

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 REGARDING NEW COMMERCIAL POULTRY OPERATIONS OR THE EXPANSION OF EXISTING COMMERCIAL POULTRY OPERATIONS.

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**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). On July 11, 2017, the Board of Commissioners amended the Unified Land Development Code by adding Section 4.03.02(K) concerning Dry Litter Poultry Operations.

**WHEREAS**, The 2017 amendment was intended to address the concept of the mega chicken house which at that time was a new concept in Gordon County. The mega chicken house is approximately 60x600 feet with a capacity of about 300,000 birds. These mega houses are built generally in clusters of 6, 8 or 12 with a capacity of 1.8 to 3.6 million birds. Now Gordon County has a pending application for a conditional use permit for a minimum of 24 mega houses.

**WHEREAS**, The 2017 amendment defined these mega house chicken operations as Dry Litter Poultry Operations (DLPO). According to the amendment, "A DLPO is a Poultry feeding operation containing or designed to contain more than one 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." ULDC Section 4.03.02(K) requires all applications for a permit to operate a Dry Litter Poultry Operation to obtain a conditional use permit issued by the Board of Commissioners or its designee.

**WHEREAS**, by definition, commercial chicken operations of less than 125,000 broilers and less than 82,000 laying hens currently do not require a conditional use permit. Therefore, they are not subject to the design criteria, review standards, and submittal requirements of a Dry Litter Poultry Operation.

**WHEREAS**, In addition, chicken farms with less than 125,000 birds that are not subject to a conditional use permit have been constructed in areas where there is already a high concentration of DLPO chicken operations.

**WHEREAS**, The Board of Commissioners has determined that additional evaluation is necessary to determine if the existing ordinance provides sufficient safeguards for farmers and other members of the public considering the effect of all commercial chicken operations on the natural resources, environment, citizens, public health, roads, and neighborhoods of 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 commercial chicken operations, consider changes to the Ordinance, 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, revoked or modified, 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, conditional use, or any other approvals or permits, or process or issue any decisions on any applications filed after the execution of this moratorium 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 and decisions on pending applications that were previously filed shall not be prevented by this moratorium or from operating under and consistent with the prior approval.

**SO ADOPTED** this 20<sup>th</sup> day of August, 2021, to be effective immediately upon approval by the Gordon County Board of Commissioners.

ATTEST:

GORDON COUNTY, GEORGIA

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Clerk  
(SEAL)

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by: Becky Hood, Chairperson  
Board of Commissioners