

Minutes of the Owen County Plan Commission

May 1st, 2008 7:00 P.M.

Owen County Courthouse, Commissioners Room 2nd Floor

Members Present: Mike Branham, Citizen Member
Gwen Dieter, Citizen Member
Mark Evans, Ag Extension Aagent
Regina Gephart, Citizen Member
Anton Neff, Council Member
Benton Pittman, Citizen Member
Gilmer Tucker, Surveyor

Members not Present: Dwight Dunigan, Citizen Member
Wiley Truesdel, County Commissioner

Public Present:

Richard Lorenz
Louella Scamihorn

In the Matter of Conducting the Minutes

Meeting was called to order by Anton Neff with the pledge to the flag.

In the Matter of Minutes

Mark Evans: Makes a motion to approve the April 3rd, 2008 Minutes.

Gilmer Tucker: Seconds the motion.

Passes: 7-0

In the Matter of Old Business

No Old Business

In the Matter of New Business

Southbank Minor Subdivision

Richard Lorenz speaking for Louella Scamihorn came before the Board to ask for approval on Southbank Minor Subdivision. This Subdivision is located on River Rd. just south of the town. It consist of four smaller lots that had been past through the BZA in March. The Owen County Health Department had looked over the property and saw no problems with the septic at this time.(The letter from the Health Department can be seen in the file for this case.)

Richard Lorenz: This is a follow on a previous one that was with a similar nature, that was a platting of small lots that have been sold on contract. The contract preceded the ordinance enforced in this particular County in this case and have dimension less then what normally would like to see in place. In connection with that, we have appeared before the BZA and asked for a variance for the setback lines and the

dimension of the property, and was approved. I don't believe any objection has been filed with the Building Department with regards to this application at this present time. We do have a plat that has been prepared by a surveyor containing all the necessary and required information concerning these particular locations. One of the things that came out of the BZA and one that we talked to John Reeves about is, the need to insure the longevity of this property that there would be additional area of land that would be available for the breakdown of any septic system that may exist. To that end we also agree to get with the BZA's attention a reciprocal access easement agreement so that each of the four parcels will have access to any of the other four parcels to put a universal system in or any part thereof that might be necessary. That document has been obtained and has been signed by the necessary parties and a notarized copy of that is available for the records of this proceedings. This is something that I would not be recommending in ordinary situations we do not want to encourage small parcels of land of this kind of nature, however because of the nature of the contracts involved, the nature of the septic systems that are in place here and have no problems and have the ability to service these with future needs by accessing the other properties that are involved. All of the other documents that were submitted to the Board for this application process including the aerial maps, quick claim deeds, and the various other notices, I also ask to be incorporated by reference in this matter. The Health Board notice on May 20th, 2008 (Date should have read March 20 not May 20) indicating the splitting of the property by this applicant would require the reciprocal easement to include in that regard. And there was a discussion with the members before the meeting about the aerial picture that we have is shown that the red lines that are gridded on here they are the right dimensions but so not quite fit on the land as they would appear to be. The system is not sophisticated enough to show an actual survey yet. We are moving toward that in the long run but quite there yet. Other than that I would ask the Board if they have any questions for the applicant.

Anton Neff: Let's get this straight, before we got to this particular point you owned this piece of land and it had four mobile homes on it.

Louella Scamihorn: Yes

Anton Neff: And you were in the process over a certain period of time attempting to sell those trailers on contract.

Louella Scamihorn: I rented them for several years to the same people that live there now. I do have one sold on contract, and the others are wanting to purchase.

Anton Neff: You were renting and now with the idea of selling them on contract or selling them outright they need to be deeded separate. So existing mobile home, existing footprint, any other questions from the Board or concerns.

Benton Pittman: Was the one sold on contract sold before Planning and Zoning?

Louella Scamihorn: Yes

Benton Pittman: That is a mute issue with that one, we should only be dealing with the other three.

Richard Lorenz: We have already talked about the fact that this is the way to present this thing in a logical pattern so that all four lots are done at one time and the Auditor gets a platted subdivision to work with. The footprints of these lots are then dimensionalized and put into these parcelized digits of these of the Auditor Office. Each one of these is taxed and taken care of in that regard.

Anton Neff: Does that answer your question?

Benton Pittman: What about the guy who has already purchased his land? Maybe he does not want to be part of the subdivision.

Richard Lorenz: They have all signed to do so.

Anton Neff: Consent has been given? To that respect.

Louella Scamihorn: Yes

Gwen Dieter: My only question is, and I understand the need to make sure that there is always going to be proper septic there, and the people out there now agree to that, so what happens if they sell that.

Richard Lorenz: This runs with the land, it is recorded

Gwen Dieter: So that stays with the land?

Mike Branham: I have got one question, Mrs. Scamihorn did you build the levy at the back?

Louella Scamihorn: No I did not.

Mike Branham: Does anybody know if that is the levy that the article was written on in the Evening World?

Anton Neff: That would be on the other side.

Mark Evans: Motion to approve the Minor subdivision.

Regina Gepahrt: Seconds the motion

Passes 6-0-1 with Benton Pittman abstaining.

(Issue begins at 020 on tape) Will go to Commissioners on May 19, 2008

Public Input

Richard Lorenz explained to the Board of some upcoming issue that the Board may face in the upcoming year. The issue in Coal City regarding waste water treatment issues and they have become more aggravated. On behalf of the Commission we have taken a number of actions to do something about the properties that have been abandoned because people have just simple left them and a deployable state. Some of those have got area's that seem to be leaking even though no one is using them. I think t he biggest problem here is the community is trying to solve this problem I think the initial reaction is to try to move forward on a conservancy basis. That may be more problematic then they realize because of the time it takes to incorporate that particular process in place. They think it will take them about 18 months but have been told by an engineer that they could get that done. I hope that can be done, but I am not convinced that can be reality. The longer it goes the more of a headache for IDEM wanting us to press forward. In terms of long term planning, Coal City is a major league problem in that regard. We are going to have to look at the whole comprehensive plan and take a look at it to determine how we can best affect the need for those people to have some survivability of their property. I don't know off the top of my head I think there is some forty or fifty residences in that location some where in that range and of that there are several areas that would be suitable for a plant style operation of waste water treatment. Some farmers and community members have been willing to donate property for that purpose. Conversely the engineering of getting it up and operation able and continuing operation is substainsual it is not a insignificant deal. It is not an incorporated town it has no tax basis to so this. The conservancy would give it tax authority of course.

(Issue starts at 120 on tape)

The Board Asked Mr. Lorenz about Milbourne Auto/Salvage Sales area up north of Gosport. The Board was having trouble really pen pointing the date, at what point did the operation expand. And how did that compare to when the Zoning and Planning ordinance went into effect. I think we all agree that it is trouble and people and neighbors complain about it, there is something that needs to be done. But the major point that we just could not put our finger on was, is part of it grandfathered or not.

Richard Lorenz: I think your last remark was correct, but I can not tell you which part is which. We need to do some additional research possible from neighbors to find out when the expansion took place. I think it had been within the last five years, but I do not have proof. I think I have heard these owners speak at a couple of sessions where they believe that they should be allowed to do this and they should not be under the directions of the ordinance, I think that would be incorrect, I think they are. The grandfathering concept here again is a basically a footprint analysis what ever you had before can continue in that form and fashion until you change it's footprint.

(issue starts at 170 on tape)

Anton Neff asked to Board if there was any goal or issue within the next Year that needed to be looked at. Richard Lorenz touched on some things to think about.

Mark Evans: We talked about this last Year, I do not think it got approved, but we talked about breaking up and making multiple Ag. Currently Ag. there is a lot of things that Ag. could be, Ag. could be a home, a farm, be five acres, it could be a feed lot, auctions facility, a confined feedlot, even a dairy. There are some places that you would not want very close to Spencer, like a feedlot. Also on the flip side I think it helps the farmer. I think we have two dairy's right now and with the fuel prices it probably wont happen but, should somebody start a new development or something next to a dairy that's not a good thing. That's for the farmers protection.

Anton Neff: How far did we go? We had a list where we had split, we went to the ordinance and of the types of uses of Ag land and we split and making it Ag 1 and Ag 2. Did we not vote on that or recommend that, how far did we go.

Regina Gephart: I think that's as far as we got.

Mark Evans: I think we voted on it to go to the Commissioners and stop there, I'm not sure.

Anton Neff: That's what I thought. D.J. can you research when that was and find the exact minutes on that and see how far we went, maybe we can just pick up on that were we left off.

Anton Neff: Another thing I brought up was, in some of these unincorporated towns like Coal City and Freedom, a lot of those people live on very small lots. If someone wanted to build a garage what would be appropriate in Freedom may not be according to our ordinance as far as setbacks. Maybe there is a way to identify some of those towns where there is a smaller lot size.

Richard Lorenz: It is worth looking at that, but let's make sure our database on that is correct. But I think you are going to find most lots that are in these towns are roughly 65 x 120 and the setback regulations really comes from Years of experience that setback on lots of 65 x 120 about what they are or anyplace.

Anton Neff: We need to work on a budget, the budget hearing is for August 20th time frame. We really need to think about some areas that have been testing us. I think enforcement we need some more resources, the ability to go out and check up on these things like Milbourne Auto sales and things like that. Don't get me wrong, I think we have a good staff, but sometimes they can not do everything and sometimes timing is important. If a complaint is made that is when the public is really hot and they want action. We don't want to delay them we don't want to give them a run around. I envision more and more complaints about junkyards.

Next meeting

The next meeting will combine June and July and be held on June 26th, 2008.

Adjourning

Mark Evans: Motion to adjourn

Benton Pittman: Seconds the motion

Passes: 7-0

Next meeting is scheduled for June 29th, 2008

Minutes approved this _____ day of _____, 2008

Minutes prepared by Daniel J. (D.J.) Bault, Plan Commission Administrator

_____,
Anton Neff, President

_____,
Regina Gephart, Vice President

_____,
Benton Pittman

_____,
Gwen Dieter

_____,
Mike Branham

_____,
Wiley Truesdel

_____,
Mark Evans

_____,
Gilmer Tucker

_____,
Dwight Dunigan