

Douglas County

Ordinance 8.13 Moratorium on Livestock Facilities Licensing

Section 1: Moratorium on Livestock Facilities Licensing, Ordinance 8.13, is hereby created to read as follows:

Authority

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

Title and Purpose

The title of this ordinance is the ***Moratorium on Livestock Facilities Licensing***.

The purpose of this ordinance is to allow Douglas County to impose a moratorium providing adequate time to study, review, consider and determine the need to add more stringent standards to existing ordinances and to consider zoning and other regulations to more effectively manage the environmental and public health and safety risks associated with livestock operations. Further, the imposition of a moratorium will allow Douglas County to determine whether it has adequate resources to enforce any new or existing livestock facility ordinance.

Adoption

This ordinance, adopted by a majority vote of the Douglas County Board of Supervisors with a quorum present and proper notice having been given, provides for the imposition of a moratorium on the licensing of new livestock facilities that will have 1,000 or more animal units, and on the licensing of pre-existing livestock facilities that are undergoing an expansion if the number of animal units kept at the expanded facility will be 1,000 or more, provided that the moratorium does not apply to an applicant who has acquired legally vested rights to the issuance of a license prior to the adoption of this ordinance.

Definitions

All definitions located in Chapter III, Ordinance 8.10 are hereby adopted and incorporated as if fully set forth herein.

Moratorium Imposed

Chapter IV, Ordinance 8.10 imposes a moratorium on the licensing of new livestock facilities that will have 1,000 or more animal units and on the licensing of pre-existing livestock facilities that are undergoing an expansion if the number of animal units kept at the expanded facility will be 1,000 or more, provided that the moratorium does not apply to an applicant who has acquired legally vested rights to the issuance of a license prior to the adoption of this ordinance.

Action and Study During Moratorium

The Douglas County Board of Supervisors hereby assigns a Livestock Operations Study Group composed of committee members of the Zoning Committee and the Land Conservation Committee, the Zoning Administrator, the County Conservationist, and the UWEX Agricultural Agent. Issues considered by the Study Group will include, but are not limited to:

- 1) the need to gather and analyze data about groundwater and surface water quality and quantity in order to establish a baseline for comparison to identify impairments resulting from operations;
- 2) the need to add more stringent standards in Livestock Facilities Licensing Ordinance 8.10 to protect water quality and avoid nuisances, which includes: a) planning to identify the special resource concerns in the county such as sensitive groundwater conditions and surface water runoff to Lake Superior

tributaries, b) watershed of the St. Croix River and tributaries and c) evaluating practices and other options to better manage concerns such as more stringent setback requirements; and

3) the need to consider zoning and other regulations to more effectively manage the environmental and public health and safety risks associated with livestock operations including consideration of the following: a) adoption of a manure storage ordinance, and requirements related to a certificate of use for storage facilities operated within the county, b) implementation of State performance standards to address gaps in the livestock siting ordinance including standards related to processing wastewater, tillage setback, and phosphorus index, c) adoption of zoning measures to create special zones for livestock operations over 1,000 animal units, and d) adoption of a Livestock Operations Ordinance.

Duration of Moratorium

This moratorium shall be in effect for a period of twelve months from the date this ordinance is passed by the County Board unless the County Board rescinds this moratorium at an earlier date, the County Board adopts amendments to the Livestock Facilities Licensing Ordinance, creates a Livestock Facilities Operations Ordinance, or rescinds this moratorium. This moratorium may be extended for up to six more months by a majority vote of the Douglas County Board of Supervisors, if necessary.

Section 2: Except as specifically modified and amended by this ordinance, the Douglas County Code of Ordinances shall remain in force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this ordinance are hereby repealed.

Section 3: SEVERABILITY. If a court of competent jurisdiction adjudges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

Section 4. EFFECTIVE DATE. This ordinance shall take effect and be in full force from and after its passage.