



## Setback Requirements

The setback requirements in the rule address the location of livestock structures at a facility with respect to property lines, road right-of-ways, and for the protection of surface and ground water resources.

*The rule does not establish state-mandated setback requirements.* Instead, the rule establishes a state maximum which local governments may not exceed. The local setback distances already established by ordinance still apply up to these state maximums. In many cases, these existing local setbacks are lower than the state maximums.

### Setback requirements for NEW livestock structures:

#### 1. Property line setbacks:

- Local setbacks, up to 100 feet from a property line (for facilities of <1000 a.u.)
- Local setbacks, up to 200 feet from a property line (for facilities with at least 1000 a.u.)
- At least 350 feet from a property line for a new waste storage structure
  - An applicant may add one new storage structure, within 350 feet of a road right of way or property line, if the new structure is:
    - no closer to the road right of way or property line than a "grandfathered" existing structure,
    - no larger than the existing structure, and is
    - no more than 50 feet from the existing grandfathered structure

#### 2. Public road right-of-way setbacks:

- Local setbacks, up to 100 feet from public road right-of-way (for facilities of <1000 a.u.)
- Local setbacks, up to 150 feet from public road right-of-way (for facilities with at least 1000 a.u.)
- At least 350 feet from a public road right-of-way for a new waste storage structure
  - An applicant may add one new storage structure, within 350 feet of a road right of way or property line, if the new structure is:
    - no closer to the road right of way or property line than a "grandfathered" existing structure,
    - no larger than the existing structure, and is
    - no more 50 feet from the existing grandfathered structure

#### 3. Comply with existing water quality ordinances and well code:

- Local shoreland zoning ordinances
- Local wetland zoning ordinances
- Local floodplain zoning ordinances
- State well code (NR 811 and 812)

## **Setback requirements for EXISTING livestock structures:**

Existing livestock structures are not subject to the same setback distances as new livestock structures. In this sense, these existing livestock structures are “grandfathered.”

Grandfathered structures are allowed to expand so long as the expansion will not further encroach on public road right-of-ways and property lines, or otherwise violate local water quality ordinances and the state well code. An applicant should be aware that existing waste structures can only be continued in use if they are shown to be in compliance with NRCS technical standards.

## **To determine the local setbacks for your livestock structures and options for a variance, contact:**

- County office, if county ordinance regulates siting
- Town office, if siting is regulated at the local town level

## **For more information about standards under the Wisconsin Well Code:**

- NR 811 and NR 812 of the Wisconsin Administrative Code, located on the Internet at <http://www.legis.state.wi.us/rsb/code/>

For more information about livestock siting contact the program manager at 608-224-4630.