

Herbert Stone Aggrieved Person(s) v. Lafayette County City, Village, Town, or County	REQUEST FOR REVIEW OF A DECISION REGARDING AN APPLICATION FOR LOCAL APPROVAL Docket No. _____
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NAME: Lafayette

COUNTY WHERE POLITICAL SUBDIVISION IS LOCATED: Lafayette County

ADDRESS: 700 Main Street, Darlington, WI 53530

NAME: Luke Schubert

ADDRESS: 15119 Fort Defiance Road, Mineral Point, WI 53565
(Provide information from Lines 1, 4 and 5 of Application of Local Approval).

☐ Applied to a political subdivision for approval of a livestock facility siting or expansion.

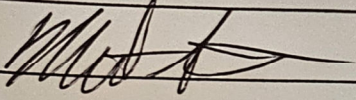
☐ Lives within 2 miles of a livestock facility that is proposed to be sited or expanded.

☒ Who owns land within 2 miles of a livestock facility that is proposed to be sited or expanded.

An aggrieved person may challenge the decision of a political subdivision on the grounds that the political subdivision incorrectly applied the state standards that are applicable to new and expanded livestock facilities, or violated s. 93.90(3), Wis. Stats.

1

Name(s) of Aggrieved Person(s): Herbert Stone

Signature(s) of Aggrieved Person(s): 

Address: 14270 Fort Defiance Road, Mineral Point, WI 53565

Telephone: (608) 482-0018

Representative (if any): Edward Lawton and Christopher Nelson, Axley LLP

Address: PO Box 1767, Madison, WI 53701-1767

Telephone: (608) 283-6707

All communications, documents and papers submitted to the board by any attorney, and preferably by any aggrieved person, shall be one copy by an electronically transmitted .pdf file which can be read and copied easily with current technology. The e-mail address is: SitingBoard@wisconsin.gov



Christopher T. Nelson
cnelson@axley.com
608.283.6707

Via E-Mail

August 26, 2026

Livestock Facility Siting Review Board
2811 Agriculture Dr.
P.O. Box 8911
Madison, WI 53708-8911
SitingBoard@wisconsin.gov

RE: Appeal of Facility Siting Decision from Lafayette County, dated July 28, 2026

Dear Board members:

Please be advised that Axley LLP represents Herbert Stone, the aggrieved person appealing Lafayette County's (the "County") decision to permit Luke Schubert to sit a livestock facility (the "Schubert Facility") on the Parcel Identification No. 034.0080.1000. Mr. Stone meets the statutory definition of aggrieved person under Wis. Stat. Sec. 93.90(5)(a) because he owns a residence on Parcel Identification No. 034.0077.1000, which is located 901 feet from the Schubert Facility. Pursuant to Wis. Stat. § 93.90(5)(b), Mr. Stone appeals the County's approval of the Schubert Facility to the Livestock Facility Siting Review Board.

A copy of the County's approval letter dated July 28, 2026, regarding the Schubert Facility, is attached hereto as Exhibit 1.

As the Board is aware, the County's decision on this matter is not entitled to deference. A review of the complete record will demonstrate facility location violations, improper odor score calculations, that the manure generation calculations underestimate the amount of manure generated by the facility, and that the facility's manure storage areas are undersized.

The basis for the appeal includes:

- ATCP 51.12 provides that livestock structures shall comply with local ordinance requirements related to setbacks from property lines and public roads. Lafayette County Ordinance 14.9.B.1 states that "[a] livestock structure may not be located within 100 feet of a property line if the livestock facility will have 750 or more, but less than 1,000 animals units." Based on the documents submitted to the County, the Schubert Facility has 999.6 animal units and will be located within 100 feet of Parcel ID No. 034.0077.2000, in

violation of County ordinance. The failure to sufficiently setback the facility will prevent the proposed berming and screening from being built, which will increase the impacts of the facility on my client's property.

- ATCP 51.14(5) provides livestock facilities credits for certain odor control practices, including established windbreaks. In its odor score calculation, the Schubert Facility credited itself for berming and screening of the facility, but the construction plans do not provide for any berming or screening. Furthermore, the odor score underestimated the average weight of the pigs to be housed in the facility, which manipulated the odor score. In short, the odor score calculations are not accurate.

Mr. Stone submitted specific objections and questions regarding the proposed Schubert Facility to the County, via letters dated June 15, 2026 and July 2, 2026, which are attached hereto as Exhibit 2 and Exhibit 3, respectively. Exhibit 3 includes a report from The Sigma Group, which observes the Schubert Facility's application:

- Does not provide any source for the animal waste calculations on which the storage facility design is based;
- Does not account for water used to clean the interior of the facility in manure storage calculations;
- Indicates that the location of the facility may reduce or cut off access to Mr. Stone's property;
- States that the manure storage area is 8 feet deep, but the structural plans for the Schubert Facility show a storage area that is 6 feet 10 inches deep;
- States that the 4 of 5 field boring logs were wet, suggesting potential groundwater or perched groundwater 2 to 5 feet below the group surface, which increases the risk of discharge to groundwater, contrary to ATCP 51.18.
- Further, the Schubert Facility will be located uphill from a stream that traverses the property, just outside of the shoreland zoning area. The undersized manure area and the undercalculated manure storage increase the runoff risk to this stream.

Mr. Stone incorporates these letters, which articulate issues of noncompliance with County ordinances and Chapter ATCP 51, into this appeal.



Furthermore, Mr. Stone has received a copy of the alleged record of the decision from the County. His letters and the report from The Sigma Group were not included in the County record, despite the County requesting additional information from Luke Schubert after its receipt of these documents. Accordingly, the record on appeal must include Exhibits 2 and 3 hereto.

Sincerely,

AXLEY LLP

Christopher T. Nelson
CTN:eel

Enclosures



Land Conservation, Planning & Zoning Department

700 Main Street
Darlington, WI 53530
Phone: (608) 776-3836



July 28, 2026

Luke Schubert
15119 Fort Defiance Road
Mineral Point, WI. 53565

[SENT VIA EMAIL]

Dear Mr. Schubert,

Your request to construct a new livestock facility located at 14274 Fort Defiance Road, Mineral Point, WI. in the Town of Willow Springs, SE ¼, SE ¼, Section 23, T4N, R3E; including the following parcel 034.0080.1000, is **Approved**.

Total animal units at your livestock facility will stay at or below **999.6**. See attached Findings-of-Fact for details on the license process.

Please note, it is your responsibility to ensure compliance with any other Local, State, and Federal regulations.

Sincerely,

Max Blackbourn
Lafayette County Land Conservation and Planning & Zoning

Attachments: Approved Livestock License LS-26-001
Record of Decision LS-26-001

CC: Dennis Johnson – Johnson Engineering Group (via email)
Morgan Worek (via email)
Town of Willow Springs
Larry Konopacki – Stafford Rosenbaum LLP (via email)
File



July 28, 2026

FINDINGS OF FACT

For the decision on Luke Schubert Livestock Facility Siting License Application per the requirements of Lafayette County's Chapter 14 Licensing Livestock Facilities Ordinance and Wisconsin Agriculture, Trade and Consumer Protection Chapter 51 Livestock Facility Siting.

Application materials, supporting documents and engineering designs and plans were provided by Morgan Worek and Johnson Engineering Group. Nutrient Management Plan documents were provided by Jeff Landon of Agra Concepts, Inc.

1. On February 12, 2026, a license application fee of \$1,000 was received.
2. On February 23, 2026, a license application for Luke Schubert was submitted electronically to the Department from Morgan Worek. The Department then sent an "Acknowledgement of Receipt of Application" to Luke Schubert, notifying the applicant that the Department was to begin reviewing the application for completeness.
3. On March 30, 2026, the Department requested additional information from Mr. Schubert.
4. On March 30, 2026, additional information was received by the Department.
5. On April 8, 2026, the Department sent out a "Notice of Complete Application" letter to Luke Schubert.
6. On April 9, 2026, the Department sent out "Notice to Adjacent Property Owners" to all adjacent neighbors via certified mail and to Town of Willow Springs as required by ATCP 51.
7. On April 23, 2026, and April 30, 2026, a Class II public notice was published in Pecatonica Valley Leader advertising a public hearing to be held on May 12, 2026, at 7:00 PM located at the Lafayette County Multipurpose building at 11974 Ames Road in Darlington, in accordance with Sec. 12 (C) of Chapter 14 Lafayette County Licensing Livestock Facilities Ordinance.
8. During the written public comment period from April 9, 2026 – May 11, 2026, there were 2 public inquiries for information, and 2 written comments were received.
9. On June 3, 2025, the Lafayette County Land Conservation Committee held a public hearing at the Lafayette County Multipurpose Building located at 11974 Ames Road, Darlington, WI. 53530. There were 6 committee members present: Jed Gant, Jeff Berget, David Halloran, Gerald Heimann, Luke McGuire and Joe Riechers. In addition, County Board Chairman Jack Sauer was in attendance. Other attendees were all Department staff, Laine Carver of Russell Law Office (Lafayette County Corporation Counsel), Sheriff Reg Gill, Gary Blosch, Joshua Keller, Herbert Stone, Luke Schubert, Jessica Schubert, Mike Schubert, Angie Schubert, Morgan Worek, and Dan Blotz. Luke Schubert presented the application for a new 999.6 animal units swine facility. Max Blackburn read aloud submitted written comments to the Department. Morgan Worek testified in favor of the application. Herbert Stone and Joshua Keller testified in opposition to the application.

10. On June 15, 2026, the Department received a letter from Axley LLP., on behalf of Herbert Stone with concerns regarding the Luke Schubert Application.
11. On June 18, 2026, the Department requested additional information from Luke Schubert.
12. On July 2, 2026, additional information was received by the Department.
13. On July 2, 2026, the Department sent out a “Notice of Extension” to Luke Schubert, extending the deadline to make a decision on the application to July 14, 2026.
14. On July 2, 2026, the Department received a letter from Axley LLP, including a peer review of the Schubert application by The Sigma Group.
15. On July 13, 2026, the Department requested additional information from Luke Schubert and extended the deadline to make a decision on the application to July 28, 2026.
16. On July 22, 2026, additional information was received by the Department.
17. On July 24, 2026, the Department requested additional information from Luke Schubert.
18. On July 24, 2026, additional information was received by the Department.
19. On July 28, 2026, the Department concluded that the application complies with Lafayette County’s Chapter 14 Licensing Livestock Facilities Ordinance and Wisconsin Agriculture, Trade and Consumer Protection Chapter 51 Livestock Facility Siting.
20. On July 28, 2026, the Department sent notice of approval to Luke Schubert., cooperating consultants and the Town of Willow Springs for a livestock siting facility license application under the license number LS-26-001.
21. Construction must follow all submitted plans in the application. It is the applicant’s responsibility to ensure compliance with required setbacks and any other local, state and federal regulations.

CONCLUSIONS AND CONIDITIONS

1. Lafayette County Land Conservation and Planning & Zoning Department has authority under Wis. Admin. Code ch. ATCP 51 and Lafayette County's Chapter 14 Licensing Livestock Facilities Ordinance to issue a livestock license for the proposed livestock facility.
2. Lafayette County Land Conservation and Planning & Zoning Department has complied with Wis. Admin. Code ch. ATCP 51 and Chapter 14 Lafayette County Licensing Livestock Facilities Ordinance.
3. Luke Schubert is issued a livestock license, pursuant to Section 13 (A) of Lafayette County's Chapter 14 Licensing Livestock Facilities Ordinance effective May 17, 2016. Conditions of approval are as follows pursuant to Section 15 of Lafayette County's Chapter 14 Licensing Livestock Facilities Ordinance:
 - a. Approval for the requested new facility to house up to 999.6 AU is conditioned on continuous compliance with the terms of Lafayette County Ch. 14 and Wis. Admin. Code ch. ATCP 51.
 - b. You must begin construction within two years of the issuance of this license. If you begin to construct your livestock facility within two years, the license or local approval will continue in effect regardless of the rate at which you construct, or populate your facility and regardless of whether you exercise the full authority granted by the license.
 - c. **Modifications to submitted plans or to the permitted Livestock Facility regarding future waste storage/waste transfer, feed storage, commodity buildings, animal lots or livestock structures will require license modification approvals and/or Lafayette County manure storage permits before construction.**
 - d. Your license is transferable to a new owner or operator. The new owner or operator must provide the County with the new owner or operator's name and address within 30 days of the date of any change in the owner or operator.
 - e. You may, at your expense, record the approved copy of the license application with the Lafayette County Register of Deeds.

Signed: Max Blackbourn Date: 07-28-2026

Max Blackbourn, Land Conservation and Planning & Zoning Department



Edward J. Lawton
elawton@axley.com
262.409.2278

Christopher T. Nelson
cnelson@axley.com
608.283.6730

Via U.S. Mail & E-Mail

June 15, 2026

Erica Sauer
Conservation, Planning & Zoning Manager
Lafayette County Planning and Zoning
700 Main Street
Darlington, WI 53530
Erica.sauer@lafayettecountywi.org

RE: Livestock License Application from Luke Schubert to construct a livestock facility at
14274 Fort Defiance Road.

Dear Ms. Sauer:

Please be advised that Axley LLP represents Herbert Stone. Mr. Stone owns the property located at 14270 Fort Defiance Road, in the Town of Willow Springs, Parcel Identification No. 034.0077.1000. My client is concerned about the effects the livestock facility proposed by Luke Schubert will have on his property. As noted on Mr. Schubert's livestock facility application materials, my client's home is approximately 901 feet from the proposed location of the livestock facility. As such, Mr. Stone is an "affected neighbor" as that term is defined in ATCP 51.01(2).

Our initial review of Mr. Schubert's application indicates the proposed livestock facility fails to comply with certain Lafayette County ordinance requirements. For example, Lafayette County Ordinance 14.9.B.1 states that "[a] livestock structure may not be located within 100 feet of a property line if the livestock facility will have 750 or more, but less than 1,000 animal units." Mr. Schubert's application shows the livestock facility located within 100 feet of Parcel Identification No. 034.0077.2000. Furthermore, Lafayette County Ordinance 14.9.D.1 states that "a new waste storage structure may not be located within 350 feet of a property line[.]" Mr. Schubert's application shows that a new waste storage structure will be located within 350 feet of Parcel Identification Nos. 034.0077.2000 and 034.0079.2000.



When the waste storage structure setback is applied, it becomes clear that the proposed livestock facility would be located within 300 feet of a stream on Parcel Identification No. 034.0080.1000, and therefore subject to shoreland zoning under Lafayette County Ordinance Ch. 6-2.

In addition to these issues that appear on the face of Mr. Schubert's application, my client has questions regarding the odor score and manure production calculations. For example, Mr. Schubert provides himself with a credit on the odor score calculation for berming and screening of the proposed livestock facility. However, the construction plans submitted do not show any such berming or screening between the proposed facility and my client's property; indeed, with the limited—unlawful—setbacks indicated on Mr. Schubert's application, there is no room for any berming or screening between the properties. Additionally, Mr. Schubert's manure calculations are based entirely on an "average weight" of 150 lb. pigs, despite stating that the pigs at the facility will be between 60 and 300 lbs. The average weight, therefore, will exceed 150 lbs., and the manure calculations may underestimate the amount Mr. Schubert's proposed facility will generate.

We continue to review the application materials and proposal and have retained an agricultural engineering firm to assist in this review. However, based on the issues we have already identified in Mr. Schubert's application, we believe Lafayette County must extend its period for review pursuant to Lafayette County Ordinance 14.12.D.1 and Wis. Admin. ATPCP 51.32(2)(a)1, and we request to submit materials to the Conversation, Planning & Zoning Department for your consideration and as part of the record in this matter.

Sincerely,

AXLEY LLP

A blue ink signature of Edward J. Lawton, consisting of a stylized 'E' followed by 'JL' and a flourish.

Edward J. Lawton
EJL:lat

AXLEY LLP

A black ink signature of Christopher T. Nelson, written in a cursive style.

Christopher T. Nelson
CTN:eel

cc: Herbert Stone, *Via E-Mail*



Edward J. Lawton
elawton@axley.com
262.409.2278

Christopher T. Nelson
cnelson@axley.com
608.283.6730

Via E-Mail

July 2, 2026

Erica Sauer
Conservation, Planning & Zoning Manager
Lafayette County Planning and Zoning
700 Main Street
Darlington, WI 53530
Erica.sauer@lafayettecountywi.org

RE: The Sigma Group review of Schubert Livestock Facility

Dear Ms. Sauer:

Please be advised that Axley LLP represents Herbert Stone, who owns the property located at 14270 Fort Defiance Road, Town of Willow Springs, Lafayette County. This letter follows my earlier communication to you, dated June 15, 2026, regarding Luke Schubert's proposed livestock facility on Parcel Identification No. 034.0080.1000.

Since the date of my initial letter, which raised ordinance compliance and setback concerns about the proposed livestock facility, we have obtained a report from The Sigma Group ("Sigma"), which analyzed Mr. Schubert's proposal. Sigma is a professional engineering firm based in Wisconsin that engages in engineering, geological, and hydrogeological analysis of development proposals. Enclosed with this letter is a copy of Sigma's peer review of Mr. Schubert's facility design and permit application.

Sigma's peer review raises numerous concerns that must be addressed before the livestock facility can be approved, and in fact raises questions regarding the viability of the project altogether. These concerns include:

- The application does not provide any source for the animal waste calculations on which storage facility design is based;
- The application does not account for water used to clean the interior of the facility in manure storage calculations;

- The application indicates the location of the facility may cut off access to my client's property;
- The design report does not indicate where the control joints are located, which is important to determining whether there is a risk of structural failure;
- The application indicates the manure storage area is 8 feet deep, but in fact the structural plans show the manure storage area is 6 feet 10 inches deep (because the application incorrectly credits the structural slats as a storage area);
- The application states that 4 of the 5 field borings logs were wet, suggesting potential groundwater or perched groundwater 2 to 5 feet below the ground surface.
 - It is of note that regional maps indicate shallow groundwater tables in Lafayette County; it is critical that Schubert establish that the footprint of the facility is clearly outside of the groundwater table.
- Sigma recommends a Karst evaluation to confirm there are no Karst features in the project area rather than relying on the historical knowledge of the property owner.

Sigma's report also notes that Mr. Schubert's application form is incomplete in three areas.

The wet soil borings and the known shallow groundwater table in this area raise concerns about the viability of Mr. Schubert's proposal and whether it is poorly located or too large for the site. Under ATCP 51.18, waste storage facilities are required to be designed in a manner that minimizes the risk of structural failure and the potential for waste to discharge into surface water and groundwater. Based on Sigma's report, there is a real risk of groundwater contamination based on Mr. Schubert's facility as proposed.

At a minimum, the enclosed Sigma report demonstrates the need for Lafayette County to extend the application review period, under ATCP 51.32(2)(a)1., and require Mr. Schubert to respond to Sigma's report and submit additional information to ensure that the facility will not interfere, potentially harm, or discharge into groundwater.

Please include this letter and the Sigma report as part of the administrative record in this matter.

Sincerely,

AXLEY LLP



Edward J. Lawton
EJL:lat

AXLEY LLP



Christopher T. Nelson
CTN:eel

cc: Herbert Stone, *Via E-Mail*

July 2, 2026

Project Reference #25367

Mr. Edward Lawton
Axley, LLP
N17W24222 Riverwood Dr. Ste 250
Waukesha, WI 53188

Re: **Luke Schubert Hog Facility Design and Permit Application Peer Review**

Mr. Lawton,

The Sigma Group, Inc. (Sigma) is submitting a peer review of the design report and corresponding plans as well as the Permit Application for the proposed Luke Schubert Hog Facility located southeast of Mineral Point, WI in Lafayette County.

The purpose of this letter is to provide a review of completeness of the facility designs and application materials for use by the client in accordance with ATCP 51.30 (5). Sigma's comments and questions correlate to the Department of Agricultural, Trade and Consumer Protection (DATCP) ATCP 51 Application Review Checklist Completeness Determination form, enclosed (**Attachment 1**). Sigma personnel observed current site conditions using a drone camera on June 29, 2026. Aerial photos are included as **Attachment 2**.

Application Form pages 390-11 to 390-20

- 10-foot elevation contours are not depicted on sheet C-101 Overall Site Plan as required per ATCP 51.
- The proposed compost building located to the southwest of the barn is not clearly labeled on sheet C-101 Overall Site Plan.
- Property lines and separation distances from the property lines are not depicted in the Site Maps in Appendix A of the design report or in the Site Vicinity Maps, existing Conditions Map.
- Employee Training Plan addresses required elements.
- The Environmental Incidence Response Plan addresses required elements.
- The Odor Management Plan is included in the Design Report and addresses required elements.

Worksheet 1 - Animal Units

- Calculations of animal units are correct in accordance with NR 243.05.
- The animals are referred to as gilts, feeders, or growers in different sections of the report. Although this does not change the final calculations for manure generation it does leave a lack of clarity about what the facility will be used for. Our recommendation would be to update the Design Report and future documentation to provide uniformity with the noted animal terminology at the proposed facility.

Worksheet 2 - Odor Management Plan

- The Odor Management Plan meets all criteria of ATCP 51.14 with a calculated odor score of 688 which meets the threshold of a minimum of 500.

Worksheet 3, 4, 5 - WPDES permit substitution

- The proposed facility is not subject to the WPDES permit requirements noted in Worksheet 3, 4, and 5 of the ATCP 51 Application Review Checklist since it will maintain less than 1,000 animal units.

Worksheet 3 - Waste and Nutrition Management

- Please clarify the source for the estimated generation rate, of 0.15 cubic feet per pig per day, for manure generation calculations. Please also clarify the source for the estimated average weight of 150 pounds per animal. No additional information is provided on the estimated weight of the gilts to feeder pigs over the duration of housing at the proposed facility.
- Also noted in the design report, wastewater will be generated during power washing the facility. The report notes that the manure generation rate (0.15 cubic feet/pig/day) includes this wastewater; however, the approximate amount of water generated per washing is not provided. Please include that in detail in the calculation. If this amount is trivial compared to daily manure generation, it is recommended that the water volumes anticipated still be included, to confirm that the daily manure generation will not be impacted. We also recommend that you provide an estimated frequency of facility power washing events in a year to provide a full estimation of water used and storage at the proposed facility.
- In Section 4 Management Assessment, in the design report, the total manure generation amount per year is 136,820 cubic feet/1,023,415 gallons. This amount does not match the Total Manure and Wastewater amount shown on the spreadsheet in Appendix C of the Design Report. Is this because 381 days of storage is used rather than 365 days? See next point for more clarification.
- In the manure generation spreadsheet, the Days of Storage number is 381 days for animal storage duration. It appears that the “381 days” could be error in the calculations. When the calculations are updated to include “365 days” for Days of Storage, rather than 381 days, the total manure amount matches the amount noted in the report. Sigma recommends improvement with quality control when finalization calculations for report deliverables.
- The Nutrient Management Plan has adequately been prepared in accordance with NRCS 590 standards.
- Setbacks from surface water appear accurate and in accordance with NRCS 590 and ATCP 51.
- The total acres of cropland are available for land application listed in Worksheet 3 Part B #4.
- A potential quality control error was observed in Part B, Question 6. The calculated ratio of animal units to available acres is 0.272, which is less than the required threshold value of 1.0 for swine. However, the worksheet response indicates ‘Yes.’ This appears to be a data entry or review oversight, as the calculated value does not meet the threshold. The correct response should be ‘No.’ This discrepancy should be corrected to ensure internal consistency within the application materials.

Worksheet 4 - Waste Storage Facilities

- There are no existing facilities being retained and the design specifications of the new facility location are provided as well as identified in the Site Vicinity Plans.
- The document is signed and stamped by a professional engineer.

Worksheet 5 - Runoff Management

- There are no animal lots or feed storage facilities being constructed.
- Worksheet 5 is signed and stamped by a professional engineer.

Completeness Considerations - Design Report

Grading Conditions and Design Specifications

- In Sheet number (no.) C-106 of the design specifications, the existing and proposed contour tie-in points are somewhat hard to follow. Sigma recommends that the existing contours and proposed contours be identified differently and that the legend should note these differences.
- Does the proposed facility cut off access to the existing house to the north? Based on the proposed contours the existing driveway appears to be impacted.
- In reviewing the structural details, it is hard to determine if the designer specified where the control joints are located on the floor.
- The manure floor slab is shown as 5" thick. NRCS recommends a 6" floor slab.
- In the manure generation storage calculations, 8-foot of depth is shown for the manure storage structure in the spreadsheet; however, in the structural plans the pit below the floor is shown as 6'10".

Bedrock and Soils Investigation

- In the design report, bedrock is noted as being encountered in all of the field borings logs, during the soil excavation; however, no description of the bedrock or note of the presence of bedrock is identified in the field boring logs, except the bedrock elevation. Sigma recommends a description of the depth of bedrock observed as well as a description of bedrock lithology. Additionally, we recommend a more detailed description be provided for the eastern portion of the proposed facility, where the design report notes observations of cobbles during the soil excavations. No description or observations were documented in the soil boring logs recorded in that area.
- Field observations of moisture were identified in 4 of the 5 field boring logs as "wet," which suggests saturated soil and potential groundwater or perched groundwater observed at potentially 2 to 5 feet below ground surface (bgs). A color change of the soil was also noted in the observations following the observation of "wet" conditions in each of these borings. Please indicate the depth of the observation of "wet" conditions within the 2-to-5-foot interval and please also define wet conditions at the time of the soil investigation.
- Additionally, there is a discrepancy between the field boring logs and the soil boring descriptions provided in Sheet no. C-104. In 4 of the 5 field boring logs, the soil was identified as "wet," however, these observations changed in Sheet C-104 to "moist" conditions. There is no discussion of wet or moist conditions in the design report. The wet conditions would suggest a potential shallow water table or perched groundwater conditions present around 2 to 5 feet bgs. Regional shallow groundwater maps of the Lafayette County note that shallow groundwater conditions, in this area, range from 5 to 10 feet bgs according to the WI Department of Natural Resources (DNR) Groundwater Contamination Susceptibility Model – Water Table Depth Map. Please clarify the conditions observed during the soil investigation, provide photos, and update documentations for uniformity of field site observations and wet conditions.
- In Boring #3, the end of boring and the top of bedrock elevation do not match up. The boring depths are from 0 to 7.5 feet bgs, 1010.2 feet to 1002.7 feet in elevation, but they mark top of bedrock at 1001.7 feet on the boring log. This appears to be a quality control error.

Surface Water Features

- The stream located to the southeast of the proposed facility is not intermittent based on the DNR Surface Water Viewer.

Karst Features

- Sigma recommends a Karst evaluation to confirm that there are no Karst features present in the project area rather than using only the historical knowledge of the property owner, Schubert, as noted in the design report.

Well Setbacks

- The stream located to the southeast of the proposed facility is not intermittent based on the DNR Surface Water Viewer.
- A potable well will be established by Schubert and will be installed more than 100 feet from the waste storage structure, which is the acceptable setback for a facility that is not identified as a permitted CAFO, per NRCS 313. However, if the proposed facility does expand in the future to become a permitted CAFO, the well setback requirements are 250 feet from a waste storage facility. This will create a challenge for the proposed facility in the future to establish that there are no potential groundwater impacts to the well if installed within 250 feet of the waste storage structure.

Please call us if you have any questions or need additional information.

Respectfully submitted,

THE SIGMA GROUP, INC.

Patrick Finn, PE
Senior Engineer

Nicole Kron, PG
Madison Office Leader

List of Attachments:

Attachment 1: Completed ATCP 51 Application Review Checklist

Attachment 2: Site Photos

Attachment 1

Completed ATCP 51 Application Review Checklist

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): Luke Schubert Hog Facility
Local unit of government: Lafayette County

The application was provided by (e.g. applicant / consultant / political subdivision):
Date application and related documentation was submitted to DATCP: March 30, 2026
Reviewed by (staff): The Sigma Group, Inc.
Date review completed: 6/30/2026

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 label compost building, add 10' topo lines, add property lines
- 2) Site map (plan) # 10 - legible, scaled properly, appropriately labeled
- 3) Location of livestock structures # 11 - map or narrative need to depict property lines
- 4) Employee Training Plan # 12 - addresses required elements
- 5) Environmental Incident Response Plan # 13 - addresses required elements.
- 6) Optional Odor Management Plan # 14 - addresses required elements (only submitted if credit taken on Worksheet 2)
- 7) Page 390-20 is signed (last page)

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

- | | | | |
|---|-------------------------------------|--------------------------|--------------------------|
| 9) Total animal units calculated in Worksheet 1 is consistent with the maximum number of animal units listed in # 8 on p. 390-17 (p. 8, #8) | ☒ | ☐ | ☐ |
| 10) Worksheet is signed | ☒ | ☐ | ☐ |

Notes:

Worksheet 2 – Odor Management

Completeness Considerations

- | | Complete | Incomplete | Not submitted |
|--|-------------------------------------|--------------------------|-------------------------------------|
| 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 | ☐ | ☐ | ☒ |
| 12) Tables A and B are completed, or a copy of the spreadsheet printout is attached (skip this if exempt) | ☒ | ☐ | ☐ |
| 13) Worksheet is signed | ☒ | ☐ | ☐ |

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

- | | Complete | Incomplete | Not applicable |
|--|--------------------------|--------------------------|-------------------------------------|
| 14) A current WPDES permit is attached (at minimum includes a cover letter demonstrating the permit has not expired) | ☐ | ☐ | ☒ |
| 15) The WPDES permit covers an equal or greater number of animal units housed in the same locations proposed in the siting application | ☐ | ☐ | ☒ |

Notes:

Worksheet 3 – Waste and Nutrient Management

Completeness Considerations

- | | Complete | Incomplete | Not submitted |
|--|-------------------------------------|--------------------------|--------------------------|
| 16) Worksheet 3 Part A | ☒ | ☐ | ☐ |
| 17) Worksheet 3 Part B, including maps required by # 2 | ☒ | ☐ | ☐ |
| 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 | ☒ | ☐ | ☐ |
| 19) Worksheet 3 Parts A and B are signed | ☒ | ☐ | ☐ |
| 20) Worksheet 3 Part C (required when > 500 AU or less than the ratio in Worksheet 3 Part B # 6) | ☒ | ☐ | ☐ |
| 21) Worksheet 3 Part C is signed by a Qualified Nutrient Management Planner | ☒ | ☐ | ☐ |

- | | | | |
|---|-------------------------------------|--------------------------|--------------------------|
| 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 | ☒ | ☐ | ☐ |
| 23) Worksheet 3 Part C is signed if required | ☒ | ☐ | ☐ |

Notes:

Worksheet 4 – Waste Storage Facilities

Completeness Considerations

Complete	Incomplete	Not submitted
----------	------------	---------------

- | | | | |
|--|-------------------------------------|--------------------------|-------------------------------------|
| 24) All new or substantially altered storage facilities are identified, and design specifications attached Design specs needed. | ☒ | ☐ | ☐ |
| 25) All existing storage facilities are identified, and the appropriate verification checkbox marked | ☐ | ☐ | ☒ |
| 26) Closure specifications are attached (if applicable) | ☐ | ☐ | ☒ |
| 27) Combined useable storage capacity is consistent with the total waste storage capacity on Worksheet 3 Part A (sum of numbers in column A) | ☒ | ☐ | ☐ |
| 28) Signed by registered professional engineer (whose license number and seal are provided) or a certified agricultural engineering practitioner | ☒ | ☐ | ☐ |

Notes:

Worksheet 5 – Runoff Management

Completeness Considerations

Complete	Incomplete	Not submitted
----------	------------	---------------

- | | | | |
|---|-------------------------------------|--------------------------|-------------------------------------|
| 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 | ☐ | ☐ | ☒ |
| 30) For each new and substantially altered animal lot (# 1), design specifications are attached | ☐ | ☐ | ☒ |
| 31) An explanation is attached for any existing lots with minor alterations (# 2 and # 3) | ☐ | ☐ | ☒ |
| 32) For each new and substantially altered feed storage for high moisture feed (# 3), design specifications are attached | ☐ | ☐ | ☒ |
| 33) Signed by registered professional engineer (whose license number and seal are provided) or a certified agricultural engineering practitioner | ☒ | ☐ | ☐ |
| 34) Worksheet is signed by applicant | ☒ | ☐ | ☐ |

Notes:

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

<u>Completeness Considerations</u>	Complete	Incomplete	Not submitted
------------------------------------	-----------------	-------------------	----------------------

- | | | | |
|--|--------------------------|--------------------------|-------------------------------------|
| 35) Required submissions are provided | ☐ | ☐ | ☒ |
| 36) Design specifications are attached (if required) | ☐ | ☐ | ☒ |

Notes:

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

Attachment 2

Site Photos

Luke Schubert Hog Facility - Current Site Conditions



Photo 1: View of proposed site. Facing south. Photo taken June 29, 2026.



Photo 2: View of unnamed stream adjacent to proposed site. Facing southwest. Photo taken June 29, 2026.

 THE SIGMA GROUP Single Source. Sound Solutions.	LUKE SCHUBERT HOG FACILITY SE 1/4 OF THE SE 1/4 OF SECTION 23, T04N, R03E TOWN OF WILLOW SPRINGS, WI	PHOTO
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