

- **Sec. 20-1167. - Procedures for siting livestock facilities.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

(a)

These procedures apply to livestock facilities that require a conditional use permit under this chapter which are all new or expanded livestock facilities that will have five hundred (500) or more animal units.

(b)

Permits for existing livestock facilities.

(1)

A permit is required for the expansion of a pre-existing or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed all of the following:

a.

The applicable size threshold for a conditional use permit established in the zoning district where the facility is located.

b.

The maximum number previously approved or, if no maximum number was previously approved, a number that is twenty (20) percent higher than the number kept on May 1, 2006, or on the effective date of the permit requirement, whichever date is later.

(2)

A permit is not required for livestock facility that existed before May 1, 2006, or before the effective date of the permit requirement in this division, except as provided in subsection (1).

(3)

A permit is not required for livestock facility that was previously issued a conditional use permit or other local approval, except as provided in subsection (1). A prior approval for the construction of a livestock facility implies approval for the maximum number of animal units that the approved livestock facility was reasonably designed to

house, except as otherwise clearly provided in the approval. Prior approval of a single livestock structure, such as a waste storage structure, does not constitute prior approval of an entire livestock facility.

(c)

Application procedures. In addition to the standard conditional use application requirements of section 20-1161, a livestock operator must complete the application and worksheets prescribed by § ATCP 51, including any authorized local modifications. The application requirements specified in § ATCP 51, Wis. Adm. Code, are incorporated by reference, without reproducing them in full. The application form and worksheets establish compliance with the standards in ATCP 51 and this division.

The operator must file four (4) duplicate copies of the § ATCP 51 application form, including worksheets, maps and documents (other than engineering design specifications) included in the application.

(d)

Application fee. In addition to the standard conditional use filing fee, a non-refundable § ATCP 51 application fee as established by board of supervisors resolution shall accompany an application.

(e)

Application review procedure.

(1)

Within forty-five (45) days after the development services department receives an application, it shall notify the applicant whether the application is complete. If the application is not complete, the notice shall describe the additional information needed. Within fourteen (14) days after the applicant provides all of the required information, the department shall notify the applicant that the application is complete. This notice does not constitute an approval of the proposed livestock facility.

(2)

Within fourteen (14) days after the department notifies an applicant that the application is complete, the department shall notify adjacent landowners of the application. The department shall use the approved notice form in § ATCP 51, and mail a written notice to each adjacent landowner.

(3)

The economic development and land use planning committee shall grant or deny an application within ninety (90) days after the notice of a complete application is provided as required by subsection (2) above. The economic development and land use planning committee may extend this time limit for good cause, including any of the following:

a.

The committee needs additional information to act on the application.

b.

The applicant materially modifies the application or agrees to an extension. The committee shall give written notice of any extension. The notice shall specify the reason for the extension, and the extended deadline date by which the committee will act on the application.

(f)

Public hearing. The economic development and land use planning committee will schedule a public hearing on the application within ninety (90) days after issuing notice of a complete application.

(g)

Standards. The standards for issuing a permit are as follows:

(1)

The state livestock facility siting standards adopted under § ATCP 51, Wis. Adm. Code. These standards are incorporated by reference, without reproducing them in full.

(2)

Setbacks authorized by this chapter.

(h)

Criteria for issuance of a permit.

(1)

A permit shall be issued if the application for the proposed livestock facility contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets the standards

specified in the ordinance. Note: If the application and worksheets prescribed by ATCP 51 are properly completed, there is a rebuttable presumption that the applicant has met the application requirements.

(2)

A permit may be denied if any of the following apply:

a.

The application, on its face, fails to meet the standard for approval.

b.

The political subdivision finds, based on other clear and convincing information in the record, that the proposed livestock facility does not comply with applicable standards in this division.

c.

Other grounds authorized by W.S.A., § 93.90, that warrant disapproving the proposed livestock facility.

(3)

No conditions may be imposed on the permit other than the standards provided in this chapter.

(i)

Record of decision.

(1)

The economic development and land use planning committee shall issue its decision in writing. Its decision shall be based on written findings of fact supported by evidence in the record.

(2)

In the event that a permit is approved, the applicant shall receive a duplicate copy of the approved application, marked "approved." The duplicate copy must include worksheets, maps and other documents (other than engineering specifications) included in the application.

(j)

Notice to the department of agriculture, trade and consumer protection. Racine County, as required by § ATCP 51.34(5), within thirty (30) days of the county decision on the application shall do all of the following:

(1)

Give the department of agriculture, trade, and consumer protection written notice of the county decision.

(2)

File with the ATCP a copy of the final application granted or denied, if the county has granted or denied an application under this chapter. (The copy shall include all of the worksheets, maps and other attachments included in the application, except that it is not required to include the engineering design specifications).

(3)

If the county has withdrawn a local approval under this division, file with the department a copy of the county final notice or order withdrawing the local approval.

(k)

Expiration of permit. A permit remains in effect regardless of the amount of time that elapses before the livestock operator exercises the authority granted under the permit, and regardless of whether the livestock operator exercises the full authority granted by the approval. However, the political subdivision may treat a permit as lapsed and withdraw the permit if the permit holder fails to do all of the following within two (2) years after the issuance of the permit:

(1)

Begin populating the new or expanded livestock facility.

(2)

Begin constructing all of the new or expanded livestock housing or waste storage structures proposed in the permit application.

(l)

Permit modifications. The operator may make reasonable changes that maintain compliance with the standards in this division, and the county shall not withhold

authorization for those changes. It is Racine County's responsibility to determine what changes are reasonable.

(m)

Compliance monitoring. The county shall monitor compliance with the chapter as follows:

(1)

Upon notice to the livestock facility owner, request the right of the zoning administrator to personally view the permitted facility at a reasonable time and date to ensure that all commitments of the application as approved are being complied with.

(2)

If the livestock facility owner refuses the zoning administrator the right to view the permitted facility, the zoning administrator may request the assistance of the sheriff or deputy sheriff to obtain an inspection warrant from the circuit court to inspect the permitted facility for the purpose of protection of the public health and safety under W.S.A., § 66.0119.

(3)

If a permitted facility is found not to be in compliance with the commitments made in the approved application, the zoning administrator shall issue a written notice to the livestock facility owner stating the conditions of non-compliance and directing that compliance of the commitments of the approved application be complied with in a reasonable amount of time stated in this notice.

(4)

If non-compliance of the permit conditions as described in the written notice given by the zoning administrator continue past the stated reasonable time to comply, the zoning administrator may take further action as provided in this division, including, but not limited to, issuance of a citation or seeking of injunctive relief.

(5)

If the livestock facility owner disputes that the conditions of the permit have not been complied with, the livestock facility owner may request a hearing in writing within five (5) days of receipt of the notice of non-compliance. The economic development and land use planning committee shall schedule a hearing within five (5) days to determine if the conditions of the permit have been complied with or whether non-compliance of

the commitments of the approved application and local approval exists. The date of the hearing shall be based on the economic development and land use planning committee's published hearing schedule.

(n)

Terms of the permit. A permit and the privileges granted by a permit issued under this chapter are conditioned on the livestock operator's compliance with the standards in this chapter and with commitments made in the application for a permit. Racine County is authorized to suspend a permit or seek other redress provided in this division for non-compliance.

(o)

Transferability.

(1)

A permit and the privileges granted by the permit run with the land and remain in effect, despite a change in ownership of the livestock facility, as long as the new operator does not violate the terms of the local approval. An applicant may record with the register of deeds, at the applicant's expense, the duplicate copy of the approved application.

(2)

Upon change of ownership of the livestock facility, the new owner of the facility shall file information with the county clerk providing pertinent information, including, but not limited to, such information as the name and address of the new owner and date of transfer of ownership.

(Ord. No. 2006-91, 10-26-06; Ord. No. 2008-127, 2-10-09; Ord. No. 2020-110, 4-13-21)