

Buffalo County Ordinance



Drafted By:
Michael J. Owecke

County Department:
Zoning Department

Presented Month/Year:
August, 2019

Fiscal Impact: YES / NO

Involved Committees:
Zoning

CA Approved: YES / NO

ORDINANCE # 19 – 08 – 01

AN ORDINANCE TO AMEND CHAPTERS 7, 8 & 9 OF THE BUFFALO COUNTY ZONING ORDINANCE

WHEREAS, in the Zoning Departments application to the WI Dept. of Agriculture, Trade and Consumer Protection for certification of the ANR-40 zoning district as a Farmland Preservation Zoning District, DATCP approved certification thru 2028 provided specific edits to the ANR-40 zoning district text were established as presented herein; and

WHEREAS, in the recent comprehensive revision of the Zoning Ordinance the establishment of structure height requirements was absent and are herein defined; and

WHEREAS, in the interest of reducing complexity and also meaningfully reducing construction costs for new poultry barn owner/operators additional research of cohesive soil floor construction was undertaken; and

WHEREAS, investigation found that current NRCS soil data is significantly advanced and includes a plasticity index of all Buffalo County soils, plasticity being the primary qualifier of appropriate soils used in the construction of cohesive soil floors, therefore eliminating the need to have a professional engineer or soils scientist test and verify local soils for poultry barn floor construction; and

WHEREAS, the amendments herein to the specific use ‘Poultry Barns’ will in addition and with intention result in less stringent construction requirements than those adopted by neighboring counties and will effect the encouragement of poultry barn development in Buffalo County ; and

WHEREAS, the Zoning Committee held a public hearing on July 11, 2019 for the purpose of gathering testimony regarding these proposed amendments to the Zoning Ordinance and placed the same on file in the Office of the County Clerk for two weeks prior to July 11, 2019; and,

WHEREAS, notice of this hearing was published in the “2019 Buffalo County Official County Newspaper” in accordance with 6s.66.0103 and 59.69 (5) Wisconsin Statutes; and,

NOW, THEREFORE BE IT ORDAINED, that the Buffalo County Board of Supervisors hereby adopts the following amendments to the Buffalo County Zoning Ordinance:

Chapter 7 Zoning Districts

Agriculture/Natural Resource-40 (ANR-40)

Page 50 1, h. **replace:** ~~Fur farming~~ **with** Farm Dwellings

Page 52

b, 5. add: Captive Wildlife Operations; limited to cervids, game birds, ratites (ostrich, rhea, emu) camelids (llamas, alpacas) and farm raised fish.

Page 53

18, a. replace as indicated:

- a. An Administrative Conditional Use Permit may be granted for up to one (1) non-farm dwelling for every forty (40) acres of land included in the Base Farm Tract (BFT). A maximum of four (4) non-farm dwellings are allowed per BFT. In addition, the ratio of all “non-farm dwelling acreage” to “farm acreage” on the BFT may not exceed one (1) to twenty (20). For example, if the BFT is 200 acres the total amount of the BFT acreage that can be converted to non-farm dwelling acreage is ~~40~~ 9.5 acres. This is calculated by taking the total acreage in a BTF and dividing it by ~~20~~ 21 (acres) (one unit of nonfarm + 20 units of farm acres) with the resulting answer being the maximum amount of acreage of the BFT that can be converted to a non-farm dwelling acreage. Non-farm dwelling acreage shall be determined by the County based on the use of the property.

Chapter 8

Zoning District Requirements & Zoning Maps

Page 88 add:

9. Structure Height Requirements

- A. Height Limitations. Except as provided in subs. B, no building, structure or sign shall exceed 35 feet in height, 'height' as determined in the 'Structure Height' definition. Accessory structures in the Residential zoning district may not exceed 24 feet in height. Processing structures for permitted nonmetallic mines may not exceed 75 feet in height.
- B. Exemptions. The following are exempt from the height requirements of this Chapter.
1. Architectural projections such as; spires, belfries, domes, chimneys, church steeples, and cupolas provided that cupolas do not exceed 100 square feet in floor area and are not higher than 10 feet above the adjacent roof ridge, and contain no living quarters.
 2. Agricultural Structures such as: silos, barns, and grain storage structures are exempt provided the setback requirement in Section 3, A of this Chapter is met.
 3. Special Structures such as; grain elevators, observation towers in recreational areas, communication towers, electric transmission poles and towers, and smoke stacks. The height of each such structure shall not exceed the distance of the structure from the nearest lot line.
 4. Public or semi-public facilities such as; schools, churches, monuments, libraries, and government buildings may be granted a variance by the Board of Adjustments to a height of 75 feet provided that all required setbacks are increased by not less than one foot for each foot the structure exceeds 35 feet in height.
 5. Industrial buildings may be granted a variance by the Board of Adjustments to a height of 75 feet provided the setback requirement in section 3, A of this Chapter is met.

24.

Poultry Barns

Poultry Barns

To minimize nitrogen pollution and the potential negative impact to groundwater resources, Buffalo County requires that poultry confinement barn floors be constructed of either concrete, asphalt or cohesive soils.

A. Litter Stacking Pads.

Each poultry barn or association of adjacent barns shall have a manure stacking pad constructed of concrete or asphalt. Stacking pads shall be sufficient in size to contain all temporary litter storage. Stacking pads shall be sloped to drain leachate and rainfall from the stacking area. A fifty (50) foot vegetative buffer shall be maintained to treat and infiltrate leachate with the buffer extending twenty feet from the side and fifty (50) feet downslope of the stacking pad.

Stacking pads with a permanent engineered roof are not required to have sloped pads and are not required to maintain a vegetative buffer. Tarps, plastic coverings or other temporary measures are not considered a permanent roof.

B. Required Soils Investigation.

1. Soil profile, depth to groundwater, and/or the depth to seasonally saturated soils at the proposed building site shall be evaluated and determined by a certified soil tester. ~~Interpretation of soil colors and mottling to determine seasonally saturated conditions shall be done in accordance with the Soil Survey Manual, USDA. The elevation and location of each soil boring, relative to the building location, shall be documented.~~
2. A minimum of two soil profiles borings/test pits shall be completed within the footprint of the proposed confinement structure. Borings Test pits shall be to a depth of at least five feet below the elevation of the finished barn floor. Borings Pits shall be located so as to represent the varying soil types or conditions within the barn footprint.
3. The final elevation of poultry barn floors shall be a minimum of three (3) feet above the seasonal high water table or bedrock.
4. All Soil investigation results shall be submitted to the Zoning Department for review, in addition to all required County permit applications and State permits.

C. Development Plan.

New poultry barns shall require a development plan. ~~that is compiled by a licensed professional engineer.~~ The development plan shall include a comprehensive written description and detailed site plan showing all measures to be installed for erosion control and stormwater management. ~~to prevent erosion and limit sediment loss. The plan shall also include an effective stormwater management plan specifying all measures to be incorporated and installed to create a plan that meets or exceeds DNR Stormwater Management Technical Standards.~~ A Zoning Permit allowing poultry barn development will not be issued by the Department prior to the development plan being received. The development plan shall include all of the following:

1. Grading plan showing ~~two-foot (2')~~ intervals and grading limits.
2. Property boundaries.
3. Existing and proposed new structures.
4. Soil types.
5. All water features including wetlands and wetland indicator soils.
6. A sediment and erosion control plan which includes the locations of all Best Management Practices (BMP's).
7. A storm water management plan that includes all post construction waterways, drainage patterns and features such as sediment basins, etc.
8. Existing and proposed wells and sanitary system locations.
9. A copy of the Wisconsin Pollutant Discharge Elimination System (WPDES) stormwater discharge permit required by WI DNR for construction projects where one or more acres of land are disturbed.
10. ~~Existing and proposed new vegetation plantings.~~

D. Concrete and Asphalt Floors.

1. Concrete floors shall be a minimum thickness of 3.5 inches.
2. Asphalt floors shall be a minimum thickness of 2.0 inches.
3. Cracks and joints which may extend through the floor shall be sealed.

E. Cohesive Soils Floors.

The earthen floor of all new poultry barns shall be constructed as follows:

1. The floor shall be constructed of a minimum of twelve (12) inches of compacted cohesive soils.
~~or~~
2. ~~Eight (8) inches of compacted cohesive soils over an underlayment of three (3) inches of sand, having at least 80% pass a #4 sieve and no more than 10% passing a #200 sieve.~~
3. ~~Acceptable soil for floor construction shall have at least 50% of particles passing a #200 sieve and less than 20% retained by a #4 sieve, with no frozen soils or rocks larger than three (3) inches in diameter.~~

2. Soils shall have a plasticity index, ~~Atterberg Limits ASTM D-4318~~, of greater than 7% as indicated by soil type in the NRCS National Cooperative Soil Survey, Plasticity Index, Buffalo County.

3. Soils shall be placed in a minimum of two lifts, each lift being a minimum of four (4) inches in thickness once fully compacted.

~~6. Soils shall be maintained at a moisture content of 0-5% above optimum, ASTM D-698, ASTM D-1557. (ASTM American Standards of Testing and Measurement)~~

~~7. Uncompacted floor soils shall be tested at a frequency of at least once per 1000 cubic yards of material.~~

4. Each soil lift shall be compacted and joined together through compaction with a minimum of three passes of a sheepsfoot or padfoot type roller with feet that extend through the uppermost lift to the one below it, thus eliminating lift interfaces. Track type and rubber tire equipment are not permitted for floor compaction. Compaction equipment will typically "walk out" once sufficient compaction effort has been completed. ~~Achievement of 90% of standard proctor density shall be achieved and must be verified according to ASTM D-2922 at a frequency of one sample per 3,000 square feet of floor surface area.~~

~~9. All cohesive soil floor standards and requirements shall be quantified and verified by a licensed professions soils scientist, engineer or other qualified professional.~~

5. The goal in cohesive soil floor construction is to eliminate voids and lift interfaces, to minimize hydraulic conductivity and soil compressibility, and to eliminate features such as clods and desiccation cracks. Remolding the soil and eliminating clods may require increasing equipment weight.

6. Topsoil and any barnyard residue shall be removed from the poultry barn site prior to floor construction.

7. During construction on hot dry days protection from desiccation and cracking of the in-place floor may require wetting of the floor and/or reworking the previous lift prior to placement of the next lift.

8. The applicant or agent shall notify the Zoning Department a minimum of 3 days prior to commencement of construction, and within 3 days of completion of construction.

F. Post Construction Cohesive Soil Floors.

1. Floors must not be saturated at any time during their service life.

2. To prevent desiccation, and to preclude the opportunity for vegetation to become established and for root systems to penetrate and compromise the integrity of cohesive soil floors, the floor in its entirety shall be covered with an impermeable membrane immediately upon completion and shall be maintained until a finished roof is constructed.

~~G. Vegetative Screening.~~

~~New poultry barns that are constructed adjacent to Federal and State Highways shall be required to plant a vegetative screening consisting of a minimum of one tree for every thirty feet of barn wall surface visible from the adjacent highway. Deciduous trees shall be a minimum of six (6) feet in height at time of planting and coniferous trees a minimum of three (3) feet in height.~~

Adopted at a duly called and noticed meeting of the Buffalo County Board of Supervisors on the 26TH day of August, 2019.

County Clerk – Roxann Halverson

ATTEST:

County Board Chairperson

Mary Anne McMillan Urell

Respectfully Submitted this 11th day of July, 2019.

Buffalo County Zoning Committee:

Michael Taylor, chair

Bernard Brunkow, vice chair

David Danzinger

Max Weiss

Dennis Bork