

The
AREA PLAN COMMISSION
of Tippecanoe County

Ordinance Committee

Notice of Public Hearing

Date: February 5, 2020

Time: 4:35 PM

Location: Tippecanoe County Office Building

Tippecanoe Room

20 North Third Street

Lafayette, IN 47901

AGENDA

I. APPROVAL OF MINUTES:

Documents:

[ORD 01.02.2020.PDF](#)

II. INTEGRATED CENTER SIGNAGE:

Staff is working on an amendment regarding business signs within integrated centers and what types of developments can be considered "integrated centers." No proposed amendment is ready at this time, but a brief overview will be presented. - John Burns & Kathy Lind

III. SOLAR ENERGY UZO AMENDMENT:

A brief overview of staff's work at this point. - Rabita Foley

IV. CITIZEN COMMENTS

V. ADJOURNMENT

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
ORDINANCE COMMITTEE MEETING
MINUTES OF PUBLIC MEETING**

DATE.....January 2, 2019
TIME.....4:40PM
PLACE.....COUNTY OFFICE BLDG.
20 N. 3RD STREET
LAFAYETTE, IN 47901

MEMBERS PRESENT

Jackson Bogan
Greg Jones
Carl Griffin
Jerry Reynolds
Gary Schroeder
Larry Leverenz

MEMBERS ABSENT

Tom Murtaugh

STAFF PRESENT

Sallie Fahey
Ryan O’Gara
Kathy Lind
Chyna Lynch
Zach Williams

ALSO PRESENT

Chad Spitznagle
Steve Clevenger

Chair Jackson Bogan called the meeting to order.

I. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the December 4, 2019 Ordinance Committee meeting. Greg Jones seconded, and the motion passed by unanimous voice vote.

II. ALLOWING SMALL WIND ENERGY CONVERSION SYSTEMS (WECS)FOR INSTITUTIONAL USES:

A discussion requested by the Tippecanoe School Corporation who is interested in the possibility of installing small WECS on its residentially zoned school properties which the ordinance currently prohibits.

Kathy Lind said staff member Larry Auckerman was contacted by Tippecanoe School Corporation about the possibility of having small wind systems on school properties. In May of 2019, the use of large wind systems was banned but small winds systems were not discussed. Small wind systems are currently allowed as an accessory use in commercial, industrial and rural zones; not at the residentially zoned schools. This proposal would change the ordinance to allow small wind systems for institutional uses zoned residentially. Institutional uses could include nursing and personal care facilities; elementary and secondary schools; colleges; universities; libraries; museums; fire and police stations.

Jerry Reynolds said the concern with the water tower that was a recently approved rezone for a school, was its proximity to a large housing addition. He asked if these wind systems can be approved on an individual basis.

Kathy Lind said the small wind systems are only permitted as an accessory structure to an existing use. Tippecanoe School Corporation would like to be able to do this on school properties in the future. These small wind structures are 140’ or less in height with a 40’ or less swept area. The CityBus wind towers are 155’ in height. So, the proposed wind systems would be smaller.

Jerry Reynolds said city council is still getting grief on the CityBus wind systems. The schools that sit around the city limits would be an issue.

Carl Griffin asked how the smaller systems do not create the same problems as the larger systems.

Kathy Lind said the large wind systems were over 400' in height; these are 140' or smaller in height.

Sallie Fahey said the large wind systems are not accessory to anything. They are for the sole purpose of an electrical company generating energy. The larger wind systems have multiple turbines with 400' or 500' towers.

Carl Griffin asked how the small wind systems avoid the same problems as the large systems. The Committee decided the large systems could not be done due to the problems presented through research and public comment. There are good things about wind; despite that, the Committee decided that it would not be allowed in Tippecanoe County because of the negative aspects. He was unsure how size gets rid of the negative aspects.

Gary Schroeder said the large wind farms would tie up thousands of acres of land for 50 to 100 years. In terms of development growth, nothing could be done around the farms because of setbacks and easements. The Committee felt that in a community with a dense population and growth pattern, these large wind farms would be better suited for a rural community. The other issues that were presented during public comment like flashing and noise, might be applicable to these smaller farms on a minor scale. The large wind farms were decided against for developmental reasons as opposed to the perceived side effects.

Sallie Fahey agreed with Gary. She said the large wind farm ban was more of an economic development issue. When the ordinance was written in 2012, wind towers were not being built higher than 300'; they are now being built 500' in height.

Carl Griffin asked if this item is approved, will it require a public hearing to install the ordinance amendment.

Kathy Lind said it would require a public hearing.

Carl Griffin said there are a lot of people that have concerns about having a small wind system in their community. He asked if he wanted to put his carport up close to his property line if he would need a variance.

Kathy Lind suggested that the small wind system be a special exception.

Carl Griffin said if he wanted to put his carport up close to his property line he would need a variance.

Sallie Fahey said this is not a variance because of the definition of an accessory use.

Jackson Bogan asked that if this amendment to the ordinance is passed, will it define by-right for institutional uses. He asked what the institutional uses would be.

Kathy Lind said the list of institutional uses come from the sign section of the ordinance because sign requirements and limits on residential is small. The largest signs allowed are real-estate sign that are 2' by 3'. Institution uses, like fire stations and schools, require larger signs which is why they are called out in the sign section of the ordinance. Staff is using the same terminology for the small wind systems.

Jackson Bogan asked for examples of institutions.

Kathy Lind said nursing and personal care facilities; elementary and secondary schools; colleges; universities; libraries; museums; fire and police stations would all be examples of these types of institutions.

Jerry Reynolds said this would be opening a big can of worms.

Jackson Bogan said this discussion goes further than just the schools.

Jerry Reynolds said this is more than just a school issue because there are multiple fire stations and nursing home facilities in the city. This requires a larger discussion with more public input. This amendment allows for multiple agencies to have a small wind system. There would be a lot of upset people if we passed the amendment this evening.

Jerry Reynolds said he would need to discuss this with fellow council members before making any decision.

Sallie Fahey said the list of institutional uses could be narrowed down.

Kathy Lind said the small wind systems could be limited to only schools.

Jackson Bogan asked what other avenues could be pursued. No one is against wind energy; we just want to protect everyone's interest. What other avenues would Tippecanoe School Corporation have to install a small wind system if the ordinance is not changed.

Kathy Lind said they could possibly do a micro wind system, which is even smaller system but goes on a building.

Sallie Fahey said they could also rezone but, a commercial or agricultural zoning on a school with sewer and water is inappropriate.

Jackson Bogan said that may allow more time for public comment. He agreed that this amendment could be opening something that a lot of neighbors would not be happy about.

Gary Schroeder asked if there is a way to make this a special exception.

Kathy Lind said the wind system would have to become a primary use. An accessory use cannot be varied or approved by special exception.

Sallie Fahey said its like having a garage as an accessory use; a small wind turbine at a school is an accessory use.

Carl Griffin asked what percentage of electricity the wind turbines at CityBus generate. He thought it was about 10-12%. The turbines at CityBus are larger than the proposed wind system. The contribution may not be great. He said he had a problem with allowing the small wind systems.

Jerry Reynolds said he can think of some people that will not be in favor of the amendment. There was a lot of discussion just on the new, large water tower. If this amendment is passed, there will be quite a few unhappy people.

Sallie Fahey said this could be limited to just schools.

Jerry Reynolds said it depends on how many schools there are. Some of the schools in Lafayette are in the middle of housing developments. There needs to be more discussion before this moves forward.

Carl Griffin asked how tall the communication tower by Saint Mary's on Columbia is.

Jerry Reynolds said it is 130'. The older water towers start at 150'.

Sallie Fahey asked if this has come up with the city climate resolution.

Jerry Reynolds said they had not had all the meetings yet as some of them had been canceled.

Sallie Fahey asked if it was his opinion that the city would not be interested in having any wind turbines to try to meet the climate resolution.

Jerry Reynolds said he does not believe that this is at a stage to have that opinion. The City of Lafayette would want to heavily discuss this before making any decisions. This needs to be walked through carefully to see what the effects of this could be. People could take advantage of this.

Sallie Fahey asked how people would take advantage of this if it were just limited to schools.

Jerry Reynolds said the people that live near the schools might be resistant to this change. Many of these schools are in tightly packed residential areas.

Kathy Lind said she can see where it would be an issue for schools in that type of area. On the other hand, if it were at Harrison High School or Jefferson High School, it would not be such a big deal.

Jerry Reynolds said those schools have significantly more acreage. Across the street from Harrison are two other schools; one with a new housing development behind it.

Kathy Lind said she had not spoken with this person from Tippecanoe School Corporation to find out what schools they had in mind. She thought the possibility of only high schools would work well.

Jackson Bogan said the way this stands today, it would allow for these small wind systems at libraries which sit close to subdivisions.

Jerry Reynolds said nursing homes also sit close to homes.

Kathy Lind said this can be narrowed down. If the Committee does not want small wind systems at schools at all, the answer is no.

Jerry Reynolds said more discussion is necessary to decide on this.

Sallie Fahey asked if this agenda item should be tabled or should a motion be made to not pass it on to the full APC.

Jerry Reynolds said he thought tabling this item would be appropriate at this point.

Gary Schroeder moved to not pass this ordinance amendment to the full APC and resume discussion at a later date. Carl Griffin seconded.

Carl Griffin asked Larry Leverenz if it would be a good idea to meet with the West Lafayette mayor to talk through this.

Larry Leverenz said he thinks that would be a good idea and that he agrees with Jerry Reynolds. From an energy standpoint, there isn't anyone opposed. However, looking at schools in West Lafayette is the same as Lafayette; they are closely packed in neighborhoods. There are a lot of questions that need to be asked; there needs to be discussion among each jurisdiction.

Sallie Fahey said the discussion this evening gives everyone information to initiate further discussion in each jurisdiction. She reminded the Committee that this cannot be done through a special exception because it is an accessory use but, the scope of where they are allowed can be narrowed down.

Carl Griffin asked if acreage could be dictated to allow only a certain amount of acreage.

Greg Jones said that setbacks could also be dictated. There are appropriate locations.

Sallie Fahey said setbacks would not be listed; just the minimum acreage requirement.

Jackson Bogan asked for this to be brought back to the Committee, if the City of Lafayette or West Lafayette would need to initiate it.

Sallie Fahey said to be fair to the public, staff would need to know to bring it back to allow time to notify the public and put it on the agenda.

Jackson Bogan asked the Committee if they would be ready in two months to bring this back.

Jerry Reynolds said he would be gone until April as would Larry Leverenz.

Sallie Fahey suggested to bring this agenda item back in May or June

Jackson Bogan said June would work.

The motion passed by unanimous voice vote.

Kathy Lind said the memorandum discusses production limits placed on the towers. Right now, a small wind tower has a limit of 50 KW. Staff discussed doing away with that limit because as technology improves, it would be an arbitrary way to limit the wind tower. This can be included with what happens in June.

Jackson Bogan asked if there needs to be any adjustments made to other described systems.

Kathy Lind said there needs to be a change to the definition of a large wind system.

Jackson Bogan asked that these corrections be made before the June meeting to take care of everything at the same time.

III. CITIZEN COMMENTS

None.

IV. ADJOURNMENT

Gary Schroeder moved to adjourn.

The meeting adjourned at 5:07 p.m.

Respectfully Submitted,

Chyna R. Lynch
Recording Secretary

Reviewed By,



Sallie Fahey
Executive Director