



# STAFF REPORT

## MORGAN COUNTY PLANNING COMMISSION

### PETITION FOR: TEXT AMENDMENT

Applicant: Morgan County Planning & Development  
Applicant's Agent:  
Zoning Ordinance: Morgan County Zoning Ordinance  
Article 4 Zoning Districts and Maps

#### Summary

This text amendment application addresses confined animal feeding operations. Specifically, this text amendment limits confined animal feeding operations to Agricultural or Agricultural Residential Zoning Districts, and introduces new regulations for confined animal feeding operations. USDA defines a confined animal feeding operation (CAFO) as:

An animal feeding operation (AFO) with more than 1000 animal units (an animal unit is defined as an animal equivalent of 1000 pounds live weight and equates to 1000 head of beef cattle, 700 dairy cows, 2500 swine weighing more than 55 lbs, 125 thousand broiler chickens, or 82 thousand laying hens or pullets) confined on site for more than 45 days during the year. Any size AFO that discharges manure or wastewater into a natural or man-made ditch, stream or other waterway is defined as a CAFO, regardless of size. The U.S. Environmental Protection Agency (EPA) defines AFOs as agricultural enterprises where animals are kept and raised in confined situations. AFOs congregate animals, feed, manure and urine, dead animals, and production operations on a small land area. Feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures, fields, or on rangeland.

It is important to clarify that these regulations do not affect agricultural operations with free ranging animals.

The impetus for this proposed text amendment is concerns regarding poultry houses, although the definition could include dairies or hog parlors. The text amendment excludes dairies from the proposed language due to the drastic reduction in dairies in the county. Morgan County once had over 100 dairies; there are currently less than 10 operating in the county. The proposed language keeps the current regulations for dairies.

Poultry houses have become very contentious in counties surrounding Morgan County in the last few years. In 2015, Greene County issued a permit for 16 poultry houses to be constructed in the Veazy community, with 32 more proposed (total of 48). Neighbors complained enough for the Greene County Board of Commissioners to consider regulations for poultry houses in January 2016. The proposed regulations were met with criticism from the farming community, who felt they were too strict and would make starting or expanding a poultry business cost prohibitive. Green County adopted less

stringent poultry regulations in April 2016. Several counties, based on the situation in Greene County, have reconsidered poultry house regulations in the last year.

The University of Georgia's Department of Poultry Science stated in a UGA Extension publication in 2008 (revised 2015):

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**Urban sprawl and the loss of land for agricultural purposes in Georgia have emphasized the need for carefully designed zoning ordinances to protect farmers as well as providing a blue print for the long term growth and viability of a community.**

Even with urban encroachment and development in many of our north Georgia counties, poultry production has continued to be a significant and valued business. This is a result of having zoning ordinances that have not been excessively restrictive for poultry operators. As an example, some of our top poultry producing counties (e.g. Gordon, Habersham, Hall, Franklin, Madison, Oconee, etc.) have adopted zoning regulations utilizing set back distances of 100' to 400' from property lines and 300' to 500' from dwellings. These set back distances have allowed farmers to participate in poultry production as well as providing citizens of these communities with reasonable separations from farming activities for many years. More recently, research at the University of Georgia has confirmed that these distances provide enough separation to adequately protect neighbors of poultry operations from concerns regarding air discharges from poultry houses.

**Set Back Distances and Acreage Requirements.** The greater the setback distance adopted, the more acreage that will be required to site poultry houses. For example, a 200' set back from property lines would require a minimum of 14 acres to site four poultry houses if the plot of land was perfectly rectangular. Increasing the set back to 400' increases the acreage requirement to a minimum of 30 acres, while 1000' would require at least 130 acres. Since many plots of land are irregular in shape, property boundaries and topography will often ensure that more acreage is needed. In reality it generally requires at least 30 to 40 acres to meet site needs for an average four-house operation with a 200' set back. A 1000' set back could realistically require several hundred acres to site four poultry houses for many tracts of land. According to the 2002 Census of Agriculture, 74% of the farms in Georgia have less than 180 acres (3). Thus, a 1000' set back requirement would have the effect of eliminating large numbers of family owned farms from the opportunity to participate in this beneficial agricultural business.

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Although UGA states that these setbacks, even as low as 100 feet to a property line, are sufficient to negate consequences, the neighbors adjacent to the proposed site in Greene County and other locations disagreed. Internet research finds numerous articles from the last decade where residents have petitioned their local governments to increase regulations on poultry houses or deny applications for new facilities. In every article, the elected officials are faced with balancing the comfort of the residents with the rights of the farmers. The Morgan County Zoning Ordinance currently requires a 200 foot setback from any property line. Planning Commission records show that all poultry houses since 2007 have requested setback variances (2008: Glosson, 2012: DeLaigle, 2012: Adams). The typical requested

variance was 100', and was always granted due to precedent (although the Planning Commission required DeLaigle to reposition his poultry houses). Although precedent could be argued even with the proposed ordinances, changing economy, increasing population and the necessity of water protection (health, safety and welfare) can be stated as reasons to modify and strengthen ordinances.

Poultry is a huge business in Georgia, contributing over \$18.4 billion to the economy each year. Each poultry house is 50' x 500' and holds approximately 68,000 birds (it should be noted that the size given is what is currently required by poultry suppliers and does not necessarily represent the existing poultry houses in Morgan County). The cost to build and equip a new poultry house (depending on equipment required by the supplier) is estimated to be between \$330,000 and \$350,000, with suppliers typically requiring a minimum of 4 houses.

Poultry house regulations in other counties:

Greene County approved setbacks of 500 feet from any property line and 1500 feet from public areas such as schools, churches, etc. Applicants must pay a fee based on the number of chickens per house and file plans for the building and waste management. A water usage plan is required for projects with more than 6 houses. They also imposed additional rules for air and water quality and disposal of dead animals.

Oglethorpe County approved in 2016 set backs of 600' from any property line and a maximum of 6 houses per property.

Jasper County has no specific regulations for poultry houses and uses the setbacks for Agricultural zoning, which are 80 feet from the front property line, 30 feet from the side property line and 50 feet from the rear property line.

Madison County requires 200 feet from any property line and 400' to any dwelling not on the same property.

Oconee County requires a minimum of 20 acres and 400 feet from any residence not on the property.

Other counties, including Walton and Putnam, did not respond to requests for information.

#### Current and Proposed Language

See attached for use chart. Currently, **Agricultural, Farm and Animal Structures** are Permitted in AG and AR, and are Permitted in R1, R2, R3, LR1, LR2 and LR3 with a minimum of 5 acres (Note (d)).

Agricultural, Farm and Animal Structures may include confined animal feeding operations, or it may include a horse barn or chicken coop. These smaller, personal structures are frequently found in residential areas and the ability to have animals is a common reason given by many people moving for Morgan County from a more urban area. In order to continue allowance of ag, farm and animal structures, but remove the permission for confined animal feeding operations, Staff has proposed the

addition of Note (o): “Confined animal feeding operations are prohibited in residentially zoned areas” under R and LR zoning categories.

Note (l) currently provides the required setbacks for confined animal feeding operations. This note has been expanded to include additional setbacks and to provide stipulations regarding the number of poultry houses allowed per property. Due to the frequency of storm damage to Morgan County poultry houses, language has been added regarding grandfathered (existing) structures that would allow them to rebuild in the same location, providing they maintained the given setbacks (ordinance or approved variance).

#### Staff Comments

Staff has been placed in a difficult situation: modify the regulations to protect the investments of existing property owners while maintaining a farmer friendly ordinance. Attempts to place regulations on farming activities have resulted in Staff being accused of having “anti-agriculture” sentiments in the past. Farmers have stated in public meetings that any additional regulations add significantly to the hardships faced by agricultural businesses. Poultry farmers have expressed frustration that investors (such as those in Greene County) can build large numbers of poultry houses with low interest loans not available to the local farmer, making competition more stiff and hurting their businesses. They admit that something needs to be done to protect the small poultry farmer, but have not suggested specific solutions. These proposed regulations are intended to:

- Protect residentially zoned areas, where conflict is certain with large scale farming operations.
- Increase regulations for new confined animal feeding operations to protect adjacent landowners and state waters. The proposed regulations are not as strict as those recently adopted in Greene County, but more stringent than those in other neighboring counties.
- Provide an exemption for existing farmers who suffer damage from fire or storms and wish to rebuild in the same location.
- Maintain the current regulations for dairies, which are rapidly dwindling in Morgan County.

Currently, only one poultry farming family in Morgan County has 8 houses on any one property. No current poultry farmer in Morgan County has more than 8. The average number of poultry houses found in Morgan County on a single property is four. The proposed regulations may restrict existing farmers from expanding, depending on the land available around the existing houses. Some of the existing farmers have enough land to grow, and others do not. Existing farmers may always seek a variance.

Table 4.1 Permitted and Conditional Uses by Zoning District  
 The following table shows uses that are Permitted (P) or Conditionally Permitted (C).  
 A blank space denotes that the use is prohibited.

USE DESCRIPTION	AG	AR	R1	R2	R3	C1	C2	C3	MXD1	TCO	MXD3	I1	I2	I3	LR1	LR2	LR3	LTCD	RC	See Sec.	
Accessory Buildings	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	7.1
Accessory Dwellings	P	P	P	P	P					P	P				P	P	P	P	P	P	7.2
Adult Entertainment Establishment													C								7.27
Agricultural, Farm, and Animal Structures (I)	P	P	P	P	P										P	P	P				
			(d)	(d)	(d)										(d)	(d)	(d)				
			(o)	(o)	(o)										(o)	(o)	(o)				
Agricultural-oriented Businesses, including but not limited to the sale of nursery products and the sale and repair of farm implements, feed and seed sales, warehouses, and storage	C	C																			
Airport, Private Airstrip	C	C						C			C		C	C							
Amphitheater											P										
Airport, Public													C	C							
Apparel or Shoe Store						P	P		P	P	P										
Apparel and Accessories	P	P	P	P	P	P	P	P							P	P	P				7.20
	(g)	(g)	(g)	(g)	(g)										(g)	(g)	(g)				
Appliance Store						P	P	P			P										
Animal Processing Facility (I)	C												P								
Arts and Crafts Store						P	P		P	P	P										
Asphalt/Concrete Plant													C								7.3
Assisted Living Community						C	C			C	C							C			7.4
Auction House								P													
Auction House, Livestock only (I)	C							C													
Automobile and Equipment Rental							P	P													
Automobile Repair Garage, mechanical and body shops, provided all operations are conducted in a building which shall not have any opening, other than a stationary window, within 100 ft. of a residential zoned district.							P	P	C	P	C										
Automobile Sales																					
Automobile Wrecking Yard								P													
Bakery or Confectionary Store						P	P		C	P	C								P		
Bank or Financial Institution						P	P		P	P	P										
Barber or Beauty Shop	P	P	P	P	P	P	P		P(a)	P	P				P	P	P	P			7.20
	(g)	(g)	(g)	(g)	(g)										(g)	(g)	(g)				
Bed and Breakfast	C	C	C	C	C	C	C		C	C	C				C	C	C	C			7.6
Bicycle or Motorcycle Shop							P														
Big Box Retail Establishment								C													7.7
Billiards						P	P		C	P	C										

- (l) ~~Buildings and structures related to confined animal operations, including but not limited to, poultry houses, feed lots, hog parlors, hog lots, or other structures containing livestock manure shall be set back a minimum of 200 feet from any property line. Buildings and structures related to confined animal operations (excluding dairies), including but not limited to, poultry houses, feed lots, hog parlors, hog lots, or other structures containing livestock manure shall be set back a minimum of 400 feet from the front property line, 200 feet from the side and rear property lines, 100 feet from state water and 400 feet from any residence not occupied by the owner or caretaker. Poultry houses are limited to 8 per property. Structures related to dairies must be set back 200 feet from any property line. This ordinance does not affect grandfathered structures, provided that the above setbacks or formerly approved variances are maintained.~~
- (m) May only be used in conjunction with construction work and must be removed immediately upon completion of construction. No temporary building may be used for residential use or maintained for office space or storage.
- (n) Minimum 20 square feet per person in training area, maximum 50 people. Egress requirements will apply.
- (o) ~~Confined Animal Feeding Operations are prohibited in residentially zoned areas.~~

Table 4.2