



GRANT COUNTY SOUTH DAKOTA
PLANNING AND ZONING OFFICE
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Minutes from the meeting of Grant County Board of Adjustments February 14th, 2022

Planning Commission members present: Mark Leddy, Nancy Johnson, John Seffrood, Mike Mach, Tom Pillatzki, Richard Hansen and Jim Berg.

Alternate(s) present: Don Weber, Jeff McCulloch

Planning Commission board members absent: none

Others present: Chad Henrich (GCC), Bill Tostenson (Grant County Commissioner), Todd Kays (First District), and Steve Berkner (Grant County Planning Commission officer.)

Meeting Date: Monday, February 14th, 2022

Meeting Time: 4 P.M. In-person in basement of the Courthouse.

1. Chairman Mark Leddy calls the Board of Adjustment meeting to order at 4:02 with a quorum of 7 board members and two alternates present.
2. Leddy ask if the board or any staff member had anything to add to the agenda with none being made.
3. Leddy makes an invitation for anyone present wanted to address the Board of Adjustments with an item not on the agenda with no one responding.
4. Leddy asks for a motion to accept the agenda as presented. Mike Mach makes a first to accept the agenda with Tom Pillatzki making a second. Motion passes unanimously 7-0.
5. Leddy asks for a motion to except the Board of Adjustment minutes from November 8th, 2021. Motion made by Pillatzki with a second by Berg. Motion passes unanimously 7-0.
6. Leddy asks if there are any Conflicts / Ex Parte Communication with any seated board member. No one responds.

7. Leddy asks for a motion for the board to consider Condition Use Permit (CUP) CUP01112022 for a “temporary concrete ready-mix” plant in Blooming Valley Township. Motion made by Mach and seconded by Johnson.

Leddy and asks Kays to make a staff report presentation on that CUP application.

Kays begins his report by saying the temporary “read-mix” plant CUP before the board was for the Blooming Valley Dairy expansion that was approved via a CAFO CUP granted in June of 2020. Kays stated that technically this activity could have been included in that original CUP if it was asked for.

Kays said that the temporary “ready-mix” plant would have no negative affect on the aquifer and that water would be provided by a “deep well” already on site that provides water for the existing dairy.

Kays added that all road agreement in place for the existing dairy should be satisfactory for the amount of additional traffic that the plant activity would generate where he said that by having the temporary “ready-mix” plant on the construction site would actually lesson heavier traffic, but he added they have the option to request them if they deem that necessary.

Kays said that if the CUP was granted that it would be for a period of one-year and that it could be extended if conditions required it.

In closing Kays read the following;

Conditional Use Permit — *the Board may postpone the request, deny the request, or approve the request with or without conditions. If approved staff recommends the following conditions be agreed to in a letter of assurance signed by the applicant(s):*

1. *There will be no storage of junk on site.*
2. *A copy of the SDDANR Permit for portable concrete mix plant shall be presented to the zoning officer prior to the operation of the concrete mix plant.*
3. *The applicant shall obey any Federal, State and Local law of and obtain any necessary permits from the State of South Dakota.*
4. *This conditional use permit authorizes a portable concrete mixing plant with all related recycling and stockpiling.*
5. *Applicant will control on-site dust.*

6. *Storage of petroleum products in quantities exceeding one hundred (100) gallons at one locality in one tank or series of tanks must be in elevated tanks; such tanks larger than eleven hundred (1,100) gallons must have a secondary containment system where it is deemed necessary by the County Zoning Office.*
7. *There will be no signage allowed.*
8. *The applicant may be required to sign a haul road agreement*
9. *The Conditional Use permit for this is not transferable.*
10. *This permit shall be valid for one year or until dairy expansion project is completed, whichever comes first.*
11. *Any failure to comply with the terms of this agreement will be deemed a violation of the terms of this Conditional Use permit. The Grant County Zoning Officer will determine violations. If violations are substantiated the Board of Adjustment may hold a hearing to consider revocation of this Conditional Use Permit.*

Kays asked if GCC representative Chad Henrichs (permittee) had any additional comments and he had none.

Leddy opens the public hearing portion of the CUP and requests and asks if there was anyone present to speak against granting the CUP. No one responded.

Leddy asks if there was anyone present to speak for granting the CUP with no one responding.

Leddy closed the public hearing portion of the meeting to begin board discussion.

John Seffrood asked Henrich where the aggregate for the concrete would be coming from and if there had been any communication with the township board where Henrich replied that the aggregate would be coming from LG Everest and that he would speak to the township board on if there was a "road-haul agreement" needed.

Kays added to the discussion that the CUP conditions that he just read stated that if necessary that the permittee would be responsible for any "road-haul agreements." Kays suggested that prior to the start of any activity that it would be recommended that a letter be presented from the township of any concerns they may have.

Hansen asked if one-year was enough where Berkner added that the building permit was also only good for one year and that that permit was going to be granted over the next couple of weeks.

Berkner drew attention to the fact that a church was located less than a mile away but that the information he received from them was that the church was not in regular use unless a special event came about. Seffrood confirmed as a neighbor that the church was not in used much at all and possibly had been not used in years other than occasional mowing.

With no more comments or questions Leddy called for the reading of the findings of fact by Kays:

- A. On January 12, 2022 GCC applied for a conditional use permit to operate a portable concrete mix plant on the property legally described as
 - A.i. S ½ SE ¼ of Section 10, Township 121, Range 52, Grant County, South Dakota
- B. The following use is listed in the A – Agricultural District of the Grant County Zoning Ordinance:
 - B.i. Section 1101.03.4 - Sand, gravel or quarry operation; Mineral exploration and extraction; Rock crushers, concrete and asphalt mixing plants
- C. The Board determined that application, staff report and testimony at the meeting allowed the Board to adequately review and determine that satisfactory arrangements have been made that meet the Standard Findings of Fact for Conditional Uses and Variances adopted by the Board of Adjustment on February 12, 2018.
- D. The Board determined that there were no other issues brought up with the application or during testimony which relate to the Zoning Ordinance or Land Use Plan that the Board felt needed to be addressed.
- E. The Board determined that the conditions recommended by staff report should be incorporated into the conditional use permit.
- F. The Board determined that the issuance of this conditional use permit will not adversely affect the public interest if operated according to County’s ordinance and the conditions prescribed.
- G. The Board determined that it is empowered to issue this permit.
- H. The Board determined that the applicant, along with information available to the Board through the zoning office, has provided sufficient information regarding this request. The Board has determined the information to be sufficient to warrant issuing the permit. Staff and the Board suggested the following conditions to ensure the requirements of the zoning ordinance are met.

1. There will be no storage of junk on site.
2. A copy of the SDDENR Permit for portable concrete mix plant shall be presented to the zoning officer prior to the operation of the hot mix plant.
3. The applicant shall obey any Federal, State and Local law of and obtain any necessary permits from the State of South Dakota.
4. This conditional use permit authorizes a portable concrete mixing plant with all related recycling and stockpiling.
5. Applicant will control on-site dust.
6. Storage of petroleum products in quantities exceeding one hundred (100) gallons at one locality in one tank or series of tanks must be in elevated tanks; such tanks larger than eleven hundred (1,100) gallons must have a secondary containment system where it is deemed necessary by the County Zoning Office.
7. There will be no signage allowed.
8. The applicant may be required to sign a haul road agreement
9. The Conditional Use permit for this is not transferable.
10. This permit shall be valid for one year or until dairy expansion project is completed, whichever comes first.
11. Any failure to comply with the terms of this agreement will be deemed a violation of the terms of this Conditional Use permit. The Grant County Zoning Officer will determine violations. If violations are substantiated the Board of Adjustment may hold a hearing to consider revocation of this Conditional Use Permit.

Leddy calls for the roll call vote which passes unanimously 7-0.

8. With no more business to consider Leddy asks for a motion to adjourns the Grant County Planning Commission.

Board member Seffrood made the motion to adjourn, Berg made the second. Vote carries unanimously 7-0.

Board of Adjustment meeting ends at 4:23

Steve Berkner
Planning and Zoning Administrator
Grant County