

**PROPOSED AMENDMENT TO UNION COUNTY UNIFIED ZONING  
ORDINANCE NUMBER THREE (3), ARTICLE IV (AGRICULTURAL USE)  
SECTION ONE (1) (AGRICULTURAL DISTRICT), NUMBER 16**

**Purpose:** The purpose of this ordinance is to establish certain standards for confined feeding operations (CFO) as defined in Indiana Code 13-11-2-40, and large concentrated animal feeding operations (CAFO) of up to four (4) times the animal density numbers established by the Indiana Department of Environmental Management (IDEM) in Union County, Indiana.

The purpose of these standards is to facilitate large-scale livestock operations while preserving public health and safety and assuring reasonable compatibility between such livestock operations and other uses.

**Delineation:** The provisions of this ordinance are supplemental to all laws, rules and regulations of Federal and State authorities. In case of conflicting requirements, the more restrictive provision shall prevail.

**Very Large CAFO:** Any new CAFO or the expansion of an existing operation that exceeds the IDEM definition by four (4) times minimum CAFO (VLCAFO) will be referred to the Union County Board of Zoning Appeals to be considered on an individual basis as a "Special Exception" according to criteria set by law. All standards set forth in this ordinance will apply to any CAFO unless otherwise stipulated by the Board of Zoning Appeals.

Applicants for new CFO and CAFO will be informed in writing that any future expansion and all subsequent expansions that place the facility above the four (4) times IDEM limits will be referred to the Board of Zoning Appeals and treated as special exceptions.

**Existing Livestock Operation:** Any CAFO, CFO or livestock operation that exists on the effective date of this ordinance and is not in violation or under pending or final enforcement actions by Federal, State or Local agencies' statute, rule or regulation, may expand its' operation within 500 feet of its' current location, notwithstanding the limitations imposed by any other section of this ordinance if:

Such expansion does not result in any CAFO structure being less than 200 feet from a property line or public road right-of-way. However, if such expansion will result in the operation being a Very Large Confined Feeding Operation (VLCAFO), it will also be referred to the Board of Zoning Appeals as a special exception.

**Permitted Zones:** A CFO, CAFO or VLCAFO will be permitted only in an agricultural zoned area of at least 40 contiguous acres under single ownership. If the CFO, CAFO or VLCAFO uses a lagoon, pond or other outside manure storage structures, the required area increases to 80 acres.

## **DEFINITIONS:**

### **Confinement:**

- A. Animals must be confined, fed, or maintained for at least 45 days in any 12 month period.
- B. Crops, vegetation, forage growth or post-harvest residue not sustained in the normal growing season over at least 50% of the lot or facility.

### **Public Use Area:**

A portion of land owned by the United States, the State or a political subdivision with facilities which attract the public to congregate and remain in the area for significant periods of time. Facilities included, but are not limited to, picnic grounds, campgrounds, cemeteries, lodges, shelter houses, playground equipment, lakes and swimming beaches. It does not include a highway, road right-of-way, parking areas, woodlands, recreational trails or other areas where public passes through, but does not congregate or remain in the area for significant periods of time.

### **Educational Institution:**

A building in which an organized course of study or training is offered to students enrolled in kindergarten through grade 12 and served by local school districts, accredited or approved non-public schools, area education agencies, community colleges, land grant institutions of higher education and accredited independent colleges and universities. It is important to note that home schools do not fall within this definition.

### **Religious Institution:**

A building in which an active congregation is devoted to worship. Note that religious services held in a home do not fall within this definition.

### Mandatory Minimum Setbacks for CFO & CAFO

**Setback:** The mandatory and absolute minimum horizontal distance in feet that must be established between two designated points; one point being a CFO or CAFO related structure including, but not limited to lagoons, ponds, pits, holding tanks, barns & offices. General purpose barns for implement or hay storage are not included.

From a residence not located on the subject parcel (see footnotes #1 & #2)	1,320 ft.
From a commercial or industrial building (see footnote #1)	1,320 ft.
From an educational institution	5,280 ft.
From a religious institution (see footnote #1)	2,640 ft.
From nearest edge during normal pool level of an open Legal drain, stream or river without a filter strip	500 ft.
From an open legal drain, stream or river with a twenty (20) foot Filter strip	300 ft.
From another CAFO or CFO	5,280 ft.
From residential zoned area (see footnote #1)	2,640 ft.
From a municipal boundary	5,280 ft.
From a public use area, State Park or Reservoir property boundary (see footnote #1)	2,640 ft.
From a well other than to service CAFO (see footnote #1)	500 ft.
From property lines	200 ft.
From State & Federal highway right-of-ways	500 ft.
From County road right-of ways	500 ft.

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#1. These setbacks are reciprocal.

#2. Residential structure setback may be reduced with recorded private agreement between affected owners.

## **CFO DENSITY**

### **Minimum number of animals**

Type	Density
Cattle	300
Swine or sheep	600
Fowl	30,000

The requirements set forth in this Ordinance apply to any CFO or CAFO of up to four (4) times the animal density numbers set forth by IDEM. See chart below:

**CAFO DENSITY**

<b>TYPE</b>	<b>MINIMUM CAFO</b>	<b>VLCAFO (4 X Min. CAFO)</b>
Mature Dairy Cows	700	2,800
Veal Calves	1,000	4,000
Cattle other than mature dairy cows	1,000	4,000
Swine over 55 pounds	2,500	10,000
Swine less than 55 pounds	10,000	40,000
Horses	500	2,000
Sheep	10,000	40,000
Turkeys	55,000	220,000
Laying hens or broilers with liquid Manure handling system	30,000	120,000
Broilers with solid manure handling system	125,000	500,000
Laying hens with solid manure handling system	82,000	328,000
Ducks with solid manure handling system	30,000	120,000
Ducks with liquid manure handling system	5,000	20,000

**Procedure:**

Whenever a CAFO is desired, a detailed plan shall be filed with the Area Plan Commission. Filing requirements shall be the same as those for an Improvement Location Permit. No business, residential or public development can occur during the permit process that would adversely affect the CAFO. The Improvement Location Permit will be issued only after the CAFO is found compliant with all provisions contained herein and all other Local, State and Federal required permits have been approved.

**Off-site Lagoons:**

Off-site lagoons, ponds or other structures used to store manure produced by a CFO, CAFO or VLCAFO, even if under different ownership shall require IDEM approval.

**Severability:**

Invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance.

Approved this 12<sup>th</sup> day of September, 2008

Allen Paddock  
Allen Paddock

Larry A. Gulley  
Larry A. Gulley

Gary K. Davis  
Gary K. Davis

Attest: Pat A. Hensley auditor  
Pat A. Hensley