



## Livestock Facility Siting

### Planning and Zoning

#### How can we use zoning to control the location of livestock facilities?

A local government can use their local planning and zoning authority to assist in making siting decisions. A local zoning ordinance may *prohibit* livestock operations:

- In a non-agricultural zoning district. Under this option, a livestock facility cannot be located in a residential, commercial or other zoning classification, other than an agricultural zone.
- Based on the number of animal units in an agricultural district if there is at least one other agricultural district that allows operations of all sizes. In order to enforce this, the local government must adopt the prohibition based upon reasonable and scientific findings of fact that clearly show the prohibition is necessary protect public health or safety.

#### What factors determine whether a zoning district is “agricultural?”

The title of the district is a starting point, but it does not provide the final answer. It is critical to examine the statement of purpose of the zoning district and the specific terms including uses and restrictions. These will provide important information on the true design and function of the district.

#### When should we amend our *existing* ordinance if we prohibit livestock facilities over a certain size in one or more agricultural districts?

Now! If a local government has an existing zoning ordinance that prohibits livestock facilities over a certain size within one or more agricultural districts and wishes to continue to enforce this prohibition, the ordinance must be amended now to be in compliance with the siting law (effective on October 1, 2005).

#### How can we use multiple agricultural zoning districts to control the location of livestock facilities?

A local government can develop multiple agricultural zoning districts with varying permitted or conditional uses. These districts and uses should be consistent with existing comprehensive plans and farmland preservation plan.

#### Examples of multiple agricultural districts and uses

- Livestock Intensive Agriculture Zone: operations of all sizes could be permitted or conditional uses.
- General Agriculture Zone: livestock operations > 500 AU (or lower threshold set prior to July 19, 2003) could be a conditional use.
- Transitional Agriculture Zone: prohibit livestock operations over a certain size such as 50 AU.

#### Are we required to submit our ordinance to DATCP for certification if we modify our farmland preservation zoning to include new types of farmland preservation zones?

Yes, if a town or county intends to change its farmland preservation ordinance to create new types of farmland preservation zones, these ordinance amendments must be certified under the Farmland Preservation law and must be consistent with the County Farmland Preservation Plan. To obtain ordinance certification, the local government must apply to the DATCP by submitting a completed copy of the “Application for Farmland Preservation Zoning Ordinance Certification” which can be accessed at <http://workinglands.wi.gov>.