

Animal Feeding Operations and Concentrated Animal Feeding Operations

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Introduction

Albemarle County has experienced increasing public interest in Animal Feeding Operations (AFOs) and Concentrated Animal Feeding Operations (CAFOs) in recent months. Accordingly, the Albemarle County Board of Supervisors directed County staff to perform research pertaining to AFOs and CAFOs and provide a report presenting the findings of the research. To assist in this effort, the County contracted Berkley Group, a Virginia-based local government consulting firm. The research effort led by Berkley Group included the following:

- Identification of consistent terminology for AFOs and CAFOs, as guided by applicable state and/or federal regulations;
- Analysis of relevant *Code of Virginia* requirements, including the Right to Farm Act and its constraints on local regulation of agricultural operations;
- Survey of practices, including identification of Virginia localities that have adopted zoning standards specific to intensive livestock, dairy, or poultry facilities; and
- Interviews with comparison locality staff and state agency representatives.

This report does not recommend Zoning Ordinance amendments, nor does it propose action items for the County. The intent of this report is not to prescribe an outcome or recommended course of action, but rather to provide an informed framework for evaluating whether and how AFOs and/or CAFOs should be addressed within the County's regulatory structure.

What are Animal Feeding Operations?

According to the U.S. Environmental Protection Agency (EPA), an Animal Feeding Operation (AFO) is an agricultural operation where animals are kept and raised in confined situations. Federal regulations ([40 CFR § 122.23](#)) and [9VAC25-31-10](#) of the Virginia Administrative Code define an AFO as a lot or facility, other than an aquatic animal production facility, where both of the following conditions are met:

- Animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and
- Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

AFOs can include operations involving beef cattle, dairy cattle, swine, poultry, horses, sheep, and other livestock. Depending on the number and type of animals, waste discharge methods, and other regulatory criteria, an AFO may also meet the definition of a CAFO as discussed on page 5 of this report.

AFOs are not regulated in the same manner as CAFOs; however, the U.S. EPA cites several environmental risks associated with AFOs. Manure and wastewater from AFOs can potentially generate multiple environmental pollutants, including but not limited to sediments, pathogens, hormones, organic matter, nutrients, and antibiotics.

What are Concentrated Animal Feeding Operations?

A Concentrated Animal Feeding Operation (CAFO)¹ is an AFO that meets certain size and/or waste discharge criteria established under federal and state regulations. Under [40 CFR § 122.23](#) of the Code of Federal Regulations and [9VAC25-31-10](#) of the Virginia Administrative Code, CAFOs are then further classified as large, medium, or small. This classification is based on the type and number of animals confined and, in certain cases, whether certain waste discharge conditions are present.

According to the U.S. EPA, CAFOs are considered point, or direct and traceable, sources of pollution under the federal Clean Water Act. As a result, CAFOs are subject to applicable permitting requirements of the National Pollutant Discharge Elimination System (NPDES), which regulates the discharge of point-source pollutants into waterways. In Virginia, this is administered as the Virginia Pollutant Discharge Elimination System (VPDES).

The primary reason CAFOs are regulated under the Clean Water Act is due to both high water usage and waste handling and discharge practices. A liquid manure handling system is common practice: manure is collected, mixed with water, stored in tanks or pits, and then periodically pumped into tankers to be transported and applied to fields. Solid manure handling may also be used. In this system, manure is scraped from floors from the facility, stored in piles or storage areas, and then transported and applied to fields. Poultry facilities tend to use litter sheds, or enclosed agricultural structures used to safely store dry litter until it can be applied to cropland. In any case, manure can also be sold and transported for application on another farm or operation, even those in other localities where a CAFO is not present. This process is further regulated through a nutrient management plan (see page 13).

State regulations explicitly prohibit confined animals from directly coming into contact with surface waters of the state; for example, swine confined in a CAFO cannot be released from the CAFO to access a stream.

¹ Note that “concentrated” and “confined” are both used depending on the type of permit required. For purposes of consistency within this report, Berkley Group will use “concentrated”, as this is what is included in federal law and generally used by DEQ, unless directly quoting the *Code of Virginia* or local regulations.



Example liquid manure storage pit (top left) and lagoon (top right).
Image Credit: Virginia Tech Environmental Health and Safety (left); Google Maps (right)



Example poultry facility with litter shed. Image Credit: Google Maps

The operator of a CAFO is responsible for initiating the permit application process, which is managed by the Virginia Department of Environmental Quality (DEQ). DEQ is then responsible for reporting associated data to the U.S. EPA. Additional information about DEQ standards, permitting, and facility inspection can be found on page 13.

Large CAFOs

An AFO is classified as a Large CAFO when it confines at least the applicable number of animals shown in the table on the following page. The animal thresholds are consistent across both Virginia ([9VAC25-31-10](#)) and federal law.

Animal Category	Minimum Threshold – Large CAFO
Mature Dairy Cows (Milked or Dry)	700
Veal Calves	1,000
Cattle (Heifers, Steers, Bulls, and Cow/Calf Pairs)	1,000
Swine, each weighing 55+ pounds	2,500
Swine, each weighing less than 55 pounds	10,000
Horses	500
Sheep or Lambs	10,000
Turkeys	55,000
Laying Hens or Broilers (if AFO uses liquid manure handling system)	30,000
Chickens (if AFO uses other than liquid manure handling system)	125,000
Laying Hens (if AFO uses other than liquid manure handling system)	82,000
Duck (if AFO uses liquid manure handling system)	5,000
Ducks (if AFO uses other than liquid manure handling system)	30,000

Medium CAFOs

An AFO is classified as a Medium CAFO when the number of confined animals falls within the applicable range shown in the table below *and* at least one of the following conditions is met:

- Pollutants are discharged into surface waters of the state through a man-made ditch, flushing system, or other similar man-made device; or
- Pollutants are discharged directly into surface waters of the state that originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

Animal Category	Animal Number Range – Medium CAFO
Mature Dairy Cows (Milked or Dry)	200 – 699
Veal Calves	300 – 999

Cattle (Heifers, Steers, Bulls, and Cow/Calf Pairs)	300 – 999
Swine, each weighing 55+ pounds	750 – 2,499
Swine, each weighing less than 55 pounds	3,000 – 9,999
Horses	150 – 499
Sheep or Lambs	3,000 – 9,999
Turkeys*	16,500 – 54,999
Laying Hens or Broilers (if AFO uses liquid manure handling system)	16,500 – 29,999
Chickens (if AFO uses other than liquid manure handling system)	37,500 – 124,999
Laying Hens (if AFO uses other than liquid manure handling system)	25,000 – 81,999
Duck (if AFO uses liquid manure handling system)	1,500 – 4,999
Ducks (if AFO uses other than liquid manure handling system)	10,000 – 29,999
<i>*Note: The Virginia Administrative Code definition for Medium CAFO does not include turkeys; However, federal definitions include this value for turkeys under the Medium CAFO definition.</i>	

Small CAFOs

A Small CAFO is an AFO with fewer animals than the Medium CAFO thresholds that has been specifically designated as a CAFO by the appropriate regulatory authority. Under [40 CFR § 122.23](#) and Virginia regulations, an AFO may be designated as a CAFO based on whether it is determined to be a substantial contributor of pollutants to waterways, even when it does not otherwise meet the numerical thresholds for a Large or Medium CAFO. To make this determination, the state director must conduct an on-site inspection of the operation, and must find that pollutants from the facility are either discharged into waterways through a manmade drainage system or discharged into waterways after originating from another source and passing through the facility or otherwise coming into direct contact with confined animals.

Poultry-Specific Definitions

For Virginia permitting purposes, the Virginia State Water Control Law (SWCL) and the Virginia Pollution Abatement (VPA) Permit Regulation have more specific definitions for poultry CAFOs. These definitions are generally *below* the thresholds established in federal law for medium and large CAFOs, and are as follows:

- **Virginia SWCL (§ 62.1-44.17:1.1):** "Confined poultry feeding operation" means any confined animal feeding operation with 200 or more animal units of poultry. This equates to 20,000 chickens or 11,000 turkeys regardless of animal age or sex.
- **VPA (9VAC25-32-10) and VPA Poultry GP Regulation (9VAC25-630-10):** "Confined poultry feeding operation" means any confined animal feeding operation with 200 or more animal units of poultry.

Note that all confined poultry feeding operations in Virginia are required to apply for and obtain coverage under the VPA permit system. Additional definitions established for permitting purposes can be found in Appendix A.

The Code of Virginia and the Right to Farm Act

In Virginia, localities regulate where agriculture is permitted through their Zoning Ordinances, while state agencies regulate the pollution outputs of farm operations and enforce standards for livestock health and food safety. Local regulation of agricultural activities on land zoned for agriculture is limited by the Right to Farm Act ([Code of Virginia § 3.2-300 et seq.](#)) and related sections of the *Code of Virginia*.

What is the Right to Farm Act?

The Right to Farm Act protects legitimate agricultural operations from certain local zoning restrictions and nuisance claims. It does not exempt farms from complete regulation, nor does it prevent localities from adopting reasonable zoning standards tied to public health, safety, and welfare. The Act has three primary purposes:

1. Defining Agricultural Operations

The Right to Farm Act (§ 3.2-300) defines agricultural operations, specifying these entail "any operation devoted to the bona fide production of crops, animals, or fowl, including the production of fruits and vegetables of all kinds, meat, dairy, and poultry products, nuts, tobacco, nursery, and floral products and the production and harvest of products from silviculture activity." Livestock housing is also considered an agricultural operation.

For purposes of determining what constitutes "livestock", Code of Virginia § 3.2-6500 provides the following: "all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervid animals (deer); caprid animals (sheep and goats); animals of the genus *Lama* or *Vicugna*; ratites (emus, ostriches, etc.); fish or shellfish in aquaculture facilities, as defined in § 3.2-2600; enclosed domesticated rabbits or hares

raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.”

2. Limiting Local Zoning Regulation

The Right to Farm Act specifies that, on land zoned as an agricultural district or classification, localities are prohibited from requiring a special use permit or special exception for production agriculture or forestry. Agricultural operations must be permitted by-right without conditional approval.

However, a locality may establish reasonable and evidence-based supplemental standards in their zoning ordinances, if they have a direct relationship to the general health, safety, and welfare of the community. Examples of acceptable supplemental standards include those related to minimum lot size and additional setbacks from property lines or roads, assuming they do not unreasonably restrict the agricultural operation and can be directly linked to public health, safety, and welfare.

3. Protecting Agricultural Uses Against Nuisance Claims

In addition to limiting local land use regulation of legitimate agricultural operations, the Right to Farm Act states that an agricultural operation generally cannot be declared a public or private nuisance if it is in "substantial compliance" with 1) applicable state regulations and 2) applicable best management practices. The agricultural operation is presumed to substantially comply unless demonstrated otherwise. This protection also extends to entities having a business relationship with the agricultural operation, which may potentially include businesses involved in producing, processing, purchasing, or handling the operation's products.

Additionally, the Right to Farm Act clarifies that a person generally cannot bring a nuisance claim against an agricultural operation if the operation's existence was known, or reasonably could have been known, when that person began using or occupying the affected property.

The Right to Farm Act is intended to protect legitimate agricultural operations and promote their continued viability. It is important to note that the Right to Farm Act does *not* include protections for negligence claims or claims for pollution. The Right to Farm Act also does not prevent localities from having *any* form of oversight over agricultural operations.

Additional Code of Virginia Requirements

Code of Virginia Title 15.2, Chapter 22 (Planning, Subdivision of Land and Zoning; [§ 15.2-2200 et. seq.](#)) provides additional requirements for what localities either must include in their land use ordinances or are prohibited from regulating.

Code of Virginia [§ 15.2-2288](#) complements the Right to Farm Act by reinforcing the protection of legitimate agricultural operations. This law provides that, if property is zoned for agricultural use, a locality must allow legitimate agricultural operations on that property without requiring conditional or special approval. However, this protection does not extend to processing (e.g., a commercial slaughterhouse or processing mill), the aboveground storage or application of sewage sludge², or the storage or disposal of excavation waste or debris. While legitimate agricultural operations must be permitted, localities may still adopt generally applicable requirements, also consistent with the Right to Farm Act.

Ultimately, while farming and other legitimate agricultural operations must be allowed by-right in an agricultural district, these uses may still be subject to additional zoning standards. A locality generally *cannot* require case-by-case discretionary approval of the farming activity itself, but it *can* regulate matters such as where structures are located on the property and the minimum acreage an operation must have.

Other considerations for agricultural uses include requirements for localities to allow certain small-scale conversions of biomass without conditional approval ([§ 15.2-2288.1](#)); limiting local regulation of licensed farm breweries, wineries, and distilleries ([§§ 15.2-2288.3 - 15.2-2288.3:2](#)); and limiting local regulation of agritourism ([§ 15.2-2288.6](#)).

AFOs and CAFOs are considered to fall under the definition of “agricultural operation” provided in the Right to Farm Act, and therefore cannot be evaluated on a case-by-case basis in a locality zoning ordinance. While neither the Right to Farm act nor *Code of Virginia* § 15.2-2288 explicitly address regulation of impacts such as noise, odor, and dust, these are widely considered to be inherently associated with activities necessary to support bona fide agricultural production, such as tilling or fertilizer application. Locality zoning ordinances therefore cannot explicitly limit the noise, odor, or dust generated by facilities. Some even state that residents in these zoning districts can expect to experience these effects. For example, Rockingham County’s [Zoning Ordinance](#) states that, in the Prime Agricultural (A-1) district, “Agricultural and forestal activities shall be

² Biosolids are defined in [VAC25-790-10](#) as a type of sewage sludge that has received additional treatment, with application and distribution being further regulated by the VPA and VPDES permit systems. Poultry litter and manure are *not* considered sewage sludge; the application of poultry litter or manure is regulated by the VPA permit system through an approved nutrient management plan.

regulated only to the extent necessary to protect public health and safety. People who choose to live in the A-1 district should expect agricultural and forestal activities to produce noise, odors, and other effects as part of day-to-day operations.” Albemarle County’s current Zoning Ordinance expresses a similar sentiment, stating that in the Rural Areas (RA) district, “in relation to residential development, agricultural/forestal activities shall be regulated only to the extent necessary to protect public health and safety.” However, it is worth noting that in addition to DEQ requirements, the U.S. EPA has [additional laws and regulations](#) applicable to other agricultural activities, such as the handling of hazardous waste, pesticide application, and the operation of farm vehicles and machinery. These laws and regulations are largely intended to mitigate air pollution, although mitigating odor and noise could be considered a secondary intent or effect.

In Summary: Local Authority over Agricultural Uses

Virginia Localities CAN...

- Establish agricultural zoning districts and determine where agricultural operations are allowed
- Adopt objective and consistent requirements for agricultural zoning districts, such as setbacks, minimum lot area, and minimum road frontage
- Apply reasonable supplemental requirements for certain agricultural operations and agritourism if they are directly related to the public health, safety, and general welfare
- Separately regulate activities that are *not* protected agricultural operations, such as commercial processing of agricultural products, the aboveground storage of sewage sludge (i.e., solid, semisolid, or liquid residues which contain materials removed from municipal or domestic wastewater during treatment), and the storage or disposal of excavation material, waste, or debris brought onto the farm from elsewhere

Virginia Localities CANNOT...

- Require conditional or special approval for a bona fide agricultural or forestry operation in a zoning district intended for primarily agricultural use
- Adopt regulations that either unreasonably restrict agricultural and forestry practices or lack a direct relationship to public health, safety, and general welfare
- Treat the same or similar agricultural operations differently within the same zoning district or classification
- Use a local nuisance ordinance to declare or stop an agricultural operation as a nuisance, if the operation is protected under the Right to Farm act

Current State Regulations and Best Practices

Virginia Department of Environmental Quality

The Virginia Department of Environmental Quality (DEQ) regulates the animal-waste outputs generated or utilized by AFOs and CAFOs. There are two types of permits that may be required for AFOs and CAFOs: general permits or individual permits. General permits govern the general management of poultry and livestock waste. Livestock AFOs and CAFOs that confine more than [300 animal units](#) of livestock (i.e., 200 mature dairy cattle or 750 swine weighing over 55 pounds each) and handle liquid manure, along with poultry AFOs and CAFOs that confine more than 20,000 chickens or 11,000 turkeys, are required to obtain coverage under either the Virginia Pollution Abatement (VPA) AFO General Program or through the VPA or Virginia Pollution Discharge Elimination System (VPDES) permit system, as guided by the U.S. EPA. The permits establish requirements related to waste utilization and monitoring; storage; soils monitoring (if land applying the animal waste); groundwater monitoring (if required by the permit); and tracking and accounting of livestock and poultry litter. These permits are primarily intended to address water quality and protection and do not explicitly regulate dust, odor, or noise generated by AFOs and CAFOs.

For each of the permit types, operations must submit individual nutrient management plans, in addition to other required documentation. A nutrient management plan is a site-specific document prepared by a certified nutrient management planner that details how the amount, placement, timing, and application of fertilizers, manure, or biosolids will be managed. This includes the application of poultry litter; if poultry litter is to be used for purposes other than land application to crops (e.g., animal feed or fuel), then other laws or regulations may apply. These plans are intended to improve and protect water quality and have minimum requirements established in [4VAC50-85-140](#). The DEQ permit is the primary mechanism of enforcing compliance with the nutrient management plan.

It is important to note that VPDES permits for livestock and poultry operations are usually not required because Virginia law does not allow routine discharges. DEQ annually reports VPDES permitting information to the U.S. EPA. As of 2024, there were 206 medium or large CAFOs in Virginia; only eight (8) required a VPDES permit³ (U.S. EPA, July 2025). Further specificity on facility location is not included in the U.S. EPA database.

DEQ requires a new permit for any new construction of a livestock or poultry operation that both meets the definition of an AFO and meets the animal units required to apply for permit coverage.

³ The U.S. EPA database cites this as NPDES; in Virginia, DEQ is authorized to administer NPDES through VPDES.

A modification of the general permit registration is required for an established and permitted operation that is either seeking expansion or construction of more poultry houses or adding additional animals beyond 10% of what is already being housed.

According to DEQ staff, operations on different parcels of land can be considered a singular animal feeding operation for permitting purposes, if there are least two animal feeding operations that meet the following criteria, pursuant to [9VAC 25-630-10](#):

- The animal feeding operations are under common ownership;
- They adjoin each other; or
- They use a common area or system for the disposal of waste.

DEQ includes its own set of minimum buffer requirements; siting and location requirements; and setbacks for operations to adhere to. Links to these specific standards can be found in Appendix A. However, the DEQ buffer standards are primarily applicable to spreading waste and are *not* minimum distance requirements for structures from roads, property lines, or other structures. DEQ staff noted these standards are sufficiently protective of human health and the environment, and will additionally reduce or eliminate issues with storage, handling, and land applications of manure.

According to DEQ staff, the most common violations associated with intensive animal-feeding operations are informal corrective actions related to documentation, such as missing signatures, missing information on land application records, or expired nutrient management plans. Another common violation is uncovered poultry manure piles. DEQ noted that both types of violations are typically brought back into compliance quickly.

DEQ monitors permitted AFOs and CAFOs and inspects alleged permit violations. According to the U.S. EPA, a facility inspection may also occur for one of the following reasons:

- Routine inspection;
- Follow-up on a citizen tip or complaint;
- Case development support after a violation has been identified;
- Follow-up inspection to ensure that the permittee has implemented required controls or best management practices; or
- Ensure compliance with settlement requirements.

Virginia Department of Agriculture and Consumer Services

The Virginia Department of Agriculture & Consumer Services (VDACS) implements the state [Agricultural Stewardship Act](#) (ASA). The purpose of the ASA is to identify water quality problems (i.e., nutrients, sediment, toxins) and help farmers correct them in a practicable manner, along with educating farmers and citizens alike about best practices and agricultural stewardship. The ASA applies to agricultural operations that are *not* already subject to DEQ permits.

The ASA program is complaint-based; investigations of agricultural operations are not initiated until a complaint is received. According to the [2025 Annual Report](#), most complaints received were associated with beef cattle operations; the most common type of complaint was for bacteria/nutrients/sediment. Less than half (44%) of complaints received during the program year were determined to be founded. The report notes that farmers involved in the correction process for complaints were cooperative in meeting the deadlines established by the ASA.

VDACS also implements the regulations covering commercial fertilizer, soil amendments, and soil conditioners, including the registration for the distribution and marketing of Class A biosolids.

Virginia Cooperative Extension

While the Virginia Cooperative Extension (VCE) is not a regulatory agency and therefore does not have review authority for AFOs and CAFOs, it coordinates with DEQ and other state agencies and provides [education and best practices](#) associated with agricultural production to farmers and other parties.

In an interview, VCE staff noted that it is uncommon to receive requests for information related to AFOs and CAFOs as most of VCE's operations are pasture-based. According to VCE staff, once an operation meets the threshold to be permitted as an AFO or CAFO, the DEQ regulatory structure is strict enough that additional local enforcement may not be warranted. Animal welfare is an associated consideration, but successful agricultural operations, by default, are already considering animal welfare. The electrical and water needs of the operation are also worth consideration, similar to how these are considered for other large-scale industries.

Current Albemarle County Ordinance Standards

Albemarle County's Zoning Ordinance permits agricultural uses by-right in the RA (Rural Areas) zoning district. The County has not adopted supplemental regulations for AFOs and/or CAFOs. Other agricultural uses – including farm wineries, farm breweries, farm distilleries, and farm-worker housing – are regulated by supplemental zoning standards. Additionally, the Zoning Ordinance includes supplemental regulations for agritourism, on-site sales, and commercial events.

Farm buildings are generally exempt from the Virginia Uniform Statewide Building Code (USBC), except for any portion used as a restaurant. Owners must attest that the buildings meet the qualifications for this exemption. However, flood-proofing requirements may apply for structures located in a delineated floodplain. Additionally, agricultural structures that require more than 10,000 square feet of land disturbance for their construction are subject to Albemarle County's Water Protection Ordinance regulations requiring management of erosion, sediment, and stormwater, as well as a land disturbance permit. DEQ also requires Virginia Erosion and Stormwater Management Program (VESMP) permits for agricultural structures if the land disturbance area exceeds one acre.

Even in the absence of use-specific performance standards, all agricultural uses – including AFOs and CAFOs – must adhere to the minimum standards established for all by-right land use in the RA zoning district, which are as follows:

- Minimum Lot Size: 2 acres
- Minimum Public Road Frontage: 250 ft.
- Minimum Internal Road Frontage: 150 ft.
- Minimum Front Yard (existing public roads)⁴: 75 ft.
- Minimum Front Yard (internal public or private roads): 25 ft.
- Minimum Side Yard: 25 ft.
- Minimum Rear Yard: 35 ft.
- Maximum Structure Height: 35 ft.

On September 1, 2026, recently adopted zoning text amendments further addressing land conservation and riparian buffer protection (Section 4.23) became effective. These amendments established supplemental standards for vegetation management and land uses within riparian buffers. The standards are intended to enhance water quality protection while specifying uses that are permitted within the riparian buffers, including those that require approval by the County's Riparian Buffer Administrator, and mitigation of their impacts.

⁴ Minimum yard indicates the minimum distance a structure must be placed from a property line or road.

Bona fide agricultural activities are permitted within defined riparian buffer areas, except for new agricultural structures located within 100 feet of the top bank of any perennial or intermittent stream or its contiguous wetland, and roads not otherwise exempt. This regulation is consistent with regulations from other Virginia localities that provide enhanced location requirements for agricultural structures (see Comparison Ordinances section). Agricultural structures are allowed outside the first 100 feet of buffer areas without restrictions on land disturbance or impervious surface coverage, provided applicable requirements for erosion and sediment control; stormwater; and DEQ permitting are met.

Albemarle County also regulates development in and around floodplain areas through the [Flood Hazard Overlay District](#). Agricultural structures must adhere to floodplain requirements and the additional land conservation standards established in the Ordinances. In general, agricultural structures cannot locate within the first 100 feet of riparian buffers or on slopes of 25% or greater.

Comparison Ordinances

The survey of practices used to develop this report included an evaluation of other Virginia locality zoning ordinances and how their standards address AFOs and/or CAFOs. Localities were selected for inclusion based on whether their zoning ordinances included supplemental regulations for intensive agriculture, which is how localities generally refer to AFOs and CAFOs. Slight preference was given to geographic location and proximity to Albemarle County. In total, 13 localities are assessed in this report, with four of those localities (Amelia, Accomack, New Kent, and Rockingham) participating in phone interviews to provide additional information on Ordinance implementation and enforcement.

Note that this is not intended to be an exhaustive list of locality regulations. The number of localities that fully or partially regulate intensive agriculture is uncertain; according to both VCE and DEQ, there is no known database of localities that have chosen to adopt additional ordinance standards for intensive agriculture. DEQ also does not recognize any locality ordinances as model ordinances.

A summary of locality regulations and commonly utilized performance standards, including a brief comparison checklist, can be found on page 76.

Accomack County

Zoning Ordinance Reference

Chapter 106, Article X, [Section 106.232 – Poultry](#)

Chapter 106, Article X, [Section 106.233 – Swine Operation Regulations](#)

Relevant Definitions

Agriculture, Intensive – The commercial raising, breeding and keeping of animals in concentrated, confined conditions, which may include such operations as swine, veal, sheep, goats; houses and pens for poultry or other fowl; feed lots for beef, dairy cattle, swine, sheep, goats, and other animals; commercial vegetable plasticulture, including staked tomatoes; livestock markets and pet farms.

Confined Poultry Operation – A structure for the occupancy of 200 or more chickens, 132 or more turkeys, or 200 or more other fowl which are not permitted to graze, roam, or exercise frequently outside the structure. This definition also includes litter storage sites, incinerators, disposal pits, manure sheds, composters, and cold storage units for the collection of dead birds.

Nutrient Management Plan – A plan developed or approved by the department of conservation and recreation that requires proper storage, treatment and management of poultry waste, including dry litter, and limits accumulation of excess nutrients in soils and leaching or discharge of nutrients into state waters.

Poultry Grower – Any permit holder, successors and/or assigns who owns and operates a confined poultry operation.

Use Permissions & Permits

- Confined Poultry Operations are permitted by-right in the Agricultural (A) zoning district.
- Confined Swine Operations are permitted by Special Use Permit in residential zoning districts.

Poultry Operations

- A zoning permit is required before construction or operation of a Confined Poultry Operation begins. Applications must include a completed form, a Site Plan drawn to scale demonstrating compliance with applicable requirements, and a landscape plan.
 - The Site Plan must identify parcel and development details, including existing and proposed buildings and structures; entrances and access roads; adjacent zoning districts or incorporated Town boundaries; and nearby streams, ditches, or other water bodies. Applicants must certify that the operation meets applicable setbacks and minimum standards and that the Site Plan accurately depicts the proposed operation.

- Zoning permits expire one (1) year after issuance unless substantial construction has occurred or, when construction is not required, the use has commenced. A copy of the approved zoning permit must be posted at the property entrance where it is clearly visible from the roadway.
- Confined Poultry Operations must obtain a Virginia Pollution Abatement (VPA) Permit from the Virginia DEQ for poultry waste management, which will establish requirements for the storage, treatment, and management of poultry waste.
 - A Virginia Pollutant Discharge Elimination System (VPDES) Permit may also be required through DEQ, and a Nutrient Management Plan must be approved by the Virginia Department of Conservation and Recreation (DCR).

Swine Operations

- Expansions of existing swine operations are permitted by right with a 200 ft. setback from any property line, which may be reduced to 50 feet with adjacent property owner consent and a vegetated buffer providing a solid visual screen.

Lot Standards

Poultry Operations

- Care should be taken in the site selection process for a Confined Poultry Operation regarding traffic safety and existing road conditions.
- Minimum Lot Size – 6 acres
- Poultry House Density – 1 house per 5 acres
- Poultry House Limit – 12 per parcel
- Minimum Separation Distance Between Poultry Operations – 400 ft.
- Minimum setbacks for any portion of a Confined Poultry Operation are as follows:
 - 500 ft. from any existing dwelling on an adjacent property;
 - Where tunnel fans are on the end next to the dwelling, the setback is at least 600 ft.;
 - 400 ft. from any existing business on an adjacent property;
 - 200 ft. from any property line;
 - 200 ft. from the center of U.S. Route 13;

- 125 ft. from the center of state or county-maintained roads;
- 150 ft. from the center of state or county-maintained roads, if tunnel fans are directed towards the road;
- 500 ft. from any property line of schools, churches, nursing homes, day care centers, campgrounds, public recreation areas, and public wells;
 - Where tunnel fans discharge towards the above-referenced uses, the setback is at least 600 ft.
- 500 ft. from incorporated Towns or residential zoning districts; improved subdivisions of 10+ lots; and mobile home parks or travel trailer parks with 10+ units;
 - Where tunnel fans point towards the above-referenced uses, the setback is at least 600 ft.
- 400 ft. from unimproved subdivisions of 10+ lots.

Swine Operations

- Minimum Lot Size – 5 acres
- Minimum Setbacks for any portion of a Confined Swine Operation are as follows:
 - 100 ft. from the nearest adjacent public road;
 - 500 ft. from any existing dwelling, business, subdivision, or mobile home park on an adjacent property.
 - This may be reduced to 200 ft. through an approved Special Use Permit, plus a vegetated buffer of trees to provide a solid visual screen along adjacent properties.
 - Lagoons for the natural processing of waste are regulated by the State Water Control Board and must be at least 1,000 ft. from the above-referenced uses.
 - 200 ft. from any property line;
 - This may be reduced to as little as 50 ft. with written consent from adjacent property owner and a vegetated buffer of trees providing a solid visual screen along adjacent properties.
 - 500 ft. from any of the following:

- Existing residential (R-20) or commercial zoning districts;
- Schools, churches, and public recreation areas; or
- Public wells and water supplies.
- This may be reduced to as little as 300 ft. through an approved Special Use Permit, plus a vegetated buffer of trees to provide a solid visual screen along adjacent properties.
- Lagoons for the natural processing of waste are regulated by the State Water Control Board and must be at least 1,000 ft. from the above-referenced uses.

Buffer/Landscaping

Poultry Operations

- A landscaping plan demonstrating adequate vegetative screening must be submitted to the Zoning Administrator unless sufficient existing vegetation is present. The buffer must be installed as follows:
 - A minimum of three (3) staggered rows which are spaced 10 to 20 feet apart, using a combination of evergreen and deciduous trees/shrubs or suitable grasses to provide effective visual screening.
 - Plant materials must meet specified spacing requirements based on plant type and size, generally ranging from three (3) to 14 feet apart.
 - Required buffers must be maintained to preserve effective screening, with dead or dying vegetation replaced with similar materials within six (6) months. The Zoning Administrator may approve modifications to the buffer.
- The Zoning Administrator may require earthen berms to protect environmentally sensitive areas and open waters from poultry litter runoff.

Swine Operations

- Vegetated buffers must provide a minimum eight-foot-high, year-round visual screen within two (2) years of the operation commencing or expanding and must consist of suitable indigenous or ornamental trees and/or shrubs.

Nutrient Management Plan

Swine Operations

- A Nutrient Management Plan, including litter, waste disposal sites, and methods must be approved by the Soil and Water Conservation District.

Nonconformities

- Existing Confined Poultry Operations that do not meet current minimum acreage or setback requirements are considered nonconforming uses/structures. If the use is discontinued for more than two (2) consecutive years, it may only resume if current standards are met or a Special Use Permit is approved to deviate from those standards.

Interview Takeaways

In an interview, Accomack County staff stated their Ordinance standards were adopted in their current form in the summer of 2017 and were most recently revised in 2024. The County Board of Supervisors, Planning Commission, and County staff spent a significant amount of time developing the initial set of standards due to the need to balance the interests of the poultry industry and the community. The 2024 Ordinance revisions were primarily intended to update definitions and introduce new landscaping and screening standards. The landscaping requirements were proposed by the Delmarva Chicken Association; the County did not introduce additional standards beyond what the Association proposed. The County also looked to similar communities in Maryland and Delaware for guidance on Ordinance requirements; however, anecdotally, it is easier to site intensive agricultural uses in Virginia due to differing requirements at the state level. County staff indicated that there was overall satisfaction with the 2024 revisions and that they seem to effectively mitigate concerns associated with visibility and screening.

While no new poultry facilities have been fully completed in Accomack County in recent years, several are under construction. Additionally, there has been a recent increase in the number of inquiries for new farms on Virginia's Eastern Shore. County residents have reported receiving letters in the mail from potential poultry farmers that they have applied for water withdrawal or other DEQ permits.

County staff noted that complaints related to intensive poultry facilities in Accomack County have largely been associated with odor, traffic, and visibility. Some complaints are associated with water contamination; while this is not regulated at the local level, County staff stated that DEQ has been quick to respond to complaints associated with water contamination.

Accomack County additionally has Zoning Ordinance standards for finfish CAFOs; however, they have not been referenced in this report as the aquaculture industry is not present in Albemarle County.

Amelia County

Zoning Ordinance Reference

Chapter 325: [Article XXIII: Intensive Animal Confinement Facilities](#)

Relevant Definitions

Animal Confinement – The keeping or raising of livestock under cover or in a confined lot for a total of 45 days or more in any twelve-month period. Examples of animal confinement include, but are not limited to, dairies, poultry houses, swine or veal operations, or feedlots.

Animal Confinement Development Plan – A plan developed by the grower/operator or potential grower/operator indicating the size, number and location of animal confinement facilities planned during a five-year period.

Animal Manure/Waste Broker – A person or corporation which possesses or controls animal manure/waste that is not generated on an animal feeding operation under its control and which transfers or hauls the animal manure/waste to other persons for lawful uses such as land application for the fertilization of crops or other lawful disposition. Such brokers are required to comply with applicable state regulations and have a business license to locate such business within the County.

Animal Units – A unit of measurement for general and intensive livestock operations. An animal unit (AU) is approximately equivalent to 1,000 pounds of live animal weight. The following scale will be used to calculate total animal units:

Animal Type	Multiplier (Each Multiplied By...)
Slaughter Cattle	1.00
Feeder Cattle	1.00
Milking Dairy Cows	1.50
Young Dairy Stock	0.60
Swine, Breeding Stock	0.40
Swine, Finishing Hog 55+ pounds	0.15
Swine, Piglets under 55 pounds	0.03
Sheep, Lambs, and Goats	0.25
Horses	2.00
Turkeys	0.02
Laying Hens and Broilers	0.01
Veal Calves	0.08
Other Livestock Not Listed Above	To be determined case by case

Bulk Animal Manure/Waste Storage – When a parcel of land is used for the storage of bulk animal manure/waste prior to land application or other lawful disposition of such waste on another property (i.e., a site used by an animal manure/waste broker for off-site storage of animal manure/waste generated from an intensive animal confinement facility or other agricultural production). Land used as an intensive animal confinement facility is not an animal manure/waste storage site for the purposes of this chapter, and shall be governed by Article [XXIII](#), or other applicable provisions contained herein. Such sites shall be compliant with all applicable local, state and federal laws and regulations. "Bulk animal manure/waste storage" shall only include sites where 10 or more tons of transferred (generated off-site) waste is stored in any consecutive 365-day period.

Composter – A structure, reviewed and approved by the Piedmont Soil and Water Conservation District, or other appropriate agency, utilized for the disposal of dead fowl.

End User Animal Manure/Waste Storage – When a parcel of land is used for the storage of animal manure/waste, not for the purposes of brokerage of such waste, but for the purposes of land application or other lawful disposition of such waste on property owned, operated or leased by the person temporarily storing such waste. Such storage shall not be considered "end user" if it occurs more than 120 days in any consecutive twelve-month period on any single parcel, and in such instance shall be subject to the regulations applicable to bulk animal manure/waste storage. Such sites shall be compliant with all applicable local, state and federal laws and regulations.

Existing Dwelling – For the purpose of this Article, either of the following shall constitute an existing dwelling:

- A structure, designed for residential use, which is occupied on the date a completed application for a livestock, dairy or poultry facility permit is received by the office of the Zoning Administrator; or
- A structure, designed for residential use, which is not occupied on the date a completed application is received, but which has been issued a certificate of occupancy or which has been occupied for a 36-month period of time within the five years immediately preceding the date on which a completed application for a livestock, dairy or poultry facility permit is received by the office of the Zoning Administrator.

Existing Livestock, Dairy, Feedlot, or Poultry Facility – A livestock, dairy or poultry facility which is occupied or has been occupied by a commercial livestock raiser, dairy or poultry facility for a

twelve-month period of time within the five years immediately preceding the date on which zoning approval is sought for a dwelling, including sites or structures which are accessories to the livestock facility, dairy or poultry facility.

Existing Natural Buffer – Any hill, trees or combination thereof which completely blocks the view of the animal confinement facilities from public roads and any existing dwellings located on properties adjoining an animal confinement building.

Feedlot – A relatively small confined land area for fattening cattle or holding temporarily for shipment.

Intensive Agriculture – Those agricultural operations where concentrated numbers of agricultural animals are confined to a relatively small space including such operations as swine, veal, sheep and poultry houses or pens, feedlots for beef, sheep and other animals, dairy farming operations, and livestock markets. For the purpose of this chapter, any enclosed field, range, pen or building where more than 300 animal units are confined or housed for more than 45 days in any twelve-month period shall constitute intensive agriculture.

Intensive Dairy Facility – A dairy operation with accessory uses or structures, as defined below, which at any one (1) time has at least 300 animal units as referenced in the above definition of "animal unit" and:

- Such animals are or will be stabled or confined and fed or maintained for a total of 45 days or more in any twelve-month period; and
- Crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.

Intensive Livestock Facility – A livestock operation with accessory uses or structures, as defined below, which at any one (1) time has at least 300 animal units as referenced in the above definition of "animal unit" and:

- Such animals are or will be stabled or confined and fed or maintained for a total of 45 days or more in any twelve-month period; and
- Crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.

Intensive Poultry Facility – A poultry operation with accessory uses or structures, as defined below, which at any one (1) time has at least 300 animal units as referenced in the above definition of "animal unit" and:

- Such animals are or will be stabled or confined and fed or maintained for a total of 45 days or more in any twelve-month period; and
- Crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility. However, one (1) standard poultry house shall be considered an intensive operation.

Intensive Swine Facility – A swine operation with accessory uses or structures, as defined below, which at any one (1) time has at least 300 animal units as referenced in the above definition of "animal unit" and:

- Such animals are or will be stabled or confined and fed or maintained for a total of 45 days or more in any twelve-month period; and
- Crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.

Livestock or Swine Raiser, Dairy or Feedlot Operator, or Poultry Grower – The owner or operator of the livestock or swine facility, dairy, feedlot or poultry facility or the land on which the livestock, dairy, feedlot or poultry facility is located.

Livestock, Dairy, Feedlot, or Poultry Structure – Any building, structure, installation, storage container, or storage site used in the operations of an intensive livestock, dairy, or poultry facility, including, but not limited to, feed storage bins, incinerators, manure storage sites, poultry houses, poultry disposal pits, and dead poultry cold storage chests.

Manure Storage Site – Any storage sites where manure is kept for more than 60 days within a twelve-month period.

Nutrient Management Plan – A plan reviewed and approved by the Piedmont Soil and Water Conservation District (PSWCD), the Virginia Cooperative Extension Service or other appropriate agency that provides for the use and/or disposal of livestock or poultry nutrients from the operation.

Poultry – Any fowl raised in a confined intensive growing environment.

Use Permissions

- A zoning permit issued by the Zoning Administrator is required for the construction or expansion of any poultry facility.
- Any intensive animal facility permits approved by the County prior to the adoption of these regulations remain valid, as issued, provided that all requirements identified in the permit

are met and construction is completed within 24 months from the adoption of these regulations

Intensive Agriculture Permissions

- *By-right:* Agricultural (A-5)
- *Special Exception:* Rural Preservation (RP-5), Rural Residential (RR-3), Rural Preservation (R-10), Residential (R-5)

Expansion of Existing Intensive Agriculture Permissions

- *By-right:* Agricultural (A-5), Rural Preservation (RP-5), Rural Preservation (R-10), and Residential (R-5)
- *Special Exception:* Rural Residential (RR-3) and Residential (R-3)

Bulk Manure/Waste Storage Permissions

- *By-right:* Agricultural (A-5) and Rural Preservation (RP-5)

End User Animal Manure/Waste Storage Permissions

- *By-right:* Agricultural (A-5), Rural Preservation (RP-5), and Rural Residential (RR-3)

Setbacks

- Minimum setbacks for ***feedlot, poultry, dairy, and livestock operations:***
 - 300 ft. from property lines;
 - 150 ft. from public roadways;
 - 600 ft. from existing dwellings/schools/churches
 - 600 ft. from adjoining zoning districts.
- Minimum setbacks for ***swine operations:***
 - 500 ft. from property lines;
 - 300 ft. from public roadways;
 - 1,000 ft. from existing dwellings/schools/churches;
 - 1,000 ft. from adjoining zoning districts.

- Setbacks may be reduced to a minimum of 200 ft. from the property lines by mutual written, notarized, and recorded agreement between the operator and affected adjacent property owners prior to submitting an application for a Zoning Permit.
- A facility loses its eligibility to continue operating if land division from the parcel causes setbacks to fall out of compliance.
- Existing facilities in the A-5 and RP-5 zoning districts on the effective date of the Ordinance are deemed in compliance with all setback requirements. However, new structures must comply with setback requirements, with the exception that owners may construct new structures in the agricultural district that do not provide the minimum setback if existing facilities fail to satisfy that setback.
 - When the exception provision is used, setbacks for new structures will be no less than the distance provided by existing facilities.

Nonconformities

- Pre-existing, nonconforming animal confinement facilities may be replaced or reconfigured if there's no increase in housing size or animal numbers, no greater setback encroachment, and a Nutrient Management Plan is obtained.

Buffer/Landscaping

- Every effort should be made to use existing natural buffers for screening the facility. Existing natural buffers should be supplemented by newly created buffers to provide screening over a ten-year period.
- Screening must be included in the Animal Confinement Development Plan.

Development Plan & Certified Plat

- Livestock, dairy, feedlot, or poultry operators (current or prospective) must file a Development Plan with the Zoning Administrator specifying the number, size, and location of planned facilities and the scheduled start date of operations. The Plan must be approved before construction begins.
 - While the approved Development Plan remains in effect, planned facilities are only required to meet setbacks from dwellings and uses that existed when the plan was approved. For new poultry operators, consultation with the Virginia Contract Growers Association prior to drafting the Development Plan is strongly recommended.

- The Plan must be accompanied by a certified plat prepared and signed by a Virginia-licensed land surveyor or civil engineer, verifying the accuracy of all distances and required data.
- The Development Plan remains in force only if the proposed facilities are built as described and placed into service within a timely manner.
 - At least one-third of the livestock or dairy animals or one (1) poultry facility from the Plan must be placed into service within 12 months of approval (unless the threshold is already met at filing). Zoning approval for remaining facilities identified in the Plan must be obtained within 60 months of the original approval date.
 - If an operator fails to meet the 12-month minimum facility requirement or fails to obtain zoning approval for remaining facilities within the five (5) year period, the Zoning Administrator will revoke the Development Plan, and any future plans for the parcel must fully comply with standard Ordinance requirements.
- Operators must notify the Administrator within 30 days of any structure going into service, must post a "Certified Agricultural Development Site" sign (2-4 sq. ft.) visible at the road entrance, and may submit amendments or revised Plans at any time for review under the Zoning Ordinance in effect.
- Facility applications must include a plat of the entire parcel, prepared and signed by a Virginia-licensed surveyor or engineer, certifying setback compliance and showing distances to nearby dwellings, mobile home parks and subdivisions, residential subdivisions, zoning districts, schools, churches, public wells, and rural service areas.

Nutrient Management Plan

- Prior to the approval of the zoning permit, a Nutrient Management Plan must be reviewed and approved by the Piedmont Soil and Water Conservation District, Virginia Cooperative Extension, or other appropriate agency, and accepted by the Zoning Administrator. Existing facilities have two (2) years (or upon expansion, whichever comes first) to file a Plan.
- The Plan must ensure safe disposal/use of 100% of the manure or animal waste, primarily via land application at approved locations and agronomic rates with alternative methods being allowed with appropriate state and local agencies. The Plan must also account for water sources, geology, and Chesapeake Bay Preservation Act compliance.

- If off-site disposal is included in the Plan, a written agreement with waste receiver or a notarized affidavit of intent to sell/distribute waste. Documentation must specify the duration of the agreement and the use of waste. The grower/operator must notify the Zoning Administrator 30 days before the expiration of any such agreement or five (5) days after early termination.
 - A Nutrient Management Plan containing this agreement will only be valid as long as such agreement remains in place and must be reviewed upon expiration or termination by either party.
- The Plan must provide for a site, with or without a permanent structure, for the storage of animal wastes. Such storage must be located on the same parcel (with limited exceptions for adjacent land or off-site agreement parcels), meet state standards and applicable Zoning Ordinance setbacks, be weather protected, sit on an impermeable base, avoid drainways, and hold at least four (4) months' worth of peak waste production.
 - Poultry waste may be exempt from a storage facility if transported directly for immediate use/storage elsewhere.
- Existing facilities may locate storage within any setback provided it does not worsen existing encroachment.
- A Nutrient Management Plan must be reviewed and updated every five (5) years or more frequently if deemed necessary by the County.
- Best management practices are required for nutrient spreading timing, and facility operation and cleanliness to minimize odors.

Erosion & Sedimentation Control Plan

- Prior to approval of the zoning permit, an Erosion and Sedimentation Control Plan must be submitted to the Zoning Administrator for review and approval by the Piedmont Soil and Water Conservation District.
- This Plan must be monitored and enforced by the Amelia County Erosion and Sediment Control Officer.

Waste Disposal

- The disposal of dead animals must follow a procedure approved by the State Veterinarian's office of VDACS, Division of Animal Health.

- Composters, pits, and incinerators are approved only for normal mortality, NOT catastrophic losses over 10% or 5,000 pounds, whichever is greater.
- Catastrophic mortality above that threshold cannot be buried on-site; must be transported to the nearest approved landfill or rendering facility, per state animal health laws.
- The owner approves the disposal method and bears all related costs.

Interview Takeaways

In an interview, Amelia County staff noted that there are no CAFOs currently in the County. Due to Tyson Foods in nearby Nottoway County shutting down in 2023, poultry production in Amelia County has declined significantly, meaning that the County's intensive agricultural uses are primarily those associated with cattle and swine production. County staff also noted that no applications for intensive agricultural operations have been submitted in recent years, and the County had not received any complaints about existing operations. There are no current plans to reevaluate or otherwise amend Ordinance standards.

County staff was not present when initial Ordinance standards were adopted and therefore could not provide context on initial drafting and development.

Brunswick County

Zoning Ordinance Reference

Brunswick County Code Appendix B, [Article 17: Intensive Livestock, Dairy, Poultry Facilities](#)

Relevant Definitions

Existing Dwelling – For the purpose of this article either of the following constitutes an existing dwelling:

- A structure, designed for residential use, which is occupied on the date a completed zoning permit application and site development plan for a livestock, dairy or poultry facility permit is received by the office of the Zoning Administrator; or
- A structure, designed for residential use, which is not occupied on the date a completed zoning permit application and site development plan is received, but which has been issued a certificate of occupancy or which has been occupied for any period of time within the five (5) years immediately preceding the date on which a completed application for a livestock, dairy or poultry facility permit is received by the office of the Zoning Administrator.

Existing Livestock, Dairy, Poultry Facility – For the purpose of determining residential setbacks in the agricultural district, A-1, under this article, a livestock, dairy or poultry facility which is occupied or has been occupied by a commercial livestock raiser, dairy or poultry facility for any period of time within the five years immediately preceding the date on which zoning approval is sought for a dwelling, including sites or structures which are accessories to the livestock facility, dairy or poultry facility.

Intensive Dairy Facility – A dairy with accessory uses or structures including feed storage bins, litter storage sites, manure storage sites, manure disposal pits, waste lagoons, which at any one (1) time has 200 dairy cows that are or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period. This definition shall include feed lots, but shall not be meant to include grazed or pastured animals.

Intensive Livestock Facility – Any facility utilized for the confinement of 300 head of cattle or more, 750 head of swine or more, 150 horses or more, or 3,000 sheep or more, which animals shall be so maintained for 45 days, or more, in any 12-month period; or, any waste lagoon serving any such confinement facility; or, any land area utilized for the surface application of waste generated at such confinement facility; or, any manure storage site or containment facility; or, any incinerator utilized for disposition of waste generated at any such confinement facility; or, any combination of two (2) or more of the foregoing structures, facilities, or open areas. This definition shall include feed lots, but shall not be meant to include grazed or pastured animals. In no case shall a facility as defined herein exceed a cumulative total of 5,000 animals.

Intensive Poultry Facility – A poultry house with accessory uses or structures including feed storage bins, litter storage sites, incinerators, disposal pits or cold storage chests used for the collection of dead birds which at any one (1) time has 30,000 chickens or 16,500 turkeys that are or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period. This definition shall include feed lots, but shall not be meant to include grazed or pastured animals.

Livestock Raiser, Dairy Operator, Poultry Grower – The owner of the livestock facility, dairy or poultry facility or the land on which the facility or dairy is located.

Swine – Any of several omnivorous mammals with a bristly coat and elongated, flexible snout, the domesticated pig or hog. For the purpose of this article, swine shall include, although not exclusively, hogs, feeder pigs, piglets, and sows.

Use Permissions

Intensive Livestock, Dairy, and Poultry Facilities are permitted by-right within the Agricultural (A-1) zoning district.

Acreage

Facility Type	Minimum Acreage/Requirements
Livestock & Dairy	Must have sufficient acreage to meet all applicable setbacks or the approved NMP, whichever requires more acreage. Multiple parcels must be contiguous.
Poultry	Minimum 15 acres, or more as required by the approved NMP and other applicable requirements.
Existing Nonconforming Facilities	Livestock, dairy, and poultry facilities operating as of December 1, 1992 may continue despite insufficient acreage, subject to limitations on expansion and reduction in parcel size. Operations may not be abandoned for two (2) continuous years.

Setbacks

- If an applicant fails to disclose an existing dwelling within 4,500 feet of a proposed intensive livestock or dairy facility, zoning approval becomes retroactively void and facility operations must cease upon notification by the Zoning Administrator.

Facility/Activity	Setback From...	Minimum Setback
Intensive Livestock & Dairy	Existing dwellings not owned by the grower	4,500 ft.
Poultry		400 ft.
Intensive Livestock & Dairy	Property lines and public roads	1,500 ft.
Poultry		200 ft.
All Facilities	Platted residential subdivisions, mobile home parks, churches, and domestic/potable water sources	5,280 ft. (1 mile)

	Incorporated towns; residential, business, and industrial zoning districts; schools and colleges; publicly/community-owned recreation areas, airports, buildings, and properties	4,500 ft.
	Other intensive livestock, dairy, or poultry facilities	5,280 ft. (1 mile)
Waste Application Areas	Existing dwellings, wells, springs, and water intakes	1,000 ft.
	Property boundaries	500 ft.
	Public water-supply impoundments, rivers, and streams flowing into such waters	5,280 ft. (1 mile)
Intensive Livestock Facilities, Waste Lagoons, & Waste Storage Facilities		5,280 ft. (1 mile)

Screening

- Intensive animal facilities require a minimum 100-foot buffer to screen facilities from public roads and existing dwellings or public buildings on adjoining properties. Existing vegetation should be used where possible and supplemented with plantings as necessary to provide complete screening. A screening plan must be submitted with the zoning permit application and Site Plan.

Administration

- Facility operators must provide the Zoning Administrator with copies of all federal, state, and local inspection reports within five (5) days of receipt. The County or its agent may enter the property with or without prior notice to conduct inspections.
- Permit violations identified through federal, state, or local inspections, including violations of an approved Nutrient Management Plan, may result in revocation of zoning permit approval or other enforcement actions to remedy violations and ensure compliance.
- A certificate to operate must be issued by the Zoning Administrator before operations begin. Issuance requires verification of compliance with applicable federal and state requirements, and the Zoning Administrator may require as-built plans to confirm compliance.

- Variance requests from Intensive Livestock Facility requirements must be submitted to the Board of Supervisors. Approval is discretionary and may be subject to conditions imposed by the Board.
- If any provision is found unenforceable, the remaining provisions remain in effect.

Development Plan & Certified Plat

- Applications for intensive livestock, dairy, or poultry facilities must include a plat prepared and signed by a Virginia-licensed land surveyor or civil engineer showing the property and proposed facility and certifying compliance with applicable setbacks. The Zoning Administrator may require additional documentation.
- Intensive livestock, dairy, and poultry operators must submit a Development Plan identifying the number, size, and location of proposed facilities. The Plan must be prepared and signed by a Virginia-licensed land surveyor or civil engineer and demonstrate compliance with applicable setback and other County requirements.
- The Zoning Administrator has 45 days to review the Development Plan. Once approved, proposed facilities are subject to setbacks based on dwellings and uses existing at the time of approval.
- Development Plan approval expires after one (1) year unless the proposed facilities are constructed and placed into service. The operator must notify the Zoning Administrator within 30 days after facilities are placed into service.
- Within 15 days of approval, the property must display a 2- to 4-square-foot sign at its entrance identifying it as a certified development site for an intensive livestock, dairy, or poultry facility.
- Applicants must notify adjacent property owners by certified mail and the general public through a local newspaper notice of a proposed intensive livestock facility. Documentation of notification must accompany the zoning permit application and site plan and include the property location, tax parcel number, proposed number and type of animals, and applicant contact information.

Nutrient Management Plan

- A Nutrient Management Plan (NMP) must be approved by the Virginia Department of Conservation and Recreation (DCR) or other appropriate state agency and accepted by the Zoning Administrator before a facility permit is issued. The approved NMP must accompany the zoning permit application and site development plan.

- The NMP must address the safe use or disposal of 100% of manure and animal waste, including approved land application locations and agronomic rates, and account for potential impacts to surface water and groundwater.
- Areas used for land application of waste, including off-site locations, must be identified in the NMP, obtain applicable approvals, and meet required setbacks. Off-site disposal requires documentation of an agreement with the waste recipient.
- The NMP must provide for adequate waste storage that meets applicable state and local standards, setbacks, enclosure requirements, and design standards. Waste lagoons/storage facilities must be structurally enclosed, and lagoons must provide at least three (3) feet of freeboard.
- NMPs must be reviewed and updated every five (5) years, or more frequently when necessary. Best management practices and manure treatment procedures must be used to minimize odors and pollution.

Erosion & Sediment Control

- An erosion and sediment control plan must be approved by the Soil and Water Conservation District before issuance of a zoning permit. All land-disturbing activities associated with the facility must comply with the approved Plan.

Nonconformities

- Existing livestock, dairy, and poultry facilities that do not meet current requirements may be replaced or reconfigured provided there is no increase in facility area, livestock/dairy herd size, or number of poultry houses; setback nonconformities are not increased; and an approved Nutrient Management Plan is obtained.
- A permitted Intensive Livestock, Dairy, or Poultry Facility may not continue operating if a subsequent land division causes it to fall below required setbacks or minimum acreage.

Waste Disposal

- Dead animal disposal must follow procedures approved by the State Veterinarian's Office. On-site disposal facilities (e.g., composters, covered pits, incinerators) may handle normal mortality, while catastrophic mortality exceeding 10% or 5,000 pounds, whichever is greater, must be transported to an approved landfill or rendering facility. An approved dead animal disposal plan must accompany the permit application and site development plan.

Buckingham County

Zoning Ordinance Reference

Article 2, District 1 – Agricultural District (A-1)

Relevant Definitions

Confinement Livestock or Poultry Operations – The confinement in houses or parlors of chickens, turkeys, cattle, or pigs, requiring the use of storage lagoons or other methods of storing and disposing of animal waste.

Intensive Dairy Facility – A facility for the production of milk or other dairy products with accessory uses or structures including feed storage bins, litter storage bins, litter storage sites, manure storage sites, and/or manure storage pits which at any one time has 200 dairy cattle.

Intensive Livestock Facility – A facility for the raising of cattle, sheep, or horses with accessory uses or structures, including feed storage bins, litter storage sites, incinerators, and/or manure storage sites, which at any one (1) time has 300 cattle, 3,000 sheep or lambs, or 150 horses.

Intensive Poultry Facility – A poultry house with accessory uses or structures, including feed storage bins, litter storage sites, incinerators, disposal pits, and/or cold storage chests used for collection of dead birds which at any one (1) time has 30,000 chickens or 16,500 turkeys.

Intensive Swine Facility – A facility for the confinement, feeding, and maintenance of pigs with accessory uses or structures, including feed storage bins, litter storage sites, incinerators, manure storage sites including pits and/or lagoons which at any one (1) time has 500 sows and any number of pre-weaned offspring.

Intensive Swine Breeding Facility – A facility for the breeding and birthing of pigs with accessory uses or structures, including feed storage bins, litter storage sites, incinerators, manure storage sites including pits and/or lagoons which at any one (1) time has 500 sow and any number of pre-weaned offspring.

Livestock Raiser, Dairy Operator, Poultry Grower, Swine Raiser (Operator) – The owner operator of the livestock facility, dairy, poultry, swine or swine breeding facility, or the land on which the livestock, dairy, poultry, swine or swine breeding facility is located.

Use Permissions

The following uses are permitted by-right in the Agricultural-Comprehensive (A-C) zoning district with an approved Development Plan:

- Intensive Dairy Facility
- Intensive Livestock Facility
- Intensive Poultry Facility
- Intensive Swine Facility
- Intensive Swine Breeding Facility

Acreage

Use/Facility Type	Minimum Lot Size (Acres)	Additional Acreage Upon Increase
Intensive Livestock Facility (Up to 300 Beef Cattle; 3,000 Sheep; or 150 Horses)	60	For each subsequent increase in the number of animals, 10 acres will be required for each increase of 50 cattle, 500 sheep, or 25 horses.
Intensive Dairy Facility (Up to 200 Cattle)	60	For each subsequent increase in the number of animals, 10 acres will be required for each increase of 35 cattle.
Intensive Poultry Facility (Up to 30,000 Chickens or 16,500 Turkeys)	20	For each subsequent increase in the number of poultry, 10 acres will be required for each increase of 15,000 chickens and 8,250 turkeys.
Intensive Swine Facility (Up to 1,000 Pigs)	50	For each subsequent increase in the number of swine, 10 acres will be required for each increase of 500 pigs.
Intensive Swine Breeding Facility (Up to 500 Sows)	100	For each subsequent increase in the number of sows, 10 acres will be required for each increase of 75 sows, up to a total of 1,250 sows. Afterwards, 2 acres will be required for each show over 1,250.

Setbacks

Minimum Setbacks for Intensive Livestock Facilities					
Type	Property Lines*	Property Line in Adjacent Zoning District	Roads	Other Setbacks**	Surface & Drinking Water Sources
Livestock	150 ft.	300 ft.	150 ft.	1,000 ft.	100 ft.
Dairy	150 ft.	300 ft.	150 ft.	1,000 ft.	100 ft.
Poultry	150 ft.	300 ft.	150 ft.	1,000 ft.	100 ft.
Swine	1,500 ft.	2,000 ft.	500 ft.	3,000 ft.	250 ft.
Swine Breeding	1,500 ft.	2,000 ft.	500 ft.	3,000 ft.	250 ft.
*Of existing parcels not held in same ownership.					
**From the nearest property line of incorporated towns; any subdivision of 10+ lots from a common source; manufactured home parks; schools; religious institutions; public-owned buildings; recreational areas; public-owned wells, public springs, and water intake sites.					

Minimum Setbacks for the Land Management Application of Manure and Animal Waste from Intensive Livestock Facilities				
	Dwellings or Commercial Establishments	Property Lines	Surface Waters	Drinking Water Sources
Waste from Lagoons or Other Liquid Waste*	150 ft.	300 ft.	150 ft.	1,000 ft.
Chicken Litter or Other Dry Waste*	150 ft.	300 ft.	150 ft.	1,000 ft.
*The greater of this distance or that which is identified in the Nutrient Management Plan.				

Development Plan & Certified Plat

- New or expanding intensive agricultural operations must submit a certified plat showing the property and facility location, along with a notarized statement certifying compliance with applicable setback requirements.
- Operators must submit a Development Plan and certified plat identifying the number, size, and location of proposed livestock, dairy, poultry, swine, or swine-breeding structures.

Once approved, setback requirements apply based on dwellings and uses existing at the time of approval. The Zoning Administrator must approve the Development Plan or identify deficiencies within 30 days.

- At least one-third of the proposed animals or one (1) poultry structure must be placed into service within 36 months and required building permits must be obtained within five (5) years, or the Plan may be revoked.
- Operators must notify the Zoning Administrator when planned structures are placed into service and may submit amended or revised Development Plans, which are subject to Ordinance requirements in effect at the time of submission.

Nutrient Management Plan

- A Nutrient Management Plan (NMP) must be reviewed and accepted by the Zoning Administrator before a permit is issued. Existing or previously approved facilities must also maintain an NMP within the specified timeframe (24 months) or before expanding activities that increase nutrient output.
 - NMPs must be reviewed and updated at least every five (5) years, or more frequently when required. The County may conduct unannounced facility inspections with consideration for biosecurity practices.
- The NMP must address the safe use or disposal of all manure and animal waste, generally through land application at approved locations and agronomic rates consistent with Virginia standards. Alternative disposal methods may be permitted with appropriate state approval.
- The NMP must consider potential impacts to surface water and groundwater, including proximity to streams, wells, springs, sinkholes, slopes, and susceptible geological formations.
- Off-site waste disposal must be supported by documentation of an agreement with the waste recipient or documentation of other approved means of distribution. The NMP must also provide for adequate waste storage meeting applicable location, setback, capacity, and design requirements.

Dinwiddie County

Zoning Ordinance Reference

Chapter 22, [Article VIII, Division 1: Agricultural Production Operations](#)

Relevant Definitions

Animal Unit – A unit of measure used to determine the total number of single animal types or a combination of animal types which are fed, confined, maintained or stabled in an agricultural operation. One (1) animal unit equals 1,000 pounds of live weight.

Existing Dwelling –

- A structure, designed for residential use, which is legally occupied on the date a completed application for a livestock, dairy or poultry facility permit is received by the zoning administrator; or
- A structure, designed for residential use, which is not occupied on the date a completed application is received, but has been issued a valid building permit prior to the application for the facility; or
- A structure, designed for residential use, which has been legally occupied for a cumulative period of at least 36 months within the 60-month period of time prior to the date on which a completed application for a livestock dairy or poultry facility is received.
- The zoning administrator may request additional documentation from the applicant or other regulated party to determine if the structure qualifies as an "existing dwelling" as defined.

Intensive Livestock, Dairy Facility – A facility or operation and any accessory uses or structures including, but not limited to, feed storage bins, litter storage sites, incinerators or manure storage sites which at any one (1) time has at least 300 animal units present at the facility or operation, or any operation or facility determined by the Commonwealth of Virginia or any department or division thereof to be an intensive facility or operation. In no case shall a facility as defined herein exceed a cumulative total of 1,000 animal units.

Intensive Poultry Facility – A poultry facility or operation and any accessory uses or structures, including but not limited to, poultry houses, feed storage bins, litter storage sites, incinerators, disposal pits or cold storage chests used for collection of dead poultry which at any one (1) time has at least 300 animal units present at the facility or operation, or a facility or operation determined by the Commonwealth of Virginia or any department or division thereof to be an

intensive facility or operation. In no case shall a facility as defined herein exceed a cumulative total of 1,000 animal units.

Operator, Livestock Raiser, Dairy Operator, Poultry Grower – The owner and/or operator of the livestock, dairy or poultry facility.

Livestock, Dairy, or Poultry Facility – Any livestock, dairy, or poultry facility or operation and any accessory uses or structures, including, but not limited to, feed storage bins, litter storage sites, incinerators or manure storage sites, which at any one (1) time has at least 150 animals units and which is occupied or has been previously occupied or operated by an operator for a cumulative total of at least 12 months during the previous 60 period from the date when zoning approval is sought for dwelling or any livestock, dairy or poultry facility or operation.

Immediate Family or Immediate Family Member – Any legal sibling, parent, grandparent, grandchild, child or spouse of the operator of the facility. This term shall not include any aunts, uncles, nieces, nephews, cousins or any other next of kin of the operator of the facility.

Use Permissions

Livestock, dairy, and poultry facilities are permitted by-right in the following zoning districts: Agricultural Limited (A-1) and Agricultural General (A-2),

Acreage

- **Intensive Livestock/Dairy Facility** – Requires 100 acres or the acreage set by an approved Nutrient Management Plan, whichever is greater. All parcels used for liquid waste disposal must be contiguous.
- **Intensive Poultry Facility** – Requires 20 acres or the acreage set by an approved Nutrient Management Plan, whichever is greater. Parcels are not required to be contiguous, but the operator must provide evidence of legal access or ownership for any noncontiguous parcels.
- **Livestock or Dairy Facilities with 150+ Animal Units** – Requires 50 acres, plus submission of a Development Plan and Nutrient Management Plan. All parcels used for liquid waste disposal must be contiguous.
- **Poultry Facilities with 150+ Animal Units** – Requires 10 acres, plus submission of a Development Plan and Nutrient Management Plan. All parcels counted toward the minimum acreage must be contiguous.

- Existing livestock, dairy or poultry facilities in existence and in operation on the effective date of this Article that don't meet acreage minimums are considered nonconforming uses and may continue only if operation isn't interrupted for more than 24 consecutive months and the use isn't enlarged.

Setbacks

- Minimum setbacks for new livestock, dairy or poultry facilities established with 150+ animal units are as follows:

Feature/Use	Minimum Setback
Existing dwellings owned by the facility operator or immediate family member of the operator	300 ft.
Existing dwellings not owned by the facility operator or immediate family member of the operator	1,000 ft.
Other existing like facilities	5,280 ft. (1 mile)
Public roadways	500 ft.
Property lines adjacent to operator-owned property and not abutting a public roadway	15 ft.
Property lines adjacent to property not owned by the operator and not abutting a public roadway	300 ft.
Incorporated towns residentially zoned districts; rural service areas; manufactured home parks; schools; colleges; churches; county, state or federally owned buildings; county, town, or community recreation areas; public wells, springs and water intakes	2,000 ft.

- Minimum setbacks for new dwellings from existing livestock, dairy, or poultry facilities with 150+ animal units are as follows:

Feature/Use	Minimum Setback
Dwelling and facility owned by operator or immediate family member of the operator	300 ft.

Dwelling and facility not owned by operator or immediate family member of operator	1,000 ft.
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Development Plan & Certified Plat

- Operators of livestock, dairy, or poultry facilities constructed, expanded, or completed after this Ordinance's effective date must file with the Zoning Administrator a plat or similar documentation showing the entire parcel(s) and the facility's location within it, along with a notarized written statement certifying that the facility meets all applicable setback requirements and that the documentation is complete and accurate.
- Operators must file a Development Plan with the Zoning Administrator specifying planned facilities' number, size, location, and scheduled start date. While an approved Plan is in effect, facilities are only required to meet setbacks from dwellings/uses existing at approval time. The Administrator must approve within 45 days if compliant or return it with a written explanation of deficiencies if not.
- The Plan must be accompanied by a plat or similar documentation verifying distance accuracy and containing all required data and remains valid only if facilities are built and placed in service as proposed.
 - Operators must notify the Zoning Administrator in writing within 30 days of placing any planned facility into service.
- At least one-third of livestock/dairy head or one (1) poultry facility must be placed into service within 36 months of approval, unless already met at filing. Zoning approval for remaining facilities must be obtained within 60 months of the original approval, or a new Development Plan must be filed.
- Failure to meet construction minimums or obtain timely approval for remaining facilities results in revocation of the Plan, requiring future plans to conform to the article's requirements at the time of resubmission.
- Approved parcels must display a "Certified Agricultural Development Site" sign (2–4 sq ft, roadway-visible) within 15 days of approval, at the operator's expense.
- Operators may submit amendments or revised plans at any time, which are approved/rejected under rules in effect at submission. Approval of a revision does not extend the original plan's implementation deadline.

Nutrient Management Plan

- Before beginning operations, facilities with 150 or more animal units must have an approved Nutrient Management Plan approved by the Virginia Department of Conservation and Recreation (DCR), the Virginia Cooperative Extension, or a person certified or employed by the Commonwealth as a nutrient management planner.
- Plans must address animal waste storage and comply with applicable Commonwealth requirements.
- If off-site disposal of dry waste is included in the Plan, a written agreement with waste receiver or a notarized affidavit of intent to sell/distribute waste. Documentation must specify the duration of the agreement and the use of waste. The operator must notify the Zoning Administrator at least 30 days before the expiration of any such agreement or five (5) days after early termination.
 - A Nutrient Management Plan containing this agreement will only be valid as long as such agreement remains in place and must be reviewed upon expiration or termination by either party.
- Plans must generally be reviewed and updated every 10 years, or sooner if otherwise required.

Nonconformities

- Existing livestock, dairy, or poultry facilities operating as of this Article's effective date that don't meet setback requirements are considered nonconforming uses/structures, provided operation isn't interrupted for more than 24 consecutive months.
 - These facilities are allowed a one-time expansion of up to 150 animal units above their current count, as long as existing (deficient) setbacks aren't further reduced, and only after a Development Plan and Nutrient Management Plan are submitted and approved.
 - Any subsequent addition bringing the total to 151+ animal units must comply with all applicable setbacks under this Ordinance.

Franklin County

Zoning Ordinance Reference

Chapter 25, [Article II, Division 4, Section 25-146 – Commercial Feedlots \(Poultry Facility\)](#)

Relevant Definitions

Commercial Feedlot, Beef and Dairy Cattle (Beef or Dairy Facility) – A site where cattle are stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve-month period, or any other site designated by the Virginia Department of Environmental Quality, Division of Water as a "concentrated or intensified animal feeding operation" pursuant to the Permit Regulations for Virginia Pollution Discharge Elimination System and Virginia Pollution Abatement Permit Programs.

Commercial Feedlot, Poultry (Poultry Facility) – A site where poultry is stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve-month period, or any other site designated by the Virginia Department of Environmental Quality, Division of Water as a "concentrated or intensified animal feeding operation" pursuant to the Permit Regulations for Virginia Pollution Discharge Elimination System and Virginia Pollution Abatement Permit Programs.

Commercial Feedlot, Swine (Swine Facility) – A site where swine are stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve-month period, or any other site designated by the Virginia Department of Environmental Quality, Division of Water as a "concentrated or intensified animal feeding operation" pursuant to the Permit Regulations for Virginia Pollution Discharge Elimination System and Virginia Pollution Abatement Permit Programs.

Use Permissions

- Commercial Feedlot, Poultry Facility is permitted by-right in the Agricultural (A-1) zoning district. It should be noted that this use is also listed under Special Use Permit.
- Commercial Feedlot, Beef and Dairy Facility is permitted by Special Use Permit in the Agricultural (A-1) zoning district.
- Commercial Feedlot, Swine Facility is permitted by Special Use Permit in the Agricultural (A-1) zoning district.

Setbacks

- Poultry facilities must be set back from all existing dwelling units as follows:
 - 300 ft. from any existing dwelling unit in the A-1 zoning district.
 - 1,000 ft. from any existing dwelling unit in any other zoning district.
- Poultry facilities must be set back from the property lines of the parcel on which the facility is located, as follows:
 - *Front* – 250 ft. from edge of ROW or 275 ft. from the centerline of the road, whichever is greater.
 - *Side* – 250 ft.
 - *Rear* – 250 ft.
- Poultry facilities must be a minimum of 1,000 ft. from the following boundaries:
 - Incorporated towns;
 - Any residential zoning district;
 - Any platted subdivision containing three (3) or more lots, where the average lot size of such subdivision is five (5) acres;
 - Any residential cluster development;
 - Any manufactured home park;
 - Any parcel containing a public school, church, and/or county-owned building;
 - Any public well or public spring;
 - Any public water and/or sewer service areas;
 - Westlake Overlay District;
 - Any villages, as identified in the Franklin County Comprehensive Plan;
 - Blackwater River, Pigg River, and Gills Creek; and
 - Shoreline of Smith Mountain Lake.

Development Plan

- The owner and/or operator must submit a plan for development to Franklin County which includes the following:
 - A survey showing the number, size, and location of the poultry facility planned and demonstrating that the required setbacks are met;
 - Identification of the zoning designation for all adjoining properties; and
 - Documentation of approval by the Commonwealth or its designated agent, of a Nutrient Management Plan for the proposed poultry facility.
- If construction on an approved poultry facility fails to begin within 18 months of approval, the plan of development is considered abandoned and a new plan must be submitted.
- The owner and/or operator may still amend an approved plan or transfer it to a new owner/operator.

New Kent County

Zoning Ordinance Reference

Chapter 98, [Article VIII – Intensive Livestock](#)

Relevant Definitions

Existing Dwelling – For the purpose of this section, the term "existing dwelling" is defined as:

- A structure, designed for residential use, which is occupied on the date a completed application for a livestock, dairy or poultry facility building permit or other zoning approval is received by the office of the zoning administrator; or
- A structure, designed for residential use, which is not occupied on the date a completed application is received, but which has been issued a certificate of occupancy or a building permit, or has been occupied as a dwelling the last six (6) months prior to the date on which a completed application for a livestock, dairy or poultry facility building permit or other zoning approval is received by the office of the Zoning Administrator or which has been occupied for a three-year period of time within the five (5) years immediately preceding the date on which a completed application for a livestock, dairy or poultry facility building permit or other zoning approval is received by the office of the Zoning Administrator.

Intensive Dairy Facility – A dairy operation with accessory uses or structures, which at any one time has at least an equivalent of 300 animal units as referenced in the intensive animal operations table below and where:

- Each such animal is or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and
- Crops vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.

Intensive Livestock Facility – A livestock operation with accessory uses or structures, which at any one time has at least an equivalent of 300 animal units as referenced in the intensive animal operations table below and where:

- Each such animal is or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and
- Crops vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.

Intensive Poultry Facility – A poultry operation with accessory uses or structures, which at any one time has at least an equivalent of 300 animal units as referenced in the intensive animal operations table below and where:

- Each such animal is or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and
- Crops vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.

Type of Facility	Equivalent of 300 Animal Units
<i>Livestock</i>	300 slaughter and feeder cattle
	750 swine each weighing over 55 pounds
	150 horses
	3,000 sheep or lambs
<i>Dairy</i>	200 mature dairy cattle (milked or dry)
<i>Poultry</i>	16,500 turkeys

	30,000 laying hens or broilers
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Livestock – All domestic or domesticated bovine animals including, but not limited to cattle; equine animals including, but not limited to, horses; ovine animals including, but not limited to, sheep; porcine animals including, but not limited to, hogs.

Livestock, Dairy, Poultry Structure – Any building, structure, installation, storage, container, or storage site used in the operation of an intensive livestock, dairy or poultry facility including, but not limited to, feed storage bins, litter storage sites, incinerators, manure storage sites, poultry houses, poultry disposal pits, and dead poultry cold storage chests.

Livestock Raiser, Dairy Operator, Poultry Grower (Operator) – The owner or operator of the livestock, dairy or poultry facility including, but not limited to, feed storage bins, litter storage sites, incinerators, manure storage sites, poultry houses, poultry disposal pits, and dead poultry cold storage chests.

Use Permissions

Intensive Agriculture is permitted by-right in the Agricultural (A-1) zoning district.

Acreage

- Minimum acreage is the acreage specified below or that required by the approved Nutrient Management Plan, whichever is greater:
 - Beef/Dairy Cattle – 60 acres
 - Swine & Poultry – 20 acres
- Required acreage does not need to be contiguous, provided the operator has ownership or possession rights and can demonstrate access between noncontiguous parcels.
- Existing facilities that do not meet acreage requirements are considered nonconforming uses and may continue unless abandoned for two (2) continuous years.

Setbacks

Setbacks from Existing Dwellings

- Each livestock, dairy or poultry structure must be set back from all existing dwellings not owned by the operator as follows:
 - In Agriculture (A-1) zoning district – 300 ft.

- In an adjacent zoning district – 600 ft.
 - The operator may reduce this setback to 400 ft. by planting a vegetative screen that is 10 feet wide and will grow to at least six (6) ft. in height within two (2) years.

Setbacks from Property Lines & Public Roads

- Each livestock, dairy or poultry structure shall be at least 150 ft. from all property lines and public roads.

Other Setbacks

- All livestock, dairy or poultry structures must be at least 1,000 ft. from incorporated towns; platted residential subdivisions; any residentially zoned district; mobile home parks; public schools; churches; county owned buildings; county, town and community recreation areas; public wells, public springs and public water intakes
 - The operator may reduce this setback to 800 ft. by planting a vegetative screen that is 10 feet wide and will grow to at least six (6) ft. in height within two (2) years.

Development Plan & Certified Plat

- New intensive facilities must submit a plat showing the facility, associated parcels, existing dwellings/structures, and water features, along with a notarized statement certifying compliance with all applicable setbacks.
- In the A-1 District, operators must submit a Development Plan identifying the number, size, and location of proposed livestock, dairy, or poultry structures and the type and number of animal units. Approved structures are subject to setbacks from dwellings and uses existing at the time of Plan approval.
- The Zoning Administrator must approve the Plan or identify deficiencies within 30 days. Plans must include a plat or similar documentation verifying required distances and other required information.
- At least one-third of the proposed livestock/dairy animals or one (1) poultry structure must be placed into service within 36 months, unless that threshold is already met when the Plan is filed.
 - Operators must notify the Zoning Administrator within 30 days after a planned structure is placed into service.

- The development plan may be revoked after five (5) years if required development, animal numbers, or building permits have not been established or obtained.
- Approved parcels must display a “Certified Agricultural Development Site” sign no smaller than two (2) sq. ft. and no larger than four (4) sq. ft. at the entrance.
- Development plans may be amended or revised, subject to zoning requirements in effect when the changes are submitted.

Interview Takeaways

In an interview, New Kent County staff noted they had received numerous inquiries related to animal keeping and feeding over the past two (2) years; however, none of the inquiries had reached the animal thresholds provided in the Zoning Ordinance for intensive agriculture. Accordingly, there have been no applications for intensive agriculture submitted in recent years. County staff noted that there is broad support from both the community and Board of Supervisors for existing intensive agriculture uses and standards. The County does not presently plan to amend Ordinance regulations.

County staff was not present when initial Ordinance standards were adopted and therefore could not provide context on initial drafting and development.

Orange County

Zoning Ordinance Reference

Chapter 70, [Article VIII – Intensive Livestock, Dairy, and Poultry Facilities](#)

Relevant Definitions

Existing Intensive Livestock, Dairy, or Poultry Structure – An intensive livestock, dairy or poultry structure that has been in operation for one year within the five (5) years immediately preceding the date on which a building or zoning permit is sought for a dwelling.

Intensive Livestock, Dairy, or Poultry Facility – A livestock, dairy or poultry operation where, for a period of 45 consecutive days or more, 300 or more animal units are closely confined and not free-ranging, and are fed in the area of confinement. For the purpose of this chapter, 300 animal units will be equivalent to any of the following, or any combination where the animals are confined in one location:

Animal Type	Number of Animals Equivalent to 300 Animal Units
Slaughter or Feeder Cattle	300
Swine, each weighing over 100 pounds	750
Horses	150
Sheep or Lambs	3,000
Mature Dairy Cows (Milked or Dry)	200
Turkeys	16,500
Laying Hens or Broilers	30,000

Intensive Livestock, Dairy, or Poultry Structure – A building, structure or site used in the operation of an intensive livestock, dairy or poultry facility, including but not limited to litter storage sites, incinerators, manure storage sites, poultry houses, poultry disposal pits, or dead poultry cold storage chests. The term will not include structures that are used only indirectly in the operation of the facility.

Livestock – All domestic or domesticated bovine animals, such as cattle; equine animals, such as horses; bovine animals, such as sheep; and porcine animals, such as hogs.

Poultry – Any domestic or domesticated fowl raised for meat or eggs; including but not limited to chickens and turkeys.

Use Permissions

Intensive Livestock, Dairy, and Poultry facilities are permitted by-right in the Agricultural (A) zoning district.

Setbacks

- Each Intensive livestock, dairy, or poultry structure must be setback from all existing dwellings not owned by the operator as follows:
 - If dwelling is within an agricultural district – 300 ft.
 - If dwelling is within a residential district – 600 ft.
- Any dwelling not owned by the operator must be setback from any existing intensive livestock, dairy, or poultry structure as follows:
 - If dwelling is within an agricultural district – 300 ft.
 - If dwelling is within a residential district – 600 ft.

- Each intensive livestock, dairy, or poultry structure must be at least:
 - 50 ft. from any property line;
 - 100 ft. from the right-of-way (ROW) of any secondary road;
 - 150 ft. from the ROW of any primary highway;
 - 1,000 ft. from any incorporated town, public school, place of worship, or public water intake from a stream or river.
 - This 1,000 ft. setback can be reduced to 800 ft. if the operator plants and maintains a 10-foot-deep vegetative screen that grows to a height of 6 ft. or more within 2 years, or if there is a natural barrier of similar height and depth.
- Orange County BZA may permit reduced setbacks by Special Exception.

Nutrient Management Plan

- Intensive livestock, dairy, or poultry facilities are prohibited from operating prior to a Nutrient Management Plan being approved by the Virginia Department of Conservation and Recreation (DCR), the Virginia Cooperative Extension, or a person certified or employed by the Commonwealth as a nutrient management planner.
- If waste is disposed of off-site, the Nutrient Management Plan must include a documented agreement (or notarized affidavit for retail/consumer sale) specifying duration and use of the waste. The Plan stays valid only while the agreement is active, must be reviewed if it expires/terminates, and the operator must notify the zoning administrator within 15 days of early termination.

Development Plan

- Applicants intending to establish or expand an intensive livestock, dairy, or poultry facility must file a development plan (plat + notarized compliance statement) with the Zoning Administrator. The Administrator must approve or return the application within 30 days. Approved plans lock in the right to build and operate as shown.
 - Where proposed expansions do not substantially change the character or intensity of the use, the Zoning Administrator may approve the expansions without a development plan.

- Development Plans expire if less than one-third of livestock or dairy animals (or one poultry structure) are not in service within five (5) years of approval. Operators must notify the Administrator within 30 days of any structure going into service, must post a "Certified Agricultural Development Site" sign (2-4 sq. ft.) at the entrance, and may submit amendments or revised Plans at any time for review under the Zoning Ordinance in effect.

Page County

Zoning Ordinance Reference

Chapter 125, [Article VI – Confined Feeding Operations](#)

Relevant Definitions

Confined Feeding Animal Unit – A unit of measurement used to represent a certain amount of livestock kept and fed in confinement, with different types of animals converted into a common scale based on their manure production or resource use. For purposes of this article, the following shall be used: $AU = (\text{Stocking Rate} \times \text{Target Finishing Weight}) / 1,000$

Confined Feeding Operation – For the purpose of this article, "confined animal feeding operation" means a lot or facility, together with any associated treatment works, where all three (3) of the following conditions are met:

- Animals have been, are or will be stabled in or confined and fed or maintained for a total of 45 days or more in any twelve-month period;
- Crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the lot or facility; and
- The animal feeding operation has 300 or more animal units per parcel.

Confined Poultry Feeding Operation – Any confined operation feeding poultry with 200 or more animal units of poultry per parcel.

Livestock – Domestic animals, including but not limited to cattle, horses, sheep, goats and swine, raised for home use, pleasure or profit, but does not include dogs or cats.

Poultry – Includes all domestic fowl and game birds raised in captivity.

Recreational Pond or Lake – Any pond or lake which is regularly used for fishing, boating, swimming or any other recreational activity.

Stocking Rate – Number of individual livestock or poultry per confined space.

Target Finishing Weight – Weight of individual livestock or poultry when removed from confinement.

Use Permissions & Permits

- A permit is required prior to establishing any confined feeding operation after the Ordinance's enactment and as such, operating without one is unlawful. Applicable fees are set by the Page County Land Use Fee Schedule.
- Confined Feeding Operations and Confined Poultry Feeding Operations are permitted by-right in the Agriculture (A-1) zoning district.

Setbacks

- New confined feeding/poultry operations must be at least:
 - 150 ft. from any neighboring property line;
 - 200 ft. from primary highways or roadways and 100 ft. from secondary highways, roadways, or other rights-of-way;
 - 300 ft from any residence (excluding the applicant's own);
 - 600 ft from residential zoning districts, schools, churches, community centers, commercial/industrial establishments, or other public-occupancy structures; and
 - 1,000 ft from any Town boundary within the County.
- To protect water resources, operations must be at least:
 - 50 ft. from private water supply systems;
 - 100 ft. from rivers, creeks, springs, reservoirs, or public water supply systems; and
 - 300 ft. from recreational ponds or lakes.

Acreage

A Poultry house/structure must be built on a parcel (or contiguous parcels) of 10+ acres solely owned by the applicant, unless the applicant already owns and operates a confined feeding operation on that parcel.

Limitations

- No person or entity may be granted permits to construct more than three (3) confined feeding operations or confined poultry feeding operations within a period of one (1) year.

- This limit applies even if the applicant applies under a firm, corporation, partnership, or other business entity's name, if the applicant holds a major financial interest in that entity. This helps to prevent circumvention via business structuring.
- The same limit of three (3) facilities per year applies collectively to spouses and immediate family members living in the same household, regardless of whose name is on separate applications.

Violations & Penalties

Facilities that fail to obtain a permit or to otherwise comply with requirements are subject to penalties and provisions listed in the General Provisions Article of Page County's Zoning Ordinance. Each day of operation after notification of noncompliance constitutes a new and separate violation.

Waste Disposal & Storage

All waste storage and disposal shall comply with all federal, state, and local laws.

Pittsylvania County

Zoning Ordinance Reference

Chapter 35, [Section 35-189 – Intensive Livestock, Dairy, Poultry Facilities](#)

Relevant Definitions

Livestock – Includes all domestic or domesticated:

- Bovine animals, including but not limited to cattle;
- Equine animals, including but not limited to horses;
- Ovine animals, including but not limited to sheep;
- Porcine animals, including but not limited to hogs.

Intensive Dairy Facility – A dairy operation with accessory Uses or structures, as defined below, which at any one time has at least 300 animal units as referenced in the below chart and where such animals are or will be stabled or confined and fed or maintained for a total of 45 days or more in any twelve month period.

- Crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.

Intensive Livestock Facility (or Livestock Facility) – A livestock operation with accessory uses or structures, as defined below, which at any one time has at least 300 animal units as referenced in the below chart and where such animals are or will be stabled or confined and fed or maintained for a total of 45 days or more in any twelve month period.

- Crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.

Intensive Poultry Facility – A poultry operation with accessory uses or structures, as defined below, which at any one time has at least 300 animal units as reference in the below chart and where such animals are or will be stabled or confined and fed or maintained for a total of 45 days or more in any twelve month period.

- Crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.

Type of Facility	Equivalent of 300 Animal Units
<i>Livestock</i>	300 slaughter and feeder cattle
	750 swine each weighing over 55 pounds
	150 horses
	3,000 sheep or lambs
<i>Dairy</i>	200 mature dairy cattle (milked or dry)
<i>Poultry</i>	16,500 turkeys
	30,000 laying hens or broilers

Livestock, Dairy, Poultry Structure – The only buildings subject to setback requirements in Section 35-189 of the Zoning Ordinance shall be those facilities that house livestock, dairy or poultry animals and any manure lagoon or manure storage facilities, or dead animal storage facilities, including incinerators, poultry disposal pits, and deed poultry storage chests.

Livestock Raiser, Dairy Operator, Poultry Grower (or Operator) – The owner or operator of the livestock facility, dairy or poultry facility or the land on which the livestock, dairy, or poultry facility is located.

Existing Dwelling – For the purpose of this section of, the zoning ordinance either of the following shall constitute an existing dwelling:

- A structure, designed for residential use, which is occupied on the date completed application for a livestock, dairy or poultry facility building permit or other zoning approval is received by the office of the zoning administrator, or
- A structure, designed for residential use, which is not occupied on the date a completed application is received, but which has been issued a certificate of occupancy, or a building permit prior to the date on which a completed application for a livestock, dairy, or poultry facility building permit or other zoning approval is received by the office of the Zoning Administrator or which has been occupied for a one (1) year period of time within the five (5) years immediately preceding the date on which a completed application for a livestock, dairy, or poultry facility building permit or other zoning approval is received by the office of the Zoning Administrator.

Existing Livestock, Dairy, Poultry Facility – A livestock, dairy, or poultry facility which has been in operation for a one (1) year period of time within the five (5) years immediately preceding the date on which zoning approval is sought for a dwelling; or where zoning approval is not necessary for such dwelling, the date on which a building permit is sought for such dwelling.

Use Permissions

Intensive livestock, dairy, and poultry facilities are permitted by-right in the Agricultural (A-1) zoning district.

Acreage

- Minimum acreage is the acreage required by the approved Nutrient Management Plan or the following, whichever is greater:
 - Beef/Dairy Cattle – 100 acres
 - Swine – 100 acres
 - Poultry – 20 acres
- Acreage does not need to be contiguous, provided the operator has ownership/possession and access rights between non-contiguous parcels.
- Existing facilities that do not meet minimum acreage requirements are considered nonconforming uses and may continue unless abandoned for more than two (2) continuous years.

Setbacks

Setbacks from Existing Dwellings

- Each livestock, dairy, or poultry structure must be set back from all existing dwellings not owned by the operator as follows:
 - Existing Dwelling in the Agriculture (A-1) zoning district – 300 ft.
 - Existing Dwelling in an adjacent zoning district – 600 ft.
 - Operator can reduce this setback to 400 ft. by planting a vegetative screen that is 10 ft. wide and at least 6 ft. in height.

Setbacks for Swine Operations

- Swine Operations with less than 7,400 hogs or 1,200 sows – Setbacks remain the same
- Swine Operations of 7,400 to 9,400 hogs or 1,200 to 2,400 sows – Setbacks from all existing dwellings not owned by the operator as follows:
 - Existing dwelling in Agriculture (A-1) district – 500 ft.
 - Existing dwelling in adjacent zoning district – 800 ft.
 - Operator can reduce this setback to 600 ft. by planting a vegetative screen that is 10 ft. wide and at least 6 ft. in height.
- Swine Operations of more than 9,400 hogs or 2,400 sows – if dwelling not owned by operator, 1,800 ft.
 - Operator can reduce this setback to 1,500 ft. by planting a vegetative screen that is 10 ft. wide and at least 6 ft. in height.
 - Operator can reduce this setback to 1,000 ft. by planting a vegetative screen that is 10 ft. wide and at least 6 ft. in height, and obtaining consent from owner of adjacent dwelling.

Setbacks from Existing Livestock, Dairy, or Poultry Facilities

- Each dwelling not owned by the operator shall be set back from existing livestock, dairy, or poultry structures as, follows:
 - From existing livestock, dairy, or poultry structure in the Agriculture (A-1) district – 300 ft.

- From existing livestock, dairy, or poultry structure in adjacent zoning district – 600 ft.
 - Owner of new dwelling may reduce this setback to 400 ft. by planting a vegetative screen that is 10 ft. wide and at least 6 ft. in height, or other natural garden meeting these requirements.

Setbacks from Existing Swine Facilities

- Each dwelling not owned by the operator must be setback from existing swine structures as follows:
 - Swine Operations of 7,400 to 9,400 hogs or 1,200 to 2,400 sows, setbacks are as follows:
 - Existing swine structure in Agriculture (A-1) district – 500 ft.
 - Existing swine facility in adjacent zoning district – 800 ft.
 - Owner of new dwelling may reduce this setback to 600 ft. by planting a vegetative screen that is 10 ft. wide and at least 6 ft. in height, or other natural garden meeting these requirements.
 - Swine Operations of more than 9,400 hogs or 2,400 sows – 1,800 ft.
 - Setback requirements may be reduced by mutual consent of the swine operation owner and owner of proposed dwelling.

Setbacks from Property Lines and Public Roads

- Each livestock, dairy, and poultry facility must be at least 250 ft. from all property lines and public roads.
 - If the owner of the facility also owns the property across the roadway, setback is at least 150 feet. If not, an affidavit must be secured between property owners to agree on setback reduction to 150 feet.

Other Setbacks

- Livestock, dairy, and poultry structures must be setback at least 1,000 ft. from incorporated towns, residential areas, conservation districts, mobile home parks, schools, churches, county-owned buildings, recreation areas, and public water sources.

- Swine Operations with more than 7,400 hogs or 1,200 sows require a minimum of 1,800 ft. from the above-mentioned uses.
- Operator may reduce the 1,800 ft. setback to 1,500 ft. by planting a vegetative screen that is 10 ft. wide and at least 6 ft. tall.
- Land application of manure, wastewater, or nutrients from lagoon-type treatment facilities must comply with applicable State Water Control Law (Section 62.1-44.17.1) and state permit setback requirements (VR 680-14-01, 9 VAC 25-192).

Development Plan & Certified Plat

- Owners(s) of new intensive facilities must submit a plat or similar documentation showing the facility and associated parcels, along with a notarized statement certifying compliance with all applicable setback requirements.
- In the A-1 District, operators may submit a Development Plan identifying the number, size, and location of proposed livestock, dairy, or poultry structures. Once approved, proposed structures are subject to setbacks from dwellings and uses existing at the time of plan approval.
- The Zoning Administrator must approve the plan or identify deficiencies within 30 days. Plans must include a plat or similar documentation verifying required distances and other applicable information.
- Permits expire if the authorized use or construction does not commence within 18 months. Construction begun within that period must be completed within one (1) year.
- The Development Plan remains valid only if structures are built in accordance with the plan and is generally transferable to subsequent owners/operators.
- Operators must notify the Zoning Administrator within 30 days after a planned structure is placed into service and post a "Certified Agricultural Development Site" sign, no smaller than nine (9) sq. ft. or larger than four (4) sq. ft., at the parcel entrance.
- Development plans may be amended or revised, subject to the zoning ordinance requirements in effect when the changes are submitted.

Nutrient Management Plan

- Intensive facilities requiring a Nutrient Management Plan under Virginia requirements may not begin operations until the Plan is reviewed and approved by an authorized state agency or certified nutrient management planner.

- Off-site waste disposal must be documented through an agreement with the waste recipient or a notarized affidavit describing other disposal/marketing arrangements. The Plan must be reviewed when an agreement expires or terminates, and early termination must be reported to the Zoning Administrator within 15 days.
- Facilities must provide animal waste storage, with or without a permanent structure, when required by the Commonwealth and comply with applicable state standards. If on-site storage is not possible, storage may be permitted on adjacent operator-owned land or an approved off-site disposal parcel.
- Nutrient Management Plans must be reviewed and updated every five (5) years by an authorized agency or certified planner.

Waste Disposal

- The owner/operator must dispose of dead poultry only by using any of the following methods:
 - On-site composting facility;
 - Off-site rendering facility approved by appropriate regulatory agency; or
 - Incineration facility, provided that an administrative permit is issued by the Zoning Administrator.
 - Disposal of said animals in an approved Subtitle D Landfill.
- Open pit disposal is prohibited.
- Intensive livestock and dairy facilities may not dispose of dead animals on roads or public places or allow carcasses to remain unburied on the property when offensive to the public.

Prince Edward County

Zoning Ordinance Reference

Appendix B, [Article III, Section 3-100.1 – Commercial Feedlots](#)

Relevant Definitions

Commercial Feedlot – A site where animals are stabled or confined and fed or maintained for a total of 45 days or more in any twelve-month period, and where the number of animals so confined include more than 300 slaughter or feeder cattle, 200 mature dairy cattle, 750 swine, 150 horses, 3,000 sheep or lambs, 16,500 turkeys or 30,000 laying hens or broilers, or any other site

designated by the Virginia Department of Environmental Quality as a concentrated or intensive animal feeding operation.

Livestock – All domestic or domesticated bovine animals, including but not limited to cattle; equine animals, included but not limited to horses; ovine animals, including but not limited to sheep, porcine animals including but not limited to hogs, and poultry included but not limited to turkeys or chickens.

Natural Buffer – Any hill, trees, woodland or combination thereof which completely blocks the view of a commercial feedlot from public roads and any existing dwellings located on properties adjoining the commercial feedlot.

Operator – The owner or operator of a commercial feed lot, or the land on which the commercial feed lot is located.

Structure – Any building, structure, installation, storage container or storage site used in the operation of a commercial feed lot, including but not limited to feed storage bins, litter storage sites, incinerators, manure storage sites, poultry houses, poultry disposal pits and dead poultry cold storage chests.

Use Permissions

Commercial Feedlots are permitted by-right in the Agricultural Conservation (A1) zoning district.

Acreage

- All Commercial Feedlots must meet the following minimum acreage requirements:
 - Beef or Dairy Cattle – 60 acres for the first structure, and 15 acres for each additional structure.
 - Swine – 50 acres for the first structure, and 10 acres for each additional structure.
 - Poultry – 15 acres for the first structure, and 5 acres for each additional structure.
- The expansion of any existing conforming Commercial Feedlot structure requires an additional one (1) acre of land for each 5,000 square feet of structure addition.

Setbacks

- Minimum setbacks from existing dwellings not owned by the operator:
 - All commercial feedlots (except for swine feedlots) – 300 ft.
 - Swine commercial feedlots – 1,500 ft.

- Minimum setbacks from all property lines:
 - All commercial feedlots (except for swine feedlots) – 150 ft.
 - Swine feedlots – 300 ft.
- Minimum setbacks from any public road:
 - All commercial feedlots (except for swine feedlots) – 150 ft.
 - Swine feedlots – 500 ft.
- Commercial feedlots must be a minimum of 1,500 feet from any incorporated town, residential zoning district, public school, county-owned building, county, town or community recreation area, public well, public spring, public water intake or supply reservoir.
- Aerial spraying must stay a minimum of 500 feet from occupied dwellings other than the owner. Other forms of spraying and spreading nutrients must meet setbacks of the individual Nutrient Management Plan.

Buffer/Landscaping

- One (1) of the following buffers is required for all commercial feedlots:
 - A natural buffer; or
 - A buffer consisting of three (3) staggered rows of native evergreens between existing dwellings and the commercial feedlot.
- The Zoning Administrator may reduce this buffer requirement with written authorization from the adjacent property owner.

Site Plan

- Owners of commercial feedlots built after the Ordinance's effective date must file a plat (with notarized setback-compliance statement) plus a Site Plan showing all existing and planned structures. Once approved, only setbacks from dwellings existing at the time of approval must be maintained.
- At least one-third of livestock/dairy animals (or one poultry structure) must be put into service within 36 months of approval unless requirement already met at filing. The operator must notify the Zoning Administrator within 30 days of any structure being

placed into service. Failure to meet these deadlines will result in revocation of Site Plan approval.

Nutrient Management Plan

- Commercial feedlots are prohibited from operating prior to a Nutrient Management Plan being approved by the Virginia Department of Conservation and Recreation (DCR), the Virginia Cooperative Extension, or a person certified or employed by the Commonwealth as a nutrient management planner.
 - Nutrient Management Plans must be reviewed and updated every five (5) years by one of the above-referenced agencies.
- If waste is disposed of off-site, the Nutrient Management Plan must include a documented agreement (or notarized affidavit for retail/consumer sale) specifying duration and use of the waste. The Plan stays valid only while the agreement is active, must be reviewed upon expiration/termination, and the operator must notify the zoning administrator within 15 days of early termination.
- Operators must own sufficient property to dispose of nutrients if agreements with other property owners cease to exist.

Storage

- Commercial feedlots must provide animal waste storage sites, with or without a permanent structure, meeting the following requirements:
 - Meet all applicable standards of the Commonwealth;
 - Be located on the same parcel as the facility to which they are an accessory use;
 - Meet the setback requirements of the Zoning Ordinance; and
 - Be certified by a professional engineer registered in Virginia that the site is located on an impermeable base and is out of any drainage ways.
- If an operator is unable to locate a storage site on the same parcel of land due to insufficient acreage or topographical hardship, the Zoning Administrator (after consultation with the operator's engineer) may permit the storage site on adjacent land owned by the operator; OR if a valid agreement for off-site waste disposal exists, the Administrator may permit the storage site to be located on a parcel specified in the agreement.

Rockingham County

Zoning Ordinance Reference

Chapter 17, [Article II](#) and [Article VI, Section 17-607](#)

Relevant Definitions

Animal Unit – For the purpose of this chapter, one (1) animal unit consists of domestic or domesticated:

Animal Type	Number of Animals Equivalent to 300 Animal Units
Adult Bovine (Cattle, Buffalo, etc.)	1
Juvenile Bovine, less than one (1) year old	2
Camelid (Llamas, Alpacas, etc.)	2
Equine (Horse, Donkey, etc.)	1
Ovine (Sheep, etc.)	5
Capridae (Goats, etc.)	5
Porcine (Pigs, etc.)	2
Small Poultry (Chickens, Ducks, etc.)	50
Medium Poultry (Turkeys, Geese, etc.)	10
Large Poultry (Ostriches, Emus, etc.)	3

Confined Feedlot or Loafing Lot – A structure or fenced and denuded area used for the occupancy of livestock which are not permitted to graze, roam or exercise outside of the structure or area.

Farm – One (1) or more areas of land, totaling at least six (6) acres and qualifying for land use valuation, used for the production, cultivation, growing, harvesting, or processing of agricultural products.

Hog Operation – An enterprise in which hogs are kept and raised, regularly involving the use or presence of one (1) or both of the following:

- Two (2) or more acres of non-vegetative land (excluding land used for crops) and used for confined feeding, growing, raising, or birthing of hogs prior to slaughter; or
- An enclosed confinement structure containing 500 square feet or more of floor space primarily for such enterprise.

Poultry Operation – A poultry house with other accessory uses customarily required for operation.

Use Permissions

- **Confined Feedlot or Loafing Lot** – Permitted by-right with supplemental use standards in the A-1 and A-2 zoning districts.
- **Hog Operation** – Permitted by-right with supplemental use standards in the A-1, A-2, and I-1 zoning districts.
- **Poultry Operation** – Permitted by-right with supplemental use standards in the A-1, A-2, and I-1 zoning districts.

Setbacks

Each structure and denuded area associated with a hog or poultry operation must be setback as follows:

- Property lines – 150 ft.
 - May be reduced to no less than 75 ft. with mutual consent of the producer and landowner(s) whose property lines fall within the 150 ft. setback.
- Travel surface of public roadways – 100 ft.
- Designated urban growth areas, residential zoning districts, manufactured home parks and subdivisions, public schools, and recreation areas – 600 ft.
- Any jurisdictional waterway – 50 ft.
- Incorporated Town and City boundaries – 1,000 ft.
- Public wells, springs, and water intakes – 1,000 ft.
- Designated urban growth areas, residential zoning districts, manufactured home parks and subdivisions, public schools, and recreation areas – 600 ft.

Nonconformities

Existing hog or poultry operations that did not meet acreage or setback requirements as of October 1, 2014, are valid nonconforming uses and may expand under specified conditions, including a maximum of three (3) structures, adjacent landowner consent, and applicable acreage and other ordinance requirements.

Use Standards

Confined Feedlot or Loafing Lot

- No runoff from the confined feeding lot or loafing lot will be permitted to leave the property.

Hog Operation

- Any hog operation must be located on a farm as defined by the Ordinance.
- Manure management must comply with applicable local, state, and federal requirements. Manure not immediately land-applied is subject to specific storage standards addressing separation from water resources, waterproof covering after 14 days, groundwater depth, impermeable barriers, and stormwater protection.

Poultry Operation

- Any poultry operation must be located on a farm as defined by the Ordinance.
- Management of litter must be in compliance with all applicable local, state, and federal laws and requirements.
- Poultry litter not immediately land-applied must be stored at least 100 feet from surface waters, drainage areas, wells, sinkholes, and rock outcrops when not under roof.
- Litter stored outside for more than 14 days must be covered, and storage is subject to groundwater separation, impermeable barrier, and stormwater protection requirements.

Miscellaneous Standards

Hog Operation

- Applications must include a surveyed or engineered plat certifying setback compliance, and an operation permit requires a state-approved Nutrient Management Plan.
- Existing nonconforming structures may also be replaced or reconfigured, generally limited to 125% of the replaced structure's area and subject to setback and plat requirements.

Poultry Operation

- Applications must include a surveyed or engineered plat certifying setback compliance, and an operation permit requires a state-approved Nutrient Management Plan.

- Existing nonconforming structures may also be replaced or reconfigured, generally limited to 125% of the replaced structure's area and subject to setback and plat requirements.

Interview Takeaways

In an interview, Rockingham County staff noted that their Ordinance standards for both poultry and hog operations were updated in early 2026 to remove a minimum setback requirement from designated Urban Growth Areas (UGAs), as they felt this unreasonably restricted agricultural operations under state law. Standards for poultry operations were also updated in 2024 to address concerns associated with water withdrawal. To inform Ordinance standards, County staff worked with hydrologists from James Madison University and Virginia Tech, as well as the Virginia Poultry Growers Cooperative. The County also created a steering committee comprised of local stakeholders, and the Virginia Poultry Federation also provided feedback. County staff stated that, from an enforcement standpoint, the Ordinance standards seem to be working well, particularly setback standards. County staff also stated that having separate and specific definitions for poultry and hog operations have been useful in differentiating them from general agriculture. Additionally, many poultry and/or dairy operations also have cropland, which can help buffer or mitigate impacts.

Unlike several other localities, the County does not include a threshold for the number of animal or animal units that must be present for an operation to be classified as a poultry or hog operation. Once animals are confined in a facility on a farm as defined in the Ordinance – which is at least six acres of land and qualifying for land use taxation – they are considered a bona fide operation and must adhere to the supplemental standards provided in the Ordinance.

County staff noted that common complaints associated with agricultural operations are noise, lighting, and hours of operation. Water withdrawal and truck traffic also continue to be a concern for the County, especially as the agricultural industry is evolving towards larger, consolidated operations instead of smaller family farms. County staff noted that a single modern poultry operation can consist of up to 15 to 20 poultry houses, compared to the much smaller number of poultry houses that have historically characterized poultry operations. Ongoing consideration is being given toward completing a County-wide groundwater resource study. Additionally, current state law does not differentiate between general agriculture and industrial-scale agriculture, and this prevents localities from adopting more tailored regulations.

Shenandoah County

Zoning Ordinance Reference

Chapter 165, [Article XI – Intensive Poultry and Hog Facilities](#)

Relevant Definitions

Animal Unit – The unit of measure used to determine the appropriate density at which livestock can be raised subject to the restrictions imposed by this chapter. For the purpose of this chapter, the following agricultural animals shall constitute one animal unit:

Animal Type	Number of Animals Equivalent to 300 Animal Units
Adult Bovine (Cattle, Buffalo, etc.)	1
Camelid (Llamas, Alpacas, etc.)	2
Large Equine (Horse)	1
Small Equine (Pony, Donkey, Mule, etc.)	2
Ovine (Sheep, etc.)	5
Caprinae (Goats, etc.)	5
Leporidae (Rabbits, Hares)	5
Porcine (Pigs, etc.)	1
Large Poultry (Ostriches, Emus, etc.)	2
Agricultural animal that does not fit any of the above-referenced categories	1

Hog Facility, Intensive – The housing, feeding or confining of more than 10 swine and their farrow, if the farrow are removed prior to reaching 12 weeks of age, and related accessory uses or structures.

Hog Grower – The owner of the hog facility or of the land on which the facility is located.

Livestock – Agricultural animals, including but not limited to cattle, equine, sheep, goats, swine, and large poultry raised for home use, pleasure or profit, but does not include companion animals.

Poultry Facility, Intensive – The housing, feeding or confining of more than 200 chickens, 132 turkeys or 100 other type of fowl and related accessory uses or structures, including feed storage bins, litter storage sites, incinerators, disposal pits or cold storage chests used for collection of dead birds.

Poultry Grower – The owner of the poultry facility or of the land on which the facility is located.

Use Permissions & Permits

- General Farming, Agriculture, Dairying, and Forestry is permitted by right in the following zoning districts: Conservation (C-1) and Agriculture (A-1)
- Poultry/hog house construction requires prior approval from the County Planner/Zoning Administrator (regardless of whether a building permit is required), based on a submitted Site Plan, Nutrient Management Plan, and Sedimentation/Erosion Control Plan.
 - The Site Plan must be on a plat prepared and certified by a Virginia-licensed land surveyor confirming setback compliance and must show the following:
 - Existing and proposed building locations/sizes;
 - Parcel size;
 - Access roads
 - Nearby streams/sinkholes; and
 - VDOT signature of approval.
- A permit for the proposed entrance to the intensive poultry or hog facility access road must be obtained by VDOT prior to application for a Zoning Permit.

Setbacks

Intensive Poultry Facilities

- Intensive Poultry Facilities Located in Agricultural and Forestal District:
 - 300 ft. from any existing dwellings, schools, churches, and other nonagricultural uses.
- All Other Intensive Poultry Facilities:
 - 600 ft. from any existing dwellings, schools, churches, and other nonagricultural uses in a sparsely settled area;
 - 900 ft. from any existing dwellings, schools, churches, and other nonagricultural uses in a densely settled area;
 - 150 ft. from any property line, except for property line shared with an interstate highway.

- This can be reduced to no less than 75 ft. by mutual consent of the grower and adjacent property owner through a written formal agreement.

Intensive Hog Facilities

- Intensive Hog Facilities Located in Agricultural and Forestal District:
 - 300 ft. from any property line.
- All Other Intensive Hog Facilities:
 - 600 ft. from any existing dwellings, schools, churches, and other nonagricultural uses in a sparsely settled area;
 - 900 ft. from any existing dwellings, schools, churches, and other nonagricultural uses in a densely settled area;
 - 300 ft. from any property line.

Additional Setbacks for Intensive Hog and Poultry Facilities

- 900 ft. from any residential (R-1, R-2, or R-3) and commercial (B-1 or B-2) zoning districts located outside an existing town or designated growth area;
- 1,000 ft. from any existing Town boundaries and designated growth areas;
- 100 ft from any streams, rivers, springs, sinkholes, water intakes and public wells;
- 100 ft. from any private wells on adjoining properties.

Setbacks for Residential Dwellings

- Any residential dwelling constructed on land that was once within an Agricultural and Forestal District but was withdrawn at the request of the owner before the period of the district lapsed, must be at least 300 ft. from any existing intensive poultry or hog facility in the agricultural and forestal district.

Nonconformities

- A permitted poultry or hog facility loses its right to continue operating if a later land division causes the facility or parcel to no longer meet Ordinance requirements.
- Facilities in operation as of November 8, 1994 that don't meet current setbacks may add new facilities, provided that:

- The additions are no closer than existing facilities to dwellings, schools, churches, nonagricultural uses, residential/commercial zones, town boundaries, and growth areas; and
 - The grower obtains written, notarized, and recorded consent from any landowners or towns whose setback would be reduced.
- Facilities damaged or destroyed by fire, wind, snow, or other uncontrollable events may be replaced or reconfigured if:
 - The replacement is no closer than the original to the same protected uses/boundaries listed above; and
 - Any expansion beyond the original 1994 footprint must meet the setback-consent requirements described for facility additions.

Poultry Development Plan (Optional)

- Growers may file a Development Plan specifying planned poultry facilities including the number, location, and size. While approved by the Zoning Administrator, facilities are only required to meet setbacks from the following as they exist at the time of approval: dwellings, schools, churches, other nonagricultural uses, zoning districts, town boundaries, growth areas, and water intakes/wells. The Plan must include a certified surveyor's plat verifying the accuracy of distances.
- The Plan stays valid only if facilities are built/placed in service as proposed. At least one (1) facility must be constructed within 12 months of approval. If that deadline or a later 10-year deadline for additional facilities is missed, the Zoning Administrator reviews the Plan. The Plan is renewed (as-is or revised) in five-year increments if it can meet current regulations or revoked if it doesn't.

Nutrient Management Plan

- Since 1991, a Nutrient Management Plan must be reviewed and approved by the Zoning Administrator prior to the issuance of a permit. Pre-existing operations had a period of five (5) years to file a Plan if the facility doesn't expand first.
- The plan must ensure safe disposal/use of 100% of animal waste, primarily via land application at approved locations and agronomic rates set by the Virginia Cooperative Extension Service, accounting for nearby water sources and pollution-prone geology. Alternative methods require approval, and each plan needs review/approval by the Extension Service or other appropriate agency.

- If waste is disposed of off-site, the Nutrient Management Plan must include a written documentation specifying duration and use of the waste. The Plan stays valid only while the agreement is active, must be reviewed if it expires/terminates, and the operator must notify the Zoning Administrator when such agreement is terminated prior to its stated expiration.
- The Plan must provide for a site, with or without a permanent structure, for the storage of poultry wastes. Such storage must be located on the same parcel, with limited exceptions for adjacent land or off-site agreement parcels. A professional, Virginia-registered engineer or a representative of the Lord Fairfax Soil and Water Conservation District or United States Department of Soil Conservation Science must certify that the site is weather protected, is out of all drainways, and holds at least four (4) months' worth of peak waste production.
- The Plan must be reviewed and updated every five (5) years, or more often if noncompliance is documented.
- Poultry house permits approved before this Ordinance's adoption remain valid if all permit requirements are met and construction is completed within 12 months.

Summary of Comparison Ordinance Regulations

- Most localities allow intensive agriculture as a by-right use in agricultural zoning districts only. Rockingham County also allows hog and poultry operations by-right in the General Industrial (I-1) district; and Accomack and Amelia Counties both provide conditional approval or special exceptions in certain residential districts.
- Most definitions provided in locality Ordinances align with, or at least generally reference, the definitions provided in state code for AFOs and CAFOs.
- Localities are establishing distances from structures containing animals beyond the buffers DEQ requires from waste application or discharge areas. All 13 localities evaluated in this report require enhanced structural setbacks from some combination of property lines, roads, dwellings, waterways, and/or other specified uses. However, there is considerable variability in prescribed setback distances, ranging from 50 feet (Orange County) to one mile from specified uses (Brunswick and Dinwiddie Counties). Some localities allow setbacks to be reduced below the prescribed minimum if signed property owner consent is obtained or a certain level of vegetative screening is provided. Additionally, some localities have uniform setback standards for all forms of intensive agriculture; where facility types are further separated, swine operations tend to have more restrictive setback standards.
- Standards for enhanced screening are provided less consistently, but Accomack, Amelia, Brunswick, and Prince Edward County's Zoning Ordinances all have robust screening requirements.
- Most (10 of 13) localities include an animal or animal unit threshold for when an agricultural operation must meet the supplemental standards.
- Most localities reiterate DEQ's nutrient management plan requirements in their supplemental standards.

Summary of Comparison Ordinance Regulations								
County	Site Plan, Plat, and/or Facility Plan	Facility Density	Facility Limit	Enhanced Setbacks	Vegetative Screening / Buffering	Minimum Lot Area / Acreage	DEQ NMP Reiterated	Waste Storage or Disposal
Accomack	X	X ¹	X ¹	X	X	X	X ²	
Amelia	X			X	X		X	X
Brunswick	X			X	X		X	X
Buckingham	X			X		X	X	
Dinwiddie	X			X		X	X	
Franklin	X			X				
New Kent	X			X		X		
Orange	X			X			X	
Page				X		X		X
Pittsylvania	X			X		X	X	X
Prince Edward	X			X	X	X	X	X
Rockingham	X			X			X	
Shenandoah	X			X			X	

1 Poultry operations only; does not apply to swine.

2 Swine operations only; does not apply to poultry operations.

Conclusion

AFOs and CAFOs are defined consistently by federal law and the Virginia Administrative Code. Some variations in definitions – namely those for poultry CAFOs – are provided in state law for permitting purposes. Permits are required for certain AFOs and CAFOs based on the type and number of animals confined and whether prescribed criteria for waste discharge are met. In Virginia, DEQ administers the permitting process, as authorized by the U.S. EPA. The primary purpose of state and federal regulations is to protect waterways and groundwater sources from pollution or contamination that may be generated through the storage, discharge, and land application of waste, manure, and litter. Farms and agricultural operations that do *not* meet the definition of an AFO or CAFO are still required to adhere to other regulations addressing water quality and protection. The U.S. EPA also has additional laws and regulations associated with other agricultural activities, such as the handling of hazardous waste, pesticide application, and the operation of farm vehicles and machinery.

While Virginia localities cannot prohibit or conditionally allow AFOs and CAFOs in agricultural zoning districts under the Right to Farm Act, they can choose to adopt supplemental performance standards in zoning ordinances to mitigate adverse impacts, as long as they are reasonably related to public health, safety, and welfare.

This report does not establish that Albemarle County should amend its Zoning Ordinance or identify one local regulatory approach as preferable. Rather, this report provides a framework for determining whether the County's existing standards adequately address the land-use effects of AFOs and CAFOs. If future standards are pursued, they would need to clearly address identified local impacts, complement rather than duplicate state and federal oversight, apply consistently to similarly situated agricultural operations, and remain within the limits of Virginia law.

Appendix A: Definitions and DEQ Performance Standards

DEQ staff provided the following information to aid in research and report development.

Virginia law and regulations pertaining to livestock and poultry operations differ slightly in the definitions used in the law and in the regulations. The regulations use slightly different terms in order to align with both federal and state law.

It is important to note that the "C" in the acronym "CAFO" can stand for two different words; "confined" or "concentrated". "Confined" is used when referencing permits issued under the Virginia Pollution Abatement (VPA) regulation (9VAC25-32) established under the authority of Virginia State Water Control Law (SWCL). "Concentrated" is used for permits issued under the Virginia Pollutant Discharge Elimination System (VPDES) regulation (9VAC25-31) to align with federal National Pollutant Discharge Elimination System (NPDES) requirements.

The VPDES permit regulation definitions align with the Code of Federal Regulations (CFR) definitions and federal Clean Water Act (CWA). VPDES permits for livestock and poultry operations are typically not required because Virginia law does not allow routine discharges.

Virginia Law

Virginia State Water Control Law (SWCL) (§ 62.1-44.17:1.A.) uses the term "confined animal feeding operation" as below:

"confined animal feeding operation" means a lot or facility, together with any associated treatment works, where both of the following conditions are met:

- 1. Animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and*
- 2. Crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.*

Two or more confined animal feeding operations under common ownership are considered to be a single confined animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of liquid waste.

Virginia Regulation

The Virginia Pollution Abatement (VPA) Permit Regulation (9VAC25-32), the Virginia Pollution Abatement (VPA) Regulation and General Permit for Animal Feeding Operations and Animal

Waste Management (VPA AFO GP Regulation) (9VAC25-192), and the Virginia Pollution Abatement Regulation and General Permit for Poultry Waste Management (VPA Poultry GP Regulation) (9VAC25-630) all use the same definition for "animal feeding operation" and specify that for purposes of the regulations, "confined animal feeding operation" has the same meaning as "animal feeding operation" as below:

"Animal feeding operation" means a lot or facility (other than an aquatic animal production facility) where both of the following conditions are met:

- 1. Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and*
- 2. Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the operation of the lot or facility.*

Two or more animal feeding operations under common ownership are a single animal feeding operation for the purpose of determining the number of animals at an operation if they adjoin each other or if they use a common area or system for the disposal of wastes.

Note that there are no minimum animal numbers in the definitions of "confined animal feeding operation" or "animal feeding operation."

Poultry Specific Definitions

Virginia SWCL (§ 62.1-44.17:1.1.) further specifies that:

"Confined poultry feeding operation" means any confined animal feeding operation with 200 or more animal units of poultry.

The Virginia Pollution Abatement (VPA) Permit Regulation (9VAC25-32) and the VPA Poultry GP Regulation (9VAC25-630) define "confined poultry feeding operation" as below:

"Confined poultry feeding operation" means any confined animal feeding operation with 200 or more animal units of poultry. This equates to 20,000 chickens or 11,000 turkeys regardless of animal age or sex.

All confined poultry feeding operations in Virginia require VPA permit coverage.

Animal Number Thresholds for VPDES Permits

The VPDES Permit Regulation definition of "AFO" is essentially the same as that in the VPA Permit Regulation.

The VPDES Permit Regulation ([9VAC25-31](#)) definition of “CAFO” aligns with federal CWA and CFR definitions.

For more information on VPA and VPDES permits for livestock and poultry operations, refer to DEQ’s website at <https://www.deq.virginia.gov/newsinfo/shortcuts/permits/water/animalwaste>.

Performance Standards (VPA AFO GP Regulation and VPA Poultry GP Regulation)

[9VAC25-32-30](#). Requirements and prohibitions.

[9VAC25-192-70](#). Contents of the general permit

[B. Site design, storage, and operations requirements.](#)

[C.3. Animal waste use and transfer requirements.](#)

[9VAC25-630-50](#). Contents of the general permit.

[B. Site design, storage, and operation requirements.](#)

[C. Poultry waste transfer and utilization requirements.](#)