



**MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MARCH 22, 2021

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
March 22, 2021**

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

David Heinold, County Planning Department, read aloud the instructions for Zoom attendees on how to raise their hands to speak on an agenda item.

Commissioner Bonnie Duffy chair the County Planning Commission, and 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.

Commissioner Erik Nyberg chaired the City of Sioux Falls Planning Commission, and called for roll call of City of Sioux Falls Planning Commission members present to determine quorum.

CITY PLANNING COMMISSION MEMBERS PRESENT: Sean Ervin, Kurt Johnson, Larry Luetke, Bradyn Neises, John Paulson, Janet Kittams, and Erik Nyberg.

STAFF PRESENT:

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

The County Planning Commission was presided over by Commissioner Bonnie Duffy. The City Planning Commission was chaired by Erik Nyberg.

Chair Duffy called the joint City of Sioux Falls and Minnehaha County Planning Commission meeting to order at 7:47 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.



**MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MARCH 22, 2021

ITEM 1. Approval of Minutes – February 22, 2021

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

A motion was made for the County by Commissioner Barth and seconded by Commissioner Mohrhauser to **approve** the meeting minutes from February 22, 2021. A roll call vote was taken, and the motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.

The same motion was made for the City by Commissioner Johnson and seconded by Commissioner Luetke to **approve** the meeting minutes from February 22, 2021. 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 #21-24 to transfer one (1) building eligibility from the W1/2 N1/2 SW1/4 (Ex. E430' & Ex. W212' E642' & Ex. Tract 1, Westwood Valley 2nd Addition to the S1/2 SW1/4 (Ex. R-1 & Ex. Klein's Tract 1A & Tract 2A & Ex. E1,360' & Ex. Tract 2, Westwood Valley 2nd Addn.); all in Section 28-T101N-R50W.

Petitioner: Rick Dunlap

Property Owner: Westwood Valley, LLC

Location: Approximately 0.5 mile west of Sioux Falls

Staff Report: Kevin Hoekman

General Information:

Legal Description – W1/2 N1/2 SW1/4 (Ex. E430' & Ex. W212' E642' & Ex. Tract 1, Westwood Valley 2nd Addition to the S1/2 SW1/4 (Ex. R-1 & Ex. Klein's Tract 1A & Tract 2A & Ex. E1,360' & Ex. Tract 2, Westwood Valley 2nd Addn.); all in Section 28-T101N-R50W

Present Zoning – A1-Agriculture

Existing Land Use – Agricultural cropland

Parcel Size – 31.3 acres

Staff Report: Kevin Hoekman

Building Eligibility Background:

Residential development is restricted within agricultural zoned land within the county. Only one residential dwelling is allowed for every quarter quarter section (40 acres) or every lot of record which was platted prior to the zoning amendment. This restriction referred to as density zoning. Each location where a residential dwelling is allowed has been assigned a building eligibility, and these building eligibilities are transferable (with a conditional use permit) to contiguous properties under the identical ownership.

Staff Analysis:

The petitioner is requesting a transfer of a residential building eligibility from a parcel with limited access to a parcel accessible by a county highway. The new location was formerly a farmstead with several buildings which remain on the site. The site is also in close proximity to suburban development within Sioux Falls. City planning staff submitted comments regarding future impacts of another driveway onto an arterial road. A condition was recommended to require the new driveway to access S. Lanna Drive rather than allowing the use of access onto 267th Street which is the extension of 41st Street.



Conditional Use Permit Criteria:

(a) The impact of the proposed use on adjacent properties shall be a major consideration. The proposed use should be generally compatible with adjacent properties and other properties in the district.

The proposed use is to transfer a building eligibility and allow it to be used for one single family dwelling. To the west of the site is mostly agricultural land, and to the east of the site is residential suburban growth of the City of Sioux Falls. A residential dwelling will have little impact on either the agricultural or residential uses in the area.

(b) Measures shall be taken to ensure that the proposed use does not alter the general character of the area or neighborhood.

Since the proposed residential dwelling will be placed within a former farmstead, the character of the neighborhood will not significantly be changed. It is possible that platting a new parcel for the dwelling will affect the future layout of suburban subdivisions as Sioux Falls expands. A new plat will be reviewed by staff for both the city and county according to each subdivision ordinances and regulations.

(c) The effects of noise, odor, traffic, air and water pollution, and other negative factors shall be eliminated or controlled through the use of screening, setbacks and orientation.

A residential dwelling is not likely to increase noise, odor, air, or water pollution. A residential property must abide by the county Public Nuisance Ordinance. Comments from city staff include concerns over new traffic entering and exiting a future arterial road. As the property is very close to planned urban streets, city staff is requesting the driveway for the new dwelling be located off of S. Lanna Drive.

(d) The proposed use shall not adversely affect the public.

The proposed use is compatible in the area and should not adversely affect the public.

Health, safety, general welfare of the public and the Comprehensive Plan should be considered as part of the request.

This proposed action meets with the comprehensive plan to cluster residential building eligibilities. Limits placed on the driveway access and review of any new plat will prepare the property for future annexation into city limits.

Recommendation:

Staff recommends **approval** of Conditional Use Permit #21-24 with the following conditions:

- 1.) A right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit for all single family dwellings.
- 2.) Access for the new building eligibility site needs to connect to the abutting S. Lanna Drive.



**MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MARCH 22, 2021

Public Testimony:

Kevin Hoekman, County Planning staff, presented a brief explanation of the staff report. He explained that the petitioner was working with the city to revise condition #2 regarding access onto Lanna Drive rather than 41st Street.

Albert Schmidt, City Planning and Development, presented revised conditions which were agreed to by the city planning staff and the petitioner. The changes were made with long term redevelopment in mind. The amended conditions would replace condition #2 and add condition #3 as follows:

- 2.) Removal and relocation of 41st Street access with redevelopment; AND
- 3.) Provide a mutual access easement for the two properties around of this area (46810 and 46816 267th St) with redevelopment.

Rick Dunlap, 46810 267th Street, explained how the building eligibility will be used and how the land will be developed along the north side before development reaches 41st Street. The plan would redevelop the residential properties on the three lots into commercial properties.

No other people moved to speak to the item

Actions:

Commissioner Barth made a motion to **approve** Conditional Use Permit #21-24 with recommended conditions as amended by staff. The motion was seconded by Commissioner Ode. A roll call vote was taken and the motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.

Commissioner Lueke made the same motion for the city planning commission to **approve** Conditional Use Permit #21-24 with recommended conditions as amended by staff. The motion was seconded by Commissioner Johnson. A roll call vote was taken and the motion failed with 6 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #21-24 – Approved with the following conditions:

- 1.) A right-to-farm notice covenant shall be placed on the deed prior to the issuance of a building permit for all single family dwellings.
- 2.) Removal and relocation of 41st Street access with redevelopment; AND
- 3.) Provide a mutual access easement for the two properties around of this area (46810 and 46816 267th St) with redevelopment.



ITEM 3. CONDITIONAL USE PERMIT #21-25 to exceed 1,600 square feet of total accessory building area – requesting 2,212 sq. ft. on the property legally described as Lot 2, Block 2, Country Acres Addition, Section 31-T101N-R50W.

Petitioner: Anthony C. Anderson

Property Owner: same

Location: 46625 Prairie Dr. Located Approximately 3 miles west of Sioux Falls

Staff Report: Kevin Hoekman

General Information:

Legal Description – Lot 2, Block 2, Country Acres Addition, Section 31-T101N-R50W

Present Zoning – A1 Agriculture

Existing Land Use – Residential Acreage

Parcel Size – 1 acre

Staff Report: Kevin Hoekman

Staff Analysis:

The petitioner is requesting to build an addition to an existing detached garage, and the combined total of the existing with proposed addition is greater than 1,600 square feet. The ordinance requires a conditional use permit for total accessory building area greater than 1,600 square feet on properties one acre in size or less and within a subdivision.

The petitioner has submitted a sketch plan of the proposed addition. The addition is planned to extend 12 feet to the north (front) of the existing garage and 9 feet to the east (side). The sketch plan shows that the addition will be 5 feet from the property line on the east side. A detached accessory building requires 3 feet of setback from a side yard. The property is fronted by a section line road on the south and a subdivision road on the north. The proposed addition will meet the required front yard setbacks from both roads.

Conditional Use Permit Criteria:

(a) The impact of the proposed use on adjacent properties shall be a major consideration. The proposed use should be generally compatible with adjacent properties and other properties in the district.

The proposed property is located within a rural subdivision of residential used properties. The subject property would have a similar layout to other properties in the area. Every property on the block has both an attached garage and a detached garage. The proposed total accessory building area is also similar in size to a detached building to the northwest of the property with a total area of 2,104 square feet.



(b) Measures shall be taken to ensure that the proposed use does not alter the general character of the area or neighborhood.

The proposed use will allow for additional indoor storage of vehicles and hobby equipment. The building should not be used for commercial business. The addition will bring the structure closer to the neighboring property owner to the east, but it should be noted that there is a mature stand of trees separating the neighbor from the proposed garage.

(c) The effects of noise, odor, traffic, air and water pollution, and other negative factors shall be eliminated or controlled through the use of screening, setbacks and orientation.

Residential uses are not typical creators of nuisance noise, odor, traffic, or air and water pollution. The property must continually comply with the zoning ordinance and with the public nuisance ordinance.

(d) The proposed use shall not adversely affect the public.

The proposed residential accessory building addition will create little to no change to the surrounding properties. The conditions placed on this Conditional Use Permit will assist in maintaining the property in good condition for the public.

Health, safety, general welfare of the public and the Comprehensive Plan should be considered as part of the request.

The proposed structure is in a residential area with similar style and sized buildings within the same neighborhood. City planning staff submitted comments and a recommendation for approval of the proposed accessory building addition.

The petitioner should be aware that county planning staff does not research or enforce any restrictive covenants which may or may not exist on the deed of the property.

Recommendation:

Staff recommends **approval** of CUP #21-25 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 2,212 square feet.
- 3.) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 4.) That only personal storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 5.) That all outdoor lighting shall be of a full 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 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



**MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MARCH 22, 2021

in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

Public Testimony:

Kevin Hoekman, County Planning staff, presented a brief explanation of the staff report and recommendation.

Anthony Anderson, 46625 Prairie Drive, was available for questions. Commissioner Ode asked if neighbors have been made aware and if they have any concerns. Anthony Anderson responded that the neighbors have been notified and no objections were raised.

Actions:

Commissioner Barth made a motion to **approve** Conditional Use Permit #21-25 with recommended conditions. The motion was seconded by Commissioner Randall. A roll call vote was taken and the motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.

Commissioner Luetke made the same motion for the city Planning Commission to **approve** Conditional Use Permit #21-25 with recommended conditions. The motion was seconded by Commissioner Johnson. 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 #21-25 – Approved 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 2,212 square feet.
- 3.) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 4.) That only personal storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 5.) That all outdoor lighting shall be of a full 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 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 & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MARCH 22, 2021

ITEM 4. CONDITIONAL USE PERMIT #21-19 to allow Sand & Gravel Mining on the properties legally described as W1/2 SE1/4 (Ex. H-1) & SE1/4 (Ex. H-1) and S1/2 NW1/4 and A Portion of the SW1/4 NE1/4; all in Section 17-T101N-R50W.

Petitioner: Jim Soukup

Property Owner: Crusher Investment Company

Location: Approximately 1 mile west of Sioux Falls

Staff Report: David Heinold

General Information:

Legal Description - W1/2 SE1/4 (Ex. H-1) & SE1/4 (Ex. H-1) and S1/2 NW1/4 and A Portion of the SW1/4 NE1/4; all in Section 17-T101N-R50W

Present Zoning - A-1 Agricultural District

Existing Land Use - Agriculture

Parcel Size - 237.26 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting conditional use permit approval to allow sand and gravel mining in the W1/2 SE1/4 (Ex. H-1) & SE1/4 (Ex. H-1) and S1/2 NW1/4 and A Portion of the SW1/4 NE1/4; all in Section 17-T101N-R50W. The proposed sand and gravel mining area consists of approximately 75.05 acres. The site plan shows a 200-foot-wide gas line easement running from the north side to the southeast side of the subject property where there will be no mining.

Developmental and Operational Criteria. The following criteria shall be considered in developing conditions for applications involving rock, sand, and gravel extractions. More stringent requirements may be imposed by the County and City or the applicant may present arguments to relax the requirements based on specific characteristics of the site.

Buffer Area.

There are no residences within 1,000 feet of the extraction operations. The setback distances are shown on the included extraction plan.

Hours of Operation.

The proposed hours of operation for sand and gravel extraction will be Monday thru Friday, 7:00 am to 6:00 pm and Saturday, 8:00 am to 12:00 pm.



Visual Considerations.

The proposed mining operation will be visible from South Dakota State Highway 42. There will be 6-foot tall landscape berms placed along the western property line of the NW1/4 SE1/4 and SW1/4 SE1/4. There is an existing mature landscape tree belt on the neighboring property to the southwest that also naturally blocks views from the residential subdivision; however, the applicant will still need to construct a landscape berm on the subject property along the proposed excavation area in the S1/2 NW1/4 in accordance with the zoning ordinance requirements. The narrative states that the north and east sides of the subject property do not pose any concerns for visibility issues that are apparent to the petitioner. The adjacent properties to the north are primarily used for mining purposes. There are no residential subdivisions to the south of South Dakota State Highway 42.

Blasting.

No blasting will be done on this property for mining purposes.

Noise.

The noise levels will 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 will be taken into consideration.

Air Quality.

Air quality monitoring will be conducted at the operator's expense when conditions warrant. 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. Employ techniques that minimize the release of particulate matter created by material stockpiles, vehicular movement and process operations. Dust control agents should be applied as needed to township gravel roads designated as haul routes and all driving surfaces within the extraction area.

Hydrology, Dewatering, and Drainage.

A hydrologic study is not warranted because there is no dewatering planned with



**MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MARCH 22, 2021

this extraction. Some material being extracted will be below the water table, but there be no impact of the water table. This area has had sand extracted below the water table for many years and there have been no adverse impacts. The berms will be constructed to not interrupt the natural drainage of the area.

Haul Roads.

467th Avenue between South Dakota State Highway 42 and 264th Street will not be used as a haul route. The north haul route will exit the north side of the site and then travel to the east towards Ellis Road. The south haul route will exit the property onto South Dakota State Highway 42 and then travel east towards North Ellis Road. North Ellis Road is also known as County Highway 139. The applicant understands the need to control dust and help maintain the road to an acceptable standard. The applicant will need to consult with the appropriate governmental authorities regarding a haul route agreement for using proposed roads to transport materials and products.

Operator Surety.

A surety bond should 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 agreement with the appropriate governmental authorities concerning repair of designated haul roads. In lieu of the required surety, the operator may deposit cash with the County in the amount equal to the required surety.

Reclamation.

A portion of the property will be returned for agricultural use upon completion of the mining operations. The topsoil will be replaced on the property and the property will be used as it has been in the past. There will be a portion of the property with permanent water storage. The excavation will slope away from the property line no steeper than a 5:1 in order to make the property farmable upon completion of the mining operation. The topography and cross section of the property is shown on the attached extraction plan.

Additional Consideration.

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.

Staff contacted the City of Sioux Falls Planning & Development Services staff for comments on the conditional use permit request to allow sand and gravel mining. Staff received a comment letter that is included for your review. Staff contacted the South Dakota Department of Transportation about the conditional use permit request to use South Dakota State Highway 42 as one of the haul routes. The Minnehaha County Highway Department has also been contacted regarding the proposed use of the county highway as a secondary haul route. A Haul Road Agreement will be required from both the Minnehaha County Highway Department and South Dakota Department of Transportation for use of the two highways as haul routes.

On March 8, 2021, staff visited the site of the proposed sand and gravel mining area. The proposed use is appropriate for the surrounding area with required conditions.

Conditional Use Permit Criteria:

(a) The impact of the proposed use on adjacent properties shall be a major consideration. The proposed use should be generally compatible with adjacent properties and other properties in the district.

The proposed use is generally compatible with surrounding farmland and single family dwellings. There are several single family dwellings within a mile of the proposed mining area. A majority of the adjacent land is currently used for agricultural production. The proposed use should not impact property values of adjacent properties. With proper execution of the plan, the proposed sand and gravel extraction area should have a neutral impact on the use and the enjoyment of other properties in the immediate vicinity.

(b) Measures shall be taken to ensure that the proposed use does not alter the general character of the area or neighborhood.

Historically, sand and gravel mining has taken place within close proximity to Skunk Creek. There has been limited development of the surrounding vacant properties with the exception of some residential growth to the east and west. The West Acres Subdivision located about a quarter mile to the southwest of the subject property consists of approximately 65 houses. In addition, there are over 100 single family dwellings on both sides of South Dakota State Highway 42 to the east of the subject property. The remainder of the land to the north is used for mining and agricultural purposes. The land to the south of the highway is primarily agriculture. The narrative describes measures such as setbacks and visual screening to ensure that the proposed use for sand and gravel mining does not alter the general character of the surrounding area. The City of Sioux Falls continues to grow west of Ellis Road, but much of the residential growth has been occurring over a half mile south of South Dakota State Highway 42. The proposed use should not affect the normal and orderly growth of surrounding vacant land, which is primarily used for agriculture.



Once mining operations are complete, the applicant plans to return the site back to agricultural production and a portion of the property to water storage.

(c) The effects of noise, odor, traffic, air and water pollution, and other negative factors shall be eliminated or controlled through the use of screening, setbacks and orientation.

At a minimum, there should be a condition requiring application of dust control along the gravel portions of the haul route. Any increase in the amount and frequency of vehicular traffic will produce dust from travel on gravel surfaces. The application narrative explains the visual and other operational criteria that will be followed in conjunction with the proposed mining use. The combination of natural screening elements such as a berm and shelterbelt will aid in obstructing the view of the mining operation from surrounding residential properties. 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. There is also a need to control fugitive dust from operation of the proposed sand and gravel mining area.

The applicant proposed to construct a landscape berm on the western property boundary of the NW1/4 SE1/4 and SW1/4 SE1/4 as a visual screen from the adjacent residential subdivision. The narrative lists an existing tree belt on adjacent property that could be used as a visual screening element for the northern portion of the proposed mining area. Staff suggests that the applicant be required to include landscape berms on the south side of the S1/2 NW1/4 parcel to screen the adjacent residential properties. Staff would like to note that the extraction plan has not identified the appropriate 1,000 foot setback nor provided waivers from the existing residential homes to the east. Staff suggests that all sand and gravel mining be kept a minimum of 1,000 feet from the nearest residential houses. It appears that a portion of the proposed mining area overlaps the 100-year floodplain. It is recommended that a Floodplain Development Permit be obtained prior to any placement of fill or excavation activities may take place in this portion of the subject property.

(d) The proposed use shall not adversely affect the public.

Historically, sand and gravel mining has occurred to the north of the subject property for the past thirty plus years. A majority of the single family dwellings to the southwest have existed during that time as well. The proposed use should not adversely affect the general public provided the appropriate mitigation measures are implemented to reduce concerns regarding operation of the sand and gravel mining area. The narrative states that 467th Avenue will not be used as a haul route for sand and gravel trucks. Staff suggests adding a condition restricting truck traffic on 467th Avenue to limit the impact of the proposed operation on the general public. The state and county highway system are more suitable for the amount of truck traffic.



Health, safety, general welfare of the public and the Comprehensive Plan should be considered as part of the request.

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

The City of Sioux Falls Planning & Development Services staff provided comments that it should be noted that ¾ of this property was within the Joint Jurisdiction area before the changes were made in 2017. Based on the approved growth plans for the City of Sioux Falls, this area will likely be developed in an urban setting.

Because of these considerations the City of Sioux Falls Planning & Development Services staff recommends approval with the following condition on this application:

1. An annual floodplain development permit should be obtained from the property authority for any fill or excavating occurring within the regulated floodplain.

Recommendation:

Staff finds that the proposed use for 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 #21-19 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. That all of the requirements in the Haul Road Agreement between South Dakota Department of Transportation and Minnehaha County Highway Department be followed continually.
6. 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.

7. 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.
8. 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.
9. That one (1) off-street parking place for each employee and two (2) customer off-street parking spaces shall be provided.
10. The boundaries of the extraction area shall conform to the site plan submitted with the application.
11. Topsoil shall remain on the site and be used in final reclamation.
12. Only clean fill shall be used as backfill.
13. There shall be no storage or accumulation of inoperable or discarded equipment or parts.
14. A gate shall be required at the haul road entrance to the property. The entire haul road shall have a dust control agent applied at least twice per year.
15. 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, 2037.
16. 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.
17. That the applicant provides the Minnehaha County Auditor with a surety bond or cash in the amount of \$20,000.00.
18. 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.



**MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MARCH 22, 2021

19. The applicant shall arrange a site review with the Planning Director in July of 2031 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.
20. No trucks are allowed on 467th Avenue.
21. An annual floodplain development permit should be obtained from the proper authority for any fill or excavating occurring within the regulated floodplain.
22. 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 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls in Section 15.14 (g).
23. That the Planning & Zoning Department reserves the right to enter and inspect the 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 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls.

Public Testimony

David Heinold, County Planning Department, presented a brief overview of the staff report and recommendation for the conditional use permit request to allow sand and gravel mining.

Commissioner Barth asked if there was a fifteen-year time period where the sand and gravel extraction may occur. Mr. Heinold explained that the mining would be required to end by January 1, 2036 and the site shall be reclaimed by December 31, 2037.

Jim Soukup, 8900 W. Lakeside Dr., identified himself as the representative for Soukup Construction. Mr. Soukup mentioned that he is fine with all of the conditions of approval except condition #11. He explained that he won't be able to put topsoil from the site in the proposed 75-acre lake area. Mr. Soukup would like to change condition #11 to only require the topsoil on site to return in the areas except the proposed lake area.

Commissioner Luetke questioned what the applicant is requesting regarding the water reservoir.

Mr. Soukup explained that he is fine with condition #11 except he would like to change the condition to only require topsoil to be used in final reclamation for areas outside of the 75 acres of water storage to receive the adequate amount of topsoil.

Commissioner Barth questioned if this will be a year-long operation. Mr. Soukup responded that the majority of operations will take place from April through possibly the end of November and fairly limited activities in the winter.



**MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MARCH 22, 2021

Commissioner Duffy asked County Planning Staff to explain what could be done about changing condition #11. Mr. Heinold explained that the Planning Commissions could change the condition based upon the applicant's request to only require topsoil from the site to be used in areas except the proposed water storage areas. There was additional discussion regarding changing condition #11 to reflect the applicant's request to limit the amount of topsoil required to remain on site for final reclamation.

Scott Anderson, County Planning Director, explained that condition #11 could be changed to read, "enough topsoil shall remain site and be used in final reclamation."

Monica Pierce, 46703 Snowberry St., asked about where the proposed haul routes would be for the sand and gravel operation.

Jim Soukup explained that all of the haul routes for the proposed operation would go east towards Sioux Falls. He continued to mention that there will be no truck routes on 467th Ave.

Monica Pierce questioned what will prevent trucks from using 467th Ave. Mr. Soukup responded that 99 percent of the time their work is in the City of Sioux Falls. He continued to mention that he could put a sign up directing truck traffic to the east. Mr. Soukup explained that there will be no reason for trucks to go down 467th Ave. just to go east towards Sioux Falls.

Commissioner Ode asked the petitioner if there will only be Soukup trucks using the haul routes.

Mr. Soukup explained that it will mostly be their trucks using the haul routes, but they do have rented trucks that would be required by them to use the designated haul routes.

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

No hands were raised in the Zoom Meeting Room.

Commissioner Duffy closed the floor to public testimony.

Discussion

Commissioner Ralston mentioned that he appreciates the neighboring property owners concerns about the haul routes and that the proposed use is appropriate for the surrounding area.

Commissioner Barth concurred with Commissioner Ralston.

Commissioner Luetke questioned if the motion would include the requested change to condition #11 to read, "enough topsoil shall remain on the site and be used in final reclamation.



Commissioner Ralston responded that the motion would include the recommended conditions and the change in condition #11 to read, “enough topsoil shall remain on the site and be used in final reclamation.”

Actions:

Commissioner Ralston made a motion to **approve** Conditional Use Permit #21-19 with recommended conditions and a change to condition #11 to read, “enough topsoil shall remain on the site and be used in final reclamation.” The motion was seconded by Commissioner Barth. A roll call vote was taken and the motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.

Commissioner Luetke made the same motion for the city planning commission to **approve** Conditional Use Permit #21-19 with recommended conditions and a change to condition #11 to read, “enough topsoil shall remain on the site and be used in final reclamation.”. The motion was seconded by Commissioner Kittams. A roll call vote was taken and the motion passed with 6 votes in favor of the motion and 0 votes against the motion.

Conditional Use Permit #21-19 – 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 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. That all of the requirements in the Haul Road Agreement between South Dakota Department of Transportation and Minnehaha County Highway Department be followed continually.
6. 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.



**MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MARCH 22, 2021

7. 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.
8. 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.
9. That one (1) off-street parking place for each employee and two (2) customer off-street parking spaces shall be provided.
10. The boundaries of the extraction area shall conform to the site plan submitted with the application.
11. Enough topsoil shall remain on the site and be used in final reclamation.
12. Only clean fill shall be used as backfill.
13. There shall be no storage or accumulation of inoperable or discarded equipment or parts.
14. A gate shall be required at the haul road entrance to the property. The entire haul road shall have a dust control agent applied at least twice per year.
15. 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, 2037.
16. 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.
17. That the applicant provides the Minnehaha County Auditor with a surety bond or cash in the amount of \$20,000.00.
18. 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.
19. The applicant shall arrange a site review with the Planning Director in July of 2031 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.
20. No trucks are allowed on 467th Avenue.



**MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MARCH 22, 2021

21. An annual floodplain development permit should be obtained from the proper authority for any fill or excavating occurring within the regulated floodplain.
22. 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 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls in Section 15.14 (g).
23. That the Planning & Zoning Department reserves the right to enter and inspect the 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 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls.



**MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MARCH 22, 2021

ITEM 5. PRELIMINARY SUBDIVISION PLAN – Shatter’s Fourth Addition - to allow resubdivision of existing Shatter’s Tracts; all in Section 28-T102N-R50W.

Petitioner: Harr-Lemme Companies

Property Owner: Shatter Family LLP

Location: Approximately 2 miles west of Sioux Falls

Staff Report: City Planning Staff



**MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MARCH 22, 2021

PLANNING COMMISSION

Staff Report

Meeting Date:	March 22, 2021	Agenda Item:	
Petition Number:	13923-2021	Staff Recommendation:	Approval
Staff:	Adam Roach		

Project Name:	Shatter's 4 th Addition Subdivision
Type of Application:	Preliminary Subdivision Plan
Applicant:	Houston Engineering (Josh Johnson)
Owner:	C-Lemme Companies (Joel Ingle)
Request:	PRELIMINARY SUBDIVISION PLAN for Shatter's 4th Addition
Purpose:	Subdivide into 4 lots for residential uses

General Location:	North side of State Hwy 38 just East of 468 th Avenue
Legal Description:	Being a Replat of Tract 1 of Shatter's Third Addition, Tract 2 of Shatter's Second Addition and Shatter's Tract 1 Thru 8, and a Plat of Part of the SE1/4 of the SW1/4, of Section 28, Township 102 N, Range 50 W of the 5th P.M., Minnehaha County
Area:	24.92 Acres
Existing Zoning:	A1, Agriculture
Existing Land Use/Form:	Undeveloped/Not Applicable
Shape Sioux Falls Designation:	Undetermined – outside current growth area
Attachments:	1. Preliminary Subdivision Plan
Elected Officials Meeting:	Date of Hearing: <i>April 27, 2021 (tentative)</i>

ABUTTING ZONING AND LAND USES:

Direction	Current Zoning	Surrounding Land Uses	Compatibility*
North:	AG, Agriculture (county)	Agriculture	N/A
South:	AG, Agriculture (county)	Agriculture	N/A
East:	AG, Agriculture (county)	Agriculture	N/A
West:	AG, Agriculture (county)	Agriculture	N/A

**Compatibility rankings range from 5 as the most compatible to 1 as the least compatible and are scored based upon the proposed zoning district.*

Summary of Zoning District Compatibility – see Exhibit 4.A of the Shape Sioux Falls 2040 Comprehensive Plan for more information

5 – Compatible – No additional minimum standards needed.	4 – Compatible (minor conflicts) – minimal conflicts could exist that can be addressed with additional requirements.	3 – Potential Incompatibility – conflicts could exist that can be addressed with increased additional requirements.	2 – Medium Incompatibility – significant conflicts exist that require large areas of buffer to help reduce conflict.	1 – High Incompatibility – requires additional documentation, buffer yard, and design to reduce conflict.
--	--	---	--	---

APPLICABLE REGULATIONS/STANDARDS:

Title 157.050 Subdivision Ordinance: The preliminary plan shall provide all of the information indicated in 157.052. After the preliminary plan has been recommended for approval or disapproval by the Planning Commission, and the City Engineer, it shall be submitted to the City Council for approval or disapproval.



**MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MARCH 22, 2021

City of Sioux Falls Staff Report (continued)

PLANNING CONSIDERATIONS AND ANALYSIS:

The plan is consistent with the proposed zoning of the property. Being that the area is largely undeveloped at this time, future review of development plans will ensure appropriate buffering and setbacks to adjacent properties are implemented. As of the time of writing this staff report no neighborhood concerns have been received.

PUBLIC AGENCIES & INFRASTRUCTURE COMMENTS:

1. **Energov Active Plan Review:** (No Additional Action Required)
 - a. When the Planning office determines that the application does contain all elements as required by § [157.052](#), the application shall be scheduled for a Planning Commission public hearing by the planning office on a day when the Planning Commission is regularly scheduled to meet as determined by the rules, policies and regulations as adopted or which may hereafter be adopted by the planning commission for holding public hearings on those requests.
 - b. If the Planning office determines that the preliminary subdivision application is in sufficient compliance with § [157.052](#), but there are specific design, improvement or other compliance deficiencies, the planning and building services director may list conditions to the approval of the subdivision application to the planning commission.
 - c. Development engineering plans shall comply with the respective chapters within the adopted engineering design standards. The final grading and drainage plan, the final utility plan, and the groundwater control plan shall be approved or disapproved within 15 working days after submittal to the City Engineer. In addition, a final lot and block layout shall be approved by the City Engineer and Director of Planning and Development Services as required by Table 2. If these plans are approved, the developer may then submit the plat(s) for approval.

SPECIAL INFORMATION:

All items have been address during the plan review. Therefore, Staff recommends approval of this proposed subdivision.

PRELIMINARY SUBDIVISION PLAN submittal criteria:

- ✓ Drawn to scale: **Graphic scale.**
- ✓ Proposed name of the subdivision: **Shatter's 4th Addition Subdivision**
- ✓ The names of all adjoining subdivisions and all lot and block lines, easements and rights-of-way: **Provided.**
- ✓ Vicinity map to scale, showing locations of the preliminary plan and other property for at least 660 feet in every direction. **Provided.**
- ✓ The owner, developer and surveyor's names, addresses, and telephone numbers. **Provided.**
- ✓ The correct legal description: Notations stating acreage, scale and north arrow. **Provided.**
- ✓ A systematic lot and block numbering pattern, lot lines and street/road names. **Provided.**
- ✓ The location and width of all proposed and existing streets/roads, alleys, easements, parks, water courses, tree masses, railroad rights-of-way and other significant features. **Provided.**



**MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MARCH 22, 2021

City of Sioux Falls Staff Report (continued)

- ✓ Boundary lines of floodways and 100-year flood zones delineated on Flood Insurance Rate Maps (FIRM). **N/A**
- ✓ Existing contours referenced to city datum with intervals sufficient to determine the character and topography of the land to be subdivided. **Provided.**
- ✓ Phases for purposes of identifying final plan parcels based on watershed boundaries. **Not Provided.**
- ✓ Certificates of approval for endorsement by the Planning Commission, City Engineer, City Clerk and the City Council. **Provided.**

UTILITY / INFRASTRUCTURE PLANS:

- ✓ Preliminary drainage and grading plan: **Provided.**
- ✓ Preliminary utility plan: **Provided.**
- ✓ Conformance with the comprehensive plan: **Conforms.**
- ✓ Conformance with the Major Street Plan. **Conforms.**

STAFF REVIEW COMMENTS:

Approved with Comments:

- Sewer - No city sewer is available for these lots at this time.
- Water – No city water comments at this time.
- Planning - Existing development had 8 lots, the proposed changes do not add any new lots. Due to change in process the only needed changes are to update the approval blocks to reflect the City of Sioux Falls.
- Drainage - Please ensure more drainage does not flow onto neighboring properties with this development. Please ensure wetlands will not be an issue. Drainage System Cost Recovery fees will be charged.
- Minnehaha County – No CUP required for making lot larger.

Approved:

- Long-range Planning
- Fire
- GIS
- Engineering Site Plan
- Traffic

Pending:

- Access (City) - As per the meeting with the applicant, the applicant was directed to have discussions with the property owners to the south notifying them of the changed 1/4 mile collector street location. As the revised location of Shatters Street impacts the neighbors to the south. Has this happened?

RECOMMENDATION:

Being that all tasks are addressed and nearly all staff comments are address and it's anticipated that the one pending comment will be fully addressed by the final approval meeting, City and County Staff recommend **approval** of this preliminary subdivision plan.



**MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MARCH 22, 2021

Public Testimony:

Albert Schmidt, City Planning and Development, presented the staff report and recommendation.

Joel Ingle, Harr & Lemme Development at 5735 E 41st Street, as representing the petitioner and available for questions. Commissioner Mohrhauser asked if the road was going to be paved and who will maintain the road. Joel Ingle responded that the road will be paved, and the plan is to create a road district for the development.

Commissioner Paulson asked if a conversation was held with the neighbors regarding the request. Joel Ingle responded that he did talk to neighbors and the proposal does not conflict with any of the neighbor's future plans.

Actions:

Commissioner Ode made a motion to **recommend approval** of Preliminary Subdivision Plan for Shatter's Fourth Addition. The motion was seconded by Commissioner Mohrhauser. A roll call vote was taken and the motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.

Commissioner Johnson made the same motion for the city Planning Commission to **recommend approval** of the Preliminary Subdivision Plan for Shatter's Fourth Addition. The motion was seconded by Commissioner Luetke. 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.

Preliminary Subdivision Plan #21-01 – Approval Recommended



**MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

MARCH 22, 2021

Old Business

None.

New Business

None.

Adjourn

A motion was made for the County to **adjourn** by Commissioner Barth and seconded by Commissioner Randall. A roll call vote was taken, and the motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion. The same motion was made for the City to **adjourn** by Commissioner Johnson and seconded by Commissioner Luetke. 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.

The meeting was **adjourned** at 8:31 pm.