

FOUNTAIN COUNTY
ADVISORY PLANNING COMMISSION
Minutes
Nov 16, 2023
6:00 P.M.

A: Call to Order: 6:02pm

Minutes last Meeting- Oct 26, 2023

Motion to Approve Minutes	SECONDED	VOTE
Jake McGraw	Jim McKee	6-0

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 type="checkbox"/> Tim Shumaker
<input checked="" type="checkbox"/> Kyle Crowder	<input type="checkbox"/> Nancy Tuggle
<input checked="" type="checkbox"/> Jim McKee	<input type="checkbox"/> Glen Walter
<input checked="" type="checkbox"/> Jake McGraw	

Others in Attendance: Roger Azar, Carol Owens, Tina Holmes, Tom Booe, Dudley Cruea, Keenan Wilson

C. Determination of Quorum - ☒ Yes ☐ No

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

E. Public Comment – none

F. Old Business-

- Ordinance Updates -

The Draft is still in the Attorneys office for legal review. Changes will be made after board discussion, if there is a discussion to change anything. County will go ahead and add the Septic Ordinance, and then amend it at a later time once the State finalizes their ordinance. The Health Department is concerned that if the rules for the Septic are too strict people will not apply for a septic permit. Fountain County is not as restrictive as other counties and property owners can file for a variance if they have less than 1 acre.

Board President, Kyle Crowder, updated the board on the Internal Review on the meeting on the Pending Solar Permit. He reported that the meeting went well, and he felt it was conducted very thoroughly. He thought there may be an opportunity to incorporate some items into our current Solar Ordinance that was discussed in the internal review meeting. Legal Council recommended that some items maybe reasonable to add, but warned that adding high detailed language to the ordinance can cause issues going forward, and that the purpose of the Internal review process is to drill down the details. Some of the topics included light studies, fence requirements for EMS, Bonding & Insurance, & solar fees. One Board Member expressed concern if fees were increased the county would receive less economic development money. The Board was informed that Dolphine has not yet asked for an abatement on their personal property, meaning there would be no Economic Development Money. The only time Economic Money would be negotiated is if the Company was asking for an abatement on their Personal Property.

The board wants to be sure that the technical review meets all the same requirements as Ranger.

The ground water and well ordinance is being put into place to be sure that wells are abandoned correctly and that they meet the distance requirements from the septic. There was discussion on protections on Aquifers. Roger explained that there are legal protections in place for water and that engineers go to great lengths to review the area.

The Question was also asked because Dolphine Solar is an Energy Development Company, and it will be sold after completion, do

nonparticipating landowners have any concern with eminent domain. Legal informed that companies will have limited ability to run transition lines without an easement, and that the contract follows the purchaser.

Jim McKee asked, Keenan Wilson, Legal Representative if the County is complying with Indiana Code regarding the Comprehensive plan. His concern is that the APC should be the governing body to cardinalate the Planning the Public Hearings, and the APC is not being included at all. Legal said that they would check into the Indiana Code Requirements.

Board set a December 15 Deadline to email Roger any questions or concerns with the proposed Ordinance, and that at the next meeting, Dec 21, will be a working meeting to set the permit fees.

- Mailers- Quote

Amber Roarks reported that the mailer has been completed and included a quote from Printing for Less. They will print and mail from their location. The Proof has to be sent in By Dec 18th. County Auditor will put it on the County Credit card to place the order and will be paid out of the Area Plan Commission Budget after the first of the year. These will be mailed to rural every direct door. Post cards can be printed and mailed to individual property owners that live in town that own land out of municipal jurisdictions. Any changes to the mailer need to be sent to Amber by Dec 15th.

- Printing for less- includes printing and postage
 - 4110 rural areas in the county- \$1519.50
 - Printing Advertising Budget \$3575
 - \$471.84
 - Postage Budget \$1,600
 - 1047.66
- Send out letters to Local Contractors & Realtors.

G. New Business –

- Flood Fringe -

Discussion on Local Control Procedure. Individuals filing for building permits that are building in a floodway have to contact the DNR. It has always been the County's practice to send individuals that are also in the Flood Fringe to the DNR. Individuals in this Fringe are not the Jurisdiction of the DNR. Reports show that it is local control. Email correspondence from DNR and

property owners also say that it is Local Control. This step makes an unnecessary burden on the individual property owners. Amber asked the board to create a Local Control Procedure. Tina Holmes reported that other counties require a Flood Plain Elevation Survey. She reported that this is costly and would be at the expense of the landowner. It was questioned if the County had a current Flood Ordinance. Tina reported that there is and that she would have to find it. Roger suggested that this flood ordinance be added to the current ordinance. Tina will locate it and send it to Roger and Amber.

The board decided to request a notarized letter of indemnity from the land owner holding the county harmless in the case of damage to the improvements, and that they understand that it is in the Flood Fringe and could require flood Insurance. Jim McKee made a motion to have the legal team to prepare a templet letter for constructing in the flood fringe. Seconded by Lori Bush. Vote 6-0 Because we have 2 permits pending, the Board asked to have a deadline for the letter no later than the following Wednesday. Amber will send out an email to the legal team.

H. Communications from Members –

Next Scheduled Meeting

DATE	TIME	PLACE
Dec 21, 2023	6:00 PM	FOUNTAIN COUNTY COURT HOUSE

Meeting Adjourn

Motion Made by	Seconded	Vote	Time
Jake McGraw	Sue Ann Anderson	6-0	7:35 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