

On motion made by Waldera and seconded by Bumgardner, it was moved that this Ordinance be adopted:

ORDINANCE NO. 53

AN ORDINANCE TO AMEND HANSON COUNTY ZONING  
ORDINANCE #18 TO ADD ROCK, SAND, AND GRAVEL EXTRACTION

BE IT ORDAINED by the Board of Commissioners of Hanson County,  
South Dakota, that:

A. INTENT

1. This section addresses the application, review and regulation of extraction and on-site processing of rock sand and gravel. An applicant must meet certain requirements as specified in *Subsection C* when filing for a conditional use besides the general requirements in other section of the zoning regulations.

2. The development and operational criteria in *Subsection E* are intended to help formulate conditions to be imposed on individuals' extraction operations.

3. The County will have the discretion of requiring more or less stringent conditions based upon the location of a proposed operation. It is also recognized that such operations will not be appropriate throughout all areas of the County.

B. SUBMISSION OF APPLICATION

The application for rock, sand or gravel extraction shall be filed with the Planning Office on the prescribed conditional use form by noon on the first Thursday of the month.

C. APPLICATION

1. The conditional use application shall come with:

[a] Maps showing the area within the extraction operations will be conducted, including areas to be disturbed, setbacks from property lines, and the location of structures, equipment and access and haul roads.

[b] A description of the surface land use and vegetation, including all pertinent physical characteristics.

[c] 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 supporting this position.

[d] A reclamation plan which considers the criteria in Subsection E – reclamation.

[e] The applicant shall meet with the County Highway and Township supervisors of the affected roads to discuss repair and maintenance responsibilities on roads to be used as haul routes. A haul road agreement shall be presented with the application.

B. NOTIFICATION REQUIREMENTS

1. Besides the notification requirements of Article 16, Section 1605, the Planning Director shall notify by U.S. mail all property owners of record within one mile of the proposed conditional use area of the time, date, place, and purpose of the public hearing. The notice shall be mailed not less than 10 days before the public hearing.

C. DEVELOPMENT AND OPERATIONAL CRITERIA

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

**[a] Buffer Area**

1. A minimum distance of one mile for a rock ledge quarry or 1000 feet will be maintained between an existing residence and a rock, sand, or gravel operation, except when the operator secures a waiver from the affected landowner.

**[b] Hours of operation**

1. Monday thru Friday – 7:00 A.M. to 6:00 P.M., Saturday – 7:00 A.M to 4:00 P.M. Operations will not be conducted on federal holidays. Activities such as office or maintenance operations which produce no noise off-site will not be restricted by the hours of operation.

2. Blasting will be scheduled on weekdays at 9:00 A.M. to 4:00 p.m. There is to be no blasting on federal holidays. Residents within a one-mile radius are to be notified of the date and time of each blast no later than 24 hours before the blasting.

**(c) VISUAL CONSIDERATIONS**

[1] Earth berms three rows of trees and vegetation will be employed to minimize visual impacts and reduce the effects of noise.

[2] The need for and placement of berms and three rows of trees shall be determined by the orientation and position of the excavation site regarding residences and roadways. Berms are to be located in such a way as to restrict the public's view of the property. Consideration will be given to placing the berms and three rows of trees as close to the public viewpoint as practical. Generally, berms will be six feet in height and forty feet in width. They are to be seeded immediately after construction to avoid soil erosion. Berms shall be maintained and kept reasonably free of weeds.

[3] The operator is to work with the County Conservation District to develop a planting program. Consideration is to be given to planting one or more of the following: evergreen, Russian Olive, ash, caragana, crab apple, lilac, and buffalo berry. The plants will be properly cared for to ensure the highest survival rate and all dead plants replaced during the current planting season. As a minimum, the program will include trees of varying maturity. The planting program is to be reduced to writing and kept on file in the Planning Office.

[4] At a minimum, berms shall be constructed before blasting or extraction of rock, sand, or gravel.

**(d) AIR QUALITY**

[1] Employ techniques that minimize the release of particulate matter created by material stockpiles, vehicular movement, and process operations.

[2] Dust control agents shall be applied to gravel roads designated as haul routes and all driving surfaces within the extraction area.

**[e] HYDROLOGY, DEWATERING AND DRAINAGE**

[1] All county, state and federal surface waters ordinances and laws are to be complied with.

**[f] HAUL ROADS**

[1] An approved Haul Road Agreement with Hanson County or the appropriate Township(s) is to be presented before approving a conditional use permit.

[2] to minimize the negative impact of truck traffic on area residents, extraction operations should be on or near existing hard surfaced roads. Consideration will be given to the number of residents along gravel surfaced roads intended for use as haul roads.

[3] Repair and maintenance responsibilities will be identified through the haul road agreement.

[4] The conditional use permit and the Haul Road Agreement will consider the potential impact on County and Township highways to be used as haul routes.

[g] OPERATOR SURETY

[1] A surety bond shall be filed with the County Auditor to protect the County in the event the operator abandons a site without completion of the conditions imposed by the conditional use, including fulfillment of the agreement with the County about 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.

[h] RECLAMATION

[1] The type and extent of reclamation will be based on the material extracted on the intended post-mining land use, but in all cases the reclamation procedures shall cause the rehabilitation of affected land through contouring and soil stabilization, revegetation, and other future use of the reclaimed area. Bodies of water may be incorporated into an acceptable reclamation plan.

[2] Upon completion of reclamation the permit holder will provide maps, including cross sections, showing the existing natural topography, and anticipated topographic conditions.

[3] Grading is to achieve a contour that is most beneficial to proposed future land use. All berms will be removed where sand

and gravel operations were conducted. In most cases involving quarry operations the berms will remain in place unless their removal would serve a more useful purpose.

[4] Topsoil will remain on site and be used in reclamation.

[5] A seeding and revegetation plan will be developed for the affected area in consultation with the County Conservation District.

[6] All required reclamation activities will be completed and a compliance inspection performed by the Planning Director before the release of the surety.

[i] **ADDITIONAL CONSIDERATIONS**

[1] The property to be secured during non-working hours with gates and fencing. At least six-foot chain link fence is to be installed on the entire perimeter of the property. The property will continue to be secured until all required reclamation activities have been completed.

[2] All perimeter walls will have at least a three to one slope and meet all State and Federal guidelines.

[F] PENALTY FOR VIOLATION. Violating this Ordinance will be subject to a maximum criminal penalty of a fine Five Hundred (\$500.00) Dollars or by incarceration in a county jail for a period of up to thirty (30) days, or by both such fine and imprisonment.

Violations of this ordinance are also found to be, and are declared to be, a public nuisance, the remedies for which may be pursued civilly.

[G] REPEALER. All ordinances, or portions of Ordinances, which conflict with the provisions are repealed. (Specifically includes, but it not limited to, Ordinance No. 18).

[H] SEVERABILITY PROVISION. Any section, portion, or part of this Ordinance determined by any Court to be invalid will be considered removed there from and the balance of the Ordinance will remain in effect if it can be done, to carry out the intent of this Ordinance.

Justification for Ordinance:

[a] Hanson County has a large amount of granite underground situated so it is favorable for mining in multiple locations.

[b] Quarry sites remain in Hanson County which have not been maintained or closed in a manner most beneficial to the long-term best interests of the citizens and residents of Hanson County.

[c] Certain parts of the activities inherent to mining and quarrying present risks and inconveniences to the citizens and residents of the county when not conducted properly.

[d] it is in the best interests of the citizens and taxpayers of Hanson County to set certain regulations and requirements on this type of operation to protect the public health and welfare.

Votes For: 4; Votes Against: 1  
Ordinance adopted.

First reading: March 1, 2022

Second reading: April 5, 2022

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