

**RESOLUTION CREATING POLK COUNTY ORDINANCE REGARDING
TEMPORARY MORATORIUM ON LIVESTOCK FACILITIES**

WHEREAS, Wis. Stat. § 59.02(2) grants the Polk County the authority to adopt resolutions and enact ordinances provides that, except as elsewhere specifically provided in the Wisconsin Statutes, the board of any county is vested with all powers of a local, legislative and administrative character, including the subject matter of health;

WHEREAS, Wis. Stat. § 59.69 authorizes the Polk County Board of Supervisors to adopt ordinances and regulations to promote public health, safety and general welfare;

WHEREAS, the Polk County Comprehensive Plan 2009-2029 states in part that the land use element 8 has the goal that Polk County will have the appropriate/ minimal amount of restrictions to maintain land owners rights, and have high quality lakes, open spaces, parks, orderly growth with focus on commercial development within cities and villages and take into account the impacts to the environment, economy, agriculture, public use health and commercial development;

WHEREAS, the Polk County Comprehensive Plan, element 5 also states in part that some of the Agricultural element goals are to maintain a balance between preservation and use of agriculture, protect natural resources from inappropriate and/or unplanned development, and make Polk County self-sufficient;

WHEREAS, Polk County currently has a Comprehensive Land Use Ordinance (Ordinance No. 07-19), a Shoreland Protection Ordinance (Ordinance No. 08-19), a Floodland Zoning Ordinance (Ordinance No. 12-17), however, these Ordinances do not set forth specific regulations, methods of permitting, or methods of monitoring of Livestock Facilities within Polk County;

WHEREAS, Polk County residents and property owners have expressed concerns about the importance of preserving the quality of life, environment, natural resources and existing agricultural operations within Polk County in contemplating the operation of Livestock Facilities in Polk County;

WHEREAS, there is a need for adequate time to determine whether action should be taken to amend existing Polk County Ordinances, adopt new ordinances, or take other action given the potential impact of Livestock Facilities in Polk County to adequately protect public health, welfare and safety; and

WHEREAS, it is deemed to be in the best interest of Polk County to create Ordinance 33-19, entitled "Temporary Moratorium on Livestock Facilities" within the Polk County Ordinances.

45 **NOW THEREFORE**, the Polk County Board of Supervisors on behalf of Polk
46 County does here ordain as follows:

47
48
49
50 Polk County Temporary Moratorium on Livestock Facilities
51

52 I. Authority: This Temporary Moratorium on Livestock Facilities Ordinance is
53 adopted pursuant to the powers granted to Polk County under the Wisconsin
54 Constitution and the Wisconsin Statutes, including but not limited to, Wis. Stat.
55 § 59.02(2) and Wis. Stat. § 59.69.
56

57 II. Title: The title of this Ordinance is the Temporary Moratorium on Livestock
58 Facilities.
59

60 III. Definitions.

61
62 1. “Expansion” means the addition of livestock at a pre-existing livestock facility
63 that would result in the number of livestock to exceed 1000 animal units fed,
64 confined, maintained, or stabled.
65

66 2. “Livestock” means any of the following:

67 a. Swine
68

69 3. “Livestock Facility” means a feedlot, farm or other operation where 1000 or
70 more animal units of Livestock are or will be fed, confined, maintained or
71 stabled for a total of 45 days or more in any 12-month period. A “Livestock
72 Facility” includes other facilities utilized as a part of the Livestock Facility
73 operations, such as feedlots, Livestock housing facilities, manure storage
74 structures, and other structures or areas of use.
75

76 4. “Moratorium” means the temporary moratorium on Livestock Facilities set
77 forth in this Ordinance.
78

79
80 IV. Purpose: The purpose of this Ordinance and the Moratorium is as follows:

81 1. To allow Polk County adequate time to study, review, consider and analyze the
82 potential impacts of Livestock Facilities in Polk County.
83

84 2. To allow Polk County adequate time to research, analyze and synthesize
85 scientific literature and data regarding the impact of Livestock Facilities on
86 ground water, surface water, air quality and other environmental impacts, as
87 that research and data apply in Polk County.
88

- 89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
3. To allow Polk County adequate time to determine whether a regulatory structure of Livestock Facilities is required in Polk County, which may include:
 - a. Amendment(s) to existing Polk County Ordinances.
 - b. Adoption of new ordinances.
 - c. If a new ordinance is adopted, making modifications or other amendments to existing Polk County Ordinances in light of the new ordinance.
 - d. Modifications to the Polk County Comprehensive Plan or other Polk County plans or policies.
 - e. Taking any other steps are necessary in order to protect public health, welfare or safety in Polk County.
 4. To allow Polk County adequate time to determine whether it has adequate resources to enforce any new or existing Polk County Ordinances addressing Livestock Facilities.
 5. To allow Polk County adequate time to ensure all State of Wisconsin Statutes, Administrative Codes and other applicable laws and regulations are accounted for in any Polk County regulatory structure, and to ensure that Polk County will not take any action that is otherwise preempted by other applicable laws and regulations relating to Livestock Facilities.
- V. Moratorium Imposed. The Polk County Board of Supervisors hereby imposes a moratorium on the operation and licensing of new Livestock Facilities that will have 1000 or more animal units and on the operation and licensing of any pre-existing Livestock operations may be undergoing an Expansion if the number of animal units kept at the expanded facility will be 1000 or more.
- VI. Duration of Moratorium.
1. The Moratorium shall be in effect for a period of six (6) months from the date this Ordinance is adopted by the Polk County Board of Supervisors.
 2. The Polk County Board of Supervisors may rescind this Moratorium at an earlier date upon any of the following events:
 - a. The analysis, research and study contemplated in this Ordinance is completed and the County Administrator reports the findings to the Polk

132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173

County Board of Supervisors as set forth in Section VII in this Ordinance.

- b. The Polk County Board of Supervisors adopts any amendment to an existing County Ordinance or adopts a new County Ordinance to address the regulation of Livestock Facilities in Polk County, and such action includes a provision rescinding the Moratorium.
- c. Upon circumstances that the Polk County Board of Supervisors determine are in the best interest of the public health, welfare or safety.

- 3. This Moratorium may be extended for up to six (6) additional months by a majority vote of the Polk County Board of Supervisors if necessary to complete the work contemplated in this Ordinance.

VII. Actions During Moratorium.

- 1. The Polk County Land and Water Resources Department, Land Information Department and the Health Department is hereby directed to and granted authority to coordinate, organize or take other steps to research, analyze and synthesize scientific literature and data regarding the impact of Livestock Facilities on ground water, surface water, air quality, and other environmental impacts that may impact the health, welfare and safety of Polk County, its residents and visitors.
- 2. If the County staff and Officials listed above determine that additional financial resources are necessary to fulfill the action items contained herein, they are directed to make such request to the full County Board for consideration.
- 3. The Polk County Administrator shall report the findings and recommendations on appropriate regulatory approaches relative to the siting and/or operation of Livestock Facilities within Polk County to the full Polk County Board of Supervisors at least 30 days prior to the end of the Moratorium, or as soon as the Polk County Administrator has developed recommendations based upon the work required herein.

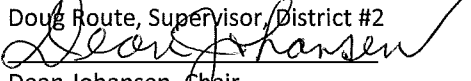
177
178
179
180

VIII. Severability. If a court of competent jurisdiction determines that any section, clause, provision, or portion of this Ordinance is unconstitutional or otherwise invalid, the remainder of this Ordinance shall not be affected thereby.

BY:

Brad Olson, Supervisor, District #1

James Edgell, Supervisor, District #8

Doug Route, Supervisor, District #2

Dean Johansen, Chair,
Supervisor, District #3,

Kim O'Connell, Supervisor, District #9

Larry Jepsen, Supervisor, District #10

Chris Nelson, Supervisor, District #4

Jay Luke, 1st Vice Chair,
Supervisor, District #11

Tracy LaBlanc, Supervisor, District #5

Michael Larsen, Supervisor, District #12

Brian Masters, Supervisor, District #6

Russell Arcand, Supervisor, District #13

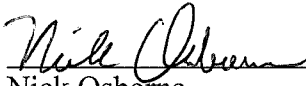
Michael Prichard, Supervisor, District #7

John Bonneprise, 2nd Vice Chair,
Supervisor, District #14

Joe Demulling, Supervisor, District #15

County Administrator's Note:

Matter of Policy.



Nick Osborne
County Administrator

Fiscal Impact Note:

The staff expenses as described in this resolution are to be covered by the current operating departmental budgets. If money is needed other than what is currently budgeted, this request will go to the full County Board.



Maggie Wickre, Finance Director

Approved as to Form and Execution:

Malia T. Malone
Malia T. Malone, Corporation Counsel

Legal Impact Note:

This Resolution will allow the County to temporarily deny Feeding Operation Permits for the purposes set forth herein.

Excerpt of Minutes

181 At its regular business meeting on the 15 of Oct 2019, the Polk County
182 Board of Supervisors acted upon Resolution No. 33-19: Resolution
183 Creating POLK COUNTY ORDINANCE REGARDING
184 TEMPORARY MORATORIUM ON LIVESTOCK
185 FACILITIES

- Adopted by a majority of the members present by a vote of 11^{roll call} in favor and 3 against.
 Adopted by unanimous voice vote.
 Adopted as amended. See Below.
 Defeated
 Other:

Insert amendment to resolution according to minutes:

SIGNED BY:

Dean Johansen
Dean Johansen, County Board Chairperson

ATTEST:

Sharon Jorgenson
Sharon Jorgenson, County Clerk

Executive Summary

This Resolution will temporarily suspend the permitting of CAFOs for the specific purpose of determining whether or it would be in the County's best interest to impose regulations at the local level for siting purposes. It is anticipated that the County will explore whether CAFOs should be a conditional use for zoning purposes. The County may also explore whether a CAFO siting ordinance is necessary or advantageous to further the health and safety of the County. This Resolution does not have the effect of ultimately prohibiting CAFOs.

CERTIFIED COPY OF POLK COUNTY RESOLUTION

STATE OF WISCONSIN

COUNTY OF POLK

I Sharon E. Jorgenson, Polk County Clerk do hereby certify that the attached hereto and incorporated herein is a full, true and correct copy of Resolution No. 33-19: Resolution Creating Polk County Ordinance Regarding Temporary Moratorium on Livestock Facilities adopted by the Polk County Board of Supervisors at its regular business meeting held on October 15, 2019.

 10/15/19

Sharon E. Jorgenson, Polk County Clerk

Date