; Jenner Equipment Co, \$36.43; Jeremiah J Davis, \$592.20; Jerri Harn, \$99.12; Jessie Hudson, \$75.00; Joan Lindstrom, \$200.00; Jody H Speck, \$1,432.00; John Gordon, \$150.00; Johnson Machine Inc, \$2,116.96; Johnstone Supply, \$1,391.96; Joseph M Jackson, \$340.00; Kathleen Houston, \$172.00; Kayla L Maruska, \$881.85; Kent Przymus, \$204.00; Kieffer Family Dental PC, \$2,478.00; Kieffer Sanitation/A Waste Management Co, \$2,754.02; Kimball Midwest, \$1,067.07; Kimberly K Johnson, \$421.05; Kirk Funeral Home, \$17,240.00; K-Mart, \$53.97; Knecht Home Center Inc, \$2,375.96; Kone Inc, \$22,925.00; Konica Minolta Premier Finance, \$156.19; Kreisers Inc, \$11.59; KT Connections, \$447.00; Kyle Krause, \$996.40; Laboratory Corporation Of America Holdings, \$225.75; Language Line Services, \$50.00; Larry D Fuss, \$212.00; Laubach Law Office Prof LLC, \$3,666.00; Lauren Craft, \$74.00; Law Enforcement Seminars LLC, \$107.25; Lawson Products Inc, \$279.37; Leon Kelly, \$2,100.00; Lewis & Clark Behavioral Health Services, \$800.00; Liberty Chrysler Center, \$130.02; Light & Siren, \$251.00; Lighting Maintenance Co, \$767.31; Linda J Nohr, \$4,445.00; Linda Pratt, \$74.00; Lindquist & Vennum PLLP, \$3,000.00; Lisa Schafer, \$805.00; Lori Sargent, \$74.00; Lucille M Lewno, \$73.50; Luther P Yellow Robe, \$9,727.50; Lutheran Social Service, \$39,643.99; Lynn Jackson Schultz & Lebrun PC, \$4,950.72; M & T Fire And Safety Inc, \$127.00; Macnally Law Offices Prof LLP, \$1,180.00; Manlove Psychiatric Group, \$7,791.72; Marcia Whiting, \$2,871.20; Marco Inc, \$863.87; Marco Inc, \$4,034.87; Mark Perrenoud Phd Inc, \$368.00; Mary Feiner, \$50.00; Matheson Tri-Gas Inc, \$104.93; Matthew Stephens, \$1,266.00; Maureen A Zimney, \$100.00; Megas Propane LLC, \$779.00; Mckie Ford Inc, \$215.64; Mcleod's Printing Inc, \$4,208.46; Medical Waste Transport Inc, \$344.77; Medical Waste Transport Inc, \$300.40; Medline Industries Inc, \$4,010.58; Melinda Allen & Associates LLC, \$2,000.00; Melissa J Rupert, \$2,009.25; Menards, \$679.84; MG Oil Company, \$2,095.78; Michael S Stonefield, \$12,981.40; Midcontinent Communications, \$835.38; Midcontinent Communications, \$2,480.80; Midcontinent Testing Lab, \$548.20; Midwest Card And Id Solutions LLC, \$1,000.00; Mobile Electronic Service, \$11,115.51; Montana Dakota Utilities, \$766.93; Moore Medical Corp, \$4,167.32; Morse Watchmans Inc, \$280.00; Motel Rapid, \$185.00; Moyle Petroleum, \$12,006.16; Mt Rushmore Telephone Co, \$46.60; Mulcahy Company Inc, \$7,856.00; Murphy Law Office PC, \$4,321.47; Murphy Petroleum Transport LLC, \$50.00; Naadac, \$220.00; Native Sun News, \$240.00; Nat'l Sheriff's Association, \$175.00; Ncraao, \$260.00; Networkfleet Inc, \$37.90; Neve's Uniforms Inc, \$17,865.38; New Underwood Post, \$34.00; Nicolas Quettier, \$252.00; North Central Supply Inc, \$7,753.42; Northern Truck Equipment, \$3,037.50; Northwest Pipe Fitting Inc, \$2,210.03; NWE Management, \$1,160.00; Oberle's Radiator And Repair, \$150.00; Office Depot, \$363.03; Office Depot, \$189.41; Officemax Incorporated, \$5,296.76; Otis Elevator Co, \$417.50; Overhead Door Co Of Rc, \$473.60; Pacific Steel & Recycling, \$224.13; Parr Law PC, \$1,494.60; Paul Stevens, \$204.00; Pederson Law Office LLC, \$2,019.30; Peggy Severson, \$172.00; Penn Co Health & Human Sv Petty Cash, \$203.00; Penn Co Highway Petty Cash, \$45.00; Penn Co Jail Petty Cash, \$1,351.03; Penn Co JSC Petty Cash, \$19.69; Penn Co Juv Diversion, \$87.64; Penn Co Sheriff Petty Cash, \$1,002.39; Penn Co States Atty Petty Cash, \$442.08; Penn Co Treasurer Petty Cash, \$12.09; Pennington County Courant, \$1,287.58; Pennington County Housing, \$270.00; Pete Lien & Sons Inc, \$178.84; Pharmchem Inc, \$350.00; Pheasantland Industries, \$698.77; Pillen Optical Inc, \$240.00; Pioneer Bank & Trust, \$7,117.77; Pioneer Bank & Trust, \$3,219.36; Pitney Bowes Reserve Account, \$3,449.87;

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

Pj Conover, \$1,500.70; Power House, \$355.00; Precision Dynamics Corp, \$400.00; Print Mark-
Et, \$1,898.70; Public Agency Training Council, \$650.00; Quill Corporation, \$336.54; Radiology
Associates Professional LLC, \$282.88; Randal Connelly, \$502.73; Randal E Connelly,
\$1,410.00; Rapid Chevrolet Co Inc, \$406.80; Rapid Collision, \$2,057.10; Rapid Delivery Inc,
\$115.00; Rapid Fire Protection Inc, \$1,921.00; Rapid Leasing, \$883.81; Rapid Towing LLC,
\$100.00; Rapid Transit System, \$60.00; RC Area School Dist 51-4, \$1,181.89; RC Emergency
Services Pa, \$384.51; RC Journal, \$4,197.30; RC Medical Center LLC, \$225.00; RC Police
Dept-Evidence, \$3,130.00; RC Regional Hospital Inc, \$12,734.91; RC Regional Hospital Inc,
\$6.50; RC Regional Hospital Inc, \$173.33; RC Winair, \$25.92; RC Winsupply, \$2,297.01; RCS
Construction Inc, \$176,754.29; RDO Equipment Co, \$7,043.87; Record Storage Solutions,
\$588.64; Redwood Toxicology Inc, \$849.06; Redwood Toxicology Laboratory Inc, \$45.00;
Regional Health Home Plus LLC, \$118.23; Regional Health Home Plus Pharmacy, \$11.11;
Regional Health Reference Laboratory, \$4,705.23; Reliance Telephone Inc, \$4.40; Rensch Law
Office, \$41.73; Ricoh USA Inc, \$227.17; Ricoh USA Inc, \$285.72; Rochester Armored Car
Company Inc, \$408.40; Rosalinda Viannie Anderson, \$150.00; Royal Wheel Alignment,
\$2,008.16; Runnings Supply Inc, \$1,033.82; Rushmore Embroidery & Screen Printing, \$31.50;
Rushmore Round-Up, \$225.00; Safety Kleen Systems Inc, \$598.75; Sakura LLC, \$63.00;
Sanford Clinic, \$2,184.00; Sanford Labs, \$643.71; Sarpy County Court, \$3.50; Satellite Tracking
Of People LLC, \$5,086.25; Scenic Township, \$1,875.00; Scott Guffey, \$70.00; Scovel
Psychological, \$3,150.00; SD Dept Of Revenue, \$12,188.76; SD Dept Of Revenue, \$3,090.00;
SD Dept Of Transp-Finance, \$2,219.75; SD Div Of Motor Vehicles, \$346.20; SD Federal
Property Agency, \$142.00; SD Human Services Center, \$103.00; SD One Call Board, \$28.35;
SD Rose Inn, \$180.00; SD Secretary Of State, \$30.00; SDAAO, \$2,100.00; SDAAPP, \$540.00;
SDACC, \$150.00; Sdn Communications, \$769.60; Securus Technologies Inc, \$19,131.02;
Servall Uniform/Linen Co, \$1,738.55; Sharyn Zebroski, \$137.50; Sheehan Mack Sales And
Equipment Inc, \$1,611.39; Sherwin Williams Paints, \$31.71; Simplexgrinnell LP, \$9,746.64;
Simpson's Printing, \$220.00; Simtable LLC, \$950.00; Sioux Funeral Home, \$1,700.00; Skinner
Law Office PC, \$10,224.07; Smoot & Utzman, \$553.35; Solemate Shoes And Uniform Center,
\$131.15; Southern Cross LLC, \$750.00; Spizzirri Press Inc, \$135.00; Stan Houston Equipment,
\$10,233.20; Stardust Motel, \$580.00; Streicher's, \$5,315.00; Sturdevant's Auto Parts, \$2,297.16;
Sturdevant's Refinish, \$170.41; Summit Signs & Supply Inc, \$165.25; Sun Life Financial,
\$98,357.10; Talona Gonzalez, \$175.00; Taser International, \$6,340.90; Taser Training Academy,
\$200.00; Teresa L Fink, \$675.15; Terri Phelps, \$380.00; The Crossroads Hotel & Huron Event
Center, \$248.97; The Hartford, \$2,560.98; The Hotel Alex Johnson, \$164.88; The Little Print
Shop Inc, \$3.00; The Medicine Shoppe, \$837.77; Thomas Auto Service & Towing, \$285.00;
Thomas Braun Bernard & Burke LLP, \$3,517.30; Thomas Knapp, \$50.00; Thomas Reese,
\$38.63; Thomson Reuters-West, \$6,179.93; Time Equipment Rental & Sales, \$51.15; Titan
Machinery PPA, \$1,374.14; Todd A Love, \$5,423.06; Tom Vlieger, \$93.66; Tony Harrison,
\$34.99; Tow Pros, \$149.00; Trail King Ind. Inc, \$1,581.60; Trevor Thielen, \$106.88; Trudy Hill,
\$240.00; Truenorth Steel, \$1,687.50; Turbiville Industrial Electric Works LLC, \$159.35; Uline,
\$396.85; Upper Deck Architects Inc, \$23,132.04; US Corrections LLC, \$2,858.90; US
Postmaster, \$1,300.00; Valarie O'day, \$919.60; Van Norman Law Office, \$188.00; Vanway
Trophy & Awards, \$123.70; Vast Broadband, \$1,494.06; Verizon Wireless, \$51.89; Verizon
Wireless, \$1,016.97; Vermeer High Plains, \$81.58; Victor Gomez, \$100.00; Video Service Of

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017

America, \$274.06; Wall Building Center & Construction, \$80.25; Watertree Inc, \$534.08; Wellmark, \$134,375.56; Wellmark, \$44,530.99; Wellmark, \$112,002.37; Wendy T Mcgowan, \$5,073.34; West Plains Engineering Inc, \$700.00; West River Anesthesiology Consultants PC, \$172.00; West River Electric, \$330.00; West River International Inc, \$581.32; West River Welding & Machine, \$171.00; Western Communication Inc, \$706.00; Western Dakota Insurors Inc, \$32.00; Western Dakota Tech Inst, \$2,778.42; Western Mailers, \$354.05; Western Stationers Inc, \$3,789.65; Western Thrifty Inn LLC, \$325.00; Westwind Development LLC, \$240.00; Wex Bank, \$249.79; Wex Bank, \$9,126.67; Whisler Bearing Co, \$298.49; Whiting Hagg Hagg Dorsey & Hagg LLP, \$2,001.07; William Davis, \$444.00; William Larive, \$279.00; Winter Law Office PC, \$13,221.52; Wood Stock Supply, \$39.10; Yankton Co Sheriff Office, \$141.58; Yankton County Treasurer, \$475.00; Zuercher Technologies LLC, \$72,893.94.

COMMITTEE REPORTS

A. COMMITTEE ASSIGNMENTS REQUIRED UNDER SDCL: No action taken.

EXECUTIVE SESSION per SDCL 1-25-2:

A. Contractual/Pending Litigation per SDCL 1-25-2(3)

MOVED by DiSanto and seconded by LaCroix to go into executive session to consult with legal counsel for pending litigations and contractual matters pursuant to SDCL 1-25-2(3). The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes. The Board remained in executive session from 1:15 p.m. until 1:38 p.m.

MOVED by LaCroix and seconded by DiSanto to come out of executive session. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

PERSONNEL

SHERIFFS OFFICE: Effective 03/19/2017 – Thomas Knapp at \$18.62/hr. and Tonya Lore at \$18.38/hr. Effective 03/27/2017 – Helene Duhamel at \$4236.00/mo. Effective 04/16/2017 – Patricia Garland at \$17.13/hr.

IT DEPT: Effective 03/20/2017 – Cassidy Keyser at \$23.48/hr.

PUBLIC DEFENDER: Effective 04/05/2017 – Martha Rossiter at \$5424.00/mo.

ADJOURN

MOVED by DiSanto and seconded by LaCroix to adjourn the meeting. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes. The meeting adjourned at 1:38 p.m.

/s/ Julie A. Pearson, Auditor

Published once at an approximate cost of _____.

Publish: April 5, 2017

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 21, 2017