

MINUTES OF BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING 2019
AT 7:00 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

EXCUSED: Marki Rowley.County Clerk
Jamie Hair. Deputy County Clerk

ALSO PRESENT: Monique Draper, Colleen Halsey, Erin Sorenson, Howard Quackebush, Chad Osguthorpe, Molly Stevens, Lucas Stevens, Lonnie Hafen, Jeff Mitchell, Adam Richins, Channing Stott, Kami Dearden, Kelly Schena, Scott Barney, Joyce Barney, Kurt Sorensen, Linda Sorensen, John Niles, Abe Johnson, Riley Christensen, David Remkes, Ian Adams, Holly Remkes, Donna Starley, Georgia Starley, Thomas Weingart, Tyson DeWolf, Phil Whatcott, Shantry Ellison, Mike Holt, Jason Christensen, Scott Nickle, Judd Christensen, John Nye, Rick Wagstaff, Ben Hunter, Eric Reid, Michael Coats, David Gray, and Linda Parsons.

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 7:05 p.m. after a brief welcome and explanation by Commissioner Draper to the public and Commission members.

Commissioner Draper referred to the draft copy of the ordinance and said that the language in red font are the suggested changes to the current ordinance. He explained the moratorium for CAFOs which expires in August and briefly explained current CAFOs in the County and other proposed industrial agriculture that wants to come into the County.

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. He said that this ordinance has received a favorable recommendation from the Planning and Zoning Commission.

Commissioner Draper said that the Commission is bound to the draft copy from the Planning and Zoning Commission for these public hearings. He said that they 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.

Commissioner Draper said that the Commission is pleased with the comments received at the previous public hearings. He said that State Law will not allow the commissioners to discuss this outside of a public meeting so the discussion and a decision will be made on this Ordinance on July 16, 2019 at the regular commission meeting which begins at 10:00 a.m..

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

John Nye said that he milks 5,000 cows on his dairy which is located 3 miles north of Delta and they have not received complaints about the odor. He said that if their dairy was located south of Delta, he's sure that complaints would have been made about the odor due to prevailing winds. He said that a plan of suitable sites within the County is a good idea and thinks that the area north of Delta would be suitable for these operations. Mr. Nye explained how it may be possible for farmers to form a co-op and gain ownership of land that is in an suitable area for CAFOs. He said that he thinks that the Commission should pass this ordinance; however, open it back up immediately to address the boundaries and find suitable sites in the County.

Ben Hunter said that opportunities for local youth and families to look for opportunities in agriculture is vital. He said that he has toured Circle 4 Farms several times and that Smithfield has won three environmental awards. He said that the County needs to maintain the agricultural opportunities for youth and families in Millard County. He said that Millard County needs employment opportunities and hopes that everyone will keep an open mind.

Kelly Schena said that she is concerned about the business practices by Smithfield Foods. She said that the environmental issues including hog waste is also a large concern and cited a lawsuit by farmers in North Carolina. Ms. Schena calculated the waste that one farm would produce and explained the process and costs of reducing the waste. She said that several studies have been done that support the idea that people surrounding these farms have a diminished quality of life due to the odor and particulate matter. She said that she appreciates the efforts by the local dairies and egg farm who have executed responsible business practices that minimize negative impacts on their neighbors. She said that unfortunately, Smithfield doesn't have that same reputation.

Ms. Schena explained the Chinese holding company that purchased Smithfield Foods a few years ago has bought over \$1,700,000,000.00 of farmland while systematically bankrupting every rural farmer that they can. She referred to several studies that she submitted to the Commission for their review.

Ms. Schena said that once Smithfield Foods is allowed to come into the area the local residents and communities don't have any recourse to fight those businesses due to Senate Bill 93. She said that the community needs to band together to protect rural farming and the lifestyle that we enjoy.

Whit Sorenson said that there is currently a waiting list to get hog waste from the hog farms because it is being used in fields. He said that the waste will be an asset to the farmers; not a burden. He explained that the potential risk of contamination of groundwater in areas back east is much larger than Millard County. He said that big agriculture doesn't want to move to an area and be a nuisance. He said that he doesn't agree with the blanket statement of a 10 mile setback. Mr. Sorenson said that he is disappointed by the fact that no input from local producers has been added to the ordinance. He said that the Utah State Extension has tools in place that would greatly benefit these conversations and the local agent was not even part of the discussions.

Mr. Sorenson said that Commissioner Draper mentioned in conversation with him that Agriculture is way down on the list as far as property taxes in Millard County.

Commissioner Draper said that Agriculture is down the list in regard to property taxes; however, they are not down the list in regards to sales tax and other taxes. He said that properties in greenbelt are taxed at 23% of their normal value; however, income and building taxes are equal to everyone else. He said that Agriculture is still a major force in Millard County's economy.

Mr. Sorenson said that receiving 23% of property taxes is better than 0% and he thinks that not asking any producers or using scientific studies for input is wrong. He said that tools are available to come up with proper setbacks.

Mr. Sorenson asked why this hasn't been worked on in the last five months and said that it feels rushed to get this passed.

Jeff Mitchell said that this law can be changed in the future. He said that the local dairies support all other sorts of businesses and pump a lot of money back into the local community. He said that it is important to have these operations in the area. He said that he doesn't agree with a 10 mile buffer.

Rick Wagstaff said that there is a large difference between a cattle and a pig operation especially in regards to odor. He said that it is much easier to keep water clean rather than try to clean it after its been contaminated. Keeping the groundwater clean should be very important to all residents.

Kurt Sorensen said that when manure is spread on a field, it gets tilled into the ground which takes care of the smell. He referred to an article that stated Circle 4 Farms approach to odor and said that they originally thought a 3 mile buffer was sufficient; however, they found that the odor travels a lot farther. He said that the article states, toward the end, that they will move their farms 22 miles from the nearest resident.

Mr. Sorensen said that he commends Delta City for their letter regarding this ordinance and the work that went into that. He said that Delta City's recommendation is a good one. Mr. Sorensen said that Mr. Styler has given out 15 applications for these farms and calculated the potential amount of waste that would be produced by them each day.

Mr. Sorensen said that he is worried about Smithfield taking over these farms if the local farmer isn't able to pay Smithfield. He said that better advertizing and communication would get more people involved in these hearings.

Mr. Sorensen said that he took issue with Smithfield's mail flyer that was sent to local residents which had a picture of children sitting on the American Flag.

Erin Sorensen said that this ordinance doesn't just apply to hog farms and we should bear in mind that this will impact other operations. She said that a contract between Smithfield Foods and the producer is a choice by the producer and they should have that choice. She said that this ordinance limits peoples' property rights. Ms. Sorensen said that she doesn't like the graduated scale as it is and doesn't like the 100 animal increments. She said that she also suggests that the 10 mile setback be reduced. She said that it is a lot harder to repeal a law than it is to pass one and thinks that this should be done the right way the first time rather than passing it and fixing it later.

Phil Whatcott said that he has a daughter who lives within seven miles of the hog farms in Milford and they don't complain about the odor. He said that his daughters well is tested regularly and there hasn't been any damage to the water due to the hog farms. Mr. Whatcott said that residents on the east side of the County have been living with odor for years and he doesn't see that it has damaged anyone's health or negatively impacted the way of life. He said that the County will be losing property taxes by the closure of IPP and one way to mitigate the damage is by letting companies come into the area that will provide jobs.

David Gray said that he and his wife started investing in Millard County properties about seven years ago and have a home here as well. He said that they previously farmed in Lehi, Utah and described some problems that they had when homes began to be built next to their farm. Mr. Gray said that a circle with a two mile offset essentially becomes a twelve mile exclusion zone and a ten mile setback is an exclusion zone of 314 square miles. He said that an automated dairy barn is something that they want to look at in the future and his property wouldn't be offset enough to do so under the proposed ordinance. He mentioned other businesses that have shown interest in the County, but ultimately looked elsewhere because of the County's policies. He said that ordinances like this limit the area's growth.

Linda Sorensen said that she has a great love for the area and for agriculture; however, she has several concerns about CAFOs coming into the County. She said that she has some concerns about Smithfield being a Chinese owned company gaining access to America's farmland and clean water. Ms. Sorensen said that Millard County has a lot more small municipalities than Beaver County. She said that she agrees with the 10 mile setback and said that she would also like the County to look at and limit the number of these that will be allowed

to build in the County.

Ms. Sorensen said that these farms are not going to replace the jobs being lost at IPP. She said that the County will be financially supporting the families whose members work at these farms because the wages fall below the poverty line.

John Niles said that he appreciates the Commission holding these meetings. He said that he hasn't spoken to anyone who doesn't want hog farms; however, they need to be in the right places.

Commissioner Draper said that he had a discussion with Whit Sorenson regarding property taxes. He said that agriculture has supported this County since it was founded. He said that the County operates on property tax revenues and explained how that money it is utilized. He said that property taxes do not negate the other taxes which enhance the lifestyle of residents. He clarified that he didn't make any statements against agriculture and was defining the differences between the types of taxes.

Commissioner Draper said that the County will lose approximately 300-350 jobs with an average salary of \$90,000.00 with the closure of IPP. He said that bringing other employment opportunities to the County is a necessity.

Commissioner Draper said that the County currently has the lowest property tax revenues since IPP was built; however, in 2025 and 2026, IPP will implement two new gas units and a new converter station. He said that these will bring a larger property tax valuation than what IPP currently has.

Commissioner Draper also explained projects that Transwest Express, Magnum Development, and Mitsubishi will be bringing into the County. He said the Millard County has a large amount of industrial growth ahead of it that will provide jobs that are above minimum wage.

Commissioner Draper said that no one wants to keep hog farms completely out of Millard County; however, they need to be put in the right place.

Commissioner Draper said that the Commission has been putting in their best effort to ensure that this happens properly. He said that if this ordinance is passed, it can be changed in the future while details are hammered out. He said that the Commission's job is to protect the County.

Abe Johnson said that Agriculture is the backbone and history of Millard County; however, it does not generate a lot of property tax revenue. He asked the Commission to protect the agriculture that is already here and look for certain spots where these farms can be built.

Scott Nickle said that citizens' rights are very important and great things can be accomplished when people work together. He gave an example of how farms circumvented the enclosure rules for CAFOs and said that the Commission needs to recognize that this may happen. He said that he also has concerns about Smithfield being a Chinese owned company.

Mr. Nickle said that many contracted farms in the past had financial problems and the company then bought them out for a very low amount. He said that pig farms were once

considered along the Oak City bench and the Fool Creek area. He said that it was not supported by the community and the operations consequently were not built.

Mr. Nickle said that the 10 mile setback is reasonable and should be upheld. He said that he would like to see clauses in building permits to protect existing residents and farms.

Chad Osguthorpe said that this ordinance impacts more animals than pigs and wants everyone to remember that. He said that he runs sheep and this ordinance will negatively impact his business. His concern was the number of confinement days in the Ordinance.

Hayden George said that he works on the pig farm in Flowell and said that this public hearing seems to be mostly about the pig farms. He said that the Christensen pig farms employs nine people and they make a lot more than \$10.00-\$12.00 per hour. He said that there is a lot of other revenue being made by people doing business with the pig farm.

Mr. George said that it seems that the County is limiting growth with regulation. He said that free range animals will not support feeding the citizens of America so CAFOs are necessary. He said that he does believe in humane practices and doesn't want to mistreat animals. He said that he is against the 10 mile buffer and believes that ordinances encroach on property rights.

UNKNOWN asked if the Commission could explain some of the items in the ordinance that are subject to change.

Commissioner Draper said that the County has the option to make State ordinances more strict, but cannot make it more lenient. He explained that State law has three different levels for CAFOs and one suggestion has been to create a level 4; however, it would only differ from level three by definition and practice. He said that the possibility of creating different versions of level three is being explored and it can be specie specific.

Commissioner Draper said that the proposed ordinance only deals with animals who are completely confined within a building for that animal's life span. He then went over the history of moratorium again and explained that it was put in place so that research could be done regarding CAFOs.

UNKNOWN not speaking into the microphone.

Commissioner Draper said that there are many people who will find a way to go around what is written and said that he understands that you can't regulate every facet of a person's life; however, residents agree to abide by a certain set of laws to reduce friction between each other.

Commissioner Draper said that this issue does need to be addressed and there is a time limit.

UNKNOWN not speaking into the microphone.

Commissioner Warnick said that each commissioner is over certain things and Commissioner Draper is over the County's planning and zoning. She said that they are here to

listen to public comment and she has taken many notes.

Commissioner Jackson said that they really appreciate the public comments because the Commission would be lost without that input.

There were no other comments made.

Other comments were submitted but were not read. SEE CORRESPONDENCE FOLDER located at the Millard County Clerk's Office.

Commissioner Draper adjourned the meeting at 9:28 p.m..