

RESOLUTION MC97-83

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Minnehaha County that an appeal was heard on the decision of the Minnehaha County Planning Commission to approve a conditional use permit to expand an existing quarry to include property legally described as Lot 3 & the E1450' S1703.75' of Lot 4 Royalwood Addn SW1/4 of Section 27-T101N-R48W, the W1534.04' SE1/4 of Section 27-T101N-R48W; N1875.55' E413.20' W1947.24' SE1/4 of Section 27-T101N-R48W. The conditional use permit is hereby approved as amended and the conditions governing the permit shall be as follows:

- 1) The conditional use permit shall be reviewed in accordance with the requirements of Article 12.08 (F) of the zoning regulations.
- 2) An annual fee shall be paid in accordance with Article 12.08 (D) of the zoning regulations.
- 3) All operations with the exception of blasting shall be restricted to the hours of 7:00 am to 7:00 pm on Monday through Friday and 8:00 am to noon on Saturday. Operations shall not be conducted on the following legal holidays: New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving, and Christmas. Activities such as office duties and maintenance activities which produce no adverse off-site impacts shall not be restricted by the hours of operation.
- 4) The maximum depth of excavation shall be to the 1210 foot elevation measured from mean sea level, provided there is no adverse impact on groundwater elevations recorded by monitoring wells required in condition #5.
- 5) The five monitoring wells shown in Figure 6 of the hydrologic study dated June 16, 1997 shall be used to routinely monitor groundwater conditions. Any monitoring well destroyed by extraction operations shall be replaced. Groundwater levels shall be measured in each well on a quarterly basis by an independent party. An annual report on monitoring activities shall be submitted to the Planning Department.
- 6) The blast control plan prepared by David Braslau Associates and dated March 21, 1997 shall govern blasting activities. All blast records shall be available for inspection by the Planning Department upon request.
- 7) Ground vibration and over pressure shall be recorded for each blast by two seismographs. The site of the blast, distance to residential properties and atmospheric conditions shall determine the appropriate locations for the seismographs.
- 8) Ground vibration shall not exceed the guidelines established by the U.S. Bureau of Mines as shown in Attachment A of the Blast Control Plan.
- 9) The air blast shall not exceed 133 dB (linear peak) when measured by an instrument with a frequency response above 2 Hz.
- 10) All blasting shall be restricted to Monday through Friday, except legal holidays listed in condition #3. No blast shall occur before 9:00 am or after 3:00 pm, except in an emergency situation. Upon request, residents within 1500 feet of the conditional use area shall be notified of the approximate time of each blast.
- 11) The berms and shelterbelt shown on the site plan signed and dated March 12, 1997 shall be completed as follows:
 - a) The berm on the south boundary and the south 200 feet of berm on the west boundary shall be completed by July 1, 1998. Phase II extraction shall not commence before this

portion of the berm is completed.

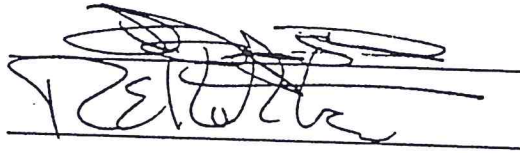
- b) The berm on the north boundary from the gate west a distance of 1300 feet and then south to Phase I extraction shall be completed by the end of 1998.
 - c) The berm on the north and west boundaries of Phase III shall be completed by the end of 1999 or prior to commencing extraction in Phase III, whichever occurs first.
 - d) The shelterbelt east of the gate and on the east boundary shall be completed by July 1, 1998.
- 12) A contract shall be executed with the Minnehaha County Conservation District to plant and maintain the shelterbelt for a minimum of five years.
- 13) Air quality shall be as follows:
- a) No visible dust shall be emitted beyond the boundaries of the conditional use area resulting from production operations, stockpiles and haul roads.
 - d) The ambient air quality standards for total suspended particulate matter shall be 150 micrograms per cubic meter of air as a 24-hour average not to be exceeded more than once per year, and 60 micrograms per cubic meter of air as an annual arithmetic mean. The standards for PM10 (10 micrometers or less in size) shall be consistent with the regulations of the State of South Dakota.
 - c) The Planning Department shall have the authority to require air quality monitoring to ensure compliance. Monitoring shall be conducted at the operator's expense.
- 14) The haul road from the quarry to Highway 42 shall be maintained as a hard surface.
- 15) The sound level from on-site operations, excluding blasting, shall not exceed the following limits:
- L10 (level exceeded for 6 minutes of an hour) - 65dBA
 - L50 (level exceeded for 30 minutes of an hour) - 60dBA
- Sound measurements shall be made at a point of human activity which is nearest to the noise source and conducted at the operator's expense. Off-site activities which contribute to background sound levels shall be disregarded when measuring sound.
- 16) All trucks shall use the haul road which connects directly to State Highway 42.
- 17) Fuel storage containment shall be in conformance with State and Federal requirements.
- 18) All stockpiles of material shall be located within the conditional use area.
- 19) Inoperable and discarded equipment and parts shall be screened from public view.
- 20) There shall be no permanent concrete or asphalt mixing plant within the conditional use area.
- 21) Topsoil shall remain on site and be used in final reclamation.
- 22) Reclamation shall be in accordance with the plan filed with the State. The operator shall consult with the County Planning Department to ensure that final reclamation will result in the most appropriate future use of the area.
- 23) The operator shall file with the Planning Department a surety bond in favor of Minnehaha County in the face amount of \$20,000 to ensure compliance with all terms of the conditional use permit. Such surety bond shall ensure that the operator shall indemnify the County and hold it harmless from any and all liability, claims, damages and expenses which may arise as a result of the failure of the operator to abide by all terms of the conditional use permit,

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

- 24) The conditional use permit approved by resolution MC84-216 dated December 11, 1984 shall be superseded by the above conditions.

Approved this 28th day of August, 1997.

BOARD OF COUNTY COMMISSIONERS


James Zwick
James R. Noonan
Carol Reedt

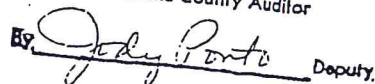
ATTEST:


County Auditor

STATE OF SOUTH DAKOTA }
MINNEHAHA COUNTY }
I hereby certify that the foregoing
instrument is a true and correct copy of
the original as the same appears on
record in my office.

SEP 08 1997

SUE ROUST
Minnehaha County Auditor

By  Deputy