

APC MINUTESNOVEMBER 21, 2017

Members present: John Reece, Don Calhoun, Dan Vinson, Bryn Albertson, Rex Amburn, Bob McCoy, Amy Alka

Members absent: Adrian Moulton, Andy Fahl, Lisa Friend, Jim Hufford, Gary Girton, Paula Keister

Legal Representation: Jason Welch

Staff Present: Randy Abel, Executive Director, Debra Johnting, Recording Secretary

Others present: Ed Thornburg

President Calhoun opened the November 21, 2017 meeting of the Area Planning Commission at 7:00 pm. We'll go ahead and get our meeting started. Does everybody have a copy of the minutes from the last meeting? Is there any corrections or questions about the minutes? Seeing none I will take a motion to accept the minutes as written. It has been moved and seconded that we accept the minutes of the October 17, 2017 meeting. All those in favor say aye, all those opposed no. Motion passes. On the agenda is Amendment 2017-3-A. So, there are several amendments to look at, do we want to take them all one by one?

R. Abel: Yes, we can discuss them one by one. The first amendment is the height requirement for MET towers. What we are having is companies come in and if the MET tower is over 200 feet they have to get a variance. So, they are all over that so we were getting a lot of variances that way. And since there's no height restrictions on the wind turbines we felt, why do we have a height restriction on the MET towers? So, what this is proposing to do is remove the height restriction on MET towers as well. It still requires them to meet limitations for the FAA, and it gives me a little power because it says it should reflect the approximate height of the proposed turbine. And what we have been told is that the height of these turbines is going to go up and up and up. So, the highest ones we have found are around 400 feet now, and the ones we have in the county are closer to 300 feet. So, to put an exact height on that really wasn't going to be very easy to do. So, as long as it approximates proposed wind turbines we thought that would be an acceptable way to word it.

B. McCoy: I take it setbacks would still be the same as before.

R. Abel: Yes, still going to be 1.1 times the height, so the higher they go the further the setback.

B. McCoy: So there's no fear of them falling across a road or anything like that.

R. Abel: No.

B. McCoy: Ok.

R. Abel: Any more questions on that? Amendment 2. We were having trouble with some commercial properties. C-3 states that it does not allow residential. If you look at Winchester and Union City, there are a lot of residential in C-3, for whatever reason. At no fault of the homeowners. They come in and

want to put on a porch or add a bathroom and we tell them they have to get a variance. And of course a normal property wouldn't have to do that, so it seems like an inconvenience or something that was unfair to us, so we wanted the wording in here to say that if was an existing residence in C-3 we would treat it as if it was in a C-1 or C-2, which allows residential and residential uses.

B. McCoy: Randy, do we have anything in manufacturing, in Union City?

R. Abel: Yes, but the ordinance says that we allow anything in C-3 in M-1 and M-2, so now we are allowing residential in C-3, so if you have an existing house in M-1 or M-2 you also will be treated like a residential lot.

B. McCoy: Union City is a prime area for that.

R. Abel: Winchester has several as well, they pop up all the time.

B. McCoy: So, I'm not going to, well, I guess I will use the word "grandfathered", attorneys don't like to hear that term, but that's pretty much what we are doing.

R. Abel: And it also gives me some discretion on setbacks in the wording of that. It says that zoning districts shall follow the general restrictions and requirements of residential zoning districts at the discretion of the Executive Director. So obviously if it's in an area where you've got a lot of tight houses, you're going to have to allow a little slack there—you might not get your ten foot side setback being in a commercial or manufacturing district. But my basic focus is on, is this going to hurt someone else's property values. And that's the way I look at it. If I think it's going to be too close to the line and it's actually going to hurt the neighbor's property value then I would make them get a variance for it. And I would bring it back to the BZA and let the BZA make that decision. Proposed Amendment 3 is back to the tower regulations, and if you look at the handout on the colocation agreement, we have the cell towers sign. In that agreement as high as most of those towers are we want them to have room for three or four additional antennas for colocation. And, in this agreement it says that they agree to allow public safety agencies to occupy up to four antennas free of charge. So, that was something that was suggested to us by Bill Thornburg in Losantville. He said there's no reason you can't get three antennas for the Sheriff's department, you just need a repeater somewhere so that's why we put that wording in there. Also, this puts the wording into the ordinance and not just in the colocation agreement.

D. Vinson: Oh, it just adds to it. I see.

R. Abel: We already had that wording for four free antennas in the colocation agreement, but it didn't actually specify that as one of the colocation portions in the ordinance. So we are just adding that in there. And number 4, what it said before was a one mile radius. What they have to explain to us is why they aren't locating on a tower one mile away. With that kind of reasoning you'd have a possible tower every mile. And so we went back to some people who knew more than we did about it and they said you could easily go eight miles. So, we said ok, we'll go eight miles on those then. And it doesn't mean that we are going to deny it if there is a tower within eight miles, but they need to explain to us why that tower location won't work for them. And I am sure that engineering-wise interference, or the

area they are trying to cover, there may be reasons why they can't locate on that tower within eight miles, but we would like to at least have an opportunity to hear their reasoning why before we agree to let them put a new tower up. And section two is in town. It's a mile and a half. We have one right in the middle of town, and it used to read a half mile. So, you could have five or six towers go up in Winchester. We thought probably nobody wants that many towers in town. So, again we wanted to make them explain why they couldn't co-locate on another tower.

President Calhoun: That's quite a bit to take in on all those, does anybody have any questions?

B. McCoy: I appreciate all your work on those, because I know you are going from one subject to another every time we open that book back up you are finding something else wrong.

R. Abel: We do have another one for next time. We just had a guy come in and want to remodel a house trailer in the flood plain, so we started digging through all of our flood plain stuff. We discovered that we really need to incorporate a county ordinance into our Unified Zoning Ordinance, but that can be done simply, right?

J. Welch: Yes.

R. Amburn: Looks like you are keeping up with it though.

R. Abel: Well....You'll notice we still haven't done anything on the 4-H animals, so we're not quite keeping up with it.

President Calhoun: We keep pushing that back, don't we? Do we need to have a roll call vote on this? I will entertain a motion to accept these amendments.

B. McCoy: So moved.

President Calhoun: It's been moved and seconded to accept the amendments with a roll call vote, Deb.

D. Johnting: D. Calhoun, yes, Bob McCoy, yes, Amy Aka, yes, Rex Amburn, yes, John Reece, yes, Dan Vinson, yes, Bryn Albertson, yes. Favorable recommendation.

President Calhoun: Is there anything else that needs to be brought up at this meeting?

R. Abel: I will say that there's a Comprehensive Plan being developed for the County, and it's getting toward the final stages. And they haven't really gotten with me yet to tell me when, but that plan will have to go through this committee. So, whenever they get that they will come and make a presentation to you on the Comprehensive Plan for the County. Which really involves all the cities.

D. Vinson: Was that Structure Point that was doing that?

R. Abel: Yes, Structure Point. And some time in the next couple of months EDP Renewables is going to come to us with a Solar Ordinance. And I told them at this time I would rather them do just solar farms, and not really get involved into any restrictions in town, because if you look at some of these solar ordinances it gets pretty involved when you start moving into town. They can restrict your neighbor putting up trees and fences, because it's blocking the sun on your solar panel and how you

can put them on the roof, you've got to go to the back of the house, or the front, and how many square foot, and what percentage of the roof, and it just goes on and on. So, I'd rather just do a simple one for the county for solar farms, and if we think we need to go in deeper for the cities we can do that or each city can address that, but for right now I think we'd just like the wind farms, we'd just do it for the county areas. Then, one other thing I had I wanted to make sure, it's been awhile but for the 4-H animal committee. I have Don Calhoun, I had Julie, but it's going to be Amy now, I had Andy Fahl, Bob McCoy, and myself, is that right, is that your memory? Well, I do have some things I found on 4-H animals, I will hand them out.

B. McCoy: I think the City of Winchester addressed it a few years back at one particular residence, but I don't remember whether they actually came before Area Planning or if they just agreed to let them do what they were doing. I think it was therapy for a special needs child, and I think they were in the city limits with quite a few animals.

R. Abel: My goal again, is to maybe let the cities do their own...kind of like the solar issue.

President Calhoun: If that's it, I will entertain a motion for adjournment. Thank you for coming tonight.

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President, Don Calhoun

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Vice President, Bob McCoy

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Secretary, Dan Vinson

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Recording Secretary, Debra Johnting