

Verizon Wireless Project Reference: RCYC Sitting Bull
13752 S. Highway 16 (within 3 miles of Rapid City)

Cellular Inc. Network Corporation
d/b/a VERIZON WIRELESS

11-6-19 Review
Application
Rapid City, South Dakota
November 21, 2006

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Rapid City Growth
Management Department

Cellular Inc. Network Corporation d/b/a Verizon Wireless is proposing to construct a cellular telephone communications facility (including a 12' x 30' equipment shelter and a 150' monopole design communications tower) at 13752 S. Highway 16 on an irregularly sized 1625 SF leased area on property owned by Black Hills Resorts, Inc. Verizon Wireless has retained Buell Consulting, Inc. regarding site acquisition and permit matters.

Legal Description of the Property

The Northwest Quarter of the Southeast Quarter (NW1/4SE1/4) of Section 8, Township 1 South, Range 7 East of the Black Hills Meridian, Pennington County, South Dakota, INCLUDING Lot X, as shown on the plat filed in Highway Plat Book 8, Page 70; EXCEPTING THEREFROM highway rights of way and EXCEPTING THEREFROM Lot 1R of the Wooded Acres Subdivision including vacated Wooded Acres Road, as shown on the Plat filed in Plat Book 24, Page 8.

Property Zoning and Surrounding Zoning

The subject property is located in the Highway Service (HS) District and is surrounded by Highway Service (HS) zoning on the East, South and West. General Agriculture (A-1) zoning is to the North & Low Density Residential (LDR) to the Northwest.

Proposed Use

Antennae, microwave and communications towers are listed Conditional Uses in the Highway Service (HS) District. The proposed facility will improve coverage and capacity along the Hwy 16 corridor between Rapid City and Keystone and the surrounding area. Each new site in a locale enables the existing surrounding sites to improve quality of signal to the surrounding area.

Area Regulations

The subject property is a 35 acre camp ground. Requirements for setback are: 25' front yard, 10' side yard and 10' rear yard. The pole-type structure proposed will be 150' tall.

FAA Approval

As the development of a new site progresses beyond site leasing and local permit approval, Verizon Wireless usually applies to the FAA for its approval (somewhat later in the process). Typically, Verizon Wireless asks that local jurisdictions make their approval contingent upon subsequent FAA approval. Even so qualified Consultants have performed an Air Space Evaluation to accurately forecast how the 150' antenna structure proposal will do with the FAA (when the FAA application is made official).

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In October, 2006, Verizon Wireless authorized the commissioning of FAA consultants, Jeppesen, to perform an Obstruction Analysis Report under Federal Aviation Regulations Part 77 Sub-Part C. A summary of the findings are that the consultant was confident that if an application were to be made for a 170' structure, the application would be approved. According to the report an 'FAA Notice of Proposed Construction or Alteration' would not even be required. See a copy of the consultants findings enclosed in this package. The 170' came from estimating appurtenances up to 20' above the proposed 150' pole.

Site Selection Process

In November, 2004 Verizon Wireless assigned the work for the development of this new cell site location in Pennington County to Buell Consulting, Inc., St. Paul, MN for Site Acquisition and Local Permit Procurement. John M. Rowe, an agent for Buell, initiated field work on the new site location by researching land owners and zoning regulations in November, 2004. Rowe phoned and visited the Pennington County Planning staff during the initial month of the assignment concerning the code, policies, the location of the search area and the properties under consideration.

The following additional property owners were contacted in the process of researching the area and developing an initial site candidate information package for Verizon Wireless:

Mystery Mountain Resort, Perli, Black Hills RV Service Center, Hart Ranch, Bear Country, Taylor, Oliver, Wald, Sitting Bull Crystal Caverns, and Brodine. After these investigations, the following candidate locations were submitted to Verizon Wireless for selection by their engineers, construction & project management personnel.

Candidate # 1- Parcel # 5408400005 owned by Black Hills Resorts, Inc. is the location of this applicant's proposed application for a communications tower facility by Conditional Use Permit for a 150' monopole antenna structure.

Candidate # 2- Property owned by Perli is located east of the proposed site (with only Bear Country USA located in between Perli & Candidate # 1) at a similar ground elevation to Candidate # 1 only much closer to the big curve in Hwy 16 where it changes from a North-South highway to an East-West highway, or vice versa.

Candidate # 3- Property owned by JerrDonn known as Black Hills RV Center is located 1.5 miles west of Candidate # 1 (almost the last private property before the forest starts).

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Evolution of project work

Initially, in February, 2005 the Perli property was chosen for development. The first site walk to commence the project was held within a few weeks time. A site was located and agreed upon with Keith Perli contingent upon the survey determining that the proposed site would not be North of an imaginary line that his said was created with inheritance tax ramifications. To sum up the experience in working with Perli, attempts were made at 4 separate locations on Perli land to survey where the tax ramifications line should be. The 4th location appeared to satisfy the requirement to be south of the tax ramifications line. Next, draft zoning applications were being worked and leases for final approval went out to the three Perli brothers only for the peril family to grow unresponsive at that stage. The deal died late in January, 2006. The project focus officially turned to the Mystery Mountain Resort site in the summer of 2006. At a pivotal point or two along the way, Staff was advised as to the progress of the project.

Zoning Change

As part of the project work that has gone into developing a site for this area, an amendment to the zoning ordinance was proposed, supported by Staff, and approved by the Planning Commission April 25, 2005 and the County Commissioners May 5, 2005. The amendment added, "Antennas, Microwave & Communications Towers" to the list of Conditional Uses in the Highway Service (HS) Zone (as well as the GC, LI & HI zones.)

Summary

Hard work and sound planning has gone into the site selection process for the proposed development, taking into account guidance started in the initial stages from the Staff. The proposal meets the criteria for granting a conditional use permit in that the proposed use has been contemplated in the ordinance for the Highway Service (HS) District.

The proposed cellular communications facility as designed will insure continuation of the best quality cellular telephone service that Verizon Wireless can offer in the area.

Verizon Wireless will comply with all regulations of Pennington County and the conditions of any permit granted in connection with this application.

Questions about this application should be directed to:

John Rowe

Buell Consulting, Inc.

Agents for Verizon Wireless

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