



Livestock Facility Siting

Understanding the siting statute and rule

The Livestock Facility Siting Law (Act 235 and s.93.9 Wis. Stats) creates a predictable framework for county and municipal decisions to site new or expanding livestock facilities. The siting rule (ATCP 51) sets the standards local governments must use, and livestock operators must follow, to receive a permit. This fact sheet provides some highlights of the law relating to local government's rights and responsibilities.

Rights and responsibilities under the siting statute (s. 93.90)

1. Local governments *choose* whether or not to regulate the siting of livestock facilities. Local governments can regulate by zoning without permits, zoning with conditional use permits, or licensing permits with or without zoning. Regulation can be at the municipal or county level. **Local governments do not have to regulate the siting of livestock facilities.** The state will not regulate siting in the absence of local regulation.
2. Local governments that decide to regulate livestock facilities are now limited in their ability to prohibit or disapprove facilities based on the siting law.
3. Agricultural zoning districts can establish in accordance with comprehensive plans.
 - a. Livestock operations may be prohibited in non-agricultural zones.
 - b. If only one agricultural zone is established, livestock facilities cannot be prohibited based on size in that zone.
 - c. If more than one agricultural zone is established, local government can designate size limits for livestock facilities based on public health or safety reasons, however at least one agricultural zoning district must allow for livestock facilities of all sizes.
 - d. Conditional use permits for livestock facilities with more than 500 animal units can be required.
4. Local governments can require licensing permits for livestock facilities with more than 500 animal units. Licensing permits can apply in zoned and un-zoned areas.
5. The requirements of the siting law can be adopted into a local ordinance at any time.

Rights and responsibilities under the siting rule (ATCP 51)

1. Local government may require permits (either conditional use or licensing) to site livestock facilities having 500 or more animal units. Note: some local governments that modified existing ordinances elected to grandfather a smaller animal unit threshold. This is no longer an option. Preexisting ordinances had to be modified to adopt siting prior to Nov. 1, 2006 to maintain a lower animal unit threshold.
2. When deciding to approve or deny a permit application for a proposed facility, a local government must use the standards, application and process set by DATCP rule (ATCP 51).