MINUTES DEKALB COUNTY PLAT COMMITTEE Tuesday, August 1, 2023 @ 8:30 AM

The Regular Meeting of the DeKalb County Plat Committee was called to order at 8:33 a.m. in the DeKalb County Commissioner's Court by Elysia Rodgers.

ROLL CALL:

Members Present: Mike Watson, Sandy Harrison, Elysia Rodgers, Jason Carnahan, and Jerry Yoder

Members Absent: None

Staff Present: Director/Zoning Administrator Chris Gaumer and Secretary Andrea Noll

Staff Absent: None

<u>Public in Attendance:</u> Brenda Patton, Bill Etzler (Abonmarche Consultants), Chris Patton, Angela Wallace (Compass Land Surveying), Todd Knauer, Mike & Anne Shuherk, and Marvin & Julie Skelly

<u>APPROVAL OF MINUTES</u>: Mike Watson moved to approve the Minutes from June 6, 2023; seconded by Sandy Harrison. None opposed. Motion carried.

OLD BUSINESS:

None.

NEW BUSINESS:

<u>Petition #23-17</u> – James W. Jr. & Patricia E. Brand requesting a Replat of Brand's Addition, Lot 1. This replat will be increasing the acreage of Lot 1. The property is located at 4264 County Road 4, Waterloo, Indiana and is zoned A1, Conservation Agricultural.

Chris Gaumer read the Staff Report.

Elysia Rodgers determined that there were no further questions or comments from the board or from the audience. Ms. Rodgers closed the public hearing portion of the petition.

Chris Gaumer read the Findings of Fact.

JURISDICTIONAL FINDINGS:

- 1. Application completed and filed on July 3, 2023.
- 2. Legal notice published in The Star on July 21, 2023 and Affidavit received.
- 3. Certificate of mailing notices sent and receipts given to staff.
- 4. Letter from the County Board of Health, dated July 12, 2023.
- 5. Letter from County Highway dated July 5, 2023.
- 6. Report from the DeKalb County Soil & Water Conservation District, dated July 3, 2023.
- 7. Letter from the Drainage Board, dated July 18, 2023.
- 8. Airport Board report, if applicable: not applicable
- 9. Plat prepared by Compass Land Surveying, Inc.
- 10. The real estate to be developed is in Zoning District A1, which permits the requested development.

- 1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?

 Yes, the minor subdivision will be used for residential use, which is compatible to the existing and adjacent land uses.
- 2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s). Yes. See Plat & Staff Report.
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.

 Adequate access off County Road 4 with dedication of right of way where required.
 - c. The extension of water, sewer & other municipal services, if applicable or required.

 None Required. Existing Private Septic System is being utilized. Health Department does recommend that a soil evaluation be performed to ensure adequate area and soil conditions are available on the property for the installation of a replacement residential onsite sewage system if and when determined necessary.
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required. *None required*.

Standard Conditions to be recorded on or with the plat:

- 1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
- 2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
- 3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
- 4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

- 1. Comply with the Staff Report.
- 2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
- 3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
- 4. Provide covenant for compliance with Airport Board requirements, if required.
- 5. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #23-17, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 1ST DAY OF AUGUST, 2023.

Motion made by Jason Carnahan, Seconded by Sandy Harrison.

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No:

Mike Watson

Elysia Rodgers

erry Voder

Petition #23-18 – Alejandro G. & Kailoni K. Hernandez requesting a 1 Lot Minor Subdivision known as Hernandez Acres. The proposed 1 lot subdivision will be a total of 9.68 acres. The subdivision will be used for a single-family residence. The property is located on the south side of County Road 4A, approximately one-quarter of a mile west of the intersection of County Road 4A and County Road 77, Hamilton, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the Staff Report.

Elysia Rodgers determined that there were no further questions or comments from the board, so she asked if there was anyone from the audience who wanted to speak for this petition.

Chris Patton, adjacent property owner, approached the podium to share his concerns about this property. He stated that it's all on a hill, toward the county ditch and if they were to have any spills or excess drainage, it would go onto his property. Mr. Patton said that the road sits on a hill and is very dangerous, regarding where the proposed driveway will be. He was also concerned with the number of parcels they were planning to sell off to have more houses built.

Mr. Gaumer addressed Mr. Patton's concerns, stating that the petitioners are allowed to split off into 4 total buildable lots, including the original parent parcel. He added that they do make sure that the driveways are staked and approved by the County Highway Department prior to coming to the Plat Committee, and that the Highway Dept. has driveway standards that have to be met. Mr. Gaumer advised that this petition did go through the Drainage Board and got approval from them as well, adding that the drainage covenants were on the proposed plat.

Brenda Patton approached the podium to speak. She shared that she was not informed of this hearing and she was opposed to the surrounding farm ground to be built upon. Regarding the driveway, she stated that she's never seen the commissioners come out there and look at the proposed driveway location.

Determining that there were no other members of the audience who wanted to speak, Ms. Rodgers closed the public hearing portion of the petition.

Chris Gaumer read the Findings of Fact.

JURISDICTIONAL FINDINGS:

- 1. Application completed and filed on July 5, 2023.
- 2. Legal notice published in The Star on July 21, 2023 and Affidavit received.
- 3. Certificate of mailing notices sent and receipts given to staff.
- 4. Letter from the County Board of Health, dated July 12, 2023.
- 5. Letter from County Highway dated July 18, 2023.
- 6. Report from the DeKalb County Soil & Water Conservation District, dated July 5, 2023.
- 7. Letter from the Drainage Board, dated July 18, 2023.
- 8. Airport Board report, if applicable: not applicable
- 9. Plat prepared by Compass Land Surveying, Inc.
- 10. The real estate to be developed is in Zoning District A2, which permits the requested development.

- 1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?

 Yes, the minor subdivision will be used for residential use, which is compatible to the existing and adjacent land uses.
- 2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s). Yes. See Plat & Staff Report.
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.
 Adequate access off County Road 4A with dedication of right of way. The driveways have been
 - staked and approved by the DeKalb County Highway Dept. The applicant or buyer(s) will need to receive a driveway permit from the Highway Dept.
 - c. The extension of water, sewer & other municipal services, if applicable or required.

 None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for a residential onsite sewage system from the DeKalb County Board of Health.
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required. *None required*.

Standard Conditions to be recorded on or with the plat:

- 1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
- 2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
- 3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
- 4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

- 1. Comply with the Staff Report.
- 2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
- 3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.

- 4. Provide covenant for compliance with Airport Board requirements, if required.
- 5. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

Jerry Yoder inquired about the proposed driveway.

Chris Gaumer explained to Mr. Yoder where the driveway was marked.

Since the proposed driveway was across the road from an existing driveway, Mr. Yoder stated that he understood why the Highway Department approved the location.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #23-18, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 1ST DAY OF AUGUST, 2023.

Motion made by Sandy Harrison, Seconded by Mike Watson.

Vote tally: Yes: 5 No: 0

90 V

Elysia Rodgers

Jason Carpanan

Sandy Harrison

Polition #23-19 — Marvin & Julie Skelly requesting a 1 Lot Minor Subdivision known as Rocky Hill Grove. The proposed 1 lot subdivision will be a total of 4.68 acres. The subdivision will be used for a single-family residence. The property is located on the north side of County Road 10, approximately one-half of a mile west of the intersection of County Road 10 and County Road 19, Ashley, Indiana and is zoned A1, Conservation Agricultural.

Chris Gaumer read the Staff Report.

Elysia Rodgers determined that there were no further questions or comments from the board or from the audience. Ms. Rodgers closed the public hearing portion of the petition.

Chris Gaumer read the Findings of Fact.

JURISDICTIONAL FINDINGS:

- 1. Application completed and filed on July 5, 2023.
- 2. Legal notice published in The Star on July 21, 2023 and Affidavit received.
- 3. Certificate of mailing notices sent and receipts given to staff.

- 4. Letter from the County Board of Health, dated July 12, 2023.
- 5. Letter from County Highway dated July 6, 2023.
- 6. Report from the DeKalb County Soil & Water Conservation District, dated July 5, 2023.
- 7. Letter from the Drainage Board, dated July 18, 2023.
- 8. Airport Board report, if applicable: not applicable
- 9. Plat prepared by Compass Land Surveying, Inc.
- 10. The real estate to be developed is in Zoning District A1, which permits the requested development.

- 1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?

 Yes, the minor subdivision will be used for residential use, which is compatible to the existing and adjacent land uses.
- 2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s). Yes. See Plat & Staff Report.
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.

 Adequate access off County Road 10 with dedication of right of way. The driveways have been
 - staked and approved by the DeKalb County Highway Dept. The applicant or buyer(s) will need to receive a driveway permit from the Highway Dept.
 - c. The extension of water, sewer & other municipal services, if applicable or required.

 None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for a residential onsite sewage system from the DeKalb County Board of Health.
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required. *None required*.

Standard Conditions to be recorded on or with the plat:

- 1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
- 2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
- 3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
- 4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

- 1. Comply with the Staff Report.
- 2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
- 3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
- 4. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County

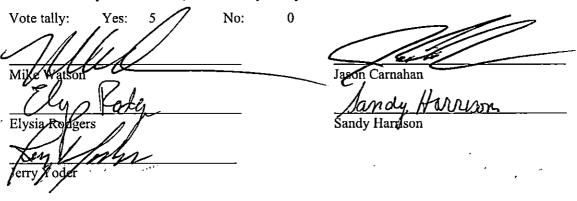
Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

Jason Carnahan verified with Chris Gaumer that since this parcel is zoned A1, there will be no more splits off of the parent parcel.

Chris Gaumer advised that these were all filed prior to the most recent change to the ordinance, so technically this is "grandfathered in."

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #23-19, IS HEREBY GRANTED <u>PRIMARY</u> AND SECONDARY PLAT APPROVAL ON THIS 1ST DAY OF AUGUST, 2023.

Motion made by Mike Watson, Seconded by Sandy Harrison.



Petition #23-20 - Gauge & Leta Harden requesting a 1 Lot Minor Subdivision known as Harden Place. The proposed 1 lot subdivision will be a total of 2.5 acres. The subdivision will be used for a single-family residence. The property is located on the west side of County Road 79, approximately one-quarter of a mile south of the intersection of County Road 79 and County Road 8, Butler, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the Staff Report.

Elysia Rodgers determined that there were no further questions or comments from the board or from the audience. Ms. Rodgers closed the public hearing portion of the petition.

Chris Gaumer read the Findings of Fact.

JURISDICTIONAL FINDINGS:

- 1. Application completed and filed on July 12, 2023.
- 2. Legal notice published in The Star, on July 21, 2023 and Affidavit received.
- 3. Certificate of mailing notices sent and receipts given to staff.
- 4. Letter from the County Board of Health, dated July 12, 2023.
- 5. Letter from County Highway dated July 25, 2023.
- 6. Report from the DeKalb County Soil & Water Conservation District, dated July 12, 2023.
- 7. Letter from the Drainage Board, dated July 21, 2023.
- 8. Airport Board report, if applicable: not applicable
- 9. Plat prepared by Abonmarche Consultants, Inc.

10. The real estate to be developed is in Zoning District A2, which permits the requested development.

FINDINGS OF FACT:

- 1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?

 Yes, the minor subdivision will be used for residential use, which is compatible to the existing and adjacent land uses.
- 2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s). Yes. See Plat & Staff Report.
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.

 <u>Adequate access off County Road 79 with dedication of right of way. The driveway has been staked and approved by the DeKalb County Highway Dept. The applicant or buyer(s) will need to receive a driveway permit from the Highway Dept.</u>
 - c. The extension of water, sewer & other municipal services, if applicable or required.

 None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for a residential onsite sewage system from the DeKalb County Board of Health.
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required. *None required*.

Standard Conditions to be recorded on or with the plat:

- 1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
- 2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
- 3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
- 4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

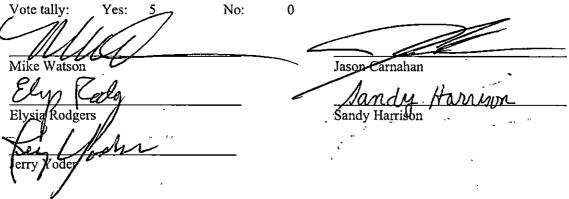
- 1. Comply with the Staff Report.
- 2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
- 3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
- 4. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

Jason Carnahan asked Chris Gaumer to clarify how we determine how many buildable splits this parcel has had.

Chris Gaumer stated that it depends on the date in which the splits occurred (on or before January 1, 2009, determines the parent parcel date).

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #23-20, IS HEREBY GRANTED <u>PRIMARY AND SECONDARY</u> PLAT APPROVAL ON THIS 1ST DAY OF AUGUST, 2023.

Motion made by Jerry Yoder, Seconded by Sandy Harrison.



<u>Petition #23-21</u> — Susan Morris & Anne Shuherk requesting a Replat of Pearly Gates, Lot 1. This replat will be increasing the acreage of Lot 1 by reducing the dedicated right of way to 40 feet. The property is located on the east side of County Road 29, approximately one-quarter mile north of the intersection of County Road 29 and County Road 56, Auburn, Indiana and is zoned R1, Low Density Residential.

Chris Gaumer read the Staff Report.

Elysia Rodgers determined that there were no further questions or comments from the board or from the audience. Ms. Rodgers closed the public hearing portion of the petition.

Chris Gaumer read the Findings of Fact.

JURISDICTIONAL FINDINGS:

- 1. Application completed and filed on July 12, 2023.
- 2. Legal notice published in The Star on July 21, 2023 and Affidavit received.
- 3. Certificate of mailing notices sent and receipts given to staff.
- 4. Letter from the County Board of Health, dated August 3, 2023.
- 5. Letter from County Highway dated July 13, 2023.
- 6. Report from the DeKalb County Soil & Water Conservation District, dated July 13, 2023.
- 7. Letter from the Drainage Board, dated July 18, 2023.
- 8. Airport Board report, if applicable: not applicable
- 9. Plat prepared by Fore Sight Consulting, LLC
- 10. The real estate to be developed is in Zoning District R1, which permits the requested development.

- 1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?

 Yes, the minor subdivision will be used for residential use, which is compatible to the existing and adjacent land uses.
- 2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s). Yes. See Plat & Staff Report.
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.
 - Adequate access off County Road 29 with dedication of right of way where required.
 - c. The extension of water, sewer & other municipal services, if applicable or required.

 None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for a residential onsite sewage system from the DeKalb County Board of Health.
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required. *None required.*

Standard Conditions to be recorded on or with the plat:

- 1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
- 2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
- 3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
- 4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

Conditions that will not be recorded but must be met:

- 1. Comply with the Staff Report.
- 2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
- 3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
- 4. Provide covenant for compliance with Airport Board requirements, if required.
- 5. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #23-21, IS HEREBY GRANTED <u>PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 1ST DAY OF AUGUST, 2023.</u>

Motion made by Mike Watson, Seconded by Jason Carnahan.

Vote tally: Yes: 5	No:	0
Mike Watson		Jason Carnahan
Elyn Redo		Sandy Harry
Elysia Rodgers		Sandy Harrison
Jerry Koder		

ADJOURNMENT:

There being no further business to come before the Plat Committee, the meeting was adjourned at 9:15

Andrea Noll - Secretar