

**RESOLUTION CREATING POLK COUNTY ORDINANCE REGARDING
TEMPORARY MORATORIUM ON LARGE SCALE HOG/SWINE FARMING
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 Large Scale Hog Farming 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 Large Scale Hog Farming 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 Large Scale Hog Farming 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 36-19, entitled "Temporary Moratorium on Large Scale Hog Farming Facilities" within the Polk County Ordinances.

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

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51 Polk County Temporary Moratorium on Large Scale Hog Farming Facilities

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

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58 II. Title: The title of this Ordinance is the Temporary Moratorium on Large Scale
59 Hog Farming Facilities.

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61 III. Definitions.

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63 1. "Expansion" means the addition of Hog Farming at a pre-existing livestock
64 facility that would result in the number of Hogs to exceed _____ animal units
65 fed, confined, maintained, or stabled.

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68 2. "Large Scale Hog Farming Facility" means a feedlot, farm or other operation
69 where _____ or more animal units of Swine are or will be fed, confined,
70 maintained or stabled for a total of 45 days or more in any 12-month period. A
71 "Large Scale Hog Farming Facility" includes other facilities utilized as a part
72 of the Facility operations, such as feedlots, Livestock housing facilities, manure
73 storage structures, and other structures or areas of use.

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75 3. "Moratorium" means the temporary moratorium on Large Scale Hog Farming
76 Facilities set forth in this Ordinance.

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

80 1. To allow Polk County adequate time to study, review, consider and analyze the
81 potential impacts of Large Scale Hog Farming Facilities in Polk County.

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

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88 3. To allow Polk County adequate time to determine whether a regulatory
89 structure of Large Scale Hog Farming Facilities is required in Polk County,
90 which may include:

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- 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 these 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 Large Scale Hog Farming Facilities.
- V. Moratorium Imposed. The Polk County Board of Supervisors hereby imposes a moratorium on the operation and licensing of new Large Scale Hog Farming Facilities that will have _____ or more animal units and on the operation and licensing of any pre-existing These operations may be undergoing an Expansion if the number of animal units kept at the expanded facility will be _____ or more.
- VI. Duration of Moratorium.
- 1. The Moratorium shall be in effect for a period of _____) 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 County Board of Supervisors as set forth in Section VII in this Ordinance.

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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 these 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 _____ additional month 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 Large Scale Hog Farming 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 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 Land and Water Resources Director shall report the findings and recommendations on appropriate regulatory approaches relative to the siting and/or operation of these 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.

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

Doug Route, Supervisor, District #2

James Edgell, Supervisor, District #8

Kim O'Connell, Supervisor, District #9

Dean Johansen, Chair,
Supervisor, District #3

Chris Nelson, Supervisor, District #4

Tracy LaBlanc, Supervisor, District #5

Brian Masters, Supervisor, District #6

Michael Prichard, Supervisor, District #7

Larry Jepsen, Supervisor, District #10

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

Michael Larsen, Supervisor, District #12

Russell Arcand, Supervisor, District #13

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

Joe Demulling, Supervisor, District #15

County Administrator's Note:
Matter of Policy.

Nick Osborne

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
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 Large Scale Hog Farm Operation Permits for the purposes set forth herein.

Excerpt of Minutes

174 At its regular business meeting on the 15 of Oct 2019, the Polk County

175 Board of Supervisors acted upon Resolution No. 36-19: Resolution

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- Adopted by a majority of the members present by a vote of _____ in favor and _____ against.
- Adopted by unanimous voice vote.
- Adopted as amended. See Below.
- Defeated
- Other: Withdrawn

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 Hog 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 Hog CAFOs should be a conditional use for zoning purposes. The County may also explore whether a Hog 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 Hog 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. 36-19: Resolution Creating Polk County Ordinance Regarding Temporary Moratorium on Large Scale Hog/Swine Farming Facilities withdrawn 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