



NOTICE OF PUBLIC HEARING  
TOWN OF LEDGEVIEW

Monday, March 4, 2019 at 6:00 p.m.  
or as soon thereafter as can be heard  
3700 Dickinson Road, De Pere, WI 54115

Notice is hereby given that a PUBLIC HEARING will be held on **Monday, March 4, 2019 at 6:00 P.M. or as soon thereafter as can be heard** at the Ledgeview Community Center, Community Room, 3700 Dickinson Road, De Pere, WI 54115. The purpose of the public hearing is for the Town Board to consider and receive public comments on an application by Ledgeview Farms for a conditional use permit/livestock facility siting approval relating to property located at 3499 Lime Kiln Road and 3875 Dickinson Road in the Town of Ledgeview. Copies of the proposed application are available on the town's website at [www.ledgeviewwisconsin.com](http://www.ledgeviewwisconsin.com) or at the Community Center, 3700 Dickinson Road, De Pere, WI.

All persons interested are invited to attend and be heard. Written comments may be submitted in lieu of public appearance to the Town Clerk, 3700 Dickinson Road, De Pere, WI 54115. The Town Board may discuss and act on the applications after the public hearing.

*Charlotte K. Nagel*

Charlotte K. Nelson, Clerk  
Town of Ledgeview, Brown County, WI

Signed, dated and posted: February 18, 2019

Published: February 18 and 25, 2019

This serves as notice for the following parcel numbers:

D-168  
D-168-1  
D-169  
D-185  
D-188  
D-214  
D-220  
D-222  
D-237  
D-249  
D-249-3  
D-253  
D-254  
D-261  
D-262



NOTICE OF PUBLIC HEARING  
TOWN OF LEDGEVIEW

**Monday, March 4, 2019 at 6:00 p.m.  
or as soon thereafter as can be heard  
3700 Dickinson Road, De Pere, WI 54115**

Notice is hereby given that a PUBLIC HEARING will be held on **Monday, March 4, 2019 at 6:00 P.M. or as soon thereafter as can be heard** at the Ledgeview Community Center, Community Room, 3700 Dickinson Road, De Pere, WI 54115. The purpose of the public hearing is for the Town Board to consider and receive public comments on an application by Ledgeview Farms for a conditional use permit/livestock facility siting approval relating to property located at 3499 Lime Kiln Road and 3875 Dickinson Road in the Town of Ledgeview. Copies of the proposed application are available on the town's website at [www.ledgeviewwisconsin.com](http://www.ledgeviewwisconsin.com) or at the Community Center, 3700 Dickinson Road, De Pere, WI.

All persons interested are invited to attend and be heard. Written comments may be submitted in lieu of public appearance to the Town Clerk, 3700 Dickinson Road, De Pere, WI 54115. The Town Board may discuss and act on the applications after the public hearing.

*Charlotte K. Nagel*

Charlotte K. Nelson, Clerk  
Town of Ledgeview, Brown County, WI

Signed, dated and posted: February 18, 2019

Published: February 18 and 25, 2019

## **NOTICE TO ADJACENT PROPERTY OWNERS LIVESTOCK FACILITY SITING**

The Town of Ledgeview has received an application from Ledgeview Farms, LLC (“Applicant”) to approve a new or expanded livestock facility located at 3499 Lime Kiln Road and 3875 Dickinson Road, Green Bay, WI 54311. The legal description is Parcel D-168, Sec. 28, T23N R21E and Parcel D-169, Sect. 28, T23N, R21E.

Wis. Stat. s. 93.90 and Wis. Admin. Code ch. ATPC 51 (the “state livestock siting law”) provide a process to be followed by applicants seeking local approval of a new or expanded livestock facility, the steps to be taken by a municipality to review such an application and provide public notice and opportunity for public participation, and the timeline for a municipality to follow in making a decision whether to approve or deny the application.

The state livestock siting law functions as a limit on municipal authority with respect to livestock facility siting. Livestock facility siting permits for facilities of the size proposed by the Applicant, may generally be conditioned or denied by a local government for two reasons. First, an application may be conditioned or denied if it is determined that the proposed operation will fail to meet state standards related to odor management, setbacks, manure management and storage facilities, and runoff management. Second, an application may be conditioned or denied based on local requirements that are more stringent than these state standards if certain conditions are met, including that the reasons for such requirements are reasonable and scientifically defensible and necessary to protect public health or safety.

Copies of the application form and related worksheets submitted by the Applicant are on file with the Town, and are open to public inspection. On February 18, 2018, the Town notified the Applicant that it would consider the application to be complete for purposes of the review timeline under the state livestock siting law, even though the Applicant declined to provide the Town with all of the information identified as needed to complete the application. In its notification, the Town informed the Applicant its completeness determination is not an acknowledgement by the Town that the application was timely or appropriately filed with the Town, and does not constitute an approval of the application or a determination that the application is approvable. Under state law, the Town must normally grant or deny the application within 90 days after that date; however, the Town anticipates issuing a decision on this application in early March.

Interested persons may submit comments and information, in writing, by March 4, 2019 at 12:00 p.m. The Town will also hold a public hearing on this matter on that date.<sup>1</sup> You may review the siting application, and submit written comments, at the following address:

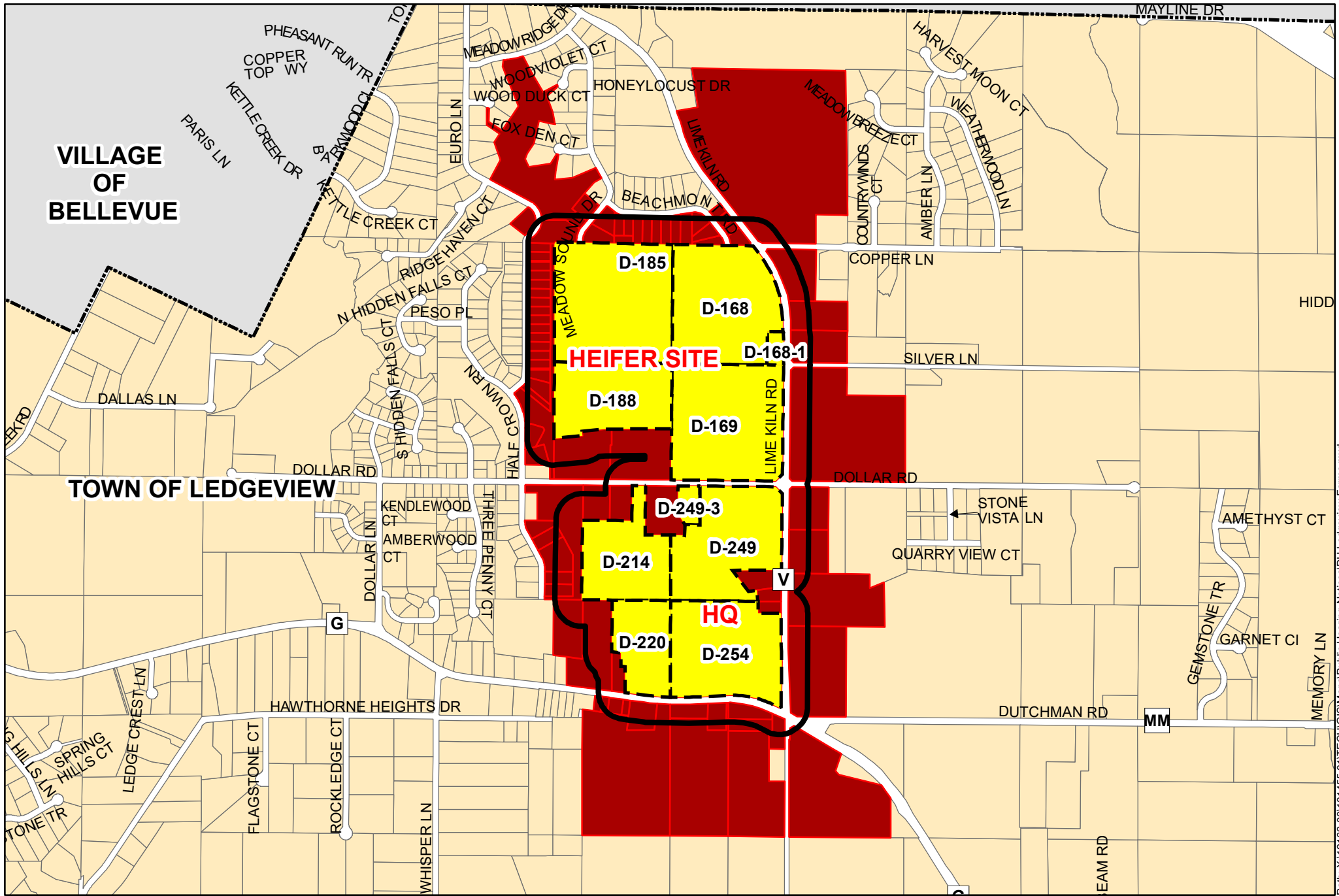
Charlotte Nagel, Clerk  
Town of Ledgeview  
3700 Dickinson Road  
De Pere, WI 54115

After the Town issues a decision on this application, an appeal may be brought by an aggrieved party in a number of ways. In addition to standard appeal proceedings available under the law, the state livestock siting law allows an applicant or a person who resides or owns land within 2 miles of the proposed livestock facility to appeal the Town’s decision to the Wisconsin Livestock Facility Siting Review Board. This type of an appeal must be filed within 30 days of issuance of the Town’s decision on the


---

<sup>1</sup> Notice of this public hearing is available at: <https://www.ledgeviewwisconsin.com/wp-content/uploads/2019/02/19-03-04-PH-Ledgeview-Farms-Livestock-Siting-2nd-Application.pdf>

application. The Siting Review Board will review the local decision based on state law, and evidence in the record of proceedings prepared by the Town. For more information on this application, you may call 920.336.3360, ext. 104 or email [cnagel@ledgeviewwisconsin.com](mailto:cnagel@ledgeviewwisconsin.com) . For more information about the state livestock facility siting law, you may visit the Wisconsin Department of Agriculture, Trade and Consumer Protection website at <http://livestocksiting.wi.gov/> .





Path: X:\12162-00\131455-01\TECH\GIS\Maps\Public Hearing Notices\PH Ledgeview Farms.mxd





**Parcels for Notification**

Town of Ledgeview

 300 Foot Buffer


 Subject Parcels

 Parcels Notified

 Ledgeview Parcels

0    700    1,400    2,800

Feet



N  
985

Mead & Hunt

PARCELID	OWNMAIL1	OWNMAIL2	OWNMAIL3	OWNCITY	OWNSTATE	OWNZIP5
D-1341	CHRISTINE ALFT OTTO & JAMES M OTTO		3729 EURO LN	DE PERE	WI	54115
D-1342	TODD & JAMIE OLSEN		3725 EURO LN	DE PERE	WI	54115
D-1343	TATUM SHAHIN		3723 EURO LN	DE PERE	WI	54115
D-1344	JEFFREY & CAREY WICKMAN		3717 EURO LN	DE PERE	WI	54115
D-1345	BRETT & BROOK A VANDENLANGENBERG		3711 EURO LN	DE PERE	WI	54115
D-1346	MICHAEL C & JILL A PEARSON		3705 EURO LN	DE PERE	WI	54115
D-1347	BRIAN W & LYNN R BUNKELMAN		3699 EURO LN	DE PERE	WI	54115
D-1348	BRADLEY J & AMANDA A NYCZ		3693 EURO LN	DE PERE	WI	54115
D-1349	DAVID J & KRISTEN A JOHNSON		3687 EURO LN	DE PERE	WI	54115
D-1350	PAUL C HASSELER & DEBRA L WIJAS HASSELER		3681 EURO LN	DE PERE	WI	54115
D-1351	JASON M & KERRY A SIMONS		3675 EURO LN	DE PERE	WI	54115
D-1352	CRAIG M & HOLLY A STURDIVANT		3669 EURO LN	DE PERE	WI	54115
D-1353	STEVEN J & DANYEL M KRUEGER		3663 EURO LN	DE PERE	WI	54115
D-1354	TIMOTHY J & CARRIE A ROUSE		3657 EURO LN	DE PERE	WI	54115
D-1355	GREG & JENNIFER L BOSETSKI		3651 EURO LN	DE PERE	WI	54115
D-1356	MARCUS A STEELE		3645 EURO LN	DE PERE	WI	54115
D-1384	TOWN OF LEDGEVIEW		3700 DICKINSON RD	DE PERE	WI	54115
D-1384	TOWN OF LEDGEVIEW		3700 DICKINSON RD	DE PERE	WI	54115
D-1385	TOWN OF LEDGEVIEW		3700 DICKINSON RD	DE PERE	WI	54115
D-1385	TOWN OF LEDGEVIEW		3700 DICKINSON RD	DE PERE	WI	54115
D-164	LIME KILN 70 LLC		3505 LIME KILN RD	GREEN BAY	WI	54311
D-166-1	SANDRA DOLLAR	C/O MRS GARY ARENDT	2354 YELLOWSTONE DR	GREEN BAY	WI	54311
D-166-3	MICHAEL & SUSAN TESAR		3505 LIME KILN RD	GREEN BAY	WI	54311
D-166-5	SANDRA W ARENDT		2354 YELLOWSTONE RD	GREEN BAY	WI	54311
D-168	ROY PANSIER		3870 DICKINSON RD	DE PERE	WI	54115
D-168-1	LEDGEVIEW FARMS LLC		3870 DICKENSON RD	DE PERE	WI	54115
D-169	ROY PANSIER		3870 DICKINSON RD	DE PERE	WI	54115
D-170	JUDITH E WESTPHAL		2297 TIGER CT	GREEN BAY	WI	54311
D-1843	RADUE HOMES INC		PO BOX 758	DENMARK	WI	54208
D-1844	RADUE HOMES INC		PO BOX 758	DENMARK	WI	54208
D-1845	RADUE HOMES INC		PO BOX 758	DENMARK	WI	54208
D-1846	RADUE HOMES INC		PO BOX 758	DENMARK	WI	54208
D-1847	JON ERIC SULLIVAN		3830 BEACHMONT RD	DE PERE	WI	54115
D-1848	RADUE HOMES INC		PO BOX 758	DENMARK	WI	54208
D-1849	RADUE HOMES INC		PO BOX 758	DENMARK	WI	54208
D-185	ROY PANSIER		3870 DICKINSON RD	DE PERE	WI	54115
D-1850	RADUE HOMES INC		PO BOX 758	DENMARK	WI	54208
D-1851	ABHISHEK KESHAV		1485 CRYSTAL LAKE CI #1	GREEN BAY	WI	54311
D-1852	NICHOLAS M KOLANKO		3668 BEACHMONT RD	DE PERE	WI	54115
D-1853	VINAY MEHTA		3646 BEACHMONT RD	DE PERE	WI	54115
D-1854	MEVLUET YILMAZ & CHARITY J SCHNEIDER		3626 BEACHMONT RD	DE PERE	WI	54115
D-1855	RAYMOND L & TAMRA R SCHNEIDER III		3606 BEACHMONT RD	DE PERE	WI	54115
D-1856	MICHAEL E & BROOKE M NEVILLE JR		3586 BEACHMONT RD	DE PERE	WI	54115
D-1857	MICHAEL E & BROOKE M NEVILLE JR		3566 BEACHMONT RD	DE PERE	WI	54115
D-1858	TOWN OF LEDGEVIEW		3700 DICKENSON RD	DE PERE	WI	54115
D-188	ROY PANSIER		3870 DICKINSON RD	DE PERE	WI	54115
D-188-1	DAVID M & CATHERINE H AMES		2225 DOLLAR RD	DE PERE	WI	54115
D-188-2	JAMES J & JULIE K ENRIGHT		2277 DOLLAR RD	DE PERE	WI	54115
D-214	ROY PANSIER		3870 DICKINSON RD	DE PERE	WI	54115
D-214-1	LUCILLE C JOSSART		2226 DOLLAR RD	DE PERE	WI	54115
D-214-2	LUCILLE C JOSSART		2226 DOLLAR RD	DE PERE	WI	54115
D-214-3	JOHN P & KIM L CONNELLY		2276 DOLLAR RD	DE PERE	WI	54115
D-220	ROY PANSIER		3870 DICKINSON RD	DE PERE	WI	54115
D-220-1	ANDREW L & VICKY L TENOR		3851 DICKINSON RD	DE PERE	WI	54115
D-221	GRIZZLY BEAR VENTURES LLC		4824 INDUSTRIAL PARK RD	STEVENS POINT	WI	54481
D-221-1	SILVER DOLLAR PROPERTIES		831 ZURICH ST	DE PERE	WI	54115
D-222	ROY P & JOAN A PANSIER		3870 DICKINSON RD	DE PERE	WI	54115
D-222-1	CHRISTOPHER M & AMANDA L GILBERT		3860 DICKINSON RD	DE PERE	WI	54115
D-222-2	CHRISTOPHER M & AMANDA L GILBERT		3860 DICKINSON RD	DE PERE	WI	54115
D-237	ROY & GLEN PANSIER		3870 DICKINSON RD	DE PERE	WI	54115
D-248-1	ALAN R CASE & RENE L VANCAMPENHOUT		2408 DOLLAR RD	GREEN BAY	WI	54311
D-248-3	MICHAEL MARTIN VAN STRATEN		4055 LIME KILN RD	GREEN BAY	WI	54311
D-249	ROY & GLEN PANSIER		3870 DICKINSON RD	DE PERE	WI	54115
D-249-1	THEODORE J & JESSICA R KLEMM		4104 LIME KILN RD	GREEN BAY	WI	54311
D-249-2	WAYNE J & LINDA L BORLEY		2350 DOLLAR RD	DE PERE	WI	54115
D-249-3	GLEN J & JANE E PANSIER		2294 DOLLAR RD	DE PERE	WI	54115
D-250	THEODORE J & JESSICA R KLEMM		4104 LIME KILN RD	GREEN BAY	WI	54311
D-251	JAMES M JADIN		4026 DICKINSON RD	DE PERE	WI	54115
D-253	ROY PANSIER		3870 DICKINSON RD	DE PERE	WI	54115
D-253-1	COLE R KLOSTERMAN		3994 DICKINSON RD	DE PERE	WI	54115

D-254	ROY PANSIER	3870 DICKINSON RD	DE PERE	WI	54115
D-255	QUENTIN M & CAROL M FINUCAN	4105 LIME KILN RD	GREEN BAY	WI	54311
D-256	KANE IRREVOCABLE TRUST	4151 DICKINSON RD	GREEN BAY	WI	54311
D-257-2	STEVEN P & DONALD W CORRIGAN	4424 DICKINSON RD	DE PERE	WI	54115
D-258	JAMES M JADIN	4026 DICKINSON RD	DE PERE	WI	54115
D-259	DH PORTFOLIO LLC	205 DOTY ST STE 201	GREEN BAY	WI	54301
D-261	ROY PANSIER	3870 DICKINSON RD	DE PERE	WI	54115
D-262	ROY PANSIER	3870 DICKINSON RD	DE PERE	WI	54115
D-265	STEVEN P & DONALD W CORRIGAN	4602 DICKINSON RD	DE PERE	WI	54115
D-471	DANIEL J KERKHOFF	3848 DICKINSON RD	DE PERE	WI	54115
D-472	DANIEL J KERKHOFF & BETH A VANDERMEULEN	3848 DICKINSON RD	DE PERE	WI	54115
D-709	CURTIS & MONICA CZACHOR	3580 MEADOW SOUND DR	DE PERE	WI	54115
D-710	REVM REVOCABLE TRUST	3590 MEADOW SOUND DR	DE PERE	WI	54115
D-713	JOEL J & AMY R NEUVILLE	3600 EURO LN	DE PERE	WI	54115
D-745	MICHAEL & MAREDA AVERY	3585 MEADOW SOUND DR	DE PERE	WI	54115
D-746	TOWN OF LEDGEVIEW	3700 DICKINSON ROAD	DE PERE	WI	54115
D-752	TOWN OF LEDGEVIEW	3700 DICKINSON ROAD	DE PERE	WI	54115
D-797	PAUL & KRISTIN NORTHWAY	3975 HALF CROWN RN	DE PERE	WI	54115
D-798	DENIS J TILKENS & BETH M LEMKE	3987 HALF CROWN RN	DE PERE	WI	54115
D-801	RANDAL J & JEAN A KOLTZ	4033 HALF CROWN RN	DE PERE	WI	54115
D-802	RICHARD LARSCHIED	4045 HALF CROWN RN	DE PERE	WI	54115
D-803	DEAN A & KAREN A STOLLER	4061 HALF CROWN RN	DE PERE	WI	54115
D-805	STEVEN HINKER & BETH ANN ELLINGEN	4077 HALF CROWN RN	DE PERE	WI	54115
D-806	MICHAEL E & KIMBERLY D TERRY	4085 HALF CROWN RN	DE PERE	WI	54115
D-814	TOWN OF LEDGEVIEW	3700 DICKINSON ROAD	DE PERE	WI	54115

**Subject Parcel**

# memorandum



To: Ledgeview Town Board  
From: Dustin Wolff, AICP, Town Planner  
Cc: Sarah Burdette, Town Administrator  
Scott Brosteau, PE, Town Engineer  
Larry Konopacki, Attorney  
Vanessa Wishart, Attorney  
Date: March 1, 2019  
RE: *Ledgeview Farms Conditional Use Permit and Livestock Siting Approval  
November 2018 Application*

---

## EXECUTIVE SUMMARY

### **Petitioner**

Jason Pansier, on behalf of Ledgeview Farms

### **Location**

3875 Dickinson Road (Headquarters Site) and 3499 Lime Kiln Road (Heifer Site)

### **Requested Action**

Conditional Use Permit (CUP) and Livestock Siting Approval (the "Application") for a new or expanding facility that will be used to keep cattle and will have more than 500 animal units. Specifically, the request is to approve:

1. Expansion of the farm livestock operations to 3,408 animal units (down from 3,483 AU) at the Headquarters and Heifer sites.
2. Construction of an approximately 17.17M gallon waste storage facility with a Maximum Operating Level (MOL) of 14.75M gallons at the Heifer Site.
3. Expansion of the feed storage area at the Heifer Site.
4. Construction of a feed storage and animal lot leachate runoff management system at the Heifer Site.
5. Construction of a Yard Runoff Transfer System to collect leachate and contaminated runoff and transfer to the proposed waste storage facility at the Heifer Site.

As a reminder from the previous Siting Application dated February 2, 2018, Town approval is required for existing but noncompliant practices or facilities that have never been approved or permitted.

1. The existing non-compliant concentrated animal feeding operations exceeding 500 animal units. Total number of exiting animal units is unknown. In February 2018 this was calculated to be 1,084 milking and dry cows, 770 heifers, and 838 steers (approximately 2,818 animal units) at the Headquarters and Heifer sites.

### **Changes from the Siting Application dated Feb. 2, 2018**

#### *Waste Storage Facility*

The proposed 17.17M gallon waste storage facility with a Maximum Operating Level (MOL) of 14.75M gallons at the Heifer Site has not changed. Its location has been slightly reoriented to have a 389-foot setback from the Lime Kiln Road right-of-way, and a 355-foot setback from the northern property line to the Meadow Ridge Subdivision.

#### *Freestall Heifer Barn Expansion*

In the application dated February 2, 2018, the petitioner proposed the construction of a new, ~114' x ~640' (~72,960 SF) freestall heifer barn at the Heifer site. This proposed facility was removed from consideration during the previous application process and was not included with the November 2018 application.

#### **Summary of Noncompliance**

Please review my memorandum dated May 28, 2018 for the detailed historic Summary of Noncompliance. The following is an abbreviated listing of inspections and findings that have occurred since May 28, 2018.

On September 21, 2018, and October 30, 2018, WDNR Agricultural Runoff Management Specialist Heidi Schmitt-Marquez evaluated the status of interim runoff control measures required to be installed at the Headquarters site and the Heifer site at Ledgeview Farms. In correspondence dated November 14, 2018, DNR stated that several items related to runoff controls remained unaddressed. Specifically, the following items required attention by Ledgeview Farms:

#### *Headquarters Site*

##### *Calf barn.*

- Process wastewater discharges to the environment were observed during both site visits. Changes in management/handling of process wastewater generated by the calf barn and/or installation of a collection system are required to prevent discharges of process wastewater.

##### *Feed storage area.*

- Fencing required to be around all waste storage facilities was not present.
- Leachate was visibly discharging from the northeast corner of the bunker wall to the vegetated area north of the feed storage area. Leachate was observed ponded in areas of burnt out/dead vegetation in the vegetated area north of the feed storage area. Materials placed along the exterior of the east bunker wall appeared to require maintenance to continue to function as a method to contain leachate generated by feed. Waste/blown feed appeared to be mixed in with the material placed along the exterior of the bunker walls.
- Clay soil was previously placed along the exterior of the bunker walls to contain leachate and process wastewater from the feed storage area. The material present along the exterior of the bunker walls during the inspection must be removed and replaced with clay soils. This method requires frequent (weekly) monitoring to ensure that leachate and process wastewater are not seeping through the clay berm.

##### *Heifer feedlot.*

- A report from Brown County LWCD sent as an attachment to the July 31, 2018 email from Roach & Associates on behalf of Ledgeview Farms states that the original plans for the feedlot runoff controls were changed by Ledgeview Farms prior to installation. WDNR requires additional information to determine whether the modified measures installed meet requirements to adequately contain runoff from the feedlot area.

Storm water erosion controls.

- Disturbed area was observed east of the waste storage facility during both site inspections, and no storm water controls or stabilization of this area were in place. Sediment-laden water was observed ponded in the wooded area north and downslope of the disturbed area.
- A ponded area of liquid manure was observed during the October 30, 2018 site inspection that was discharging through rill erosion channels in the disturbed area to the wooded area northeast of the waste storage facility, where sediment-laden water was ponded

#### *Heifer Site*

Feed storage area.

- Fencing required to be around all waste storage facilities was not present.
- Runoff collection basin appeared to be at capacity and overflowing during the September 21, 2018 site visit. Based on precipitation data obtained from multiple nearby sources, a 25-yr 24-hr rain event did not occur in the days prior to the inspection. Important operation and maintenance of the collection basin is not occurring. The walls and inlet areas of the collection were re-graded following the September 21, 2018 site visit. The definition of the walls and inlet/collection channel was improved, but the inlet/collection channel should be leveled better to improve flow into the basin.
- Observed ponded process wastewater from washing the calf feeding buckets in the vegetated area directly south of the concrete drive lane south of and adjacent to the calf barn. A system to partially collect and pump the wastewater was present in this area. Follow-up inspection observations included ponded process wastewater in the vegetated area directly south of the concrete drive lane south of the calf barn. Wastewater was ponded near the cutoff plastic drum and metal tank as well as approximately 10 feet west of the plastic drum.
- Observed disturbed areas east of the waste storage facility that were not stabilized with vegetation. Severe rill erosion in the disturbed areas has caused discharges of soil-laden storm water to the wooded area immediately north and downslope of the site.
- An earthen (clay) collection basin located south of the southeast corner of the feed storage area was observed. The basin was full at the time of the inspection, appeared to have exceeded its capacity, and was overflowing from the northeast and southwest corners. Liquid that appeared to contain leachate was ponded around the northeast corner of the basin (not contained within the basin), where process wastewater from the feed pad would culminate and continue to flow south. The condition of the basin appeared to be unfinished as there were not clearly visible and defined walls on all sides of the basin.
- Uneven piles of dirt and wheel ruts from equipment were observed, rather than defined walls of the basin. Feed solids were observed around the southeast corner of the feed pad and throughout the area around the collection basin.

#### **Additional Application Deficiencies**

The Application is deficient with respect to state law and Town of Ledgeview conditional use and livestock siting requirements in the following aspects:

1. The waste storage facility as proposed does not comply with the required minimum setback specified in the Section 135-85 of the Town's Zoning Code. The required setback of 1,320-feet is not provided.

2. The plans for the expansion of the feed storage area at the Heifer Site do not illustrate the inclusion of a subsurface system to collect leachate that could penetrate the concrete floor of the feedlot. The FSA is *managed* to prevent significant discharge of leachate or polluted runoff.
3. The feed storage area at the Headquarters Site does not illustrate the inclusion of a subsurface system to collect leachate that could penetrate the concrete floor of the feedlot. The FSA is *managed* to prevent significant discharge of leachate or polluted runoff.
4. The waste storage facility proposed at the Heifer site does not include secondary containment systems or liquid level monitoring system beyond the permeant level markers to prevent overtopping in its design.

## DEVELOPMENT HISTORY

Detailed Development History can be found in the May 28, 2018 memorandum.

## PROPOSED FACILITY IMPROVEMENTS REVIEW

### Animal Units

To date, Ledgeview Farms has not provided the Town with a definitive animal unit (AU) count for its current operations. Given this lack of information, the Town has attempted to calculate current livestock levels and corresponding AUs from the basic narrative provided by Ledgeview Farms in its Siting Application dated February 2, 2018.

As the table below illustrates, Ledgeview Farms has increased livestock levels and corresponding AUs over the last six years without obtaining the state and local approvals necessary for such growth.

**TABLE 2: Ledgeview Farms Livestock Numbers and Animal Units**

Livestock Type	AU Factor	Existing							
		2013 <sup>a</sup>	2013 <sup>b</sup>	2014 <sup>c</sup>	Feb 2018 <sup>d</sup>				
		#	AUs	#	AUs	#	AUs	#	AUs
Milking Cows	1.4	365	511	550	770	555	777	1,084	1,518
Heifers (800-1200 lbs)	1.1	100	110	200	220	205	226	-	-
Heifers (400-800 lbs)	0.6	-	-	130	78	135	81	770	462
Calves (<400 lbs)	0.2	140	28	375	75	370	74	-	-
Steers or Cows (600 lbs to market)	1.0	200	200	425	425	420	420	838	838
Calves (<600 lbs)	0.5	-	-	-	-	-	-	-	-
Bulls (each)	1.4	-	-	-	-	-	-	-	-
<b>TOTALS</b>		<b>805</b>	<b>849</b>	<b>1,680</b>	<b>1,568</b>	<b>1,685</b>	<b>1,578</b>	<b>2,692</b>	<b>2,818</b>

<sup>a</sup> Livestock numbers identified by USEPA during site inspection on April 13, 2013.

<sup>b</sup> Livestock numbers identified by Ledgeview Farms in 2013 Annual Report submitted to USEPA and WDNR.

<sup>c</sup> Livestock numbers identified by Ledgeview Farms in 2014 Annual Report submitted to USEPA and WDNR.

<sup>d</sup> Livestock numbers and corresponding AUs are calculated from the narrative provided by Ledgeview Farms in the Siting Application dated Feb. 2, 2018. Ledgeview Farms has not provided definitive values for their current operations with the permit application.

### Proposed Facility Evaluation

#### Proposed Waste Storage Facilities

Heifer Site. At the Heifer site, there are no changes proposed to the waste storage facility north of the existing farm improvements. The facility will have a surface area of approximately 4.65 acres, be 13.4-feet

in depth, and contain a volume of approximately 17.17M gallons. The facility also parallels Lime Kiln Road, and has been rotated slightly to meet the minimum state setbacks from residential development to the north and the distance from the Lime Kiln Road right-of-way. As proposed, this facility does not comply with the required minimum setback of 1,320 feet specified in the Section 135-85 of the Town's Zoning Code.

### **Odor and Air Emissions**

#### ***Waste Storage Facility***

The petitioner has indicated that the waste storage facility on the Heifer Site will have a straw bio-cover as an odor control practice. The heifer barns with bedded pack manure will be the primary manure source delivered to facility. Ledgeview Farms projects that a natural crust will form on the majority of the waste storage facility surface because of the bedded pack manure source, making it easier to form and maintain the straw bio-cover. The farm owns a large, powered bedding chopper that it will utilize to distribute chopped straw onto the surface of the waste storage facility. The farm has developed an operation and maintenance plan to generate and maintain the bio-cover has been developed.

Studies have shown that installing a permeable cover on a manure storage lagoon only results in about an 80% reduction in ambient odors from that source in the first year, and a 60% reduction in the second year. DATCP has concluded that installing an impermeable cover on a waste storage facility significantly reduces near lagoon ambient concentrations of ammonia and hydrogen sulfide. Installing an impermeable cover on a manure storage lagoon effectively controls all ambient odors that had been emitted prior to the installation of a cover (100% reduction), and greatly reduces odors and other impacts on neighbors. It is far more economical to add an impermeable cover to a new storage lagoon than it is to retrofit one later.

### **Public Health Concerns and Nutrient Management**

Significant detail is provided regarding public health concerns and nutrient management in the May 28, 2018 memorandum. Since that time, the state has modified the Natural Resources Administrative Code for Runoff Management. Revisions for this code were initiated in 2016, with the development of a Technical Advisory Committee made up of scientists, local conservationists, environmental groups, farmers, and stakeholders from the agriculture community. In June 2018, the state completed a modification to NR 151 by using the advisory committee's recommendations to change the rules for manure applications in areas where soil depth is limited over a fractured bedrock groundwater system or karst aquifer. The changes to NR 151 place more stringent rules on manure applications in areas where there is less than 20 feet of soil over bedrock, in an effort to protect groundwater resources. Under the new rules, no manure can be mechanically applied to soils with less than 2-feet over bedrock.

The parcels in Table 3 are known by Brown County LWC to have 0 – 5 feet of ground cover. These parcels (totaling ~187 acres) are also identified in the Ledgeview Farms NMP for manure spreading activities and are impacted by the rules. Ledgeview Farms has not provided an update to their NMP to ensure compliance with the new NR 151 rules.

**TABLE 3: Parcels in Ledgeview Farms NMP with <5' of Ground Cover**

Parcel Number	Area (acres)
D-185	41.28
D-189	14.02
D-209-3-1	5.97
D-209-3-2	1.38
D-221	4.91
D-221-1	8.95
D-237	30.55
D-238-1	1.90
D-238-2	2.80
D-239	6.17
D-240-1	1.50
D-240-2	24.19
D-242	13.20
D-254	30.64
<b>TOTAL</b>	<b>187.451</b>

#### **Potential Impact of Operations to Nearby Property Values**

The details provided in the May 28, 2018 memorandum are still applicable.

#### **DESIGN & ALTERNATIVES DISCUSSION**

Ledgeview Farms has not evaluated other alternatives or presented any alternatives for evaluation with this Application. Mead & Hunt consulted with Resource Engineering Associates, Inc. (REA) in the evaluation of the design plans proposed by Ledgeview Farms and in identifying potential alternatives. REA has more than 20 years of experience in providing agricultural, civil, and environmental engineering services and REA staff served on the DATCP Technical Expert Committee for Livestock Siting Rules. REA recommended that Ledgeview Farms explore alternatives to their proposal, as outlined in the May 28, 2018 memorandum.

#### **EMERGENCY MANAGEMENT**

The proposed facility has been revised to provide the minimum required NRCS capacity to contain one (1) day's manure production, the rainfall 25yr/24hr rainfall event, and 6 inches of freeboard.

The waste storage facilities proposed in the Application do not include secondary containment systems. A liquid level monitoring system beyond the permeant level markers to prevent overtopping should also be included in the designs.

#### **COMPLIANCE WITH REGULATIONS & COMMUNITY TRUST**

Ledgeview Farms has failed to provide information requested by the Town with respect to the Application. For example, Ledgeview Farms failed to provide a current AU count when the Town requested such information. And,

as explained above, Ledgeview Farms continues to operate at greater than 999 AUs without a WPDES permit and has failed to comply with DNR's request for installation of interim measures.

Memorandum

# memorandum



To: Ledgeview Town Board  
From: Dustin Wolff, AICP, Town Planner  
Cc: Sarah Burdette, Town/Clerk Administrator  
Scott Brosteau, PE, Town Engineer  
Larry Konopacki, Attorney  
Vanessa Wishart, Attorney

Date: May 28, 2018

RE: *Ledgeview Farms Conditional Use Permit and Livestock Siting Approval*

---

## **EXECUTIVE SUMMARY**

### ***Petitioner***

Jason Pansier, on behalf of Ledgeview Farms

### ***Location***

3875 Dickinson Road (Headquarters Site) and 3499 Lime Kiln Road (Heifer Site)

### ***Requested Action***

Conditional Use Permit (CUP) and Livestock Siting Approval for a new or expanding facility that will be used to keep cattle and will have more than 500 animal units. Specifically, the request is to approve:

1. Expansion of the farm livestock operations to 3,483 animal units at the Headquarters and Heifer sites.
2. Construction of an approximately 13M gallon waste storage facility at the Heifer Site.
3. Expansion of the feed storage area at the Heifer Site.
4. Construction of a feed storage and animal lot leachate runoff management system at the Heifer Site.
5. Construction of a Yard Runoff Transfer System to collect leachate and contaminated runoff and transfer to the proposed waste storage facility at the Heifer Site.

In addition, as explained in more detail in subsequent sections of this memo, Town approval is required for the following. The first two represent existing but noncompliant practices or facilities that have never been approved or permitted and the third is a facility that is depicted on various submissions in the application but for which approval has not been appropriately requested and no supporting information is included.

1. The existing non-compliant concentrated animal feeding operations of 1,084 milking and dry cows, 770 heifers, and 838 steers (approximately 2,818 animal units) at the Headquarters and Heifer sites
2. The 5M gallon waste storage facility constructed in 2015 without permits or approvals at the Headquarters site.
3. Construction of a new, ~114' x ~640' (~72,960 SF) freestall heifer barn at the Heifer site.

### ***Summary of Noncompliance***

The following is an abbreviated listing of how Ledgeview Farms is currently in noncompliance with state and federal law or local regulations for their current operations.

1. Under state and federal law, a farm must obtain a Wisconsin Pollutant Discharge Elimination System (WPDES) permit prior to expanding such that the farm would have 1,000 animal units (AUs) or more (considered a “concentrated animal feeding operation” or “CAFO”). WDNR staff documented that Ledgeview Farms met the definition of and was considered to be a CAFO in 2008, but had not sought or obtained a WPDES permit. WDNR initiated the enforcement process to work with Ledgeview to gain compliance with statutory and administrative code requirements. Ledgeview Farms agreed to reduce animal numbers and resolve runoff and storage issues, and the WDNR closed the enforcement case in 2010. Part of the enforcement case closure included clarification that Ledgeview was prohibited from exceeding 1,000 AUs prior to applying for a WPDES permit.
2. USEPA documented unauthorized discharges of manure and process wastewater on April 18, 2013 & April 9, 2015 from Ledgeview Farms into an unnamed tributary at the west end of the farm. USEPA issued an administrative order for compliance on September 13, 2013 requiring Ledgeview Farms to operate and maintain interim measures until permanent storage facilities are constructed in accordance with an approved Nutrient Management Plan (NMP) and to submit a complete application for a WPDES permit to the WDNR.
3. In 2013 the USEPA identified that Ledgeview Farms had again exceeded 1,000 animal units on the site. Ledgeview Farms had not applied for, nor received, CAFO approval or a WPDES permit from the WDNR.
4. Ledgeview Farms constructed an approximately 5M gallon waste storage facility at the Headquarters site in 2015. This facility was constructed without approval of the WDNR, and without obtaining local (Town of Ledgeview) building and soil disturbance permits. As of September 2017, Ledgeview Farms had not submitted an application to WDNR for a WPDES permit, and no permit has been issued to date.
5. Since Ledgeview Farms has never obtained a WPDES permit, all of the records and reports that would be required by a WPDES permit have not been submitted to the WDNR by the farm operators. Record-keeping and reporting that is required under a WPDES permit must be reviewed in detail during the conditional use and livestock siting permit drafting/issuance process.

The following is a listing of how the applications submitted by Ledgeview Farms for their proposed operations/expansion are deficient with respect to state law and Town of Ledgeview conditional use and livestock siting requirements, both of which are explained further in the remainder of this report.

1. The waste storage facility proposed at the Heifer site is indicated to be set back 350-feet from the Lime Kiln Road right-of-way (ROW) to presumably comply with the regulations of ATCP 51. The proposed facility, as illustrated, is only 270-feet from the Lime Kiln Road ROW.
2. The waste storage facility as proposed does not comply with the required minimum setback specified in the Section 135-85 of the Town's Zoning Code. The required setback of 1,320-feet is not provided.
3. A new, ~114' x ~640' (~72,960 SF) freestall heifer barn is illustrated on the plan set at the Heifer site. This facility appears to have a setback of 40-feet off of the Lime Kiln Road ROW. ATCP 51 would require a 100-foot setback from the ROW, and this is not proposed.

4. The required engineering plan and construction details are not provided for the freestall heifer barn proposed at the Heifer site.
5. The Town's Livestock Siting regulations require a minimum setback of 1,000-feet for the freestall barn. The proposed facility does not meet this requirement.
6. The plans for the expansion of the feed storage area at the Heifer Site do not illustrate the inclusion of a subsurface system to collect leachate that could penetrate the concrete floor of the feedlot.
7. The unpermitted waste storage facility constructed in 2015 does not include secondary containment systems or liquid level monitoring system beyond the permeant level markers to prevent overtopping in its design.
8. The waste storage facility proposed at the Heifer site does not include secondary containment systems or liquid level monitoring system beyond the permeant level markers to prevent overtopping in its design.
9. The modifications of the Animal Lot at the Headquarters site does not proved adequate capacity to contain one (1) day's manure production, the rainfall 25yr/24hr rainfall event, and 6 inches of freeboard for safety.
10. The Town has no information indicating that each of the unauthorized discharges of manure and process wastewater indicated in the USEPA violation correspondence, described below, have been or will be corrected.

## **DEVELOPMENT HISTORY**

The following is a brief, "recent" history of the Ledgeview Farms site based upon telephone conversations with Heidi Schmitt-Marquez, Agricultural Runoff Management Specialist, with the Wisconsin Department of Natural Resources (WDNR), and review of the U.S. Environmental Protection Agency (USEPA) Order for Compliance. Ms. Schmitt-Marquez is the WDNR staff person responsible for the review of the Ledgeview Farms proposal for the WDNR. Our conversations occurred on Monday May 7<sup>th</sup> and Friday May 18<sup>th</sup>, 2018. The USEPA documentation is dated September 13, 2013 and July 18, 2014. This history is intended to provide some context for the submittal of a Siting Application by Ledgeview Farms, and is not exhaustive. The WDNR should be consulted directly for a detailed history of the site growth, permitting, and action record.

In late 2007 the WDNR came to understand that Ledgeview Farms reached the threshold—more than 1,000 animal units (AUs)—to be categorized as a Concentrated Animal Feeding Operation (CAFO). Once an operation has reached this threshold, state and federal law requires the facility to obtain a series of permits/approvals from various state and federal agencies regarding their operations.

On February 19, 2009, the WDNR issued Ledgeview Farms a Notice of Violation for failure to obtain WPDES permit coverage for a large CAFO. Discussion between the WDNR and Ledgeview Farms included the option of either (A) depopulation of site to below 1,000 AU, or (B) applying for and obtaining a CAFO permit. In order to resolve that Notice of Violation, Respondent indicated that it would depopulate to below 1,000 animal units and would apply for a WPDES permit for a CAFO prior to depopulating.

Sometime after 2009, the Farm again exceeded the 1,000 AU threshold. No detailed information was available regarding a more exact date when the threshold was exceeded. The WDNR noted that no application for CAFO or WPDES permit was submitted to correspond to the increase in AUs on the farm.

The USEPA conducted its first site inspection on April 13, 2013, in part in response to a complaint from a resident who had walked through knee-deep manure while hiking along an unnamed tributary at a location adjacent to the Headquarters site. Based on livestock numbers identified by Ledgeview Farms in 2013, the animal numbers listed in Table 1 were present. Per the USEPA, the Farm was considered a medium dairy Animal Feeding Operation (AFO) due to the number of mature dairy cows maintained on the facility. There was no National Pollutant Discharge Elimination System (NPDES) permit allowing discharge from the site and the facility had never applied for one. USEPA personnel identified the following problems on the Farm in April 2013, which would be violations of the Clean Water Act even if the farm was operating under a WPDES permit:

- a) At the Home (Headquarters site in the CUP application) site, septic looking waste and process wastewater was leaking out of a hole in the east concrete pit and flowing to the unnamed tributary. The hole in the east concrete pit was a manmade conveyance that facilitates the flow of process wastewater to the unnamed tributary on the east end of the site.
- b) At the Home (Headquarters) Site, manure and process waste water from the feed bunker and the open lot west of the Milk Cow Barn did not have containment and was flowing north through pathways that led to the unnamed tributary on the west end of the site. The rip-rap pathway, paved open lot and access road are manmade conveyances that facilitate the flow of process wastewater to the unnamed tributary on the west end of the site.
- c) At the Home (Headquarters) Site, animals had direct access to the unnamed tributary on the east end of the site.
- d) At the Satellite (Heifer) Site, manure and process wastewater runoff generated at the open lot and feed bunkers were flowing east to the ditch. The ditch and culverts are manmade conveyances that facilitate the flow of process wastewater to an unnamed tributary.

USEPA communicated with WDNR that the USEPA would take the lead on compliance. It was noted that deficient manure storage facilities (structural problems) existed on the site. The Ledgeview Farms operations required a permit from WDNR to address discharges. The USEPA and WDNR determined that Ledgeview Farms needed to provide new, additional waste storage facilities.

On September 13, 2013, the USEPA issued an Administrative Order V-W-13-AO-22 to Ledgeview Farms for its facilities at 3875 Dickinson Road and 3688 County Road V (Lime Kiln Road). On September 26, 2013, EPA sent Ledgeview a letter providing a Compliance Schedule as an aid to understand the compliance deadlines of the Order. USEPA notified Ledgeview that the Order was effective as of September 28, 2013.

As part of this Order, Ledgeview Farms was required to submit to EPA a Permit Compliance Plan by December 27, 2013. On March 13, 2014, USEPA notified Ledgeview Farms by letter that EPA had not received the Permit Compliance Plan required under the Order. On March 18, 2014, David Wetenkamp of Brown County Land and Water Conservation (BCLWC) emailed documents pertaining to a Permit

Compliance Plan to EPA. According to Mr. Wetenkamp, those documents were sent at the request of Ledgeview Farms.

In correspondence dated July 18, 2014, USEPA reviewed and disapproved of the draft Permit Compliance Plan submitted and required revisions to the draft Permit Compliance Plan, pursuant to paragraph 43 of the Order.

On April 4, 2014, Ledgeview Farms submitted an application for a WPDES permit. Ledgeview Farms developed plans with the Brown County Land & Water Conservation staff for a new 5M gallon manure storage lagoon on the Headquarters site (3875 Dickinson Road). The plans were submitted to WDNR for review in March 2015. WDNR determined the plans to be incomplete—specifically there was no overflow facility as required to be part of the design. WDNR required supplemental information to be provided, or for the plans to be withdrawn and resubmitted. The plans were withdrawn in May 2015 by Ledgeview Farms and Brown County to be revised and resubmitted. The resubmittal of the plans never occurred according to WDNR documentation, and WDNR never granted approval for construction. Nonetheless, in the Summer of 2015, Ledgeview Farms began construction of a 5-million gallon waste storage lagoon. It is unknown whether Brown County issued a permit for construction. The required Town permits have never been issued for construction of this facility. The storage lagoon was completed in late-2015 or early 2016. To date, the 5M gallon lagoon constructed in 2015/16 still has no approval from WDNR or the Town. Specifically, there is no approved WPDES permit from WDNR which also covers reviewable structures (manure storage facilities). The farm is still non-compliant as there is no emergency overflow for the lagoon.

In correspondence dated November 29, 2016, USEPA informed Ledgeview Farms of their intent to file a Civil Administrative Complaint for violations of the Clean Water Act (CWA). Specifically, that Ledgeview Farms has violated the CWA by having seven unauthorized discharges of manure and process wastewater and having one unauthorized discharge of construction sediment to Waters of the United States. USEPA indicated that based on information available to them, they planned to propose a penalty of up to \$128,000 for the violations.

## **PROPOSED FACILITY IMPROVEMENTS REVIEW**

### ***Animal Units***

Table 1 illustrates the past five (5) years of operational growth of Ledgeview Farms. Ledgeview Farms has not provided definitive values for their current operations with the permit application. As such, current livestock levels and corresponding animal units (AUs) have been calculated from the basic narrative provided by Ledgeview Farms in the Siting Application dated Feb. 2, 2018.

**TABLE 1: Ledgerview Farms Livestock Numbers and Animal Units**

LIVESTOCK TYPE	AU	2013 <sup>a</sup>		2013 <sup>b</sup>		2104 <sup>c</sup>		CURRENT <sup>d</sup>		REQUESTED	
	FACTOR	#	AUs	#	AUs	#	AUs	#	AUs	#	AUs
Milking/Dry Cows	1.4	365	511	550	770	555	777	1,084	1,518	1,355	1,897
Heifers (800-1200 lbs)	1.1	100	110	200	220	205	226	-	-	450	495
Heifers (400-800 lbs)	0.6	-	-	130	78	135	81	770	462	270	162
Calves (<400 lbs)	0.2	140	28	375	75	370	74	-	-	270	54
Steers/Cows (600 lbs to market)	1.0	200	200	425	425	420	420	838	838	675	675
Calves (<600 lbs)	0.5	-	-	-	-	-	-	-	-	400	200
Bulls (each)	1.4	-	-	-	-	-	-	-	-	-	-
<b>TOTALS</b>		<b>805</b>	<b>849</b>	<b>1,680</b>	<b>1,568</b>	<b>1,685</b>	<b>1,578</b>	<b>2,692</b>	<b>2,818</b>	<b>3,420</b>	<b>3,483</b>

<sup>a</sup> Livestock numbers identified by USEPA during site inspection on April 13, 2013.

<sup>b</sup> Livestock numbers identified by Ledgerview Farms in 2013 Annual Report submitted to USEPA and WDNR.

<sup>c</sup> Livestock numbers identified by Ledgerview Farms in 2014 Annual Report submitted to USEPA and WDNR.

<sup>d</sup> Current livestock numbers and corresponding AUs are calculated from the narrative provided by Ledgerview Farms in the Siting Application dated Feb. 2, 2018. Ledgerview Farms has not provided definitive values for their current operations with the permit application.

Of particular concern with the growth at Ledgerview Farms is the lack of communication with the Town of Ledgerview, DATCP, WDNR, or USEPA about their increase in operations. Ledgerview Farms knowingly grew their herd size but did not take any steps to ensure compliance with state or federal requirements until they were observed to be discharging manure and process waste water to the unnamed tributary on the west end of the property.

### ***Proposed Facility Evaluation***

First adopted in May of 2006, ATCP 51 established the statewide framework of standards and procedures required to implement Wisconsin's livestock facility siting law. The requirements only apply to livestock operators located in jurisdictions that have adopted ordinances requiring permits for new or expanding livestock facilities that exceed a certain size (commonly 500 animal units). The rule establishes standard setback requirement for manure storage structures and livestock housing structures.

The Department of Agriculture Trade and Consumer Protection (DATCP) is required by law to review ATCP 51 every four (4) years in accordance with statute. To this end, DATCP convened a Technical Expert Committee that provided recommendations regarding changes to ATCP 51. The proposed rule changes recommended new minimum property line setbacks for manure storage structures and livestock housing structures based on the size of the livestock facility.

At the July 20, 2017 meeting of the Board of Agriculture Trade and Consumer Protection, DATCP asked the Board to authorize public hearings on the newly drafted rules revising ATCP 51 for livestock facility siting. To date, the Board has not taken action on this proposal.

The purpose of Table 2 is to convey and compare the varying facility siting setback requirements in the existing ATCP 51 rule, the proposed 2017 rule changes to ATCP 51, and the setback requirements adopted under Town ordinance. Standards more stringent than the state standards (ATCP 51) must "be based on reasonable and scientifically defensible findings of fact," and "clearly show that the standards are needed to protect public health or safety." Consistent with the recommendations of the DATCP

Technical Expert Committee, the Town has required greater setbacks than the current ATPC 51 rules. The Town has cited a series of studies in its approved livestock siting ordinance that support greater setbacks to protect public health and safety.

**TABLE 2: Comparison of Facility Siting Setback Requirements**

Facility	Size of Farm Operations	Setbacks Under Existing Siting Rules for ATPC 51	Min. Setbacks Under Proposed Siting Rules Changes to ATPC 51	Min. Setbacks Under Town Siting Regulations
Livestock Housing Structures	Less than 1,000 animal units (<1,000 AU)	max. 100'	400'	400'
	1,000 to 2,500 animal units (1,000 - 2,500 AU)	min. 200'	700'	700'
	2,500 to 4,000 animal units (2,500 - 4,000 AU)	min. 200'	1,000'	1,000'
	More than 4,000 animal units (>4,000 AU)	min. 200'	1,200'	1,200'
Manure or Waste Storage Facility	Less than 1,000 animal units (<1,000 AU)	min. 350'	600'	1,320'
	1,000 to 2,500 animal units (1,000 - 2,500 AU)	min. 350'	1,000'	1,320'
	2,500 to 4,000 animal units (2,500 - 4,000 AU)	min. 350'	1,400'	1,320'
	More than 4,000 animal units (>4,000 AU)	min. 350'	1,700' + 200 additional feet for every 1,000 AU above 4,000 AU to a max. of 2,500'	1,320'

#### *Proposed Waste Storage Facilities*

Heifer Site. At the Heifer site, the waste storage facility is proposed to the north of the existing farm improvements, nearest to neighboring non-farm property and development. At its closest it will be about 400-feet from the residence to the north. The location proposed is furthest away from the residences of the actual owners of Ledgeview Farms—nearly 4,100 feet.

The facility will have a surface area of approximately 5.75 acres, be 12-feet in depth, and contain a volume of approximately 13M gallons. The facility also parallels Lime Kiln Road, and is illustrated to be setback 350-feet from the Lime Kiln Road right-of-way (ROW) to presumably comply with the regulations of ATPC 51, reproduced above.

Review of the plans submitted indicates that the setback illustrated is not correct. The setback was measured from the ROW on the eastern side of Lime Kiln Road. This should have been measured from the western side of the road ROW. The ROW width measures 80-feet, as such, the proposed facility would be only 270-feet from the Lime Kiln Road ROW. Even if the Town ordinances did not require an additional setback, this proposed facility does not even meet the standard setback requirements in ATPC 51.

In addition, the proposed waste storage facility does not comply with the required minimum setback specified in the Section 135-85 of the Town's Zoning Code. The required setback of 1,320-feet is not provided.

For comparison, the proposed ATCP 51 rules—developed by DATCP's Technical Expert Committee—would require a setback of 1,400-feet for this facility for an operation of the size proposed by Ledgeview Farms.

Ledgeview Farms owns hundreds of acres approximately 1-mile to the south of the proposed improvements that appear to provide an alternative location for this proposed waste storage facility that may be able to meet setback requirements. A broader analysis than just setbacks is needed, but other alternatives are available to be reviewed besides a single, large waste storage facility in the proposed location.

Headquarters Site. According to the WDNR, the 5M gallon waste storage facility illegally constructed in 2015 without permits or approvals at the Headquarters site will be included under the farm's WPDES permit at this time. This facility is located approximately 680-feet from the Lime Kiln Road ROW, and 860-feet from the Dickinson Road ROW. The WDNR indicated that this facility was constructed improperly and needs an emergency overflow to be retro-fitted to be compliant.

This facility was constructed prior to the Town having a Siting Ordinance, but a permit from the Town was still required for the excavation and grading. Ledgeview Farms did not apply for or obtain the required Town permits.

#### *Proposed Freestall Barn*

The site plans submitted indicate the siting of a new, ~114' x ~640' (~72,960 SF) freestall heifer barn at the Heifer site. This facility appears to have a setback of 40-feet off of the Lime Kiln Road ROW. Currently ATCP 51 would require a 100-feet setback from the ROW. In addition, as the Town's Siting Ordinance requires a setback for the Freestall Barn of a minimum of 1,000-feet for an operation the size proposed by Ledgeview Farms. The proposed facility does not meet either the state or Town requirements for setbacks.

Map A illustrates a series of setback distances from Lime Kiln Road, Dollar Road, and north and west property lines. These setbacks correspond to the required setbacks for the facilities proposed.

#### **Odor and Air Emissions**

##### *Waste Storage Facility*

DATCP's 2009 *Final Report on the Dairy and Livestock Odor and Air Emission Project*

investigated the air impacts of different manure management practices on typical large animal feeding operations. This Report was cited in the Town's findings as part of the siting ordinance. Over the course of two years, staff from the DATCP and the WDNR measured odors and airborne concentrations of ammonia and hydrogen sulfide, both on and around manure storage lagoons on farms employing these different practices.

DATCP concluded that installing an impermeable cover will significantly reduce near lagoon ambient concentrations of ammonia and hydrogen sulfide. Installing an impermeable cover on the manure storage lagoon effectively controlled all ambient odors that had been emitted prior to the installation of the cover (100% reduction). This result can logically be applied to other lagoons, assuming that the covers remain air-tight and that the gasses that form under the cover are collected and burned in a flare or generator set. If installing a new waste storage lagoon, consider incorporating an impermeable cover. A cover greatly reduces odors and other impacts on neighbors. It is far more economical to add a cover to a new storage lagoon than it is to retrofit one later.

Installing a permeable cover on the manure storage lagoon only resulted in about an 80% reduction in ambient odors from that source in the first year. However, there was only a 60% reduction in the second year.

Surface ammonia concentrations, as well as general nearby ambient concentrations of both compounds increased following aeration. While most near lagoon concentrations of hydrogen sulfide are below air toxics limits for property lines, the data indicated the presence of highly concentrated and compact plumes near areas of agitation which could potentially travel significant distances before fully dispersing.

Separation distance is a simple, yet effective, tool you can use to reduce impacts on neighbors. When planning for new facilities, and especially manure storage lagoons, the DATCP Report recommends to site them as far from neighbors as possible, and with consideration for prevailing winds. Odors are far less noticeable at 800-feet than they are at 200-feet or even 400-feet (the distance to the dozens of residences impacted by this proposal).

While Ledgeview Farms owns hundreds of acres nearly one mile south of the Heifer and Headquarters sites, they have not offered any alternative sites to meet their waste storage needs. Their other lands (see Map B) to the south are located in a much less populated area and appear to be able to meet setback requirements. Understandably, a broader analysis than just setbacks is needed. Thus, it appears that there are other alternatives available to be evaluated. Additionally, the farm has only proposed the single, large waste storage facility rather than smaller facilities located in the areas where they conduct spreading (see Map C) probably because it is the least costly solution for the farm. And finally, Ledgeview Farms has not proposed installing a permanent cover for the proposed facility to reduce or eliminate odor impacts to neighborhood residences.

#### *Feedlot*

Expansion of the feed storage area at the Heifer Site is proposed with this application. This facility is located behind to the (west) of existing structures. The plans illustrate the inclusion of a system to collect leachate, but not necessarily a subsurface system to collect leachate. This should be clarified on the plans submitted. DATCP also recommends in its report to keep stored feed clean and dry to reduce odors, as well as, to protect feed quality. This could be accomplished by constructing a structure to cover the feed lot site.

### ***Public Health Concerns and Nutrient Management***

Manure is required to be managed and land-applied consistent with technical guidelines established by the USDA. These guidelines dictate how, when, and where manure may be spread on land. The goal of these standards is to “minimize nutrient entry into surface water, groundwater, and atmospheric resources while maintaining and improving the physical, chemical, and biological condition of the soil.” Brown County, in conjunction with the WNDR, enforce their ordinances, rules, and statutes, respectively.

County ordinances require a permit for new or modified manure storage structures, ensuring design and construction according to NRCS technical standards. A nutrient management plan must be developed to ensure that stored manure is properly land applied. County Land & Water Conservation Departments help farmers identify special design considerations for sensitive sites, as well as explain other County requirements such as winter manure spreading plans. Through a siting permit—in the Town’s case the conditional use permit—a municipality can reinforce compliance with local codes and regulations.

On April 28, 2018 I attended an event where UW-Oshkosh Geology Professor Dr. Maureen Muldoon and USDA Agricultural Researcher Dr. Mark Borchardt were the keynote speakers. Dr. Muldoon has researched groundwater flow in fractured carbonate aquifers for decades, and recent projects focused on groundwater quality in Kewaunee County and the role of groundwater in various wetlands in Door County. Dr. Borchardt is a research microbiologist for the USDA Agricultural Research Service and program leader for the Laboratory for Infectious Disease and the Environment, US Geological Survey, and Wisconsin Water Science Center. His expertise is on the measurement, fate, transport and health effects of human and agricultural zoonotic pathogens in the environment. At this event, both speakers shared their expert understanding of the unique geology and aquifer in Karst topographies that is formed on limestone and dolomite, and explained what their years of research data in the area show about how animal waste can endanger ground water.

The Eastern Dolomite/Silurian Aquifer—a carbonate aquifer—is located in Brown, Door, Kewaunee, and Manitowoc Counties. The Eastern Dolomite Aquifer is the regional divide between flow to Lake Michigan and flow to the Fox Valley. Flow characteristics in the aquifer are typified by a dense and universal fracture network; shallow soil surface, little surface runoff, and water easily infiltrates to the subsurface. Recharge is exceedingly rapid, and carries surface contaminants to the water table. Flow within the aquifer occurs primarily along bedding plane fractures with little to no reduction of contaminants within the aquifer.

The flow rates vary from tens of feet to hundreds of feet per day. Water recharge reaches the aquifer within 1 to 2 days following an event, even with sediment thicknesses up to 18-feet and depth to groundwater more 50-feet. The geologic setting makes the area extremely vulnerable to groundwater contamination. The exceedingly rapid recharge carries surface contaminants deeply into the aquifer. Little or no filtration of pollutants takes place once the water reaches large fractures in the dolomite.

Their team conducted random sampling of 4,896 participating private wells throughout Kewaunee County. Well findings were stratified by the soil depth to bedrock—less than 5-feet, 5- to 20-feet, and more than 20-feet. More 300 wells were sampled for multiple days following rain events and manure applications. Analysis found that important risk factors for manure contamination are recharge, depth to groundwater,

depth to bedrock, and the interaction between agricultural use/manure application/groundwater recharge. Well casing was found to be an unimportant factor.

In the end, they found an association between animal waste storage facilities (manure lagoons) and the presence of coliform bacteria (i.e. – E.coli) and nitrates in the drinking water. Where waste storage facilities are located there is a greater likelihood of manure spreading in the immediate area to reduce the cost of transport the manure to other fields regularly. There is a significant likelihood—far greater than the state-wide average—of high nitrates and coliforms within 2,500-feet (just under ½-mile) of a waste storage facility. The rate does not fall below the state-wide average until the distance exceeds 5,000-feet (just under 1-mile). By comparison, the Town code only requires a waste storage facility to have a setback of 1,320-feet from property lines and the state would only require 350-feet.

Areas with similar hydrogeography and where soil depth is less than 50-feet are at risk. An email correspondence between BCSWC and WDNR in 2009 indicated that upon digging three (3) 19-foot deep test holes at the Heifer Site on Friday April 3<sup>rd</sup> two of the three test holes filled completely with water by Saturday morning. Seven (7) test holes were dug at the Headquarters site, and bedrock contact was made at each test hole within 5-feet of the surface. This information makes it clear that the Ledgeview Farms sites have high groundwater and shallow soil to bedrock, making the sites at risk for contamination.

Map D illustrates that the lands proposed to be used for manure spreading by Ledgeview Farms, and highlights the lands within ½-mile and 1-mile of the proposed Ledgeview Farms operations. Properties that are served by private wells and septic systems are especially vulnerable to contamination. Map E illustrates the properties within ½-mile of the Ledgeview Farms sites that are on private systems. These sites were specifically compromised as a result of the farm's disregard for permits and approvals when the USEPA discovered the Ledgeview Farm waste being dispatched directly into adjacent tributaries. Further, Map F illustrates the considerable number of properties within 5-miles (corresponding to the manure spreading areas identified in the Nutrient Management Plan) that are on private water systems.

It is my understanding that Dr. Mark Borchardt and Dr. Maureen Muldoon will provide presentations to the Board on their areas of expertise at it relates to the proposed facilities and public health impact on water quality and hydrogeology.

### **Potential Impact of Operations to Nearby Property Values**

In a response to property owners in Kewaunee County contesting assessments of their properties due to the presence of CAFOs, in November 2017 the Wisconsin Department of Revenue (WDOR) conducted a sales study of all recent (past three years) arms-length residential sales in Kewaunee County townships. Specifically, the WDOR desired to test whether the proximity to a CAFO impacts property values and if so, to what extent. The study examined 184 sales of properties that took place near Kewaunee County's six largest CAFOs and one other CAFO just over the county line in Brown County. Each CAFO was permitted for at least 2,860 cows. The WDOR study found:

- The value of property located more than 1.0-miles away from a large CAFO is not impacted.
- The value of property located within 0.3-miles of a large CAFO may be reduced by 13%.

- The value of property located between ¼ mile and one mile of a large CAFO may be reduced by 8%.

Map G attached illustrates the residences within 0.3-mile and 1.0-mile of Ledgeview Farms that could have their property value negatively impacted by the growth of Ledgeview Farms as proposed.

## **DESIGN & ALTERNATIVES DISCUSSION**

Based on what little information is known/provided from Ledgeview Farms, the petitioner did not evaluate other alternatives, or present any alternatives for evaluation. All of the farm's eggs are in the "13M gallon manure pit at the Heifer site" basket. That specific location may be the most convenient and cost-effective for the farm, but it is also the most impactful to the community.

Mead & Hunt consulted with Resource Engineering Associates, Inc. (REA) in the evaluation of the design plans proposed by Ledgeview Farms and in identifying potential alternatives. REA has more than 20 years of experience in providing agricultural, civil, and environmental engineering services and REA staff served on the DATCP Technical Expert Committee for Livestock Siting Rules. REA recommended that Ledgeview Farms explore alternatives to their proposal, including the following, which could be used in combination or as separate elements to comply with WDNR CAFO requirements.

- If the proposed Heifer Site storage is not feasible based on the Town's Livestock Siting Ordinance limitations and other factors, the use of alternative liquid manure storage site south of the Headquarters or Heifer site may be a long-term option. This could involve a pipeline—essentially a sewer line—to/from the Heifer Site and/or Headquarters Site. The feasibility for this pipeline would depend on topography, bedrock, pumping losses, Town approval, DNR approval, route conflicts, and cost. Concepts for potential areas could be prepared by the Farm for consideration by the Town's consultants to discuss sites consistent with the Town's Livestock Siting Ordinance objectives.
- Frequently, liquid manure storage locations are planned in areas where significant cropland is close by for land application so long hauling can occur as time allows instead of during the busy manure application season. The objective would be to locate the storage facilities so manure application can be by a hose drag system to limit further hauling cost and application can occur in more time efficient manner. Multiple storage sites are safer and reduce spill/overflow issues.
- We understand bedpack manure is planned to be comingled with feed lot runoff and feed storage runoff. Mixing the solid and liquid wastes creates a larger liquid manure volume. Bedpack manure may be able to be handled as a solid keeping the volume of material needed to be stored as a liquid smaller, therefore requiring a smaller liquid manure storage. The solid manure could be stored in a separate building or stacked in accordance with NRCS Standard 318 -Short Term Storage of Animal Waste and By-Products.
- Runoff from outside cattle lots creates liquid manure which in accordance with WDNR CAFO requirements would need to be handled as a liquid for which storage capacity for at least 180 days is required. If the lot runoff could be eliminated by maintaining the animals under roof on an absorbent bedding, the manure could be handled as a solid as described above.

- Heifers generating outside lot manure runoff or liquid manure inside housing structures may, alternatively, be relocated for contract raising at an alternative site as is practiced by many operators.
- Feed storage leachate and runoff could be stored separately, and not combined with manure, reducing the needed capacity for liquid manure storage. Feed storage runoff can be managed differently than manure, potentially allowing for more handling options.
- Expansion of the feed storage area at the Heifer Site is proposed with this application. This facility is located behind (to the west of) existing structures. The plans illustrate the inclusion of a system to collect leachate, but not necessarily a subsurface system to collect leachate. DATCP also recommends that the feedlot area also recommends stored feed be kept clean and dry to reduce odors, as well as, to protect feed quality. This could be accomplished by constructing a structure to cover the feed lot site.

The concepts described above could be considered to provide alternative approaches as part of long-term planning to limit the amount of liquid manure storage capacity needed and start a discussion on options for the Farm to fill their obligation to meet WPDES requirements consistent with the Town's Ordinances.

## EMERGENCY MANAGEMENT

Due to the proximity of significant environmental resources to the facilities—combined with the poor safety and incident response record of Ledgeview Farms—additional measures should be taken to protect surrounding plan uses and water resources.

All of the waste storage facilities should include secondary containment systems and a liquid level monitoring system beyond the permeant level markers to prevent overtopping should be included in the designs.

Regarding the modifications of the Animal Lot at the Headquarters Farm, the review by REA found that the lot does not have adequate capacity to contain one (1) day's manure production, the rainfall 25yr/24hr rainfall event, and 6 inches of freeboard. Per NRCS 634 criteria,

“Reception structures receiving runoff and/or precipitation shall be sized to contain a minimum of one full day's manure production, plus six inches extra depth for safety, and the volume of runoff and/or precipitation from a 25-year, 24-hour rainfall event. The increase in storage volume due to runoff and/or precipitation may be reduced if a portion of this runoff and/or precipitation can be safely routed to and contained within the waste management system.”

Total volume of proposed lot = 3,439 ft<sup>3</sup>. The lot containment does not provide adequate containment based on the above NRCS standard. Ledgeview farms must also confirm this lot does not receive roof runoff.

1 day manure production	48 FT <sup>3</sup>
25yr 24hr event	3,439 FT <sup>3</sup>
0.5-FT freeboard x 5,976 SF (lot area)	<u>2,070</u> FT <sup>3</sup>
Total Volume	5,557 ft <sup>3</sup>

Per our calculations (above), the total volume to be contained is 5,557 FT<sup>3</sup>. The proposed facilities do not meet this requirement.

## **COMPLIANCE WITH REGULATIONS & COMMUNITY TRUST**

Ledgeview Farms has not been very forthcoming with the Town or Town staff about their operations. In my dealing with their representatives during the update to the Town's Comprehensive Plan and the Town's Farmland Preservation Zoning, they have purported themselves as a "small family farm" concerned about any potential regulations that might affect their operations. They continually reminded the Town that the farm was operating long before the surrounding growth occurred.

In my time working with the Town, the community has been fully supportive of farming activity in Ledgeview. The Town has previously believed that the County, State, and Federal agencies were effectively addressing the regulation of Ledgeview Farms' operations. Until USEPA became involved due to the discharge of manure and process waste water from Ledgeview Farms into the unnamed tributary on the west end of the property, the Town was unaware of any deficiencies in the farm's operations. Reviewing the site history of the farm operations is very alarming. As a result of these significant violations the Town decided it needed to be more involved in the approval and decision-making for livestock siting and CAFO operations in the community. In the summer of 2017, the Town enacted its Local Siting Ordinance and Conditional Use Permit process that is in effect.

The DATCP regulations are clear: if an operation is or plans to populate to 1,000 AUs or more and become a CAFO, it must have a Wisconsin Pollutant Discharge Elimination System (WPDES) permit to manage pollution issues. There is a "zero" discharge standard for runoff to navigable waters from CAFO animal production areas (areas where animals are housed or otherwise confined, manure is stored and feed is stored). CAFO WPDES permits ensure farms use proper planning, nutrient management, and structure/system construction to protect Wisconsin waters. DATCP also advises that twelve (12) months before an operation becomes a CAFO, it must begin the WPDES permit application process. Ledgeview Farms has consistently failed to comply with state and federal requirements. It is the Farms' responsibility to know the rules and regulations that impact their business operations regardless of the size of the operations.

The Ledgeview Farms animal growth values referenced in Table 1 are important to discuss. Since 2009, Ledgeview Farms has been in violation of a series of regulations, yet they continued to grow. If the farm could not be trusted to operate within the law when it was small (less than 1,000 AUs), it is not clear that they can be trusted to do so with 3,500 AUs.

Given the significant historical noncompliance, it is my opinion that Ledgeview Farms should reduce the farm's size below 1,000 AUs, and come into compliance for a farm of that size before pursuing expansion. In addition to the requisite infrastructure improvements, a series of operations requirements

required by law (outlined in the following table) must be adhered to, including visual inspections, monitoring and reporting requirements, response plans and training for manure and non-manure spills by the farm operator, and off-site/roadway clean-up.

**TABLE 3: Summary of Required Farm Inspections and Reporting to WDNR**

INSPECTION TIMEFRAME	INSPECTION ACTIVITY
Daily	<ul style="list-style-type: none"> <li>Inspect water lines that could potentially come into contact with pollutants or drain to storage, containment structures or runoff control structures for leakage. Examples of these water lines include cattle waterers or sprinklers.</li> </ul>
Weekly	<ul style="list-style-type: none"> <li>Stormwater controls to ensure proper operation of all stormwater diversion devices.</li> <li>Runoff controls to ensure proper operation of all devices channeling contaminated runoff to storage or containment structures.</li> <li>Storage/containment inspections of liquid storage and containment structures for: leakage, seepage, erosion, cracks and corrosion, rodent damage, excessive vegetation and other signs of structural weakness.</li> <li>Read depth marker and record the level of material in all liquid storage and containment facilities. Record in feet or inches above or below the margin of safety level.</li> </ul>
Quarterly	<ul style="list-style-type: none"> <li>Production area inspections including outdoor animal pens, barnyards, raw material storage areas and CAFO outdoor vegetated areas.</li> <li>A quarterly summary of inspections is required to be submitted with the annual report. A copy of the calendar properly completed can be included as part of the annual report. The WDNR may request additional information if needed.</li> </ul>

Ledgeview Farms has done none of these required tasks over the past decade, yet it continued to grow. An application for expansion should be revisited only after Ledgeview Farms has exhibited to the agencies and Town that it can be a good operator and good neighbor by adhering to local, state, and federal requirements. Based on standard practice, the Town would not allow an operational increase or facility expansion for any other business or industry in the community with such a history of noncompliance.

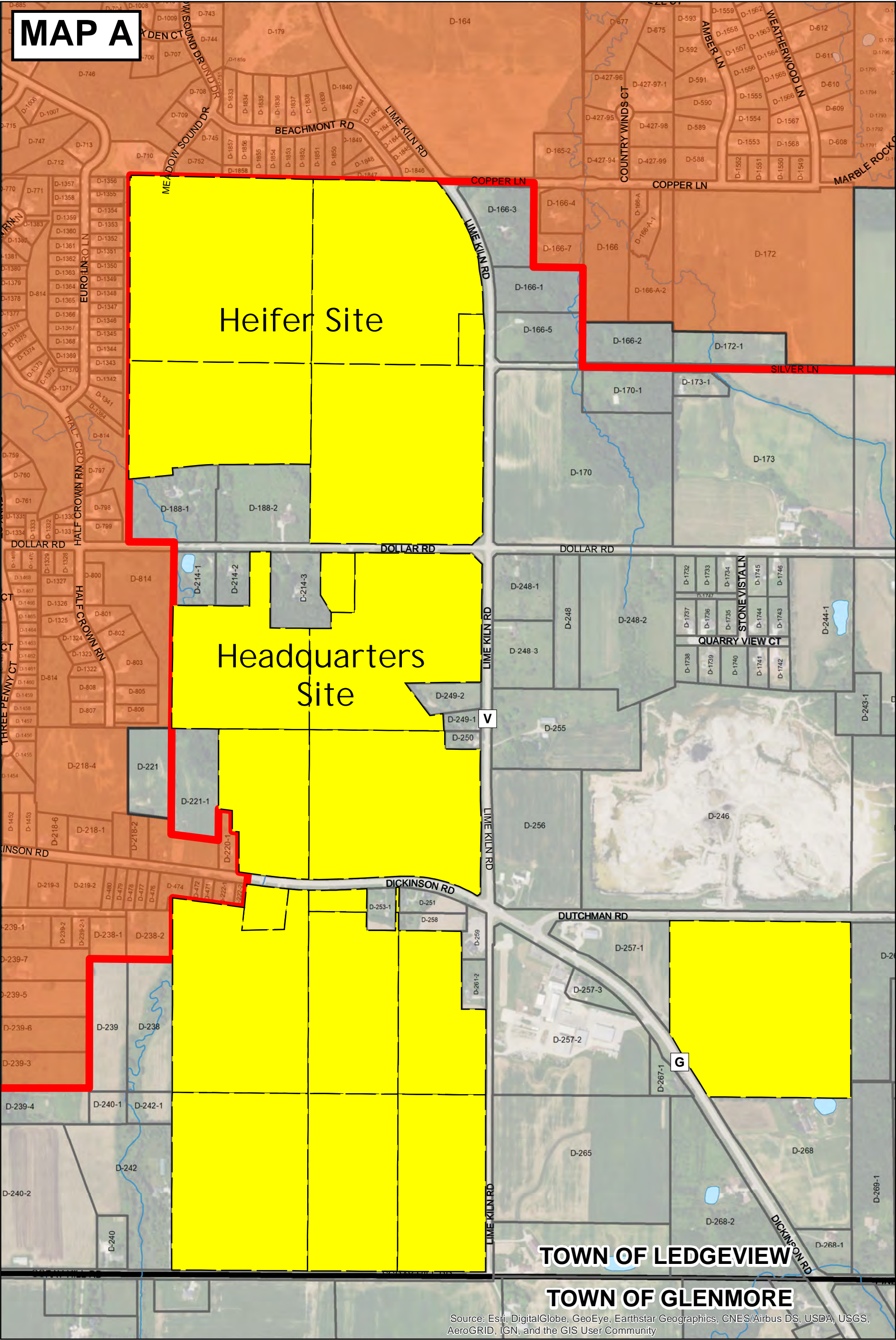
Map G illustrates the residential growth within one mile of Ledgeview Farms that occurred from 2009 – 2013 and 2013 – 2018. These date ranges correspond to the non-compliance and violations of Ledgeview Farms becoming a CAFO. Development occurred under the assumption that Ledgeview Farms was a small, family farm as they never applied for a WPDES permit or CAFO approval. Table 4 highlights the value of investment made in properties during the date ranges.

**TABLE 4: Current (2018) Value of Residential Development Within One Mile of Ledgeview Farms**

Development Date Range	Land Value	Improvement Value	Total Value
2009 – 2013	\$10,082,800	\$48,441,900	\$58,524,700
2013 – 2018	\$5,809,600	\$26,787,000	\$32,596,600
<b>TOTALS</b>	<b>\$15,892,400</b>	<b>\$75,228,900</b>	<b>\$91,121,300</b>

As neither DATCP nor the WDNR had permitted or identified Ledgeview Farms as a CAFO, the public had no idea the scale of the operations that were occurring here, nor about the non-compliance issues. It is likely that

developers would not have invested in the nearby lands for residential development as the certainty of land and homes sales would have been unknown. Property owners have expressed to the Town—verbally and in writing—that they would not have purchased their homes had they known that the farm was so large, much less planning to get larger. They do not want to deal with the noise, air quality, water quality, and other environmental/health impacts associated with living near large farm operations. Once again, the secrecy and noncompliance of Ledgeview Farms has, at least in part, resulted in extensive development at its borders. Had the Town known the long-range plans of the farm it could have helped protect the farm from incompatible neighboring land uses. The farm should be trying to move the most impactful aspects of its operations, such as any new manure storage facilities, away from the established residential development rather than towards it. At this point, allowing Ledgeview Farms to expand would be a poor decision as it would only exacerbate the documented problems.



Legend

Municipal Boundary

Public Utility Boundary

Properties Served by Public Utilities

Ledgeview Farm Parcels

Stream

Water Body

Ledgeview

Set your sights high

Ledgeview Farms

Ledgeview Farm Parcels and Public Utility Boundary

040080012001600

Feet

N

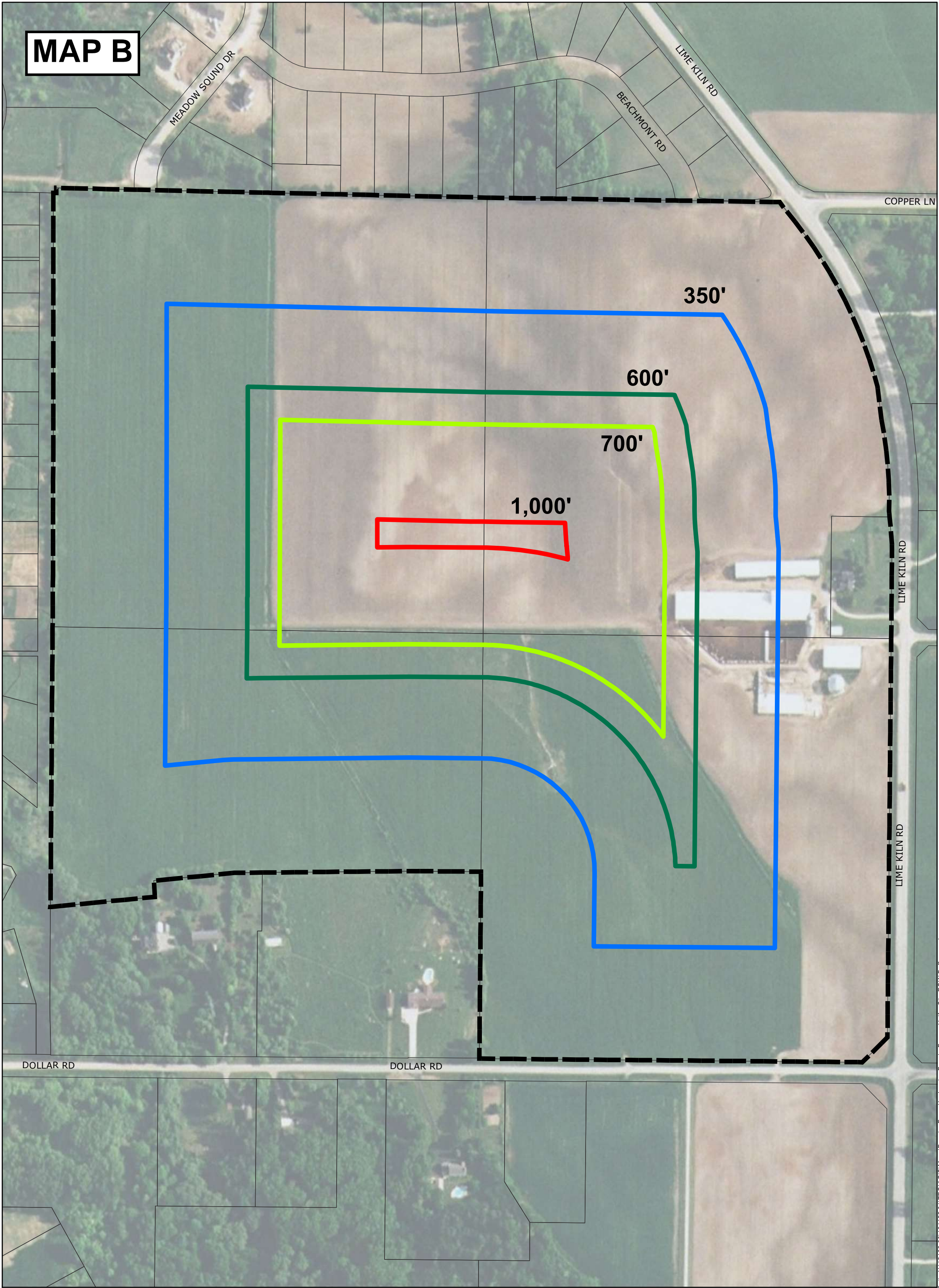
Mead & Hunt

Date: 5/8/2018

Image Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, 2014, Brown County Planning and Land Information Department

991

MAP B



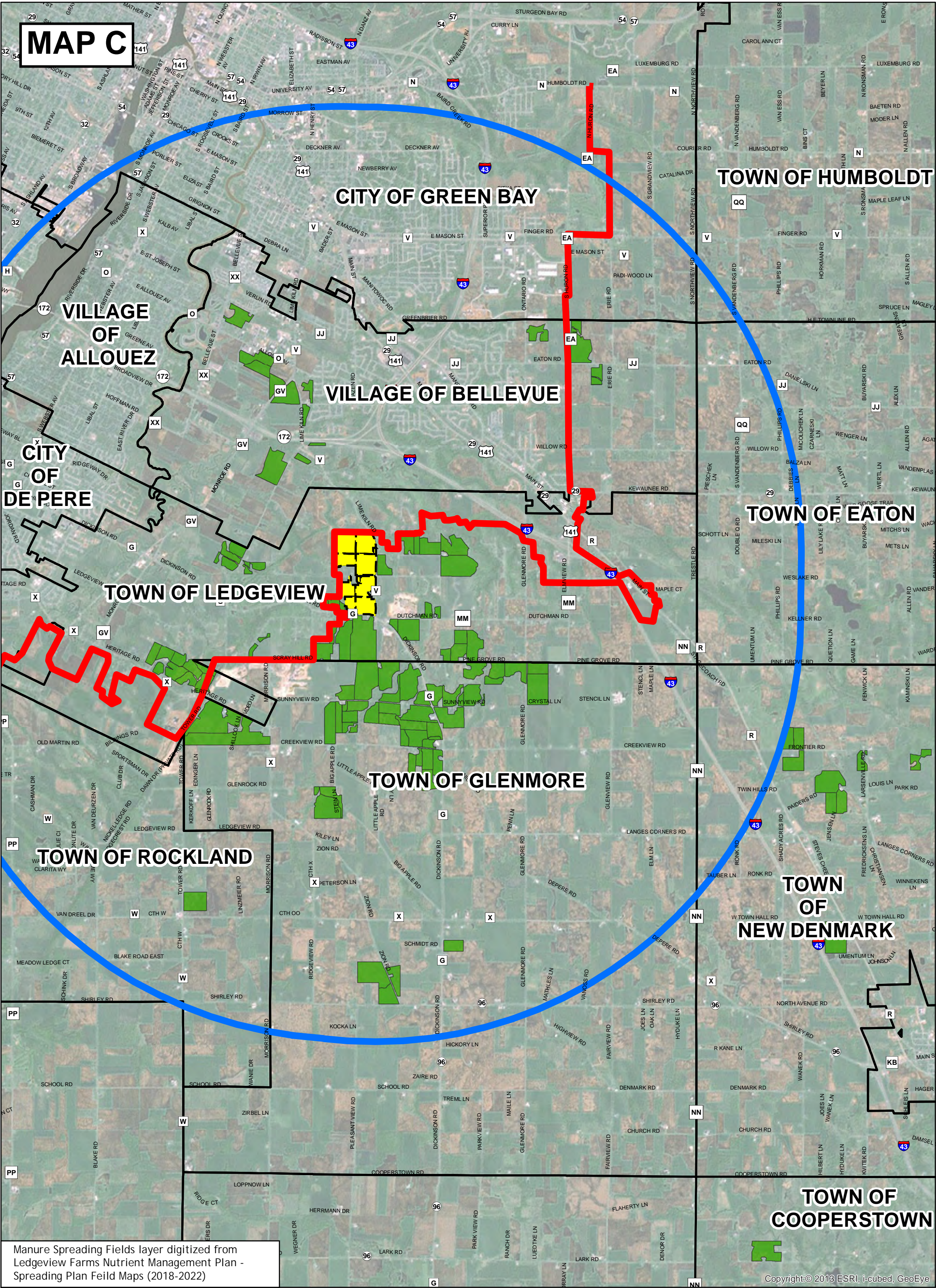
- Legend**
- Municipal Boundary
  - Heifer Site Parcels
  - 350 Foot Buffer
  - 600 Foot Buffer
  - 700 Foot Buffer
  - 1000 Foot Buffer



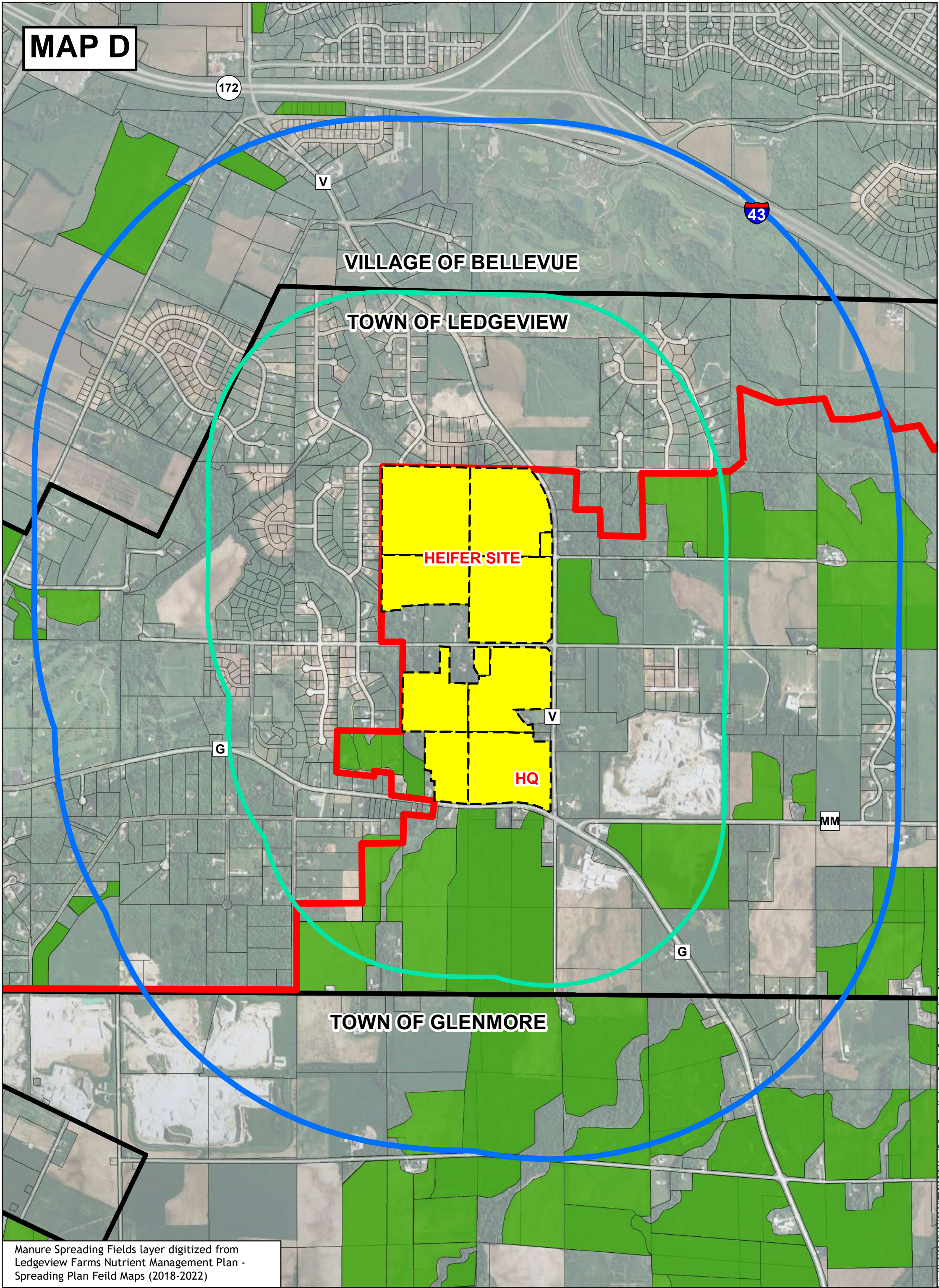
**Ledgeview Farms**  
Heifer Site Right of Way Buffers



Date: 5/23/2018



MAP D



Legend

- Municipal Boundary
- Public Utility Boundary
- Ledgeview Farms Parcels
- 1 Mile Buffer
- 1/2 Mile Buffer
- Manure Spreading Fields



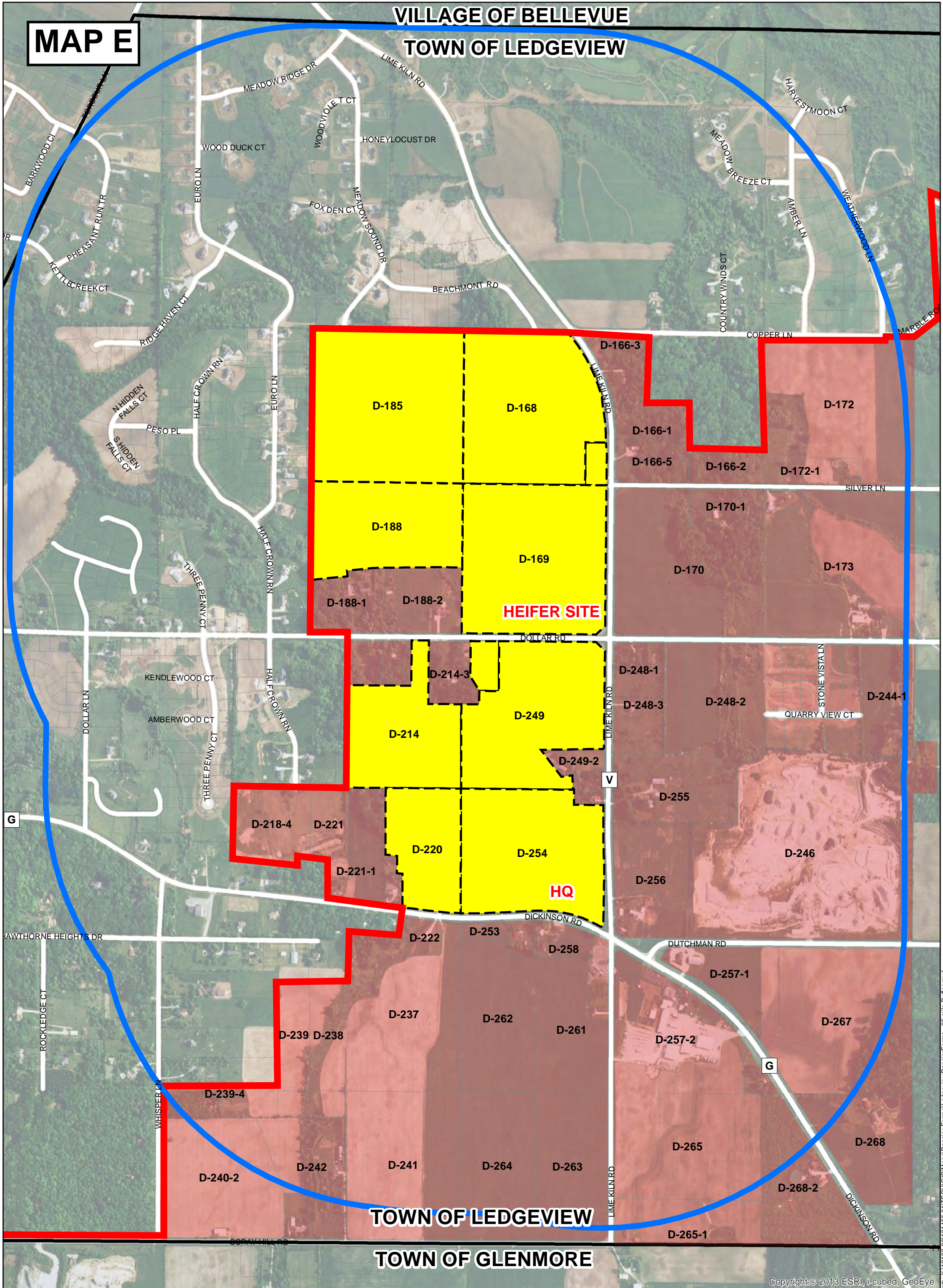
Ledgeview Farms  
Manure Spreading Field Map (2018-2022 NMP)

0 400 800 1,200 1,600 2,000 2,400 Feet



# TOWN OF LEDGEVIEW

## MAP E



 Municipal Boundary  
 Public Utility Boundary  
 Ledgeview Farms Parcels

Private Water and Septic within 1/2 Mile

 Ledgeview Farms Parcels



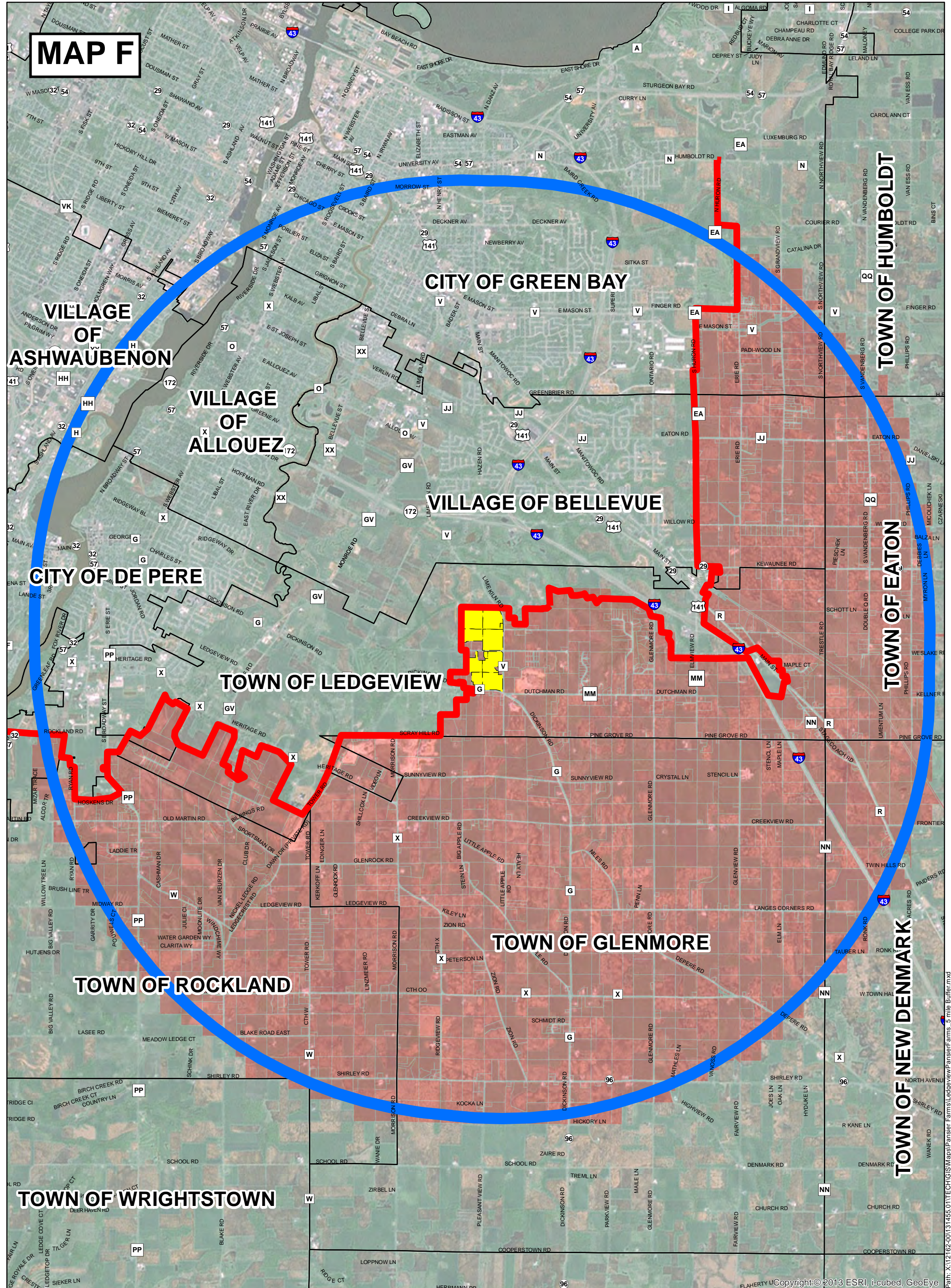
# Ledgeview Farms

Private Water and Septic (1/2 Mile Buffer)

Mead  
& Hunt

Date: 5/8/2018

Image Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, 2014, Brown County Planning and Land Information Department



Municipal Boundary

Public Utility Boundary

Ledgeview Farms Parcels

5-Mile Buffer

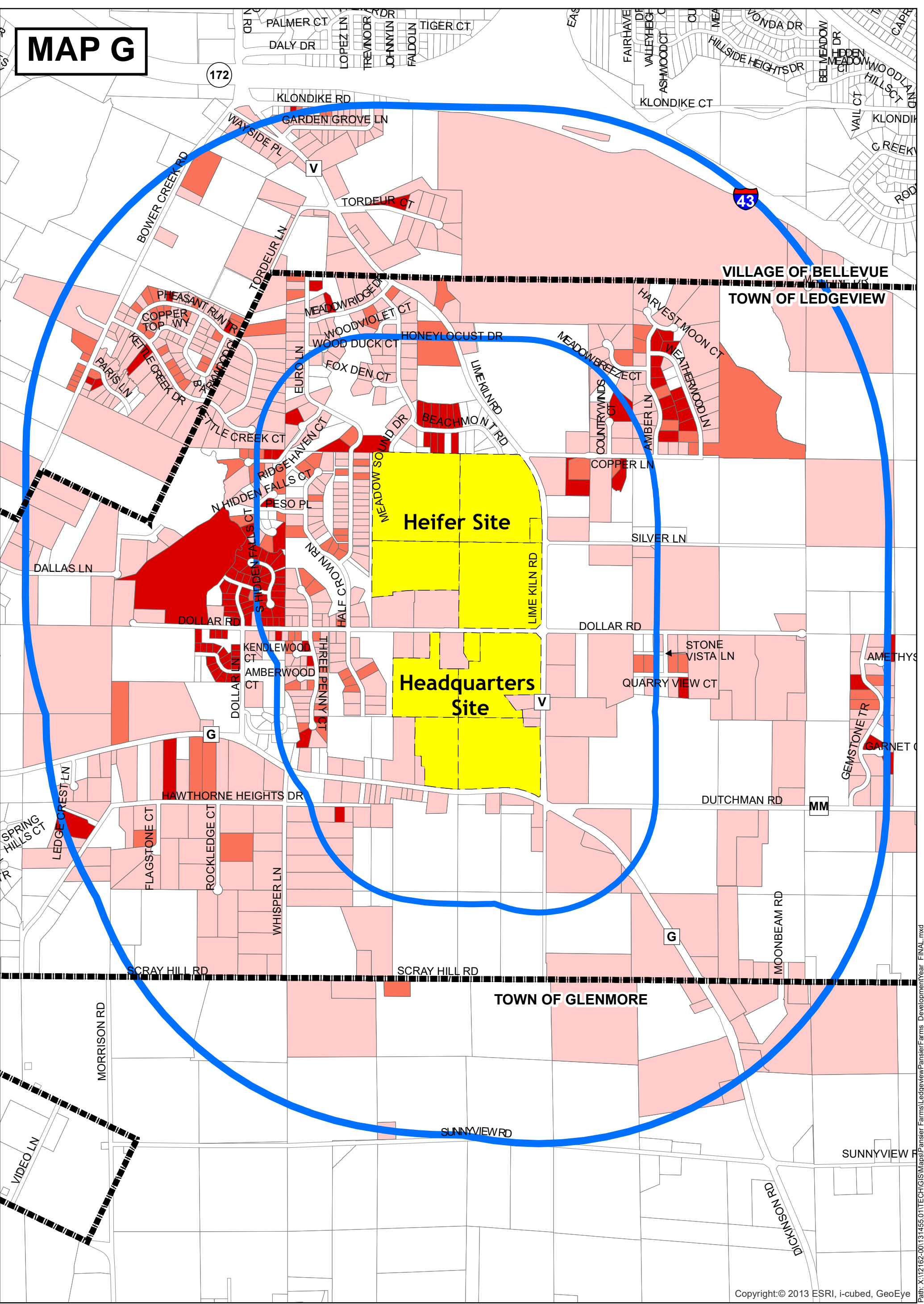
Private Water and Septic within 1/2 Mile

Ledgeview Farms  
Private Water & Septic (5 Mile Buffer)

Date: 5/8/2018

Image Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, 2014, Brown County Planning and Land Information Department

# MAP G



## CASE ACTIVITY REPORT FOR REGULATORS

State of Wisconsin  
Department of Natural Resources

Case ID	Case Title
	Ledgeview Farms LLC
Activity	Date of Activity
Site visits to verify status of interim measures	September 21 & October 30, 2018

On September 21, 2018, and October 30, 2018, DNR Agricultural Runoff Management Specialist Heidi Schmitt Marquez evaluated the status of interim runoff control measures required to be installed at the main farm site and heifer site at Ledgeview Farms LLC. The main farm site is located at 3875 Dickinson Rd (SW NW S33 T23N R21E), and the heifer site is located at 3688 Lime Kiln Rd (W SW S28 T23N R21E), both in De Pere, WI.

### September 21, 2018, Observations

- Main farm site:
  - Calf barn area
    - Schmitt Marquez did not observe solid manure/penpack waste from the calf barn stacked outside the east end of the calf barn.
    - Schmitt Marquez observed ponded process wastewater from washing the calf feeding buckets in the vegetated area directly south of the concrete drive lane south of and adjacent to the calf barn.
      - A system to partially collect and pump the wastewater was present in this area. The system consisted of a cutoff plastic drum partially submerged in the ground with a hose and sump pump and a metal tank with an opening at the top. Holes were drilled in the plastic drum to facilitate collection of wastewater ponded on the ground around the drum. Wastewater collects in this area from the concrete near the calf barn as well as from spillage from depositing wastewater directly into the metal tank. The sump pump then pumps the ponded wastewater from the plastic drum into the metal tank with the attached hose. The tank is emptied into the waste storage facility when it is full.
  - Heifer lot area
    - Schmitt Marquez observed concrete walls built in the northeast corner of the heifer lot (north wall and east wall). At the time of the inspection, solid manure from the heifer barn was piled in the interior of the wall and it appeared that solids were also pushed mechanically into the corner from the southeast corner of the lot. Manure and process wastewater were not observed discharging from the northeast corner of the wall. Uncontained solid manure was observed piled along the exteriors of both the east and north walls.
  - Solid manure was not observed stacked directly outside the heifer barn on the east side.
  - Waste storage facility fencing
    - Schmitt Marquez observed that the fencing required to be around all waste storage facilities was not present.
  - Soil stockpiles
    - Schmitt Marquez observed disturbed areas east of the waste storage facility that were not stabilized with vegetation. Severe rill erosion in the disturbed areas has caused discharges of soil-laden storm water to the wooded area immediately north and downslope of the site.

– Heifer site:

- Feed storage area collection basin

- Schmitt Marquez observed an earthen (clay) collection basin located south of the southeast corner of the feed storage area. The basin was full at the time of the inspection, appeared to have exceeded its capacity, and was overflowing from the northeast and southwest corners. Liquid that appeared to contain leachate was ponded around the northeast corner of the basin (not contained within the basin), where process wastewater from the feed pad would culminate and continue to flow south. The condition of the basin appeared to be unfinished as there were not clearly visible and defined walls on all sides of the basin. Schmitt Marquez observed uneven piles of dirt and wheel ruts from equipment rather than defined walls of the basin. Feed solids were observed around the southeast corner of the feed pad and throughout the area around the collection basin.
- Schmitt Marquez observed a gravel berm placed along the eastern side of the feed pad, between the steer barn and a grain bin, for containment of leachate and process wastewater. The berm was fairly shallow but appeared to be adequately containing runoff from the feed storage area. Schmitt Marquez observed ponded liquids immediately west of the berm that appeared to be contained by it.

– Precipitation data

- Source: Midwestern Regional Climate Center (MRCC), cli-MATE website
- Station Name: DE PERE 4.3 SW (W De Pere/Lawrence)

Date	Precipitation (inches)
09/18/2018	0.17
09/20/2018	0.22
09/21/2018	0.54
Total	0.93

- Source: Daily Climate Report, National Weather Service (Green Bay, WI)
- Station: GREEN BAY A S INTERNATIONAL AIRPORT, WI US 14898

Date	Precipitation (inches)
09/17/2018	0.73
09/19/2018	0.13
09/20/2018	0.64
09/21/2018	0.21
Total	1.71

October 30, 2018, Observations

– Main farm site:

- Waste storage facility

- Schmitt Marquez observed the completed installation of the concrete emergency overflow swale on the east side of the waste storage facility to reduce the effects of erosion due to overtopping, should an overtopping event occur. Manure overflow would be directed to an area northeast of the waste storage facility that corresponds to a low elevation in the wooded area north of the storage facility.

- Schmitt Marquez observed that the fencing required to be around all waste storage facilities was not present.
- Calf barn area
  - Schmitt Marquez observed the same conditions in this area that were present and observed during the 09/21/2018 site visit.
    - Observations included ponded process wastewater in the vegetated area directly south of the concrete drive lane south of the calf barn. Wastewater was ponded near the cutoff plastic drum and metal tank as well as approximately 10 feet west of the plastic drum.
- Feed storage area
  - Schmitt Marquez observed feed in the feed bunker with plastic tarp between the bunker walls and the feed. It appeared that the plastic was present from the top of the feed pile to the bottom along the eastern wall. The plastic along the western wall appeared to be present only near the top of the feed pile to approximately midway down the wall from the top.
  - Schmitt Marquez observed a mixture of stones and soil piled along the exterior of the eastern bunker wall, beginning from the approximate middle of the wall and extending northward to the northeast corner of the bunker. Feed solids as well as sparse vegetation was also visible mixed in with the stones. Leachate was observed discharging from the locations of feed present in the stone pile as well as from the northeast corner of the bunker.
  - Schmitt Marquez observed areas of ponded leachate/process wastewater in and near the stones located at the northeast corner of the bunker wall. Schmitt Marquez observed leachate/process wastewater discharging in a path originating from the northeast corner of the feed bunker through the stone pile in a northeasterly direction that followed the border of the vegetated area directly north of the feed storage area. The vegetation in this area was saturated with leachate/process wastewater and appeared very dark brown/black with an oily sheen. Vegetation in the areas of the ponded leachate/process wastewater was dead/not present. Schmitt Marquez observed feed solids mixed throughout the discharge path into the vegetated area where leachate/process wastewater was present. The extent of the leachate/process wastewater discharge into the vegetated area was approximately 50 feet north.
    - Leachate has been observed discharging from the northeast corner of the feed storage area on previous site visits.
- Soil stockpiles
  - Schmitt Marquez observed the same conditions in this area that were present and observed during the 09/21/2018 site visit.
    - The disturbed area east of the waste storage facility appeared to be in the same condition; no attempt at erosion controls or vegetative stabilization was observed. Rill erosion areas noted during the previous site visit appeared more severely eroded.
  - Schmitt Marquez observed an area of spilled/leaked manure in the disturbed area east of the waste storage facility that had discharged into one of the rill erosion pathways and was discharging downslope to the wooded area north of the site.
- Heifer site:
  - Feed storage area collection basin
    - Schmitt Marquez observed that the feed storage area was extremely full, especially the southernmost bunker, closest to the collection basin. Feed was piled beyond the concrete walls, both vertically and horizontally. Feed was also observed spilling outside of the feed storage area from the southeast corner of the feed pad, and was observed

throughout the area around the collection basin.

- The collection basin appeared partially full and the area around the basin inlet was visibly disturbed and had been recently regraded to form a channel to direct flow into the basin.
- The gravel berm placed along the eastern side of the feed pad, between the steer barn and a grain bin, for containment of leachate and process wastewater was still present and appeared to be functioning as intended.

– Precipitation data

- Source: Midwestern Regional Climate Center (MRCC), cli-MATE website
- Station Name: DE PERE 4.3 SW (W De Pere/Lawrence)

Date	Precipitation (inches)
10/28/2018	0.09
10/29/2018	0.18
Total	0.27

- Source: Daily Climate Report, National Weather Service (Green Bay, WI)
- Station: GREEN BAY A S INTERNATIONAL AIRPORT, WI US 14898

Date	Precipitation (inches)
10/28/2018	0.32
Total	0.32

Photo logs for each site visit immediately follow this report.

Regulator(s) Reporting	Date of Report	Exhibit Reference
Heidi Schmitt Marquez	November 12, 2018	

**PHOTO LOG**

**September 21, 2018:**  
**MAIN FARM SITE**



**Photo 1:** View of a disturbed area without storm water erosion controls vegetative stabilization east of the waste storage facility. Photo direction is east.



**Photo 2:** View of the north side of the disturbed area looking down into a wooded area where ponded turbid water is visible. Severe rill erosion is visible in the foreground. Photo direction is north and down.



**Photo 3:** Close up view of the ponded turbid water in the wooded area north of the disturbed area. Photo direction is north and down.



**Photo 4:** View of the south wall and southeast corner of the concrete heifer lot. Photo direction is west.



**Photo 5:** View of the concrete heifer lot from the east end. Photo direction is west.



**Photo 6:** View of the east end of the concrete heifer lot where the northeast corner was enclosed with concrete walls as part of interim runoff control requirements. Photo direction is north/NW.



**Photo 7:** View of the east end of the concrete heifer lot. The east wall is partially visible. Photo direction is south.



**Photo 8:** View of the exterior of the north wall at the east end of the concrete heifer lot. Photo direction is SW.



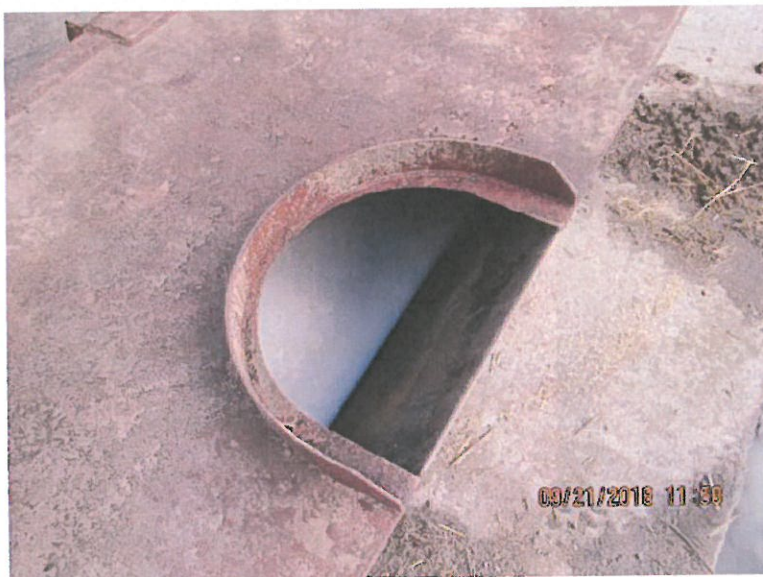
**Photo 9:** View of the concrete lane south/in front of the calf barn. Photo direction is west.



**Photo 10:** View of the concrete lane south of the calf barn where discharges of process wastewater were previously observed. Photo direction is down and NW.



**Photo 11:** View of the vegetated area south of the concrete lane south of the calf barn. Process wastewater is visible ponded near a partially submerged plastic drum. Photo direction is down and SE.



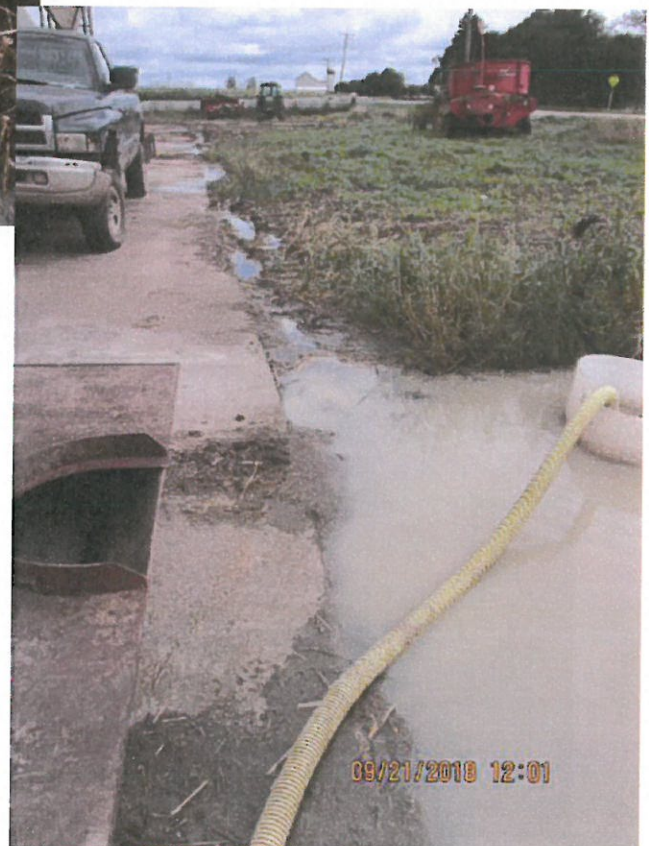
**Photo 12:** View of the inside of a metal tank adjacent to the area of ponded process wastewater south of the calf barn. Process wastewater is visible inside the tank. Photo direction is down.



**Photo 13:** Alternate view of area of ponded process wastewater south of the calf barn. Photo direction is down and SE.



**Photo 14 (left):** Close up view of process wastewater ponded around the partially submerged plastic drum. Photo direction is down.



**Photo 15 (right):** Alternate view of the vegetated area south of the calf barn, showing the area of ponded process wastewater. Photo direction is east.

**HEIFER SITE**

**Photo 16:** View of the leachate/process wastewater collection basin south of the FSA constructed to meet interim runoff control requirements. Photo direction is SW.



**Photo 17:** View of the leachate/process wastewater collection basin south of the FSA showing the south bunker wall. Photo direction is west.



**Photo 18:** Close up view of the southern berm wall of the leachate/process wastewater collection basin south of the FSA. Photo direction is NE.



**Photo 19:** View of the SE corner of the FSA where the flow of leachate/process wastewater flow is directed. The leachate/process wastewater collection basin is partially visible. Photo direction is down and NW.



**Photo 20:** Close up view of the water in the leachate/process wastewater collection basin south of the FSA. Photo direction is down and north.



**Photo 21:** Close up view of the western section of the leachate/process wastewater collection basin south of the FSA. Photo direction is down and north.



**Photo 22:** View of the leachate/process wastewater collection basin south of the FSA from the SW corner. Photo direction is down and NE.



**Photo 23:** Close up view of the construction of the N/NW wall of the leachate/process wastewater collection basin south of the FSA. Photo direction is NW.



**Photo 24:** Alternate view of the construction of the N/NW wall of the leachate/process wastewater collection basin south of the FSA. Photo direction is NW.



**Photo 25:** View of the construction of the S/SW wall of the leachate/process wastewater collection basin south of the FSA. Photo direction is SW.



**Photo 26:** View of process wastewater in a drainage path near the southern berm wall of the leachate/process wastewater collection basin south of the FSA. Photo direction is south and down.



**Photo 27:** View of the S/SE wall section of the leachate/process wastewater collection basin south of the FSA. Photo direction is SE and down.



**Photo 28:** View of the leachate/process wastewater collection basin south of the FSA from the NE corner. Blown feed is visible near the inlet to the basin. Photo direction is SW and down.



**Photo 29:** Close up view of a wooden stake in the leachate/process wastewater collection basin that appeared to be a level /volume indicator. Photo direction is SW and down.



**Photo 30:** View of the feed pad (left) and the yard area (right), which drains to the collection basin south of the FSA. Photo direction is NW.



**Photo 31:** View of the gravel berm placed on the east side of the site between the steer barn and a grain bin to prevent discharges to the ditch at Lime Kiln Rd. Photo direction is north.



**Photo 32:** Alternate view of the gravel berm placed on the east side of the site between the steer barn and a grain bin to prevent discharges to the ditch at Lime Kiln Rd. Photo direction is north.

**October 30, 2018:  
HEIFER SITE**



**Photo 33:** View of the feed pile in the FSA showing ponded leachate/process wastewater. Photo direction is north.



**Photo 34:** Alternate view of the feed pile in the FSA, which is only partially covered with plastic. Photo direction is west.



**Photo 35:** Close up view of the ponded leachate/process wastewater near the feed pile in the FSA. Photo direction is down and NW.



**Photo 36:** View of the leachate/process wastewater collection basin south of the FSA. Photo direction is SW.



**Photo 37:** Alternate view of the leachate/process wastewater collection basin south of the FSA. Photo direction is west.



**Photo 38:** View of the feed pile in the FSA from near the inlet to the leachate/process wastewater collection basin south of the FSA. Photo direction is north.



**Photo 39:** View of the SE corner of the FSA showing feed solids outside the feed pad and near the inlet to the leachate/process wastewater collection basin south of the FSA. Photo direction is north.



**Photo 40:** Alternate view of the SE corner and south wall of the FSA, showing feed solids outside the feed pad and near the inlet to the leachate/process wastewater collection basin south of the FSA. Photo direction is NW.



**Photo 41:** View of the leachate/process wastewater collection basin south of the FSA, showing the regraded inlet area. Photo direction is SW.



**Photo 42:** Closer view of the leachate/process wastewater collection basin south of the FSA, showing the regraded inlet area. Photo direction is SW.



**Photo 43:** Closer view of the leachate/process wastewater collection basin south of the FSA, showing the regraded inlet area. Photo direction is SW.



**Photo 44:** Alternate view of the SE corner and south wall of the FSA, showing feed solids outside the feed pad and near the inlet to the leachate/process wastewater collection basin south of the FSA. Photo direction is NW.



**Photo 45:** Alternate view of the SE corner and south wall of the FSA, showing feed solids outside the feed pad and near the inlet to the leachate/process wastewater collection basin south of the FSA. Photo direction is SW.

**MAIN FARM SITE**

**Photo 46:** View of the concrete overflow weir constructed in the waste storage facility to meet secondary containment requirements. Photo direction is W/NW.



**Photo 47:** Alternate view of the concrete overflow weir constructed in the waste storage facility to meet secondary containment requirements. Photo direction is west.



**Photo 48:** Alternate view of the concrete overflow weir constructed in the waste storage facility to meet secondary containment requirements, showing the direction and location of the overflow. Photo direction is down and NE.



**Photo 49:** View of a wooded area downslope and NE of the waste storage facility where manure will be directed if the storage facility overflows. Photo direction is down and N/NE.



**Photo 50:** View of a disturbed area east of the waste storage facility that does not contain storm water erosion controls or vegetative stabilization. Photo direction is down and east.



**Photo 51:** View of rill erosion in a disturbed area east of the waste storage facility that does not contain storm water erosion controls or vegetative stabilization. Turbid water is visible ponded in the wooded area in the background. Photo direction is down and down and N/NE.



**Photo 52:** View of ponded liquid manure in a disturbed area east of the waste storage facility. Photo direction is down.



**Photo 53:** View of a discharge path of liquid manure from an area of ponded manure in a disturbed area east of the waste storage facility. Photo direction is down and north.



**Photo 54:** View of ponded process wastewater south of the calf barn, near a partially submerged plastic drum and metal tank. Photo direction is down and east.



**Photo 55:** View of ponded process wastewater south of the calf barn, near a partially submerged plastic drum and metal tank. Photo direction is down.



**Photo 56:** View of ponded process wastewater, south of the calf barn and west of the plastic drum and metal tank. Photo direction is down.



**Photo 57:** View of ponded process wastewater, south of the calf barn and farther west of the plastic drum and metal tank. Photo direction is down and west.



**Photo 58:** View of the FSA with plastic covering the top and sides of the feed pile. Photo direction is north.



**Photo 59:** Alternate view of the FSA with plastic covering the top and sides of the feed pile. Photo direction is north/NW.



**Photo 60:** View of the exterior of the east wall of the FSA with plastic showing rocks and other vegetation piled against the concrete wall. Photo direction is NW.



**Photo 61:** View of the area outside the east wall of the FSA, showing rocks and vegetation piled against the wall and sand spread on the ground. Photo direction is north.



**Photo 62:** View of the NE corner of the FSA where leachate has been observed discharging during previous site inspections. Leachate is visible ponded on the ground outside the dirt/stone/sand pile outside the wall. Photo direction is west.



**Photo 63:** Close up view of the NE corner of the FSA where leachate has been observed discharging during previous site inspections. Leachate is visible ponded on the ground outside the dirt/stone/sand pile outside the wall. Photo direction is west.



**Photo 64:** Close up view of the ponded leachate outside the wall of the NE corner of the FSA. Photo direction is down and west.



**Photo 65:** Close up view of leachate and feed solids near the NE corner of the FSA. Sand covering the ground is visible in the foreground. Photo direction is north and down.



**Photo 66:** View of a ponded area of leachate and dead vegetation in the field/vegetated area N/NE of the FSA. Photo direction is north and down.



**Photo 67:** View of the leachate discharge pathway northward into the vegetated area N/NE of the FSA. Ponded leachate and dead vegetation are visible. Photo direction is N/NW.



**Photo 68:** View of the leachate discharge pathway northward into the vegetated area N/NE of the FSA. Ponded leachate and dead vegetation are visible. Photo direction is N/NW.



**Photo 69:** View of the leachate discharge pathway northward into the vegetated area N/NE of the FSA. Ponded leachate, dead vegetation, and feed solids are visible. Photo direction is down and N/NW.



**Photo 70:** View of the leachate discharge pathway northward into the vegetated area N/NE of the FSA. Poned leachate and dead vegetation are visible. Photo direction is down.



**Photo 71:** View of the leachate discharge pathway northward into the vegetated area N/NE of the FSA. Poned leachate and dead vegetation are visible. Photo direction is N/NW.



**Photo 72:** View of the leachate discharge pathway northward into the vegetated area N/NE of the FSA. Poned leachate and dead vegetation are visible. Photo direction is N/NW.



**Photo 73:** Close up view of the leachate discharge ponded in the vegetated area N/NE of the FSA. Dead vegetation is also visible. Photo direction down.



**Photo 74:** Alternate view of the NE corner of the FSA showing the piled stones, sand, and feed solids. Photo direction is west.



**Photo 75:** View of the sand and feed solids pushed into the vegetated area N/NE of the FSA. Photo direction is west.



**Photo 76:** Close up view of the sand and feed solids pushed into the vegetated area N/NE of the FSA. Photo direction is north.



**Photo 77 (right):** Close up view of the stone, feed solids, and soil mixture piled against the exterior of the east wall of the FSA. Leachate seepage is visible. Photo direction is west and down.



**Photo 78 (left):** View of the west end of the concrete heifer lot. Photo direction is W/NW.



**Photo 79:** View of the middle section of the concrete heifer lot. Photo direction is east.



**Photo 80:** View of the east end of the concrete heifer lot. Photo direction is east.



**Photo 81:** View of the concrete pad and partially walled east end/NE corner of heifer lot. Photo direction is NE.



**Photo 82:** View of the NE corner of the concrete heifer lot. Photo direction is NW.



**Photo 83:** Alternate view of the NE corner of the concrete heifer lot, showing the exterior of the walls. Photo direction is SW.

**Photos 84 & 85 (below):** View of the areas east of the heifer barn previously used to stack solid manure from the heifer barn prior to land application. Photo direction is west.





November 14, 2018

Jason Pansier  
Ledgeview Farms LLC  
3870 Dickinson Rd  
De Pere, WI 54115

Brown County

**SUBJECT: Interim Runoff Control Measures – Response Requested by 12/31/2018**

Dear Mr. Pansier:

Ledgeview Farms LLC (Ledgeview Farms) was notified of the requirement to install interim runoff control measures in a compliance inspection summary letter dated 09/21/2017. Interim measures were required to be implemented immediately upon notification in the following areas to prevent pollutant discharges from the production areas until permanent runoff control measures are installed:

1. Calf barn (main farm site)
2. Feed storage areas (both sites)
3. Stacking areas for solid manure/used bedding (both sites)
4. Feedlots (both sites)

The Department requested written documentation to be submitted by October 6 & 31, 2017, demonstrating that interim measures and practices had been installed and implemented and the discharges from the identified areas had ceased. The Department received a report on 10/05/2017, from Roach & Associates on behalf of Ledgeview Farms that provided details about plans for implementation of the required interim measures. The Department advised to proceed with installation as quickly as possible to address runoff concerns.

The Department received confirmation via email on 07/31/2018 from Roach & Associates on behalf of Ledgeview Farms that interim measures were installed in accordance with the plans previously submitted on 10/05/2017. In addition, the email stated that the detention basin planned for leachate collection from the feed storage area at the heifer site was planned for completion on 09/03/2018. The email also included an attached report from Brown County Land and Water Conservation Department (LWCD) staff that was signed and dated 07/12/2018 and included photographs and designs of the following:

- Installation of secondary containment concrete overflow weir on the waste storage facility at the main farm site.
- Installation of concrete walls and ramp areas at the east and west ends of the heifer lot at the main farm site.

- Placement of the gravel berm/diversion on the east side of the feed storage area at the heifer site.

The Department conducted site inspections to verify the status of the interim measures on 09/21/2018 and 10/30/2018. Observations made on these dates are summarized in a case activity report that is enclosed with this letter for your review and reference. Based on observations made during both site visits, several items related to runoff controls remain unaddressed. The following items require attention by Ledgeview Farms:

1. Calf barn (main farm site)
  - a. Process wastewater discharges to the environment were observed during both site visits.
  - b. **Changes in management/handling of process wastewater generated by the calf barn and/or installation of a collection system are required to prevent discharges of process wastewater.**
2. Feed storage area (main farm site)
  - a. Leachate was visible discharging from the northeast corner of the bunker wall to the vegetated area north of the feed storage area. Leachate was observed ponded in areas of burnt out/dead vegetation in the vegetated area north of the feed storage area. Materials placed along the exterior of the east bunker wall appeared to require maintenance to continue to function as a method to contain leachate generated by feed. Waste/blown feed appeared to be mixed in with the material placed along the exterior of the bunker walls.
  - b. Clay soil was previously placed along the exterior of the bunker walls to contain leachate and process wastewater from the feed storage area. The material present along the exterior of the bunker walls during the inspection should be removed and replaced with clay soils. This method requires frequent monitoring to ensure that leachate and process wastewater are not seeping through the clay berm.
    - i. The Department received photographic documentation on 11/02/2018 that the material along the exterior of the east wall of the bunker was removed and replaced with clay soils.
    - ii. **The condition of the clay should be monitored at least weekly to ensure that it is functioning properly and leachate and/or process wastewater are not discharging.**
3. Feed storage area (heifer site)
  - a. The walls and inlet areas of the collection were re-graded after the 09/21/2018 site visit. The definition of the walls and inlet/collection channel was improved, but the inlet/collection channel should be leveled better to improve flow into the basin.

- b. The basin appeared to be at capacity and overflowing during the 09/21/2018 site visit. Based on precipitation data obtained from multiple nearby sources, a 25-yr 24-hr rain event did not occur in the days prior to the inspection. An important aspect of the proposed operation and maintenance of the collection basin is monitoring its level and removing the contents for land application to fields in Ledgeview's approved NMP when it reaches maximum capacity so that the basin does not overflow.
  - i. **The frequency of emptying the basin will depend on precipitation and should be monitored daily when it rains to ensure the basin does not overflow.**
  - ii. **Final grading and seeding of disturbed areas around the basin needs to be completed.**
- 4. Heifer feedlot (main farm site)
  - a. The report from Brown County LWCD sent as an attachment to the 07/31/2018 email from Roach & Associates on behalf of Ledgeview Farms states that the original plans for the feedlot runoff controls were changed by Ledgeview Farms prior to installation.
    - i. **The Department will need additional information to determine whether the modified interim runoff control measures installed for the heifer feedlot at the main farm site meet requirements to adequately contain runoff from the feedlot area.**
- 5. Storm water erosion controls (main farm site)
  - a. A disturbed area was observed east of the waste storage facility during both site inspections. Storm water controls and stabilization of this area were not in place, and sediment-laden water was observed ponded in the wooded area north and downslope of the disturbed area.
    - i. NR 151.105, Wis. Adm. Code, lists minimum erosion and sediment control requirements for construction sites with less than one acre of land disturbance.
    - ii. NR 151.105(4), Wis. Adm. Code, requires erosion and sediment control practices to prevent the discharge of sediment eroding from soil stockpiles existing for more than 7 days.
      - 1. **Actions should be taken to comply with the requirements of the applicable sections of ch. NR 151, Wis. Adm. Code, listed above.**
  - b. A ponded area of liquid manure was observed during the 10/30/2018 site inspection that was discharging through rill erosion channels in the disturbed area to the wooded area northeast of the waste storage facility, where sediment-laden water was ponded.
    - i. **Practices to cease discharges of manure from this area and prevent future discharge occurrences should be implemented.**

Each of the items identified in bold in this letter should be addressed and documentation submitted to the Department describing the actions taken to resolve each issue by **December 31, 2018**. If you have any questions regarding this letter, please contact me at (920) 662-5187 or Heidi.SchmittMarquez@wisconsin.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Heidi SchmittMarquez", is written over a light gray, textured rectangular background.

Agricultural Runoff Management Specialist

encl: Interim Runoff Controls Inspection Report

cc: John Roach, Roach & Associates, LLC  
Mike Mushinski, Brown County Land and Water Conservation Department  
Dave Wetenkamp, Brown County Land and Water Conservation Department  
Joe Baeten, DNR – Green Bay



January 4, 2019

VIA EMAIL AND U.S. MAIL  
(jasonpansier@gmail.com)

Ledgeview Farm, LLC  
c/o Jason Pansier  
3875 Dickinson Road  
DePere, WI 54115

RE: Ledgeview Farm, LLC  
Second Application for Livestock Siting Approval

Dear Mr. Pansier:

You submitted a request to the Town of Ledgeview for a livestock siting approval and made additional insertions to that submittal through November 20, 2018. The Town is in the process of evaluating whether this submittal was untimely or inappropriately filed with the Town. In the interest of avoiding delay, the Town provides the following as a completeness determination for the application so that your work toward completion can continue should the Town subsequently determine that the submittal is appropriately before it for a Town decision. The issuance of this completeness determination is not an acknowledgement by the Town that the application was timely and appropriately filed with the Town.

Wis. Stat. § 93.90 (4) (a) provides in part that “[n]o later than 45 days after a political subdivision receives an application for approval, the political subdivision shall notify the applicant whether the application for approval is complete and, if it is not complete, what information is needed to complete the application for approval.”

Your application of November 20, 2018, is incomplete. The following information is needed:

- A. The following comments correspond to the ATCP 51 Application Review Checklist Completeness Determination:

3) Cluster B Site Maps – Map 1 is missing north arrow and Map 2 north arrow in wrong orientation.

4) Location of Livestock Structures- Well Variance not provided for existing well at Heifer Site not 250' from Detention Basin.

22) Total acres of cropland in Worksheet 3 Part B #4 not consistent with Worksheet 3 Part C. (2,752 acres versus 2,759 acres)

30) Verify modifications on Animal Lot Y1 at Headquarters site provides 6" of freeboard. Plans callout addition of 1ft wall. Does this wall provide the required freeboard? Does existing wall provide required freeboard?

NCSS 634-Reception structures receiving runoff and/or precipitation shall be sized to contain a minimum of one full day's manure production, plus six inches extra depth for safety, and the volume of runoff and/or precipitation from a 25-year, 24-hour rainfall event. The increase in storage volume due to runoff and/or precipitation may be reduced if a portion of this runoff and/or precipitation can be safely routed to and contained within the waste management system

30) Future runoff collection system for the FSA at the Headquarters site were noted in the Waste Storage Calculations in Exhibit 6-1. No plans or specifications were attached.

B. The following identify additional information needed for the Town to conduct an application review:

- For clarity it would be beneficial for the documents to be updated to be consistent regarding labelling of the animal lot at Headquarters as Y1 and the animal lot at the Heifer Site as Y2.
- How will manure and precipitation collected in the animal lot Y1 at the Headquarters site be transferred to storage?
- Was nutrient management plan approved by DNR?
- Was Evaluation of WSF1 at Headquarters site approved by DNR?
- Documentation or calculations of volume of WSF1 at Headquarters site?
- Has closure to Pit 1 and Pit 2 occurred? Were there impacted soils? Outlet installed? Explain need for waste transfer in Inspection Plan section of Closure Plan.
- Does proposed FSA meet requirements of Worksheet 5 3 c) and d)?
- The Application does not include sufficient information about the current number of animal units present on the site. The narrative lists the milking and dry cow numbers, the heifer numbers, and the steer numbers, but does not provide

January 4, 2019

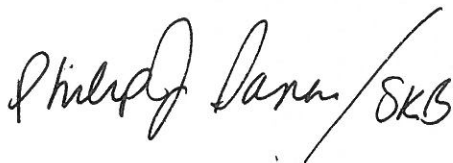
Page 3

information about the corresponding animal unit calculation for (at least the latter two of) these categories to allow accurate current total animal unit calculations.

- Exhibit 6-3 lists 550 calf steers and 525 steers at the Heifer Site; this not match Worksheet 1 – Animal Units which lists 675 steers and 400 steer calves. Please clarify.
- Exhibit 6-13 lists the area of the Headquarters Animal Lot as 6,050 sqft, the Odor Score spreadsheet lists the lot area as 5,953 sqft and Exhibit 15 lists the lot area as 5,976 sqft. Please clarify.

The ATCP 51 Application Review Checklist is enclosed.

Sincerely,



Philip J. Danen, Chairman  
Town of Ledgeview

Enclosure

cc: Stafford Rosenbaum, LLP (via email)  
Eric M. McLeod, Husch Blackwell (via email)

## ATCP 51 Application Review Checklist Completeness Determination

This review is confined to considerations related to completeness of the application, including selective checks for consistency. This completeness review does not include an evaluation of the underlying documentation submitted with the application (e.g. plans and specifications) to determine compliance with state standards. Review for compliance with the siting standards is the next step after the completeness determination.

Applicant (Livestock Facility Name): Ledgeview Dairy  
Local unit of government: Town of Ledgeview

The application was provided by (e.g. applicant / consultant / political subdivision): Mead Hunt  
Date application and related documentation was submitted to DATCP: 11/2/18  
Reviewed by (staff): REA Bob Pofahl and Dan Wierzba  
Date review completed: 12/27/2018

### Review of Application, Worksheets and Attachments (numbers refer to sections of the referenced application materials)

#### Application Form pages 390-11 to 390-20

##### Completeness Considerations

	Complete	Incomplete	Not submitted
1) Area map # 9 – legible, scaled properly, appropriately labeled	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) Site map (plan) # 10 - legible, scaled properly, appropriately labeled	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Location of livestock structures # 11 - map or narrative	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) Employee Training Plan # 12 - addresses required elements	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5) Environmental Incident Response Plan # 13 - addresses required elements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6) Optional Odor Management Plan # 14 - addresses required elements (only submitted if credit taken on Worksheet 2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7) Page 390-20 is signed (last page)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Notes:

#### Worksheet 1 – Animal Units

##### Completeness Considerations

	Complete	Incomplete	Not submitted
8) Animal units for each livestock type are calculated, and all types are summed for a total	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9) Total animal units calculated in Worksheet 1 is consistent with the maximum number of animal units listed in # 8 on p. 390-17	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10) Worksheet is signed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Notes:

**Worksheet 2 – Odor Management****Completeness Considerations**

	<b>Complete</b>	<b>Incomplete</b>	<b>Not submitted</b>
11) Facility is exempt and the appropriate box checked Note: Expanding facilities under 1000 AU, new facilities under 500 AU, and any facility greater than 2500 feet from nearest affected neighbor are exempt, but may voluntarily complete and comply with this standard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12) Tables A and B are completed, or a copy of the spreadsheet printout is attached (skip this if exempt)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13) Worksheet is signed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Notes:****WPDES permit substitution for Worksheets 3, 4, and 5**

(If completed, skip sections of this checklist for Worksheets 3, 4, and 5)

**Completeness Considerations**

	<b>Complete</b>	<b>Incomplete</b>	<b>Not applicable</b>
14) A current WPDES permit is attached (at minimum includes a cover letter demonstrating the permit has not expired)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15) The WPDES permit covers an equal or greater number of animal units housed in the same locations proposed in the siting application	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Notes:****Worksheet 3 – Waste and Nutrient Management****Completeness Considerations**

	<b>Complete</b>	<b>Incomplete</b>	<b>Not submitted</b>
16) Worksheet 3 Part A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17) Worksheet 3 Part B, including maps required by # 2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18) Worksheet 3 Part B - animal unit number in # 1 is consistent with the maximum animal unit number in Worksheet 1 and # 8 on p. 390-17	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19) Worksheet 3 Parts A and B are signed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20) Worksheet 3 Part C (required when > 500 AU or less than the ratio in Worksheet 3 Part B # 6)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21) Worksheet 3 Part C is signed by a Qualified Nutrient Management Planner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22) The total acres of cropland available for land application listed in Worksheet 3 Part B # 4 is consistent with the total acres listed in Worksheet 3 Part C	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
23) Worksheet 3 Part C is signed if required	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Notes:**

**Worksheet 4 – Waste Storage Facilities****Completeness Considerations**

	<b>Complete</b>	<b>Incomplete</b>	<b>Not submitted</b>
24) All new or substantially altered storage facilities are identified, and design specifications attached	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25) All existing storage facilities are identified, and the appropriate verification checkbox marked	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26) Closure specifications are attached (if applicable)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27) Combined useable storage capacity is consistent with the total waste storage capacity on Worksheet 3 Part A (sum of numbers in column A)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28) Signed by registered professional engineer (whose license number and seal are provided) or a certified agricultural engineering practitioner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Notes:****Worksheet 5 – Runoff Management****Completeness Considerations**

	<b>Complete</b>	<b>Incomplete</b>	<b>Not submitted</b>
29) All the following are identified (map or narrative): new or substantially altered animal lots, existing animal lots, new or substantially altered feed storage, existing feed storage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30) For each new and substantially altered animal lot (# 1), design specifications are attached	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
31) An explanation is attached for any existing lots with minor alterations (# 2 and # 3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
32) For each new and substantially altered feed storage for high moisture feed (# 3), design specifications are attached	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
33) Signed by registered professional engineer (whose license number and seal are provided) or a certified agricultural engineering practitioner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
34) Worksheet is signed by applicant	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Notes:**

**If applicable, additional documentation for more stringent requirements (can only be required if the local government meets requirements for more stringent regulation)**

**Completeness Considerations**

	<b>Complete</b>	<b>Incomplete</b>	<b>Not submitted</b>
35) Required submissions are provided	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
36) Design specifications are attached (if required)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Notes:**

I:\lw\LIVESTOCK FACILITY SITING\Information and Education\checklists\Completeness Review  
Checklist 4-2009.doc

## Sarah Burdette

---

**From:** Sarah Burdette  
**Sent:** Wednesday, January 16, 2019 11:37 AM  
**To:** 'John Roach'  
**Cc:** 'jasonpansier@gmail.com'  
**Subject:** Ledgeview Farms Conditional Use Permit Application - January 7, 2019

John,

On January 7, 2019, you electronically submitted a partial conditional use permit application for a livestock siting approval on behalf of Ledgeview Farms. For this application to be considered to have been received by the Town, and for the Town to begin to evaluate its completeness, you will have to submit the entire application electronically. See Town Code of Ordinances Sec. 135-251C.; see also Conditional Use Permit Application (providing that only electronic applications will be accepted).

In addition, the Town is already in the process of evaluating the completeness of an application for a conditional use permit for a siting approval submitted on behalf of Ledgeview Farms, submitted in November of last year. That application is still being pursued by Ledgeview Farms, as evidenced by your response to the Town's request for additional information relating to that application that was received by the Town on January 11, 2019. The Town will not simultaneously evaluate multiple efforts to obtain siting approvals for Ledgeview Farms. If you choose to submit a new, full conditional use permit application to the Town, you must first rescind the application filed in November. No new application will be considered received by the Town when an existing application is pending.

Because the Town is only in receipt of one full application for a siting approval at this time (the November application), and because the most recent communication that the Town has received on behalf of Ledgeview Farms indicates a desire to continue to pursue that application, the Town will continue to review that application for completeness, and thereafter for approvability, until such time as the Town makes its decision on that application or the application is rescinded. If Ledgeview Farms decides to file a different application, it may do so by first rescinding the November application and submitting a full electronic application for its subsequent request.

Regards,

Sarah

Sarah K. Burdette  
Administrator  
Town of Ledgeview



3700 Dickinson Road  
De Pere, WI 54115  
Phone: 920.336.3360, ext. 108  
Cell/Text: 920-639-6083  
sburdette@ledgeviewwisconsin.com [www.LedgeviewWisconsin.com](http://www.LedgeviewWisconsin.com)





This message originates from the Town of Ledgeview. It contains information that may be confidential or privileged and is intended only for the individual named above. It is prohibited for anyone to disclose, copy, distribute or use the contents of this message without permission, except as allowed by the Wisconsin Public Records Laws. If this message is sent to a quorum of a governmental body, my intent is the same as though it were sent by regular mail and further distribution is prohibited. All personal messages express views solely of the sender, which are not attributed to the municipality I represent, and may not be copied or distributed without this disclaimer. If you receive this message in error, please notify me immediately.

## Sarah Burdette

---

**From:** Sarah Burdette  
**Sent:** Monday, February 18, 2019 2:33 PM  
**To:** 'jasonpansier@gmail.com'  
**Cc:** 'eric.mcleod@huschblackwell.com'; Vanessa Wishart; 'Larry Konopacki'  
**Subject:** Ledgeview Farm, LLC Second Application for Livestock Siting/CUP  
**Attachments:** 19-02-18 ledgeview farm.pdf

Good Afternoon Mr. Pansier,

Please find attached to this email, a response from the Town of Ledgeview relative to Ledgeview Farm, LLC Second Application for Livestock Siting.

Regards,  
Sarah

Sarah K. Burdette  
Administrator  
Town of Ledgeview



3700 Dickinson Road  
De Pere, WI 54115  
Phone: 920.336.3360, ext. 108  
Cell/Text: 920-639-6083  
[sburdette@ledgeviewwisconsin.com](mailto:sburdette@ledgeviewwisconsin.com) [www.LedgeviewWisconsin.com](http://www.LedgeviewWisconsin.com)



This message originates from the Town of Ledgeview. It contains information that may be confidential or privileged and is intended only for the individual named above. It is prohibited for anyone to disclose, copy, distribute or use the contents of this message without permission, except as allowed by the Wisconsin Public Records Laws. If this message is sent to a quorum of a governmental body, my intent is the same as though it were sent by regular mail and further distribution is prohibited. All personal messages express views solely of the sender, which are not attributed to the municipality I represent, and may not be copied or distributed without this disclaimer. If you receive this message in error, please notify me immediately.



February 18, 2019

VIA EMAIL AND U.S. MAIL  
(jasonpansier@gmail.com)

Ledgeview Farm, LLC  
c/o Jason Pansier  
3875 Dickinson Road  
DePere, WI 54115

RE: Ledgeview Farm, LLC  
Second Application for Livestock Siting Approval

Dear Mr. Pansier:

You submitted a request to the Town of Ledgeview for a livestock siting approval and made additional insertions to that submittal through November 20, 2018. On January 4, 2019, the Town provided a request for additional information to complete your application. In a response to that request dated January 11, some, but not all, of the requested information was provided.

In particular, the Town noted that the application did not include sufficient information about the current number of animal units present on the site to allow accurate total animal unit calculations, and requested sufficient information to do so. In its response to that request, Ledgeview Farms declined to provide that information, despite the siting requirements contained in Wis. Stat. § 93.90 (3) (e) and Wis. Admin. Code § 51.06 (2) (b).

Under Wis. Stat. § 93.90 (4) (a), the Town is required to notify you that your application is complete as soon as you provide the information identified by the Town as being required to complete your application. We recognize that you dispute whether the information that you declined to share with the Town is required to complete your application. Therefore, in the interest of moving this matter forward, the Town is hereby notifying Ledgeview Farms that it will treat the application as complete under Wis. Stat. § 93.90 (4) (a), despite the fact that you declined to provide all requested information. Please note that the Town remains willing to consider the additional requested information if it is presented to the Town within sufficient time to be considered in this application review process.

Therefore, the Town will proceed with a decision on the appropriateness of this this application and the application's approvability within 90 days of the date of this letter.

February 18, 2019  
Page 2

Please note that the issuance of this completeness determination is not an acknowledgement by the Town that the application was timely or appropriately filed with the Town, and does not constitute an approval of the application or a determination that the application is approvable.

Sincerely,

A handwritten signature in cursive script, appearing to read "Philip J. Danen". To the right of the signature, the initials "SLB" are written.

Philip J. Danen, Chairman  
Town of Ledgeview

Enclosure

cc: Stafford Rosenbaum, LLP (via email)  
Eric M. McLeod, Husch Blackwell (via email)

# HUSCH BLACKWELL

Eric M. McLeod  
Partner

33 E. Main Street, Suite 300, P.O. Box 1379  
Madison, WI 53701-1379  
Direct: 608.234.6056  
Fax: 608.258.7138  
Eric.McLeod@huschblackwell.com

December 10, 2018

Town of Ledgeview Board of Supervisors  
c/o Sarah Burdette (Via E-Mail)  
Town of Ledgeview Clerk  
3700 Dickinson Road  
De Pere, WI 54115

Re: Proposed On-Site Inspection of Ledgeview Farms

Dear Town Board:

We have been advised that the Town of Ledgeview—once again—intends to take action in derogation of my client's property rights. We were informed just this morning that the Town intends to conduct an on-site inspection of my client's property tomorrow morning at 10:00 a.m. Under the current circumstances, the Town has no authority to unilaterally take this action.

By failing to provide my client with reasonable, written notice, the Town has foreclosed any possibility of arranging a mutually-agreeable time for this visit. Additionally, the Town has failed to provide my client with a written explanation regarding the scope or purpose of this inspection. Is the town proposing this inspection as part of my client's CUP application? If so, we believe such an inspection exceeds the Town's authority under the Siting Law. That issue aside, will the Town's inspection be limited to the farmland and structures that relate to the CUP application? Also, has the Town issued a completeness determination regarding the pending application? If not, we would object to any inspection until a completeness determination is issued. Alternatively, given the timing, is the inspection related to the Town's pending unconstitutional zoning action?

Given the unreasonable actions of the Town in failing to provide my client with notice or information regarding the scope and purpose of this on-site inspection, my client has no choice but to refuse permission to enter upon its property. If the Town would like to obtain such permission, please provide me with a written request providing the above detail. As you know, the authority of the zoning and planning commission to enter onto private land may only be made with permission. Town of Ledgeview Ordinance, Art. XXVI § 135.244M.(4). "If permission has been refused, entry shall only be made under the authority of an inspection

warrant issued for cause under § 66.0119, Wis. Stats., or other court-issued warrant.” *Id.* Thus, any entry onto my client’s farmland without permission or an inspection warrant is trespass.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric M. McLeod", written in a cursive style.

Eric M. McLeod  
Partner

cc: Vanessa Wishart, Esq. (via E-Mail)

## Sarah Burdette

---

**From:** McLeod, Eric <Eric.McLeod@huschblackwell.com>  
**Sent:** Thursday, December 13, 2018 2:45 PM  
**To:** Sarah Burdette  
**Cc:** 'Larry Konopacki'; 'Vanessa Wishart'  
**Subject:** RE: Ledgeview Farms On-Site Inspection

Sarah,

We will evaluate the contents of your email below and respond as quickly as we can. For present purposes, I would simply state that the provision of notice just two business days prior to your planned inspection is fundamentally unreasonable. I am unavailable early next week to participate in such an inspection.

EMM

**Eric M. McLeod**  
**Partner**  
Direct: 608.234.6056  
Cell: 608.692.1371  
[Eric.McLeod@huschblackwell.com](mailto:Eric.McLeod@huschblackwell.com)

---

**From:** Sarah Burdette [mailto:sburdette@ledgeviewwisconsin.com]  
**Sent:** Thursday, December 13, 2018 2:18 PM  
**To:** McLeod, Eric <Eric.McLeod@huschblackwell.com>  
**Cc:** 'Larry Konopacki' <LKonopacki@staffordlaw.com>; 'Vanessa Wishart' <VWishart@staffordlaw.com>  
**Subject:** Ledgeview Farms On-Site Inspection

[EXTERNAL EMAIL]

December 13, 2018      *VIA EMAIL*

Eric M. McLeod  
Husch Blackwell LLP  
33 East Main Street, Suite 300  
P.O. Box 1379  
Madison, WI 53701-1379

RE:      Town of Ledgeview Notice of Site Inspection

Dear Attorney McLeod:

In your letter dated December 10, 2018, you stated that Town of Ledgeview zoning officials will not be allowed access to Ledgeview Farms property unless you are provided with written notice and written information regarding the scope and purpose of the intended on-site inspection. The Town is not required to provide such notice to an applicant for a zoning permit. The Town zoning administrator has broad authority to conduct inspection of buildings, structures, and the use of land to determine compliance with the Town's zoning ordinance. Town Ordinance § 135-242. Your reliance on Section 135.244 M. (4) for the proposition that Town officials may not inspect property without permission is in error. That section only applies to access to property by the members and employees of the Zoning and Planning Commission, not the zoning administrator. In addition, no Town ordinance, state statute, or common law precedent requires a zoning administrator to provide a written explanation of the scope or purpose of a property inspection.

However, as a courtesy, the Town provided verbal notice to Ledgeview Farms' consultant, who has been the Town's primary point of contact with Ledgeview Farms recently, which included information about the timing and the nature of the inspection to be performed. The Town's hope was that Ledgeview Farms' consultant would be able to join staff for the inspection so that we could maximize the information and value that could be gained by both the farm and the Town during the inspection. In an attempt to foster functional and workable communications between Ledgeview Farms and the Town while disputed issues are addressed, the Town offers the following additional information for your consideration.

Ledgeview Farms submitted an application for a conditional use permit (CUP) to the Town last month. This is a zoning permit application. The Town is currently evaluating that application. The application contains a host of information and assertions about the current and proposed status and operations at the farm, and information fundamental to the applicability of the state livestock siting law to the proposal. The Town has jurisdiction as the zoning authority to conduct an inspection to assess and verify that information.

The Town has determined that it is prudent for it to conduct an on-site inspection under that authority for a number of reasons. As you know, the Town very recently denied a CUP application submitted by Ledgeview Farms for a substantially similar proposal to what is now proposed in the pending application. On review of the Town's denial of the previous application, the Livestock Facility Siting Review Board (LFSRB) concluded that the application for the CUP did not contain information required for the application to be complete, that there was a pattern of noncompliance for the farm, and that the operational history of Ledgeview Farms created credibility issues. An on-site inspection will provide the Town with an opportunity to evaluate the information provided in the application that is central to both the assessment of completeness of the application and the evaluation of applicable state and Town requirements to any upcoming decision of the Town related to CUP approval.

The information above has been provided as a courtesy, and is not an acknowledgement of the permissibility of the demands that you have placed on the exercise of the well-settled authority of a zoning official to inspect property, particularly when an application for a zoning permit has been filed with respect to that property. As noted above, the credibility of Ledgeview Farms and the completeness of its previous livestock siting application were called into question by the LFSRB. Standing in the way of the Town's efforts to verify the completeness of the pending application and the accuracy of the assertions contained in that application does further disservice to the credibility of Ledgeview Farms.

The Town has rescheduled this on-site inspection for 10:00 am, Monday, December 17. Please share this notice with your client.

Regards,  
Sarah

Sarah K. Burdette  
Administrator  
Town of Ledgeview



3700 Dickinson Road  
De Pere, WI 54115  
Phone: 920.336.3360, ext. 108  
Cell/Text: 920-639-6083  
[sburdette@ledgeviewwisconsin.com](mailto:sburdette@ledgeviewwisconsin.com) [www.LedgeviewWisconsin.com](http://www.LedgeviewWisconsin.com)





This message originates from the Town of Ledgeview. It contains information that may be confidential or privileged and is intended only for the individual named above. It is prohibited for anyone to disclose, copy, distribute or use the contents of this message without permission, except as allowed by the Wisconsin Public Records Laws. If this message is sent to a quorum of a governmental body, my intent is the same as though it were sent by regular mail and further distribution is prohibited. All personal messages express views solely of the sender, which are not attributed to the municipality I represent, and may not be copied or distributed without this disclaimer. If you receive this message in error, please notify me immediately.

In the Matter of the Application of Ledgeview Farms, Inc. for a Conditional Use Permit  
and a Livestock Facility Siting Permit

---

AFFIDAVIT

---

STATE OF WISCONSIN

BROWN COUNTY

In the Municipal Court of the Town of Ledgeview,

I, David Enigl, the Town of Ledgeview Zoning Administrator, being duly sworn, says that on the 13th day of December, 2018, in Brown County, in and upon certain premises in the Town of Ledgeview, and more particularly described as follows: property owned by or upon which farming operations are conducted by Ledgeview Farms, LLC at 3875 Dickinson Rd. and 3499 Lime Kiln Road, there now exists a necessity to inspect said premises to verify information contained in an application submitted to the Town of Ledgeview by Ledgeview Farms, LLC requesting approval of a conditional use permit (CUP) for expansion of a livestock facility under the Town's zoning ordinance (Town Ordinances Chapter 135) and the state livestock siting law, under Wis. Stat. § 93.90 and Wis. Admin. Code ch. ATCP 51. The facts establishing the grounds for issuing a special inspection warrant are as follows:


1. Ledgeview Farms, LLC submitted a zoning permit application for a CUP/livestock siting approval to the Town of Ledgeview in November, 2018.
2. Under the state's livestock siting law, and the Town's ordinances implementing that law, a Town zoning approval is required for an expanded livestock facility that will have 500 or more animal units. Wis. Admin. Code. § ATCP 51.02 (1) (a). The application from Ledgeview Farms includes a request for approval of expansion to accommodate 3,483 animal units.
3. Under this law, the Town must approve or deny a livestock siting application based on state standards contained in Wis. Admin. Code. ch. ATCP 51 and any more restrictive local standards adopted pursuant to express authority under this law.
4. Under state law, the standards applicable to a Town decision of whether to consider, approve, conditionally approve, or deny a livestock siting application include:

- a. The number of animal units existing at a farm as compared to the number of animal units proposed in the livestock siting application. Wis. Admin. Code. § ATCP 51.02 through 51.06.
  - b. Standards related to the location of livestock structures on the property, including setback requirements for livestock facilities that will house animals and for manure storage facilities from property lines, roadways, wetlands, waterways, floodplains, and wells. Wis. Admin. Code. § ATCP 51.12.
  - c. Restrictions on activities that will generate odor. Wis. Admin. Code. § ATCP 51.14.
  - d. Requirements that must be followed related to land spreading of manure. Wis. Admin. Code. § ATCP 51.16.
  - e. Design, construction, and maintenance requirements related to manure storage facilities. Wis. Admin. Code. § ATCP 51.18.
  - f. Surface water runoff management from animal lots and feed storage areas, and clean water diversions. Wis. Admin. Code. § ATCP 51.20.
5. The Town is expressly charged with the responsibility to grant or deny an application based on whether “the application contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets or is exempt from the standards” described above or a more stringent local standard. Wis. Admin. Code. §§ ATCP 51.10 (3) and 51.20.
6. The Town is attempting to evaluate the application for completeness and accuracy and to determine whether the application is approvable with or without conditions under the standard described above. The application contains substantial information about the current and proposed status and operations at the farm, and information fundamental to the applicability of the state livestock siting law to the proposal. These evaluations require the information in the application to be verified by an on-site inspection.
7. The scope of the inspection will include a review of characteristics of the farming operation that relate to the jurisdiction of the Town to consider the application, such as verification of the existing number of animal units at the farm; inspection of the locations and functionality of existing and proposed facilities to house animals and manure, to manage odor, and to control surface water runoff; and a review of the status of any commenced or proposed construction or land management practices relevant to the standards applicable to a Town decision in this matter.
8. The Town denied a CUP application submitted by Ledgeview Farms for a substantially similar proposal in June of this year. The Town did not conduct an on-site inspection during its evaluation of that previous application. Ledgeview Farms petitioned for review of the Town’s decision to deny the previous application to the Livestock Facility Siting Review Board (LFSRB) and the Town’s decision was affirmed (although not on


all grounds the Town asserted in its decision). In its decision, the LFSRB concluded that the application for the CUP did not contain information required for the application to be complete, that there was a pattern of noncompliance for the farm, and that the operational history of Ledgeview Farms created credibility issues. An on-site inspection conducted as part of the pending application review process will, among other purposes explained herein, allow the Town to eliminate uncertainties that were present in the previous application process.

9. The Town attempted to arrange to conduct an on-site inspection of the property on December 11, 2018. On December 10, 2018, the Town verbally notified Ledgeview Farms, LLC, through Ledgeview Farms' consultants, Roach and Associates, LLC, of its intent to inspect the farm on December 11, and described its reasoning for conducting the inspection.
10. By letter from Ledgeview Farms' attorney, Mr. Eric McLeod, to the Town of Ledgeview Board on December 10, 2018, access to the property for inspection purposes by the Town was refused, until and unless the Town provides Ledgeview Farms with written notice of inspection and written information regarding the scope and purpose of an on-site inspection, unless the Town obtains a special inspection warrant under Wis. Stat. § 66.0119.
11. As a courtesy, the Town has provided Ledgeview Farms, by correspondence dated December 12, 2018, and addressed to Ledgeview Farms' attorney, an explanation of the timing, scope, and purpose of a re-scheduled on-site inspection beginning at 10:00 am on December 17, 2018.

Wherefore, the said David Enigl prays that a special inspection warrant be issued to inspect such premises for said purpose.

  
\_\_\_\_\_  
David Enigl

Subscribed and sworn to before me this 14<sup>th</sup> day of December, 2018

  
Municipal Judge David Matyas  
Town of Ledgeview Municipal Court

ENDORSEMENT ON WARRANT

Received by me December 14, 2018, at 155 o'clock P M.



David Enigl  
Town of Ledgeview Zoning Administrator

---

In the Matter of the Application of Ledgeview Farms, Inc. for a Conditional Use Permit  
and a Livestock Facility Siting Permit

---

SPECIAL INSPECTION WARRANT

---

STATE OF WISCONSIN

BROWN COUNTY

In the Municipal Court of the Town of Ledgeview,

Whereas, David Enigl, the Town of Ledgeview Zoning Administrator, has this day complained (in writing) to the said municipal court upon oath that on the 13th day of December, 2018, in said county, in and upon certain premises in the Town of Ledgeview and more particularly described as follows: property owned by or upon which farming operations are conducted by Ledgeview Farms, LLC at 3875 Dickinson Rd. and 3499 Lime Kiln Road, there now exists a necessity to inspect said premises to verify information contained in an application submitted to the Town of Ledgeview by Ledgeview Farms, LLC requesting approval of a conditional use permit (CUP) for expansion of a livestock facility under the Town's zoning ordinance (Town Ordinances Chapter 135) and the state livestock siting law, under Wis. Stat. § 93.90 and Wis. Admin. Code ch. ATPC 51, and prayed that a special inspection warrant be issued to inspect said premises.

Whereas, the purposes of the inspection prayed for meet the definition of "inspection purposes" under Wis. Stat. § 66.0119 (1) (a), which expressly includes zoning purposes.

Whereas, the Zoning Administrator of the Town of Ledgeview is a "peace officer" as that term is defined under Wis. Stat. § 66.0119 (1) (b), which expressly includes within this category any officer or agent charged under municipal ordinance with powers or duties involving inspection of real or personal property.


Whereas, the Town of Ledgeview Zoning Administrator has authority to conduct inspections of buildings, structures, and the use of land to determine compliance with the Town's zoning ordinance under § 135-242 of the Town Ordinances.

Whereas, Ledgeview Farms denied the Town access to the property for inspection. Wis. Stat. § 66.0119 (2).

Whereas, this municipal court has the authority to issue an inspection warrant under Wis. Stat. § 66.0119 pursuant to Wis. Stat. § 755.045 (2).

Now, therefore, this municipal inspection warrant is issued to the Town of Ledgeview Zoning Administrator, authorizing the performance of an on-site inspection of the property described above to determine whether the Town has jurisdiction under the livestock siting law and to assist in its determination as to whether to approve, conditionally approve, or deny the livestock siting application under the state livestock siting law and local restrictions adopted under that law.

Dated this 14<sup>th</sup> day of December, 2018

  
Municipal Judge David Matyas  
Town of Ledgeview Municipal Court.

# HUSCH BLACKWELL

Eric M. McLeod  
Partner

33 E. Main Street, Suite 300, P.O. Box 1379  
Madison, WI 53701-1379  
Direct: 608.234.6056  
Fax: 608.258.7138  
Eric.McLeod@huschblackwell.com

December 14, 2018

Town of Ledgeview Board of Supervisors  
c/o Sarah Burdette (Via E-Mail)  
Town of Ledgeview Clerk  
3700 Dickinson Road  
De Pere, WI 54115

Re: Proposed On-Site Inspection of Ledgeview Farms

Dear Town Board:

Your response to my client's entirely reasonable request, that it be provided with proper notice of the parameters of the Town's proposed on-site inspection of its property, is both disappointing and a misstatement of the law. It disregards both the Fourth Amendment's prohibition against unreasonable searches and the mandatory procedures set forth in the State's Livestock Facility Sitting Law.

According to the Town, its zoning administrator "has the broad authority to conduct inspection of buildings, structures, and the use of land to determine compliance with the Town's zoning ordinance." First, my client's application for a condition use permit ("CUP") is not before the zoning administrator. It is before the zoning and planning commission, which the Town acknowledges must obtain an investigative warrant before entering private land without express permission.

Even assuming for the sake of argument that my client's application for a CUP is solely within the domain of the Town's zoning administrator, the Town's assertion that its zoning administrator has the unmitigated authority to enter onto private land is absurd. The only authority the Town provides for this assertion is one of its own ordinances, which simply states that it is within the zoning administrator's power to conduct inspections. *See* Town of Ledgeview Ordinance, Art. XXVI § 135-244. A town ordinance, however, cannot confer power on a zoning administrator in contravention of the United States Constitution.

Unlike the Town's unsupported assertions, it is well-settled that the Fourth Amendment protects the "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." Although the Town contends that there is no legal

precedent limiting the powers of its zoning administrator, it neglects to consider controlling Fourth Amendment jurisprudence. For instance, “[i]f a government agent occupies private property for the purpose of obtaining information, he is conducting a search within the meaning of the Fourth Amendment.” *Milewski v. Town of Dover*, 2017 WI 79, 377 Wis. 2d 38, 899 N.W.2d 303 at ¶ 40 (citing *United States v. Jones*, 565 U.S. 400, 404-05 (2012)).

There is no question the Town is proposing to conduct a search within the Fourth Amendment. Yet, the Town contends that it may conduct this search without consent and without a warrant based solely on the authority of one of its own ordinances. This is foreclosed by the Wisconsin Supreme Court’s decision in *Milewski*, which followed United States Supreme Court precedent in determining that a State statutory scheme authorizing warrantless inspections was unconstitutional. *Id.* at ¶¶ 59-62 (citing *Camera v. Mun. Court of City and Cty. of San Francisco*, 387 U.S. 523 (1967)).

As seen in both *Milewski* and *Camera*, our highest courts will not tolerate the unfettered discretion to search private property that the Town would confer on its zoning administrator here. In *Camera*, the United States Supreme Court identified the dangers of a warrantless inspection regime, explaining that “the occupant has no way of knowing whether enforcement of the municipal code involved requires inspection of his premises, no way of knowing the lawful limits of the inspector’s power to search, and no way of knowing whether the inspector himself is acting under proper authorization.” 387 U.S. at 532. Likewise, in discussing *Camera*, the Wisconsin Supreme Court explained that this type of inspection regime leaves a property owner “at the mercy of ‘the discretion of the official in the field.’” *Milewski*, 377 Wis. 2d 38, ¶60 (citing *Camera*, 387 U.S. at 532).

Thus, *Milewski* reasoned that “[t]he warrant requirement exists for the specific purpose of limiting such discretion.” *Id.* Quoting *Camera*, the *Milewski* court reasoned that this is “precisely the discretion to invade private property which we have consistently circumscribed by a requirement that a disinterested party warrant the need to search.” *Id.* (quoting 387 U.S. at 532-33. Accordingly, *Milewski* concluded that “a statutorily-prescribed search regime [is] no substitute for a neutral magistrate’s review” because “[w]e simply cannot say that the protections provided by the warrant procedure are not needed in this context; broad statutory safeguards are no substitute for individualized review....” *Id.*

Importantly, the Siting Law does not authorize the Town to use a CUP application as a pretext to conduct an unlimited on-site investigation. The Siting Law requires the submission of specific information in support of a siting permit. ATPC 51.30(1). If the Town believes additional information is required in order for the application to be complete, it must notify the applicant in writing and identify the additional information that must be provided. ATPC 51.30(5). If the Town were seeking such information by way of an inspection of the property—which is not authorized by the Siting Law in this context and is not the Town’s stated basis for the inspection in any event—it would have to identify what it was seeking and, thus, define the scope of the inspection.

If, as was stated in Ms. Burdette's email, the purpose of the inspection is to assess the credibility of the information submitted in support of the application, such an inspection should be conducted after the application is deemed complete. But even if the Town seeks to conduct an inspection at that stage of the CUP process, it must still define with some reasonable specificity the scope of the inspection. It may not simply enter onto my client's property and have a look around. To suggest otherwise is simply nonsensical.

The Town contends that it has the authority to conduct an on-site investigation for a "host of information" and "for a number of reasons." The Town's broad and overreaching assertion of its investigative power is exactly the reason why the Town must obtain an investigative warrant pursuant to Wis. Stat. § 66.0119. In order to obtain an investigative warrant, the Town must set forth the purpose of its investigation and a neutral magistrate will consider whether to authorize a search within those parameters.

Rather than continuing to harass my client, the Town should either follow the procedures set forth in the Siting Law to address the pending application or obtain an inspection warrant, which will necessarily require the Town to define the scope of the inspection and the legal basis for it.

In the meantime, the Town does not have permission to enter onto my client's property and any attempt to do so will be deemed trespass.

Sincerely,

A handwritten signature in dark ink, appearing to read "Eric M. McLeod", written in a cursive style.

Eric M. McLeod  
Partner

cc: Vanessa Wishart, Esq. (via E-Mail)





181209-0724

## Charlotte Nagel

---

**From:** Pat Schillinger <pat.schillinger@gmail.com>  
**Sent:** Friday, March 1, 2019 2:58 PM  
**To:** Charlotte Nagel  
**Subject:** Ledgeview Farms Permit

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Charlotte -

We are not able to attend the Town's public hearing regarding Ledgeview Farm's Livestock Siting Permit.

We would like to be recorded as strongly opposing the issuance of this permit. We have previously detailed our reasons in the past for our opposition including public health, safety and the violations record of the farm.

Thank you for allowing us to weigh in on this important matter before the Town Board.

Patrick and Christine Schillinger  
714 Iron Horse Way  
Green Bay, WI 54311

**Patrick Schillinger**  
920-634-9501 cell

## Charlotte Nagel

---

**From:** rek <rek@new.rr.com>  
**Sent:** Friday, March 1, 2019 3:45 PM  
**To:** Charlotte Nagel  
**Subject:** Monday Public Hearing regarding manure pit application  
**Attachments:** Manure pit March 4th meeting.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Charlotte,

We are writing in referenced to the Monday, March 4<sup>th</sup>, 2019 public hearing surrounding the renewed application by Ledgeview Farms for the proposed manure pit location along Lime Kiln Road. We want to go on record as opposing the manure pit and the new orientation and location. We have attached a formal letter for your records.

Respectfully,

Robert and Kim Kissel  
2422 Copper Lane  
Green Bay, WI 54311  
920-660-3902

Robert & Kim Kissel

2422 Copper Lane

Green Bay, WI 54311

3-1-19

We want to renew our objection over the renewed application for the location of the proposed Ledgeview Farms Manure Pit project. Our family lives at 2422 Copper Lane, about 600-800 feet from the proposed manure pit on Lime Kiln Road. The proximity brings great concerns over the hazards associated with such a manure pit. During May 2018 Ledgeview Town meeting, experts on hydrology and microbiology were brought in to share insight into potential ground water and airborne hazards and contaminates associated with manure storage. The various bacteria, viruses, and protozoa sound pretty scary. The close proximity of the storage facility to residential space also creates a potential for physical dangers as well. During the same town meeting, an engineering expert reported on the history of Ledgeview Farms lack of conforming and abiding by the Wisconsin DNR and Federal EPA rules and regulations associated with being a CAFO sized facility. The violations date back to 2007. The engineer reported that to date, the Farm is still not in compliance with Wisconsin DNR and Federal EPA guidelines. This track record leaves little faith that the farm will be a good neighbor moving forward.

We would like to go on record as opposing the issuance of any permits or further farm development on the proposed Lime Kiln road site.

Respectfully,

Robert & Kim Kissel

## Charlotte Nagel

---

**From:** Tracy Adams <mgwidt1@yahoo.com>  
**Sent:** Friday, March 1, 2019 2:58 PM  
**To:** Charlotte Nagel  
**Subject:** Town meeting

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I am opposing renewal of license for ledgeview manure pit I object to providing a license to a business that has numerous violations and have been non compliant with their existing license please add my opinion for the meeting on March 4

Tracy Adams

Sent from my iPhone

## Charlotte Nagel

---

**From:** Steve Patty Radue <raduehomes@hotmail.com>  
**Sent:** Sunday, March 3, 2019 6:42 PM  
**To:** Charlotte Nagel  
**Subject:** Ledgeview Farms siting permit

To the town clerk Charlotte Nagel,

I would like to voice my opposition to the proposed site permit from Ledgeview Farms. I would find it hard to believe that the town of Ledgeview would grant a permit for a large manure pit when Ledgeview Farms has a track record of non-compliance of existing laws and ordinances. These large manure pits have been proven to leak and cause contamination of existing wells, creeks and streams. Ledgeview Farms should be told first to reduce herd numbers to be in compliance and not be allowed to expand when they are already over their animal limits. Any other business or industry that would be found to be contaminating creeks and streams would not be allowed to continue operating. They would be forced to stop all activity immediately and would be fined daily until they comply to all ordinances and regulations.

You have thousands of residences in this area that are being affected by allowing Ledgeview Farms to continue to violate and ignore the ordinances and regulations of this township. Just relocating a huge manure pit a few hundred feet further away from our property lines will not solve the issue.

Kewaunee County is feeling the repercussions of these large manure lagoons with decreased property values and water contaminations. They will be feeling this for many generations and we do not want the same for our Township.

Sincerely,

Steve and Patty Radue  
Beachmont Road, DePere

Sent from Mail for Windows 10

## Charlotte Nagel

---

**From:** Sarah Burdette  
**Sent:** Monday, March 4, 2019 11:45 AM  
**To:** Charlotte Nagel  
**Subject:** FW: Staff Memo RE: CUP Ledgeview Farms

Char,  
Could you please include this in Dropbox for today's public hearing.

---

**From:** Kevin Patrick [mailto:kanehut5@sbcglobal.net]  
**Sent:** Monday, March 4, 2019 11:42 AM  
**To:** Sarah Burdette <SBurdette@ledgeviewwisconsin.com>  
**Cc:** KEVIN KANE <kanehut5@sbcglobal.net>  
**Subject:** Re: Staff Memo RE: CUP Ledgeview Farms

Sarah Burdett and associated representatives of the Ledgeview town board:

At my request, Ms Burdett kindly forwarded the May 2018 Staff Memo referencing Ledge Farm's conditional use permit and live stock citing application for town board approval.

It is my opinion that Dustin Wolff, town planner, provided a cogent and fact based Summary of Noncompliance and Development History in the Staff Memo attached. It is also my opinion that Town Chairman Philip Danen provided a reasoned denial supported by the town board and the facts of the Dustin Wolf Executive Summary referenced.

It is my understanding that the current Ledgeview Farm's application is in its essence the original application including the original application's omissions. A reasoned argument could then be made that, as the application has not changed and no new documentation provided addressing regulatory compliance, that Ledgeview Farms operates under the same tenets referenced for the denial of the original application.

As an adjacent property owner of Ledgeview Farms, I respectfully request the town board stand by the original and reasoned application denial. Further, I support any and all efforts of limiting the scope of Ledgeview Farm's operation up to and including the legal termination of it's existence as an active enterprise.

Respectfully,

Kevin P. Kane  
Kane Irrevocable Trust - Trustee

On Friday, March 1, 2019 02:07:27 PM CST, Sarah Burdette <SBurdette@ledgeviewwisconsin.com> wrote:

Mr. Kane,

Attached is the staff memo that you requested along with the related maps.

Sarah

Sarah K. Burdette

*Administrator*

*Town of Ledgeview*



3700 Dickinson Road

De Pere, WI 54115

Phone: 920.336.3360, ext. 108

Cell/Text: 920-639-6083

[sburdette@ledgeviewwisconsin.com](mailto:sburdette@ledgeviewwisconsin.com) [www.LedgeviewWisconsin.com](http://www.LedgeviewWisconsin.com)



This message originates from the Town of Ledgeview. It contains information that may be confidential or privileged and is intended only for the individual named above. It is prohibited for anyone to disclose, copy, distribute or use the contents of this message without permission, except as allowed by the Wisconsin Public Records Laws. If this message is sent to a quorum of a governmental body, my intent is the same as though it were sent by regular mail and further distribution is prohibited. All personal messages express views solely of the sender, which are not attributed to the municipality I represent, and may not be copied or distributed without this disclaimer. If you receive this message in error, please notify me immediately.

## Charlotte Nagel

---

**From:** Matthew Karman <mkarman40@yahoo.com>  
**Sent:** Monday, March 4, 2019 3:07 PM  
**To:** Charlotte Nagel  
**Subject:** Ledgeview Farms

Charlotte,

As I will be unable to attend the meeting tonight to discuss the renewed efforts by Ledgeview for the manure pit, I'd just like to voice my opposition to the application via email. I know that Ledgeview has been great in their fight against this and there comes a point where there are so much they can legally do, but I hope they stand up to this farm again and deny the permit. Ledgeview Farms has a frightening history of doing what they please regardless of impacts the community and area. The simple fact they won't look at alternative locations tells you really need to know about them. There have been numerous safety reports that have recently saying that a buffer of 350 feet is not even close to safe as a buffer of 1000 feet may even be. As the parents of two young children that would be living right down the road from nuisance scares me from a health stand point. I was hoping that we'd have already seen this debacle with the proposed zoning changes, but it appears this Ledgeview Farms problem be going away any time soon. Please keep up the good fight to preserve the health and safety of town residents as well as continuing to promote the growth of the town. An approval of this application would effectively kill the growth anywhere in the vicinity of the proposed pit and substantially lower certain property values in the area.

Matthew & Kara Karman

2456 Copper Lane

## Charlotte Nagel

---

**From:** Patricia Cousineau <pcousi@new.rr.com>  
**Sent:** Monday, March 4, 2019 10:05 AM  
**To:** Charlotte Nagel  
**Subject:** LEDGEVIEW FARMS

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please note our objection to Ledgeview Farms permit request. We feel until they can become compliant with the original numbers and not a CAFO, they should not be granted any further permits. They have remained non compliant during this entire scenario and it's time this gets taken care of once and for all.

Patricia and Anthony Cousineau

## Charlotte Nagel

---

**From:** Ray Schneider <drrayechorridgedental@gmail.com>  
**Sent:** Monday, March 4, 2019 1:28 PM  
**To:** Charlotte Nagel  
**Subject:** ledgeview farms  
**Attachments:** image001.jpg

For the meeting tonight could you please provide the community with the last documented expansion that Ledgeview farms LLC has done where the town was made aware of it and the proper process was followed. What is the last known size of the farm when they properly applied and were approved to expand. This is critical information for the neighborhood to be made aware of.

Also, for the record we are opposed to any expansion and will only be satisfied if Ledgeview farms LLC gets its herd below 1000 units as it isn't a register CAFO and wasn't when we purchased our property.

Respectfully,

Ray and Tami Schneider

3606 Beachmont Rd



Dr. Ray Schneider III, DDS

Echo Ridge Dental Clinic  
2140 S. Ridge Road  
Green Bay, WI 54304  
920 494-7464 (Office)

March 4, 2019

Town of Ledgeview Town Board

Town of Ledgeview Town Staff

Town of Ledgeview adopted change in ordinance, when Atcp 51. Livestock Facility Siting has been set in place for in which any town agency or county agency has to follow, from timely matter to rules for applications. When they do not, as what has been happening in this town, resident comes to how is it possible to follow anything. If one way don't work to stop operation, town changes something else, that includes taking 233.8 acres out of farmland preservation, which is another State of Wisconsin law. This town needs to allow and accommodate needs of farming community according to this State of Wisconsin law. Others tried to avoid this law, but there is now precedent available for the Wisconsin Livestock Facility Siting. Livestock Facility Siting Law, Staff or committees should not be made a mockery out of. It is easy enough to follow and this town should be doing it, as well as showing residents how to follow. We are finding just closed doors, as we are applying for a permit, or in other words invented road blocks in any way this town can dream up. we ask town to allow ~~us~~ <sup>Sam</sup> to move forward, with our needs.

Roy R. R. R.  
Roy R. R. R.  
Ledgeview Farms Divers

Aaron Healy

3825 Dickinson Road

When our founding fathers signed the Declaration of Independence in 1776, they envisioned America as a land of opportunity for creative minds and innovative thinkers. Now with that being said, who are we to tell a true all American Farm Family they can't continue to live their American dream??

The Ponsler family is one of the, if not, the nicest true American Family there is. They go to church every Sunday, they are willing to drop what ever it is their doing to help our neighbors out. Did you know, 5 of the immediate family members are currently still active with the Town of Ledgerien<sup>Vol</sup> Fire Department. Two<sup>of them</sup> were there from the very beginning. They literally shutdown the farm and respond to help anyone that is in need of emergency help. That can last anywhere from 30 minutes to a full day! Everyone knows anytime a business is shutdown thats lost revenue.

I believe this farm should be given the proper permits to expand as needed. In today's world, the mom and pa farms are disappearing because of milk prices being so low for so long.

They have 2 choices - A. Shutdown or B. Expand into commercialized farming. I think its safe to say with the continued low milk prices today, no farmer wants to add on but you have to do whats right for your business to stay open! I mean in this meeting right now we are talking about a family's livelihood. A family that is still running a farm that has been in their family for well over 100 years!

Commercialized farming like it or not, is here to stay! 1073

March 4, 2019

Town of Ledgeview Town Board  
Town of Ledgeview Town Staff  
Planner, Mead & Hunt, Dustin Wolff

Enclosed are some of the businesses Ledgeview Farms does business with that has heard of the actions Town of Ledgeview are producing against another business that effects all businesses future and economy of very near communities, counties, and State of Wisconsin. Also, included for the record are some of the people that know how Town of Ledgeview is doing all business against Ledgeview Farms, including changing zoning to stop Ledgeview Farms from daily business needs. This is a repeated process of condemning instead of working out a solution for this farm to continue.

Please, be sure all members above have the opportunity to read each and understand the effects one farm has on others in the community as they purchase daily to supply necessary nutrition to people that is regulated by the State of Wisconsin. These daily purchases consists of milk hauler and plant operators, feed mills, repair machinists, tire implements, fuel companies, towel company, concrete companies, banks, nutritionists, nutrient management, well drillers, cattle buyers, hoof trimmer, bolt and part companies, milking equipment repair and supplies, sand companies, artificial insemination, electrician seed companies. The biggest businesses Town of Ledgeview has is Bel Gioioso Cheese and Wel Companies, they are using milk and delivering products from dairy agriculture.

Please thank these businesses and a farmer that does hard work to keep us healthy.



## Shaha Tire LLC.

3970 Eaton Rd  
Green Bay, WI 54311

To Whom it may Concern,

Shaha Tire LLC. support all of our local Farmers and AG Industry workers. This includes Ledgeview Farms ran by the Pansier family. This farm has been around at the same location as far back as we can remember. The large subdivision; not so much. It is a hard to pill to swallow when you watch a well-known family farm/business/community members fight for the right to farm to make a honest living. As a small business in the AG industry we know and understand the struggles farmers goes through to be successful, as we go through many of the same struggles. That being said, the Pansier family is an important piece of our business, which in turn allows us to support other local businesses so on and so forth. The positive impact of the Pansier's farm/business reaches far and wide to many different industries.

For more information on the economic impacts of Agriculture to Brown County, please see the attach 2014 UW Extension report for Brown County.

Other local municipalities like the Town of Green Bay understand the importance of farming and AG industry and embrace it. The home page of their website (<http://www.townofgreenbay.com/>) states: *The Town of Green Bay permits operation of properly conducted agricultural operations within the township. If the property you are purchasing or own is located near agricultural lands or operations, or is included within an area zoned for agricultural purposes, you may be subject to inconveniences or discomfort arising from such operations. Such discomfort or inconveniences may include, but are not limited to: noises, odors, light, fumes, dust, smoke, insects, chemicals, operation of machinery (including aircraft) during any 24 hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. One or more of the inconveniences described may occur as a result of any agricultural operation, which is in conformance with existing laws and regulations, and accepted customs and standards. If you live near an agricultural area, you should be prepared to accept inconveniences or discomfort as a normal and necessary aspect of living in a town with a strong rural character and an active agricultural sector.*

Regards,  
Shaha Tire LLC.

*Donald Shaha owner*



**Horticulture contributes to Brown County diversity**  
Brown County sales of Christmas trees, woody ornamentals, perennials and annual plants, fruits and vegetables, sod, and other horticultural products from nurseries and greenhouses total \$6.3 million. Landscape and grounds maintenance businesses create additional full-time jobs and many seasonal jobs.

**Local food sales account for \$910,000 to economy**  
More and more Brown County farmers sell directly to consumers from roadside stands, farmers' markets, auctions and pick-your-own operations, with 87 farms generating \$910,000 in local food sales.

UW-Extension

**Farmers are stewards of about half the county's land**  
Brown County farmers own and manage 181,197 acres, or 53.4 percent, of the county's land. This includes cropland, rangeland, pasture, tree farms and farm forests. As stewards of the land, farmers use conservation practices, such as crop rotation, nutrient management and integrated pest management, to protect environmental resources and provide habitat for wildlife.

USDA NRCS



**UW Extension**  
University of Wisconsin-Extension

University of Wisconsin-Extension is part of the local and statewide network of organizations and agencies that support Wisconsin's \$88.3 billion agriculture industry. A recent statewide survey of nearly 1,000 agricultural service providers from throughout Wisconsin found that UW-Extension helps enhance economic impact by improving agribusiness services to farmers, increasing agribusiness or farm profitability, expanding agribusiness networks, and helping to reduce agribusiness or farm environmental impacts.

**Produced in 2014 by:**  
University of Wisconsin-Extension  
Wisconsin Milk Marketing Board  
Wisconsin Department of Agriculture,  
Trade, and Consumer Protection

**Economic data (2012) provided by:**  
Steven C. Deller, Professor, Department of Agriculture and Applied Economics,  
University of Wisconsin-Madison, and  
Community Development Specialist,  
University of Wisconsin-Extension.

**Other economic data from:**  
USDA 2012 Census of Agriculture

For more information, contact:  
Brown County UW-Extension

Agriculture & Extension Service Center

1150 Bellevue St., Green Bay, WI 54302 • 920-391-4610  
<http://brown.uwex.edu/> • [www.uwex.edu/ces/ag/wisag/](http://www.uwex.edu/ces/ag/wisag/)

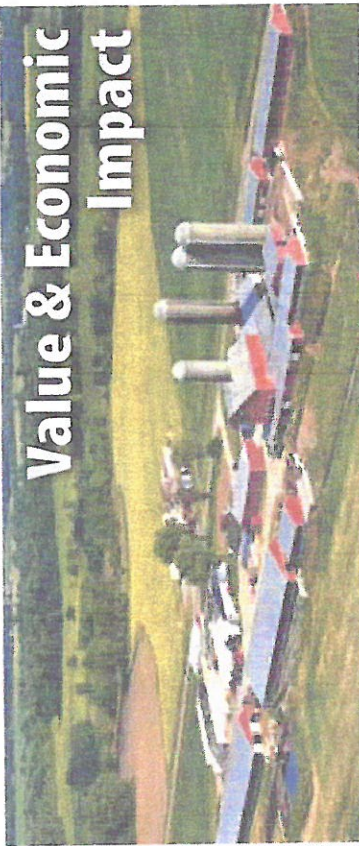
An EEO/AA employer, the University of Wisconsin-Extension, Cooperative Extension provides equal opportunities in employment and programming, including Title IX and Americans with Disabilities (ADA) requirements.

2014

AGRICULTURE - WORKING EVERY DAY FOR WISCONSIN

## Brown County Agriculture:

# Value & Economic Impact



©Wisconsin Milk Marketing Board

**Agriculture works hard for Brown County every day. Family-owned farms, food processors and agriculture-related businesses generate thousands of jobs and millions of dollars of economic activity while contributing to local income and tax revenues.**

Brown County is a richly diverse community with great urban and rural settings. While many know the county to be home of the Green Bay Packers and Titledown USA, it is also a top-ranking agricultural county. It is in the top 10 Wisconsin counties for total number of dairy cows, total value of agricultural products sold, value of livestock and poultry products, value of cattle and calves, value of milk from cows, and corn for silage. Compared with 3,079 U.S. counties, Brown County is nationally ranked in the top 35 for value of milk from cows and corn for silage.

Brown County has over 1,000 farms with an average size of 163 acres.

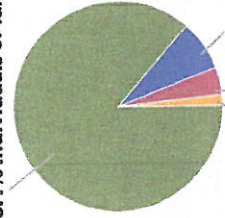


## How important is agriculture?

- Agriculture provides jobs for 17,045 Brown County residents.
- Agriculture accounts for \$4.6 billion in economic activity.
- Agriculture contributes \$1.3 billion to the county's total income.
- Agriculture pays \$80.8 million in taxes. This figure does not include all property taxes paid to local schools.

## Who owns the farms?

86.4% Individuals or families



1.4% Non-family corporations and other  
4.2% Family corporations  
8% Family partnerships

## Agriculture provides 9% of Brown County's jobs

Brown County agriculture provides 17,045 jobs, or 9.3 percent, of the county's workforce of 183,387. Production jobs include farm owners and managers and farm employees. Agricultural service jobs include veterinarians, crop and livestock consultants, feed, fuel and other crop input suppliers, farm machinery dealers, barn builders and agricultural lenders, to name a few. Processing jobs include those employed in food processing and other value-added industries that support food processors. Every job in agriculture generates an additional 1.26 jobs in the county.

## Agriculture contributes \$1.28 billion to county income

Brown County agriculture accounts for \$1.28 billion, or 8.5 percent, of the county's total income. This includes wages, salaries, benefits and profits of farmers and workers in agriculture-related businesses. Every dollar of agricultural income generates an additional \$1.56 of county income.

## Agriculture pumps \$4.6 billion into local economy

Brown County agriculture generates \$4.6 billion in economic activity, 15.3 percent of the county's total economic activity. Every dollar of sales from agricultural products generates an additional \$0.42 of economic activity in other parts of the county's economy.

### Here's how agriculture stimulates economic activity:

- The direct effect of agriculture equals \$3.2 billion and includes the sale of farm products and value-added products.
- Purchases of agricultural and food-processing inputs, services and equipment add another \$943.7 million in economic activity. For example, this includes business-to-business purchases of fuel, seed, fertilizer, feed and farm machinery, as well as veterinary services, crop and livestock consultants and equipment leasing.
- This business-to-business activity then generates another \$427.9 million in economic activity when people who work in agriculture-related businesses spend their earnings in the local economy.

## Agriculture pays \$80.8 million in taxes

Economic activity associated with Brown County farms and agriculture-related businesses generates \$80.8 million in local and state taxes. This figure does not include all property taxes paid to support local schools. If it did, the number would increase dramatically.

**Table 1. Taxes paid by agriculture**

Sales tax	\$21.4 million
Income tax	\$19.2 million
Property tax	\$28.7 million
Other	\$11.5 million
<b>Total</b>	<b>\$80.8 million</b>

**Table 2. Brown County's top commodities (sales by dollar value, 2012)**

1. Milk	\$189.5 million
2. Cattle & calves	\$63.5 million
3. Grain	\$41.6 million
4. Nursery & greenhouse	\$5.1 million
5. Other crops & hay	\$4.9 million

© Wisconsin Milk Marketing Board

## Agricultural processing is a key Brown County industry

Agricultural processing is the major agricultural industry in Brown County. Brown County agricultural processors contribute \$4.2 billion to the county's economy. The processing of milk into dairy products accounts for \$1.8 billion. The main products are meats, milk and cheese, and bakery products.

- Seventeen plants process dairy products in Brown County.
- Every dollar of sales of processed products generates an additional \$0.43 of economic activity in other parts of the economy.
- Processing accounts for \$1.1 billion of income in the county.
- Brown County's agricultural processing accounts for 14,257 jobs.

2014

BROWN COUNTY



VALUE & ECONOMIC IMPACT OF AGRICULTURE

Town of Ledgeview  
C/O Charlotte Nelson  
3700 Dickinson Road  
DePere WI 54115

To the Board and Staff,

As a concerned citizen, I'm writing in regards to Ledgeview Farms that needs a permit for a manure pit. This farm had many expansions projects in the past (millions of dollars) and they always followed procedures set forth by the Ledgeview Town Board. You have granted permits in the past for each time that they applied. With their business growth, it's inconceivable to me that you didn't realize that with more cattle, there would be more waste. Keep in mind that the manure pit will be built to State and Local specifications. I would recommend that you the Township do landscaping so it blends into the surrounding landscape (planting grass, trees, etc.). It is also my understanding that there are state programs in which you could apply for. The residents in the area could also do landscaping by planting Tree lines on their property.

Agriculture is very important to our area but also to the State of Wisconsin. The Ledgeview Farms has a high tax base for your Township. They have many employees who also pay taxes and spend their money in the community. Again, everyone benefits from dairy farm in the State of Wisconsin.

In closing, they were at their present location first. The residential community built out to them, they all knew about the Ledgeview Farms when they applied for their building permits.

I'm asking you to allow the Ledgeview Farms to follow NRCS Wisconsin laws and operate as an agriculture business, as they have been doing since before the depression to present.

Regards,



Jerry Zimdars

ABS Sales Representative

To: Charlotte Nelson,

I am sending this letter in support of the Pansier family in regard to their request that has been brought before the Town of Ledgeview Board. I have known the family for more than (30) thirty years.

Pansiers' contribute millions of dollars every year to your local economy. This farm and this family was located at its' present site, long before the surrounding houses were built. I hope you take into consideration the importance of agriculture and where your food supply comes from.

Thank you for your consideration.

Paul D. Olson



National President of the

National Farmers Organization

To whom it may concern,

We at DePere Veterinary Service, S.C. support the Pansier family farm known as Ledgeview Farms LLC. Farms like Ledgeview Farms, LLC are part of Wisconsin's heritage and economy. As large animal veterinarians we are just one of many businesses dependent on farms like Ledgeview Farms for our business. According to the Wisconsin Department of Agriculture and Consumer Protection :

Wisconsin is home to about 8,800 dairy farms, more than any other state, and 1.28 million cows.

- The dairy industry itself contributes \$43.4 billion to Wisconsin's economy each year.
- The dairy industry fuels the state's economy at more than \$82,500 per minute.
- The feed mills, dairy equipment manufacturers and technicians, veterinarians, construction companies, genetics companies, milk haulers, dairy plants, dairy software companies - create a wave of economic impact that rolls across the entire state

Wisconsin agriculture provides jobs.

- Annually, 413,500 jobs or 11.9% of the state's employment.
- On-farm production contributes 153,900 jobs.
- Processing contributes 259,600 jobs.
- Every job in agriculture supports an additional 1.46 jobs elsewhere in Wisconsin

Wisconsin is #1 in cheese production.

- Our state's nearly 1,200 licensed cheesemakers produce over 600 types, styles and varieties of cheese – nearly double the number of any other state.
- Wisconsin cheesemakers make a quarter of the nation's cheese, producing 3.2 billion pounds in 2016.
- Wisconsin leads the nation in the production of 774 million pounds of specialty cheeses, including but not limited to asiago, gorgonzola, gruyere, aged cheddar, gouda, and limburger.

Agriculture is so important to the state of Wisconsin that the state has a statute which is commonly referred to as the "Right to Farm Law". According to the Wisconsin Legislative Council:

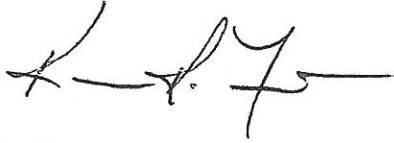
The statute commonly referred to as Wisconsin's "Right-to-Farm Law" is s. 823.08, Stats. This statute directs the courts, under specific conditions set forth in the statute, to favor agriculture in certain legal disputes over agricultural uses of land. This statute was created in the 1981 Legislative Session and was substantially revised in the 1995 session.

The Wisconsin Legislative Council also states that farms have certain rights because they were in operation before adjoining lands were developed;

One of the defenses available in private nuisance law is known as the "coming to the nuisance" defense. In a lawsuit involving an agricultural activity, this defense is available when the plaintiff moved into the area after the farming operation was established. This defense is not an automatic bar to recovery by the plaintiff, but is rather one more factor for the court to consider.

We at DePere Veterinary Service, S.C. hope that you will consider these points before taking any action that would have a negative impact on Ledgeview Farms, LLC, the local job force and the local economy.

Thank You,

A handwritten signature in black ink, appearing to read 'K. R. Foust'.

Dr. Kenneth R. Foust DVM

A handwritten signature in black ink, appearing to read 'Edith G. Brandt'.

Dr. Edith G. Brandt DVM

A handwritten signature in black ink, appearing to read 'Loriann M. Kaster Edwards'.

Dr. Loriann M. Kaster Edwards DVM

A handwritten signature in black ink, appearing to read 'Jessie Allie Bridges'.

Dr. Jessie Allie Bridges DVM

To Whom It May Concern,

Why do you want Dairy Farms in your community? Dairy Producers provide a great infusion of money to the community in which they live, purchase and hire services from the community. Many Dairy Farms are family run businesses that take great pride in producing a healthy and nutritious product for the world.

A dairy farmer gets a milk check and then they pay bills, for the products or services used or hired in the month or months previous.

Lets start in January, Taxes are due that money goes back to help run the state, county, town, local schools, and collage(s). Next there are day to day expenses, Milk Hauler they take the milk to the Processing Facilities to be bottled or made into other consumable products. Electricity to harvest the milk, to run equipment like silos, conveyors, lights the list goes on. The Internet & Phones which allows the farmer to communicate the outside world.

Lets go to Spring many farmers grow the feed to feed the cattle. If they do not own enough land to provide feed for their herd they rent land from neighboring Landlords. They have to have Equipment to run the land, more often than not they will buy from the local equipment dealerships. So that if ever repairs are needed that they are close by and can fix the implements quicker, or buying parts to repair the item them self, it is closer. Next Fuel is needed to run the Equipment to prepare, plant and harvest the crops for the livestock. More and more Farmers are hiring Agronomists to help them decide what crops to plant in what fields given the soil types and topography. Fertilizer is applied at recommended rates to maximize the production of the land and care for the soil for generations to come. A Seed Dealer is needed to obtain the seed needed to plant the crops, this might include alfalfa, corn, soybeans, wheat, just to name a few. After the growing season now comes harvest, sometimes farmers hire Custom Operators to chop the haylage or corn silage, or a combine to combine the wheat or corn. Now that all of the feed is in we have to utilize it to the best of our abilities, so many farmers hire a Nutritionist to balance rations to optimize performance in both the reproduction and production of the dairy cows. By providing a balanced diet to the cow she can absorb many nutrients and doesn't excrete them into the manure, and what the nutrients that are left in the manure is used by the growing crop for food. Many farmers hire an Artificial Inseminator from a Semen Company to breed the cattle, so they can calve and begin to produce milk. About 35 days after being bred A Veterinarian comes to the farm and performs a pregnancy exam to see if the animal is Pregnant. After a long nine month wait if we're lucky a beautiful calf is born, and so starts the cycle of life. If we get a heifer calf she will grow into a cow to producing offspring and milk for the country. Out of the milk that is produced we get so many products that we as humans have come to enjoy: Milk, Ice Cream, Cheese, Yogurt, Cottage Cheese, Sour Cream, Whey and Milk Powder to name a few. If the cow has a bull calf, he will be raised and enjoy his time on earth until he becomes the steak and meat to feed the human body.

Lastly most people including Dairy Farmers use Banks or Credit Unions to momentarily hold the milk check till they can infuse the money back into the community.

In Closing Dairy Farmers are working or "On Call" 24 hours a day 365 days a year and Farming is not only a job for them, but a way of life to raise their families and to care for the Land for the Future Generations and to Feed the WORLD. As the World's population continues to increase we will need more food and farmers not Less. So please take the time to remember how the food is produced and all the hands it touches before you get to eat every day. Reducing dairy farmers in our community not only has an emotional impact but a monetary impact as well.

Scenic Central Milk Producers

*Thank You For Your Time*  
*Jon Mielke*

## Town Of Ledgeview C/O Charlotte Nelson

As an animal health supplier we support the Pansier family farm known as Ledgeview Farms LLC. Farms like Ledgeview Farms, LLC are part of Wisconsin's heritage and economy. As an animal health supplier we are just one of many businesses dependent on farms like Ledgeview Farms for our business. According to the Wisconsin Department of Agriculture and Consumer Protection:

Wisconsin is home to about 8,800 dairy farms, more than any other state, and 1.28 million dairy cows.

- The dairy industry itself contributes \$43.4 billion to Wisconsin's economy each year.
- The dairy industry fuels the state's economy at more than \$82,500 per minute.
- The feed mills, dairy equipment manufactures, and technicians, veterinarians, construction companies, genetic companies, milk haulers, dairy plants, dairy software companies-create a wave of economic impact that rolls across the entire state.

Wisconsin Agriculture provides jobs.

- Annually 413,500 jobs or 11.9% of the state's employment.
- On farm production contributes 153,900 jobs.
- Processing contributes 259,600 jobs.
- Every job in agriculture supports an additional 1.46 jobs elsewhere in Wisconsin

Wisconsin is #1 in cheese production

- Our state's nearly 1,200 licensed cheese makers product over 600 types, styles and varieties of cheese- nearly double the number in any other state.
- Wisconsin cheese makers make a quarter of the nation's cheese, producing 3.2 billion pounds in 2016.
- Wisconsin leads the nation in production of the 774 million pounds of specialty cheeses, including but not limited to asiago, gorgonzola, aged cheddar, gouda and limburger.

Agriculture is so important to the state of Wisconsin that the state has a statute which commonly referred to as: *"The Right to Farm Law"*. According to the Wisconsin Legislative Council.":

The statute commonly referred to as Wisconsin's "Right-o-Farm Law" is s. 823.08, Stats. This statute directs the courts, under specific conditions set forth in the statute, to favor agriculture in certain legal disputes over agriculture uses of land. This statute was created in the 1981 Legislative Session and was substantially revised in 1995 session.

The Wisconsin Legislative Council also states that farms have certain rights because they were in operation before adjoining lands were developed;

One of the defenses available in private nuisance law is known as the "coming to the nuisance" defense. In a lawsuit involving an agriculture activity, this defense is available when the plaintiff moved into an

area after the farming operation was established. This defense is not an automatic bar to recovery by the plaintiff, but is rather one more factor for the court to consider.

As an animal health Agribusiness supplier, we hope that you will consider these points before taking any action that would have a negative impact on Ledgview Farms LLC, the local job force and the local economy.

Thank you

A handwritten signature in black ink that reads "Tom Heiman". The signature is written in a cursive, flowing style.

Tom D. Heiman

Sr. Territory Manager

Boehringer Ingelheim Animal Health

2037 Rush Ct.

De Pere, WI 54115

1-920-366-7601

[Thomas.heiman@boehringer-ingelheim.com](mailto:Thomas.heiman@boehringer-ingelheim.com)

# Gilson Agri-Products L.L.C.

4226 Cooperstown Road  
Denmark WI 54208  
920-864-7228

---

Dear Supervisor,

I have owned Gilson Agri-Products LLC for 32 years. I am one of the vendors for Ledgeview Farms and I have been doing business for 30 years with them. It would be an economic hardship for me if this farm were to close. I think more than that is the loss of a family farm. It happens all too often in America. Corporate farming is taking over America and that is a sad fact.

I hope some sort of compromise will happen to keep this farm alive. Actually a manure pit is the safest way to handle manure. There is less run off going to the ditches and less tractor traffic on the road to contend with.

I hope you find a way to please both sides of this dispute.

Sincerely  
Stanley Gilson



Gilson Agri-Products LLC

# VAN STRATEN SAND & GRAVEL INC.

PO Box 163  
DePere, WI 54115

Philip J. Danen  
1316 Angel Path #81  
DePere, WI 54115

Chairman

We have deep concerns about your decision with Ledgeview Farm

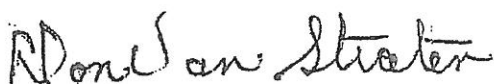
3870 Dickinson Road  
DePere, WI 54115

Since the DNR and Brown County gave Ledgeview Farm permits for their manure pit. It is difficult to understand your board's plan of action. We realize you have several homes in the area near the farm, but maybe these home owners need to understand or at least have researched their decision before they built.

We are very fortunate to have Ledgeview Farm as a customer their farm generates a large part of our business income. By not leaving the farm grow you will be hurting not only Ledgeview Farm, but many other business that supply the farm with products.

We hope you understand our concerns and consider all aspect of the problems that need to be dissolved.

Sincerely,



Don Van Straten

Dear Town of Ledgeview,

On behalf of the Brown County Farm Bureau (BCFB), we are contacting you about the recent farmland preservation zoning ordinance the Town of Ledgeview adopted. The BCFB is supportive of local land use planning and zoning. Further, the BCFB appreciates the fact that the Town of Ledgeview has areas within the township zoned for agriculture.

It is our understanding that the recent zoning ordinance update included setback provisions for livestock structures and manure storage facilities. Specifically, for farms with less than 1000 animal units, the livestock structures must be at least 400 feet from the property line. For farms with 1000 to 2500 animal units, livestock structures must be at least 700 feet from the property line. For farm with 2500 to 4000 animal units, livestock structures must be at least 1000 feet from the property line. For farms with more than 4000 animal units, livestock structures must be at least 1200 from the property line. Lastly, new or expanded manure storage facilities on farms with more than 500 animal units, must be at least 1320 feet from the property line.

These setbacks appear to be in conflict with Wisconsin Administrative Code ATCP 51 – Livestock Facility Siting. ATCP 51.12 contains the following setback distances for livestock structures. For farm with less than 1000 animal units, livestock structures setbacks cannot be greater than 100 feet from the property line or public road right-of-way. For farms with more than 1000 animal units, livestock structure setbacks cannot be greater than 200 feet from the property line or more than 150 feet from the public road right-of-way.

ATCP 51.12 also contains setback distance for manure storage facilities. The setback distance is 350 feet from the property line or public road right-of-way for all manure storage facilities regardless of the number of animal units. It should be noted that ATCP 51.12 contains three provisions that allow manure storage facilities to be constructed closer to the property line or public road right-of-way under certain circumstances.

The Brown County Farm Bureau respectfully requests that the Town of Ledgeview consult with your Legal Counsel about the discrepancies between the setback distances for livestock structures and manure storage facilities in your zoning ordinance compared to those in ATCP 51. After doing so, please reply to us as to how these differences are going to be resolved.

We look forward to your response.

Sincerely,



President BCFB

**VanDrisse Insurance Agency, Inc**  
**Gary VanDrisse**  
**P.O. Box 100**  
**Luxemburg WI 54217**  
**920-845-2367**

Town of Ledgeview, All Board and Staff C/O Charlotte Nelson  
3700 Dickinson Road  
De Pere, WI 54115

Re: Jason, Roy and Glen Pansier,  
3870 Dickinson Road  
De Pere WI 54115

Greetings,

I am contacting you to voice my concern about the dilemma the Pansier family is currently facing. Being the third generation in my family business, VanDrisse Insurance Agency, I always enjoy doing business with other people who are multi-generation operations. Jason Pansier is now the fourth generation at Ledgeview farms. The longevity of this operation proves a solid work ethic and a standard in business that has survived from generation to generation. The Pansiers have been loyal clients of VanDrisse Insurance for 40 years. They strive to do business locally and therefore positively impact the community where they reside. My small business relies on people like the Pansiers.

I understand that water quality is of utmost importance and therefore the DNR is requiring a manure pit to be put in. I am confident that the manure pit will be compliant with all DNR regulations. Thus, please allow the Pansiers to comply with the DNR and move forward with the manure pit so they can continue to operate their farm and help people like myself. Your willingness to let me express my concerns is greatly appreciated.

Thank You,

Gary VanDrisse



TOWN OF LEDGEVIEW BOARD & STAFF  
C/O CHARLOTTE NELSON  
3700 DICKINSON ROAD  
DE PERE WI 54115

Dear Ms. Nelson:

My name is Pat Baier and I am the Chief Operating Officer at AgSource Cooperative Services, located Verona, Wisconsin. I am writing about our support of Ledgeview Dairy, LLC. This farm, owned by the Pansier family, is a long-standing customer of our services and a very good example of today's dairy farmer.

Today's dairy farmers are hard-working men and women who take pride in providing the highest quality dairy products to their family, community, and customers. They are members of their communities and they stay involved with community projects. They care deeply about the environment and strive to farm in ways that reduce any impact on the environment.

Dairies like Ledgeview Dairy, LLC., are the backbone of AgSource Cooperative and we are very appreciative of their support of agriculture.

If you have questions or concerns, feel free to give me a call.

Sincerely,



Patrick Baier  
Chief Operating Officer  
AgSource Cooperative Services



*Committed to Our  
Customers' Success*

16322 W. Washington Street  
Valders, WI 54245  
Phone: 920-775-9600

Philip J. Danen, Chairman  
Ledgeview Town Board  
3700 Dickinson Road  
De Pere, WI 54115

Dear Ledgeview Town Board,

We are writing to support agriculture in Ledgeview. With recent changes enacted by the Ledgeview Town Board, Ledgeview Farms is prevented from continuing to protect the environment while still operating their family owned business.

Agriculture is paramount to Wisconsin, its businesses, and its people. According to the Wisconsin Milk Marketing Board (WMMB), the Wisconsin Dairy Industry contributes \$43.4 billion to the state economy annually. Wisconsin has 9,520 licensed dairy farms and 1,279,000 dairy cows according to the WMMB. This vital industry produces food and provides jobs in the immediate community. According to data collected in 2014 by the UW Extension, agriculture provided jobs for 17,045 Brown County residents. The agricultural industry drove \$4.6 billion in economic activity in Brown County and contributed \$1.3 billion to the county's total income. Lastly, agriculture paid \$80.8 million in taxes in 2014, not counting all property taxes paid to local schools. Thank you for your consideration of working with an important industry in your community.

Sincerely,

*James Downey*  
*Randy Marx*      *Dennis Schueller*

James Downey, Randy Marx, and Dennis Schueller  
Dairy Nutritionists  
CP Feeds LLC  
16322 West Washington Street  
Valders, WI 54245

## Charlotte Nelson

---

**From:** Rick Kerkhoff <drivejohndeere@gmail.com>  
**Sent:**  
**To:** pjdanen@ledgeviewwisconsin.com; aschlag@ledgeviewwisconsin.com;  
rvanrossum@ledgeviewwisconsin.com; kgeurts@ledgeviewwisconsin.com;  
cpeltier@ledgeviewwisconsin.com; cnelson@ledgeviewwisconsin.com  
**Subject:** To the Town Board of Ledgeview...

To the Town Board of Ledgeview:

I am in support of allowing the Pansier Farm to expand. As a community we need to recognize the importance of family farms and support them in their business endeavors.

Many people will say they support local family farms because they have a nostalgic remembrance of years gone by. Did you know ninety-nine percent of U.S. farms are still family farms? If you say you support family farms, but slam farms over a certain size, you're hypocritical. You cannot only support a certain farm production practice or size. Family farms come in all shapes and sizes, but they're still family farms, and they account for 90 percent of the country's farm production

The Pansier farm has been a family business for many years. As a business they must ask themselves... how can a farm support the next generation or growing families if it stays the same size? The answer: It can't.

The location of the Pansier farm has been in place for decades. All farms face the struggle of the development of land and how it impacts their operation. We must all be respectful neighbors, which includes respecting another way of life different than our own. It also means being respectful of another person's dreams even when they are different than your own.

In today's economy, all farmers need the support of their local communities, and in-turn the local community need farmers. Studies have shown that locally owned farms have a multiplier effect: for every dollar the farm spends, a percentage remains in the local economy, contributing to the economic health of the community.

Farmers invest in their operations... they purchase goods and services from local businesses that are both agriculture related and non-agriculture related.

I have known the Pansiers' personally for many years. They are hardworking and want to maintain the only lifestyle they know. They have been involved with the volunteer fire department for Ledgeview and when the call comes in they drop what they are doing to go help someone in need. The world can use more good people like the Pansiers.

We are asking the Town Board of Ledgeview to create laws that protect and foster the potential of our family farms. The success of our local community depends on it.

Regards,


Untitled

to whom it may concerned

from rueden ag services llc.

I  
have been dealing with the Pansier family  
for a long time that is just running a  
family farm. Do to the dnr and epa they  
are just following the rules so they can  
keep farming in a safe way in regards to  
manure storage. If you do not want them on  
your tax roles anymore in your township  
ask them what they want for all there  
properties and buy them out! The worst  
they can say is no or who knows, they  
might surprise you?

thank you

  
Jeff Rueden  
980-378-3161

Rueden Ag Services

Page 1

Dear Mr. Danen,

My name is Jack Vande Hey President of Wrightstown Mfg Co in Wrightstown Wis. I would appreciate a favorable decision by Your board for the Pansier Family Farm ( Ledge View Farms ) expansion projects. I have done business with them for 20 plus years and have become to know them as very responsible and respectful people of not only the environment but there neighbors as well.

Thank You for Your consideration,

A handwritten signature in cursive script that reads "Jack Vande Hey". The signature is written in dark ink and is positioned above the printed name.

Jack Vande Hey,

Wrightstown Mfg. Co. Inc., Pres.

Fox Valley Farm Management Association

Michael Harer  
3962 N Richmond St  
Appleton, WI 54913  
920-993-1366 phone  
920-882-1104 fax  
920-858-4138 cell phone  
[mharer@gmail.com](mailto:mharer@gmail.com)

Re: Ledgeview Farms

I'm writing this letter for Ledgeview Farms to support their right to farm. Ledgeview Farms is so important to the local town, local community and businesses within 20-30 miles of their operation. They have employees, the contract services for nutrition, herd health, crop services, trucking, fuel, equipment, and seed to name a few. I'm asking that you allow Ledgeview Farms to follow NRCS rules to operate an agricultural business as they have done so since before the depression to present. We all benefit from allowing Ledgeview Farms to continue to produce Milk, Wheat, Corn and Meat for the community at a reasonable price.

Thank You for caring about Ledgeview Farms and your health with the delicious food all farms produce.



Michael Harer  
Fox Valley Farm Management



317 Green Bay Road  
Sturgeon Bay, WI 54235  
(920) 743-6555  
Fax (920) 743-6743  
www.doorcountycoop.com

---

Established Since 1939

---

Town of Ledgeview Board of Supervisors  
Ledgeview Municipal Building  
3700 Dickinson Road  
DePere, Wisconsin 54115

Dear Ledgeview Town Supervisors:

We would like to express our support for the proposed manure storage facility project at Ledgeview Farms, LLC, which is owned and operated by the Pansier family in the Town of Ledgeview. We believe that the Pansier family has demonstrated a high level of responsible stewardship regarding the land they farm, thereby earning the right to continue to grow and develop their business without undue restrictions (i.e. increased setbacks, etc.).

Ledgeview Farms, LLC and the Pansier family have played a key role in the local economy for decades. They prioritize using local vendors, which in turn supports a variety of other businesses and individuals in our local and surrounding communities. For example, their support and patronage of our Shirley Feed Mill has allowed, and will continue to allow us to provide up to twenty (20) full time jobs.

Today's modern dairy farms must continuously adapt to evolving market demands and economic pressures, in addition to the economies of scale which dictate that remaining farms must maximize their investments in order to remain profitable. The proposed manure storage facility project will have negligible impact towards the voiced concerns of people in opposition to the project. It will, however, provide the efficiencies needed to allow this local business to remain a key part of our local economic engine for decades to come.

Sincerely,

Brian Duquaine  
President/CEO  
Door County Cooperative- Shirley Feed Mill



1095



PHILIP J. DANEN  
TOWN OF LEDGEVIEW CHAIRMAN  
1316 ANGELS PATH #81  
DE PERE WI 54115

Dear Chairman Danen:

My name is Huub te Plate and I am the Chief Operating Officer at GENEX, located in Shawano, Wisconsin. I am writing about our support of Ledgeview Dairy, LLC. This farm, owned by the Pansier family, is a long-standing customer of our cooperative and a very good example of today's dairy farmer.

Today's dairy farmers are hard-working men and women who take pride in providing the highest quality dairy products to their family, community, and customers. They are members of their communities and they stay involved with community projects. They care deeply about the environment and strive to farm in ways that reduce any impact on the environment.

Dairies like Ledgeview Dairy, LLC., are the backbone of GENEX and we are very appreciative of their support of agriculture.

If you have questions or concerns, feel free to give me a call.

Sincerely,



Huub te Plate  
Chief Operating Officer  
GENEX



2681 N. Packard Dr.  
Green Bay, WI 54305  
920-459-6272

1665 Main St.  
Green Bay, WI 54302  
920-409-6020

936 N. Main St.  
Seymour, WI 54165  
920-833-6272

---

Mr. Philip J. Danen  
Chairman  
1316 Angels Path #81  
De Pere, WI 54115

Dear Mr. Danen,

Our company has three locations in the Northeast Wisconsin area and we employ 35 people who all live and support their families in our community. Our company is primarily engaged in business to business commerce and our success is tied directly to the success of the industries we serve. Auto repair, heavy truck repair, local government, collision repair, construction and agriculture are among the industries we serve.

I am specifically writing to you today about the importance of the agricultural industry to our company. We work closely with dozens of agricultural customers across the region including many within the Town of Ledgeview. The agricultural segment has been a long-time contributor to our success as a company and has been a critical component of our growth in recent years.

I am aware that you have received proposals for the expansion of Ledgeview Farms. Ledgeview Farms has been in operation since the 1930's and has contributed to the prosperity of the Town of Ledgeview and companies like ours for many years. I encourage you to support the requested expansion of Ledgeview Farms, so our entire community can continue to grow!

I can be reached at 920-784-2862 if you would like to discuss the importance of agriculture to our company.

Sincerely,

John O'Connor, Owner

DENMARK (WLUK) -- Fifty new jobs are coming to Brown County.

BelGioioso Cheese made the announcement Wednesday.

Sponsored by ZINC

"We source milk from local Wisconsin farmers to ensure the freshest highest quality possible. We work with local architects and construction companies to create these beautiful and efficient manufacturing facilities," said Gaetano Auricchio, vice president of sales for BelGioioso Cheese, Inc.

The new 100,000 square foot manufacturing facility will produce mozzarella cheese.

"We look forward to making a lot of fresh mozzarella for Walmart out of this new facility," Gaetano Auricchio said.

The cheese can be found in stores nationwide. The company also talked about being a part of Walmart's 10-year commitment to buy an additional \$250 billion in products supporting American jobs by 2023.

The company started in 1979 with two cheesemakers producing mild provolone.

"We had the dream of creating a cheese company in the United States it was a challenge. We had been in [the] cheese business in Italy for 100 years. My company was started in 1879 and I came in 1979," said Errico Auricchio, BelGioioso's founder.

The company now has nine plants and employs more than 700 people.

"I never thought it would become this big. In 1984 we introduced the fresh mozzarella and then it's been a big growth," Errico Auricchio said.

To learn more about the company or apply for a job, click [here](#).

Search



# TOWN OF GREEN BAY



## INTRODUCTION

Welcome to the Town of Green Bay web site. The town is located in Brown County Wisconsin, just northeast of the city of Green Bay. The final estimate of January 1, 2017 reported a population of 2,096 for the Town of Green Bay. The population is split roughly in half between agricultural and residential communities. The residential areas are primarily along the bay of Green Bay. The town is bounded by the bay of Green Bay on the north, County Road T on the west, and County Line Road on the east. To the south, the town extends a few blocks south of State Highway 54 to the town of Humboldt.

## LOCAL NEWS

Meetings of the town board are regularly held on the second Tuesday of the month at 7:00 pm at the town hall in Champion located at 5999 County Rd K, New Franken.

Annual Dog License Fees are as follows: Neutered and Spayed - \$10.00 Non-Neutered and Non-Spayed - \$15.00 Multiple Dog/Kennel (which consists of 4-12 dogs) - \$45.00 Please contact Treasurer Lori Geniesse regarding Dog License Fees.

The Town of Green Bay permits operation of properly conducted agricultural operations within the township. If the property you are purchasing or own is located near agricultural lands or operations, or is included within an area zoned for agricultural purposes, you may be subject to inconveniences or discomfort arising from such operations. Such discomfort or inconveniences may include, but are not limited to: noises, odors, light, fumes, dust, smoke, insects, chemicals, operation of machinery (including aircraft) during any 24 hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. One or more of the inconveniences described may occur as a result of any agricultural operation, which is in conformance with existing laws and regulations, and accepted customs and standards. If you live near an agricultural area, you should be prepared to accept inconveniences or discomfort as a normal and necessary aspect of living in a town with a strong rural character and an active agricultural sector.

Warren M. Wanezek  
417 S. Adams Street  
Green Bay, WI 54301

Ledgeview Town Board  
Attn: Charlotte Nagel  
3700 Dickinson Road  
De Pere, WI 54115

Dear Ledgeview Town Board:

I have owned a large tract of "unimproved" agricultural land in the Town of Ledgeview for the past 20+ years. During that time, I have leased my land on an annual basis to a local farmer to use for the raising and harvesting of crops as part of the farmer's ongoing farm operations. The farms that I have rented to over the past 20 years have all existed in the Town of Ledgeview (formerly the Town of De Pere) for many generations.

I recognize that there is development of residential subdivisions and progress throughout the Town of Ledgeview. However, individuals who elect to reside in a rural area must accept all of what they consider to be the "bad" with what they conclude would be the "good" of living in such a rural area. I assume it is not just people looking for less Government services and cheaper property taxes that decide to reside in Ledgeview. Instead, I assume that most of the people that chose to reside in more rural settings want to be outside of the "close quarters neighbors on top of them", regimented City and Village subdivisions and the like. When people make the choice to reside in a rural area, they must accept and understand that they are living adjacent to or near farm operations similar to those that have existed in the Town of Ledgeview for the past 150(+) years.

Again, I am not in any way trying to thwart progress or ongoing residential development in the Town of Ledgeview. However, I do believe that the Town Board must respect the rights of farmers and those individuals that have operated within the Town's agricultural economy of Brown County and Wisconsin for the past 150(+) years. Ledgeview and other Municipalities are often celebrating 100/150 and so forth anniversaries. I suggest that the Ledgeview Board take a very hard look at its efforts to obviate or eliminate farms and agricultural operations within the Town of Ledgeview. This approach must be a gradual and mutual process which respects the existing rights of farmers and those which operate in Ledgeview's long standing agricultural economy.



### Town Board Meeting Comment Card

Name: Aaron Healy  
Address: 3825 Dickinson Road

Date: 3/4/19  
Regarding: Manure Pit

Do you wish to speak to the Board?  
(Will be limited to 3 minutes)

Yes X No     

Are you for or against the item?

For X Against     

#### Town Board Rules of Public Interaction

The Chair may invoke a requirement to use Appearance Slips when the Chair finds it necessary, to systematically and more accurately receive citizen comments on matters before the Board. Also, when citizens speak to the Board, they must await suspension of the Operating Rules by the Board to enable them to speak, confine their remarks to the matter under discussion and must avoid personality references. No citizen may speak more than once on the matter under discussion and may not exceed three minutes at a time, unless the time is extended by the Chair. Written statements are welcome and will be distributed to Board Members. Parliamentary procedure limits Board interaction to hearing public comments; Board discussion during public comments is prohibited under procedural guidelines.



### Town Board Meeting Comment Card

Name: MIKE TESAR  
Address: 3585 LINN KILN  
54311

Date: 3-4-19  
Regarding: LEDGEVIEW FARMS  
Application

Do you wish to speak to the Board?  
(Will be limited to 3 minutes)

~~Yes~~ No X

Are you for or against the item?

For      Against X FOR ALL PREVIOUS REASONS.

#### Town Board Rules of Public Interaction

The Chair may invoke a requirement to use Appearance Slips when the Chair finds it necessary, to systematically and more accurately receive citizen comments on matters before the Board. Also, when citizens speak to the Board, they must await suspension of the Operating Rules by the Board to enable them to speak, confine their remarks to the matter under discussion and must avoid personality references. No citizen may speak more than once on the matter under discussion and may not exceed three minutes at a time, unless the time is extended by the Chair. Written statements are welcome and will be distributed to Board Members. Parliamentary procedure limits Board interaction to hearing public comments; Board discussion during public comments is prohibited under procedural guidelines.



## Town Board Meeting Comment Card

Name: Susan Tesar  
Address: 3505 Lincoln Rd.  
Green Bay, WI 54311

Date: 3/4/19  
Regarding: Permit, Natural Pet  
application

Do you wish to speak to the Board?  
(Will be limited to 3 minutes)

Yes ☐ No ☒

Are you for or against the item?

For ☐ Against ☒

### Town Board Rules of Public Interaction

The Chair may invoke a requirement to use Appearance Slips when the Chair finds it necessary, to systematically and more accurately receive citizen comments on matters before the Board. Also, when citizens speak to the Board, they must await suspension of the Operating Rules by the Board to enable them to speak, confine their remarks to the matter under discussion and must avoid personality references. No citizen may speak more than once on the matter under discussion and may not exceed three minutes at a time, unless the time is extended by the Chair. Written statements are welcome and will be distributed to Board Members. Parliamentary procedure limits Board interaction to hearing public comments; Board discussion during public comments is prohibited under procedural guidelines.



## Town Board Meeting Comment Card

Name: Alan Cheslock  
Address: 3565 Beachmont Rd  
De Pere, WI 54115

Date: 3/4/19  
Regarding: Ledgeview Farms LLC  
Conditional Use Permit

Do you wish to speak to the Board?  
(Will be limited to 3 minutes)

Yes ☐ No ☒

Are you for or against the item?

For ☐ Against ☒

### Town Board Rules of Public Interaction

The Chair may invoke a requirement to use Appearance Slips when the Chair finds it necessary, to systematically and more accurately receive citizen comments on matters before the Board. Also, when citizens speak to the Board, they must await suspension of the Operating Rules by the Board to enable them to speak, confine their remarks to the matter under discussion and must avoid personality references. No citizen may speak more than once on the matter under discussion and may not exceed three minutes at a time, unless the time is extended by the Chair. Written statements are welcome and will be distributed to Board Members. Parliamentary procedure limits Board interaction to hearing public comments; Board discussion during public comments is prohibited under procedural guidelines.



### Town Board Meeting Comment Card

Name: Judy Trembl  
Address: 1415 Bingham Dr  
De Pere

Date: 3/4/19  
Regarding: Ledgeview Farms

Do you wish to speak to the Board?  
(Will be limited to 3 minutes)

Yes ☐ No ☒

Are you for or against the item?

For ☐ Against ☒

#### Town Board Rules of Public Interaction

The Chair may invoke a requirement to use Appearance Slips when the Chair finds it necessary, to systematically and more accurately receive citizen comments on matters before the Board. Also, when citizens speak to the Board, they must await suspension of the Operating Rules by the Board to enable them to speak, confine their remarks to the matter under discussion and must avoid personality references. No citizen may speak more than once on the matter under discussion and may not exceed three minutes at a time, unless the time is extended by the Chair. Written statements are welcome and will be distributed to Board Members. Parliamentary procedure limits Board interaction to hearing public comments; Board discussion during public comments is prohibited under procedural guidelines.



### Town Board Meeting Comment Card

Name: Curt Crachon  
Address: 3580 Meadow Sand Dr  
De Pere, WI 54115

Date: 3/4/19  
Regarding: Ledgeview Farms LLC  
Could we use permit

Do you wish to speak to the Board?  
(Will be limited to 3 minutes)

Yes ☐ No ☒

Are you for or against the item?

For ☐ Against ☒

#### Town Board Rules of Public Interaction

The Chair may invoke a requirement to use Appearance Slips when the Chair finds it necessary, to systematically and more accurately receive citizen comments on matters before the Board. Also, when citizens speak to the Board, they must await suspension of the Operating Rules by the Board to enable them to speak, confine their remarks to the matter under discussion and must avoid personality references. No citizen may speak more than once on the matter under discussion and may not exceed three minutes at a time, unless the time is extended by the Chair. Written statements are welcome and will be distributed to Board Members. Parliamentary procedure limits Board interaction to hearing public comments; Board discussion during public comments is prohibited under procedural guidelines.

March 4, 2019

The Town of Ledgeview Town Board hereby **denies** the application of Ledgeview Farms, LLC, for a Livestock Facility Siting Approval and Conditional Use Permit (a "siting permit") based on the following written findings of fact, all of which are supported by evidence in the record with respect to these applications, as provided under Wis. Stat. § 93.90(4)(c), Wis. Admin. Code § ATCP 51.34(3), and other applicable law.

### **Town Regulatory Authority**

1. The Town Board of the Town of Ledgeview (the "Town") has specific authority, power, and duties pursuant to Wis. Stats. §§ 60.62, 61.35, 62.23, and other statutes specified in chapter 135 of the Town ordinances, and by its adoption of village powers under Wis. Stats. § 60.10, to zone certain areas in the Town, to regulate, prohibit and restrict construction, alteration, erection, and enlargement of certain structures and buildings in the Town, and to regulate and control certain uses, activities, businesses, and operations in the Town. Town Ordinances § 135-2. Pursuant to this authority, the Town requires approval by the Town of new or expanded livestock facilities in the Farmland Preservation District in the Town, subject to the requirements of Wis. Stat. § 93.90 and Wis. Admin. Code ch. 51, and requires approval of a conditional use permit ("CUP") by the Town for certain agricultural and agricultural-related uses. *See* Town Ordinances ch. 135 Article X., AG-FP.

2. The majority of the requirements imposed by the Town that are applicable to a new or expanded livestock facility are identical to and adopted by reference from the state livestock siting standards promulgated in Wis. Admin. Code ch. 51. The Town has also adopted more stringent standards under Wis. Stat. § 93.90 (3) (a) 6. and (ar), based on reasonable and scientifically-defensible findings of fact that clearly show that these requirements are necessary to protect the public health and safety. To the extent that they are relevant to this decision, these standards are described in more detail below.

3. The Town first adopted its livestock siting requirements on August 22, 2017. Town Ordinance No. 2017-08. The Town's livestock siting requirements were updated on November 21, 2017 and December 18, 2018.

### **History and Application Timeline**

4. This is the second time in less than a year that the Town is making a decision to deny what are largely identical applications by Ledgeview Farms for a siting permit.

5. The Town denied Ledgeview Farms' first application in early June, 2018. Ledgeview Farms appealed the Town's decision to the Livestock Facility Siting Review Board (the "Siting Board"). The Siting Board upheld the Town's decision to deny that application on November 30, 2018.<sup>1</sup>

6. The second application, which is the subject of this decision, was initially delivered to the Town on November 5, 2018.<sup>2</sup> Additional submittals were added to that application through November 20, 2018. On January 4, 2019, the Town informed Ledgeview Farms that the application was not complete, and identified 15 deficiencies for which additional information was needed to complete the application. On January 11, 2019, Ledgeview Farms submitted additional information related to all but one of the areas of required information identified by the Town. Ledgeview Farms specifically declined to submit requested information about the number of animal units then-present at Ledgeview Farms. On February 18, 2019, the Town notified Ledgeview Farms that it would proceed with the review of the second application despite the decision by Ledgeview Farms to not provide all identified information.

7. Within 14 days of issuing that determination, the Town distributed notice of the application to adjacent landowners as required under Wis. Admin. Code § 51.30 (6).

8. The application was referred to the Zoning and Planning Commission on February 14, 2019. Pursuant to its authority under Town Ordinance § 135-244 (Q) (5), the Town Board deems it advisable to take action on this application earlier than 30 days after referral to the Zoning and Planning Commission.

9. In both its first and second round of applications, Ledgeview Farms sought, among other things, the Town's approval of the construction of a large open lagoon manure storage

---

<sup>1</sup> The Siting Board's decision can be found at: <https://datcp.wi.gov/Documents/LFSRBLedgeviewFinalDecision.pdf>

<sup>2</sup> This second application was submitted while the Town's previous decision, with respect to a virtually identical application, was still pending before the Siting Board in a challenge initiated by Ledgeview Farms.

facility and waste transfer systems, and the expansion of Ledgeview Farms' operations to a total population of 3,483 animal units.

10. The Town scheduled and held a public hearing on the application from Ledgeview Farms on this date, March 4, 2019, in accordance with Wis. Stat. § 60.62 (4e) (c).

### **Compliance History**

11. On September 12, 2007, the Wisconsin Department of Natural Resources ("DNR") sent correspondence to Ledgeview Farms indicating that the farm was illegally operating with more than 1,000 animal units. A Wisconsin pollution discharge elimination system (WPDES) permit is required for a livestock facility with an animal population above that threshold, which is considered a "concentrated animal feeding operation" or "CAFO" under state and federal law.<sup>3</sup> Ledgeview Farms, however, had never applied for a WPDES permit. DNR indicated that Ledgeview Farms was operating illegally and that they were required to submit an application for a WPDES permit at least 12 months prior to operating with 1,000 or more animal units. DNR sent multiple letters to Ledgeview Farms in 2007 which apparently went unanswered.

12. DNR continued to attempt to engage Ledgeview Farms through 2008, seeking compliance with the WPDES permitting requirements for a CAFO. On July 15, 2008, DNR demanded that Ledgeview Farms submit an application for a WPDES permit. DNR met with Ledgeview Farms on October 14, 2008 to discuss the permit process and sent a follow-up letter the next day requesting the farm's nutrient management plan and reiterating that Ledgeview Farms was required by law to obtain a WPDES permit. In its October 15, 2008 correspondence, DNR pointed out the following: "[m]anure from the outdoor lot area at the heifer (site) is actively discharging into a waterway"; the outdoor lots at the main farm required increased management to prevent runoff that may be discharging to the waterway; and the farm lacked the required six-month manure storage capacity. On October 21, 2008, DNR received an incomplete WPDES permit application from Ledgeview Farms in which Ledgeview Farms reported that it was illegally operating with 1,380 animal units (380 animal units over what is allowed without a WPDES permit). DNR required that Ledgeview Farms complete and submit an Environmental Analysis Questionnaire. DNR stated that because Ledgeview Farms was already over 1,000 animal units and did not have a WPDES permit, it was operating in violation of state and federal law. There is no record that Ledgeview Farms took any action that was required by the DNR at that time to move toward compliance.

---

<sup>3</sup> A WPDES permit strictly regulates the discharge of pollutants from a facility, such as animal waste and process waste, and imposes monitoring and reporting requirements and compliance schedules appropriate to the facility.

13. On February 19, 2009, DNR issued Ledgeview Farms a Notice of Violation for operating as a CAFO without a required WPDES permit. On March 19, 2009, Ledgeview Farms attended a mandated DNR enforcement conference regarding the ongoing violations at the farm. At this enforcement conference, Ledgeview Farms agreed to depopulate its herd to reduce its operation below 1,000 animal units to become compliant with state and federal law. On May 13, 2009, DNR followed up with correspondence to Ledgeview Farms explaining that the farm had failed to address the runoff concerns at its facility. DNR required Ledgeview Farms to immediately install best management practices ("BMPs") to control runoff. DNR continued to follow up with the farm through 2009 regarding the number of animal units on the farm and its noncompliant runoff control measures. It is unknown if Ledgeview Farms depopulated to below 1,000 animal units anytime thereafter.

14. Sometime after 2009, after all of the interaction with the DNR described above that underscored the illegality of doing so, and in direct defiance of the promise that Ledgeview Farms made to the DNR to keep its herd below 1,000 animal units, Ledgeview Farms again added significant numbers of animals, illegally exceeding the 1,000 animal unit threshold for at least the second time without applying to DNR for a WPDES permit. This second illegal expansion was only documented because of enforcement action taken by the United States Environmental Protection Agency (EPA). The EPA became involved because of a complaint filed in the spring of 2013. The person who contacted the EPA had walked through knee-deep manure while hiking along a stream tributary that lies adjacent to the Headquarters Site. On April 18, 2013, EPA conducted its first site inspection. EPA identified numerous deficiencies at the farm, which would have been violations of the Clean Water Act even if the farm had been operating under a WPDES permit, including the following:

- At the Home Site (Headquarters Site in the applications submitted to the Town), septic looking waste and process wastewater was leaking out of a hole in the east concrete pit and flowing to the tributary.
- At the Home (Headquarters) Site, manure and process waste water from the feed bunker and the open lot west of the Milk Cow Barn did not have containment and was flowing north through pathways that led to the tributary on the west end of the site.
- At the Home (Headquarters) Site, animals had impermissible direct access to the stream tributary on the east end of the site.
- At the Satellite (Heifer Site on the applications submitted to the Town), manure and process wastewater runoff generated at the open lot and feed bunkers were flowing east to the ditch. The ditch and culverts facilitated the flow of process wastewater to a stream tributary.

On September 13, 2013, EPA issued Administrative Order V-W-13-A0-22 to Ledgeview Farms for its facilities at 3875 Dickinson Road and 3688 County Road V (Lime Kiln Road). On September 26, 2013, EPA sent Ledgeview a letter providing a Compliance Schedule as an aid to understand the compliance deadlines of the Order. As part of this Order, Ledgeview Farms was required to submit to EPA a Permit Compliance Plan by December 27, 2013. On March 13, 2014, EPA notified Ledgeview Farms by letter that EPA had not received the Permit Compliance Plan required under the Order. On March 18, 2014, Brown County Land and Water Conservation (BCLWC) staff emailed documents pertaining to a Permit Compliance Plan to EPA at the request of Ledgeview Farms. In correspondence dated July 18, 2014, EPA disapproved of the draft Permit Compliance Plan submitted and required revisions to the draft Permit Compliance Plan.

15. On April 9, 2014, almost seven years after first being informed of the requirement by DNR, Ledgeview Farms finally submitted an application for a WPDES permit to DNR. Throughout 2014, DNR corresponded with the farm regarding deficiencies in that application. DNR never received the information necessary to complete the application. In March 2015, Ledgeview Farms submitted plans to DNR for a new 5 million gallon manure storage lagoon at the Headquarters Site. DNR determined that the plans were incomplete because they did not provide sufficient overflow protection for the proposed facility. Ledgeview Farms withdrew the plans in May 2015 and never filed a resubmission. In the summer of 2015, despite not obtaining DNR approval, which they clearly knew was required, Ledgeview Farms began construction of the 5 million gallon animal waste storage facility. Town permits that were required for the construction of this facility were never applied for or issued. This manure storage facility was completed in late 2015 or early 2016 and it remains not only unpermitted, but also noncompliant because it still lacks required emergency overflow protections.

16. On November 29, 2016, EPA informed Ledgeview Farms of its intent to file a civil administrative complaint for violations of the Clean Water Act (CWA). In this correspondence, EPA asserted that Ledgeview Farms had violated the CWA by "having seven unauthorized discharges of manure and process wastewater and having one unauthorized discharge of construction sediment to Waters of the United States." EPA indicated that it planned to propose a penalty against Ledgeview Farms of up to \$128,000 for these violations.

17. In February 2017, Ledgeview Farms once again submitted to DNR an application for a WPDES permit. To date, this permit has not been granted. Ledgeview Farms continues to illegally operate as a CAFO without an approved WPDES permit.

18. DNR has also confirmed to the Town that Ledgeview Farms has violated state storm water laws during the more than 10 years that the DNR has been trying to bring this operation into compliance.

19. In September of 2017, DNR notified Ledgeview Farms that it was required to *immediately* install interim runoff control measures to prevent pollutant discharges from the production areas until permanent runoff control measures are installed. Ledgeview Farms did little to meet this requirement for a year. Only after the Siting Board indicated that Ledgeview Farms' environmental compliance failures provided the Town with sufficient reason to deny the previous application did Ledgeview Farms attempt to put in place the required interim control measures. The DNR inspected these interim measures in September and October of 2018. While Ledgeview Farms and the Town waited for the DNR's report on those inspections, and while the Siting Board was reviewing the first Town decision on Ledgeview Farms' siting permit application, Ledgeview Farms submitted a new siting permit application (the application that is at issue in this decision).

20. Despite the fact that the DNR's report on Ledgeview Farms' purported installation of interim measures was still pending, Ledgeview Farms' new application begins with a narrative that expresses how much effort Ledgeview Farms has expended to construct facilities that have "reduced the environmental impacts of its two production sites." Included in its list of activities that Ledgeview Farms points to in support of that claim, and as a basis for the Town to consider its application favorably, Ledgeview Farms cites from the interim measures required by DNR.

21. The DNR issued its report on its inspection of the required interim control measures on November 14, 2018, nine days after Ledgeview Farms submitted its second siting permit application making the claims above. The DNR disagreed with those claims, stating that "several items related to runoff controls remain unaddressed" including:

- Process wastewater discharges to the environment were observed during both site visits at the calf barn at the main farm site.
- Leachate was visible discharging from the northeast corner of the bunker wall to the vegetated area north of the feed storage area at the main farm site. Leachate was observed ponded in areas of burnt out/dead vegetation in the vegetated area north of the feed storage area. Materials placed along the exterior of the east bunker wall appeared to require maintenance to continue to function as a method to contain leachate generated by feed. Waste/blown feed appeared to be mixed in with the material placed along the exterior of the bunker walls.
- The leachate basin was at capacity and overflowing, indicating a lack of required monitoring and response for this system.
- Final grading and seeding of disturbed areas around the basin was not completed.
- Interim measures to control runoff at the heifer feedlot at the main farm site were modified without DNR approval.

- A disturbed area was observed east of the waste storage facility at the main farm site; required storm water controls and stabilization were not present, and sediment-laden water was observed ponded in the wooded area north and downslope of the disturbed area.
- A ponded area of liquid manure was observed that was discharging through rill erosion channels in the disturbed area to the wooded area northeast of the waste storage facility, where sediment-laden water was ponded.

The DNR required that immediate action be taken rectifying many of these violations by no later than December 31, 2018. The Town has no information that indicates that any of these violations have been sufficiently addressed to date.

### **Requested Approvals under Ledgeview Farms' Applications**

22. The application for a CUP and the Livestock Facility Siting Application submitted by Ledgeview Farms to the Town request Town approval of the following activities/structures:

- Expansion of the farm livestock operations to 3,483 animal units at the Headquarters and Heifer Sites.
- Construction of a new, approximately 17 million gallon animal waste storage facility at the Heifer Site.
- Expansion of the feed storage area at the Heifer Site.
- Construction of a feed storage and animal lot leachate runoff management system at the Heifer Site.
- Construction of a yard runoff transfer system to collect leachate and contaminated runoff and transfer it to the proposed waste storage facility at the Heifer Site.

In addition, Town approval is required for the existing noncompliant concentrated animal feeding operations of 1,084 milking and dry cows, 770 heifers, and 838 steers at the Headquarters and Heifer Sites. Ledgeview Farms did not obtain the required approvals and permits for these illegal practices and facilities from the DNR and from the Town, as applicable, prior to the adoption of the Town's livestock siting ordinance. Therefore, Town approval is required as part of the livestock siting application process. Ledgeview Farms may not build unapproved facilities and illegally grow its operation and then claim that these activities are "grandfathered" and not subject to Town approval. Similarly, any other

facilities, such as livestock housing barns and feed storage facilities, which were built to allow Ledgeview Farms to expand to and operate illegally above the 1,000 animal unit threshold, are also subject to this application process.

## **TOWN DECISION**

The Town Board hereby incorporates all documents in the record that was compiled relating to its June 2018 decision on Ledgeview Farms' previous, substantially similar siting permit application into the record for this decision. Based on those documents, additional documents added to the record that are specific to this application, testimony presented at public hearings, the facts and findings in sections 1-22 above, and the rationale described below, the Town hereby dismisses, and, alternatively, denies Ledgeview Farms' siting permit application. The Town finds that all of its reasons for dismissal and denial stand alone as sufficient, separate support for its decision.

### **A. Constructive Withdrawal of the Livestock Siting Application**

23. Without even reaching a decision on the merits of the siting permit application submitted by Ledgeview Farms, the Town Board hereby determines that the application is dismissed because it was constructively withdrawn by Ledgeview Farms. This is because Ledgeview Farms twice denied the Town access to inspect the farm for purposes of verifying the claims and assertions contained in the application, as described in more detail below.

On December 10, 2018, the Town notified representatives of Ledgeview Farms that it intended to conduct an inspection of the farm property the following day. The Town provided this notice as a courtesy to Ledgeview Farms and to make it possible for Ledgeview Farms to make key staff and consultants available during the inspection. Shortly after providing this notice, the Town received a letter from the attorney for Ledgeview Farms indicating that such an inspection would be viewed as a trespass and a violation of the property rights of Ledgeview Farms' owners, and that the Town had no authority to conduct an inspection. The attorney stated that the actions of the Town in scheduling this inspection had "foreclosed any possibility of arranging a mutually-agreeable time for this visit" and that Ledgeview Farms would only permit entry under the authority of an inspection warrant under Wis. Stat. § 66.0119, or other court-issued warrant.

The Town decided to delay its plans to inspect the farm to allow for further opportunity to attempt to communicate with the representatives of Ledgeview Farms. In correspondence dated December 13, 2018, the Town provided written notice to Ledgeview Farms of a rescheduled inspection date of Monday, December 17. In an attempt to foster

functional and workable communications between Ledgeview Farms and the Town, the Town explained the scope and purpose of the inspection, and provided detail about the authority of the Town to conduct such an inspection.

The Town received a notification from Ledgeview Farms' attorney that the four-day notice provided in this correspondence was "fundamentally unreasonable," followed by another letter that stated that the Town still did not have permission to enter the farm for an inspection without the Town first obtaining an inspection warrant under Wis. Stat. § 66.0119.

In an effort to fulfill Ledgeview Farms' repeated requests, the Town obtained a special inspection warrant under Wis. Stat. § 66.0119 in preparation for its December 17 inspection. That inspection warrant authorized "the performance of an on-site inspection of the [farm] to determine whether the Town has jurisdiction under the livestock siting law and to assist in its determination as to whether to approve, conditionally approve, or deny the livestock siting application under the state livestock siting law and local restrictions adopted under that law."

On December 17, 2018, a full week after the initial notification of the first planned inspection, the Town's zoning officials arrived at Ledgeview Farms at the time identified in the Town's December 13 correspondence. The Town was accompanied by a sheriff's deputy and served the inspection warrant on Ledgeview Farms' representatives. Despite the Town following the process demanded by Ledgeview Farms prior to inspection, and despite being informed by the sheriff's deputy that the warrant was in order and it was illegal to deny access, the representatives of Ledgeview Farms again refused to allow the Town zoning officials onto the farm property.

It is indisputable that the siting permit application submitted by Ledgeview Farms is for a conditional use permit (CUP), which is a zoning permit. The application contains a host of information and assertions about the current and proposed status and operations at the farm, and information fundamental to the applicability of the state livestock siting law to the proposal. The Town has jurisdiction as the zoning authority to conduct an inspection to assess and verify that information. The Town determined that it was prudent to conduct an on-site inspection under that authority for a number of reasons, which were explained to Ledgeview Farms prior to the second inspection date as a courtesy. Most importantly, the Town's authority to conduct such an inspection was underscored by the issuance of a special inspection warrant authorizing the inspection.

The decision by Ledgeview Farms to deny zoning staff access to the property for an inspection related to the zoning permit for which the application was made, even in the face of an inspection warrant authorizing that access, constitutes constructive rescission of the application by Ledgeview Farms. An applicant for a zoning permit must allow

inspection for appropriate purposes, and cannot expect approval of the application if it does not. Therefore, this application is dismissed.

Should a court or quasi-judicial body of competent jurisdiction disagree with the Town's decision declaring the actions of Ledgeview Farms to be constructive rescission of its application, then, alternatively, the Town hereby denies Ledgeview Farms' siting permit application because inspection access was not provided, rendering the Town unable to verify the assertions made in the siting permit application submitted by Ledgeview Farms or whether the siting law applies to this proposal in the first instance.

## **B. Denial of Siting Permit Application**

24. The Town acknowledges that the state livestock siting law was created in an attempt to bring a measure of uniformity to local approval processes for large livestock farms. However, Wis. Admin. Code § ATCP 51.34(1)(b) still provides authority for a local government to assess more than just the proposed technical specifications of a new or expanded livestock facility. Specifically, this provision allows a municipality to deny an application if the application does not contain "sufficient *credible* information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets or is exempt from the standards in subch. II." (emphasis added.)

In this case, given Ledgeview Farms' extensive history of disregard for federal, state, and local laws as described in detail above, its willingness to ignore its own promises made to avoid prosecution when caught in violation of the law,<sup>4</sup> along with material, false statements that it has made in its applications and to regulators, Ledgeview Farms has failed to present the necessary credible evidence that it meets and will meet the applicable state standards. Added to this, the farm was in significant noncompliance as of the most recent DNR inspection late last year. This pattern of noncompliance has been ongoing for over a decade, and the farm is *still* not in compliance. Ledgeview Farms' longstanding and consistent disregard for statutory and regulatory compliance provides clear and convincing evidence that the farm will not, in fact, comply with the applicable state standards moving forward.<sup>5</sup>

---

<sup>4</sup> In its decision on the challenge by Ledgeview Farms to the Town's denial of its previous siting permit application, the Siting Board found the following fact: "The Town's record of decision-making contains evidence and documents that the Applicant engaged in a level of deliberate deception and avoidance of legal responsibilities, including deliberate acts to deceive regulators by promising to reduce the animal units below 1,000, to avoid a CAFO permit, while continuing to operate above that threshold." *Ledgeview Farms, Inc. v. Town of Ledgeview*, Decision of the State of Wisconsin Livestock Facility Siting Review Board, Docket No. 18-LFSRB-02, November 30, 2018.

<sup>5</sup> In its decision on the challenge by Ledgeview Farms to the Town's denial of its previous siting permit application, the Siting Board found the following fact: "The Town's record of decision-making contains evidence and documents obtained by the Town and submitted by participants at a May, 2018 public hearing

In the Siting Board's decision on the first siting permit application, it wrote that "the Town was allowed to consider the Applicant's past practices related to continuing runoff violations, because these past practices were linked to information in the application promising to rectify continuing discharges" and that the "Town had legal grounds to deny local approval based upon a determination that the application lacked credible information as it relates to the applicant's commitments to rectify continuing discharges." *Ledgeview Farms, Inc.*, Docket No. 18-LFSRB-02, November 30, 2018. If the Town had the authority to do so less than 9 months ago, it certainly retains the authority to do so now. Furthermore, every action taken by Ledgeview Farms since that decision and each continuing failure to comply with environmental regulations, coupled with Ledgeview Farms' continued inability to earn approval of a WPDES permit from the DNR, all underscore the lack of credibility of this farm's representatives.

In addition to Ledgeview Farms' continued inability to comply with state law, Ledgeview Farms has further degraded its credibility by refusing Town requests to inspect its facilities, even when presented with a special inspection warrant for such purposes. As described above, the Town was turned away by Ledgeview Farms when the Town attempted to inspect the farm and its claimed progress toward compliance, not once but twice. Notice was provided as to the timing of these inspections on both occasions. Based on a request by Ledgeview Farms, the Town applied for, received, and served an inspection warrant on Ledgeview Farms for the second inspection, and was still denied access to the farm. It was only by request of the Town staff that the sheriff's office did not arrest the farm's representatives that day for refusal to comply with the warrant.

It is beyond comprehension that a person or business could apply for a zoning permit from a local unit of government, the approval of which depends on the verification of assertions made in that application about physical conditions and operations on the site for which the zoning approval is requested, and then not allow the zoning authority to make the necessary verifications. The example of a building permit applicant denying access to a building inspector and then demanding issuance of a final approval highlights this absurdity. Needless to say, the decision by Ledgeview Farms to deny access to the farm by Town zoning officials significantly undermined any remaining credibility the farm may have had.

Another example of the lack of credibility of the assertions made by Ledgeview Farms stems from the inconsistency of reports related to the number of animal units at the farm. Under Wis. Stat. § 93.90 (3) (e) and Wis. Admin. Code § 51.06 (2) (b), the number of animal units present at a farm is a critical piece of information in determining how the siting law applies to an expansion proposal.

---

(internal citation omitted) that establish a pattern of noncompliance on the part of the Applicant." *Ledgeview Farms, Inc.*, Docket No. 18-LFSRB-02.

As was documented above, more than ten years ago Ledgeview Farms committed to keeping its farm population below 1,000 animal units. In 2013, the farm submitted documentation to DNR that it was operating at 780 animal units. However, the farm certified to EPA that for that same year, it was operating at 1,568 animal units. In late May of 2017, documentation from the DNR regarding Ledgeview Farms' nutrient management plan confirms a herd size of 1,568 animal units and a planned expansion to 1,789 animal units. Less than 7 months later, Ledgeview Farms self-reported between 2,090 and 3,202 existing animal units to the Town (imprecise information was presented in that application that only made it possible to calculate a range existing animal units). Clearly, Ledgeview Farms had *again exceeded* the number of animal units that it had reported to the DNR for purposes of permit planning.

In its second siting permit application, which is the subject of this decision and was submitted to the Town almost a year after the first application, Ledgeview Farms reports the same number of animals present. Based on the previous inconsistencies in reported and observed animal units present at the farm, the Town has no confidence that Ledgeview Farms has truthfully reported the number of animal units currently at the farm. Therefore, the Town planned to conduct an animal unit count as part of two attempted on-site inspections, as explained in more detail above, but was refused access. The Town then directly asked Ledgeview Farms to specify the number of animal units present at the farm in its communication of January 4, 2019, relating to the completeness of the application. Ledgeview Farms refused to provide that information. These wide swings in reported and observed animal units present at the farm over the years, the refusal of Ledgeview Farms to allow a count of animal units, and the refusal to even report a number of animal units to the Town seriously undermine the credibility of Ledgeview Farms.

For the multiple, continuing reasons outlined above, the Town denies the siting permit application under Wis. Admin. Code § ATP 51.34(1)(b) because the farm has failed to present the relevant *credible* information for Town approval.

To read the state livestock siting law to require approval of this application in the face of the weight of the evidence that this farm will continue to ignore laws that are in place to protect the people in this community would seriously undermine the sustainability of the siting law moving forward.

25. Under Wis. Admin. Code § 51.34(4), an approval of a livestock siting application is conditioned on “representations made in the application for approval” and withdrawal of an approval and other redress provided by law is available if an operator “materially misrepresented relevant information in the application for local approval.”

Ledgeview Farms has made significant misrepresentations in the present permit application. For instance, Ledgeview Farms continues to claim that the farm is currently

“operating under a Wisconsin Pollution Discharge Elimination System (WPDES) Permit” even though a WPDES permit has never been issued. The only possible purpose of this statement is to mislead a reader into having a false sense of confidence that this farm is operating appropriately under DNR oversight. DNR has confirmed to the Town that this was a false statement by Ledgeview Farms, and a WPDES permit has not yet been issued to the farm as of this decision.

Ledgeview Farms also claims that “the DNR and Brown County have issued the required approvals & permits that could allow construction to proceed” and that “the remaining obstacle is approval of the Livestock Siting License by the Town of Ledgeview.” This claim is also false. The last correspondence from the DNR in this matter identified significant ongoing noncompliance and did not indicate any intention on the part of DNR to issue the farm a WPDES permit, which is the key permit that the farm would have to hold for this statement to be true. The DNR has clearly not issued all permits necessary for expansion of the farm. This statement is a deliberate attempt by Ledgeview Farms to mislead the Town and others reviewing these applications, and underscores the lack of trust that the Town has in the applicant's willingness, ability, or intent to meet the requirements in its application and adhere to applicable laws.

Therefore, the Town denies the siting permit application under Wis. Admin. Code § ATCP 51.34(4) because Ledgeview Farms has made material misrepresentations in its siting permit application.

26. Under Wis. Stat. § 93.90 (3) (a) 5., the Town finds that the proposed expanded livestock facility violates multiple state standards promulgated by the Department of Agriculture, Trade, and Consumer Protection (“DATCP”) under Wis. Admin. Code ch. 51, including for all of the following reasons:

a. There exist numerous instances of manure and process waste discharges from manmade conveyances into waters of the state, in violation of the Clean Water Act “no discharge” requirements for permitted facilities and in violation of Wis. Admin. Code § ch. 51, according to information documented by the EPA and the DNR, including multiple types of process water runoff and manure runoff found in the most recent inspections conducted late last year.

b. Existing storage facilities show clear signs of structural failure and/or structural leakage in violation of Wis. Admin. Code § ATCP 51.18 (2), as documented by the EPA and the DNR. In its review of the Town’s decision on the first siting permit application, the Siting Board determined that the Town did not have authority to deny the application on these grounds, but this was based on a mistaken conclusion that these deficiencies applied to two specific structures slated for closure. That is not the case. These failures were observed by DNR with respect to facilities in present use that are not scheduled to be taken out of use.

c. The Town has received no information verifying that livestock no longer have unrestricted access to streams in violation of ATCP 51.20 (7), as documented by the EPA and the DNR.

Ledgeview Farms is making a somewhat unique request of the Town under the livestock siting law. This law contemplates a request from a livestock operator for approval to expand an operation that is compliant with state and federal pollution laws and that has a herd size that is either under the 1,000 animal unit threshold or is over that threshold but operating under and in compliance with a valid, approved WPDES permit. In such a case, the livestock siting law requires the Town to approve a facility's application as long as it contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the "proposed" livestock facility meets the standards in ATCP ch. 51. *See Wis. Admin. Code* § ATCP 51.34 (1) (b). In other words, a local government must generally approve a livestock facility siting application based on proposed practices and construction, because there is nothing else upon which to base its decision.

In this case, however, Ledgeview Farms is asking the Town to approve an "expansion," most of which *has already occurred*. We do not have to look to the promises made by Ledgeview Farms relating to what it proposes to do if allowed to cross the 1,000 animal unit threshold – it is already operating at almost *three times that level*, and has been illegally doing so since at least 2013. During that time, it has consistently been in violation of environmental runoff laws.

The Town has more than proposed practices on which to base this decision. The farm is violating the requirements with which it promises to comply *right now*. Without question, if the Town approves this application, Ledgeview Farms will be in noncompliance with the state siting standards on day one. Ledgeview Farms simply cannot expect Town approval of its expansion plans while it stands in violation of the standards with which it must comply.

Because of ongoing violations of livestock siting state standards, the Town denies this application.

27. Pursuant to Wis. Admin. Code § ATCP 51.34 (4), the Town has clear and express authority to withdraw a livestock facility siting approval from an operation for failure to comply with applicable state standards. In this case, the Town would have the authority to *immediately withdraw* its approval of Ledgeview Farms' livestock facility siting application due to the current instances of noncompliance with state standards. It would be absurd to read Wis. Stat. § 93.90 and ATCP ch. 51 to require the Town in this case to

approve the expansion of a livestock facility, under the livestock siting law, when the Town has the authority to immediately revoke such approval under the very same law.<sup>6</sup>

The Town denies this application because it cannot be required to issue an approval that it could revoke immediately thereafter.

28. The Town has specific statutory authority to adopt by ordinance and enforce requirements that are more stringent than state standards. Wis. Stat. § 93.90 (3) (a) 6. and (ar). Pursuant to this statutory authority, the Town has adopted more stringent setback requirements for livestock housing structures, manure storage facilities, and contaminated runoff storage facilities, including a requirement that any new manure storage facility serving a livestock facility of the size proposed must be set back at least 1,320 feet from the property line. Town Ord. § 135-85 D. (1).

The Siting Board decision on the first application provided that the Town did not include adequate findings of fact related to this setback requirement in its ordinance. The Town disagrees with that conclusion, but took action to bolster these findings in its ordinance adopted on December 18, 2018, which was adopted well before Ledgeview Farms had submitted a complete application to the Town.

The Town's decision to impose more stringent setback requirements in its ordinance, both previous to and after the inclusion of additional findings, was based on reasonable and scientifically defensible findings of fact under Town Ordinances § 135-79 D. These findings clearly demonstrate that the more stringent setback requirements are necessary to protect public health and safety.

In addition, a little over a year ago DATCP proposed extending required setback distances for new manure storage facilities from the 350-foot requirement applicable under current law to a full 1,400 feet from the property line. Even with any applicable setback reductions under that proposal for implementing the kind of odor management practices proposed by Ledgeview Farms, the setback requirement for this facility would be a minimum of 1,100 feet from the property line. While this proposal does not yet have the force of law, the Town relied in part on the expertise of DATCP and its statutorily-required Technical Expert Committee that made these recommendations when it adopted its setback ordinance.

---

<sup>6</sup> In *Adams v. State of Wisconsin Livestock Facility Siting Board*, 2012 WI 85, 151, the Wisconsin Supreme Court noted that *other* sources of local regulatory authority over livestock facility operations do not limit the applicability of the state siting law when it comes to siting decisions. Here, however, it is the siting law itself that authorizes the Town to revoke a siting approval when state standards are not met, not another, separate source of local authority.

The factual findings in the Town ordinance are clearly applicable to the Ledgeview Farms applications. The northern portion of Ledgeview Farms' operations is currently surrounded by numerous residences, particularly to the north and west. In its applications, Ledgeview Farms is proposing to not only expand its operations, but construct a new 17.17 million gallon waste storage facility at the Heifer Site. This facility would be located approximately a mere 400 feet from the nearest resident to the north. During the Town Board public hearing on the first application, a number of Town citizens residing adjacent to the farm testified and submitted substantial documentation regarding health impacts from livestock operations that supports the Town's factual findings in its ordinance.

These concerns would be significant enough to support this decision even if Ledgeview Farms were to maintain compliance with state and federal waste management laws. However, EPA and the DNR have documented numerous instances in which Ledgeview Farms has allowed manure and process wastewater to runoff the Headquarters and Heifer Sites, violations which are still occurring, including clearly documented instances in which manure and process wastewater leaked to tributaries to areas streams. Clearly, the discharge of manure and process wastewater into waters of the state is not only a regulatory violation, it is a significant public health risk to persons recreating in and around area lakes and streams and consuming groundwater recharging from such surface waters.

Some of the reasons outlined above that support the decision of the Town to deny this application relate to site-specific concerns that may not apply in other areas of the state. Others reflect an improved and evolving understanding of the impacts of large livestock operations on neighboring properties generally, especially those used for residential purposes. Ledgeview Farms has incorrectly asserted in the past that local standards adopted under Wis. Stat. § 93.90 (3) (a) 6. and (ar) must be entirely local in character and not generally applicable to livestock agriculture. Nothing in this statute or in Wis. Admin. Code ch. ATP 51 restricts the types of local restrictions that can be imposed in this way. To read this into the law by implication severely limits the value of the safety net that this express local authority provides to protect public health and safety as more is learned about the impacts that can arise from large-scale animal agriculture.

The proposed manure storage facility proposed by Ledgeview Farms does not meet the Town's setback requirement and, therefore, is denied.

### **C. Denial of Siting Permit Application – General Conditional Use Permit Standards**

29. In its conclusions of law on the first siting permit application, the Siting Board concluded that the Town did not have the authority to deny the application based on general CUP approval criteria in the Town's ordinances, because these criteria are outside of the scope of the livestock siting law. However, there is limited case law to rely upon to predict how a reviewing court may evaluate the responsibility of a Town in making a decision to deny an application for a siting permit approval. It is possible that a court could conclude that a denial of such an application would require not only meeting the requirements in the livestock siting law, but also generally-applicable requirements related to local government decisions in the zoning context.

Therefore, with no disrespect to the decision of the Siting Board, the Town hereby incorporates the findings and conclusions in Sections 20-24 of the Town's June, 2018 decision.

## **Conclusion**


30. For the reasons stated above, the Town dismisses, or, alternatively, denies Ledgeview Farms' siting permit application. Pursuant to that decision, the Town demands that Ledgeview Farms depopulate its herd to below 1,000 animal units and bring its operation into full compliance with state and federal law prior to seeking approval to expand. Any animal units currently present at the farm above this threshold were added illegally, in direct violation of the DNR's orders and the promises made by Ledgeview Farms to avoid legal prosecution, and must be depopulated.

31. Should a reviewing board or judicial body overturn this decision of the Town, it must remand this matter to the Town for further action consistent with such a ruling. To fail to do so would deny the Town the opportunity to impose appropriate conditions on the proposed activities and may impair the due process rights of Town citizens who may wish to challenge a subsequent Town decision.

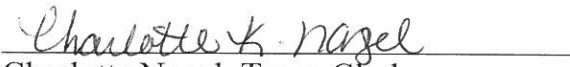
32. If this Town decision is appealed to the Livestock Facility Siting Review Board, the limited scope of the review that may be undertaken by that Board, and pursuant to judicial review of a Board decision under Wis. Stat. § 93.90(5), will not encompass the range of potential legal challenges that may be filed, and will not include all potential parties who may want to bring such challenges, should the Town be directed to approve this application. A request for the review of a livestock siting application decision by the Board is only one of a number of available challenges that may be brought following a local siting decision; potential challengers must be afforded the opportunity to choose other challenge options if a different Town decision is directed, which requires remand to the Town for subsequent action consistent with any direction provided by the reviewing body.

*The foregoing decision was duly adopted by the Town Board of the Town of Ledgeview at a meeting held on March 4, 2019.*

APPROVED:

  
Philip J. Danen, Town Chairman

ATTEST:

  
Charlotte Nagel, Town Clerk

## Charlotte Nagel

---

**From:** Sarah Burdette  
**Sent:** Wednesday, March 6, 2019 9:55 AM  
**To:** 'jasonpansier@gmail.com'  
**Cc:** Larry Konopacki; Vanessa Wishart; 'Charlotte Nagel'; Phil J. Danen  
**Subject:** Ledgeview Farm, LLC Livestock Facility Siting Approval and Conditional Use Permit Application  
**Attachments:** 19-03-04 Ledgeview Farms CUP-LSS Denial Signed.pdf

Mr. Pansier,

Please find attached to this email, the March 4, 2019 Town Board decision related to the Ledgeview Farm, LLC application for a Livestock Facility Siting Approval and Conditional Use Permit.

An original document has been sent to your attention via U.S. Mail.

Regards,  
Sarah Burdette

Sarah K. Burdette  
Administrator  
Town of Ledgeview



3700 Dickinson Road  
De Pere, WI 54115  
Phone: 920.336.3360, ext. 108  
Cell/Text: 920-639-6083  
sburdette@ledgeviewwisconsin.com www.LedgeviewWisconsin.com



This message originates from the Town of Ledgeview. It contains information that may be confidential or privileged and is intended only for the individual named above. It is prohibited for anyone to disclose, copy, distribute or use the contents of this message without permission, except as allowed by the Wisconsin Public Records Laws. If this message is sent to a quorum of a governmental body, my intent is the same as though it were sent by regular mail and further distribution is prohibited. All personal messages express views solely of the sender, which are not attributed to the municipality I represent, and may not be copied or distributed without this disclaimer. If you receive this message in error, please notify me immediately.

## Charlotte Nagel

---

**From:** Charlotte Nagel  
**Sent:** Friday, March 22, 2019 3:48 PM  
**To:** christopher.clayton@wi.gov  
**Cc:** Vanessa Wishart; Larry Konopacki; Sarah Burdette  
**Subject:** Ledgeview Farms LLC Application 2 dtd November 2nd, 2018  
**Attachments:** 19-03-04 Ledgeview Farms LFSA Final Decision.pdf

Chris,

Please find attached the Ledgeview Town Board's final decision dated March 4, 2019 regarding Ledgeview Farms, LLC second Livestock Facility Siting Application dated November 2, 2018. Please advise if any other documentation is required.

Sincerely,

Char  
Charlotte Nagel, Clerk



Town of Ledgeview  
3700 Dickinson Road  
De Pere, WI 54115  
Telephone: (920) 336-3360, Ext. 104  
Fax: (920) 336-8517  
cnagel@ledgeviewwisconsin.com  
Population: 7,431



This message originates from the Town of Ledgeview. It contains information that may be confidential or privileged and is intended only for the individual named above. It is prohibited for anyone to disclose, copy, distribute or use the contents of this message without permission, except as allowed by the Wisconsin Public Records Laws. If this message is sent to a quorum of a governmental body, my intent is the same as though it were sent by regular mail and further distribution is prohibited. All personal messages express views solely of the sender, which are not attributed to the municipality I represent, and may not be copied or distributed without this disclaimer. If you receive this message in error, please notify me immediately.

The Ledgeview Town Board held a meeting on **Monday, March 4, 2019 at 4:30 PM** in the Community Room located at Ledgeview Community Center, 3700 Dickinson Road, De Pere, WI 54115.

#### **CALL TO ORDER**

The meeting was called to order by Chairman Danen at 4:30 PM.

#### **ROLL CALL**

Members present were Chairman Phil Danen, Supervisors Renee Van Rossum, Ken Geurts, Cullen Peltier, and Mark Danen.

Staff present were Administrator Sarah Burdette, Town Attorney Vanessa Wishart, Engineer Scott Brosteau, Treasurer Renae Peters, Public Works Director Dave Strelcheck, and Clerk Charlotte Nagel.

#### **AGENDA APPROVAL**

Staff advised there were no changes to the agenda.

MOTION by Van Rossum/C. Peltier to approve the agenda as written. No further discussion. Motion carried in a voice vote, 5-0.

#### **CONSENT AGENDA**

1. Regular Board Meeting Minutes:
  - a. February 19, 2019 Town Board Meeting.
2. Routine Reports: None
3. Committee/Commission Reports: None
4. Operator's Licenses: February 18, 2019 – March 1, 2019
5. Other Committee Minutes:
  - a. March 1, 2018 Park & Recreation Committee Meeting Minutes.
  - b. April 10, 2018 Park & Recreation Committee Meeting Minutes.
  - c. May 23, 2018 Park & Recreation Committee Meeting Minutes.
  - d. June 18, 2018 Park & Recreation Committee Meeting Minutes.
  - e. July 16, 2018 Park & Recreation Committee Meeting Minutes.
  - f. August 20, 2018 Park & Recreation Committee Meeting Minutes.
  - g. September 20, 2018 Park & Recreation Committee Meeting Minutes.
  - h. October 16, 2018 Park & Recreation Committee Meeting Minutes.
  - i. November 28, 2018 Park & Recreation Committee Meeting Minutes.
  - j. April 18, 2018 Redevelopment Authority Minutes.
  - k. September 18, 2018 Redevelopment Authority Minutes.
  - l. October 18, 2018 Redevelopment Authority Minutes.
  - m. January 7, 2019 Redevelopment Authority Minutes.
6. Pay Requests: None.
7. Special Event & Street Closure Permits: None.

All items listed under "Consent Agenda" are considered to be routine and non-controversial by the Town Board and will be approved by one motion. There will be no separate discussion. If discussion is desired by members, that item will be removed from the consent agenda and discussed separately immediately after consent agenda is approved.

MOTION by Peltier/Van Rossum to approve the Consent Agenda as written. No further discussion. Motion carried in a voice vote, 5-0.

**PUBLIC COMMENT:** None.

**ZONING & PLANNING:** None.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

1. **Central Brown County Water Authority Manager Nic Sparacio will give an overview of the SPLASH Study (Sustainable Partnership Linking Area Services and H<sub>2</sub>O) being conducted in conjunction with Green Bay Water Utility.**

Mr. Sparacio was present at the meeting and introduced himself as the new Central Brown County Water Authority Manager replacing the retiring Dave Vaclavik. Mr. Sparacio provided an overview of the SPLASH Study being conducted in conjunction with Green Bay Water Utility. Wrapping up in 2019, the SPLASH Study will identify mutually beneficial opportunities for shared services that create savings while allowing each entity to continue to provide high quality water and services its customers expect.

No action taken, information only.

2. **Resolution 2019-02 Town of Ledgeview in Support of State Legislation LRB-1665 “Dark Store and Walgreens Loophole Bill” Addressing Tax Avoidance Strategies Used By Large Retailers that Disproportionately Burden Homeowners, Manufacturers, and Small Business Owners.**

The dark store loophole allows active stores generating income to be assessed similarly to vacant, dark, stores even while benefitting from public services and infrastructure such as roads, public transportation, utilities, emergency response systems, and police protection. Closing the dark store and ‘Walgreens’ loopholes will avoid shifting the property tax burden from commercial and manufacturing property to homeowners and small businesses. This resolution urges elected state officials to close the dark store and Walgreens loophole, a bill that was introduced in February 2019.

MOTION by M. Danen/Van Rossum to approve as written. No further discussion. Motion carried in a voice vote, 5-0.

**COMMUNICATIONS:** None.

**ORDINANCES:**

1. **2019-04 Amend Chapter 135: Zoning Relating to Parking for Recreational Vehicles (RVs), Trailers, Boats and related equipment.**

A public hearing was held in October 2018 regarding this ordinance. The code enforcement officer drafted this amendment based on numerous complaints about parking recreational vehicles on residential parcels. Photos were shown as examples. The Commission recommends approval of the ordinance with parameters.

The Board discussed this ordinance as it relates to different zoning. It was explained that the ordinance is written so that it only affects residential zoning, not for zoning in the rural areas. There were some typos and such that would need correction.

MOTION by Geurts/Peltier to approve the ordinance with the noted changes. No further discussion. Motion carried in a voice vote, 5-0.

2. **2019-05 Amend Chapter 19, Section 7, Open burning of leaves, brush, clean wood and other vegetation.**

Staff is trying to comply with the ordinance relating to placement of fire pits. Currently the regulations don’t make any sense for single family residential housing. The current ordinance doesn’t make sense with

portable fire pits either. This ordinance would clean-up those requirements making them enforceable. Staff is also receiving a lot of complaints for smoke going into neighbors houses from entertaining fire pits. The thought of a fire pit permits was broached with this ordinance to assure the placement of the pits is accurate according to the ordinance. The Board wanted to get community feedback prior to acting on the ordinance.

This was the first of three readings, so no action was taken. The Board would like to get community feedback prior to a second reading. No action taken.

**REPORTS:****Administrator:**

- Parks Committee is working on a variety of items:
  - Land demarcation project
  - Sponsorship program
  - Bicycle Loops Project
  - Viewshed Analysis Project
  - Development of Van Straten Park
  - De Pere Baseball Scray Hill Diamonds Development
  - Comprehensive Outdoor Recreation Plan (CORP)
  - 2019 Work Plan
- Redevelopment Authority working on two Tax Increment District Project Requests.
- Central Brown County Water Authority working on a series of stakeholders meetings.
- Working on finishing up Golf Course lease and related items.
- Ledgeview Farms LLC Conditional Use Permit.
- Finishing up baseball bid with Rettler.
- Second set of Creamery Bridge interrogatories were submitted.
- Boldt submitted the Community Center/Fire Station as an entry for the top 2018 projects to the Daily Reporter.
- Staff is meeting with trucking companies and Brown County Highway Department regarding Scray Hill Road truck traffic.
- Working on staff development planning for the year.
- Next steps with the Park Director Position.
- Working with De Pere School District Superintendent on adjusting school boundaries.
- Working with the developer on the CTH GV project.
- Attending training.

**Clerk:**

- Asked for consideration to move the start date for the April 1<sup>st</sup>, 2019 Town Board Meeting to 5:30PM to accommodate election step-up. The Board agreed.

**Engineer:**

- Working with trucking companies regarding Scray Hill Road truck traffic.

**Treasurer:**

- Working on 2018 Annual Report.

**Public Works:**

- Will have a full report at the next meeting.

**Board Comments:** None.

**APPROVAL OF THE VOUCHERS:**

**MOTION** by Peltier/P. Danen to approve the vouchers. No further discussion. Motion carried in a voice vote, 5-0.

**PUBLIC HEARING: The Town Board will hear comments on and may take action on the following:**

1. **The Town Board will consider and receive public comments on an application by Ledgeview Farms for a conditional use permit/livestock facility siting approval relating to property located at 3499 Lime Kiln Road and 3875 Dickinson Road in the Town of Ledgeview.**

Staff gave an overview of the requested Conditional Use Permit by Ledgeview Farms, LLC.

At 6:12 PM, the public hearing was opened for public comment.

Joan Pansier, 3870 Dickinson Road, owner of Ledgeview Farms – Ms. Pansier read a statement which is included in the record. Ms. Pansier also turned over to the Clerk signatures of those in favor of approving the Conditional Use Permit as well as letters of support for Ledgeview Farms. All documents are also made part of the record.

At 6:15 PM a second call for public comment was made.

Jason Pansier, 4888 Dickinson Road, owner of Ledgeview Farms – Made accusations of the Town doing something illegal and threatening to sue the Town.

Roy Pansier, 3870 Dickinson Road, owner of Ledgeview Farms – Stating his disagreement with the Town rezoning 238 acres from Farmland Preservation into Rural Residential. Indicated that the Town isn't abiding by the law and the decision made by the Livestock Siting Board.

Ray Schneider, 3606 Beachmont Road – Stated that Ledgeview Farms is not a registered CAFO (Concentrated Animal Feed Operation), and to act like one has legal ramifications. The neighborhood has rights too. The neighborhood has a right to know the truth of what they were moving next to.

Judy Trembl, 1415 Bingham Drive – Is concerned with water contamination because the herd size is over the permitted limit now. A manure lagoon located 1,000-2,000 feet from neighborhood homes is hazardous to the water supply to those homes. Clay buffers don't help the keep the leachate contained. Ms. Trembl is not in favor of approval of the Conditional Use Permit stating that the farms is non-compliant with the current permits and there's no guarantees they will be in the future.

Steve Corrigan, 4602 Dickinson Road – Urged the Board to come up with some type of compromise to satisfy both the Town and Ledgeview Farms.

At 6:24 PM was the third call for public comments.

Julie Enright, 2277 Dollar Road – Ms. Enright has no problems with the farm; their well water is not contaminated.

At 6:26 PM, a final call for public comments was made by Chairman Danen with no comments heard. The public hearing was closed at 6:26 PM.

Board comments and discussion was had. There were many points brought up for in favor of denial of the conditional use permits; all referencing the draft Findings of Facts written by Town Attorneys. Minor changes to the Findings of Fact were made by Board members. The final copy of said Findings of Fact and the Determination is made part of the record.

MOTION by P. Danen/Van Rossum to deny the Conditional Use Permit submitted by Ledgeview Farms, LLC based on the draft Findings of Fact with corrections as noted. No further discussion. Motion carried in a voice vote, 5-0.

**CLOSED SESSION:**

1. **The Town Board may convene into closed session pursuant to WI State Statute §19.85 (1)(g), for conferring with legal counsel who is rendering oral or written advice concerning strategy with respect to potential litigation regarding Ledgeview Farms' livestock siting application.**
2. **The Town Board may then reconvene into open session to take action on items discussed in closed session.**

The Board determined that there was no reason to go into closed session, therefore, they did not enter into closed.

**ADJOURNMENT:**

**MOTION** by P. Danen/M. Danen to adjourn. No further discussion. Motion carried in a voice vote, 5-0. Meeting adjourned at 6:58 p.m.

Charlotte Nagel, Clerk  
Town of Ledgeview, Brown County, WI