MINUTES OF MEETING OF

WASHINGTON COUNTY PLAN COMMISSION

Held May 7, 2024
Washington County Conference Room

The regular meeting of the **Washington County Plan Commission** meeting was called to order at approximately 6:30 P.M. Board members present included Todd Ewen, Kevin Baird, Emily Rodman, Marsha Dailey , Danielle Walker, and Rondale Brishaber. Absent were Lori Gilstrap, Deidre Miller, and Andrew Katt.

Also present were Planning Director, Travis Elliott, and Commission Attorney, Lisa M. Fleming. Members of the public present included Chris Boling, Environmental Specialist for the Washington County, Indiana, Health Department, Rhonda Greene, and Max Greene.

All in attendance recited the Pledge of Allegiance, led by Emily Rodman. Todd Ewen then offered a prayer.

The **April 9, 2024, Plan Commission Meeting Minutes** were reviewed and approved following a motion from Kevin Baird, second by Emily Rodman, and unanimous approval.

There was **no Board of Zoning Appeals (BZA) meeting.**

President Todd Ewen asked Lisa Fleming if she had anything to report. Lisa gave a brief update on the status of the Doug Turner matter, stating that it was in the discovery phase. She indicated that a special BZA Board meeting would be coordinated at a later date to discuss the litigation. Lisa Fleming also notified the Plan Commission that she would be out of town on June 4, and unable to attend the BZA and Plan Commission meetings.

Todd then asked Travis Elliott to address the Plan Commission. Travis discussed two main subjects of concern, and referred to the attached outline of bullet points for each subject. See **Exhibit A.** He invited Chris Boling, the Environmental Specialist for our County Health Department, to weigh in on lot sizes and residential septic system requirements, as part of the discussion.

Travis alerted the Plan Commission to a prospective buyer's intentions to place 15 homes for occupation by members of his family on one 40-acre parcel of land in the Hardinsburg area, and the ramifications of this plan. The parcel number is 88-02-01-000-014.000-017. The owner does not intend to divide up the 40 acres. This property is accessed from an easement that is essentially a long private road off Highway 150. It is about 1,200 feet from the highway to the southeast corner of the property and about 2,500 feet from the highway to the northeast corner of the property. There is no street address for this property. The location address according to the Property Assessment Card is S. of Dogwood Valley Road, Hardinsburg, IN. Concerns were expressed that it would be **difficult for an emergency responder to find a property** that is accessed from this easement. There are four other properties, all 10-acre parcels, that are east

of the 40-acre parcel, and three of them have residences and use the easement for access from Highway 150. The property assessment cards show that they bear the physical addresses of 8499, 8493, and 8489 W. U.S. Highway 150, Hardinsburg, IN. The fourth property is adjacent to 8489 W. U.S. Highway 150 and has the same owner. Todd weighed in and stated that **the easement access would need to be changed to a road that meets county standards** and the **owner of the 40-acre property will need to meet the same requirements as a subdivision developer**.

Todd said that long ago, the commissioners **voted to eliminate the relation rule** that used to allow multiple family residences on one parcel. Todd hopes that the new Subdivision Ordinance will be in place by the first of the year or sooner.

Travis then discussed **high-density housing areas in unincorporated towns** such as Fredericksburg and Hardinsburg that are not served by municipal wastewater treatment facilities. He also discussed the tabled development of Dutch Park near Martinsburg that sought to develop multiple residences on a property that is served by a municipal water system. The lots were planned to be less than ¾ of an acre. Only two houses were built in this area, and the parcels are all over 1-acre. ½ or less

Travis noted that lots in the towns of Fredericksburg and Hardinsburg are generally served by a public water supply but are often less that ¾-acre. Our **general rule to obtain a building permit** has been to require a minimum lot size of 1-acre for a property that is not served by a municipal water supply, or require a minimum lot size of ¾-acre for a property that is served by a municipal water supply, and a determination by Chris Boling, that in his best judgement, a septic tank is appropriate for the property. Any property owner whose lot does not meet these requirements may request consideration from the BZA for a variance.

Chris Boling discussed House Bill 1402 that became Public Law 232 on May 4, 2023, and was authored by State Representative Jim Pressel. Chris Boling's interpretation of this law after reading guidance in the form of Answers to Frequently Asked Questions provided by Alice Quinn, the Residential On-site Sewage Systems Manager at the Indiana Department of Health is that any part of a local ordinance currently in effect that contains provisions for residential on-site sewage systems (OSS) that are more restrictive than the provisions in the new law are null and void and non-enforceable unless approved by the Technical Review Panel (TRP). The TRP was established in 2019 for the primary purpose of reviewing submissions of Technology New to Indiana (TNI). The new law expanded the responsibilities of the TRP to include review of local ordinances that prohibit TNI or vary from Rule 410 IAC 6-8.3. in effect prior to July 1, 2023. Chris also talked about new holding tank technologies and his concerns if they fail or owners cease paying for dumping/disposal services.

After a lengthy discussion, Todd Ewen advised that we will stick with our current **general rule to obtain a building permit as it pertains to lot size**, described above, until the Indiana Legislature has some rock-solid, steadfast rules in place.

There was a discussion regarding Zoning, led by Emily Rodman. Emily said that after discussions with Conner Barnett, we believe six (6) zones are appropriate for Washington County that include the following:

1. Agricultural (Farming) – this comprises the greatest area of Washington County.
2. Forestry/Recreation
3. R-1 – Subdivision
4. R-2 – Platted Towns – Includes incorporated and unincorporated towns
5. Industrial
6. General Business

Emily displayed map views on the large displays and indicated we would try to categorize the zones in Madison, Brown, and Vernon Townships first. She indicated that zoning would be by property line. The large printer in her office is not operable right now but she will print out hard copy maps for use in upcoming meetings once it is repaired.

The meeting adjourned at approximately 7:45 P.M. following a motion made by Danielle Walker which was seconded by Kevin Baird, and unanimously approved.

Washington County Planning Commission by:

Todd M. Ewen
Todd Ewen, President

Kevin Baird, Vice President

Danielle Y. Walker
Danielle Walker

Emily Rodman

David A Lyles
David Lyles

Rondale Brishaber

Andrew Katt
Andrew Katt

Loris Gilstrap

Marsha Dailey
Marsha Dailey

Lisa M. Fleming, Attorney for WCPC/BZA

Attendance at Washington County Plan Commission Meeting
(No BZA Meeting/Hearing Held)

Date|Time: 5/07/2024|6:30pm - Location: Courthouse (2nd Floor)

Planning Commission Members	Attend – Yes/No
Lisa Fleming	Yes
Travis Elliott	Yes
Emily Rodman	Yes
Danielle Walker	Yes
Todd Ewen	~~yes~~
Rondale Brishaber	yes
~~Deidre Miller~~ David Lyles	
Kevin Baird	Yes
~~Mark Hartman~~ MARSHA DAILEY	yes
Andrew Katt	
Lori Gilstrap	

BZA Members	Attend – Yes/No
John Mishler, President	N/A
Lori Gilstrap, Vice President	N/A
Lisa Fleming, Secretary	N/A
Denise Coots	N/A
Marsha Dailey	N/A
Todd Ewen	N/A

Public	Attend – Yes/No
Rhonda Greene	
Max Greene	
Chris Boling	

Attendance:

Washington County Planning Commission & BZA

Date|Time: 6/4/2024|6:00pm

Location: Courthouse Courtroom (2nd Floor)

PC Members	Attend
Lisa Fleming	
Travis Elliott	✓
Emily Rodman	
Danielle Walker	✓
Todd Ewen	✓
Rondale Brishaber	
Marsha Dailey	✓
Kevin Baird	
David Lyles	✓
Andrew Katt	✓
Lori Gilstrap	

BZA Members	Attend
Lisa Fleming	
Denise Coots	
John Mishler	
Marsha Dailey	
Todd Ewen	
Lori Gilstrap	

Public	Attend
Rhonda Greene	✓
Max Greene	✓

Todd: Please put a checkmark by everyone who shows up.

Road Name

Hwy 150

- Distance off road 2000'
- 3 existing homes
- Adding approximately 15 more
- No subdivision ordinance required
- Recent example Old 56

(additional references of other challenging long driveways)

High Density Areas

- Dutch Park
- Hardinsburg-(Surveyor's Office final date of unincorporated town of Hardinsburg)
- Fredericksburg
- 2 acre minimum subdivision requirements
- All Public utilities for lots sizes ½ acre and smaller (Parcels to lots)
- Renal Duplex in high density areas-Public Utilities

Current Landowner/Homeowner

What is our current minimum acreage? (Setbacks, Project site, Health Department Requirements)