

HAND COUNTY ZONING BOARD

NOTICE OF MEETING

A zoning board meeting will be held for the purpose of hearing a Conditional Use Permit application for a swine production facility by Ratio, LLC (Kirk Augenbaugh). This facility will be located in the NE1/4 & NW1/4 section 32-111-67 (Pearl Township). The meeting will be held Tuesday, August 6, 2019 at 1:00 p.m. in the court room in the Hand County Courthouse. Instructions for presenters, both proponents and opponents, will be posted on the assessor's web page at <http://hand.sdcounties.org/assessors>. Instructions can also be obtained by visiting the assessor's office or calling 605 853-2115.

Instructions to those offering testimony:

Hand County has a policy to not discriminate in its treatment or consideration of, or making a distinction towards, a person based on the group, class, or category to which the person is perceived to belong. These include age, caste, color, criminal record, height, disability, ethnicity, family status, gender identity, generation, genetic characteristics, marital status, nationality, race, religion, sex, and sexual orientation. **Consequently, these topics will not be allowed during testimony.**

The sole purpose of the hearing is to determine compliance with the following aspects of the Hand County Zoning standards and ordinances.

Testimony should be confined to these performance standards and compliance thereof.

Under Article 5, Section 515, Performance Standards to Commercial Feedlots and Animal Feeding Operations, All Commercial Feedlots and Animal Feeding Operations must meet each of the following requirements:

1. All such entities must submit animal waste management systems plans and specifications for review and approval prior to construction, and a Notice of

Completion for a Certificate of Compliance, after construction, to the South Dakota Department of Environment and Natural Resources.

2. Prior to construction, all such entities shall obtain a storm water permit for construction activities from the South Dakota Department of Environment and Natural Resources. The storm water pollution prevention plan required by the permit must be developed and implemented upon the start of construction.
3. Animal waste facilities as adjuncts to such entities shall be no less than six hundred sixty (660) feet from the adjoining domestic ground and surface water supplies.
4. All such entities must submit nutrient management plans assuring offensive odors and runoff minimization. Such management plans must, at a minimum, include
 - a. Proposed maintenance plans for animal waste facilities.
 - b. Nutrient transportation equipment maintenance plans.
 - c. Planned land application processes and / or methods.
 - d. A full and complete legal description and map depicting areas to be utilized for nutrient application.
5. Under no circumstances shall animal waste facilities be located closer than two (2) miles from any incorporated municipality.
6. Animal waste facilities shall be located no closer than two (2) miles from any occupied residence, excluding owner / operator's residential dwelling[s] if located within two (2) miles of the facility, unless sixty-six and two-thirds percent (66 2/3) of the full-time adult residents of the area within the two (2) mile residential setback shall have waived the same and in writing.
7. Animal waste shall be transported no more than seven (7) miles from the point of origination for land application. However, the Commission may, on a case by case basis, permit applications beyond said seven (7) mile limitations upon its acceptance of proofs evidencing adequate undertakings to ensure both public safety and due deference to the environmental concerns.
8. Upon provision of three (3) hours written or oral notice to the owners[s] or operator[s] of any facilities governed by Section 515 standards, the Zoning Director or his authorized agent[s] may enter upon any such real property

for the limited purpose of ascertaining premises / facility compliance with all applicable performance standards and / or other zoning ordinance regulations.

(Page 43, Article 5, Section 515 of the Hand County Comprehensive Plan)

How to become involved:

Prior to and during the public hearing / period for public comment, presenters, contributors, and those offering testimony on the topics in Article 5, Section 515, will be allowed to offer input by the following mechanisms:

- Written Testimony may be mailed to Zoning Board, % Assessor, 415 West 1st Avenue, Suite 204, Miller, South Dakota 57362 or emailed to: commissioners.handcounty@midconetwork.com and to assessor.handcoem@midconetwork.com . Please do not send anonymous testimony. Deadline is July 31, 2019.
- Oral Testimony: Materials, statistics, graphics or other viewable materials must be submitted in advance of the meeting and due in the Assessor's office by July 31, 2019.
- The July 31, 2019 deadline is to allow for public inspection of the submitted materials ahead of time. The materials will be loaded to the Assessor's website (<http://hand.sdcounties.org/assessor>) and also be available at the Assessor's office during normal courthouse hours.

Manner of conduct during the public hearing:

- The proceedings will be under the control of the chairman of the board. The chairman will direct all proceedings, recognize those who wish to offer testimony and present them instruction when needed.
- All testimony is be directed to the board, not the proponents or opponents.
- Members of the gallery are asked to remain quiet and seated. To be recognized by the chairman, please raise your hand and stand.
- Proponents will be allowed to present first, followed by opponents, followed by rebuttal testimony and finally the board will have an opportunity to ask questions if there be any.

- The chairman reserves the right to call for a recess or to end the proceedings for any reason.
- At the conclusion of oral testimony, the board will have a work period to discuss amongst themselves and determine what action to take.
- Decisions of the zoning board will be forwarded to the county commission for disposition.
- The chairman reserves the right to extend or shorten oral testimony as he determines to be appropriate.