



204 Washington St. Moorefield, WV 26836  
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## **Questions to be answered in regards to Concentrated Animal Feeding Operations (CAFO)/Animal Feeding Operations (AFO)**

Basic Definitions can be found on page 2

1. At what square footage of animal housing should the operation become a conditional use in an Ag zone versus a by right use? (Example of square footages: 1 poultry house at 63'x704' is 44,352 sq. ft. 8 houses at that size would be 354,816 sq. ft.)
2. Should all animal feeding operations be a conditional use in commercial and/or industrial zones or should it follow the same guidelines as in ag zones?
3. What are reasonable setbacks for animal housing from any occupied structure not located on the same property once it becomes a conditional use? What about for by right use? (Currently the regulation is 300 ft and 600 ft was proposed in Berkley Group recommendations)
4. What are reasonable setbacks from property lines once it becomes a conditional use? What about for by right use? (Current regulations is 40 ft from front, 30 ft from side, 50 ft from back and Berkley Group recommends 100 ft for small AFO, 200 ft for medium AFO, and 400ft for CAFO)
5. Once the animal feeding operation reaches a conditional use, how far from the property the AFO is being proposed on should people be notified of the public hearing? (Currently is it 250 ft.)
6. Once the project becomes a conditional use, what conditions should be considered? How should each condition be addressed? Examples below:
  - a. Water – will it be well water or public water? How much water is expected to be used per day?
  - b. Vegetative buffers – should there be vegetative buffers planted around the perimeter of the project?
  - c. Odor, Dust, Noise – Should it be encouraged to have the exhaust fans placed in such a way to minimize the odor, dust, and noise from neighboring occupied structures as much as possible?
  - d. Nutrient Management plans (Poultry operations) – should these plans be required as part of the application process or submitted to the office once the project is up and running? This is a voluntary program through the Dept of Ag
  - e. Mortality (Poultry Operations) – This is handled through the WV Dept of Ag Initial Response and Containment Plan so should not require any additional regulations from the zoning Ordinance.
  - f. Any other conditions??

**Please respond in writing to the Hardy County Planning Office by May 28, 2021.**

**You may mail your responses to: Hardy County Planning Office, 204 Washington St, Moorefield, WV 26836; email responses to: [hardyvwplan@gmail.com](mailto:hardyvwplan@gmail.com); or drop them off to the office during business hours.**

### Basic Definitions

**Animal Feeding Operation (AFO)** - means an agricultural operation, including lots, houses, pens, or facilities (including litter sheds), together with any associated treatment works on the same or adjacent parcel of land that involves the raising, breeding, and keeping of animals in confined conditions for commercial purposes not including “animal wintering operations” as defined in this ordinance. In order for the operation to be considered an AFO, it shall meet the following conditions:

- Animals have been, are, or will be stabled or confined and fed (as opposed to being allowed to graze) or maintained for a total of 45 days or more in any 12-month period;
- Houses no more than the number of animals required to be considered a Category 1 or Category 2 AFO as listed in the chart included in ARTICLE IV, SECTION 5 of this ordinance; and,
- Does not discharge manure or wastewater into a natural or man-made ditch, stream or other waterway; if this is the case, the AFO shall be defined as a CAFO, regardless of the number of animal units, and shall be regulated as such.

**(Concentrated) Animal Feeding Operation (CAFO)** – means an AFO as defined in this ordinance with the exception that a CAFO houses a concentration of more than 1000 animal units (an animal unit is defined as an animal equivalent of 1000 pounds live weight and equates to 1000 head of beef cattle, 700 dairy cows, 2500 swine weighing more than 55 lbs, 125 thousand broiler chickens, or 82 thousand laying hens or pullets) – see chart included in ARTICLE IV, SECTION 5 of this ordinance. CAFO can also be defined as an AFO of any size that discharges manure or wastewater into a natural or man-made ditch, stream, or other waterway.

**Animal Wintering Operation** - means the confinement of cattle or sheep used or kept for breeding purposes in a feedlot or sheltered area at any time between October 15 and May 15 of each production cycle under circumstances in which these animals do not obtain a majority of their feed and nutrients from grazing. The term includes the weaned offspring of cattle and sheep, but it does not include: (1) breeding operations of more than 1,000 animal units, or (2) weaned offspring which are kept longer than 120 days and that are not retained for breeding purposes.

**Occupied structure** - a building or structure regularly occupied in whole or in part as a habitation for human beings, including any residence, business, church, schoolhouse, or any other public or private building where people are accustomed to assemble.

**AFO and CAFO designation**

AFO and CAFO designations are in line with the standards set forth by the US Department of Agriculture, Natural Resource Conservation Service. The definitions and application of these terms for purposes of this ordinance shall be designated as follows:

Animal Sector	Size Threshold - number of animal units		
	CAFOs	Category 2 AFOs	Category 1 AFOs
cattle or cow/calf pairs	1,000 or more	300–999	less than 300
mature dairy cattle	700 or more	200–699	less than 200
veal calves	1,000 or more	300 - 999	less than 300
swine (over 55 lbs.)	2,500 or more	750 - 2,499	less than 750
swine (less than 55 lbs)	10,000 or more	3,000 - 9,999	less than 3,000
horses	500 or more	150 - 499	less than 150
sheep or lambs	10,000 or more	32,000 - 9,999	less than 3,000
turkeys	55,000 or more	16,500–54,999	less than 16,500
laying hens or broilers (liquid manure handling systems)	30,000 or more	9,000–29,999	less than 9,000
chickens other than laying hens (other than a liquid manure handling systems)	125,000 or more	37,500–124,999	less than 37,500
laying hens (other than a liquid manure handling systems)	82,000 or more	25,000–81,999	less than 25,000
ducks (other than a liquid manure handling systems)	30,000 or more	10,000–29,999	less than 10,000
ducks (liquid manure handling systems)	5,000 or more	1,500–4,999	less than 1,500

*AFOs must meet discharge requirements as outlined in ordinance definitions or be considered CAFOs*