

APC MINUTES**FEBRUARY 27, 2018**

Members present: John Reece, Dan Vinson, Bryn Albertson, Aaron Stephens, Jim Hufford, Paula Keister, Adrian Moulton, Gary Girton, Missy Williams, Don Calhoun

Members absent: Andy Fahl, Amy Alka, Bob McCoy

Legal Representation: Jason Welch

Staff Present: Randy Abel, Executive Director, Debra Johnting, Recording Secretary

Others present: Ed Thornburg, Brandon Bart, Brooke Thomas

President Calhoun: It's 7 o'clock and I will call this meeting of the Area Planning Commission to order. First item on the agenda is the approval of the minutes from January 23, 2018. It has been moved and seconded, all in favor say aye, motion passes. Old business that we need to discuss? Next on the agenda would be the presentation of the Comprehensive Plan.

B. Thomas: My name is Brooke Thomas, I am a Senior Planner with American Structure Point, and project manager for the Randolph County Comprehensive Plan. With me tonight is my colleague and deputy project manager, Brandon Bart and we are going to tag team tonight's presentation. Thank you for having us, it's kind of an exciting time in this part of the process to have conclusions and recommendations and all of that to share with you. The purpose of tonight's meeting is to share with all of you the progress we have made in the development of a new Comprehensive Plan for the county. We are not asking you to take action on the plan tonight, it is solely to introduce the plan to you. Share with you some of the key components of the document, highlight some of the conclusions and recommendations from our process and just clarify any questions or concerns or even suggestions that you all might have as you consider what's before you and we'll come back hopefully next month for action.

Brooke thanked the team and community for the hundreds of hours put in to writing the plan. There were eight focus groups, a "deep dive", and the steering committee. They have already presented to a joint meeting of the County Commissioners and the County Council. Brooke commented on how incredibly engaged this community has been in putting this plan together. Brooke gave a high level overview of the process. This has been in the planning and research stage for about 12 months. There have been numerous meetings, public events. This was to answer a handful of questions, 1) Where are we now? 2) Where we going? 3) Where do we want to be? 4) How might we get there?

So, Structure Point took what they heard and shared that with the many groups involved to make sure they heard correctly, make course corrections if needed, or reach out to more people if needed. At one point they felt like they were not hearing from the youth of the community, so they specifically reached out to them at one point. So, that's an example of how they examined their process and adjust when necessary. Then they took all the recommendations, dug deeper and see if was applicable to the direction the collective community wanted to go.

Then Brandon Bart took over the presentation and described the process of putting the plan together. The steering committee met six times throughout the year, every other month. They held focus group interviews, the eight groups that Brooke mentioned. They were specific stakeholders, agriculture, youth and elderly, education and started to dive deeper into their needs. That was a very valuable process. The notes from these meetings helped write the recommendations.

Some public engagements were held at community events such as the 4-H County Fair in July with over 100 hard copy surveys and handouts, a project website, and online surveys. At the fair, using balloons were a great way to attract kids and then get their parents to fill out a survey. They also were here for the Heritage Days Festival in Union City, distributing surveys and handing out information on the project and finally at the Winchester Mardi Gras. Brandon said that equally valuable was the online engagement. It allowed everyone to share thoughts, ask questions of Brooke and Brandon, see survey results, and get valuable information. It also helped gauge demographics of who was viewing the website. As far as social media, it takes years to establish a following, so they had a campaign through local partners, who already have followers. This was a valuable tool to distribute information without having wait to create a following for their own page.

The ultimate numbers for the website, taken just today through Google Analytics, were 310 unique sessions, 218 unique users, 630 page views, and 1:52 average time on the website. This tells us that people were actually reading what was on the page before closing.

Randolph County's greatest asset that they heard time and time again was truly the people. That put some pressure on Structure Point to make a plan that was people centric. The low cost of living was seen as a strength as well as a weakness which created a unique situation to encourage and celebrate the low cost of living; while challenging the county to think bigger and raise some of that value as well.

In the matter of development, when respondents were asked what they were looking for as far as development, many said "development of anything". So, although some folks were specific, the highest scoring item was "any development." So, that told them that Randolph County was really welcoming to any type of development, industry or land use. The last conclusion was that there was a desire for more jobs by type, number and annual wages. Brandon also shared information about the heat map showing where people dined, shopped, lived, worked and played.

Brandon read the mission statement crafted by the steering committee, as follows: Randolph County is becoming the region's leading community for health and wellness, education, business and ecological opportunity. Randolph County is a vibrant and welcoming community where progressive leadership and compassionate people encourage growth and economic development to cultivate an excellent quality of life within the community. Although a pretty beefy vision statement, Structure Point felt like it resonated well with the county, and is not necessarily what Randolph County is today, but what they want to be in the future so it is supposed to be aspirational.

The three key themes that Structure Point wanted to organize all the recommendations under are: Aging Population, and by focusing on the needs and desires of the aging population, you really make things better for everyone in the process. The second was Workforce & Economic Development, and

this was mentioned a lot, to create a stronger and more diverse, robust work force. And the third one was Rural Renewal, attracting new businesses and developments into the community to reverse population decline. The trend for Randolph County does show population decline, so the aim is on recommendations that would reverse that.

There are three parts of the plan: Be, Create, and Grow. Be is focused on people, Create is balancing opportunities related to growth management, and Grow is focused on civic leadership related to growth management.

Brandon explained the Land Use and Transportation Map. This is a future land use map based on key destinations and transportation improvements that are needed.

Brooke gave the conclusion statement by beginning with a takeaway of how important it is going to be to develop the next generation of leaders. Along with being a genuine desire, she said it is going to be an absolute need in the future. She saw a huge strength within the community to zero in on a set of priorities while working on this plan with the respondents and the steering committee. At this point she believes that action is the most important thing. She encouraged the board to use this as a future tool when deliberating on a zoning change, and in day to day decisions that are made by the community leaders.

The public reveal was last week, which officially kicked off the public comment period. Brooke encouraged people to visit the website and make comments or ask questions. She anticipates coming back for a vote by the APC in the March meeting for a recommendation to the County Commissioners. After the commissioners vote it will be sent to all the other entities involved.

Jim Hufford asked whether this would interfere with community's plans that are already in place or change zoning and Brooke said that it would not. It would just be a guide when making those decisions.

Ed Thornburg clarified a minor detail pointing out that in the history paragraph stating that the Mississinewa River begins here, Ed said that while it does pass through Randolph County, it doesn't actually become a river until near New Weston, Ohio about 25 miles away. The Whitewater and White River do begin here but the Mississinewa does not. Brooke said that they would get that corrected. Brooke thanked everyone for their attention and closed the presentation.

President Calhoun: So, on to our amendments, Randy do you want to take that.

R. Abel: We have several amendments to look at today. The first one has to do with airport local approval for the Wind Energy Conversion Systems. The airport does receive notification from the FAA when anyone proposes a wind tower. They have to fill out forms and notify the FAA who in turn notifies the airport. At that time, when the FAA notifies them they have the ability to respond to that. So we felt like just to let the airport have the final say and be able to say no to a windmill wasn't really wise because there is no criteria that they have to meet. Where the FAA...they [airport] has to respond to the FAA and they're going to have to have criteria to meet to say no. It takes a little power away [from the airport], but they do still have the option in our ordinance in the application process, as the

Executive Director I can enlist any extra reasonable requirements of the applicant based on issues raised by the airport. So, if the airport comes to me with a concern then I can go ahead and put that in the application process at that time. So, it's still possible to do it.

J. Hufford: So, what kinds of issues would they have?

R. Abel: Well, I don't know that they do, it would depend on where the windmills are going to be—it would have to affect them in some way. Is there any discussion on that?

J. Hufford: No, unless they bring something to us there's not much we can do.

R. Abel: They still have a process to go through that they can appeal it, but it's just not reasonable to allow someone a final say without them having to give any explanation. The other amendments were basically brought about by the animal committee that met several times, and to just kind of give you an overview. The basic thing we are trying to do here is take care of parcels that are under 5 acres. So, five acres is considered a farm. Right now you're not allowed to have any animals so there are a lot of people in violation. So, we wanted to write an ordinance that allowed, especially for 4-H and that type of individual that's wanting to raise for those exhibitions and things, and even for people who want to raise horses. And I guess the other way we can look at this, when we started going through those numbers we looked at recommendations from a table put out by the University of New Hampshire. And, so in that it focused on animal welfare and the needs of a family. So, there's a little chart there that said how many cows does a family need in a year, and how many sheep and so on. It also had a table for the square footage for the animal welfare. So we kind of went off of both of those in that chart, and that's how we came up with the figures in the tables. I am assuming that you all have had a chance to look over those and read the wording, I don't know that I need to read the whole thing. In the discussion in our committee, the reason we put the maximum number on there, is that if you actually do the math and do the square footage, you'd have a thousand hogs on that five acres. So, we had to put a maximum cap on that. So, what we were thinking for the 4-H people and people like that—we kind of looked at it like, you can always make the numbers bigger in the future, but you're never going to be able to go backwards. So, if some of these numbers seem a little low, that's because that's what the reasoning was.

J. Hufford: Plus you have to think about these lots being used just for animals, they might have a house and just a small area for the animals and have 10 head of cattle back there.

R. Abel: Exactly, so in those charts, you will see that it is pasture and animal housing. So on that acre you could have a little barn sitting on the acre, and all the setbacks are to the neighbor's houses and property lines. So, is there anything in there that seems a little out of place or doesn't seem right to you? Anything you'd like to see modified? We also had to, in proposed amendment #4, allow for the unincorporated areas of the county that are zoned for residential. Most of those recommendations came out of a couple of ordinances from cities like Cleveland, Indianapolis, places like that. It's a little more restrictive, I took the five acre requirement off there because we've got some residential lots that are like 30 acres. I felt like even if you've got 30 acres and you're residential, you still should only have 4 chickens or whatever, because you are right beside residential. Those lots are right inside of town, and

were obviously intended to be developed later. So, even if they have a lot of acreage the restriction is due to it being residential.

J. Hufford: Being close to town wouldn't fall into ag intensive anyway right?

R. Abel: No, because it's residential zone, right. Starting on amendment #5, we went back into the tables that are existing for land use primary and accessory, and what we mostly changed was on the plot dimensions required. I don't know if you've read through the existing tables or not, in our ordinance, but they made absolutely no sense. I mean, when you'd have to have 40 acres to put in a swimming pool something is wrong. So, obviously, the numbers didn't add up in our existing ordinance and I don't know who hurried through it when that was done. I know it was a pretty confrontational time and I think they just wanted to get it done. So, I have attempted to go back in and change a few things, so even if you think maybe some of it's a little strict, it's still a whole lot better than what it was. I made sure that I didn't mess with anything as far as 40 acres and CAFOs, I left all that alone. Obviously there were a lot of things that needed to go back down to two acres and five acres, so if you look through the charts you can see: "other uses as provided by Table ___", so the primary use you just look back and see if that looks reasonable for the use. That's what I went down through and did. The committee kind of reviewed these and thought that was reasonable.

D. Johnting: If you look in your book on page 20, see residence, 2 acres, All Animal feeding 40 acres, everything else 40 acres. So, we think that's probably a typo and the guys from those days said that was not the intent of the ordinance.

R. Abel: I did put in there, that those lots should remain at two acres or more, two buildable acres and the BZA can determine anything over that. We didn't want anything going smaller than what a buildable acre would be. That makes my job simpler, when I am looking at a survey. There is an error there on one chart on page 14, I put footnote 4 and there is no footnote 4. Does anybody have any questions about any of those tables? We did re-insert mobile home parks on page 18, to require 5 acres. That's basically what the requirement was in Ag Limited, so we wanted to leave it that way because that's kind of the way it's been, and with no variance.

J. Hufford: I make a motion that we approve these amendments as a favorable recommendation.

A. Moulton: I second that.

President Calhoun: It's been moved and seconded that we approve these amendments as a favorable recommendation. Can we have a roll call vote?

D. Johnting: Amy Alka, absent, Adrian Moulton, yes, Aaron Stephens, yes, Paula Keister, yes, John Reece, yes, Andy Fahl, absent, Don Calhoun, yes, Gary Girton, yes, Bob McCoy, absent, Dan Vinson, yes, Jim Hufford, yes, Bryn Albertson, yes, Missy Williams, yes. Favorable recommendation.

President Calhoun: Reports of officers, committees and staff?

R. Abel: We have a question about how to handle an issue in the office when we happen to receive a complaint. And we usually don't go around looking for someone going against the Unified Zoning

Ordinance, if that's all I did I wouldn't get anything else done, but when we do have one that we want to take action against, the Unified Zoning Ordinance says that the Area Planning Commissioner may initiate a suit. So, generally speaking the executive enforcement officer takes that action on behalf of the Area Planning Commissioner. So it would be myself and Jason would take that action. But I guess in the past we've seen in the minutes where that approval is given by the Area Planning Commission if they feel that this is something that they need to take action on. There are times that I go out to check out a complaint and I determine that it's basically just a family feud or something like that. To have to move a building by a foot or less to be compliant certainly doesn't warrant our expense as a planning commission even though the person maybe didn't come in and get an ILP, violations like that just don't seem sensible to take to court. There is a case going on now, for a sign, that a person came in, asked for permission and was told flat out no, but they did it anyway. So our general policy in the office is, if no one will come in and sign a complaint, because if I went out and looked for issues I would get nothing else done but that. So, if they don't sign a complaint, where someone actually put their name to it and signed it, I'm not going to go take action. So, in this case, someone in the neighborhood came in and filled out a complaint. So, I sent a courtesy letter, and we inadvertently got the wrong address on it, so their answer was there's no issue here. I said, you're right, you're good to go. So, the person who filled out the complaint came back in, signed another complaint for the correct address and we had a new letter delivered to the homeowner.

So, the consensus seems to be that if we let this go, we could have huge signs all over town. So, what we're looking for tonight, if we do want to go forward with this, Jason has a conflict of interest, and then it would go to the prosecuting attorney, and he has a conflict of interest in this, and then it goes to Meeks and he has a conflict of interest, so I guess what we're asking for is a motion that we....

J. Welch: At this point it would just be to hire alternate counsel if I am not able to do it. At any point in time. At this point I have a call in to the Area Planning Attorney in Portland, and I thought it would be good if somebody from out of the county, and somebody who has some experience in this would be able to handle this if necessary. So at this point that's all we would need, there's no letter to send out, the time has not expired. There may be another issue with this in addition to doing it now, we may have to wait a little while to get this done. So, I don't know if we need approval to do anything now other than for Randy to seek alternate counsel to pursue either a suit or other action depending on what happens.

D. Vinson: I have a question of the lawyer in the room, this is not a first amendment projected political speech?

J. Welch: There's a state statute that says you are allowed to have campaign signs up 60 days before an election. And up to 6 days after.

D. Vinson: This isn't a campaign sign.

J. Welch: Well, you're not allowed to have any signs you want out. It doesn't matter what the sign says, that's not what the violation is. The violation is a sign of any kind that is out that does not comply with our land use planning, it's not attractive for the neighborhood, it doesn't matter if it says, "eat chicken on Friday", it doesn't matter. The fact is there is a sign that is not for a business, and it's not

related to a campaign at this time until 60 days before. If there were a campaign or an election within 60 days, then that would be an exception to the ordinance that we have.

D. Vinson: I mean don't get me wrong, I don't like the sign either, but I just....

J. Welch: Our ordinance says that right now--the way this sign is at this point--is prohibited.

D. Vinson: The sign doesn't get in the way of traffic, does it?

J. Welch: No, but this sign may be allowed during election season.

D. Vinson: This sign may be protected by the first amendment? For them to have their say, I mean I don't know how we can keep them from having their say on their own property.

J. Welch: Well, you can have your say, but you can't encroach on other people's property to have your say. You can't stand naked in your front yard either. You can't stand in your front yard and yell your opinion at the top of your lungs after curfew either.

D. Vinson: So, you're saying that since it's in public view? If they want to put it in the back yard and look at it themselves?

J. Welch: We're saying the ordinance says you can't have a sign. There may be other signs around, and there may be other complaints that come in.

Discussion followed.

President Calhoun: So what do we need to do here tonight?

A. Moulton: I make a motion we give Randy the authority to hire outside counsel when and if the issue arises.

J. Hufford: I second the motion.

President Calhoun: All in favor say aye, all opposed no, motion passes unanimously.

President Calhoun: Is there any other discussion or business to discuss? I will take a motion to adjourn. Meeting adjourned. Thank you all for coming.

President, Don Calhoun

Vice President, Bob McCoy

Secretary, Dan Vinson

Recording Secretary, Debra Johnting