

MINUTES OF BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING 2019
AT 6:30 P.M., TUESDAY THE 2nd DAY OF JULY 2019
AT THE MILLARD COUNTY FAIRGROUNDS, DELTA, UTAH

PRESENT: Dean Draper..... Chairperson
Wayne Jackson..... Commissioner
Evelyn Warnick..... Commissioner
Richard Waddingham..... Deputy Attorney
EXCUSED: Pat Finlinson..... County Attorney
Marki Rowley..... County Clerk
Jamie Hair..... Deputy Clerk

ALSO PRESENT: Pam Sheridan, Geoff Sheridan, Kevin Knight, Jaclyn Bryan, Jim Warnick, Kiley Chase, Traci Warnick, Gene Zufelt, Jenna Zufelt, Randy Riding, Carl Watson, Landon Kesler, Chad Warnick, Terice Roper, Kearsten Gardner, Casey Bryan, Dan Bryan, Leslie Keyte, Amy Priest, Frank Vincent, Jessica Peterson, Bonnie Killpack, Maria Nye, Gibson Lewis, Hayden Lovell, Darla Callister, Ed Brown, Paul McCollaum, Alan Williams, John Viula, Greg Smith, Bryce Tolbert, Russell Greathouse, Chet Simper, Craig Nielson, Coby & Jessica Knudsen, Mel Thomas, Lynn Zubeck, Jesse Bloomfield, Natasha Bloomfield, Hadley Myers, Rachel Myers, Joe Priest, Brianna Buhler, Loree Perry, Sue Peterson, Kevin Miller, Gerald Spong, Dan Piacitelli, Josh Dekker, Kevin Ivie, Shiane Works, Brett Bunker, Todd Anderson, Kim Gardner, Kaela Jenkins, Wacey Jenkins, Ashley Bryan, Scott Patton, Tracy Jaques, Joyce Vincent, Susan Stefanoff, Haley Turner, Sammie Turner, Tammy Bunker, Robert Bunker, Livi Bunker, Colleen Lyman, Ray Lyman, Rob Jeffery, Deb Greathouse, Vicki Lyman, Jenny Morris, Roxy Sandoval, Russell Callister, Abraham Lewis, Michael Stephenson, Candi Stephenson, Benjamin Bryan, Grant Hilderbrand, Kole Lyman, John Nye, Thomas Wemgaut??, Michelle Burr, Neal Gardner, Wes Bloomfield, Larcy Bloomfield, Darin Bloomfield, Janey Bloomfield, Amber Buhler, Kurt Sorensen, Linda Sorensen, Kelly Smith, Bill Dent, Molly Stevens, Charish Works, Shawn Works, Kelly Carter, Roger Killpack, Diane Greener, Gary Greener, Jared Bryan, Jodi Bryan, Nick Killpack, Shaun Bryan, Ken Skeem, Lisa Carcamo, Ken Lee, Betsy Lee, Matt Ward, Stacy Anderson, Erika Nickle and Zane & Nancy Bennett

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:

The meeting began at 6:30 p.m. after a brief welcome and explanation by Commissioner Draper to the public and Commission members.

Commissioner Draper said that there were several things brought to the Commission's attention at the earlier meeting. He addressed a few of those things. He said that they are aware that there is language that will need to be changed within the document. He said that one change in the language will reflect that animals confined for 365 days a year will be considered CAFOs; not the 30 days that is currently reflected in the ordinance language.

Commissioner Draper explained that there is a new type of agriculture coming to the County which includes confined settings where all activity takes place inside of a building. 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 these hearings take place to receive public comment to help the Commission make the best decision possible. He said that there may be a lot of changes made before anything is approved. He said that nothing is final until it is approved by the legislative body at a commission meeting.

Commissioner Draper said that cattle operations will not be affected by this. He said that this will have nothing to do with dairies. He said that dairies already have special requirements and those requirements will not change.

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

Nick Killpack, Delta City Council Member, read a letter presented by Delta City. SEE ATTACHMENT A. See attached letter. He said that he agrees with what Delta city has stated and wanted to make sure that any policy is clear. He said that he believes industrial hog farms should be kept to the outskirts of cultivated west Millard County. Mr. Killpack said that any hog farms built to the south or southwest should be well beyond what is currently being cultivated due to the prevailing winds. He said that as the County considers allowing these large scale farms to come in, it is of the utmost importance to find a balance between these businesses and the residents of the municipalities.

Maria Nye said that Millard County is an agricultural county and agriculture has a huge impact on the community. She said that their dairy milks 5,000 cows in three different facilities and employs eighty people. She said that we need to appreciate all forms of agriculture.

Ms. Nye said that they pay a lot of money with suppliers and others in the County and their buildings' assessed value doesn't depreciate as quickly. Ms. Nye said that when operations are put in that may require emergency services, we need to consider the response time that it will take the emergency crews to get there. She said that Millard County doesn't want to get a reputation that they

are difficult to work with.

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Kenneth Skeem said that they are all worried about the smell of pigs. He said that if a lot of pig farms come in, it may deter other businesses from coming to the County.

Commissioner Draper explained the buffer zones in the ordinance that would be put in place between CAFOs and municipalities, churches, parks, and platted subdivisions within the County. He said that the shortest distance is 660 feet and the longest is 10 miles. He said that it depends on the number of animals that are located in the operation. Commissioner Draper said that the first significant buffer in the draft ordinance is 6.4 miles.

Linda Sorenson said that in the previous meeting, it was stated that these farms would bring in jobs with an average salary of \$48,000.00. She said that according to the federal income poverty guidelines, if a family of 5 were to make \$45,000.00 they would fall below the poverty level. She said that she looked up salaries in the State of Utah and the average wage for a farm worker is \$26,572.00. She said that Smithfield Food's laborers start out with a salary of \$27,000.00.

Ms. Sorenson said that if families fall under the poverty guidelines, they apply for State assistance and medicaid and she is wondering if this is really going to economically benefit our community or if it's just going to add more people who are being helped by tax dollars.

Ms. Sorenson also said that a comment was made regarding the miles people have to travel to work and cited many large companies that people have to travel more than 10 miles to get to work such as IPP and the lime plant. She said that people are willing to travel to work.

Steele Weston said that he spoke at the earlier public hearing on the salary price and wanted to clarify that he was not stating the salaries of the hog farm employees, but rather the median household income in Millard County which is \$56,000.00. He said that there are several employees who support these building operations and make quite a bit more than that. He said that as the ordinance is written now, there is only one location in Millard County that is suitable because electricity and water are needed in order to run a hog farm. He said that not many people will pay the money to run power 10 miles outside of limits.

Several people (not at the microphone) can be heard saying that Smithfield has spent a lot of money get power to their barns.

Mr. Weston said that Smithfield ran power to their barns in Milford because they built approximately 80 farms; not the one or two farms that individual farmers would be building in Millard County. Mr. Weston asked if any research was done on odor monitoring for hog operations before this ordinance was written.

Commissioner Draper said that the Commission has looked at studies done in Beaver County, North Carolina, Iowa, Minnesota, and anywhere that Smithfield Foods exists. He said that most of the research was on odor mitigation because it seems to be the primary concern.

Mr. Weston said that the ordinance doesn't state anywhere that there could be shorter setbacks if a company complies with an odor mitigation standard and asked if the ordinance could

be amended and include that.

He said that he has an odor monitoring study that talks about the ability to control odor from the University of Wisconsin. SEE CORRESPONDENCE FOLDER.

He explained the large amount of work done to mitigate the odor of hog farms. He said that the population dispersment in Millard County is very different than North Carolina and there have also been studies on the landscape topography and vegetation in North Carolina. He said that the biggest factor to blocking odor is wind. He said that Smithfield believes that Millard County is one of the best locations for hog farms due to the wind, density, and bio security.

Mr. Weston said that larger operations tend to have better bio security than smaller ones.

Commissioner Draper asked if Mr. Weston was laying the foundation for litigation since he is entering things into the record. Mr. Weston said that it is always a possibility but thinks that the Commission can come up with a decent ordinance that encompasses everything that the citizens of Millard County want.

Kevin Ivie said that he thinks the letter from Delta City represents the citizens well and asked if there are any areas currently zoned for CAFOs and is wondering if there are any areas that would have less of an impact on the residents.

Commissioner Draper said that there are several areas currently zoned for Industrial Agriculture and explained the process that the business would have to go through in order to get approval.

Mr. Ivie said that he understands the importance of agriculture, however, he also understands the importance of clean air and water. He asked if this Commission has been in contact with Beaver County to try to reduce the growing pains that they went through.

Commissioner Draper said that they have met with Beaver County and this draft ordinance language is largely taken from Beaver County's current ordinance.

Mr. Ivie said that he only sees a downside to where they are proposing to put these and wants to go on record as against it.

Jared Buhler said that 10 miles is the largest set back in the United States. He said that it is a ban because there is no where in Millard County that would meet that setback. He said that this ordinance is telling them what they can and cannot do on their property. He said that if every county in the United States put in a similar ordinance, hog farms would no longer exist and asked how America would be fed.

Steve Styler said that SmithField Foods has no plans to bring in large operations in Millard County. He said that Smithfield Foods put in a business plan a few years ago to allow individual farmers to build barns on their existing farms. He said that Smithfield Foods would like an opportunity to grow in a reasonable and appropriate location. He said that he would like to find zones that make sense and he is currently working on a map that will be submitted by the next meeting.

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Kelly Carter said that he is very pro agriculture and he would like to address the clarification

of livestock. He said that for whatever reason, it was decided that chickens were ok, but turkeys and pigs were not. He said that each animal needs a separate ordinance. He said it doesn't make sense as to why chickens are allowed and not turkeys.

He said that the math in section 7 of the ordinance needs to be simplified and that he is also in favor of a zoning map for hog facilities. He said that these operations don't employ a lot of people.

Larcy Bloomfield said that she is concerned about the odor being carried by the wind and she thinks that prevailing winds need to be considered when deciding on where things are placed.

Susan Stefanoff said that they have a multi generational family farm; however, she has a lot of concerns and respectfully disagrees with Mr. Styler when he says that a few small farmers will be building these farms. She wonders if these small farmers will be able to mitigate the odor because she knows how much work goes into running a farm. She said that she is also concerned about water contamination and wants to know where the hog farms will be built.

Gary Greener said that it seems like the County went over the hog farm issue not long ago and the vast majority of the public were against them. He said that the water table is already dropping and he doesn't think that the County needs anymore deep wells.

Wes Bloomfield said that he is concerned about the water. He said that when he worked at the power plant, they decided how much water could be allocated to the farmers every year. He said that the water was very scarce some years and the prices were high. He is also concerned about the wind carrying the odor and cited the issues with the sewer ponds outside of Delta.

Patrick Stefanoff said that he is concerned about the broad brush statement and definition of animal feeding and is also concerned that the Commission may not be open minded about the opinions and voices being heard at these meetings. He said that this ordinance is a slippery slope for agriculture and all things needs to be thought out. Mr. Stefanoff said that water for a hog farm would need to be through water shares which are already being pumped.

Comments were made that Commissioner Draper was displaying a closed mind through his physical demeanor.

Commissioner Jackson said that Commissioner Draper is not closed minded and it takes all three commissioners to make a decision.

Hadley Meyers said that the ordinance language appears to not be carefully thought out due to the classifications of the animals and the proximity to dwellings and explained how the feed lot near Bunker Hill has nice homes being built in close proximity. He said that not all odors seem to bother all people.

Edward Brown said that he is concerned about government making rules and regulations. He said that he is also concerned about big corporations drilling deeper wells which cause the older wells to not flow as well. Mr. Brown asked how these new barns will impact the existing wells in

the area.

Chad Warnick referred to a previous thought about certain things being grandfathered in and asked the Commission what things are not being considered.

Commissioner Draper said that one idea is to grandfather in existing operations and there has not been any thought to things being excluded or grandfathered out.

Commissioner Draper apologized if his demeanor has come across as condescending in any way. He said that grandfathering is one of the thoughts that the Commission is taking away from these meetings that will be looked into more thoroughly.

Mr. Warnick said that it seems both sides believe that there should be a type of buffer and there are areas that are more apt to be situated for these operations without impacting the towns. He said that he suggests looking at certain areas for industrial agriculture instead of using an open radius. He said that the language in the ordinance will affect more than just pigs.

Jennifer Christensen said that the water that hog farms use will not be new water shares and are already currently in use. She said that the 10 mile buffer is an outright ban. She said that her family is currently constructing a hog farm and feel like they have a perfect location. Mrs. Christensen said that they own the water and they are using farm ground that is otherwise unusable.

She said that these new propositions would not have allowed their farm to be built and it is approximately four miles away from Flowell. She said that industry is changing and America can't be fed by these backyard farms that everyone knows and loves.

She explained that she is thankful for Smithfield and the opportunities that the hog operation is providing them. She said that in the 13% of privately owned land in Millard County, you can't find a 10 mile buffer from the listed points where water and electricity can feasibly be acquired.

Jason Christensen said that they are in the construction phase of a 5,000 sow farm north of Flowell. He said that this is not Smithfield's farm; it is his farm, and they have put everything into it. He said that this hog operation has been a chance for their family to make their farm profitable and that these operations are needed in order to feed the population of America.

Landon Kesler said that he feels government in general tends to encroach on the people's rights when they continue to add layers upon layers of restrictions which make it more difficult for farmers to produce. He said that he can see the need for this ordinance, but agrees that this seems very broad and he would recommend a case by case evaluation based on location.

Mr. Kesler said that he had an opportunity to work closely with the Planning and Zoning Commission on a solar project near his home. He said that through that process, the previous Commission seemed hesitant and closed minded to new ideas. He said that instead of the potential negative outcomes, he would like more focus put on the positive outcomes. He said that producers don't want to be continually restricted and regulated when deregulation has been shown to encourage growth and long term sustainability.

Lynn Zubeck said that he manages the Clear Lake Waterfowl Management Area and since 1992, Clear Lake's length has shrunk more than 9.5 miles. He said that they protested the pig farm

in Flowell. He said that he is a waterfowl hunter and has lost the opportunity to hunt there because the birds just fly over because its dry. He said that the new facility built in Flowell was oringinally supposed to use 8,000 gallons of water each day. He said that four months after the facility was approved, they wanted to change the facility and use 54,000 gallons a day. He said that water is not coming back into the aquifer and his belief is that it will eventually pollute the aquifer. He said that water is so important to everyone and once it comes out of the ground it will not come back.

Allen Williams said that he is concerned about the language in the ordinance and said there is a lot of concerns regarding what-ifs and what-could be's and wants to things more set in stone. He said that agriculture is the lifeblood of Millard County and he also supports other industry and other employers who may bring things into the County. He said if there is a will there is a way and asked that the Commission not shut the door on anything.

Linda Sorensen said that she would like to hear approximately how many individual type pig farms are interested in coming to the County and how many pigs they will have on the property. She thinks that would clarify a lot of things and that the public needs more directness to make a formed opinion.

Steve Styler said that there is currently one being looked into right now and that he has heard from one other potential investor. He said that Pinnacle Development Units being constructed right now hold 8,800 pigs. He said off-site units hold 9,200 pigs. Mr. Styler said that he has passed out 13 investor packets.

Linda Sorensen said that she sees the need for the ordinance or something else to be put in place before things explode. She said that most people are for agriculture but don't want massive amounts brought to the County due to water and other issues. She said that maybe water or application limits may satisfy both sides.

....BREAK IN RECORDING....

Linda Sorensen said that more information is necessary to educate the public.

Mr. Styler said that there hasn't been a public forum to educate the public because businesses don't really know exactly what they will be doing until a plan is made. Mr. Styler said that 10 acre feet of water is needed per barn and his small 450 acre farm needs 1,000-1,200 acre feet of water. He said that if he converted the use, his small farm could provide water for approximately 120 barns.

.....Mr. Styler speaking with someone whose comments can't be heard about water that comes out of the aquifer verses surface water....

Jason Christensen said that he would like to comment that from a biosecurity standpoint, Smithfield is favoring these smaller, more spaced out farms.

Bryant Stephenson said that the concerns mentioned are valid. He said that these things tend to snowball. If you are talking about sow farms, you have to consider the piglets and other potential farms that may be built in the future because they tend to grow over time. He said that there are a lot of negative effects when planning doesn't happen before growth.

Paul McCollaum said that there was opposition to the power plant when it came in and it brought a lot of benefits to the County. He said that this is something that may change the County as well. He said that although the jobs may pay low wages, the people will be working.

He said that the water is allocated mostly in the incorporated areas and explained areas where well permits can be granted. He said to get water for these facilities, they will have to buy water shares from those that are already being used. He said that the water depletion will not be any different than what it is now.

Kevin Knight said that by the definition listed in the proposed ordinance, he currently has a CAFO. He has 9,000,000.00 bees that he confines for nine months that are then released to the fields to pollinate his alfalfa. He asked how to get other animals on the excluded list. He said that this ordinance is too restrictive and asked that the language be reworked to allow existing operations to continue.

Ms. Hilderbrand said that she worked for Smithfield for ten years. She said that Smithfield grew a lot during its first few years and the concerns of the public are valid. She said that very few of these hogs feed America. She said that the open lagoons have a bad odor. She said that the language may need to be changed for other animals, however, she doesn't think Millard County wants hog farms.

Ms. Hilderbrand said that she moved to Millard County to get away from the hog smell. She said that the closest barn to Milford is 15 miles away and they could be smelled from town. She said that Smithfield Foods is not a transparent company.

Zane Bennett said that he is concerned about the future of Millard County. He said that the Commission was elected to protect Millard County.

Steele Weston said that a very limited supply of hogs is sold to China because of the massive tariff on pigs.

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

Commissioner Draper adjourned the meeting at 8:57 p.m..

Attest: _____

Approved: _____



Delta City
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June '26, 2019

Millard County Commission
c/o Marki Rowley, Recorder
71 South 200 West
PO Box 854
Delta, Utah 84624

Millard County Planning and Zoning Commission
c/o Angi Meinhardt, Secretary
71 South 200 West
PO Box 854
Delta, Utah 84624

***RE: Comments to Proposed Ordinance relating to Concentrated
Animal Feeding Operations***

To Whom It May Concern,

We, the Mayor and City Council of Delta City, desire this letter to serve as a public comment of the governing body of Delta City regarding the proposed Animal Feeding Operations ordinance being considered by Millard County.

Agriculture is a very important part of our county and we certainly do not want to deter people from wanting to come here and run a successful animal operation. As elected officials of the biggest city within that County, we respect, honor, and appreciate our agricultural roots, and the importance agriculture plays in the economy of the County and Delta City. While we hold deep respect and appreciation for agriculture, we believe it is important to carefully balance the competing interests of all contributors to our collective economy. This is often easier said than done, and we acknowledge the difficulty of balancing multiple competing interests. Know that your efforts and service are appreciated.

We have significant concerns regarding the draft Concentrated Animal Feeding Operations Ordinance (the "Ordinance"). Some of these concerns include:

I. Providing no Distinction Regarding Type of Animal

The draft contains no distinction regarding the type of animal that will be housed in a feeding operation. We believe that the ordinance can and should treat different types of animals differently. As just one example, noxious odors and other unappealing byproducts of a cattle operation could potentially be vastly different than a swine operation. Thus, a separation area or "buffer zone" for one species could and should be different than another.

We believe the draft may attempt to address this issue by including the definition of "Confined Concentrated Animal Feeding Operation" assuming the probability that a swine operation would, by necessity, fit the definition of confined. Our concerns with this regulatory tactic are multiple. First, if the County has concerns that a pig operation would have greater adverse effects upon surrounding areas, the County should squarely regulate that use, *i.e.* call a pig a pig, and address the issue directly and not leave open the possibility that a creative applicant could utilize the definition of "confined" to create a use and result that the County wants to avoid.

Second, for animal feeding operations of any magnitude, it is impossible to keep all components of the operation contained behind confined doors. Smells emanate. Manure must be removed, and so on. Relying on operations being confined is not enough to alleviate the negative effects of such operations on surrounding areas.

II. Buffer Areas Generally

The elephant in the room on this issue is the distance such operations be from more densely populated areas of the County. We understand that the answer to this question is not as simple as just stating a distance, and that being the end of discussion. The further away the Ordinance requires these operations be placed, the greater the cost of development, and the less likelihood they will ever be built. On the other hand, the closer they are, the greater the adverse effects will be felt by residential populous and the greater possibility others may be deterred from relocating or investing into Delta City. For example, the adverse effects of an animal feeding operation placed too close to Delta City could deter business from considering Delta as a cite for relocation and utilizing, for example, utilizing two large retail buildings recently vacated in the City. This is a complex balancing act.

We believe that the Ordinance as currently drafted allows for feeding operations to be located close enough to Delta City that it would negatively affect our City and deter our continued growth.

As we understand the Ordinance, there is ZERO buffer area for Level 1 AFOs and under. Depending on the size of the Level 2 and Level 3 AFO, such operations could be a mere one-half mile from Delta City Limits. Then, for a Level 3, the maximum buffer zone would only be 1.5 miles. Respectfully, we feel these distances currently contained in the Ordinance are insufficient to protect the citizens from the possible adverse effects of these feeding operations, particularly swine/pig operations.

a. Animal Type

As discussed above, we believe that any requirement of “buffer zone” for the location of an animal feeding operation should consider and apply as a relevant factor the type of animal to be housed and produced.

b. Prevailing Wind

We also believe that prevailing wind should be a factored consideration as to any buffer zone. For example, an operation on the South side of Delta should be further than on the North end. The possible buffer zone could be more oblong, as opposed to a circle, drawing into consideration the prevailing winds of a proposed location.

c. Annexation Plans

As currently written, buffer zones are a distance from “the property or boundary line of the nearest incorporated town, school, church, public park, or platted residential subdivision.” First, we suggest that “town” be changed to “municipality” to resolve any ambiguities that both towns and cities under Utah Code Ann. § 10-2-301, *et seq.* are included.

Next, we suggest that included to this list of any buffer zone limits include not just the boundary of existing municipalities, but also the any and all possible *expansion areas* of a municipality contained in an Annexation Policy Plan adopted pursuant to Utah Code Ann. § 10-2-401.5.

d. Water quality considerations

Available water is always a concern for all development in Millard County, and, Delta City has an increased concern regarding water quality. Accompanying this letter is a Hydrogeologic/Well Impact Study that Delta City commissioned in 2016. To summarize that study, the ground water aquifers in and near Delta City contain levels of arsenic that exceed levels allowed by the Utah Division of Drinking

Water for a public drinking water system such as the one operated by Delta City. To combat this issue, the City's Ridge Top Well Project (the well and storage tank near the Delta City Airport) allows for the importation of water to allow Delta City to deliver drinking water that complies with contaminant regulations.

The concern is that the cumulative effect of wells drawing in arsenic-ridden water will cause the contamination of Delta City wells (including the Ridge Top Well). If this happens, Delta City's only option to deliver drinking water will be treatment of high arsenic-concentration water. This would cost Delta City water users millions of dollars.

While we acknowledge that the Ordinance provides that an applicant must show adequate water supply, we humbly ask that the County give due consideration to not just the available quantity of water, but also the effects that possible draw of water and the adverse effects that draw may have on the quality of water Delta City relies on, particularly given Delta City's establish protest zone, and the flow of ground water per the attached Hydrologic Study.

e. No-Modification of Separation Areas

As we understand the Ordinance, the County Planning and Zoning Commission may modify the minimum separation distances (the "buffer zone") if the applicant can present adequate mitigating circumstance. Respectfully, we firmly believe that any buffer zone established by the ordinance should NOT be modified, under any circumstances. First, the proposed language of the Ordinance leaves itself open to subjective interpretation, and therefore, political pressure from special interest, public clamor, and other forces that should not be allowed to be factors once an application is before the County for consideration.

We believe that issues of this importance should not be subject to such political pressures, the force of which cannot be fully known and felt until a specific application is before the County. Determinations regarding the placement of such operations should be decided in a way that it can never be said that an applicant is enjoying unequal enforcement of the laws. Simply drawing clear lines at this juncture (absent considerations of a specific application) should ensure fair treatment of all interests involved. Accordingly, the Ordinance should be drafted to remove, as much as possible, discretionary judgment calls placed upon County officials, specifically including any possible reduction of separation distances.

Along these same lines, we believe that reduction of separation zones presents untenable enforcement issues. For example, in the case of an applicant that presents satisfactory mitigation practices and procedures that justify the


reduction of the separation issues. As time goes on, what happens when those mitigating practices and procedures are not properly followed or invested in? The County is then placed in the difficult position of attempting to shut down a multi-million-dollar operation, with a property owner that is financially invested in opposing such County efforts by whatever means reasonably possible, including political pressure, litigation, and so on. We suggest the County avoid this situation entirely, and instead establish an appropriate separation zone that accounts for the worst-case scenarios and enforce that buffer zone. By having clear, defined rules and regulations that do not leave areas open for misinterpretation or misunderstanding, we feel as though we can find a balance between CAFO's and our communities.

f. Compound Effects of Multiple Operations

We believe it is reasonable for the County to consider the cumulative effects of multiple Animal Feeding Operations. For example, are the effects of two large Level 1 AFO near one another not equal to the same effects as one Level 2 operation? We believe that, in the right place within the County, it would be beneficial to the County and the operations to be near one another. The adverse effects of those operations would have minimal impact, and yet the County would get to enjoy the benefits of those operations. Thus, we believe the County should consider, instead of simple separation areas, designating areas that allow for increased density of these operations. In other words, the County should consider the mapping (zoning) of area within the County where animal feeding operations are not only allowed, but encouraged. We believe this would have a natural effect of increasing the density (cumulative effects) of these types of operations to these zones, and reduce the competing uses of land within those zones.

III. Conclusion

Again, we fully acknowledge the difficulty of this issue, and it is apparent that any decision made is going to be perceived as hurting one segment of our County and helping another. We do not envy your position. Our only intent with this letter is to provide considerations of Delta City, and from us, its governing body, elected to further the interests of the City as a whole, and not any specific individual. We hope our comments will be considered as County elected and appointed representatives grapple with this difficult and important issue.



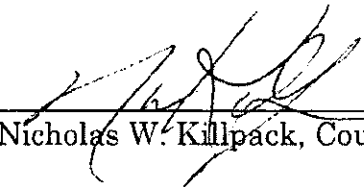
John W. Niles, Mayor

Robert W. Banks, Council Member

Brett C. Bunker, Council Member



Kiley J. Chase, Council Member



Nicholas W. Killpack, Council Member

Betty Jo Western, Council Member