

**Imposing a Moratorium on Expansion and Creation
of Large-Scale Livestock Facilities Pending Study**

NOW, THEREFORE, The Board of Supervisors of the County of Dunn does hereby ordain as follows:

Section 1. Legislative Findings

The Dunn County Comprehensive Land Use Plan 2010–2030, as amended in 2016, identifies the following concerns, among others, as integral to protection and preservation of farmland and agricultural use areas: Preservation of prime farmlands and limited areas of agricultural production; Protecting the environment and the important natural resources of Dunn County; Preservation of wildlife habitat; Maintaining groundwater recharging areas; Implementation of conservation compliance to ensure agricultural land use is always sensitive to surface waters and other natural resource areas; Separation of agricultural uses from residential development.

The Dunn County Comprehensive Zoning Ordinance may not may not adequately address the protection of surface and groundwater and other natural resources and the health, safety and welfare of Dunn County residents as a result of large livestock facilities. It is critical that all necessary and appropriate safeguards be in place before additional large livestock facilities commence or expand.

Section 2. Authority

This ordinance is adopted pursuant to the powers granted under Wisconsin Constitution, and Wisconsin Statutes including but not limited to Sections 59.02(2) and 59.69.

Section 3. Purposes

The purposes of this ordinance are as follows:

1. To allow Dunn County to investigate the impacts of large-scale livestock facilities on groundwater, surface water and air quality, specifically as those issues apply in Dunn County.
2. To allow Dunn County adequate time to review current ordinances and study, review, consider and determine whether amendment of existing ordinances and/or creation of a Livestock Facilities Zoning Ordinance or other ordinance applicable in all unincorporated areas within Dunn County is required to protect the public health, safety and welfare of the residents of Dunn County and the quality of land, air and water resources of Dunn County.
3. To determine whether it has adequate staff and resources to administer and enforce any new or existing ordinance applicable to livestock facilities.
4. To allow unzoned Towns within Dunn County the opportunity to consider enacting zoning or other regulatory ordinances or adopt County zoning.

Section 4. Definitions

1. “Expansion” means an increase of 20% or greater in the number of animals fed, confined, maintained, or stabled.
2. “Livestock facility” means a feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period. A “livestock facility” includes all of the tax parcels of land on which the facility is located, but does not include pasture or winter grazing area. Related livestock facilities are collectively

treated as a single “livestock facility,” except that an operator may elect to treat a separate species facility as a separate “livestock facility.”

3. “Related livestock facilities” means livestock facilities that are owned or managed by the same person, and related to each other in at least one of the following ways:
 - (a) They are located on the same tax parcel or adjacent tax parcels of land.
 - (b) They use one or more of the same livestock structures to collect or store manure.
 - (c) At least a portion of their manure is applied to the same land spreading acreage.
4. “Separate species facility” means a livestock facility that meets all of the following criteria:
 - (a) It has only one of the following types of livestock, and that type of livestock is not kept on any other livestock facility to which the separate species facility is related under sub. 3:
 1. Cattle.
 2. Swine.
 3. Poultry.
 4. Sheep.
 5. Goats.
 - (b) It has no more than 500 animal units.
 - (c) Its livestock housing and manure storage structures, if any, are separate from the livestock housing and manure storage structures used by livestock facilities to which it is related under sub. 3.
 - (d) It meets one of the following criteria:
 1. Its livestock housing and manure storage structures, if any, are located at least 750 feet from the nearest livestock housing or manure storage structure used by a livestock facility to which it is related under sub. 3.
 2. It and the other livestock facilities to which it is related under sub. 3 have a combined total of fewer than 1,000 animal units.

Section 5. Moratorium Imposed

The Dunn 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, the expansion of currently existing livestock facilities if the number of animal units kept at the expanded facility will be 1,000 or more, and new or altered manure storage facilities for such livestock facilities, except as provided in Section 6 of this ordinance.

Section 6. Exception

The moratorium imposed herein shall not apply to existing facilities not currently expanding herd size, applicants who have submitted permit applications to establish or expand 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. Any subsequent expansion not included in such applications shall be subject to the moratorium.

Section 7. Duration of Moratorium

This moratorium shall be in effect for a period of six (6) months 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, or until the Action and Study contemplated by Section 8 of this ordinance is complete and the County Board of Supervisors adopts amendments to the Dunn County Comprehensive Zoning Ordinance, creates an ordinance applicable in all unincorporated areas within Dunn County, or rescinds this moratorium.

Section 8. Action and Study During Moratorium

The Dunn County Board of Supervisors hereby creates a special study group which shall be known as the “Livestock Operations Study Group,” and which shall consist of the following persons:

- The Planning, Resources and Development Committee
- The Chair of the Health and Human Services Board or his or her designee from membership of that Board.
- The County Planner/Zoning Administrator
- The County Land and Water Conservationist
- A representative from the UW-Extension System
- At least six (6) interested Dunn County residents and property owners, at least three (3) of whom shall be employed or engaged in farming whose main income is derived from livestock production, to be appointed by the County Board Chair.

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

- A. 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 Dunn County;
- B. 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;
- C. Proposing solutions to mitigate problems and/or shortcomings identified in the report. Examples of county-level regulations could be, but are not limited to:
 - 1) Adoption of a manure storage ordinance, and requirements related to a certificate of use for storage facilities operated within the county,
 - 2) Implementation of State performance standards to address gaps in the livestock siting ordinance including standards related to processing wastewater, tillage setback, and phosphorus index,
 - 3) Adoption of zoning measures to create special zones for livestock facilities of 1,000 or more animal units, and
 - 4) Adoption of a Livestock Operations Ordinance.

The Livestock Operations Study Group is authorized expend up to \$12,700.00 in order to fulfill its responsibilities and may engage a qualified individual to conduct research and analysis of scientific literature. Additional funds if needed must be approved by a majority of the Committee on Administration.

The Livestock Operations 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 Dunn County to the full Dunn 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 Committee has developed recommendations based upon its research, whichever comes soonest.

Section 9. 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.

Section 10. Effective Date

This ordinance shall take effect upon passage and publication as provided by law. This ordinance shall not be codified.

Offered this 19th day of October, 2016, at Menomonie, Wisconsin.

Enacted on: _____

OFFERED BY THE PLANNING, RESOURCES
AND DEVELOPMENT COMMITTEE:

Published on: _____

ATTEST:

Thomas Quinn, Chair

Julie A. Wathke, County Clerk

COUNTERSIGNED:

Approved as to Form and Execution:

Nicholas P. Lange, Corporation Counsel

Steven Rasmussen, Chair
Dunn County Board of Supervisors