

Pulaski County Advisory Plan Commission

Pulaski County Highway Garage

Winamac, Indiana

Monday, November 23, 2020

Meeting Minutes

Present: Bob Keller, Lawrence Loehmer, Jerry Locke, Tyler Gutwein, Ray Franko, Abby Dickey (via zoom), Phil Woolery, Matt Rausch, Doug Hoover, Karla Pemberton, Nathan Origer

Call to Order: Lawrence called meeting to order 7:00pm

Approval of Agenda: Phil motions to approve. Bob 2nd. All approved. Motion carried.

Approval of Minutes: Matt approved minutes. Jerry 2nd. All approved. Motion carried.

Old Business: APC shared extensive discussion to clarify in ordinance what should be verified via BZA vs building & zoning staff and to remove certain grey areas that will save time to not make extended conditions & commitments as well as be specific on what is required pre-permit vs pre-hearing.

Potential ordinance adjustments as follows were discussed to be voted, potentially as follows:

2.3.R.3.a (pg 58)

1.) Add "special exception hearing" to 2.3. following "application for CSES" to read: "Applications for Commercial SES (CSES) special exception hearings. In addition to...."

2.) Remove 2.3.R.3.a.17, fire protection plan from 2.3.R.3.a, site layout plan, & make new 2.3.R.3.e, fire protection plan & add as worded in Mammoth condition #6

3.) Remove 18-"proof of correspondence" and place in post-hearing/pre-permit requirement Section 7.18 (pg 227)

4.) Remove 21-"any other item..." & make 2.3.R.3.d.

5.) Remove 2.3.R.3.c Communication & place in Sec 7.18 (pg 227) current 2.3.R.3.d. becomes 2.3.R.3.c.

6.) Remove 2.3.R.3.e Rule 5 compliance but add language to drainage-agreement 7.18.2.b. (pg 227)

7.) New 2.3.R.4: (pg 59) "After a special exception has been awarded, but before any permits are approved, the CSES developer must provide a) proof of correspondence and cooperation with wildlife agencies re: endangered species; b) a copy of a communications study."

8.) Chapter 4 table (pg 102) - Amend to allow CSES by special exception in L-I & H-I zones

9.) 7.14.C.3.a.1 (pg 224) Adjust language to read, "All non-participating property, regardless whether or not the property includes any permanent structure improvements will require a buffer, unless the owner waives this requirement."

-7.15.A. (pg 225) Reduce maximum noise level at the property line from 80 dbA to 50 dbA. Add language from Mammoth conditions/commitments: "This condition is not expected to be met during project construction or during short-term periods of repair and maintenance, including grounds keeping (such as mowing), so long as transgressions of this limit do not occur between 7:00 p.m. and 7:00 a.m. Third-party study evidence of the project's ability to comply with this condition shall be provided prior to issuance of improvement-location and building permits."

Additional Discussions to verify or refuse:

-Setbacks (pg 227)

-Language relating to plantings on solar sites to minimize "lake effect", promote more compatible use, to provide for any chemical filtering, etc. (suggest only for CSES in ag districts, not in industrial districts) As noted in Mammoth condition #2

-7.14.C.1 (pg 224) perimeter fence? Mammoth conditions used language about deer fencing or not-as-ugly/industrial as chain-link. Deer fencing is suggested (but not necessarily durable enough). Maybe not chain-link is acceptable if it's inside tree barrier and would only need to be substituted with something more appealing if the specific site plan requires it to be outside of the tree buffer?

-Include country of origin, safety/environmental & MSDS as in mammoth condition #7?

-Property Value guarantee- add to UDO or leave it entirely to the discretion of the BZA on a project-by-project basis?

-7.4 (pg 216) Decommissioning plan- Add language from Mammoth commitment #3?

-Sec 7 Add specific verbiage stating developer will cover 105% of costs of 3rd party entities as placed in Mammoth Solar conditions & commitments.

New Business: APC agreed to hire Justin Schramm as their legal representation for as needed services. Mr. Schramm, who represents multiple municipalities in our region, has an hourly rate, with no required contract or retainer requirement of \$150. He doesn't charge for phone calls or emails. It was noted that Kevin Tankersley is the county attorney and BZA attorney and it is in APC's best interest to have a separate attorney from the county. Matt motion Bob 2nd. 6-0-1, Ray abstained from voting due to potential conflict of interest.

Karla discussed seats that will be replaced for Lawrence, Jerry and Phil.

Hearing fees and costs involved for businesses were discussed based on past experiences for larger businesses, we need to adjust hearing fees. We need to be fair on fees based on business size. How can we legally choose who is a small business vs larger business without hurting smaller businesses. We can't legal ask for their financials nor can we go by staffing size, as many small businesses have persons in the community working on a short term and as needed basis. By adjusting hearing fees to the following, it seems fair based on the amount of work that is being done by staff and for hearing purpose.

1. Petition to the Board of Zoning Appeals

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| a. Use Variance | \$500 |
| b. Development Standards Variance | \$500 |
| c. Special Exception | \$500 |
| e. Amendment to variance or special exception | \$500 (new public hearing required) |
| h. Appeal of Administrative Decision | \$500 |
| i. Specially called meeting | \$500 + applicable hearing fee(s) |

2. Petition to the Advisory Plan Commission

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|---|---|
| a. Amendment to Zoning Map | \$500 |
| b. Planned Unit Development | \$500 + \$50 per lot |
| d. Amendment to Planned Unit Development | \$500 + \$25 per lot & new hearing |
| f. Extension of expired Planned Unit Development | \$450 + \$50 per lot (new review process & public hearing required) |
| g. Development Plan Review | \$500 |
| h. Amendment to Development Plan | \$500 (public hearing required) |
| j. Extension of expired Development Plan | \$500 + review & public hearing |
| k. Development Plan hearing held in conjunction with a zoning map amendment hearing | \$500 |
| l. Exception to Subdivision Control Standards (SCS) | \$500 |
| m. Amendment to an Exception to SCS | \$500 (new review process public hearing required) |
| n. Specially called meeting | \$500 + applicable hearing fee(s) |

Violation fees & adjustments were discussed. How do we go about fines to people with unsafe buildings that ignore their violations? Having code enforcement would be more efficient and practical. Building & Zoning is understaffed.

It was agreed to alter violation fees to: 1st violation penalty presently \$25 to \$100. 2nd violation penalty presently \$50 to \$250. 3rd violation penalty presently \$75 to \$500. Subsequent notices beyond the 3rd notice are 150% of the previous violation fee charged.

Phil motion to adjust fee schedule and violation fees. Matt 2nd. All approved. Motion carried.

2021 APC schedule. Adjust March date due to spring break for schools in Pulaski County. January 25th is joint session at 6pm and March 22nd is moved to 15th

Bob motions to approve 2021 schedule. Ray 2nd. All approved. Motion carried.

Other Business: A potential rezoning request of a business in Medaryville on hwy 421 may be presented at a near future meeting. Residential property surrounded by mostly commercially zoned parcels to north, east and south and residential to the west.

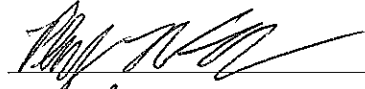
Public Comment: Connie Erlich apologized for having assumed incorrectly in a letter she tried to distribute to board members. She mentioned in a previous meeting the board was considering making setbacks in the UDO as close to what was in conditions w/ mammoth solar and stated she didn't hear it brought up this evening. Please consider and discuss setback terms. BZA application requirements, should make sure developer is required to cover costs of any 3rd party entities. Discussion about setbacks for the fire department getting access. Discussion about type of visual screening setup. It was confirmed that it is 75' from panel to property line and it doesn't specify distance for the shrubbery and fencing. Connie mentioned roots will grow on the neighbors properties with setbacks as small as 75'. Discussion on not limiting setbacks to only property owners with larger parcels then excluding property owners with smaller parcels who would like to participate in solar farm development. Discussion to make sure we have specific verbiage regarding fire protections plan to confirm

the fire department can successfully work around fencing, shrubbery, and proper setbacks. Request stating, please don't pass any ordinance that you wouldn't be comfortable living around. Ray noted in last meeting minutes it was discussed to potentially offer setbacks from any structure, not just residential. Tyler agreed less than 75' will be tough to get fire trucks around. Public comment about insurance costs near solar panels. Public comment about corn field fires from panels in the fall. It was noted there are many corn field fires without solar panels present in the county. Discussion to change setbacks to 150' in UDO as based on Mammoth Solar suggestion for their special exception hearing. Brian Young questioned Building & Zoning being capable of completing solar inspections and ordinance rules and regulations. Discussion advanced in an inappropriate fashion. Lawrence suggested adjournment.

Adjournment: Ray moved to adjourn. Jerry 2nd. All approved. Motion carried to adjourn at 9:03pm.

President Lawrence Loehmer

Vice President Phil Woolery



APC Administration Karla Redweik-Pemberton



Next meeting scheduled Monday, May 24, 2021. All meetings will be held in the Pulaski County Highway Garage.