



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
April 27, 2020**

A meeting of the Planning Commission was held on April 27, 2020 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, called for roll call of County Planning Commission members present to determine quorum.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Bonnie Duffy, Becky Randall, Adam Mohrhauser, Doug Ode, Mike Ralston, and Jeff Barth.

STAFF PRESENT:

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning
Donna Kelly – States Attorney

Bonnie Duffy chaired the meeting and called the Minnehaha County Planning Commission meeting to order at 7:37 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 – February 24, 2020

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

A motion was made by Commissioner Barth and seconded by Commissioner Ralston to approve the meeting minutes from February 24, 2020. A roll call vote was taken, and the motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.



ITEM 2. CONDITIONAL USE PERMIT #20-11 to allow a Private Campground on the property legally described as Lots 1 & 2, Tract B, Graff's Addition, NW1/4, Section 30-T102N-R47W.

Petitioner: Joe & Esther Barber

Property Owner: same

Location: 26026 484th Ave. Located Approximately 1.5 miles northeast of Brandon

Staff Report: David Heinold

General Information:

Legal Description – Lots 1 & 2, Tract B, Graff's Addition, NW1/4, Section 30-T102N-R47W.

Present Zoning – A-1 Agricultural District

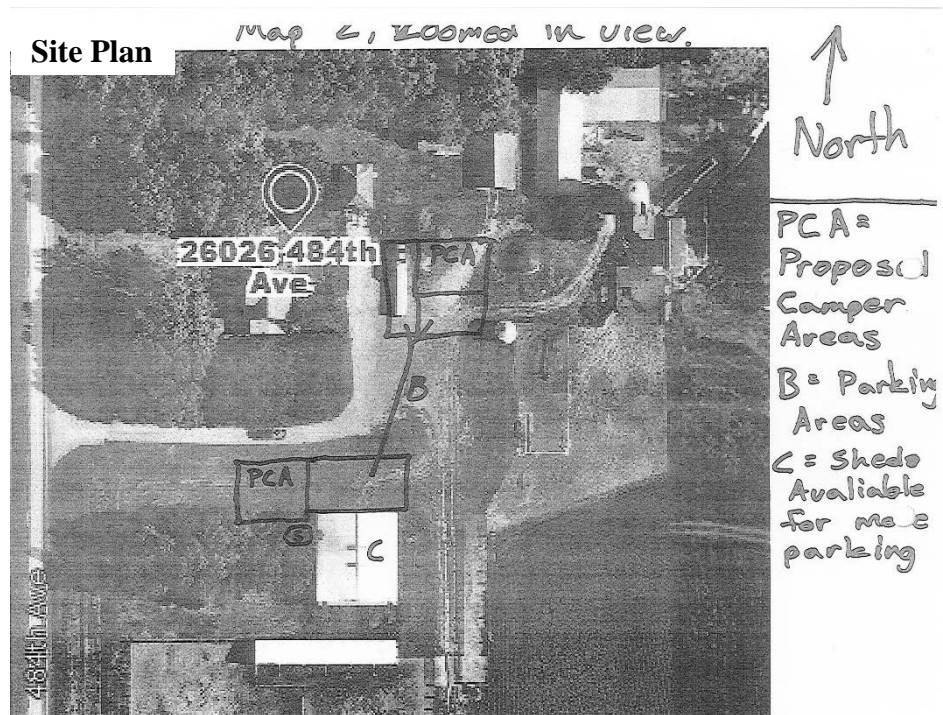
Existing Land Use – Residential/Agriculture

Parcel Size – 33.51 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting approval to allow a private campground for temporary living quarters. On February 25, 2019, the County Planning Commission approved a conditional use permit request to allow five private camping units until November 30, 2019. During that period, staff did not receive any complaints regarding the use of the subject property for a private campground with camping units. The petitioner submitted the same request due to an extension on the highway construction project.



On March 11, 2020, staff visited the property and determined that the proposed use is appropriate for the surrounding area.



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.

There should be no negative effect on the use and enjoyment of the farm land in the immediate vicinity. The property values in the immediate vicinity should not be negatively impacted given that the proposed use is only intended to be a temporary use.

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

The immediate area is primarily agriculture. The use of the property for temporary camping spots for eight months is unlikely to cause direct impacts as farmland is the predominant land use in the immediate vicinity. A condition may be added to the conditional use permit with an agreed upon end date on the temporary use.

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

Access is already provided via the main driveway off of County Highway 109. No other access is needed for the proposed use. The applicant included in the narrative that there is enough capacity in the existing septic system to accommodate the camper, fish houses for the requested timeframe. At a minimum, a fire extinguisher and first aid kit should be provided on the site for use by any of the guests in case of emergencies.

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

There is ample space for the temporary parking of the proposed vehicles associated with the camping areas. The accessory building may also be used for additional storage of vehicles.

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 use of lighting should be designed to minimize potential impact to neighboring properties or right-of-ways. As the application specifically requests the use for only a temporary period, the petitioner does not propose any signage for the use. Any barbeque pits or fire pit areas should be located and constructed to control fire and prevent fire hazard.

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

The subject property is located in the growth area for the City of Brandon as identified in the Envision 2035 Comprehensive Plan. The Brandon 2035 Comprehensive Plan shows the area of the proposed use as industrial on the future land use map; however, the future growth is dependent upon landowner willingness for municipal annexation and/or development.

Recommendation:

Staff finds that the proposed use, due to the location and temporary nature of campground, can be made compatible with surrounding land uses through the application of limiting conditions. Staff recommends **approval** of Conditional Use Permit #20-11 with the following conditions:



1. The use shall be limited to five private camping units as designated by the site plan dated 2-28-2020.
2. No commercial food service shall be allowed on the site.
3. All onsite wastewater systems shall be constructed and operate in conformance with the Minnehaha County On-Site Wastewater Treatment Ordinance. No dumping of any wastewater shall be allowed at the site unless disposed into a properly sized and maintained wastewater system.
4. All outdoor lighting shall be of a full cutoff or fully-shielded design preventing direct spillage of light off the premises from any light source (bulb or reflector).
5. The temporary private campground shall cease operation and all camping units must be removed from the property by November 30, 2020.
6. A first aid kit and fire extinguisher shall be available at all times that the site is in use.
7. All barbeque locations or fire pits shall be constructed and site to minimize the danger of fire.
8. The County Planning Department reserves the right to enter and inspect the property at any time, provided prior notice is given to the property owner to ensure that the site is proper compliance with the 1990 Revised Zoning Ordinance for Minnehaha County.

Action

Chair Duffy called for public testimony among participants in the meeting room and the Zoom Personal Meeting Room. Nobody moved to speak or raised their hands on this agenda item.

A motion was made to **approve** Conditional Use Permit #20-11 with staff recommended conditions by Commissioner Barth and seconded by Commissioner Mohrhauser. A roll call vote was taken, and the motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #20-11 – Approved



ITEM 3. CONDITIONAL USE PERMIT #20-12 to exceed 3,600 square feet of total accessory building area – requesting 12,450 sq. ft. on the property legally described as Tract 2 Mielke’s Addition, all in Section 23-T101N-R51W.

Petitioner: Glen Shade

Property Owner: same

Location: 26564 464th Ave. Located approximately 4.5 miles west of Sioux Falls

Staff Report: David Heinold

General Information:

Legal Description – Tract 2 Mielke’s Addition, NW1/4 SW1/4; all in Section 23-T101N-R51W

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 10 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to construct a 60’x144’ riding arena for personal use. The proposed building size would bring the total accessory building area to 12,450 square feet. The existing total accessory building area on the subject property is 3,810 square feet. The petitioner also owns the adjacent 5.51 acre parcel as pasture area to the east.

There are no other properties within the immediate vicinity that have total accessory building sizes over 3,600 square feet. The property to the immediate south of the subject property has approximately 2,688 square feet on 9.71 acres. The remaining properties about a quarter mile to the south have about 1,000 square feet on similar sized lots.

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.

Many of the surrounding properties are used for agricultural purposes. There are about a half dozen residential homes within a half mile of the subject property. There should be no negative effect upon the use and enjoyment of properties in the immediate vicinity with the proposed use of the accessory building for personal horse-riding arena.

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

The addition of a 60’x144’ accessory building for indoor horse riding and personal storage may allow larger total accessory building sizes on similar parcels, but the nature of the immediate area lends itself to more open spaces to accommodate such buildings. There are no other properties greater than 3 acres that have over 3,600 square feet of total accessory building area in



the surrounding area. The development of remaining vacant property is entirely dependent on the availability of building eligibilities and/or landowner interest in selling development rights.

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

The petitioner already has all of necessary facilities provided as a result of the existing single-family home site and accessory buildings. The existing driveway will be extended to allow access to the proposed building site.

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

The petitioner has already provided the appropriate amount of parking on site for the proposed indoor riding arena addition. No parking will be 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.

No commercial storage or operation of a business-type use will be allowed at any time. Any public nuisance and/or zoning ordinance violations will be addressed by the County Planning Department receiving a complaint on the subject property. All outdoor lighting shall be directed downward onto the property. Lighting must be designed to be fully-shielded and fully-cutoff to prevent light pollution off site.

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

The health, safety, and general welfare of the public will not be negatively affected by the construction of the proposed indoor riding arena for personal use and storage. The intent of the Envision 2035 Comprehensive Plan to support orderly growth of non-agricultural land uses will be met. The proposed use of the accessory building is compatible with the existing agricultural use of land in the surrounding area.

Recommendation:

Staff finds that the proposed accessory building size conforms to the general sizes of other accessory buildings in the area. Staff recommends **approval** of Conditional Use Permit #20-12 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 12,450 square feet.
- 2.) That the accessory building shall not exceed 35 feet in height.
- 3.) That a building inspection is required to determine that the building does not exceed 8,640 square feet measured from the outside perimeter.
- 4.) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 5.) That only personal storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 6.) That all outdoor lighting shall be of a full-cutoff and fully -shielded design to prevent direct spillage of light beyond the property boundaries.
- 7.) That a building permit is required prior to construction of the accessory building.
- 8.) That the Planning & Zoning Department reserves the right to enter and inspect the accessory building at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and



the Minnehaha County Zoning Ordinance.

Action

Chair Duffy called for public testimony among participants in the meeting room and the Zoom Personal Meeting Room. Nobody moved to speak or raised their hands on this agenda item.

A motion was made to **approve** Conditional Use Permit #20-12 with staff recommended conditions by Commissioner Randall and seconded by Commissioner Mohrhauser. A roll call vote was taken, and the motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #20-12 – Approved



ITEM 4. CONDITIONAL USE PERMIT #20-13 to transfer two (2) building eligibilities from the SE1/4 (Except Hetlands Tracts) to Hetlands Tracts 1 including Lot 1 SE1/4; all in Section 4-T103N-R50W.

Petitioner: Lynn Boadwine

Property Owner: Boadwine Family Partnership

Location: 46878 251st St.

Located approximately 4.5 miles west of Baltic

Staff Report: Kevin Hoekman

General Information:

Legal Description – Hetlands Tracts 1 including Lot 1 SE1/4; all in Section 4-T103N-R50W

Present Zoning – A1 Agriculture

Existing Land Use – residential with pasture land

Parcel Size – 46.47 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The applicant has applied to transfer two building eligibilities from a large agricultural parcel to a smaller parcel which already has a dwelling located on it. The intent of this transfer is to create additional agricultural workforce housing for the neighboring dairy operation.

The receiving parcel has a dwelling with the address 46878 251st Street. There is no cropland on the receiving parcel, but there is pasture land that follows Willow Creek. The transfer will cluster building eligibilities in one area. Since the intent is for agricultural workforce housing, one or more of the structures for housing may contain multiple dwellings. Agricultural workforce housing has some requirements within section 3.03 (M) of the zoning ordinance.

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 area around the property is primarily agricultural cropland with several scattered farmsteads and acreages. There is a large dairy operation operated by the petitioner located about a ¼ mile east of the receiving parcel. Other agricultural workforce housing exists nearby to the east of the site too. The typical concern of residential uses locating near a large CAFO are not as valid since the building eligibilities are owned by the dairy operation and it will benefit from the additional workforce housing. The use may increase residential traffic on the township roads.

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

The agricultural uses about the parcel will likely remain into the future. In addition as long as the dairy is operating there will likely be a need for agricultural workforce housing. There are a few other residential building eligibilities in the area, but the additional residential development



will not negatively effect future residential development. There are no towns or cities nearby to grow closer to the parcel.

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

The receiving parcel already has one residential dwelling located on the property. It is likely that the driveway will be shared by the transferred eligibilities. The pasture are around Willow creek limits development on the property to the south side along 251st Street. The petitioner will be required to extend any needed utilities such as water and electricity.

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

The receiving parcel is large enough to accommodate off-street parking and the requirements will be met when the dwellings are constructed.

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 transfer of building eligibilities and the residential uses that will be allowed will not create any nuisances by normal use. The properties must not create a nuisance as defined by the public nuisance ordinance.

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

The proposed transfer will cluster building eligibilities in a less productive area of land. The proposed workforce housing will assist in the production of the dairy operation nearby. The comprehensive plan encourages support of agricultural production and the clustering of building eligibilities.

Recommendation:

Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #20-13 with the following conditions:

1. Requirements of section 3.03 (M) of the zoning ordinance must be met to use the building eligibility for any agricultural workforce housing.
2. An on-site wastewater treatment system must be approved by the building inspector and a septic permit must be issued prior to the issuance of a building permit.

Action

Chair Duffy called for public testimony among participants in the meeting room and the Zoom Personal Meeting Room. Nobody moved to speak or raised their hands on this agenda item.

A motion was made to **approve** Conditional Use Permit #20-13 with staff recommended conditions by Commissioner Barth and seconded by Commissioner Ralston. A roll call vote was taken, and the motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #20-13 – Approved



ITEM 5. CONDITIONAL USE PERMIT #20-06 to exceed 3,600 square feet of total accessory building area – requesting 16,092 sq. ft. on the property legally described as NW1/4 SW1/4 (Ex. H-2, H-3, & Ex. Tract 1 Marshall’s Addn.), Section 7-T102M-R49W.

Petitioner: Dihl Grohs

Property Owner: same

Location: 25758 472nd Ave.

Located approximately 3.5 miles north of
Sioux Falls

Staff Report: Scott Anderson

General Information:

Legal Description – NW1/4 SW1/4 (Ex. H-2, H-3, & Ex. Tract 1 Marshall’s Addn.),
Section 7-T102M-R49W

Present Zoning – A1 Agriculture

Existing Land Use – farmstead

Parcel Size – 29.93 acres

Staff Report: Scott Anderson

Staff Analysis: The petitioner is requesting to exceed 3,600 square feet of total accessory building area. The petitioner is requesting 16,092 square feet of total accessory building area. According to the Minnehaha County Zoning Ordinance, Section 12.07 (D) limits the sizes of accessory structures to a total of 3,600 square feet in lots that are 3.1 acres or more.

The petitioner is requesting to construct a new 8,160 square foot accessory building for personal storage. There are other existing accessory structures on the property totaling 7,932 square feet. The applicant is proposing to construct a metal building that is 60 feet wide and 136 feet long. The applicant provided a schematic of the building, which is included for the Planning Commission’s review. The applicant is proposing to locate the building near the southwest corner of the parcel. The applicant has not indicated a proposed setback for the building. The Zoning Ordinance requires a minimum of 50’ from the property line along County Highway 133. There is a large shelter belt which blocks the view of the proposed new structure from the residence to the south.

There are several larger buildings in the area. The Renner Storage Units are located directly across County Highway 133 to the west. Other larger accessory buildings can be found along Kiwanis Avenue and County Highway 133.

The applicant is currently in violation of the Zoning Ordinance. A 12’ by 24’ structure has been moved onto the property without obtaining the required building permit first. Staff has sent the applicant five (5) notices to obtain the building permit starting in 2017 with the last letter sent out on January 10, 2020. Staff has discussed the violation with the applicant and he has indicated that the building would be removed by March 2, 2020. Staff conducted a site inspection on March 11, 2020 and found the structure loaded onto a trailer, but still on site.

At the February 24, 2020 Planning Commission meeting, this item was pulled from the consent



agenda for discussion. The applicant was not present to answer questions on the zoning violation. The Planning Commission continued this request for one month to allow the applicant time to address the zoning violation and be present at the March 23, 2020 Planning Commission meeting. Staff attempted several times during the week of February 24th to contact the applicant by phone. The phone number provided by the applicant would not accept any messages as the mailbox was full and staff sent a letter to the applicant on February 27th, 2020 requesting that contact with the Planning Department be made in order to address the zoning violation.

Subsequently, the Chief Building Inspector became aware that the attached garage had been converted into office space without first obtaining a building permit. He sent a violation letter to the applicant on March 6, 2020. To date this new zoning violation has not been addressed or corrected. During the site visit on March 11, 2020 staff visited with an employee in the converted garage/office and indicated that the 12' by 24' building was supposed to have been removed and that the new zoning violation for the garage conversion also had not been addressed. She indicated that the property owner was out of the country, but someone would be calling the Planning Department to take care of the issues.

Staff has concerns that there is a history of this property owner being unwilling or unable to following zoning regulations. Granting a conditional use permit for a larger building will include conditions that the applicant would need to adhere to. Based on the disregard for the County's Zoning Ordinance, staff does not feel that recommending approval of this request would be the prudent action. Staff is recommending denial of Conditional Use Permit #20-06 to allow a larger accessory structure.

Recommendation: Staff recommends **denial** of Conditional Use Permit #20-06.

Public Testimony

Scott Anderson, County Planning Director, presented a brief summary of the staff report and recommendation for denial of the conditional use permit request. Mr. Anderson explained that he has made attempts to call the applicant, but was unable to leave a message on the phone.

Chair Duffy called for public testimony. The applicant was not present for the public hearing. Nobody moved to speak or no hands were raised in the Zoom Personal Meeting Room.

Action

Chair Duffy called for public testimony among participants in the meeting room and the Zoom Personal Meeting Room. Nobody moved to speak or raised their hands on this agenda item.

A motion was made to **deny** Conditional Use Permit #20-06 with staff recommended conditions by Commissioner Barth and seconded by Commissioner Ode. A roll call vote was taken, and the motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #20-06 – Denied



ITEM 6. CONDITIONAL USE PERMIT #20-10 to allow Rock, Sand, and Gravel Extraction on the property legally described as Lot 2 of Royalwood Addition in the SW1/4, Tract A, Lot 2 in the SE1/4 NW1/4, and Lot 2 (Ex. Tract A & Ex. H-1, H-2, H-3, H-4, & H-5) in the SE1/4 NW1/4; all in Section 27-T101N-R48W.

Petitioner: Runge Enterprises, Inc.

Property Owner: same

Location: 48127 SD State Highway 42 Located approximately 3.5 miles east of
Sioux Falls

Staff Report: David Heinold

General Information:

Legal Description – Lot 2 of Royalwood Addition in the SW1/4, Tract A, Lot 2 in the SE1/4 NW1/4, and Lot 2 (Ex. Tract A & Ex. H-1, H-2, H-3, H-4, & H-5) in the SE1/4 NW1/4; all in Section 27-T101N-R48W.

Present Zoning – A-1 Agricultural District

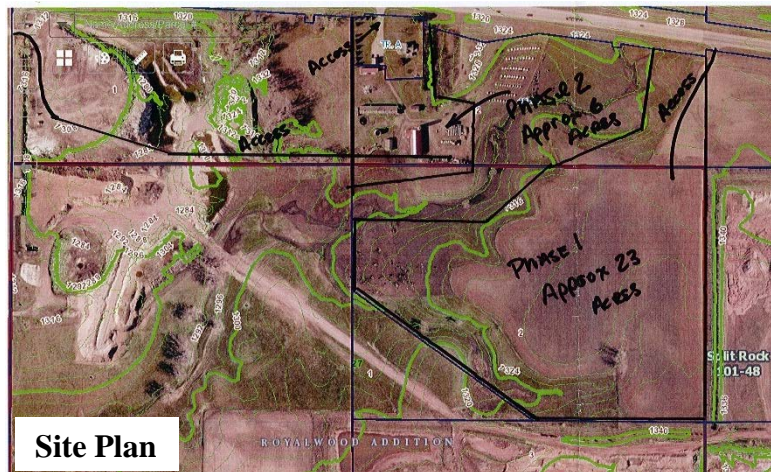
Existing Land Use – Agriculture/Residential

Parcel Size – 38.61 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to allow rock, sand, and gravel extraction on approximately 38.61 acres. The subject property is currently used for agricultural purposes and home. The closest residence to the subject property is just over a quarter mile away from the proposed mining area. The location of the site is approximately one quarter mile east of the intersection at County Highway 115 and South Dakota State Highway 42.



On April 14, 2020, county planning staff received comments from Travis Dressen, PE, Mitchell Region Engineer, South Dakota Department of Transportation regarding the proposed driveway access points. The South Dakota Department of Transportation has no concerns regarding use of South Dakota State Highway 42.



The State Department of Transportation has provided the following comments regarding the proposed haul route:

Runge will need to apply for an access permit (Change in Use) and provide an estimate for maximum daily truck volumes using the SD42 access.

SD42 will be reconstructed in 2022/2023 to a 4 lane divided section, the existing access will be relocated to the west property line and be a shared full access in the future. There is a WB left turn lane planned at the full access, there currently is no EB right turn lane. The need for the right turn will be dependent on volumes, sight distance, etc.

The Department anticipates needing approximately 3375 sq.ft. (15' x 225') from the frontage of Tract A for the project, ROW staff will be contacting landowners this summer/fall.

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 points on to South Dakota State Highway 42 and County Highway 115. The attached map also shows the phases the extraction operations will take place and how much land area for each phase.
- (2). A description of the surface land use and vegetation, including all pertinent physical characteristics.
The narrative describes the existing surface as agricultural including row crops and pasture with an average topsoil depth of about one foot. There is additional overburden averaging zero to three feet followed by sand deposits from ten to thirty feet. The existing vegetation has been destroyed by feed lot operations of the previous owner. The areas not in the immediate mining area will be returned to grass or small grain crops like wheat or oats.
- (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 applicant has provided detailed reports on soil types, water resources, and geotechnical information that support the proposed use.
- (4). A reclamation plan which takes into consideration the criteria listed in Subsection G - reclamation.
The narrative describes that ten acres of the land mined will become a lake or pond and the remaining balance of land returned to pasture or small grain. The projected pasture



land will be reclaimed with overburden and topsoil in approximately five acre increments. Reclamation will follow mining operations with standard earthmoving equipment. Reclaimed areas will be seeded as mining is completed. The applicant does not include a proposed end date for reclamation because the continuation of mining would depend on the demand of the extraction materials. Staff suggests the typical limit of fifteen (15) years for completion of reclamation activities.

- (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. *No township roads are affected by the proposed use as primary access will be from South Dakota State Highway 42. The site plan does show access for Phase 2 from the existing driveway approach off County Highway 115. The applicant has not provided anything regarding meeting with either the County Highway Department or South Dakota Department of Transportation for the proposed haul routes.*

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

Buffer Area.

There are no residences within the minimum 1,000 foot distance for the rock, sand, and gravel operation to an existing residence. There is an existing house on the subject property that is owned by Runge Enterprises, Inc.

Hours of Operation.

The applicant has not provided any details for proposed the hours of operation. The standard hours of operation for rock, sand, and gravel extraction is Monday thru Friday - 7:00 A.M. to 6:00 P.M., Saturday - 8:00 A.M. to 12:00 noon. Operations should not be conducted on legal holidays. Activities such as office or maintenance operations which produce no noise off-site should not be restricted by the hours of operation.

Visual Considerations.

The petitioner included a plan that shows the location of all berms on the property for the two phases of the extraction operation. The screening plan includes the extension of an existing berm to the east along South Dakota State Highway 42. Future phases of the proposed rock, sand, and gravel operation shall have berms in place in accordance with the zoning ordinance prior to extraction. Vegetation planted should remain in a live state.



Blasting.

The petitioner has not included any plans for blasting as part of the operation.

Noise.

- (1). The noise level produced from rock, sand and gravel operations should not exceed an average of 55 decibels recorded over a 10 minute period measured at the nearest existing residence to the extraction operation. Off- site activities which contribute to background noise levels should be taken into consideration when monitoring an operation. Blasting should not be recorded as part of the noise level.

Air Quality.

- (1). Air quality monitoring should be conducted at the operator's expense when conditions warrant.
- (2). Ambient air quality: total suspended particulate matter - 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 arithmetic mean; PM¹⁰ (10 micrometers or less in size) consistent with the regulations of the State of South Dakota.
- (3). Employ techniques that minimize the release of particulate matter created by material stockpiles, vehicular movement and process operations.
- (4). Dust control agents should be applied to township gravel roads designated as haul routes and all driving surfaces within the extraction area.

Hydrology, Dewatering and Drainage.

The applicant provided the Planning Department with a Hydrologic Review of the site prepared by Geotek Engineering & Testing Services. The study provides information on the site, background information, and information on the geologic setting. The depth of aggregate on the property ranges between 4 feet and 31 feet. The drilling tests also show the varying water levels corresponding with the type of aggregate. Dewatering of the extraction site should not result in downstream flooding. Berms should not interrupt the natural drainage of the area, unless such diversion is part of an approved drainage control system.

Haul Roads.

The applicant has identified the access for Phase 1 from South Dakota State Highway 42 and access to County Highway 115 for Phase 2 through an adjacent property to the west. Both of these roads are existing hard surfaced roads. The applicant will be required to



obtain a Highway Access Permit from the State of South Dakota Department of Transportation for the haul road used in Phase 1. The applicant will also need to meet the requirements of the Minnehaha County Highway Department for the haul road used in Phase 2.

Operator Surety.

The standard amount of \$5,000.00 surety shall be required to be filed with the County Auditor to protect the County in the event the operator abandons a site without completing the conditions imposed by the conditional use, including fulfillment of the haul road agreement concerning repair of designated haul roads.

Reclamation.

Reclamation plan was provided with details at the beginning of the staff report. The applicant provided cross sections of the two phases for extraction showing the existing natural topography and anticipated topographic conditions upon completion of reclamation activities. Grading should achieve a contour that is most beneficial to the proposed future land use. All berms should be removed where sand and gravel operations were conducted. In most cases involving quarry operations, the berms should remain in place unless their removal would serve a more useful purpose. Topsoil should remain on site and be used during reclamation. A seeding and revegetation plan should be developed for the affected area in consultation with the County Conservation District. All required reclamation activities should be completed and a compliance inspection performed by the Planning Director prior to the release of the surety.

Additional Considerations.

The maximum height of a bench in a quarry should be 30 feet. The property should be secured during non-working hours by means of gates and fencing. The property should continue to be secured until all required reclamation activities have been completed.

On March 11, 2020, staff visited the site for proposed rock, sand, and gravel extraction and determined that the use is appropriate for the surrounding area. Staff observed noise from the existing gravel pit and state highway vehicle traffic from surrounding residential areas to the northeast of the subject property.

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 gravel pit, rubble pit, and commercial businesses in the immediate vicinity. The nearest residential single family dwellings are about a



quarter mile away from the subject property. The proposed use will add a comparable effect to what occurs at the existing gravel pit. The residential homes and the proposed sand and gravel pit are separated by South Dakota State Highway 42. There are no single family dwellings south of the highway except for the existing house on the subject property and the house about a half mile to the southeast.

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 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 agriculture and the surrounding land to the south 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 proposed haul road access will be from South Dakota State Highway 42 and County Highway 115 through the subject property. All other utilities needed for the operation have been provided. The applicant will be required to meet with the appropriate government entities regarding a Haul Road Agreement for access onto the highways.

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 disturbances or air quality issues during operation of the gravel pit to adjacent property owners as required by the zoning ordinance.

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 site of the proposed rock, sand, and gravel extraction area aims to minimize the impact on



surrounding land uses with appropriate setbacks from the subject property boundaries.

Recommendation:

Staff finds that the proposed use 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. Staff recommends **approval** of Conditional Use Permit #20-10 with the following conditions:

1. An annual fee shall be paid to the County in accordance with Section 15.14 of the zoning regulations. (Note: An annual fee of \$10 per acre of unreclaimed land is assessed to the operator.)
2. There shall be no fuel storage on the site.
3. Hours of operation shall be from 7:00 am to 6:00 pm on weekdays and 8:00 am to noon on Saturdays.
4. That the only dewatering shall be for use in dust control, road projects and rock washing. The applicant shall obtain any required permits from the state for use of the water.
5. 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 a year, and 60 micrograms per cubic meter of air as an annual arithmetic mean. The standards for PM¹⁰ (10 micrometers or less in size) shall be consistent with the regulations of the State of South Dakota.
6. The County Planning Department shall direct the operator to install air quality sampling stations if the standards appear to be exceeded. Such monitoring shall be at the operator's expense.
7. The sound level from on-site operations shall not exceed an average of 55 decibels recorded over a 10 minute period measured at the nearest residence.
8. That one (1) off-street parking place for each employee and two (2) customer off-street parking spaces shall be provided.
9. The boundaries of the extraction area shall conform to the site plan submitted with the application.
10. Topsoil shall remain on the site and be used in final reclamation.
11. Only clean fill shall be used as backfill.
12. There shall be no storage or accumulation of inoperable or discarded equipment or parts.



13. That earth berms and vegetation shall be constructed in the areas where the mining operation is directly adjacent to a public road or residence as required by the 1990 Revised Zoning Ordinance for Minnehaha County in Section 12.08 (G).
14. A gate shall be required at the haul road entrance to the site. All driveway approaches shall be hard surfaced in accordance with Section 15.04 Minimum Improvement and Maintenance Standards of the 1990 Revised Zoning Ordinance for Minnehaha County.
15. The rock, sand, and gravel operations shall be secured during non-working hours by means of gates and fencing. The property shall be continuously secured until all required reclamation activities have been completed.
16. A Haul Road Agreement shall be obtained with the South Dakota Department of Transportation and Minnehaha County Highway Department.
17. That all mining activity is concluded by January 1, 2036 and that reclamation shall be in accordance with the plan filed with the State and outlined in the application and all reclamation of the site shall be completed by December 31, 2035.
18. That if one (1) or more acres of area is disturbed the applicant is required to obtain a General Permit from the Department of Environment and Natural Resources.
19. That the applicant provides the Minnehaha County Auditor with a surety bond or cash in the amount of \$5,000.00.
20. The applicant shall arrange a site review with the Planning Director in July of 2026 to discuss the progress of the mining and reclamation operations, determine that all of the conditions of approval are being met and discuss any additional issues that may arise.
21. That the Planning & Zoning Department reserves the right to enter and inspect the rock, sand, and gravel extraction operation at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

Public Testimony

David Heinold, County Planning Department, presented a brief summary of the staff report and recommendation. The proposed conditions of approval were read aloud for the audience.

Commissioner Ode questioned the requirement for a locking gate near the field approach off of South Dakota State Highway 42.

Mr. Heinold explained that the petitioner is present and could provide clarification on this issue.



Mike Runge, 4801 N. Velocity Ave., identified himself as representative for the proposed rock, sand, and gravel extraction. It was mentioned that the proposed entrance for Phase 1 of the rock, sand, and gravel operation would share an extra wide driveway approach with the adjoining landowner to the immediate east of the subject property.

Commissioner Ode explained the concerns of a different conditional use permit on the adjacent property about rodents in the area. A recommended condition was suggested to require a rodent control plan to ease neighbor's concerns about rats.

There was also discussion about a plan on raising the existing buildings and verifying the rodent problem on the subject property. There has been concern that the rubble to the west is harboring rats.

Chair Duffy called for public testimony. Nobody moved to speak or no hands were raised in the Zoom Personal Meeting Room.

Discussion

Commissioner Ode made a motion to add condition #22 to require a rodent control plan for the subject property.

Action

Chair Duffy called for public testimony among participants in the meeting room and the Zoom Personal Meeting Room. Nobody moved to speak or raised their hands on this agenda item.

A motion was made to **approve** Conditional Use Permit #20-10 with 22 conditions including by adding condition #22 to require a rodent control plan on the subject property by Commissioner Ode and seconded by Commissioner Ralston. A roll call vote was taken, and the motion passed unanimously with 6 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #20-10 – Approved with 22 conditions



MINNEHAHA COUNTY
PLANNING COMMISSION
MEETING MINUTES

April 27, 2020

Old Business

None.

New Business

None.

Adjourn

A motion was made to **adjourn** by Commissioner Ode and seconded by Commissioner Barth.
The motion passed unanimously.

The meeting was **adjourned** at 8:25 pm.