



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
FEBRUARY 22, 2021**

A meeting of the Planning Commission was held on February 22, 2021 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building and in the Zoom Personal Meeting Room ID 728 439 8039.

David Heinold, County Planning Department, presented Zoom Meeting Room instructions on raising hands to speak on agenda items.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Commissioner Duffy called roll of members present to determine a quorum. Commissioners Bonnie Duffy, Becky Randall, Adam Mohrhauser, Doug Ode, Mike Ralston, Ryan VanDerVliet, and Jeff Barth responded present at the meeting.

STAFF PRESENT:

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning
Eric Bogue – States Attorney’s Office

Bonnie Duffy chaired the meeting and called the Minnehaha County Planning Commission meeting to order at 8:39 p.m.

PUBLIC COMMENT.

Commissioner Duffy opened the floor for public comment and nobody moved to speak or no hands were raised in the Zoom Personal Meeting Room.

ITEM 1. Approval of Minutes – January 25, 2021

Chair Duffy called for any comments or amendments to the minutes. Nobody raised any comments or amendments.

A motion was made by Commissioner Barth and seconded by Commissioner Ralston to approve the meeting minutes from January 25, 2021. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.



Regular Agenda

ITEM 2. CONDITIONAL USE PERMIT #21-12 to transfer three (3) building eligibilities from the S1/2 NW1/4 & NE1/4 SW1/4 to the NW1/4 SW1/4; all in Section 32-T104N-R48W.

Petitioner: Rebecca Randall (Rebecca Randall Living Trust)

Property Owner: same

Location: Located Approximately 4 miles southeast of Dell Rapids

Staff Report: Scott Anderson

General Information:

Legal Description – Section 32, T104N-R48W (Logan Township)

Present Zoning – A1 Agriculture

Existing Land Use – cropland

Parcel Size – 160 acres

Staff Report: Scott Anderson

Staff Analysis: The property is located approximately 4 mile southeast of Dell Rapids on the east side of 479th Avenue. The applicant is requesting to move the building eligibilities to the southeast, which would allow for the ability to cluster the residential sites and also preserve farmland. Two of the eligibilities are landlock as they are located in the center of the quarter section.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the surrounding area for the uses already permitted, and upon property values within the surrounding area.

A right-to-farm notice covenant should be required to notify potential buyers to the realities of locating in an agricultural area.

2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

The transfer of building eligibilities does not increase the number of dwelling units allowed in this section. Access would have to be approved by the Logan Township. The siting of a building eligibility in this location would have little to no effect on the orderly development of the surrounding properties.

3) That utilities, access roads, drainage, and/or other necessary facilities are provided.

No other extra utilities or services will be required for this site to utilize the building eligibilities. The presence of several building eligibilities allows for the potential for sharing a driveway access. This should be encouraged at the platting process.

4) That the off-street parking and loading requirements are met.

The off-street parking requirements will be provided for once a single-family residence is



constructed on each proposed lot.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

The proposed conditional use will not cause odor, fumes, dust, noise, vibrations or lighting in any amounts that would constitute a nuisance.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

The proposed conditional use will have no effect on the health, safety and general welfare of the public. Placing these building eligibilities in this location on pasture land will prevent the conversion of crop land into residential use and locate the building eligibilities in closer proximity of similar uses.

Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and the comprehensive plan. Staff recommends **approval** of Conditional Use Permit #21-12 with the following conditions:

1. A right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit for a single-family dwelling.
2. Approval from Logan Township must be obtained for the location of the driveway before a building permit is to be issued.

Public Testimony

Commissioner Randall recused herself from participating as a Planning Commissioner for Conditional Use Permit #21-12.

Scott Anderson, County Planning Director, presented a brief overview of the conditional use permit request to transfer three building eligibilities.

Commissioner Duffy called for public testimony but there was no answer.

No hands were raised in the Zoom Meeting Room.

Action

A motion was made by Commissioner Barth to **approve** Conditional Use Permit #21-12. The motion was seconded by Commissioner Ode. A roll call vote was taken, and the motion passed with 6 votes in favor of the motion and 0 votes against the motion (Commissioner Randall abstained).

Conditional Use Permit #21-12 – Approved



ITEM 3. CONDITIONAL USE PERMIT #21-13 to transfer one (1) building eligibility from the SE1/4 SE1/4 to the SW1/4 SE1/4; all in Section 3-T103N-R49W.

Petitioner: Sophia Vander Dussen

Property Owner: Sophia & Daniel Vander Dussen

Location: Located Approximately 2 miles east of Baltic

Staff Report: Scott Anderson

General Information:

Legal Description – SE ¼, Section 3, T103N-R49W

Present Zoning – A1 Agriculture

Existing Land Use – cropland

Parcel Size – 40 acres

Staff Report: Scott Anderson

Staff Analysis: The property is located approximately 2 miles to the southeast of Baltic. The receiving parcel is relatively flat. The Driftwood Dairy is being constructed on the SE ¼ SE ¼ of Section 3. On February 3, 2021, staff conducted a site visit. There is 1 farmstead located to the east of the receiving parcel.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the surrounding area for the uses already permitted, and upon property values within the surrounding area.

A right-to-farm notice covenant should be required to notify potential buyers to the realities of locating in an agricultural area.

2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

The transfer of a building eligibility does not increase the number of dwelling units allowed in this section. The requested location for the eligibility places it further away from the Driftwood Dairy. The siting of a building eligibility in this location would have little to no effect on the orderly development of the surrounding properties.

3) That utilities, access roads, drainage, and/or other necessary facilities are provided.

No other extra utilities or services will be required for this site to utilize the building eligibility. The applicant may wish to consider for the potential for sharing a driveway access.

4) That the off-street parking and loading requirements are met.

The off-street parking requirements will be provided for once a single-family residence is constructed on the subject property.



5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

The proposed conditional use will not cause odor, fumes, dust, noise, vibrations or lighting in any amounts that would constitute a nuisance.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

The proposed conditional use will have no effect on the health, safety and general welfare of the public. Placing this building eligibility in this location on this parcel will allow a residence to be built further away from the newly established dairy.

Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and the comprehensive plan. Staff recommends **approval** of Conditional Use Permit #21-13 with the following conditions:

1. A right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit for a single-family dwelling.
2. Approval from Sverdrup Township must be obtained for the location of the driveway before a building permit is to be issued.

Public Testimony

Scott Anderson, County Planning Director, presented a brief overview of the conditional use permit request to transfer one building eligibility.

Sandy Johnson, attending via Zoom Meeting Room, questioned if the proposed use would allow a house rather than a dairy barn.

Mr. Anderson explained that the conditional use permit request would allow transfer of one building eligibility from the site of the current dairy operation to the west 40-acre parcel for eventual construction of a single family dwelling.

Commissioner Duffy called for public testimony but there was no answer.

No other hands were raised in the Zoom Meeting Room.

Action

A motion was made by Commissioner Barth to **approve** Conditional Use Permit #21-13. The motion was seconded by Commissioner Ode. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 vote against the motion.

Conditional Use Permit #21-13 – Approved



ITEM 4. CONDITIONAL USE PERMIT #21-14 to transfer three (3) building eligibilities from the SE1/4 (Ex. Lot H-1 & Ex. Tr. 1, Tri-Valley Addn.) to the SE1/4 SE1/4; all in Section 11-T103N-R51W.

Petitioner: David Stageberg

Property Owner: same

Location: Located Approximately 3.5 miles south of Colton

Staff Report: Scott Anderson

General Information:

Legal Description – Section 11, T103N, R51W.

Present Zoning – A1 Agriculture

Existing Land Use – cropland and pasture

Parcel Size – 128 acres

Staff Report: Scott Anderson

Staff Analysis: The property is located approximately 1/2 mile to the east of Tri Valley High School. The receiving parcel slopes to the southwest and is located south of an existing farmstead. The applicant has indicated that the tillable land will be sold and prior to the sale, the three (3) eligibilities will be moved to a pasture area with better access to the paved County Highway. On February 3, 2021, staff conducted a site visit. There are 2 farmsteads located nearby. One across the County Highway to the south and one to the north, owned by the applicant.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the surrounding area for the uses already permitted, and upon property values within the surrounding area.

A right-to-farm notice covenant should be required to notify potential buyers to the realities of locating in an agricultural area.

2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

The transfer of 3 building eligibilities does not increase the number of dwelling units allowed in this section. The requested location for the eligibilities places it near other residentially used property. Access would have to be approved by the County Highway Department, if the lots access County Highway 118. The siting of a building eligibilities in this location would have little to no effect on the orderly development of the surrounding properties.

3) That utilities, access roads, drainage, and/or other necessary facilities are provided.

No other extra utilities or services will be required for this site to utilize the building eligibilities. The applicant may wish to consider the potential for sharing a driveway access. The County



Highway Department may require a shared driveway approach. The applicant indicated that they would use a shared driveway.

4) That the off-street parking and loading requirements are met.

The off-street parking requirements will be provided for once a single-family residence is constructed on the subject property.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

The proposed conditional use will not cause odor, fumes, dust, noise, vibrations or lighting in any amounts that would constitute a nuisance.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

The proposed conditional use will have a no effect on the health, safety and general welfare of the public. Placing these building eligibilities in this location will allow for cluster development and prevent the conversion of crop land into residential use and locate the building eligibilities in closer proximity to similar uses.

Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and the comprehensive plan. Staff recommends **approval** of Conditional Use Permit #21-14 with the following conditions:

1. A right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit for a single-family dwelling.
2. Approval from Grand Meadow Township must be obtained for the location of the driveway before a building permit is to be issued.

Public Testimony

Scott Anderson, County Planning Director, presented a brief overview of the conditional use permit request to transfer three building eligibilities.

Commissioner Duffy called for public testimony but there was no answer.

No hands were raised in the Zoom Meeting Room.

Action

A motion was made by Commissioner Ralston to **approve** Conditional Use Permit #21-14. The motion was seconded by Commissioner Mohrhauser. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #21-14 – Approved



ITEM 5. CONDITIONAL USE PERMIT #21-15 to transfer one (1) building eligibility from the NW1/4 SE1/4 to the SE1/4 SE1/4; all in Section 20-T102N-R50W.

Petitioner: Richard D. & Nancy Van Heerde Living Trust

Property Owner: same

Location: Located Approximately 3 miles west of Sioux Falls

Staff Report: David Heinold

General Information:

Legal Description – SE ¼ (Ex. H-1 & Ex. Hunter’s Addn.), Section 20-T102N-R50W

Present Zoning – A-1 Agricultural District

Existing Land Use – Farmland

Parcel Size – 153.91 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to transfer one (1) building eligibility from the NW1/4 SE1/4 to the SE1/4 SE1/4 in Section 20, Benton Township. There are no concentrated animal feeding operations within one mile of the proposed transfer site.

The proposed building eligibility transfer would allow a house to be built in a more suitable location along 260th Street on higher land. The site is appropriate for the placement of a single family dwelling.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.

The addition of a single family dwelling should not negatively affect the use and enjoyment of other residential properties in the immediate vicinity. There should be no significant negative impact to property values in the immediate vicinity with the proposed single family dwelling.

2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

The surrounding area consists primarily of farmland. The future development of vacant land is entirely determinant upon the availability of building eligibilities and/or municipal annexation.

3) That utilities, access roads, drainage and/or other necessary facilities are provided.

The subject property lies adjacent to 260th Street, which the applicant will need to obtain approval from Benton Township for a new driveway access to the proposed house. All other necessary facilities will be provided as a result of constructing the single family dwelling.

4) That the off-street parking and loading requirements are met.

The proposed site has enough land area to accommodate the necessary amount of parking space for a single family dwelling. No parking is allowed in the Township road right-of-way.



5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

The residential use of the property should not result in offensive odor, fumes, dust, noise, vibration, and lighting issues. Any nuisances that may arise will be investigated upon receiving a complaint in the County Planning & Zoning Department.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

The addition of a single family dwelling should not negatively affect the health, safety, and general welfare of the public. The Envision 2035 Comprehensive Plan states that Density Zoning must be followed for preserving residential density in each section. Density Zoning will be upheld with the proposed transfer of building eligibility.

Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #21-15 with the following conditions:

1. A right-to-farm notice covenant shall be placed on the deed prior to the issuance of building permit for the single family dwelling.
2. That a driveway or culvert permit be obtained from Benton Township prior to the issuance of a building permit.

Public Testimony

David Heinold, County Planning Department, presented a brief overview of the conditional use permit request to transfer one building eligibility.

Commissioner Duffy called for public testimony but there was no answer.

No hands were raised in the Zoom Meeting Room.

Action

A motion was made by Commissioner Ode to **approve** Conditional Use Permit #21-15 with conditions. The motion was seconded by Commissioner Mohrhauser. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #21-15 – Approved



ITEM 6. CONDITIONAL USE PERMIT #21-16 to Expand Existing Rock Extraction Quarry on the property legally described as Lot 3 (Ex. H-1) SW1/4 NE1/4, W1534.04' (Ex. S1703.78') & N1875.55' E413.2' W1947.24' & N66' (Ex. W1947.24') SE1/4, W1534.04' S1703.78', SE1/4, Lots 1, 3, & 4 Royalwood Addition, SW1/4; all in Section 27-T101N-R48W.

Petitioner: L.G. Everist, Inc. (c/o Chris Klein)

Property Owner: L.G. Everist, Inc (c/o Rob Everist)

Location: 48175 Hwy 42 Located Approximately 3 miles east of Sioux Falls

Staff Report: David Heinold

General Information:

Legal Description – Lot 3 (Ex. H-1) SW1/4 NE1/4, W1534.04' (Ex. S1703.78') & N1875.55' E413.2' W1947.24' & N66' (Ex. W1947.24') SE1/4, W1534.04' S1703.78', SE1/4, Lots 1, 3, & 4 Royalwood Addition, SW1/4; all in Section 27-T101N-R48W

Present Zoning – A-1 Agricultural District

Existing Land Use – Rock Extraction

Parcel Size – 246.73 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner, LG Everist (LGE), is requesting conditional use permit approval to allow expansion of an existing rock extraction quarry also known as the East Sioux Quarry. The attached narrative states that the proposed additions to processing, extraction, and backfill operations will add approximately 147.28 acres to the existing 143-acre mining area. The proposed additional total rock extraction area will be approximately 32.7 acres. The proposed expansion will allow mining of quartzite rock under a portion of the property that is currently licensed by the State for sand and gravel extraction.

Upon review of prior conditional use permits for the subject property, the applicant has not requested nor been approved by Minnehaha County to allow mining of sand and gravel in the SW1/4 SW1/4 of Section 27, Split Rock Township. The original zoning ordinance regulations were adopted on November 20, 1973 and required a conditional use permit for rock, sand, and gravel extraction. Staff recommends adding a condition limiting mining of sand and gravel to the portion of the subject property in the NW1/4 SW1/4 of Section 27 where sand and gravel mining has historically taken place for the past thirty years.

Among the mining boundary expansion request, the application also proposes five additional revisions to the existing conditional use permit. The proposed revisions are listed below:

1. Revise operating hours from the current hours of 7:00 am to 7:00 pm Monday through Friday and 8:00 am to noon on Saturday to the proposed hours of 6:00 am to 7:00 pm Monday through Friday and 7:00 am to 1:00 pm on Saturdays.



2. Extend the maximum depth of excavation by 310 feet from the current elevation limit of 1,210 feet to an elevation limit of 900 feet.
3. Revise references to the Blast Control Plan.
4. Remove the restriction for a permanent concrete or asphalt mixing plant.
5. Modify “12.08 Additional Consideration” regarding the maximum bench height.

The attached narrative lists the explanations provided by the petitioner for each of the proposed five additional revisions.

The conditional use application shall be accompanied by the following:

- (1). Maps showing the area within which the extraction operations will be conducted, including areas to be disturbed, setbacks from property lines, and the location of all structures, equipment and access and haul roads.
The site plan, above, shows the access point on to South Dakota State Highway 42.
- (2). A description of the surface land use and vegetation, including all pertinent physical characteristics.
The proposed expansion area for rock extraction is currently farmland with a mixture of rock, sand, and gravel at or near the surface.
- (3). A hydrologic study which shall include all available information from the State Geological Survey and other information pertinent to the application. If the applicant believes a study is not warranted, documentation shall accompany the application in support of this position.
The narrative describes the only defined stream at the quarry is an ephemeral drainage crossing the northwest corner of the adjacent property to the northeast flowing from northeast to southeast towards the Big Sioux River with a combined drainage area of approximately 2.6 square miles. All stormwater discharges from the existing mined area are controlled in compliance with South Dakota Department of Environment and Natural Resources requirements and authorized under Surface Water Discharge Permit Number SD0028576.

To facilitate the mining expansion, the ephemeral drainage will be rerouted along the north and west property boundaries to its existing discharge location to the west through a culvert under County Highway 115, or 481st Avenue. All proposed surface water discharges from the mined area to the drainage system will be controlled as described in the previous paragraph. The applicant has provided an analysis of the floodplain, wetlands delineation, and groundwater conditions on the proposed site.
- (4). A reclamation plan which takes into consideration the criteria listed in Subsection G - reclamation.
The applicant provided a reclamation plan for the site as an impoundment with waterfront development. All berms will be removed and the recovered topsoil material will be used to cover disturbed areas. The edges of the existing quarry will be graded at



a 3:1 slope down to below the expected water level.

- (5). The applicant shall meet with the township supervisors of the affected township to discuss repair and maintenance responsibilities on township roads to be used as haul routes. A summary of the meeting(s) shall be presented with the application. *There are no township roads that will be affected by the proposed expansion of an existing rock extraction quarry. The primary haul routes will utilize the existing state highway system for transporting the rock materials.*

The zoning ordinance requires that rock, sand, and gravel extraction operations meet the following criteria when evaluating proposed extraction activities:

Buffer Area.

The nearest residence to the proposed rock extraction pit area is just over 1,000 feet.

Hours of Operation.

The petitioner is requesting to revise the hours of operation to be 6:00 am to 7:00 pm on Monday through Friday and 7:00 am to 1:00 pm on Saturdays. The remainder of the condition requiring no operation on holidays such as New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving, and Christmas. Activities such as office duties and maintenance activities which produce no adverse off-site impacts shall not be restricted by the hours of operation.

Visual Considerations.

The applicant has already completed construction of a berm around the south and west sides of the subject property. In addition, there will be landscaping completed similar to the existing berm around the current operation. The narrative describes that there will be landscaping along the north property boundary parallel to SD Highway 42 where the proposed ready-mix concrete and asphalt plant may be located.

Blasting.

In addition to the U.S. Bureau of Mines standards, LGE offered homeowners the option to have pre-blast inspections of their property to document existing conditions. A total of five home inspections have been completed to date with a sixth home inspection scheduled for the spring of 2021 when the homeowner returns to the property. Home inspections are completed upon request by the homeowner. LGE has installed three permanent seismographs and identified various locations for temporary seismographs to monitor each blast as listed in the narrative and illustrated on the attached map.

The petitioner also completed a regression analysis to predict the blast vibrations at each



receiving location for each blast, based on blast location, monitoring direction, and the amount of explosive per delay. The results of the analysis are included in the narrative.

Noise.

LGE conducted a noise survey of the existing quarry operation at the Southwest Field entrance and near Red Rock Bar & Grill. Both locations resulted recorded sound levels below the current Conditional Use Permit MC97-83 conditions for noise from on-site operations excluding blasting. The results are included in Section 5.0 of the narrative.

Air Quality.

LGE has air quality permits from the SD DENR and maintains compliance with each of the permits. The narrative describes mitigation plans for controlling fugitive dust from operations, transfer points using conveyors, point source emissions from crushing equipment, blasting, and access road from the scale to SD Highway 42.

Hydrology, Dewatering and Drainage.

The applicant provided a detailed study of the groundwater monitoring report including three on-site monitoring wells, one on-site domestic well, and three nearby South Dakota Geological Society wells. The narrative states that current water inflow into the East Sioux Quarry is minimal based on experience and visual observations. The East Sioux Quarry aquifer study, combined with review of the existing groundwater users and the ongoing groundwater monitoring program, concludes that groundwater impacts from expanding the quartzite quarry laterally and extending its depth will be negligible. As part of the conditional use permit, LGE will continue to monitor groundwater levels and dewatering rates from operation of the rock extraction quarry.

Haul Roads.

The existing entrance off of South Dakota State Highway 42 will be maintained for the proposed activity and no other entrances will be used for truck traffic, including asphalt or ready-mix trucks. The access road from SD Highway 42 to the truck loading areas will be upgraded and regular cleaning of the roads will occur after the scales. The access road from the scales will be hard surface.

Operator Surety.

The operator shall file with the Planning Department a surety bond in favor of Minnehaha County in the face amount of \$20,000 to ensure compliance with all terms of the conditional use permit. Such surety bond shall ensure that the operator shall indemnify the County and hold it harmless from any and all liability, claims, damages and expenses which may arise as a result of the failure of the operator to abide by all terms of the



conditional use permit, including but not limited to expenses, costs, and reasonable legal fees incurred as a result of any claim from an adversely impacted party. Such bond shall be held by Minnehaha County in trust for itself and the citizens of the County; and shall not be released until all reclamation activities have been completed and approved by the County Planning Department.

Reclamation.

The narrative states that primary reclamation of the site is an impoundment with waterfront development. Based on the existing groundwater measurements and the elevation of the Big Sioux River, the expected water level is approximately 1,295 feet.

Additional Considerations.

LGE is requesting additional consideration for the maximum height of a bench in a quarry to be increased from 30 feet to 75 feet. The narrative describes that the East Sioux Quarry has been using varying bench heights depending on the geology of the deposit. The proposed mining will continue to use bench heights varying from 20 feet to 75 feet depending on which geologic horizon is being mined.

Staff received no comments or objections to the proposed haul route for the rock extraction quarry from the South Dakota Department of Transportation.

On February 8, 2021, staff visited the site of the existing and proposed rock extraction area. Staff discussed the conditional use permit request with the applicant and toured the subject property. The applicant has made all of the conditional use permit application materials that were submitted available on the L.G. Everist, Inc. website and mentioned to staff that there is a public meeting planned for February 11 at 6:00 pm to allow individuals to learn about the proposed project as well as express any concerns.

The applicant is requesting a 108 square foot and 12 foot tall freestanding sign at the entrance to the rock extraction quarry. The 1990 Revised Zoning Ordinance for Minnehaha County, Section 16.04 (I) Special Use Signs allows a total sign area of 32 square feet and a 10 foot height limit for uses which are governed by a conditional use permit on land zoned A-1 Agricultural District.

Staff can only support allowing a total sign area of 32 square feet and a 10-foot height limit for the subject property in accordance with the 1990 Revised Zoning Ordinance for Minnehaha County and the Red Rock Corridor Overlay District. The subject property is located in the Red Rock Corridor Overlay District, which is guided by a set of design and development standards intended to ensure compatibility with existing and future land uses. The result of the planning staff recommendation to limit the total sign area maintains consistency in protecting the public health, safety, and welfare of the general public. The allowance of a 108 square foot sign would set a precedent for similar properties that are zoned A-1 Agricultural District.



Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.

The proposed land use is compatible with the existing rock, sand, and gravel pits, rubble pit, and commercial businesses in the immediate vicinity. The nearest residential single family dwellings to the southwest are just over 1,000 feet away from the proposed rock extraction pit area. The proposed use will add a comparable effect to what occurs at the existing rock extraction pit. The residential homes and the proposed rock extraction pit are separated by South Dakota State Highway 42, County Highway 115, and 267th Avenue. There are three distinct residential subdivisions to the southwest, northwest, and northeast. The applicant proposes an 1,800 foot setback from the nearest house in Iverson Crossing subdivision to the northwest due to soil conditions. The proposed change in hours of operation should allow better traffic management on South Dakota State Highway 42 during the morning commute midweek.

2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

The predominant land use in the area is rock, sand, and gravel mining with a mixture of commercial businesses and residential subdivisions a quarter mile away from the subject property. The remainder of land is used for farmland or pasture. The surrounding area is located in the Red Rock Corridor Overlay District that has an established Red Rock Corridor Plan to guide future development of land within a half mile to the north and south of South Dakota State Highway 42 from Sioux Falls city limits to the Iowa state line. The Future Land Use Map for the Red Rock Corridor Plan shows the subject property as natural resource extraction. The land to the north is designated in the Red Rock Corridor Plan for a mix of agriculture, commercial, and residential uses. There should be no negative effect upon the normal and orderly development and improvement of surrounding vacant property.

3) That utilities, access roads, drainage and/or other necessary facilities are provided.

The applicant describes the haul road access will be from the existing driveway off of South Dakota State Highway 42. All other utilities needed for the operation have been provided.

4) That the off-street parking and loading requirements are met.

The applicant meets all off-street parking and loading requirements. The required number of parking spaces is one (1) off-street parking place for each employee and two (2) customer off-street parking spaces.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

The applicant should take the necessary precautions to prevent any sound disruptions, physical disturbances, and air quality issues during operation of the rock extraction site to adjacent property owners as required by the zoning ordinance. The visual screening plan shows a berm and landscaping around the entire perimeter of the subject property. The request for construction of a ready-mix concrete and asphalt plant on site will cause issues related to odor and fumes from operations. Staff suggests adding a condition requiring Planning Commission review of the



ready-mix concrete and asphalt plant operations after a two-year period or if any complaints are received by the Planning Department. The result of this condition will allow the Planning Commission to review the request if any complaints arise during operation of the permanent ready-mix concrete and asphalt plant.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

Goal 5 of the Environmental Stewardship chapter of the Envision 2035 Comprehensive Plan states, *“Recognize that sand and gravel deposits within the County are an un-renewable natural resource and beneficial to the economy of the County and welfare of its people.”* The Envision 2035 Comprehensive Plan has an action statement that suggests that conflicts with existing neighborhoods should be minimized.

The siting of the proposed rock extraction area aims to minimize the impact on surrounding land uses with appropriate setbacks from the subject property boundaries in accordance with the zoning ordinance regulations.

Recommendation:

Staff finds that the proposed conditional use permit amendment for rock, sand, and gravel extraction is compatible with surrounding land uses as well as the goals and policies of the Envision 2035 Comprehensive Plan. The proposed changes to the existing set of conditions for the subject property are underlined. Staff recommends **approval** of Conditional Use Permit #21-16 with the following conditions:

- 1) The conditional use permit shall be reviewed in accordance with the requirements of Article 12.08 (F) of the zoning regulations.
- 2) An annual fee shall be paid in accordance with Article 12.08 (D) of the zoning regulations.
- 3) All operations with the exception of blasting shall be restricted to the hours of 6:00 am to 7:00 pm on Monday through Friday and 7:00 am to 1:00 pm on Saturday. Operations shall not be conducted on the following legal holidays: New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving, and Christmas. Activities such as office duties and maintenance activities which produce no adverse off-site impacts shall not be restricted by the hours of operation.
- 4) The maximum depth of excavation shall be to the 900-foot elevation measured from mean sea level, provided there is no adverse impact on groundwater elevations recorded by monitoring wells required in condition #5.
- 5) The seven monitoring wells shown on Drawing #5, Groundwater Monitoring Map, shall be used to routinely monitor groundwater conditions. Any monitoring well destroyed by extraction operations shall be replaced. Groundwater levels shall be measured in each well on a quarterly basis by an independent party. An annual report on monitoring activities shall be submitted to the Planning Department.
- 6) The blast control plan prepared by LG Everist, Inc. dated January 27, 2021 shall govern blasting activities. All blast records shall be available for inspection by the Planning Department upon request.



- 7) Ground vibration and over pressure shall be recorded for each blast by three seismographs. The site of the blast, distance to residential properties and atmospheric conditions shall determine the appropriate locations for the seismographs.
- 8) Ground vibration shall not exceed the guidelines established by the U.S. Bureau of Mines as shown in Attachment A of the Blast Control Plan.
- 9) The air blast shall not exceed 133 dB (linear peak) when measured by an instrument with a frequency response above 2 Hz.
- 10) All blasting shall be restricted to Monday through Friday, except legal holidays listed in condition #3. No blast shall occur before 9:00 am or after 3 :00 pm, except in an emergency situation. Upon request, residents within 1500 feet of the conditional use area shall be notified of the approximate time of each blast.
- 11) The berms and shelterbelt areas shall be completed prior to operation of ready mix plant, asphalt plant, and rock extraction. All trees shall be maintained in a live state.
- 12) A contract shall be executed with the Minnehaha County Conservation District to plant and maintain the shelterbelt for a minimum of five years.
- 13) Air quality shall be as follows:
 - a) No visible dust shall be emitted beyond the boundaries of the conditional use area resulting from production operations. stockpiles and haul roads.
 - b) The ambient air quality standards for total suspended particulate matter shall be 150 micrograms per cubic meter of air as a 24-hour average not to be exceeded more than once per year, and 60 micrograms per cubic meter of air as an annual arithmetic mean. The standards for PM 10 (10 micrometers or less in size) shall be consistent with the regulations of the State of South Dakota.
 - c) The Planning Department shall have the authority to require air quality monitoring to ensure compliance. Monitoring shall be conducted at the operator's expense.
- 14) The haul road from the quarry to Highway 42 shall be maintained as a hard surface.
- 15) The sound level from on-site operations, excluding blasting, shall not exceed the following limits:
 - L10 (level exceeded for 6 minutes of an hour) - 65dBA
 - L50 (level exceeded for 30 minutes of an hour) - 60dBASound measurements shall be made at a point of human activity which is nearest to the noise source and conducted at the operator's expense. Off-site activities which contribute to background sound levels shall be disregarded when measuring sound.
- 16) All trucks shall use the haul road which connects directly to State Highway 42.
- 17) Fuel storage containment shall be in conformance with State and Federal requirements.
- 18) All stockpiles of material shall be located within the conditional use area.
- 19) Inoperable and discarded equipment and parts shall be screened from public view.
- 20) That the ready-mix concrete and asphalt mixing plant shall be reviewed by the April 24, 2023 Planning Commission meeting.
- 21) Topsoil shall remain on site and be used in final reclamation.



22) Reclamation shall be in accordance with the plan filed with the State. The operator shall consult with the County Planning Department to ensure that final reclamation will result in the most appropriate future use of the area.

23) The operator shall file with the Planning Department a surety bond in favor of Minnehaha County in the face amount of \$20,000 to ensure compliance with all terms of the conditional use permit. Such surety bond shall ensure that the operator shall indemnify the County and hold it harmless from any and all liability, claims, damages and expenses which may arise as a result of the failure of the operator to abide by all terms of the conditional use permit, including but not limited to expenses, costs, and reasonable legal fees incurred as a result of any claim from an adversely impacted party. Such bond shall be held by Minnehaha County in trust for itself and the citizens of the County; and shall not be released until all reclamation activities have been completed and approved by the County Planning Department.

24) That the applicant shall maintain a minimum distance of 1,000 feet measured from the nearest residential single family dwellings to the edge of the rock extraction pit.

25) The conditional use permit approved by resolution MC97-83 dated August 28, 1997 shall be superseded by the above conditions.

26) That the total sign area shall be 32 square feet and a maximum of 10 feet tall. A sign permit must be obtained from the County Planning Department prior to installation.

27) That no sand and gravel mining shall occur in the SW1/4 SW1/4, Lot 4, Royalwood Addition, Section 27-T101N-R48W, Split Rock Township.

Public Testimony

David Heinold, County Planning Department, presented a brief overview of the conditional use permit request to expand the existing rock extraction area and proposed changes to conditions.

Rick Everist, 350 South Main Avenue, Sioux Falls, identified himself as a representative for LG Everist. Mr. Everist presented a powerpoint presentation in response to an open house held on February 11, 2021 for neighbors. The powerpoint presentation is available for viewing in the meeting video posted on the Minnehaha County Planning Department website.

LG Everist agreed with and accepted all staff recommendations, except condition #27. LG Everist proposed to delete condition #27, That no sand and gravel mining shall occur in the SW1/4 SW1/4, Lot 4, Royalwood Addition, Section 27-T101N-R48W, Split Rock Township. Additionally, LGE would like to revise condition #24, That the applicant shall maintain a minimum distance of 1,000 feet measured from the nearest residential single family dwellings to the edge of both the sand & gravel and rock extraction area.

Doug Hoy, 3604 South Harmony Drive, identified himself as one of the consultant representatives for the project from Sayre Associates to review the blasting procedures. Mr. Hoy explained that they have been working with LG Everist and RESPEC to examine the blasting process to keep vibration impacts to a minimum in accordance with U.S. Surface Mining standards.



Commissioner Ode questioned if there will be a permanent seismograph located at the Rocco's by Riviera event building.

Doug Hoy explained that they have been in contact with the property owner and plan to place a permanent seismograph at that point to collect data from the closest building from the ultimate rock extraction pit area. Mr. Hoy continued to explain the blast monitoring data from 2019 and 2020 that shows compliance with the U.S. Bureau of Mines Standard. He presented a map diagram for projected explosives pounds per delay for minimizing blast vibrations to the surrounding property owners.

Commissioner Barth mentioned that he received a complaint from a surrounding property owner about a sudden increase in blast vibration.

Mr. Hoy explained that there was a signature hole analysis done to determine the wave and frequency of the blast to the seismograph sites.

Commissioner Barth questioned if this kind of testing would be done with the proposed operations.

Mr. Hoy responded that the type of testing performed in the past will not be conducted with the proposed expansion. He continued to explain that the test was an isolated incident and that any future testing would be done differently so the same impacts would not be felt again.

Rick Everist explained their blasting procedures for the proposed rock extraction area. Mr. Everist continued to mention that they would like to change the conditions to not allow any sand and gravel mining within 1,000 feet of residences. He showed the map that outlines the various bench heights over the progression of the proposed rock extraction area.

Commissioner Ode asked how far before there is granite in the proposed rock extraction area.

Mr. Everist explained that there is rock 25 to 30 feet below the surface in the proposed mining area.

Brent Driscoll, 48068 Iverson Crossing Road, mentioned that he also owns a business located at 26655 481st Avenue in close proximity to the proposed rock extraction area. Mr. Driscoll stated concerns regarding blasting procedures and review of the current conditional use permit for rock extraction that has impacted property owners in the surrounding area. He continued to explain that since LG Everist took over quarry operations all of the instances where blasting occurred on the west wall have shaken the walls at his business. He also believes that a few of the blasts created vibrations that caused damage to his business in an unacceptable way. Mr. Driscoll would like LG Everist to utilize methods for rock extraction that do not cause any impacts at all to surrounding property owners.

Vince Welch, 26695 481st Avenue, mentioned concerns regarding blasting, noise, and property value impacts. Mr. Welch explained that LG Everist and Doug Hoy have been great to work



with but it doesn't take away from the concerns the surrounding property owners have about the proposed expansion of the rock extraction area.

Tim Nicolai, 48110 Skyview Circle, indicated that he has lived in this area for the past thirty years and explained that the hours of operation have always been a concern with the previous owners of the rock extraction site. Mr. Nicolai requested that LG Everist allow surrounding property owners quiet time at least until 7:00 am and after 7:00 pm for the noisy parts of the operations. He continued to mention that keeping traffic to a bare minimum is also a concern. Mr. Nicolai presented concerns regarding the impact on wells to the south of the extraction area and the added depth for the rock quarry. He would like LG Everist to be held to their promises for meeting the needs of the surrounding property owners with the rock extraction operations.

Jeff Kriebel, 48097 Red Rock Drive, mentioned that he has concerns regarding blasting leading to houses shaking and the damage over the next 20-30 years during operations. Mr. Kriebel explained concerns regarding property value impacts to surrounding properties and the effects on future development of the area. He continued to mention that the berms around the subject property were installed very quickly that presented concerns for surrounding property owners. Mr. Kriebel explained that he would like to keep condition #27 to minimize impacts to the area. He stated concerns regarding drainage from the proposed asphalt and concrete plant on wells.

Commissioner Ode asked Mr. Kriebel if he has noticed any damage to his home.

Mr. Kriebel explained that he has noticed a few cracks but it is difficult to tell if it is connected to the blasting at the quarry. He continued to mention that it seems like the house settles with shaking. He reiterated the concern that blasting impacts may be causing cracks at a faster rate than normal conditions.

Sharif Welch, 26695 481st Avenue, mentioned concerns regarding decreasing property values with the rock extraction site expanding closer to their residence. Mrs. Welch explained that she has found in her research that homes in close proximity to rock extraction pits may decrease up to thirty percent in property values.

Commissioner Duffy called for additional public testimony but there was no answer.

No hands were raised in the Zoom Meeting Room.

Commissioner Duffy closed the floor to public testimony.

Discussion

Commissioner Barth questioned if the applicant would like to answer any of the questions or concerns presented at the meeting.

Commissioner Duffy called for the applicant to answer the questions or concerns from the surrounding property owners.



Rick Everist mentioned that they understand the concerns of neighbors regarding blasting impacts but stated that the procedures fall within the surface mining standards. Mr. Everist explained that the rock quarry has been active since the early 1980s and many of the homes have been constructed in the area. He continued to mention that property values in the area seem to be healthy overall but it is difficult to whether any changes would occur as a result of the proposed expansion to the existing rock extraction pit.

Mr. Everist explained that the change in hours of operation would specifically only allow LG Everist to dispatch trucks before the morning traffic rush.

Commissioner Barth questioned if there was any blasting in the morning.

Mr. Everist responded that the conditional use permit requires blasting only occur from 9:00 am to 3:00 pm but they always aim to conduct blast around the noon hour that has been successful with the change in contractors. He continued to mention that information related to rock extraction site changes, blasting, and operations would be posted to the East Sioux Quarry website. He reiterated that they will continue to improve efforts in communicating with neighbors and welcome any questions they may have at that time.

Mr. Everist explained that any leftover material from the asphalt and concrete plant would be cleaned up and recycled to another one of their off-site facilities resulting in no drainage issues with the operation of the plant.

Commissioner Ode questioned if the applicant has been in contact with the SDDOT when they plan to make SD Hwy. 42 a four-lane highway on how it will affect the haul route.

Mr. Everist mentioned that there shouldn't be any impacts to the haul route except that there may be a median where the trucks will have to go around to get to the site. He added that they plan to add some beautification and safety features to the driveway.

Doug Hoy, 3604 S. Harmony Dr., explained that it is impossible to not feel any impacts from a blasting shot. He continued to mention that humans will feel some vibration as a result of the blast as opposed to buildings. Mr. Hoy explained that there are many other environmental factors that can cause cracks in walls and sheetrock screws to pull out other than blasting. He concurred that the blasts that have occurred can be felt by surrounding property owners. He indicated that they understand the concerns presented in regards to impacts on wells in the area and explained the process for resolving these types of issues.

Mr. Hoy reiterated that they are willing to work with landowners if they contact us as issues arise to minimize the impact of the proposed rock extraction area.

Commissioner Ode asked if anyone has contacted them from a Kim Circle address.

Mr. Hoy mentioned that he is not aware of any contacts from that area.



Commissioner Barth questioned if there was something that should be done about the hours of operation concerns.

Commissioner Ode asked if there was a possibility to have seasonal hours of operation.

Rick Everist concurred with having seasonal hours of operation. He continued to explain that the 6:00 am to 7:00 am hour would only consist of load-out of materials. He added that there would be no blasting, crushing, or any other operations of that nature.

Commissioner Mohrhauser concurred that it would be good to get the trucks out on the road before traffic starts to pick up.

Commissioner Ode mentioned that SD Hwy. 42 gets to be pretty busy from around 5:00 am until 8:00 am. There was additional discussion about changing the hours of operation.

Commissioner Ode made a motion to amend condition #3 to read, All operations with the exception of blasting shall be restricted to the hours of operation from 6:00 am to 7:00 pm, April 1 to September 30 on Monday thru Friday; 7:00 am to 7:00 pm, October 1 to March 31 on Monday thru Friday; and 7:00 am to 1:00 pm on Saturday. Operations shall not be conducted on the following legal holidays: New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving, and Christmas. Activities such as office duties and maintenance activities which produce no adverse off-site impacts shall not be restricted by the hours of operation. The motion was seconded by Commissioner Mike Ralston and moved forward with a motion to **approve** Conditional Use Permit #21-16.

Scott Anderson, County Planning Director, mentioned that the Planning Commission should decide what they would like to do with condition #27.

Commissioner Barth added that condition #27 should stay as it is and the Planning Commission could revisit it in a couple years with the concerns of the neighbors.

Chris Klein, 1608 South Sunnyview Drive, identified himself as a representative for LG Everist explained that they plan remove the sand and gravel from the surface to get to the quartzite. He showed the diagram of 1,000-foot setback line from the nearest residences in relation to the proposed rock extraction area. Mr. Klein stated that they are requesting to remove condition #27 and amend condition #24 to allow rock, sand, and gravel mining in the area beyond the 1,000-foot setback line from the nearest residence. He continued to mention that it would be better to utilize the sand and gravel into a finished product rather than backfill it in another area.

Commissioner Ralston stated that by removing condition #27 would mean that it would be necessary to remove the overburden of sand and gravel in accordance with condition #24.

Commissioner Barth questioned if the Planning Commission will acquiesce to LG Everist request on condition #24 and #27.



Commissioner Ralston stated yes and explained that approving the conditional use permit with condition #24 would necessitate the applicant removing the sand and gravel overburden as well.

There was discussion amongst the Planning Commission and Eric Bogue about the need for a substitute motion to remove condition #27.

Commissioner Ralston made a substitute motion to amend condition #3 to read, All operations with the exception of blasting shall be restricted to the hours of operation from 6:00 am to 7:00 pm, April 1 to September 30 on Monday thru Friday; 7:00 am to 7:00 pm, October 1 to March 31 on Monday thru Friday; and 7:00 am to 1:00 pm on Saturday. Operations shall not be conducted on the following legal holidays: New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving, and Christmas. Activities such as office duties and maintenance activities which produce no adverse off-site impacts shall not be restricted by the hours of operation. The motion also included removing condition #27. The motion was seconded by Commissioner Barth.

Action

Commissioner Ralston made a substitute motion to **amend** condition #3 to read, All operations with the exception of blasting shall be restricted to the hours of operation from 6:00 am to 7:00 pm, April 1 to September 30 on Monday thru Friday; 7:00 am to 7:00 pm, October 1 to March 31 on Monday thru Friday; and 7:00 am to 1:00 pm on Saturday. Operations shall not be conducted on the following legal holidays: New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving, and Christmas. Activities such as office duties and maintenance activities which produce no adverse off-site impacts shall not be restricted by the hours of operation. The motion also included removing condition #27. The motion was seconded by Commissioner Barth. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Commissioner Ode made a motion to **amend** condition #3 to read, All operations with the exception of blasting shall be restricted to the hours of operation from 6:00 am to 7:00 pm, April 1 to September 30 on Monday thru Friday; 7:00 am to 7:00 pm, October 1 to March 31 on Monday thru Friday; and 7:00 am to 1:00 pm on Saturday. Operations shall not be conducted on the following legal holidays: New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving, and Christmas. Activities such as office duties and maintenance activities which produce no adverse off-site impacts shall not be restricted by the hours of operation. The motion was seconded by Commissioner Mike Ralston and moved forward with a motion to **approve** Conditional Use Permit #21-16. A roll call vote was taken, and the motion passed unanimously with 7 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #21-16 – Approved with the following conditions

- 1) The conditional use permit shall be reviewed in accordance with the requirements of Article 12.08 (F) of the zoning regulations.
- 2) An annual fee shall be paid in accordance with Article 12.08 (D) of the zoning regulations.



- 3) All operations with the exception of blasting shall be restricted to the hours of operation from 6:00 am to 7:00 pm, April 1 to September 30 on Monday thru Friday; 7:00 am to 7:00 pm, October 1 to March 31 on Monday thru Friday; and 7:00 am to 1:00 pm on Saturday. Operations shall not be conducted on the following legal holidays: New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving, and Christmas. Activities such as office duties and maintenance activities which produce no adverse off-site impacts shall not be restricted by the hours of operation.
- 4) The maximum depth of excavation shall be to the 900-foot elevation measured from mean sea level, provided there is no adverse impact on groundwater elevations recorded by monitoring wells required in condition #5.
- 5) The seven monitoring wells shown on Drawing #5, Groundwater Monitoring Map, shall be used to routinely monitor groundwater conditions. Any monitoring well destroyed by extraction operations shall be replaced. Groundwater levels shall be measured in each well on a quarterly basis by an independent party. An annual report on monitoring activities shall be submitted to the Planning Department.
- 6) The blast control plan prepared by LG Everist, Inc. dated January 27, 2021 shall govern blasting activities. All blast records shall be available for inspection by the Planning Department upon request.
- 7) Ground vibration and over pressure shall be recorded for each blast by three seismographs. The site of the blast, distance to residential properties and atmospheric conditions shall determine the appropriate locations for the seismographs.
- 8) Ground vibration shall not exceed the guidelines established by the U.S. Bureau of Mines as shown in Attachment A of the Blast Control Plan.
- 9) The air blast shall not exceed 133 dB (linear peak) when measured by an instrument with a frequency response above 2 Hz.
- 10) All blasting shall be restricted to Monday through Friday, except legal holidays listed in condition #3. No blast shall occur before 9:00 am or after 3 :00 pm, except in an emergency situation. Upon request, residents within 1500 feet of the conditional use area shall be notified of the approximate time of each blast.
- 11) The berms and shelterbelt areas shall be completed prior to operation of ready mix plant, asphalt plant, and rock extraction. All trees shall be maintained in a live state.
- 12) A contract shall be executed with the Minnehaha County Conservation District to plant and maintain the shelterbelt for a minimum of five years.
- 13) Air quality shall be as follows:
 - a) No visible dust shall be emitted beyond the boundaries of the conditional use area resulting from production operations. stockpiles and haul roads.
 - b) The ambient air quality standards for total suspended particulate matter shall be 150 micrograms per cubic meter of air as a 24-hour average not to be exceeded more than once per year, and 60 micrograms per cubic meter of air as an annual arithmetic mean. The standards for PM 10 (10 micrometers or less in size) shall be consistent with the regulations of the State of South Dakota.



- c) The Planning Department shall have the authority to require air quality monitoring to ensure compliance. Monitoring shall be conducted at the operator's expense.
- 14) The haul road from the quarry to Highway 42 shall be maintained as a hard surface.
- 15) The sound level from on-site operations, excluding blasting, shall not exceed the following limits:
L10 (level exceeded for 6 minutes of an hour) - 65dBA
L50 (level exceeded for 30 minutes of an hour) - 60dBA
- Sound measurements shall be made at a point of human activity which is nearest to the noise source and conducted at the operator's expense. Off-site activities which contribute to background sound levels shall be disregarded when measuring sound.
- 16) All trucks shall use the haul road which connects directly to State Highway 42.
- 17) Fuel storage containment shall be in conformance with State and Federal requirements.
- 18) All stockpiles of material shall be located within the conditional use area.
- 19) Inoperable and discarded equipment and parts shall be screened from public view.
- 20) That the ready-mix concrete and asphalt mixing plant shall be reviewed by the April 24, 2023 Planning Commission meeting.
- 21) Topsoil shall remain on site and be used in final reclamation.
- 22) Reclamation shall be in accordance with the plan filed with the State. The operator shall consult with the County Planning Department to ensure that final reclamation will result in the most appropriate future use of the area.
- 23) The operator shall file with the Planning Department a surety bond in favor of Minnehaha County in the face amount of \$20,000 to ensure compliance with all terms of the conditional use permit. Such surety bond shall ensure that the operator shall indemnify the County and hold it harmless from any and all liability, claims, damages and expenses which may arise as a result of the failure of the operator to abide by all terms of the conditional use permit, including but not limited to expenses, costs, and reasonable legal fees incurred as a result of any claim from an adversely impacted party. Such bond shall be held by Minnehaha County in trust for itself and the citizens of the County; and shall not be released until all reclamation activities have been completed and approved by the County Planning Department.
- 24) That the applicant shall maintain a minimum distance of 1,000 feet measured from the nearest residential single family dwellings to the edge of the sand & gravel and rock extraction pit.
- 25) The conditional use permit approved by resolution MC97-83 dated August 28, 1997 shall be superseded by the above conditions.
- 26) That the total sign area shall be 32 square feet and a maximum of 10 feet tall. A sign permit must be obtained from the County Planning Department prior to installation.



**MINNEHAHA COUNTY
PLANNING COMMISSION
MEETING MINUTES**

February 22, 2021

Old Business

Scott Anderson, County Planning Director, mentioned the Planning Commission will receive a presentation from Jay Gilbertson with the East Dakota Water Development District at the June meeting.

New Business

Eric Bogue, States Attorney's Office, introduced himself and mentioned that both he and Drew will be trading off duties for attending Planning Commission meetings.

Adjourn

A motion was made to **adjourn** by Commissioner Ode and seconded by Commissioner VanDerVliet. A roll call vote was taken and the motion was approved unanimously. The meeting was **adjourned** at 10:15 p.m.