

PROPOSED SCHEDULE FOR ADOPTION OF CHANGES TO POULTRY ORDINANCE

Comment: In general, the Zoning Procedures Law (ZPL) requires notice and a hearing before a zoning decision is made.¹ The ordinance/code changes being proposed are zoning decisions affecting the unincorporated areas of the county. The following schedule is intended to meet the notice and hearing requirements. The schedule also brings transparency to the process of changing these provisions of the ULDC and opportunity to share information and opinions.

MAY 2, 2017 – Hand out proposed ordinance to commissioners for First Reading and receive initial comments and suggested revisions from commissioners

May 5, 2017 – Deliver notices to the paper for publication on Wednesday, May 13, 2016.

May, 10, 2017 - Notice runs in paper.

May 25 To June 26 – Hearing may be held between these dates, but, before adoption.

June 6 or 20, 2017 – Second Reading and Adoption

Location for Hearing: Main Court Room.

Date and Time for Hearing: TBD; Suggested Time for Hearing is Tuesday, June 6, 2017 at 5 pm. (Then could adopt on June 6, 2017.) (This is a regular meeting night so we may run a little late depending on length of hearing)

¹ § 36-66-4

(a) A local government taking action resulting in a zoning decision shall provide for a hearing on the proposed action. At least 15 but not more than 45 days prior to the date of the hearing, the local government shall cause to be published within a newspaper of general circulation within the territorial boundaries of the local government a notice of the hearing. The notice shall state the time, place, and purpose of the hearing.

4.03.02(K)

Standards for Concentrated Poultry Feeding Operations.

1. *Purpose.* The Gordon County Board of Commissioners finds that residents in Gordon County rely on water resources for drinking water supply, agricultural production, recreation, aesthetic enjoyment, and other activities; and that regulation of land uses within the County is essential for the protection of these water resources from degradation. Gordon County residents also rely on an environment that has minimal impacts related to nuisances. The uses of land for Concentrated Poultry Feeding Operations may result in odors, dust, noise, or other effects that may not be compatible with other zoning districts and surrounding areas. Regional Incidences of Bird Flu demonstrate the hazards of saturating an area with poultry feeding operations. Concentrated Poultry Feeding Operations shall be conducted in compliance with all applicable county, state, and federal laws and regulations, including land use, water quality, health, and environmental standards. Concentrated Poultry Feeding Operations should be located and designed in such a manner that they do not degrade the value of other property in the area.
2. *Definition Concentrated Poultry Feeding Operation.* A Concentrated Poultry Feeding Operation (CPFO) in Gordon County, Georgia is an agricultural enterprise where poultry are kept and raised in concentrated situations. CPFOs congregate poultry, feed, manure and urine, dead poultry, and production operations on a small land area. Feed is brought to the poultry rather than the poultry grazing or otherwise seeking feed in pastures, fields, or on rangeland. A CPFO is a Poultry feeding operation containing more than 125 thousand broiler chickens, or 82 thousand laying hens or pullets concentrated on site for more than 45 days during the year. Any size Concentrated Poultry Feeding Operation that discharges manure or wastewater into a natural or man-made ditch, stream or other waterway is defined as a CPFO, regardless of size
3. *Application Submittal Requirements.* All applications for a permit to operate a Concentrated Poultry Feeding Operation shall require the issuance of a Conditional Use Permit from the Board of Commissioners. The procedure for consideration of the Conditional Use Permit shall be the same as a request for re-zoning pursuant to Chapter 10 of the Unified Land Development Code. The following information shall be submitted with a Conditional Use application:
 - a. *Development and Design Plan.* A comprehensive, detailed site plan showing and identifying significant onsite and proposed features, to include:
 - (1) The boundaries of the parcel of land by survey.
 - (2) Any existing and proposed structures on the property.

- (3) Any water impoundments and/or waterways on the property.
- (4) Any existing and proposed wells.
- (5) Any existing and proposed septic systems.
- (6) Any existing and proposed screening.
- (7) Any public roadways directly serving the parcel of land.
- (8) Required setbacks.
- (9) Required buffer zone.
- (10) Any existing and proposed utility lines.
- (11) Existing and proposed topographic contours at vertical intervals of five feet maximum (U.S.G.S topographic maps may be used for existing contours).

b. *Comprehensive nutrient (waste) management plan.* A Comprehensive Nutrient (Waste) Management Plan that establishes the methods by which waste generated as part of the Concentrated Poultry Feeding Operation will be managed and disposed of including any temporary storage of such waste if managed on-site.

c. *Water supply and usage plan.* A Water Supply and Usage Plan is required for projects that exceed six confinement areas that provides the projected water usage for the operation(s); adequate water supply must be available through public and/or private wells adequate in quality and quantity to serve the Concentrated Poultry Feeding Operation being proposed and must be certified and approved as meeting such requirements by a Registered Professional Engineer based on State Geologic Survey and local well drillers.

d. *Notice required.* The applicant shall notify owners of adjacent property and owners of property within one-half mile of the designated parcel for which the application has been submitted. Such notice shall be mailed at least fourteen (14) days prior to the Public Hearing required by Article XI by certified mail, return receipt requested.

4. *Additional requirements, review criteria, and development and design standards:*

a. *Buffer zone.* Concentrated Poultry Feeding Operations shall be located to reduce impacts from light, pests, noise, odor, dust, particulate matter, and nuisances to the greatest extent practicable. A Buffer Zone must be located on the outer perimeter of the confinement area, with appropriate fencing, landscaping or other barrier as shall be approved by the County as a condition of Conditional Use approval. A Buffer Zone shall not be located on any portion of any existing or dedicated public or private street right-of-way and shall be privately owned and maintained. A

Buffer Zone is a unit of required space and plantings and/or structures designed to reduce conflicts between adjacent land uses by eliminating or minimizing potential nuisances such as light, odor, noise, pests, dust, or unsightly buildings.

b. Odors. Concentrated Poultry Feeding Operations shall be operated in compliance with all state and federal laws, rules and regulations and in such a manner as to not constitute a nuisance as defined by law. Strong odors, dust and noise shall be contained on the property and the site plan and design documents shall be certified by a qualified engineer demonstrating sufficient the manner and methods for compliance with this requirement. The owner and agents shall properly maintain all air filters and other systems that are designed to reduce odors. Failure to do so may result in a stop work order or fine or penalty as an ordinance violation. Maintenance records shall be kept on site and open for inspection by County personnel to verify compliance.

c. Character of the neighborhood and surrounding community. The use, as determined in the sole discretion of the Board of Commissioners, will be compatible with the character of the surrounding neighborhood and will not have negative impacts on adjacent properties. The determination of compatibility shall be based upon a consideration of the concentration of Concentrated Poultry Feeding Operations in the area, level of traffic; hours of operation; scale and design of buildings; noise, odor or vibration; and similar impacts associated with the proposed land use.

d. Traffic. The use will not cause undue traffic, congestion, dangerous traffic conditions, or other vehicle-related impacts. The Board of Commissioners shall have sole discretion in determining if the proposed Concentrated Poultry Feeding Operation will cause excessive traffic that is incompatible, and/or detrimental to the immediately surrounding areas. The Board of Commissioners should consider the type of road and road design to determine whether the road is adequate to accommodate heavy tractor trailer use associated with Concentrated Poultry Feeding Operations. The Application should include a traffic plan outlining the expected increase in volume, type of vehicle and frequency of traffic.

e. Nuisance. The operating characteristics of the use shall not create a nuisance and the impacts on neighboring property shall be minimized with respect to noise, odors, vibrations, light, dust, particulate matter and similar conditions.

f. Setbacks. The specific setback requirements for Concentrated Poultry Feeding Operations set forth herein are intended to minimize the adverse effects commonly associated with such operations, provided that larger setbacks or other conditions may be imposed as conditions so as to minimize adverse effects on surrounding property in cases involving, but not limited to, uncommonly large operations, unusual topographical conditions, or proximity to sensitive natural, scenic, or historic areas, municipal boundaries, and residential areas.

- (1) No Concentrated Poultry Feeding Operation shall be constructed in any location where any portion of the Confinement Area is 500 feet or less from the property boundaries of the parcel on which the Confinement Area is to be constructed.
- (2) No Concentrated Poultry Feeding Operation shall be constructed in any location where any portion of the Confinement Area is 1,500 feet or less from any building or property that is regularly used as a school, hospital, church, a public park, a public recreational area, a senior center, a nursing home or retirement home, a restaurant, or public community center.
- (3) No Concentrated Poultry Feeding Operation shall be constructed in any location where any portion of the Confinement Area is 200 feet or less from any perennial stream.

g. Air quality protection. The operation of Concentrated Poultry Feeding Operation facilities shall not exceed allowable emissions of substances or compounds regulated by state or federal Clean Air Acts, or the Clean Air Act Amendments of 1990, or any future amendments to either, or any other applicable statute or regulation.

h. Dead poultry disposal. Dead poultry shall be disposed of in a way that does not adversely affect ground or surface water and does not compromise public health. Any dead poultry shall be disposed of within seventy-two (72) hours of discovery by removal for rendering, cremation, burial or composting as approved by the Georgia Department of Agriculture and by the Environmental Protection Division of the Georgia Department of Natural Resources.

5. Non-conforming uses. Existing Concentrated Poultry Feeding Operations which were in operation at the time the Zoning Ordinance of Gordon County, Georgia (hereinafter "Ordinance") was amended to include Section 4.03.02(K), and which do not meet the requirements as described in this Section 4.03.02(K) shall be grandfathered as existing nonconforming uses for purposes of the Ordinance. If such legally nonconforming operations contain less than six (6) Confinement Areas, the grandfathered operation may, as a Permitted Use, construct additional Confinement Areas without compliance with subsection 4.03.02(K), provided that the total number of Confinement Areas does not exceed six (6) and, if a poultry operation, the total number of poultry associated with the poultry operation does not exceed 250,000 at any given time.