

**MINUTES
DEKALB COUNTY PLAT COMMITTEE
Tuesday, December 5, 2023 @ 8:30 AM**

The Regular Meeting of the DeKalb County Plat Committee was called to order at 8:30 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

Staff Absent: None

Public in Attendance: James Schmucker, Dave Long, Tammy Long, Angie Wallace, Lisa Firestine, Denny Schlie

PRAYER:

Jerry Yoder led prayer.

APPROVAL OF MINUTES:

Jason Carnahan moved to approve the minutes from November 7, 2023; seconded by Mike Watson. None opposed. Motion carried.

OLD BUSINESS:

None.

NEW BUSINESS:

Petition #23-32 – Dave & Tammy Long requesting a 1 Lot Minor Subdivision known as Long Estates Section V, Lot 1. The proposed 1 lot subdivision will be a total of 11.734 acres. The subdivision will be used for a single-family residence. The property is located at the southwest corner of County Road 60 and County Road 43, Auburn, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the Staff Report. He also noted that the pond located on the property that is connected to the pond on the property at 4354 County Road 60 will need an easement over the area that drains from the west property to the east due to the design of the pond on this petitioned property.

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:

The Petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.

1. Application completed and filed on **October 20, 2023**
2. Legal notice published in The Star on **November 24, 2023** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **November 17, 2023**.
5. Letter from County Highway dated **October 30, 2023**.
6. Report from the DeKalb County Soil & Water Conservation District, dated **October 20, 2023**.
7. Letter from the Drainage Board, dated **October 27, 2023**.
8. Airport Board report, if applicable: **not applicable**.
9. Plat prepared by **On The Mark Land Surveying**

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 uses, which is compatible with 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 60 & County Road 43 with dedication of right of way. The driveway has been staked, approved and permitted by the DeKalb County 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.

Conditions that will not be recorded but must be met:

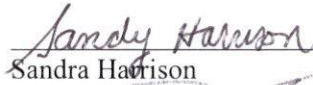
1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. The plat shall not be recorded 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 #23-32, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 5TH DAY OF DECEMBER 2023.

Motion made by Sandra Harrison, Seconded by Jason Carnahan.

Vote tally: Yes: 5 No: 0


Elysia Rodgers


Sandra Harrison


Mike Watson


Jason Carnahan


Jerry Yoder

Petition #23-33 – Copper Creek Rentals LLC, James Schmucker, requesting a 1 Lot Minor Subdivision known as Copper Creek Acres. The proposed 1 lot subdivision will be a total of 1.010 acres. The subdivision will be used for a personal storage building. The property is located on the south side of County Road 46A, approximately one-quarter mile west of the intersection of County Road 46A and County Road 39, Auburn, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the Staff Report.

Jerry Yoder asked why the soil borings are on the plat if there can't be a septic on the property. Mr. Gaumer answered that James Schmucker did the soil borings and the surveyor placed them on the plat. It was decided to add a condition of approval to remove the soil borings.

Mr. Gaumer stated that there are conditions of approval added reflecting that there cannot be plumbing, and no septic can be on the property. Those conditions will be made a covenant on the plat.

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.

James Schmucker approached the podium to confirm that the soil borings were on the plat because he wanted to test the soil to see what kind of soil was there. He saw a neighbor bring in a lot of soil to build up the lot and didn't want to do the same.

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

Ms. Rodgers read the Findings of Fact.

JURISDICTIONAL FINDINGS:

The Petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.

1. Application completed and filed on **November 13, 2023**
2. Legal notice published in The Star on **November 24, 2023** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **November 16, 2023**.
5. Letter from County Highway dated **November 13, 2023**.
6. Report from the DeKalb County Soil & Water Conservation District, dated **November 14, 2023**.

7. Letter from the Drainage Board, dated **November 17, 2023**.
8. Airport Board report, if applicable: **not applicable**.
9. Plat prepared by **Anderson Surveying**
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 personal storage purposes only, which is compatible with 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 46A with dedication of right of way. The existing driveway will be utilized.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. A condition of has been added that will be recorded on the plat: There shall be no septic system placed on the property and no water plumbed to or from any structure on the property now or in the future.
 - 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.
5. There shall be no septic system placed on the property and no water plumbed to or from any structure on the property now or in the future.

Conditions that will not be recorded but must be met:

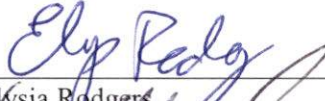
1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.

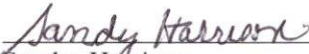
4. The plat shall not be recorded until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, 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.
5. This plat shall not be recorded before the Board of Zoning Appeals approves the Development Standards Variance for the reduction in lot size.
6. Remove soil boring locations from plat.


IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #23-33, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 5TH DAY OF DECEMBER 2023.

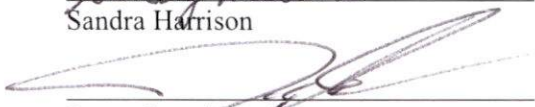
Motion made by Sandra Harrison, Seconded by Mike Watson.


Vote tally: Yes: 5 No: 0


Elysia Rodgers


Sandra Harrison


Mike Watson


Jason Carnahan


Jerry Yoder

Petition #23-34 – Kenneth & Johanna Scheele requesting a 1 Lot Conservation Agricultural Subdivision known as Dog Holler Acres. The proposed 1 lot subdivision will be a total of 11.55 acres. The subdivision will be used for a Single Family Residence. The property is located on the south side of County Road 68, approximately one-half mile east of the intersection of County Road 68 and County Road 75, Spencerville, 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, so she asked if there was anyone from the audience who wanted to speak for this petition.

Denney Schlie addressed the committee regarding concerns about not wanting to be near or live by a subdivision and he questioned why this is the process for one new home because it is confusing. Mr. Gaumer clarified that the state law process for subdividing land requires the Plan Commission to have a public hearing for anyone wanting to split the property and build.

Lisa Firestine spoke about the number of properties that can be split from the property. She spoke about concerns of the driveway location and drainage of the swale on the property. Mr. Gaumer confirmed the driveway location was approved by the Highway Dept. Ms. Firestine asked about the difference between A1 & A2 Zoning District. Mr. Gaumer clarified the A1 district allowing 2 total lots from a parent parcel and A2 allows for up to 4 from a parent parcel.

Jerry Yoder addressed Ms. Firestine that he spoke to the owner that they plan to subdivide the property to build one home and they don't have plans to build any more.

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

Mr. Gaumer read the Findings of Fact.

JURISDICTIONAL FINDINGS:

The Petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.

1. Application completed and filed on **November 15, 2023**.
2. Legal notice published in The Star on **November 24, 2023** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **November 30, 2023**
5. Letter from County Highway dated **November 15, 2023**.
6. Report from the DeKalb County Soil & Water Conservation District, dated **November 16, 2023**.
7. Letter from the Drainage Board, dated **December 1, 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.

FINDINGS OF FACT:

1. Does the proposed Conservation Agricultural Subdivision adequately conform to the Comprehensive Plan?
Yes, the conservation agricultural subdivision will be used for residential uses, which is compatible to the existing and adjacent land uses.
2. Does the Conservation Agricultural 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 68 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 a 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.

Conditions that will not be recorded but must be met:

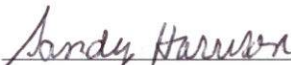
1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. The plat shall not be recorded 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.
5. Obtain letter from the Drainage Board before recording.


IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #23-34, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 5TH DAY OF DECEMBER 2023.

Motion made by Jason Carnahan, Seconded by Jerry Yoder.

Vote tally: Yes: 5 No: 0


Elysia Rodgers


Sandy Harrison


Mike Watson


Jason Carnahan


Jerry Yoder

Petition #23-35 – Gaylor & Gloria Schowe requesting a Replat of Schowe's Acres, Lot 1. This replat will be increasing the acreage of Lot 1. No new buildable lots are proposed. The property is located at 3139 County Road 72, Auburn, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the Staff Report.

Jason Carnahan asked what happened with the remaining land from Schowe's Acres once that part of the existing lot isn't part of the subdivision anymore. Mr. Gaumer stated that it will probably remain it's own parcel.

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.

Ms. Roders read the Findings of Fact.

JURISDICTIONAL FINDINGS:

The Petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.

1. Application completed and filed on **November 15, 2023**
2. Legal notice published in The Star on **November 24, 2023** and Affidavit received.

3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **November 16, 2023**
5. Letter from County Highway dated **November 17, 2023**
6. Report from the DeKalb County Soil & Water Conservation District, dated **November 16, 2023**
7. Letter from the Drainage Board, dated **December 1, 2023**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Compass Land Surveying**
10. The real estate to be developed is in Zoning District A2, which permits the requested development.

FINDINGS OF FACT:

1. Does the proposed Replat of the 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 Replat of 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 72. The right of way has been dedicated per the original Schowe's Acres and additional right-of-way has been dedicated where required. The existing driveway will be utilized.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. The existing Private Septic System is being utilized. The 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.

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. The plat shall not be recorded 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 #23-35, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 5TH DAY OF DECEMBER 2023.

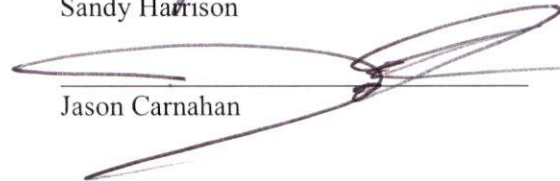
Motion made by Jason Carnahan, Seconded by Sandra Harrison.

Vote tally: Yes: 5 No: 0


Elysia Rodgers


Sandy Harrison


Mike Watson


Jason Carnahan


Jerry Yoder

ADJOURNMENT:

There being no further business to come before the Plat Committee, the meeting was adjourned at 9:22 a.m.


Elysia Rodgers


Chris Gaumer – Acting Secretary