

**ORDINANCE NO 2008-08**  
**AN ORDINANCE TO AMENDING THE HUNTINGTON**  
**COUNTY ZONING ORDINANCE**  
**(Livestock Operation – Pits, Ponds and Lagoons)**

WHEREAS, it is in the best interest of the Huntington Community as a whole to amend the Huntington County Zoning Ordinance regarding Section 1020: Livestock Operation; and

WHEREAS, The Huntington County Plan Commission considered Docket PC-08-001, a petition to amend the text of the Zoning Ordinance. A record of the petition and Plan Commission action recommending approval of the Zoning text amendment is attached hereto and incorporated by reference as "Exhibit A".

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Huntington County, Indiana that the Zoning Ordinance of Huntington County be, and is hereby, amended to by adding language to Section 1020: Livestock Operations as set forth in the following:

## **SECTION 1020: LIVESTOCK OPERATIONS**

### **A. PURPOSE AND INTENT**

It is the purpose and intent of this Section to provide for livestock operations within Huntington County. Two classes of livestock operations have been established based upon the intensity of use. Accordingly, minimum standards have been established for each class of livestock operation in order to assure the compatibility of livestock operations with other uses permitted in the applicable district. These minimum standards are intended to provide protection for existing residential, commercial, industrial, and public buildings from being encroached upon by new livestock operations, as well as protecting approved livestock operations from being encroached upon by new residential, commercial, industrial, and public buildings.

### **B. APPLICATION FOR LIVESTOCK OPERATION**

1. An application for livestock operation approval shall be submitted on a form provided by the Department.
2. The application form shall be submitted to the Department along with the following information:
  - a. A site plan of the property:
    1. The boundaries, dimensions, and total gross acreage of the property;
    2. The location and setback from property lines of all existing and proposed buildings, confinement areas, pits, ponds, lagoons, holding tanks, and wells;
    3. The location of existing easements, watercourses, county drains, well and septic tank locations; and other important physical features on the property;
    4. The location of the property in relation to the surrounding road system;
  - b. A site plan showing the boundaries of the property and all existing dwelling units, commercial buildings, and subdivision lots within one thousand (1,000) feet of the property.
  - c. A site plan showing the boundaries of the property and the land application areas for waste, including dimensions and total acreage.
  - d. A waste management plan, which shall include a proposal for the storage and disposal of waste.
  - e. Any additional information requested by the Department, which relates to compliance review.

### **C. APPLICATION REVIEW**

Application for a livestock operation shall be reviewed by the Executive Director as follows:

1. Classification as a minor livestock operation or intensive livestock operation shall be made based upon the definitions described in Section 1020(D) and (E).
2. Compliance with the provisions of Section 1020(F).
3. If the provisions of Section 1020 are adhered to, and if all required and requested information is submitted, the Executive Director can issue a minor livestock operation permit for those operations classified as minor, or intensive livestock operation permit for those operations classified as intensive.
4. The standards set forth in Section 1020(F) shall be incorporated as minimum conditions of approval.

### **D. MINOR LIVESTOCK OPERATIONS**

Minor livestock operations shall be defined as a tract of land or tracts of adjacent lands with no more than the following numbers of livestock per acre based on the tracts(s) of land upon which the livestock and livestock buildings are located:

1. 10 finishing hogs; or
2. 4 sows; or
3. 1 cow; or
4. 25 nursery pigs (under 40 lbs.); or



5. 2 feeder cattle; or
6. 2 heifers (replacement); or
7. 100 turkeys; or
8. 150 laying hens; or
9. 150 pullets; or
10. 150 broilers; or
11. 5 veal calves; or
12. 5 sheep; or
13. 5 goats; or
14. 4 horses; or
15. Limits for other livestock not enumerated herein shall be determined by the Executive Director based upon type or size of livestock.

E. INTENSIVE LIVESTOCK OPERATION

1. Intensive livestock operations shall be defined as any proposed livestock operation or an expansion of an existing livestock operation exceeding the per acre limits set forth in Section 1020 (D) above or any one operation regardless of acreage which has livestock numbers exceeding the following:
  - a. 400 sows; or
  - b. 1,000 finishing hogs; or
  - c. 1,000 nursery pigs; or
  - d. 300 cattle; or
  - e. 30,000 poultry; or
  - f. 500 veal calves
2. Where a livestock operation involves less than 400 sows, 1,000 finishing hogs, 1,000 nursery pigs, 300 cattle, 30,000 poultry, 500 veal calves, but there are more than one kind of species of animals, the number of animals in the operation shall be divided by 400 in the case of sows, 1,000 in the case of finishing hogs or nursery pigs, 500 in the case of veal calves, 300 in the case of cattle and 30,000 in the case of poultry and the resulting percentages shall be added together. If the total of such percentages equals or exceeds one hundred, then the operation is an intensive livestock operation as defined herein. If the total of such percentages is less than one hundred and complies with the acreage restrictions of Section 1020 (D) above, then the operation is a minor livestock operation.

F. GENERAL PROVISIONS

1. The following setbacks shall be maintained for a minor livestock operation building, pen, or confined feeding area:
  - a. Seventy-five (75) feet from the centerline of all two (2) lane county roads;
  - b. Seventy-five (75) feet from the right-of-way line of all state and federal roadways if two (2) lanes wide, and sixty (60) feet from the right-of-way line of county, state, or federal roadways if four (4) lanes wide;
  - c. Fifty (50) feet from any side or rear property line; and
  - d. One hundred (100) feet from any water well, which services a dwelling unit.
2. The following setbacks shall be maintained for an intensive livestock operation building, pen, or confined feeding area:
  - a. Seventy-five (75) feet from the centerline of all two (2) lane county roads;
  - b. Seventy-five (75) feet from the right-of-way line of all state and federal roadways if two (2) lanes wide, and sixty (60) feet from the right-of-way line of county, state, or federal roadways, if four (4) lanes wide;
  - c. Fifty (50) feet from any side or rear property line;
  - d. One hundred (100) feet from any water well, which services a dwelling unit;

- e. Five hundred (500) feet from any dwelling unit other than the dwelling unit(s) on the property;
  - f. One thousand (1,000) feet from any commercial, industrial, or public building; and
3. The following setbacks shall be maintained for any pit, pond, lagoon, or structure open to the sky or not completely contained in a holding tank with cover, and utilized for storage of livestock waste:
  - a. Seventy-five (75) feet from the centerline of all two (2) lane county roads;
  - b. Seventy-five (75) feet from the right-of-way line of all state and federal roadways if two (2) lanes wide, and sixty (60) feet from the right-of-way line of county, state, or federal roadways if four (4) lanes wide;
  - c. Fifty (50) feet from any side or rear property line;
  - d. One hundred (100) feet from any water well, which services a dwelling unit;
  - e. One thousand (1,000) feet from any dwelling unit other than the dwelling unit(s) on the property;
  - f. One thousand (1,000) feet from any commercial, industrial, or public building;
4. The following setbacks shall be maintained for any holding tank with cover which is separate from a livestock building and which is utilized for the storage of livestock waste:
  - a. Seventy-five (75) feet from the centerline of all two (2) lane county roads;
  - b. Seventy-five (75) feet from the right-of-way line of all state and federal roadways if two (2) lanes wide, and sixty (60) feet from the right-of-way line of county, state, or federal roadways if four (4) lanes wide;
  - c. Fifty (50) feet from any side or rear property line; and
  - d. One hundred (100) feet from any water well, which services a dwelling unit.
5. The following setbacks shall be maintained for the land application of waste:
  - a. One hundred (100) feet from any water well, which services a dwelling unit;
  - b. One hundred (100) feet from any dwelling unit other than the dwelling unit(s) on the property; and
  - c. One hundred (100) feet from any commercial, industrial, or public building.
6. All new dwelling units, commercial buildings, industrial buildings, and public buildings shall adhere to the separation distances listed in Section 1020(F)(2), (3) and (5) above.
7. A dwelling unit, commercial building, industrial building, or public building is considered existing on a site under the following circumstances:
  - a. If the building exists on the property; or
  - b. If a building permit, which remains valid, is issued; or
  - c. If the lot upon which the building is to be constructed is in a recorded subdivision or part of an approved and valid preliminary plat.
8. A pit, pond, or lagoon is considered existing on a site if an Improvement Location Permit, which remains valid, has been issued; or, the pit, pond, or lagoon exists on the property.
9. Disposing of Waste
  - a. Sufficient land shall be available for disposing of the waste from the operation. The following minimum land area shall be available for disposal of waste:
    1. One acre for each 45-nursery pigs;
    2. One acre for each 11 sows;
    3. One acre for each 20 finishing hogs;
    4. One acre for each 5-feeder cattle;
    5. One acre for each 6 heifers (replacement);
    6. One acre for each 300 turkeys, ducks, geese
    7. One acre for each 15 veal calves;
    8. One acre for each 3 cows;
    9. One acre for each 450 laying hens;
    10. One acre for each 590 pullets;



11. One acre for each 690 broilers;
  12. One acre for each 10 horses;
  13. One acre for each 20 sheep or goats.
  14. Limits for other livestock not enumerated herein shall be determined by the Executive Director by comparing body weight and animal wastes with those, which are enumerated.
- b. Fifty (50) percent of the application land must be within two (2) miles of the livestock operation building and must either be owned by the owner of the livestock operation or if not, the owner of the livestock operation must present and submit to the Executive Director an agreement granting permission to apply wastes on the area. This agreement shall be signed by the livestock operator and the owner of the property, which is available for waste application, and must be duly notarized to be acceptable.
  - c. A current, valid agreement must be on file at all times with the Department. If an agreement is not on file, the livestock operator is limited to the maximum number of livestock per acre based upon land owned by the owner of the livestock operation.
  - d. The handling and application of waste from the livestock operations must meet all additional requirements and standards set forth by the Indiana Department of Environmental Management (IDEM) and Environmental Protection Agency (EPA)
  - e. All pits, ponds, and lagoons shall receive local approval from Huntington County and be engineered and constructed to Indiana Department of Environmental Management (IDEM) standards as these standards relate to Indiana Code concerning regulated livestock facilities.
  - f. A closure plan for the pit, pond, or lagoon must be submitted to Huntington County that meets Indiana Department of Environmental Management (IDEM) standards and Environmental Protection Agency (EPA).

G. REQUIREMENTS FOR EXISTING LIVESTOCK OPERATIONS

1. An approval of a minor or intensive livestock operation, which was granted in accordance with Ordinance 1980-2, which became effective June 1, 1980, and was in compliance with the requirements of Ordinance 1980-2 upon the adoption of this Ordinance, shall remain valid. Any increase in the number of livestock, which would change the status of the operation from minor to intensive; or any new construction of feeding areas, pits, ponds, lagoons, or holding tanks; or, any existing application lands or application lands established after the effective date of this Ordinance, shall require compliance with the regulations of this Ordinance.
2. It is the responsibility of the livestock operator to assure all information on file with the Department regarding their operation is accurate.

H. ACCESS TO PROPERTY/INSPECTIONS


The Executive Director may inspect any building, structure, or property at any reasonable time for the purpose of administering and enforcing the provisions of this Section. Inspection of the building(s), structure(s), or property shall be for the purpose of verifying number of livestock; setback distances; location of building(s), structure(s), and waste storage facilities; and location of waste application lands.

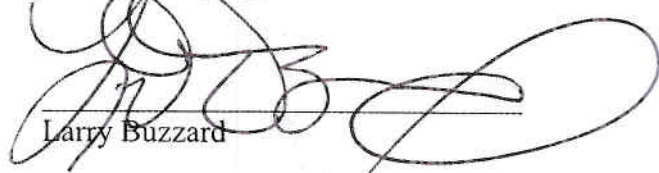
I. APPEALS

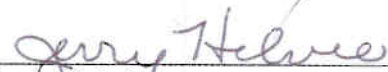
Any livestock operation determination made by the Director may be appealed to the County Board of Zoning Appeals in accordance with applicable law.

Approved by the Board of County Commissioners of Huntington, Indiana, this

6<sup>Th</sup> day of October 2008.

  
Richard Brubaker

  
Larry Buzzard

  
Jerry Helvie

Board of County Commissioners  
Huntington County  
Huntington, Indiana

ATTEST:

  
Kathy Juillerat  
Huntington County Auditor