

Chapter ATCP 51**APPENDIX C****NOTICE TO ADJACENT PROPERTY OWNERS**

STATE OF WISCONSIN — LIVESTOCK FACILITY SITING

May 6, 2024

Wis. Stats. s. 93.90; Wis. Adm. Code ch. ATCP 51

Shawano County Land Conservation Dept. (“political subdivision”) has received an application from Berg's Family Dairy, LLC (“applicant”) to approve a new or expanded livestock facility located at W1343 Nauman Road, Cecil, WI 54111 (Town of Green Valley).

The applicant has filed the application form and worksheets prescribed by state law. The application form and worksheets describe the proposed facility in detail. They are also designed to document compliance with uniform state livestock facility siting standards, including standards related to:

- Odor management.
- Property line and road setbacks.
- Manure management.
- Manure storage facilities.
- Runoff management.

Copies of the application form and worksheets are on file with the political subdivision, and are open to public inspection. On 5/6/2024, the political subdivision notified the applicant that the application was complete. Under state law, the political subdivision must normally grant or deny the application within 90 days after that date.

Under state law, the political subdivision must approve the application unless it finds, based on other clear and convincing evidence, that the application fails to meet state standards. The political subdivision may not ordinarily consider other siting criteria, or apply standards that differ from the state standards.

Interested persons may submit comments and information, in writing, by 5/28/2023. The political subdivision may also hold a public hearing on this matter. If the political subdivision schedules a public hearing, it will publish a hearing notice in the normal manner. You may review the siting application, and submit written comments, at the following address:

Shawano County Land Conservation Dept.

311 N Main St. - Courthouse

Shawano, WI 54166

An applicant, or a person who resides or owns land within 2 miles of the proposed livestock facility, may appeal the political subdivision’s decision to the Wisconsin Livestock Facility Siting Review Board. An appeal, if any, must be filed within 30 days. The Siting Review Board will review the local decision based on state law, and evidence in the local record (the Board will not hold a new hearing or accept new evidence).

On the back side of this notice, you will find a short summary of state livestock facility siting requirements. For more information, you may call 715-526-4820 or visit the state website at http://www.datcp.state.wi.us/arm/agriculture/land-water/livestock_siting/siting.jsp.

State Livestock Facility Siting Requirements (For New or Expanded Livestock Operations that Need a Local Permit)

Requirement	Applies to	Provisions
Application and Worksheets	All applicants	<ul style="list-style-type: none"> • Describes proposed livestock operation in detail. • Shows number of “animal units” (AU) proposed. • Documents compliance with state siting standards.
Odor Management (see worksheet)	Applicants whose livestock operation will be both of the following: <ul style="list-style-type: none"> • Located within 2500 feet of closest neighbor. • Over 500 AU for new livestock operation or 1000 AU for expansion. 	<ul style="list-style-type: none"> • Odor score must meet state standard. • Odor score depends on predicted odor from livestock structures (varies by structure size and type), odor management practices used, distance to nearest neighbors, and density of neighboring development.
Waste and Nutrient Management (see worksheet)	All applicants	<ul style="list-style-type: none"> • Shows maximum amount of waste that will be generated (manure and other). • Describes waste management plan, including landspreading and storage if any. • Identifies proposed manure storage and capacity. • Identifies land available for spreading. • Professional checklist shows that waste disposal plan is adequate to handle projected waste, and meets state standards (not required for operations under 500 AU that have adequate land base).
Waste Storage Facilities (see worksheet)	All applicants with manure storage facilities	<ul style="list-style-type: none"> • New facilities constructed to current state standards. • Existing facilities appear to be safe (no indication of leakage or failure). • Abandoned facilities are properly closed. • Professional evaluation and construction plan.
Runoff Management (see worksheet)	All applicants	<ul style="list-style-type: none"> • Meet state nonpoint pollution standards. • Control runoff from animal lots and feed storage.
Setbacks (see site map)	All applicants	<ul style="list-style-type: none"> • Meet local setbacks (cannot exceed state maximums of 100 to 200 feet depending on size). • 350 ft. setback for new waste storage. • Existing structures “grandfathered” (can continue and expand, but not toward property line). • Must comply with existing water quality setbacks (wetland, floodplain, well setbacks).
Training and Response Plans	All applicants	<ul style="list-style-type: none"> • Incident response plan (spills and odor events). • Employee training (manure and odor mgmt.).