

**MINUTES**  
**CASS COUNTY BOARD OF ZONING APPEALS**  
**MONDAY, August 22, 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, Arin Shaver, Peggy Dillon and Attorney, Jeff Stanton

Public in attendance: See sign in sheet

**ACTION ON MINUTES:**

Minutes of July 23, 2016 were presented. Mr. Barrett made a motion to approve the minutes, Mr. Heckard 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 #16-07, all said they had not.

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

Jim Brugh, attorney for the remonstrators of CCBZA case #16-07, asked to be included in the proceedings and addressed the Board. Mr. Brugh stated the following:

- August 2, 2016 the remonstrators objected to the proceedings of the Cass County Board of Zoning Appeals due to their bylaws
- The remonstrators stand upon their contention that the last proceeding on July 25, 2016 is the record; evidence was heard and documents were received
- The only thing left to do is for the Board to conclude the proceedings by deliberating and voting
- New evidence should not be taken of any kind

Mr. Seehase stated that the evidence from the prior hearing will be considered into this continuance.

**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.

Mr. Gaumer stated that staff has received from the petitioner a quick claim deed signing the property from Mark Hines to Mark and Cindy Hines as well as Aaron and Farrah Hines and an agent authorization approval for Michael Veen Huizen to speak on behalf of Aaron and Farrah Hines.

Mr. Seehase asked for a motion to suspend the bylaws of the Cass County Board of Zoning Appeals. Mr. Barrett motioned to suspend the bylaws, Mr. Heckard seconded the motion and all were in favor.

Mr. Barrett motioned to amend the bylaws to accept new evidence and documents into the record. Mr. Heckard seconded the motion and all were in favor to accept the amendment.

Mr. Brugh stated that the remonstrators stand upon their objections to the inclusion of any new exhibits or testimony; that the addition of these documents is a violation of the due process that was afforded the first time.

Mr. Seehase asked for all wishing to speak with new evidence to stand: all were sworn in.

Andrew David, attorney for the petitioner, presented the document "Effect of Regulated Livestock Operations on Values selected in Indiana Counties" in 2008, showing that restricted livestock operations in rural areas will increase property values and the well-being of citizens.

Mr. Veen Huizen, Livestock Engineering Solutions, speaking on behalf of the Hines, presented a site map showing the approximate separation distances between the proposed confined feed operation and 5 residences to the north; the closest residence being 1515 ft.

Mr. Veen Huizen also presented the Purdue Odor Setback Model that was used by the Hines to decide the location of the proposed site: it shows that for a combined effect, a prediction of odor free occurrences to be 92% - 93% for the closest residence and 96% for the residences further away; giving this proposal good support for choosing this site.



Robert Benesh, 8478 N. 900 W. Galveston, IN, spoke in favor of this petition and explained that in the early 1990's a CFO was built within ½ mile of his house; he has a swimming pool; smells pigs about once every 2 weeks; never has been chased inside because of the odor; trucks did not interfere with his children riding bikes.

Mr. David stated that the petitioner is looking into building a shelterbelt buffer on the north side.

Mr. Odom asked if a shelterbelt buffer could be built on the south side also.

Mr. Hines stated that yes; he would be open to building some kind of buffer to the south.

Mr. Seehase asked for further questions or comments.

Christy Householder, Economic Director for Cass County, stated that the concerns of the road conditions were taken seriously and the Cass County Highway Department have been working with White County Highway Department to widen country road 1100 west and put fresh gravel down.

Mr. David stated that the petitioners do live in Cass County and the income will stay in Cass County.

Mr. Seehase asked for further questions or comments, there were none.

Mr. Seehase asked for written correspondence, there was no new correspondence.

Mr. Hines stated that yes he is willing to install natural buffer and has talked to some local land owners that are interested in a drag-line system to distribute manure, so will minimize truck traffic.

The following conditions of approval were read:

1. That all proposals of the petitioner be made conditions of approval.
2. That all other standards of the ordinance be met.
3. That all applicable stated and local permits be obtained and proof be given to the Zoning Administrator.

A discussion followed concerning the buffer.

The following commitment was read:

1. That classified buffer, shelterbelt, be installed on the south and north sides around the perimeter of the buildings, according to NRCS, Natural Resources Conservation Services standards and installed within a year of the buildings completion; the current buffer on the east side be maintained.

Mr. Odom motioned to add this commitment to the petition, Mr. Heckard seconded the motion and all were in favor.

Mr. Hines agreed to these conditions and the commitment.

Mr. Odom motioned to bring this petition to a vote, Mr. Heckard seconded the motion.

Mr. Seehase stated that discussion is closed. The Board completed the Findings of Fact.

Roll call vote was unanimous to approve the Variance from Development Standards; roll call vote was unanimous to approve the Special Exception; for #16-07.

Mr. Seehase explained the appeal process.

#### CCBZA #16-08:

Mr. Seehase asked if any Board members have been in contact with the petitioners, advocates or opponents in regard to today's case #16-08, all said they had not.

Mr. Seehase asked if proof of notification has been met for Case #16-08. Mr. Gaumer explained that proof of notification has not been presented and staff recommends that a condition of approval be added stating that proof of notification be presented before a permit is approved.

All wishing to speak were sworn in.

CCBZA #16-08: A petition of Taylor Miller Farms requesting a Special Exception to allow for a confined feed operation (CFO) and various Variances from Development Standards. The property is located at 9158 S. US 35, Galveston, IN and is zoned AG, Agricultural.

Mr. Gaumer explained the site of the petition and gave the following information:



- The petitioner is proposing a 2 structure, wean – to – finish pig buildings with a maximum capacity of 4,000 head per building (8,000 total pigs). Both buildings housing the CFO will be approximately 400 feet x 80 feet (32,000 sq. ft. each).
- The petitioner has stated that waste will be applied by drag line and knifed in the ground of farms owned by the petitioner and the farm owned by his brother Drew Miller.
- Security lighting will be installed on the front & sides of each barn
- 1 proposed sign of 60 sq. ft. near the entrance of the CFO will be lit and is permitted
- Hours of operations will be 5AM– 12 NOON, 7 days a week
- 2 employees = 2 employee parking spaces required
- Parking is provided adjacent to the building for employees and livestock trucks. Access drive located from SR 35
- Buffer Class A: No landscape buffer required.

Mr. Seehase questioned the hours of operations and asked if sometimes trucks would be there later.

Taylor Miller, petitioner, explained that trucks may sometimes come after hours.

Ms. Householder stated that this operation will provide hogs to facilities in the area and possibly in Michigan. Ms. Householder read from 2 studies in support of CFO's and stated this will be a next generation farm and is showing her support of the petition.

Rick Rouser, 2313 E. SR 218, Walton, spoke in opposition; asked where the manure is being spread; he does not believe that this will increase property values; what chemicals will be going into the ground water; concern of the smell and this will be visibly seen from US 35.

Mr. Odom stated that Indiana Department of Environmental Management, IDEM does regulate all CFO's and a waste management plan is required; all IDEM findings are public record.

Don Dailey, 7218 E. 800 S. Walton, IN , spoke in opposition due to; the hog smell; travelers seeing the operation on the highway; having to follow hog trucks.

Mr. Miller responded that he owns 600 acres within 10 miles and lives there; family farms are located in the area; he will do everything he can to keep barns clean and hogs healthy and the smell down.

Brady Bell, 7664 E. 900 S., spoke in opposition due to the smell; drainage is already a problem; believes that property values will be decreased quoting from several published studies including the report presented by Ms. Householder, Indiana Business Research Center, and Iowa State University report all gave the conclusion that this petition will have a negative impact on residences nearby.

James Pullen, 7621 E. 900 S. Galveston, IN spoke in opposition due to the smell; not being able to enjoy the outside; this will lower property values.

Tony Howard, 3685 E. 450 N. Logansport, IN, spoke in favor of this petition stating due to this is an agricultural county; he is trying to provide food and jobs for the community.

Mr. Miller agreed that drainage problems do exist and he stated that the buildings are away from a main tile holes and at least ½ mile from the front of the tile field; the issues of drainage are being dealt with.

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

Mr. Seehase asked for written correspondence, there was none.

The conditions of approval were read:

1. That all proposals of the petitioner be made conditions of approval.
2. That all other standards of the ordinance be met.
3. That all applicable stated and local permits be obtained and proof be given to the Zoning Administrator.
4. That the affidavit from the newspaper and the receipts of mailings be submitted to the Zoning Administrator prior to the issuance of a permit.

Mr. Barrett motioned to bring this case to a vote and Mr. Odom seconded the motion. Mr. Seehase stated that discussion is closed. The Board completed the Findings of Fact. Roll call vote was unanimous to approve #16-08.

Mr. Seehase explained the appeals process.

**REPORTS:**

None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

None

**PUBLIC IN ATTENDANCE:**

Mr. Rouser expressed his disappointment in the decision of the Board to approve #16-08 and questioned where the manure will be spread.

Mr. Miller stated that manure will be spread mainly around Galveston.

Mr. Gaumer stated that IDEM will have to approve all processes before a permit is to be given for the CFO.

There being no further business to be brought before the Board, the meeting was adjourned at 7:18 PM, August 22, 2016.

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CCBZA Officer

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CCBZA Officer

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Peggy Dillon, Recording Secretary