

ORDINANCE NO. 5850

AN ORDINANCE PERMITTING TEMPORARY QUARRIES AND MINING OF CONSTRUCTION AGGREGATE AND ROCK TO BE PROCESSED AND USED IN CONSTRUCTION AS A CONDITIONAL USE WITHIN THE GENERAL AGRICULTURAL ZONING DISTRICT BY AMENDING SECTION 17.34.030 OF THE RAPID CITY MUNICIPAL CODE

WHEREAS, SDCL 9-12-13 empowers municipalities to adopt zoning ordinances; and

WHEREAS, the City of Rapid City has provided for a General Agricultural Zone in its zoning ordinances; and

WHEREAS, SDCL 11-4-4.1 permits a municipality to authorize a conditional use of real property; and

WHEREAS, Section 17.34.030 of the Rapid City Municipal Code (RCMC) provides for various conditional uses permitted within areas designated as General Agricultural Districts; and

WHEREAS, the processing of any excavated minerals is not currently allowed in any zoning district within the City's limits except within Mining and Earth Extraction Districts;

WHEREAS, temporary quarries and mining for construction aggregate and rock to be processed and used in construction are allowable within Pennington County's General Agricultural Zoning District; and

WHEREAS, the City Council finds that permitting use of areas within the City's General Agricultural Districts for temporary quarries and mining for construction aggregate and rock to be processed and used in construction is necessary and appropriate to provide for growth of the community, to enhance property improvements within the city, and to promote economic development; and

WHEREAS, the City Council of Rapid City finds that it is in the best interests of the community to exercise the statutory authority granted to it to establish a conditional use for temporary quarries and mining for construction aggregate and rock to be processed and used in construction by amending Section 17.34.030 of the RCMC.

NOW THEREFORE, BE IT ORDAINED, by the City of Rapid City that Section 17.34.030 of the RCMC be amended to read as follows:

The following may be permitted as conditional uses by the City Council, in accordance with the provisions contained in § 17.54.030:

- A. Lodge hall, veterans organization, service organization;

- B. Airplane landing field;
- C. Cemetery;
- D. Kennel;
- E. Radio and television station and transmission tower;
- F. Stable, public;
- G. Private day nurseries and kindergartens as regulated in § 17.50.150;
- H. Historical monuments or structures;
- I. Community corrections facility;
- J. Country clubs with on-sale liquor establishments;
- K. Veterinary clinics; and
- L. Microcell wireless communications facilities on poles as defined in § 17.50.400B.
- M. Banquet halls with on sale liquor establishments.
- N. Race tracks with on-sale liquor establishment.
- O. Planned developments as regulated in §§ 17.50.050 through 17.50.105.

P. Temporary quarries or mines for construction aggregate and rock to be processed and used in construction, subject to the following:

1. The property and/or lot(s) is at least 40 acres.
2. Any application for a conditional use permit must include the following additional items:
 - a. Documentation that all necessary state and/or federal permits and licenses have been obtained, as applicable;
 - b. Site plan showing the area to be mined/quarried and including the location of temporary structures, parking, access and utilities;

c. Written operation plan which identifies the type of material to be mined/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 a surety for reclamation of the site;

h. Stormwater management plan; and

i. Air quality compliance plan.

3. Upon receipt of an application for a conditional use permit under this section, Community Planning and Development Staff will notify the Mayor and the Common Council of the application at least ten business days before the Planning Commission meeting at which the application will be considered.

4. Prior to the initiation of the conditional use, the temporary quarry or mine must obtain all required city and county permits, licenses, and agreements, as well as any state and federal permits or licenses. Failure to obtain and possess a necessary permit or license may result in revocation of the conditional use permit.

5. The temporary quarry or mining complies with all laws, ordinances and regulations related to permits, operation, and reclamation, including but not limited to SDCL Chapter 45-6, SDCL Chapter 45-6B, and SDCL Chapter 45-6C.

6. The maximum period of time for any conditional use permit issued to a temporary quarry or mining is 36 months. The permit holder may apply for a major amendment to the conditional use permit to extend the time the conditional use is permitted, but under no circumstance may the conditional use be permitted for more than five (5) years, including time spent on reclamation of the site.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: