

Hanson County Planning Commission

Minutes of Proceedings

December 22, 2021

The regular meeting of the Hanson County Planning Commission was held at the Hanson County Courthouse on December 22, 2021. Chairman Kjetland called the meeting to order at 9:00am with the Pledge of Allegiance. Members Present: Chairman Bruce Kjetland, Jean Freeman, Sharon Jarding, Richard Waldera, Josh Kayser, Wayne Waldner, and Tristan Bender. Also Present: Christi Pierson, Zoning Administrator and Jennifer Craig, Recording Secretary.

APPROVE MINUTES

Motion by Freeman, seconded by Kayser to approve the minutes of the November 24, 2021, regular meeting. All members voted aye.

APPROVE AGENDA

Motion by Jarding, seconded by Bender to approve the agenda. All members voted aye. Motion carried.

DISCLOSURE OF CONFLICT OF INTEREST

Rich Waldera

PUBLIC COMMENT

No one present for open forum

OLD BUSINESS

Update concerning Patton property.

BOARD OF ADJUSTMENT

Motion to recess Planning Commission and convene as Board of Adjustment made at 9:05 am by Waldera seconded by Freeman. All members present voted aye. Motion carried.

9:05am Variance to the rear and side lot setback of the Zoning ordinance allowed 50 feet, for placement of a shelterbelt in an Agricultural District SE of Section 34, Wayne Township, Hanson County. Ward L & Melanie M TUTTLE, owners

1. All Federal, State and Local laws and regulations to be followed
2. This approved Variance is for a shelterbelt to be planted on the west side of the property only
3. Shelter-belt maybe planted within the 50' setback on property

Motion by Waldera and seconded by Bender to approve Variance to plant a Shelterbelt within the 50' setback on the west side of the SE of Section 34, Wayne Township, Hanson County. WARD L & MELANIE M TUTTLE, owners

Votes for: 7 Votes against: 0 Motion Carried

9:10am Conditional Use permit is requested by Dakota Constructors Inc. (owners) for a Mining operation with Aggregate sales operation in an agricultural district, legally known as SE4 SE4 (less Metz Tract 1) Section 5 & SW4 SW4; PT S2 incl. lots 1,2,3 SW4 & Lot 4 SE4, Section 4 all in Rosedale Township Hanson County

Deferred to January 26, 2021, meeting.

9:30am Rosedale Colony representatives, Dennis Waldner, Mark Waldner, Davy Waldner, and Marcus Degen were in attendance regarding an Amended Variance requested by Rosedale Hutterian Brethren Inc. (owners) to Section 523 paragraph 5 of the Hanson County Zoning Ordinance to allow a Class B animal feeding operation waste facility less than 5,280 feet from a rural residential dwelling. Legally known as SE4, Section 22 Rosedale Township, Hanson County, SD.

FINDINGS:

1. The requested variation is within the jurisdiction of the Board of Adjustment.
2. The facts are:
 - a. Rosedale Colony is adding a building to the existing Class B swine barn on property owned by Rosedale Hutterian Brethren Inc.
 - b. The proposed Class B swine confinement is less than 5,280 feet from the rural residents of Marcus and Tabitha Degen who are the owners of, and reside at 25909 416th Ave.
 - c. Marcus and Tabitha Degen do not object to the variance of less than 5,280 feet from their residence and waive the required separation distance.
 - d. An Agriculture Covenant is signed by Marcus and Tabitha Degen. It has been recorded with the Hanson County Register of Deeds.
3. The requested variance is in harmony with the general purpose and intent of the Hanson County Zoning Ordinance.

Motion by Kayser and seconded by Jarding to amended Variance approved on September 23, 2020 for less than 5,280 feet for an Class B Swine animal feeding operation from a residential dwelling.

Votes for: 7 Votes against: 0 Motion Carried

9:45am Rosedale Hutterian Brethren Inc. (owners) are requesting to amend the existing Class B swine feeding operation, approved September 23, 2020, in an agricultural district, legally known as Rosedale Tract 1, SE4 22-102-59 Hanson County, SD. Dennis Waldner, Mark Waldner, Davy Waldner, and Brian Fredrichsen were all in attendance to present the proposed new building at the current CAFO.

FINDINGS:

1. The requested Conditional Use is within the jurisdiction of the Board of Adjustment.
2. The facts are:
 - a. Rosedale Hutterian Brethren Inc. currently owns the property where the proposed additional building to the CAFO is to be built.
 - b. Rosedale Hutterian Brethren Inc. will be operating the proposed barn.
 - c. Dakota Environmental, Inc. was retained by Rosedale Colony to provide engineering services for various parts of the project.
 - d. The proposed barn has a Nutrient Management plan.
 - e. With the additional building the property will remain a Class B swine feeding operation.
3. The conditional use is in harmony with the general purpose and intent of the Hanson County Zoning Ordinance.
4. No precedent unfavorable to the area as a whole will be set.

Motion by Waldner and seconded by Bender to amend the Conditional Use approved on September 23, 2020, to Rosedale Hutterian Brethren Inc. for a Class B Confined Animal Feeding Operation located, Rosedale Tract 1, SE4 of Section 22 Rosedale Township, Hanson County with the following conditions and provisions:

- a. All Performance standards of Section 523 of the Hanson County Zoning Ordinance be adhered to for a Class B Animal Feeding Operations.
- b. A road agreement set in place with Hanson County and Rosedale Hutterian Brethren Inc. for maintenance of the road from the Hog Confinement to the Rosedale Colony.
- c. After 5 years of operation, September 23, 2025, Rosedale Hutterian Brethren Inc., and Standard Nutrition will re-apply for a new Conditional Use permit and this Conditional Use permit will expire.

Votes for: 7 Votes against: 0 Motion Carried

PLANNING COMMISSION

The Chairman called to adjourn as Board of Adjustment and reconvene as Planning Commission at 10:10am.

PLATS

Lot 1 Enemy Creek 1st Addn, N2 SE4 Section 18 Rosedale Township.

Reierson Inc. platted 36.27 acres. There is an approach existing to the property. Motion by Kayser and seconded by Waldera to recommend approval of the plat to the County Commissioners. All members voted aye. Motion carried.

NEW BUSINESS

Discussion to recommend a new fee schedule to the Hanson County Commissioners for the 2022 year. Motion by Jarding and seconded by Freeman.

Votes for: 7 Votes against: 0 Motion carried

Elect Josh Kayser as the Chairman of the Hanson County planning and Zoning Board. Motion by Jarding and seconded by Bender.

Votes for: 7 Votes against: 0 Motion carried

Recommend to the Hanson County Commissioners Waldner and Freeman to remain on the board for their next term. Motion by Bender seconded by Jarding.

Votes for: 7 Votes against: 0 Motion carried

WELFARE OF THE ORDER

Nothing at this time

EXECUTIVE SESSION

Not needed at this time

A motion to adjourn was made by Freeman, seconded by Kayser. All members present voted aye. Motion carried. The date for the next regularly scheduled meeting is Wednesday, January 26, 2021, at 9:00 am.

Bruce Kjetland
Hanson County Planning Commission
Christi Pierson, CAA
Zoning Administrator

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