

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 13TH DAY OF MAY 2010 AT 9:00 A.M.
MEETING ROOM - DEPARTMENT OF PUBLIC SERVICES BUILDING
4230 ELKHART ROAD, GOSHEN, INDIANA

1. The regular meeting of the Elkhart County Plan Commission was called to order by the Vice-Chairperson, Jeff Burbrink, with the following members present: Steve Warner, Dennis Sharkey, Roger Miller, Meg Wolgamood, Tom Lantz, Blake Doriot, and Mike Yoder. Staff members present were: Robert Watkins, Plan Director; Duane Burrow, Senior Planner; Robert Nemeth, Planner; and James W. Kolbus, Attorney for the Board.

2. A motion was made and seconded (*Warner/Sharkey*) that the minutes of the regular meeting of the Elkhart County Plan Commission held on the 8th day of April 2010 be approved as submitted and the motion was carried unanimously.

3. A motion was made and seconded (*Yoder*) that the legal advertisements, having been published on the 30th day of April 2010 in the Goshen News and the 3rd day of May 2010 in the Elkhart Truth, be approved as read. The motion was carried with a unanimous vote.

4. A motion was made and seconded (*/Sharkey*) that the Elkhart County Zoning Ordinance and Elkhart County Subdivision Control Ordinance be accepted as evidence for today's hearings. With a unanimous vote, the motion was carried.

5. The application for an amendment to the Site Plan / Support Drawing for an existing Detailed Planned Unit Development known as **INTERCHANGE DPUD, IVY TECH SECTION**, for The Trustees of Ivy Tech Community College represented by Marbach, Brady & Weaver, on property located on the North side of CR 18 at the intersection of Old CR 17 in Concord Township, zoned DPUD-R-4, was presented at this time.

Mr. Burrow presented the Staff Report/Staff Analysis, which is attached for review as *Case #22531County Road18-100405-1*. He clarified that the proposed 160 ft. tower will only be for the use of Ivy Tech. He explained that the fall radius shown on the site plan is required by the Tower Policy, and this is in compliance with that policy.

The location of the proposed tower was then clarified to be closer to the building near the retention area that is being constructed. Mr. Burrow then noted that under the proposed zoning ordinance, this would be classified as an accessory use to the principal use and in the future would not necessitate an amendment to the site plan.

Present on behalf of this request was Chris Marbach of Marbach, Brady & Weaver, 3220 Southview Drive, Elkhart, representing Ivy Tech Community College. This proposal is for a lattice tower and he said they submitted seven pages of plans for the tower with the application.

Mr. Doriot asked if the tower is high enough to require lights, but Mr. Marbach was not sure. He said he has two tower experts present from Ivy Tech to address that question after he completes his presentation.

Mr. Marbach explained that this is not a cell tower, it's a microwave tower for the sole use of Ivy Tech. If approved, he said the height constructed this year will be 100 ft., and they will possibly

ask to go up to a 160 ft. level next year if needed. He clarified that the 160 ft. is a function of some connections they have to make in Warsaw.

Addressing Mr. Doriot's question was Rudy Yakym from Ivy Tech. He explained that the FCC and FAA requirement for navigation lights is 200 ft. and this tower will be well under that 200 ft. level.

When Mr. Yoder questioned the need for the tower, Mick Valeris, executive director of Computer Technology Services for Ivy Tech, said the tower is needed for data communications back to their South Bend Campus. It allows them to do a one-time installation cost, and gives them bandwidth they would not be able to have if they went with any other solution. He said it will give them 100 megabits per second, which equates to at least 50 times more than what you can get from a normal carrier.

Mr. Yoder asked if their problem would be solved if they had fiber at CR 17 and Mr. Valeris said it would. However, he said they have a grant coming to do this, but it takes three years to complete. When Mr. Yoder said the fiber will be available in July, Mr. Valeris said they would not be able to connect for another three years. They have looked at other alternatives, but he said this is the best solution they have at this time in order to get the bandwidth they need at a reasonable cost.

When Mrs. Wolgamood asked if they have a microwave tower at their existing location, Mr. Valeris said not at their existing Elkhart campus location, but they do have one at their existing collocation as well as some of their locations in South Bend. Their plan was to incorporate a tower at an existing location, but he said they halted those plans when they heard they were getting a new campus.

Mr. Doriot asked if this is line of sight and Mr. Valeris replied yes.

There were no remonstrators present.

A motion was made and seconded (*Miller/Warner*) that the public hearing be closed and the motion was carried with a unanimous vote.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Doriot/Yoder*) that the Advisory Plan Commission recommend to the Board of County Commissioners that this request be approved in accordance with the Staff Analysis. The motion was carried with a unanimous vote.

6. The application for an amendment to the *Elkhart County 2006 Comprehensive Land Use Plan*; more specifically by incorporating the Countywide Utility Study for the Elkhart County Advisory Plan Commission, on property located in the unincorporated areas of Elkhart County, Town of Bristol, Town of Wakarusa, Town of Millersburg, and the Town of Middlebury, was presented at this time.

Mr. Doriot explained that he met with Mr. Jones over a month ago, but he did not get his response back until yesterday so he really hasn't had the time to review it. He said that he and Hans Musser, who was also present, went through the Countywide Utility Study meticulously and they had a lot of questions. He then submitted a document with their response to those questions shown in red [attached to file as *Remonstrance Exhibit #1*]. Attached to this document are several soil and septic system failure maps contained in the Elkhart County Utility Master Plan, and a copy of a letter from Ken Jones to Robert Watkins and Tom Byers dated May 12, 2010, which outlines Mr. Jones' recommended revisions to the Utility Master Plan. Ken Jones was in the audience and a copy of Mr. Doriot's response document was also given to him for review.

Mr. Doriot feels there is a lot of good information showing the areas that have had problems over the years, but as they compare it to the master plan (Comprehensive Land Use Plan), they feel there is some conflict. The first problem is that it doesn't have septic systems as a viable option within the county. It basically says everything should go into a pipe if possible in the future. If you look at some of the things coming out now, he said that really is not the only option available. They feel that septic systems are very viable and it doesn't cause a point source. He knows this is because of CSO's (combined sewer overflow), but in Elkhart, Goshen, Nappanee, and Wakarusa right now, he said they have tens of thousands of gallons of untreated sewage going into the streams during heavy rains. He doesn't know if this will encourage hook-up quicker, but if they promote these areas, he feels it should be done as the towns and cities get a better hold on their sewer overflow.

Mr. Doriot began to go through the document beginning with 1 - Conflicts with Goal 1-2. If they were to do the corridor from Southwest and Foraker to Wakarusa, he said that would tend to put development along that CR 40 corridor, which would pipe all of that affluent to Wakarusa. They discussed that area, Syracuse and Foraker about ten to 15 years ago with the possibility of cluster systems for the entire area and it would not leave that wide corridor all the way. He said a cluster system would allow those areas to have a small conventional system.

Mr. Yoder then suggested they take these comments one at a time and let Mr. Jones respond. He agrees with Mr. Doriot on some of these issues, but he's not sure that creating the priority service area will encourage the expansion.

Mr. Kolbus advised the Board that they need to evaluate where they are in the information process and what their goal is for today.

Mr. Yoder said his goal is to go through the document to see what they can easily resolve today, but they probably can't do that today if it shows they have significant conflicts that still need to be resolved; However, Mr. Doriot didn't think they could get through the entire document and vote on the issue today. Mr. Yoder then suggested they spend as much time as they can as a group because they need to get through the document.

When Mr. Warner asked what group developed this response, Mr. Doriot said he and Mr. Musser developed it along with discussion with other individuals he went on to name.

Mr. Yoder commented that this is probably as well informed questions and responses to this document that they're probably going to get in any public setting so he's satisfied these are questions they need to address. However, Mr. Sharkey stated that he didn't expect Ken Jones to come up with solutions on the spot today and Mrs. Wolgamood agreed.

Chris Marbach of Marbach, Brady & Weaver was in the audience and he said he has some information he'd like to add to supplement Mr. Doriot's information.

Present was Ken Jones of Wightman Petrie, Inc. 4703 Chester Drive, Elkhart. If the Board is going to adopt this study as part of the Comprehensive Plan, he said he wants to make sure that everyone understands what they are adopting. When they started the document they really didn't know how it was going to evolve. If it's going to be an amendment to the Comprehensive Plan, Mr. Jones said the Plan Commission should have all of the input they need and get all of their questions answered so they can direct him to make revisions to the document, if necessary. One thing that needs to be understood is that this is a Utility Master Plan, and the topic of whether septic systems are good or bad was not necessarily the focus of the study. Septic systems are not necessarily ruled, and Mr. Jones stated there are no recommendations in the plan for bringing sewer and water to any rural areas of the county unless there is some intense development that requires or encourages it.

Mr. Jones went on to say that the guidance material included in the document recommends adoption of a more conclusive or intensive review process before sub-urban development goes forward without utilities. It provides conditions where a septic system may be ruled out in lieu of connecting to a municipal provider, but he said it does not rule out septic systems. Mr. Jones said it encourages additional study, which some are already doing, and he believes the Health Board has already adopted some of those rules. According to Mr. Jones, it is just a more formalized approach.

For example, in the case of a sub-urban subdivision where there is a desire to develop a project out in Middlebury or Cleveland Township and it isn't affordable or logical to connect to municipal utilities, Mr. Jones said there is the option to continue to develop exactly the way they always have. He said it just requires more study. In the case of septic systems, he said the study might lead to more soil borings on every lot, and this is a completely appropriate application for septic systems. However, Mr. Jones did say there are varying levels of diligence that have to be applied.

Mr. Jones stated that the basic understanding is that Wightman Petrie was hired by the Redevelopment Commission to do a Utility Master Plan. The primary purpose was to set-up the framework for future partnerships throughout the county with the municipal treatment providers. Primarily, they have been looking at areas developed over the last 40 years that are not served by public utilities that could be served by public utilities if the county is asked to react to some environmental condition. Wightman-Petrie did not go out and specifically determine whether there was an environmental condition in any of the priority service areas. He said they used set criteria and developed a ranking matrix to identify those areas. Mr. Jones stated that the method they use is a very explainable and repeatable method. They did not go out and develop a public opinion on any of that and their involvement with the public ends here. If the county is asked to take action in some environmental condition at some time, such as contaminated wells or a number of failed septic systems that are causing health issues, he said there would be some logic to go to those people to see if they would support a plan.

Mr. Jones pointed out to the Board that while going through these questions it is important to remember the scope of the study did evolve somewhat, but primarily it's a Utility Mater Plan. Mr. Jones stated that the additional discussion in the Master Plan regarding the review of future development projects, how they might be reviewed, and where in Elkhart County they should occur without municipal utilities, was definitely brought in to the document. Mr. Jones relayed that if there was a change with that, a revision would be necessary. Mr. Jones stated that was drawn in on purpose because of what was heard from the key leadership survey, which did not involve individual members of the public, it involved municipal officials primarily. According to Mr. Jones, in discussions with municipal leaders they started to hear that there is a need to begin to strengthen the protocol for review and development projects if the tenants of the comprehensive plan are going to be followed. It is necessary to find ways to encourage people and in some cases require that projects be connected to municipal utilities when it's available and meets the criteria included in the plan.

Mr. Jones pointed out that the amendment to the Comprehensive Plan is not an ordinance. However, the one question that must always be asked is does this project comply with the Comprehensive Plan? If this becomes adopted there are more specific questions that the Planning staff can ask. Mr. Jones stated that he is willing to go through the document with the Board at this time, or he can meet with any interested parties in the future with regards to concerns with the plan.

Mr. Jones shared that one accomplishment through this process was the development of a continuing dialog with the municipal treatment providers all around the county. In unserved

neighborhoods, it's possible that in 20 to 30 years the county will be asked to do something. Mr. Jones noted that one significant and positive accomplishment was that the structure for those partnerships has begun to take shape.

Mrs. Wolgamood sought clarification concerning the approval of the Board of Health in terms of approval in its entirety. Mr. Jones explained that Bob Watkins and a committee of about 20 people worked for about two years on a set of review requirements/guidelines for the development of new subdivisions in the county in areas that could marginally be served by municipal utilities. Mr. Jones noted that same planning matrix was used as a ranking structure for developing the priority service areas that are documented. One of the recommendations in the document is for that planning matrix to be adopted further by the Plan Commission.

Mr. Watkins then clarified that it was adopted by the Board of Health three years ago.

Mr. Sharkey asked if the capacity would be there if currently developed areas were asked to hook up to the city sewer. Mr. Jones stated the capacity was not there and further stated that one of the primary reasons for the plan was to develop a solution and/or protocol for addressing that problem 20 years from now, if not sooner. Mr. Jones said that the question had to be brought to the City of Elkhart and discussion was needed between Elkhart County and the City of Elkhart to decide how that was going to be done. The City of Elkhart admits they have constraints in their collection systems and their treatment facility. The number of unserved properties that surround the City of Elkhart is almost equal to, if not more than, what currently is being served by the City of Elkhart in their municipal boundary. Mr. Jones believes that clearly, there is a significant challenge.

Mr. Sharkey expressed concern about telling developers, who are close to the city or close to utilities that they can't develop property unless they connect to utilities, due to the fact that currently there is no capacity to do so. Mr. Jones agreed that the scenario presents a challenge, stating that all of the municipalities, especially Elkhart, have stated for quite some time that they would like to see projects that are on their peripheral boundaries connect to their municipal utilities so that they can continue to grow if they choose to. That was a big topic that was discussed for the last six to eight weeks, with the City of Elkhart, The City of Nappanee, and the City of Goshen. Mr. Jones stated that they wanted to make sure they would not be constrained from growth. Mr. Jones further explained that the cities are protected by law. There are some rights that the cities have over the county in their area of urban influence that the county can not take away. Mr. Jones explained that it's a legislative right, although it has not always been exercised. However, the fact of the matter is the partnership/protocol is still needed. Mr. Sharkey asked for clarification about the protection Mr. Jones referenced. Mr. Jones explained that the cities have a minimum of a two mile boundary from the city limits where they have some rights to be fully involved in the discussion of the development of a competing utility. Mr. Jones further stated that a lot of times the cities just turn a blind eye to it, and adopt the approach that whatever happens out there is the County's problem. Mr. Jones said that one of the things they hope to change is to foster a greater level of cooperation and working together, versus working separately.

In response to a question posed by Mr. Miller concerning other options, Mr. Jones acknowledged that there are other options. Mr. Miller further asked if the municipalities are interested in pursuing those options or strictly interested in bringing those lines in to their own boundaries. Mr. Jones relayed that he has not heard any of the municipalities state that they wanted to help out in the unincorporated jurisdictions by assisting with construction and operation of scattered site treatment facilities. Mr. Jones stated that what he typically hears is that if they have the capacity and the ability,

they would like to have the option to serve those properties. The municipalities at least want to have the opportunity to turn it down. The document requires that they be given the opportunity to turn it down. One of the things that is included in the set of rules being recommended for adoption is a timeline for that discussion, where a developer cannot be held up for a year while this is being discussed. It needs to be a yes or no answer within a given period of time. Mr. Jones suspects that for the next ten or so years, there will be probably be some places where there will be no answer. However, Mr. Jones stresses that there is a need to get to the point where they have set this up for success. Otherwise, from the commissioner's viewpoint, they may be doing this on their own, and he encourages the partnerships to continue.

The cities of Elkhart, Goshen, Nappanee, Wakarusa, Middlebury, Millersburg, and Bristol all have policies in place for service to extra-territorial customers, where they can't immediately annex.

While some of the policies are more restrictive than others, and some are more costly than others, all the towns do have policies. There have been some recent changes in Elkhart, but it's up to the people paying the bill whether they believe that is a good thing or bad thing. Mr. Miller stated that to his knowledge Goshen is the only town doing anything to separate storm water from sewage. Mr. Jones stated that Elkhart is fully involved in theirs. Likewise, Wakarusa has been working on theirs for several years. Mr. Jones was uncertain about the status of Nappanee.

Mr. Jones stated that the goal is to make a decision on what they are going to do with the plan. He further stated that they have to stop working on it at some point in time, as they reached their budget several months ago. Mr. Jones shared that he wants to see it through and receive approval, but he wants the Board to have all of the answers they need. Mr. Jones said that he realizes that everyone will not be satisfied.

Mr. Sharkey asked if the main goal of the plan is to force development to the municipalities. Mr. Jones stated that force was too strong of a word. He believes that the goal for the plan is to support the concepts included in the Land Use Master Plan, which is clearly the continuance of intensive developments in the municipal peripheral where utilities and services are available. Mr. Jones further states that in addition to utilities, other things come with municipal structure, such as police, fire, street lights, garbage removal. Mr. Jones stated that this is a shift for Elkhart County. Mr. Jones does not believe that the shift was brought about by this plan. He believes that the shift was brought about by the adoption of the Comprehensive Plan. Mr. Jones believes that the municipalities were nervous initially, but have gotten more comfortable with the Utility Master Plan. He reports that the municipalities want to see the County follow through with the commitments that were made in the Comprehensive Land Use Plan which is to encourage development in the urban areas of the county and not the sub-urban areas of the county.

It was noted that other members of the audience were present for discussion of staff items scheduled for today's meeting. The Board decided to go on to the three staff items and then return to the tabled amendment for further discussion (*see page 11, item #10*).

7. In a brief update on the zoning ordinance, Mr. Watkins reported that Brad Johnson, the consultant from Ground Rules, met with a group of Amish after the public meetings that were recently held. Upon his departure, he said the Amish indicated that he should spread the word that the "sky is not falling", which he thought was a positive comment. They did have some issues that need to be worked on, specifically with duck houses. This is part of the animal units, which he said they discussed at the workshop last week (May 6th). Also discussed at the workshop were setbacks and some other

issues they did not come to a resolution on.

Mr. Watkins went on to say that he has talked with the Builders Association. They anticipate being done with their review today and he hopes to be having a meeting with them before the June workshop. He also knows that Mr. Johnson has had some lengthy discussions with representatives of the sign companies with regards to billboards.

He indicated there was some discussion on whether it would be better for Mr. Johnson to attend the June workshop or the June Plan Commission meeting, and Mr. Watkins said they decided it would be better if he attended the workshop (June 3rd). At that time, he said Mr. Johnson will be looking for some input on those setback discussions and input from the builders, which he understands has to do with setbacks and lot size. If there are good recommendations from the Builders Association, he hopes they can make some progress at the June workshop. In June, he also hopes to have enough information in enough areas that they can focus on to make a better ordinance so they can work on some form of a schedule for moving forward.

Present from Burkhart Advertising was Terry O'Brien, 1335 Mishawaka Ave., South Bend. He said they have had some conversations with the consultant, but they are just curious what the process is going to be going forward. They have asked to have a meeting with the steering committee, Mr. Watkins and Mr. Johnson, but he said they've been told to put things down in writing and send it in, which they are not comfortable with. Mr. O'Brien said they want find out what the process is going forward and work to help make the ordinance be better.

Mr. Watkins said he was not aware a meeting was requested with him, but he is agreeable to set up individual meetings. He also said that Mr. O'Brien can be invited to the June workshop because it's a public meeting and anyone can attend. He has had other individuals contact him with regard to the workshop and whether or not they can attend so he said that may be a good place to address some of the concerns and Mr. Burbrink agreed.

Mrs. Wolgamood said she would like to hear what Mr. O'Brien has to say; however, she does not want the entire workshop devoted solely to discussion on signs. She then suggested limiting that discussion to a specific timeframe because there are many other elements to look at. Mr. Sharkey added that they have to be careful they don't put too much on the agenda and not get through it.

Mr. Watkins said he sent the board members the updated animal units chart so they can compare the figures from Fulton County, what's currently represented in our ordinance, and what Mr. Yoder has provided. He also said he is waiting on a final letter from a representative from the duck raisers. He reported that Mr. Johnson is still recording comments as they come in so he feels it's important that he come back and meet with us. Mr. Watkins felt that was a better way to do it, especially since he won't be at the June Plan Commission meeting. He then indicated that he would schedule discussion on signs/billboards for the workshop in June.

8. At this time, Mr. Nemeth presented a request for a minor change to the Site Plan / Support Drawing for the **Wakarusa Business Center DPUD**. The property is located on the West side of SR 19, 1,620 ft. North of Waterford St. in Olive Township.

Mr. Nemeth submitted a color photo of a proposed sign *[attached to file as Staff Exhibit #1]*. Attached to this photo is a letter dated May 5, 2010, from Barry Pharis of Brads-Ko Engineering & Surveying requesting this minor change; a letter dated April 28, 2010, from Tom Roeder, town manager of Wakarusa, which indicates the sign is in compliance with the Wakarusa Street Standards; and a scaled drawing of the proposed sign.

When the Wakarusa Business Center was rezoned, Mr. Nemeth said the Site Plan / Support Drawing did not have the sign located on it; therefore, they would like this sign to be considered a minor change. He said the face of the sign is only 18 square feet and the monument structure is 15 ft. x 6 ft. so the actual advertising area is very limited. If this were located in a B-3 zone, he said they would be allowed to have six times the amount of frontage for the advertisement area. This large property is adjacent to SR 19 so this proposed sign is far less than what they would be allowed. According to Mr. Nemeth, they have worked with the Town of Wakarusa who has helped design this sign and he referred to the letter from the town manager in support of this sign.

Mr. Yoder moved that the Advisory Plan Commission consider this request for a sign a minor change to the Site Plan / Support Drawing. Mr. Warner seconded the motion.

Prior to voting, Mr. Sharkey asked if the Highway Department has reviewed the location of this sign with regards to snow plowing the entrance, but it was pointed out that this is within the Town of Wakarusa's jurisdiction. Mr. Doriot said the town engineer reviews the plans and he does the snow plowing for the town.

The motion was then carried with a unanimous vote.

9. The staff item regarding extensions on Primary plats due to the economic slowdown was discussed at this time. Mr. Doriot said he has discussed this with several of the builders and developers who have Primary approvals on subdivisions that are close to expiring. They have spent a lot of money to design these subdivisions, and until they can eliminate some lot inventory, he said they will not be able to go forward with their designs and bring in their Secondary approvals. Therefore, he suggested they do a blanket two-year extension on these Primary approvals to help the developers through this period.

Mrs. Wolgamood suggested a one-year extension with the Plan Commission to review it again at that time.

When asked for staff comments, Mr. Burrow said extending Primary approval would be advantageous as it would allow developers to develop the subdivision the way it was originally intended. It will also help them with what's going to be changed in the future zoning ordinance. If there is an existing Primary that is approved with lot sizes of 20,000 sq ft., he said they would be allowed to plat the 20,000 sq. ft. lot, but if the changed ordinance says the district they are in requires 1.5 acres, the Board of Zoning Appeals would be faced with granting Variances.

If their Primary has lapsed, Mr. Sharkey asked if they would have to start all over and possibly comply with the new zoning ordinance. Mr. Burrow said they would have to meet the new standards established under the ordinance at that time.

For clarification, Mrs. Wolgamood said if a Primary is granted, they currently have two years to file for Secondary approval. She then questioned the number of Primary approvals that are about to lapse and Mr. Burrow estimated 15 to 20. He admitted that is not an inordinate amount, but he said the issue is that they are not allowed to be extended under the new ordinance.

If extended for one or two years, Mrs. Wolgamood asked if the Primary approval would no longer be valid at the end of the two years if the new ordinance has been adopted. As long as the Primary is active, Mr. Burrow said they can develop under that ordinance. Mrs. Wolgamood then asked if active means an extension and Mr. Burrow said that is correct. He clarified, however, that the present ordinance does not allow them to extend Primary approval, and Mr. Kolbus explained that only Secondary approvals can be extended for one year to record them.

Mr. Burrow said Mr. is asking for is a policy statement because of unique circumstances and he doesn't know if that is appropriate or not. It's his feeling that Primary approvals should not lapse and should be bound on the property.

When a subdivision is developed, Mr. Doriot said they know there is going to be "x" number of lots and that he can get a certain amount per lot. If the lot sizes are increased, he said he's still selling that ground, but he's not going to get the same price per acre so the subdivision is no longer workable with the amount of land he has. He indicated they could end up with half completed subdivisions until 20 years down the road.

Mr. Burbrink recalled several times in the last few years where they have extended them one or two years. Mr. Kolbus said they could do that under the old ordinance, but the new ordinance does not allow for that. For legal purposes, he said extensions should be done as an ordinance amendment rather than a policy.

Mr. Yoder also recalled discussion that they didn't want subdivisions languishing there forever so there was a reason they did not allow that in the ordinance.

Mr. Kolbus added that some subdivisions have been sitting in Mr. Kanney's office for years. When Mr. Miller asked if they have started building in those subdivisions, Mr. Kolbus said nothing has been done as the process has not been completed.

In further discussion, Mr. Kolbus said they should possibly amend the ordinance to allow the Plan Commission discretion of doing extensions when they have situations like this, but they shouldn't give it to them (the developer) as a matter of right. They should come to the Plan Commission like they've done in the past and he said the Board should just make the comment that they have done that under the old ordinance.

The reason Mr. Burrow supports the establishment of a permanent Primary is because developers in some subdivisions, such as the one at CR 26 and CR 13, are selling off portions of the retention area to large tracts. Subsequently, he said there have been churches buy ten acres in a subdivision where people were sold a concept that no longer will ever be implemented. The other issue is that the retention pond is now under private ownership outside of the subdivision.

By establishing a permanent Primary, Mr. Burrow said you require everyone to come back if they want to make those kind of changes; therefore, he said they can either modify the ordinance by giving a discretionary act to the Plan Commission or he would promote a permanent Primary. He said the types of changes we're promoting with the new ordinance will give some stability to a subdivision developing in continuity with the original development. If it's a permanent Primary, he said the Board is binding themselves and the developer to that development concept.

In explaining one reason the Board puts time limits on any of these developments, Mr. Kolbus said if somebody buys next to a development and sees nothing there, then ten years later everything around it is changed, the question is if that use is still appropriate there. If the Plan Commission gives the staff direction to make a minor change to the ordinance, Mr. Burrow said this would be placed on the agenda for a public hearing.

In reviewing the section of the ordinance on Secondary approvals, Mr. Kolbus said they have to be recorded within one year. After that, it specifically states that the Plan Commission has the authority to grant an extension of up to one year to get it recorded so they need similar language in the section of the ordinance on Primary approvals.

It was noted that individuals from Brads-Ko Engineering & Surveying, Marbach & Brady, and Wightman Petrie were in the audience. When asked for their comments, Rick Pharis of Brads-Ko said

he feels the extension is necessary for their clients. They've done plats over the last two to five years that have sold nothing because of the economy. By the current ordinance, these will expire and he doesn't want to have to re-do work they've already done for their clients and bring them back to the Plan Commission for approval. He'd rather give their clients a couple of years for the economy to turn back so they can sell lots.

If they have an approved Primary, Mrs. Wolgamood questioned why it would cost that much more to get Secondary approval right now. Both Mr. Pharis and Mr. Doriot said you have to bond and build the streets within a certain length of time.

Mr. Burrow said there have been many times he's had to dissuade developers of vacating plats. Because the Highway Department didn't want to extend the bond on a subdivision, he said they advise their clients to vacate the actual plat, which creates problems.

When Mrs. Wolgamood said that leaves the Board taking care of Highway Department's problems, Mr. Burrow said it has to do with the cost of holding bonds. Highway's objective is to get the road built in a reasonable amount of time and get the bond released, and he said the only way they can release a bond is if the road is in and to standards. Generally, he said that's why you don't see people platting a Secondary without the bonds being in place.

Mr. Pharis interjected that bonds use to be inexpensive, but not anymore. Unless you have cash, Mr. Doriot said you're not going to get a bond.

If the Board gives the staff a consensus, Mr. Burrow they would prepare a written amendment and sent it to Mr. Kolbus for review.

The two options discussed for the Board were giving a blanket extension of one or two years to the 15 to 20 Primary plats that exist or making Primary approvals permanent. Mr. Burrow added that they could put in a temporary extension that has a termination point.

Mr. Yoder felt that modifying the ordinance as suggested by Mr. Kolbus to allow the Plan Commission to grant an extension offers the most logical option and Mr. Miller agreed.

If it's the consensus of the Board, Mr. Burrow said they will advertise giving the Board the right to do that.

Mr. Watkins said he's not been part of any of this discussion and he can live with an amendment with the Board reviewing and approving; however, before they make any motions, he would like to discuss any kind of permanent Primary with Mr. Kanney. Several board members then indicated that was not the direction they were going.

Also present was Chris Marbach of Marbach, Brady & Weaver. If the subdivision that already has Primary approval operates under the ordinance that it was approved under, and if that ordinance allows the Board to grant the extension, he asked if they couldn't still grant it.

Mr. Doriot asked if that is grandfathered, but Mr. Kolbus said not the extension. He then asked how many of the subdivisions were under the old ordinance and Mr. Burrow said all of them.

Mr. Kolbus said he needs to review the old ordinance because there was a state law passed a few years ago (the seven-year law) that may in fact allow extensions to occur.

Mr. Doriot then suggested they review this issue again next month. Mr. Kolbus said they can place it on the agenda, and if they don't need to amend the ordinance, they just won't do it. He also said the Board may want to do it anyway as part of the new ordinance.

Mr. Pharis commented that they may not need to change any ordinances if they can live by the old one and get all of their clients' Primary approvals extended. He then pointed out that they still have to be extended by the Plan Commission.

Mr. Yoder agreed they should discuss this at the next Plan Commission meeting, which was the consensus of the Board.

10. In resuming discussion on the amendment to the Comprehensive Plan (*see page 2, item #6*), Ken Jones said he had a chance to review the response document prepared by Mr. Doriot and Mr. Musser, and he feels it would probably be helpful to go back through it and address the concerns more specifically. He suggested he give an overview of his response to their concerns, but said he won't have a recommendation to resolve those issues today.

Mr. Jones stated that the first concern involves a conflict with Goal 1-2, which states that available properties zoned for commercial and industrial uses should have priority over converting undeveloped land for intensive growth. The concern appears to be that if work goes forward in the future with an eye toward potentially providing municipal services to the identified priority service areas, it could trigger growth that conflicts with the Comprehensive Land Use Plan through connection to now-available municipal utilities in those priority service areas.

Mr. Jones reports that there is some validity to that concern; however, there are some controls in place. Mr. Jones stated that by viewing the priority service area map it is apparent that in a lot of cases, the priority service areas were selected primarily because of their proximity to municipal services. The City of Elkhart, which is the most prominent group of areas, does not have a lot of available land that could be converted. However, there are areas that were spot zoned which are remote from a municipal boundary where municipal services will likely be needed. For example, the Middlebury interchange at the Indiana Toll Road. Mr. Jones reports that the development grew over many years, and the need for municipal utilities in that location was clear.

In addressing the concerns presented by Mr. Doriot and Mr. Musser, Mr. Jones stated that if utilities were brought from the town of Middlebury all the way up St. Rd. 13 to serve that interchange area, then the corridor along St. Rd. 13 could be potentially developed because it would have municipal utilities.

Mr. Jones acknowledges that the scenario presented is always a possibility. He questions if the zoning ordinance and/or the Comprehensive Land Use Plan is strong enough to stem that tide of redevelopment. Mr. Jones states that simply because those things have been done in the past doesn't mean they need to be done in the future. Mr. Jones said that there have already been discussions with officials about serving that area, due to concerns.

Mr. Jones shared with the Board that in the future there may be a need to consider a corridor plan for St. Rd. 13. That would then become another amendment to the Comprehensive Plan. He questioned the appropriateness of introducing those controls into this plan because this is more of a technical document rather than a land use document.

Mr. Miller asked about the expense of running city utilities. He questioned if, for example, there is a way to predict the cost involved in running a mile of utilities out in the country. Mr. Jones responded by stating that the way his firm approaches an engineering document is to utilize an implementation strategy. To develop an implementation strategy it is necessary to get an idea of the costs for whatever is being studied. Mr. Jones stated that for his report they selected eight of the priority service areas. Some areas were selected due to the fact that they were industrial/commercial as opposed to residential. All of the highest priority projects were primarily residential, although there was some co-mingling of land uses. According to Mr.

Jones they completed detailed engineering studies of those areas using one collection concept to solve the problem. They found it more expedient and allowed them to make some comparisons by considering just one concept for solving the problem. Mr. Jones said that they chose to use gravity sewer which is the dominant concept for wastewater collection in the county without septic systems.

Mr. Jones stated that they created cost estimates for those eight service areas and developed what they thought to be an average cost per residential equivalent. They then assigned residential equivalents for all the land uses in Elkhart County based on very broad categories. Using that approach, they were able to determine that the average cost per residential equivalent is about "x", which is included in the document. There isn't any way to formulate a per mile expense, because every situation is unique. Therefore, the document recommends that, in the implementation strategies as well as in the conclusions and recommendations, a detailed study be done for every priority service area before any project is commenced.

Mr. Yoder stated that in this case, it is his understanding that this is a land use decision made by the Plan Commission and Commissioners. While the Board could acknowledge that extending the sewer might cause the Board to reconsider zoning, the Board should encourage them to build there before they rezone if there are already zoned commercial/industrial areas. When considering this action, Mr. Yoder stated that the Board should take into account the Comprehensive Plan Commission. In this case it appears they are arguing that the Commissioners will be too lenient in rezoning where in the past they have argued that the Commissioners have been harsh, not allowing rezoning.

Mr. Doriot stated that it is his belief that this does not belong as part of the Comprehensive Plan in its entirety. As the Board goes through all of these things they are looking for potential conflicts. Mr. Yoder felt that as they look at these requests they need to determine which ones are actual use issues that will have to be determined by the Plan Commission and the Commissioners. Mr. Yoder expressed his belief that this one has been answered, and stated that it does create a potential use discussion.

Mr. Jones shared with the Board that Item II conflicts with Goal 3-3, which encourages residential landowner participation in area specific comprehensive or economic plans. Mr. Jones believes that the bulk of the concern is that this activity is going forward without the specific participation of landowners who could be affected in the future. Mr. Jones reminded the Board that this is a planning tool, as well as an implementation strategy. Mr. Jones cautioned that it is not an eminent project. He stated there would be so much more to be done before a property owner would be warned that they should be saving their money for next year.

Mr. Jones stated that there were several items that need to be corrected concerning Mr. Doriot and Mr. Musser's statements. There is a sentence that talks about economic burden on residents and landowners in these areas, and all taxpayers. Mr. Jones contends that the statement is not true and the continued use of the statement will cause problems. Mr. Jones said that in a situation where you are going to introduce a utility into an unserved area, whether it's incorporated or not incorporated, under Indiana law, you cannot be required to pay for a utility or service you are not receiving. It is not a tax, it is a user fee. Mr. Jones believes that the concern is that the plan will trigger impact immediately on property owners.

Mr. Doriot asked if the individuals have any idea that their property is being planned for. Mr. Jones stated that he had no idea and was not in a position to answer that question. Mr.

Watkins pointed out that the individuals would have an idea if the plan was going forward. Mr. Jones offered one scenario: going out to priority service area number one and getting started, with everyone collectively approving this plan at the official levels. You have to have the public input.

Mr. Jones believes that based on his past experience with the residents of Elkhart County, they wouldn't allow that to occur without their opinion.

Mr. Jones explained that the goal would be to explain to property owners the likely costs, asking them if they want to solve the problem and confirming that they believe that a problem exists. It would be desirable to notify the property owners before the project moves forward, affording them the opportunity for participation.

Mr. Jones addressed the statement alluding to the fact that the cost to develop in these areas may actually prohibit future development, thus increasing sprawl. Mr. Jones stated that he is uncertain what that statement means, but he would refer this back to the activity of Land Use planning, as opposed to technical utility planning. The concept is if infrastructure is built that could trigger development, the Plan Commission and County Commissioners are going to have to recognize that there could be a conflict with the Comprehensive Plan, which may need to be addressed.

Mr. Jones addressed conflicts with Goal 3-5 which states tomorrow's technology should be explored, planned for and made available in rural as well as urban areas. Mr. Jones stated that the plan does encourage the use of alternative technologies; however, they did not identify all of the options for treatment on site, due to the fact that there are numerous options. Mr. Jones said that the question that may have to be asked is how many of the technologies that are available and being used in other jurisdictions are acceptable in the State of Indiana and Elkhart County, specifically. Mr. Jones shared that his experience with Elkhart County Health Department is that Elkhart County is pretty careful about what they will accept, what they will adopt and what they allow to be put into the ground. Mr. Jones said that technologies change every day. Mr. Jones stated that he heard Mr. Musser talk about the use of clustered septic systems, which is not new technology. Basically it is a septic system, just a big septic system that a group of property owners have been responsible for to take care of collectively. Mr. Jones explained that the clustered septic system model has been tried and continues to be used in some cases where no other option is available. According to Mr. Jones, St. Joseph County would like to see them all go away. They have property owners that would love to have the county sewage district take over the operation of those clustered septic systems, as they haven't been very successful. Mr. Jones went on to say that they did a project in Steuben County four years ago where the primary purpose of the project was to eliminate clustered septic systems. That's old new technology, not new technology. Mr. Jones believes that it's possible that septic systems may be forced, as regulations grow. In the rural areas of the county every house may end up having some type of technology treatment facility.

Mr. Doriot stated that according to articles he has read on green technology, septic systems are a good viable alternative because it reduces the point-source problem potential. For instance, if there is a major problem in the City Of Elkhart, their people would be working on it, but they can't shut the valve off. So instead of having a small localized problem, you have a large localized problem. Mr. Jones stated that it seems the review is taking the position that there is something good or bad about septic systems, but there is nothing in the report that recommends doing away with septic systems. In fact, it states the continued use of septic systems is logical.

Mr. Doriot said some of these maps are misleading; however, Mr. Jones said there is a basic interpretation problem, by using the document for something that it's not intended to be used for.

Mr. Doriot felt that it needs to be more clearly stated in the document rather than on some of the maps. For example, if he has a 160 acre parcel and it's tagged as a failed septic, but it may only be a septic system where there has been a problem and it was repaired. In the future the staff or a plan member may look at that map, which says severe soils. Mr. Doriot said 90 percent of the county is in those severe soils and Mr. Jones agreed. He then indicated that he made recommendations in the letter to Mr. Doriot about the best way to resolve the conflict.

Mr. Jones stated that in the section of the document where they told the county they would evaluate existing facilities, they had to look at existing septic systems. They felt it would be helpful to get an idea as to what was the frequency of repair in the various areas of the county.

Mr. Jones explained that they took the data from the Health Department and plugged into the GIS. Mr. Jones acknowledges that septic failures should be changed to septic repair permit map, which would be more appropriate.

Mr. Jones then went on to address the topic about the qualify rating by the USDA. He explained that the rating comes from the USDA site, using five qualifiers to get there. The USDA considers ponding, wetness and things like that, but the primary thing that triggers the severe category in Elkhart County is permeability of the soil, it is too permeable. The USDA lumps all of these soil types into severe category, although we enjoy the fact that we have permeable soil, which works well for a septic system.

Mr. Jones stated that the reason the USDA categorizes permeable soil as severe, is their concern not only for the operation of a septic system but for the protection of groundwater. The USDA's concern about permeable soil, and especially here in Elkhart County is that sewage waste, after it leaves the septic tank, goes into the soil and moves downward too fast and doesn't give it a chance to completely do its job in the soil. In a lot of cases in Elkhart County we have an unconfined aqueduct. Mr. Jones wanted to clarify that no one from Wightman Petrie or the County went out and did any detailed environmental analysis of any aquifer anywhere in the County. Mr. Jones stated that he provided a couple of different options for changing that conflict and noted that if the map is kept a change should be made on the map.

Mr. Jones reminded the Board that the purpose of document evolved as they were doing it. He stated that, as an engineering firm, they try to develop a document that leads everyone to the same conclusion at the end. Engineers take the position that you need to include the supporting information. Therefore, soils maps and wetlands maps and those types of things needed to be put in there as backup. Mr. Doriot expressed concern that a planner will see there are severe soils so development cannot take place. Mr. Jones believes that if the document is adopted, and the review matrix is later adopted, it won't matter what the USDA says about the soil. It is still necessary to go out and prove to the Health Department that you can do what you say you can do.

Mr. Doriot was concerned with being labeled, due to the fact that it is hard to get rid of a label once it's there. In response, Mr. Watkins pointed out that the only thing indicated is that you have a condition you must overcome if you want to build with an on-site sewage system. Mr. Doriot was concerned that a label denotes a stigma that it's something that can't be overcome.

When Mr. Yoder asked if the soils map are critical to this document. Mr. Jones stated that in a lot of areas that were considered to be priority service areas, soil type was one of the ranking points. For instance, if was indicated that a certain area was ranked number 15, the determination for that ranking is contained in the document.

Mr. Watkins shared that over a ten year period the systems that Purdue investigated when they did their study and the bottom line of their study, as Mr. Doriot indicated, was that the failure rate in this county is somewhat less than 3% for sandy soil or for mounds, either one. If a system is going to fail out of that universe of systems that they looked at, the failure is probably going to happen quickly, like in the first year, maybe even the first six months to year and a half. After that, they tend to last for a fairly long period of time. Mr. Watkins confirmed that if it's done properly, they tend to last and work fairly well, as far as disposing of sewage. No one said how well they were treating the sewage. If they are going to fail it's typically because of installer error and that's why they fail quickly.

Mr. Jones stated that the primary purpose of septic systems is to move the waste material away. Regarding the soil conditions, how it's treated, how fast it goes through the soil, what kind of soil it is, all have a great deal to do with what constituents are actually treated. Mr. Jones explains that septic systems have been working; they are the oldest technology we have for the disposal of waste.

In addressing item 4, Mr. Jones stated that it conflicts with Goal Environmental Stewardship. Mr. Jones believes that Mr. Doriot or Mr. Musser might have misinterpreted or didn't interpret in the same way a statement in the Master Land Use Plan the way he interpreted it. He referred to the statement "Alternative methods for replacement of waste water disposal water supply for rural residential areas should be encouraged." Mr. Jones interpreted it as alternatives to septic systems and wells, because that's what is currently being used. Mr. Jones believes that Mr. Doriot and Mr. Musser interpreted that statement as alternative technology in general. While Mr. Jones believes that alternative technology is okay, he thinks that a different goal would be to find some way to remove waste from the site, treat it, or supply clean water from some other resource. Regardless of the interpretation, Mr. Jones does not see a conflict with environmental stewardship. Rather, he sees the adoption of this plan supporting that portion of the Land Use plan.

Mr. Jones stated that the document does not appear to rule out the use of various kinds of waste water disposal technology. Mr. Jones believes that the study looks at one potential option, but then follows up and says every single time this happens a detailed study is needed. Mr. Jones shared with the board a situation that recently took place in the town of Wyatt. While constructing a new sewer system for the town of Wyatt, they considered every option available. They looked at putting new septic systems in, using a clustered system, using septic tank effluent systems and a sand filter. They also considered gravity vacuumed, low pressure before they finally got to an option that seemed feasible, not only from an engineering standpoint, but from a financial standpoint. That process took a couple of years to even get to the point of determining the system to use. It then took another year to build. Mr. Jones explained that he is not saying that at any point in time a possibility should be ruled out. However, he cautioned that it would be unfortunate to miss something that is cost effective and sustainable in operation. Mr. Jones believes that the document encourages considering every option, stating the identified problem, the priorities, and providing some sample implementation strategies and moving forward.

Mr. Jones presented the scenario of a subdivision being developed in western Jefferson township, pretty close to the urban services area for the City of Elkhart. They want to connect to those services. The City of Elkhart is approached and a negotiation takes place, however, they are unable to reach a financially feasible arrangement. The options seem to be to stop the process or start looking at other options. In this case, the documented discussions would be brought back to the approving authority, which would be Elkhart County. Also presented to Elkhart County would be a letter stating that the City of Elkhart was approached and they were not interested, so alternatives are being investigated. Mr. Jones states that in this scenario, he would look at septic systems, mound septic systems, clustered systems, or little treatment package plans. He would engineer something or find something that works, as it is up to him to come up with options. It's not up to Elkhart County to tell him what to do. Mr. Jones states that the document encourages him to come up with something to present to the County.

Mr. Doriot suggested they put a purpose statement in the document. Mr. Jones acknowledged that they may need to add some language to the purpose or objective of the study as the study has evolved as it moved forward.

Mr. Kolbus stated that the material cites sections of the Comprehensive Plan regarding alternative methods in various areas. Mr. Kolbus recommended that as part of the Statement of Purpose it is clear that these methods are not being ruled out. Mr. Doriot agreed that this document is basically stating that there are many options, including looking at the conventional option of connecting to municipal services. Mr. Jones said that he is fairly certain that the document states that septic systems should continue because they are successful.

Mr. Jones shared that they already know that a certain area surrounding the City of Elkhart, containing 20,000 unserved residential equivalents, have very limited options. Many of the individuals in this area are at the 40 year mark, and their septic system has already been replaced once and they will probably have a need for a 3rd system at some point. Mr. Jones questioned where they are going to put it on a 15,000 sq. ft. lot. Mr. Jones went on to explain that based on what he knows about the industry, the average septic system begins to fail the day they are installed. Depending on the care and treatment of the system, there is an expectancy of 15 to 20 years. Mr. Jones clarified that those septic tanks last forever, but absorption fields last 12 to 16 years. He indicated that over the last 40 years there have been many different concepts used for absorption fields -- clay tile with a shingle over the gap, dry wells, perforated pipe. Mr. Jones thinks that a conservative estimate would be that within 20 years something needs to be repaired, and that it would be the absorption field. At 40 years, it is likely that a second repair cycle is necessary.

Mr. Musser indicated that failure rate of septic systems is about 3%, which is consistent statewide. Mr. Watkins indicated that he is unaware of any other county in the state that has a success rate as high as Elkhart County. He stated that the EPA successful standard is 5% failure rate. Mr. Watkins acknowledged that Elkhart County has exceeded that rate, although he has a hard time believing the average failure rate is 3%, given the entire legislature that has been pushed through in the past 10 years.

Mr. Burbrink pointed out that a lot of the items being discussed is included in the conclusion pages. He feels that a lot of the concerns and questions revolve around the interpretation of the word "severe" and how it's possible to work around that label.

Mr. Jones indicated he would again meet with Mr. Doriot and have a written response in June.

Chris Marbach of Marbach, Brady & Weaver, 3220 Southview Drive, Elkhart, submitted a packet of information [attached to file as Remonstrator Exhibit #2], which includes an Elkhart Truth article dated March 28, 2010, on Sewer Development in Rural Areas; proposed Sewer and Water Standards in the zoning ordinance draft; an article on Onsite Water Treatment; a portion of the 2009 LEED Reference Guide for Neighborhood Development; and a copy of Goal 4 - Environmental Stewardship of the Elkhart County Land Use Plan.

Mr. Marbach stated that as he read the document prepared by Mr. Jones, and as outlined by Mr. Jones, the document was an engineering document with the goals, justifications and reasons why the County should be going to sewer and water. While Mr. Marbach stated that he does not have any problems with the document, he expressed his concerns that a very narrow path is being followed in terms of what is happening in the county. The first item on the first page discusses the Regional Sewer District that just covered Heaton Lake and will now cover the entire County.

Mr. Marbach went on to point out that the second page contains the first draft of the new Zoning Ordinance, which specifically states that in those 24 districts septic systems and on-site treatment systems shall not be permitted if the conditions listed below are applicable. Mr. Marbach concedes that septic systems and on-site treatment systems can still be used, but believes that the tendency will be to look at the situation as here are the conditions where connecting to water and sewer must occur. Mr. Marbach expressed concern about the previously discussed corridors that service remote sites. According to the draft plan, anyone along this corridor will have to hook up. However, if the city says they cannot do that, then that piece of property can't be developed, resulting in a problem for the property owner. Mr. Marbach stated that if for any reason along that corridor the city says they can't accept any more effluent then the property owners along that corridor in any one of the zones is now out of luck.

Mr. Watkins expressed disagreement with that interpretation. He pointed out that it says "if it is available". A field system can be put in, if it is not available. Mr. Marbach stated that it says "if it is in proximity of 300 ft. of the line you have to do it," and contends that it doesn't say anything else. However, Mr. Watkins stated that it does state "if it is available".

Mr. Marbach went on to discuss the next page which discusses a study done in Europe and Germany. The study, involving centralized systems of Germany reflected that the cost of maintenance and repairs of the centralized system's municipalities has escalated. Mr. Marbach went on to read a portion of the document pertaining to the public sewer system in Germany, making special note of the statement indicating good discharge and good water will come out of the system as long as the system is working properly.

Mr. Marbach also discussed the green building initiative taking place across the country. He reported that in 2009 the U.S. Green Building Council created the Neighborhood Development Green Building Council and Program. This council recommended ways to reduce pollution from wastewater and encouraged water re-use. They would like to see water stay on site and be re-used. Mr. Marbach stated that the council also determined that reducing or eliminating the sewage that leaves the site reduces public infrastructure, chemical inputs, energy use and emissions at the municipal treatment works. The trend in the green building environment is to contain and clean waste water and keep it on-site.

Mr. Marbach then referenced the last page, noting that the EPA has an on-site wastewater treatment system manual updated in 2009. The manual talks about a variety of systems that will cover a variety of conditions of where on-site treatment plants are allowed. Mr. Marbach acknowledges that Mr. Jones' has talked about that this plan does not eliminate those things, but in reading it, Mr. Marbach doesn't interpret it that way.

Mr. Marbach stated that Mr. Jones' engineering document is to support sewer and water, resulting in the conclusion that water and sewer are the best options, if available.

Mr. Marbach believes that Goal 4, Environmental Stewardship, and that number 5, which says that alternate methods of replacement of waste water disposal and water supply for rural residential areas, should be encouraged. Mr. Marbach stated that the Comprehensive Plan recommends finding alternatives to municipal sewer and water. Therefore, Mr. Jones' document appears to be somewhat in conflict with the plan. Mr. Marbach said that he would not have a problem if the county's utility plan has a sewer section and water section. However, he thinks it needs to be addressed that there are other alternatives and make that more of a prominent part of the plan. Mr. Marbach suggested that the matrix is fine, and suggested that the matrix be adopted, without the need for the Mr. Jones' complete document which seems to be focused on sewer and water. Mr. Marbach expressed concern that in the future, other entities may interpret the document as mandating sewer and water. Mr. Marbach pointed out that the Comprehensive Plan says alternate sewer and municipal.

Mr. Doriot said he would like for some board members to go through the document with Jones.

Mr. Yoder stated that he wanted to make sure that the intent of the document is more clear and that it is very clear that alternative uses are encouraged. Mr. Yoder said it was his belief that part of the purpose of the document was for cities who were considering extending services to have some direction as to where the county needs them to go, in terms of priority areas. Mr. Yoder indicated that he is supportive of alternative systems and recognizes that there are economic factors, but he said some people just like sewer because it's simple and easy. He acknowledges that some of the alternative systems tend to be a little expensive.

Mr. Kolbus pointed out that this document needs to be consistent with the Comprehensive Plan. He stated that to avoid future conflict, there may be a need for alternative language if it appears that the document is not in keeping with the Comprehensive Plan. Mr. Kolbus stated that it is important to reduce the risk of a lawsuit by ensuring consistency with the Comprehensive Plan. While the County may win the lawsuit because the actual document isn't written that way, he encourages reducing the risk by making sure there is consistency.

Hans Musser stated that when he and Mr. Doriot met with Mr. Jones, he shared that in the course of the start and presentation of this whole document Mr. Musser and Mr. Doriot were the only one who sat at length and talked with him, other than those who petitioned to him to do the work. Mr. Musser would encourage the board members to give serious consideration to what is contained in the document. He believes that the intent of the document is to be accepted as an addendum or attachment to the Land Use Plan so that it can be used as a tool to guide land use.

Once a meeting is set, Mr. Kolbus suggested that Mr. Jones send an email to other members to see what kind of response is received.

11. See page 8, item #9 for Extensions on Primary Plats

12. See page 7, item #8 for the *Wakarusa Business Center DPUD*
13. See page 6, item #7 for the Zoning Ordinance Update
14. A motion to adjourn the meeting was made by Mr. Sharkey and seconded by Mr. Miller. With a unanimous vote, the meeting was adjourned at 11:12 a.m.

Respectfully submitted,

Teresa McLain, Transcriber

Kathleen L. Wilson, Recording Secretary

Jeff Burbrink, Vice-Chairman