

# County of Rockbridge

## County Administrator

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Lexington, Virginia 24450

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### ROCKBRIDGE COUNTY NOTICE OF PUBLIC HEARINGS

Notice is hereby given per Section 15.2-2204 of the Code of Virginia and Section 802.03, 04 and 05 of the County of Rockbridge Land Development Regulations a public hearing will be held by the Rockbridge County Planning Commission on Wednesday, April 10, 2019, at or around 7:00 p.m. in the Meeting Room in the County Administrative Offices, 150 South Main Street, Lexington, Virginia 24450, followed by public hearings by the Board of Supervisors on Monday, April 22, 2019, at 6:00 p.m. at the same location to consider the following applications

1. K.M. Hotels, 1260 Radford Street, Christiansburg Virginia, applying to conditionally rezone .17 acres from General Industrial District (I-1) to General Business District (B-1) to develop a hotel project per Section 605.02-7 of the Land Development Regulations. Property owned by Charles W. Barger & Son is located along the west side of Rocklawn Lane approximately 500 feet south of its intersection with East Midland Trail in the Buffalo Magisterial District and further identified as Tax Map 75-A-40.

2. Rockbridge County, 150 South Main Street, Lexington, Virginia, amending the Land Development Regulations, Section 302, Specific Definitions: Livestock Confinement Systems to include "layers" and to amend Section 710.00 - Livestock Confinement Systems, to remove provision for improvement or enlargement of facilities by special exception where parcel do not have sufficient acreage; to re-evaluate the required setbacks, including Section 710.03-1 for specification of the 150' setback from the edge of public highway or road right-of-way and Section 710.03-1 for consolidation of the 600' setback from existing dwellings and public buildings (i.e. churches, graveyards, etc.), but exempting family cemeteries, as well as the property owner's dwellings; in Section 710.03-4, to provide for a 100' setback from water sources for a livestock confinement facility that is enclosed and under roof, and to remove provisions for setback reductions based on site plan evaluation; in Section 710.03-6, to specify the 100 year floodplain as the no-build area and update the date of the Federal Emergency Management Agency map to April 6, 2000, and to remove the Rockbridge County Zoning Map; and in Section 710.04, to provide that all Livestock Confinement Facility shall have a nutrient management plan meeting the requirements of the Department of Conservation and Recreation, and removing all County requirements for a Nutrient Management Plan, by striking Land Development Regulation Sections 710.04-1 through 710.04-6. The full text of the ordinance can be found on the County website [www.rockbridgecountyva.gov](http://www.rockbridgecountyva.gov) under Public Hearings and copies are available at the Office of Community Development.

Information on these applications is available in the Rockbridge County Office of Community Development, 150 South Main Street, Lexington, Virginia.

By: Sam Crickenberger  
Director of Community Development

2 consecutive weeks  
March 27, 2019

- 302.07 Agriculture. The tilling of the soil, the raising of crops, horticulture, and forestry, including the keeping of animals and fowl, and, including any agricultural industry or business, such as fruit-packing plants, dairies or similar use, not including abattoir.
- 302.13 Animal Confinement. The keeping of animals within an enclosed building or an enclosed area of less than two (2) acres, on a year-round basis.
- 302.122 Livestock. Animals kept or raised for sale, use, or pleasure.
- 302.123 Livestock Confinement Facility, Existing. A livestock confinement facility which is occupied or has been occupied by commercial livestock for any period of time within the five (5) years prior to the one in which zoning approval is sought.
- 302.124 Livestock Confinement Systems. A livestock confinement facility shall mean the feeding and confining of more than three thousand (3,000) turkeys, nineteen thousand (19,000) broilers **or layers**, seventy (70) dairy cattle, eight-five (85) fat cattle, one hundred ten (110) horses, more than two hundred eighty (280) swine, three hundred (300) sheep; accessory building, uses and structures, including feed bins, waste storage and treatment facilities, incinerator, disposal pits or cold storage chests used for the collection of dead animals.
- 302.125 Livestock Facility Operator. The owner or tenant of the livestock confinement facility and/or the land on which the facility is located.

## **710.00 LIVESTOCK CONFINEMENT SYSTEMS**

It is the intent of this Section to provide for the security of Rockbridge County's agricultural districts by encouraging the orderly and responsible growth of livestock confinement systems.

Agricultural operations shall not constitute a nuisance by reason of changed conditions on adjacent or nearby properties as per "Virginia Right to Farm Legislation," §§3.2-300 through §§3.2-302 (formerly §§3.1-22.28 and 3.1-22.29), Code of Virginia (1950), as amended.

### 710.01 Acreage Requirements:

- 710.01-1 The minimum parcel size on which an initial livestock confinement facility building may be placed shall be fifteen (15) acres.
- 710.01-2 For each livestock confinement building, after the first, or portion thereof, five (5) additional acres shall be required, provided that all requirements of this Section are met.
- ~~710.01-3 Parcels with livestock confinement facilities which do not have sufficient acreage as required above, may be improved or enlarged by special exceptions.~~

710.02 Site Plan Requirements. The landowner must have a site evaluation performed by a State certified engineer, a State certified geologist, and/or other appropriate personnel to determine the appropriate location of proposed buildings, waste storage and treatment facilities, and appropriate setbacks. Plans shall be submitted to the Zoning Administrator for review. The Zoning Administrator may request assistance from other resources, as necessary, for proper review.

Items to be discussed in this report include, but are not limited to: distance from wells, springs, sinkholes, creeks, streams, rivers, and other geological formations which may pollute the groundwater.

710.03 Setback Requirements. The following setback requirements shall apply to livestock confinement facilities, and includes waste storage sites:

710.03-1 ~~From highways or roadways: one hundred fifty (150) feet. From property lines: three hundred (300) feet.~~

**From property lines: three hundred (300) feet except when the parcel has frontage on a public highway(s) or other public roadway(s) the front setback(s) shall be one hundred and fifty (150) feet from the edge of the road right-of-way(s).**

710.03-2 **In addition to 710.03-1, from existing dwellings: six hundred (600) feet.. From and public buildings (i.e. churches, graveyards, etc). six hundred (600) feet, and From property zoned residential or business: one thousand (1,000) feet. Livestock confinement facility property owner's dwellings and family cemeteries are exempted from this setback.**

710.03-3 From incorporation lines of cities and towns: one thousand (1,000) feet.

710.03-4 From water sources such as rivers, creeks streams, springs, sinkholes, wells and other geological formations which may pollute the groundwater: six hundred (600) feet, **one hundred (100) feet if the facility is enclosed and under roof.** ~~Landowners well or spring used for the facility: one hundred (100) feet. The setbacks relating to water quality may be reduced by evidence based on a landowner's site plan evaluation by a State certified engineer, State certified geologist and/or other appropriate personnel.~~

~~710.03-5 New dwellings, on adjacent properties, must be setback three hundred (300) feet from property lines adjacent to livestock confinement facilities.~~

710.03-6 All livestock confinement facilities, including waste storage and treatment facilities, shall not be located within the **100 year** Floodplain District, as delineated in the Flood Insurance Study, the Flood Insurance Rate Map (prepared by the Federal Emergency Management Agency, dated ~~January 3, 1979,~~ **April 6, 2000** ~~Community Panel number 510205-0050A through 510205-225A,~~ as amended) ~~and/or the Rockbridge County Zoning Map.~~

710.04 Nutrient Management Plan: All livestock confinement facilities shall have a nutrient plan meeting the requirements of the Department of Conservation and Recreation

~~710.04 1 — After August 4, 1992, no livestock confinement facility, producing nitrogen and P2 O5 of fifteen thousand (15,000) lbs. or more, in manure, shall be issued a Zoning Permit until a site plan, nutrient management plan, and erosion and sediment control plan for the proposed facility has been accepted and approved by the County. Each facility already in operation prior to August 4, 1992 shall have a nutrient management plan filed with the County on or before October 1, 1993, or at such time as additional facilities are placed on the property, whichever shall come first.~~

~~After October 1, 1993, no facility shall operate without such a nutrient management plan. Implementation of the Nutrient Management Plan shall begin immediately following completion of construction of the facility.~~

~~Existing facilities will begin implementation of the Nutrient Management Plan immediately upon approval of the plan.~~

~~710.04 2 — The Nutrient Management Plan shall provide for the safe disposal of one hundred percent (100%) of the animal waste produced by the facility. Disposal or use shall be accomplished by means of land application at agronomic rates, as established by the Virginia Cooperative Extension Service and other appropriate organizations. Alternative methods of disposal may be used as approved by the Natural Bridge Soil and Water Conservation District.~~

~~The Nutrient Management Plan shall take into consideration, among other things, the presence of rivers, streams, public and private wells, springs and sinkhole, slope and geological formations that indicate a high susceptibility to groundwater pollution. Each nutrient management plan shall be approved by the Natural Bridge Soil and Water Conservation District.~~

~~710.04 3 — If off-site disposal is part of the Nutrient management plan, any private individuals within the County receiving twenty (20) tons or more waste shall be required to provide a nutrient management plan. Any broker for the waste shall provide a list of names of clients within the County who received the waste.~~

~~710.04 4 — If needed, the Nutrient Management Plan shall provide for a site, with or without a permanent structure, for the storage of animal waste located on the same parcel as the facility.~~

~~If, however, a grower whose operations was in operation prior to August 4, 1992 is unable to locate a site on the same parcel because of insufficient acreage or topographical hardship, then the Zoning Administrator, after consultation with the~~

~~grower's engineer and the Natural Bridge Soil and Conservation District, may permit the storage to be located on adjacent property owned by the grower; or if the grower has a valid agreement for off site disposal, as provided for above, the Zoning Administrator may permit the storage site to be located on a parcel specified in the agreement for off site disposal. A professional engineer registered in the Commonwealth of Virginia, or a representative of the Natural Bridge Soil and Water Conservation District shall certify that the site:~~

~~(1) — Is located on an impervious base.~~

~~(2) — Is out of all drainage ways.~~

~~(3) — Is protected from leaching into the ground water~~

~~(4) — Has sufficient storage capacity, as per the Nutrient Management Plan, for storage of the waste produced by the facility.<sup>1</sup>~~

~~710.04 5 — The Nutrient Management Plan shall be reviewed every five (5) years by an agent of the Natural Bridge Soil and Water Conservation District.~~

~~710.04 6 — Any livestock confinement facility Zoning Permit approved by the County prior to the adoption of this Section shall remain valid, as issued, on condition that all requirements set forth in [Section 710.04](#) and conditions as per the Zoning Permit are met and construction is completed within twelve (12) months from the date of issue.~~

710.05 Specific to Range Turkey Operations. Any range turkey operations consisting of three thousand (3,000) or more birds shall submit a site plan in accordance with [Section 710.02](#). Range turkey operations shall be required to have, and implement, a Nutrient Management Plan and an Erosion and Sediment Control Plan.

710.06 Disposal of Dead Animals. Disposal of dead animals shall be handled in an approved manner as specified by the Division of Animal Health and the State Veterinarian.

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<sup>1</sup> [September 2014] The above Subsections have been renumbered (1)-(4), formerly (a)-(d), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.