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LORI L. AUSTIN
WHITE COUNTY RECORDER

APC MEETING – March 09, 2020

The White County Area Plan Commission met Monday, March 09, 2020, at 6:00 p.m. in the Commissioners' Meeting Room, Second Floor, County Building, Monticello, Indiana.

Board Members Present: Charles Anderson, James Annis, Abbey Gross, Ralph Hasser, Sid Holderly, Richard Lynn, Doug Pepple, Stacy Selagy, Mike Smolek, Denny Sterrett & Brad Ward. Absent members were: None

Planning Department Representatives: Joseph W. Rogers, Executive Director; Tina M. Tiede, APC Secretary. Absent was: Makenzie Martin (Attorney)

Registered visitors were: *See attached*. The meeting was called to order by APC President, Charlie Anderson.

Approval of The Minutes: There was a motion by Board Member Abbey Gross and a second by Board Member Denny Sterrett to approve the meeting minutes of the 01/13/2020 APC Regular Meeting Minutes, the Morrow Sub Findings of Fact and 01/13/2020 Executive Session Meeting Minutes. Approved unanimously, so moved.

REZONES:

- 1) **#1125 – Owner: Thomas E & Paula A Englert; Applicant: same;** The subject property is identified by: MARTIN'S 1ST ADD LOT 13; Union Township; commonly known as: 713 N Railroad St., Monticello, IN 47960. The proposed zoning map amendment involves consideration of a change of the properties zoning district from: B-2 (General Business) to R-2 (Single & Two-Family Residential). The proposed rezone is to allow for re-construction of a single-family dwelling to a larger footprint.

Director Joe Rogers stated that the office did not receive any public communication related to this request, either in favor or against. The B-2 (General Business) district zoning is the baseline zoning district established under the 1972 White County Zoning Ordinance. It should be noted that the B-2 zoning assignment and the residential use were not considered incompatible under the original zoning ordinance which allowed residences in General Business districts. In the Staff's opinion, this request is simply a matter of bringing the site into compliance with its historical and intended future use.

Thom Englert was in person to represent the rezone request.

With no questions, ballots were passed out by Director Rogers.

Ballot Summary:

- 1. The proposed rezoning is consistent with the goals, objectives, and policies of the White County Strategic (Comprehensive) Plan and any other applicable planning studies and reports, as adopted and amended from time to time.** 11 Agree; 0 No Opinion; 0 Disagree; APC Comments: None
- 2. The proposed rezoning is compatible with the current conditions (e.g. existing lots, structures and uses) and the overall character of existing development in the immediate vicinity of the subject property.** 11 Agree; 0 No Opinion; 0 Disagree; APC Comments: None
- 3. The proposed rezoning is the most desirable use for which the land in the subject property is adapted.** 10 Agree; 1 No Opinion; 0 Disagree; APC Comments: None
- 4. The proposed rezoning will not have an adverse effect on the value of properties throughout the jurisdiction.** 11 Agree; 0 No Opinion; 0 Disagree; APC Comments: None
- 5. The proposed rezoning reflects responsible standard for growth and development.** 11 Agree; 0 No Opinion; 0 Disagree; APC Comments: None

President Anderson announced the results as follows:

11 votes cast – 11 in Favor; 0 Opposed; 0 No Recommendation

Rezoning request will be certified to the appropriate legislative body with a “Favorable” recommendation

SUBDIVISIONS: None

AMENDMENTS:

1. **Contin...#A62 – Solar Farm Setbacks:** CH 7 Wind and Solar Siting Regulations – 7.16 Application Requirements & 7.17 District Regulations and Performance Standards. The purpose of this amendment is to allow development of Solar Farms on multiple adjoining sites in an efficient manner. The intention is to waive solar array setback requirements where abutting side and rear property lines or portions of those lines are captured in the same solar farm complex. In addition, the amendment delineates additional structures subject to setback requirements, modifies fence and buffering requirements and adds a pollinator requirement.

Director Rogers stated that this amendment only pertains to Solar Farms. Solar Energy Systems that you would find on residences, schools, or an individual farm are not affected. The amendment addresses setbacks, screening, fencing, & basically issues related to Solar Farms. A major issue that Director Rogers pointed out is that there is a movement that has been coordinated between the State of Michigan and Purdue University to get communities to adopt pollinator clauses in their solar farm ordinances. The thought process is there is going to be a lot of land taken out of typical crop production and there needs to be an environmental trade-off between that and the community at large. These pollinator clauses are designed to create a more natural habitat while providing for the

necessary structures and infrastructures required of a solar farm. Director Rogers stated that he believes that if the pollinator portion of the ordinance is not adopted now it will soon become a state mandated requirement.

Vice President Mike Smolek voiced concerns about the setbacks relating to the noise the inverter makes. Director Rogers stated that he visited an 85-acre site that had inverters approximately every 2-4 arrays and he could not hear them from 20' away while they were operating.

Board member Sid Holderly had a question about the planting density and it creating a lot of voids. Director Rogers stated the voids already exist because there is 30-40 feet between solar array rows. They have access aisles and drive-throughs so they are not utilizing 50% of that area as it is. Sid's second question was if this eliminates any other crop under it such as alfalfa. Director Rogers said yes, it would eliminate that without a variance. Sid said there are also a couple universities that have made studies of farming or grazing of livestock underneath of them. Director Rogers said that issue was discussed and that, especially the grazing of livestock, should go before the BZA before you would just permit that by ordinance so these are options still available to them but would require a variance.

Board Member Doug Pepple asked how high the arrays are off of the ground. Director Rogers said there is no minimum requirement other than they will have to be at least 3' off the ground in order to have some type of vegetation underneath. Board Member Jim Annis asked to clarify the maximum height. Director Rogers indicated that the height allowance was increased to 15 feet to allow array panels to be elevated.

Board Member Doug Pepple made a motion to approve the amendment, with a second from Board Member Jim Annis. Unanimously approved by show of hands.

2. #A63 – B-5 Transitional Zoning District: Chapter 2, Section 2.5, Appendix A Official Schedule of Uses & Appendix B Bulk Use Standards. The purpose of this amendment is to provide a General Business district designation which restricts uses to those least likely to create a nuisance for neighboring residential districts.

Director Rogers stated that there was a group of Board Members that met with the Area Plan office staff to go through the Use Chart and made modifications to reflect the intent of the B-5 District. After some discussion, Vice President Mike Smolek made motion to approve the amendment. President Charlie Anderson seconded the motion. Unanimously approved by show of hands.

BUSINESS:

- 1) A64 – Signs: CH 10 Sign Standards, CH 12 Administrative & CH 14 Definitions – draft review only

Director Rogers informed that Board that the sign ordinance became subject to a supreme court ruling that put very tight restrictions on when and if you can have content-based regulations. The first challenge of the sign committee was to extract as much content-based references as possible. The second task of the sign committee was to address all the different sign usages that are not currently covered under the ordinance. The third mission was to clarify the areas that are exempt from the permitting process. This amendment has not been advertised and is being presented as a draft only.

The recommendation is that this amendment will serve as a shadow ordinance over the next 4-6 months. It will not be implemented or adopted but the Staff will watch sign permitting and enforcement activities to see what sort of collateral sign issues are identified. This will allow the office to track the unintended consequences and deficiencies of the amended ordinance before it becomes codified.

Vice President, Mike Smolek asked what decision was made related to the banners and signs at schools, churches and ball fields. Director Rogers said this was one of the areas that the committee identified that they needed to deal with and they have plans to do so. Another topic that has come up is the idea of a sign collage. This is an area against a building or a wall where multiple signs are captured in a small confined area. By the current sign ordinance, each of those sign components are the actual sign and subject to permitting requirements. The question has been brought to the office as to whether or not the sign ordinance should be making an allowance for this type of situation. Director Rogers took this issue back to the sign committee and after discussing it, they decided that it would potentially create more problems than it would solve and to not change it to make this allowance.

Board Member Ralph Hasser asked why one permit could not be issued to the entire sign as a whole. Director Rogers explained that in doing so, you would be creating a whole new definition of a sign. That kind of change would affect every sign in the current ordinance and create major issues.

Brian and Teresa Jackson, owners of the Jackson Street Pub in Brookston, were present to voice their support to adjusting the sign ordinance to allow for a collage type sign. Mr. Jackson currently has a collage-type sign on the side of his business and made his case to the Board that he doesn't feel as though he should be required to pay for each individual sign and for each sign that changes in size.

Several Board Members asked for clarification of different types of signs and discussed the issue of the collage sign and possible solutions to the problem. Steve Burton, County Commissioner, spoke to the Board in favor of trying to find a solution for helping the smaller communities when it comes to issues as this. Much discussion took place during which Director Rogers suggested that the issue be taken back to the sign committee in order to try to find a solution. Vice President, Mike Smolek, made a motion for Joe Rogers to take this issue back to the sign committee to try to find resolution. Brad Ward seconded the motion and the Board unanimously approved by show of hands.

Any enforcement action against Brian and Teresa Jackson related to their sign violation will be pushed back until after the sign committee has reconvened and that information is brought back before the Board.

- 2) Proactive Enforcement - not discussed
- 3) Zoning Map Discussion – Director Joe Rogers discussed consideration of a major zoning map conversion. Director Rogers highlighted some bullet points to consider and initial analysis results that shows there are 4,136 parcels in the County with suspicious zoning district assignments. It is the Staff's opinion that the 751 A-1 conflicts to residential assignments for sites greater than or equal to 10 acres can be dismissed from review. These are likely farm houses on large farms. To rectify the remaining discrepancies, either by substantiating a parcel's current zoning district assignment or by correcting the parcel's zoning classification, the Staff estimates that it would take between 10 and 20 minutes to identify, locate, research and change each parcel. At a minimum, the Staff would have to deal with 3,412 parcels with disputed zoning districts each taking 10-20 minutes to correct or confirm. Thus, it's

estimated, at a minimum, it will take 568.7-man hours of labor. At 35 hours per week, it would take one individual (trained and knowledgeable on zoning matters) 16.25 weeks of work. Worst case, the number would double to 32.5 weeks of work.

If interested, we believe the Commission should agree to have the Staff conduct a test run. The purpose of this test run would be to confirm the manpower effort it will take to deal with all disputed zoning assignments and to determine what unanticipated obstacles the Staff may run into in attempting to accomplish resolving the identified zoning discrepancies.

Before actually initiating any action on a test run, if authorized by the Board, the Staff will communicate with the Commissioners and Council to obtain verbal approval on their willingness to commit the financial resources necessary to execute a conversion plan if found to be practical.

After some discussion, the Board approved by show of hands for the Staff to approach the Commissioners and Council and move forward to the next phase.

There being no further business, Commission Member, Abbey Gross made a motion to adjourn the meeting, with a second from Commission Member, Brad Ward. The meeting adjourned at 7:08 p.m.

Respectfully submitted,



Tina M. Tiede, APC Secretary
White County Area Plan Commission



Joseph Rogers, Executive Director
White County Area Plan Commission

WHITE COUNTY AREA PLAN COMMISSION

PUBLIC NOTICE OF REGULAR SESSION

March 09, 2020 – 6:00 p.m.
2nd Floor Conference Room, White County Building
110 N Main St., Monticello, IN 47960

The White County Area Plan Commission will meet in Regular Session pursuant to Indiana's Open Meetings Law, I.C. 5-3-1-2 (b):

APPROVAL OF THE MINUTES: Approve 01/13/2020 APC Regular Meeting Minutes, the Morrow Sub Findings of Fact and 01/13/2020 Executive Session Meeting Minutes.

REZONINGS:

1. **#1125– Owner: Thomas E & Paula A Englert;** The subject property is identified by: MARTIN'S 1ST ADD LOT 13; Union Township; known as 713 N Railroad St., Monticello. The proposed zoning map amendment involves a change of the zoning district from: B-2 (General Business) to R-2 (Single & Two-Family Residential).

SUBDIVISIONS: None

AMENDMENTS:

1. **Contin...#A62 – Solar Farms Setbacks:** CH 7 Wind and Solar Siting Regulations – 7.16 Application Requirements & 7.17 District Regulations and Performance Standards
2. **#A63 – B-5 Transitional Zoning District:** APPENDIX A Official Schedule of Uses & APPENDIX B Bulk Use Standards

BUSINESS

1. A64 – Signs: CH 10 Sign Standards, CH 12 Administrative & CH 14 Definitions – draft review only
2. Proactive Enforcement
3. Zoning Map Discussion

Individuals requiring reasonable accommodations for participation in this event should contact the White County Title VI Coordinator a minimum of 48-hours prior to the meeting at: 574-583-4585; Leah Hull, Title VI Coordinator

WHITE COUNTY BUILDING & PLANNING DEPT.
2020 APC MEETING SIGN IN/OUT

Date: 03/09/2020 - 6:00 p.m. Meeting Time

Scheduled Security Officer:

Printed Name	Purpose	Time In	Time Out	Signature
Charles Anderson	APC	5:33	7:09	<i>[Signature]</i>
James Annis	APC	5:52	7:25	<i>[Signature]</i>
Makenzie Martin	APC			
Abbey Gross	APC	5:45	7:09	<i>[Signature]</i>
Ralph Hasser	APC	5:50	7:15	<i>[Signature]</i>
Sid Holderly	APC	5:51	7:11	<i>[Signature]</i>
Richard Lynn	APC	5:36	7:11	<i>[Signature]</i>
Doug Pepple	APC	5:47	7:11	<i>[Signature]</i>
Joseph Rogers	APC			
Stacy Selagy	APC	5:30	7:12	<i>[Signature]</i>
Michael Smolek	APC	5:55		
Dennis Sterrett	APC	6:40	7:15	
Tina Tiede	APC	5:40 pm	7:15	<i>[Signature]</i>
Brad Ward	APC	5:35	7:10	
Teresa Jackson	APC	5:33	6:50	<i>[Signature]</i>
Brian Jackson	APC	5:33	6:50	<i>[Signature]</i>
Payla Englebert	APC	5:34	6:03	<i>[Signature]</i>
Therese Englebert	APC	5:34	6:09	<i>[Signature]</i>