

4.03.02(K)

Standards for Dry Litter Poultry Operations.

1. *Purpose.* The Gordon County Board of Commissioners finds that residents in Gordon County rely on natural 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 natural resources from degradation. Gordon County residents also rely on an environment that has minimal impacts related to nuisances. The uses of land for Dry Litter Poultry Operations may result in odors, dust, noise, or other effects that may not be compatible with other zoning districts and surrounding areas.. Dry Litter Poultry 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. Dry Litter Poultry Operations should be located and designed in such a manner that they do not degrade the value of other property in the area taking into account the number of residences in the area, prevailing winds, and potential for odor and dust plumes to effect neighboring properties. The Board of Commissioners finds that this regulation serves legitimate public needs.
2. *Definition Dry Litter Poultry Operation.* A Dry Litter Poultry Operation (DLPO) in Gordon County, Georgia is an agricultural enterprise where poultry are kept and raised in concentrated situations. DLPO's 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 DLPO is a Poultry feeding operation containing more than 25 thousand broiler chickens, or 10 thousand laying hens or pullets concentrated on site for more than 30 days during the year.
3. *Application Submittal Requirements.* All applications for a permit to operate a Dry Litter Poultry 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 septic systems.

- (5) Any existing and proposed screening.
- (6) Any public roadways directly serving the parcel of land.
- (7) Required setbacks.
- (8) 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 (NMP) that establishes the methods by which waste generated as part of the Dry Litter Poultry Operation will be managed and disposed of including any temporary storage of such waste if managed on-site. The NMP shall, at a minimum, include best management practices and procedures necessary to implement applicable effluent limitations and standards.

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 pursuant to Article XI of the ULDC. 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. Notice shall be posted on the property and placed in the Legal Organ of Gordon County as required by Article XI.

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

a. *Buffer zone.* Dry Litter Poultry 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.* Dry Litter Poultry 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, pests 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. In the event of a complaint, an

appropriate means for assessment of any impact of odors and dust is contained in the “Guideline for Ambient Impact Assessment of Toxic Air Pollutant Emissions” issued by the Georgia Department of Natural Resources, Environmental protection Division, Air Protection Branch and EPA IRIS Guidelines

The owner and agents shall properly maintain all 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. Fans and vents shall be directed away from property lines where feasible.

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 Dry Litter Poultry Operations in the area, level of traffic; hours of operation; scale and design of buildings; noise, odor or vibration; proximity of existing residences 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..

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 Dry Litter Poultry 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 Dry Litter Poultry Operation shall be constructed in any location where any portion of the Confinement Area is 200 feet or less from the property boundaries of the parcel on which the Confinement Area is to be constructed.

- (2) No Dry Litter Poultry Operation shall be constructed in any location where any portion of the Confinement Area is 500 feet or less from any Residence.
- (3) No Dry Litter Poultry 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.
- (4) No Dry Litter Poultry 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 Dry Litter Poultry 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 upon discovery by removal for rendering, incineration, 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 Dry Litter Poultry Operations which were in operation at the time the Zoning Ordinance of Gordon County, Georgia (hereinafter "Ordinance") was amended to include this 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 No agricultural facility, agricultural operation, any agricultural operation at an agricultural facility, agricultural support facility, or any operation at an agricultural support facility shall be or shall become a nuisance, either public or private, as a result of changed conditions in or around the locality of such facility or operation if the facility or operation has been in operation for one year or more. The provisions of this subsection shall not apply when a nuisance results from the negligent, improper, or illegal operation of any such facility or operation. (See, O.C.G.A. § 41-1-7).