



Livestock Facility Siting

What livestock facilities are covered under ATCP 51?

ATCP 51 covers new and expanded *livestock facilities* over 500 animal units in local jurisdictions that have a permit requirement (unless the local government grandfathered a lower threshold prior to Nov. 1, 2006). An expansion is an increase in the maximum number of “animal units” kept for at least 90 days in any 12-month period. An expansion may or may not involve the construction or alteration of livestock structures. A change in livestock structures does not trigger a local siting permit requirement, unless accompanied by an increase in “animal units” that triggers the permit requirement (local building codes may apply).

Currently existing facilities may initially expand “animal units” by up to 20% without triggering a permit requirement (even if expanded facility is more than 500 AU). For example:

- A 490 animal unit facility may expand to 588 animal units without a permit, even if the local permit threshold is 500 animal units.
- A 600 animal unit facility may expand to 720 animal units without a permit.
- A 490 animal unit facility expanding to 750 animal units (more than 20%) will need a permit.
- A 600 animal unit facility expanding to 1000 animal units (more than 20%) will need a permit.

Who needs a siting permit?

- Only new or expanding farms that increase animal units by more than 20% and exceed 500 animal units (*limited exceptions*)

AND

- Only if those animal units will be at the farm for at least 90 days in a 12 month period

AND

- Only if a town or county requires a permit.

What is a livestock facility?

Livestock facilities are feedlots, dairy farms or other operations where livestock will be fed, confined, maintained, or stabled for a total of 45 days or more in any 12-month period. The facility includes all of the tax parcels of land on which the facility is located, but does not include pasture or winter grazing areas.

Related livestock facilities are livestock facilities that are owned or managed by the same person, and related to each other in at least one of the following ways:

1. They are located on the same tax parcel or adjacent tax parcels of land;
2. They use one or more of the same livestock structures to collect or store manure;
3. At least a portion of their manure is applied on the same landspreading acreage.

Related livestock facilities (other than “separate species facilities”) are collectively treated as a single livestock facility, for purposes of local approval.

Separate Species Facility

ATCP 51 allows an existing livestock facility to add a separate species facility without triggering local permit requirements.

A *separate species facility* may be treated as a separate livestock facility (not part of a related livestock facility) if certain conditions are met. In order to be treated as a separate livestock facility, a *separate species facility* must meet **all** of the following criteria:

1. Must have only one type of livestock

The livestock type may not be found on the related facility. Thus, cattle and poultry operations may be treated separately, but dairy and beef cattle operations may not. Milking cows, calves, heifers and steers are all “cattle.” Turkeys, ducks, geese and chickens are all “poultry.”

2. Must have no more than 500 “animal units.”
3. Must separate its housing and manure storage from the related facility by at least 750 ft or the two related facilities must have fewer than 1000 animal units when combined.

Examples of separate species facilities

- In a community that regulates at 500 “animal units,” if an existing 450 “animal unit” dairy facility adds a 450 “animal unit” poultry facility, neither facility will need a permit (neither facility reaches the permit threshold).
- In a community that regulates at 500 “animal units,” if an existing 700 “animal unit” dairy facility adds a 450 “animal unit” poultry facility, neither facility will need a permit if the facilities are at least 750 ft apart (the new poultry facility is under the permit threshold, and the existing dairy facility has not expanded).
- In a community that regulates at 300 “animal units” (grandfathered ordinance), if an existing 450 “animal unit” dairy facility adds a 450 “animal unit” poultry facility, the new poultry facility will need a permit but the existing dairy facility will not.
- An operator of a 1,600 “animal unit” cattle feedlot may not divide the feedlot into 4 parts, and claim that no local permit is required because each part has fewer than 500 “animal units.”

For more information, contact the livestock siting program manager at 608-224-4613.