

Hanson County Planning Commission

Minutes of Proceedings

February 23, 2022

The regular meeting of the Hanson County Planning Commission was held at the Hanson County Courthouse on February 23, 2022. Chairman Kayser called the meeting to order at 9:00am with the Pledge of Allegiance. Members Present: Chairman Josh Kayser, Bruce Kjetland, Jean Freeman, Sharon Jarding, Richard Waldera, Wayne Waldner, and Tristan Bender. Also Present: Christi Pierson, Zoning Administrator, Jennifer Craig, Recording Secretary, and Brian McGinnis, Community Development Specialist, Planning & Developing District III. A complete attendance list is available at the Hanson County Planning and Zoning Office.

PUBLIC COMMENT

No one present

APPROVE MINUTES

Motion by Bender, seconded by Jarding to approve the minutes of the January 26, 2022, regular meeting. All members voted aye.

APPROVE AGENDA

Motion by Kjetland, seconded by Waldera to approve the agenda. All members voted aye. Motion carried.

DISCLOSURE OF CONFLICT OF INTEREST

Rich Waldera

OLD BUSINESS

Update concerning Patton property. Patton did not show up to court on February 16, 2022.

BOARD OF ADJUSTMENT

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

9:05am Conditional Use permit is requested by Dakota Constructors Inc., Warren Barse, (owner) 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. In attendance was Warren Barse.

Findings:

1. Dakota Constructor's presented a legal statement to the Board. Statement is on file with the Hanson County Zoning Office.
2. The requested conditional use is permitted under Article 5, Section 507 of Hanson County Zoning Ordinance

3. The request does require a Conditional Use permit. The current owner will be expanding to occupy a greater area of land. Article 3, Section 1305, Hanson County Zoning Ordinance.
4. The previous operation has ceased for more than one year according to all records filed with the State of South Dakota. Article 3, Section 1305, Hanson County Zoning Ordinance.

A motion made by Bender and seconded by Freeman to approve the conditional use permit as it complies with Article 16 Subsection 5, A-H, with the following conditions attached:

1. Compliance with all Federal, State, and local regulations pertaining to the approved work activities
2. No expansion of operations to include blasting of rock shall commence prior to repairing the identified damages within the right-of-way. A longitudinal barrier must be installed along 257th Street for the length of the existing mined face (open mine) and an appropriate distance past the mined face in either direction. After repair and installation, a licensed engineer shall inspect the integrity of the improvements within the right of way and longitudinal barrier then provide a report to the Hanson County Zoning Administrator. All associated expenses shall be financed by Dakota Constructors Inc., Warren Barse, owner or the current property owner.
3. No expansion of operations with regards to area or depth nor blasting of rock prior to the County's approval of a haul road agreement between Dakota Constructors Inc., Warren Barse owner, or the current property owner and Hanson County. A copy of which shall be filed with the Zoning Administrator.
4. All operations to include loading of trucks for offsite hauling, minus basting shall be restricted to the following days and hours: Monday thru Friday, 7:00am to 6:00 pm and Saturday, 7:00 am to 4:00pm nor conducted on Federal holidays. Activities such as office operations and equipment maintenance which will not generate noise, dust or vibrations beyond the property boundaries shall not be restricted by the days or hours of operation
5. Blasting operations are restricted to: Monday thru Friday, 9:00 am to 4:00 pm,
6. A minimum of twenty-four-hour notification shall be given to all property owners within a half mile radius, as measured from the Dakota Constructors Inc. property boundaries to private owner's property lines prior to all blasting operations. The same shall be provided to the County Zoning Administrator.
7. All blasting activities will abide by all Federal, State, and local regulations.
8. A three to one (3/1) back slope will be constructed on the south sheer rock wall abutting 257th Street no later than May 2024. Precautions shall be made to ensure the slopes future integrity. A consulting engineer, at the expense of the Dakota Constructors Inc., or the current property owner shall provide periodic inspections of work activities and provide a final report to the County. Failure to comply shall void the Conditional Use Permit.
9. A berm(s) will be constructed six feet in height, as measured from the prevailing grade, with a minimum base of forty feet and running approximately 860 feet on the south property line where there has not been excavation as of February 23, 2022. The berm is to be placed no closer than seventy-five feet from the right of way. Vegetation is to be planted on the berms and kept free of all noxious weeds.
10. A secure perimeter shall enclose the property to include at a minimum; a six-foot chain-link fence and gates to be locked during non-business hours.
11. Signage identifying emergency contact information shall be displayed on all property access points
12. Emergency contact information shall be filed with the Hanson County Zoning Administrator, Sheriff's Office, and Emergency Services. Information should be updated by Dakota Constructors Inc. or the current property owner as necessary.

13. Liability insurance in an amount of no less than two million dollars, shall be secured and effective throughout ownership. Hanson County shall be named as additionally insured. Proof of liability insurance shall be filed with the County Zoning Administrator upon the renewal date.
14. Subcontractors to include blasting firms shall have a copy of their liability insurance filed with the County Zoning Administrator prior to commencing operations.
15. No further expansion of the mining operations within required property setbacks as detailed within the Zoning Ordinance nor within public rights-of-way.
16. Dust control measures approved by the Highway Superintendent shall be employed on all on-site non paved driving surfaces.
17. Exterior lighting shall be limited to security lights on buildings, yard lights and signs. All lighting shall be designed in accordance with dark skies provisions.
18. No more excavating, blasting or mining activities upon the previously mined rock face along 257th Street. This does not include back sloping work as noted herein.
19. Signage shall comply with the Hanson County Zoning Ordinance.

Roll call vote taken: Waldner, aye. Bender, aye. Jarding, aye. Freeman, aye. Kayser, aye. Waldera, recuse. Ayes have it, motion approved.

PLANNING COMMISSION

The Chairman called to adjourn as Board of Adjustment and reconvene as Planning Commission at 11:18 am. Motion by Bender, seconded by Jarding. Freeman left from remainder of the meeting.

PLATS

None at this time

NEW BUSINESS

Discussion regarding the rock, sand, and gravel extraction amendment to Hanson County Ordinance #18 Motion made by Waldera and seconded by Bender to recommend approval to the County Commissioners. All members voted aye. Motion carried.

WELFARE OF THE ORDER

Discussion to start the update process to Zoning Ordinances late fall 2022.

EXECUTIVE SESSION

Not needed at this time

A motion to adjourn was made by Waldera, seconded by Bender. All members present voted aye. Motion carried. The date for the next regularly scheduled meeting is Wednesday, March 23, 2022

Josh Kayser
Hanson County Planning Commission
Christi Pierson, CAA
Zoning Administrator

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