

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 14TH DAY OF FEBRUARY 2013 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 Chairman, Steve Warner, with the following members present: Tony Campanello, Doug Miller, Blake Doriot, Steve Warner, Steve Edwards, Roger Miller, Tom Stump, and Frank Lucchese. Tom Stump is the incoming Board member replacing Dennis Sharkey. Jeff Burbrink was absent. Staff members present were: Chris Godlewski, Plan Director; Brian Mabry, Planning Manager; Mark Kanney, Planner; Duane Burrow, Planner; Kathy Wilson, Administrative Manager; and James W. Kolbus, Attorney for the Board.

2. A motion was made and seconded (*Doriot/Edwards*) that the minutes of the regular meeting of the Elkhart County Plan Commission held on the 10th day of January 2013, be approved as submitted and the motion was carried with Tom Stump abstaining.

3. A motion was made and seconded (*Doriot/D. Miller*) that the legal advertisements, having been published on the 2nd day of February 2013 in the Goshen News and the 4th day of February 2013 in the Elkhart Truth, be approved as read. The motion was carried with a unanimous vote.

4. A motion was made and seconded (*Doriot/Edwards*) 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 a zone map change from B-3, B-3 PUD and DPUD-M-1 to a Detailed Planned Unit Development-B-3 and a Detailed Planned Unit Development-M-2 to be known as **KUERT KOPF DPUD**, for Gloria Kopf & Kuert Concrete, Inc. represented by Jones Petrie Rafinski, on property located on the Southeast corner of SR 15 and US 20, common address of 57040 SR 15 in Jefferson Township, zoned B-3, was presented at this time.

Duane Burrow presented the Staff Report/Staff Analysis, which is attached for review as *Case #57040SR 15-121105-1*.

Mr. Burrow said they would have to establish an infiltration system with a cross-access easement, across the concrete plant property, so he did not feel that they had fully addressed some of the complexities of this site.

Mr. Burrow explained the issues concerning the intensity of the proposed development on lot 1 and the off-site waste water treatment system being installed and maintained. He said the PUD does not have any bonding processes, so once it is adopted they could conceivably get themselves in a position where property owners would not be able to implement a septic system when access goes across three properties.

Mr. Burrow clarified that the Site Plan Support Drawing does not show any physically restricted areas, so the property owners would be aware that there was a cross-access easement for the sewer line and for access within the sites. The Site Plan does not show any detail indicating how the sewer line will be maintained, because once it is underground he thought it will be forgotten. He

said the question is if this is going to be used as a storage yard, how would they get back to maintain it because there is no defined cross-access easement that would be maintained on site. Mr. Burrow indicated, due to the fact that there is inadequate mechanisms for shared access and up keep, the only alternative for Code Enforcement would be to prevent the business on lot 1 from opening should the septic system not be installed. He said in the Health Department's comments they do not have a fully engineered system, so they do not know whether or not the site can actually support the requirements established by the State Board of Health.

Mr. Campanello said there is a property close by that has the same type of system and they work together as a group of property owners to maintain the property. Mr. Burrow stated they have an NPDES permit which has mechanisms in place to cause enforcement and they have testing. He explained the system in this case is conventional and there is no oversight. The system is 1,000 ft. from the infiltration system and going downhill. From past experience these sites are not that interested in checking to make sure their septic system is functioning other than the fact that it is leaving the building. He said there are no mechanisms that the County has, other than once there was a discharge or a problem to seek closing the business. The permit was issued based on the promise that they would be hooking up to the treatment plant, but that took approximately 20 years to occur. Roger Miller pointed out that there is a regulated drainage ditch. Mr. Burrow stressed Staff is not against the land uses, they feel there is too much being installed on the corner lot.

Ken Jones, JPR, 4703 Chester Drive, Elkhart, represented the petition and Leroy Kopf was present at this meeting also. He submitted the Project Presentation for KUERT KOPF DPUD *[attached to file as Petitioner Exhibit #1]* and the Technical Advisory Committee Meeting notes from the last meeting January 25, 2013 *[attached to file as Petitioner Exhibit #2]*. Mr. Jones said this project was created because of the desire of the petitioner to build a convenience store/restaurant on this site. In 2006, the last property use at this location was for manufactured home sales and before that there was a restaurant on that site. He did not think it was developed to any significant standard. There was a septic system that supported that building, but he did not believe it was usable any more.

Mr. Jones agreed there were limitations on the site, but the balance of the associated sites drawn in to this topic are historic uses that have been there for years. The Kopf Trucking site, before the PUD that was approved in 2003, was there for many years. He agreed it did look like they encroached into an A-1 zone which was one of the purposes of the PUD that was filed in 2003. The primary purpose, however, was to build a new building, but they never proceeded with that. One of the reasons it did not go forward was because after going through the PUD process in 2003 to rezone the land so it could be used for additional construction, the cost of all of the site improvements were so significant that they outpaced the cost of the new building. That is why Kopf did not pull a permit for a new building. For all these years there has been zero enforcement activity from Elkhart County to follow up.

Mr. Jones informed the Board that after 20 or 30 years on the trucking site they never had a drainage problem. He said at the time they were told they would have to bring the entire site up to the current standards, including drainage, if they wanted to build a new building, which made the cost burdensome. He indicated when Staff talks about compliance issues they are referring to those requirements, but it does not have anything to do with what is going on with the other corners of the site. It has to do with the compliance issue with this particular operation.

Mr. Jones said they are back today to redevelop this underperforming key location. They are involving this site because they need to acquire a piece of ground to build a safe and adequate access to the site, which has been approved by INDOT. He said they were going to run a sewer line

across the property to get to the other portion of the development site which is to the rear of the Kopf Trucking site.

Mr. Jones thought the site would look similar to the BP/McDonald's restaurant in Wakarusa. He said there will be detailed landscaping and the building will be an upgraded facility which will be an improvement at the corner.

Mr. Jones said JPR's work actually started in May 2012 to do the INDOT traffic impact study, to submit it, and get it approved. He had a list of all of the submittals and tech reviews that had taken place since that time. Mr. Jones explained they were not able to bring it back to the Plan Commission and get approval from Tech until the 25th of January. He felt they did a lot of work and to say any part of their plan is insufficient is absolutely wrong. Mr. Jones stated their job was to overcome the constraints of the site, and he had a good plan that would do that.

Mr. Jones expressed that every issue the Tech Committee has brought up and every issue the Staff has identified has been addressed. He asked that Staff to tell them what it is they want if something had not been addressed and felt the plan is so sufficient that there is only one deviation from the development standards they are requesting. He said that deviation is relative to the accessory use lot where they are going to build the wastewater treatment system for the restaurant. The standard is that they do not need to have frontage on a public street to utilize this site in the way that they have proposed. Mr. Jones reiterated the variance they are requesting is for zero frontage for that accessory lot. He said there is not going to be anything built there except the septic system which will be below ground. He felt that was reasonable.

Mr. Jones said JPR develops a plat that the contractor can go out and construct a site with. He felt there is more detail than needed during the final design phase, but to make sure they address everything the Staff and the various Elkhart County departments require they almost go to full design. One of the things the Staff stated in the report is that JPR has not shown a detail design for the septic system. Mr. Jones said the reason for that is they are not in final design. However, they went out and did detailed soil borings as required by the State, Elkhart County Planning and the Elkhart County Health Department. They submitted that data to the State Board of Health and received design criteria back from them. The criteria is to send the detailed soil borings to the State Board of Health, they will send the design criteria and JPR would submit the final design, and get the permit. He said what they have given them is the design criteria he cited in the initial installation and the reserve installation and he is confident by applying their engineering to the plan that it is going to work and meet the standard. Mr. Jones assured the Board that the Health Department would see the detailed plans as soon as JPR gets through the land use. He felt with the detail he provided no one could say they had not addressed everything. He said there were 14 or 15 submittals and reviews since last July. Mr. Jones pointed out that Mr. Kopf and Kuert Concrete owned most of the surrounding property and he mentioned that there may be a potential sale going on, so there may be a third party. However, anything that is agreed to during these proceeding or through the JPR submittal and condition for commitments will be applied to the new property owner.

Mr. Jones summarized the Staff concerns. He mentioned there is a prototype template the Staff uses for providing an unfavorable recommendation based on the Comprehensive Plan and other topics. He did not think that compliance with the Comprehensive Plan was an issue. Approval of the petition will be an improvement to the property and the current conditions and uses would not change. Mr. Jones said they are changing to a PUD which will give the County more control and they are including an M-2 zone, which was suggested by the Staff because it is more

conducive to the concrete operation. He thought the construction of the proposed facility at this corner will improve the value of the land nearby. Mr. Jones felt the plan overcomes the concerns of access stormwater and sanitary sewer also.

Mr. Jones was confused by a requirement which was the enforcement of PUD conditions. He understood that when they complete a PUD it turns into an ordinance and there is a list of conditions on the bottom and that becomes an extension of the zoning ordinance. The addition to the zoning ordinance allows Staff and Code Enforcement officials to make inspections on the site and to issue violations. He did not see what more they could do as far as enforcement is concerned.

Mr. Jones brought up that there are multiple parties involved. Lots two and three are completely self sufficient and lots one and four are completely interdependent. He said cross-access easements are imposed. The next item on the agenda is the approval of the final plat which delineates completely those cross-access easements. He expressed that the owners are aware of what the requirements and constraints are, what the property is subject to, and what benefits are brought to those easements. He pointed out the development where this building is located and said every retail site from here into Goshen has private agreements for maintenance, access, and usage of the parking lots. This is slightly different because the land use is different, but he thought it is really the same thing. Mr. Jones said he would show the cross-access easements on the plat and he will provide agreements to the County that the petitioner's attorney will prepare between parties.

Mr. Jones went on to discuss the tenuous status of infrastructure and inadequate mechanisms mentioned in the Staff Report. He questioned that statement, because there is nothing tenuous about a million dollar project. The structure will be built to last 20 or 30 years. He said the system will require aerobic treatment before the discharge and that treatment has to be proven to be in workable condition. He said it starts with a very detailed regimen of testing that is done by a qualified operator and it continues for years on into the system until it reaches a steady state. Because they have to be able to prove to the State Board of Health that it is working the way they said it would.

Mr. Jones, referencing inadequate mechanisms, thought the Staff was talking about the interaction between property owners and the enforcement of various agreements. He said from his experience, if everything is shown on the plat and the reason for them is shown on the plat; that is the most permanent record you can get. The private agreement is the most enforceable and the plat is most permanent. He did not think there was a way to do it better.

Mr. Jones said there are easements and they are shown on the plat which will be recorded after it is approved. There is an access agreement and that land will be owned by Lot 1 providing access to the Kuert Concrete site, which seemed reasonable to him. The easement for the sewer line, which would be directionally drilled under the surface more than 60 inches deep and down across the creek, will be shown on the plat. He said they also have permission from the Drainage Board to make the crossing to the septic system area. He said the access agreement is defined on the plat. Mr. Jones thought Mr. Burrow was concerned that people would park trailers across that area, but Mr. Jones felt that would be a matter between the property owners. He did not feel there would be any reason to build barriers along the property either. Mr. Jones designed an area to provide some drainage capacity for the former trucking site. He said that easement would be shown on the plat and addressed it in an agreement between private parties. He reiterated that this is complex, but it does not mean it should not be done or approved, because it can be approved. He felt he had addressed all of the Staff's concerns and asked the Staff to send the petition on to the County Commissioners with a favorable recommendation.

Mr. Jones recalled that they had made some commitments in their first submittals to remove the two billboards; however, they would now like to find a way to keep the billboards. One of them would stay in the same location, but the other would move over to the tree lawn area in the landscape yard. He asked for a change from the first submitted site plan or suggested they could bring it back to the Plan Commission for a minor amendment. He stated that the ordinance said, "signed area is based on linear footage of frontage", so based on that they would be allowed to have 5,200 sq. ft. of signage. Those two billboards are only 1,800 sq. ft. combined, so this request would meet the standard and a variance would not be needed.

There were no remonstrators present:

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Douglas Miller that the public hearing be closed.

Vote: Motion carried by unanimous vote (**summary:** Yes = 8).

Yes: Tony Campanello, Steven Edwards, Roger Miller, Steve Warner, Doug Miller, Blake Doriot, Tom Stump, and Frank Lucchese.

Mr. Doriot stated that Mr. Jones had worked in his office in detail on the cross-access easement going across and along the top of a creek, and also pledged to do some drainage work up toward SR 15 on the trucking parcel. He said Pheasant Ridge subdivision had all been done with cross-access easements and private agreements. Mr. Doriot said when he asked Mr. Jones to move the easement he complied, so he did not see any problem with this request.

Mr. Warner asked him if he was comfortable with a point noted on the Technical Committee report that Mr. Jones provided concerning discussion on the stormwater pollution plan. Mr. Doriot indicated that he was not talking about the stormwater pollution plan, but he was talking about the septic. He said there was some concern about the stormwater pollution. Mr. Doriot said there was some drainage that was supposed to have been built when it was improved. He had asked that it be put in and Mr. Jones came up with a plan to put it right along the ditch; very shallow, but again it will act basically as filtration from drainage along the street at the truck park. Mr. Jones agreed to that so the Drainage Board gave him a variance to put it within their right-of-way. Mr. Jones stated that was part of the site plan/support drawing, therefore, it is part of the commitment of the petition. Mr. Doriot stated that the Drainage Board would probably revoke his permit if he did not construct that.

Mr. Doriot explained that as part of the comment that was made about the unenviable position, and if this fails, to close him down. He felt that was a part of business and every day people take a chance on a project and thought Mr. Jones had a good plan. He believed they would make it work because they will have a large investment in the project. He does not see a problem with the properties being separate, because they would have easement and access.

Roger Miller wondered why Staff had all of those questions and Mr. Jones seems to think they are already answered. He asked Staff for their comments. Mr. Godlewski said he supports Staff's findings and the approach they have taken. He stated that when we received this petition November of last year it was extended one more month because of lack of detail. It is complex. He said if the Plan Commission does not want the level of detail requested then it should be a rezone. From the Planning aspect, the Staff looks for the system work on lot 3, detail on lot 2, and final design of the field from the Health Department. He thought the requirements are self explanatory, so the Staff would ask the same questions in a similar type application. He felt it would be just willingness or unwillingness to provide the information. This is a Detailed Planned Unit Development, so the Staff is looking for detail.

Mr. Doriot asked pertaining to the septic, at what point does the Staff make someone bring in a project. He thought that the Plan Commission made the petitioner pay out \$100,000 worth of design to cover everything, but if the petitioner does not have an approved design from the Health Department he still will not get a building permit. Mr. Doriot questioned how much money the Board expected people to pay. Mr. Godlewski explained they were looking at the quality of information. For instance, there might be easements on the plat, but Staff would ask how will the easements be accessed and who maintains it. He said that may be considered as a private matter as Mr. Jones stated, if that is something that the Board thinks is appropriate than approve it, but the Board may feel it needs to be spelled out in the plat as a supportive document and it should be attached. Mr. Godlewski clarified that Staff looks at it as history because in similar incidences there had been issues because there was not detailed information indicating how the easement would be accessed and who would maintain it. Mr. Doriot was satisfied with the reply and thought Mr. Jones may address that. Mr. Godlewski felt it came down to a value judgment on the part of the Board and quality of information. Mr. Campanello was glad the questions were asked and he appreciated Mr. Jones' detailed answers.

Mr. Jones stated that if Staff makes a request to provide information his firm does provide the information, however, even though Mr. Jones may think the information he provided is sufficient, Staff may not agree. He then began to address each item on the Technical Committee Report. Mr. Jones provided Staff with an approved Traffic Impact Study, but when it is pulled the contractor's name will be on the permit when construction begins. The reason INDOT requires that is they want to make sure the correct party is responsible for the work. He said as soon as the INDOT permit is issued he will get it to the Highway Department.

The Elkhart County Health Department said the maintenance corridor across lot 3 and the absorption field on lot 4 must be maintained. Mr. Jones said that will be on the plat and the responsibilities will be spelled out. The Tech Report indicated that the Health Department itemized a need for an agreement for access to the absorption fields. Mr. Jones said if the Staff wants it they will provide it.

Need to show engineered septic systems existing for reserved areas in lots 2, 3, and 4. He said what Staff wanted was for him to design replacement septic systems to two systems that aren't even failing. Mr. Jones said they have an adequate reserve area. Roger Miller asked if that was requested because of health and Mr. Jones replied that he thought the Health Department was saying to design the systems and prove to them that they will fit in the area that is set aside for them. Regarding the Kuert property, they did a soil boring on the reserve area, they have a design, and they can fit the replacement system in the reserve area. For Kopf Trucking, they provided to the Staff an inspection of that system by a qualified inspector, so that system is fully operational and they provided a reserve area that may be five times bigger than needed. He felt this issue was completely addressed. He said the Health Department wanted him to fully design those systems and he understands why they are asking for them, but he does not agree that it is necessary.

Mr. Jones said the Health Department said the food service plan must be approved, but he said that could not be approved until the restaurant is built.

Documentation that the existing systems is functioning. Mr. Jones said he did not do an inspection on Kuert, but they did an inspection on Kopf and it is good.

Mr. Jones said the timeline for improvements on lot 3 would be six months, but he thought it would be less than that.

The next item was defined access-easement to benefit lot 4, which has been created. He said that was done and is on the plan.

How will the reserved area onsite septic areas be prepared for being used for parking and storage. Mr. Jones said they are going to build a fence around them to keep them out and he thought that would be adequate. Staff recommends installing berms instead of a fence, but he thought the fence was good enough.

He noted that the next item said there was a lack of required ordinance DPUD detail on lots 2 and 3 that could cause future changes in land use and buildings. He said he would go to Staff and ask if the changes would be a minor or major change and whether it would require an amendment.

It was required that permission and maintenance be provided for all proposed easements. Prior to adoption of the development plan the SWPPP must be adopted for lots in the plat. The post construction and Stormwater Pollution Prevention Plan to be approved prior to adoption of the final plat. He said the SWPPP has been submitted and the reviewer said he is ready to issue the permit as soon as Elkhart County's review has been completed for the post construction stormwater management plan.

Mr. Jones asked that the Board approve both the final plat and the PUD. For investigation of a NPDES permit for all three lots, he explained that two of the lots have existing septic systems and plenty of room for repair. The new septic system has plenty of room in Lot 4 to be built and the reserve area is completely available. Therefore, the need for a NPDES permit, which would mean that they would build another wastewater treatment plant and discharge to the creek is not needed. Roger Miller asked if there was one existing retention plan. Mr. Jones said there is a retention plan that is going to be expanded and improved. The retention plan that Mr. Doriot spoke of will be constructed and there will be two on the new development site that will be built and Kuert Concrete has a central retention area in their corner. He felt they addressed all of the tech comments.

The Board examined said request and after due consideration and deliberation:

Motion: Action: Approve **Moved** by Blake Doriot, **Seconded by** Tony Campanello, that the Advisory Plan Commission recommend to the Board of County Commissioners that this request be approved as presented and in accordance with Mr. Jones' response to the Technical Advisory Committee Report (Petitioner Exhibit #2), and his verbal commitments that the cross-access easement agreements would be provided for the staff and shown on the Plat.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Tony Campanello, Steven Edwards, Roger Miller, Steve Warner, Doug Miller, Blake Doriot, Tom Stump, and Frank Lucchese.

6. The application for Secondary approval of a Detailed Planned Unit Development known as **KUERT KOPF DPUD**, for Gloria Kopf & Kuert Concrete, Inc. represented by Jones Petrie Rafinski, on property located on the Southeast corner of SR 15 and US 20, common address of 57040 SR 15 in Jefferson Township, zoned B-3, was presented at this time.

Duane Borrow presented the Staff Report/Staff Analysis, which is attached for review as *Case #57040SR 15-121105-2*.

Mr. Burrow recommended that this request for Secondary approval be tabled as the Stormwater Pollution Prevention Plan has not been approved. Mr. Doriot asked when the Commissioners meet.

Mr. Burrow said the Plan Commission will meet March 14th and the County Commissioners will meet March 18th, so if the SWPPP is taken care of, they have no problem putting it on the

Commissioners' agenda.

There were no remonstrators present.

The Board examined said request and after due consideration and deliberation:

Motion: Action: Table, **Moved by** Blake Doriot, **Seconded by** Roger Miller, that Secondary approval of this Detailed Planned Unit Development be tabled by the Advisory Plan Commission until the March 14, 2013, Plan Commission meeting pending review and approval of the Storm Water Pollution Protection Plan.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Tony Campanello, Steven Edwards, Roger Miller, Steve Warner, Doug Miller, Blake Doriot, Tom Stump, and Frank Lucchese.

7. The application for a zone map change from B-1 to B-3, for *Stanley L. and Judy E. Marks* represented by Dale Kesler/Kesler Land Surveying, LLC, on property located on the West side of SR 19, 235 ft. North of CR 16, common address of 1407 S. Nappanee Street in Baugo Township, zoned B-1, was presented at this time.

Duane Burrow presented the Staff Report/Staff Analysis, which is attached for review as *Case #1407SNappaneeSt-130107-1*.

Mr. Burrow suggested that the amendments/additions to the Commitments listed in the Staff Report be conditions of the approval, but subject to Mr. Kolbus' review because he wanted to be certain it is worded appropriately.

Dale Kesler, Kesler Land Surveying, LLC, 67191 Conrad Road, Edwardsburg, MI was present to represent the petition and requested that the Plan Commission give their approval to rezone the property from B-1 to B-3.

There were no remonstrators present.

Motion: Action: Approve, **Moved by** Frank Lucchese, **Seconded by** Douglas Miller that the public hearing be closed.

The Board examined said request and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Blake Doriot, **Seconded by** Steven Edwards, that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from B-1 to B-3 be approved in accordance with the Staff Analysis with the following commitments imposed:

1. That the only B-3 land use permitted is limited to new or used cars (automobile) to include light duty pick-up trucks.
2. In the event that the building is damaged or destroyed more than sixty percent (60%) of its replacement value, it must be rebuilt to current setbacks or receive the necessary variance(s).
3. That no more than nine (9) new or used cars (automobile) to include light duty pick-up trucks at any time may be offered for sale on this lot. Parking for customers and employees on site must also be accommodated.
4. That no cars will be parked or displayed in such a way that encroaches upon the state right-of-way or is a traffic hazard by blocking the view of cars entering and existing the site. Front yard setback is 15 ft. from the property line (as per Elkhart County Zoning Ordinance).
5. All parking areas and driveway will be constructed per Elkhart County standards with dust-free material.
6. Water run-off and drainage will be maintained on site.

7. That any land uses in the Limited Business Uses (B-1) and General Business Uses (B-2) be permitted, excluding any residential land uses described in Specifications B – Residential District and Uses (R-1, R-2, R-3 and R-4).
8. That the Development of this site shall be based only on access to SR 19 (Nappanee Street). Further, this development and any future development's use of the north/south alley along the west property line shall not be licensed, permitted or approved by any Department of Elkhart County for ingress or egress; and if used by this property owner, clients or guest, they shall assume all liability of such use as Elkhart County does not and has not maintained this alley.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Tony Campanello, Steven Edwards, Roger Miller, Steve Warner, Doug Miller, Blake Doriot, Tom Stump, and Frank Lucchese.

8. *Town of Millersburg Resolution – Chris Godlewski*

Bodie Stegelmann, Yoder, Ainlay, Ulmer & Buckingham, LLP, 130 N. Main St., Goshen, was present to represent the Town of Millersburg. He informed the Board that the Town of Millersburg has formed a Redevelopment Commission. There were two TIF Districts for Millersburg; one involved Carriage property and the other Forest River property. He said the Carriage property is still under the Elkhart County Redevelopment Commission jurisdiction and that TIF District continues. The Forest River TIF is going to expire so the Town annexed the part of the Forest River property not within the City limits and is now intending to establish a TIF District.

Mr. Stegelmann said that the Declaratory Resolution has been prepared for the Town's Redevelopment Commission and the Board has been provided a copy. Exhibit C2 on the last page illustrates the property at the northeast corner of CR 40 and SR 13. There is a Forest River property, a town park, and another Forest River property to the south. The District would entail two commercial properties and a town owned property. He said there is no residential area within the proposed area.

Basically, the Redevelopment Commission wants to do is assist the Town in improving water service to Forest River, further develop the parks, build a Town building to house offices, and possibly a community center. The project would pay as it goes. As money is generated they would use it to make the improvements as needed, with the possibility that the money generated from the TIF would pay bonds, if needed. The Town thinks that this will enhance employment opportunities. Forest River is planning at least one new building on one of the properties and it will provide employment opportunities for the Town and help the welfare of the citizens within Millersburg. This improvement will not negatively affect anyone.

Mr. Stegelmann explained that the Millersburg Redevelopment Commission has approved the Declaratory Resolution and they asked for a written order from the Plan Commission approving the Resolution. Therefore, he asked for approval of the written order and he submitted a copy for the Board to review *[attached to file as Petitioner Exhibit #1]*. He then asked the Board if they had any questions.

Mr. Doriot was aware that this TIF would help all of the residents of Millersburg. Mr. Stegelmann said that this request is for expansion of water services for the expansion of Forest River. He thought they needed to make improvements looping the system and Mr. Doriot said they would have better fire Protection. Roger Miller agreed that the TIF would be beneficial to the Town. Mr. Stegelmann felt that improvements to the water would indirectly affect all of the

residents, along with improvements to the parks, and building the Town center will be an advantage to all of the residents of Millersburg.

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Steven Edwards, that the Advisory Plan Commission approve the written order of the Forest River Economic Development Area and to authorize Steve Warner, the Vice Chairman of the Plan Commission, to sign the Order.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Tony Campanello, Steven Edwards, Roger Miller, Steve Warner, Doug Miller, Blake Doriot, Tom Stump, and Frank Lucchese.

9. *Administrative Adjustment Application and Fee – Brian Mabry*

Brian Mabry stated the application for the Administrative Adjustment was given approval by the Plan Commission and one month ago the County Commissioners gave their approval as an amendment to the zoning ordinance. He believed it would save time and make it easier for the residents if they are granted this Administrative Adjustment; otherwise, they would have to go to the Hearing Officer or Board of Zoning Appeals for approval of a variance. He informed the Board that he is requesting that a \$40 fee be associated with the application. He based it on the least expensive fee for a sign, and the review time is similar.

He briefly went over the application. The landowner would have to submit a questionnaire and site plan. The application indicates the standards that are eligible for the Administrative Adjustment. The criteria from the ordinance that was adopted explains what makes the Administrative Adjustment approvable and describes what can be done if the application is denied. Either the applicant can go for a variance or an appeal can be filed with the Board of Zoning appeals.

Mr. Doriot asked about a house that had been built before a permit was issued. Mr. Mabry clarified the requirement would be effective when the building permits were established. Roger Miller asked when someone comes into the office, how they would know whether they would be eligible for the Administrative Adjustment. Mr. Mabry thought they would probably assume that they would need a variance, but the Planning Department may be able to give them the good news that all they would have to do is apply for an Administrative Adjustment, which would cost them less. Mr. Kolbus stated that the Staff would be informed to do that.

Mr. Mabry said this will be an amendment to the Rules of Procedure that would need the Plan Commissions approval.

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Douglas Miller, that the Advisory Plan Commission adopt the Procedure for the Administrative Adjustment Application and Fee.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Tony Campanello, Steven Edwards, Roger Miller, Steve Warner, Doug Miller, Blake Doriot, Tom Stump, and Frank Lucchese.

10. *Zoning Ordinance Update – Chris Godlewski*

Chris Godlewski stated that his discussion may be brief, but following it Mr. Mabry will go over Module 1 review. He said that is something that the Tech Committee and Policy Committee have both reviewed, and it is the last review step. He said this is just a draft, but a public hearing would be held for final approval.

He summarized that the 25th of January he sent the details of what the three acre rule would look like and what the zoning districts would look like. He said there were very few responses and shortly after that Mr. Burbrink sent a letter out to the Board members summarizing it, but changing it a little by offering some of his personal thoughts.

Mr. Godlewski said he has received very little response. He has not scheduled the next set of meetings for Module 2, because he was waiting for some Board discussion today or any other information provided. He suggested if they want to move forward with Module 2, they need to set the meetings with the Policy and Tech Committees, and work on the details of residential in an agricultural zone. Mr. Doriot agreed they need to move forward, but they need to figure out what they want to do.

Mr. Doriot had a phone call from a large farming business in Clinton Township who said he was part of the "silent majority". The farmer thought three acres was a waste of land, because he felt the landowner would only need an acre to build.

Mr. Doriot said he looked at Mr. Burbrink's proposal and thought it was something they could work from, but did not agree with it totally. The Board agreed it would be a good place to start. Mr. Godlewski suggested they could create a small committee to work on the specific language pertaining to details of residential in an agricultural zone.

Mr. Doriot pointed out that people are taking their personal time to come to these meetings and they still wonder why they are there. The people attending have great input, but if they feel like no one will listen to them, then why bother. He thought they also need to sit down with the committee of residents that are working on this ordinance. Mr. Doriot stated that Mr. Stump was in attendance at the last Policy Committee meeting. Mr. Stump asked how the Board chose the people on the Policy Committee. Mr. Doriot told him that the people were contacted by the Plan Commission members and Mr. Warner said some people expressed an interest whether they were for or against the proposed ordinance, so they ended up on the committee because of their interest.

Roger Miller felt there are a lot of people who want to give input, but do not have the time to attend the meeting. Mr. Warner had mentioned before that he requested they communicate the steps in the process, what are the repercussions of the proposed decision, and what does the change in the process mean. Mr. Godlewski thought Mr. Mabry tried to identify what language exists in the ordinance, where it came from whether it is new information from an old document, the current document, or the old proposed document. Some of the language, for instance, in Article 1 has to be in there, because it deals with State laws. Mr. Godlewski stated if Mr. Warner was asking about a philosophical approach, why they exist, he said that has not been spelled out and he thought it would be very tedious, because zoning is complex.

Mr. Warner reiterated that he meant they need to have a document that a person could easily understand, what the changes will be in the new ordinance, what the old ordinance means, what it is lacking, and an ongoing explanation of this process and what the changes mean. Roger Miller talked to some people that thought the Plan Commission should write a 'Zoning Ordinance for Dummies'. He said if they would call Microsoft and ask them how to run their computer they would be told to turn it on and he needs to be told how to turn it on. Mr. Miller is also looking for a bit more common language and if an ordinance is going to take place to explain exactly what that means. He understands it is complicated. Mr. Godlewski explained that Mr. Mabry is trying to write it in common language. He said they would do reviews and discuss it piece by piece to better absorb it.

Mr. Stump noticed at the Policy Committee meeting the participants questioned whether what they were doing was relevant. They wondered whether they were going to be listened to or are they not going to be listened to. He felt that was an important question and should be addressed first. If the Plan Commission is not going to listen to those people, then they need to get some more people on that Committee that will express their viewpoint better than is being expressed now. He said right now they are wasting their time. Mr. Godlewski stated that each Committee has added comments, those changes are made, and this Plan Commission will make comments that will be seen at the end of the consolidated draft. Whatever comments they made in the beginning will be reflected in the consolidated draft. Mr. Stump said he was new to this Commission and did not understand everything that had been done, but it was explained to him that the Policy Committee had some idea regarding residential use that was brought up and it was somewhat ignored by the Plan Commission. He said that is a concern to him. Mr. Godlewski stated that the Plan Commission gives the final recommendation to the Commissioners and what is submitted may not always be perfect, but it should be served as a recommendation.

Mr. Doriot explained what was requested when Mr. Yoder made the motion that residential be removed from the A zone. Four members on this Plan Commission voted no and five members voted yes. What was asked by the Policy Committee was what did they vote on and no one knew. Mr. Godlewski said he started at that point to get something in detail. Mr. Doriot stated that Mr. Burbrink is the only one that had documented anything.

Mr. Kolbus explained to Mr. Stump that the Plan Commission is advisory on certain matters to the County Commissioners, as he had experienced when he was on the City Council in Goshen. The Plan Commission comes forward with a recommendation and it is up to the County Commissioners to accept it, reject it or modify it. The Plan Commission today has appointed the Tech and the Policy Committees to play similar roles to provide information to the Plan Commission as a full Board and it is up to that Board to accept that information, reject it or modify it. Therefore, they are advisory in nature and nothing they can do can bind this Board; just like this Board cannot bind the Commissioners. It is viewed more as informational. Mr. Kolbus believed the steps that are being taken here to try to sit down with these different groups and work out positions actually goes above and beyond what really is required. There is extra effort being made to try to negotiate things that really would not or are not required to be done. He clarified that the Board is advisory in nature and it is up to the Plan Commission to decide what recognition you give their opinions.

Tom Stump read the handout that Mr. Godlewski gave him on the role of the various Commissions, but he realized from time to time in Goshen City they gave people advisory capacity through committees and it is very important to get both sides represented on that committee. He felt the Policy Committee is doing a lot of the hard work and that should not go unnoticed. Mr. Campanello stated that he was afraid that there are Commissioners that have their own agenda and all of the hard work that is going to be going into the zoning ordinance will be tossed aside. He felt it is relative, because there is going to be a vote their way.

Mr. Doriot said he sees a very split Board. He thought it could go either way, any month, any day as the process goes on. He felt they could get finished and begin to move it on and if this Board doesn't move it on, they will be back at square one. Mr. Godlewski suggested at that point they could take extra time when the consolidated draft comes out to work on that issue. Mr. Doriot stated that the zoning ordinance is about people's property and not any where does it say anything about people's property rights. He felt as they move on and look at the way the country is going

there are individuals that think their only right is to pay taxes on it. He believed as they move forward they need to look at what people bought with their property. Mr. Campanello commented landowners should be allowed to make an informed decision and everything the Plan Commission does and what the zoning ordinance does gives them enough information to decide what they are going to do with their property, but the Plan Commission cannot legislate and tell them what they have to do and what they can and cannot do. They can be given information, but the Plan Commission cannot take that right away from them if they want to build a house.

Mr. Doriot said legally the state allows the Plan Commission to legislate, but do we want to do that. Mr. Godlewski felt the Plan Commission already does legislate to a certain degree, because you cannot put manufacturing, agricultural and residential within the same zone.

Doug Miller really liked Mr. Warner's idea and from what he understood it was an order of simplistics, so that every resident of Elkhart County would understand the zoning ordinance. Concerning building and ag it would be good if someone could pick up a document and know in order to create a subdivision or build a house in an agricultural zone they could see what changes needed to be made. It would be the right to the property owner to understand the ordinance with plain, simple, easy language, so that everyone could understand it and would not have to look through one section of the document to the other. Mr. Warner commented it is not so much rights, but it is a process by which we plan for a stronger future for Elkhart County and it gives a small measure for agriculture and protection for everyone to plan for the future. Mr. Godlewski explained one of the goals was ease of use reading the ordinance. He said there will be graphics to help explain the zoning ordinance and the information will flow so that people would be able to understand it. Roger Miller thought in the future some people may want more land to farm on in this County.

Mr. Doriot did not think they would see major subdivisions in an agricultural area. Mr. Godlewski said when the residential and agricultural ordinance comes up caution will be taken and it should not go to public hearing if it is not agreed upon by the vast majority of the Board. Roger Miller liked the idea of breaking it down so that the ordinance can be understood. He likes that they are processing one module at a time. Mr. Doriot said he had never seen a committee work as well together as the Policy Committee. Mr. Godlewski said his plan was that the Tech Committee meets and reviews, then it goes to the Policy Committee who meets and reviews and then it goes to the Plan Commission and then they start on Module 2 and repeat the process until all four Modules are done, which should be about May and spend the next weeks reviewing the consolidated draft. He thought in June or July they could have a public display, and then have a public hearing. Roger Miller suggested they have a timeline. Mr. Godlewski had thought about that, but wanted a little more discussion.

Mr. Mabry mentioned that Mr. Godlewski emailed the first module to the Board members. He gave a slide presentation and stated that the first module was for review procedures only, and it does not go into the use element of residential and agricultural. He has a critique that has been done and presented to the Plan Commission. It addressed Mr. Warner's concern about communication and listed things the Staff thought should be modified in the existing ordinance and along with that, throughout the document they have explanations given that are meant to keep the public more informed about the changes. He said closer to the end of the project he plans to have an executive summary to be used as a visual for the public that has bullet points and communicates the big picture of what the new ordinance does as compared to the old ordinance. He informed the Board that they are in Module drafting right now where the Technical Committee looks at it, gives

comments, Policy Committee looks at it, gives comments, Plan Commission looks at it and give comments. Ultimately, he will put all of the Modules together for the Plan Commission review and the County Commissioners would have the final decision.

Mr. Mabry reviewed Module 1 for the Board members. Near the front of all of the Modules and the drafts there will be a sheet indicating what all of the editing marks mean. There will be commentary giving an explanation of the changes. The draft will have existing language and reference where it came from in the existing ordinance. Whenever there is something from Draft E that will be indicated as well.

Module 1 has three Articles. Article 1 is General Provisions with a purpose statement and legal oriented information. Article 2 lists each of the Development Review Bodies, such as, the Plan Commission, the County Commissioners, the Zoning Administrator or anyone that has a decision or recommendation to make throughout the review process. Article 3 lists each review procedure, such as, rezoning, variance, DPUD or Administrative Adjustment, and explains the procedure for approval and what kinds of criteria is used in making a negative or positive decision. Mr. Mabry pointed out the high points of Article 1 which is the Purpose Statement, rules of construction, what is meant by words such as must, may, what is meant by having 14 days to review something, whether it is calendar days or working days. He clarified this will not be the definitions, because they are at the end, but it is more of an explanation.

Conflict or inconsistency, internal or external conflicts, stricter regulations control. Whether there is a conflict within the ordinance itself, conflict between a graphic or table vs. text, or a conflict between this ordinance and a Federal or State level regulation. Generally, the strictest rule controls and if there is a conflict between graphic and text the text controls. Mr. Mabry summarized Article 2 with a table he created for Development Review. The code letter represents D for decision, R for recommendation, C if they are considering it, brackets stand for a public hearing and there is a cross reference for where each of the procedures is found in the ordinance.

Mr. Mabry said everything is already existing in the zoning ordinance at this point, with the exception of a temporary use permit and written interpretation.

Article 3, Sec 3.1 Common Review Procedures lays out a consolidated common set of procedures that apply to several different types of reviews. It addresses public hearings, fees, and modifications to approved plans. He said forms and fees are addressed. A lot of material has been stricken relating to the GPUD and DPUD submittal requirements in the adopted ordinance. He thought it is a better practice not to include the submittal requirements into the ordinance, because if they reduce the number of copies to be submitted from 10 to 5, for instance, that would require a public hearing and formal process rather than an Administrative Adjustment, so forms and fees are addressed by reference in that way. (3.1.4.C)

Section 3.1.4. D - Application Sufficiency Review - applies only to the GPUD and DPUD where the Staff reviews what has been submitted the first two days to be sure everything has been submitted that needs to be. The applicant has two days to make those corrections and give the Planners what they need in order to have a sufficient application for review.

Section 3.1.4. E - Technical Correctness Review – Staff looks for what is submitted for correctness, which is compliance with what they oversee. The Health Department oversees the health rules, the Soil & Water oversee their rules and the Planners oversee the zoning ordinance and subdivision control ordinance. This item number is for review of the content of whatever has been submitted and making the determination whether it is correct or not. If what has been submitted is correct it goes on to the Plan Commission for a decision or recommendation. If what has been

submitted is not correct the Staff provides the comments for what is needed and they would be on the next agenda to look at the corrections that have been made.

Section 3.1.10 - Modification of Approved Site Plan – There is an existing list in the ordinance for DPUD's, but he has also included them for special use permits and variances. If an approval has been done related to a site plan and it has already been approved, but someone needs to make an adjustment there are parameters that have been set and if they stay within the parameters he can administratively approve the adjustment and they will not have to bring it back to the Plan Commission or the BZA for their approval because it is a minor change. If what they have exceeds those criteria then it still can be taken to the Plan Commission or BZA for a major/minor change. He believed this would give Staff more of an opportunity to make a decision and allow for the applicant to have a minor adjustment and not need Plan Commission or BZA approval.

Section 3.1.11 Mr. Mabry said they have issues with old PUD's that do not have site plans. Therefore, it is questionable whether they can do something, because there is no site plan reference. This section lays out a route to take to either provide a site plan for the Plan Commission and County Commissioners' approval or rezone and eliminate the PUD addition to that property and just have a straight rezoning. One thing he added to make things more flexible is allowing a single family residence on the old PUD's provided the base zoning district allows for it. For instance, if someone had an old PUD with no site plan and the zoning was B-1 with an old PUD they would allow building a home on the property without having to make the correction of either providing a site plan with the Plan Commission's approval or requiring a rezoning and getting rid of the PUD. He clarified that they could build a residence as long as the zoning allowed it and not have to do any extra work because they have an old PUD.

Mr. Mabry said the rest of Article 3 is each specific review procedure. He said there is a common structure for each of them.

Applicability Statement – saying what a rezoning or variance is for.

A Review Process – who looks at it and who makes the final decision.

A Review Criteria – what does the Board of Zoning Appeals Board look at for a special use permit. They are seeing if it meets the spirit of the zoning ordinance, etc.

The Duration of a Permit – how long the permit is active.

Section 3.3.3 - Additional Rezoning Criteria – there is an addition to the draft. He said they still have the five State mandated criteria plus one of proximity to other public facilities, such as, schools, libraries, fire stations and parks. When Staff is presenting rezoning to you they would go over the rezoning and if this was approved as presented. He said they would also look at the proximity of these public facilities, which came as a recommendation in the Comprehensive Plan. (p.3-11)

Mr. Mabry thought the wording for GPUD's and DPUD's has been streamlined, so they have stricken all the submittal requirements and are relying on the application forms themselves. He said a DPUD has three parts to it: a detailed site plan, a detailed development plan, and an ordinance.

Mr. Mabry said he made it clear that the Plan Commission can recommend and the County Commissioners or the Town Council can require enhancement to the site outside of the normal standards of the landscaping, access, and signs.

The corridor PUD has been stricken because it has never been utilized. Mr. Burrow explained it had been created for SR 19 and CR 17.

The Conditional Industrial Unit Development is similar and has been used. Mr. Mabry said they have done one since he has been here, but the Conditional Industrial use is heavier industrial that requires the Plan Commission and County Commissioners' approval. It is a lower level DPUD and the drawing does not have to be done by the surveyor or engineer. He said they would look toward utilizing special use permits or the new ability to impose commitments or a rezoning instead right now as the draft reads. (p.3-32)

The Special Use permit and Variance are the two main things that the Board looks at and he will have a use table in the second Module that shows what uses are permitted in what zoning districts and S will represent a special use permit.

For Variances they proposed removing Use Variances, because they are difficult to approve and it is difficult to get a positive Staff recommendation due to the fact that there is a hardship related to the property. However, the Policy committee voted to keep Use Variances. Mr. Mabry said they would still have Special Use permits.

Use Variances - The Board of Zoning Appeals allows a certain type of use that would have normally been prohibitive in that zoning district. Another example is dawdy houses which would be allowed subject to the house being a percentage size of the main house with one access point, but there would not be a separate access point for the extra dwelling. The Policy Committee wanted to keep the Use Variance procedure in place.

Roger Miller asked if they had to monitor Use Variances. He recalled they have allowed five trucks to be parked at a property, checked and the next time there were 20 trucks. He felt it is difficult to place limitations in some cases. Mr. Mabry thought it was time consuming to check the status of a Use Variance. Mr. Doriot did not think Elkhart County had the Staff available to check on each Use Variance. He said that it would be complaint driven. Mr. Mabry said in some cases a site may be monitored a year later, but normally he agreed it is complaint driven.

Mr. Doriot commented about putting dawdy houses as a secondary dwelling in the ordinance. He recalled that BZA said they would not approve anymore dawdy houses until the ordinance gets amended. Mr. Mabry told him if the Use Variance had been removed one way they would have worked around it is to allow certain types of common use variances by right, subject to some limitations.

Mr. Mabry said the Technical Committee also proposed a couple of additional criteria for Developmental Variances such as, setbacks or height. He did research on other communities' variance criteria and they were all similar to what Elkhart County has in effect now.

An Improvement Location Permit is a type of site plan review for planning. There have been changes to the ILP and right now it requires paved areas over 539 sq. ft. which equals out to be a few 9 x 20 parking spaces. He said the reason is that paving at a certain point results in some potential drainage issues that Staff will look at through the ILP.

Mr. Doriot thought that was a very small area for paving. Mr. Mabry said any number can be changed. Roger Miller thought they had to look at whether or not it is a good idea and not the size. Mr. Miller thought paved driveways were better. Mr. Stump asked if the customer would have to get a permit if the driveway was over 539 sq. ft. Mr. Mabry explained that an ILP is a review by planning and other departments to be sure that what they want to do complies with the zoning ordinance and other related regulations like the Health Department, Soil and Water, etc.

Mr. Doriot thought Planning needed to talk to the paving or asphalt people and ask them how many driveways they do a year. Mr. Stump thought it was ridiculous, because if they were doing an acre of parking it would be different. Mr. Campanello asked him why he would want to

add all this extra work just for that square footage. Mr. Mabry explained a lot of times when things are incrementalized there would be more work later on if it is not addressed. The Board briefly discussed private subdivisions and Mr. Doriot said they would already have all of the requirements of Rule 5, SWPPP, etc. Mr. Campanello asked if a lot of the changes they are requesting were due to complaints received. Mr. Doriot commented he thought 539 sq. ft. was a small area.

A change in use from residential to a non-residential use should be discussed. If a use went from a residence to a full time beauty salon or something he proposed there should be an ILP required. He said there should also be an ILP required if there was a significant change in use from one non-residential use to another, for instance, from a restaurant to a retail store. He explained it would be from one broad type of use to another.

Mr. Mabry said there are some things where ILP's would not be needed. For clarification, it matches up with what we already do. He referenced Page 343 of the draft.

Temporary Use Permits are new to the draft which would be required for something like a food stand, special sales event, circus, etc. It relates to events that come and go. He proposed this so a temporary use does not become a permanent use. There is a 90 day time limit for these. They would have assurances that trash would be removed or else there would be a violation of the permit which would give them leverage to have things cleaned up.

A Certificate of Occupancy is required after building permit approval, after final inspections before the homeowner can move it. It is the final review before the business starts.

Mr. Mabry requested approval of a proposal for a non-residential building to require as-built drawings that comply with previously approved plans or permits and they would have to be prepared by a licensed surveyor before the C of O would be issued. He explained that Staff has had several problems with structures that are built out of compliance with what was approved. This puts Staff in a difficult position of having to figure out what was not right with the site and what was approved. An as-built would show what was built and it could be easily compared to what was approved.

Mr. Doriot felt as-builts were a little excessive. Mr. Campanello stated that the only people that should be asking for as-builts is the owner from the contractor. Mr. Doriot said if Staff sees that there are some substantial things that are not right, they could ask them to prove that it is right. Mr. Campanello asked about liability of the County pertaining to the as-builts. What if the County says that they agree with the as-builts, but there are problems with it. Mr. Mabry believed that if the County does not have this then they definitely would need some direction from the Plan Commission on how this should be handled. Since he has been here he has seen several permits where the structure built does not comply with what was approved, but it has already been completed. He asked about how to address that. Roger Miller asked him what they did. Mr. Mabry said he did not know for sure because it has been other non-planning departments. He said it is a difficult situation and would like to find a solution.

Mr. Campanello asked if that happened because the inspectors did not do their job. Mr. Mabry said no, he thought it was because what was built did not match what was approved. Mr. Doriot suggested they sit down and talk about this and perhaps they could have his employees go out and tell the applicant they are not in compliance with their drawing and the County needs an as-built. He suggested then through the permit process to give his Staff license to go to the site and perform a couple of measurement checks. He clarified that would involve commercial and industrial only.

Mr. Kolbus stated that it would help him understand this issue if the Staff could lay out some of the specific instances that they have a problem with, then they could look and see if there are other ways to solve that problem, other than as-builts. He would like a summary of those situations, because that would be helpful. He said he would be happy to meet with them on this.

Mr. Campanello asked if they were concerned about the size of buildings or if the type of septic system going in is not getting built properly. Mr. Mabry said it is more the big picture of things, not necessarily one size approved, but another being built, but more like drainage problems, retention, etc.

Mr. Godlewski stated that sometimes something may be on the plans, but it is not built, also. He referenced retention, a road, etc. Mr. Godlewski suggested that they read the Module 1 draft and discuss it at the next month's meeting.

11. A motion to adjourn the meeting was made by Doug Miller and seconded by Mr. Campanello. The meeting was adjourned at 11:33 A.M.

Respectfully submitted,

Sandra Herrli, Recording Secretary

Steve Warner, Vice Chairman