

## APC MINUTES

FEBRUARY 28, 2017

Members present: Julie Elsbury, Paula Keister, Phil DeHaven, Jim Hufford, Bob McCoy, John Reece, Gary Girton, Andy Fahl, and Bryn Albertson. Rex Amburn, Leesa Friend

Members absent: Adrian Moulton, Don Calhoun,

Legal Representation: Jason Welch

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

Others present: Ed Thornburg, Darrel Radford

Vice President Bob McCoy opened the February 28, 2017 meeting of the Area Planning Commission at 7:00 pm.

Vice President McCoy: First item on the agenda is approval of the minutes of October 18, 2016. Has everyone had a chance to review those? It has been moved and seconded to accept the minutes as presented. Everyone in favor say aye. Opposed, nay. Motion has been approved. Next on the agenda is election of officers. Current President is Don Calhoun, Bob McCoy is Vice President, Phil DeHaven is the secretary. There's a motion to approve officers stay the same as last year. Everyone in favor say aye, opposed nay. Officers stay the same as last year.

Jason Welch brought forward his new contract for 2017 with the disclosure of Conflict of Interest that he is also the attorney for Farmland. There was a motion made and seconded to approve Jason's contract which was voted unanimously to accept.

Jim Hufford asked if the board had to fill out a form if they were in a situation where there was conflict of interest. This gets filed with the state which is why Jason has to do this every year. Jason Welch explained that if that comes up with a board member they should recuse themselves from a particular vote if they had any financial interest indirect or direct. He said our rules state that you are supposed to recuse yourself and someone can be appointed in your stead, or if you feel you cannot be unbiased for any reason you may recuse yourself also. This is for a financial interest.

The board voted to approve Jason's contract for 2017.

Randy explained changes to the Subdivision Control Ordinance. The Area Planning Department has discovered that over the years many parcel splits have been done that do not conform to the Unified Zoning Ordinance. When the splits are being done there is no involvement from the Area Planning Office so the zoning requirements are not being taken into consideration. This procedure is creating non-conforming lots that violate the UZO and disqualify the lot for any future building. Due to the potential for parcel splits to be done before they are approved by the Area Planning office for conformance to the UZO, Randy met to discuss this issue with several departments involved at the Court House. They discussed the ways this could be handled. Finally they agreed that a law should be passed to deal with this situation. Randy contacted several other counties and found the way they dealt

with it was through the SCO, so he set out to change the SCO to accommodate parcel splits. Now any parcel split will be defined as a “subdivision” and will be controlled by the Area Planning office.

This new SCO not only redefines the meaning of subdivision, it also outlaws metes and bounds. Randy went over the changes with the board and explained in more detail what changes were made and how that will help to maintain compliance with the Unified Zoning Ordinance.

The starting date of the new ordinance will be July 1, 2017.

The written approvals required with the exempt subdivisions are now going to have to be recorded with the deed, which will protect future buyers because they will be able to see that a property is non-buildable if it did not meet the requirements of the UZO at the time it was parceled off.

There will be a “Findings of Fact” procedure for subdivision making it easier to make sure that all procedures are completed properly.

Randy thinks this will be better for the surveyors as they learn what changes they can make and what they can't make.

Randy explained the changes to subdivisions. One area of question that Randy had was the allowance for owners to draw out their own parcel split and not enlist a surveyor. Ed Thornburg commented that you were not required to hire a surveyor to parcel off ground if you don't borrow money on it. He suggested that the office be allowed to deny any drawings that were not clear, but noted that he was not in favor of prohibiting all personal drawings. There was discussion on the merits of having a surveyor to verify the accuracy of the split in every division of land.

Randy requested that it be put in the minutes that the written approval forms be written by the Area Planning office and approved by Jason Welch. Applications for a parcel split will defer to the approval by the Surveyor before building can commence.

An effort to coordinate references to the SCO in the UZO was made in revising the SCO. Randy pointed out that lot size may not be satisfied by area that is in the flood plain, right-of-way or easement. Since septic systems cannot be put in those areas, they may not be counted as buildable for lot size. So your required area must now meet the requirements of the zone you are in. However, when calculating agriculture lot size, you may count flood plain.

An effort is being made to balance definitions between the SCO and the UZO. Some definitions are being added from the Flood Ordinance. Randy went over some new and reworked definitions. Ed raised the question about the parcel number and if the old numbers would be changed. Old parcel numbers will not be changed. New parcel numbers will make it easier for splits to be tracked.

Randy went over exempt subdivisions. There was discussion on how to subdivide property when dividing up family farms, splits per year, court decree, and using the waiver. He said that he would error on the side of sending the issue to the Area Planning Commission. A question was asked regarding the splitting of large family farms. There was discussion about the procedure and benefits of limiting a parcel split to one per year. Ed explained more about the implementation of the two acres in

agricultural and the additional benefit of requiring two acres when splitting parcels off. Making all lots conform to the UZO during parcel splits will ensure the future buildable status of every lot that is parceled off in Randolph County which has not been done up to this point.

Randy went over requirements in Commercial and Manufacturing Zones. Phil DeHaven commended Randy on all his hard work in putting the new ordinance together. The next step is to make a favorable recommendation to accept the changes to the SCO. A motion was made and seconded for a favorable recommendation on 2017-1-A. Roll call vote was taken:

Julie Elsbury, yes, Adrian Moulton, absent, Rex Amburn, yes, Paula Keister, yes, John Reece, yes, Andy Fahl, yes, Bob McCoy, yes, Don Calhoun, absent, Gary Girton, yes, Phil DeHaven, yes, Jim Hufford, yes, Bryn Albertson, yes, Leesa Friend, yes. Favorable recommendation passed and will be forwarded to the appropriate bodies.

The next item on the agenda is for the 4-H animal committee. Randy said that he'd been busy with the SCO, and Julie Elsbury commented that she had broken her neck. Randy said the committee is still himself, Bob, Don, Julie, Andy and Linda Hunt from Ridgeville. Soon in the future, he will be calling everyone to get together for a meeting. He asked everyone to do some research regarding lot size for certain animals and the prospect of allowing the towns to write their own ordinances and just overseeing the county.

There was no old business.

On new business, Randy said he has found some inconsistencies in the Unified Zoning Ordinance that need to be addressed and he read the list he has identified. The Area Planning Office will email those items to the board when they are prepared. Perhaps a committee should be appointed to go over some needed changes, to add some uses that were not put in (i.e. gas station), and to consider adding more things to Conditional Use or Special Exception instead of rezoning. Also Randy would like to discuss the possibility of zoning reverting back to the original zone if the use is never established or is unused after a year. An email will be forthcoming as that list is compiled.

Randy asked for a motion to be made that forms can be developed and changed as needed to oversee the Subdivision Ordinance. Motion was made, seconded and approved to do that. Meeting was adjourned. Randy thanked everyone for their patience.

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President, Don Calhoun

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Vice President, Bob McCoy

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Secretary, Phil DeHaven

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Recording Secretary, Debra Johnting