

ORDINANCE 17-0801

Amendment Creating Section 9-6 "Moratorium on Animal Feedlot Permitting" in Green County

WHEREAS, Wisconsin Statutes §59.03(2) provides that, except as elsewhere specifically provided in the statutes, the board of any county is vested with all powers of a local, legislative and administrative character; and

WHEREAS, Wisconsin Statutes §59.02(2) permits the enactment of ordinances by the Green County Board of Supervisors; and

WHEREAS, Wisconsin Statutes §59.69 authorizes the Green County Board of Supervisors to adopt regulations to promote public health, safety and general welfare; and

WHEREAS, The Green County Wisconsin Comprehensive Plan Section 2006 3.2.1, p. 60 states, in part, that:

In order to protect natural resources for the future, it is crucial to be aware of existing water resources, geologic resources, forests and woodlands, wildlife habitat, parks, open space, air, light, and wetlands.

and

WHEREAS, the Green County Board of Supervisors adopted Chapter 5 [Animal Feedlot Ordinance] of Title 9 [Green County Zoning, Public Safety, Health and Welfare; and Sanitary Code Regulations] of the Green County Code on August 14, 2007 to comply with the requirements of Wisconsin Statutes §93.90 and ch. ATCP 51, Wis. Adm. Code and to establish standards and authority to protect the public health and safety of the people of Green County; and

WHEREAS, Green County residents and property owners have expressed concerns about the importance of preserving the quality of life, environment, and existing small-scale livestock and other agricultural operations of Green County while balancing these concerns with Green County's farmers remaining competitive by engaging in large-scale livestock operations; and

WHEREAS, there is a need for adequate time to determine whether amendments to the Animal Feedlot Ordinance are necessary to adequately protect public health and safety and to ensure that future large-scale livestock operations will be sited only where they can be safely and successfully operated; and

WHEREAS, it is deemed to be in the best interest of Green County to create Chapter 6 "Moratorium on Animal Feedlot Permitting" under Title 9; and

WHEREAS, it is deemed to be in the best interest of Green County that the Code be further modified and amended in the manner hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED by the Green County Board of Supervisors, in legal session assembled, that Chapter 6 [Moratorium on Animal Feedlot Permitting] of Title 9 [Green County Zoning, Public Safety, Health and Welfare; and Sanitary Code Regulations] of the Green County Code is hereby created to read as follows:

CHAPTER 6

MORATORIUM ON ANIMAL FEEDLOT PERMITTING

- 9-6: **Moratorium on Animal Feedlot Permitting**
- 9-6-1: **Definitions**
- 9-6-2: **Moratorium Imposed**
- 9-6-3: **Exceptions to the Moratorium**
- 9-6-4: **Action and Study During Moratorium**
- 9-6-5: **Duration of Moratorium**
- 9-6-6: **Severability**
- 9-6-7: **Town Opt-Out Authority**

- 9-6: **MORATORIUM ON ANIMAL FEEDLOT PERMITTING**

9-6-1: DEFINITIONS

LIVESTOCK FACILITY: Has the meaning defined in Section 9-5-4-6.

9-6-2: MORATORIUM IMPOSED

The Green County Board of Supervisors hereby imposes a moratorium on the establishment of all new livestock facilities that will have 1,000 or more animal units.

9-6-3: EXCEPTIONS TO THE MORATORIUM

The moratorium imposed herein shall not apply to applicants who have submitted completed permit applications to establish a livestock facility of 1000 or more animal units and for manure management before the effective date of the moratorium that are determined to be in complete conformity with all state and county legal requirements in effect as of the date of applications.

9-6-4: DURATION OF MORATORIUM

This moratorium shall be in effect for a period of 270 days from the date this ordinance is passed by the County Board of Supervisors unless the County Board of Supervisors rescinds this moratorium at an earlier date. This moratorium may be extended by the County Board for additional periods of time by a simple majority vote of the County Board. At the expiration of this moratorium this ordinance shall immediately be removed from the County Code.

9-6-5: ACTION AND STUDY DURING MORATORIUM

The Green County Board of Supervisors hereby creates an nine person special study committee which shall be known as the "Livestock Facility Study Group" and which shall consist of five county officials and four interested Green County residents and property owners to be appointed by the Land and Water Conservation Committee.

The County officials on the Livestock Facility Study Group are as follows:

The Chair of Land and Water Conservation Committee or his designee

The Chair of Health Committee or his designee

The Chair of the Agriculture and Extension Education Committee or his designee

An at-large County Board Supervisor appointed by the Chair

The Chair of the Green County Towns Association or his designee

The Chair of the Land and Water Conservation Committee shall request and receive applications from Green County residents and property owners who are interested in being part of the Livestock Facility Study Group. From those applications, the Land and Water Conservation Committee shall choose four interested Green County residents and property owners to serve on the Livestock Facility Study Group. Those approved by a majority vote of the Land and Water Conservation Committee shall be recommended for appointment by the County Board Chair to become part of the Livestock Facility Study Group. If possible, the four at-large Livestock Facility Study Group members shall include a small-scale livestock facility owner and a large-scale livestock facility owner.

The County Conservationist, the County UW Extension Agriculture Agent and the County Health Officer shall serve as advisory, non-voting members of the Livestock Facility Study Group.

The Livestock Facility Study Group shall, during the course of the moratorium imposed by this ordinance, research, analyze and synthesize scientific literature regarding the impact of large-scale livestock facilities on ground water, surface water and air quality, specifically as those issues apply in Green County.

Issues considered by the Livestock Facility Study Group shall include, but are not limited to:

- 1) Researching, gathering, analyzing and synthesizing scientific literature regarding the impact of livestock facilities of 1000 or more animal units on groundwater, surface water, air quality, and public health and safety, specifically as these issues apply to Green County;
- 2) Identifying areas where new regulations may be needed, where current regulations need to be modified, and where enforcement of current regulations is inadequate and are needed to protect public health or safety;
- 3) Proposing solutions to mitigate problems and/or shortcomings identified in the report. Examples of county-level regulations could be, but are not limited to:
 - a) Implementation of State performance standards to address gaps in the livestock siting ordinance including standards related to processing wastewater, tillage setback, and phosphorus index,
 - b) Adoption of zoning measures to create special zones for livestock facilities of 1,000 or more animal units, and
 - c) Amendments to the Animal Feedlot Ordinance.

The Livestock Facility Study Group shall report its recommendations on appropriate county-level regulatory approaches relative to the siting and/or operation of livestock facilities, including livestock facilities of 1000 or

more animal units within Green County to the full Green County Board of Supervisors at least 30 days prior to the end of the moratorium adopted pursuant to this ordinance or as soon as the Livestock Facility Study Group has developed recommendations based upon its research, whichever comes soonest.

9-6-6: SEVERABILITY

If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

9-6-7: TOWN OPT-OUT AUTHORITY

Any Town may opt-out of this moratorium by action of the Town's governing body and by sending notice of this action to the County Clerk. Any Town that has a moratorium relating to the citing of livestock facilities in effect shall be considered as opted-out of this moratorium until such time as the Town's moratorium is no longer in effect.