

STAFF REPORT
June 21, 2012

No. 12OA004 - An Ordinance amending Chapter 17.34 of the Rapid City Municipal Code to allow Temporary Quarries and Mining for Construction Aggregate and Rock to be Processed and Used in Construction as a Conditional Use in the General Agriculture Zoning District

ITEM 4

GENERAL INFORMATION:

APPLICANT	Andrew Scull
REQUEST	No. 12OA004 - An Ordinance amending Chapter 17.34 of the Rapid City Municipal Code to allow Temporary Quarries and Mining for Construction Aggregate and Rock to be Processed and Used in Construction as a Conditional Use in the General Agricultural Zoning District
DATE OF APPLICATION	May 23, 2012
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Ordinance amending Chapter 17.34 of the Rapid City Municipal Code to allow temporary quarries and mining for construction aggregate and rock to be processed and used in construction as a Conditional Use in the General Agriculture District be approved.

GENERAL COMMENTS:

Chapter 17.54.040 of the Rapid City Municipal code allows for "regulations, restrictions, boundaries and options" under Title 17 to be "amended, revised or repealed" subject to application. Based on options set forth in this title, an Ordinance Amendment application was submitted by Andrew Scull on May 23, 2012 to allow temporary quarries and mining for construction aggregate and rock to be processed and used in construction as a conditional use in the General Agriculture District by amending Chapter 17.34 of the Rapid City Municipal Code.

STAFF REVIEW:

Currently, a grading permit can be obtained to allow "borrow dirt" to be removed from a property which is normally used for the construction of a project on another property. However, processing the material, such as screening or crushing, is not allowed on the property since it incorporates activities associated with mining. The processing of any excavated material, which is defined as mining by State standards, is currently allowed only within the Mining and Earth Extraction District.

Pennington County currently allows "temporary quarries" as a permitted use within the County's General Agriculture District. Several municipalities across the country allow temporary quarries and mining within their General Agriculture District as a conditional use in order to review the impacts of the use specific to a location. Allowing the proposed use as a conditional use in the City's General Agriculture District appears to be consistent with

STAFF REPORT
June 21, 2012

No. 12OA004 - An Ordinance amending Chapter 17.34 of the Rapid City Municipal Code to allow Temporary Quarries and Mining for Construction Aggregate and Rock to be Processed and Used in Construction as a Conditional Use in the General Agriculture Zoning District

ITEM 4

the Ordinances of other municipalities as well as Pennington County.

In reviewing the proposed Ordinance Amendment, staff has noted that criteria must be established to ensure that all necessary permits and licenses are secured and that adverse impacts are mitigated to the greatest degree possible. As such, staff recommends approval of the Ordinance amending Chapter 17.34 of the Rapid City Municipal Code to allow Temporary Quarries and Mining for construction aggregate and rock to be processed and used in construction as a Conditional Use in the General Agriculture District subject to the following:

1. That the property and/or lot(s) consist of a minimum 40 acre size;
2. That the use may be allowed up to 36 months and may be extended through the review and approval of a Major Amendment to the Conditional Use Permit for a total time period not to exceed five (5) years, including reclamation of the site;
3. That the operation shall comply with applicable permitting, operating and reclamation laws of SDCL Chapter 45-6 (Sand Gravel and Construction Aggregate Mining) SDCL Chapter 45-6B (Mined Land Reclamation), and SDCL Chapter 45-6C (Mineral Exploration);
4. That an application shall be submitted which includes the following:
 - a. Approved State and/or Federal permits and/or licenses, as applicable;
 - b. Site plan showing the area to be mined or quarried including the location of temporary structures, parking, access and utilities;
 - c. Written Operations Plan which identifies the type of material to be mined or quarried, the estimated quantity of material to be displaced and the anticipated volume of truck traffic;
 - d. Master Plan;
 - e. Phasing Plan;
 - f. Haul Road Route Plan;
 - g. Reclamation Plan, including a cost estimate and surety for reclamation of the site;
 - h. Stormwater Management Plan; and,
 - i. Air Quality Compliance Plan
5. Prior to the initiation of use, all required City and/or County permits and agreements shall be secured.

Chapter 17.54.030 of the Rapid City Municipal Code sets forth procedures and criteria that must be met in order for the City to authorize approval of a "conditional use". In part, the criteria include the mitigation of noise, odor, smoke, air and water pollution and requires screening and/or buffering to mitigate these nuisances. Allowing the proposed temporary quarry and mining use as a conditional use in the General Agriculture District requires that the proposed use be designed and operated in compliance with Chapter 17.54.030 of the Rapid City Municipal Code.

In conjunction with the existing and proposed criteria as identified above, staff recommends that the Ordinance amending Chapter 17.34 of the Rapid City Municipal Code to allow

STAFF REPORT
June 21, 2012

No. 12OA004 - An Ordinance amending Chapter 17.34 of the Rapid City Municipal Code to allow Temporary Quarries and Mining for Construction Aggregate and Rock to be Processed and Used in Construction as a Conditional Use in the General Agriculture Zoning District

ITEM 4

Temporary Quarries and Mining for construction aggregate and rock to be processed and used in construction as a Conditional Use in the General Agriculture District be approved.