MINUTES OF MEETING OF
WASHINGTON COUNTY PLAN COMMISSION
Held May 5, 2014 at 7:00 p.m.
Council Chambers—City Hall Building

President David Hoar opened the meeting at 7:00 p.m.; Danielle Walker led the audience in the Pledge of Allegiance followed by Jeff Souder offering prayer. Present were members Danielle Walker, David Hoar, Adam Dufour, Phillip Marshall, Jerry McClellan, and Jeff Souder. Also present were Secretary and legal counsel, Thomas E. Scifres, and Plan Director Travis Elliott. Roy Dick, Scott Maudlin, and Ervin Day were absent.

The minutes were read aloud by Thomas E. Scifres and approved unanimously upon the motion of Jeff Souder, seconded by Phillip Marshall.

The first order of business was the review of the permit application/checklist prepared by Adam Dufour and Attorney Scifres. Jeff Souder suggested that the blank spaces should be printed or typed by the applicant and suggested that the form specifically indicate that. David Hoar raised the issue of who collects and handles the money. Travis Elliot said that he does so with Building Department applications and would do so here as well. Danielle Walker suggested that the wording be changed on page two (2) from the presentation of a "Project Site Drawing" to a "Site Plan/Farmstead Map" to be consistent with the actual ordinance. Subject to those two (2) changes, Jerry McClellan made the motion that the permit applications/checklist be approved. The motion was seconded by Adam Dufour and unanimously approved.

Corey Harper, the chief engineer on the Salem Municipal Airport expansion project, appeared before the Plan Commission to discuss the proposed noise and height restriction ordinance overlay. Attorney Scifres had prepared a draft based upon the City of Salem's ordinance, but there were a couple of minor typographical changes that needed to be done subject to the review of the entire Board. Corey Harper provided an overview of existing Indiana law, discussing the utilization of different zones that needed to be kept clear under the height restriction aspect of the ordinance. This included defining a "primary surface" level with the runway and extending 500 feet wide, with 250 feet on either side of the center line of the runway. The "approach zone" suggests that a pilot at 250 feet altitude and three-fourths of a mile away must be able to see the runway. The slope for this zone is an angle of 34 feet out for every 1 foot in elevation from the level of the runway. This angle continues for 10,000 feet from the primary surface.

The "transitional surface" extends off to the sides of the runway at a 7:1 slope. Mr. Harper continued with the additional zones that extended further from the runway with an overview of their utilization under the law. He re-emphasized that this already exists as law under Indiana's

statutes; however, it is important that local jurisdictions adopt it into their zoning ordinances as an overlay. He pointed out that if such precautions are not taken at the local level, a local building inspector might issue a permit to construct a new structure that encroaches into the prohibited air space. Because there is a statutory fine of up to $10,000.00 per day, litigation could ensue between the owner of the structure and the local government and building department given the authority to proceed in violation of the law. It also serves as a reminder to local officials that the law exists and prevents such complication in the first place.

Mr. Harper then referred to the large airport drawing that showed the red oval around the planned runway. Essentially, if an applicant is within the red oval area they must file with the FAA. He then presented a workflow chart showing how the FAA would utilize a tool for analyzing the projected height of a proposed structure based on the GPS coordinates. It is referred to as a "no notification tool." If someone is required to file with the FAA, he warned that there is a 45-day wait. Indiana Code provides that an applicant must get an FAA determination of "No Hazard" to proceed. Once someone gets an FAA permit to proceed they must then go through INDOT, which has a 60-day notification period. That period can be waived, and Corey Harper stated that his firm can usually assist in that process. Once the FAA and INDOT have cleared the project, the applicant must then go back to the local Plan Commission for final approval. Although the applicant for a structure is responsible for the filing with the FAA, Mr. Harper's firm will provide local officials with an informational packet explaining the process to them.

At the conclusion of that discussion, a question was raised about whether such zones existed for the existing runway—not just the new proposed runway. Mr. Harper acknowledged that Indiana law still applied to the existing runway; however, he did not recommend we go through this process to establish such zones at this time given that the new runway would be in a different location in the same area and construction would be underway soon. Proceeding at two different times would likely lead to confusion.

Mr. Harper then addressed the yellow rectangular area, which is the "Noise Sensitive Area." He indicated that current law prevents any schools, libraries, or medical facilities to be constructed in the yellow zone. The "Noise Sensitive Area" is one (1) mile long and three thousand (3,000) feet wide beyond the property line of the airport property. If someone seeks to build in the "Noise Sensitive Area" (who is not a school, library, or medical facility—which are strictly prohibited), the applicant must apply to the state for a "Noise Sensitive Permit" and such a permit must be recorded with any and all deeds relating to the property on which the structure sits. Mr. Harper also advised that the FAA requires an area to have a zoning ordinance in order to get any airport grants. After Mr. Harper's presentation, Attorney Scifres acknowledged that he would make revisions and send the revised ordinance out to the Board for review at the next meeting, with all members in attendance and the goal of having a public hearing at the July meeting. Mr. Harper volunteered to come to the June 2nd meeting and the July public hearing.

Under new business, President Hoar noted that there was an application for a vehicle or watercraft dealer request for licensing. Because there are no zoning restrictions against such a business, Adam Dufour made the motion, seconded by Danielle Walker, that the proposed use was a permitted use under our zoning ordinance, and the motion was approved unanimously.

The next order of business was the discussion of future zoning restrictions. President Hoar suggested that the board look into rural residential regulations appropriate for Washington County. Attorney Scifres reminded the Board that, although we had passed a subdivision code through the Plan Commission, it was merely a culmination and summary of existing subdivision ordinances that had previously been adopted by the Washington County Commissioners. He reminded the Board of its previous agreement to consider a new subdivision ordinance based on other creative solutions than Washington County's older ordinances. Future zoning regulations were taken under advisement.

Adam Dufour then advised the Board that in the process of reviewing the ordinance for preparation of the application and checklist, errors in our zoning ordinance were located. First, on page ten (10), Adam Dufour made a proposed fix where "4" was a typographical error.

Second, also on page ten (10), the code references the need for an applicant to reach a minimum score of 415 in order to get approval. He pointed out that 415 is the maximum score.

Also, Adam Dufour combined section 701.1.3.1 with subsection (E) into a single paragraph so that it made sense. Next, he pointed out that when the neighbor notification letter was removed from the point system score sheet, it never got added to the text of the ordinance as a mandatory requirement prefatory to approval. That needed to be placed in the ordinance. Also, he advised that he had come up with a neighbor notification sample letter.

Finally, he referenced section 701.2.4 and section 701.2.3.2 and suggested that they needed to be combined. All such revisions were discussed and approved by the consensus of the Plan Commission. The proposed changes to the zoning ordinance as well as the overlay ordinances for noise and height restrictions would be made and emailed to the full Board for discussion at the next meeting.

There being no further business the meeting was unanimously adjourned upon the motion of Jerry McClellan, seconded by Phillip Marshall.

David Hoar, President

Danielle Walker, Vice-President

Jerry McClellan

Adam DuFour

Phillip Marshall

Jeff Souder

Ervin Day

Scott Maudlin

COMMISSION ATTORNEY

Thomas E. Scifres