



**MINUTES OF THE
MINNEHAHA COUNTY PLANNING COMMISSION
July 28, 2025**

A meeting of the Planning Commission was held on July 28, 2025, at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS' PRESENT: Commissioners Bonnie Duffy, Mike Ralston, Ryan VanDerVliet, Adam Mohrhauser, Cindy Heiberger, 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 7:41 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, 3, & 4 by Commissioner Heiberger 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 – June 23, 2025

As part of the consent agenda, a motion was made by Commissioner Heiberger and seconded by Commissioner VanDerVliet to **approve** the meeting minutes from June 23, 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 #25-38 to transfer one (1) building eligibility from Tract 1 Hanlon's Addition W½ NW¼ to the W½ NW¼ (Ex. Wilbur H Mielke Tract 1 & Ex. Tract 1 Hanlon's Addition) and to make one (1) building eligibility available on the W½ NW¼ (Ex. Wilbur H Mielke Tract 1 & Ex. Tract 1 Hanlon's Addition) all within Section 26 T101N-R51W Wall Lake Township.

Petitioner: Shorlin LLC

Property Owner: Same

Location: Approximately 1 mile east of Wall Lake, along 266th Street

Staff Report: Mason Steffen

General Information:

Legal Description – W½ NW¼ (Ex. Wilbur H Mielke Tract 1 & Ex. Tract 1 Hanlon's Addition) Section 26 T101N-R51W Wall Lake Township

Present Zoning – A1 Agricultural

Existing Land Use – Farmland

Parcel Size – 53.35 Acres

Staff Report: Mason Steffen

Staff Analysis: The subject properties each have one building eligibility that requires a conditional use permit. The petitioner is requesting to transfer the building eligibility on Tract 1 Hanlon's Addition to the W½ NW¼ (Ex. Wilbur H Mielke Tract 1 & Ex. Tract 1 Hanlon's Addition) and to make both eligibilities available on that property. On July 11, 2025, staff conducted a site visit of the subject property and surrounding area. There are several existing acreages in close proximity to the proposed receiving location, and the overall surrounding area is populated with many residential uses. This includes an eighty lot residential subdivision in the southeast quarter of the section. These existing residential uses makes it unlikely that any large scale agricultural uses will develop in the area, and the use of these two eligibilities will minimally impact the current and future land uses within the section.

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.

A right-to-farm notice covenant should be required in order to notify the owner of the realities of being located in an agricultural area. The additional residential uses will not significantly affect the surrounding properties, given the existing density of residential uses. There are no permitted concentrated animal feeding operations within a mile of the proposed property, and these residential dwellings will have a minimal impact on the agricultural production in the area.

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

The subject properties are located in the agricultural production area of the county where the



predominant use of vacant land is still agricultural. In addition, any development of this vacant land will be limited to the available building eligibilities on the land, and making these building eligibilities available will minimally impact any future development.

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

The petitioner will need to obtain the applicable driveway permits in order to have access onto the property before the single-family dwellings can be constructed. The petitioner will also be required to obtain access to all the necessary utilities for the property. The single-family dwellings will have minimal effect on drainage in the area.

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

Two off-street parking spaces are required for each single-family dwelling. The off-street parking requirement will be met once the single-family 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.

Single-family dwellings do not typically create odor, fumes, dust, noise, or vibration. The property will have to comply with the public nuisance ordinance.

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

Making these two building eligibilities available will have no anticipated effects on the health, safety and general welfare of the public. It will also not increase the number of building eligibilities within the section and will cluster more of the building eligibilities in this quarter-quarter section to one location. Both of these conform to the goals of the Envision 2045 Comprehensive Plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-38 with the following conditions:

- 1.) A right-to-farm notice covenant shall be placed on the deed, prior to the issuance of any building permit for a single-family dwelling.
- 2.) The applicant shall obtain the applicable driveway permits from Wall Lake Township, prior to the issuance of any building permits.

Action

As part of the consent agenda, a motion was made by Commissioner Heiberger and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #25-38 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 #25-38 – Approved



ITEM 3. CONDITIONAL USE PERMIT #25-39 to allow an Accessory Dwelling Unit (ADU) on the property legally described as Lot 7A Three River Bluffs Addition SE¼ Section 10 T101N-R48W Split Rock Township.

Petitioner: Jeremy & Stephanie Keizer

Property Owner: Same

Location: 26375 S McHardy Road

Staff Report: Mason Steffen

General Information:

Legal Description – Lot 7A Three River Bluffs Addition SE¼ Section 10

T101N-R48W Split Rock Township

Present Zoning – A-1/RR Agricultural & Rural Residential

Existing Land Use – Residential Acreage

Parcel Size – 7.74 Acres

Staff Report: Mason Steffen

Staff Analysis: In 2019, the petitioner built a small single-family dwelling on the subject property. Last year the petitioner received a building permit to replace this single-family dwelling with a larger dwelling in the western portion of the property. This larger dwelling was recently completed in April. In May, the county adopted accessory dwelling unit (ADU) regulations to allow smaller second dwellings on properties with certain requirements. The petitioner is now requesting to allow this smaller dwelling to remain on the property as an ADU. The general requirements for an ADU are the following:

- 1) The ADU must be accessory to a primary dwelling, and the primary dwelling and ADU must be located together on one platted lot.
The finished floor area of the proposed ADU is less than 30% of the finished floor area of the primary dwelling, which will maintain the ADU as an accessory structure to the primary dwelling. Both the ADU and primary dwelling are located entirely within the property boundaries of Lot 7A Three River Bluffs Addition.
- 2) Only one ADU is allowed per parcel where zoning allows.
This property is mostly zoned A-1 Agricultural but a small portion along the south property line is zoned RR Rural Residential. This is due to a rezoning from 1980 that rezoned the rest of Three River Bluffs Addition from A-1 to RR and legally described a portion of the subject property. ADUs are allowed in both the A-1 and RR zoning districts, but both dwellings will be within the A-1 portion of the lot. No additional ADUs will be allowed if this request is approved.
- 3) The ADU must be built on permanent frost protective footings.
The ADU was built on a full frost protected foundation and built to the 2018 International Residential Building Code, which was the adopted building code for Minnehaha County at the time of its construction.



- 4) The parcel must be able to handle additional wastewater potential for the ADU. Proof of capacity of wastewater compliance must be provided before approval of any conditional use permit.

Since the ADU was built in 2019 as a single-family dwelling, the property owner was required to provide a percolation soil test and obtain an on-site wastewater permit, prior to its construction. The same details were required for the primary dwelling, and both dwellings will utilize separate wastewater systems.

- 5) No additional access from a township, county, or state highway may be constructed for separate use of the ADU.

Lot 7A Three River Bluffs Addition has one existing access point off S McHardy Road and both the primary dwelling and ADU will use this existing access.

- 6) Two additional off-street parking spaces must be provided for the ADU.

The ADU has an existing attached garage that provides two off-street parking spaces. The ADU also has a concrete pad in front of the garage that will provide additional off-street parking.

- 7) If the ADU is located within a regulated floodplain, then the lowest floor of the ADU must be elevated at or above the base flood elevation.

No portion of the subject property is located within the regulated 100-year floodplain.

- 8) No ADU can be located within the regulated floodway.

No portion of the subject property is located within the regulated floodway.

- 9) The ADU must comply with all other county ordinances.

The ADU currently complies with all the relevant county ordinances including the public nuisance ordinance.

The proposed ADU includes 1,710 square feet of finished floor area and 1,600 square feet of attached garage space. The primary dwelling includes a total of 6,013 square feet of finished floor area between the main floor and basement. The ADU regulations require that the finished floor area of a detached ADU be less than 50% of the finished floor area of the primary dwelling. The finished floor area of the proposed ADU will only be 28% of the primary dwelling's finished floor area. The detached ADU is also required to meet the setbacks for a dwelling in the A-1 Agricultural zoning district and the existing location meets these setbacks.

On July 11, 2025, staff conducted a site visit of the subject property and surrounding area. The property is part of a seven lot residential subdivision and is the only property that is not entirely zoned RR Rural Residential. Allowing the smaller dwelling to remain on the site as an ADU will minimally impact the surrounding properties. It is also in line with the existing zoning regulations for the rest of the subdivision, which allows for one dwelling per acre. Finally, there are no permitted concentrated animal feeding operations (CAFOs) within a mile of the subject property, and this area of Split Rock Township is likely to see continued residential development in the future.



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.

A right-to-farm notice covenant was required prior to the issuance of the building permits for each dwelling. Therefore, the property owner has acknowledged the realities of living in the agricultural area of the county. Allowing an ADU, in close proximity to a residential zoned subdivision, will have a minimal impact on the use and property value of surrounding properties.

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

The vacant land in the area is mostly agricultural in use but there is one vacant lot within the residential subdivision. Allowing an ADU on the subject property will be a limited increase in residential density to a property adjacent to a residentially zoned subdivision and will have a minimal impact on the normal and orderly development of the surrounding area. Any development outside of the subdivision will continue to be limited by the available eligibilities on surrounding farmland.

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

The ADU already has access to all the necessary utilities including water, electricity, and an on-site wastewater system. The ADU and primary dwelling will continue to utilize the one existing access off S McHardy Road, and no additional access points will be allowed. Finally, the ADU is already constructed on the property and will not impact drainage in the area.

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

The existing attached garage will provide two off-street parking spaces for the ADU. The subject property is large enough to provide ample off-street parking for both the primary dwelling and ADU.

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 the existing structure as an ADU will not create any odor, fumes, dust, noise, vibration, or lighting nuisances to the surrounding properties. The ADU and subject property will be required to adhere to the public nuisance ordinance for Minnehaha County.

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

The proposed ADU will have no anticipated effects on the health, safety and general welfare of the public. Allowing this ADU on an existing acreage will allow for additional residential density without converting farmland into non-agricultural uses, which follows the intent of the recently adopted ordinance amendments and Envision 2045 Comprehensive Plan.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-39 with the following conditions:

- 1) That no more than one ADU shall be allowed on the property.



- 2) That no additional access shall be allowed off S McHardy Road, or any other public right-of-way for use by the ADU.
- 3) That two off-street parking spaces shall be provided for the ADU.
- 4) That any new or replacement outdoor lighting on the ADU shall be of a full cutoff and fully shielded design to prevent direct spillage of light beyond the property boundaries.
- 5) That the Planning & Zoning Department reserves the right to enter and inspect the site at any time, after proper notice of 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

As part of the consent agenda, a motion was made by Commissioner Heiberger and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #25-39 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 #25-39 – Approved



ITEM 4. CONDITIONAL USE PERMIT #25-41 to allow a Short-Term Rental on the property legally described as Tract 4 Krell's Addition SE¼ SE¼ Section 36 T101N-R51W Wall Lake Township.

Petitioner: Linda Vail

Property Owner: Same

Location: 46592 268th Street

Staff Report: Scott Anderson

General Information:

Legal Description – Tract 4 Krell's Addition SE¼ SE¼ Section 36 T101N-R51W

Wall Lake Township

Present Zoning – A-1 Agricultural

Existing Land Use – Residential Acreage

Parcel Size – 1.54 Acres

Staff Report: Scott Anderson

Staff Analysis: The petitioner is requesting to operate a short-term rental on the subject property. The Minnehaha County zoning ordinance requires a conditional use permit for all vacation home/short-term rentals and these operations must meet five requirements. The narrative for this operation states that the primary use of the property will be as the primary residence for the owner and will only be utilized when not occupied by the owner. The applicant has provided a narrative which is included for review. The single-family residence features four (4) bedrooms and also has an indoor pool. The applicant has a set of rules for pool safety. The applicant also provided the short-term rental contract that will be used. The applicant is also the owner of Blue Haven Barn.

On July 10, 2025, staff conducted a site visit of the subject property and surrounding area. The subject property has established trees around the entire perimeter and some fencing that screens the property from neighbors. There is also an intermittent drainage way that flows through the property, but the property is not located within the designated 100-year floodplain. Finally, the property is located adjacent to Blue Haven Barn, and the proposed short-term rental should have a minimal impact on the surrounding area. There are three (3) residences located around the subject property. The closest is 500 feet to the south. Another residence is located approximately 650 feet to the west and another approximately 700 feet to the east.

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 use of a short-term rental should have minimal impact on the surrounding properties. The property is located less than a quarter of a mile off of a paved county highway, in an area surrounded by agricultural and commercial uses, so the proposed use as a short-term rental should not impact the continued use of the surrounding properties as agriculture or on the businesses located to the north and east.



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 and commercial area of the county, and any development that occurs will be limited by the available building eligibilities. The property is also located adjacent to Blue Haven Barn and near Wild Water West, but the use of the dwelling on the property as a short-term rental will not impact any future development of these existing businesses.

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

The property already has access directly onto the township road. All other necessary utilities are provided on the site by the existing dwelling, and the drainage of the site will not be impacted by the use of the property as a short-term rental.

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

The petitioner will be required to provide at least two off-street parking spaces for short-term rental, given that the dwelling has two bedrooms. The property is large enough to accommodate several off-street parking spaces to meet this requirement.

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.

This property has established trees and fencing that will screen the site and help reduce concerns regarding noise and lighting nuisances from the short-term rental. Most short-term rental sites also allow the property owner to screen potential guests before approval is given to rent the property. Finally, the use of the property as a short-term rental will largely be the same as a typical single-family dwelling, so the property should not create any odor, fumes, dust, or vibration nuisances.

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

Since the proposed use is similar to that of an ordinary single-family dwelling, the effect on the public should be minimal. In order to protect the guests staying at the short-term rental, the house must have functioning smoke and carbon monoxide detectors, as required by the building code adopted by Minnehaha County. Additionally, the petitioner should maintain a list of all guests who stay at the short-term rental. This list shall be maintained and made available to law enforcement if needed.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-41 with the following conditions:

- 1) That this conditional use permit shall only allow for a short-term rental, as defined by Article 26.02 679A. of the 1990 Revised Zoning Ordinance for Minnehaha County.
- 2) That the dwelling must have functioning smoke and carbon monoxide detectors as required by the building code adopted by Minnehaha County.
- 3) That the proprietor shall maintain a guest list and make such list available at the request of law enforcement.
- 4) That all requirements of Article 12.17 Vacation Home Rental/Short-Term Rental of the 1990 Revised Zoning Ordinance for Minnehaha County are followed at all times.
- 5) That no parking will be allowed within the right-of-way at any time.



- 6) That the Planning & Zoning Department reserves the right to enter and inspect the short-term rental 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

As part of the consent agenda, a motion was made by Commissioner Heiberger and seconded by Commissioner VanDerVliet to **approve** Conditional Use Permit #25-41 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 #25-41 – Approved



Regular Agenda

ITEM 5. CONDITIONAL USE PERMIT #25-43 to amend CUP #20-38 to Expand Rock Extraction Quarry on the properties legally described as: SW¼ (Ex. RY & H-1, H-2 & H-3) Section 14; PT NW¼ NW¼ Lying N of Township Road Section 23; Lot 1 Kuehl's Addition NW¼ Section 23; Tract 2 Hunters Addition NW¼ Section 23; Tract 3 Hunters Addition NW¼ Section 23; and All That PT NW¼ Lying E of RR ROW & E of Highway (Ex. Hunters Addition & Ex. Kuehl's Addition) Section 23 all within T102N-R48W Brandon Township.

Petitioner: Knife River LLC

Property Owner: Sweetman Construction Co. (dba Knife River)

Location: Approximately 1.5 miles north of Brandon

Staff Report: Mason Steffen

General Information:

Legal Description – SW¼ (Ex. RY & H-1, H-2 & H-3) Section 14; PT NW¼ NW¼ Lying N of Township Road Section 23; Lot 1 Kuehl's Addition NW¼ Section 23; Tract 2 Hunters Addition NW¼ Section 23; Tract 3 Hunters Addition NW¼ Section 23; and All That PT NW¼ Lying E of RR ROW & E of Highway (Ex. Hunters Addition & Ex. Kuehl's Addition) Section 23 all within T102N-R48W Brandon Township

Present Zoning – A-1 Agricultural District

Existing Land Use – Quarry/Cropland

Parcel Size – 262.24 Acres

Staff Report: Mason Steffen

Staff Analysis: The petitioner is requesting conditional use permit approval to expand their existing rock extraction quarry to include an additional 85.7 acres, which will expand the total footprint of the quarry to approximately 125 acres. The properties are located to the east of the Burlington Northern Santa Fe Railroad and encompass land to the north and south of 259th Street. The petitioner has submitted documentation that 259th Street between SD Highway 11 and 483rd Avenue has been vacated by Brandon Township. The exhibits indicate that 259th Street to the west of the quarry entrance and east of Highway 11 will be gated off and abandoned. The portion of the road east of the quarry entrance and west of 483rd Avenue will be developed into a private road utilized and maintained by Knife River. The narrative also states that berms and vegetation will be constructed around the proposed mining area and that overlaying soil will remain on-site for use in future reclamation plans. The quartzite rock will be drilled and blasted, then crushed and screened on site utilizing permanent equipment. Finally, the petitioner has submitted plans to reroute the intermittent streams within the proposed expansion area, and a floodplain development permit was approved in February of this year for these stream realignments.

On July 11, 2025, staff conducted a site visit to the subject property and surrounding area. The majority of the land immediately adjacent to the proposed site is used for agricultural purposes. The petitioner owns all of the land located to the immediate south as part of the sand and gravel extraction site. The proposed expansion area for the quarry will maintain a 1,000 foot setback to all



residences not owned by the petitioner. The petitioner will also be installing berms and vegetation around the extraction area, which will limit the visual impacts on the nearby residences. Finally, the vacation of 259th Street will limit public traffic in the area and will allow the petitioner to better utilize their existing haul roads and rail transportation within the quarry.

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 applicant provided maps showing the proposed mining area, extraction sites, location of haul road access, and transportation route.

- (2). A description of the surface land use and vegetation, including all pertinent physical characteristics.

The proposed site is located within the Western Corn Belt Plains ecoregion that has high agricultural productivity due to its fertile soil, temperate climate, and adequate precipitation during the growing season. This ecoregion has a relatively homogenous topography of level to gently rolling glacial till plains with areas of morainal hills and loess deposits. Two intermittent streams bisect the site and Knife River is working with the Army Corps of Engineers to reroute the streams around the quarry area.

- (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 provided a third-party study on the hydrologic impacts to the existing water resources in the surrounding area. The narrative explains that dewatering will be necessary as the mine develops, and that the discharge will be routed to Split Rock Creek or the newly constructed creek diversion. Any water discharge from the mine will need to be in accordance with the SD Department of Agricultural and Natural Resources Surface Water Discharge Permit for the site.

- (4). A reclamation plan which takes into consideration the criteria listed in Subsection G - reclamation.

A reclamation plan details that the proposed rock extraction site will become a water reservoir, and the surrounding land returned to agricultural use upon completion of all mining operations. The petitioner has stated that the proposed reclamation will take approximately two years to complete.

- (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.

The proposed haul route for the extraction site will travel across 259th Street for shipping via rail and truck transportation systems. The petitioner has met with Brandon Township



**MINNEHAHA COUNTY
PLANNING COMMISSION
MEETING MINUTES**

JULY 28, 2025

and at a meeting on June 25th, 2025, the township signed documentation to vacate 259th Street between SD Highway 11 and 483rd Avenue. This will allow Knife River to utilize the haul road without public traffic, and they will be fully responsible for its repair and maintenance.

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

Buffer Area.

Since the original permit in 2020, a few homes owned by the petitioner within the 1,000 foot setback have been removed. There is still one residence within the 1,000 foot setback owned by the petitioner and no additional residences are within this setback.

Hours of Operation.

The hours of operation for the quarry will remain as Monday thru Friday - 7:00 A.M. to 6:00 P.M., Saturday - 8:00 A.M. to 12:00 noon. Operations will not be allowed on legal holidays. Activities such as office or maintenance operations which produce no off-site noise may occur outside of the designated hours of operation.

Visual Considerations.

The petitioner included plans to construct berms and vegetation on the property to screen the site and reduce off site impacts. All berms shall be placed in accordance with the zoning ordinance, prior to extraction. Vegetation planted should remain in a live state.

Blasting.

The petitioner plans to follow the guidelines set forth by the United States Department of Interior Office of Surface Mining for blasting at the proposed rock quarry. These requirements include monitoring ground vibration and air blast. An alert system is also in place for residents within one square mile of the current quarry, which sends an alert to residents 24 hours prior to a blast operation.

Noise.

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.
Ambient air quality monitoring will occur according to the State regulations at the County's discretion.
- (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.
Impact on air quality will be minimized by following company procedures for controlling fugitive dust from mining and associated operations.
- (3). Employ techniques that minimize the release of particulate matter created by material stockpiles, vehicular movement and process operations.
Dust from the screening and conveying process is controlled by ensuring moisture is present in the material being processed. If visible dust can be observed leaving the crushing/conveying process, water is added to the aggregate material as it is being processed.
- (4). Dust control agents should be applied to township gravel roads designated as haul routes and all driving surfaces within the extraction area.
Dust from traffic within the operational area will be controlled with applications of water or calcium chloride.

Hydrology, Dewatering and Drainage.

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.

The Hydrologic Study includes an analysis of the dewatering process as the mine develops. All dewatering on the site will be in accordance with the SD DANR permits for the operation. Drainage around the proposed quarry area is shown on the proposed stream realignment maps.

Haul Roads.

The petitioner has recently worked with Brandon Township to vacate the portion of 259th Street adjacent to the quarry. The mined materials will be conveyed to the south across this vacated road and processed at the quarry using permanent infrastructure. From there, the material will be shipped from the existing Corson site utilizing truck and rail systems. The main haul road for the operation will continue to be SD Highway 11.



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.

Reclamation.

The overburden will be reclaimed to a maximum slope of 3:1, and reclamation will not occur until all mining is complete on the subject properties. The reclamation plan will likely require construction of temporary features such as ponds, basins, roads, safety, and drainage features. It is expected that the surrounding land will be returned to agricultural land, and the quarry area will become a water filled reservoir.

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.

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 petitioner still owns all of residential properties within the required 1,000-foot buffer area. Much of the surrounding land to the south is in use for the existing sand and gravel operation that was expanded earlier this year. There are a few residential homes within a half mile of the proposed extraction site. Based on analysis of surrounding land uses, the proposed expansion of the rock extraction operation should not negatively affect the use and enjoyment of existing property or property values in the immediate vicinity.

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 as a water reservoir and agricultural land. The surrounding area is primarily agricultural land, residential acreages, and commercial businesses. The land to the south has been used for sand mining for the past thirty years and has continued to expand, including new rail spurs and sand processing plant that were approved this year. Therefore, there should be no effect on the normal and orderly development of surrounding vacant property, which is determinant on the availability of building eligibilities and future municipal annexations.

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

The petitioner has submitted plans to reroute the intermittent streams within the expansion area around the mine, and a floodplain development permit has been approved for this work. The proposed rock extraction will require dewatering to be released into the natural drainageways and



the proposed stream diversion. The petitioner has worked with Brandon Township to vacate the portion of 259th Street adjacent to the quarry. A portion of this vacated road will be gated off and abandoned, while the rest of the road will be converted into a private access road for Knife River. Materials will be transported across the vacated road to be processed and then will be transferred to the existing rail and truck transportation networks.

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

The expansion of the quarry should not impact the minimum parking requirements for the site. The petitioner should continue to provide one (1) off-street parking space 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 is proposing to incorporate buffer zones that will have berms and shelter belts to reduce dust, noise, and visual impacts from surrounding property owners as well as passersby. The narrative also states that dust from traffic will be controlled via water or calcium chloride applications, and that water is added to the aggregate if dust is observed during processing. The use of rail transportation for a majority of the haul route will lessen the impacts on the roads as well as reduce air emissions and related carbon footprint impacts. The main haul road for trucks will continue to be SD Highway 11.

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

Goal 6.5 of the Envision 2045 Comprehensive Plan states that the county should recognize that rock, sand, and gravel deposits within the county are a nonrenewable natural resource and beneficial to the economy of the county and the welfare of its people. There should be no significant negative harm to the health, safety, and general welfare of the public with the proposed expansion of the rock extraction quarry.

Recommendation: Staff recommends **approval** of Conditional Use Permit #25-43 to Expand Rock Extraction Quarry 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 flood plain.
- 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 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) That all mining activity is concluded by January 1, 2060, 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, 2061, 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 \$5,000.00.
- 17) The applicant shall abide by all regulations outlined in Minnehaha County Floodplain Management Ordinance, MC32-03, when working in the 100-year floodplain and/or floodway.
- 18) The rock extraction 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 shelter belts around the rock extraction areas shall be maintained.
- 20) A non-point discharge elimination system (NPDES) permit shall be obtained for all applicable areas of rock extraction.
- 21) All other required federal and state permits shall be obtained for the facility.
- 22) The facility shall comply with all plans submitted to the planning staff.

Public Testimony & Discussion

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

Colin Chatterton was present at the meeting and represented Knife River LLC. Mr. Chatterton explained that 259th Street was recently vacated and that these documents have been filed with the County Auditor. He also stated that Knife River has gates on the road where it will no longer be maintained, and the rest of the road will be privately maintained by Knife River. Mr. Chatterton further explained that Knife River will obtain all of the permits required by other agencies, prior to any drilling or blasting in the expansion area. Finally, Mr. Chatterton stated that Knife River would



like to amend condition four in order to clarify that on-site dewatering is limited to dust control, road projects and rock washing, and that any off-site dewatering must follow the required discharge permits.

Mason Steffen explained to the commission that he had been in contact with the petitioner regarding this condition change and that planning staff has no issue with the proposed change.

Action

A motion was made by Commissioner Heiberger and seconded by Commission Ralston to **approve** Conditional Use Permit #25-43 with the amended conditions. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

Conditional Use Permit #25-43 – Approved 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 flood plain.
- 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 on-site dewatering shall only be for use in dust control, road projects and rock washing. Any off-site dewatering shall follow the non-point discharge elimination system (NPDES) permit for the site.
- 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 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) That all mining activity is concluded by January 1, 2060, 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, 2061, 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 \$5,000.00.
- 17) The applicant shall abide by all regulations outlined in Minnehaha County Floodplain Management Ordinance, MC32-03, when working in the 100-year floodplain and/or floodway.
- 18) The rock extraction 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 shelter belts around the rock extraction areas shall be maintained.
- 20) A non-point discharge elimination system (NPDES) permit shall be obtained for all applicable areas of rock extraction.
- 21) All other required federal and state permits shall be obtained for the facility.
- 22) The facility shall comply with all plans submitted to the planning staff.



**MINNEHAHA COUNTY
PLANNING COMMISSION
MEETING MINUTES**

JULY 28, 2025

Old Business

None.

New Business

None.

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 8:00 p.m.