

**Beaver County
Planning & Zoning Commission
May 8, 2018
7:00p.m.**

Minutes

Attendance: Darrel Davis- Chairman, Steve Kinross, Mike Riley, Walter Schofield, Drew Coombs, Kolby Blackner, Don Noyes, Jared Gillins representing the Zoning Department, Von Christiansen as Attorney and Kyle Blackner as Zoning Administrator.

Visitors: 57 Visitors (see sign-in sheet) and perhaps more.

Called to Order at 7:03 p.m.

The opening prayer was given by Jason Brown.

MINUTES:

Minutes from the April 17, 2018 meeting were reviewed. Walter Schofield made a motion to approve the minutes. Don Noyes seconded the motion. Steve Kinross, Mike Riley, Drew Coombs, and Kolby Blackner voted for, thus the motion passed unanimously.

ORDINANCE 2018-04 SETBACKS FOR INTENSIVE LIVESTOCK OPERATIONS,

Chairman, Darrel Davis, provided some guidelines prior to the public hearing. Mike Riley made a motion to move into the public hearing portion of the meeting. Kolby Blackner seconded the motion. Steve Kinross, Walter Schofield, Drew Coombs, and Don Noyes voted for, thus the motion passed unanimously. The public hearing began at 7:10 pm. Lloyd Cummings was concerned by the negative economic impact on the county, referred to information from medical studies, hydrologist findings and a current lawsuit against Smithfield in North Carolina. He was in favor of proposal # 1. Virginia Jones stated that Milford citizens did not know about the Smithfield expansion and should have been notified individually, was very concerned about the large number of pigs that will be placed just five miles from town and the potential for failing air quality & water contamination. James Wintch, speaking on behalf of his father, Mark Wintch, stated that Smithfield has brought revenue, jobs, and support to Beaver County and stated that private property rights are extremely important and that they are in support of Smithfield, who employs over 10% of the residents. Craig Davie, a disgruntled former employee, stated that Smithfield doesn't take care of their employees, spoke of the pig manure, lagoon systems, and buildings on poor foundations. He suggested that they are required to have a \$300,000,000 bond in place and a six person team made up of two members from Iron, Millard & Beaver County, to regulate them equally. Grace Davie stated that Craig has COPD from working for Circle Four Farms and shared her symptoms of awful stomach issues from what she believes to be E.coli from the drinking water she consumed while working at the hog farms, and told of how the smell has limited their quality of life. Bob Davidson spoke of the three individuals who asked to be excused because of a conflict of interest at the January meeting and suggested that they do the same this evening. Sheri Graham spoke of the reports from the geologist, Dr. Oakden, hydrologist, 300 angry citizens, letters from the public and almost a 1000 signatures on their petition. She is concerned that the board is not concerned about their property rights. She stated that we should never have Smithfield employees in any public positions ever again.

Margaret Wellman feels that Beaver is indeed a retirement community, vows to protect the young families with children, shared her concerns about China taking over America one small community at a time, spoke of intimidation & her concerns about members on the board, and supports option #1. Travis Hollingshead, project & environmental engineer for Smithfield, spoke of the current 30ft setback in Sevier County, the agricultural industry that will provide him the opportunity to return to live & work in Beaver County, tolerance for smells surrounding the industry, and encouraged us not to be so progressive that we are instead preventative. Michael Taylor presented a petition that has been circulation through east Beaver County over the past few months. To date they have 900 signatures asking for a ten mile setback from any occupied dwelling in Beaver County. Ben Smith, retired civil engineer, spoke of the \$15,000,000 cost to reclaim a pig farm and the diminished surrounding land values in Las Vegas. He was also concerned that visitors outside of the chambers were unable to hear. Derald Joseph feels sorry for Milford residents, believes that home owners have rights too, spoke of the response he received while gathering signatures for the petition, supports option #1, and reminded the P/Z Board that they represent the commissioners and the people, not Smithfield. Lisa Hendrickson stated that in the beginning of Circle Four's development, hydrologists said that there was not enough water in the aquifer to support that many animals and now we are seeing the result of that. Swine Production Magazine said they had a 20 year life span on lagoons, Chinese government owns and runs Smithfield. Casey Ross, geologist, showed map of a fault system that runs through Beaver Valley, a side view of shifting, earthquake epicenters and active faults, that together, make for a potential disaster. Gilbert Yardley was concerned about maintaining pure air and pure water, felt that we should have held the meeting in a larger facility, suggested that board members with conflicts should excuse themselves, referred to Iron County's Swine Only Ordinance, and supports proposal #1. Jim Webb, Smithfield representative, stated that they recommend a 3000ft setback from dwellings & municipalities, suggested that animal agriculture is a major economic driver for Utah. Thirty local contract growers, their families and their employees are dependent upon the hog production industry in our area. The company employs 11% of the county's workforce and hopes to be able to additionally invest tens of millions of dollars in Beaver County. David Roberts, farmer & Farm Bureau representative, asked that the board clearly define intensive livestock operations and identify how it will affect existing operations. Nick Faulkner, realtor, believes that property rights should be considered until they have a negative effect on their neighbors and that property values would decrease throughout the east side of the county. Keith James, one of the closest residents to existing farms, fought them from the beginning, but as time went along, they have become good neighbors. He suggests that five miles is close enough. He praises the benefits of Smithfield, but suggests that the 3000ft setback would be taking a giant step backwards. Roger Howard, Smithfield employee, stated that they produce good food responsibly for approx. 2,500,000 people annually, employees are healthy and well and Smithfield considers all impacts, and that we all have some conflict of interest, to one degree or another. Bruce Brown cannot understand why Smithfield won't build north of the Millard County line where we can all support them, instead of pushing to build in the Beaver Valley. He feels the county p/z has been very accommodating to their needs and that Smithfield is being manipulative. Rosa Cazares thinks people are getting too concerned about this issue and should consider that Smithfield provides so much support to the communities and so many jobs, feels we need to work together and only post accurate information. Kade Coombs asked the board to strongly consider the economic benefits of agriculture to Beaver County, as it is the 1st or 2nd biggest ag-producing county in the state and that less than 2% of the world's population provides food for the entire population and he would not want them to do anything to hinder that. He suggested expanding setbacks to residential zones only, not a residence.

Teara Hodges feels option #1 is a great choice, but that we need to add the un-incorporated towns and define intensive livestock. She believes board members with conflicts should excuse themselves, spoke of lawsuits that Smithfield has lost in other areas, and encouraged the use of other waste management options rather than lagoons. Kelly Walker thought it was deplorable that we did not have adequate room for all public that wanted to attend, that Pig farms would be bad for Tourism, and is concerned about water contamination. Robin Bradshaw referred to the letter provided by the Beaver City Council suggesting option #1 as their preference, to ensure the continued economic benefits of the travelers along I-15 to keep beaver city going. He was shocked to find that current ordinance allows for pigs in the Beaver Valley. Russell Meadows suggested that Smithfield post a \$300,000,000 bond to cover any viral or bacterial illness or death related to their industry. Bruce Wagstaff feels that the summer home community is a benefit to Beaver with its additional tax base and increases property values and fears that allowing pigs will dry up that community and any other industry that may want to come here. Local physician, Wade Oakden, is concerned w/ health issues and spoke of a recent verdict in North Carolina where they were awarded \$50,000,000 for medical issues caused by factory farms, valid medical research showing disease is transferred from farm employees to their families, is doing a study on MERSA that is associated with hog farms, and is very concerned about the impact on the people and environment. Mike Riley made a motion to close the public hearing at 8:05pm. Kolby Blackner seconded the motion. Drew Coombs, Don Noyes, Walter Schofield, and Steve Kinross voted for, thus the motion passed unanimously. The public hearing was closed at 8:10 pm.

Chairman Davis stated that the board now needed to come to a consensus and make a recommendation to the County Commission. Kolby Blackner mentioned the need for a narrative to be attached to the decision. Mike Riley inquired of Mrs. Kelsey & Mr. Blackner concerning the proposal wording, as "swine husbandry units or intensive livestock operations" did not sit well with him, as he thought we had decided to speak only of pigs for this ordinance. Mrs. Kelsey provided clarification, that although some board members had an interest in pigs only, other board members had an interest in grouping species and neither option was voted on by the board, thus the wording for the proposals was written as an extension to the current code. Mr. Blackner stated that the board had the option to alter and change any of the wording and they are not bound by the current proposals. Mike Riley asked if we were going to be talking only of swine then, or other species. Attorney, Von Christiansen, reminded the board members that the moratorium was for the purpose of intensive livestock operations. Chairman Davis said he thought we were only addressing swine at this time, with other species to follow at future meetings. Kolby Blackner felt that we must include other animals of total confinement. Drew Coombs felt that we could include other species which required lagoons. Kolby Blackner made a motion to include all other total confinement operations; swine, turkey, chicken, and mink. Mike Riley asked what number of each species qualified them for an intensive livestock operation. As Mr. Blackner was looking for that data, Drew Coombs stated that the County's definition is sufficient. Kolby Blackner asked if we were within our legal right to select only one species. Von Christiansen said that if we make a recommendation for swine only, we would still need to make a recommendation on the other species, prior to the moratorium, as not to be arbitrary. Drew Coombs made a motion that we address setbacks according to intensive livestock operations as it is currently defined in our county code. Kolby Blackner seconded the motion. Mike Riley asked if we could review the definition before making a decision. The definition was read to the board members. Drew Coombs raised the motion again. Mike Riley stated that when we lump all of them together it is too complex, so we should just address the swine. Drew Coombs questions whether we should address this situation now and attach to the recommendation to the commission, that we address the differences later.

After further discussion. Kolby Blackner felt the covered operations are similar in nature and can be addressed together. Steve Kinross asked if it is only the smell we are trying to fix, as all animal waste is equally toxic and smells terrible. Mike Riley stated that animal species feces are different. Steve Kinross stated that all animals have the same potential for contamination. Walter Schofield stated that he supports the current definition. Mike Riley was unsure if the state requires a permit for poultry. Drew Coombs said it was dependent on the number & weight of the animals. Kolby Blackner stated he is not talking backyard, but total confinement industrial agriculture and urged the board to move on this decision. Chairman Davis reminded the board there was a motion on the table and asked for a vote. All voted for, thus the motion passed unanimously and the definition stands.

Chairman Davis spoke of the four proposals and inquired if the board wanted to pass them onto the county commission or make a final decision. Drew Coombs asked how many CUP applications are pending the boards' decision. Mr. Blackner stated that there have not been any new applications submitted to the county. Drew Coombs shared information he has been gathering from studies done at universities in the U.S., Europe, Canada and The American Society of Agricultural Engineers, all who have come up with a maximum setback, almost unanimously, of one mile. He stated that there are conditions that are really helpful such as dividing pig density to improve air quality and reminded us that we can protect the principle of private land use by placing conditions on the permits. Kolby Blackner stated that after all of his P/Z Training, he is concerned about crossing the line between going too far in one direction and strike a balance between public safety and individual's property rights. Mike Riley suggested that we provide the county commission with our four proposals and let them make the ultimate decision. Drew Coombs suggested we vote to see where the board members stand and made a motion that we recommend proposal #4 to the county commission. Board members inquired if we were going to rank the proposals, vote on more than one to see where the majority stood, or send several proposals for recommendation. Kolby Blackner said that the board should make a firm decision on one recommendation and send it to the county commission, as they requested. Kolby Blackner seconded the motion. Drew Coombs, Kolby Blackner, Steve Kinross, and Don Noyes voted for. Walter Schofield and Mike Riley were opposed, thus the motion passed. Kolby Blackner inquired if we should and could modify proposal # 4. Attorney, Von Christiansen, said it was an option to modify, but that we would either have to make a motion to rescind the first motion and start again or make a new motion to add to the first. Mr. Blacker showed several overlay maps at the board's request and reminded them that the current 750ft setback from a dwelling was the issue that warranted the moratorium in the beginning. After reviewing the maps, Drew Coombs made the motion to including a one (1) mile setback from all residential zones not listed in the current proposal. Kolby Blackner seconded the motion. Kolby Blackner, Drew Coombs, Don Noyes, and Steve Kinross voted for. Walter Schofield and Mike Riley were opposed, thus the motioned passed. Clarification was made that the 750ft setback from a dwelling is included in proposal #4, just as it currently exists.

Don Noyes made a motion to adjourn. Kolby Blackner seconded the motion. Mike Riley, Walter Schofield, Don Noyes, and Steve Kinross voted for, thus the motion passed unanimously. The meeting was concluded at 8:54 pm.

Minutes approved on _____.

Darrel Davis - Chairman