

# Livestock Facility Siting



Chris Clayton

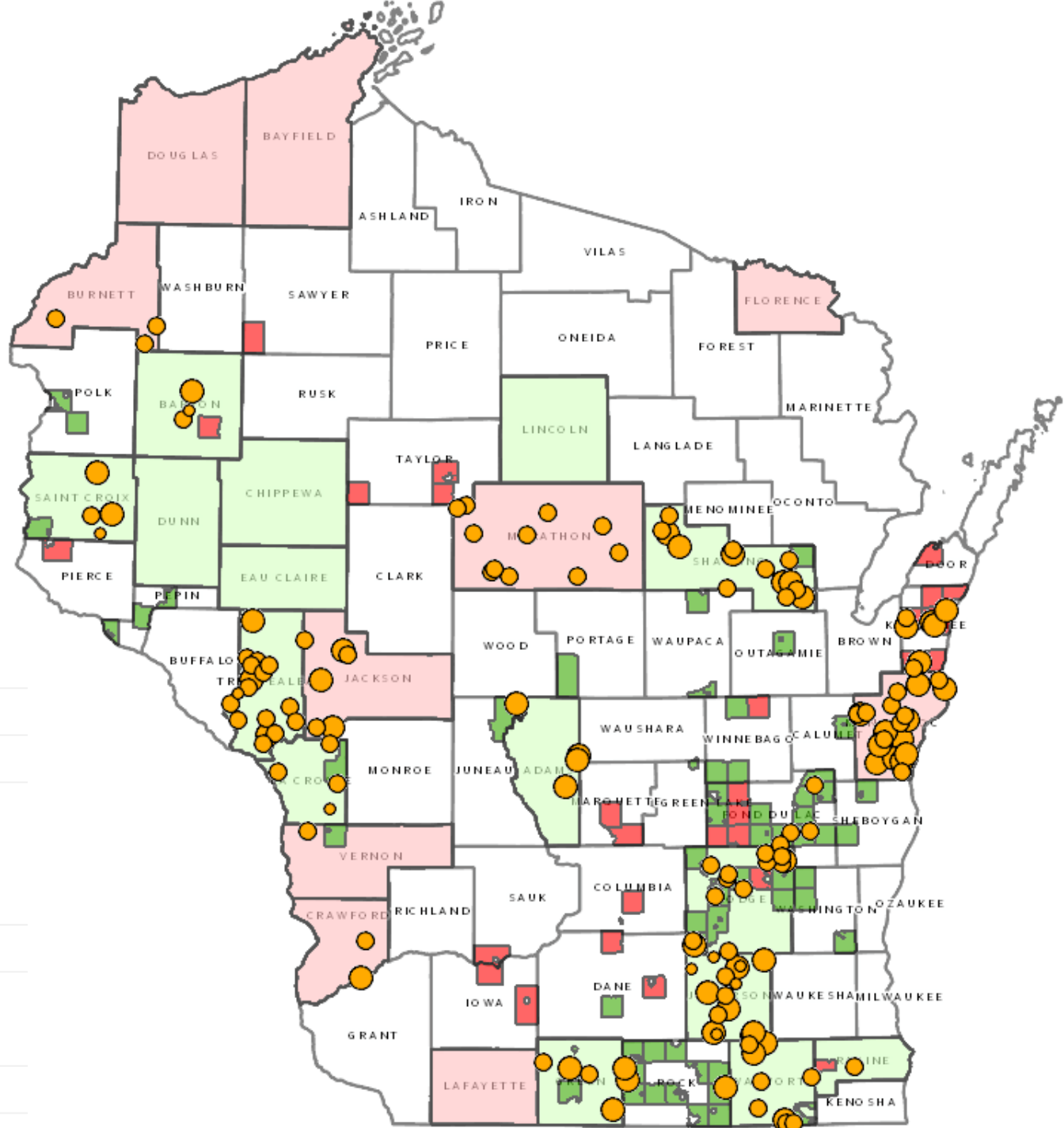
Division of Agricultural Resource Management

# Livestock siting law & rule

- Livestock siting is a local program
  - Local governments have a choice to regulate
  - Siting permits are locally issued and enforced
  - Local permits are based on uniform statewide standards and process
- ATP 51 enacted in 2006

# Livestock siting law & rule

- Adopt siting authority through local ordinance
  - Zoning
  - Licensing
- Siting works through local planning and zoning
  - Local governments may use planning and zoning to manage land uses
  - Special rules for restricting livestock operations in agricultural zones
- Livestock siting is an operations ordinance



— Livestock Siting Permits

- 1 - 500 Animal Units
- 501 - 1000 Animal Units
- > 1000 Animal Units

— Livestock Ordinances

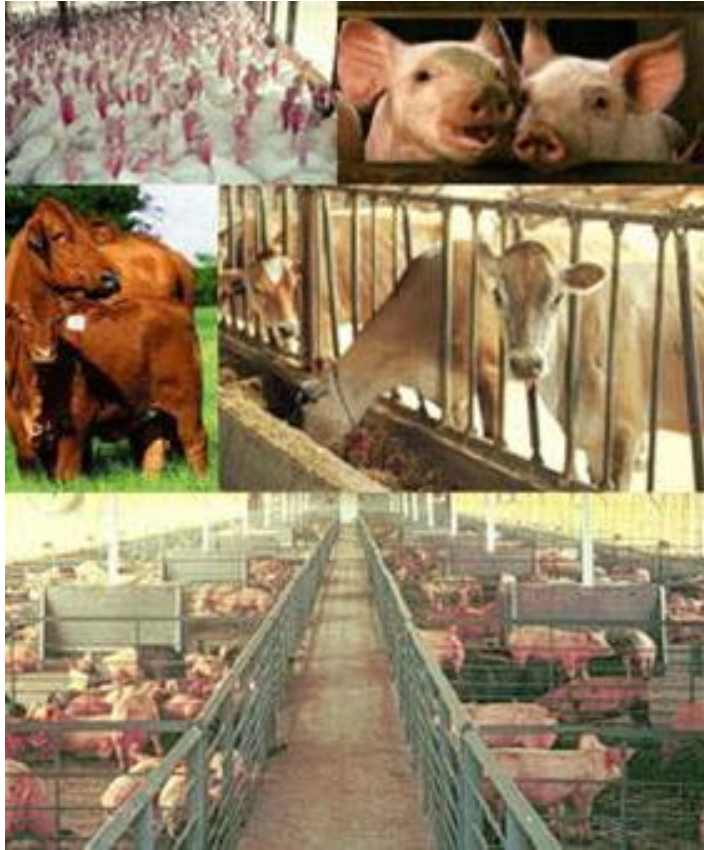
— Town or City Ordinance

- Zoning
- Licensing

— County Ordinance

- Zoning
- Licensing

# Permit thresholds



- Covers production agriculture: cattle, swine, poultry, sheep, goats
- Starts at 500 Animal Units
  - 357 milking cows
  - 1,250 pigs
  - 50,000 layers
- Special conditions for expansions

# Siting standards

<b>Standard</b>	<b>Covered by CAFO permits</b>
<b>Setbacks for Structures</b>	<b>No</b>
<b>Odor Management</b>	<b>No</b>
<b>Waste and Nutrient Management</b>	<b>Yes</b>
<b>Waste Storage</b>	<b>Yes</b>
<b>Runoff Management</b> <b>-- Animal Lot</b> <b>-- Feed Storage</b>	<b>Yes</b> <b>Yes</b>

# Setbacks

- Property line and road setbacks
  - 100 – 200 foot maximums depending on size
  - 350 feet for manure storage
- Water quality and well setbacks



# Odor management



- Applies to new facilities over 500 AU and expanding facilities over 1000 AU
- Predicts odor from manure storage, housing, and animal lots
- Credits odor control practices
- Addresses distance from neighbor




# Nutrient management standard

- Land applications of waste must comply with NRCS 590 nutrient management standard
- The siting application accounts for:
  - Amount of waste generated
  - Facility's storage capacity
  - Percentage of waste to be land applied
  - Acres available for land application
- Signed by qualified nutrient management planner

# Waste storage standard

- If new, meet design and construction standards
- If existing, certify not leaking or failing, or abandon properly
- Certify capacity
- Signed by licensed engineer or practitioner

<small>Amended: 11/04/Jan, 2005</small>		<b>Worksheet 4</b>	
 <b>Wisconsin Department of Agriculture, Trade &amp; Consumer Protection</b> 2811 Agriculture Drive, PO Box 8911, Madison WI 53708-8911 Phone: (608) 224-4611 or 608-224-4610			
<b>Waste Storage Facilities</b>			
<b>Instructions:</b> This worksheet must be signed by a registered professional engineer or certified agricultural engineering practitioner. This worksheet must identify every waste storage facility in the proposed livestock facility (including storage structures and transfer systems).			
<b>New or Substantially Altered Facilities:</b> Design specifications for the following new or substantially altered waste storage facilities comply with NRCS Technical Guide Standards 313 (November 2004) and 634 (November 2004):			
Identify each facility and attach design specifications for each facility			
<b>Existing Facilities Retained:</b> The following waste storage facilities will continue in use without substantial alteration. Each facility meets one of the following:			
<input type="checkbox"/> The facility (list each facility _____) was constructed of concrete or steel or both, was constructed within the last 10 years according to then-existing NRCS technical standards, and shows no apparent signs of structural failure or significant leakage.			
<input type="checkbox"/> The facility (list each facility _____) was constructed within the last 3 years according to then-existing NRCS technical standards, and shows no apparent signs of structural failure or significant leakage.			
<input type="checkbox"/> The facility (list each facility _____) was constructed NRCS technical standards that existed at the time of construction, is in good condition and repair and shows no apparent signs of structural failure or significant leakage.			
<input type="checkbox"/> The facility (list each facility _____) is in good condition and repair, shows no apparent signs of structural failure or significant leakage, and is located on a site at which the soils and separation distances to groundwater comply with NRCS technical guide manure storage facility standard 313, table 1 (November, 2004).			
<input type="checkbox"/> The facility (list each facility _____) is in good condition and repair, shows no apparent signs of structural failure or significant leakage, is located entirely above ground, and is located on a site at which the soils comply with NRCS technical guide manure storage facility standard 313, table 5 (November, 2004).			
<b>Storage To Be Abandoned:</b> The following waste storage facilities will be closed according to a closure plan that complies with NRCS Technical Guide Standard 360 (June 2001). Attach closure plan for each facility			
<b>Total Storage Capacity:</b> The waste storage facilities in the proposed livestock facility have a combined useable storage capacity of _____ cubic feet (cannot include required "freeboard" in useable capacity).			

Applicant Signature _____	Date _____
Professional Engineer's Embossed Seal	
Print Name of Engineer (include WI License No.) or Certified Practitioner _____	
Signature of Engineer or Practitioner _____	Date _____
Name of Firm and Address _____	

# Runoff management standard



- Animal lots
  - Control runoff
- Feed storage
  - $\geq 70\%$  moisture
  - Control runoff
- Incorporates nonpoint runoff standards and prohibitions

# More stringent local standards



- Can implement if:
  - Adopted in ordinance
  - Based on scientifically defensible findings of fact
  - Justified by public health and safety
- State approval required if more stringent standards are related to water quality (s. 92.15, Wis. Stats.)

# Adopting more stringent ordinances

<i>Requirement</i>	<i>Livestock Perf. Std/Prohibs. (s. 92.15)</i>	<i>Livestock Facility Siting (s. 93.90)</i>
Justification	Needed to achieve water quality standards	Necessary for public health and safety  Supported by scientific findings of fact
State approval	Yes	No
Code	NR 151.096  ATCP 50.60	ATCP 51.10


# Standardized process

- Required state application
- Decision-making timeline
  - 45 days for completeness determination
  - 90 days for decision
  - Record of decision including approval or denial in writing
- \$1,000 maximum fee

# Review of permit applications

- Presumption of compliance
- Local government may request documentation
  - To substantiate the nutrient management checklist in the application
  - To confirm acreage available for manure spreading
- Local government must
  - Record decision-making
  - Issue a written decision
  - Include findings of fact in the decision

ws-100-1104 August 2005



**Wisconsin Department of Agriculture, Trade and Consumer Protection**  
 2811 Agriculture Drive, PO Box 8911, Madison WI 53708-8911  
 Phone: (608) 224-4622 or (800) 224-4500

Wis. Statutes s. 93.90  
Wis. Adm. Code ch. ATCP 51

## Application for Local Approval New or Expanded Livestock Facility

1. Legal Name of Applicant (Business Entity):			
2. Type of Business Entity: check one			
<input type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> Partnership	<input type="checkbox"/> Cooperative
<input type="checkbox"/> Trust	<input type="checkbox"/> Other	Describe:	
3. Other names, if any, under which applicant does business (list all):			
4. Contact Individual:		Name:	
Phone:		E-mail:	
5. Business Address: Street Address:			
City/Village/Town:		County:	State: Zip:
6. Principal Owners or Officers (list if applicant is an entity other than an individual):			
Name:		Title:	Phone:
Address:		City:	State: Zip:
Name:		Title:	Phone:
Address:		City:	State: Zip:
Name:		Title:	Phone:
Address:		City:	State: Zip:
7. Description of Proposed Livestock Facility			
Check one: <input type="checkbox"/> New Livestock Facility <input type="checkbox"/> Expanded Livestock Facility			Premises ID:
Address of Proposed Livestock Facility:			
City/Village/Town:		County:	State: Zip:
Town #	Range # (E or W)	Section #	¼ Section #

# Takeaways

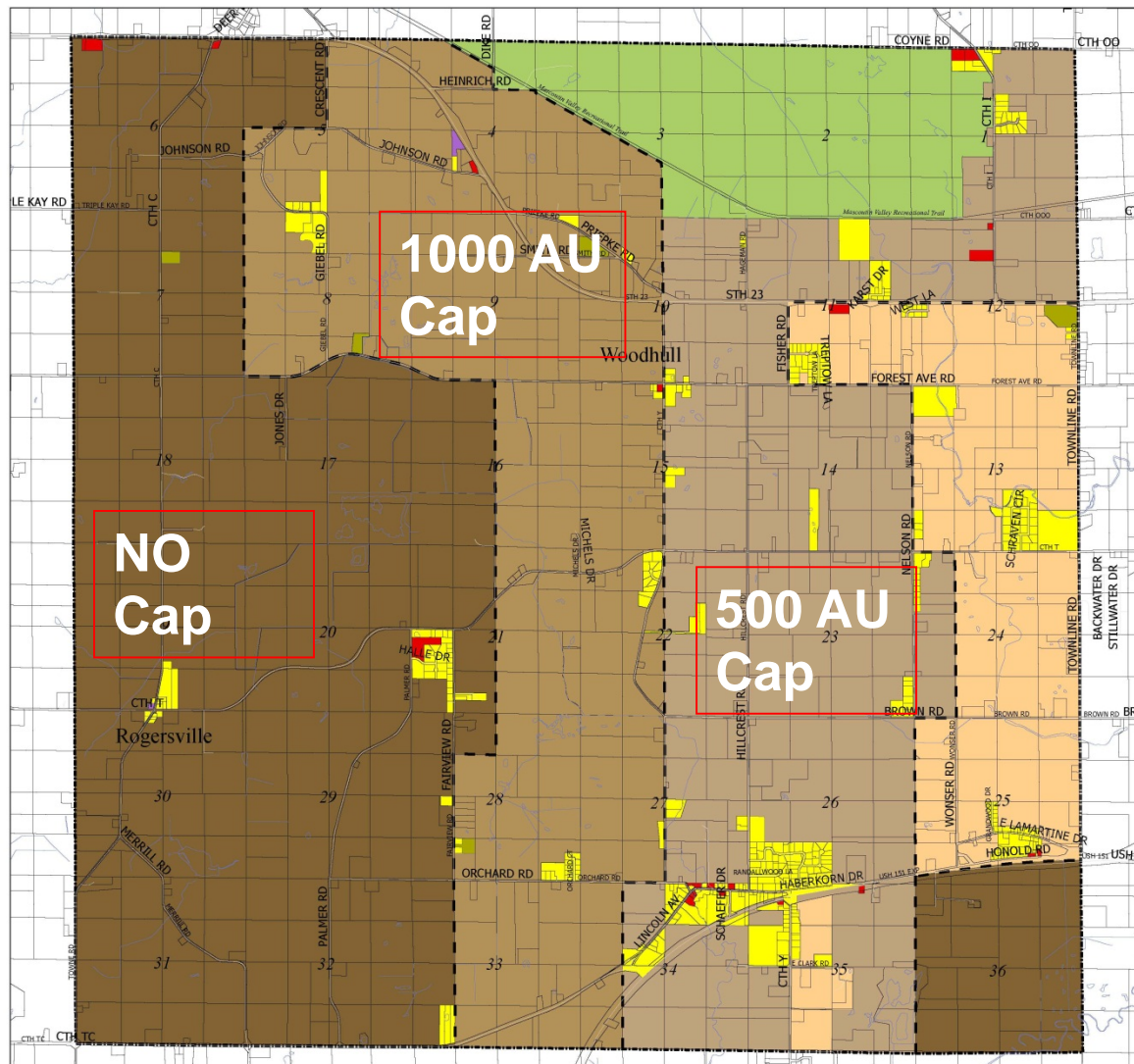
- Siting affirms local control
- Siting limits use of local control
  - Standardizes livestock siting adoption and administration
  - Standardizes the authority to impose conditions when issuing a permit
  - Permit cannot be used to cap livestock facility size
- Options to consider
  - Adopt more stringent standards under siting
  - Monitor compliance
  - Update manure storage ordinance
  - Use planning and zoning to address land uses



# Siting law

- The law includes special requirements for zoned agricultural districts
- Local ordinance can exclude or cap the size of a livestock operation if
  - Another ag district (e.g. A-1) allows livestock operations of all sizes
  - Exclusion is based on reasonable and scientifically defensible findings of fact necessary to protect public health and safety

# Zoning districts, not permits, can be used to cap facility size



## Legend

### Zoning Districts

- Intensive Farmland Preservation
- Concentrated Farmland Preservation
- Moderate Farmland Preservation
- Transitional Ag
- Conservancy
- Residential
- Rural Residential
- Business
- Industrial

# Questions?

Chris Clayton

[christopher.clayton@wi.gov](mailto:christopher.clayton@wi.gov)

608-224-4630

Richard Castelnovo

[richard.castelnovo@wi.gov](mailto:richard.castelnovo@wi.gov)

608-224-4608

DATCP Website

[livestocksiting.wi.gov](http://livestocksiting.wi.gov)