

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
SPECIAL MEETING  
MILLARD COUNTY THE 26th DAY OF JANUARY 2017  
AT THE COURTHOUSE, FILLMORE, UTAH

- PRESENT: James I. Withers ..... Chairperson  
Dean Draper ..... Commissioner  
Wayne Jackson ..... Commissioner
- Marki Rowley ..... County Clerk  
Lesli Shields ..... Deputy County Clerk
- Excused: Pat Finlinson ..... County Attorney
- ALSO PRESENT: Pat Manis ..... County Assessor  
Richard Beckstrand ..... County IT  
Steve Styler ..... Styler Daniels PC  
Jim Webb ..... Smithfield Hog Productions  
Sam Jacobson ..... Chronicle Progress  
Gene Zufelt, Jim & Cynthia Kaufman, Gary Walker, Boyd & Kelly Schena, Gary  
& Diane Greener, Monique Draper, Grant & Laura Hildebrand and Todd Macfarlane .. Citizens

PURSUANT TO AN AGENDA 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 7:00 p.m. after a brief welcome by Commissioner Withers to the public and Commission members.

OPENING STATEMENTS

Commissioner Withers asked if anyone had an opening statement to give.

PUBLIC HEARING ON ZONE CHANGE APPLICATION Z-2016-037, AN APPLICATION TO CHANGE THE ZONING DESIGNATION OF REAL PROPERTY LOCATED IN SECTIONS 29, 30, 31, 32, AND 33 TOWNSHIP 25 SOUTH, RANGE 9 WEST, SALT LAKE BASE AND MERIDIAN, AND SECTION 6, TOWNSHIP 26 SOUTH, RANGE 9 WEST, SALT LAKE BASE AND MERIDIAN FROM AG20 (AGRICULTURE 20 ACRES) TO AI(AGRICULTURE INDUSTRIAL)

Commissioner Jackson made a motion to enter into a public hearing for the purpose of hearing public comment regarding a zone change on application Z-2016-037, an application to change the zoning designation of real property located in Sections 29, 30, 31, 32, and 33 Township 25 South, Range 9 West, Salt Lake Base and Meridian, and Section 6, Township 26 South, Range 9 West, Salt Lake Base and Meridian from AG20 (Agriculture 20 acres) to AI (Agriculture Industrial).

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 7:05 p.m..

Present were: Gene Zufelt, Jim & Cynthia Kaufman, Gary Walker, Boyd & Kelly Schena, Gary & Diane Greener, Monique Draper, Pat Manis, Grant & Laura Hildebrand, Todd Macfarlane, Sam Jacobson, Jim Webb and Steve Styler.

Steve Styler, Styler Daniels PC, expressed his appreciation to the Commission. He said that he prepared this application on behalf of Murphy Brown; it is proposed to convert the zoning from Range & Forest (RF) to AI so a conditional use permit application can be submitted to Planning & Zoning for commercial hog production. He said that the property is just North of the Millard County/Beaver County line and is approximately 2200 acres.

Mr. Styler said that Murphy Brown/Smithfield Hog Productions plans to develop 16 separate facilities on this property. He said that the closest home is 7 miles to the Northwest and the owners of that property is Jim & Cynthia Kaufman. The property is currently being used for grazing and there are also windmills on and near the property. He said that Deseret is 50 miles away; he feels that this is the ideal location for the development of hog facilities as it is not near any communities or many homes.

Commissioner Draper stated that this zone change application only includes property that Murphy Brown owns.

Mr. Kaufman stated that all of their drinking and irrigation water comes from springs. He asked what happens if their water is contaminated. He said that he found a website that claims that Smithfield has a history of being fined for water contamination. He asked what recourse he would have if the water is contaminated. He stated that he is against this proposal.

Boyd Schena asked how close the plant would be to Milford residents. He stated that Beaver County residents are having a hard time with Smithfield Hog Productions in its County.

Kelly Schena reminded the commissioners of the documents that she provided at the last educational hearing from [www.utah.gov](http://www.utah.gov), the CDC and other research reports regarding the effects of farming operations similar to this operation. She said that those reports reflect that it is detrimental to the water quality and to the health of those living close to it. She stated that the only upside that she sees to this proposal is that it produces cheap meat. She said that she found that Smithfield Hog Productions has a history of poor practice; one report stated that they siphoned approximately 80,000 of hog sewage into an aquifer and failed to report it for 44 days.

Gene Zufelt presented the commissioners with a petition from residents of the community who are against the re-zoning for the proposed hog farm in the County. See Exhibit A (attached).

Later, Commissioner Withers asked Mr. Zufelt if the individuals who signed the petition were aware that the petition is for the application on the Millard County/Beaver County line and not the Johnson application, which was withdrawn.

Mr. Zufelt said that the petition was presented as a petition against re-zoning for the purpose of a hog farm production facility.

Jim Webb, Smithfield Hog Productions, said that there is currently a proposal in Beaver County that coincides with this one in Millard County. He stated that there has not been any public opposition in Beaver County. He said that Beaver County Planning & Zoning encourages Smithfield to continue to grow there. He encouraged everyone to talk to the regulators and ask them about Smithfield's performance, especially environmentally.

Todd Macfarlane expressed appreciation to the Commission and the County Planning & Zoning. He stated that while he is not an advocate of Industrial Agriculture, he is disappointed that the Johnson Family withdrew their application because of public clamor. He said that in order to feed the people of this world, we have to adopt new technologies, including Industrial Agriculture.

Mr. Macfarlane briefly discussed the Beaver County economy. He stated that economic diversification is something that Millard County needs. He said that when it comes to land use, people are going to protest no matter what it is. He said that business and economic enterprises are attracted to Millard County because it is a place where there is a convergence of natural resources, infrastructure and open space.

Grant Hildebrand said that he read a study that stated that land values dropped by 7% next to a hog production facility in Iowa. He said that he thinks it was a good decision for Mr. Johnson to withdraw his application. He stated that Millard County may not be the place for a hog production facility.

Gary Greener asked what taking care of that many hogs will do to the water table once they start pumping.

Mr. Styler said that Murphy Brown owns the water rights on the property and the wells are already in existence. He stated that many of the wells were pumped extensively during the construction of First Wind.

Mr. Styler said that the water rights are in Area 71 and there are currently wells in both Millard County and Beaver County.

Ms. Schena briefly addressed comments made by Mr. Macfarlane. She said that zoning helps property owners understand what they can expect when they buy a piece of property. She said that this property was not zoned for Agriculture Industrial and that it should not change. She stated that she, and many other local residents, support local farmers and buy their meat locally. Smithfield is owned by a company out of China and the profits do not stay here. She said that it is more important

to continue to support the local people who are using their land for what it was already zoned for. She said that she has tried to find the benefits of a large animal production facility, and all she could find is that it produces cheap meat.

Mr. Macfarlane said that it is important to understand that there is a State Engineer to figure out water issues; they do interfere and they are responsible to replace the water. He said that the State agencies monitor environmental quality, water quality and water rights. He said that while he appreciates that Ms. Schena buys locally, approximately 90% of the residents of Millard County do not buy local, they buy it where it is the cheapest. He stated that Agriculture Industrial businesses are already in Millard County, this would not be the first. He said that economic development is needed in the County.

Mr. Hildebrand stated that he works at two local meat plants that do a lot of business in the County selling locally and he disagrees with Mr. Macfarlane's statement that 90% of Millard County residents do not buy locally. He also said that he does not feel that the State should control the water in the County.

Commissioner Withers commented that the State does control the water.

There were no other comments made.

Commissioner Draper made a motion to close the public hearing.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 7:54 p.m..

The regular meeting reconvened.

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 17-01-26, AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, AMENDING THE ZONING MAP OF MILLARD COUNTY BY CHANGING THE ZONING DESIGNATION OF REAL PROPERTY LOCATED IN SECTIONS 29, 30 31, 32, AND 33, TOWNSHIP 25 SOUTH, RANGE 9 WEST, SALT LAKE BASE AND MERIDIAN AND SECTION 6, TOWNSHIP 26 SOUTH, RANGE 9 WEST, SALT LAKE BASE AND MERIDIAN, FROM RANGE & FOREST (RF) TO AI (AGRICULTURE INDUSTRIAL)

Steve Styler said that while it was advertised that the current zoning is AG20, it is actually RF. He said that the last Planning Commission meeting stated the correct zoning in its minutes.

Commissioner Draper asked what the projected tax revenue for the County for this facility would be, should the zone change be effected and a conditional use permit granted.

Mr. Styler stated that it costs \$1.2 million to build each of the 16 buildings for a total of just under \$20 million. He said the property is currently in Greenbelt for grazing purposes.

Assessor Manis said that the tax rate is just over 1%, so the tax revenue would be approximately \$200,000.00.

Commissioner Draper asked what the proposed withdrawal of water in acre feet would be.

Mr. Styler said that each building will require 10 acre feet per year, so 160 acre feet per year.

He stated that Murphy Brown owns 2,400 acre feet in the North portion of Area 71; they will be using less than 10% of the water that they own in Millard County.

Commissioner Draper asked if the property will remain in Greenbelt.

Assessor Manis said that it will remain in Greenbelt as long as the property use is agricultural; personal property is exempt.

Assessor Manis stated that there is no impact on building value. He said that as RF, the market value is \$75.00-\$100.00 per acre and the assessed Greenbelt value is between \$5.00-\$16.00 per acre.

Commissioner Draper briefly discussed an item that had been brought to his attention, claiming that an agreement was made stating that the County would not allow any more hog production brought into Millard County during the construction of the small operation west of Kanosh. After research, no such agreement was ever found. If it is found later, that this agreement does exist, it could cause a problem in the future.

Commissioner Draper stated that the only thing that is being discussed or decided on tonight is the zone change. He stated that the Kaufman Ranch has been there for many years and has put that land to good use. He said that he is not prepared to make a decision tonight.

Commissioner Jackson made a motion to adopt Ordinance 17-01-26, an ordinance of the Board of County Commissioners of Millard County, Utah, amending the zoning map of Millard County by changing the zoning designation of real property located in Sections 29, 30, 31, 32, and 33, Township 25 South, Range 9 West, Salt Lake Base and Meridian and Section 6, Township 26 South, Range 9 West, Salt Lake Base and Meridian, from Range & Forest (RF) to AI (Agriculture Industrial).

Commissioner Withers stepped from the chair and SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Jackson voted YES. Commissioner Draper voted NO. Commissioner Withers voted YES. The voting was passed by a majority vote.

PUBLIC HEARING ON ZONE CHANGE APPLICATION Z-2016-032, AN APPLICATION TO CHANGE THE ZONING DESIGNATION OF REAL PROPERTY LOCATED IN SECTIONS 28 AND 29, TOWNSHIP 18 SOUTH, RANGE 7 WEST, SALT LAKE BASE AND MERIDIAN, FROM AG20 (AGRICULTURE 20 ACRES) TO AI(AGRICULTURE INDUSTRIAL)

Commissioner Withers stated that the applicants, David and Julie Johnson, withdrew their application. See Exhibit B (attached).

This agenda item was stricken.

DISCUSSIONS AND POSSIBLE ADOPTION OF ORDINANCE 17-01-26A, AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH, AMENDING THE ZONING MAP OF MILLARD COUNTY BY CHANGING THE ZONING DESIGNATION OF REAL PROPERTY LOCATED IN SECTIONS 28 AND 29, TOWNSHIP 18 SOUTH, RANGE 7 WEST, SALT LAKE BASE AND MERIDIAN, FROM AG20 (AGRICULTURE 20 ACRES) TO AI(AGRICULTURE INDUSTRIAL)

This agenda item was stricken.

WHERE UPON THE MEETING ADJOURNED

Commissioner Withers adjourned the meeting at 8:10 p.m..

Attest: \_\_\_\_\_

Approved: \_\_\_\_\_