

**MINUTES of the GRANT COUNTY
AREA PLAN COMMISSION
August 1, 2011**

THE REGULAR MEETING OF THE AREA PLAN COMMISSION OF GRANT COUNTY was held on Monday, August 1, 2011 at 7:00 PM in a regularly scheduled meeting on the first floor of the Grant County Office Complex at 401 South Adams Street, Marion, Indiana. Members present: Bob Bothwell, Myron Brankle, Mike Burton, Jim McWhirt, Dick Treon, Dick Trobridge, Kim Windle, John Woodmansee and John Bonham, President. Members absent: Chuck Briede, Robert Couse, Tony Manry and Bob Monroe. Staff present: Executive Director Steve Niblick, and Recording Secretary Debbie Wallace.

John Bonham brought the meeting to order with the Pledge of Allegiance.

Motion was made by Dick Trobridge and seconded by Myron Brankle to approve the minutes from the June 6, 2011 meeting. All members present voted yes; motion carried.

Docket: 01FP-11

Name: Country Meadows Addition to Town of Upland

Address: Southeast corner of 900 E (8th St) and 600 S (Berry St)

Zoning District: Residential-1

Legal Description: Being 28.753 acres more or less and located in the Northwest Quarter of Section 27 in Jefferson Township, Upland Corp

Request: to create a 29 lot residential subdivision

Steve Niblick went over the staff report; all items listed on the report have been submitted and reviewed.

Don Wimmer, surveyor and Bruce Sebestyen, developer, were present to represent this docket. Don Wimmer stated that this is an 8 lot subdivision, Section 1. Lots 1 - 7 will face 8th Street and lot 8 will face Berry Avenue. The drainage board required an easement be placed along the back of lots 1 – 7. There is an existing ditch that runs through the property to the river. This is a natural drain and not on maintenance. Upland has a lift station that is located south of lot 1.

Bonham – questioned if there is an extended section to the subdivision further south.

Niblick stated that the future section is not a part of the petition tonight. It was required for the preliminary plat but the final plat is for the 8 lots only. When they are ready to start on the future section it would have to be brought back to the Area Plan Board for approval.

Bonham questioned the ditch on lot 1 what type of setback would be required.

Niblick stated that it is more that who ever purchases lot 1 must be maintained.

Don Wimmer stated that the ditch at the deepest part is three feet deep and seven to ten feet wide. It cannot be shut off must stay open. A twelve inch pipe will be put in along 8th Street.

Niblick the Area Plan Office recommends approval of this plat, there are no public infrastructures, bonds or guarantees required with this phase, everything is being done privately.

Motion: Bob Bothwell moved Dick Trobridge seconded to approve docket #01FP-11. All members present voted yes; motion carried.

Other business:**2012 Budget**

Steve Niblick and the board reviewed the proposed 2012 budget that was submitted to the Auditor's office. Next year the budget will be started earlier to have more time for the APC board to review, prior to being submitted to the Auditor's office.

Motion:**Upland Economic Development**

In June the APC office received a letter from Upland Town Council President Mr. Cooper. Upland wanted to know if they could graduate some of their zone classifications from residential and make some zoning recommendations. Secondly they wanted to know more about the possibility of Upland having an industrial park; and thirdly they wanted know if they entered into some type of an agreement with the county whereby they would have actual legal jurisdiction over some of the area around their community without annexing it. The first two essentially would occur in part with the Comprehensive Plan that's going to go through. Will take time to look at the individual communities that are part of the APC and listen to them and focus in on some of their needs; whether it is zoning or land use or other issues. The third item did check with some other planners around the state and it didn't seem feasible. More than anything if something would be done if it's not expressly allowed under State Statute if anything would occur and any decision that would be made in that area by the Town and it's not in their legal jurisdiction whether or not that could be challenged.

Bonham was not at the meeting that this letter was drawn up; there was no compliant; there was a comment made that a person knew that a town had expanded their boundaries by two miles without annexing and the board said lets see if we can do that. Later after information from Mr. Niblick and the town that did that had their own plan commission. This does not mean that Upland wants their own plan commission. One of the reasons that this was brought up was the problem with Gas City. As Gas City moves east, individuals have said lets see how far we can move east. People do not want to be in Gas City in Jefferson Township. More driven by the Jefferson Township cemetery, wants to make sure Jefferson cemetery remains outside of Gas City.

Upland letter

Second letter was from Upland Economic Development and Taylor University. The report submitted needs to be looked at by the Plan Commission to determine if it complies with the Master plan, then the Executive Director needs to sign the letter. The report does meet and comply with the Master plan; just needs the approval of the Area Plan board for director to sign. In the future any addition economic development letters submitted can be brought to the Area Plan Commission or the board can give approval for director to sign without bringing in front of board.

Woodmansee stated take to the Executive Committee; if no problem let Steve sign; any problems then take to full board.

WECS

Steve Niblick – we have a request from a citizen, John Neeley approached the Commissioners both privately and then at public meeting. He has some concerns over the language of our Wind Turbine Ordinance and specifically the current minimum setbacks from these turbines to the property lines. It was explained to him, there are two bodies that can initiate a change in the actual zoning ordinance including these regulations one would be the legislative body that would be the Commissioners and the other body would be the Plan Commission. Basically, asking for direction from the Plan Commission, you are the ones that would have to initiate this if you want the ordinance revisited.

Bonham, since this is not a public hearing, you will be given a chance to speak after background is given on the ordinance. In 2008 we went through a revision of this ordinance. There was a committee of private citizens that was formed to study this for about six (6) months. Information was sent out through newspapers for any concerned citizen to come to be a part of this process. From that came a recommendation from the committee that went to the Area Plan Executive Committee; then went to the Area Plan Commission in a final proposal. We worked with concerns that were raised by the citizens, setbacks were an issue. Talked with companies that were looking to come in and start business and therefore lease ground based on what the ordinance was for the county. We are working for both citizen concerns and the request of companies that want to come in.

McWhirt we do have a company that is looking to begin a wind farm. My understanding is that they will meet all local ordinance requirements.

Niblick – all no plans have been submitted to the office so cannot verify that they meet all requirements; have meet with them and given a time line and a general area of where there leases would be within the county. But nothing specific has been submitted. Approval for the wind turbines is by administrative action, no public hearing required, as long as they meet the ordinance they can be approved.

John Needler, 6342 W 400 S, Swayzee

Three years ago got involved at the end of the ordinance; at that time he was told by the previous director that it was too close to the end of the procedure and it would be sent through as written; but he could come back at a later time and request to have the ordinance reviewed that was an option. Read portions of the WECS ordinance explaining the purpose. There is nothing in the ordinance that identifies the setback from the turbine to homes that would protect the homes. Wants the ordinance re-opened and possibly revised. His concerns are the shadow flicker and the noise. Currently the noise from the turbines would exceed the City noise ordinance; the city of Marion residential noise ordinance is set at 55 decibels and the current WECS ordinance allows 60 decibels. The noise needs to be readdressed in the current ordinance; the manufacturers of these turbines (in their information) recommend that the turbines not be placed any closer than 1.5 times the height if in an icing conditions. Icing areas are classified as if you have ice at least five times a year. Has a website with information on the wind turbines www.grantcosetbacks.com.

Bonham – request Steve look at the current ordinance, compare the concerns and come back to the board with additional facts.

McWhirt – the County Council and County Commissioners have signed an agreement in good faith with Eon; not sure if this could cause any possible legal actions. If we are looking at possible changing any portion of the ordinance would need to contact Eon first.

Trobridge – feels there needs to have more research and information before re-opening the ordinance.

Niblick – is asking for direction from the Board; he will contact Mr. Needler to get more information on any possible changes to the ordinance. He will also contact Eon about how this could potentially affect their current plans. Will come back with more information for the board. Will also contact Tipton and Madison County Plan Commissions to look at their WEC ordinance and if they have signed any agreements with Eon.

Mac Closser, Pipe Creek Township, Madison County, Indiana

Is in support of Mr. Needler; saw his website and that is why he is here tonight. Government subsidizes these wind turbines, if the government takes away their funding the wind companies would not be able to support themselves. The impact on property values; some studies have shown property values drop 15% during the first year after the wind farms went in; the 2nd year an additional 15% drop in value on vacant building lots of five acres or less. That is a 30% drop in property value over a two year period after

that property values leveled out. Would encourage all board members to research and gather information on the wind turbines.

Rex Malott, scholarship

Steve Niblick informed the Area Plan Board that Rex Malott, county building inspector applied for a scholarship for the annual Indiana Association of Builders meeting last fall. He received a full scholarship for over \$600 that paid for all the classes, boarding and meals. This gave him the opportunity to meet the other building officials in Indiana.

The Executive Committee (Comp Plan Steering Committee) will meet immediately following the APC meeting.

Motion: Dick Trobridge moved Bob Bothwell seconded to adjourn the meeting. Meeting adjourned at 8:30 PM.

John Bonham, GCAPC President