

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF GORDON COUNTY, GEORGIA, FOR THE PURPOSE OF ENACTING A TEMPORARY EMERGENCY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR ZONING APPROVALS, BUILDING PERMITS, LAND DISTURBANCE PERMITS, AND ANY OTHER APPROVALS OR PERMITS, OR PROCESSING OF OR ISSUANCE OF DECISIONS ON ANY SUCH APPLICATIONS, REGARDING NEW COMMERCIAL POULTRY OPERATIONS OR THE EXPANSION OF EXISTING COMMERCIAL POULTRY OPERATIONS.

WHEREAS, The Gordon County Board of Commissioners amended the Unified Land Development Code on July 21, 2015 to provide the Standards for Commercial Livestock, Swine and Poultry Operations now found in ULDC § 4.03.02(I). The Board of Commissioners enacted this amendment after hearings attended by numerous residents, chicken farmers, and poultry industry representatives. By enacting the amendment, the Board of Commissioners intended to reach a balance between the rights of poultry growers to use their land and the rights of neighbors to enjoy their own land without suffering odors, noise, dust and other conditions caused by large commercial chicken operations.

WHEREAS, Since the adoption of the revised Standards on July 21, 2015, the Board of Commissioners has received complaints from County residents alleging that certain clusters of mega chicken houses are negatively affecting their property values, use and enjoyment of their land. Some of the existing and planned clusters of house could result in over 36 mega houses within a 2000-foot radius. The term mega house, when used in this context refers to chicken houses that may be as large as 60 feet wide and 600 feet long and holding up to 52,000 bird each. This could place over 1,800,000 birds in a concentrated area.; and

WHEREAS, the concept of the mega chicken house is relatively new. Often, these are designed as industrial type feed operations and are not consistent with the family farm operations that have been common in Gordon County. The Commissioners are aware that plans exist to locate as many as 100 more mega houses in Gordon County that could hold up to 5 million birds; and

WHEREAS, The Board of Commissioners has determined that additional evaluation is necessary to determine the effect of mega chicken operations on the natural resources, environment, citizens and neighborhoods of the Gordon County; and

WHEREAS, adopting this moratorium as an emergency provision is necessary to protect the public welfare and is further in accord with established Georgia Supreme Court decisions such as City of Roswell v. Outdoor Systems, Inc., 274 Ga. 130 (2001); and

WHEREAS, the proposed moratorium duration is 60 days, which duration is determined to be the minimum adequate time to review the County Ordinances pertaining to mega houses, consider drafted changes, advertise and hold public hearing(s) required by law, and adopt said changes;

NOW THEREFORE BE IT ORDAINED AND RESOLVED, AND IT HEREBY IS ORDAINED AND RESOLVED, by virtue of the authority vested in the Board of Commissioners by law, that a moratorium is temporarily established as follows:

1. This moratorium is enacted for temporary and emergency purposes only, and shall be in effect through and including 60 days from its adoption, or until it is repealed, whichever occurs first.
2. This moratorium applies to all applications for any permit approval or issuance required for the construction, expansion or operation of new or expanded commercial poultry operations. For the purposes of this moratorium, *commercial poultry operation* shall mean any structure, group of structures or facilities designed to house or process 1,000 or more chickens or turkeys at one time.
3. Neither the County nor any of its staff or departments shall accept applications for zoning approval, building permits, land disturbance permits, or any other approvals or permits, or process or issue any decisions on any such applications regarding facilities or structures for new or expanded commercial poultry operations that may contain more than 1,000 birds.
4. No action taken by any person or entity during this temporary moratorium shall serve to vest rights to develop or operate any commercial poultry operation.
5. Previously approved commercial poultry operations shall not be prevented by this moratorium from operating under and consistent with the prior approval.

SO ADOPTED this 21st day of February, 2017, to be effective immediately, the public health, safety, and welfare demanding.

ATTEST:

GORDON COUNTY, GEORGIA

Clerk
(SEAL)

by: Becky Hood, Chairperson
Board of Commissioners