

**APC MINUTES of Zoom Hearing****MAY 20, 2020**

Members present: Amy Alka, Adrian Moulton, Steve Hernly, John Reece, Andy Fahl, Don Calhoun, Jim Hufford, Bob Lahey, Terry Alfrey, Bryn Albertson

Members absent: Aaron Stephens, Tom Kerns, Gary Girton

Legal Representation: Jason Welch

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

Others present: Ed Thornburg, John Goodhew, Jeff Hill, Jamie Neal, Tony Neal, Paul McCoy, Teresa Day, Lisa Greyson

President Calhoun: It's 7 o'clock now. Let's go ahead and call this Zoom hearing of the Area Planning Commission to order. I assume everybody has got a copy of the minutes, are there any changes or corrections we need to make?

J. Hufford: Yes, you've got Tom Kerns representing the town council of Union City, he represents the County Council, and then on page three where it says "unknown" that is Ron Pruitt. Those are the only things I see.

President Calhoun: I don't know if Deb's on or not.

J. Welch: She's here with Randy and I.

President Calhoun: Did you catch the changes that Jim wanted to make?

D. Johnting: I did, I got those and I will make the corrections, and send out new minutes.

President Calhoun: I will accept a motion to accept the minutes with the changes suggested. It's been moved and seconded to accept changes as suggested. All in favor say aye, all those opposed no, motion to accept the minutes passes. A little bit of housekeeping before we get started, if you wish to speak please state your name so that Deb can get the minutes correct. With that we will start out with APC2020-5-Z for Jeff Hill. Jeff, if you would like to discuss what you are wanting to do to the board that would be great.

J. Hill: Yes, this is Jeff, we'd just like to take this property that we bought here in Modoc and make a small trailer sales lot. There was a house that burned down, and now it's a lot with gravel and a garage on it. That's basically it.

President Calhoun: Does the board have any questions? How many trailers do you plan on keeping there on the lot at one time?

J. Hill: It's not very big so probably two or three.

President Calhoun: What type of trailers are they going to be? Will they be enclosed trailers or...

J. Hill: Enclosed and flat beds, and other types on occasion.

President Calhoun: Anybody else have any questions?

J. Hill: Anybody want to buy a trailer?

President Calhoun: Are you currently selling trailers now?

J. Hill: Yes, I am currently using the lot address at Shores Oil Company, he's letting me borrow that lot address for legal purposes with the State of Indiana. To be a dealer, you have to have a lot that is properly zoned in Indiana. And we are currently looking at a place to rent in Richmond. But this is just going to be a way to keep our license and have this as a commercial selling lot. Legally you have to have something. So I thought this would be the cheapest way to keep my license legit with the state.

President Calhoun: Ok, does anybody else have any questions? Do I hear a motion for a recommendation? It has been moved and seconded for a favorable recommendation. We need to have a roll call vote?

D. Johnting: Ok, Amy Alka, yes, Adrian Moulton, yes, Aaron Stephens, absent, Steve Hernly, yes, John Reece, yes, Andy Fahl, yes, Tom Kerns, absent, Don Calhoun, yes, Gary Girton, absent, Jim Hufford, no answer, Bob Lahey, yes, Bryn Albertson, yes, Terry Alfrey, yes. It doesn't matter, it's a favorable recommendation either way.

President Calhoun: Ok, Jeff Hill, thank you for sticking with us this evening, you'll go to the next hearing for a yes or no vote. Good luck.

J. Hill: Am I good then? Thanks everyone.

President Calhoun: Ok, let's move on to APC2020-8-Z is John Goodhew, is he on tonight?

J. Goodhew: Yes I am.

President Calhoun: Would you like to tell us what you would like to do?

J. Goodhew: What I'd like to use it for is for parking, for my company trucks. We're kind of full on that lot.

President Calhoun: Does any of the board members have any questions?

R. Abel: A question I would have is are you planning on parking just working, operating, licensed vehicles on that lot?

J. Goodhew: Yes.

President Calhoun: Is there anybody from Ridgeville that wants to talk about it?

T. Neal: He's already parking things over there that are unlicensed, he's using that lot as a parking lot now.

President Calhoun: So, he's only wanting to make it legal for his company right now.

T. Neal: So we assume he's going to make this a junk yard, and he's already parking cars there now.

A. Fahl: Can you please state your name who we have talking?

T. Neal: Tony Neal.

President Calhoun: Jason, is Jason here?

J. Welch: Yes

President Calhoun: Would it be possible to have some kind of commitment clause stating that only current licensed vehicles are parked on that lot?

J. Welch: We can make a recommendation through zoning yes, but this is just a favorable or unfavorable recommendation. The board will have the final say, we can put commitments or riders on it, but the board will have the final say.

President Calhoun: Our board or Ridgeville's board?

J. Welch: Ridgeville's board.

T. Neal: So what is the point of this meeting if you're just going to pass this on to Ridgeville anyway? I'm not trying to be an a., just asking the question.

J. Welch: That's the way the state statute is set up, this is just a recommending body. So each individual legislative body has the final say, this board just makes a recommendation to that board as to whether or not we believe that the zoning change should be made, but then they have the final say.

T. Neal: Ok, I gotcha. Thank you Jason.

President Calhoun: John, would you be agreeable to sign a commitment clause stating that you would only have licensed vehicles on the lot?

J. Goodhew: Yes, yes. Although I might add that there are no vehicles on this lot. And before the zoning, I didn't know it had to be zoned for a parking lot. So, when I found that out, we've leveled the lot, and there's been no vehicles on the lot since we discovered it had to be zoned for a parking lot. Just some information there.

President Calhoun: Ok.

T. Neal: They've been moved to the right away instead of the lot.

J. Neal: That's adjacent to the property.

President Calhoun: If we were to put a commitment clause on this, would we need to vote on that first before we vote on whether it's a favorable recommendation or not?

T. Day: This is Teresa Day, and I have thought long and hard about this, because it's like you know, he can guarantee that there will be nothing over there but the working trucks that are licensed, but what

can we do, because I know it's going to bring the value down on our houses? And I have thought long and hard on this.

J. Neal: Hi, this is Jamie Neal, and I have a problem with the zoning of this, with this being commercial, the maintaining of the property. The vehicles that are going to be parked over there, and then we already have a problem with what's going on back behind our property being parked and grass growing up over there and not being mowed or weed-eated and not being taken care of. The whole strip back behind our property and now the strip behind where this property is. And he's got old box trucks, old dump trucks, any kind of old vehicle that was there before he had this zoning thing started and he was parking vehicles in there and they were just parked in there any old way they were sinking into the mud and it's just going to be chaos. When I moved here we already knew what was going to be going on behind us, but now when we walk out our front door we have to look at the mess that is the trucks and the not mowing and what is going on over there. Even the strip behind our house when we have tried to mow back there, even though some of it is in the right of way he has called the sheriff on us for trespassing. Even though we are just trying to take care of things and make things look nice and there's no working with him trying to make things nice and keep the yards mowed so the bugs and everything stay away.

President Calhoun: Is there anyone else who would like to speak?

P. McCoy: Yes, this is Paul McCoy, and I live across the street from the parking lot, and I'd like to see if this was going to happen that this would be well maintained, because right now it's just a big eyesore. You've got trailers that are sunk in the mud, and we got big piles of pallets over there now that they moved all these cars out for. If it's well maintained and it looks good, but as far as right now it's an eyesore, and we don't need another eyesore in this town we've got three abandoned houses right around there. And if we put this here and it looks like crap, then like the lady said our house values have already dropped, but it's going to drop more if we've got that eyesore there. But if it's well maintained, vehicles I think they ought to be fenced in. If we put a car in our yard and it's got grass growing around it, we get a thing for abandoned vehicles, but if they've got something over there that's not licensed, then that's an abandoned vehicle too. I'm just hoping you'll consider it, maybe come over and take a look at it, you know, not just by phone. And like I said, if he can put a good one in there and maintain it and make it look halfway decent, but as far as right now I don't see that. That's my opinion, so thank you.

President Calhoun: Thank you.

Unknown speaker: I think it should be fenced in with a privacy fence so we don't have to look at it. It's a mess over there and it brings down our property value and I'm against it.

J. Goodhew: Who was that?

Unknown speaker: Anonymous.

President Calhoun: Well, you need to state your name for the minutes.

L. Greyson: Lisa Greyson.

President Calhoun: Thank you

L. Greyson: It's a pigsty and a rat fest.

J. Goodhew: I would like to add something, this is John Goodhew.

President Calhoun: Ok, go ahead.

J. Goodhew: I am planning on gravelling this, I have already got chain link fence lined out. I am planning on spending maybe ten, to fifteen thousand dollars to get all this done. So, I'm trying to, it's going to be a nice area as far as the parking lot. Right now it's just grass, I've spent quite a bit of money right now just to level it out, to make it nice. Before it was real hilly and all that. It's all been leveled out.

L. Greyson: Well you should make the other part look nice, because it looks terrible, you need a privacy fence.

J. Goodhew: If I'm required to put up one.

T. Neal: Hey, this is Tony Neal again, you say you're going to spend all this money on this lot, but you won't spend two dollars on a gallon of gas in a weed-eater and weed-eat nothing. You got weeds taller than the fence.

J. Goodhew: No there's not. But we're not discussing that, that's not the issue here, we're talking about the zoning here, this is a Ridgeville issue.

Unknown: Like the stop sign issue.

President Calhoun: We don't have anything to do with that.

J. Neal: There's a chain link fence behind the property that he owns, and I know that's not the issue at this point but you look at this now and you fast forward a couple years down the road and that's exactly what this lot's going to look like, because this chain link fence back here has holes in it, it's falling apart. There's weeds growing up to the top of the fence, and it's like a 6 foot to 7 foot fence but it's a chain link fence and it looks like crap back here because they don't weed eat around it; so you put a fence up and we can still see through it and see all the stuff sitting over there.

President Calhoun: I would entertain a motion to proceed with this this evening.

J. Hufford: I make a motion that we proceed with a roll call vote.

President Calhoun: Ok, it's been moved and seconded to take a roll call vote.

A. Alka: I just want clarification of what we're voting on this evening. Are we just voting to change the zoning? And then the concerns that were talked about can be addressed in the next situation? They have to go through approval?

J. Welch: Amy, can you hear me? This is Jason Welch.

A. Alka: Yes

J. Welch: Ok, what you are voting on is a favorable recommendation or unfavorable recommendation, if there are going to be conditions put on that, those need to be put on when the motion is made to make the vote. So, if there are going to be any conditions put on there should be made at this time. And, like I said this is just for a recommendation to the Ridgeville board, the board is going to have the final vote on this. This is just going to be a recommendation.

A. Alka: Ok, thank you Jason.

J. Welch: You're welcome.

A. Alka: So, I vote yes.

D. Johnting: Ok, so, Amy Alka, yes, Adrian Moulton, yes, Aaron Stephens, Steve Hernly, yes, John Reece, [could not hear answer] Andy Fahl, yes, Tom Kerns, absent, Don Calhoun, yes, Gary Girton, absent, Jim Hufford, yes, Bob Lahey, yes, Bryn Albertson, no, Terry Alfrey, no, Aaron Stephens, John Reece, no. Is Aaron Stephens off the call? We have enough to be a favorable recommendation.

J. Welch: There are seven votes in favor, so it will be a favorable recommendation to the Ridgeville board and that will be addressed at their next meeting.

D. Johnting: That meeting if they have it will be June 15, at 5 o'clock.

J. Neal: Yes, this s Jamie Neal and I have a question. Can he start using that as a parking lot now or does he have to wait until it gets rezoned to start parking things there?

J. Welch: This is only a recommendation, the zoning does not change until the board of Ridgeville votes on it.

J. Neal: That's what my question was, ok, thank you.

President Calhoun: Ok, thank you John, thank you all, everybody, have a good evening. Next we have a proposed amendment to our Unified Zoning Ordinance. You've all got a copy of it. Basically all we want to do is change the setback on a lot that is on a cul-de-sac with a lot depth of less than 100' to the rear setback would be 12'. Is there any discussion on this?

R. Abel: I'd just like to say, this is Randy, and I'd just like to say that we've had some issues, with different cul-de-sacs in the past, most of the problems that we have are cul-de-sacs that are pie shaped, really sharply pie shaped. And it's mostly the older subdivisions in town, and that's why we're recommending this at this time.

President Calhoun: With that being said, would people still be able to build a house on a lot that size?

R. Abel: Well, that's some of the problem that we're having, if you have two or three empty lots they can combine the lots, and make it work, but in some of these older subdivisions, you've got one lot there, and it's got a real sharp pie shape to it, and it's really hard to get that squeezed in there with your side setbacks. So this is to kind of accommodate those lots that are really shallow, that are 100' or less, and if they are having some issues getting a house set back in there. If you look at the ordinance you'll

see that on the front setbacks, between the street and the cul-de-sac they are already reduced, on the front, but there is no reduction on the back in the rear setbacks.

D. Johnting: This is Deb, another thing it's not just for current building, but for previous homes, if something would happen and the only thing they have to meet when, say the house burns down. They have to come in and meet all the setbacks. They're not going to be able to put that house back on that lot.

A. Fahl: Deb, you're the only one that's really hard to hear.

D. Johnting: Ok, is that better? We have a situation in the ordinance now, that if you lost your home, and wanted to rebuild, you do not have to meet lot size, all you have to meet are the current setbacks. For many of these pie shaped lots, that won't happen on all four sides. We are going to try to fix this in the new subdivisions being designed, but for the houses already there or the empty lots already there that can't meet the current setbacks, this would give them some breathing room.

A. Fahl: Jason, do you have any thoughts or concerns on this?

J. Welch: No, I think Randy has a reasonable basis to change this, based on a lot of houses already within that setback and they've had this problem before. If the board chooses to make this recommendation, it would go to the county commissioners, and it would also go to all of the town boards and they would be able to decide. So, the only thought I would have on this is that Randy believes this would be helpful and he's the one that's closest to the front lines on this.

A. Fahl: Ok, thank you.

J. Hufford: So, you're saying if someone on a small lot loses their home and because of lot size they couldn't rebuild on it?

D. Johnting: I'm not saying that you couldn't get a variance for that, but you're leaving that in someone else's hands. If the neighbors walk in and say, we don't want this, that house was too close to our property, they could perhaps influence the vote.

D. Johnting: This is Deb again, can you hear me? Ok, the alternative would be to get a variance, a variance on the setback. But you are leaving that up to seven people to decide, the neighbors could come in and complain and perhaps it would be decided not to give the variance. You'd like to think if you own a home and something happens to it you could put it right back where it was, but that will depend on a variance. And we would like to think that a fire or tornado would not take out a half a dozen homes, but it does happen and it's something to think about.

President Calhoun: Any more comments or questions? I would take a motion.

A. Fahl: I move for a roll call vote.

J. Welch: It would need to be a favorable or unfavorable recommendation, generally we would like to start with voting on a favorable recommendation first.

A. Fahl: I move we vote on a favorable recommendation.

President Calhoun: Is there a second? It has been moved and seconded for a roll call vote on a favorable recommendation.

D. Johnting: This is Deb, Terry Alfrey, yes, Bryn Albertson, yes, Bob Lahey, yes, Jim Hufford, yes, Don Calhoun, yes, Andy Fahl, yes, John Reece, yes, Steve Hernly, yes, Aaron Stephens, Adrian Moulton, yes, Amy Alka, yes. Favorable recommendation passed.

President Calhoun: Ok, is there any other business we need to discuss?

R. Abel: I think I want to have a short talk on the solar ordinance that was sent out to everybody. Did everybody get a chance to read the solar ordinance rationale? I hope everybody ready through that, to kind of get an idea of what the committee was trying to do. Having said that, I would ask if there was any comments on the solar ordinance that you think might need to be changed, added to or any positive or negative comments? If not, I would say what I would ask you to do, we are trying to bring this to a public hearing where we can all see each other, in the next month or so. What I would like you to do is do some research some of the items in there, I would ask you to get on the internet and look up different solar farms and you know Google search and go to the road and run the Google guy around and see if you can see the farm and landscaping and look for yourselves what other states and communities have done with this. There is some specific language that the solar company has asked us to look at and to change, I'll just list a couple of them for you to look at. First, they didn't like the language of "adverse effects". What we tried to explain to them was, this was in order to keep us all out of court. It was another way for homeowners to mitigate any problems that they had with any adverse effects in the solar park. When I have talked to EDP I told them, I said, I don't really expect you'll ever use this, hardly ever, because they've done a good job in the past of mitigating any problems they've had. But after saying this, you don't like this--but you'll go ahead and mitigate? What is it that we don't know, that you know that we're going to have to mitigate here? That you don't like this and of course they said, oh nothing! So, this is in there to protect the county, and to protect the homeowners and the taxpayers of Randolph County, and I really think this is a good thing and keeps us out of court. And if we go through our ordinance, we did this already in Hayesville and it took like a year and a half of mitigation in court just to get us to a resolution of some sort and obviously the county wants to stay out of these things. And we want to make a way to mitigate and this actually makes them go through...the person complaining has to come through me, and then I have to say, yes, it's a valid complaint and then it goes to the BZA. They make the final decision on what they want to do with it. And it still doesn't preclude the homeowner from going to court and suing them. It's just a way to say, we've got a problem here, let's solve it out of court. And do the best we can. So, that was our reasoning behind the adverse effect paragraph in there. The other thing they didn't like was the definition of opacity and opaque. And if you read the definition of opaque it actually says, not transparent, or translucent, impenetrable to light, not allowing light to pass through. I think that's all they read, and they said that's impossible, for a hedge not to let light pass through. The second part of the definition says as applied to this article. It refers to completely impeding visual contact with solar panels and equipment. So, it's got nothing to do with opacity and light, but it has to do with visually impeding that contact with the solar farm. So, we've tried to explain that to them a couple of times, and I don't know, I guess we'll have Jason look at it and maybe Meeks, and I don't know what, I think that terminology is used in a lot of law in Indiana and I don't think it means that light can't pass through it, it just means that you can't see what's on the other side. So, we really didn't have any problems with



that as a comment either. Of course, being a company a corporation with shareholders, investors, you know they are looking at their bottom line, the less cost they incur the more profit they have, so they are looking after their shareholders, and I think it's important that this county, the committee and the APC looks after the shareholders of the county which is the tax payers, and there's got to be a compromise on what's best for taxpayers, what's best for the company. I don't think there's anything in this ordinance that I haven't seen in dozens and doesn't s of other ordinance where there are solar farms. So I don't think there's anything in there that's going to stop production or them from coming to build. And that's why I encourage you to go look at other sites they have built on and I think you'll see setbacks that are larger than the ones we are asking for. So, they are asking for some reductions on setbacks, especially against the roads. They want to reduce the road setbacks. The other thing they didn't want to do is gravel perimeter roads, and what we had put in there originally is to gravel all access roads along all county and highway roads. And they said that would add 8 miles of roads to what they would have to put into gravel. So, this is a 200 megawatt solar farm so I went back and looked just out of curiosity and looked at the 200 megawatt Headwaters I, and if you look at Headwaters I there's thirty miles of roads going back to those wind turbines. And these are roads that cement trucks could drive on. We're just looking at lanes that pickup trucks could drive on. So, I'm not sure what the comparisons are, what the profit margins are, but they were pushing back on having to gravel those, they even wanted to put some of those access roads outside of the fence, and I think in some of the discussions we had in the committee, we were thinking of kind of leaving that up to the fire departments. So, the Fire Chief Association of Randolph County meets with all the Fire Chiefs of Randolph County and that would be a good place for the applicant to go to with their site plan and say are these access roads going to meet with your emergency needs? From the fire departments and EMS. So, that was another option we had was to let that decision go to the Fire Chief Association of Randolph County. The fifth thing they had was the transmission burial depth of 60". Their original comment on this was that it would cost several million because with every foot you had to bury the cable deeper, you had to increase the diameter of the cable. So, I called the utility company that buries cables, transmission cables, and they said there was no increase needed in cable size. The only added charge to them on this was the OSHA regulations which at 60", they requires special regulations protecting the guy in the trench if there is someone in the trench. So, as a committee we kind of decided to leave that up to Ed Thornburg and the Drainage Board. So, that was some feedback I had from Invenergy actually. Hopefully we can get together in the next meeting and have a little more detailed discussion on some of this stuff that EDP had feedback on and that Invenergy had feedback on. Are there any questions on any of that? Ok, so I would encourage you to kind of talk it up to people, and get feedback on it. Get people interested in this, get feedback from them. What we're going to try to do is put this draft on the website where people can get to it and read it. I would encourage you to do your own research on it and see what's been done in other counties and other places. It's really hard to compare apples to apples. I found it really difficult to find anybody putting in anywhere near 2,000 acres of solar panels. You go to a lot of these ordinances and they are only 10 or 11 pages and what you don't see in the background is, we talked to a guy, and he said, no we have another ordinance that covers waste management. We have another ordinance that covers developmental standards. So, even though they had an 11 page solar ordinance, by the time you looked up all the standards you had to follow you were looking through 100 pages. So, to say that in this ordinance--everything is going to be on these 40 some pages, for non-commercial and commercial. And that was our goal to stick it all in one place so you didn't have to search through 400 pages of an

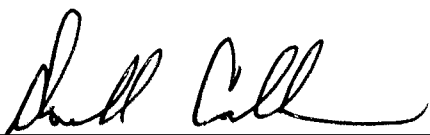
ordinance and figure out which one of those pages you needed to have the standards from. So, if you read that rationale that would explain some of what we were thinking and trying to achieve in this.

A. Fahl: I would like to echo what Randy said, a handful of us wrote this, and I would like to tell the other members that we did a lot of research, we had a lot of discussion, we talked to two companies with different attitudes about this process. We had two commissioners attend the meetings and got thoughts from both of those gentlemen. There's a lot that's been put into this, I'm sure it's not perfect, but it's been a lot to get where we're at, and I think it's a pretty good document. It is a new industry coming into the county, and how people are going to accept this is yet to be known, but I think we've done our job and created the best of both worlds and still have this new business coming into the county. And I hope the rest of the committee members feel the same and we're able to pass it.

President Calhoun: Thank you, Andy. Is there anything else that needs to be brought up? Seeing none, why I guess we're ready to adjourn. I'd like to thank everybody for signing on, and glad everybody was able to do it tonight. We are adjourned.

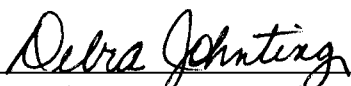
Deb and Randy: Thanks Don!

President Calhoun: We'll see everybody later then.



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President, Don Calhoun

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Vice President, Andy Fahl



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Recording Secretary, Debra Johnting