

Case Study

How the Town Planning and Zoning Committee, responded to a proposal for two 2,800 head dairy operations by Holsum Dairy Inc.

Town of Porter, Rock County Wisconsin, Population 970

Porter has a stable Town Board, stable Planning and Zoning Committee, and local opponents were able to hire legal representation. The Town Recycling Center had built a sense of community, pot-luck dinners were a part of the hearings, and child care was also available. People believed they had a responsibility to speak in a respectful and orderly manner

In Rock County 13 of 24 Towns have zoning ordinances requiring conditional use permits. In 1978 the Town of Porter created a general zoning ordinance. In 1995, Rock County suggested a model ordinance which would have required a conditional use permit for operations over 200 animals...Porter chooses a 400 animal level in their ordinance. This was later modified to 400 animal units. Ordinance includes among the reasons for denying the conditional use "...can't change existing resident's lifestyles"

Requiring a conditional use permit gave the Town of Porter the basis for requiring a community conversation about proposed expansions. A more precise ordinance or complex ordinance would make it harder to have a community debate , and apply broader community impact criteria. Town officials believe that more precision in the ordinance would make it harder for the Town planning and Zoning committee to say no. This goes along with the developers preference to be told "what can we do to make this happen."

Prior to the Holsum Dairy proposal Porter had considered a couple of local requests for dairy expansions to exceed 500 animal units. At least one of these was approved and contested in court, the town's approval was upheld. but the expansion did not take place. A second request was also approved. In this case the owners were town residents who lived next to the CAFO

History with CAFO's in Porter included a situation where a 240 head veal calf operation was started by a local farmer – managed responsibly – then sold to an outside investor who added 480 calves and did a terrible job of management (major odor problems, people would not drive down that road because of the smell).

In 2000 Holsum Dairy Inc. requested a conditional use permit for a single 2,800 head dairy operation. The developer only provided a broad overview of operating and management information. In essence, they told people all the good things that would happen to the community and downplayed any of the concerns, or waited to be asked about the concerns.

The Township held a series of hearings to review the conditional use application. The first hearing held at the town hall had an overflow audience. Subsequent hearings were held at the local elementary school. In all several hundred people attended the hearings.

Holsum's proposed manure storage facility straddled a property line and was twice as large as needed for a 2,800 head operation. Although Holsum denied plans to build a second CAFO, suspicions were raised among town residents. A Freedom of Information Act filing with the Department of Commerce revealed plans for future expansion with second 2800 cow unit.

The size of the proposed operation was dramatically different than current local farms, with about one third of the Township's tillable land under contract for the first phase (2,800 cows). When completely built, Holsum Dairy (two 2800 cow units) would influence through corn/silage purchase or manure spreading 16,000 acres of tillable land. The town of Porter was said to have only 17,000 acres of tillable land. This would fundamentally change the character of the home and economic structure of the community.

Holsum had no clear way of monitoring the manure pit or the water issues, and was unwilling to commit to any tests on water. There were also concerns over their ability to post a performance bond which could provide some mitigation for damage done after the development (e.g. water pollution, odor). WI DNR gave no guidance on the water or other issues

Opponents indicated resentment that a group of local volunteer leaders had to spend an excessive amount of time to develop the materials needed to make a good decision. The time frame for considering the issue by local officials was particularly challenging with only 14 days to raise awareness among people, and another 14 days to the second hearing. A third hearing was held at a different location to accommodate the large number of interested parties.

The Wisconsin Department of Commerce and Dairy 20/20 were seen as working with the developer and against the township, to site the CAFO . The point of view that they saw from Commerce was "how do we get this farm to come to Wisconsin". The documents they obtained through a Freedom of Information Request demonstrated to them that the DOC was prepared to assist the developer in "managing" local public officials in order to get an affirmative decision for the developer. They also found that Commerce Secretary Brenda Blanchard had said months before the issue came to Town of Porter that Commerce was going to help locate this operation in Wisconsin.

Some town members believe that the pressure for Holsum Dairy development was abetted by twenty years of Bad advice to farmers by the University, which pressed the idea that industrial commodity farming was the inevitable road to

progress and the only good farmers were those who got more industrial. Denigration of small farmers/limited technology farmers as “bad” farmers was also associated with UW recommendations.

One person suggested that there should be a standardized set of plan requirements for a development like this, he also suggested that there be provisions to assess developers a fee which would allow the town to pay an independent party to examine the proposed plan and determine if it were accurate in its assumptions and forecasts. Plan would include elements on groundwater, soil, containment structures, monitoring etc.

The farmer who was selling the land thought this would have been the best thing that ever happened in the town. He had visited a similar operation where they were going to generate electricity from manure. Some concern was expressed that having limited the sale of this farm for these purposes, farmers needed alternatives for the sale of their land.

Porter residents believed that the outside pressure from the developer and the state was driving a wedge in the community. No real support for a community conversation which would permit them to say no. Ultimately the reasons that many opposed this could not be put in clear environmental or economic concerns. The CAFO would have changed the fundamental character of the Town and the community, that should be enough of a reason for denying the permit.

They had countered a massive amount of work done by outsiders with local volunteers who had little time to take away from their jobs/farms to develop a response. They came out of the process with great respect for the wisdom, and capacity of their community members. It was a community building event.

2/19/01