

APC MINUTES

July 17, 2024

Members present: John Reece, Abby Journay, Gary Friend, Jim Hufford, Terry Alfrey, Coy Applegate, Don Calhoun, Jason Brewer

Members absent: Amy Alka, Adrian Moulton, Will Greer, Tom Kerns, Steve Hernly

Legal Representation: Jason Welch

Staff Present: Debra Johnting, Area Planning Director, Recording Secretary, Kristi Halloran, Area Planning Administrative Assistant

Others present: Ed Thornburg, Claudia Thornburg, Rolland Abraham, Tim Whitesel, Amelita Whitesel

President Calhoun: We'll go ahead and get started with our Area Planning Meeting of Randolph County. We haven't got the minutes quite done yet, so we'll move on to the first on the agenda, which is APC2024-22-SP, Tim Whitesel, on behalf of Twyla Whitesel, would you like to come up.

T. Whitesel: Tim Whitesel, 7759 East Base Road, Union City, Indiana.

President Calhoun: Tell us what you're wanting to do.

T. Whitesel: My mom has a property at 1351 West Chestnut Street. It is a C-3 Commercial. I want to get it to an R-1. During the tornado back in March, we lost our outbuildings, house. Everything on the property is gone. Our insurance, we are not getting enough to rebuild. So, we would like to put a brand new mobile home on her property where there was a house at one time. To be able to get back to normalcy because we cannot do nothing where we're living. She has outbuildings that we will have the access to, to put things in. Driveway. There's city sewer. But we want to get it moved to an R-1 so we can have an option to get to do that. And that's what I'm asking for.

President Calhoun: Okay, does anybody on the Board have questions?

G. Friend: How long ago was there a house on there? How long ago has it been?

T. Whitesel: About six or seven years ago.

J. Hufford: There was a fire there.

G. Friend: And it was C-3 while the house was sitting there. How did it get to C-3?

T. Whitesel: I could not tell you for sure on that one.

G. Friend: The City of Union City, do they have an opinion on this?

T. Whitesel: We're going through and getting all this done and then we're going to go to the board meeting in 24th. I've talked to a couple of council members or one council member and he said they would, they would do what they could to help us to at least get back on our feet.

G. Friend: You want to take the whole entire area that is pinked out from C-3 to R-1?

T. Whitesel: Yes.

J. Hufford: I might make a comment also on this. I know the area quite well. He wants to put a trailer there. And there is a trailer court right across the field. A big trailer court.

G. Friend: I know which one it is. So, it's not out of the ordinary.

J. Hufford: No.

T. Whitesel: And it's not unusual. We're going to be putting a brand new one up there and sit it where the front of the trailer would be pointing towards the road it's not.

G. Friend: I don't think that would matter to us.

T. Whitesel: Yeah, I just.

G. Friend: So, you are aware this goes to Union City for final approval if you get a favorable recommendation?

T. Whitesel: Yeah. Going through this and then the 24th is their meeting.

G. Friend: Do we have any weigh in from Union City?

J. Brewer: I'm all for this. I mean, I know exactly where they're talking about. The devastation is horrible, a horrible thing to see. And I would do anything I can help you guys get back on your feet and get some normalcy back in your life. Yeah, they've got my vote.

T. Whitesel: Yeah, that's yeah, that's all we want is some normalcy. Living in a camper for four months is not fun.

G. Friend: Where I stand it really is up to Union City. I don't have problem myself passing.

D. Johnting: Last night they did get a conditional special exception to put a mobile home in there but it's just conditional on if they rezone. So that is up to Union City. That cuts off a month of time they would be waiting because of the, just because of the dates of the meeting, because they would have to come here first and come back next month and ask the BZA and then three hearings with the city or however many it takes.

G. Friend: I don't understand. Couldn't the BZA just of approved it all in all?

D. Johnting: I mean, it's conditional.

G. Friend: Couldn't the BZA of not made it conditional?

D. Johnting: They could have. Yeah, because if they don't get it rezoned, they can't do it.

G. Friend: They have to be rezoned even if the BZA approves?

D. Johnting: They have to be rezoned, even to build a stick frame house.

G. Friend: That was my question. That was my question.

J. Hufford: You asked how it acquired C-3? His father used to have a large mechanical service there. And then I think. I think one of the manufacturing companies here in town started using it and I think it got switched over to C-3.

G. Friend: Well, we did a similar thing in Winchester.

J. Hufford: You still farm most of that?

T. Whitesel: Yes.

J. Hufford: I thought so.

G. Friend: You need a motion?

President Calhoun: No. Anybody else have any questions on the Board or anybody from the audience? Seeing none, why, I guess we could accept the motion.

G. Friend: I'll make the motion we give favorable recommendation for this project.

J. Hufford: I'll second.

President Calhoun: It's been moved and seconded to give it a favorable recommendation. We'll need a roll call vote.

D. Johnting: Gary Friend, yes. Jim Hufford, yes. Jason Brewer, yes. Coy Applegate, yes. Terry Alfrey, yes. John Reece, yes. Abby Jounay, yes. Don Calhoun, yes. And Amy Alka, Adrian Moulton, Will Greer, Steve Hernly, and Tom Kerns are absent. Favorable recommendation.

T. Whitesel: All right. Well, thank you very much.

President Calhoun: Good luck. Deb has a new assistant. It's Kristi Halloran. She's over here. We're glad to have you on board.

K. Halloran: Thank you.

G. Friend: Kristi what?

K. Halloran: Halloran is my married name. I was a Horner.

G. Friend: How is it spelled?

K. Halloran: HALLORAN. Nobody ever spells it right, so it's okay.

G. Friend: That's why I asked.

President Calhoun: Next on the agenda is the Unified Ordinance discussing the amendment to the Solar Article. There was some discussion a little bit ago possibly making it.

D. Johnting: Well, this kind of goes around in circles. If we say, okay, we're going to adopt the required buffer requirements for a commercial solar system. We don't allow commercial solar systems in residential because the residential properties are so much smaller. So, to compare, it's not comparing apples to apples, and we said anything over 10 kilowatts is going to be in this new group that we have. In Union City we have one at the dog park that's going to be 313. The water tower is almost 200. The one they put in at the sewage treatment plant is 400 and the one that Baker is looking at is about 200. So, if 10 is our threshold 400 is quite a bit bigger than that. This is not a backyard solar park. And the neighbor in Union City, who was affected with the one at the water tower has decided now that their property values are going to be affected. They're not on board necessarily. We don't know yet, so we can apply the visual barrier requirement. We can require all the requirements of the solar that we have out in Ag but the Ag properties we're talking acres and the residential properties we're talking square feet. We have an idea that maybe it would just be appropriate to have a special exception hearing for each one, since each one of them is going to be different.

J. Hufford: Residential I could see. But as you go into some of the commercial aspects of it you know. Like putting it in the schools. And then the government aspects with the cities putting in these things, we're going to run into problems. You know, if we don't change it somehow.

D. Johnting: Schools are in generally R-1. They're a special exception in R-1, so when we talk residentially, we want to talk about residential and then it's suitable to build house on a or residential because that's the zone of it. That was a house sitting in C-3. They can't rebuild it now because you can't build a house in C-3. Can't put any sort of residence in it. It was grandfathered until it burned down. So, we often get into use and zone. The use was residential, the zone was C-3. So it was legally established non-conforming. So school is almost always going to be found in R-1. But they've had a special exception hearing so that the neighbors could weigh in.

G. Friend: And the neighbors weighed in. Did they say anything?

D. Johnting: On the school, I mean. I'm sure Baker is grandfathered, but we did have one for all the bits and pieces that had been added to Randolph Central a couple years ago, last year, the year before. No, we had some neighbors that came in and had questions. They finally put everything they owned into so that all of it had been through a hearing, it was all protected under the special exception hearing. But as far as having a hearing on this that would keep us from having to, it's going to be a different layout, different neighbors, different setbacks, every time.

G. Friend: So, you're saying you can't make an ordinance that applies to every situation? And I don't like the part in here where you make that decision anyway at all.

D. Johnting: No, I don't either, not me or anybody after me.

G. Friend: And that's in here and I don't agree with that.

D. Johnting: And what I can do is just tell them to file an appeal and that comes to the BZA anyway.

J. Welch: You get a special exception then everybody's going to have their say.

G. Friend: Right.

J. Welch: All the neighbors have the chance to come in, look at the situation how it says not in on that piece of paper. That's a generic format so I think the special exception would probably be an easier way to deal with all of these. All the big ones, anything over 10.

G. Friend: Anything over 10, anything under, that's where you've got your line. Anything under 10 falls in the general ordinance. Anything over 10 takes a special exception.

J. Welch: Right, special exception so they have to come in and see what their plan is.

G. Friend: But the APC Director shouldn't be the one making the final call. Then you've got opinions over standards.

J. Welch: Well, then we'd be having a hearing every time they didn't agree with it.

G. Friend: So, I like the 10 kilowatt one and these are the setbacks and then when they want to go over 10, they come into the special exception. And it goes to the BZA and everybody gets heard.

D. Johnting: We intended for someone to just have some solar panels in their backyard, if they wanted to.

G. Friend: It doesn't take much driving around down in any city to see everybody blocking off areas and putting solar panels in and put fences up. I was in Anderson today there's several being

built up and down the freeways, even over by Dayton. So, what we're seeing here is this coming and this is a good way, I think, to keep it rolling forward.

D. Johnting: And we have the one at the high school. That's right, you don't even notice it. You drive by it, forget it's even there. But there are not, there's not a subdivision within 20 feet of it either.

G. Friend: You said I heard you say more than once you had discussion with Mr. Wickersham and Andy Fahl. Are you at liberty to say what that feeling was?

D. Johnting: I was quite surprised. I said so Mike, if you came in and you wanted to put solar, you have ground there at Wick's Pies and you want to power your business. We would try to make sure that we could try to get it in there, make you happy and the people happy, and he said I live next to all these people. I don't want to put solar right up next to their back door. And I said, he said, I don't care if it's 100 feet. If it has to be 100 feet, it has to be 100 feet. They were there first and that's their residence. And I'm not going to fill up, you know, put 1,000 solar panels to help my business and destroy their property values. And as a businessman, I thought he might say, yeah, we need to, we want to help the businesses. But he said if you're in residential you should not have to worry about some big solar system coming in next door without even getting to know if there is fencing? Are there going to be trees? How far away is it going to be? How's it going to affect my property? Asking all these questions. And he said we agreed. We can work it out, but not the unknown. I had a question the other day that was completely blind. They wanted to ask so how far away can a lagoon manure pit be on a property without animals? So where are the animals going to be? I mean that is a very open ended question. I said oh, nope, bring me a property. Bring me a property to put the solar panels on there where you want them and then we can start talking. Bring me a property for whatever it is, I hate to write a one-size-fits-all ordinance. Out in the country it's not so bad.

G. Friend: Right.

D. Johnting: I think we did well on the solar ordinance out in the country. They're talking acres of ground. They do everything they can do to get away from residences and they can.

G. Friend: Ten kilowatts is a pretty good size in a residential area. I mean eight or nine panels per kilowatt.

D. Johnting: We're talking 400 to power the sewage plant in Union City. 200 for Baker. Maybe 260?

R. Abraham: Like 264 or something or.

D. Johnting: 264.

J. Welch: I think the applicants will do a little bit more planning and work in putting it together and presenting it if they have, if they know they have to do it hearing and satisfy the neighbors.

G. Friend: I agree with you.

J. Welch: And satisfy neighbors.

J. Hufford: Yes. I think so.

D. Johnting: And identify, what neighbors? Identify what the screening is going to be? How they're going to meet the screening? And deal with the people that may be affected. I have seen EDP carve around people to fit something in so that someone wasn't surrounded on four sides.

G. Friend: So, you intend to rewrite all this to what we discussed tonight?

President Calhoun: Ed, you had a question?

E. Thornburg: When you mentioned the satellite manure storage thing, we've addressed that. You have to have the setbacks.

J. Welch: We're not dealing with that tonight Ed.

Discussion

D. Johnting: Not necessarily. They didn't have any animals.

E. Thornburg: Right. Well, it don't matter whether you have animals or not. On the satellite, you have to size it for the animals that would have fulfilled it.

D. Johnting: This was too open-ended up question for me. I'm just saying people will ask you those open questions and the solar can be the same. Sometimes it will fit and sometimes it won't.

G. Friend: So, we're going to look at drafting this the 10 kilowatts or under will follow in the general setbacks, and that anything larger than that will take a BZA special exception and no language in here will put you the final authority on what gets done?

J. Hufford: Sounds good.

President Calhoun: Do we need to take a vote on that?

J. Welch: No, we need it drafted and we want it in writing before we take a vote, so it's specifically spelled out.

G. Friend: Do you agree with all that Jason? It's a good way to go?

J. Welch: I think so.

R. Abraham: Can I ask a question? How long does that process take? To redraft it and pass it.

J. Welch: Probably next, well, we've already scheduled a hearing, so we can basically postpone and table the discussion until the next meeting. And then we likely would be able to have it prepared and be able to be passed, at least by this Board at that time. Then it would need to go to the different municipalities for them to pass it as well, so. Basically, we would have a recommendation to amend the text, then that's going to go to the county and to all of the cities to adopt it at their leisure. So 60 to 90 days, probably to be. Depends on how fast Winchester gets to it after we get them the recommendation.

R. Abraham: And so, I'm assuming the Baker project would be subject to that?

J. Welch: I think it should.

R. Abraham: Yeah. And I've only talked to one neighbor at Baker and they didn't have an issue with it. But we have not sent out messages to everybody, although that would be kind of isolated as to the west and there's a tree line, already a tree or big bush line all along there so. Alright, that's what we'll do.

G. Friend: Yeah, I think that's the benefit to the school corporation when they approach it, that it's got a natural buffer.

R. Abraham: Yeah, and as you can see there, it's not, you know, set on the Baker property still in the 10 acres south of Baker, which we do own. So, it's a little more not right behind those houses.

President Calhoun: Anything else that we need to discuss this evening?

D. Johnting: You don't have to vote. I'll just explain the packet that you have. We were asking some questions of the DNR about rebuilding a tornado destroyed garage, and they informed us that anytime they come out with a new floodplain ordinance. We have to adopt it, we have a certain length of time to adopt the changes that they're making, so Article VIII is what we have now. There's an information sheet on why we need to do this. Then there is some guidance on how to read this and how to look at. There's things in the ordinance that you can decide to choose or leave out. The last time, I'm sorry?

G. Friend: That we get to decide?

D. Johnting: Yes. We have to adopt it within a certain length of time, but we do have a little bit of leeway. The last time that we when we adopted Article VIII, they chose to adopt compensatory fill, which we've had hearings about before. That is, whatever you take out, you put in whatever you put in, you take out and you have to show that you haven't altered the floodplain by more than .14. They have even they don't even offer that language now, and Randy

and I have been discussing that we needed to get rid of it. It's a higher standard that is hard to meet and they pretty much said you don't get points for having a higher standard if you're constantly asking for a variance to the higher standard. It just kind of points the finger that you shouldn't have put that in there, so that will get rid of that. The change will make it better. Randy's going over it right now looking at these, if you have any questions. He'll be happy to answer any of them.

G. Friend: Who rules on the variance you were talking about?

D. Johnting: The BZA. The water company had to ask for a variance not to do compensatory fill because they were, they're actually working in the floodplain.

G. Friend: So when this is adopted by Randolph County, it's Randolph County that polices it. The state doesn't come in and do it. We do it all?

D. Johnting: We police buildings and they're generally driving around also looking.

G. Friend: I guess my question is if they're letting us go to BZA, and the BZA approves something then they come in and say we still don't agree. You're not going to do it.

D. Johnting: We let them know that we did it.

G. Friend: But that doesn't answer my question. Can they come in and say? We don't agree. You're not going to do.

D. Johnting: Not to a higher standard. They only will watch that we're doing it. They'll keep an eye on it. They keep track of it. They said if you're going to do that, take it out of your ordinance. Something that is a higher standard. Because like I said, you don't get points for doing something, and then say, well, we can't really meet it, we just want it in there because it's going to give us points with them. And that was adopted before I was here.

J. Hufford: And would it be better to take it to a higher standard? Or take that out of there.

D. Johnting: This is not offered in this new one. The language isn't even in there. And I don't think they think it's a good idea now, with that the conversations we've had with them.

J. Hufford: So, if we don't, then they could come in. Then that BZA comes on and approves something. Then why couldn't they come back and say no, you can't do that?

J. Welch: You can't grant a variance below their standard.

J. Hufford: Yeah.

J. Welch: Whatever they're standard is. We can only grant variances to things that are in addition to their requirements. So, it's the uniform set of standards, then that's just what it is.

D. Johnting: We had put something in that was above what they requested.

A. Journey: And that's the main change?

D. Johnting: No, there are a few changes.

A. Journey: Okay, so I've got to read it.

D. Johnting: It's not a lot of fun but you've got some time.

G. Friend: Homework, right?

D. Johnting: I mean, unless you want me to just decide.

G. Friend: No.

D. Johnting: And we've already established that.

G. Friend: Yes.

President Calhoun: Anything else that needs to be brought up. Seeing none, why, I'll accept a motion to adjourn.

J. Hufford: So made.

President Calhoun: Thank you for coming everybody.

President Don Calhoun

Vice President Coy Applegate

Area Plan Director/Recording Secretary, Debra Johnting