

K. Standards for Dry Litter Poultry Operations.

1. Purpose.

- a. The Gordon County Board of Commissioners recognizes that farming is a large part of the history and heritage of Gordon County. Poultry farming is an important element of the Gordon County economy. Some new poultry farms have been built in Gordon County with substantially larger chicken houses with much higher concentrations of poultry located on the farm. In some circumstances, these poultry farms have been built in the vicinity of existing residential neighborhoods. The residents have complained that odor, dust and noise from these new farms have negatively impacted their use, enjoyment and value of their property. The Georgia Supreme Court has determined "a thing that is lawful and proper in one locality may be a nuisance in another. In other words, a nuisance may consist merely of the right thing in the wrong place." *May v. Brueshaber*, 466 S.E.2d 196,265 Ga. 889 (Ga., 1995). In that same spirit, the Board of Commissioners requires the proposed Dry Litter Poultry Operation will be compatible with the character of the surrounding neighborhood and will not cause hurt, inconvenience, harm or devaluation of adjacent properties. The Board of Commissioners seeks to find a fair balance between the right to farm and the rights of citizens to be free from unreasonable interference with their right to enjoy and use their property.
- b. In some circumstances, the complaints have been associated with allegations of poor management practices by the Poultry Farmer. This ordinance seeks to establish a complaint resolution process that will provide notice to growers and integrators when complaints are received so that remedial steps can be taken, if necessary, to resolve the complaint.
- c. The Gordon County Board of Commissioners finds that there is a legitimate public need to adopt this chapter to protect the right to farm in Gordon County while also protecting the health, safety and welfare of its residents from unreasonable interference from certain new large scale poultry farms.

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, and manure, dead poultry, and production operations on a relatively 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 or designed to contain more than one thousand (1,000) birds on site at any time. ~~hundred twenty-five (125) thousand broiler chickens, or eighty-two (82) thousand laying hens or pullets concentrated on site for more than thirty (30) days during the year.~~

3. Application Submittal Requirements. All applications for a permit to operate a Dry Litter Poultry Operation shall require a conditional use permit issued by the Board of Commissioners or its designee. 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.