

MINUTES OF BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING 2019
AT 2:00 P.M., TUESDAY THE 9th DAY OF JULY 2019
AT THE NATIONAL GUARD ARMORY, FILLMORE, UTAH

PRESENT: Dean Draper.....Chairperson
Wayne JacksonCommissioner
Evelyn Warnick. Commissioner
Pat FinlinsonCounty Attorney
Jamie Hair. Deputy County Clerk

EXCUSED: Marki Rowley.County Clerk

ALSO PRESENT: Bonnie Davis, Matthew Kesler, John Rawlins, Chris Rawlins, Jim Webb, Dena Iverson, Jim Masner, Neal Gardner, Colleen Halsey, David Remkes, Steve Styler, Demar Iverson, Melissa Robison, DeAnn Schmauch, Mike Schmauch, Joyce Barney, Holly Remkes, Randy Coats, Brad Cluff, Molly Stevens, Georgia Starley, Donna Starley, Linda Osguthorp, Chad Osguthorp, Scott Barney, Garrick Hall, and Junns Washington

PURSUANT TO A NOTICE WHICH HERETOFORE HAD BEEN PROVIDED TO each member of the governing body, posted at the principal office of the Millard County Commission, posted on the Utah Public Notice Website, and provided to the Millard County Chronicle Progress, a newspaper of general circulation within Millard County, Utah, as required by law, the following proceedings were had:

PUBLIC WAS WELCOMED

The meeting began at 2:04 p.m. after a brief welcome and explanation by Commissioner Draper to the public and Commission members.

Commissioner Draper said that this public hearing is to receive comments on amending the County zoning laws regarding Confined Animal Feeding Operations (CAFOs) He said that any changes within planning and zoning needs to be first initiated with the Planning Commission, who will then forward a recommendation to the County Commission. The County Commission, as the legislative body of that county, will then make a decision. He said that the Commission is not bound to the recommendation of the Planning Commission, but does take that recommendation into consideration.

Commissioner Draper said that the Commission can tweak a little of the language in the Ordinance; however, it has to stay substantially the same. He said that the Commission also has the option to disapprove the ordinance and start over or accept it as is. He said that the Commission is pleased with the comments received at the previous public hearings.

Commissioner Draper then turned the time over to the public for comments.

Mike Schmauch said that he has a lot of experience developing solutions for industrial odor problems and has worked in the industry since 1992. He said that in his years of experience, he has had a few failures. Mr. Schmauch said that those failures are due to the odors being generated in an open area such as feedlots and composting facilities. He said that any attempt to mitigate the odors in these facilities is almost worthless. He said that he suggests that there be at least a five mile setback unless there is a prevailing wind, in which case, the set back needs to be even farther.

Brad Cluff said that he thinks that family farms will be eliminated by placing a 10 mile setback and said that the farms need to be allowed to diversify in order to succeed. He said that he is concerned that big corporations will come in and buy the small farms and then those corporations will own the land and the water in these areas. Mr. Cluff said that he can see placing a 5 mile setback, but a 10 mile setback is eliminating the small farms.

Randy Coats said that he is against the zoning change. He said that he recommends doubling the current offset to 3 miles between a facility and a town. Mr. Coats said that personal property rights are being encroached upon more and more and he is worried about the government telling people what they can and can't do on their property. He said that he would like to see sites looked at specifically for these operations. He said that he lives about a mile from a turkey farm and only smells it twice a year. Mr. Coats said that he thinks that better solutions can be thought of that will appease both landowners and the towns.

Jim Masner said that he thinks the 10 mile setback is sufficient and thinks that it should actually be increased. He said that he lives in Holden and has neighbors who raise pigs and he can't even stand outside in the summertime sometimes because of the odor from the pigs. He said that he isn't against jobs but he doesn't think that the production facilities for meat should be closer than 10 miles to towns.

Melissa Robison said that she lives in Flowell a few miles away from the hog farms being built. She said that she agrees with the 10 mile setback. She said that 8,000 pigs in one barn is a lot of pigs and more barns being built to house 8,000 pigs in each facility concerns her.

Chad Osguthorp said that his family operates their farms in 5 different counties and he said that a setback of 10 miles isn't right. He said that it would be very hard to find a place to farm in Millard County with a 10 mile setback. He said that the most liberal counties in Utah don't have setbacks this large. Mr. Osguthorp said that these operations bring money and jobs to the County. He said that he moved to Millard County to farm and not be restricted.

Holly Remkes said that she is from Flowell and is concerned about these units coming to her area because she's done a lot of research on the negative impacts these CAFOs have on

neighbors. She said that Milford initially thought three miles would be sufficient to protect neighbors from odors but found that distance wasn't sufficient. She said that she would like to see the farmers succeed but without harming their neighbors.

Linda Osguthorp said that she lives in Sutherland and that she understands where the community is coming from. She said that if her family wants to put up a barn on their property to benefit their family financially whose to say that they can't do that.

Mrs. Osguthorp said that she is against a 10 mile setback and thinks a 2.5- 3 mile setback is sufficient. She said that she recommends designating areas in Millard County for these operations. She said that the community can't sustain the stores that have tried to come in like Shopko and Kings and that the County would not be allowing itself to grow by passing this ordinance.

David Remkes said that once a pig farm is built, it has legal protections and they can't be sued for the odors they produce. He said that the neighbors will have no recourse after they are built.

Mike Holt said that he supports what the Commission is doing by holding these public hearings and said that everyone is trying to find a happy medium. He said that he is for growth, but the best placement for the CAFOs needs to be figured out.

Garrick Hall with the Utah Farm Bureau said that they are concerned with the definition of the CAFO. He said that the definition is too vague and too broad in the ordinance. He said that the 10 mile setback is twice as far as the current largest setback in the Country and seems a bit extreme.

Mr. Hall said that there are areas where 10 miles may be appropriate but there also may be areas where 2 miles is appropriate. He thinks there is a better way to approach the issue rather than setting setbacks. He said that the site specific conditions needs to be taken into account.

Colleen Halsey said that she supports the 10 miles buffer. She said that if she wants to build a home away from the towns, she has to dig a well and pay to get power out there and she thinks the big corporations should too. She said that she lives approximately 2 miles away from the hog farms being built in Flowell and the dust and road conditions are already impacting her negatively.

Neil Gardner said that our food comes from agriculture and he is concerned with this ordinance and other counties who may follow Millard's example. He said that if the ordinance is put in place, it eliminates future opportunities. He said that they would like to put their animals indoors and don't want a time frame of when they have to let them out. Mr. Gardner said that there are a lot of places where hog farms can be built that won't impact the larger populated areas. Mr. Gardner asked the Commission about the process going forward with this ordinance.

Commissioner Draper said that if the language is altered, the language will be made

available at the County Offices prior to the July 16, 2019 Commission Meeting. Commissioner Draper said that things such as the dates of confinement and the buffer can be addressed; however, the language can't be substantially changed.

Mr. Gardner said that this ordinance should be voted out and a new one should be created specifically for Millard County.

Demar Iverson said that he lives out in the Pahvant Valley and runs a small cow herd. He said that he is concerned about the water situation. He said that East Millard doesn't have any reservoirs to sustain or keep water. He said that buffer zones are needed in order to bring other kinds of business to the County. He said that agriculture is important but it is getting so automated today that it isn't bringing a lot of jobs. Mr. Iverson said that buffer zones are important to the communities and he thinks there is a proper place for everything.

There were no other comments made.

Other comments were submitted but were not read. SEE CORRESPONDENCE FOLDER

Commissioner Draper adjourned the meeting at 3:01 p.m..