Agricultural Ordinance Advisory Work Group
August 10, 2017 from 6:00pm – 8:00pm, Ashland County Board Room

Approved Minutes 8/29/2017

Members Present: Todd Berweger, George Bussey, Riley Jolma, Richard Ketring, Charles Ortman, Caryl Peck, Todd Rothe and Naomi Tillison
Members Absent: Cortney Remacle
Others Present: Jason Fischbach, Tom Fratt, Amy Tromberg, and Brian Anderson, Cheryl Ash, Joe Bates, Kevin Brewster, Dorota Bussey, Sara M. Chase reporter with the Ashland Daily Press, Imelda Dickinson, Rodney Dymesich, Thomas James, Philomena Kebec, Tom Kriskovich, Sarah Martines, Ros Nelson, Michael E. Ollanketo, Morgan Peck, Mary Ellen Riehle, Joe Rose Sr., Joe Russo, Steve Smith, Darryl Warren, and Deborah Zvosec

Call to Order: Ortman called the meeting to order at 6:00pm

Introductions: Brief introductions of work group members to public. Fratt gave an overview of what the working group was charged with by the Land Conservation Committee (LCC). That the work group has been reviewing ordinances and has not made recommendations to the LCC yet. Fischbach set the context and Ortman added that this work group also meets an Ashland County comprehensive plan goal.

Approval of Minutes from 7-27-2017
Ketring moved to approve the minutes with minor corrections/ clarifications, as handed out today from the July 27, 2017 meeting. Bussey seconded the motion. Motion carried.

Public Comments

- Fratt gave a packet to work group members with written and emailed public comments that his office has received.
- In addition to the eight work group members present and three supporting county staff there were twenty-one additional people present. Fourteen people provided verbal public comment.
  - Five commenters said we need to protect this watershed.
  - Five commented on Agri Business/Big Ag or the Iowa Reicks View Farms pig farm.
  - Four talked about health risks and contaminates.
  - Four commenters said anything we can do to help small farms, Farms Not Factories, and look into how to maintain and improve what we have now!
  - Three commented on losing more farms every year, farms are expensive and margins are tiny, and need common sense regulation.
  - Three commenters encouraged to adopt similar to the Bayfield County Operations Ordinance, or to stand in solidarity with Douglas and Bayfield Counties.
  - Two urged ban on aerial spraying of manure.
- Ortman asked public for any more comments. Ketring moved to close public comments. Rothe seconded the motion. Motion carried.

Agenda Items

1. **<u>Revised Scope of Work, Timeline, and Meeting Schedule</u>** – Handed out

2. **<u>Discussion of Bayfield County Large-Scale CAFO Operations Ordinance and Applicability in Ashland County</u>**

- Bussey reiterated his idea to modify the Operations Ordinance to apply to Expansion-CAFOs or "X-CAFO's" defined as any animal feeding operation increasing by more than 1,000 animal units subsequent to the Date of Adoption.
- Ortman re-read the operations ordinance with Bussey's suggested modifications.
- Berweger expressed frustrations with how open ended this ordinance is. Jolma added that this application would be a deterrent if he was going to look at going to a CAFO sized operation.
- Questions expressed that would need to go to corp counsel. This was written by lawyers.
- Operation ordinance for a CAFO sized operation needs to cover any animal, each animal has different risks.
- Ketring said this ordinance allows the county board to grant a social license.
- Group wonders how to implement this? So vague there nothing to argue about in court. The county board has to interpret each and every paragraph. Concerns that if adopted the county has no money to regulate or inspect.
- Berweger shared an idea that you cannot become a CAFO unless you own and operate a small farm with the same animal type for 5 years. This would eliminate this operations ordinance. Land Conservation would be able to say if the farm used Best Management Practices, etc.
- Ketring added, look at the nutrient management plan, it is meant to be complex and farmers get help with that, work with Fratt and Fischbach. Ketring wants to stand with the north, wants to protect us and our water from outside business.
- Berweger concerned that the bulk of the county board doesn't know about agriculture, so they wouldn't know what was in this operations application anyway. He gave an example of a specific antibiotic which attendees were not familiar with, and said that it is already documented at four places, with the drug company, the vet, the farmer and with the milk inspector. He reiterated that any business goes bigger or quits.
- Bussey said there are fears on both sides of this issue, however there is a wide margin between them and thinks the additional 1,000 animal unit or "X-CAFO" would almost double the size of our largest current farm.
- Ortman wondered if any of our current farms would hit 1,000 additional animal units here due to limited amount of land? Operations ordinance reads as a block, what if we had a CAFO that didn't pollute the air and water? Jolma can't support this as written.
- Fischbach gave background on how and why Bayfield County went the route of the south fish creek ordinance and the operations ordinance. The attorneys who wrote this might have had different ideas, but the question was how to be more stringent in certain applications? Once an application is received a consultant would propose conditions based on the application. The county recommends conditions, the applicant could go to court where the state could say counties can't regulate siting. The operations ordinance could very well get thrown out in court, or conditions

modified. If adopted, Ashland County would likely be the first place it would be contested. Other approach is to be very specific on practices you do or do not want, if it requires state approval then you seek it. This would be much longer, but would provide the information the producers would need to build a business plan etc.

- Berweger asked, does Ashland County want to do go court? Because this option would result in that.

3. <u>Review Agricultural Ordinance Options and Other Topics Identified at Prior Meetings</u>

- Interest in developing regulations that could be adopted through public referendum.
- Berweger clarified his idea that you would need to own and operate a farm in Ashland County with the same kind of livestock for 5 years before you can apply for a CAFO permit. Then the Land Conservation office is already working with farms, has annual Nutrient Management Plans and can see what these operators are like. The farm would need to operate within parameters, use Best Management Practices, and build up a good history.
- Tillison replied with water hydrology she would suggest 10 years before you could apply for a CAFO permit. Berweger replied that it is hard to set a business plan for 10 years.
- Bussey asked about a legal opinion on the 5 years of experience idea. Fratt replied probably a thumbs down, but he is not a lawyer.
- Work group looked ahead to more restrictive options per "necessary to achieve water quality standards" per Wis. Stat. 92.15, public health and safety per ATCP 51.10 or public health and safety by local referendum per Wis. Stat. 92.11.

4. <u>Discussion and Possible Action on Agricultural Ordinance Options</u>

- Fischbach proposed a vote as is. Berwegers ideas would be separate from the operations ordinance, so two separate issues could go forward to LCC.
- Discussion continued including that Peck is the only current farmer on LCC. Ketring added that 11 seats are City of Ashland out of 21 county board positions.
- Jolma asked what if technology changes in 2 years, how is that addressed in the ordinance, as it is not in the farmers application.
- Bussey inquired about the difference of 5 years of experience between a 100 head dairy operation to an 800 head operation?
- Berweger thinks big business would not do 5 years as owner and operator.
- Ketring would like to continue discussion, likes the exchange of information to better understand what is going on. Ortman said we are not rushing to make decisions based on public pressure.
- Ortman sees merit to Berwegers idea, and to keeping it simple. Rothe would like to take draft language of this idea to legal counsel, so we know if we can continue along those lines or if it is dead in the water. Send idea to Jeff Beirl who would then decide if it should be passed on to corp counsel.
- Fratt would like to look at what we agree on and take those two recommendations forward. He is planning on giving a progress update on this work group at the LCC

meeting on 8/25, and wants to share the two unanimous agreements from last meeting.

- Ortman thinks we need to give zoning something concrete, not just a vague recommendation. Fratt replied that zoning needs to be involved in anything more.
- Ketring moved to forward two unanimous votes to next LCC meeting, then LCC can pass one as it relates onto Zoning, and they can kick back if they have questions as we are still meeting. Any unanimous votes can be forwarded on to the next committee meeting. Jolma seconded the motion. Motion carried.

5. **<u>Next Steps</u>**

- Tillison commented that we posted a few slides on water quality in the Bad River Watershed on this group's website.
- Check in with Jeff Beirl, then check with lawyers/corp counsel.
- Next meeting further discuss operations ordinance and vote and manure irrigation.

Next Meeting Date: Tuesday, August 29th at 12noon-2pm, County Courthouse

Adjourn: Meeting adjourned by Ortman at 8:24pm

Respectfully submitted by Amy Tromberg
Office Assistant, UW-Extension Ashland County