**Hamlin County Board of Adjustment**

Date: March 25th, 2019

The Hamlin County Board of Adjustment met on March 25th, 2019 at the Hamlin County 4-H Building in Hayti, SD. Board Members present were Larry Saathoff, Scott Popham, Len Kemnitz, Richard Wiarda, Robbie Fedt, John Pantzke, and Stuart Schubloom. Also present was Thomas Nealon from First District in Watertown. A list of others attending the meeting is attached to the minutes and available in the Hamlin County Zoning Office.

Chairman Wiarda called the Board of Adjustment meeting to order at 1:40 P.M.

Motion by Pantzke, Second by Popham to approve the March 25th Board of Adjustment Agenda. Motion passed unanimously.

Motion by Kenmitz, Second by Fedt to approve the January 28th Board of Adjustment meeting minutes. Motion approved unanimously.

1. **Variance:** Clint Kooima. Legal Description: Lake Albert 1st Auxiliary Addition, Lots 1 & 2 in the E ½ of the SW ¼ of Section 25, Township 113N, Range 53W of the 5th P.M., Hamlin County, South Dakota (Norden Township). Motion by Pantzke, Second by Schubloom to approve the variance for a reduced rear yard road front setback. Nealon reviewed the staff report. The applicant is seeking to construct a commercial storage garage closer to the ROW than allowed. The new setback would be 20’ instead of 30’. The ROW sits unused according to the applicant and acknowledged by Norden Township officials. Mr. Kooima spoke to the project, describing the building plans and answering questions on drainage. Wiarda opened the public hearing. No proponent or opponent testimony was heard. Wiarda closed the public hearing. Nealon read the findings of fact. Wiarda called for a roll call vote. Motion to approve variance for a reduced rear yard road front setback passed 7-0.
2. **Conditional Use:** Peyton Smith/Midwest Ag Services. Legal Description: E 1090.6’ of W 2296.9’ of N 675’ EXC Arneson Addition in the NW ¼ of Section 24, Township 113N, Range 53W of the 5th P.M., Hamlin County, South Dakota (Norden Township). Motion by Pantzke, Second by Kenmitz to approve the conditional use to operate an agribusiness. Nealon reviewed the staff report. Midwest Ag Services is seeking to own and operate an agribusiness facility in the Ag District. Previously in the year, an ordinance amendment was adopted adding Agribusiness as a listed conditional use and a set of conditions regulating the operation of an Agribusiness. Midwest Ag will provide seed and chemical distribution to local farm customers, machinery for other agricultural applications such as striptilling, side dressing, and spraying uses. Peyton Smith spoke about the business and their future intentions. Board members asked questions on bulk chemical storage and containment systems in place. Smith stated they were looking into bulk chemical storage but were not sure if they would go forward with that. Wiarda opened the public hearing. No proponent or opponent testimony was heard. Wiarda closed the public hearing. The Board placed a condition on the granting of the permit that containment systems be setup before any bulk chemical storage was allowed on site. Nealon read the findings of Fact. Wiarda called a roll call vote. Motion to approve the conditional use permit for operation of an agribusiness passes 7-0.
3. **Conditional Use:** Herb Wollman/Poinsett Hutterian Brethren Inc. Legal Description: NE ¼ of Section 26, Township 114N, Range 51W of the 5th P.M., Hamlin County, South Dakota (Dempster Township). Motion to approve the conditional use for a Class A CAFO by Kenmitz, Second by Fedt. Nealon reviewed the staff report. Poinsett Colony is seeking to reconstruct their hog barn operation on a new site from their main colony site. Dakota Environmental provided the engineering and permit information for the colony. Poinsett Colony obtained a conditional use permit in the year previously for the nursery swine portion of the operation, yet they are foregoing that plan and will include it in the new CAFO operation alongside the finishing hogs. Herb Wollman spoke about the project. Staff worked with Herb and Dakota Environmental for a few months to find a suitable location that met required setback and separation distances. Wiarda opened the public hearing. Lance Mennenga spoke about the proposed operation, specifically asking questions about transfer of ownership and other potential sites. John Layman also spoke in favor of the project. No other proponent or opponent testimony was heard. Wiarda closed the public hearing. No other comments were received by Staff ahead of the meeting concerning the proposed CAFO. Nealon read the findings of fact. Wiarda called a roll call vote. Motion to approve the conditional use application for a Class A CAFO passes 7-0.
4. **Public Comment:** Jordan Kontz spoke about the Alsville Crossing gas station and concerning over conditions not being met that were agreed to in the granting of their conditional use application. A fence surrounding the Kontz land had not been constructed. As well as dumping of snow and other materials onto their land. He also expressed concerns on runoff and lack of a detention pond or filtration system to help mitigate runoff from the gas station. Board members discussed the issue and instructed staff to send a letter to the owners of the gas station outlining these problems and inviting them to the next Board meeting to discuss these issues and potential solutions with the Board and adjoining landowners.

Staff updated the Board on building permits and permitted special uses issued within the last two months.

Motion to adjourn the Board of Adjustment by Pantzke, second by Schubloom. Motion approved unanimously.

It is the policy of Hamlin County not to discriminate on the basis of color, national origin, sex, religion, age, or disability in employment or the provision of services.