POLK COUNTY, WISCONSIN

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Lisa Ross, County Clerk
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AGENDA AND NOTICE OF MEETING

ENVIRONMENTAL SERVICES COMMITTEE

Government Center, 100 Polk County Plaza, Balsam Lake, WI 54810
County Board Room
Wednesday, April 15, 2020 at 9:00 a.m.

Meeting Link:
https://polkwi.webex.com/polkwi/j.php?MTID=m35f200288dac3c602ffcfd5405fe9dd4
Join by phone: 1-408-418-9388
Enter Meeting Number (access code): **962 013 810**

1. Call to Order – Chairperson Kim O'Connell
2. Approval of Agenda
3. Approval of minutes for March 11, 2020
4. Public Comments – 3 minutes per person – not to exceed 30 minutes total-(via WebEx platform; can suspended due to public emergency)
5. Receipt of Information on Matters Noticed from Supervisors not Seated as Committee Members
6. Parks, Recreation and Trails, and Dams (Ben Elfelt)
   a. Consideration of Public Comment and reschedule of Public Hearing for the Stower Trail Draft Master Plan
   b. Discussion of proposal regarding the establishment of a Trail Advisory Group
7. Forestry (Mark Gossman)
   a. Consideration of 15 Year Comprehensive Forest Comprehensive Land Use Plan- Review of Chapters 700-800
8. Zoning and Land Information (Jason Kjeseth)
   a. CAFO Moratorium Development Work Update: Delivery of Study Group's Large-Scale Livestock Facility Report
   b. Consideration of setting a Public Hearing date to consider an amendment to Chapter 18-Subdivision Ordinance to replace: 'Director' with 'Land Information Officer' and/or 'Zoning Administrator', and/or 'County Surveyor.'
   c. **Discussion and consideration of letter regarding the Arkell Tourist Rooming House

      Closed Session

      ** The Committee may convene in closed session pursuant to Wisconsin Statute § 19.85(1)(g): conferring with legal counsel who is rendering oral advice concerning strategy to be adopted by the County with respect to litigation in which is likely to become involved.
9. Divisional Form of Government update (Bob Kazmierski)
10. Committee Calendar and Identification of Subject Matters for Upcoming Meetings
11. Adjourn

Items on the agenda not necessarily presented in the order listed. This meeting is open to the public according to Wisconsin State Statute 19.83. Persons with disabilities wishing to attend and/or participate are asked to notify the County Clerk's office (715-485-9226) at least 24 hours in advance of the scheduled meeting time so all reasonable accommodations can be made. Requests are confidential.

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MINUTES

Environmental Services Committee

Government Center County Board Room
100 Polk County Plaza Balsam Lake, WI 54810
9:00 A.M. Wednesday, March 11, 2020

Member Attendance

Attendee Name	Title	Status
Kim O'Connell	Chair	Present
Tracy LaBlanc	Supervisor	Present
Doug Route	Supervisor	Present
Brad Olson	Vice Chair	Present
Jim Edgell	Supervisor	Present
Lyle Doolittle	FSA Representative	Present

Also present were: Malia Malone, Corporation Counsel; Vince Netherland, County Administrator; Emil Norby, Highway Commissioner; Jason Kjeseth, Zoning Administrator; Tim Anderson, County Planner; Ben Elfelt, Parks and Trails Coordinator; Bob Kazmierski, Environmental Services Division Director; members of the public; and member of the press.

Meeting called to order by Chair O'Connell at 9:04 a.m.

Approval of Agenda- Chair O'Connell called for a motion to approve the amended agenda. **Motion:** (LaBlanc/Route) to approve the amended agenda, carried by unanimous voice vote.

Approval of Minutes – Chair O'Connell called for a motion to approve the minutes of the February 19, 2020 meeting. **Motion** (Olson/Edgell) to approve the minutes of the February 19, 2020 meeting as published, carried by unanimous voice vote.

Public Comment – 8 public comments were received by the Committee.

Receipt of Information from Supervisors not seated as Committee Members on Matters Noticed – None.

Tax Delinquent Properties - Highway Commissioner, Emil Norby provided the committee with an update regarding Woodley Property, committee agreed to send it to County Auction.

Parks, Recreation, Trails, and Dams

Trails update: Committee received information from Parks and Trails Coordinator Ben Elfelt, reviewing draft of Master Plan of the SSLT. Seasonality (May 1 through November 10-horses permitted); Speed Limits (10 mph from Amery to County C) and Special Events were considered. RFP's have been sent out for Cattail Bridge re-decking

Forestry
Committee received an update from County Forester Mark Gossman, Review Chapter 900. Agenda item moved to end of agenda.

Chairman O'Connell called for a ten minute recess at 10:13 a.m. Chair O'Connell called the meeting back in session at 10:30 a.m.

Public Hearing

- Storage Solutions LLC request a conditional use via Article 8.E.6. of the Polk County Shoreland Protection Zoning Ordinance for additional mini storage building and relocation of outdoor storage area. Location: 1494 State Hwy 35, Lot 1, CSM Vol 4/Pg 5, Sec 24/T34N/R18W, Town of St Croix Falls, Parcel #044-00579-0100, 4.55 acres. Robert and Jasmine Yunk, owners.
  Leslie Borst, neighbor, expressed concerns over lighting issues on his property directly to the East. No other objections were received.

  Motion: (Olson/Route) to approve application on condition that any exterior lighting on proposed building or outdoor storage area be shielded or directed in a way to prevent any light from going to the east; carried by unanimous voice vote.

Zoning and Land Information

a. Chairman O'Connell recognized Zoning Administrator Jason Kjeseth for the purpose of CAFO Moratorium Update
    a. Director Kazmierski reported on the development, by staff, of researched-based document to present at next ESC meeting (March 25, 2020) with emphasis on impacts to Groundwater, Surface Water, Public Health, and Air Quality.
b. Discussion and Recommendation to the County Board on the Proposed Amended Polk County Shoreland Protection Zoning Ordinance with Swine CAFO prohibition in shoreland areas as provided for in Resolution 03-20. Motion (Olson/Route): recommendation to send amendment restricting CAFO's from developing within Shoreland Zoning Districts to County Board. Motion: passed unanimously.
c. Committee recommended replacing 'Director' with 'Land Information Officer' and/or 'Zoning Administrator', and 'County Surveyor' within the Polk County Chapter 18 subdivision ordinance, and set a Public Hearing date at March 25th Committee meeting.
d. Olson presented a comprehensive analysis of the negative environmental impacts of human activities, particularly regarding municipalities; including municipal spills, pharmaceuticals in waste water, salt/sand pretreatment to roads and snow removal storage sites.

Chairman O'Connell called for a recess at 11:45 a.m. Chair O'Connell called the meeting back in session at 12:00 p.m.

Forestry: (Continuation from 8 a)
Forest Administrator Gossman continued presentation of Chapter 900 (Recreation) of the 15-year Comprehensive Forest Land Use Plan. Discussion to put in place a more formal agreement (MOU) with Gov. Knowles and Sterling Township on the trail system in that area. Need to incorporate policy 54-17 (Deer Stands) and other Ordinance changes to align with 15-year Comprehensive Forest Plan. Seasonal permits for trailers and camping restrictions (no more than 14 days) on County land. Campers will report to County Forester prior to camping. Discussion of ATV trail development and comprehensive trail network planning. Any new ATV trail development will require the ATV clubs/associations to

provide trail plan, funding sources, proposal for operations and maintenance, and notice to County Forester. All proposals will be considered by Environmental Service Committee. Loop trails are allowed but discouraged.

Divisional Form of Government update: none

Committee Calendar & Identification of Subject Matters for Upcoming Meetings

AGENDA ITEMS: MARCH 25, 2020 9:00 A.M.

ITEMS TO INCLUDE ON AGENDA:

Tax delinquent properties: Update and Possible Action Woodley property, Updates on other tax delinquent properties/sales
Parks, Recreation, Trails and Dams: Consolidation of Public Input for Stower Trail. Report for re-decking of the Cattail Bridge.
Forestry: Chapters 700-800
Zoning & Land Information: CAFO Moratorium Development Work Updates, report presentation
Outdoor Recreation Plan: Parks Presentation (Ben Elfelt)
Divisional Form of Government: update

Chairman O'Connell called for a motion to adjourn. **Motion:** (Edgell/Olson) to adjourn. **Motion** carried by unanimous voice vote. Chair O'Connell declared meeting adjourned at 1:15 p.m.

Respectfully submitted,

Carol Zygowicz
Admin Asst. LWRD

Polk County
Large-Scale Livestock
Facility Study Group Report

Submitted to the Polk County Environmental Services Committee for Consideration in April of 2020

Study Group Participants

MEMBERS

Listed alphabetically by last name.

- **Tonya Eichelt** – *Polk County Community Services Division Director*
- **Brian Kaczmarski** – *Polk County Health Department Director*
- **Robert Kazmierski** – *Polk County Environmental Services Director*
- **Jason Kjeseth**- *Polk County Zoning Administrator*
- **Eric Wojchik** – *Polk County Land and Water Resources Conservation Planner*

OTHER STAFF MEMBERS AND THEIR ROLES

Listed alphabetically by last name.

a. **Katelin Anderson**-Worked on creating maps and survey response spreadsheet
b. **Tim Anderson**- Provided recommendations, helped facilitate stakeholder meetings, tallied surveys and worked on analysis, attended DATCP hearing in Spooner
c. **Lori Bodenner**- Sent proper notices to Towns and newspaper for all meetings
d. **Dane Christenson**- Worked on map development and attended conservation seminar
e. **Scott Geddes**- Engineer on team, map development, provided guidance on Land and Water Resources Ordinances.
f. **Elizabeth Haas**- Attended stakeholder meetings
g. **Brian Hobbs**- Provided staff and committee with information on what public health would regulate in regards to CAFO's, attended staff meeting on 1/21/2020. (See below)
h. **Vince Netherland**- Attended stakeholder meetings, relayed supervisor's comments to appropriate staff, coordinated committee and county board meetings.
i. **Nick Osborne**- Provided guidance on the initial process, and what Burnett County was going through regarding CAFO's, attended the livestock siting public hearing in Spooner
j. **Tim Ritten**-Created original outline on the process, reviewed scientific studies provided by members of the public, and attended DATCP hearing in Spooner

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Livestock Facility study group-Scope of work

Background

The Polk County Board of Supervisors enacted Resolution 33-19 imposing a temporary moratorium on the creation and expansion of large scale swine livestock facilities with 1000 animal units or more. (Appendix A) This moratorium did not apply to other types of livestock, or to the expansion of structures/ buildings, as long as there is not an increase in animal units. This moratorium was extended at the February 20, 2020 meeting of the Polk County Board of Supervisors via Resolution 03-20 for an additional six months. (Appendix B) The WI DNR, via the EPA and WPDES permitting, regulates all types of large-scale livestock facilities with or exceeding 1,000 animal units (CAFOs). Therefore, some research revolved around all types of livestock facilities with 1,000 animal units or more.

PURPOSE

The purpose of this moratorium is to allow Polk County the time to investigate the impacts of large-scale swine livestock facilities on groundwater, surface water, air quality, and public health/safety. Staff within this study group, the Environmental Services Division, and Public Health Department reviewed numerous articles and reports, attended seminars, public hearings, and had experts speak on these impacts. Ultimately, the County wants to find out whether an amendment of existing ordinances, creation a livestock facilities licensing ordinance, or another type of ordinance that would be applicable in all unincorporated areas of Polk County is required to protect the public health/safety, air, water resources, and land within Polk County.

PROCESS

Following the adoption of the large-scale swine livestock facility moratorium by the Polk County Board of Supervisors, staff in the Environmental Services Division and Public Health Department confirmed the expectations of staff during the moratorium with the Environmental Services Committee. The livestock facility study group was created to collect and organize the data received into this report. The County has strived to provide public comment opportunities and be transparent throughout each phase of this process. This report serves as the primary communication from the livestock facility study group and other Environmental Services Division staff to the Environmental Services Committee and Polk County Board of Supervisors.

- **Development of the Study Group**
  The study group consists of five county staff members who were selected because of their expertise in each of the key impact topics and roles at Polk County.

- **Gathering and Synthesizing Research-Based Information**
  The study group members received scientific studies from members of the public, surrounding counties, UW-Extension, and several universities. This information helped identify the eight main impacts

further explored in this report. The County also had presenters from the DNR and DATCP. The study group collected ordinances and reports from other counties and municipalities pertaining to large livestock facilities.

- **Public Involvement**
  The study group discussed the information received with the Environmental Services Committee and many members of the public during several meetings. The study group also organized individual stakeholder meetings for agricultural producers, local officials, and concerned citizens. During these stakeholder meetings, staff presented some possible ordinance conditions developed by the committee, and had interactive discussions and feedback with members from the public. A survey was also conducted at this time to receive feedback for the committee and study group. (Appendix C & D)

- **Presentation of Information**
  The study group compiled this report with the information collected thru research, presentations, and stakeholder meetings. The report will be presented to the public and Environmental Services Committee. The Committee will then decide if any new ordinances or amendments are necessary to protect Polk County residents from any potential impacts.
  The committee did not want staff recommendations included in this report.

TIMELINE

- April 17, 2019- Meeting in Burnett County with proposed large scale swine livestock facility consultant. It was discussed that smaller facilities may be located in Polk County during this meeting.
- August 20, 2019- Committee of the Whole Meeting where County Board received presentations from DNR & DATCP officials. County Board meeting followed and lots of literature was provided during public comments.
- August 28, 2019- First time moratorium was before the Environmental Services committee. Staff was directed to start looking into the research materials provided at the County Board meeting.
- September 15, 2019- Attended DATCP Public Hearing in Spooner on proposed ATCP 51 amendments.
- October 15, 2019- resolution passed by Polk County Board of Supervisors to establish a six month moratorium on large scale swine livestock facilities. This moratorium had a clause that would allow an extension for up to 6 months. Discussions regarding possible ordinance amendment & adoptions began.
- December 11, 2019- Brian Kaczmarski presented the public health risks/concerns before the Committee.
- January 21, 2020- Held stakeholder meetings for agricultural producers, local officials, and concerned citizens. Stakeholder surveys were conducted and received from citizens at all three meetings.
- February 20, 2020- Moratorium on large scale swine facilities was extended.

Resolution 03-20 also prohibited large-scale swine facilities with 1000 animal units or more within the shoreland areas.

- March 11, 2020- Environmental Services Committee recommended the proposed amended shoreland ordinance to the County Board with text prohibiting large-scale swine facilities in all shoreland areas.

DEFINITIONS

Animal Unit:(AU) measure equivalencies between animal types as established by s. NR 243.05, Wis. Adm. Code and the CAFO WPDES permit program. For example, 1,000 beef cattle, 715 milking cows or 200,000 chickens are each equivalent to 1,000 AU. Livestock/poultry feeding operations with 1,000 or more AU are Concentrated Animal Feeding Operations (CAFO) and need a Wisconsin Pollutant Discharge Elimination System (WPDES) permit to operate.

CAFO: A Wisconsin animal feeding operation with 1,000 animal units or more is a large Concentrated Animal Feeding Operation (CAFO). The DNR may designate a smaller-scale animal feeding operation (fewer than 1,000 animal units) as a CAFO if it has pollutant discharges to navigable waters or contaminates a well.

Committee: Environmental Services Committee

DATCP: Wisconsin Department of Agriculture, Trade and Consumer Protection

DNR: Wisconsin Department of Natural Resources

EPA: Environmental Protection Agency

High Capacity Well: a well that has the capacity to withdraw more than 100,000 gallons per day, or a well that, together with all other wells on the same property, has a capacity of more than 100,000 gallons per day.

HUC-12 surface watershed: a digital watershed boundary dataset. The dataset is comprised of nested regions, called hydrologic units (HUs), which delineate progressively smaller watersheds. Each hydrologic unit has a code assigned to it, called a hydrologic unit code (HUC). A HUC is a series of two-digit groupings of numbers that describe a hydrologic unit scale, plus where it fits in the larger hydrologic unit framework. While ranging in size and typical HUC-12 will be 25-50 square miles.

Impaired water: Under section 303(d) of the Clean Water Act, states, territories, and authorized tribes, collectively referred to in the act as "states," are required to develop lists of impaired waters. These are waters for which technology-based regulations and other required controls are not stringent enough to meet the water quality standards set by states. The law requires that states establish priority rankings for waters on the lists and develop Total Maximum Daily Loads (TMDLs) for these waters. A TMDL includes a calculation of the maximum amount of a pollutant that can be present in a waterbody and still meet water quality standards.

LWRD: Polk County Land and Water Resources Department

Pathogen: a bacterium, virus, or other microorganism that can cause disease.

Polk County Board of Supervisors ("County Board"): citizen members elected to represent fifteen districts within Polk County to set policy and programming as a function of County government.

USDA-FSA: United States Department of Agriculture - Farm Service Agency

USDA-NRCS: United States Department of Agriculture - Natural Resources Conservation Service

UW-Extension: Local connection to the University of Wisconsin system

Watershed: An area of land that separates waters flowing to different rivers or basins.

Water quality management area (WQMA): the area within 1,000 feet from the ordinary high water mark of navigable waters that consist of a lake, pond or flowage, except that, for a navigable water that is a glacial pothole lake, the term means the area within 1,000 feet from the high water mark of the lake; the area within 300 feet from the ordinary high water mark of navigable waters that consist of a river or stream; and a site that is susceptible to groundwater contamination, or that has the potential to be a direct conduit for contamination to reach groundwater.

WPDES- Wisconsin Pollutant Discharge Elimination System permits ensure farms use proper planning, nutrient management, and structure/system construction to protect Wisconsin waters. These permits apply only to water quality protection. They do not give the DNR authority to address air, odor, traffic, lighting, land use nor any of the social concerns people may have about large farms.

Key Findings

Groundwater

Polk County is generally rural with an estimated 2018 population of 44,380. All residents rely on quality ground water for drinking, cooking, bathing, irrigating and watering livestock. Groundwater quantity and quality has been an emerging concern in recent years due to knowledge of groundwater contamination in eastern and southwest Wisconsin. Susceptibility, capability, and vulnerability are three similar terms used to describe this risk. Groundwater is susceptible to contamination when there is either a direct or indirect conduit from the land surface to the groundwater. The average cost of a new well in Polk County is $10,000, and the cost of a reverse osmosis system can be several thousands of dollars. According to the Polk County Land and Water Resources Management Plan for 2020-2029 groundwater emerged as the most important natural resource in Polk County.

According to WI Department of Natural Resources, Polk County has approximately 11,074 private wells reported and 76 high capacity water withdrawal locations. Of the 76 high capacity locations, 72 are groundwater sourced and 4 are surface water sourced. The total use volume

of the high capacity well locations exceeded 3.1 billion gallons in 2018.

The Wisconsin Department of Natural Resources, US Geological Society, Wisconsin Geological and Natural History Survey, and University of Wisconsin-Madison developed a Groundwater Contamination Susceptibility Model in the mid 1980's to estimate the susceptibility of groundwater based on particular natural resource characteristics. The natural resource characteristics that affect groundwater susceptibility include:

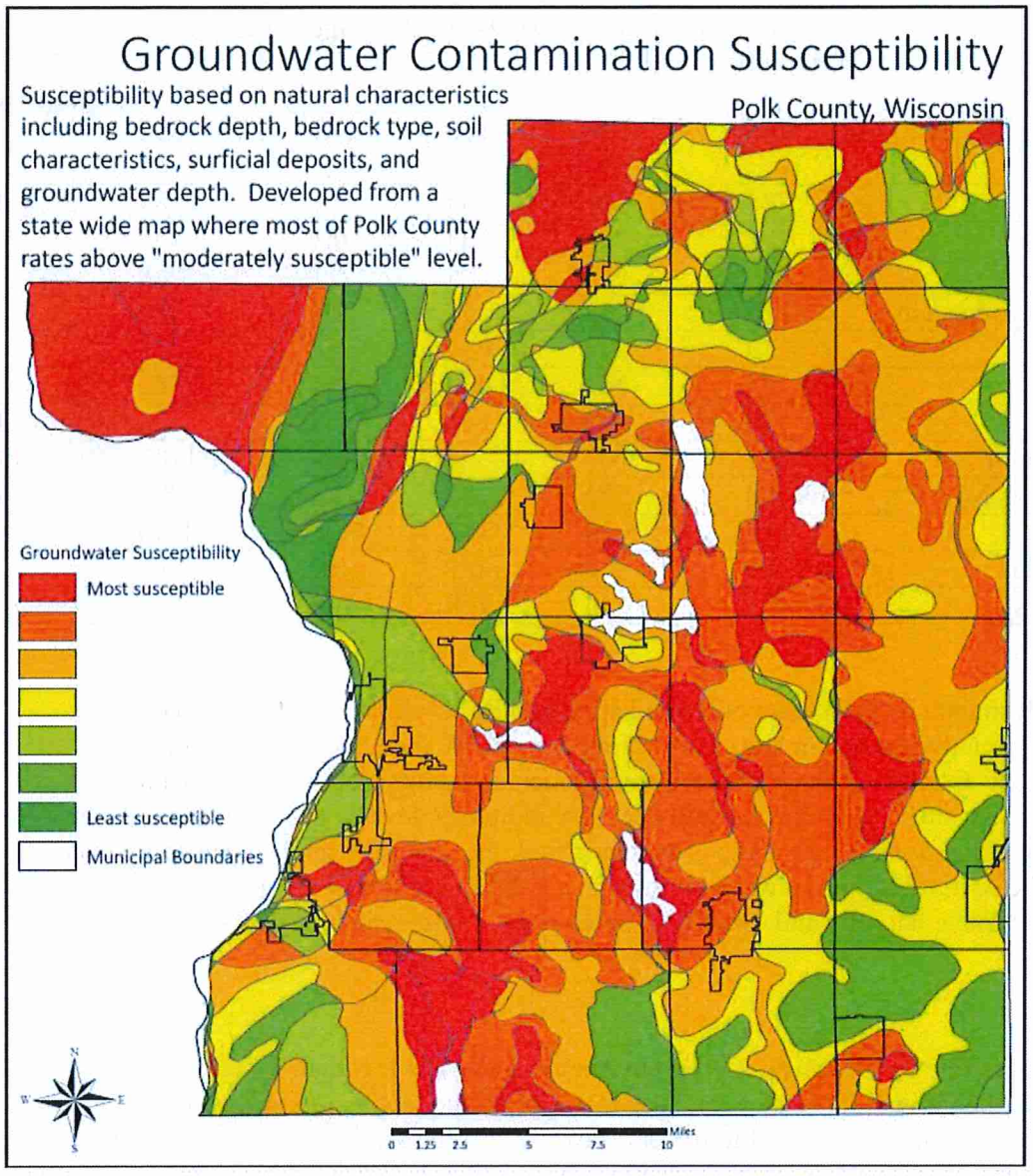
- Type of bedrock, depth to bedrock, depth to water table, soil characteristics, and characteristics of surficial deposits (Source: Groundwater Contamination Susceptibility in Wisconsin)
- Activities on the land can contaminate groundwater; most contaminants originate on the land surface and seep down to the groundwater. In some cases groundwater contamination can become contaminated from natural causes such as radioactivity in the form of radium, which is present in certain types of rocks. (Source: Groundwater Contamination Susceptibility in Wisconsin)
- Groundwater can be contaminated by farms through runoff from land application of manure, leaching from manure that has been improperly spread on land, or through leaks or breaks in storage or containment units. (Source: Understanding Animal Feeding Operations and Their Impact on Communities).

Areas that are most vulnerable to contamination are areas above fractured karst bedrock where there are thin soils, soils with limited capacity of using and retaining excess nutrient loads or capturing bacteria, sandy soils with little organic matter, or a combination of those factors. The result of this analysis is a groundwater susceptibility map for the State of Wisconsin which shows that the majority of Polk County has contamination susceptibility numerical scores above the "moderately susceptible" level.

Map 1: Polk County Groundwater Contamination Susceptibility Map provides an illustration for evaluating areas of the county for their level of susceptibility to pollution from land surface activities. Different land uses impact groundwater differently. This map does not reflect land use or impact of land use. Note that this map does not do any of the following:

- Predict areas that will be (or are) contaminated
- Predict areas that are safe from contamination

Map 1: Polk County Groundwater Contamination Susceptibility



The University of Wisconsin-Stevens Point maintains an interactive Well Water Quality Viewer summarizing private well water quality data collected by state agencies and voluntarily submitted by homeowners over the past 25 years. Health standards exist for arsenic, lead, manganese, and nitrate. Six percent of Polk County wells exceeded the standard for lead, 10% for manganese, and 4% for nitrate. Additionally, twenty-one percent, or 46 wells, tested positive for coliform whereas no wells tested positive for E. coli (sample size 42). The table below shows the common parameters and results from all these samples.

Table 1: Polk County Summary Statistics, University of Wisconsin Well Water Quality Viewer, February 2020 Updated Statistics Available Online: https://gissrv3.uwsp.edu/webapps/gwc/pri_wells/

Parameter	Total Samples	Minimum	Median	Average	Maximum	Exceeds Health Standard
Alkalinity (mg/L CaCO3)	219	28	130	131	357	
Arsenic (ppb)	728	ND[1]	ND	1	84	2% > 10
Atrazine (ppb)	104	ND	ND	0.1	2	
Chloride (mg/L)	219	ND	2.5	6.1	99.8	
Conductivity (umhos/cm)	219	67	250	267	759	
Copper (mg/L)	30	ND	0.039	0.157	1.52	
Iron (mg/L	25	ND	0.059	1.214	17.782	
Lead (ppb)	32	ND	ND	3	20	6% > 15
Manganese (ppb)	32	ND	2	90	1183	10% >300
Nitrate (mg/L as N)	2,488	ND	1	2.3	38.6	4% > 10
pH	219	6.29	7.82	7.71	8.46	
Saturation Index	195	-3.3	-0.1	-0.2	0.9	
Total Hardness	194	4	128	133	368	

[1] ND = no detect

Wisconsin DNR maintains a database of Remediation and Redevelopment sites that have contaminated groundwater and or soil. As of November 2018, there are twenty-eight open status sites in Polk County. Fifteen sites are environmental repair sites, twelve are leaking underground storage sites, and one is a spill site. An additional seventy-two sites in the county have continuing obligations. Once a site is contaminated, the site itself can be cleaned up even though it may be costly, but groundwater is much more difficult to clean up. Contaminated groundwater can move laterally and eventually enter surface water, such as rivers or streams.

Nitrates

Natural levels of nitrate in Wisconsin's groundwater are generally less than 1 mg/L. Amounts greater than this indicate that land use in an area is impacting groundwater. Sources of nitrate include agricultural fertilizers, lawn fertilizers, septic system drain fields, and other nitrogen sources such as animal manures, bio- solids, industrial sludge, etc.

Nitrate levels higher than 10 mg/L are considered unsafe for infants and women who are pregnant or trying to conceive. The Wisconsin Department of Health Services recommends when nitrate levels are high, water should not be given to babies less than 6 months old or used to make infant formula. In addition everyone avoid long-term use of the water for drinking and preparing foods.

In Wisconsin, approximately 9% of wells tested indicate levels of nitrate higher than 10 mg/L. In Polk County, approximately 4% of wells exceed state and federal limits for safe drinking

water with levels of 10 mg/L or more of nitrate (Figure 1). In general, higher nitrates are located in the southwestern and west central area of Polk County (Figure 2). Nitrate levels between 1 and 10 mg/L have been found in 96% of the wells tested. (Source: Wisconsin Well Water Viewer).

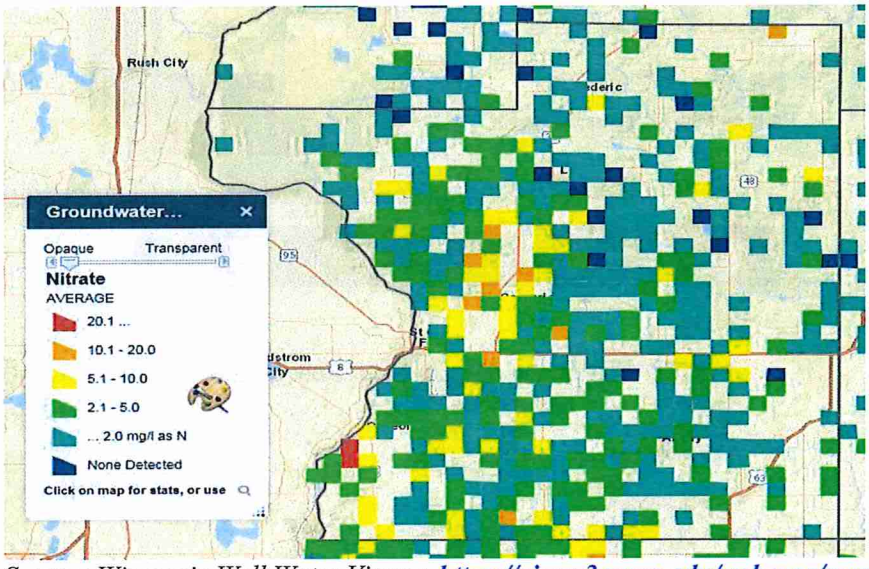
Elevated nitrates in drinking water can be especially harmful to infants, leading to blue baby syndrome and possible death. Nitrates oxidize iron in hemoglobin in red blood cells to methemoglobin. Most people convert methemoglobin back to hemoglobin fairly quickly, but infants do not convert back as fast. This hinders the ability of the infant's blood to carry oxygen, leading to a blue or purple appearance in affected infants. However, infants are not the only one who can be affected by excess nitrates in water. Low blood oxygen in adults can lead to birth defects, miscarriages, and poor general health. (Source: Understanding Concentrated Animal Feeding Operations and Their Impact on Communities).

According to a 2019 Polk County groundwater study within the Balsam Lake watershed 15% of wells exceeded the public health standard of 10 mg\L. According to the Center for Watershed Science and Education at the University of Wisconsin-Stevens Point, nitrate levels between 1 and 10 mg/L are evidence of land use impacts and often indicate susceptibility of the groundwater to other possible contaminants. The percentage of wells testing positive for nitrates indicates that the County's groundwater is susceptible to nitrates and other contaminants and should be monitored further.

Additionally, recent studies have implicated nitrate exposure as a possible risk factor associated with lymphoma, gastric cancer, hypertension, thyroid disorder and birth defects (Source: Environmental Human Health & Safety Risk to Water Quality, Air Quality, Soil Quality, and Natural Areas from Concentrated Animal Feeding Operations).

NITRATE LEVELS POLK COUNTY GROUNDWATER (2019)

Figure 1: Nitrate Levels in Polk County by Section. *Sections that are blank do not have sufficient data to calculate an average.*



Source: Wisconsin Well Water Viewer. https://gissrv3.uwsp.edu/webapps/gwc/pri_wells/

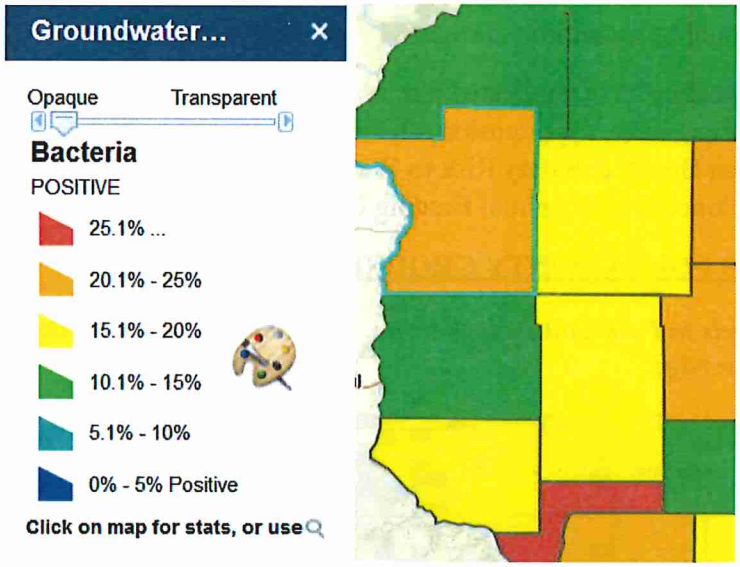
Coliform Bacteria & E. coli

Twenty percent of Polk County wells are, on average, contaminated with coliform bacteria.

A coliform bacteria test measures a well's ability to produce clean water. It is not necessarily an indication of groundwater quality; because it doesn't distinguish between well construction susceptibility, plumbing contamination, and groundwater susceptibility. Coliform bacteria indicates potential sanitary defect that could allow pathogens to enter a well water supply and cause illness.

On average, approximately 15% of wells in Wisconsin test positive for coliform bacteria and approximately 1%-2% of wells are contaminated with *E. coli*. E.coli is a specific type of bacteria that indicates contamination by either human or animal waste. While there are types of *E. coli* that are harmless, other types can make people sick. In Polk County, approximately 21% of wells have tested positive for coliform bacteria and no wells have detected *E. coli* in 42 samples in 2019 (Figure 2). (Source: Wisconsin Well Water Viewer).

Figure 2: Coliform Bacteria in Wisconsin Counties



Source: Wisconsin Well Water Viewer. ***https://gissrv3.uwsp.edu/webapps/gwc/pri_wells/***

Statistics Report

(1 of 1) Clear

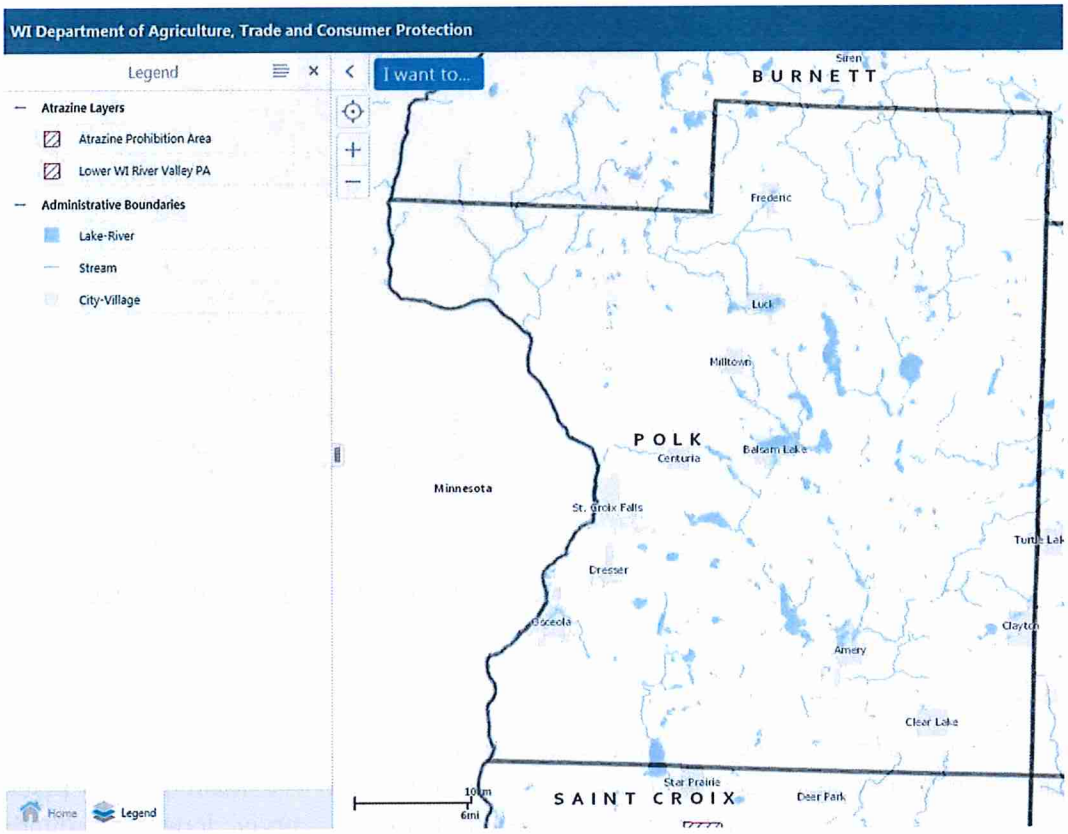
BACTERIA (Positive/Negative) for Polk County

Bacteria	Number	Percent
Coliform Positive	46	21%
Coliform Negative	173	79%
Total:	219	
E. coli Positive	0	0%
E. coli Negative	42	100%
Total:	42	

Agricultural Pesticides *(Atrazine Type Pesticides)*

Atrazine type pesticides have been linked to causing developmental delays in children and some types of cancers. According to the Wisconsin Department of Agriculture, Trade, and Consumer Protection, "if people drink water for many years that contains 3 parts per billion or more of atrazine or its metabolites, they may develop cardiovascular, reproductive, or other health problems." If atrazine is found to be at the 3 parts per billion level, the use of atrazine in that area may be prohibited. Figure 4 shows the atrazine prohibition areas in Polk County. There are currently no atrazine prohibition areas in Polk County.

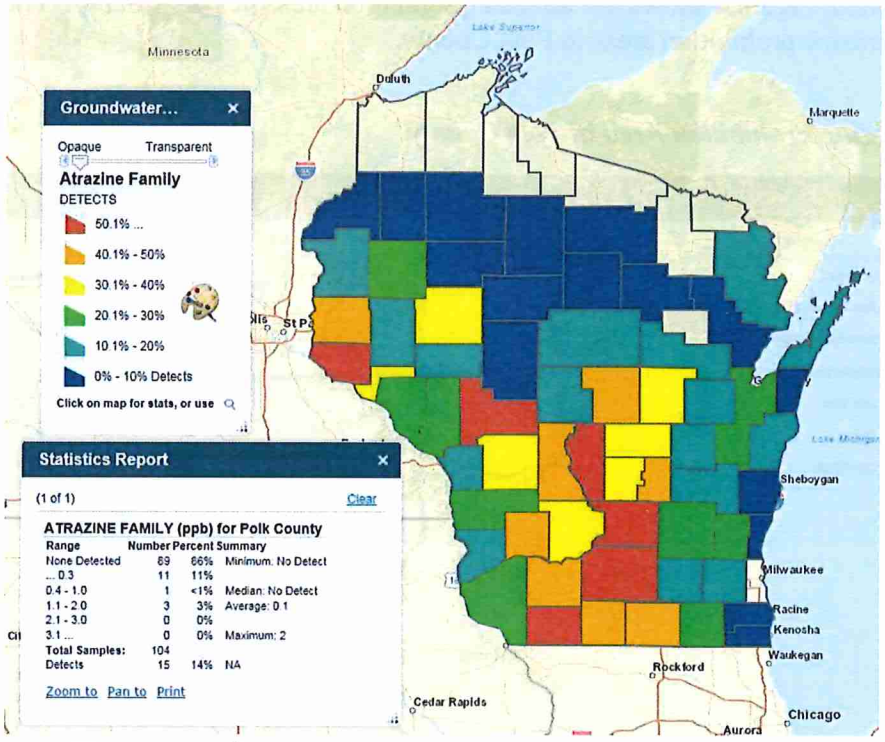
Figure 3: Atrazine Prohibition Area in Polk County



Source: Wisconsin Department of Agriculture, Trade, and Consumer Protection
https://datcpgis.wi.gov/maps/?viewer=pa

It is estimated that approximately 22.9% of wells in Wisconsin contain atrazine (Source: Wisconsin Groundwater Quality: Agricultural Chemicals in Wisconsin's Groundwater). In Polk County, well testing data indicates that between 10.1-20% of wells have tested positive for atrazine type pesticides (Figure 4).

Figure 4: Atrazine Type Pesticides in Wisconsin



Source: Wisconsin Well Water Viewer. ***https://gissrv3.uwsp.edu/webapps/gwc/pri_wells/***

Pathogens

Livestock facilities can be a breeding ground for rodents, insects, and birds. All of these animals can carry pathogens, which can cause disease. When groundwater is contaminated by pathogenic organisms, a serious threat to drinking water can occur. Pathogens survive longer in groundwater than surface water due to lower temperatures and protection from the sun. Even if the contamination appears to be a single episode, viruses could become attached to sediment near groundwater and continue to leach slowly into groundwater._Table 2 shows some of the pathogens found in animal manure.

Table 2: Select Pathogens Found in Animal Manure

Pathogen	Disease	Symptoms
Bacillus anthracis	Anthrax	Skin sores, headache, fever, chills, nausea, vomiting
Escherichia coli	Colibacilosis, Coliform mastitis-metris	Diarrhea, abdominal gas
Leptospira pomona	Leptospirosis	Abdominal pain, muscle pain, vomiting, fever
Listeria monocytogenes	Listerosis	Fever, fatigue, nausea, vomiting, diarrhea
Salmonella species	Salmonellosis	Abdominal pain, diarrhea, nausea, chills, fever, headache
Clostirdum tetani	Tetanus	Violent muscle spasms, lockjaw, difficulty breathing
Histoplasma capsulatum	Histoplasmosis	Fever, chills, muscle ache, cough rash, joint pain, and stiffness
Microsporum and *Trichophyton*	Ringworm	Itching, rash
Giardia lamblia	Giardiasis	Diarrhea, abdominal pain, abdominal gas, nausea, vomiting, fever
Cryptosporidium species	Cryptosporidosis	Diarrhea, dehydration, weakness, abdominal cramping

Antibiotics

Antibiotics are commonly administered in animal feed in the United States. Antibiotics are included at low levels in animal feed to reduce the chance for infection and to eliminate the need for animals to expend energy fighting off bacteria, with the assumption that saved energy will be translated into growth. The main purposes of using non-therapeutic doses of antimicrobials in animal feed is so that animals will grow faster, produce more meat, and avoid illnesses. Supporters of antibiotic use say that it allows animals to digest their food more efficiently, get the most benefit from it, and grow into strong and healthy animals. The trend of using antibiotics in feed has increased with the greater numbers of animals held in confinement. Seventy percent of all antibiotics and related drugs used in the U.S. each year are given to beef cattle, hogs, and chickens as feed additives. There is strong evidence that the use of antibiotics in animal feed is contributing to an increase in antibiotic-resistant microbes and causing antibiotics to be less effective for humans. The antibiotics often are not fully metabolized by animals, and can be present in their manure. If manure pollutes a water supply, antibiotics can also leech into groundwater or surface water.

Air Quality

When looking at air quality, the large scale livestock study group considered gases, odor, and particulates. CAFOs have the potential to release large quantities of gases, odors, and particulates due to the decomposition of the large amount of waste generated by the animals in CAFOs. CAFO emission rates can vary depending on weather conditions, daily activities, time of day, and seasons. Due to this variability, monitoring air quality can be difficult and costly.

The pollutants commonly connected with livestock operations are ammonia and hydrogen sulfide. In Wisconsin, neither pollutant has risen to the level to be considered a health hazard. While exposure to air pollution from livestock operations can cause or exacerbate respiratory conditions such as asthmas, eye irritation, difficulty breathing, wheezing, sore throat, chest tightness, nausea, and bronchitis and allergic reactions. The potential mental health impacts of air pollution from livestock operations greatly varies due to concentration and length of exposure. (Source: Green County Livestock Operations Study Group Report).

CAFOs also emit ammonia, which is rapidly absorbed by the upper airways in the body. This can cause severe coughing and mucous build-up. Particulate matter may lead to more severe health consequences for those exposed by their occupation. Farm workers can develop acute and chronic bronchitis, chronic obstructive airways disease, and interstitial lung disease. Repeated exposure to CAFO emissions can increase the likelihood of respiratory diseases. (Source: Nalboh)

Aside from the possibility of lowering air quality in the areas around them, CAFOs also emit greenhouse gases, and therefore contribute to climate change. Globally, livestock operations are responsible for approximately 18% of greenhouse gas production and over 7% of U.S. greenhouse gas emissions. While carbon dioxide is often considered the primary greenhouse gas of concern, manure emits methane and nitrous oxide which are 23 and 300 times more potent as greenhouse gases than carbon dioxide, respectively. The EPA attributes manure management as the fourth leading source of nitrous oxide emissions and the fifth leading source of methane emissions (Source: EPA)

Table 1 shows a number of pollutants typically found in air surrounding CAFOs, along with the related health risks. Research over the last decades has shown that microbial exposures, especially endotoxin exposure, are related to deleterious respiratory health effects, of which cross-shift lung function decline and accelerated decline over time are the most pronounced effects. (Environ Health Perspect. 2007 Feb;115(2):298-302. Epub 2006 Nov 14. (Nat'l Institute of Health)

CAFO Emissions	Source	Health Risks
Ammonia	Formed when microbes decompose undigested organic nitrogen compounds in manure.	Respiratory irritant, chemical burns to the respiratory tract, skin, and eyes, severe cough, chronic lung disease.
Hydrogen Sulfide	Anaerobic bacterial decomposition of protein and other sulfur containing organic matter.	Inflammation of the moist membranes of eye and respiratory tract, olfactory neuron loss, death.
Methane	Microbial degradation of organic matter under anaerobic conditions.	No health risks. Is a greenhouse gas and contributes to climate change.
Particulate Matter	Feed, bedding materials, dry manure, unpaved soil surfaces, animal dander, poultry feathers.	Chronic bronchitis, chronic respiratory symptoms, declines in lung function, organic dust toxic syndrome.

Source: Understanding Concentrated Animal Feeding Operations and Their Impact on Communities by the National Association of Local Boards of Health (2010).

According to the Wisconsin DNR, the Wisconsin Pollutant Discharge Elimination System (WPDES) for CAFOs does not address odor. Odor management scoring is a required part of the Wisconsin Livestock Siting Standards, but Polk County has not adopted a livestock siting ordinance. Additionally, odor from land-spreading of manure typically does not expose neighbors to hazardous levels of ammonia or hydrogen sulfide, and bad odor has not typically been enough to constitute a nuisance in most counties.

There are a number of identified best management practices to mitigate air pollution and reduce

odor; these practices were developed by the Wisconsin Agricultural Waste Air Emissions Advisory Group, convened by the Wisconsin DNR. These practices are designed to reduce emissions of hazardous air pollutants from livestock operations. Many of these practices are included in the odor standards of the Livestock Siting Law.

Land Use

As stewards of the land, farmers use conservation practices, such as no- till, cover crops, crop rotation, [managed grazing,] nutrient management, and integrated pest management. As depicted by Map 1, all of the groundwater in Polk County is susceptible to contamination to varying degrees. While livestock operations are not the only potential contamination sources, the study group concentrated on their impacts in this report. Soil has the capability of filtering different substances from water as it percolates through the soil. However, some soils are more suitable for land spreading of manure depending on the soil type, slope of land, time of year/precipitation, and many other factors. Soil limitations generally cannot be overcome without major soil reclamation, special design or expensive installation procedures. Therefore, the County and producers should recognize that land spreading is not suitable in all areas without risk to groundwater contamination.

There is a land capability classification system of grouping soils primarily on the basis of their capability to produce common cultivated crops and pasture plants without deteriorating over a long period of time. Eight classes exist in this system and all have a significance in suitability for certain activities.

Class I *(1)* soils have slight limitations that restrict their use.

Class II *(2)* soils have moderate limitations that reduce the choice of plants or require moderate conservation practices.

Class III *(3)* soils have severe limitations that reduce the choice of plants or require special conservation practices, or both.

Class IV *(4)* soils have very severe limitations that restrict the choice of plants or require very careful management, or both.

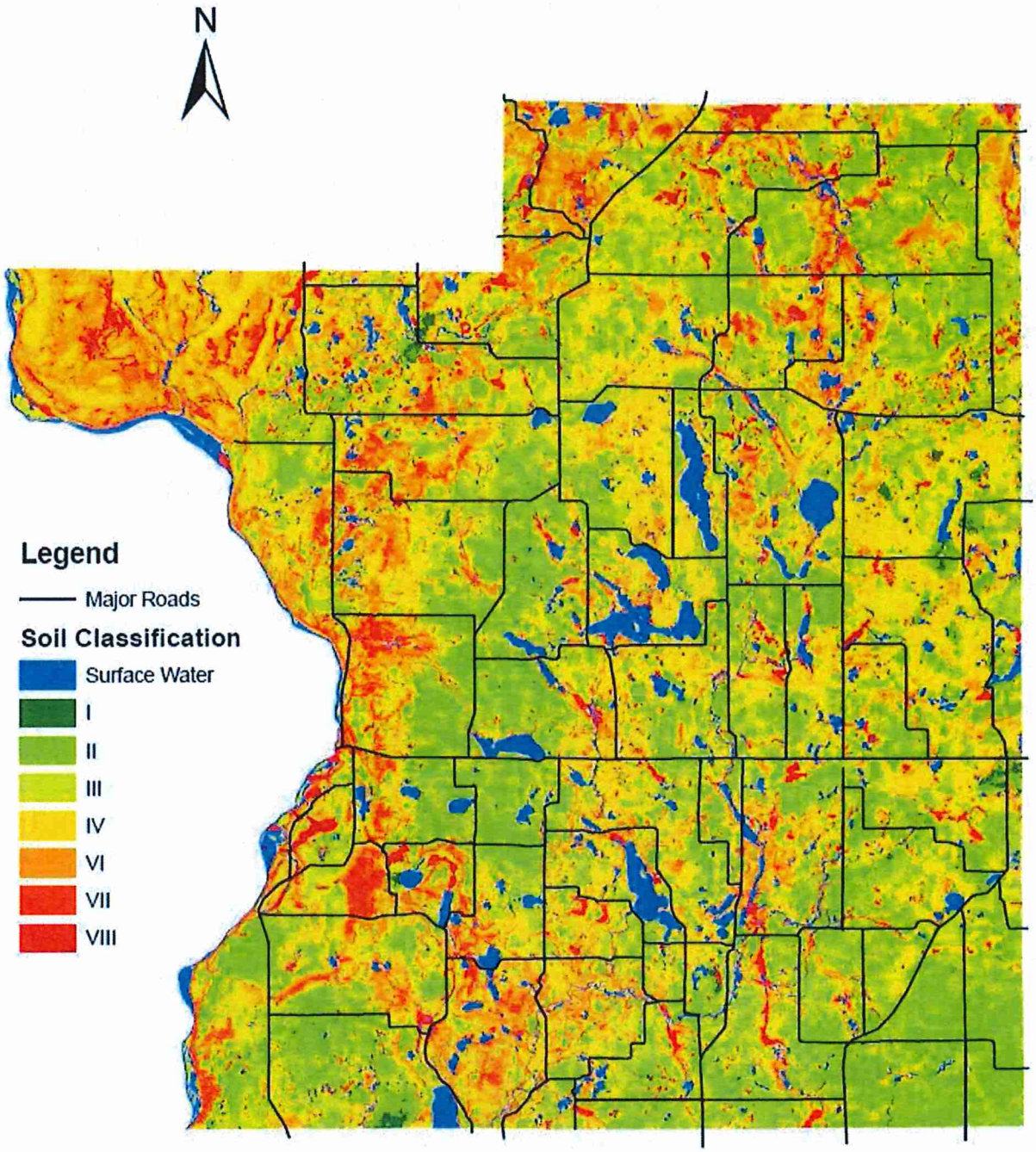
Class V *(5)* soils have little or no hazard of erosion but have other limitations, impractical to remove, that limit their use mainly to pasture, range, forestland, or wildlife food and cover. (No class V in Polk County)

Class VI *(6)* soils have severe limitations that make them generally unsuited to cultivation and that limit their use mainly to pasture, range, forestland, or wildlife food and cover.

Class VII *(7)* soils have very severe limitations that make them unsuited to cultivation and that restrict their use mainly to grazing, forestland, or wildlife.

Class VIII *(8)* soils and miscellaneous areas have limitations that preclude their use for commercial plant production and limit their use to recreation, wildlife, or water supply or for esthetic purposes.

Map 2: Soil Capability Classification in Polk County



Surface Water

Polk County has an abundance of surface water resources with 437 lakes and 365 miles of streams and rivers distributed throughout the county. Polk County's lakes range widely in size and depth, with the largest being Balsam Lake (1,901 acres), Bone Lake (1,667 acres), and Lake Wapogasset (1,189 acres) and the deepest being Lower Pine Lake (102 feet). Homes and cottages ring most large lakes, and the shores of many smaller lakes have become targets for residential development. The St. Croix River flows along the county's western border receiving

water from most of Polk County. Wetlands dot the surface of the landscape.

The lakes, rivers, and wetlands of the county are impacted by upland land use practices in the watersheds that drain to them. Most of the pollutants that enter water resources are carried in runoff from many diffuse, or nonpoint sources. The major pollutants of concern are sediment (carried from areas with bare soil such as crop fields and construction sites) and phosphorus (both attached to soil particles and dissolved in water from fertilizers and animal waste). Many Polk County lakes are shallow and as a result are more susceptible to internal loading, or the release of nutrients from lakebed sediments. Excessive nutrient concentrations of nitrogen or phosphorus, can lead to eutrophication and make water inhabitable to fish or indigenous aquatic life. Nutrient over-enrichment causes algae blooms which can cause a spiral of environmental problems to an aquatic system._

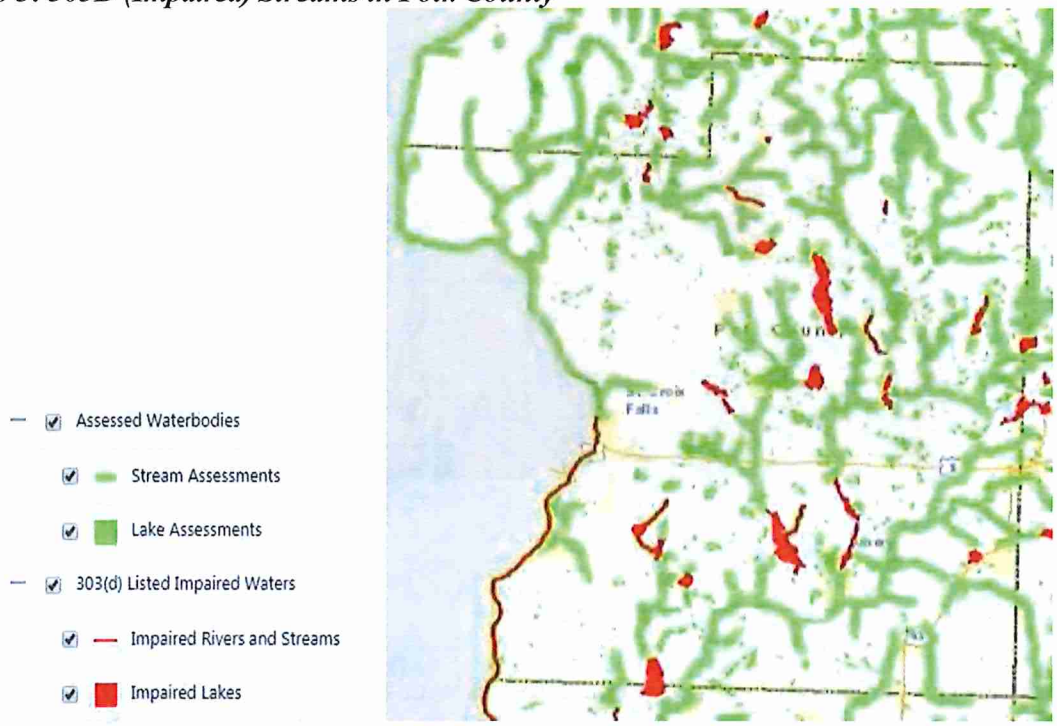
Polk County's surface water resource impairments.

- Approximately 37 water bodies are listed as "impaired" (Source WI DNR Impaired Waters list 2020)

- Polk County's phosphorus load is 160,976 lbs./yr. – the largest of any county in the St. Croix River Basin (Source Lake St. Croix TMDL Plan)

- When a stream is listed on the 303d list it means that it does not meet the surface water quality standards of the federal Clean Water Act as documented by the U.S. Environmental Protection Agency. (Impaired waters)

Map 3: 303D (Impaired) Streams in Polk County



Source: Wisconsin Surface Water Data Viewer. https://dnrmaps.wi.gov/H5/?Viewer=SWDV

Current Policies and Programs

Polk County entities are currently addressing groundwater/surface water and public health protection in a number of ways. These include:

Well Abandonment. The Polk County Land and Water Resources Department promotes proper well decommission, targeting non-compliant wells and wells that are no longer used. Financial assistance is offered for this practice through the Land and Water Resources Department.

Well Testing and Monitoring. The Polk County Health Department provide water testing kits as well as educational materials on water testing.

Well Database. The Wisconsin Department of Natural Resources maintains a database of all well-drilling records. This information is available by request or by contacting the local Water Supply Specialist.

Groundwater Study. The Polk County Land and Water Resources Department has identified potential priority watersheds within the county to begin groundwater studies associated with the goals and objectives listed in the 2020-2029 Land and Water Resource Management Plan.

Farmer Led Watersheds. The Polk County Land and Water Resources Department continues to assist with farmer led watershed groups in Polk County to promote additional outreach and adoption of locally identified best management practices.

Best Management Practices. The Polk County Land and Water Resources Department provides education and incentives for various best management practices, including nutrient management and manure storage facilities. The Department provides education, cost-sharing dollars, grant funding, and technical assistance to assist farmers and landowners in adopting best management practices, installing conservation practices, and complying with existing regulations, such as:

- Funding for cost-sharing barnyard runoff control projects;
- Funding for cost-sharing well decommissioning projects;
- Staff for project implementation and implementation of livestock ordinances;
- Promotion of no-till;
- Promotion of cover cropping;
- Education on nutrient management planning;
- Water and sediment control basins (WASCBs)
- Prescribed grazing.

Nutrient Management Plans. The Polk County Land and Water Resources Department promotes the creation and proper implementation of nutrient management plans, by providing training, cost-sharing, and technical assistance to agricultural producers. Key elements included in a nutrient management plan are:

- Soil tests to determine soil supplied nutrients,
- an inventory of on-farm nutrient sources like manure and legumes,
- identification of current on-farm conservation practices and areas sensitive to erosion,

- nutrient loss and areas with application restrictions,
- a cropping plan that reduces soil and nutrient loss, and
- a recommendation for commercial fertilizer applications that takes into account other aspects of the plan and meets the needs of the crop while reducing impact to surface and groundwater resources.

Currently, based on agricultural producer submitted reporting, at least 10% of Polk County cropland is under a nutrient management plan.

Manure Storage Ordinance. The Polk County Land and Water Resources Department enforces the county's Manure and Water Quality Management ordinance. This ordinance protects the surface water and groundwater of Polk County by assuring the implementation of applicable performance standards for manure storage, animal waste handling, and disposal.

Stormwater and Erosion Control Ordinance. The Polk County Land and Water Resources Department administers ordinances to address common land management practices that pose a risk to surface water resources. The Stormwater and Erosion Control Ordinance requires design procedures and preventative measures to reduce the runoff risk of construction sites to surface water.

Phosphorus Management. The Polk County Land and Water Resources Department works with several agricultural producers and lake associations or districts in Polk County to identify and implement practices that improve soil health and water quality.

Response to Contamination Spills. Polk County Land and Water Resources Department works with DNR to handle these in a timely manner. All spills over 250 gallons are required to be reported to WI DNR.

Permitting. Livestock waste storage facilities construction and closure must be permitted and meet all permit requirements (i.e. Nutrient Management Planning and compliance with NRCS waste storage standards 313 and transfer system standards 634). If applicable certain construction sites are also permitted for Stormwater and Erosion Control.

Septic Maintenance. Polk County Zoning Department ensures that septic systems are inspected and maintained every three years.

Zoning. The Polk County Land Information Department administers the Polk County Shoreland Protection Zoning Ordinance which limits impervious surfaces, filling/grading activities, and vegetation removal around all lakes, rivers, and streams in Polk County. A lot of the activities conducted under this ordinance require runoff mitigation especially if the amount of impervious surface on the lot exceeds 15%.

Uniform Dwelling Code. Local building inspectors monitor and enforce erosion control plans on new construction sites during their routine inspections.

Addition of Staff. The Wisconsin DNR are adding staff to increase outreach and compliance surrounding large livestock facilities.

Right-to-Farm Laws

With all of the potential environmental and public health effects from CAFOs, community members and health officials often resort to taking legal action against these industrial animal farms. However, there are some protections for farms in place that can make lawsuits hard to navigate.

Right-to-farm laws were created to address conflicts between farmers and non-farming neighbors. They seek to override common laws of nuisance, which forbid people to use their property in ways that are harmful to others, and protect farmers from unreasonable controls on farming. All 50 states have some form of right-to-farm laws, but most only offer legal protections to farms if they meet certain specifications. Generally, they must be in compliance with all environmental regulations, be properly run, and be present in a region first before suburban developments, often a year before the plaintiff moves to that area. These right-to-farm laws were originally created in the late 1970s and early 1980s to protect family farms from suburban sprawl, at a time when large industrial farms were not the norm. Wisconsin has a right-to-farm law which prohibits a county from prohibiting CAFOs. However, there are certain regulations and permitting options for a county to consider in order to regulate farming within their communities.

Appendices

Appendix A

Polk County Swine CAFO Stakeholder Survey

1. Are you a resident or property owner in Polk County Yes/ No
2. Please define your understanding of a CAFO:

   _____

   _____

   _____
3. Are you currently involved in livestock production within Polk County with more than 20 animal units? (i.e. 15 dairy cows, 20 beef cows, 2000 chickens, 1111 Turkeys, 50 pigs) Yes/No/Unsure
4. In your opinion, should swine CAFO's be prohibited in Polk County? Yes/ No/ Unsure
5. In your opinion, would swine CAFO's be detrimental to Polk County? Yes/ No/ Unsure
6. In your opinion, are swine CAFO's already regulated enough? Yes/ No/ Unsure
7. What type of CAFO's should Polk County regulate? (i.e. dairy, poultry)
   a. Swine only
   b. All types of livestock
   c. Polk County should not regulate them
8. What do you feel swine CAFO's impact the most? (pick one)
   a. Water Quality
   b. Local infrastructure
   c. Quality of life
   d. Economy
   e. Small farms
   f. Human Health
   g. Keeping youth in our communities
9. If Polk County adopts regulations for swine CAFO's, at how many animal units should the regulations kick in at? (1 swine animal unit= 2.5 hogs)
   a. 250
   b. 500
   c. 750
   d. 1000
   e. 1250 or greater
10. Do you think the proposed conditional use permit process provides reasonable regulation on swine CAFO's? Yes/ No/Unsure
11. If Polk County adopts the proposed swine CAFO regulations, would these regulations prevent you from expanding your farming operation? Yes/ No/ Unsure
12. Do you think the proposed conditional use conditions are unnecessarily burdensome on Ag producers? Yes/ No/ Unsure

13. What is the largest benefit of having swine CAFO's in Polk County?
    a. Local jobs/economy
    b. Continuing family farms
    c. Proper management of agricultural lands
    d. Keeps the rural character of Polk County
    e. No benefit
14. Do you think it makes sense to have similar regulations enforced by the DNR, DATCP, and Polk County? Yes/ No/ Unsure

If you could add one condition to the proposed conditional use conditions, what would it be?

_____

_____

_____

Appendix B

Responses to Survey

Question 1: Are you a resident or property owner in Polk County?

- Total surveys received=63
- 58 Responded
- 55 were residents of Polk County (87%)
- 2 were not Polk County Residents

Question 2: Please define your understanding of a CAFO

- Most popular answer: Concentrated Animal Feeding Operation with greater than 1000 animal units
- Other Responses:
  - Factory/industrial farm
  - Causes serious issues
  - Large scale farming

Question 3: Are you currently involved in livestock production within Polk County with more than 20 animal units? (i.e. 15 dairy cows, 20 beef cows, 2000 chickens, 1111 Turkeys, 50 pigs)

- 62 responded
- 16 were livestock producers (26%)
- 46 were not producers (74%)

Question 4: In your opinion, should swine CAFO's be prohibited in Polk County?

- 61 responded
- 44 said "Yes" (72%)
- 16 said "No" (26%)
- 1 "unsure"

Question 5: In your opinion, would swine CAFO's be detrimental to Polk County?

- 62 Responded
- 47 said they would be detrimental (76%)
- 14 said "No" (23%)
- 1 "Unsure"

Question 6: In your opinion, are swine CAFO's already regulated enough?

- 62 responded
- 14 said there was enough regulation already (23%)
- 46 said "No" (74%)
- 2 "Unsure"

Question 7: What type of CAFO's should Polk County regulate? (i.e. dairy, poultry)]

- 62 responded
- 7 said swine only (11%)
- 46 said "all livestock" (74%)
- 9 said Polk County Should not regulate (15%)

Question 8: What do you feel swine CAFO's impact the most? (pick one)

- 55 responded
- Water Quality= 33 or 60%
- Infrastructure= 12 or 22%
- Quality of Life=16 or 29%
- Local Economy=10 or 18%
- Small farms= 12 or 22%
- Human Health=17 or 31%
- Keeping Youth= 7 or 13%

Question 9: If Polk County adopts regulations for swine CAFO's, at how many animal units should the regulations kick in at? (1 swine animal unit= 2.5 hogs)

- 57 responded
- 250 Animal Units=23 or 40%
- 500 Animal Units=8 or 14%
- 750 Animal Units=7 or 12%

- 1000 Animal Units=13 or 23%
- 1250+ Animal Units=6 or 11%

Question 10: Do you think the proposed conditional use permit process provides reasonable regulation on swine CAFO's?

- 61 responded
- 11 said "Yes" (18%)
- 44 said "No" (72%)
- 6 "Unsure" (10%)

Question 11: If Polk County adopts the proposed swine CAFO regulations, would these regulations prevent you from expanding your farming operation?

- 38 responded
- 4 said "Yes" (11%)
- 31 said "No" (82%)
- 3 "Unsure" (8%)

Question 12: Do you think the proposed conditional use conditions are unnecessarily burdensome on Ag producers?

- 59 responses
- 10 said "Yes" (17%)
- 46 said "No" (78%)
- 3 "Unsure" (5%)

Question 13: What is the largest benefit of having swine CAFO's in Polk County?

- 61 responses
- Local Jobs/Economy=9 or 15%
- Continuing Family Farms= 3 or 5%
- Proper management of Ag Lands= 7 or 11%
- Keeps rural character= 1 or 2%

- No Benefit having swine CAFO= 48 or 79%

Question 14: Do you think it makes sense to have similar regulations enforced by the DNR, DATCP, and Polk County?

- 50 responses
- 24 said "Yes" (48%)
- 13 said "No" (26%)
- 13 said "Unsure" (26%)

Question 15: If you could add one condition to the proposed conditional use conditions, what would it be?

- 350' setback (Larger setbacks)
- Air quality regulations/monitoring
- Disclose any violations in CUP application
- Add CUP in all AG districts and all livestock
- Extend the moratorium
- Disease response strategy for swine diseases
- 30 acre minimum
- No more than 1000 pigs
- Don't exceed 2000 animal units
- Public notification of any lack of compliance
- Compensation for damages and loss of property value
- Cap total animal units
- Test wells in every field to be spread
- Surety Bonds to enforce

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Appendix D

Resolution No. 33-19

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.

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

Polk County Temporary Moratorium on Livestock Facilities

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

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

III. Definitions.

1. "Expansion" means the addition of livestock at a pre-existing livestock facility that would result in the number of livestock to exceed 1000 animal units fed, confined, maintained, or stabled.

2. "Livestock" means any of the following:
    a. Swine

3. "Livestock Facility" means a feedlot, farm or other operation where 1000 or more animal units of 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 other facilities utilized as a part of the Livestock Facility operations, such as feedlots, Livestock housing facilities, manure storage structures, and other structures or areas of use.

4. "Moratorium" means the temporary moratorium on Livestock Facilities set forth in this Ordinance.

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

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

2. To allow Polk County adequate time 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, as that research and data apply in Polk County.

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

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.

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

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

James Edgell, Supervisor, District #8

Kim O'Connell, Supervisor, District #9

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
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 that 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, 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

At its regular business meeting on the 15 of Oct 2019, the Polk County Board of Supervisors acted upon Resolution No. 33-19: Resolution Creating Polk County Ordinance Regarding Temporary Moratorium on Livestock Facilities

- ☒ Adopted by a majority of the members present by a rollcall vote of 11 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 / ATTEST: Sharon Jorgenson

Dean Johansen, County Board Chairperson — 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.

Sharon E. Jorgenson 10/15/19

Sharon E. Jorgenson, Polk County Clerk Date

Resolution No. 03-20

RESOLUTION EXTENDING MORATORIUM ON SWINE CONCENTRATED ANIMAL FEEDING OPERATIONS

WHEREAS, Polk County enacted Resolution 33-19 placing a temporary moratorium on Swine Concentrated Animal Feeding Operations (hereinafter "Swine CAFO);

WHEREAS, one of the purposes of Resolution 33-19 was to allow the County adequate time to research, analyze and synthesize information regarding the potential impacts of Swine CAFO's in Polk County;

WHEREAS, the County, through the Environmental Services Committee and through public meetings has determined that more time is necessary in order to adequately evaluate the potential impacts, especially as it relates to potential water contamination;

WHEREAS, Resolution 33-19 contemplated an extension of the moratorium, if necessary for up to six (6) additional months;

WHEREAS, Resolution 33-19 further required the Administrator to report to the County Board the findings and recommendations on appropriate regulatory approaches the County should consider at least 30 days prior to the end of the moratorium;

NOW THEREFORE BE IT RESOLVED THAT, the Polk County Board of Supervisors authorize the extension of the moratorium for a period not to exceed an addition six (6) months for the purposes set forth herein and pursuant to the procedure below; and

NOW THEREFORE BE IT FURTHER RESOLVED THAT, the Polk County Board of Supervisors does not authorize any further research on Swine CAFO's as a conditional use within any area subject to the Shoreland Land Use Ordinance and that the potential for a Swine CAFO be limited to the agricultural property within the County that is subject to the Comprehensive Land Use Ordinance in order to maximize the protection of the County's navigable waters; and

NOW THEREFORE BE IT FUTHER RESOLVED THAT, the Polk County Board of Supervisors authorizes the Environmental Services Committee to extend the moratorium on a ~~month-by-month~~ basis beyond the original moratorium, but may not authorize an extension beyond the total of a six (6) months; and

NOW THEREFORE BE IT FUTHER RESOLVED THAT, ~~the month-to-month extensions contemplated herein shall only continue,~~ within the aforementioned limitations, for a period of time to complete the research and analysis outlined in Resolution 33-19; and once per month to be on the Environmental Services Committee agenda.

BE IT FURTHER RESOLVED THAT, the Environmental Services Committee in conjunction with staff shall report to the full County Board of the findings and the County Administrator is no longer required to provide the County Board with a 30 day advanced briefing as had been originally contemplated in Resolution 33-19.

BY: Brad Olson
Brad Olson, Supervisor, District #1

Doug Route
Doug Route, Supervisor, District #2

Dean Johansen, Chair,
Supervisor, District #3,

Chris Nelson, Supervisor, District #4

Tracy LaBlanc
Tracy LaBlanc, Supervisor, District #5

Brian R Masters by Lisa Cross
Brian Masters, Supervisor, District #6

Michael Prichard, Supervisor, District #7

James Edgell, Supervisor, District #8

Kim O'Connell, Supervisor, District #9

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:
Recommended.

Vince Netherland
Vince Netherland
Polk County Administrator

Fiscal Impact Note:
If awarded, Environmental Services Division would submit an additional funding request for the 2021 budget.

Maggie Wickre
Maggie Wickre, Finance Director

Approved as to Form and Execution:

Malia Malone
Malia Malone, Polk County Corporation Counsel

Legal Impact Note:

Legal Impact Note:
This Resolution extends the moratorium for up to an additional 6 months. Because this is still within a total of one year, it is legally appropriate.

Excerpt of Minutes

At its regular business meeting on the 20th of February 2020, the Polk County Board of Supervisors acted upon **Resolution No. 03-20: Resolution Extending Moratorium On Swine Concentrated Animal Feeding Operations**

☐ 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~~. lines 38, 41, 42, 44 and 45 for amended.
☐ Defeated
☐ Other:

Insert amendment to resolution according to minutes:

SIGNED BY: _____
Jay Luke, County Board Vice Chairman

ATTEST: _____
Lisa Ross, County Clerk

Executive Summary

This Resolution will extend the Swine CAFO moratorium in Resolution 33-19 in month-to-month intervals, as directed by the Environmental Services Committee. The extension is to allow staff and the Committee to address the issues raised by the public about the potential negative impacts of Swine CAFOs This Resolution does not have the effect of ultimately prohibiting CAFOs.

CERTIFIED COPY OF POLK COUNTY RESOLUTION

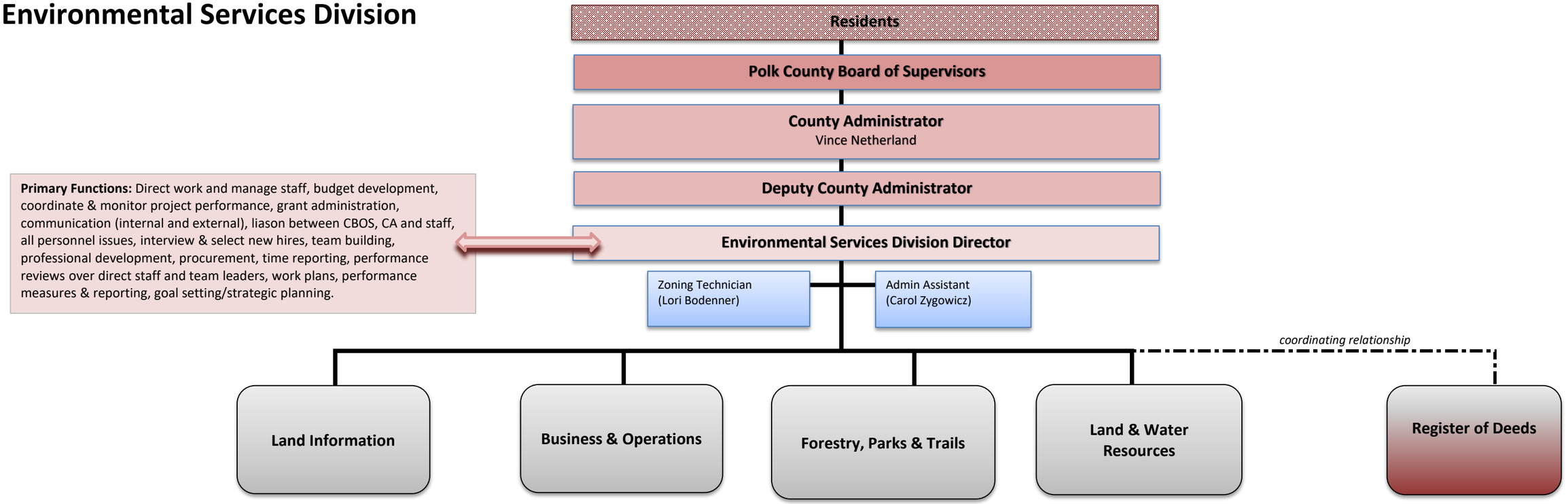
STATE OF WISCONSIN)
) SS
COUNTY OF POLK)

I, Lisa R. Ross, County Clerk for Polk County, do hereby certify that the attached hereto and incorporated herein is a full, true and correct copy of Polk County Resolution No. 03-20: Resolution Extending Moratorium On Swine Concentrated Animal Feeding Operations as adopted by the Polk County Board of Supervisors on the 20th day of February, 2020.

Lisa R Ross 2/20/2020

Lisa R. Ross, Polk County Clerk Date

Environmental Services Division



CORE FUNCTIONS:

Administer land uses per adopted ordinances and the maintenance of all assessment records for the County

Team Leader/Land Information Officer*

- County Surveyor (Steve Geiger)
- Zoning Administrator (Jason Kjeseth)
- Land Into Tech (Tracy Klatt)
- Zoning Specialist (Elizabeth Haas)
- Property LIster (Paula Fedder)
- Zoning Technician (Lori Bodenner)

Manage the <u>digital</u> environmental assets using technologies. Performs a wide variety of research, analysis, plan development and technical assistance

- GIS Coordinator (Brad Runeberg)
- County Planner (Tim Anderson)

Manage the <u>physical</u> public property lands and their uses

- Forest Administrator (MarK Gossman)
- Parks & Trails Coordinator (Ben Elfelt)
- Summer Season assist with Park Maintenance
- Summer Season assist with Park Maintenance

Provide techincal assistance & best management practices of natural resources

Team Leader/ County Conservationist**

- Water Quality Educator (Katelin Anderson)
- Water Quality Educator (Colton Sorensen)
- Summer Season Intern
- Conservation Planner II (Eric Wojchik)
- Environmental Tech (Dane Christenson)
- Conservation Engineer Tech (Recruiting)
- Summer Season Intern

Record land documents, file marriage records and military discharges, issue certified copies of certificates, and weatherization documents.

ELECTED R.O.D. (Sally Spanel)

- Chief Deputy (Denise Williamson)
- Deputy ROD (Lisa Lundeen Brooks)
- Deputy ROD (Betsy Gerde)

***Position Summary:** Organizes and directs the day-to-day operations of the Land Info Team. Serves as Land Information Officer.
****Position Summary**: Organizes and directs the day-to-day operations of the LWRD Team. Serves as the County Conservationist.

ADDITIONAL DUTIES:

Ellicits workplace concerns, questions, or suggestions and communicates with Director. Advises staff with department programs & policies. Assists Director in performance reviews of team staff. Assists the Director with annual department report. Reports as needed to the Director on operations and services. Directs, develops and presents studies and plans to County committees, the County Board, local governing bodies and public hearings; provides recommendations as needed. Attends ES Committee meetings as requested; Works with other Divisions, Corporation Counsel, consitutants, and consultants in program area issues. Other duties as assigned.

Trails Annual Planning Meeting- Outline (quarterly? Until we achieve this ideally move to annual)

1. **Review Goals and Objectives of Trails. (Parks?)**
   2020 Review
   2021 Priorities
   Define Long term Goals (5, 10, 15, 20?)

2. **County/DNR/ Friends/ Trail Partnership Evaluation**
   - Mou's
   - Payments
   - Compliance
   - Meeting Goals and Objectives
     Other opportunities/Challenges

3. **Funding Mechanisms**
   - Update on existing Grants
   - Plan for future Grants
   - User Fees
   - Donations
   - County Budgets
   - State Funding

4. **Maintenance Responsibilities (signs, grading, tree removals, herbicide, amenities, private Driveways encroachments bridge inspections, trail inspections, hazard tree id etc.)**
   - County
   - ATV/Snowmobile Council
   - Friends
   - Other Volunteers
   - State

5. **Trail Specific Issues**
   - Cattail
   - Gandy
   - Sawmill
   - Stower
   - Others County systems
   - Future amenities

6. **County Use Evaluation????? (this could be an entire different meeting or group)**
   TAP?
   ATV?

7. **Miscellaneous/Other**