

**TOWN OF SAUKVILLE
PLAN COMMISSION MINUTES
TUESDAY, APRIL 8, 2003
7:00 P.M.**

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Saukville Plan Commission at 7:00 p.m. on Tuesday, April 8, 2003 at the Town Hall, 3762 Lakeland Dr. to consider a proposed six-month Moratorium on new “Factory Farms” or “Concentrated Animal Feeding Operations” in the Town of Saukville. All individuals having an interest in this matter are invited to address the Plan Commission.

- 1. Call Public Hearing to Order:** Chairman Hoffman called the Public Hearing to order at 7:00 p.m.

Ron Horn, 3165 Tree Lane spoke stating he hopes the town is successful in keeping factory farms out of the town. He voiced his concerns regarding size and concentration of animals and suggested that the maximum concentration of animals be restricted to the center portion of the farm. He also suggested that all the land should be owned, not leased by the corporation that operates it.

Jeff Opitz, Shady Lane, spoke stating the definition of factory farming is an “oxymoron”. The specs used to build structures under his permit are equivalent to water treatment specs. They have to come under the review of the EPA and DNR. These agencies far exceed the resources the town has to stand behind the science of the things required to operate. The economic conditions they run under, they are being paid 30-year-old prices for their products and the only way to alleviate this is to expand and get better at what they do. He stated the board was not in a position to decide the economics of farming. He felt it would be very difficult to regulate, by conditional use a 300 – 500 cow operation. He felt that the “rumors” of possible hog farming happening in this area were the cause of this sudden action by the Plan Commission. His concern was that his business would be impacted by any changes the town decides to implement.

Plan member Kate Smallish explained that when the zoning was being looked at a few years ago, this was an issue that was brought up in the process of the rezoning. It is not something that was suddenly being brought up, but an issue that was finally being looked at, at this time.

Plan member Bill Niehaus asked Mr. Opitz to explain about hog processing. Jeff stated there isn’t a hog processor in the state. He said there wouldn’t be a factory hog farm put up in the state because you can’t truck your hogs 150 – 200 miles to be slaughtered. As far as beef production he said there were two slaughterhouses in Green Bay.

David Brunnquell, of 3420 Hwy W, has a farming operation at this location. He wanted clarification from the commission as to why this issue was up for discussion. Chairman Hoffman stated the town was taking a “proactive approach” in order to avoid being surprised by any possibility of a large feed lot or factory farm being set up in the town. Mr. Brunnquell stated the price of land in the town was too expensive for anyone to economically purchase it for “factory farming” purposes. It would not be wise for any business to invest in this way. He doesn’t feel this moratorium is necessary because of these reasons. He doesn’t believe it is an issue for the Town.

Dan O’Neal, 5025 Hwy I, County Agricultural Agent since 1981. Since that time he has seen only one new dairy farm start in Ozaukee County. In less than 3 years it was out of business. There have been 10 and 12 changed hands, and at least half are now out of business. When he started there were 239 dairy farms, there are now 81. The economics aren’t there for anyone to start up a dairy farm. Existing operations these days are usually not long term. It is usually family-to-family business or family to developer. Acreage is too expensive to purchase for anyone thinking about getting into a new operation. The hog farms in the area are relatively insignificant. He stated that basically considering the facts, that the Town has no real means by which anyone could start up a “factory type” farm considering the economics and that only the existing farms could be affected by any new ordinance.

Jean Opitz, Shady Lane, had a question concerning their future permits should the town place some restrictions on the farming in the town, what is the guarantee that this won’t happen to them and forcing them to shut their operations down. Chairman Hoffman stated that there could be no guarantees. They would be grandfathered up to the point of the new legislation, but would have to comply after that point. Jean explained that the DNR controls everything they do and they didn’t want the expansion, but when they are required to install equipment that cost 250,000 to 500,000, the only way they can pay for it is to expand. If they cannot expand, they would have to sell, yet the town says it doesn’t want subdividing, but may not allow them to expand either to continue their farming operations.

Bob Goneran (sp) from West Bend Elevator, and also a partner with Jeff Opitz with his permitted farm in Coloma spoke. He wanted the commission to realize this business is a “moving target”. The rural economy, the local economy and world economy is changing. There are a selective few people who chose to do this type of business and with permits, regulations and the DNR it’s making it difficult to keep up financially. They are just asking for some consistency or leadership to know where they are headed.

2. **Close of Public Hearing:** There being no further comments Chairman Hoffman made a motion to close the public hearing. Second by Bill Niehaus. Motion carried unanimously.
3. **Call Plan Commission Meeting to Order:** Chairman called the Plan Commission meeting to order.
4. **Pledge of Allegiance:** Everyone rose and recited the Pledge of Allegiance.
5. **Roll Call:** Present were Chairman Terry Hoffman, members Bill Niehaus, Kate Smallish, Ginny Pierson, Jim Kadow, Jill Hepburn, and Curt Rutkowski. Also present were Community Planner Marty Marchek and Zoning Administrator Roger Kison.

6. **Approval of the March 11, 2003 Plan Commission Minutes:** Motion by Chairman Hoffman to accept the March minutes as presented. Second by Kate Smallish. Motion carried unanimously.
7. **Discussion/action on establishing a Moratorium on the Development of new “Concentrated Animal Feeding Operations” in the Town of Saukville:** Chairman Hoffman stated from what he is hearing, the moratorium is not necessary. He felt with the assistance of Planner Marty Marchek, the current ordinance could be enhanced to protect those currently farming. Marty stated the zoning gave a 357-threshold number for dairy cow. Chairman Hoffman suggested that the commission look at the zoning and possibly come up with alternatives, perhaps a conditional use permit to increase the numbers. He would like the commission to review the matter further. Motion by Chairman Hoffman to deny a moratorium for concentrated animal feeding operations in the Town of Saukville. Second by Bill Niehaus. Motion carried unanimously.
8. **Hear preliminary findings and information regarding zoning for “Concentrated Animal Feeding Operations”:** Marty Marchek presented his findings. He looked at the Zoning Code. He contacted the State Department of Agriculture and spoke with a chairperson of a 17 person committee that the Secretary of Agriculture set up last year. This committee was formed due to the “hodge podge” of regulations regarding animal feeding operations throughout the state. People in the industry were involved in this committee. In February of this year, “Livestock Guidance” was released. The agricultural community had a huge input in this because they want consistency and they want local units of government or counties and the DNR, they want consistency in the way things are handled. They came up with a model ordinance which is in their guidance. He also looked at some national publications which dealt with the very large, specialized farms. Referring to the Town of Saukville Zoning Ordinance, page 3-75, listing of permitted uses, Marty explained this shows the uses in each of the zoning units. Concentrated Animal Feeding Operations in this section do not show any indication of this being allowable in any district in the Town. He pointed out the definition on page 9-9; it is defined as basically a “feed lot”, which feeds over 500 animal units. He stated the threshold numbers in the zoning ordinance do not seem to coincide with any other information he has come across. Marty stated that the code has all the mechanics for dealing with this, but doesn’t assign that particular use to any particular zoning district. Attachment B is a publication by the Department of Agriculture, Trade and Consumer protection dated Feb 13-03 which speaks on the dilemma the communities and counties are facing regarding for the zoning approval process. The problems are summarized in this document. It’s an extremely complicated land use issue and it’s not being handled well. Attachment C is the first draft of what could be inserted into the code to handle the CAFOs as conditional uses, which has been lifted from the state model ordinance. It addresses many of the issues of concern to farmers. The application process states that within 60 days of receipt, the town has to make a finding that the application is adequate. Within 60 days after that a final decision has to be made in writing by the town to approve, deny or approve with conditions. Marty stated that the land economics themselves do not lend to a large factory farm startup in the town let alone the agricultural economics which also work against it. If the Town chooses to incorporate more language in the ordinance addressing this issue they need to go to the matrix and decide which districts to apply it to. The

state is looking for consistency in the regulations so that farmers do not have two sets of rules to follow, the state and the local municipalities. Commissioner Hepburn questioned Mr. Opitz as to how many cows he could realistically farm on his 600 acres. Jeff stated that there are technologies

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available to help increase his herd on the property he owns to maybe 1500 head, but he didn't really know. Dan O'Neal stated that there are many 4000 cow dairy farms located on 40 acre parcels and with the manure handling technology and processing, the manure is spread hundreds of miles away. Chairman Hoffman felt a need to look at the inconsistencies in the zoning ordinance and clean them up which could take a few months. Motion by Chairman Hoffman to table this item to gather further information until the May plan commission meeting. Second by Ginny Pierson. Motion carried unanimously.

9. **Discussion/action on Site/Architectural Review of proposed 104'x50' addition to Therequip Inc. d.b.a. Hessco 2344 Hwy 33:** Mike Peterson of Hessco was present to explain the need for the addition as a rough storage area. They have 10 different sites and this is the main office. Chairman asks about additional employees. Mike said there would be no additional employees; they just need to expand on office space also. Chairman Hoffman requested information on drainage and runoff with the construction of this building. He also questioned if they had contacted the County regarding any wetland areas. Mike stated they received state approval. Additional pipes for drainage have been installed. Extra runoff is a concern. The county did approve the septic system for this project which is a holding tank. Marty brought up the issue of landscaping and lighting required per the ordinance. Mr. Peterson said there would be 3 sodium lights on the building which will come on in conjunction with the 3 existing on the original building. Terry Hoffman brought up the landscaping issue and questioned whether the neighbors had been contacted regarding a buffer for the view from their homes. Mike said they had taken some long needle pines from one area to transplant to another. Drainage issues were discussed. Concern was voiced regarding the amount of water coming off the parking lot and building from rain and being deposited onto any neighbors' property. Motion by Terry Hoffman to accept and approve the architectural review plans of the building with the requirement that next month they bring back the landscaping, water runoff agreement, and lighting plans. Second by Kate Smallish. Motion carried unanimously.
10. **Discussion/action on Ordinance to place weight restrictions on Lakeland Rd. north to Shady Lane, Shady Lane to County Highway I:** The county highway entrance and north is in very bad condition. A weight restriction would reroute them down Lakeland to Hwy 33. Chairman Hoffman asked the plan commission to review this issue before making any decisions tonight. Questions were asked regarding heavy farm machinery on these roads. Chairman Hoffman stated any trucking required for farming purposes would not be affected. Motion to table this issue until next month. Second by Bill Niehaus. Motion carried unanimously.
11. **Any other business as may properly come before the Plan Commission:** Ken Kraus complained that the light out in front of the building is too bright. Chairman Hoffman stated it would be looked at.

12. **Adjourn:** Motion by Chairman Hoffman to adjourn. Second by Bill Niehaus. Motion carried unanimously.

Terry Hoffman
Chairman

Minutes: C.M. De Groot