



Village of Nelsonville
Portage County, Wisconsin
Resolution # 2019-07-09-1

A resolution supporting local control for livestock siting.

WHEREAS, the number of Concentrated Livestock Feeding Operations (CAFOs) in Wisconsin is increasing (between 2005 and 2016, the number of CAFOs nearly doubled - from 146 to 295); and

WHEREAS, State law preempts local governments from regulating CAFOs more stringently than required the Livestock Facility Siting Law (ATCP 51), and

WHEREAS, opportunity for stronger local siting standards based on "reasonable and scientifically defensible findings of fact" that "clearly show that the standards are needed to protect the public health or safety." remains very limited; and

WHEREAS, the Department of Natural Resources (DNR) issues water pollution permits to CAFOs, and more stringent local regulation of issues related to water quality may also prove difficult; and

WHEREAS, the unique geographic features throughout Wisconsin make it necessary to assess the environmental impacts of CAFO's on a county-by-county basis; and

WHEREAS, the Department of Revenue adjusted downward a Kewaunee County landowner's property taxes because of the property's proximity to a large CAFO and in 2016 the Department of Revenue did the same for a property in Green County; and

WHEREAS, in addition to affecting landowners, this also impacts local governments, which are seeing a deterioration of their property tax base because existing state siting standards are insufficient to protect neighboring properties; and

WHEREAS, per state statute 93.90(2)(a) Department of Agriculture, Trade, and Consumer Protection (DATCP) shall appoint a Technical Committee to review ATCP 51 and make recommendations at least every four years; and

WHEREAS, DATCP convened the first Technical Committees in 2010, 2014, and 2018 but has made no changes to ATCP 51 despite the committee's work or summary reports; and

WHEREAS, state statute 93.90 fails to provide guidance for implementation of the Technical Committee's recommendations;

THEREFORE, BE IT RESOLVED that the Village of Nelsonville Board of Trustees recognizes the authority of ATCP 51 to set statewide, minimum standards and procedures for CAFOs but supports lifting the preemption of local control in ATCP 51 and allowing local governments to pass more

stringent standards and procedures that are based on reasonable and scientifically defensible findings of fact that clearly show that the standards are needed to protect surface water and groundwater and air quality and public health or safety without seeking DATCP or DNR approval; and

BE IT FURTHER RESOLVED, that the Village of Nelsonville Board of Trustees urges the legislature to amend the statute to require that the findings of the Technical Committee must be presented in writing to the Dept of Agriculture, Trade and Consumer Protection (DATCP), and that the Board of DATCP must present a scope statement to the Wisconsin Secretary of Agriculture within 90 days, and if DATCP fails to take action on the scope statement within 6 months, the scope statement must be sent to the Joint Committee for Review of Administrative Rules and scheduled for a public hearing; and

BE IT FURTHER RESOLVED that the Village of Nelsonville Clerk is hereby directed to send a copy of this resolution to the Governor of the State of Wisconsin, the Wisconsin Towns Association, the Wisconsin League of Municipalities, and all members of the state legislature.

Adopted on this 9th day of July, 2019.

Signed: _____


Josh Stolzenburg, Village President

Signed: _____


Lisa Anderson, Clerk/Treasurer