

# Hanson County Planning Commission

## Minutes of Proceedings

March 27, 2025

The regular meeting of the Hanson County Planning Commission was held at the Hanson County Courthouse on March 27, 2025. Chairman Kayser called the meeting to order at 9:00am with the Pledge of Allegiance. Members Present Jean Freeman, John Bumgardner, Sharon Jarding, Gary Schoenrock, Wayne Waldner and Tristan Bender. Additionally, Christi Pierson, Zoning Administrator and Jennifer Craig, Recording Secretary. A list of attendance can be found at Hanson County Zoning office.

### **PUBLIC COMMENT**

No one present

### **APPROVE MINUTES**

Motion by Jarding, seconded by Freeman to approve the meeting minutes of February 27, 2025. All members voted aye.

### **APPROVE AGENDA**

Motion by Bumgardner, seconded by Bender to approve the agenda with corrections. All members voted aye.

### **DISCLOSURE OF CONFLICT OF INTEREST**

Chairman Kayser will abstain agenda items pertaining to business with New Elm.

### **BOARD OF ADJUSTMENT**

Motion to recess Planning Commission and convene as Board of Adjustment made at 9:02am by Waldner and seconded by Bender. All members present voted aye. Motion carried.

Variance to the north and east side setbacks for the construction of an office expansion in an agriculture district. The physical address is 42803 261<sup>st</sup> St. Emery, SD. Legally described as, EDDY LOT 1 NW4, Section 35, Pleasant Township, Hanson County SD. Sunset Partners LLC Owners.

Findings:

1. The requested Variance is within the jurisdiction of the Board of Adjustment.
2. The facts are:
  - a. Sunset Partners LLC own the subject property.
  - b. Sunset Partners LLC have an approved Conditional Use permit to sell and customize automobiles and parts approved August 28, 2019.
  - c. There is an existing office to be removed/expanded.
  - d. Sunset Partners LLC is represented by Chad Eddy.
  - e. A site plan and floor plan were presented to the Board by Mr. Eddy.
3. No precedent unfavorable to the area as a whole will be set.

Motion:

It was moved by Bender and seconded by Schoenrock to grant a Variance permit to Sunset Partners LLC under the following conditions:

1. The new/expanded building to be forty feet by sixty feet.
2. The new building will be no closer than forty feet to the north property right of way.
3. The new building will not extend further than the existing building on the east side.
4. Follow all County, State and Federal guidelines

All members present voted aye. Motion approved.

Conditional Use permit requested by New Elm Springs Hutterian Brethren Inc. for a Class B animal feeding operation in an agricultural district, legally known as SW4, SW4 Section 26 Worthen Township, Hanson County, SD. Jose Wollman and Brian Fredrickson were present to represent New Elm Springs Hutterian Brethren Inc.

**FINDINGS:**

1. The requested Conditional Use is within the jurisdiction of the Board of Adjustment.
2. The facts are:
  - a. New Elm Springs Hutterian Brethren Inc. currently owns the property where the proposed CAFO is to be built.
  - b. New Elm Springs Hutterian Brethren Inc. will be operating the proposed barn.
  - c. Dakota Environmental Inc. was retained by New Elm Springs to provide engineering services for various parts of the project.
  - d. The proposed barn has a separate Nutrient Management plan from all other confinements currently existing on the main colony location.
  - e. A site and building plan were presented to the Board
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:**

It was moved by Bumgardner and seconded by Waldner to grant Conditional Use to New Elm Springs Hutterian Brethren Inc. for a Class B Confined Animal Feeding Operation located in the SW4 SW4 of Section 26 Worthen Township, Hanson County with the following conditions and provisions:

1. All Performance standards of Section 523 of the Hanson County Zoning Ordinance will be adhered to for a Class B Animal Feeding Operations as addresses in Dakota Environmental, Inc engineering packet.
2. A road agreement is set in place with Hanson County and New Elm Springs Hutterian Brethren Inc. for maintenance of the road before any construction begins.
3. All setbacks to be adhered to per Hanson County Ordinance 18.
4. Any resident within a 5,280 feet radius of barn to agree to and record an easement with the Hanson County Registrar of Deeds at the expense of New Elm Springs Hutterian Brethren Inc.
5. A shelter belt to be planted around the north, east and west side of the facility. Shelter-belt to be a minimum of three rows of trees.
6. Water mitigation to be set in place to control excessive water run-off.
7. Follow all Federal, State and Local regulations as they pertain to manure application.
8. All animal mortalities to be taken to existing compost at the home site of New Elm Springs.

Roll call vote taken: Waldner aye. Bumgardner aye. Schoenrock aye. Freeman aye. Jarding aye. Bender aye. Kayser abstain. Motion Carried.

Conditional Use permit requested by New Elm Springs Hutterian Brethren Inc. for a Class B animal feeding operation in an agricultural district, legally known as SW4, SW4 Section 29 Worthen Township, Hanson County, SD. Jose Wollman and Brian Fredrickson were present to represent New Elm Springs Hutterian Brethren Inc.

**FINDINGS:**

1. The requested Conditional Use is within the jurisdiction of the Board of Adjustment.
2. The facts are:

- a. New Elm Springs Hutterian Brethren Inc. currently owns the property where the proposed CAFO is to be built.
  - b. New Elm Springs Hutterian Brethren Inc. will be operating the proposed barn.
  - c. Dakota Environmental Inc. was retained by New Elm Springs to provide engineering services for various parts of the project.
  - d. The proposed barn has a separate Nutrient Management plan from all other confinements currently existing on the main colony location.
  - e. A site and building plan were presented to the Board.
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:**

It was moved by Waldner and seconded by Schoenrock to grant Conditional Use to New Elm Springs Hutterian Brethren Inc. for a Class B Confined Animal Feeding Operation located in the SW4, SW4 of Section 29 Worthen Township, Hanson County with the following conditions and provisions:

1. All Performance standards of Section 523 of the Hanson County Zoning Ordinance will be adhered to for a Class B Animal Feeding Operations as addresses in Dakota Environmental, Inc engineering packet.
  2. A road agreement is set in place with Hanson County and New Elm Springs Hutterian Brethren Inc. for maintenance of the road before any construction begins.
  3. All setbacks to be adhered to per Hanson County Ordinance 18.
  4. Any resident within a 5,280 feet radius of barn to agree to and record an easement with the Hanson County Registrar of Deeds at the expense of New Elm Springs Hutterian Brethren Inc.
  5. A shelter belt to be planted around the north, east and west side of the facility. Shelter-belt to be a minimum of three rows of trees.
  6. Water mitigation to be set in place to control excessive water run-off.
  7. Follow all Federal, State and Local regulations as they pertain to manure application.
  8. All animal mortalities to be taken to existing compost at the home site of New Elm Springs.
- Roll call vote taken: Waldner aye. Bumgardner aye. Schoenrock aye. Freeman aye. Jarding aye. Bender aye. Kayser abstain. Motion Carried.

#### **Planning commission**

Motion to recess as Board of Adjustment and reconvening as Planning Commission at 10:45am by Bender and seconded by Bumgardner.

#### **PLATS**

Mark J. Schroeder presented the plat of Lot 2 of My Way Addn. in the NW4 36-102-58. The plat consists of 11 acres. There is an approach to the property. Motion by Bender and seconded by Waldner to recommend approval to the County Commissioners. All members present voted aye. Motion carried. Dan L Tobin presented a plat of Lot 1 of Tobin First Addn. in the NW4 30-101-58. There is an existing approach to the property. Motion by Waldner and seconded by Bender to recommend approval to the County Commissioners. All members present voted aye. Motion carried.

#### **OLD BUSINESS**

States Attorney Kiner discussed Dakota Constructors and where the litigation currently is.

#### **NEW BUSINESS**

Brian McGinnis with District III is updating the Ordinance. Discussion on changes needed to the current Ordinance

#### **WELFARE OF THE ORDER**

Nothing at this time

**EXECUTIVE SESSION**

Not needed at this time

A motion to adjourn was made by Jarding and seconded by Freeman. All members present voted aye. Motion carried. The date for the next regular meeting is Thursday, April 24, 2025, at 9:00am.

Joshua Kayser

Hanson County Planning Commission

Christi Pierson, CAA

Zoning Administrator

Published one time at the approximate cost of: \_\_\_\_\_