

January 22, 2024



Town of Trenton  
Plan Commission  
P.O. Box 259  
Newburg, WI 53060

**Re: Rezoning T11-063900Z, T11-064200D, T11-064200Y and T11-065200B to Agricultural Enterprise in the Town of Trenton**

To Whom It May Concern,

On behalf of Milwaukee Riverkeeper, I am providing this letter in support of limitations on the growth of confined animal feeding operations (CAFOs) in the Town of Trenton. Milwaukee Riverkeeper is a non-profit organization dedicated to protecting water quality and wildlife habitat and advocating for sound land use in the Milwaukee River Basin. We appreciate being invited to testify at the last Plan Commission meeting on January 8th to share some of our concerns with increasing animal units and manure spreading in our watershed.

Last fall, Rob-n-Cin Farms requested that the Town of Trenton create a new zoning classification to accommodate their growth into a CAFO on 141 acres of land that they own in Trenton. This farm expanded from roughly 700-800 animal units to 1,470 without a state required CAFO permit and in a zoning district that does not accommodate this number of animals. While the classification was created, the Plan Commission has not yet approved the rezoning of the farm from the existing zoning of Exclusive Agricultural (EA) to Agricultural Enterprise (AE). Simply because a zoning district was created, does not require the Town to approve these four parcels for rezoning. Indeed, if it is not in the best interest of the community, these parcels should not be rezoned, or at least not without additional rules and zoning protections to safeguard public health and the environment.

At the January 8<sup>th</sup> Plan Commission meeting, I suggested that you wait until the farm submits its formal permit application and plans to the Wisconsin Department of Natural Resources (WDNR) before making your rezoning decision. This is not to say that your zoning process is in any way dependent on any decisions made by the WDNR, but rather, that the information contained in Rob-n-Cin's application will include, among other things, information on potential impacts to natural resources and neighbors, which would be useful in evaluating your rezoning decision. In particular, while you are reconsidering re-zoning the parcels that make up the farm's livestock operations, you should also be cognizant that CAFOs in Trenton, both Rob-n-Cin and any future farms, will need to spread manure on a much larger acreage, increasing likely conflicts between farmers and homeowners, as well as increased impacts to waterbodies. The farm is currently spreading over roughly 2,200 acres, and it is estimated that for each cow, roughly 1.5-2 acres of land would be needed for manure spreading (not including land needed for hay/forage).



Pollutants and nutrients from expanded manure spreading, due to increased animals, will pose an increasingly larger threat to local rivers, streams, and public/private drinking water wells. The manure and pollutants on land run-off when it rains and snows into neighboring water supplies and seep into groundwater. These impacts are not only to the 4 parcels in question, but extend to thousands of acres within the Milwaukee River Watershed. Our local rivers and streams are already impaired by phosphorus, sediment and bacteria—meaning, these rivers have unhealthy levels of pollutants, which affect the community's ability to use those waters for activities such as fishing, swimming, and drinking. Increasing animal units will exacerbate this pollution problem, especially if there is not enough land or best management practices to accommodate increased manure.

There are also cumulative impacts to local waters from other entities that spread manure, such as industrial users and sewage treatment plants that could be spreading on the same area fields. Nutrient Management Plans account for this, but enforcement of these plans is difficult. Impacts to water quality and quality of life should impact what seems like a very local zoning decision, impacting 4 parcels over 140 acres of land. It is important that you consider how this decision could impact existing and future residents, from this and other farms that may seek to expand given your new zoning class. Beyond water quality impacts, there could also be air quality issues, increased trucking, impacts on roads and other infrastructure, impacts on high-quality habitats such as Cedarburg Bog, and other impacts to quality of life.

Good zoning can also include zoning classifications, or overlay zones, that can protect waterways, field drainage pathways, drinking water resources, wetlands, and soils with fractured Silurian bedrock (aka carbonate soils or karst soils), especially when those soils are shallow. Spreading manure over such soils would very quickly send manure to groundwater supplies. These soils, even when thick, can allow movement of bacteria and nutrients like nitrogen quickly into groundwater supplies where they can cause public health hazards, especially for the young and sick. There are areas of such Silurian soils directly west of the Rob-n-Cin farm, as well as just south of Newburg Village. Newburg is already having issues with high nitrates in their well, and we've heard anecdotally that there are other local wells that have been impacted.

Additionally, there are many areas with a high density of wells that should be buffered (at least 1,000 feet), whether a farm is a CAFO or not, to protect drinking water supplies of existing residents. And it is always advised to provide protection of Surface Water Quality Management Areas, or SWQMAs, which are defined as areas within 1,000 feet of lakes and ponds and within 300 feet of perennial rivers and streams. These areas should be given special consideration for protection with zoning due to the higher likelihood of manure and nutrients applied to these areas entering and polluting the waterways. Please see attached maps.

In addition, the farm's noncompliance should be a factor in your decision.<sup>1</sup> This farm has nearly doubled in recent years (well after most homes were constructed). Due to this noncompliance, local residents have already been robbed of their opportunity to comment on the impacts from this farm expansion. The farm plans to expand to 1,800 animal units soon, with a plan to max out around 2,375 animal units in the next 5+ years (based on paperwork they submitted to WDNR). That is almost quadruple the number of animal units that they are allowed to have per local zoning. Now, this rezoning request is putting the Town and the WDNR in a bad situation.

As stated earlier, the Town of Trenton is not required to rezone this property if WDNR issues a CAFO permit. In addition, the town has the ability and authority to impose additional rules and zoning protections to safeguard public health and the environment, regardless of what WDNR determines. There are towns and counties throughout the State that have done just that. The Wisconsin Livestock Siting Law empowers towns to regulate CAFOs through zoning, including the creation of zones where CAFOs may NOT exist. The Siting Law also allows cities, villages, towns, or counties to deny applications for CAFOs in those restrictive zones (Wis. Stat. §§ 93.90(3)(a)(1)-(2)). Ideally, these protective zones would have been designated before a zoning change application was in hand, but the noncompliance of the farm did not give the town that ability. Governments can enact additional restrictions on CAFOs if those restrictions are based upon "reasonable and scientifically defensible findings of fact" that "clearly show that the prohibition is necessary to protect public health or safety." Wis. Stat. § 93.90(3)(c).

Prior to deciding to rezone Rob-n-Cin farms, I strongly urge the Plan Commission to assess the likely impacts to natural resources and the community, and include additional rules and zoning protections to protect important natural resources and minimize any potential negative impacts from farms, or conflicts between farms and homeowners.

Please feel free to contact me with any questions at 414.287.0207 ext. 2. Thank you for considering these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cheryl Nenn', with a long horizontal flourish extending to the right.

Cheryl Nenn  
Riverkeeper

CC: Jennifer Bolger Breceda, Executive Director

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<sup>1</sup> There is case law that shows that noncompliance can be a consideration in future CAFO approval or disapproval decisions at a local level (*Town of Ledgview v. Livestock Facility*, WI Court of Appeals, 2022).