



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
February 24, 2024**

A meeting of the Planning Commission was held on February 24, 2024 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Commissioners Bonnie Duffy, Becky Randall, Mike Ralston, Ryan VanDerVliet, Adam Mohrhauser, and Joe Kippley.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman and Mason Steffen – County Planning
Eric Bogue – States Attorney's Office

Bonnie Duffy chaired the meeting and called the Minnehaha County Planning Commission meeting to order at 7:38 p.m.

PUBLIC COMMENT.

Commissioner Duffy opened the floor for public comment and nobody moved to speak.

Consent Agenda

Commissioner Duffy read each item on the consent agenda and no items were requested to be moved to the regular agenda.

A motion was made to **approve** the consent agenda consisting of Items 1 & 2 by Commissioner Ralston and seconded by Commissioner VanDerVliet. The motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.

ITEM 1. Approval of Minutes – January 27, 2025

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner VanDerVliet to **approve** the meeting minutes from January 27, 2025. The motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.



Consent Agenda

ITEM 2. CONDITIONAL USE PERMIT #25-13 to exceed 3,600 square feet of accessory building space (requesting 4,400 square feet) on the property legally described as the E715.7' N572' (Ex. H-1) N½ SE¼ & S142' E637.93' SE¼ NE¼ Section 15 T103N-R51W Grand Meadow Township.

Petitioner: Jeremiah Christensen

Property Owner: Same

Location: 25257 464th Avenue

Staff Report: Scott Anderson

General Information:

Legal Description – E715.7' N572' (Ex. H-1) N½ SE¼ & S142' E637.93' SE¼ NE¼
Section 15 T103N-R51W Grand Meadow Township

Present Zoning – A1 Agricultural

Existing Land Use – Residential Acreage

Parcel Size – 11.25 Acres

Staff Report: Scott Anderson

Staff Analysis:

The subject property is located approximately 6 ½ miles north of Hartford on County Highway 149. The petitioner currently has a 50' x 70' detached accessory building on the property and wished to construct a 16' addition on east side. There is also a small prefabricated shed on the property that did not require a building permit due to its small size. The proposed addition will make the total accessory building space on the property 4,400 square feet.

On January 30, 2025, staff conducted a site visit of the subject property and the surrounding area. The subject property has several residential neighbors directly to the south and north. Additionally, several of the properties in the area have similar sized accessory buildings, and two properties to the south have larger buildings on them. Finally, given these existing land uses in the area surrounding the subject property, approval of this larger accessory building will not impact the surrounding properties.

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 anticipated negative effect upon the use and enjoyment of the residential properties in the immediate vicinity. Property values in the area should also not be negatively impacted due to the personal use of the proposed accessory building.

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



The property is mostly surrounded by vacant farmland. There should be no anticipated impacts to the normal and orderly development and improvement of the surrounding vacant farmland or residential acreages. Finally, the proposed size and use of the accessory building is generally compatible with the surrounding area, which consists of large lot residential acreages and farmland.

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

The petitioner will be required to extend all necessary utilities to the structure. The accessory building will continue to be accessed by the same driveway as the current buildings on the property. The addition to the existing accessory building on the property should not have any negative effects on the drainage of the surrounding area.

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

The proposed site is large enough to accommodate the off-street parking requirement. The accessory building addition will also add additional parking and storage to the 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.

No commercial business or storage will be allowed in the proposed accessory building at any time. Any public nuisance violations will be addressed upon the Planning Department receiving a complaint about the subject property. All outdoor lighting will need to 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 accessory building. The proposed use will generally fit within the uses of other properties in the rural area, and conforms to the goals of the 2035 Envision Comprehensive Plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-13 with the following conditions:

- 1) The building location shall adhere to the submitted site plan.
- 2) The total area of all accessory buildings may not exceed 4,400 square feet.
- 3) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 4) The building shall not be used for commercial uses or as a dwelling at any time.
- 5) That all outdoor lighting shall be of a fully-cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 6) That a building permit is required prior to construction of the addition to the accessory building.
- 7) 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.



**MINNEHAHA COUNTY
PLANNING COMMISSION
MEETING MINUTES**

FEBRUARY 24, 2024

Action

As part of the consent agenda, a motion was made by Commissioner Ralston and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #25-13 with the staff recommended conditions. The motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #25-13 – Approved



Regular Agenda

ITEM 3. CONDITIONAL USE PERMIT #25-11 to amend CUP #23-51 for a Rubble Dump (Tree Grinding Operation) on the property legally described as Tract 1 Mueller Addition N½ NW¼ Section 34 T101N-R51W Wall Lake Township.

Petitioner: Mueller Pallets LLC.

Property Owner: Henry Mueller

Location: 46349 267th Street

Staff Report: Mason Steffen

General Information:

Legal Description – Tract 1 Mueller Addition N½ NW¼ Section 34 T101N-R51W Wall Lake Township

Present Zoning – A1 Agricultural

Existing Land Use – Tree Grinding Operation

Parcel Size – 12.81 Acres

Staff Report: Mason Steffen

Staff Analysis: The petitioner is requesting to amend their existing conditional use permit for a tree grinding operation, in order to allow the acceptance of blended wood waste. This would be in addition to the clean wood materials that are currently accepted at the site. Mueller Pallets already accepts these blended wood materials at their location located off of Exit 73 on I-29 in Lincoln County. They have also obtained a “Beneficial Use Letter” from the State Department of Agriculture and Natural Resources (DANR) for this existing location. This blended wood waste would include materials such as cabinets, plywood, and other new construction wood. It would not include any non-wood materials, any heavily coated wood materials, any chemically treated wood materials, or any demolition wood debris. The petitioner has stated that this will add approximately eight truckloads of volume per week between this site and the existing Tea location, with the potential for future growth. The use of the blended wood waste end product is for animal bedding and animal mortality composting. Mueller Pallets currently transports this end product to three locations, and these locations include two cattle farms and one hog farm management company. None of these locations are located within the boundaries of Minnehaha County. Additionally, the SD DANR’s “Beneficial Use Letter” regulates what materials can be accepted, where the end product can be shipped, how the end product is used, and any other requirements deemed necessary by the State. Staff has been in contact with the SD DANR office regarding this request and the State will require the petitioner to amend their existing “Beneficial Use Letter” in order to include the subject property. The SD DANR office also performed a site visit of the subject property on February 6, 2025 and met with planning staff the same day to discuss their site visit. Therefore, staff recommending that a condition be placed on this permit that requires the petitioner to amend their existing “Beneficial Use Letter” with the SD DANR office and to obtain any additional permits required by that office, prior to accepting any blended wood waste at the site. Finally, the petitioner is not requesting any additional changes to the conditions approved in the prior permit. However, they will be required to obtain a new solid waste permit in accordance with the county’s Solid



Waste Ordinance, prior to accepting any blended wood waste at the site, and this has been added as a condition of approval for this permit.

On February 11, 2025, staff conducted a site visit of the existing operation and surrounding area. The subject property is a twelve-acre property that is the site of a previous farmstead. Since the previous permit was approved, the house and other buildings on the site have been removed. The petitioner has also constructed a berm along the north side of the property, which helps screen the site from the highway. Additionally, the first one hundred and fifty feet of driveway into the site has also been paved with asphalt, and the rest of the driveway is gravel with a turnaround at the end. The nearest non-agricultural use to the site is an electrical substation located approximately a quarter-mile west along the highway. The nearest residential uses are a half-mile to the southwest and a half-mile to the northwest. The prevailing wind direction in Minnehaha County is from the northwest in the winter and the southeast in the summer. The petitioner has left the shelter belt of trees along the west property line, along with the newly constructed berm on the north property line. Both of these features will act as windbreaks and help prevent materials from blowing off of the property, specifically when grinding is taking place on the site. Additionally, the land directly to the southeast of the subject property is agricultural land owned by the City of Sioux Falls, as well as the regional landfill, so any materials that do manage to be blown off of the property from the prevailing northwest winds will blow over uninhabited land uses.

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.

Almost all of the existing land uses in the immediate area are agricultural and this will remain the case into the future. The nearest existing residential uses to the site are over a half-mile to the northwest and southwest, and the shelter belt trees and berm will help prevent materials from leaving the site and impacting these neighboring land uses. The site is also located in close proximity to the intersection of two county highways to the west and the Sioux Falls Regional Landfill to the east. Additionally, the petitioner has paved the first one hundred and fifty feet of the driveway into the site, in order to limit the amount of materials carried onto the county highway. Finally, the traffic increase to the area from the expanded use of the site should be minimal compared to the existing traffic conditions and should not overly impact the surrounding properties.

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

The property is located in the agricultural production area of the county where the main land use is agricultural with limited residential development. The site of the operation is an old farmstead and the use of the site for this operation will have minimal impact on agricultural production in the area. Additionally, this amendment to allow for blended wood waste should not have any overly negative effect on the normal and orderly development of the surrounding vacant property. Any new residential development on vacant land in the area will continue to be limited to the availability of building eligibilities. Finally, the additional traffic to the site will be relatively small in comparison to the existing traffic on the county highway and will not impact development in the area.

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



The petitioner has an existing access for the operation onto the county highway. After the approval of the original permit, the petitioner did apply for, and was approved, for an access permit with the County Highway Department. Additionally, the first one-hundred and fifty feet of the driveway has been hard surfaced with asphalt and the remainder of the driveway is gravel that is dust controlled. The petitioner also indicated on the site plan that they will provide the other necessary utilities including an outdoor restroom, fuel tank, guard shack, and sign for the site. The proposed amendment to the operation will have minimal impact to the drainage on the property, which generally flows towards an intermittent stream to the southwest of the site.

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

Most of the traffic to this site will be for deliveries and pickups and the applicant has provided a turnaround point within the proposed rubble dump site. The site plan also indicates that employee parking will be provided on the site, to the west of the driveway, and the petitioner should continue to provide at least two parking spaces per three employees on the maximum shift for the operation. Finally, the site is large enough to accommodate these parking needs and no parking shall be allowed within the public right-of-way at any time.

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 grinding and processing of wood materials will create noise and dust that could have the potential to disturb residential land uses in the surrounding area. The nearest dwellings are approximately a half mile to the southwest and northwest from the subject property. Limiting the hours of operation and the number of days where grinding can take place, will reduce concerns with any dust, noise, or light disturbances becoming nuisances to the surrounding properties. Also, the petitioner has left a shelter belt of trees along the west property line and constructed a berm along the north property line. These features will reduce any dust or other nuisances from disturbing the nearest residential land uses. Additionally, the paved portion of the driveway and dust controlled gravel will limit the potential for materials from the site being carried onto the county highway. Finally, the proximity of the site to the regional landfill means that any traffic increase to the area from this operation will be minimal compared to the existing traffic conditions on the county highway and should not create any additional traffic nuisances.

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

The blended wood waste that will be accepted at the site will only include materials such as cabinets, plywood, or other new construction wood. It will not include non-wood materials, heavily coated wood, chemically treated wood, or demolition materials. Additionally, the materials to be accepted at the site will be limited to the materials explicitly allowed by the State “Beneficial Use Letter” and any other permits. Therefore, the health, safety and general welfare of the public should not be overly impacted by the proposed amendment to the existing operation. This operation is located approximately half a mile west of the existing Sioux Falls Regional Landfill, and will provide a sustainable way to dispose of wood products. The proposed operation is located within the agricultural production area of the 2035 Envision Comprehensive Plan, and the continued use of the property as a tree grinding operation will not overly impact the agricultural production of the county.



Recommendation: Staff recommends **approval** of Conditional Use Permit #25-11 with the following conditions

- 1) That the property shall adhere to the site plan submitted on January 23, 2025.
- 2) That the process of grinding wood shall only take place during the hours of 7:00 am to 5:00 pm Monday through Friday and 7:00 am to 12:00 pm on Saturdays. The number of days that wood grinding may take place on the site shall be limited to a maximum of twelve calendar days per month.
- 3) The petitioner shall obtain a “Beneficial Use Letter” and any other required permits from the State Department of Agriculture and Natural Resources for this site, prior to the acceptance of any blended wood waste. All blended wood waste accepted at the site shall meet all of the regulations and requirements of the SD DANR. This shall be in addition to the already approved clean wood waste accepted at the site.
- 4) That the first one hundred and fifty feet of driveway within the site, beginning at the county highway, shall be required to be hard surfaced. The remaining length of driveway within the site shall be required to be gravel surfaced. The gravel surfaced areas must also be treated with a dust control agent, and maintained in a manner to limit the production of dust from the gravel surfaces.
- 5) That a building permit shall be required for any buildings built in conjunction with the tree grinding operation.
- 6) That one on-premise sign shall be permitted and shall not exceed 32 square feet in size. A building permit must be obtained prior to installation, and the sign may not be located within the right-of-way.
- 7) That the operation shall maintain a gate or a person on the site during drop off hours to prevent the dumping of non-wood products, or other prohibited materials.
- 8) That a minimum of two off-street parking spaces per three employees on the maximum shift shall be provided on the site.
- 9) That no parking shall be allowed within the public right-of-way at any time.
- 10) That the operation will be allowed to operate under the conditions of this permit until March 1, 2030. The business owner will be required to obtain another conditional use permit before this date if they wish to continue operating at this location
- 11) That the Planning & Zoning Department reserves the right to enter and inspect the site 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.
- 12) That the petitioner shall be required to obtain a new solid waste permit in accordance with the Minnehaha County Solid Waste Ordinance, prior to accepting any blended wood waste at the site.

Public Testimony & Discussion

Mason Steffen, of county planning staff, presented the staff report and recommendation to the commission.

Commissioner Kippley asked staff to clarify which of the twelve conditions have changed from the original permit that was approved. Planning staff explained that the main change was to condition



number three, which previously only allowed for the acceptance of clean, untreated, unpainted, and unstained wood. The new condition number three would allow for the acceptance of blended wood waste at the site, in addition to the clean materials already accepted. Mason Steffen also explained that condition number twelve was revised from the original permit in order to require the petitioner to obtain a new county solid waste permit, prior to accepting blended wood waste at the site.

Paul Tschetter, the petitioner's attorney, was present and available for questions from the commission. Mr. Tschetter explained that the blended wood waste would still be clean wood that would include materials that have minimal stains, spray paint, or other similar woods. He further explained that this wood is typically collected at new construction sites in dumpsters, and currently is being transported to the landfill because Mueller Pallets cannot accept these materials at this time. Finally, Mr. Tschetter stated that this request is an extension of Mueller Pallets existing services and is a continued benefit to the community.

Commissioner Ralston commented that he sees this as an easy request and an extension of the clean wood already accepted at the site.

Action

A motion was made by Commissioner Ralston and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #25-11 with the staff recommended conditions. The motion passed with 5 votes in favor and 0 votes against the motion.

Conditional Use Permit #25-11 – Approved



ITEM 4. CONDITIONAL USE PERMIT #25-12 to amend CUP #19-37 to expand the Sand & Gravel Extraction Operation located in Sections 23 & 24 of T102N-R48W Brandon Township to include the property legally described as the SW¼ (Ex. RY & Lots H-1, 2, 3, & 4 & Part W of RY & Ex. Tract 1 Johnsons Addition) Section 23 T102N-R48W Brandon Township.

Petitioner: Knife River LLC

Property Owner: Knife River LLC; Sandra Johnson

Location: 25940 482nd Avenue

Staff Report: Mason Steffen

General Information:

Legal Description – SW¼ (Ex. RY & Lots H-1, 2, 3, & 4 & Part W of RY & Ex. Tract 1 Johnsons Addition) Section 23 T102N-R48W Brandon Township

Present Zoning – A1/C Agricultural/Commercial

Existing Land Use – Farmland

Parcel Size – 135.78 Acres

Staff Report: Mason Steffen

Staff Analysis: The petitioner is requesting conditional use permit approval to amend Conditional Use Permit #19-37 in order to include the subject property within the operational limits of the sand and gravel mine. The petitioner has also provided a narrative of the proposed work to be conducted on the property in accordance with the zoning ordinance. Currently, the subject property is utilized for farm ground and the petitioner is in the process of purchasing the portion of the property that lies east of Split Rock Creek. The proposed use for this portion of the subject property will be for a railroad spur and truck access road, which will provide access to the properties east of the subject property. The properties to the east are already included within the operational limits of the mine. However, the petitioner will be moving their material separation plant onto these properties from the current location further to the north. Therefore, the new railroad spur and truck access road are needed on the subject property in order to access the new plant location. Finally, the extraction area for the sand & gravel mine will not be expanded and only the railroad spur and access road will be located on the subject property.

On February 11, 2025, staff visited the existing sand and gravel mine and the proposed expansion property. Most of the land in the surrounding area is primarily used for agricultural production, but there are a few residential acreages spread out around the extent of the mining operation. The new location of the material separation plant will be in a location that was approved through a previous conditional use permit to be used as extraction area. Additionally, the nearest neighbor to this new plant site location did sign a waiver during a previous conditional use permit for this operation. The proposed location for the material separation plant will still mostly meet the 1,000-foot setback from this residence, except for one material pile on the south side. The submitted site plan and narrative also included a potential new haul road on the subject property that would connect to 260th Street on the south side. This potential access onto 260th Street would be approximately a third of a mile east of SD Highway 11 and therefore any truck traffic would need to utilize the township road. The location of this haul road would be in close proximity to a residential acreage that has not



signed a waiver, and would add significant traffic along the township road. This portion of the township road has a bridge that crosses over Spit Rock Creek and passes by another farmstead to the south. Based on these conditions, staff would recommend that the petitioner follow Option 1 laid out in the narrative and alter the existing haul road within and site, as oppose to Option 2, which would create additional traffic concerns on the township road and for neighboring residential properties.

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 is one residence located within 1,000 feet of one of the materials piles from the material separation plant. The property is addressed as 48266 260th Street and the owner of this property did sign a waiver during a previous conditional use permit when the extraction area from the mine was planned to be within 1,000 feet of their residence. This request will not expand the extraction area of the mine and a majority of the changes will occur within property already included in the operational limits of the mine. The proposed rail spur and access road on the subject property will have minimal impact on the use and enjoyment of other properties in the area. The hours of operation for the facility will remain normal business hours, and any maintenance operations that do not create off-site noise will still be allowed to occur outside of the designated hours of operation.

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

The land used for mining will be reclaimed to maximum slopes of 3:1 and is anticipated to be returned to agricultural land. The area is primarily agricultural land, commercial businesses, and a few residential homes in the surrounding area. There should be no effect on the normal and orderly development of surrounding vacant property, which is dependent on the availability of building eligibilities and future municipal annexation or development.

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

The petitioner explained in the narrative that the existing mining operation has reduced the drainage basins in the area, in order to limit sediment and erosion, and that the reclamation plan will reestablish surface flow that prevents downstream harm. They also explain that they have existing permits with the SD Department of Agriculture and Natural Resources for storm water discharge, and that the flows from the new project area will be attenuated to avoid harm to downstream properties. The site currently has a haul road that enters off of SD Highway 11 and routes through the site to the existing material separation plant. The submitted narrative included two options for the existing haul road that include: rerouting the haul road within the existing site or creating a new haul road that connects to 260th Street along the south side of the property. Staff is recommending that the existing haul road within the site be altered to accommodate the new material plant location, and that the potential haul road on 260th Street would have a significant impact on the nearest residential acreage and township road.

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



The off-street parking requirements for this operation will not be increased based on this request and proposed utilization of the subject property for a rail spur and access road. The petitioner should continue to provide one off-street parking space per employee and two off-street parking spaces for customers.

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 will continue to incorporate buffer zones around the mining area as they currently utilize along the existing boundaries of the operation. The buffer zones will have shelterbelts and other features to reduce dust, noise, and visual impacts from surrounding property owners as well as passersby. The use of rail transportation to-and-from the material plant will lessen the impacts on the roads and limit dust concerns for neighboring properties. Implementing the new haul road within the existing site, as opposed to a new haul road along 260th Street, will help reduce the impacts of dust and other nuisances on the nearest residential neighbors to the site.

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

There should be no significant harm to the health, safety, general welfare of the public, and the comprehensive plan from the proposed expansion. Goal 5 of the Environmental Stewardship chapter of the Envision 2035 Comprehensive Plan states that the County should recognize that sand and gravel deposits within the County are a non-renewable natural resource and are beneficial to the economy of the County and the welfare of its people. Therefore, allowing the petitioner to better utilize an existing mining location is consistent with the goals and policies of the Envision 2035 Comprehensive Plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-12 to expand the sand and gravel mining operation 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 allowed in areas designated as a ground water protection area or floodplain.
- 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 PM (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 plans submitted with the previous conditional use permit applications.
- 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) That all mining activity is concluded by January 1, 2032 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, 2033 in accordance to all requirements outlined in Article 12(G) of the Minnehaha County Zoning Ordinance.
- 15) 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.
- 16) That the applicant provides the Minnehaha County Auditor with a surety bond or cash in the amount of \$100,000.00,
- 17) The applicant shall abide by all regulations outlined in Minnehaha County Flood Management Ordinance, MC32-03, when working in the 100-year floodplain and/or floodway.
- 18) The 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.
- 19) All existing shelterbelts around the sand and gravel mining extraction areas shall be maintained.
- 20) The sand processing plant and concrete ready mix plant shall be limited to the hours from 6:00 am to 8:00 pm except as authorized by the Planning Department.
- 21) Recycled concrete or asphalt shall not be stored on the site. Unused concrete from the ready mix plant shall not be allowed to accumulate on the property.
- 22) A non-point discharge elimination system (NPDES) permit shall be obtained for all applicable areas of sand and gravel mining extraction.
- 23) All other required federal and state permits shall be obtained for the facility.
- 24) The facility shall comply with all plans submitted to the planning staff.
- 25) The existing haul road for the operation shall be allowed to be altered to meet Option 1 as laid out in the site plan and narrative submitted on January 24, 2025.

Public Testimony

Mason Steffen, of county planning staff, presented the staff report and recommendation to the commission. Mason explained that he had been in contact with Brandon Township and the nearest neighbor to the proposed haul road along 260th Street for the site. Mason explained that staff's recommendation is that the new haul road not be allowed with this permit and that the petitioner has agreed to this condition.



Commissioner Kippley asked staff if this permit is an amendment or expansion of the existing permit. Planning staff explained that the permit from 2019 currently governs the entire mining operation, and that this new permit would govern the entire property including the expansion site.

Commissioner Ralston asked staff to clarify if the expansion of the site will include the portion of the subject property that is located west of the creek. Mason Steffen explained that the petitioner was required to notify the surrounding properties based on the entire subject property because they are currently in the process of purchasing the property from the property owner. He further stated that the operation will only be utilizing the portion of the property east of the creek, and that staff is recommending that the existing hauls roads within the site be maintained. Commissioner Ralston commented that he wanted to make this clarification so that the neighbors and commission can be confident that the petitioner cannot utilize the west portion of this property at a later date.

Colin Chatterton, a representative for Knife River LLC., was present and available for questions from the commission. Mr. Chatterton explained that the proposed expansion will only be altering approximately fifteen to twenty acres of the subject property on the east side of the creek. He further stated that the site is located at a federal nexus, and therefore, Knife River is working with the Army Corps of Engineers and other federal agencies on this project. He also stated that the off-site impacts from this expansion should be minimal, and that they will be transitioning between the old plant location and new location slowly over time. Finally, he commented that Knife River does not have any issues with the proposed conditions recommended by staff.

Beth Warden, of 26003 482nd Avenue, Brandon, SD, addressed the commission with her comments on the proposed expansion. She explained that she had received a letter from Knife River to contact them with any questions on the proposed expansion, and that she has received conflicting information from Knife River via several phone calls. Ms. Warden explained that she was told that Knife River had already purchased the neighboring property to her, but that she is finding out at the meeting that that is not the case. Finally, she presented several pictures to the commission that showed deteriorating buildings and various abandoned materials on land owned by Knife River in the area.

Kayla Dover, of 48197 Corson Street, Brandon, SD, stated to the commission that she is in favor of development, but thinks that the environmental impacts should be fully understood before the commission votes on the expansion. She also stated that wells in the area have had less water and that cracks in the road and yards have developed in Corson, which she believes could be linked to the dewatering taking place at the mine.

Dylan Kruse, of 48244 260th Street, Brandon, SD, explained that he has been dealing with the mine for thirty-five years and that during the original permit in 1991 there was a large discussion on not allowing a haul road on 260th Street. He further commented that the plant being moved to the new location within the site is a crushing plant and not a sand plant. Finally, he commented that the truck traffic from the site would destroy the bridge on 260th Street, and that the acreages in the area do utilize wells, which is contrary to what the petitioner stated in their narrative.



Kelly Kruse, of 25452 485th Avenue, Garretson, SD, stated that he was also involved in the original permit for this mine and that he brought up concerns at that time about haul roads. He further commented that Sweetman Construction and Knife River have never been fully honest about their plans for the mine, and that the plant located on this site will be utilized to crush rock. Mr. Kruse also stated that this is further supported by the proposed conveyor system on the property, which he said was never mentioned by the petitioner. Finally, he stated that allowing this expansion will affect the neighboring properties, especially his brother's property directly south of the new plant location.

Colin Chatterton returned to the podium to address the concerns raised by the neighbors to the site. He reiterated that the only portion of the Johnson's property that will be used for this expansion will be the property east of the creek. He further commented that the conveyor system within the site is included on the submitted site plan, and these conveyor systems are a much more efficient way to transport materials within the mine. He also explained that Knife River has recently signed contracts to remove some of the deteriorating buildings and other materials mentioned by one of the neighbors, and that this would most likely be completed relatively soon. Mr. Chatterton also clarified that he was aware that some of the properties in the area have domestic wells, but that the State's tracking data for wells does not include these domestic wells, so that had led to some confusion for Knife River. Finally, he explained that Knife River is working through the environmental review process, and that the proposed expansion is mostly superficial work with no mining, so the impacts to nearby water users should be minimal.

Commissioner Ralston commented that the intent of the comprehensive plan and zoning ordinance is to keep quarries and mines within close proximity to each other, in order to limit the conflict of different land uses. He also stated that he was initially concerned based on the location map that the mining activity would be located in close proximity to Corson, but based on the site plan and staff recommended conditions, he would be in favor of the request.

Action

A motion was made by Commissioner Ralston and seconded by Commissioner Kippley to **approve** Conditional Use Permit #25-12 with the staff recommended conditions. The motion passed with 5 votes in favor and 0 votes against the motion.

Conditional Use Permit #25-12 – Approved



Old Business

Scott Anderson, the County Planning Director, reported to the commission that the Envision 2045 Comprehensive Plan that was heard by the Planning Commission in November was adopted by the County Commission on February 18, 2024.

New Business

Scott Anderson, the County Planning Director, explained to the commission that staff would like to bring two potential ordinance amendments to the next Planning Commission meeting in March. Scott explained that these ordinance amendments would be for accessory dwelling units (ADUs) and the proposed changes to the transfer of building eligibility regulations. Scott then asked the commission for a motion to authorize staff to publish a notice of hearing for these ordinance amendments at the March 24, 2025 Planning Commission meeting.

A motion was made by Commissioner Kippley and seconded by Commissioner Ralston to **authorize a public hearing** for the proposed ordinance amendments at the March 24, 2025 meeting. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

Adjourn

A motion was made to **adjourn** by Commissioner VanDerVliet and seconded by Commissioner Kippley. The motion was approved unanimously. The meeting was adjourned at 8:43 p.m.