

Green County Ordinances

December 12, 2017

What did we used to have?

Public hearing with the Board of Adjustment

They can deny the application

Or

Approve the application

Or

Approve the application with conditions

Annual inspections will be conducted by the Board of Adjustment to assure compliance with the conditions

A deed restriction will be in place, stating this permit is valid for the approved applicant only.

Any change of ownership will require a new hearing and a new permit.

Wells are to be tested on a one-time basis for all adjoining landowners within 1 ½ miles, prior to the establishment of the new farm.

Manure could be required to be injected or incorporated within 72 hours.

Manure spreading contracts ranged from 3 – 15 years.

No manure spreading within 1 mile of businesses.

Applicant must carry liability insurance and a bond for the Construction/reconstruction/repair of the manure pit, With a requirement for insurance to cover environmental Damages, with annual written proof from the bond issuer.

Bond cost is based on $\frac{3}{4}$ of a penny per gallon of manure removal, Removal of 1 foot of liner and field spread @ \$2.50/yard, Abandonment/plugging of transfer pipe @ \$1000, Collapse of wall for drainage @ \$2.50/yard, Spread topsoil over abandoned pit @ \$2.50/yard, Reseed area @ \$500/acre.

A new facility may not construct within 1000 feet of the closest neighbor's house

And once constructed there will be a reverse setback that no one can build a new house within 1000 feet of that facility.

Green County Manure Storage Ordinance
Originally Adopted in 1997

EARTHEN ANIMAL MANURE STORAGE FACILITY: A facility above or below grade, excavated, or constructed of earth berms or dikes, or utilizing pits, depressions or ponds to contain animal manure and associated liquids for storage which may be lined with earth, nonstructural concrete, or a flexible membrane material for a period of thirty (30) or more days or that has the capacity to store 5,000 cubic feet or more of animal manure.

FABRICATED ANIMAL MANURE STORAGE FACILITY: A concrete, steel, or otherwise fabricated storage of animal manure with one or more walls to contain manure and associated liquids for a period of thirty (30) or more days or that has the capacity to store 5,000 cubic feet or more of animal manure.

Each application for a permit under this Section shall require an on-site inspection prior to issuance and include a summary report of on-site conditions. The site inspection shall be conducted by the Land and Water Conservation Department staff.

The nonrefundable fee for a permit under this Chapter shall be \$500.00.

The number, kinds, and weights of animals for which storage is provided and the duration for which storage is to be provided. Storage volume computations and the storage facility volume shall be provided.

A plan view of the facility and its location in relation to buildings and homes within one thousand feet (1,000') of the proposed facility. The plan view shall be drawn to scale, with a scale no smaller than one inch equals one hundred feet (1" = 100'), the North arrow, scale of drawing, township, range, and quarter - quarter section of the proposed facility, and location, description and elevation of temporary bench mark.

The structural details, load assumptions, design computations, dimensions, cross sections, concrete thickness, reinforcing steel to be used, and facility elevations. The construction and material specifications set forth in Section IV of the Technical Guide including any and all existing and future amendments including, but not limited to, applicable specifications for earthen fill quantities and soil types, excavation quantities and soil types, timber and pipes.

The location of any existing or proposed well within one thousand feet (1,000') of the facility.

The soil test pit locations and soil descriptions to a depth of at least five feet (5') below the planned bottom of the facility. Surface elevation of soil test pits shall be provided. Also results of any laboratory tests performed on the soils shall be provided.

The elevation of high ground water level or bedrock if encountered in the soil profile and the date of any such determinations.

Provisions for adequate drainage and control of runoff to prevent pollution of surface water and ground water. If a navigable body of water lies within five hundred feet (500') of the facility, the location and distance to the body of water shall be shown.

A time schedule for construction of the facility.

A description of the method and materials proposed in transferring animal manure into and from the facility.

A nutrient management plan for utilization of the animal manure, including, but not limited to, the amount of land available for application of manure, identification of the areas where the manure will be used, soil types and any limitations on manure application due to soil limitations, crop rotations, type and proximity of bedrock or water table, slope of land, and proximity to surface water. The nutrient management plan is required to ensure that suitable acreage is available for land application and crop uptake of manure nutrients.

An operation and maintenance plan, operating safety provisions, and details of the manure transfer system, including, but not limited to, materials quality, shall be provided.

The type of fencing to be used around the facility. Fencing shall be a minimum of eleven (11) gauge, forty-seven (47) inch woven wire with at least one barbed wire above it or nine (9) gauge, fifty-two (52) inch woven livestock panels, or eleven and one-half gauge chain link no less than forty-eight (48) inches high or any other fence that will provide greater protection. The facility shall be posted for "No Trespassing" and/or "Warning" MANURE STORAGE FACILITY. These signs shall be spaced at intervals of no more than two hundred feet (200').

Activities authorized by permit must be completed within two (2) years from the date of issuance after which such permit shall be void.

The Land and Water Conservation Department is authorized to enter upon any lands affected by this Chapter to inspect the land prior to or after permit issuance to determine compliance with this Chapter. If permission cannot be received from the applicant or permittee, the permit may be denied or entry by the Department of Land and Water Conservation shall be in accordance with §92.07(14), Wis. Stats.

The Land and Water Conservation Department is authorized to post an order stopping work upon land which has had a permit revoked or on land in violation of this Chapter. Notice is given by both posting upon the land where the violation occurs one or more copies of a poster stating the violation, and by mailing a copy of the order by certified mail, return receipt requested, to the person whose activity is in violation of this Chapter.

Any person who violates, neglects, refuses to comply with or resists the enforcement of any of the provisions of this Chapter shall be subject to a forfeiture of not less than \$100.00 nor more than \$1,000.00 for each violation.

The Green County Land and Water Conservation Committee shall hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination by the Land and Water Conservation Department staff in administering this Chapter.

ANIMAL WASTE STORAGE FACILITY PLAN CHECKLIST

Each application for a permit is required to include an animal waste storage facility plan. The plan **may** include:

A plan or plans showing the facility location and site information. The plan shall be drawn to scale, with a scale no smaller than 1 inch = 100 feet.

- _____ Homes within 1,000 feet.
- _____ All buildings within 500 feet.
- _____ All roads within 500 feet.
- _____ Navigable waters within 500 feet.
- _____ Wells within 300 feet
- _____ The North arrow
- _____ Scale of the drawing and map legend.
- _____ Temporary benchmark and its elevation.
- _____ Legal description of the proposed facility.

- _____ The number and kind of animals for which storage is provided
- _____ Total livestock animals units. (All ages.)
- _____ The type of manure to be stored (solid, semisolid, or liquid).
- _____ The number of days of storage.
- _____ Soil test pit locations and elevations of test pits.
- _____ The elevation of groundwater or bedrock if encountered in the soil profile and the date of any such determinations.
- _____ The details and plans for the method and structures used in transferring animal waste into and from the facility.
- _____ Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater.
- _____ Type of fencing to be used.
- _____ A time schedule for construction of the facility.
- _____ A nutrient management plan written by a Certified Crop Advisor.

You may also wish to contact:

Dairy and Livestock Agent of UW-Extension, phone 328-9440 for barn siting
Your local Town Board and/or County Highway for road issues and driveway permit
A Certified Soil Tester and Master Plumber if you will be installing a sewer system
DNR Stormwater Runoff Compliance, phone 275-3201, if you will be disturbing one acre or more of land
Neighboring farmers who already have manure storage
A local manure pump dealer to see what type of pump(s) will work best for you

You will also need written approval and a permit from Green County Zoning.

Wisconsin Livestock Siting Law adopted in 2006

Green County adopted it in 2007

CURRENT SETBACKS

CATEGORY	501 – 999 ANIMAL UNITS	1000+ ANIMAL UNITS
Property Line	100 Feet	100 Feet
Public Road ROW	100 Feet	150 Feet
Public Lands/Parks	150 Feet	200 Feet
Wetland	150 Feet	200 Feet
Drainage Ditch	300 Feet	300 Feet
Navigable Water	300 Feet	300 Feet
Lake	1000 Feet	1000 Feet

LIVESTOCK SITING LAW IN GREEN COUNTY

Livestock operators with dairy cattle, beef, swine, poultry, sheep, and goats must follow this law in order to obtain a permit for their operation.

All livestock operations that plan to expand to 500 or more animal units need this permit.

The Livestock Siting paperwork includes an application and five worksheets. The review fee for this paperwork is \$1000 payable to the Green County Department of Land Conservation.

The application entails basic farm information, maps, and management plans. An Employee Training Plan and an Environmental Incident Response Plan are required.

The five worksheets are as follows: Animal Units, Odor Management, Waste and Nutrient Management, Waste Storage Facilities, and Runoff Management. Besides asking for information needed to determine if your facility will be approved or denied, the worksheets identify all the standards that the livestock operation must follow.

All adjoining landowners will be invited to attend an informational meeting before issuance of a permit, with notification being done by the Department of Land Conservation.

You will need professional assistance to complete an application. You will need a registered professional engineer or certified agricultural engineering practitioner to evaluate your waste storage facilities and runoff management. You may also need a qualified nutrient management planner, if your proposed facility is required to complete the nutrient management plan checklist.

The Green County Department of Land Conservation can provide you with some base maps upon your request.

As part of the permitting process, the NRCS Nutrient Management Plan shall be submitted with the application. Further, the applicant shall submit any annual updates of the Nutrient Management Plan. Applicants must further complete ATCP 51 Worksheet 3 or substitute the relevant information from the applicant's WPDES permit.

All feedlot designs must be reviewed and approved by the Land and Water Conservation Department. The Land and Water Conservation Department shall further review all feedlot projects to ensure that runoff water from storm water or other sources does not create a pollution or sedimentation problem.

At all times during the exercise of the permit, the applicant shall have ownership of acreage, or shall provide to the County Conservationist copies of contracts for the spreading of manure on acreage, sufficient to comply with the NRCS Nutrient Management Plan. If rental agreements do not include full cropping rights to the land, said contracts shall require a minimum of a four year limited term easement allowing the applicant access to said acreage for the purposes of spreading manure and shall be recorded in the Register of Deeds office in the county of location.

For the purpose of developing the nutrient management plan, two or more animal feedlot operations under common ownership, farmed and/or managed by a common operator or two or more animal feeding operations utilizing a common area or system for the disposal of waste, shall require filing and adherence to an acceptable nutrient management plan which covers all acreage to be spread.

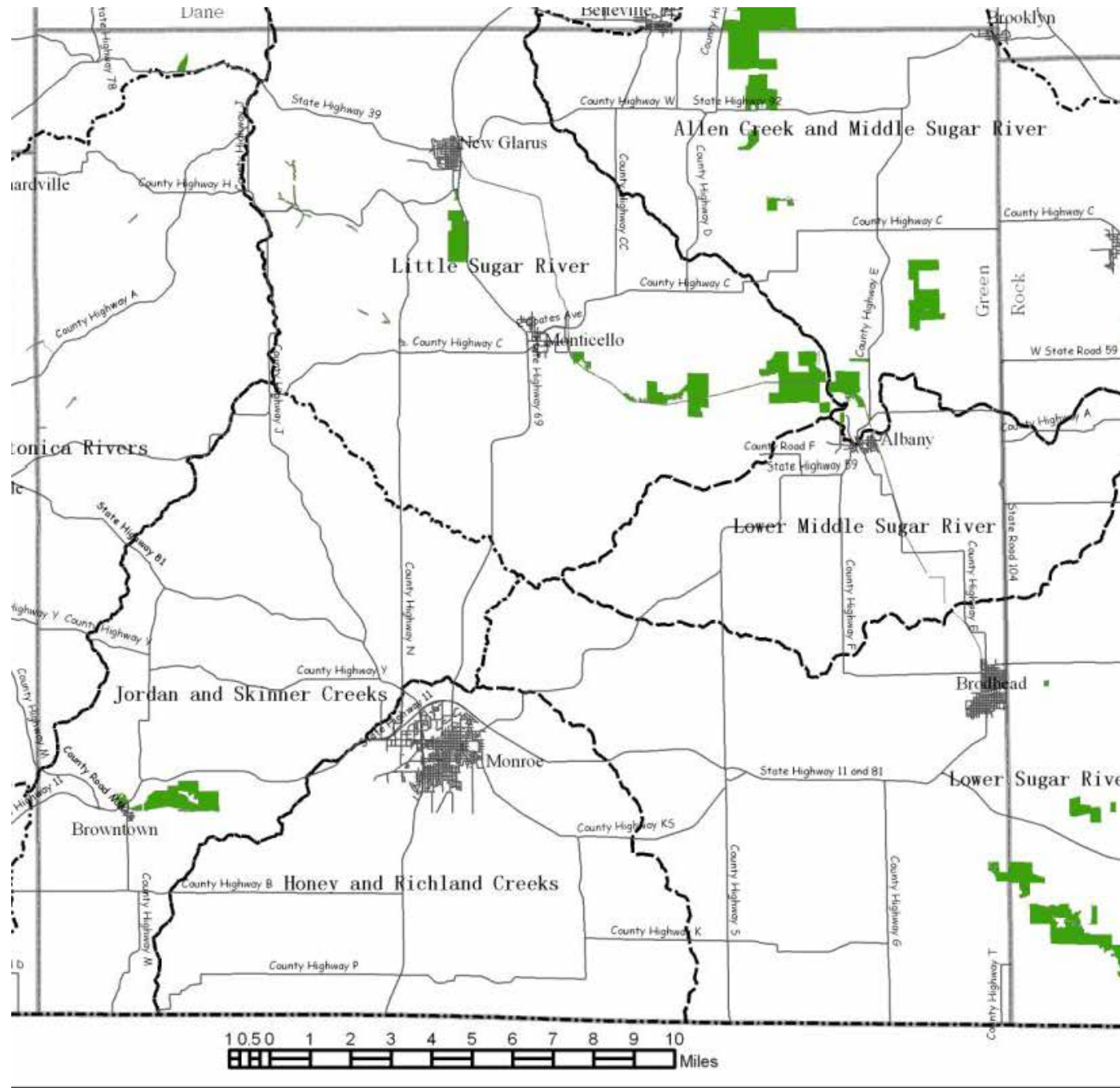
All adjoining landowners shall be invited to attend an informational meeting before issuance of a permit, with notification being provided by the County Conservationist.

Applicant shall submit with the completed application a permit fee in the amount of \$1,000.00.

Applicants who submit a complete application, together with the fee, will be approved unless there is clear and convincing information that the proposed facility does not meet the standards of this Ordinance, or Chapter ATCP 51, Wis. Adm. Code.

Any person who violates, neglects, refuses to comply with or resists the enforcement of any of the provisions of this Chapter shall be subject to a forfeiture of not less than \$100.00 nor more than \$1,000.00 for each violation. A violation includes failure to comply with any standard of this Chapter or with any condition or qualification attached to the permit. Each day that a violation exists shall be a separate offense. The County Conservationist may refer violations of this Chapter to Corporation Counsel for enforcement.

The Green County Land and Water Conservation Committee shall hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination by Land and Water Conservation staff in administering this Chapter.



QUESTIONS?