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**LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT**  
**Planning • Building**

**MEMORANDUM**

**TO: Laramie County Planning Commission**

**FROM: Michael Surface, Planner**  
**Brad Emmons, Planning and Development Director**

**DATE: January 23, 2020**

**SUBJECT: PUBLIC HEARING regarding an amendment of the Laramie County Land Use Regulations, Section 2-2-111, Concentrated Feeding Operations.**

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**Executive Summary**

The Laramie County Land Use Regulations, Section 2-2-100 Concentrated Feeding Operation, is proposed to be amended.

The existing setback regulations for all structures or the waste treatment works and lagoons require:

- Three (3) miles from an occupied dwelling without written consent of the owner;
- Three (3) miles from a public or private school without the written consent of the school board of trustees or board of directors;
- Three (3) miles from the boundaries of any incorporated municipality without the resolution and consent of the governing body;
- One-half (1/2) mile from a water well permitted for current domestic purposes without the written consent of the owner of the well;
- One-half (1/2) mile of a perennial stream.

The proposed amendments to the regulations are:

- One (1) mile from an occupied dwelling without written consent of the owner;
- One (1) mile from a public or private school without the written consent of the school board of trustees or board of directors;

- One (1) mile from the boundaries of any incorporated municipality without the resolution and consent of the governing body;
- One-quarter (1/4) mile from a water well permitted for current domestic purposes without the written consent of the owner of the well;
- One-quarter (1/4) mile of a perennial stream.
- If setback separation cannot be met board approval shall be required for livestock concentrated feeding operations other than swine.

On December 3, 2019 the Board of County Commissioners unanimously approved a resolution giving public notice of Laramie's County intent to amend the Laramie County Land Use Regulations, Section 2-2-111, Concentrated Feeding Operation.

The amendments were scheduled for public comment at the January 23, 2020 Planning Commission meeting and at a regularly scheduled meeting of the Laramie County Commissioners on February 4, 2020.

Public notice was given on December 3, 2019 for both meetings.

The text amendments were proposed by Elite Equine Holdings, LLC which desires to develop a concentrated feeding operation in eastern Laramie County for horse boarding/holding and the Commissioners requested the Planning Department review other jurisdictions requirements and request public comments on the amendments.

After hearing testimony from the public the Planning Commission can add recommendations to either of the motions.

### **Pertinent Regulations:**

The text amendment process complies with Section 1-1-107 of the Laramie County Land Use Regulations.

Adoption of any regulation must occur under the rulemaking requirements of Wyoming State Statute § 16-3-103. A 45-day notice period and opportunity for public input is required prior to any adoption of rules. On December 3, 2019 the County Commissioners approved the Resolution providing 45-day rulemaking public notice of intent to amend the 2019 Laramie County Land Use Regulations. The published deadline for written comments to be submitted to the Laramie County Clerk's office is by noon on January 17, 2020. During this process we have received public comment in the form of a petition against the amendments, six (6) e-mails in favor of the amendments and four (4) emails against the amendments. The proposer of the amendments has provided a letter showing justification to approve the amendments. Mr. Paul Butler has also provided a 10-page document explaining why the amendments should not be approved.

## **CAFO Background in Laramie County**

As best as can be determined, the existing setback regulations for concentrated feeding operations date back to the early 1990s. There were concerns about a swine concentrated feeding operation which resulted in the requirements which exist today.

The concentrated feeding operations requirements focus on public health concerns. Included among those concerns are pollution to surface and ground water, how manure is managed, minimizing odor, and minimizing pathogens and vectors capable of transporting infectious diseases.

The existing regulations promote the public health, safety and general welfare of the public by two methods. First, there are setbacks above ground from occupied dwellings, schools, a municipal boundary, water wells used for domestic purposes and from a perennial stream. Second, the existing rules also require that the static groundwater table be at least 150 below any waste treatment works or lagoons to help prevent infiltration that could be harmful.

Along with Laramie County Land Use Regulations, large (1,000 or more animal units) concentrated feeding operations are regulated by the Wyoming Department of Environmental Quality (WDEQ).

A primary regulatory tool used by WDEQ is the Wyoming Pollution Discharge Elimination System Permit and Annual report. The permit and annual reporting for concentrated animal feeding operations covers the following:

- Number and type of livestock
- Amount of manure, litter and process wastewater generated.
- What amount in tons and gallons of manure, process wastewater and litter were transferred to other people.
- The number of acres covered by the facility's nutrient management plan, total number of acres where manure, litter and process wastewater was spread.
- Any discharges from lagoons, with date, times, amounts in tons/gallons and impacts.
- Estimated yearly manure and wastewater production along with application plans

The Wyoming Department of Environmental Quality permitting process for a Pollution Discharge Elimination System Permit for a large concentrated feeding operation is as follows:

- The applicant files a Notice of Intent with maps of the facility and road access to the proposed facility.
- The applicant submits a complete Nutrient Management Plan with 5 years of crop rotation/nutrient application.
- The applicant provides a "certification of containment". This normally is a "Permit to Construct" from the WYDEQ Water and Wastewater program. If not, then an "as built"

report with notes from the engineer confirming the ability to contain the 25 year/24-hour storm event.

- Once the previous steps are completed, the draft permit is placed in 30 days of public notice. If no comments are received, the permit is sent to the WYDEQ Administrator and Director for signature. If comments are received, those comments are to be addressed prior to the permit being signed.

Wyoming DEQ reports 10 large concentrated animal feeding operations in Laramie County. These are:

Permittee	Animal Type	Capacity Design
Burnett Land and Livestock	10,000	Dairy cattle
Fornstrom Feed Lot	3,500	Cattle
Gaspar farms	5,000	Cattle
Gross-Wilkinson Ranch	8,000	Cattle
New Fashion Pork, LLC	8,100	Swine over 55 lbs.
Petsch Farms, LLC	10,000	Cattle
The Maschoffs, LLC	3,000	Swine over 55 lbs.
The Maschoffs, LLC	12,750	Swine over 55 lbs.
The Maschoffs, LLC	14,812	Swine (9532 over 55 lbs., 5,280 under)
The Maschoffs, LLC	3,500	Swine over 55 lbs.

Five out of the 10 concentrated feeding operations are locally owned, the remaining five are owned by firms based in other states. There are 43 confined feeding operations which Wyoming DEQ regulates. Laramie, Goshen and Platte counties in southeast Wyoming account for 31 out of those 43 concentrated feeding operations.

The Wyoming Department of Environmental Quality responsibilities come through state statute authority. The State of Wyoming regulations about concentrated feeding operations can be traced to the federal Clean Water Act and the federal national Pollution Discharge Elimination System program. Wyoming, indeed, all states are able to develop water quality permitting requirements to cover large concentrated feeding operations.

### **2016 Laramie County Comprehensive Plan Guidance**

The Vision Statement of the 2016 Laramie County Comprehensive Plan offers guidance about the proposed amendments. It states:

- “We are diverse people and places with distinctive values and interests.
- We value our strong economy, safe community and natural environment – wide open spaces, clean air and water.

- We strive to balance property rights, while embracing responsible growth and development, protecting our natural resources, and our heritage.”

The Laramie County Comprehensive Plan shows the agriculture and range land primary uses as crop, livestock production and associated residential uses. The Comprehensive Plan states, “Freestanding residential uses, not associated with agricultural purposes should be discouraged. Any new development in this area shall address water availability, public lands, cultural resource preservation and roads and connectivity.”

This statement from the Comprehensive Plan provides guidance for the location of concentrated feeding operations while discouraging freestanding residential uses in agricultural and range land areas of the County.

Concentrated feed operations, whether large or small are appropriate uses for agricultural and range land. The lower population density in agricultural areas of the county is regarded as a built in safeguard for public health concerns. Water concerns across rural Laramie County, and roads, may or may not promote large scale feeding operations for the long run.

Creating land use regulations which follow the guidance of the Comprehensive Plan, while recognizing the differences and nuances which each land use situation brings to the community, enables better cooperation and more efficient management. It also sends a cooperative message to create standards specific to a situation, which then aid development that is more beneficial for the proposer as well as the community.

The vision statement promotes options for which direction the County may wish to pursue. The amendments may be approved based upon reasonable steps already in place to address health concerns through Wyoming DEQ requirements. The amendments may be denied based upon an opportunity to create more specific rules which better promote public health, safety and the general welfare. This action promotes growing responsibly, as indicated by the Vision Statement.

Each action by the Planning Commission/Board of County Commissioners has a basis within the guidance offered by the Comprehensive Plan. Being able to rewrite and provide better specificity within the ordinance based on impacts offers a long term solution. Such specifics include the species, the size and intensity of the concentrated feeding operations and the management plan.

The approach attempts to balance property rights with responsible development on a more specific situation based upon its’ impacts. It addresses the health, safety and general welfare of the community. It offers long term thoughtful management over short term periods of reaction and controversy.

**Public Comment and Staff Review of Concentrated Feeding Operations Amendments: Effects, Pro Amendment, Against Amendment and Comparison**

The Concentrated Feeding Operations, Section 2-2-100 of the Laramie County Land Use Regulations states that its intention is to “promote the public health, safety and general welfare of Laramie County, specifically to address pollution of ground and surface water, minimization of odors for public health concern, and minimization of pathogens and vectors capable of transporting infectious disease.”

The proposed setbacks from an occupied dwelling, private or public school and distance from a municipal boundary are reduced from three (3) miles to one (1) mile. This is a 66% reduction.

The proposed setbacks from a well permitted for current domestic purposes and from a perennial stream are reduced by one-half, with a proposed one-quarter (1/4) mile distance instead of the existing one-half (1/2) mile. This is a reduction of 50%.

A comparative review by staff of concentrated feeding operation regulations with counties in Wyoming, Colorado, Nebraska and South Dakota Nebraska found a wide range of setbacks for concentrated feeding operations. The comparison tables are found in Appendix A. Note that no state requirements were compared. Please note that most of the ordinances reviewed did not include horses within a concentrated feeding operation ordinance.

Staffs review of CAFO’s as an industry are included in Appendix B.

See the attachments from the proponent of the reduced setbacks Equine Elite, LLC. The attachment supports the proposed amendments by an overview of local and state requirements in various states. The proponents believe that the existing rules, are in effect, a ban on confined feeding operations. The proponents also believe that aligning the setbacks with state requirements and neighboring counties is prudent. Please see the material in Appendix C.

Please see the attachments from Mr. Ron Butler, a Laramie County land owner who has numerous concerns about concentrated feed operations. A petition requesting that the amendments not be approved along with two different documents are attached. A range of concerns from public health to real estate value to air quality are shown in the material. The material is in Appendix D.

Staff has also found a process by which an odor setback is setup based on the size of the CAFO. This is used by Greeley and Howard Counties in Nebraska manage siting concentrated feeding operations through odor setbacks which is Appendix E. This process takes into account the size of the facility, type of CAFO, primary wind direction and wind speeds to come up with setbacks.

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When comparing the Laramie County regulations to others, Laramie County has a larger setback for occupied residences than others. The comparison with other ordinances showed that setbacks, like distance from a school or municipal boundary, varied in distance. The review of the existing ordinances showed there was no consistent pattern for setback requirements for concentrated feeding operations. It is clear that the setbacks in the various ordinances are what the community believes work best for their circumstances.

Concentrated feeding operations are based upon animal units. Animal units are calculated within the context of regulating concentrated feeding operations in part, due to waste. Generally, the manure is spread or injected; the liquid waste goes into a lagoon. A dairy cow will produce more waste than a broiler chicken; hence there is a conversion into animal units, which is then connected to a management system to control animal waste and how it is treated/spread/injected. Regulations about the animal waste discharge are related to the health, safety and general welfare of the public.

### **Options for Motion**

**I move to recommend approval of the amendments to Section 2-2-111 of the Laramie County Land Use Regulations to the Laramie County Board of Commissioners.**

**I move to recommend disapproval of the amendments to Section 2-2-111 of the Laramie County Land Use Regulations to the Laramie County Board of Commissioners.**

For further information about the amendment please see:

- Appendix A: Concentrated Feed Operations Ordinance Comparison
- Appendix B: History and Development of Concentrated Feed Operations
- Appendix C: Material from proponent of amendments, Equine Elite Holdings, LLC
- Appendix D: Material from opponent of amendments, Mr. Ron Butler
- Appendix E: Greeley County, Nebraska – Commercial Feedlot Regulations

**APPENDIX A**

**CONFINED FEEDING OPERATIONS – LOCAL ORDINANCE COMPARISON**

**Wyoming Comparisons**

Entity	Type Of Review with Other Attributes	Level of animal units Ordinance Regulation Starts	Feet From Occupied Dwelling	Feet From Church	Feet From School	Feet from Municipal Boundary	Feet From domestic well	Feet from Perennial stream
Laramie Co.	Administrative	500	3 miles	3 miles	3 miles	3 miles	½ mile	½ mile
Goshen Co. Group A- Feeder and Dairy Cattle, Sheep or Lambs, Horses	BOCC	1,000	¼ mile and 100 feet from property boundary without written consent	¼ mile without consent of elected officials	Same as church	1,000 feet up to 5 miles depending upon animal units	0	0
Goshen Co. Group B Subgroup A -Swine	Recommendation from Planning Commission BOCC make decision	1,000	1 mile		3 miles	5 miles	¼ mile	¼ mile
Goshen Co. Group B Subgroup B - Turkey, Chicken Duck and Geese	Recommendation from Planning Commission BOCC make decision – may have different WY DEQ Rules	1,000	1 mile		3 miles	5 miles	¼ mile	¼ mile
Platte Co.	BOCC – Special Permit – Follow WYDEQ Regulations with no local requirements	0	0	0	0	0	0	0



Colorado Comparisons

Entity	Type Of Review with Other Attributes	Level of animal units Ordinance Regulation Starts	Feet From Occupied Dwelling	Feet From Church	Feet From School	Feet from Municipal Boundary	Feet From domestic well	Feet from Perennial stream
Weld Co.	Use by right in Estate, Agriculture and Low Density Residential: X animals per acre. Livestock in excess of standards in Agriculture District are added by BOCC approval through special permit.		0	0	0	0	0	0
Larimer Co.	Special Review BOCC Approval	500	0	0	0	0	0	0
			<b>Setback</b>					
Logan Co.	BOCC Approval Based upon meeting requirements	1,000	Feedlot is to be 300 feet from property Lines – No specific value from occupied dwelling	Preventive Measure. No specific value	Preventive Measure. No specific value	Preventive Measure. No specific value	Preventive Measure. No specific value	Preventive Measure. No specific value

Nebraska Comparisons

Entity	Type Of Review with Other Attributes	Level of animal units Ordinance Regulation Starts	Feet From Occupied Dwelling	Feet From Church	Feet From School	Feet from Municipal Boundary	Feet From domestic well	Feet from Perennial stream
Scotts Bluff Co.	Use by Right In Agriculture and Low Density Residential (up to 300 head) A Class II (300-1,000 head) or III (> 1,000 head) goes before the Planning Commission and then receives approval before BOCC	300	0	0	0	0	0	0
Greeley Co.	BOCC After Planning Commission review. May add conditions to permit	1,000 animal units  Odor Setback based on number: Starts at 1,980 feet Goes to 10,560 starting at 15,001 animal units	0  However, commercial biodegradable waste shall not be spread within 1,320 feet of dwelling	Odor setback	Odor Setback	Odor Setback	Commercial biodegradable waste is to be kept 200 feet away.  However, commercial biodegradable waste shall not be spread within 5,000 feet of municipal water supply	0
Cherry Co.	BOCC Conditional Use permit – Up to 2,000 animal units per section of land is limit.	Class I is 1,000 to 5,000 Class II is 5,000 to 20,000 Class III is	Class I: ½ mile  Class II: ¼ mile  Class III: 2 miles	Class I: ½ mile  Class II: ¼ mile  Class III: 2 miles	Class I: ½ mile  Class II: ¼ mile  Class III:	0	0	0

		Greater than 20,000			2 miles		
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**South Dakota Comparisons**

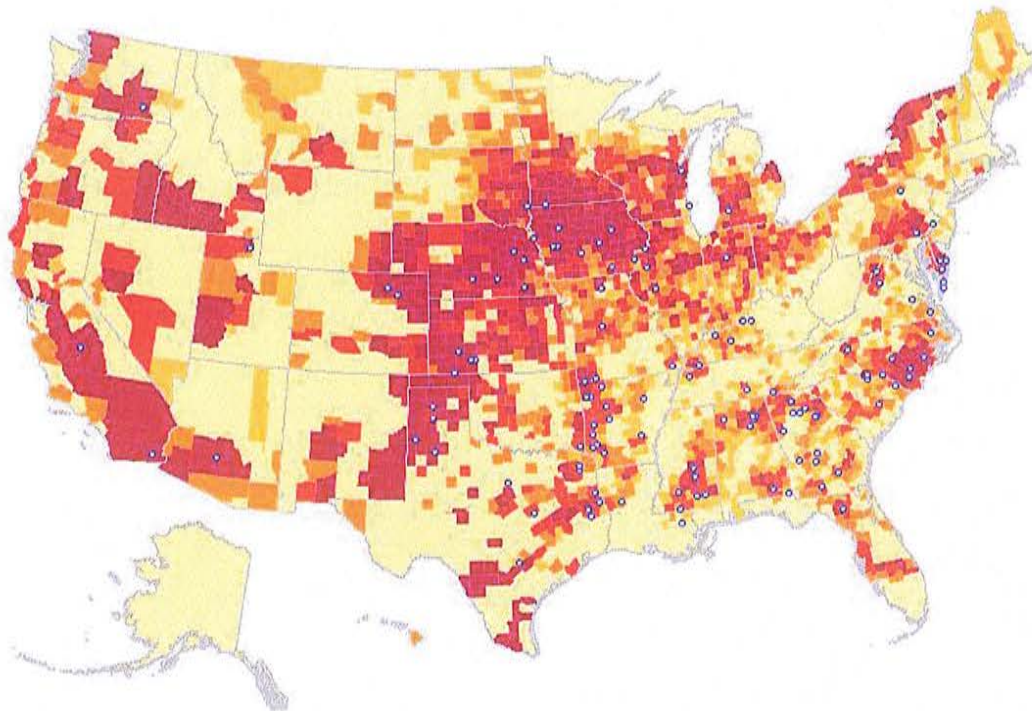
Entity	Type Of Review with Other Attributes	Level of animal units Ordinance Regulation Starts	Feet From Occupied Dwelling	Feet From Church	Feet From School	Feet from Municipal Boundary	Feet From domestic well	Feet from Perennial stream
Codington Co.	BOCC- Conditional use- Based upon animal units and species. Animal units are in different categories based on number. May increase setbacks depending upon site issues.	Class 3 - 50 Class 4 - 500 Class 2 - 1,000 Class IV - 2,000	<1,000 animal units is 1,320 ft. <2,000 animal units is 1,760 ft. <5,000 animal units is 2,640 ft. <10,000 animal units is 3,960 ft. >10,000 animal units is 1 mile	Same as occupied dwelling.  Same setbacks for businesses and commercial zoned areas	0	0	0 Manure spreading setback of 250 ft.  Other setbacks for manure spreading/ Injection: public roads and public wells with different setbacks for each method	0 Manure spreading setback of 250 feet.  Other setbacks for manure spreading/ Injection: public roads and public wells with different setbacks for each method
Clay Co.	BOCC- Conditional Use - It is the same as Codington County.	Small - 1 to 9,999 dependent upon animal type and site with or without potential water pollution hazard Medium is 10,000 to 30,000 with same potential hazard. Large is 30,000 to 150,000 with same potential hazard.	Small - 1,320 ft. Medium - 2,640 ft. Large - 3,960 ft.	Same as dwelling	Same as dwelling	1 mile for all class sizes	150 feet for all class sizes.  250 ft. -Other setbacks for manure spreading/ injection for public roads and Water supplies and drainage ditches.	200 ft. for small. 300 ft. for medium 300 ft. for large.  100 ft. - Other Setbacks For manure spreading /injection For public roads Water supplies And drainage ditches.
Brule Co.	Conditional Use in Agricultural District By Board of Adjustment - Review by Planning Commission	Class A 1,000 and up Class B 700 - 999	0 for facility  Manure spreading is 300 feet from neighbor's residence	0	0.	0 for facility. Manure spreading is 1,000 feet and 2,640 feet for irrigated application	250 ft. from domestic well For public wells 1,000 ft. Manure spreading: Private well is 250 feet	150 feet for facility. 1,000 feet for manure spreading

							Public well is 1,000 feet	
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**APPENDIX B**

**SHORT HISTORY AND ECONOMIC DEVELOPMENT**

Map Showing Low to High Concentration (Dark Red) of Confined Feeding Operations in United States – From US Agriculture Department Data 2015



America is receiving more of its meat/eggs from concentrated feeding operations. This is due to a growing population pushing the need for economies of scale. Concentrated feeding operations have grown significantly since the 1950s for poultry and eggs, and for cattle and pigs in the 1970s and 1980s.

The United States population in 1950 was 152.3 million people, by 1990 it was 250.1 million. This represents better than a 64% increase in population over a 40-year period.

The country's population in 2019 stands at 329.45 million people, making economies of scale important to the overall food supply.

In 1950, 36% of the US population lived in rural areas. By 2019 this had dropped to 20%. The growing urban population, from 64% in 1950 to 80% in 2019 underscores the rise of concentrated feeding operations.

Concentrated feeding operations play a major role to supply food for the country. The Department of Agriculture, in April 2019 released the 2017 Agricultural Census. Confined feed operations or factory farming is a way of life. The data showed 70.4 % of cows, 98.3 % of pigs, 99.8% of turkeys, and 99.9 of chickens, all raised for meat eating purposes, are derived from confined feeding operations across the United States.

By 2050, according to US Census projections, the urban population of the United States will have risen to 87%. The long migration to and growth of urban areas reasonably seeks out economies of scale to feed a growing population. By 2050, 30 years into the future, the United States is expected to have a population of 438 million people, or an increase of 111 million more people than today, according to the US Census. Concentrated feeding operations, a centralized process by which many people are fed, will continue to grow across the country.

As the number of concentrated feeding operations have grown since the 1950s, its' connection to economic development has been the focus of studies and surveys.

To this extent some 30 plus articles were located and reviewed about the economic development aspects of concentrated feeding operations. The following shows highlighted positive and negative effects.

#### Positive Aspects:

- Provides employment for a local area.
- There is a local multiplier of wages paid by an employer which is spread into a community.
- Provides taxes to local government through land valuation and spending in the local community.
- May use local suppliers for feed and equipment. This is more accurate when focusing upon a locally owned and operation confined feeding operation.
- Helps to stabilizes food costs for consumers due to volume.
- Assists to create reliability in the food delivery system due to logistics.

#### Negative Aspects:

- Concentrated feed operations are designed to minimize employment within a facility. Such operations do not contribute to any significant growth in employment in a community.

- Most jobs in confined feeding operations are not family wage jobs, but pay significantly less.
- There are numerous tax-write offs available for confined feeding operations as they can be treated as farms, as well as an industry. This means less money for governmental coffers.
- Many confined feeding operations are designed to use out-of-area suppliers. This is more accurate when the confined feeding operation is part of a large company, which tend to have more centralized supply systems, as compared to a locally owned and operated company.
- Depress value of nearby homes and real estate. This external cost is borne by the property owner and local government tax collections.
- External costs also relate to the public health and environmental problems which have been attributed to confined feeding operations. Those costs are borne by communities and individuals. Depending upon the seriousness and scope of the problem, an external cost to state and federal government could be applied.

Concentrated feeding operations, as shown, demonstrate the industry is a mix of local and large distant ownership. Local suppliers may or may benefit. Local jobs are generated. However, jobs are not generated in volume as with some other industries. Staffing positions are generally not at the family wage level. There is a broad range of public health and environmental issues associated with the industry. A number of studies have shown property value decline for those properties within close proximity of a confined feeding operation.

Despite the negatives and positives of the confined feeding industry, it is on the rise. It is a “necessity” in this day of long-term population growth and urbanization.

The economic development aspects of concentrated feeding operations serve up a cautionary tale. Developing methodology which aims to prevent and mitigate for public health and environmental problems related to concentrated feeding operations is a reasonable action for any jurisdiction which may want to regulate it as a land use while providing guidance for future growth.

**APPENDIX C**

**Material from proponent Equine Elite, LLC**

DRAFT

December 26, 2019  
From: Equine Elite LLC  
Box 356  
Isabel, South Dakota

To: Laramie County Planning and Development  
3966 Archer Parkway  
Cheyenne, WY 82009

Subject: Supporting Documentation to amend LCLUR 2-2-111

Dear Mr. Surface

The intent of this letter is to provide supporting documentation for the proposed changes of Laramie County Land Use Regulation 2-2-111 Concentrated Feeding Operations. Specifically the request is to change the setback requirements found in subsection (d)(i)(A-C) from 3 miles to 1 mile and (D and E) from ½ mile to ¼ mile. This request mirrors the distances prescribed in Wyoming State Statute Title 35 Public Health and Safety 35-11-302 (a) (ix) (C) (I-V). Equine Elite LLC currently does not own, lease or agreed to purchase land in Laramie County due to the restrictions imposed by Regulation 2-2-111. We are interested in building a CAFO in Laramie County if regulations become more favorable to livestock feeding operations.

We have inquired into the original purpose of the regulation and find that it was written in response to construction of confined swine operations. Cattle, sheep and horse CAFOs were not an issue at the time this regulation was enacted but the language in the regulation was non specific.\*1

Inquiries as to setback requirements from occupied dwellings found in neighboring counties for Concentrated Animal Feeding Operations resulted in the following:

- Platte County follows Wyoming State Statute.\*2
- Goshen County requires setbacks of ¼ mile from an occupied dwelling, existing facility, or property boundary for CAFOs housing cattle, sheep and horses. Setbacks from incorporated municipalities are graduated from 1000' (20 AU) to 5 miles (12000 AU). Swine and poultry setbacks are 1 mile from an occupied dwelling, 3 miles from a school and 5 miles from an incorporated municipality.\*3
- Albany County has no regulations specific to CAFOs.\*4
- Weld County Colorado has setbacks requiring agricultural structures to be 20' from established right of ways and offsets from property lines of 1' for every 3' of height. Colorado Regulation 81 requires setbacks for new and expanding wastewater impoundments of 150' for private domestic wells and 300' for community domestic wells.\*5
- Larimer County Colorado evaluates applications for animal feeding operations on a case by case basis and has no specific regulations.\*6



- Kimball County requires a 1/8 mile setback from an occupied dwelling.\*7
- Banner County does not have specific CAFO regulations but Nebraska requires setbacks from existing wells.\*8

Examples of setbacks in other states are; Alabama and Arkansas require ¼ mile from occupied dwellings while Illinois requires 2200' (5000 AU). Kansas has a graduated system requiring 4000' for CAFOs holding 1000-3724 AU and 5000' for 3725 AU or more. Setbacks for swine are 10,000 and 16,000' respectively. Indiana has extensive CAFO regulations with the most stringent setbacks being 1 mile from municipalities, ½ mile from residential districts and 1620' from residences.\*9

From the broader standpoint of public health and safety, the construction and operation of CAFOs is regulated by the Clean Water Act and implemented by the Wyoming Department of Environmental Quality. Confined animal feeding facilities designated as CAFOs afford much greater protection to public health, safety and the environment (water, soil and air) than unregulated facilities that fall below CAFO animal unit thresholds. Rules and policies relevant to CAFOs to ensure compliance with the Clean Water Act are maintained at the Wyoming Secretary of State Office, and can be found in the following chapters:

Chapter 2, WYPDES WYPDES Permitting Regulations, Appendix G

Chapter 3, Regulations for Permit to Construct, Install or Modify Public Water Supplies, Wastewater Facilities and Other Facilities Capable of Causing or Contributing to Pollution

Chapter 8, Quality Standards for Wyoming Groundwater

Chapter 11, Section 29 Design and Construction Standards for Wastewater Treatment Plants (runoff retention structures)

Chapter 20, Permitting, Design and Operation Standards Confined Swine Feeding Operations

Policy 13.29.4, Groundwater and design requirements for livestock waste management facilities and temporary wastewater retention structures

In conclusion, our search of CAFO setback requirements revealed that Laramie County regulations greatly exceed neighboring counties with similar environmental conditions and rural population densities for species other than swine and poultry. Searches of CAFO regulations in other states resulted in similar findings.\*8 Given the extensive environmental protections provided by the Clean Water Act aligning setback requirements for CAFO's with neighboring counties and Wyoming State Statute is prudent. We do find merit in the Goshen County Land Use Plan and Kansas Statute 65-171d which distinguishes setback distances by species. We could not find any setback regulations similar to Laramie County for cattle, sheep and horses. Currently regulation 2-2-111 requires the ownership of approximately 18,000 acres

to construct one CAFO. In effect this is a ban on confined animal feeding operations and has led to the construction and operation of some unregulated CAFOs.

Equine Elite LLC supports approval of the resolution to amend LCLUR 2-2-111.

Respectfully submitted,

Butch Webb  
Jim Reeves  
Owners Equine Elite LLC

- \*1 Interview with Jim Cochran, Laramie County Conservation District Manager retired.
- \*2 Platte County planning office 12/17/19.
- \*3 Goshen County Land Use Plan.
- \*4 Albany County Planner 12/23/19.
- \*5 Weld County Planner 12/23/19.
- \*6 Larimer County Planner 12/24/19.
- \*7 Kimball County Zoning and Subdivision Regulations 15.03 (4).
- \*8 <https://www.eli.org/sites/default/files/eli-pubs/d13-02a.pdf>
- \*9 County Regulation of Confined Feeding Operations in Indiana: an overview, January 2016 Purdue University Extension.

**APPENDIX D**

**Material from opponent, Mr. Ron Butler**

**Petition and rationale included**

**DRAFT**

12/4/2019

Brad Emmons & Michael Surface  
Laramie County Planning & Development  
3966 Archer Parkway  
Cheyenne, Wy. 82009

Regarding PZ-19-00263, Wild Horse Adoption/ Feedlot Facility

Laramie County Land Use Regulations (2019 Edition) states in 2-2-111, "d. Setbacks i. All structures housing livestock, or the waste treatment works and lagoons associated therewith, shall adhere to the following setback requirements: (A) Three (3) miles from an occupied dwelling without the written consent of the owner of the dwelling;".

Attached are petitions of residence owners, residence occupants and land owners within this three mile stricture who oppose development of a Wild Horse Adoption/Feedlot Facility.

#### RESIDENCE OWNERS

1. Ron Butler, Trustee Location: 16-63: All Sec 13; Address: 2418 Rd. 148, Burns, Wy. 82053
  - a. **4205 feet from east side of proposed feedlot**
2. Betty Jo Stiffney, Two Tired Farms LLC Location: 16-62: North ½ Sec 30; Address: 2244 State Hwy. 213, Burns, Wy. 82053
  - a. **2.33 miles from south east corner of proposed feedlot**
3. David Loetcher Location: 16-63: NW1/4 SEC 26; ALL SEC 27; 2222 ROAD 146, Burns, Wy. 82053
  - a. **Residence is approximately 1.86 miles from the south west corner of the proposed feedlot.**
4. Elsie Wisroth Location: 16-63: A TRACT IN A PORTION OF THE SE1/4 OF SEC 26, DESC AS: BEG AT THE EAST QUARTER COR OF SD SEC 26; TH S 00 DEG 17' 16" W, ALONG THE EAST LINE OF SD SE1/4, 1510.22'; TH N 89 DEG 44' 36"; Address: 2248 Rd. 147, Burns, Wy. 82053
  - a. **1.57 Miles from south east corner of proposed feedlot**
5. Joshua Wisroth Location: 16-63: A TRACT IN A PORTION OF THE SE1/4 OF SEC 26, DESC AS: BEG AT THE EAST QUARTER COR OF SD SEC 26; TH S 00 DEG 17' 16" W, ALONG THE EAST LINE OF SD SE1/4,

1510.22'; TH N 89 DEG 44' 36"; Address: 2248 Rd. 147, Burns, Wy. 82053

**a. 1.57 Miles from south east corner of proposed feedlot**

6. Tim Cueva Location: 16-63: All Sec 34; Address: 2174 Rd. 146, Burns, Wy. 82053

**a. 2.38 miles from south west corner of proposed feedlot**

7. Dale Sandberg Location: 16-62: 16-62: LOTS 1 AND 2; SE1/4 NE1/4 SEC 6, LESS (6.41 AC, BK 1892 PG 97) A POR OF E1/2 SEC 6, SD STRIP BEING PARALLEL WITH AND VARIABLE IN WIDTH TO THE LEFT OR WESTERLY WHEN MEASURED AT RIGHT ANGLES OR; Address: 4894 ROAD 226, Burns, Wy. 82053

**a. 2.63 miles from north east corner of proposed feedlot**

8. Ed Allen Location: 16-63: NW/4 Sec. 17; Address: 2565 Rd. 143, Cheyenne, Wy. 82009

**a. 3.0 miles from west side of proposed feedlot**

9. Bev Allen Location: 16-63: NW/4 Sec. 17; Address: 2565 Rd. 143, Cheyenne, Wy. 82009

**a. 3.0 miles from west side of proposed feedlot**

RESIDENCE OCCUPANTS

1. James Shafer Location: 2418 Rd. 148, Burns, Wy. 82053

**a. 4205 feet from the east side of proposed feedlot**

2. Elisa Butler-Shafer Location: 2418 Rd. 148, Burns, Wy. 82053

**a. 4205 feet from the east side of proposed feedlot**

LAND OWNERS

1. Terry Sandberg Location: 16-63: SE1/4 Sec 7; 4730 State Highway 216, Albin WY 82050-9760

**a. 3.0 miles from the south west corner of proposed feedlot**

2. Joanne Sandberg Location: 16-63: SE1/4 Sec 7; 4730 State Highway 216, Albin WY 82050-9760

**a. 3.0 miles from the south west corner of proposed feedlot**

3. Howard Deselms P.O.A (Kenneth S and Norma J Deselms Living Trust) Location: 16-62: SW1/4 SEC 7; ALL SEC 18, LESS 1.57 AC M/L IN NE1/4 NE1/4 TO USAF; LESS (9.07 AC) A STRIP E1/2 SEC 18, SAID STRIP BEING PARALLEL WITH AND 75' LEFT OR WESTERLY WHEN MEASURED AT RIGHT ANGLES TO; 4852 State Highway 216 Albin WY 82050-9761

**a. 1.10 Miles from east side of proposed feedlots**

4. Hal Butler (Butler Family Trust) Location: 16-63 Section 12; 3868 Charterwood Circle, Highlands Ranch, Co.

**a. 3700 feet from the north east corner of proposed feedlot**

5. Debra Butler (Butler Family Trust) Location: 16-63 Section 12; 3868 Charterwood Circle, Highlands Ranch, Co.

**a. 3700 feet from the north east corner of proposed feedlot**

6. Jim Hastings Location: 16-63: S/2, Sec. 10; S/2, Sec. 11; NE/4, All of Sec. 15; 708 Skyline Drive, Cheyenne, Wy. 82009

# Laramie County Feedlot Set Back Petition

TO BE PRESENTED TO LARAMIE COUNTY COMMISSIONS OPPOSING CHANGES TO CURRENT SET BACK RULES

We the voters and land owners of Laramie County, Wyoming oppose the revision of Laramie County Land Use Regulation 2-2-100. The current regulation states no high capacity animal containment facility (feedlot) can be constructed within three (3) miles of schools, towns/cities, or residences. The proposed change to 2-2-100 will allow high capacity feedlots with 2500 pigs, 1000 cattle or 800 horses to be built one (1) mile from schools, towns, or residences. We resist these prospective changes.

PLEASE FILL IN THE INFORMATION BELOW TO HAVE YOUR NAME ADDED TO THIS PETITION.

\* Required

1. Print Name

DAVID LOETSCHER

2. Signature \*

David Loetscher

3. Laramie County Address \*

2200 Rd 146  
Burns, Wyo 82053

4. email address

5. Please add any comments

Dec 1-19

Laramie County Planning and Development  
October 2019

Regarding: PL-19-00263

• Name: RIEDEL, WILLIAM H	Location: 16-63: ALL SEC 14
• Mail Addr: 2439 ROAD 146	Tax District: 0206
• Mail Addr: BURNS, WY 82053	Acres: 640.00 acres
• St Addr: 2439 ROAD 146	Type: Agricultural
• Deed: 2085 DEC 1438	

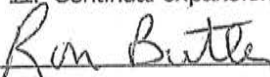
James Pike, formerly of N.R.C.S. of Laramie County, is the front man for Equine Elite LLC of South Dakota who is attempting to permit a Wild Horse Adoption Center on the property listed above.

This facility is to be 81 acres in size with the capacity for 5000 wild horses (as per James Pike).

To receive Laramie County Planning Commission approval this proposal must be in compliance with Laramie County Planning rules and regulations including Laramie County Land Use Regulation 2-2-111. This regulation stipulates that, " All structures housing livestock, or the waste treatment works and lagoons associated therewith, shall adhere to the following setback requirements: (A) Three (3) miles from an occupied dwelling without the written consent of the owner of the dwelling;"

Attached are signatures of land owners, residence owners and dwelling occupants proximately located who oppose this facility for numerous reasons. These reasons include but are not limited to:

1. Opposition to the underlying notion of expending tax dollars to stable and pay for adoption of overpopulated wild animals;
2. Concern about the effect on real estate prices caused by development of this facility;
3. Horse borne vectors including but not limited to West Nile Virus;
4. Airborne particles carrying odors, pathogens, detritus;
5. Inordinate amounts of traffic hauling animals and feed;
6. Large volume of non-resident traffic coming to inspect horses for adoption;
7. Water usage and nearby water well depletion;
8. Damages to cropland and forage land nearby when animals escape;
9. Manure/offal/excretion accumulation caused by plan to compost wastes on site;
10. Chemical runoff including nitrogen, phosphorus and potassium;
11. Continual expansion of capacity once approval is acquired.

 Ron Butler, Trustee 10-29-2019 date

• Pdn: 16631310000100
• Local #: 00016006313000 iTax
• Account: R0037608 Property Detail
• Name: BUTLER, RON L LIV TR
• Mail Addr: PO BOX 442
• Mail Addr: WRIGHT, WY 82732
• St Addr: 2418 ROAD 148
• Deed: 2407 QCD 1199
• Location: 16-63: ALL SEC 13
• Type: Agricultural
• Acres: 640.00 acres
• Tax District: 0206

Residence approximately 4205 feet from the east side of proposed feedlot.



Laramie County Planning and Development  
October 2019

Regarding: PL-19-00263

Name: RIEDEL, WILLIAM H  
Mail Addr: 2439 ROAD 146  
Mail Addr: BURNS, WY 82053  
St. Addr: 2439 ROAD 146  
Deed: 2085 DEC 1438  
Location: 16-63: ALL SEC 14  
Tax District: 0206  
Acres: 640.00 acres  
Type: Agricultural

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11. Continual expansion of capacity once approval is acquired.

Betty Jo Stiffney / Two Tired LLC Betty Jo Stiffney 11-4-19 date

Pidn: 16623010000100  
Local #: 00016006230010 iTax  
Account: R0037572 Property Detail  
Name: TWO TIRED FARM LLC  
Mail Addr: 2244 STATE HWY 213  
Mail Addr: BURNS, WY 82053  
St. Addr: 2252 STATE HWY 213  
Deed: 2591 QCD 4090  
Location: 16-62: NORTH 1/2 SEC 30, LESS (-4.55 AC, BK 1882 PG 1670) A STRIP OF LAND ... (more)  
Type: Agricultural  
Acres: 316.74 acres  
Tax District: 0206

Residence is approximately 2.33 miles from the south east corner of the proposed feedlot.

Laramie County Planning and Development  
October 2019  
Regarding: PL-19-00263

Name: RIEDEL, WILLIAM H Location: 16-63: ALL SEC 14  
Mail Addr: 2439 ROAD 146 Tax District: 0206  
Mail Addr: BURNS, WY 82053 Acres: 640.00 acres  
St Addr: 2439 ROAD 146 Type: Agricultural  
Deed: 2085 DEC 1438

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Elsie Wisroth Elsie Wisroth 10-30-19 date  
Josh Tierney Joshua Tierney 10-30-19 date

Idn: 16632640000100 Type: Residential  
Local #: 00016006326011 Tax Acres: 12.47 acres  
Account: R0056353 Property Detail Tax District: 0206  
Name: WISROTH, ELSIE M TR C/O TIERNEY, JOSHUA R  
Mail Addr: 2248 ROAD 147  
Mail Addr: BURNS, WY 82053  
St Addr: 2248 ROAD 147  
Deed: 2593 QCD 1896

Residence approximately 1.57 miles from south east corner of proposed feedlot.

Laramie County Planning and Development  
October 2019  
Regarding: PL-19-00263

Name: RIEDEL, WILLIAM H Location: 16-63: ALL SEC 14  
Mail Addr: 2439 ROAD 146 Tax District: 0206  
Mail Addr: BURNS, WY 82053 Acres: 640.00 acres  
St Addr: 2439 ROAD 146 Type: Agricultural  
Deed: 2085 DEC 1438

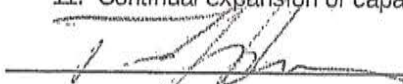
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11. Continual expansion of capacity once approval is acquired.

 Timothy Cueva 10/29/19 date

Pidn: 16633410000100  
Local #: 00016006334000 iTax  
Account: R0037657 Property Detail  
Name: CUEVA, TIMOTHY ET UX  
Mail Addr: 3380 S CHERRY ST  
Mail Addr: DENVER, CO 80222  
St Addr: 2174 ROAD 146  
Deed: 1595 WD 00988  
Location: 16-63: ALL SEC 34  
Type: Agricultural  
Acres: 640.00 acres  
Tax District: 0206

Residence approximately 2.38 miles from south west corner of proposed feedlot.

Laramie County Planning and Development  
October 2019

Regarding: PL-19-00263

- Name: RIEDEL, WILLIAM H
  - Mail Addr: 2439 ROAD 146
  - Mail Addr: BURNS, WY 82053
  - St Addr: 2439 ROAD 146
  - Deed: 2085 DEC 1438
- Location: 16-63: ALL SEC 14  
Tax District: 0206  
Acres: 640.00 acres  
Type: Agricultural

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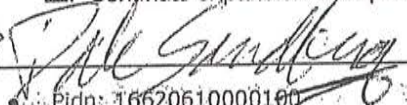
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11. Continual expansion of capacity once approval is acquired.

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 Dale Sandberg 10-29-2019 date

- Pidn: 16620610000100
- Local #: 00016006206010 ITax
- Account: R0037536 Property Detail
- Name: SANDBERG, DALE A ET UX
- Mail Addr: 4627 ROAD 215
- Mail Addr: BURNS, WY 82053
- St Addr: 4894 ROAD 226
- Deed: 1307 CONV 00567
- Location: 16-62: LOTS 1 AND 2; SE1/4 NE1/4 SEC 6, LESS (6.41 AC, BK 1892 PG 97) A POR ... (more)
- Type: Agricultural
- Acres: 281.78 acres
- Tax District: 0203

Residence approximately 2.63 miles from north east corner of proposed feedlot.

Laramie County Planning Commission  
October 17, 2019

Regarding: P>-19-00263

• Name: RIEDEL, WILLIAM H	Location: 16-63: ALL SEC 14
• Mail Addr: 2439 ROAD 146	Tax District: 0206
• Mail Addr: BURNS, WY 82053	Acres: 640.00 acres
• St Addr: 2439 ROAD 146	Type: Agricultural
• Deed: 2085 DEC 1438	

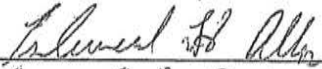

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	Edward Allen	<u>11/25/2019</u>	date
	Beverly Allen	<u>11-25-2019</u>	date

• Pidn: 16631720005700
• Local #: 00016006317021 Tax
• Account: R0037612 Property Detail
• Name: ALLEN, EDWARD H ET UX
• Mail Addr: 2565 ROAD 143
• Mail Addr: CHEYENNE, WY 82009
• St Addr: 2495 ROAD 143
• Deed: 2411 WD 1050
• Location: 16-63: NW1/4 NW1/4 NW1/4 SEC 17
• Type: Residential
• Acres: 10.00 acres
• Tax District: 0206

Residence located approximately 3.1 miles from the west side of the proposed feedlot.

Also Owned in this area  
16-63 S  $\frac{1}{2}$  Sec 4  
16-63 SE  $\frac{1}{4}$  Sec 5  
16-63 All Sec 8

Laramie County Planning and Development  
October 2019

Regarding: PL-19-00263

• Name: RIEDEL, WILLIAM H	Location: 16-63; ALL SEC 14
• Mail Addr: 2439 ROAD 146	Tax District: 0206
• Mail Addr: BURNS, WY 82053	Acres: 640.00 acres
• St Addr: 2439 ROAD 146	Type: Agricultural
• Deed: 2085 DEC 1438	

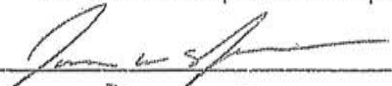
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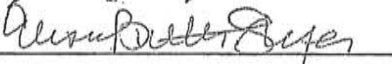
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11. Continual expansion of capacity once approval is acquired.

 James W. Shafer, resident 2418 Rd. 148, Burns, Wy. 82053

 Elisa Butler Shafer, resident 2418 Rd. 148 Burns, Wy. 82053

This residence is approximately 4205 feet from the east side of the proposed feedlot.

Laramie County Planning and Development  
October 2019

Regarding: PL-19-00263

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Mail Addr: 2439 ROAD 146 Tax District: 0206  
Mail Addr: BURNS, WY 82053 Acres: 640.00 acres  
St Addr: 2439 ROAD 146 Type: Agricultural  
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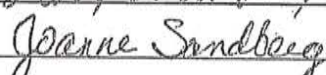
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 Terry Sandberg Oct 28, 2019 date

 Joanne Sandberg Oct. 28, 2019 date

Local #: 00016006307020 iTax  
Account: R0037602 Property Detail  
Name: SANDBERG, TERRY AND JOANNE FAMILY TR  
Mail Addr: 4734 STATE HWY 216  
Mail Addr: ALBIN, WY 82050  
St Addr: ROAD 143  
Deed: 2148 WDNC 1383  
Location: 16-63: SE1/4 SEC 7  
Type: Agricultural  
Acres: 160.00 acres  
Tax District: 0206

Land approximately 3.1 miles from north west corner of proposed feedlot.

Laramie County Planning Commission  
October 17, 2019

Regarding: PL-19-00263

Name: RIEDEL, WILLIAM H Location: 16-63: ALL SEC 14  
Mail Addr: 2439 ROAD 146 Tax District: 0206  
Mail Addr: BURNS, WY 82053 Acres: 640.00 acres  
St Addr: 2439 ROAD 146 Type: Agricultural  
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Howard K. Deselms P.O.A. Howard Deselms 10-28-19 date  
KENNETH S. AND NORMA J. DESELMS LIVING TRUST

Carrie Deselms \_\_\_\_\_ date

Pidn: 16620730000100  
Local #: 00016006207030 iTax  
Account: R0037540 Property Detail  
Name: DESELMS, KENNETH S LIV TR ETAL  
Mail Addr: 2640 ROAD 150  
Mail Addr: BURNS, WY 82053  
St Addr: ROAD 149  
Deed: 1662 CONV 00752  
Location: 16-62: SW1/4 SEC 7; ALL SEC 18, LESS 1.57 AC M/L IN NE1/4 NE1/4 TO USAF; ... (more)  
Type: Agricultural  
Acres: 790.51 acres  
Tax District: 0206

Property located 1.10 miles from the east side of the proposed feedlot.



Laramie County Planning and Development  
October 2019

Regarding: PL-19-00263

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• St Addr: 2439 ROAD 146	Type: Agricultural
• Deed: 2085 DEC 1438	

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This facility is to be 81 acres in size with the capacity for 5000 wild horses (as per James Pike).

To receive Laramie County Planning Commission approval this proposal must be in compliance with Laramie County Planning rules and regulations including Laramie County Land Use Regulation 2-2-111. This regulation stipulates that, "All structures housing livestock, or the waste treatment works and lagoons associated therewith, shall adhere to the following setback requirements: (A) Three (3) miles from an occupied dwelling without the written consent of the owner of the dwelling;"

Attached are signatures of land owners, residence owners and dwelling occupants proximately located who oppose this facility for numerous reasons. These reasons include but are not limited to:

1. Opposition to the underlying notion of expending tax dollars to stable and pay for adoption of overpopulated wild animals;
2. Concern about the effect on real estate prices caused by development of this facility;
3. Horse borne vectors including but not limited to West Nile Virus;
4. Airborne particles carrying odors, pathogens, detritus;
5. Inordinate amounts of traffic hauling animals and feed;
6. Large volume of non-resident traffic coming to inspect horses for adoption;
7. Water usage and nearby water well depletion;
8. Damages to cropland and forage land nearby when animals escape;
9. Manure/offal/excretion accumulation caused by plan to compost wastes on site;
10. Chemical runoff including nitrogen, phosphorus and potassium;
11. Continual expansion of capacity once approval is acquired.

 Hal Butler 11/4/19 date

 Leigh Butler 11-4-19 date

• Pidn: 16631210000100
• Local #: 00016006312000 iTax
• Account: R0037607 Property Detail
• Name: BUTLER FAMILY TRUST
• Mail Addr: 3868 CHARTERWOOD CIRCLE
• Mail Addr: HIGHLANDS RANCH, CO 80126
• St Addr: ROAD 148
• Deed: 2407 QCD 1197
• Location: 16-63: SEC 12
• Type: Agricultural
• Acres: 640.00 acres
• Tax District: 0206

Property located approximately 3700 feet from the north east corner of the proposed feedlot.

Laramie County Planning and Development  
October 2019

Regarding: PL-19-00263

Name: RIEDEL, WILLIAM H Location: 16-63: ALL SEC 14  
Mail Addr: 2439 ROAD 146 Tax District: 0206  
Mail Addr: BURNS, WY 82053 Acres: 640.00 acres  
St Addr: 2439 ROAD 146 Type: Agricultural  
Deed: 2085 DEC 1438


James Pike, formerly of N.R.C.S. of Laramie County, is the front man for Equine Elite LLC of South Dakota who is attempting to permit a Wild Horse Adoption Center on the property listed above.

This facility is to be 81 acres in size with the capacity for 5000 wild horses (as per James Pike).

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Attached are signatures of land owners, residence owners and dwelling occupants proximately located who oppose this facility for numerous reasons. These reasons include but are not limited to:

1. Opposition to the underlying notion of expending tax dollars to stable and pay for adoption of overpopulated wild animals;
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7. Water usage and nearby water well depletion;
8. Damages to cropland and forage land nearby when animals escape;
9. Manure/offal/excretion accumulation caused by plan to compost wastes on site;
10. Chemical runoff including nitrogen, phosphorus and potassium;
11. Continual expansion of capacity once approval is acquired.

 James Hastings 11-18-2019 Date

Pidn: 16631030000100  
Local #: 00016006310020 ITax  
Account: R0037605 Property Detail  
Name: HASTINGS, JAMES A  
Mail Addr: 708 SKYLINE DR  
Mail Addr: CHEYENNE WY 82009  
St Addr: ROAD 146  
Deed: 2004 WD 1091  
Location: 16-63: S1/2 SEC 10; S1/2, NE1/4 SEC 11; ALL OF SEC 15  
Type: Agricultural  
Acres: 1,440.00 acres  
Tax District: 0206

Property approximately 1900 feet from the west side of proposed feedlot.

12/12/2019

Dear Commissioners,

In considering whether to change The Laramie County Land Use Regulation 2-2-111 numerous factors must be considered. The proposal to reduce set-backs from three miles to one; to reduce distances from wells  $\frac{1}{2}$  to  $\frac{1}{4}$  mile; to reduce distances from perennial streams from  $\frac{1}{2}$  to  $\frac{1}{4}$  mile has untold ramifications for the lives and well-being of those attending schools, of those living in towns and of those owning rural residences. There is no zoning to protect these rural areas so the only protection rural residences have is this regulation.

The aspects to consider will be addressed in this paper. Though these elements are interconnected, they will be examined singly. They will not appear in any graduated order.

### 1. THREAT TO RURAL LIFE AND COMMUNITIES

It is commonly believed that large scale animal production such as in Concentrated Animal Feedlot Operations (CAFOs) rescues declining rural communities and small rural towns. Factory farms appear to bring economic prosperity to communities but only do so by externalizing costs to the community. Though counter intuitive, CAFOs actually lead to the decline of rural communities. The mechanism to affect decline is the "rural depopulation now significantly motivated by legal, 'political', and economic factors that are designed to stifle rural opposition to CAFOs. These factors render agricultural land attractive only to owners who do not live on the land because they degrade the lifestyle of rural residents."<sup>1</sup> Furthermore the industrialization that CAFO's bring rends the very social fabric of the rural community. "Research reveals specific examples of how industrialization disrupts social capital: (1) increases in crime rate and civil suits (ncrcrd, 1999); (2) increase in local police activity and interaction with CAFO laborers (Seipel et al., 1999); (3) increased stress and social psychological problems (Martinson et al., 1976; Schiffman et al., 1998); (4) increased childbearing among teenagers (Lobao, 1990); (5) increased justice concerns as CAFOs are located in census blocks with high poverty and minority populations (Wilson et al., 2002); (6) deterioration of relationships between hog farmers and their neighbors (Jackson-Smith and Gillespie, 2005; McMillan and Schulman, 2003b); (7) more stressful, less neighborly relations in general (Constance and Tuinstra, 2005; Smithers et al., 2004); (8) decline in community services, leaving an area with fewer or poorer quality public services and fewer churches (Fujimoto, 1977; Goldschmidt, 1978; Swanson, 1980; Tetreau, 1940); and (9) negative assessments of trust, neighborliness, networks of acquaintanceship, democratic values, and community involvement (Kleiner et al., 2000)."<sup>2</sup>

### 2. THREAT TO AIR QUALITY

Loss of air quality is unevenly distributed around CAFOs with those nearest and those downwind bearing the greatest costs. The typical pollutants found in air around CAFOs are

<sup>1</sup>

<https://www.sraproject.org/wp-content/uploads/2015/11/the-cafo-and-depopulation-of-rural-agricultural-areas.pdf>

<sup>2</sup> [http://www.pcifapia.org/images/212-8\\_PCIFAP\\_RuralCom\\_Finaltc.pdf](http://www.pcifapia.org/images/212-8_PCIFAP_RuralCom_Finaltc.pdf)

ammonia, hydrogen sulfide, methane, and particulate matter, all of which have varying human health risks.<sup>3</sup> There are more than 168 gases emitted from CAFO wastes. The most abundant are illustrated in the table below.<sup>4</sup>

**Table 1** Typical pollutants found in air surrounding CAFOs.

CAFO Emissions	Source	Traits	Health Risks
Ammonia	Formed when microbes decompose undigested organic nitrogen compounds in manure	Colorless, sharp pungent odor	Respiratory irritant, chemical burns to the respiratory tract, skin, and eyes, severe cough, chronic lung disease
Hydrogen Sulfide	Anaerobic bacterial decomposition of protein and other sulfur containing organic matter	Odor of rotten eggs	Inflammation of the moist membranes of eye and respiratory tract, olfactory neuron loss, death
Methane	Microbial degradation of organic matter under anaerobic conditions	Colorless, odorless, highly flammable	No health risks. Is a greenhouse gas and contributes to climate change.
Particulate Matter	Feed, bedding materials, dry manure, unpaved soil surfaces, animal dander, poultry feathers	Comprised of fecal matter, feed materials, pollen, bacteria, fungi, skin cells, silicates	Chronic bronchitis, chronic respiratory symptoms, declines in lung function, organic dust toxic syndrome

While all community members are at risk from lowered air quality, children take in 20-50% more air than adults, making them more susceptible to lung disease and health effects. Researchers in North Carolina found that the closer children live to a CAFO, the greater the risk of asthma symptoms. Of the 226 schools that were included in the study, 26% stated that there were noticeable odors from CAFOs outdoors.<sup>5</sup> These odors are a clear sign that hydrogen sulfide and ammonia gases are present. In addition, regarding students who reported allergies, the prevalence of wheezing within the previous year was 5% higher for those attending schools located within 3 miles of a CAFO than those students at schools located beyond 3 miles and was 24% higher for those students at schools where farm animal odor was reported to be noticeable indoors twice per month.<sup>6</sup> Children in North Carolina attending middle schools within

<sup>3</sup> [https://www.cdc.gov/nceh/ehs/docs/understanding\\_cafos\\_nalboh.pdf](https://www.cdc.gov/nceh/ehs/docs/understanding_cafos_nalboh.pdf)

<sup>4</sup> <https://www.sierraclub.org/michigan/why-are-cafos-bad>

<sup>5</sup> [https://www.cdc.gov/nceh/ehs/docs/understanding\\_cafos\\_nalboh.pdf](https://www.cdc.gov/nceh/ehs/docs/understanding_cafos_nalboh.pdf)

<sup>6</sup> Mirabelli MC, Wing S, Marshall SW, Wilcosky TC. Asthma symptoms among adolescents who attend public schools that are located near confined swine feeding operations. *Pediatrics*. 2006;118(1):e66–e75;

<https://www.humanesociety.org/sites/default/files/docs/public-impacts-factory-farms-on-communities.pdf>.

3 miles of one or more swine CAFOs and children attending schools where school staff report CAFO odors in school buildings were found to have a higher prevalence of wheezing compared with other middle school children.<sup>7</sup> Elevated risk of deaths, hospital admissions and emergency room visits from health problems such as anemia, kidney disease, and sepsis, increase for residents living at approximately 1, 3, and 6-mile distances from hog farms.<sup>8</sup> Those emissions are associated with health effects that range from throat irritation to major cardiovascular diseases and increased rates of morbidity.<sup>9</sup>

Particulate matter is of particular concern in Wyoming with persistent and prevailing winds. "Particulate matter emitted from CAFOs consists of fecal matter, feed materials, skin cells, and products of microbial degradation of feces and urine. Bioaerosols, which consist of particles of biological origin that are suspended in the air, are a major component of particulate matter from CAFOs. Endotoxins, which are produced by Gram-negative bacteria, are also a component of CAFO particulate matter."<sup>10</sup> "Populations with long-term exposure to heavier loads of particles have higher rates of both total mortality and mortality from major cardiovascular diseases, as well as increased rates of morbidity, expressed primarily as hospital admissions."<sup>11</sup>

Hydrogen sulfide is of particular concern. There are numerous and dire effects of over exposure to this heavy gas. Children are especially susceptible to the impacts of this gas because of their greater lung surface area and their body weight ratios.<sup>12</sup>

The most often cited complaint about CAFOs is the odor emanating from the facilities. The odors arise from a combination of gases including hydrogen sulfide, ammonia and carbon dioxide. Odors from waste are carried away from farm areas on dust and other air particles. Depending on things like weather conditions and farming techniques, CAFO odors can be smelled from as much as 5 or 6 miles away.<sup>13</sup> The effects on communities can be readily observed in Wheatland on a windy day or Greeley, Colorado on any day. Many states use direct regulations to control CAFO odors.<sup>14</sup> Wyoming is not one of these states. Wyoming has no regulation to protect air quality proximate to CAFOs. This leaves the responsibility for protecting air quality to the county government.

### 3. Threat to Water Quality

Water in Wyoming is a precious and limited commodity. Safe groundwater is central to rural life. Groundwater is threatened by CAFOs in a number of ways. First, equine produces up to 50 pounds of waste per day; bovine 65 pounds, and swine 11 pounds compared with ¼ pound

<sup>7</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1817697/>.

<sup>8</sup> <https://www.ewg.org/news-and-analysis/2018/09/duke-university-study-nc-residents-living-near-large-hog-farms-have>.

<sup>9</sup> National Research Council. 2003. *Air Emissions from Animal Feeding Operations: Current Knowledge, Future Needs*. Washington, DC: The National Academies Press; <https://doi.org/10.17226/10586>; <https://www.nap.edu/download/10586#>.

<sup>10</sup> [https://www.michigan.gov/documents/CAFOs-Chemicals\\_Associated\\_with\\_Air\\_Emissions\\_5-10-06\\_158862\\_7.pdf](https://www.michigan.gov/documents/CAFOs-Chemicals_Associated_with_Air_Emissions_5-10-06_158862_7.pdf).

<sup>11</sup> National Research Council. 2003. *Air Emissions from Animal Feeding Operations: Current Knowledge, Future Needs*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/10586>.

<sup>12</sup> <https://www.atsdr.cdc.gov/mmg/mmg.asp?id=385&tid=67>.

<sup>13</sup> [https://www.cdc.gov/nceh/ehs/docs/understanding\\_cafos\\_nalboh.pdf](https://www.cdc.gov/nceh/ehs/docs/understanding_cafos_nalboh.pdf).

<sup>14</sup> <https://www.cdc.gov/php/docs/menu-environmentalodors.pdf>.

in humans.<sup>15</sup> This translates into approximately 2.4 million pounds of manure per year for a small, 1000 head cow CAFO. This manure produces viruses, bacteria and chemicals which leach into groundwater and survives in the soil for extended amounts of time, contaminating the drinking supply.<sup>16</sup> The closer the CAFO is to a water supply and surface drainages, the more likely this contamination will occur.

Second, groundwater and surface water pollution commonly occurs when the manure collected at the CAFO is spread over nearby fields. The runoff from this application regularly leaches into the groundwater finding its way to rural wells.<sup>17</sup>

Third, the specific contaminants in rural water supplies from CAFOs include antibiotics, fecal coliform bacteria, and nitrates. These contaminants result in health risks, especially for infants, pregnant women and elderly.<sup>18</sup>

Third inspection frequency by the EPA responsible for water quality is declining. This is occurring even though the number of CAFOs continues to increase. Also fines and orders to change management practices are in decline.<sup>19</sup> "CAFOs are theoretically regulated by the EPA, under the Clean Water Act. However, a decade of NRDC (National Defense Resource Council) research reveals that the EPA has left these health threats largely unmonitored. In fact, the EPA lacks basic information about most CAFOs, including their location, how many animals they confine, how much waste they produce, and how they dispose of that waste."<sup>20</sup> This lack of regulation probably arises because EPA designated CAFOs as a "low enforcement priority".<sup>21</sup> Since federal and state agencies are remiss in protecting Laramie County water supplies, this responsibility falls to the county government.

#### 4. Threat of Insect Vectors

CAFOs and their waste can be breeding grounds for insect vectors. Houseflies, stable flies, and mosquitoes are the most common insects associated with CAFOs. House flies breed in manure, while stable and other flies breed in decaying organic material, such as livestock bedding. Mosquitoes breed in standing water, including watering troughs which cause mosquito infestations to rise. Flies can change from eggs to adults in only 10 days, which means that substances in which flies breed need to be cleaned up regularly.<sup>22</sup> The proliferation of insects spreads to nearby residences. The insect populations are much higher in residences located near CAFOs.<sup>23</sup>

This increase in insect populations are highly annoying to residents but can also result in health issues. Houseflies have been shown to disperse drug resistant bacteria. Since flies are attracted to human food, it is not uncommon for bacteria and pathogens to be spread to humans.

<sup>24</sup>

<sup>15</sup> <https://lpec.org/stall-waste-production-and-management/>;  
<https://www.forbes.com/sites/bethhoffman/2014/05/13/what-the-pork-china-pigs-and-poop/#155aa3014d17>; <http://livestocktrail.illinois.edu/dairy/paperDisplay.cfm?ContentID=274>.

<sup>16</sup> <https://nfu.org/2015/10/30/water-pollution-concerns-surround-cafos/>.

<sup>17</sup> [https://www.cdc.gov/nceh/ehs/docs/understanding\\_cafos\\_nalboh.pdf](https://www.cdc.gov/nceh/ehs/docs/understanding_cafos_nalboh.pdf).

<sup>18</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1817674/>.

<sup>19</sup> <https://www.circleofblue.org/2016/water-policy-politics/epa-turns-away-cafo-water-pollution/>.

<sup>20</sup> <https://www.nrdc.org/resources/cafos-what-we-dont-know-hurting-us>.

<sup>21</sup> <https://www.nrdc.org/sites/default/files/cafos-dont-know-hurting-us-report.pdf>.

<sup>22</sup> [https://www.cdc.gov/nceh/ehs/docs/understanding\\_cafos\\_nalboh.pdf](https://www.cdc.gov/nceh/ehs/docs/understanding_cafos_nalboh.pdf).

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

Mosquitos are known to spread a number of zoonotic diseases including West Nile virus, Eastern and Western equine encephalitis.<sup>25</sup> West Nile Virus has been found in every county in Wyoming.<sup>26</sup>

### 5. Threat of Disease

Some of the diseases associated with animal/human proximity are enumerated above however there are several more that should be documented. In the chart below note the various disease vectors that can arise from manure contamination which is easily spread through wind dispersion to nearby schools, residences or towns.<sup>27</sup> These pathogens are potentially life threatening to those with compromised immune systems, infants, young children, pregnant women and elderly.<sup>28</sup>

Table 2 Select pathogens found in animal manure.

Pathogen	Disease	Symptoms
<i>Bacillus anthracis</i>	Anthrax	Skin sores, headache, fever, chills, nausea, vomiting
<i>Escherichia coli</i>	Colibacillosis, Coliform mastitis-metris	Diarrhea, abdominal gas
<i>Leptospira pomona</i>	Leptospirosis	Abdominal pain, muscle pain, vomiting, fever
<i>Listeria monocytogenes</i>	Listeriosis	Fever, fatigue, nausea, vomiting, diarrhea
<i>Salmonella species</i>	Salmonellosis	Abdominal pain, diarrhea, nausea, chills, fever, headache
<i>Clostridium tetani</i>	Tetanus	Violent muscle spasms, lockjaw, difficulty breathing
<i>Histoplasma capsulatum</i>	Histoplasmosis	Fever, chills, muscle ache, cough rash, joint pain and stiffness
<i>Microsporium and Trichophyton</i>	Ringworm	Itching, rash
<i>Giardia lamblia</i>	Giardiasis	Diarrhea, abdominal pain, abdominal gas, nausea, vomiting, fever

Antibiotics are commonly used in CAFOs to promote animal growth and promote feed conversion ratios.<sup>29</sup> This overuse of drugs in CAFOs has led to measurable drug resistant

<sup>25</sup> <https://www.extension.purdue.edu/extmedia/ID/cafo/ID-353.pdf>.

<sup>26</sup> <https://health.wyo.gov/publichealth/infectious-disease-epidemiology-unit/disease/west-nile-virus/>.

<sup>27</sup> [https://www.cdc.gov/nceh/ehs/docs/understanding\\_cafos\\_nalboh.pdf](https://www.cdc.gov/nceh/ehs/docs/understanding_cafos_nalboh.pdf)

<sup>28</sup> Ibid.

<sup>29</sup> <https://ehp.niehs.nih.gov/doi/full/10.1289/ehp.8837>.

bacteria which spreads to humans through dust and contaminated water.<sup>30</sup> The Union of Concerned Scientists (2001) has estimated that 11.2 million kg of antibiotics used annually in the United States are administered to livestock as growth promoters. This compares with their estimate of 1.4 million kg for human medical use.<sup>31</sup> "Escalating resistance has raised concern that we are entering the "post antibiotic era," meaning we may be entering a period where there would be no effective antibiotics available for treating many life-threatening infections in humans."<sup>32</sup>

Influenza such as the 2009-2010 H1N1 pandemic are a real concern with Concentrated Animal Feedlot Operations. CAFOs provide an environment for influenza to mutate and adapt, then spread to nearby populations. Dust from feedlots and animal housing units contain biologically active organisms such as bacteria, mold, and fungi from feces, and feed; this dust poses a greater health hazard than does general "nuisance" dust. The emissions from CAFOs alone create problems as aerosols and act as vectors for airborne viruses.<sup>33</sup>

There are many more zoonotic and fecal matter diseases that arise from CAFOs. Most concerning is diseases are easily dispersed through wind borne dust particles, water borne transmission and human transmission. The closer a school, town or residence is to the infectious CAFO, the greater the risk is to the population.

#### **6. Legal Infringements**

When a CAFO comes calling to a neighborhood, the residents have little protection from these agricultural conglomerates. "For a rural property owner, there is probably nothing so disheartening as the news that a CAFO is moving in next door. In addition to the possible risk of the negative health effects discussed above, strong odors, flies, and the sound of thousands of animals living together in one area accompany the operation of a CAFO. Despite the infringement on residents' enjoyment of their property, neighbors of CAFOs have traditionally had limited remedies against the construction and operation of these facilities due to right-to-farm laws."<sup>34</sup> Right-to-farm laws prevent neighbors from bringing nuisance actions related to odors, flies, or other infringements on full use of private property due to proximity to a CAFO.<sup>35</sup>

A related concept is "Right of Exclusion". "The right of exclusive use or right of exclusive enjoyment—provides that those who have no claim on property should not gain economic benefit from enjoyment of the property. In other words, the right of use is exclusive to the property owner, and any violation of the right of exclusive use typically carries either payment of compensation to the rightful owner or assessment of a penalty."<sup>36</sup> Physical impairment, such as the odor or flies, in effect is a trespass on property rights and violates the right of exclusion.

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<sup>30</sup> Ibid.

<sup>31</sup> Ibid.; <https://ehp.niehs.nih.gov/doi/full/10.1289/ehp.8910>.

<sup>32</sup> Ibid.

<sup>33</sup> Donham, K. J. Association of Environmental Air Contaminants with Disease and Productivity in Swine. *American Journal of Veterinary Research*. Vol. 52. No. 10. P. 80, 1991; <http://tru.uni-sz.bg/tsj/N2.%20Vol.11.%202013/J.E.Hollenbeck.pdf>.

<sup>34</sup> <https://ilr.law.uiowa.edu/print/volume-99-issue/wont-you-be-my-neighbor-living-with-concentrated-animal-feeding-operations/>.

<sup>35</sup> Ibid.

<sup>36</sup> [https://www.adeq.state.ar.us/regs/drafts/3rdParty/reg05/14-002-R/comments/regs\\_5\\_and\\_6\\_comment\\_s\\_of\\_socially\\_responsible\\_agricultural\\_project\\_\(attachment\\_11\)\\_7-1-14.pdf](https://www.adeq.state.ar.us/regs/drafts/3rdParty/reg05/14-002-R/comments/regs_5_and_6_comment_s_of_socially_responsible_agricultural_project_(attachment_11)_7-1-14.pdf).



Therefore if a CAFO is allowed to be in close proximity to a residence, the right of exclusion is being violated by the CAFO. It is the responsibility of the government entity to in fact protect rights of exclusion for the property owner. It is unconscionable to allow one entity wishing to sell their land at a premium and move away from the CAFO to, in fact, rob the neighbors of their right of exclusion.

### 7. Loss of Quality of Life

"CAFOs impact the quality of life in rural communities in three main ways: they disrupt rural lifestyles, increase economic disparity, and deny democratic rights of rural people. Studies have confirmed the loss of freedom and independence associated with being able to freely go in and out of doors results in feelings of violation, isolation, and infringement. Backyard barbecues and visits with friends and family at farm homes always risk being disrupted by pathogen carrying odors. Social gatherings and church attendance in rural areas also may be affected by odors, but are even more affected by members of churches and social organizations who end up on different sides of the CAFO controversy. All of these disruptions of routine destroy the common sense of belonging and identity that is typically associated with ways of life or lifestyles in rural communities."<sup>37</sup>

Economically neighbors may become jealous of one of their own who is especially economically successful. However economic success of neighbor is generally accepted and even applauded as long as those who do so do not prosper at the expense of neighbors and community as a whole. CAFOs are seen as a benefit to one landowner at the expense of neighbors and community.<sup>38</sup>

Rural residents who are concerned about CAFOs have virtually no protections or rights under regulations and laws. "Some local political leaders are more than willing to defer to state and federal governments who provide minimal regulation and protection. They can then blame inadequate regulations of CAFOs on state and federal authorities rather than accept their responsibility to protect their citizens."<sup>39</sup>

### 8. Property Value Decline

In examining the decline in property value related to the proximity of CAFO's to the residence, it is important to consider whether the property or land itself is of value or whether it is in fact the "right of the property".<sup>40</sup> The value of property is not the land itself but the rights of enjoyment thereof. When a CAFO is situated nearby there is an impairment to the right of the property or enjoyment of the property as compared with its best use. "For example, odor or flies

<sup>37</sup><http://web.missouri.edu/~ikerdi/papers/Wales%20-%20inevitable%20Consequences%20of%20CAFOs.htm>.

<sup>38</sup> Ibid.

<sup>39</sup> [http://www.cafothebook.org/thebook\\_essays\\_6.htm#up](http://www.cafothebook.org/thebook_essays_6.htm#up)

<sup>40</sup> Armen A. Alchian and Harold Demsetz, "The Property Rights Paradigm," *Journal of Economic History* (53, March 1973): 16-27. See also, Harold Demsetz, "Toward a Theory of Property Rights," *American Economic Review* (57, 1967): 347-373; [https://www.adeq.state.ar.us/regs/drafts/3rdParty/reg05/14-002-R/comments/regs\\_5\\_and\\_6\\_comments\\_of\\_socially\\_responsible\\_agricultural\\_project\\_\(attachment\\_11\)\\_7-1-14.pdf](https://www.adeq.state.ar.us/regs/drafts/3rdParty/reg05/14-002-R/comments/regs_5_and_6_comments_of_socially_responsible_agricultural_project_(attachment_11)_7-1-14.pdf).

from a nearby CAFO will restrict the use and enjoyment of impaired property without compensation.”<sup>41</sup> The odor, flies or blowing particulates potentially restrict use to indoor leisure activity. It is well known that a pollutant or contamination has the consequence of reducing the appraisal of a property whether it be a chemical infestation from methamphetamine production or sewage in a nearby waterway or a proximate CAFO.

“The amount of the value loss is typically an inverse function of distance (closer properties diminish more), a function of property type (newer, nicer residences lose more), and a function of property use (farm will lose value due to diminished productivity and comparative marketability to other farm lands).”<sup>42</sup> Diminished marketability, loss of use, loss of exclusivity, loss of enjoyment can result in reduced values of 50 to 90 percent.<sup>43</sup> Other studies have found similar reductions in property value commensurate with residence proximity to the CAFO.<sup>44</sup> In another meta-analysis of the studies related to nearby property valuation it was determined, “Large adverse impacts suffered by houses that are within 3 miles and directly downwind from a CAFO are found. Beyond three miles, CAFOs have a generally decreasing adverse impact on house prices as distance to the CAFO increases.”<sup>45</sup>

A consideration in this matter is the opportunity cost to adjacent landowners. A tract of land near a CAFO can no longer be profitably subdivided into ranchettes. The property can no longer be used successfully as a resort property or hunting lodge. The opportunity for the landowner to pursue alternative uses for her/his land is absconded with by the CAFO.

#### **9. Population and CAFOs in Laramie County**

Jeff Ketcham, former Laramie County Commissioner, suggested that the regulation 2-2-111 was adopted in the early 1990's to protect citizens of Eastern Laramie County from encroachment on their land, residences and way of life by CAFOs.<sup>46</sup>

The issue of infringement on the rights of exclusive use of private property and the enjoyment thereof has become a greater issue in Eastern Laramie County, due to a marked increase in population. The table below details the rate of growth between 1990 and 2019.

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<sup>41</sup>[https://www.adeg.state.ar.us/regs/drafts/3rdParty/reg05/14-002-R/comments/regs\\_5\\_and\\_6\\_comments\\_of\\_socially\\_responsible\\_agricultural\\_project\\_\(attachment\\_11\)\\_7-1-14.pdf](https://www.adeg.state.ar.us/regs/drafts/3rdParty/reg05/14-002-R/comments/regs_5_and_6_comments_of_socially_responsible_agricultural_project_(attachment_11)_7-1-14.pdf).

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup>[https://www.researchgate.net/publication/258399091\\_The\\_Impacts\\_of\\_Animal\\_Feeding\\_Operations\\_on\\_Rural\\_Land\\_Values](https://www.researchgate.net/publication/258399091_The_Impacts_of_Animal_Feeding_Operations_on_Rural_Land_Values).

<sup>45</sup><http://faculty.chas.uni.edu/~ecker/CAFO.doc>.

<sup>46</sup> Phone conversation with Jeff Ketcham 11/22/2019.

	1990 <sup>47</sup>	2019 <sup>48</sup>	Density 1990 (Sq. Mile)	Density 2019 (Sq. Mile)	% Change
Laramie County	73142	98460	27.5	37.0	34.6%
Cheyenne	50008	63957	1754.7	2244.11	27.9%
Rural County	23134	34.503	8.79	13.11	37.8%

The population in rural Laramie County has grown significantly faster than that of Cheyenne. The population of the rural county is becoming more dense. This means now and in the future as this growth continues there will be greater need for protections of residents outside the zoned portion of the county not less. Reducing protections is a short sighted solution which does not address the growth of the county now and in the future.

### 9. Government Responsibility

The Clean Waters Act (CWA) of 1972 is the law regulating the pollution of waters. The Act is primarily enforced by the Environmental Protection Agency and Department of Environmental Quality (DEQ). CAFOs have been designated "point source" or a primary source of pollutants.<sup>49</sup> Though effluent guidelines were developed for CAFOs in 1974, exemptions were soon extended to feedlots. The EPA designated CAFOs as low enforcement priorities with regulation left primarily to the states.<sup>50</sup> States statutes such as those in Wyoming maintain only the minimum protections of water and air required by the federal statutes.<sup>51</sup>

The county commissioners of Wyoming have been charged by W.S. 18-5-201, "To promote the public health, safety, morals and general welfare of the county, each board of county commissioners may regulate and restrict the location and use of buildings and structures and the use, condition of use or occupancy of lands for residence, recreation, agriculture, industry, commerce, public use and other purposes in the unincorporated area of the county."<sup>52</sup> The county is charged with going beyond the minimal laws of the state to promote the public health, safety, morals and general welfare of the county. The allowance of CAFOs reduced proximity to schools, towns and residences in no way fulfills this commission.

The zoning in Cheyenne and surrounding environs protects citizens from unwanted or unsavory growth in residential areas. However the remainder of Laramie

<sup>47</sup> <https://www.census.gov/prod/cen1990/cph2/cph-2-52.pdf>.

<sup>48</sup> <http://worldpopulationreview.com/us-counties/wy/laramie-county-population/>.

<sup>49</sup> <https://www.nrdc.org/sites/default/files/cafos-dont-know-hurting-us-report.pdf>.

<sup>50</sup> Ibid.

<sup>51</sup> <https://law.justia.com/codes/wyoming/2010/Title35/chapter11.html>.

<sup>52</sup> <https://law.justia.com/codes/wyoming/2012/title18/chapter5/section18-5-201/>.

County only has the protection of the County Commissioners and the regulations they promulgate. The role of the county commission is to act in the best interest of the residents of the county. It is not simply to acquiesce to the level of the least protection, state statute.

Sister states have already experienced the threat of CAFOs to their communities. Wyoming and Laramie County has significantly fewer of these facilities. While Iowa, North Carolina, Indiana, Minnesota, California, South Carolina and Michigan now try to address concerns and costs of these industrial facilities to the welfare of the public, Wyoming and Laramie County have the enviable position of learning from the mistakes of these entities. They/we have an opportunity to avoid the mistakes and get it right before we are beset with large numbers of CAFOs. Minimal regulations are not the answer. Reduced regulation will doom our state and county to repeat the mistakes of so many other states.

Addendum:

The trailer from this film, yet to be released, provides a visual example of the grave concerns we lifelong Wyominites and Laramie County natives have for our land. My hope is my granddaughters who are the fourth generation on our land can raise their grandchildren on the same land with the same quality of life.

<https://righttoharm.film/>

Sincerely,



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**APPENDIX E**

**Greeley County, Nebraska**

**Commercial Feedlot Regulations**

**DRAFT**

## 6.5 COMMERCIAL FEEDLOT REGULATIONS

The following provisions shall be considered by the Planning Commission and the County Board when an application for the expansion of an existing or development of a new Commercial Feedlot has been submitted to the County. (Entire Section 6.5 amended by Resolution No. 2015-11, October 27, 2015.)

### 1. Distance Requirement

- A. Any new or expanding commercial feedlot (as defined in these Regulations) shall meet the minimum odor footprint distance requirements, in the following table, from any residence, commercial or industrial facility, or church, school or any other facility operated and/or utilized by the general public other than the residence of the confinement facilities/operations owner and/or operator.
- B. No commercial feedlot shall be closer to a separate commercial feedlot than the distance requirements for their class, Identified in the following table.
- C. The setbacks will be determined by the odor footprint procedure which is as follows:
  - a. Locate the center of the feedlot.
  - b. Draw in the wind lines for all four directions (Fig. A- rosette on page 39)
  - c. Draw in the radii — 45 degrees off the wind lines.
  - d. Using the Minimum Setback Distance Requirements, mark the setback distance on the wind line from where it exits the feedlot.
  - e. The arc in each quadrant will be swung using the center of the feedlot and the mark on the wind line to swing the arc across the quadrant.
- D. The resulting "Odor Footprint" rosette will be imposed on the aerial photographs, the result of which will be used as the official setback tool.
- E. Repairs, improvements, replacements, or expansion of existing dwellings shall be permitted where existing residences are within the setback distances. Replacement of existing residences shall not further encroach more than 200 feet upon setback.

- F. No Commercial feedlot will be located in an area which has a residence located within its odor footprint, unless the residence is under the ownership of the feedlot.

N-NE DISTANCE REQUIREMENT (OPEN LOT)

ANIMAL UNITS ALLOWED N-NE DISTANCE	FARM - FEEDLOT 15 - 1000 AU .1,980 Feet	CLASS - I 1001 - 1500 AU 2,300 Feet	CLASS - II 1501 - 2000 AU 2,600 Feet	CLASS - III 2001 - 2500 AU 2,940 Feet
ANIMAL UNITS ALLOWED N-NE DISTANCE	CLASS - IV 2501 - 3000 AU 3,260 Feet	CLASS - V 3001 - 3500 AU 3,425 Feet	CLASS - VI 3501 - 4000 AU 3,590 Feet	CLASS - VII 4001 - 4500 AU 3,755 Feet
ANIMAL UNITS ALLOWED N-NE DISTANCE	CLASS - VIII 4501 - 5000 AU 3,960 Feet	CLASS - IX 5001 - 6000 AU 4,225 Feet	CLASS - X 6001 - 7000 AU 4,490 Feet	CLASS - XI 7001 - 8000AU 4,750 Feet
ANIMAL UNITS ALLOWED N-NE DISTANCE	CLASS - XII 8001 - 9000 AU 5,015 Feet	CLASS - XIII 9001-10K AU 5,280 Feet	CLASS - XIV 10,001 - 15K AU 7,920 Feet	CLASS - XV* 15,001-20K AU 10,560 Feet

\* Maximum Size Allowed

Revised and Approved on 7-12-2016

Farm Feedlots 15 — 1,000 animal units do not require a Special Permit. They do however follow the "Odor Footprint" tool using 1/2 mile as the setback to the N-NE. (See Farm Feedlots above)

Confinement operations with pit buildings with or without lagoons will multiply the setback distance for each class of open pen setbacks by 1.5.

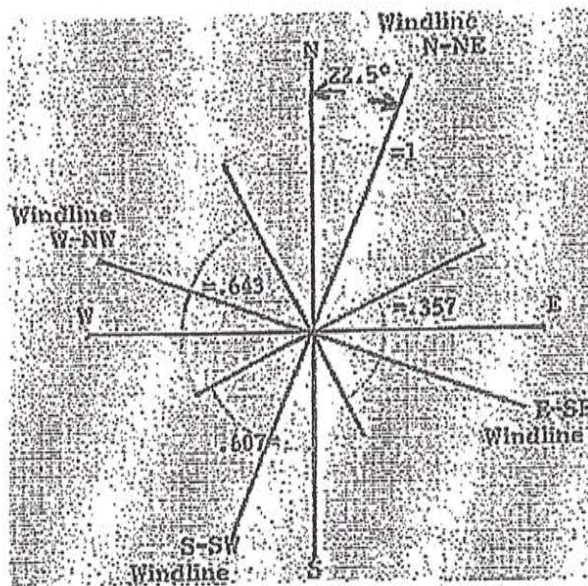


FIGURE "A"  
Setback Distances Using the Odor Footprint Tool  
Fairly open Land in Greeley County  
South - Central Nebraska (G.I. Data)

N-NE DISTANCE REQUIREMENT (OPEN LOT)

	FARM-FEEDLOT	CLASS I	CLASS II	CLASS III
Animal Units Allowed	15 - 1000 AU	1001 - 1500 AU	1501 - 2000 AU	2001 - 2500 AU
N-NE Distance	1980 feet	2300 feet	2620 feet	2940 feet
	CLASS IV	CLASS V	CLASS VI	CLASS VII
Animal Units Allowed	2501 - 3000 AU	3001 - 3500 AU	3501 - 4000 AU	4001 - 4500 AU
N-NE Distance	3260 feet	3425 feet	3590 feet	3755 feet
	CLASS VIII	CLASS IX	CLASS X	CLASS XI
Animal Units Allowed	4501 - 5000 AU	5001 - 6000 AU	6001 - 7000 AU	7001 - 8000 AU
N-NE Distance	3960 feet	4225 feet	4490 feet	4750 feet
	CLASS XII	CLASS XIII	CLASS XIV	XV*
Animal Units Allowed	8001 - 9000 AU	9001 - 10K AU	10,001 - 15K AU	15,001 - 20K AU
N-NE Distance	5015 feet	5280 feet	7920 feet	10,560 feet

THE SETBACKS ARE MEASURED FROM THE EDGE OF THE FEEDLOT.

	FARM-FEEDLOT	CLASS I	CLASS II	CLASS III
Animal Units	15 - 1000	1001 - 1500	1501 - 2000	2001 - 2500
N-NE 1	1980'	2300'	2620'	2940'
W-NW .643	1270'	1479'	1685'	1890'
S-SW .607	1200'	1396'	1590'	1785'
E-SE .357	700'	821'	935'	1050'
	CLASS IV	CLASS V	CLASS VI	CLASS VII
Animal Units	2501 - 3000	3001 - 3500	3501 - 4000	4001 - 4500
N-NE 1	3260'	3425'	3590'	3755'
W-NW .643	2096'	2202'	2308'	2415'
S-SW .607	1979'	2079'	2179'	2279'
E-SE .357	1164'	1223'	1282'	1341'
	CLASS VIII	CLASS IX	CLASS X	CLASS XI
Animal Units	4501 - 5000	5001 - 6000	6001 - 7000	7001 - 8000
N-NE 1	3960'	4225'	4490'	4750'
W-NW .643	2546'	2717'	2887'	3054'
S-SW .607	2404'	2565'	2725'	2883'
E-SE .357	1414'	1508'	1603'	1696'
	CLASS XII	CLASS XIII	CLASS XIV	CLASS XV*
Animal Units	8001 - 9000	9001 - 10K	10,001 - 15K	15,001 - 20 K
N-NE 1	5015'	5280'	7920'	10560'
W-NW .643	3225'	3395'	5093'	6790'
S-SW .607	3044'	3205'	4808'	6410'
E-SE .357	1790'	1885'	2828'	3776'

\* Maximum Size Allowed



	Farm/feedlot	CLASS I	CLASS II	CLASS III	CLASS IV	CLASS V	CLASS VI	CLASS VII
ANIMAL UNITS	15-1000	1001-1500	1501-2000	2001-2500	2501-3000	3001-3500	3501-4000	4001-4500
N-NE 1	1,980'	2,300'	2,620'	2,940'	3,260'	3,425'	3,590'	3,755'
W-NW .643	1,270'	1,480'	1,685'	1,890'	2,095'	2,200'	2,310'	2,415'
S-SW .607	1,200'	1,395'	1,590'	1,785'	1,980'	2,080'	2,180'	2,280'
E-SE .357	705'	820'	935'	1,050'	1,165'	1,225'	1,280'	1,340'
	CLASS - VIII	CLASS - IX	CLASS - X	CLASS - XI	CLASS - XII	CLASS - XIII	CLASS - XIV	CLASS - XV *
ANIMAL UNITS	4501-5000	5001-6000	6001-7000	7001-8000	8001-9000	9001-10 K	10,001-15K	15,001-20K
N-NE 1	3,960'	4,225'	4,490'	4,750'	5,015'	5,280'	7,920'	10,560'
W-NW .643	2,545'	2,715'	2,885'	3,055'	3,225'	3,395'	5,095'	6,790'
S-SW .607	2,405'	2,565'	2,725'	2,885'	3,045'	3,205'	4,810'	6,410'
E-SE .357	1,415'	1,510'	1,600'	1,695'	1,790'	1,885'	2,830'	3,770'

\* Maximum Size Allowed

Revised and Approved on 7-12-2016

The setbacks are measured from the edge of the feedlot.

- a. The maximum number of animal units per permit shall be limited by the Special Use Permit.
- b. Chemical sprays and poisons in accordance with label procedures and recommendations and applied by an experienced certified pesticide applicator to control insects and rodents.
- c. All ground surfaces within pens shall be so graded and compacted to insure proper drainage and maintained as such.
- d. Application shall be so controlled that soil or manure is not carried into any ditch, roadway or drainage area or onto a neighbor's property.
- e. A management plan for the facility, acceptable to the Nebraska Department of Environmental Quality and the Greeley County Board, which provides for the proper disposal of animal waste and dead animals in a manner as not to contaminate ground water or any stream, creek or river and minimizes odor. Waste disposal by spraying or spreading shall be practiced in accordance with the best management practices consistent with the manure management plan approved by NDEQ or other state agency having authority to approve the same. (NOTE - see definition of "Best Management Practice" in Article 3, Section 3.3 of this Zoning Regulations)
- f. Recognizing the progress being made by the livestock industry developing methods of protection the environment and improving feeding methods of livestock through nutritional benefits, the Special Permit shall be reviewed by the Planning Commission and County Board during the existence of the Special Permit.

- g. The Planning Commission and County Board of Commissioners may include additional conditions as may be needed to provide for the protection of the environment and the minimum intrusion upon neighboring properties. Those additional conditions may include, but shall not be limited to:
  - 1. A more stringent seepage requirement from lagoons storing livestock waste than required by state or federal requirements or agencies.
  - 2. Groundwater tests from wells at or near the commercial feedlot. These tests should be taken at least annually or more often if needed depending on the facts and circumstances of each application. The date or dates of the testing may be specified in the Special Permit. Results of these tests shall be submitted to the zoning administrator either by direct copy from the testing lab or submitted immediately to the Zoning Administrator by the Applicant.
- h. CAFO'S that have their DEQ Nutrient Management Plan on file at the County Planning and Zoning office in order to apply their waste without having to have a County Permit but must follow DEQ guidelines.

G. For land **not** on the DEQ Nutrient Management Plan:

The owner of the land upon which commercial livestock waste is applied or disposed of, must have an Administrative Conditional Use Permit and shall be responsible for ensuring that the following minimum sanitation and odor practices are followed:

- 1. There shall be no storage of livestock waste within a designated flood plain or floodway.
- 2. Application shall be so controlled that soil or manure is not carried into any ditch, roadway or drainage area or onto neighbor's property.
- 3. Livestock waste from concentrated pit buildings and/or buildings with outside lagoons only, shall be directly injected into the soil, or with the approval of a Special Permit may be applied through an irrigation system.
- 4. Storage of commercial livestock waste hauled to land where it is to be applied, is limited to 6 months to receive and apply. Storage must be one-half (1/2) mile away from any residence.

H. The spreading of Commercial Biodegradable Material including, and not necessarily limited to, sludge, Soilbuilder I, Soilbuilder II, paunch, etc., on land within Greeley County shall be subject to the following regulations:

1. **Definitions** — See Section 3.3 Definitions
2. **Permits** - This section applies to all land application of Commercial Biodegradable Material.
  - a. **Permit Required.** The term "permit" as used in this Section refers to Special Permit.
  - b. **Activities or Operations.**
    - 1) Any person who is proposing to land apply Commercial Biodegradable Waste shall submit to the Zoning Administrator a permit application on a form designated and furnished by the Zoning Administrator at least thirty (30) days prior to physical construction and/or operation, whichever is applicable.
    - 2) The thirty (30) days requirement may be reduced with the approval of the Administrator.
    - 3) Operation shall not commence until a permit is issued.

**2. Contents of Application**

- A. All applicants shall provide a Best Management Plan, which shall contain the following information:
1. The activity or operation conducted by the applicant, which required a permit and a brief description of the nature of the business;
  2. The owner/operator' s name, address, telephone number, ownership status, and status as federal, state, private, public or other entity;
  3. The legal description of each location of the activity or operation, and common or mailing address;
  4. The name and distance to the nearest surface water from the activity or operation; and