

MONROE COUNTY PLAT COMMITTEE



**July 16, 2020
4:00 pm**

HELD VIA TELECONFERENCE

[https://monroecounty-
in.zoom.us/j/85981074105?pwd=UUFrMjAvQUNvVjdxL2pJYVkvRUNPd09](https://monroecounty-in.zoom.us/j/85981074105?pwd=UUFrMjAvQUNvVjdxL2pJYVkvRUNPd09)

A G E N D A
MONROE COUNTY PLAT COMMITTEE

Telelink Conference:

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July 16, 2020

4:00 pm

REGULAR MEETING

OLD BUSINESS:

1. 2002-SSS-03

**Shuler Sliding Scale Subdivision Preliminary Plat
Plat Committee Decision.**

One (1) 20 +/- acre parcel in Section 24 of Bloomington Township at 3756 N
Russell RD (Parcel #: 53-05-24-300-002.000-004).

Zoned AG/RR.

*****CONTINUED BY PETITIONER*****

NEW BUSINESS:

1. 2004-SSS-05

**Jon Elgar Sliding Scale Subdivision Preliminary Plat
Plat Committee Decision**

PAGE 3

Two parcels on 13.54 +/- acres in Section 01 of Indian Creek Township at 7015 S
Lodge RD (Parcel #: 53-10-01-200-001.000-007).

Zoned AG/RR.

2. 2005-SSS-06

**Kari Davis Sliding Scale Subdivision Preliminary Plat
Plat Committee Decision**

One (1) 10.9 +/- acre parcel in Section 12 of Bean Blossom Township at 9180 N
Mt Pleasant RD (Parcel #: 53-03-12-400-001.000-001).

Zoned FR.

*****CONTINUED BY STAFF*****

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Monroe County, should contact Monroe County Title VI Coordinator Angie Purdie, (812)-349-2553, apurdie@co.monroe.in.us, as soon as possible but no later than forty-eight (48) hours before the scheduled event.

Individuals requiring special language services should, if possible, contact the Monroe County Government Title VI Coordinator at least seventy-two (72) hours prior to the date on which the services will be needed.

The meeting will be open to the public.

MONROE COUNTY PLAT COMMITTEE MEETING**July 16, 2020**

PLANNER Rebecca Payne
CASE NUMBER 2004-SSS-05
PETITIONER Jon Elgar, c/o Deckard Land Surveying
ADDRESS 53-10-01-200-001.000-007
REQUEST Sliding Scale Subdivision Preliminary Plat to subdivide 1 lot into 2 lots
ACRES 13.54 ±
ZONE AG/RR
TOWNSHIP Indian Creek
SECTION 01
PLAT N/A

COMPREHENSIVE PLAN LAND USE DESIGNATION: Farm and Forest

EXHIBITS

1. Jon Elgar Sliding Scale Subdivision Preliminary Plat Drawing

RECOMMENDED MOTION

Staff gives a recommendation of **approval** of the Sliding Scale Subdivision Preliminary Plat, and gives a recommendation of **approval** for the Buildable Area Waiver, based on the findings of fact and subject to the Monroe County Highway Department & Drainage Engineer reports.

PETITIONER'S REQUEST

The petitioner has requested a waiver from the Improvement, Reservation and Design Standards outlined in Ch. 862-4 (A) (General design considerations for Sliding Scale Option), which reads:

(6) Any lots intended for residential use created by the sliding scale option subdivision method shall include 1 acre of buildable area. This provision may only be waived for proposed lots including pre-existing residential structures.

The property has a pre-existing single family dwelling that is situated close to the road, and adjacent to the Sinkhole Conservancy Area (SCA). The configuration of buildable area to be able to create two lots, including the one previously developed lot and one new lot for residential development, is limited by the topography as well as the desire to keep the two existing silos and barn on the newly created lot.

The ordinance defines Buildable Area as *A designated area of a lot that is compact in form and necessary for the safe construction or placement of structures and associated utility infrastructure.* Though Lot 2 contains more than 1 total acre of buildable area (1.1 acres) it is not 'compact in form' as the buildable area is split up by the SCA on the lot. Proposed lot 2 contains 0.62 acres of buildable area in compact form near the home. Therefore, preliminary plat approval for this sliding scale subdivision proposal is dependent upon the approval of the Buildable Area waiver for Lot 2.

BACKGROUND

The petition site is a 13.54 +/- acres parcel located in Indian Creek Township and maintains frontage along S Lodge Rd. The Sliding Scale Subdivision proposal would divide this parcel into two lots. The existing lot meets development standards and the Subdivision Control Ordinance's

provisions.

The proposed acreages are as follows:

Lot 1: 10.13 acres, 5.46 acres of buildable

Lot 2: 2.6 acres, 1.10 acres of buildable

The proposed subdivision will create two residential lots, one of which already contains a residence. Proposed Lot 1 has an existing barn and two silos and septic. Lot 2 has an existing one story house, garage and septic.

The subdivision does contain a Sinkhole Conservancy Area that straddles the two proposed lots.

There are no overhead utilities, and a note has been added to the plat that as per Ch. 856-41 future utility lines must be buried.

The proposed lots have approved septic permits. The lots do not need to meet the sanitary sewer requirement of Ch. 856-39 because this provision does not apply to a Sliding Scale Option subdivision under Chapter 862.

CONNECTIVITY

Lot 2 has road frontage along S Lodge Rd. Lot 1 access will also be derived from a proposed driveway along S Lodge Rd.

LOCATION MAP

The property is located in Indian Creek Township, Section 01. The property maintains frontage on S Lodge Rd which is classified as a Local Road.

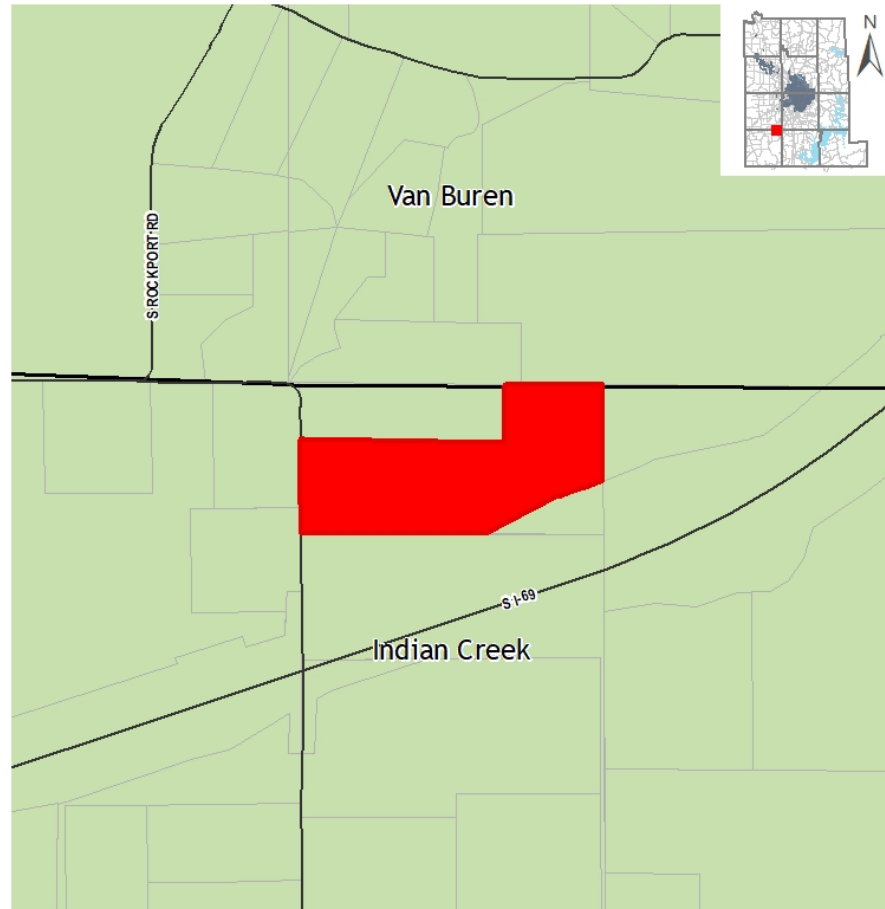
Location Map

- Petitioner
- Roads
- Civil (Political) Townships
- Parcels

0 0.05 0.1 0.2 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/10/2020



SITE CONDITION







The petition site consists of one lot that is approximately 13.54 acres. Proposed Lot 1 has an existing barn, two silos and septic. Lot 2 has an existing one story house, garage and septic. Lot 1 is used as farmland.




ADJACENT ZONING

The property is zoned Agriculture/Rural Reserve (AG/RR). Adjoining properties are zoned AG/RR. Properties to the north and northwest are zoned Mineral Extraction (ME). All adjacent and surrounding properties appear to be used for residential or agricultural purposes.

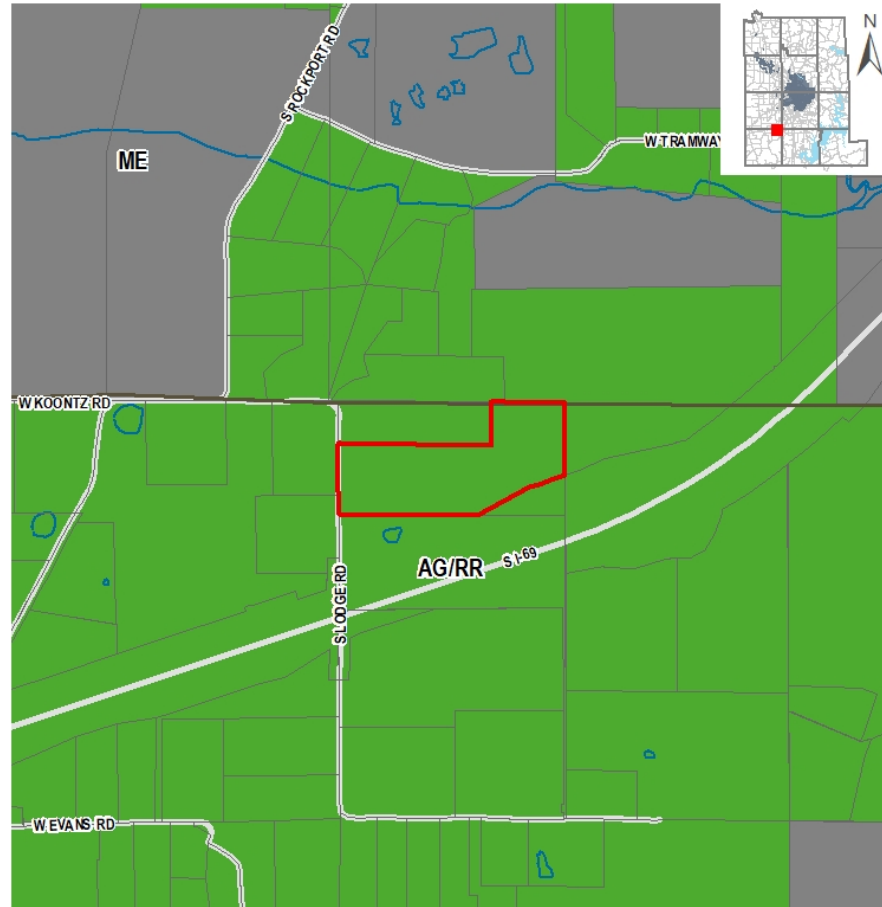
Current Zoning

-  Petitioner
-  Parcels
-  Roads
-  Hydrologic Features
- Monroe County Zoning**
-  AG/RR - Agriculture/Rural
-  ME - Mineral Extraction

0 0.05 0.1 0.2 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/10/2020



COMPREHENSIVE PLAN DISCUSSION

The petition site is located within the Farm and Forest designation of the Comprehensive Plan designation, which states:

Farm and Forest

Much of Monroe County is still covered by hardwood forests, in no small part because of the presence of the Hoosier National Forest, Morgan-Monroe State Forest, Army Corps of Engineers properties, and Griffy Nature Preserve. Much of the low lying floodplains and relatively flat uplands have been farmed for well over 100 years. These areas are sparsely populated and offer very low density residential opportunities because of both adjoining Vulnerable Lands and the lack of infrastructure necessary for additional residential density. This category encompasses approximately 148,000 acres including about 40,000 acres of our best agricultural property located primarily in the Bean-Blossom bottoms and western uplands of Richland Township and Indian Creek Township. It includes private holdings within the state and federal forests.

Farm and Forest Residential also includes the environmentally sensitive watersheds of Monroe Reservoir, Lake Lemon, and Lake Griffy and several other large vulnerable natural features in Monroe County. There are approximately 78,000 acres of watershed area in this portion of the Farm and Forest Residential category. These natural features provide a low density residential option while protecting the lakes and the water supply resources of the County. The Farm and Forest areas comprise most of the Vulnerable Land in Monroe County.

A low residential density is necessary in order to protect associated and adjoining Vulnerable Lands and to sustain particular “quality of life” and “lifestyle” opportunities for the long-term in a sparsely populated, scenic setting. With a few exceptions like The Pointe development on Monroe Reservoir, these areas do not have sanitary sewer services and have limited access on narrow, winding roadways. Those portions not already used for agriculture are usually heavily forested and have rugged topography. They offer unique and sustainable residential opportunities that cannot be replaced.

In reviewing rezoning, subdivision and site development proposals, the County Plan Commission shall consider the following:

- Public services or improvements are not expected for these areas within the horizon of this Plan because those improvements require significant investment in roadways, sanitary sewer, private utilities, and public services for which County financial resources do not exist.
- New residential density places additional stress on nearby vulnerable natural features that cannot be mitigated by sustainable practices without additional public expense.
- Low density residential opportunities and their associated lifestyle are scarce resources that are sustained only by our willingness to protect that quality of life opportunity for residents who have previously made that lifestyle choice and for future residents seeking that lifestyle.

To maintain Farm and Forest property use opportunities an average residential density per survey

section shall be established by ordinance. This average density shall preserve the rural lifestyle opportunity of this area and help protect nearby Vulnerable Lands. The grouping of more than four residential units sharing the same ingress/egress onto a County or state roadway shall not occur on rural property in this category. All property subdivided in this category must provide for adequate contiguous Resilient Land to support either two independent conventional septic fields or one replaceable mound system, sufficient space for buildings traditionally associated with this type use must also be available. In addition, public roadways shall not experience less than the Monroe County Level of Service standard designation which exists at the time this Plan is adopted as a result of subdivision. Roadways classified as state Highways, major collectors, or local arterials are exempt from this requirement.

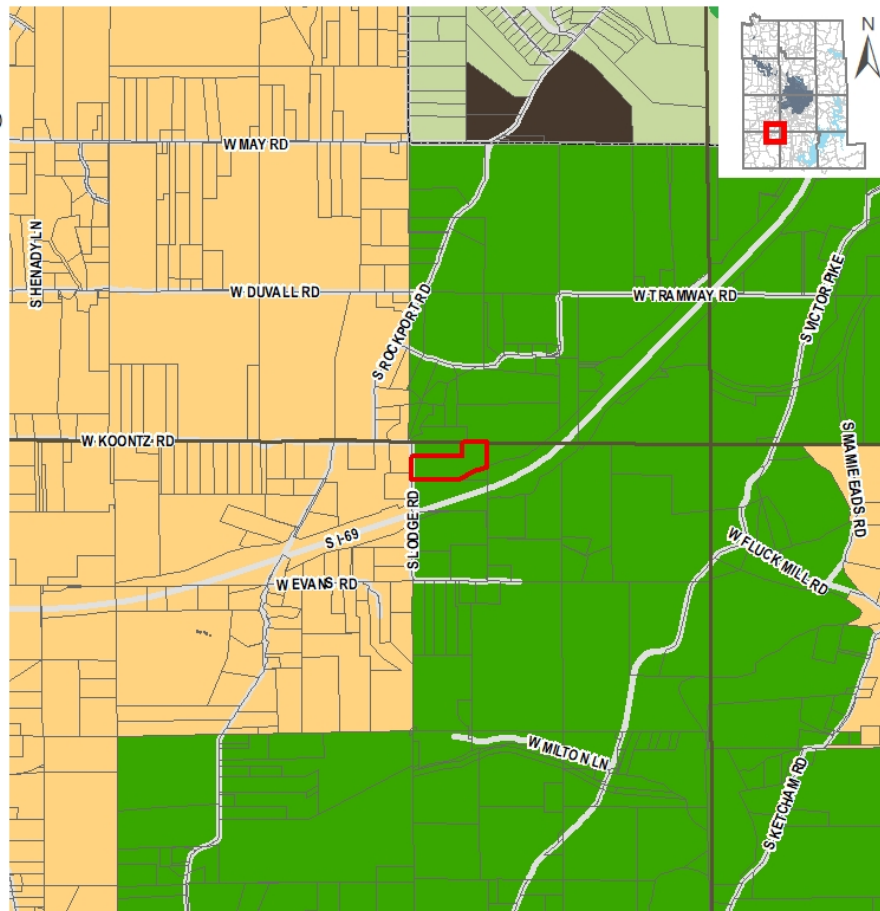
Comprehensive Plan

- Petitioner
- Townships
- Monroe Co. Urbanizing Area (MCUA)
- Parcels
- Roads
- Comp. Plan Land Use (Updated 2015)**
- Farm and Forest
- Rural Residential
- MCUA Institutional
- MCUA Open Space
- MCUA Quarry Landscape
- MCUA Rural Transition
- MCUA Suburban Residential

0 0.2 0.4 0.8 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/10/2020



SITE PHOTOS













FINDINGS OF FACT – Subdivisions

850-3 PURPOSE OF REGULATIONS

(A) To protect and provide for the public health, safety, and general welfare of the County.

Findings

- The petition site is zoned Agriculture/Rural Reserve (AG/RR);
- The site contains one Sink Hole Conservancy Area that totals 1.56 acres;
- Lot 1 and Lot 2 have existing structures;
- The site is not within the regulated Environmental Constraints Overlay Area;
- The parcel maintains frontage along S Lodge RD;
- The site is surrounded by agricultural uses;

(B) To guide the future development and renewal of the County in accordance with the Comprehensive Plan and related policies, objectives and implementation programs.

- This site is located in the Farm and Forest area as stated in the Comprehensive Plan;

(C) To provide for the safety, comfort, and soundness of the built environment and related open spaces.

Findings

- The subdivision will result in one new lot;
- The parent parcel, made up of 10.13 acres , will not be able to be subdivided for a period of 25 years;
- A portion of Lot 1 and Lot 2 is in a Sink Hole Conservancy Area
- Both lots have existing structures;

(D) To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.

Findings

- See findings under (A), (B), and (C) above;
- Under Chapter 856-7, the language under buildable area states: “Any subdivision of land for agricultural or conservation purposes not involving any new street or access easement or any non-agricultural structures shall be exempted from the buildable area requirement and the minimum lot size requirement. Land subdivided for agricultural or conservation purposes must include the use restriction that shall be recorded on the Final Plat and incorporated as a Recorded Commitment referenced on any deed conveying the land.”
- Lot 1 has existing agricultural structures;

(E) To guide public and private policy and action to ensure that adequate public and private facilities will be provided, in an efficient manner, in conjunction with new development, to promote an aesthetically pleasing and beneficial interrelationship between land uses, and to promote the conservation of natural resources (e.g., natural beauty, woodlands, open spaces, energy and areas subject to environmental constraints, both during and after

development).

Findings

- See Findings under (A) – (D) above;

(F) To provide proper land boundary records, i.e.:

- (1) to provide for the survey, documentation, and permanent monumentation of land boundaries and property;

Findings

- The petitioner has submitted a preliminary plat drawn by a registered surveyor.

- (2) to provide for the identification of property; and,

Findings

- The petitioner submitted a survey with correct references, to township, section, and range to locate parcel. Further, the petitioner has provided staff with a copy the recorded deed of the petition site.

- (3) to provide public access to land boundary records.

Findings

- The land boundary records are found at the Monroe County Recorder's Office and, if approved, this petition will be recorded there as a plat. The plat must comply with Chapter 860 - Document Specifications to be recorded.

FINDINGS OF FACT – WAIVER OF BUILDABLE AREA REQUIREMENT FOR LOT 2 ONLY

The petitioner has requested a waiver from the *Improvement, Reservation and Design Standards* outlined in Ch. 862-4 (A) (General design considerations for Sliding Scale Option), which reads:

(6) Any lots intended for residential use created by the sliding scale option subdivision method shall include 1 acre of buildable area. This provision may only be waived for proposed lots including pre-existing residential structures.

Section 850-12 of the Monroe County Subdivision Control Ordinance states: “The Commission may authorize and approve modifications from the requirements and standards of these regulations (including the waiver of standards or regulations) upon finding that:

1. Practical difficulties have been demonstrated:

Findings:

- Chapter 804 (Table 4-1 (I)) specifies that all Agriculture/Rural Reserve (AG/RR) lots created after October 2, 2015 shall include a minimum of 1 acre of buildable area.
- Chapter 862 specifies that any lots intended for residential use created by the sliding scale option subdivision method shall include 1 acre of buildable area. This provision may only be waived for proposed lots including pre-existing residential structures;
- The Subdivision Control Ordinance defines buildable area as *A designated area of a lot that is compact in form and necessary for the safe construction or placement of structures and associated utility infrastructure;*
- Proposed lot 2 contains 0.62 acres of buildable area in compact form near the home;
- Lot 2 is zoned Agriculture/Rural Reserve (AG/RR)
- Proposed lot 2 contains 1.10 acres of buildable area in total;
- There is a pre-existing residential structure on lot 2 that is one single family dwelling;
- Any further development of lot 2 must take place within the buildable area delineated on the plat;
- Proposed Lot 2 meets all other height, bulk, density and area requirements of Chapters 804 and 862;
- The slope topography of the property limits the opportunities for dividing up the total 2.60 acres of buildable area across two lots;

2. The requested modifications would not, in any way, contravene the provisions of the Zoning Ordinance, the Comprehensive Plan or the Official Map of the County;

Findings:

- See findings under Section 1;

3. Granting the modifications waiver would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g. water, sewer, fire protection, etc.):

Findings:

- See findings under Section 1;

4. Granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;

Findings:

- See findings under Section 1;

5. The conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties;

Findings:

- See findings under Section 1;

6. Granting the requested modifications would not contravene the policies and purposes of these regulations;

Findings:

- See findings under Section 1;

7. The requested modifications are necessary to ensure that substantial justice is done and represent the minimum modifications necessary to ensure that substantial justice is done;

Findings:

- The Sliding Scale subdivision option is the only subdivision option available to this property, as there is no sewer in this area and the lot is too small to create lots greater than 10 acres each;
- Chapter 862 specifies that the buildable area provision may only be waived for proposed lots including pre-existing residential structures;
- There is a pre-existing residential structure on lot 2 that is one single family dwelling;
- See findings under Section 1;

8. The practical difficulties were not created by the Developer, Owner, Subdivider or Applicant; and,

Findings:

- The slope topography of the property limits the opportunities for dividing up the total 2.60 acres of buildable area across two lots;
- See findings under Section 1;

9. The practical difficulties cannot be overcome through reasonable design alternatives;

Findings:

- The existing home location, sinkhole conservancy area, and other nearby structures limited the ability of the owner to create two lots with at least 1 acre of buildable area compact in form;
- See findings under Section 1;

In approving modifications, the Commission may impose such conditions as will in its judgment substantially secure the objectives of these regulations.

EXHIBIT 1: Jon Elgar Sliding Scale Subdivision – Preliminary Plat

