

Franklin County Area Planning Meeting Minutes December 13th, 2023

Present: Tammy Davis, Daryl Kramer, Rob Seig, Bob Braun, Chris Rains, Todd Raible, Dennis Moeller, Kaitlin Sterwerf, Geoff Wessling.

November 8th, 2023 Minutes

Chris Rains motioned to approve the meeting minutes. Daryl Kramer seconded. AIF. Motion carried.

Metamora Heath Facility

John Palmer explained that the county purchased the once Metamora Church of Christ in order to convert it into a health center for Metamora and the rest of Franklin County. Palmer asked the board what questions they have for him. Bob Braun asked Kaitlin Sterwerf what the zone was of the property. Sterwerf responded Local Business. Braun asked if there was any public comment from the audience. Beverly Kolb asked what type of health activities and organizations will be involved with the health facility. Palmer answered that it would be primary care with no treatment there. Palmer stressed that it would not become a methadone clinic. Dennis Moeller asked if the facility was affiliated with Margret Mary or Reed. Palmer said they have not settled on who would be providing the health care. Braun asked how many days the facility would be open during the week. Palmer responded two to three days at the most but he is not set on the hours yet due to wanting to be flexible with patients' schedule. Daryl Kramer mentioned that the TAC found that there is no need for septic and that there was no need for a drainage plan after conducting calculations of the parking surface area. Rob Seig said that from the sight plan it would appear that everything is in order and everything discussed in the TAC meeting was revised. Kramer motioned to make a favorable motion to the BZA. Moeller seconded. AIF. Motioned carried.

Violation Code Change Discussion

Bob Braun explained that there was a meeting the previous week between him, Geoff Wessling, and Kaitlin Sterwerf regarding violations. Braun explained that the timeline of the violation process was discussed and that the attorney recommended moving the process from the zoning code to the rules of procedure so that it can be easily changed and the timeline can be shortened to 10 days between the first and second letter and so on. Braun said that there should be a hearing advertised to change the code to remove the current process from the code and install it into the rules of procedure. Geoff Wessling described how much quicker the process would be if there was only 10 days in between letters and action. Wessling also recommended that it be removed from the zoning ordinance and be put into the operating procedures so changes can be made easily without approval from the commissioners. Daryl Kramer thought it would be a good idea to put the process in the rules of procedure rather than it being in the ordinance. Rob Seig agreed that would allow for more flexibility. The board members agreed. Kramer made a motion advertise to remove 80.11.06: COMPLAINTS from the ordinance. Seig seconded. AIF. Motion carried.

Violations

Kaitlin Sterwerf said that she sent the board members an email prior to the meeting with updates to the violation list. Sterwerf said that she had not heard from Brian Knauber since May. Sturwold and the resident from Silver Creek have also failed to contact Sterwerf. Tammy Davis said that she would update Geoff Wessling on the violations. Sterwerf said that Sizemore's property in Blooming Grove were in compliance but the property on 52 had not had any progress at all, even though there had been contact. Sterwerf asked if she should provide them a deadline. Bob Braun said that if the board agrees this

November 8th, 2023 APC Meeting Minutes

Attendance: Tammy Davis (APC Attorney), Daryl Kramer, Rob Seig (County Surveyor), Bob Braun (APC President), Christine Raines (APC Vice President), Todd Raible, Dennis Moeller, Kaitlin Sterwerf (APC Recording Secretary/Executive Director)

October 11th, 2023 Minutes

Minutes approved.

Board Appointments

Kaitlin Sterwerf presented a board appointment schedule and noted that she did not feel that the schedule was accurate. The board members provided sources to put together an accurate list.

Violations

Bob Braun began to go through violations line by line. The board discussed the process that they agreed on in a previous meeting. Rob Seig recalled that the process was that two letters would be sent by the director and the final letter would be sent from the attorney. After thirty days of no contact following the attorney letter, litigation should be initiated. Seig said that the violations have been on the list for a long time and needed to be taken care of. Tammy Davis said that there was confusion on how often letters should be sent. Seig said that the exact terms could be found in the minutes. Christine Rains stated that the confusion causes one person to get in trouble while other people are getting away with it. Rains said the rules should be the same for everybody. Seig said that once people realize that the board is serious about enforcing the violations, they will start to clean up. Rains said that the director is spending a lot of money, time and resources on site visits. Rains suggested running an ad in the paper. Davis said that her letter usually says that she sends a letter stating that the board will be filing suit if there is no contact. Davis asked for more clarification on the process timeline. Davis went over several violators that she has heard from. Bob Braun asked that the board continue to decide one violator at a time. Daryl Kramer said that Wanda Reese, David and Jane Merrell, and Scott Sizemore were ready for litigation. Rob Seig moved that the board filed action against the 3 violators and all cases that had received at least 3 letters. Todd Raibel seconded. AIF. Motion carried. The board discussed each case and once again clarified the timeline for the process of enforcement. Daryl Kramer made a motion to have the director send a letter giving 30 days for a response. If there is no contact the director should then send another letter giving 30 days. After 30 days with no response, the attorney will send a letter giving 30 days. If there is no contact after those 30 days litigation will begin. Rob Seig seconded. AIF. Motion carried.

Bob Braun asked if before ending the meeting other violations should be discussed. Kaitlin Sterwerf said that Lecher Sawmill and BAM Investments were also in violation of the code but were not on the list. Sterwerf went over the details of the two violations. Rob Seig said that if Lecher is violating their previous agreement, then they should be followed up with. Tammy Davis talked about how she had been in contact with Brian Bauman regarding his project.

Daryl Kramer made a motion to adjourn. Rob Seig seconded. AIF. Motion carried.

APC Meeting Minutes September 27th, 2023

Present: *Tammy Davis (APC/BZA Attorney), Daryl Kramer, Rob Seig (County Surveyor), Christine Raines (Vice President) Bob Braun (President), Dennis Moeller, Kaitlin Sterwerf (Executive Director)*

Hearing for Conditional Use for County Building (Franklin County 4-H Expo Building)

Brian Baxter introduced himself as the Vice President of the Franklin County Fair Board Association and the Chair Person of the Building Committee. He stated that he is coming before the board to ask for the Conditional Use to be permitted for the Franklin County Fairgrounds. He asked the board if there were any questions concerning the project. Bob Braun prompted Brian to explain in further detail what the building would be used for. Brian Baxter responded by explaining that the main reason for the new Franklin County 4-H Expo Hall would be to create a multi-purpose building that would serve as not only an expo hall for the Franklin County 4-H Association, but also as an emergency building for the Franklin County Commissioners. It would serve as a disaster area to convene in case of an emergency.

Bob Braun asked if there were any comments or questions from the board.

Rob Seig stated that he had several comments. He first wanted to thank Brian Baxter and his colleagues for being the first participants in the Technical Advisory Committee meeting. Seig described the meeting, which lasted around an hour, and commented on how helpful it was in preparing Brian Baxter for this public hearing. Seig explained that the purpose of the meeting was to check the technical conformity of the site and development plans in regards to the Franklin County Zoning Code. He mentioned that because of the TAC meeting, Brian Baxter appeared to have everything on his development and site plan in order. Seig stressed the importance of the Technical Advisory Committee through expediting the process of a public hearing, and thanked Brian Baxter and his colleagues once again for participating.

Brian Baxter agreed with Rob Seig on the helpfulness of the Technical Advisory Committee process. He thanked everyone who participated in the meeting and described how helpful the process was and how the TAC really accelerated the hearing.

Daryl Kramer stated that he would like for Letter N. on the Franklin County Expo Hall Development Plan (Land Use Intensity Factors) to be changed from 'Not Applicable' to 'No Change in Land Use Intensity Factors.' Brian Baxter agreed to make those changes and submit them to the Executive director.

Bob Braun asked Brian Baxter to describe the 'Emergency Shelter' side of this project. Baxter explained that an agreement had been made with the Franklin County Commissioners to allow this building to also serve as an area to receive vaccines during pandemics, an additional polling space for elections, an area for someone to shelter if their electric were to go out, and would also serve as a general meeting place. Brian Baxter also stated that he is working with the Franklin County EMA Director, Amy Lindsay, (not present) on using the building to store emergency items such as generators. There will also be a large facility for the Franklin County Extension Office to gather year-round since the building will be easy to heat.

October 11th, 2023 APC Meeting Minutes

Attendance: *Tammy Davis (APC Attorney), Daryl Kramer, Rob Seig (County Surveyor), Bob Braun (APC President), Christine Raines (APC Vice President), Todd Raible, Kaitlin Sterwerf (APC Recording Secretary/Executive Director)*

September 13th, 2023 Minutes/September 27th, 2023 Minutes

Minutes approved.

Case Number: 09202023-RZ-01 Ashley & Amanda Meyer – Petition for Rezone Residential (R-3) to Local Business (LB) 3022 Pearl Street, Oldenburg, IN

Ashley Meyer told the board that him and his wife purchased the property two years prior with the goal of having a business in the lower section of the house with either an Air B&B on the second floor or an apartment. Meyer said that the plan was to open up a coffee shop with the hopes of selling wine and having a bistro as well. The couple also wants to open a year-round German Christmas shop. There would be seating inside the building for 35 guests and outdoor seating offered on the paver patios. This would make the max 45 guests on the premises. Bob Braun asked about parking. Meyer answered that there is currently street parking available for the businesses in Oldenburg. Braun asked Kaitlin Sterwerf if all certified mail was sent out. Sterwerf confirmed. Daryl Kramer went over the parking for the project and confirmed that the board approved the parking. Kramer also confirmed that stormwater and land use intensity were minimal. Bob Braun asked if there was any further discussion or public comment. Daryl Kramer moved to pass the rezoning to the commissioners with a favorable recommendation. Christine Rains seconded. All in favor. Motion carried.

Flood Plain

Rob Seig stated that he wanted to discuss the district called 'Flood Plain' in the zoning code. Seig believes that the flood plain zone as it exists should have an underlying zone beneath it. Seig said that he brought this to the board because he has a customer that would like to put in a campground but cannot do so without any zoning other than flood plain listed. Seig showed example on the big screen of the different zones on the GIS, showing that the property in question is labeled as flood plain only with no zoning underneath. Seig stressed that flood plains do change, so it would be beneficial to have zones labeled underneath the flood layer. Seig showed another example of a customer in Laurel that wants to have apartments but the customer is located in the floodplain. Seig asked the board why the flood plain designation is there. Daryl Kramer answered that back when the code was redone, he recalled a map that depicted the underlying zones. Kramer said those maps cannot be located, so he would like to put together a committee for those underlying zones to be found. Kramer proposed that it be discussed in depth at the next meeting. Kramer noted that residents would need to be notified as if the situation were a rezoning. Seig mentioned that the comprehensive plan should be reviewed during that process and raised the question about how the zoning would affect taxation. Kramer said that taxes are based off of the land use only, so there would not be any effect. Kramer also said that in the meantime, if someone wanted to do a project in a floodplain, they could have a class 3 hearing and come before the board to apply for a zoning change prior to having their hearing for their conditional use. Seig said that the zoning change would first need to be approved by the commissioners prior to having their hearing with the APC about the conditional use. Kramer said that the approval of the conditional use would still be dependent upon their stormwater management and other factors. Kramer said that he recalls there being maps with the zoning underlying the flood plain but that he has no proof of it. Seig mentioned that there are maps in the APC office from as recent as 1996 that do not have underlying zones.

September 13th, 2023

Attendance: *Tammy Davis (APC Attorney), Daryl Kramer, Rob Seig (County Surveyor), Bob Braun (APC President), Christine Rains (APC Vice President), Todd Raible, Dennis Moeller, Kaitlin Sterwerf (APC Recording Secretary/Executive Director)*

July 12th, 2023 Minutes

Dennis Moeller made a motion to approve the minutes. Christine Rains seconded. All in favor.
Motion Carried.

Proposed Code Change for Septic Requirements

Kaitlin Sterwerf explained that a new House bill was passed that prevented local legislature for septic requirements from being stricter than the state regulations. Sterwerf said that what is currently in the Franklin County Zoning Code for septic requirements is now stricter than it was prior to the new rules passing in the state. Sterwerf also noted that zoning/building permits are typically not given out for dwellings without a septic permit from the Franklin County Health Department first.

Bob Braun said that he thought the law was that local regulations can be stricter than state regulations but cannot be less strict. Tammy Davis said that yes, the County can be more restrictive but cannot be conflicting. Kaitlin Sterwerf clarified that what the Health Department for Franklin County required before was two septic sites, so the Zoning code required space for two septic sites. Since only one site is now required, the zoning department can no longer require two. Tammy Davis said that she would look into the new House bill and let the board know if the changes will be required. Rob Seig noted that neighboring counties have already changed their codes to follow the new state regulations. Todd Raible said that the new bill should have no bearing on what the board does as far as lot sizes. Seig agreed, and stated that one acre is still a requirement that the board should adhere to. Raible said that he had heard a new septic system can now be put overtop of the old systems. Daryl Kramer made notes after reading the summary to have the specific code changes ready to propose. Tammy Davis asked if anyone on the board had further input on whether they prefer one or two septic sites being required in the county. Bob Braun asked if the board were to change the code to require space for one septic site would the permits applications in progress still be required to have two sites. Davis stated that whatever is currently in effect is the code that will have to be followed until a change in code is officially made, unless there is something stated in the new bill about retroactivity. Davis explained that the board would need to vote at this meeting to advertise a code change, the Executive Director will have to advertise ten days prior to the next meeting, then the changes will be voted on in November and finally presented to the Commissioners. Rob Seig said that being that this is a state mandate, it would be beneficial to the board to go ahead and vote to advertise the code change. Bob Braun wanted clarification on whether or not people would be permitted to build overtop of existing secondary sites. Christine Rains said that a big issue is people wanting to building accessory buildings over the secondary sites, so if the need for a secondary site is going to be eliminated, there should not be a problem allowing people to build on top of the secondary sites.

Rob Seig made a motion to advertise to change the Zoning Code to match the state mandate Senate Bill 414 for septic systems and to allow people to building on existing secondary septic sites. Daryl Kramer seconded the motion. Bob Braun asked if there was any further discussion. Daryl Kramer read the sections for the changes that need to be made: 80.03.01 B. 1., 80.03.04 B. 1., 80.03.05 B. 1., 80.03.06 B. 1., 80.03.07 B. 1., 80.09.01 B. 1., 80.11.04 5. Daryl Kramer made a new motion to advertise for the code change. Todd Raible seconded. All in favor. Motion carried.

that there is a door leading out the back of the house that has a drop down and is not safe, and that there already used to be a deck there. Bob Braun asked if the new deck was going to be larger than the previous one. Rains answered no. Raible explained that in the case of a deck accidentally encroaching on a neighbor's property, the cost to fix the issue would be much smaller than if someone were to construct a building over the boundary line, so he believes that for a structure more permanent than a deck that a survey should be required. Kramer asked how someone would determine which structures would require surveys and which ones wouldn't. Seig gave another example of how someone put a shed over a property line and the neighbor came out with a saw and cut the shed in half where it encroached their land. Davis pointed out that if a survey is done and recorded in town and the lines are wrong and there is nowhere else on the property to shift that this will cause a future issue for the homeowner when they go to sell their house. Davis noted that most of the houses located on Main Street have almost a zero setback to begin with. Terry Duffy (BZA member) was sitting in the audience and gave his point of view. Duffy said that he has had a lot of experience with property issues over the years. Duffy stated his concerns with utilizing the Franklin County GIS at all when it comes to checking setbacks since the lines are frequently not in the correct place. Seig said that the GIS will not get better until more survey work is completed and someone that knows how to plot the lines in the system enters the data.

Christine Raines said that the deck is coming right off of the back of the deck over an existing patio and that she did not understand why they would not be allowed to install it. Rob Seig said that he would not go as far as to say that he would require a survey in this instance but that he would strongly suggest one. Daryl Kramer reminded everyone that the question is can the director issue a permit and what would be the reasoning for permitting or denying the project. Kramer said that if site of the project is in question, there needs to be some proof of where the line is and that proof should be provided by the applicant. Raines said that we can trust that the house is within the property lines. Kramer said that does not mean that the new deck will be within the setbacks. Raible said that at this point, since the procedure for this issue does not have a clear remedy, he does not see how the board can hold the project up. If the applicant is willing to draw a site plan with the proper setbacks and sign their name to it, then the director cannot be held responsible for the setbacks being incorrect. Kramer said that if that's the case, none of our setbacks matter. Raible agreed to the point. Kramer explained that if the board goes with that idea, then applicants will abuse the system. Bob Braun asked Rob Seig about how much it would cost to have a survey done in this instance. Seig answered that it would be dependent on the amount of records and information available for that property, but it would cost anywhere from a few hundred to a few thousand dollars. Raible commented that the cost is inexpensive if it saves the applicant from having to tear a structure down or saves them from having a law suit against them.

Kaitlin Sterwerf gave another example of the same issue but with a property sited for the secondary agriculture zone. Sterwerf described an addition that is supposed to be built directly off the back of the house, but the house is only located eight feet from the neighbor's fence rather than the fifteen feet that the zone requires for side yards. Sterwerf asked the board what to do for this situation. Todd Raible described his experience with the same situation and said that the answer he got from the board several years ago was that it was okay as long as the addition does not get any closer to the property line on the side. Rob Seig said that if the addition is going onto an existing structure that is already in violation of the setback, a variance should be required for the new construction to continue. The board agreed that a variance is required. Daryl Kramer said that the first house in question on Main Street could also come in for a variance. Raible suggested that the situation be explained to the town board and to see if they would approve the deck. Kramer said that the board still needs facts about where the property lines are to ensure the setbacks and that the only way the lines can be proven is with a survey.

The board continued the conversation but eventually decided to table the topic for the following month.

Technical Advisory Committee Update

FRANKLIN COUNTY AREA PLAN COMMISSION
MEMORANDUM & MINUTES
August 9, 2023
COMMISSIONERS/COUNTY COUNCIL MEETING ROOM 203

Pledge of Allegiance

Roll Call

Robert Braun, President; Christine Rains, Vice President; Denny Moeller; Patrick Bedel; Kaitlin Sterwerf, Executive Director; and Ailur Blair, Recording Secretary were all present. Daryl Kramer, Todd Raible, Rob Seig, and Tammy Davis were absent.

Approval of Minutes from July 12, 2023

Motion

Denny Moeller made a motion to approve the minutes from July 12, 2023. Christine Rains 2nd the motion. All were in favor.

New Business

Floodplains

Kaitlin Sterwerf stated that she was getting ready to take her floodplain certification test and pay for her membership with the floodplain organization to save money. She also mentioned that the ICC memberships for Ailur Blair and Curt Cox would need to be purchased or renewed. She encouraged members of the APC to contact her if they want to study and take the floodplain exam.

Unfinished Business

Stormwater

Kaitlin said that the county commissioners had discussed the Stormwater code and that Grant Reeves, Commissioners' Attorney, had pointed out the places in the zoning code that would need to change to accommodate the new stormwater regulations. She didn't think the commissioners were any closer to passing it, so she recommended that we not edit the zoning code or advertise unless we get a status update from the commissioners. She said the current wording of the zoning code pointed to the Surveyor's regulations. Bob Braun mentioned that many of the things covered by the stormwater regulations would be best handled by the Technical Advisory Committee, because they will have more in-depth technical knowledge and will be able to advise the APC with their recommendations. Kaitlin said if any member of the APC wants to show up to the commissioners' meeting, it may help convince them to proceed with it. She stated that the commissioners seemed to want it to be as simple as possible for the public to follow, while also protecting neighbors and infrastructure from excess runoff.

Cell Towers

Bob Braun asked if there was anything new with the Cell Tower Code. Kaitlin said that it had been passed by the commissioners and the zoning code on the website had been edited to include it. Bob expressed happiness that we now have code to protect citizens when another tower comes along.

Technical Advisory Committee

Kaitlin asked the APC which two members wanted to be on the Technical Advisory Committee. She said Daryl had volunteered. Christine wanted to know when the meetings would be, but Kaitlin said that had not been firmly established. Kaitlin stated there would be a variance hearing coming up, but she was

Public Comments

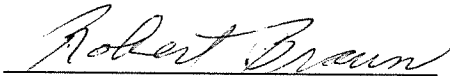
Ed Derickson came to the podium and asked if the stormwater proposal addressed subdivisions. Bob Braun responded that it affected subdivisions and commercial developments. Ed asked if there should be a drainage plan for the preliminary approval of subdivisions, and Bob responded he imagined it would be a part of the stormwater regulations if they get approved by the commissioners. Christine asked Ed if he had a copy of the stormwater proposal, and he said he had not seen it. Kaitlin said she would get Ed a copy of both the stormwater proposal and the cell tower regulations.

Sara Duffy commented on Zoom that she was concerned about the APC removing nuisance violations from the zoning code, because in the past the commissioners had passed their own nuisance ordinances and then repealed them later on, so she wanted to make sure the county would not be without regulations in case that happened again. She also pointed out that there were nuisance violations under the APC in the zoning code that were not part of the commissioners' new ordinance, such as the limits on animals. Sara was worried that because it only requires two commissioners to change or revoke an ordinance, that removing anything from the zoning code at the present time would not be advisable.

Adjournment

Motion

Patrick Bedel made a motion to adjourn. Christine Rains 2nd the motion. All were in favor.

A handwritten signature in cursive script that reads "Robert Braun". The signature is written in black ink and is positioned above a horizontal line.

Robert Braun

APC Board President

FRANKLIN COUNTY AREA PLAN COMMISSION
MEMORANDUM & MINUTES
July 12, 2023
COMMISSIONERS/COUNTY COUNCIL MEETING ROOM 203

Pledge of Allegiance

Roll Call

Robert Braun, President; Christine Rains, Vice President; Todd Raible; Daryl Kramer; Rob Seig; Denny Moeller; Tammy Davis, Commission Attorney; Kaitlin Sterwerf, Executive Director; Curt Cox, Building Inspector; and Ailur Blair, Recording Secretary were all present. Patrick Bedel was absent.

Approval of Minutes from June 14, 2023

Daryl Kramer spoke about a mistake from the previous meeting. He had said that the Assessor's Office gets \$2,500 per certification, but he misspoke. The Assessor is eligible for up to \$2,500 after 3 levels, the first 2 levels requiring a week of classes each, with the final level requiring 5 weeks of classes. The deputies are eligible for up to \$1,500 after 3 levels. Continuing education is required at a level of 30 hours every 2 years. He apologized for any confusion or hard feelings that may have caused.

Motion

Daryl made a motion to amend the minutes for the June 14, 2023 meeting with the correction, and to approve the minutes with the amendment. Denny Moeller 2nd the motion. All were in favor.

Hearings

Sister House, LLC

Brittany Lewis was present for Sister House, LLC, located at 3032 Pearl St, Oldenburg. She said they wished to rezone the property from R-3 to L-B. She stated that there would be a carry-out restaurant on the ground floor, with a public storefront, but no dine-in seating. There would also be two apartments created above the restaurant, on the top floor of the building, at a later date. The restaurant would only be open on Mondays from 4:30pm - 6:00pm, when all the other restaurants in town are closed, and customers could park outside and have their food brought out to them. She said they have been operating out of the Pearl St Pub successfully, but they are ready to move to their own building. She claimed that parking would not be a problem, both because of the lack of other open businesses and the carry-out nature of their restaurant. She said their driveway is along the alley easement, and the fire department had created public parking along Pig Alley. Denny Moeller said the Town of Oldenburg was aware of the plans and approved of them. Daryl asked for the zoning of the block and Kaitlin Sterwerf & Todd Raible both said it was residential, and then Daryl noted there were many existing businesses along Pearl Street that appeared to have been grandfathered into a residential zone.

Motion

Daryl Kramer made a motion to make a recommendation to the County Commissioners to rezone 3032 Pearl St, Oldenburg from R-3 to L-B. Todd Raible 2nd the motion. All were in favor.

Findings of Fact

1. The Oldenburg town council is in favor of the rezone.
2. There will be no negative effect on parking.
3. This is a low-impact business, only operating one day per week.

Daryl Kramer made a motion to accept these findings of fact. Rob Seig 2nd the motion. All were in favor.

certified mail was sent to every adjoining property. Daryl said the Brookville Lake Regional Sewer District had sent Brian a letter that approved the additional sewer hookups for the subdivision, but he expressed concern about the drainage and the cell phone tower's location. Brian stated the water would run under the road, across the street, with maybe one swale in the back of the subdivision, and he believed the cell tower's presence should not prevent development of the subdivision. Chris Wolfe, a citizen of New Fairfield, said he had a map that showed a 20ft easement between his property and the subdivision, and he wanted to know if it was a true border or an alley. Todd stated that there was actually a 50ft easement at the border. Nick Frank, another citizen of New Fairfield, expressed concern about whether the houses in the subdivision would be for sale or for rent, as he didn't know how his property value would be affected. Bob Braun responded by saying that these are big houses, and they should add value to the surrounding properties. Kim Simonson came back to the podium and said he provided the zoning office with a plat map, and he talked about the plan for the original plat, back when New Fairfield was built, and he expressed that there is only one way in and one way out of New Fairfield. Kim wanted to make certain that the board looked at how the subdivision would affect the original design of New Fairfield. Bob Braun said this was just a preliminary hearing, but he assured Kim it would be considered.

Ed Derickson came to the podium to give some history about the cell phone tower on the site. He said he was the APC President when the tower was approved in August 2014. He said the Water Association claimed it would reduce costs for people in the community to have the tower there. He further stated that cell phone tower builders have claimed the towers will collapse on themselves, but his research had shown that wasn't always true, so a distance of at least the height of the tower plus the property setbacks were typical. Ed also suggested adding language to the property deeds to protect homeowners in the event of a collapse. Ed then expressed concern about fire protection, and whether there would be a hydrant at the road, and he also wanted to make certain that stormwater considerations were properly addressed, in both cases to protect future boards.

Elizabeth Mainous stepped to the podium to ask again whether the houses would be for sale or rent, and she was concerned about the possibility of Federal Section 8 Housing. Bob Braun stated that we have zoning codes to follow, and any covenants would need to be respected. Brian Bauman explained that these would be single family dwellings, with an expected cost of \$275,000 - \$300,000. Brian said the houses would not be junk. His goal is to control the development and create 10 houses that are basically the same, with 5 different looks. Rob Seig asked Brian to explain the use of the 50-foot easement. Brian said the easement had water and electric, but the sewer ran across the road. Brian stated that he believed Jim Hyde's family actually owned the land, but the properties were all allowed to use the easement. Brian further added that he will be installing a fire hydrant, and that New Fairfield currently did not have one. Kim Simonson came back to the podium and said the plat map describes what the easement can be used for, but he wanted to make sure that it could not be used for anything else.

Motion

Rob Seig made a motion to approve BAM Investments, LLC's preliminary plan for a subdivision on Fairfield Causeway Rd, as all APC procedures had been followed, all letters had been sent, and all utilities had been satisfactorily approved. Christine Rains 2nd the motion. All were in favor.

Findings of Fact

1. The applicant submitted to the Executive Director: a sketch of the plat, a zoning map, contact information, utility letters for sewage, electric, and water, current zoning designation, and a development statement, and the public was properly notified by certified mail.

Daryl Kramer made a motion to accept these Findings of Fact. Rob Seig 2nd the motion. All were in favor.

unavoidable. Daryl Kramer spoke about a fire run he went on as a volunteer, and the arrival of emergency personnel was delayed by 5 minutes or more while they looked for out-of-order, which allowed the fire to spread. Daryl wanted to emphasize that it is not just 911 who has to find these addresses, but also volunteers in their personal vehicles, so they need to be right. Daryl mentioned that there could be a simpler solution of putting up reflective signs that point to the houses, rather than changing the addresses, but he thinks this is actually an issue for the commissioners and not the APC. Rob brought up that it is the APC's job to give new addresses, but Daryl believed there should be a distinction made between new addresses and what to do about incorrect old addresses.

Motion

Daryl Kramer made a motion for the APC Director to continue giving out new addresses, but to put any address changes on hold, unless they are voluntary. Christine Rains 2nd the motion. All were in favor.

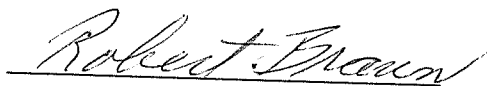
Nuisance Ordinance

Bob Braun noted that the commissioners passed a new nuisance ordinance on June 28, 2023. He asked who in the department was going to act as the cop. Curt Cox spoke up and said that would probably be him, with assistance from Kaitlin. Kaitlin said she had asked Commissioners' Attorney Grant Reeves what to do about current complaints, and he said to keep all current complaints and keep taking in new ones, but people could also file a new complaint with Curt. Kaitlin was worried this could cause double work and double letters to residents, so she thought an executive session between the commissioners and the APC may be a good idea. Tammy said she and Grant could meet with Kaitlin to work out any confusion about who handles what. Curt stated that Grant had not yet provided him with a final copy, but he knew it was being worked on.

Adjournment

Motion

Rob Seig made a motion to adjourn. Todd Raible 2nd the motion. All were in favor.



Robert Braun

APC Board President

FRANKLIN COUNTY AREA PLAN COMMISSION
MEMORANDUM & MINUTES
June 4, 2023
COMMISSIONERS/COUNTY COUNCIL MEETING ROOM 203

Pledge of Allegiance

Roll Call

Robert Braun, President; Todd Raibel; Patrick Bedel; Daryl Kramer; Rob Seig; Denny Moeller; Tammy Davis, Commission Attorney; Kaitlin Sterwerf, Executive Director; Curt Cox, Building Inspector; and Ailur Blair, Recording Secretary were all present. Fayette Hay and Tom Wilson were also present representing the County Commissioners. Christine Rains, Vice-President, was absent.

Approval of Minutes from May 10, 2023

Rob Seig made a motion to accept the minutes from May 10, 2023. Todd Raibel 2nd the motion. All were in favor.

Hearings

There were no hearings for this month.

New Business

Zoning Code Information Updates

Kaitlin Sterwerf said she sent an email with all the links she had placed within the zoning code. She included one comment in that email about Ordinance 1-2012, which was incorrectly referenced multiple times in the zoning code. It should have been Ordinance 14-2012. Daryl Kramer stated that he was good with doing these kinds of updates to get the correct information in there, especially since it was so well documented.

Motion

Daryl Kramer made a motion to allow Kaitlin to make all necessary changes where Ordinance 1-2012 is referenced, to correct it to Ordinance 14-2012. Patrick Bedel 2nd the motion. All were in favor.

Daryl Kramer made another motion to let Kaitlin update all the links in the online zoning code and to change the page numbers after doing so. Rob Seig 2nd the motion. All were in favor.

Budget Proposal

Kaitlin Sterwerf said the biggest change in the budget was moving money from part-time help, which isn't needed, to fuel and code courses. She stated that Ailur could further explain the department's certification plans. Ailur said that the idea was for him to get 8 certifications per year, for Curt to get 4, and for Kaitlin to get 2. He explained that the reason for the discrepancy was because he had no life, and he could afford to spend much more time studying. He said his goal was to get 5 certifications this year, then 8 certifications in each of the following 3 years, ending with becoming a Certified Building Official and a Certified Fire Marshal and having the same expertise as the state officials at the Indiana Department of Homeland Security. Ailur also explained that Curt would be focused this year on achieving the Residential Combination Inspector designation, whereas next year Curt would be focused on getting the Commercial Combination Inspector designation. Ailur stated that these certifications would open up the possibility of getting grants and inspecting federal housing, as well as opening up other opportunities for the county. Bob Braun then asked if we had enough allocated to handle all of the

Daryl questioned whether the addresses at issue existed before the ordinance establishing the county addressing scheme was written, and if they could be grandfathered in. Daryl suggested investigating more and tabling the question until next month, but he also brought up a situation where his fire department was late for a fire on Bentley Road because the addresses were out of order, and he was concerned that making changes could prevent tax bills from arriving at the correct houses. Ailur then suggested changing the addresses back to what they were before Glenn sent the letter, with the stipulation that each property owner would place a green number sign at the end of their driveway with an arrow pointing to the residence. Daryl thought that could be a workable solution, and Rob stated that it could be a good workaround if they could get the reflective signs. It was generally agreed that it could potentially solve the problem, but Rob wanted to get opinions from other counties first.

Motion

Rob Seig made a motion to delay taking action on the address issue for one month, to try to gain knowledge of what other counties do. Daryl Kramer 2nd the motion. All were in favor.

Website Updates

Kaitlin said she had the APC schedule, the meeting Zoom code, permit fees, permit applications, the zoning code, and a link to the GIS up on the website. Daryl wanted to make certain that any errors with ordinances, links, or page numbers got corrected. Kaitlyn assured the board that they would be.

Motion

Daryl Kramer made a motion to put the zoning code and all the links up on the APC website. Todd Raible 2nd the motion. All were in favor.

Unfinished Business

Technical Advisory Committee Revisions

Daryl stated that there was one line that needed to be changed from the word "may" to the word "shall." Kaitlin said this was Section 7.6. Daryl read that the text should be: "TAC meetings are not public hearings; however, the director in its discretion or on the advice of TAC members, shall allow comment from the applicant, petitioner, or from other interested parties." Daryl further stated that the TAC is envisioned as a place to gain relevant facts about a development, and it is not designed to introduce disharmony to the process. Daryl iterated that it will prevent situations where the APC is relying on promises and motions about last minute suggestions, because the TAC recommendations will cover the kinds of issues that cause the process to be held up or modified at the last minute. Daryl further said that if the applicant disagrees with the TAC, then they can present their case to the APC, as the TAC will not make official decisions, only recommendations. Todd, Bob, and Rob emphasized that the meeting would be for the applicant and affected parties, and it would not be a hearing for the general public.

Patrick Bedel asked if all applicants would be required to appear before the APC, and Rob Seig stated that it would depend on the type of application. Tammy Davis stated that the more complex cases such as difficult variances and conditional uses would have to appear before the TAC, but it was still undecided which other cases would be required to be brought before them. Daryl said that in the recent case for the propane facility, he believed that it could have been resolved two months earlier if the TAC had been in place to advise the applicant before they came before the APC. He said that more issues would be spotted ahead of time by the various departmental representatives on the TAC, and he said that Class 3 Hearings would be a good place to start utilizing the TAC. Rob expressed that he had seen TACs in other counties have a positive effect on the approval process, and he believed it would shorten APC meetings significantly and allow more issues to be dealt with early on in the process and prevent trips by applicants to multiple consecutive APC meetings. Daryl said the director could use her discretion

FRANKLIN COUNTY AREA PLAN COMMISSION
MEMORANDUM & MINUTES
May 10, 2023
COMMISSIONERS/COUNTY COUNCIL MEETING ROOM 203

Pledge of Allegiance

Roll Call

Robert Braun, President; Christine Rains, Vice-President; Todd Raibel; Daryl Kramer; Rob Seig; Denny Moeller; Tammy Davis, Commission Attorney; Kaitlin Sterwerf, Executive Director; and Ailur Blair, Recording Secretary were all present. Patrick Bedel was absent.

Approval of Minutes from March 8, 2023

Rob Seig made a motion to accept the minutes from April 12, 2023. Todd Raibel 2nd the motion. All were in favor.

Hearings

Trade & Industrial Supply – Randy Sizemore, Adam Leising, and Chad Nantz representing

Randy Sizemore stated that he had delivered the development plan and was ready to answer any further questions. Tammy Davis noted that the parcel in question had been recently split and that the parcel number may have been advertised incorrectly, and Adam Leising confirmed this fact. Tammy clarified that the parcel south of I-74, 24-12-14-100-002.001-022, is the site in question, and Rob Seig stated that the deed was recorded on March 29th, so it was only the advertisement that was incorrect. Tammy said that all of the notifications went out to the correct neighbors, so it shouldn't be an issue.

Daryl Kramer wanted to state some facts about the safety of the site for the record. He made the point that before the zone of the parcel was changed to A-2, it had been R-1, which allowed a house to be built within 50 feet of the interstate, and he didn't see how a car hitting an unprotected house would be any better than a car hitting the barriers around the gas tank. Daryl confirmed with Randy Sizemore that there would be a maximum of 4 trucks per day, with semi-loads to refuel the tank 2 to 3 times per week. Randy agreed and stated that it would be daylight deliveries only. Daryl then confirmed that there would be an 8-foot fence with 5 feet of landscape screening, and Randy agreed. Randy added that downlighting was also agreed upon. Daryl stated that there must be a maximum of 15 of the smaller tanks on the site and no more than 1 of the 18,000-gallon tanks, which would be located in the center of the lot. Randy agreed, and he showed a picture of the large tank, which was 47 feet long, 9 feet tall, and 7 feet in diameter, holding an actual maximum of 14,000 gallons of propane. Randy further stated that the environmental impact would be very minor.

Rob Seig said that the site had been previously used as a staging area for I-74 construction, and he was concerned that the drainage patterns could change with the development. Randy assured him that the site would not change, that the company wanted to be a good partner, and they would do whatever they were required to do by the county. Denny Moeller asked if the base currently on the parcel would be the site where the tank is actually placed, and Randy confirmed that this was correct, once the existing materials are removed. Randy added that the site would be protected by steel barriers. Bob Braun asked if the tank was ½" thick and could resist all but a 0.50 caliber bullet, and Randy agreed.

Motion

Daryl Kramer made a motion to pass this on with a favorable recommendation to the BZA. Rob Seig 2nd the motion. All were in favor.

copy in the courthouse. Rob asked if it could be in the basement of the Government Center, and Ailur said that there were mainly administrative documents and drawings of dwellings down there. The discussion was tabled for the moment, until the original zoning map can be tracked down.

Motion

No motion was needed at this time.

Unfinished Business

Reports

Kaitlin stated that the first page of reports in the binders was the people who had contacted her and were working towards a solution. The second page with yellow highlighting was the people who Tammy needed to send a second letter. The third page with green highlighting was the people who were now in compliance with the ordinance. And the fourth page was old complaints that Tammy had already sent a letter, with a last date of contact. Kaitlin explained that IDEM had pursued action against Wilbur Branum on Vanatta Rd and provided their report to the board. She also stated that there was a complaint on Silver Creek Rd that she had sent a letter and taken pictures. Christine Rains brought up an old complaint against Sperry-Rice that was also investigated by IDEM that they were working to resolve.

Kaitlin also explained that the commissioners are working on a new nuisance ordinance, and there had been a meeting the previous week that Rob Seig had sat in on. She said that in the new version of the ordinance, the responsibilities for complaint enforcement would fall on John Rudisell and Ailur Blair. Bob Braun asked if this was a change that would be made before the next meeting, and Ailur explained that the old ordinance and new ideas needed to be combined, so it will likely take more than a month. Kaitlin pointed out that much of the zoning ordinance would need to be changed to accommodate the commissioners' plan, because she is listed as the enforcement officer in many places in the code, and Rob Seig agreed that all those references would need to be changed.

Kaitlin then asked if it would be possible to form a committee to look at making edits to the zoning ordinance, as she had been highlighting places in the code that could use additional information or clarification. She mentioned that she would like to put links in the zoning ordinance on the website, so that citizens could easily link to any referenced documents, such as state codes or old county ordinances. Rob Seig stated that the Technical Advisory Committee could be used for assisting with any edits that are needed. Tammy Davis also volunteered to go over any proposed changes with Kaitlin.

Motion

No motion was needed at this time.

Public Comments

Randy Sizemore thanked Kaitlin for her hard work helping his company get everything together for their development plan, and he said he wished to praise her professionalism in front of her bosses. He said that she was a real asset to the county, and that she had taught him a lot about the process, even though she hadn't been in the position long. Kaitlin received a round of applause from the room.

Adjournment

Daryl Kramer asked the board if they were okay with him working with Kaitlin on the department budget. No one objected.

Motion

Daryl Kramer moved to adjourn. Rob Seig 2nd the motion. All were in favor.

FRANKLIN COUNTY AREA PLAN COMMISSION
MEMORANDUM & MINUTES
April 12, 2023
COMMISSIONERS/COUNTY COUNCIL MEETING ROOM 203

Pledge of Allegiance

Roll Call

Robert Braun, President; Christine Rains, Vice-President; Todd Raibel; Daryl Kramer; Rob Seig; Patrick Bedel; Denny Moeller; Tammy Davis, Commission Attorney; Kaitlin Sterwerf, Executive Director; Ailur Blair, Recording Secretary; John Rudisell, Building Inspector

Approval of Minutes from March 8, 2023

Daryl Kramer made a motion to accept the minutes from March 8, 2023. Todd Raibel 2nd the motion. All were in favor.

Hearings

Trade and Industrial Supply – Randy Sizemore and Casey Nantz representing

Randy Sizemore stated that they wished to apply for a rezone to install an 18,000-gallon fuel storage tank at their site, which is located on the southern side of I-74 at 26130 Pocket Rd, Batesville. He said the project would be low-impact, there would not be any buildings put there, and it will not be open to the public. Robert Braun asked for clarification that a rezone was what they wanted, and Randy stated that he was not certain which zoning would be appropriate. Ailur Blair spoke up and said that for a Bulk Fuel Storage facility, the ordinance stated a rezone to I-1 or I-2 would be necessary, and that the current zoning of the property was R-1. Randy stated that operations would be kept to daylight hours, and there would be a few small signs going up, and reiterated that it would not be open to the public. Robert Braun shared concerns about the setbacks, and Randy stated that the tank would be at least 50 feet from all property lines and would be installed according to NFPA 58 Liquid Petroleum Gas Code and the Fire and Gas codes. Randy stated there would be an 8-foot fence and electric running to a pump. Robert Braun asked about visual screening, and Randy said they could add it if required.

Daryl Kramer asked whether the trees seen on the map were on their property or the property to the south. Randy Sizemore said that he believed they were on their property, and said that the tank would be set on a block and nothing permanent would be there. Daryl then asked about the road that leads to the property, and Randy stated that the road went all the way into the property, and that there would be room on the property to turn around without a problem. Randy stated that the operations will primarily happen in the winter. Daryl then suggested that this project could be considered a Bottled Gas Storage and Distribution Yard under 80.06.04, which would allow the property to be rezoned to A-2, which he said would be preferable to prevent the site being used for other industrial uses in the future. Randy said that they wanted to be a compliant partner. Robert Braun asked for the ordinance details for a Bottled Gas Storage facility, and Daryl read the details and suggested that since the site would be next to R-1 lots, it would be better for the rezone to be A-2, rather than I-1 or I-2. Randy stated that being rezoned to A-2 would be fine with them.

Rob Seig wanted to know whether the company had contacted the Highway Department about the road to the facility, and Randy stated that they would maintain the section of road that extended beyond current county maintenance. He said the weight of the empty trucks visiting the facility was 32,000 pounds, and would be 80,000 pounds when fully loaded. Rob Seig looked at what landscape screening would be required under 80.08.10 and read the ordinance. Then Rob expressed concern with a vehicle

with a height of 8 feet located on the southern side, which borders the R-1 district, with a maximum of 15 of the 500 gallon tanks on site at any time, with downward facing lighting, subject to the approval of the county commissioners. Patrick Bedel 2nd the motion. Rob Seig asked for clarification before voting, making certain that the development would only be on the southern portion of the property, south of I-74. Daryl modified the motion to state that only the approximately 7.6 acres on the southern portion would be approved. Casey Nantz said that he believed the parcels had already been separated, and they were in full agreement. Patrick Bedel 2nd the modified motion. All were in favor.

New Business

Website Update

Kaitlin Sterwerf stated that she would like to be able to put the meeting schedules, the Location Improvement permit, and all of the permit fees for the Area Planning/Zoning/Building Department on the website. Rob Seig asked if there would be anything else that she would like to add. Kaitlin stated that she would also like to put instructions for the Location Improvement Permit on the website, and she wanted to put a link to the APC Zoom meetings on the county website.

Motion

Rob Seig made a motion to approve putting the meeting schedules, the Location Improvement permit with instructions, the permit fees, and the APC Zoom meetings on the website. Christine Rains 2nd the motion. All were in favor.

Unfinished Business

Green Acres / Michaela Farms – Carter Randolph representing

Carter Randolph stated that they are seeking approval for building a new education center at Parcel 24-13-04-400-003.000-022. Mr. Randolph gave Green Acres' background, emphasizing environmental education, agriculture, arts, and educational partnerships with institutions of higher learning, and he explained the history of the group and their founders, the Nippert Family. He stated the mission of the organization as the 5 G's: giving, green, grace, good neighbors, and generative, with a focus on quality. He said that their current facility in the Cincinnati area served 30,000 students per year pre-pandemic, with afterschool programs and hands-on learning tied to state educational standards. Mr. Randolph added that there would be a commercial kitchen and modular classrooms in the educational center, with an approximately 12:1 student to teacher ratio and no costs to students. He stated that the building would be identical to their building in Lewis Township, Ohio, with an enclosed shelter so kids can enjoy being outside. Mr. Randolph next talked about the other structures on the property and what would be done with them. He said they intend to use everything on the property to support the educational mission, and they are demolishing the unsafe buildings and restoring the others. He said they are focusing on carbon sequestration, multi-species cover crops, and doing their best to mimic nature. He stated that they have been doing \$1 million in research grants per year with professors at Yale, Ohio State, Michigan State, Tennessee, and Utah. The effects of various diets on livestock are being researched and verified with blood testing.

Daryl Kramer mentioned the technical issue that existed with the Unit Development and the need to rezone properties that were not going to be a part of the development. Rob Seig agreed and asked if there were any future plans beyond the education center for the property. Mr. Randolph said that some of the buildings may be repaired, but engineering studies would need to be done first. Rob Seig stated that a Unit Development is good for 5 years, and if they pursued a Preliminary Unit Development, it would give them 5 years to come up with a plan for the entire property. Rob wanted to make certain that zoning would be returned to their previous designation for plots that would not be used in the

Todd Raibel pointed out that the FCC regulates the towers, so we should not focus on putting technical details into the code, as there may not be much that we can control. Rob Seig agreed that we did not want to overstep our authority and should mainly focus on the fall hazards. Denny Moeller had a concern about the language of the words “substantial modification” in the new ordinance, which could be widely interpreted. Tammy Davis suggested that the words should be “any modification.” Kaitlin presented a list of questions she had received from a cell phone tower modifier, and it was found that we have nothing in our current ordinances that could help answer them. Rob Seig stated that Kaitlin’s modifications to the code may make it unnecessary to have them show up for a hearing, as the details are included. John Rudisell asked if it would be wise to have the cell tower modifiers to show up and explain what they are doing to avoid confusion, and he expressed concern that the board could become overwhelmed if they sought to approve minor construction on the sites, such as door and window replacements for the control room, if using the “all modifications” language. Rob Seig suggested that we should only be worried about the modifications to the tower itself, and Christine Rains expressed her concerns about some sites being inappropriate for towers, such as near schools. John Rudisell wondered about the effects of disallowing microwaves, in the event of another 9/11, and Robert Braun said that was why nothing had been done up to now, but there were concerns among the community about the power of directed microwave transmissions.

Ed Derickson came to the podium and shared his experience with cell phone towers adding antennas in Ohio, and the increase in property value that resulted. He suggested that the Assessor could increase taxes when new antennas are added, because of the increase in value, which may be a reason for the commission to move forward. Todd Raibel brought up the concern that because we do not currently have anything in the code for towers, if one of the companies wanted to push back, there may not be a leg to stand on. Tammy Davis suggested that we would need some code to enforce the rules, and we should be careful because the cell towers may be considered a public utility in the future. Christine Rains stated that we may not have any way to stop them from being put in the county, so we need some code to control what they can do on the towers and where they are placed. Robert Braun stated that Kaitlin’s version could be modified very slightly and work well, and that it should be done soon to get a handle on the situation. After a suggestion from Rob Seig about minimizing confusion about when the cell tower companies would need to seek approval, Tammy Davis suggested changing the Kaitlin’s language from “substantial modification” to “any modification to the tower.” Robert Braun asked if they could advertise the change after Kaitlin makes the modifications suggested by the APC, and Tammy said that should be acceptable if the modifications are posted at the APC office for the public to view and available on the website. Rob suggested that a summary would be sufficient for advertisement.

Motion

Rob Seig made a motion to approve Kaitlin to make the edits discussed tonight to the proposed ordinance section 80.06.08, Wireless Telecommunications Facilities, with everything paraphrased for the 16 sections in an advertisement for a hearing. Christine Rains 2nd the motion. All were in favor.

Accessory Dwellings

Daryl Kramer rejoined the discussion after the previous vote. Kaitlin Sterwerf pointed to the section of code relating to barndominiums, and she directed questions to the Building Department. Robert Braun noted the 900 square foot minimum for dwellings in the ordinance. Todd Raibel suggested that this is an area that the APC should not be attempting to regulate further, because the issues at hand are really building code issues. Todd Raibel said that he was concerned with the lack of ground insulation in these barn dwellings, but it is not really a zoning issue. Christine Rains was concerned that the structure would not meet zoning code, but Todd Raibel stated that zoning did not cover the type of structure being built. Daryl Kramer asked if only one dwelling per lot would be allowed, and Robert Braun said yes. Todd

sheriff's office has already visited the property and said there is nothing they can do on their end. Another property owned by Wilbur Brannum at 25023 Vanetta Rd has been reported to IDEM, and the Health Department is currently working with them to try to get a resolution to the issues there.

Todd Raibel suggested, and the APC agreed that Kaitlin Sterwerf should not be confronting tenants at their property. Daryl Kramer questioned whether we should require complainants to take the pictures for their reports. Ailur Blair remarked that not all complaints are created equal, and some should be given higher priority than others. Kaitlin Sterwerf spoke up and stated that some people are complaining about whole roads. Rob Seig suggested that the department would have to go out and make the determination whether specific complaints are bad enough to send a letter. Daryl Kramer said that we must be careful about using up the APC budget by having 60-70 complaints at one time. Rob Seig mentioned that the County Commissioners are working on a nuisance ordinance that should help solve these problems. Christine Rains pointed out that it is difficult to draw the line between what is serious and what is not if we cannot go down lanes and closely investigate these complaints. Todd Raibel expressed concerns about people trespassing to get pictures of their neighbors, and he also brought up a situation where the county got sued by Morgan Canoe for when we tried to enforce the ordinance at their property, and the county lost in court in that case. Tammy Davis said she would look into the situation and try to find more information.

Motion

No motion was necessary.

Public Comment

John Arcaro came to the microphone to ask about the floodplain issues at 19012 S Main St, Metamora. He tried to get a building permit to rebuild the house that burned down at that location, but he is waiting on the DNR to approve the base flood elevation, because it currently shows 2 feet below base flood at that location. The building department cannot issue a permit for a new build without DNR approval. Rob Seig confirmed that a portion of the property is in a floodplain, but he suggested that the ground elevation may be different than the LIDAR shows, and if so, then after a survey it could be resubmitted to FEMA and corrected, which would change the map and allow for construction. John Arcaro asked if we would be able to issue a permit if he built on the old foundation, and Tammy Davis said he could in theory, but she would have to check. Todd Raibel stated that financing and flood insurance would likely flag it, even if the permit was issued, so it wouldn't solve the problem. Rob Seig reiterated that a survey could solve the issue. Tammy Davis took John Arcaro's number and said she would get back with him after researching the law that allows them to rebuild on the old foundation.

Motion

No motion was necessary.

Adjournment

Daryl Kramer thanked Kaitlin for doing a great job putting the binders together for the board members.

Motion

Robert Braun moved to adjourn. Rob Seig 2nd the motion. All were in favor.



Robert Braun

APC Board President

FRANKLIN COUNTY AREA PLAN OFFICE

MEMORANDUM & MINUTES

MARCH 8, 2023

COMMISSIONERS/COUNTY COUNCIL PUBLIC MEETING ROOM 203

Those Present: Robert Braun, President; Christine Rains, Vice-President; Dennis Moeller; Rob Seig; Daryl Kramer; Patrick Bedel; Todd Raible; Tammy Davis, Commission Attorney; Kaitlin Sterwerf, Executive Director; Glenn Bailey, Recording Secretary; Ailer Blair

Pledge of Allegiance

Roll Call

Bob Braun open the meeting welcoming Kaitlin Sterwerf as the new Executive Director of the Area Plan Office.

Motion-Denny Moeller moved to accepted the minutes of the February 8, 2023, Rob Seig 2nd. AIF

Motion- Rob Seig moved to accept the minutes of the February 13, 2023 special meetings, Daryl Kramer 2nd. AIF

Bob Braun opened the public hearings portion for Cell Towers. Rob Seig said there was little in the Citizens Code concerning Cell Towers. Rob Seig felt there was a need to look at other counties requirements/restrictions. Bob Braun said he had looked into what Dearborn County was doing some years ago and basically Franklin County took their plans and were given permission to use them as well with minor changes. Kaitlin Sterwerf said she would look into what we may need change. Christine Rains thought that perhaps with the changes that came with 5g we need to also consider how close cell towers are located to houses and whether or not they may cause harm. Bob Braun mentioned some years ago and accident occurred due to microwaves on cell towers.

Franklin County Stormwater Specifications- Daryl Kramer said the Commissioners need to vote to approve the language change from "surveyor" to Franklin County Stormwater Specifications in the Franklin County Citizens Code. Rob Seig gave a power point presentation on the need for a Stormwater Specifications criteria in the Citizens Code. Rob Seig brought up the March 3 rainfall that fell in different areas of the county, and the potential for runoff if new homes are built on Reservoir Road and the need for policies in place prior to. Daryl Kramer pointed out that this new plan was not for agriculture but instead for commercial ventures, new subdivisions not family 2 acre plots. Bob Braun asked for input from citizens in attendance. Jerry Wendel asked about when something goes wrong. Rob Seig mentioned work at Reid Hospital site and the Family Dollar in

Spire Senior Village- Kaitlin Sterwerf said the area for parking and drainage were a problem, the plans were to broad and general. Tammy Davis agreed. Daryl Kramer asked to have a letter resent with the areas that were highlighted to be deleted before sending - (Additionally, there are no subsequent required discretionary actions such as rezoning, variances, special or conditional use permits, design review, or any other land use approvals). Bob Braun asked for any input, AIF of Daryl Kramer's suggestion.


Technical Review Committee-an Issues was raised about a committee needing to have representation from both political parties. Tammy Davis is going to look into that and see what other towns/counties do. Bob Braun thought 8 people were to many and it would be better to have an odd number of members to avoid ties when voting. Jerry Wendel said he was willing to serve. Todd Raible thought farmers should be represented on the committee.

Motion- Rob Seig moved to accept the second option with modifications. Todd Raible 2nd. AIF

Violation Report- Glenn Bailey said a permit was taken out for the porch at the Dwight Ball restaurant on Main St. Glenn Bailey also said he went to view the porch and it met criteria, also went out to visit the 7033 Holland Rd site which still has issues. The sister of the owner on Holland Rd called the office and said he was in the process of cleaning it up. Tammy Davis said she had also heard from the sister. Tammy Davis gave other up to date info on several properties and court action taken.

Christine Rains asked about Barndominiums and whether or not the Board should develop code plans for them.

Motion- Daryl Kramer moved to adjourn, Patrick Bedel 2nd. AIF Meeting adjourned at 9:00pm



Robert Braun

APC Board President

FRANKLIN COUNTY AREA PLAN COMMISSION

MEMORANDUM & MINUTES

FEBRUARY 8, 2023

COMMISSIONERS/COUNTY COUNCIL PUBLIC MEETING ROOM 203

Those present: Robert Braun, President; Christine Rains, Vice-President; Dennis Moeller; Rob Seig; Todd Raible ; Daryl Kramer; Tammy Davis, Commission Attorney; Glenn Bailey, Secretary. Patrick Bedel, absent.

Pledge of Allegiance

Roll Call

Motion- Dennis Moeller made a motion to accept the minutes of the January 11, 2023 meeting, Christine Rains 2nd it. AIF

Public Hearings

Spires Senior Village-Bryan Conn and Ian Colgan were present to explain what the company is wanting to do on the property in Oldenburg that was formerly part of the Sisters of St. Francis property. There are two building that they plan on converting into senior living apartments. They expect to invest up to \$ 12 million dollars rehabbing the building hoping to not need zoning changes. Hud plan requirements will be met for affordable housing with plenty of amenities either inhouse or in the existing communities. The rise in expected senior population is what is driving this proposal. Bryan and Ian expect to have public input in the near term with move-in focusing on spring of 2024. There may need to be additional parking which may necessitate a need for a variance request. Engineers will look into drainage issues as well. At this point Bob Braun said this was first proposed in 2017 and there was concerns about a wall surrounding the property. Bryan Colgan said the wall issue was worked out as changes were made to allow two cars to pass at the wall opening. Previously the opening only allowed for one car at a time. Dennis Moeller asked about the design plan and whether or not they would be locked-in. Bryan Conn said that is still be studied in regards to pricing. Daryl Kramer asked about a stormwater drainage plan. Bryan Conn accepted that requirement. Rob Seig talked about Rule 5 and excavating for the project. Bryan Conn said once they know what will be needed in terms of excavation they will come in and meet to see everything is done properly.

Motion: Daryl Kramer made a motion to have APC and Tammy Davis write a letter stating that Spire Senior Village will meet zoning requirements currently in place for stormwater drainage. Bryan Conn said they have a form letter which Tammy Davis thought would be helpful. Rob Seig 2nd it. AIF

Unfinished Business:

Consolidation of Lots- Rob Seig introduced a proposed amendment change to the zoning code where someone wishing to consolidate two lots would no longer need Area Plan Commission approval, instead the Executive Director would be able to approve/disapprove the request. Tammy Davis then read the notification of language. Amendment change on separate page.