



Livestock Facility Siting

Issues to Consider -- Should we permit large livestock facilities?

This fact sheet provides a list of issues that local governments may wish to consider when deciding whether or not to permit livestock facility siting. The fact sheet also provides limited information about other regulatory options the local government may wish to explore.

Scenario 1: Local government does not currently require siting permits for livestock facilities

You may not require permits for livestock facilities until you adopt an ordinance. You can do this at any time. If you adopt an ordinance, the ordinance must meet the siting law.

Scenario 2: Local government already requires permits for livestock facilities:

Existing town or county zoning ordinances that require permits to site large livestock operations must begin using the livestock facility siting rule and application as of the effective date of the rule (May 1, 2006). If you want to continue requiring permits for livestock facilities, your ordinance must be revised to incorporate requirements of the livestock siting law and rule. If you do not update your ordinance you cannot disapprove any large livestock operations. Ordinances can be adopted at any time.

Things to Consider (both scenarios):

1. What does the community think? Do residents and livestock operators want local regulation?
2. What does your comprehensive plan say about livestock agriculture and where it should be located? (i.e. promoting good land use, economic development, incompatible uses, open space preservation)
3. What are the issues surrounding larger livestock operations? (i.e. road weights, noise, odor, water quality).
4. What options are available to address these issues?
 - Zoning regulations, with or without conditional use permits – Is zoning present or supported in your community? One agricultural zone or multiple zones? Prohibit large livestock operations in some zones or not?
 - Health and environmental regulations (operating/licensing permits)
 - Other water quality programs (WPDES permits, nonpoint pollution standards, LWRM plans)
 - Targeted local regulations (i.e. road weight)

5. What will it take to administer a local livestock facility siting ordinance that meets state law? Does the town or county have the personnel and financial capacity to do these tasks or hire others to do these tasks? If not, who could help?
 - Write or amend an ordinance (set fees, set procedures, establish setbacks, use state standards)
 - Provide applications and answer questions
 - Review applications
 - Meet state-mandated timelines
 - Prepare written decisions
 - Keep records
 - Monitor and enforce compliance with permits

We've decided to require permits. What do we need to do?

1. You may require conditional use permits for livestock operations over 500 animal units (AU). However, the only conditions you can require, in most cases, are the state siting standards included in ATCP 51. The standards must be included in your ordinance. This can be done by reference.
2. If you are adopting an ordinance for the first time, you must use a permit threshold of 500 AU or higher. Existing ordinances (in place before July 19, 2003) had to be revised to adopt the siting law by Nov. 1, 2006 to grandfather a lower threshold. Your ordinance must use the state method to count animal units.
3. If you have (or plan to have) more than one agricultural zone and intend to limit the size of livestock facilities in any of those agricultural zones (e.g. A-2 and A-3 zones), as indicated in a comprehensive plan, you must 1) have at least one agricultural zone where livestock facilities of all sizes may be located (e.g. A-1) and 2) include in the ordinance the public health and safety reasons that you are using to exclude large livestock facilities from the other agricultural zone(s). Livestock operations can be excluded from non-agricultural zones.
4. Your ordinance may require more stringent standards for livestock facilities that need a permit. If you choose to adopt more stringent standards, the standards must be necessary to protect public health and safety, and be based on scientifically defensible findings of fact. More stringent standards can be appealed to the livestock facility siting review board.
5. Local building setbacks will continue to apply, as long as they do not exceed the state maximums. You should review or consider the setbacks used in your ordinance. You may include the new 350' setback for new manure storage structures. You can choose to adopt smaller setbacks.

6. Consider if you wish to charge a fee. The fee may be different for different size applicants. The fee may not exceed \$1000, yet can be less.
7. You can enforce the conditional use permit issued under your ordinance. Include any enforcement process in your ordinance. You may wish to include the siting appeals process in the ordinance.
8. Once adopted submit your ordinance to DATCP, although failure to do so does not negate the ordinance.
9. You must submit all approved or denied applications to DATCP.
10. All required permit timelines must be met (45 days to determine application complete; 14 days after completeness to notify adjacent property owners; 90 days after completeness to approve or disapprove application; 30 days after notification of appeal to provide records to appeals board). You must issue written decisions and keep all records for 7 years.
11. Begin considering developing or revising your ordinance now. It is better to have a siting ordinance in place prior to learning about a proposed expansion.