



State of West Virginia
Office of the Attorney General

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The Honorable Nicole G. Campbell
Greenbrier County Prosecuting Attorney
912 Court Street N, Suite 7
Lewisburg, West Virginia 24901

Dear Prosecutor Campbell:

You have asked for an Opinion of the Attorney General about whether Greenbrier County can apply a local zoning ordinance to bar a proposed slaughterhouse from operating.

We are issuing this Opinion under West Virginia Code § 5-3-2, which provides that the Attorney General “may consult with and advise the several prosecuting attorneys in matters relating to the official duties of their office.” When this Opinion relies on facts, it depends solely on the factual assertions in your correspondence and discussions with the Office of the Attorney General.

You explain that a slaughterhouse operator has proposed to construct and operate a commercial slaughterhouse and working farm in Greenbrier County’s Open Space Conservation District. The county has “designed [this district] to reflect the rural character and beauty of” Greenbrier County. Greenbrier Cty., W. Va., Rev. Zoning Ordinance § 900.01 (2003). The proposed slaughterhouse site is in an unincorporated part of Lewisburg. *See id.* § 100.02 (explaining that zoning ordinance applies to the “unincorporated areas of Lewisburg”). The slaughterhouse will also pack and ship meat onsite.

According to your letter, Greenbrier County has enacted a zoning ordinance that would prohibit construction of the slaughterhouse in the Open Space Conservation District *if* the ordinance could be properly applied to it. *See id.* §§ 200.07, 900.02. The ordinance permits land in Open Space Conservation Districts to be used for limited purposes, including “agriculture.” *Id.* § 900.02(F). But it excludes commercial slaughterhouses from the definition of that term. *Id.* § 200.07 (“Agricultural activity shall not include commercial slaughtering.”).

State law, however, bars a county from implementing a zoning ordinance restricting “the complete use” of land for an “agricultural operation as defined in § 19-19-2” “outside of

municipalities or urban areas.” W. VA. CODE § 8A-7-10(e). You thus ask whether Greenbrier County can properly apply its zoning ordinance to bar operation of the slaughterhouse, especially in light of a recent opinion from the West Virginia Commissioner of Agriculture finding that the slaughterhouse *is* within the definition of agriculture under West Virginia Code § 19-19-2.

With these facts in mind, your letter raises the following legal question:

Can Greenbrier County bar the proposed slaughterhouse by applying its local zoning ordinance?

We conclude Greenbrier County cannot apply its local zoning ordinance to prohibit the proposed slaughterhouse because it is an “agricultural operation” outside an urban area or municipality. It does not matter that the slaughterhouse might be labeled “commercial.”

DISCUSSION

We begin with the familiar maxim that the Greenbrier County Commission, like all county commissions, is “created by statute, and possessed only of such powers as are expressly conferred by the Constitution and legislature, together with such as are reasonably and necessarily implied in the full and proper exercise of the powers so expressly given.” Syl. pt. 1, *State ex rel. State Line Sparkler of WV, Ltd. v. Teach*, 187 W. Va. 271, 272, 418 S.E.2d 585, 586 (1992) (cleaned up); *see generally* W. VA. CONST. art. IX, § 11 (“Powers of county commissions”). Although county commissions have limited powers, when they do have a power, the commissions are “vested with a wide discretion” in its execution. Syl. pt. 1, *Cnty. Comm’n of Greenbrier Cnty. v. Cummings*, 228 W. Va. 464, 466, 720 S.E.2d 587, 589 (2011). Thus, where a county commission has broad express powers, it enjoys substantial implied authority as well. *See, e.g., State ex rel. Farley v. Spaulding*, 203 W. Va. 275, 283, 507 S.E.2d 376, 384 (1998) (finding implied authority to employ security personnel at a statutorily required judicial facility).

The key question, then, is whether some statute provides the county power to regulate the proposed slaughterhouse through zoning. County commissions have limited power to regulate agricultural activities through zoning. West Virginia Code § 8A-7-1(a)(3) authorizes county commissions to “regulate land use” by “enacting a zoning ordinance.” But county commissions are barred from enacting a zoning ordinance “preventing or limiting” “the complete use” of land for an “agricultural operation as defined in § 19-19-2” “outside of municipalities or urban areas.” W. VA. CODE § 8A-7-10(e). Restricting the “complete use” of land means impeding the “total, absolute” use. *Complete*, MERRIAM-WEBSTER.COM, <https://perma.cc/2V2R-V926> (last visited Nov. 24, 2025).

We therefore must consider whether the proposed slaughterhouse is an agricultural operation, evaluate whether it falls within a municipality or urban area, and address whether any other provision of law might nevertheless empower the county to act against it.

I. A Slaughterhouse Is An “Agricultural Operation.”

We must first consider whether the proposed slaughterhouse is an “agricultural operation.” We conclude that it is.

Under West Virginia Code § 19-19-2(c), an “[a]gricultural operation” is “any facility utilized for agriculture.” In turn, “[a]griculture” is “the production of food ... by means of cultivation ... and by the conduct of animal, livestock, dairy, apiary, equine or poultry husbandry” and “the practice of ... packing, shipping, milling, and marketing of agricultural products,” “or any other legal ... animal production and all farm practices.” W. VA. CODE § 19-19-2(a). In interpreting these definitions, we begin with the text.¹ See *Raymond H. v. Cammie H.*, 242 W. Va. 640, 644, 837 S.E.2d 701, 705 (2019).

The plain language supports inclusion of slaughterhouses with “agriculture” for many reasons:

- The definition begins by identifying agriculture as “the production of food ... by means of cultivation ... and by the conduct of animal ... husbandry.” W. VA. CODE § 19-19-2(a). Slaughterhouses are engaged in the production of food from animals. They kill and butcher livestock for human consumption, after that livestock has been raised through “husbandry.” See *Slaughterhouse*, MERRIAM-WEBSTER.COM, <https://perma.cc/DS2S-TSJ7> (last visited Nov. 24, 2025) (defining a “slaughterhouse” as “an establishment where animals are butchered”); *Husbandry*, MERRIAM-WEBSTER.COM, <https://perma.cc/54EF-X2FR> (last visited Nov. 24, 2025) (defining “husbandry” as “the cultivation or production of plants or animals”).
- The statute also includes “the practice of ... packing, shipping, milling, and marketing of agricultural products” within the definition of agriculture. W. VA. CODE § 19-19-2(a). Slaughterhouses regularly engage in packing meat products for distribution and sale. See also *Packinghouse*, MERRIAM-WEBSTER.COM, <https://perma.cc/6WN7-DNJF> (last visited Nov. 24, 2025) (defining a “packinghouse” as “an establishment for slaughtering livestock and processing and packing meat, meat products, and by-products”). Just consider *this* proposed slaughterhouse, which you’ve indicated will pack and ship meat. And many are directly involved in marketing their products to retailers, restaurants, and consumers, too.
- The term “milling” further supports inclusion, as it refers to processing raw agricultural materials into usable products—precisely what slaughterhouses do with livestock. *Mill*, MERRIAM-WEBSTER.COM, <https://perma.cc/F2MK-2JMN> (last visited Nov. 24, 2025)

¹ Chapter 19 serves a remedial purpose to “protect[] and preserve[]” “agricultural production and the utilization of land in agricultural productive operations.” W. VA. CODE § 19-19-1. So while Chapter 8A is not itself remedial, we will construe the definition of “agriculture” broadly considering Chapter 19’s remedial aim. See *State ex rel. City of Wheeling Retirees Ass’n, Inc. v. City of Wheeling*, 185 W. Va. 380, 383, 407 S.E.2d 384, 387 (1991) (“The policy that a remedial statute should be liberally construed in order to effectuate the remedial purpose for which it was enacted is firmly established.” (cleaned up)); 73 Am. Jur. 2d Statutes § 7 (“A ‘remedial statute’ has been said to be a statute enacted for the protection of ... property and in the interest of public welfare.”). After all, the definition should have consistent scope across provisions. See, e.g., *Feathers v. W. Va. Bd. of Med.*, 211 W. Va. 96, 102, 562 S.E.2d 488, 494 (2001).

(defining “mill” as “to grind into flour, meal, or powder”). These terms signal that the definition covers the full lot of activities for transforming farm-raised animals into marketable food products. Slaughtering animals is one of those activities.

Beyond these specific provisions, the general catchall of “any other legal ... animal production and all farm practices” covers slaughterhouses. W. VA. CODE § 19-19-2(a). This catchall follows several specific, enumerated activities representing various stages of agricultural production and the agricultural supply chain. So, under the *ejusdem generis* and *noscitur a sociis* canons, the catchall “will be construed as applicable only to persons or things of the same general nature or class as those enumerate,” and its meaning “is or may be known from the meaning of accompanying specific words.” *W. Va. Consol. Pub. Ret. Bd. v. Clark*, 245 W. Va. 510, 520, 859 S.E.2d 453, 463 (2021) (cleaned up).

Slaughterhouses share the essential character of the listed activities. They are integral to the process of producing food from animals and converting livestock into marketable agricultural products. The definition covers not only the raising of animals through “husbandry,” but the downstream activities for bringing agricultural products to market, like “packing, shipping, ... and marketing.” W. VA. CODE § 19-19-2(a). Slaughter fits squarely within this continuum. It is the link between livestock husbandry and meat packing or marketing. Moreover, slaughtering animals is a typical “farm practice.”²

Reading the definition *in pari materia* with the rest of Chapter 19, “agriculture” includes slaughtering. “Statutes which relate to the same subject matter should be read and applied together so that the Legislature’s intention can be gathered from the whole of the enactments.” Syl. pt. 3, *Smith v. State Workmen’s Comp. Comm’r*, 159 W. Va. 108, 109, 219 S.E.2d 361, 362 (1975). Chapter 19 governs “agriculture.” And within it, the Legislature saw fit to regulate slaughterhouses. Article 2E provides the “methods of humane slaughter,” W. VA. CODE § 19-2E-5, and article 2B governs “the licensing of commercial slaughterers, custom slaughterers and processors, and the inspection of slaughterhouses[.]” *id.* § 19-2B-1.

Accordingly, the slaughterhouse that your letter describes would be an “agricultural operation” for purposes of Section 8A-7-10(e).

² Further, excluding slaughterhouses from “agriculture” could lead to absurd results. *See Charter Commc’ns VI, PLLC v. Cmty. Antenna Serv., Inc.*, 211 W. Va. 71, 77, 561 S.E.2d 793, 799 (2002) (“It is the duty of this Court to avoid whenever possible a construction of a statute which leads to absurd, inconsistent, unjust or unreasonable results.” (cleaned up)). Most obviously, it would protect the raising of livestock and the marketing of the resulting meat products while excluding the essential intermediate step, slaughter.

The inclusion of “slaughterhouses” within Chapter 19—and by extension, Chapter 8A—is also consistent with the spirit and intent of the statute. *See Bluefield Supply Co. v. Waugh*, 106 W. Va. 67, 145 S.E. 584, 585 (1928) (“The spirit and intent must govern, and it is the duty of the courts to give such construction as will effectuate that intent, although not in strict accord with the letter of the statute.”). Chapter 19 promotes the “agricultural production of food,” finding that it “is a basic necessity to sustain human life, and essential to the general welfare and stability of this State.” W. VA. CODE § 19-19-1. Slaughterhouses are essential infrastructure for achieving this purpose; they convert animals into the food products “necessary to sustain human life.” Excluding them could frustrate the Legislature’s intent to ensure the viability of West Virginia’s food supply chain.

II. The Local Zoning Ordinance Cannot Apply To Block The Identified Slaughterhouse.

Next, we consider whether the proposed slaughterhouse is in a municipality or urban area. Because it is not, the local zoning ordinance contravenes state law and should be considered revoked as applied to this operation.

Both municipalities and urban areas are bounded by the incorporated limits of the municipal corporation. A municipality is a city, town, or village “incorporated as a municipal corporation.” W. VA. CODE § 8-1-2(a). Likewise, under West Virginia Code Section 8A-1-2(ee), an “urban area” is “all lands or lots within the jurisdiction of a municipal planning commission.” In turn, “[t]he jurisdiction of a municipal planning commission shall not extend beyond the corporate limits of the municipality.” *Id.* § 8A-3-14.

The proposed slaughterhouse is not located in a municipality or an urban area. You’ve specified it is in unincorporated territory. Unincorporated territory is definitionally not part of a municipality. *See id.* § 8-2-1(a) (providing that proposed municipalities must provide a map of the area to be incorporated); *id.* § 8-2-7 (proclaiming municipality is defined by boundaries); *id.* § 8-6-1 (providing that unincorporated territory may be annexed by municipalities only under certain circumstances).

The proposed slaughterhouse is, therefore, not subject to the local zoning ordinance. Again, county commissions are barred from enacting a zoning ordinance restricting “the complete use” of land for an “agricultural operation as defined in § 19-19-2” “outside of municipalities or urban areas.” *Id.* § 8A-7-10(e).

III. The Slaughterhouse’s Commercial Character Does Not Change Our Analysis.

Your letter notes how West Virginia Code § 7-1-3(a), the provision generally empowering county commissions, says that “no provision in th[at] section may be construed to limit the authority of a county to restrict the commercial use of real estate in designated areas through planning or zoning ordinance.” You then note how the proposed facility in Greenbrier County would seem to fall within a definition of “*commercial* slaughterer” found in a part of the agriculture laws. W. VA. CODE § 19-2B-2(mm) (emphasis added). You thus ask whether the “commercial” savings provision of Section 7-1-3(a) would allow Greenbrier County to enforce its ordinance.

For at least two reasons, we conclude Section 7-1-3(a) does not change our analysis.³

³ We assume for the sake of the argument that this slaughterhouse is rightly characterized as commercial. *But see, e.g., Indep. Stave Co. Inc. v Mo. Hwy & Transp. Comm’n*, 702 S.W.2d 931, 933 (Mo. Ct. App. 1985) (discussing a statute that referred to “industrial” and “commercial” purposes and noting that the use of both implied that the “the legislature intended to use commercial in its restricted sense”—a sense that “would not include farming”). That said, many authorities see agricultural and commercial purposes as distinct. For example, the U.S. Supreme Court said a century ago that “the right to lease land for ... commercial purposes ... cannot be said to include the right to own or lease or to have any title to or interest in land for agricultural purposes.” *Terrace v. Thompson*, 263 U.S. 197, 223 (1923). “The distinction between agricultural uses on the one hand, and business, manufacturing or commercial uses on the other is fundamental[.]” *Jones v. Johnson*, 55 S.E.2d 904, 906 (Ga. Ct. App. 1949); *accord Calvert v. City of Great Falls*, 462 P.2d 182, 185 (Mont. 1969) (“There are obvious distinction between the impact of annexation upon

First, Section 7-1-3(a) only applies—by its express terms—to *that* section. But the limitations found in Section 8A-7-10(e) are not found in that section (or even in that article). So we cannot read the preservation of general commercial zoning authority as a tacit restraint on the specific and separate prohibition on anti-agricultural zoning.

Second, Section 7-1-3(b) contains a key caveat much like the provision in Section 8A-7-10(e). That caveat, which the Legislature adopted in 2024, reads:

County commissions may not adopt or enact an ordinance, rule, license requirement, or other authorization that contravenes or is stricter than any state law, rule, or regulation relating to agricultural operations, as defined in §19-19-2 of this code. Any ordinance, rule, regulation, license requirement, or other authorization previously adopted by a county commission that contravenes or is stricter than any state law, rule, or regulation regarding agricultural operations is revoked.

W. VA. CODE § 7-1-3(b). To the extent Section 7-1-3(a) and 7-1-3(b) are inconsistent, this “later-enacted, more specific” provision would prevail over the more general language in Section 7-1-3(a). *Stanley v. Dep’t of Tax & Revenue*, 217 W. Va. 65, 72, 614 S.E.2d 712, 719 (2005).⁴ And because the Greenbrier County ordinance is “stricter” than the “state law” found in Section 8A-7-10(e) (at least as applied to slaughterhouses), the Greenbrier County ordinance would appear to fall within this authority-stripping provision.

* * *

In short, we conclude that Greenbrier County cannot apply its zoning ordinance to foreclose the slaughterhouse operator from operating the proposed facility you describe.

Sincerely,



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commercial and residential property as opposed to agricultural, industrial or recreational property.”). So courts often contrast agricultural and commercial purposes. *See, e.g., Animal Welfare Ass’n of Door Cnty. v Cnty. of Door*, No. 90-0554-FT, 1990 WL 174733, *1 (Wisc. Ct. App. Sept. 25, 1990) (“Maintaining an animal shelter is a commercial operation as opposed to residential, industrial, or agricultural.”); *Snook v. Herrmann*, 161 N.W.2d 185, 191 (Iowa 1968) (“Of course an employer may be engaged in two distinct occupations, one agricultural and one commercial, manufacturing, or otherwise industrial.”).

⁴ What’s more, if the “commercial” language from Section 7-1-3(a) were read to embrace the agricultural activities governed by Section 7-1-3(b), then the latter provision would essentially cover only subsistence and hobby farming. We see no indication that such a narrow zone of activity was the Legislature’s concern in enacting Section 7-1-3(b).