

**MINUTES**  
**CASS COUNTY BOARD OF ZONING APPEALS**  
**MONDAY, July 25, 2016**

Fred Seehase called the regular meeting of the Cass County Board of Zoning Appeals to order at 6:00PM in the Commissioners Hearing Room on the 2<sup>nd</sup> floor of the Cass County Government Building.

Members present: Fred Seehase, Bob Barrett, Stacy Odom and Robert Heckard

Members absent: Larry Phipps and Jim Donato, Alternate

Staff present: Chris Gaumer, Peggy Dillon, Attorney, Jeff Stanton and Arin Shaver entered the meeting at 7:14 PM.

Public in attendance: See sign in sheet

**ACTION ON MINUTES:**

Minutes of June 27, 2016 were presented. Mr. Odom made a motion to approve the minutes, Mr. Barrett seconded the motion and all were in favor.

Mr. Seehase asked if any Board members have been in contact with the petitioners, advocates or opponents in regard to today's case, all said they had not.

Staff informed the Board that proof of notification has been met for Case #16-07.

All wishing to speak were sworn in.

**PUBLIC HEARING:**

CCBZA Case #16-07: A petition of Aaron & Farrah Hines requesting a Special Exception to allow for a confined feed operation (CFO) and various Variances from Development Standards. The property is located at 5256 N. 1100 W. Royal Center and is zoned AG, Agricultural.

Chris Gaumer explained the proposed site to be on the White and Cass County border and presented a revised traffic plan. Mr. Gaumer stated that the revised traffic plan has been reviewed by White and Cass County highway departments and a letter from each will be read into the record. Mr. Gaumer gave the following information:

- 2 structures: wean-to-finish pig buildings
- Maximum capacity of 4,800 head per building
- Each building to be 121' X 290', 35,090 sq. ft.
- Waste will be transported off site into White County for land application
- Variance for the minimum setback from nearest residence of 820 ft.
- Approximately 400' of wooded buffer exists between the residence and proposed CFO: wooded area is not owned by petitioner
- Dusk to dawn lighting on ends of building and access lighting above doors
- No signage is planned
- 7AM – 6PM & occasionally early morning or late night hours of operation for loading seasons
- Parking is adjacent to building for employees & livestock trucks, parking is conforming
- Access is off 1100 W.

- No landscape or buffer is required

Mr. Gaumer explained that a revised traffic plan has been reviewed by White County Planning Department; White & Cass County Highway Departments. Mr. Gaumer presented the revised traffic plan that is based off the White County Highway Department recommendations.

Michael Veen Huizen, Livestock Engineering Solutions, 2967 S. Honey Creek Rd. Greenwood, IN, submitted a letter from Steve Felker. Mr. Huizen explained the following:

- 2 buildings will hold 4800 pigs
- Pigs come in at 15lbs. and go out at 250lbs.
- Entire cycle of the pig process will be in the buildings
- 2 groups per year will cycle
- Primary route for all activity is to go north on 1100 W. to SR 16
- White County confirmed that 1100 W. is their maintenance
- Buildings are environmentally controlled
- Manure will be applied following state requirements
- Permit application to Indiana of Environmental Management has sent
- Exhaust & high volume ventilation will go towards the wooded buffers

Mr. Seehase asked for questions or comments from the public.

Mrs. Householder, Cass County Economic Development, read a letter from her in favor of the operation, stating that economic impact is important for Cass County and asked for the Board's support.

Herb Crimmons, 967 E. CR 900 N. spoke in support, stating that he runs a confined feed operation and this proposal is run by family which is good for the county.

Tony Howard, 3685 E. 450 N. spoke in favor of the proposal stating that it contributes to the tax base and provides jobs.

Aaron Hines, 13286 E. SR 16, petitioner, stated that he will be operating the confined feed on the land that his Dad, Mark Hines owns and most of the manure will be applied on his property in White County. Mr. Hines stated that this is an important step for the future and noted that the property owner to the south, Steven Felker, has sent a letter in support.

Jim Brugh, 204 Fourth St., spoke as the attorney for the neighbors in opposition; passed out a document, "Impact Calculations for a Hog Concentrated Animal Feeding Operation"; and gave the following information:

- Academic research shows that quality of life is a major factor in economic development
- 4 points in opposition:
  1. According to the Cass County Board of Zoning Appeals Bylaws: Ownership is required to apply to the Zoning Board, Aaron Hines does not own property in Cass County
  2. IDEM requires disclosure of integrators, who is putting money into the operation; Aaron Hines has not done this
  3. Cass County Zoning Ordinance requires no CFO be closer than 1320 ft. to a residence, unless residence is owner or operator of CFO lives at the property; this standard is not being met



4. The Findings of Fact to be completed by the Board, state that approval should only be given if the criteria of the findings are met. Mr. Brugh stated concern that they cannot be met.

Mr. Brugh stated that quality of life will be impaired for the residents living in the area.

Phillip Weaver, 7010 N. 1500 E., asked the Board to deny this petition due to truck traffic will pass within 42 ft. of his house; the noxious nature of CFO; property devalued; health and safety will be impaired.

Jerica Weaver, 7010 N. 1500 E. Burnettesville, asked the Board to deny this petition due to increased traffic which will tear up the roads and will be dangerous to children walking and riding bikes; air emissions will cause health problems.

Lisa Kuns, 5734 N. 1500 E. Royal Center, spoke in opposition due to noise levels of the pigs at feeding time will be 95 decibels; the fans will 110 decibels; property values will decrease; traffic will be dangerous; soil & water contamination.

Leyanna Capper, 6552 N. 1500 E. Royal Center, spoke in opposition due to living less than ½ mile of the proposed operation and feels she will have to move if this is approved.

Orlandria Roberts, 106 ½ Cleveland St. Logansport, spoke in opposition due to trucks causing damage to the county roads.

Marvin Berkshire, 6093 N. 900 W. spoke in opposition due to the bad smell; noise of the pigs and truck causing dust in the air.

Greg Stigers, 10162 W. 575 N. Royal Center, spoke in opposition due to the county roads are not wide enough to past a semi-truck; roads are soft and horrible in the spring time; the roads will be destroyed by the trucks; the smell from the methane gas that is produced will be bad.

Steven Weaver, 10595 W. 575 N., spoke against the petition due to smell and the noise; the property values decreasing; the increase in noise.

Jason Rogers, 4236 N. 1000 W. Royal Center, spoke concern of the traffic plan, he stated that signs are up along the county roads saying no heavy trucks from Dec. 31<sup>st</sup> through May 1<sup>st</sup>.

Kenny Wheeldon, 5848 N. 1100 W., spoke concern of the traffic plan and the damage trucks will do to the county roads.

Jeff Lewellen, 6772 W. 1500 E. Burnettesville, spoke in opposition due to dangerous road traffic; safety of children and lower property values.

Guy Poor, 5962 N. 1100 W. spoke in opposition due to damage to the county roads.

Mark Hines, 1598 N. 1050 W. , father to Aaron Hines, spoke in favor stating that Aaron Hines will own the property if this petition is approved; prevailing winds will blow into the woods, he understands that Steve Weaver will have a problem with the smell; he wants this approved so that he can help his family and encourage young farmers.

Mr. Seehase stated that he has observed the roads, they are terrible and they aren't going to last, what is the solution?

Mr. Huizen stated a cooperative effort is needed between the farm, traffic patterns and a relationship with White County and agreed that the roads will require attention. Mr. Huizen outlined approximately the amount of trucks and the times that they will travel the county roads, stating roughly 100 trucks per year. Mr. Huizen explained where applications of manure possibly will occur.

Mr. Barrett read the following correspondence:

- White County Highway Department, Michael Kyburz, explaining the route of travel to be: SR 16 south to Hines CFO or north from Hines CFO to SR 16, no alternate route is acceptable.
- Cass County Highway Department, Jeff Smith, stating that he is aware of plans for the Hines CFO and that White County is responsible for maintaining Cass County Road 1100 W
- Steven N. Felker, 7717 N. 1450 E. Burnettsville, explained that he owns the property south of the proposed Hines CFO and is in support of this petition.

Mrs. Shaver explained that a continuance could give the petitioner time to address the issue of ownership and issues stated at this meeting.

Mr. Stanton, County Attorney, explained that it is apparent that there does need to be some form of legal standing on the part of the petitioner.

Mr. Seehase asked for further questions or comments from the Board or the public, there were none.

Mr. Barrett motioned to continue this petition until the next meeting on August 22, 2016. Mr. Heckard seconded the motion and all were in favor.

**REPORTS:**

None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

None

There being no further business to be brought before the Board, the meeting was adjourned at 7:40 PM, July 25, 2016.

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CCBZA Officer

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Peggy Dillon, Recording Secretary