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Town Officials Force Farmer to Appeal Excessive Permit Requirements

April 30, 2007-Green Bay, WI- The Dairy Business Association of Wisconsin ("DBA") today applauded the decision by the Larson Family to appeal the Town of Magnolia's March 27th action to a state appeals board. Larson filed the appeal with the state's Livestock Facility Siting Review Board last week. "Even though the Town approved of Larson's application and issued a Conditional Use Permit, the conditions placed on the operation by the approval are illegal and conflict with the State's Livestock siting law, said Laurie Fischer, Executive Director of DBA and one of the chief lobbyists who worked on adoption of the state law. "The excessive conditions -- after the Town found Larson's application satisfied the state standards-- left the Larson family with little choice," Fischer said.

The Town Board of Magnolia Town of Rock County issued Larson a permit following months of delay and countless hearings, often violating the procedural safeguards granted to farmers under the state's siting law in the process. By issuing the CUP, the Town Board found that Larson's application satisfied the standards under the state livestock facility siting law; however, the Town Board went on to include conditions in the CUP which go beyond the standards in the state law, Fischer said. "The Town Board imposed conditions that relate to issues that are the jurisdiction of the DNR and that conflicts with the siting law," Fischer continued, "The Larson family had little choice but to appeal the decision."

Fischer said the Town Board spent thousands of dollars to pay for their lawyer and to hire experts, but not one of them testified that Larson's application failed to meet the state standards. Fischer said the Town Board ignored letters and presentations from the Department of Agriculture -- the state agency that staff the state appeal board-- about the siting law and the limitations it places on local boards. "The Town Board flaunted state law and did not engage in a fair process." Fischer said. "Now this farmer has to spend more money to get them to play by the rules. We urge the State Livestock Facility Siting Board to send local governments a message that the rules set forth by the Legislature must be followed."