

FOUNTAIN COUNTY  
ADVISORY PLANNING COMMISSION  
Minutes  
Oct 26, 2023

**A: Call to Order:**

**Minutes last Meeting-** Sep 28, 2023

Motion to Approve Minutes	SECONDED	VOTE
Tim Shumaker	Sue Ann Anderson	8-0

**B. The following members were present:**

<input checked="" type="checkbox"/> Sue Ann Anderson	<input checked="" type="checkbox"/> Jamie Shonkwiler
<input checked="" type="checkbox"/> Laura Bush	<input checked="" type="checkbox"/> Tim Shumaker
<input checked="" type="checkbox"/> Kyle Crowder	<input checked="" type="checkbox"/> Nancy Tuggle
<input checked="" type="checkbox"/> Jim McKee	<input checked="" type="checkbox"/> Glen Walter
<input checked="" type="checkbox"/> Jake McGraw	

Others in Attendance: See attached sign in sheet

**C. Determination of Quorum** - ☒ Yes ☐ No

**D. Report of Committees and Officers** – No Changes, All Seats filled

**E. Public Comment** – Angie Burke asked the Area Plan Commission to consider using the same restrictions on solar as the County does for wind. She would like for the County to make the change to the Solar Ordinance and make it not permitted use in agricultural land. The change would require the County to notify landowners by letter that a permit has been submitted to the County. The County would also be required to hold a public hearing on the permit. Board Member Jim McKee agreed with her request that the board should consider revising it. Kyle Crowder the Board President said that it will be looked at.

## F. Public Hearing – Rezone- Ag to Business

### T&S Towing LLC

The petitioner asked the board to change the zoning for a piece of property that he purchased from agriculture to business. He plans on moving his heavy towing business here. He will be building a large steel building (70 x100) to house his trucks. Insurance also requires for wreacked rigs to be stored inside while the insurance company and police complete their investigations.

The petitioner presented the board with a copy of a business overview that included all his certifications and licensing. He also claimed that the current response time for a wreacked semi in Fountain County can take up to 2 hours because there is not anything in the county, and that adding this location will be beneficial to the County.

The petitioner wants to be a good neighbor, and he plans on paving part of the road at his expense. He says that the condition of the building and the looks of the property will be maintained. He will have a 150 x100 fenced in yard behind his building. He said that he is also willing to work with the Local Law Enforcement and Emergency Response Teams to do training at his facility on things they don't get a lot of training on. He has also reached out to neighbors to discuss with them their concerns. He claims that the major concern with the neighbors is that he will later move his trash business to this site. The petitioner said that he can not and will not move in a trash business to this site. State licensing in doing so is difficult, and it just isn't feasible for him to do. This location will strictly be local towing.

Discussion was opened for public comment. Adjacent landowner asked if the current drive into the property was going to be used because the drawling proposed looks like it is going to be directly across from his house. Petitioner said it will be the existing drive that it was just a "bad drawling". Neighbor also stated that he was worried about the looks of

the outside, and had concerns of it looking “trashy” if the trash business was brought to that location, or used for storage of “trash business property.” The property owners in that location already have an eyesore area to the north of them and they don’t want another one. The petitioner again stated that permits for that type of business are hard to get, and that he has no plan of moving anything to the property except for the towing business.

Another public comment was the concern of the safety of their children, and that the speed limit on that road will need to be lowered.

One concern from the public was road maintenance. The part of the road the petitioner does not plan on paving is chip seal, and will not hold up under the constant weight of large equipment. The petitioner said that he would help pay for the maintenance on that part of the road also. Board Member, Nancy Tuggle, called into question a past agreement on road maintenance for Mountain Road, where petitioner agreed to help pay for maintenance on the road, and no recorded has been found with the Highway Department of that being done. Tim Shumaker responded that the petitioner has given money to the county for the road maintenance. Petitioner stated that the issue was giving funds to the County General, so he provided the county with the supplies to maintain the road. Nancy further stated that she would feel more comfortable if there was a written contract agreement on the road maintenance. Kent Minnette advised that could be done as a requirement to the rezone permit.

Another concern from the public was that the future cannot be predicted, and that just because the petitioner claims he has no plan on the trash business being at that location doesn’t mean it can’t be added later. His concern with the trash business is water contamination to his well. He claims that he shares the same water source with Fountain Central School Corporation. He also asked what the rezone will do to their property value.

Kent Minnette the county lawyer commented that even if the petitioner wanted to move his trash business to this location, that type of business is not permitted in Agriculture or Business. While there are businesses that are permitted, the trash service is not. The only place it would be permitted in is Landfill.

Others had concerns on the width of the road, bridges, and the weight limits. Residents have to pull off the road to let farm equipment past. They are not sure if it can even be widened if needed. There is also a hill that is treacherous when meeting traffic, and could be a cause of traffic accidents. Board members asked if the Highway Department gave any evaluations on these items, and if not, they need to do so.

Public comment was closed at 6:50pm. The Area Plan Board questioned if the Veedersburg 2-mile fringe area included the parcel in question. Roger Azar will look into it and let the Board know if it is Veedersburg's jurisdiction. Jim McKee made a motion to continue the rezone request pending jurisdictional responsibility, Laura Bush 2<sup>nd</sup>.

#### Old Business-

#### Ordinance Updates -

Roger gave the board a binder with ordinances for the board to review that included, Driveways, Road & Streets, Septic & Septic Installers, Wells, Zoning, Subdivisions, & Drainage. All Ordinances are currently being reviewed by the County Attorney. Roger asked the board to review the ordinances and to email him any issues or questions to be discussed at a later meeting. Once the board reviews these Ordinances, the board will vote on sending these ordinances to the County Commissioners. Once the recommendation is made the Area Plan Commission will set a public hearing date on the changes for the zoning ordinance. This meeting will be held before it is passed to the County Commissioners.

There was discussion on how that will be advertised. The required process is that it is advertised once in the local paper, "The Fountain

County Neighbor” at least 14 days prior to the Public Hearing. The question was asked, what more could be done to notify the public. Amber Roarks asked the board to put off the Public Hearing until after the first of the year. She asked for funding in the 2024 budget for postage and printing to create a flyer that will be sent out by every door direct mail to inform the residents that the county does have a permit process currently in place, and she has revised that flier to include a notice that the county is looking at revising the zoning ordinance. This will not be sent to towns that have their own jurisdictional areas, but will be sent out to rural areas of the county. She feels that is the best way to be transparent, & inform our residents. The flyer should be ready to send out by the first of the year and will state that the public hearing will be advertised in the paper and posted on the web site. This will lead residents to the County Website, not just for the Public Hearing on amending the current Zoning Ordinance, but all the Area Plan Public Meetings.

#### Solar Land Assessment Value

In September’s meeting, a question was asked on what the County will be receiving from the solar company once approved. There was some confusion on taxes collected due to an abatement. Amber Roarks reported back with some data to answer those questions. The abatement is only on Personal Property that the Solar Company turns in for self-assessment. However, the abatement is not on the value of the real estate. Agricultural land is currently assessing at \$1900 an acre. When it is changed for Solar Use, it will go from \$1,900 to \$13,000 an acre. That is a difference of \$11,100 per acre. Between the 2 solar permits the County has received, a total of 8,500 acres will be changed to Solar land. The increase in assessed values will be approximately 94 million. When county assessed values increases, and the county budget stays the same, the county tax rate should in theory go down. When assessed values go down,

and budget is unchanged, tax rates go up. So, with a fiscally responsible budget, residents should see some decrease to property tax rates.

### County Fees –

September's meeting also had a lot of discussion on what to charge for county permits. Amber Roarks presented data from other Indiana Counties on what they charge for permits. Data was categorized by permit type, and what is charged in each county. A minimum, high, and low range value was calculated for each item. When looking at all the counties in Indiana the top 25% and low 25% of the counties (based on the number of parcels in each county) were removed and concentrated on the middle 50% of Indiana Counties. The goal for gathering this data was for the board to make informed and logical decisions to do what makes sense for Fountain County and its residence when setting those fees.

Amber claims that while talking with many different counties, it was clear that the county will never be able to pay the full-time salary's out of what is collected by the permits. It is simply the cost of business, and to do the job right the County needs to have a dedicated position for the Area Plan Commission to handle permits. For example, Hamilton County is divided into 9 jurisdictional areas, one jurisdiction does approximately 150 permits a year with 50-55K collected in permit fees. If the county can collect at least this amount, it will help pay for a part time person, and overhead office cost. However, it will not cover the cost for a full-time office person & inspector for the County, along with the office cost, & the legal/engineering cost that the county is already paying.

The County has currently collected 44 building permits, 25 new homes, 2 Residential Additions, 11 Residential Accessory, & 6 Agricultural Buildings. Based on the current fees associated in the County Ordinance \$0 were, or would have been collected. The County also had 2 Variance, 1 Rezone, and One Solar Permit filed. Additional fees collected would be

\$1,150. By substituting in \$200 fee for new homes and \$50 for all other improvements the county would have taken in \$6950. To be fiscally responsible for future County Budgets, we need to collect permit fees, but to set fees that make since for our residents.

One discussion in September was if the county should stay with our current fees, and not charge for residential or agriculture buildings. It was reasoned that the tax collected on these structures make up for the permit fee. Amber stated If money is collected or not for permits, it is important to at least have a permit process for these buildings. She presented some data showing how not having accurate data can lower the County Assessed Values that can also hurt taxpayers by not distributing the tax rate fairly across property owners.

She discussed a couple scenario were permits could help recover some of the lost assessed values and how it helps. The first scenario is a loss of Assessed Value when improvements go un-assessed. The County has a re-assessment cycle of 4 years (15,000 total parcels), and 25% (3750 parcels) of the county is reassessed onsite each year. Sometimes when buildings are not added to the property, and because taxes run a year behind, it could be 5 years before that improvement is added. It is estimated that half of those parcel (1875) have changes. 75% of those parcels add improvements, while approximately 25% remove improvements. If the value of each improvement is \$500 the increased assessed value is approximately 468K.

The second scenario was on remodels and home effective ages. Because Fountain County is a market value state, it is required that effective ages on homes be changed based on home updates to roof, siding, windows, bathrooms, kitchens, etc. By not having accurate data, it keeps the county assessed values low. Low assessed values help inflate the increase in the market factor on assessments. This inflated rate is then applied to all properties, even if updates have not been made on a homeowner's improvements. Homes that have an effective age change,

has a reduction to the depreciated value. We do between 100 to 200 year. To estimate, if there were 150 effective age changes done, the increased assessed value based on a 20,000 reduction of depreciation, assessed value will increase approximately 3 Million. Again, this can help lower the county tax rates, and distributing the tax fairly across all properties. Neighborhoods that were done last year had little to no increase in the market factor increase.

She also recommended adding a permit fee for Communication Towers. The county gets many calls on permit requirements and the county doesn't have anything. Most county's charge \$100-\$200. These are Business that are outside Fountain County and should be paying a permit fee.

#### G. New Business –

The County received a Solar Permit from Dolphin Oct 4, 2023. Roger reported that the 15-day review to determine if the permit is complete has been completed. Roger has a few areas of concern due to setbacks that he is already working on. The 30-day Internal review process has been started. A review panel has been put in place to meet after the Commissioners Meeting on Monday Nov 6<sup>th</sup>. The departments that are included are; the Fountain County Highway Department, Fountain County Police Department, Attica Police Department, Covington & Attica Fire Department, Fountain County Emergency Response and the County Attorney.

Jim McKee asked if we could look at possibly changing the 15 day and 30-day permit process for the Solar. His main concern is the Area Plan Commission not having full transparency and talk thru the Permit requirements, and process because the Board only meets once a month. It was suggested by Roger to address the Code and Ordinance if we want that changed.



## H. Communications from Members –

### Next Scheduled Meeting

DATE	TIME	PLACE
Nov 16, 2023	6:00 PM	FOUNTAIN COUNTY COURT HOUSE

### Meeting Adjourn

Motion Made by	Seconded	Vote	Time
Nancy Tuggle	Jake McGraw	9-0	8:50 pm

Sue Ann Anderson- Sue Ann Anderson

Laura Bush- Laura Bush

Kyle Crowder- Kyle Crowder

Jim McKee- Jim McKee

Jake McGraw- Jake McGraw

Jamie Shonkwiler- Jamie Shonkwiler

Tim Shumaker - \_\_\_\_\_

Nancy Tuggle - \_\_\_\_\_

Glen Walter - \_\_\_\_\_

# Fountain County Plan Commission

## Sign In Seet

Date:

Print Name	Signature	Title
Brenda Hardy	Brenda Hardy	Commiss
Amanda Brown	AMB	
Sam Newlin		
Ryl Hard	Ryl Hard	
Denise Crowder	Denise Crowder	Council
Glenn Ingalsbe	Glenn Ingalsbe	
Bruce Ing	Bruce Ing	
Ralph Blankenship	Ralph Blankenship	
Christy Blankenship	Christy Blankenship	
Lois Ingalsbe	Lois Ingalsbe	
Ashlyn Howell	Ashlyn Howell	
David Nickle	David Nickle	
Michael J. Resseman	Michael J. Resseman	
Jenny Hartley	Jenny Hartley	
W. J. Duley	W. J. Duley	
Jeff Fister	Jeff Fister	
Donnie Shankel	Donnie Shankel	
Byssell Good	Byssell Good	
Derek + Chris May	Derek + Chris May	
Donna Mark Jones	Donna Mark Jones	
Anthony Ward	Anthony Ward	
Sheena Blankenship	Sheena Blankenship	
Jason Blankenship	Jason Blankenship	
Andrew Blankenship	Andrew Blankenship	
Alan Blankenship	Alan Blankenship	
Austin Blankenship	Austin Blankenship	
Kris Brown	Kris Brown	
Kate DeRigh	Kate DeRigh	

NIK DeRigh  
 R.D. Manning  
 Weston Burke  
 Angie Burke

[Signature]  
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Laura Bell  
Dudley Chene  
Tracy Ward

Jacob M. Smith