

September 22, 2017

Clarification on Agriculture Regulations for Mobile Chicken Coops

Dear Western Loudoun Residents,
I wanted to inform you that Supervisor Buffington and I have successfully clarified that zoning permit requirements are not required for all mobile chicken coops. In a zoning advisory opinion issued by Loudoun County Zoning Administrator, Mark Stultz, on September 13, 2017, mobile chicken coops in zoning districts where agriculture is a permitted use do not require a zoning permit. Accordingly, there is no zoning permit fee required for mobile chicken coops. We also received clarification from the Commissioner of the Revenue, Bob Wertz, that "temporary structures" such as mobile chicken coops are not taxed by the County as the Commissioner of the Revenue explained that "temporary structures not permanently affixed to the ground are not taxable for real estate tax purposes regardless of the use."

We did not feel that Loudoun's Zoning was very clear on this issue, and after hearing concerns from Loudoun County Farm Bureau in May about producers having to get a zoning permit every time they moved their mobile coop, we began to look into the situation. The current zoning ordinance does not designate a minimum or

maximum size requirement for shelters/coops, does not distinguish between larger chicken coops and smaller homeowner coops, and does not distinguish between moveable chicken coops/tractors and permanent livestock/chicken shelters. We found that the County had only issued twelve permits for chicken coops in the past five years so we worked with staff to find a resolution.

The resolution was issued in the form of an advisory opinion by Loudoun County Zoning Administrator, Mark Stultz. Mr. Stultz issued the initial advisory opinion as to whether a mobile chicken coop requires a zoning permit on property administered under the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance) on September 13, 2017, stating that "For the purposes of this opinion, a mobile chicken coop is meant to be an enclosure, cage or pen with wheels or tires that is capable of moving or being moved in which chickens are confined. The keeping of chickens is considered an agricultural use. A mobile chicken coop is permitted in zoning districts where agriculture is a permitted use and does not require a zoning permit." Now, mobile chicken coops will not have to pay the \$165 zoning permit fee.

We are happy to have found a resolution that will benefit producers and homeowners alike. We appreciate county staff working with us to achieve this goal.

Please see the full text of the Advisory Opinion below:

- *For the purposes of this opinion, a mobile chicken coop is meant to be an enclosure, cage or pen with wheels or tires that is capable of moving or being moved in which chickens are confined.*
- *The keeping of chickens is considered an agricultural use. A mobile chicken coop is permitted in zoning districts where agriculture is a permitted use and does not require a zoning permit.*
- *A mobile chicken coop shall comply with all applicable requirements of the Zoning Ordinance. A mobile chicken coop: 1) shall not exceed the maximum building height of the zoning district; 2) shall be included in calculating the*

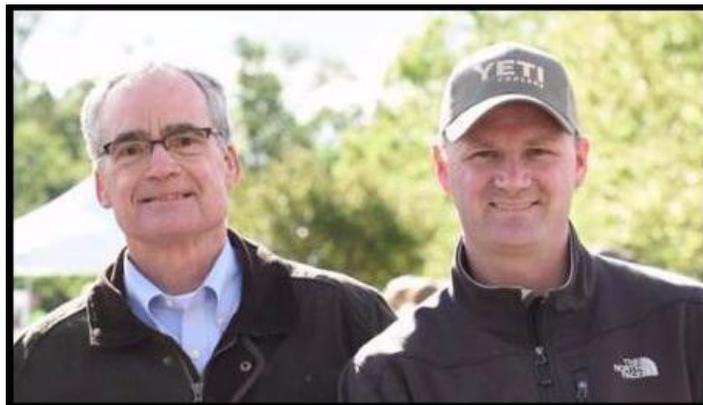
maximum permitted lot coverage of the zoning district; and 3) shall not be located in a required yard or setback.

- *Pursuant to Section 5-626 of the Zoning Ordinance, a Conservation Farm Plan approved by Loudoun Soil & Water Conservation District is required for mobile chicken coops on all properties that are less than 5 acres and for larger properties that are not in the Agricultural District of the Land Use Assessment Program. There is no fee associated with the development of this plan.*
- *The Health Department should be consulted for mobile chicken coops located on a property that is on private well and/or drainfield. Locating a mobile chicken coop on a drainfield, depending on the size of the structure, may damage the drainfield. Chickens are a source of contamination and should not be located in close proximity to a well.*

Property owners should check with their Homeowner's Association (HOA) before buying chickens or a mobile chicken coop as they may be prohibited by HOA bylaws.

Best Regards,

Supervisor Geary Higgins and Supervisor Tony Buffington





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Catoctin District, 1 Harrison St. SE, Leesburg, VA 20175

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