

DEKALB COUNTY DEPARTMENT OF DEVELOPMENT SERVICES

PLANNING • BUILDING • GIS

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Planning: 260.925.1923 • Building: 260.925.3021 • GIS: 260.927.2356 • Fax: 260.927.4791

AGENDA

DeKalb County Plan Commission

Plan Commission

Commissioners Court – 2nd Floor DeKalb County Court House

Wednesday, August 20, 2025

8:30 AM

To view the livestream, click here: <https://tinyurl.com/YouTubeDCPC>

1. Roll call
2. Pledge of Allegiance
3. Prayer
4. Approval of Minutes: June 18, 2025
5. Consideration of Claims: June/July 2025

Payroll	\$62,870.10
City of Auburn – Inspections	\$315.00
HWC Consultant Fees	\$5,900.00
INAFSM – Membership/Conference	\$1,113.00
Kruse & Kruse 2 nd Quarter Legal Fees	\$2,693.58
Lassus	\$627.06
Mileage – Jhace Sleeper	\$60.00
Shepherds	\$1,020.06
Verizon	\$234.39
WestWood Car Wash	\$27.00
TOTAL:	\$74,860.19
6. Old Business: None
7. New Business:
 - Butler ETJ Agreement 2025
8. DeKalb 2040 – Comprehensive Plan Update
9. Reports from Officers, Committees, Staff or Town/City Liaisons
10. Comments from Public in Attendance
11. Adjournment

Next Meeting: September 17, 2025

Voting Members:

President - Jason Carnahan – Purdue Ag Extension Representative (Yearly Appointment)

Vice President - William Van Wye – County Council Representative (Yearly Appointment)

William Hartman – County Commissioners Representative (Yearly Appointment)

Sandra Harrison – Township Trustee Representative (Yearly Appointment)

Gleen Crawford/Tyler Lanning (Alternate) – County Surveyor (Member by Elected Office)

Jerry Yoder/Jared Malcolm (Alternate) – Citizen Member (R) - Term: (Jan 1, 2024 – Dec 31, 2027)

Suzanne Davis – Citizen Member (D) – Term: (Jan 1, 2022 – Dec 31, 2025)

Angie Holt – Citizen Member (R) – Term: Jan 1, 2023 – Dec 31, 2026)

Frank Pulver – Citizen Member (D) – Term: Jan 1, 2025 – Dec 31, 2028)

Non-Voting Members:

Elysia Rodgers – Purdue Ag Extension Representative (Member by Indiana Code)

Andrew Kruse - Attorney

If you cannot attend, please contact Meredith Reith:

mreith@co.dekalb.in.us or (260) 925-1923

***PLEASE ENTER THROUGH THE NORTH DOOR OF
COURTHOUSE LOCATED ON SEVENTH STREET***

****Cellphones, tablets, laptops, & weapons are prohibited****

MINUTES
DEKALB COUNTY PLAN COMMISSION
Wednesday June 18, 2025

The Regular Meeting of the DeKalb County Plan Commission was called to order at 7:00 p.m. in the DeKalb County Commissioner's Courtroom by Plan Commission President, Jason Carnahan

ROLL CALL:

Members Present: Jason Carnahan, William Van Wye, William Hartman, Tyler Lanning, Suzanne Davis, Angie Holt, Sandra Harrison, Jerry Yoder, Frank Pulver, and Elysia Rodgers.

Members Absent: None

Staff Present: Director/Zoning Administrator Chris Gaumer, and Secretary Meredith Reith.

Staff Absent: Plan Commission Attorney Andrew Kruse

Community Representatives Present: Mike Makarewich

Public in Attendance: Jody Schlemmer, Randy Drake, Melvin Steury, Ben Steury, Andrew Eckert, Misty Spicer, Mary Simcox, Jared Malcolm, and Lynn Reinhart.

PLEDGE OF ALLEGIANCE:

Jason Carnahan led The Pledge of Allegiance.

PRAYER:

Jerry Yoder led in prayer.

APPROVAL OF MINUTES:

Motioned by Sandra Harrison to approve the May 6, 2025 meeting minutes. Seconded by William Hartman. None opposed. Motion carried.

CONSIDERATION OF CLAIMS:

Jason Carnahan inquired about any comments, questions, or motions to approve May 2025, totaling \$99,660.83.

Frank Pulver motioned to approve claims seconded by Sandra Harrison. None opposed. Motion carried.

OLD BUSINESS: None

NEW BUSINESS:

Petition #25-21 – Schlemmer Enterprises, LLC requesting a Zone Map Amendment of approximately 5 acres from C4, Highway Commercial to I2, Low Intensity Industrial. The property is located at 6481 Merchants Dr. & 6485 Merchants Dr., LaOtto, Indiana

Jason Carnahan read the proposed rezone.

Chris Gaumer read the petition and staff report. He stated that the existing zone is C4, Highway Commercial and the applicant wishes to zone it to I2, Low Intensity Industrial. He stated that the purpose for this rezone is that the petitioners are wishing to expand the perspective buyers or renters of the property to the I2 zoning district. He addressed the existing, future, and proposed zoning maps in the staff report. He went over the differences between the permitted uses for C4 and I2. He stated that this would bring more uses that would better suit the building site. There were questions about outdoor storage, and this would be a development standard within our zoning ordinance. He stated that if this use would need outdoor storage that would be permitted as a development standard under the underlying zoning district and use within the district. He stated that if there's any questions, he would be happy to take them, or Jody is here representing Schlemmer Enterprise's if you have any questions.

William Van Wye asked what you're talking about when you say outdoor storage. Is that just temporary.

Mr. Gaumer stated that outdoor storage would allow for any materials that would be used for business only. This wouldn't be anything permanent, only temporary.

Mr. Carnahan asked if there were any further questions or comments from the board. Hearing None. He opened the public portion of the hearing up to any comments for or against the petition. Hearing None. He closed the public portion of the hearing. He asked Andrew Kruse to move onto the Findings.

Andrew Kruse went through the Findings of Fact.

JURISDICTIONAL FINDINGS:

The Petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.

1. Application completed and filed on **May 16, 2025**
2. Legal notice published in The Star on **June 6, 2025** and Publishers Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Non-Objection letter from the County Board of Health, dated **May 22, 2025**
5. Non-Objection letter from the County Highway Department, dated **May 19, 2025**
6. Non-Objection letter from the DeKalb County Soil & Water Conservation District, dated **May 19, 2025**
7. Non-Objection letter from the County Surveyor, dated **May 19, 2025**
8. Letter from the DeKalb County Airport Authority is not applicable.

FINDINGS OF FACT:

1. Is the change in zoning paying reasonable regard to the Comprehensive Plan?
The subject area has a Future Land Use (FLU) designation of Commercial. The proposed zoning district is not necessarily compatible with this FLU designation, but the designation does not limit the Zoning Districts that can be located within it.
2. Is the change in zoning paying reasonable regard to the current conditions and the character of current structures and uses in each district?
The existing development surrounding the property is commercial and industrial in use. This change in zoning will be consistent with the surrounding properties and the current conditions and character of current structures and land uses in the area.
3. Is the change in zoning paying reasonable regard to the most desirable use for which the land in each district is adapted?
The proposed zoning district is desirable for this property and the area.
4. Is the change in zoning paying reasonable regard to the conservation of property values throughout the jurisdiction?
The property values of the area should not be disturbed negatively.
5. Is the change in zoning paying reasonable regard to responsible development and growth?
In changing the zoning of the property to I2, Low Intensity Industrial, the Plan Commission will be promoting the desired use of the land while promoting responsible development and growth.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION THAT THIS ZONE MAP AMENDMENT, PETITION #25-21 SCHLEMMER ENTERPRISES REZONE, IS HEREBY CERTIFYING A FAVORABLE RECOMMENDATION TO THE COUNTY COMMISSIONERS ON THIS 18TH DAY OF JUNE 2025.

Motion made by: Angie Holt

Seconded by: Sandra Harrison

Vote tally: Yes: 9

No: 0

Jason Carnahan

William Van Wye

William Hartman

Sandra Harrison

Tyler Lanning

Suzanne Davis

Angie Holt

Jerry Yoder

Frank Pulver

DeKalb 2040 – Comprehensive Plan Update:

Mr. Gaumer informed everyone that an online workshop has been opened for people that were unable to attend the in-person workshops. The online workshop will be open until June 30th. He stated that he has flyers for the online workshop for the board to take and get the word out. The next steering committee is coming up on July 23rd. The Big Ideas open house is going to be in September. He addressed that he would need to take this request to the Commissioners. He wanted to see if he could use the Courthouse to host the open house.

REPORTS FROM OFFICERS, COMMITTEES, STAFF OR TOWN/CITY LIAINSONS:

Sandra Harrison informed the board that the City of Hamiton cancelled their meeting. The City of Butler held their meeting. They addressed updating their Comprehensive Plan and making changes. They addressed parking issues. The City Council is going to get involved to help the citizens get more parking along the streets to minimize parking on the grass. She stated that they're looking into expanding green spaces. There was an appliance store in Butler and it's going to be turned into a city parking lot. She stated that they're also working on a hydrate problem at Eastside where the new addition is.

Mr. Van Wye informed the board that there was no meeting for the City of Ashley.

Suzanne Davis informed the board that the City of Auburn had a meeting. They discussed new amendments to the UDO. She added that one was a bit interesting, they wanted to do away with the language of having public hearings. Then they wouldn't have to send out the mailing notices or publish the legal article in the newspaper. She added that one person stood up in the audience and addressed that he reads the legal ads in the newspaper and this is how he knows what's going on. Jim Cadoret the City Planner of Auburn, addressed that a lot of the other City's don't have this requirement. She stated that it was approved to keep the wording as is.

Mrs. Holt informed the board that the City of Waterloo held their meeting earlier this week. There was discussion on a Basketball Academy coming to Waterloo. They would be working with Jaguar Construction, and it would be open to members of the community and surrounding community. She addressed that this would bring opportunities in Waterloo for kids that can't do travel leagues. She stated that there will be more to come on this. She asked Andrew Kruse if he knew where exactly the Basketball Academy was. Mr. Kruse answered that if you remember where the old Dairy Queen is on 427 going north and located west of the trailer park. Their plan is to build the building there. Mrs. Holt stated that the third

application was submitted for the OCRA Grant. We should know what the results are next week. This process has helped to bring more opportunities each time to help with the Comp Plan update for Waterloo.

Mr. Pulver informed the board that there was no meeting for the City of Garrett.

COMMENTS/QUESTIONS FROM THE PUBLIC IN ATTENDANCE:

Randy Drake approached the podium stating that he wanted to give an update on the Town of St Joe. He addressed that he is the board president for the Town of St Joe. He stated that we're working on our town cemetery. We're in the process of placing fencing on the back side of the cemetery. We also have a new thing down at Wild Cherry Park, it's a plastic storage box with footballs, kickballs, and frisbees for the kids to play. We have been working on our low land area to create a nature preserve with the help of Mary Simcox. He stated that they have new roads and drainage through the main part of town. The roads have been completed in the past 4-5 years in the back streets with new sidewalks throughout the whole town. He added that St. Joe is moving up and would like to be more apart of meetings like this, so they can learn how to improve our town.

Mr. Carnahan asked if there were any further comments from the public. Hearing None. He asked to adjourn the meeting. He was asked to reopen the meeting by the public to make further comments. He reopened the public comment portion of the meeting.

Mr. Gaumer stated that he was contacted by Zebulon Griggs on the Town Board. This is regarding the Town of St Joe's Comprehensive Plan and the Land Use Map. He stated that the Town of St Joe has an ETJ area, that the County was unaware of. The ETJ area is addressed in the St. Joe Comprehensive Plan and this map. He stated that the Comprehensive Plan was adopted in October of 2011. He stated that he and Mr. Kruse discussed this and sent an email to Erik Webber, their attorney. With this being established in 2011 it predates the Indiana Code requirements for there to be an interlocal agreement between the County and Municipality's to practice an Extra Territorial Jurisdiction. He stated that found out was that the entire Comprehensive Plan would need to be recorded in the Recorder's Office to be valid. Mary Simcox stated that it was recorded. Mr. Gaumer asked if he could receive a recorded copy of the document.

Mr. Kruse stated that he had just emailed Mr. Webber yesterday regarding the recorded document.

Mr. Gaumer stated that if this document is recorded, he was unaware of the approvals within the Counties area where to be voided.

Mr. Kruse stated that he would need to investigate this more.

Mr. Gaumer stated that if a municipality had an ETJ that we just didn't know about. Would that mean that the Rezone that was done on the Reinhart property is not valid. It went through our Plan Commission, and we thought that we had jurisdiction. This is something that Andrew and Erik will have to go in and research and let us know what to do. He stated that the map that is in front of everyone is map that the Town of St. Joe has in their Comprehensive Plan. It names them having a land use map and is also text in their Comprehensive Plan. He doesn't believe that's its not valid and would just need to receive a copy of the recorded document.

Mr. Kruse stated that if it was a recorded document then it would be a legal document and if it wasn't it wouldn't be effective even though its in your Comprehensive Plan.

Mr. Gaumer stated that one thing that he discussed with them is whether everything worked out and they have the recorded document showing the jurisdiction. After his review they don't have the zoning created or these areas. They would need to create zoning districts compatible to what the county has. He added that he would be willing to help them come up with what those are and get it into their zoning ordinance.

Mary Simcox approached the podium stating that she personally had taken the Comprehensive Plan to be recorded. She stated that Katie Firestone was the recorder at that time. She stated that we should have a

copy of that receipt. Mr. Drake stated that the first page of the Comp Plan has the recorders stamp on it. Ms. Simcox stated that we were enlightened and glad when Chris came and shared with us what could happen. She stated that we the Town of St. Joe and I, being the Clerk Treasure at the time. The board members were eager to implement a Comprehensive Plan, and it was suggested that we do one. This was because any funding that was required through OCRA or needed for special projects would be ready. The board members at that time got the Planning Grant though OCRA and the town did pay for the development of the Comprehensive Plan. The unfortunate thing is that the ball didn't go all the way down the court. We're unaware that there was such a thing known as a statutory district. We're eager to get it taken care of and we want our town to grow. She stated that right now they are at a standstill and the boundaries are getting closer and closer, with an opportunity to develop those districts. With this legion right here, we tried to match zoning to the County at that time in 2011.

Mr. Gaumer stated that the districts on that map are just the land use districts in the zoning ordinance they only have town specific districts established. Working with them they will create districts that are rural residential and agricultural. So that the Town doesn't have a R2 district in a cornfield. This will be initiated with the Town with help from myself. He addressed that he does trust that Mary got this recorded and if not, we would just revert to what's existing now.

Mr. Carnahan asked if it was recorded what would happen to the rezone.

Mr. Gaumer stated that Andrew and Erik would need to investigate this to see what further actions need to be taken.

Mr. Kruse stated that there wouldn't be any underlying zone there at all.

Mr. Gaumer asked if a moratorium was placed on all your zoning.

Ms. Simcox stated that it was approved at the Town Board meeting held last night.

Mr. Gaumer stated that Erik and himself discussed getting a moratorium on the zoning and getting this done as quickly as possible and getting the districts in that ETJ area done so that they can play catch-up. This will need to be investigated at our end as well as Erik Webber on behalf of the Town Board.

Ms. Simcox thanked the Plan Commission. She stated that she was the Clerk Treasurer and right now she volunteers her time to uplift the community each and everyway she can.

Mr. Gaumer asked if there were any further questions from the board.

Mrs. Davis asked why the map didn't show the ETJ area.

Mr. Gaumer stated that this the ETJ area that is colored, and the black outline is the existing town, referencing the map printed out. He stated that they would do all the permitting through ILP permits, rezones, development plans, and property splits would be done through their Plan Commission. He added that he was unsure of what would happen with anything that was done before learning all this information.

Lynn Reinhart approached the podium stating that he was troubled that he was a part of this and wasn't aware of the discussion. He asked what the state statue is that permits ETJ's and personally he has never been a part of one. He addressed that with the Town of St. Joe being a small town with an elected Council, there wouldn't be any representation on that board for the ETJ area.

Mr. Gaumer stated that the extra territorial jurisdiction requires that the Plan Commission have a member within the ETJ to represent this area.

Mr. Kruse stated that there would be an issue if there's no underly zoning currently in the ETJ. Mr. Gaumer stated that it's not really the County's problem. Mr. Kruse stated that you may want to seek legal council as to what zoning is there if any. Mr. Gaumer stated that this was done back in 2011, the Indiana Code didn't require there to be Town and County agreements like what is required now. The only way

there could be is if the Town of St. Joe would rewrite their Comprehensive Plan to have an interlocal agreement between the Plan Commission, Council, and Commissioner's.

Mr. Reinhart stated that if it was done today and there was an interlocal agreement the county Plan Commission would have some input into ordering what the possible size is. It can be up to 2 miles outside the town. He addressed that he wasn't aware of what the maps looked like. He added that he did hear about something this morning due to it being discussed last night at their town board meeting. He stated that he did briefly look into the town and the town of St. Joe is roughly 300 acres. He assumed that the ETJ is double what the size of the town is.

Mr. Gaumer stated that they have a larger map and there are extra copies of the maps if you would like to see the area.

Mrs. Holt stated that the Town of St. Joe was drawn up in 2011 and recorded. It's been in place all this time and there's no interlocal agreement with the County. She asked if all the other municipalities had an agreement with the County.

Mr. Gaumer stated that yes, they have this in place due to all the other Comprehensive Plans being new. He wasn't sure as to why something wasn't triggered when putting all this together. He addressed that he was unaware of this until Zebulon Griggs contacted. He added that he believed the ball was dropped by their consultant.

Mrs. Holt stated that hopefully that as the Town reviews everything they will consider what the County's underlying zone is.

Mr. Gaumer stated that the County won't have any say in what the Town considers for their zoning.

Mr. Reinhart said that you want to work through it, but the Town can do what they need to do without input from the County.

Mr. Gaumer stated that they wouldn't need to work with the County Plan Commission. He stated that he can help them with as much as he can to get the County districts like what's in the County UDO. The decisions made are entirely up to the Town.

Mr. Reinhart asked so if what they have done they've got the rights to do everything on their own.

Mr. Gaumer stated that's correct. It's the same as Auburn, Garrett, Waterloo and Butler.

Mrs. Holt stated that 2011 was the first Comprehensive Plan established for St. Joe. She stated that any areas of concern would need to be looked at from 2011 to 2025.

Mr. Carnahan stated that there's severe things that would need to be addressed in that time span to get an answer to.

Mr. Reinhart stated that he did pull up the County's Beacon site and it doesn't even show St. Joe's zoning.

Mr. Gaumer stated that's correct the Town of St. Joe is not apart of the City/County's GIS agreement. They would not be on Beacon, only if they joined the County/City GIS Agreement.

Melvin Steury approached the podium stating that he's right in the middle of all this. He resides at his home just outside the Town to the South with his 40 head of cattle, hay fields, and barns. He addressed that these are things that he has invested in. He stated that six months ago he heard rumors about this and wanted to see if it was still true or not. He stated that he stopped by and talked to Chris at his office. He addressed that he asked Chris if he would need to Rezone his property to Ag since being residential. He stated that Chris addressed that there was nothing to worry about since being that way all along. He asked if this would still be true.

Mr. Gaumer stated that my answer was prior to knowing about this new information. As we just discussed with Lynn it would be up to the town now to create zoning districts that they want to see in these areas. He

added that it wouldn't be the County Plan Commission's role anymore. He stated that St. Joe would need to have non-conforming uses listed in their ordinance. He stated that these are all valid points and is not wanting to dismiss them, this is now going to be up to the town to have these discussions with the property owners.

Ben Steury approached the podium stating that he has been attending St. Joe's meetings since he got the word of this happening. He stated that he did approach Chris and talked about the R1 zoning on his property and addressed concerns. We're obviously living right next to St. Joe, and we do have agricultural land. He addressed that Mr. Reinhart wouldn't know anything about this if he didn't attend the meeting at St. Joe last night. He stated that this was the first time he had heard about the moratorium that was discussed during the meeting. The members were unaware as to what it was for. It was approved by two of the board members. He addressed that there's currently 300 residents within the City of St. Joe. He stated his concerns as to why the town doesn't need to have this ETJ area. He added that he has reviewed the previous meeting minutes that have been posted. He stated that this was approved, and a moratorium placed, now they can tell us what to do with what is already in place.

Mr. Gaumer stated that the attorneys will be looking into this to see what will happen to the existing rezones that have been done. We have explained a lot of what your concerns are already. The ordinance was done prior to the Indiana Code requiring there to be an interlocal agreement with the County and Municipality. If this is the case our hands will be tied as well, and we will need to investigate what will happen next.

Mr. Kruse stated that part of the ETJ process does feel anti-democratic because it's not made up of the elected board members that one has voted for.

Mr. Gaumer stated that the person in that ETJ will have to be appointed by the County Commissioners. He addressed that this would have to come once we get everything settled out.

Mr. Kruse stated that it sounded like St. Joe didn't even know about the ETJ or wasn't using it.

Mr. Carnahan added that the size of the ETJ is also determined from state statute.

Mr. Kruse answered yes, the County has no say in what that size is.

William Hartman asked do they have to live or own property in the ETJ area to be on board.

Mr. Gaumer stated that it can be either.

Mr. Steury added that he wished that this process could have been done correctly. Just to show up at a meeting in a small town with this big map and just find out about it. This wasn't done correctly, and he understands that there were mistakes that happened. He added that he would hope that the town will think through this process when making their decisions.

Ms. Simcox approached the podium stating that it's unfortunate that several individuals have these concerns and she appreciates them being here to discuss them. Like Chris said, we're muddling through. There was no public notice like what was discussed. We post our board meetings having two a month and when they will be held. We were not instructed to have a notice made regarding this situation. Our attorney is present at all our meetings, and we followed his direction in how things were handled. This is why there was no public notice posted. She went over a background of herself. She stated that she has lived in St. Joe for over 20 years and doesn't want to be a bad person. She has seen some of the members here today and has met or talked in different arenas in our community and our county. She addressed that the folks felt there was a scare tactic. They were not informed, but our board can deal with this and get with individuals to discuss their ideas and work on having better communication.

Mr. Carnahan stated that for his own clarification. Are they saying that this area on the map is the ETJ area that was recorded for sure, or this is what's being proposed.

Mr. Gaumer stated that this is what's existing.

Mr. Kruse added that we will make sure we see the recorded document.

Mr. Carnahan asked so this ETJ can be up to a certain distance outside the Town.

Mr. Kruse stated that it was two miles.

Mr. Gaumer stated that if this is recorded this is what's in place. If they want any more, they will need to amend their Comprehensive Plan. Which means there would need to be an interlocal agreement to not expand or contract this without there being an amendment to the Comprehensive Plan.

Mr. Carnahan addressed that it did seem awful large.

Mr. Kruse stated that this is the way that the legislature created it so that towns could have some control. It's basically so that towns could have some influence on housing developments coming in on the edges of the county. So, they could control industry and housing as to where they're located.

Mr. Gaumer stated that if this area was annexed it would need to meet the Town standards.

Mr. Hartman addressed that with St. Joe being so small the ratio is so different than a bigger city like Fort Wayne. You go to Fort Wayne, go out for two miles, you're not encompassing that.

Mr. Gaumer stated that in their ordinance for the Comprehensive Plan states that it's one quarter and a half miles outside their corporate boundaries. He added that he had GIS draw up what two miles looks like. This is past County Road 51, past County Road 52, almost to County Road 71 and South of County Road 68. This is what two miles looks like and could have been done back in 2011.

Mr. Carnahan asked if there were any further comments from anyone in the public.

Mrs. Holt asked if St. Joe has any plans in the future to update the Comprehensive Plan.

Mr. Drake approached the podium stating that we're addressing some changes and have discussed there being some changes made. He asked if as the Town of St. Joe would we be able to have representation on this board. Like when everyone gave a report from the other towns.

Mr. Gaumer stated that yes, once you have an ETJ area. We will have someone on our board that will step in on our side and report to St. Joe on what's going on. He added that these representatives aren't stated as a requirement in Indiana Code. It's something that the Plan Commission has done to be informed of what's happening in the County.

Mr. Drake stated that we could probably send the information to one of you to read during your Plan Commission meeting.

Mrs. Davis stated that yes you could, we will attend the meeting as non-voting members at each town.

Mr. Drake stated that the board members now are really looking into helping improve the town. He addressed that the town looks so much better since getting all the roads and sidewalks fixed. He added that as St. Joe we want to grow. When the investigation into growing the Town began this is when all this had happened. We had investigated annexing to grow, and Eric let us know that we had a situation to address. He added that he will provide the original recorded document to the County, and we will work from there.

Mr. Carnahan asked if there were any more comments from the public. Hearing None. The meeting was adjourned.

ADJOURNMENT:

Jason Carnahan adjourned the meeting at 7:57 p.m.

President – Jason Carnahan

Secretary – Meredith Reith

**INTER-LOCAL COOPERATION AGREEMENT BETWEEN
DEKALB COUNTY AND THE CITY OF BUTLER, INDIANA
REGARDING PLANNING, ZONING, SUBDIVISION CONTROL, PERMITTING
AND ENFORCEMENT JURISDICTION**

- WHEREAS, Indiana Code § 36-1-7-1 et seq. permits governmental entities to jointly exercise powers through Inter-Local Cooperation Agreements; and
- WHEREAS, Indiana Code § 36-7-4-205 authorizes a municipality to exercise planning and zoning jurisdiction in unincorporated areas up to two (2) miles beyond the corporate boundaries, with permission of the County; and
- WHEREAS, The governmental entities have determined that it is prudent, rational, and in the best interest of the citizens for the City to exercise planning, zoning, subdivision control, permit issuance, and enforcement over specific unincorporated areas that are surrounded by or immediately adjacent to areas within the City boundaries, to be known as Extra-territorial Jurisdiction (ETJ); and
- WHEREAS, This Inter-Local Cooperation Agreement reflects the commitments and understandings agreed to by the legislative bodies of the governmental entities in order to efficiently and effectively provide the delegation of powers from DeKalb County to the City of Butler.

NOW, THEREFORE, DeKalb County and the City of Butler, Indiana hereby agree as follows:

PART 1: DEFINITIONS

- Agreement: Shall mean the Inter-Local Cooperation Agreement between DeKalb County and the City of Butler, Indiana regarding planning, zoning, subdivision control, permitting and enforcement jurisdiction.
- City: Shall mean the City of Butler.
- County: Shall mean DeKalb County.

PART 2: ZONING

- Section 2.1 The City shall have zoning jurisdiction over the unincorporated areas designated as described in Part 5 and in Exhibit A, Extra-territorial Jurisdiction Map as amended.
- Section 2.2 The City shall assign a zoning classification to an area when it is brought into the Extra-territorial Jurisdiction. Proposed zoning classifications are identified on Exhibit E, Extra Territorial Jurisdiction Zoning and will be finalized after a Public Hearing by the Butler Plan Commission and adoption of a Zoning Map Amendment ordinance by the Butler Common Council.
- Section 2.3 The City shall maintain a valid comprehensive plan that acknowledges the boundaries of the ETJ and designates future land uses consistent with the County's comprehensive plan.
- Section 2.4 The City shall maintain a valid zoning ordinance that is complementary of the City's comprehensive plan, especially the Future Land Use Map.
- Section 2.5 The City's zoning ordinance shall contain and meet or exceed the following development standards.
- A. Drainage
 1. Projects in the Extra-territorial Jurisdiction shall be subject to review by and approval of the DeKalb County Surveyor and /or DeKalb County Drainage Board.
 - B. Floodplain Management
 1. Restrict all structures from the floodway, except bridges, pedestrian trails, park equipment, park structures, open pavilions and stages, ball fields, flood mitigation measures, dams, levies, and underground utilities.
 2. Restrict all building in the flood fringe unless the structure meets or exceeds the local Flood Control Ordinance and a permit is issued.
 - C. Wellhead Protection
 1. Restrict dry cleaners, gas stations, chemical or fuel storage over 500 gallons, junk yards, hazardous waste or material storage, transfer stations, confined feeding operations, waste treatment facilities, cemeteries, chemical processing, open lagoons associated with raising of farm animals or industrial use, and automobile mechanics from locating within wellhead protection areas.
 2. Require any facility that stores 50 gallons or more of fuel or chemicals for over 24 hours to establish a secondary containment area equal to 110% of the volume in the tank. Such secondary containment shall be built to control the escape of contaminants into ground water for a minimum of 72 hours, and to not contain rainwater, such that it impairs the capacity to contain a 100% spill.
 3. Allow a special exception or conditional use provision for gas stations if they can prove that no other viable sites are available within the appropriate zoning in the community. Special exceptions or conditional uses shall only be granted if the underground fuel storage tanks are double walled, have a release detection system, all piping has release detection, and maintenance of the facilities is required. Also, a provision that would allow the municipality, at its discretion, to require the gas station to pay for up to two test wells to be drilled per any given calendar year to monitor for contaminants shall be written into the ordinance.

4. Excavation Activities:

- a. Require the extraction of sand, gravel or other minerals when done below the ground water level to be done so with dragline, floating dredge, or alternative wet excavation method.
- b. Restrict de-watering of sites utilized for mining or extraction.
- c. Excavation sites shall not utilize anything other than clean natural earth fill materials to fill or alter the contour of the site. Construction debris shall not be considered clean natural earth fill.
- d. Restrict all fuel, oil, lubricant, hydraulic fluid, petroleum products or similar material from being stored on site without fully being within a secondary containment area with 110% capacity to contain a 100% spill.

D. Sewer Hookup

- 1. Require all new development and new construction of homes, businesses, industries, and institutions within 300 feet of a gravity sewer system to hook into the municipal system. Require all other new development and new construction of homes, businesses, industries, and institutions to hook into the city sewer system unless the cost of doing so is two times (2X) the cost of installing a septic system on the site. For developments with two or more lots, the cumulative cost of installing septic systems for each lot shall be used. The City may bridge the financial gap on a project where sewer hookup will exceed the two times (2X) rule in order to require the development to connect to the sewer system.

PART 3: SUBDIVISION CONTROL

- Section 3.1 The City shall have authority and control over hearing of subdivisions of land over the unincorporated areas designed in part 5 and in Exhibit A, Extra-territorial Jurisdiction Map, as amended.
- Section 3.2 The City shall maintain a valid subdivision control ordinance that is complementary of the City's comprehensive plan and zoning ordinance.
- Section 3.3 The City's subdivision control ordinance shall contain and meet or exceed the following design standards.
- A. Drainage
 1. Projects shall be subject to review by and approval of the DeKalb County Surveyor and/or DeKalb County Drainage Board.
 - B. Street Standards: As per Exhibit B, reviewed and approved by the Highway Department.
 - C. Sidewalk Standards: As per Exhibit C, reviewed and approved by the Highway Department.
 - D. Cul-de-sac Standards: As per Exhibit D, reviewed and approved by the Highway Department.
 - E. Addressing
 1. The City and County shall coordinate the issuance of new addresses and address numbers shall follow the County's address schema and be endorsed by County planning staff and, if required, prior to being presented to the City's Plan Commission for final approval.
 2. The City shall distribute new addresses within the ETJ to the appropriate agencies.
 3. Address postings shall meet both the City's address posting requirements, per §95.71 of the Butler City Code and the County's posting requirements per Ordinance 98-5 as amended.

PART 4: PERMITTING, ADMINISTRATION, PETITIONS, APPEALS AND ENFORCEMENT

- Section 4.1 The City shall have permitting, administration, petitions, appeals and enforcement authority and control over the unincorporated areas designated as described in Part 5 and in Exhibit A, Extra-territorial Jurisdiction Map, as amended.
- Section 4.2 Permitting shall include:
- A. Improvement Location Permits & zoning compliance, and any other permit compliance except building permits.
- Section 4.3 Administration shall include:
- A. Receiving submittals and collecting payments
 - B. Reviewing plans and developments
 - C. Determining compliance with the zoning and subdivision control ordinance.
 - D. Exercising administrative discretions, as the City's ordinances allow
 - E. Maintaining records and archiving
 - F. Scheduling projects for hearings and review by the Plan Commission and BZA
 - G. Assuring that documents and drawings are recorded as mandated by law (e.g. covenants, commitments, conditions, plats).
 - H. Coordinating the issuance of addresses and the disbursement of address information (refer to Section 3.3-E)
- Section 4.4 Petitions shall include:
- A. Utilizing the City's Board of Zoning Appeals to hear and decide variance requests, conditional uses, special exceptions and zoning determination appeals when applicable.
 - B. Utilizing the City's Plan Commission to hear and decide waiver requests, rezoning requests, and planned development requests.
- Section 4.5 Enforcement shall include:
- A. Documenting complaints
 - B. Investigating complaints and notices of violations
 - C. Searching for violations as staff resources allow
 - D. Citing violators and correcting violations
 - E. Litigating violations as appropriate and necessary
- Section 4.6 Enforcement shall NOT include:
- A. Any enforcement in the ETJ area that is enforceable by the Public Nuisance Ordinance for DeKalb County,

PART 5: EXTRA-TERRITORIAL JURISDICTION AREA DETERMINATION

Section 5.1 The Extra-territorial jurisdiction shall be shown as Exhibit A in this agreement. If the City wishes to expand or remove any of their Extra-territorial jurisdiction in any way, it shall be done so by approval of both the Couty Plan Commission & City Plan Commission. The expanded boundaries shall be recorded in the office of the County Recorder with the date of approval and signatures by each of the Presidents of the Plan Commissions and attested by the Plan Commission Secretaries.

PART 6: RECITALS OF COMMITMENT, PURPOSE, DURATION AND RENEWAL OF AGREEMENT

- Section 6.1 The level of cooperation recited in this Agreement is intended to exist in perpetuity to provide government services to the citizens of DeKalb County in the most efficient and effective manner possible; and to reduce redundancy of process, to minimize county and municipal staff resources, to improve consistency of regulations, and to improve clarity in planning jurisdictions. However, both parties recognize that modifications may be required, both to the Agreement itself and to the practices, procedures and terms that bring the intent of the inter-local agreement to fruition.
- Section 6.2 The spirit of good planning and fiscally responsible decision making shall prevail on behalf of the Cities, Towns and DeKalb County to the end that:
- A. Under no circumstances shall the City engage in approving a residential subdivision that it cannot feasibly annex within a reasonable period of time under current State Statutes.
 - B. Under no circumstances shall the City fail to initiate annexation of residential subdivisions, commercial developments and industrial developments within a reasonable period from the time of the development's approval as are subject to the current annexation regulations of the State of Indiana.
 - C. Under no circumstances shall the City zone property or otherwise approve a tall structure within 5 nautical miles of the take-off and landing flight path of any private or public airport unless the structure does not exceed the imaginary surfaces as defined by FAR part 77 or IC 8-21-10 and does not raise the published minimums at any public-use airport.
 - D. Under no circumstances shall the City zone property or otherwise approve incompatible land uses (e.g. residential dwellings, nursing homes, schools, churches, and the like) within the planning jurisdiction of the DeKalb County airport property.
 - E. The above statements of commitment may be waived under special circumstances by the County Commissioners if determined that the development is be well within the spirit of good planning and fiscally responsible decision making.
- Section 6.3 The City shall maintain a legally established Plan Commission and BZA under State Law, including maintaining representation from the unincorporated planning jurisdiction.
- Section 6.4 The City shall collect all fees associated with zoning and subdivision control processes, reviews, permits and the like in the areas noted in Exhibit A, Extra-territorial Jurisdiction Map, as amended. Until corporate limits change, all road funds shall continue to be collected by the County and used at their discretion to maintain the roads in the unincorporated areas.
- Section 6.5 The Agreement shall be valid for approximately four years, effective on , **2025**. Other terms of the Agreement include:
- A. Both parties agree to begin formal review and amend extra-territorial jurisdiction boundaries on a four-year basis.
 - B. Four-year revisions of the Agreement are intended to primarily adjust Exhibit A, Extra-territorial Jurisdiction Map, as amended, to reflect additional extra-territorial jurisdiction for the City; unless no annexation had occurred in the preceding four-year period of time.
 - C. If the agreement is not revised, it shall remain in full force and effect until modified by the City and County.
 - D. Termination of the Agreement may be initiated by the County Commissioners for cause. Cause shall be interpreted to mean that the participating municipality is not

complying with the spirit, intent, or a term of the Agreement. Termination for cause shall be done in the two-step process as follows:

1. Notice: The City shall be given written notice that it no longer is in compliance with the spirit, intent or a term of the Agreement. The City shall have three (3) months to fully comply with the notice. If the City fully corrects the issue, the County shall not terminate the Agreement.
 2. Termination: After the three-month notice period, if the City still fails to comply with the spirit, intent, or a term of the Agreement identified in the notice, the County has the right to terminate the Agreement. Termination of the Agreement shall be initiated and decided at a regularly scheduled meeting of the County Commissioners.
 3. The County shall also have the right to terminate the agreement if the City repeats the same violation of spirit, intent or term of the agreement within two years from the original offense cited in 1. Notice.
- D. The Agreement shall be void if any State of Indiana or Federal law; or case law is determined to prohibit such delegation of planning jurisdiction.

PART 7: SEVERABILITY

Section 7.1 If any provision of this agreement is declared by court of competent jurisdiction to be invalid, null, void, or unenforceable, the remaining provisions shall not be affected and shall have full force and effect.

This Agreement is effective once both entities have authorized its execution by appropriate ordinance.

PART 8: EXECUTION OF AGREEMENT

1ST READING _____

2ND READING _____

EFFECTIVE DATE OF AGREEMENT: _____

The City of Butler Plan Commission has recommended APPROVAL/DENIAL of this agreement to the City of Butler Common Council on this ____ day of _____ by a vote of: _____ in favor and _____ opposed.

_____, President

_____, Vice-President

PASSED AND ADOPTED by the Common Council of the City of Butler, Indiana, this ____ day of _____, 2025.

_____, Council Member

ATTEST:

, Clerk-Treasurer

Presented by me to the Mayor of the City of Butler, Indiana, this ____ day of _____, 2024.

, Clerk-Treasurer

APPROVED AND SIGNED by me this ____ day of _____, 2025.

, Mayor

EFFECTIVE DATE OF AGREEMENT: _____

The DeKalb County Plan Commission has recommended APPROVAL/DENIAL of this agreement to the DeKalb County Commissioners on this 20th day of August 2025 by a vote of: _____ in favor and _____ opposed.

Jason Carnahan, President

William Van Wye, Vice-President

AND NOW IS *DULY PASSED, ORDAINED AND ADOPTED* on this _____ day of _____, by the County Commissioners of DeKalb County, Indiana.

William L. Hartman, President

James Miller, Vice President

Kellen Dooley, Vice President

Attest, Susan Sleeper, Auditor

This instrument prepared by: Chris Gaumer, Director/Zoning Administrator, Department Development Services, DeKalb County.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Susan S. Sleeper, Auditor, DeKalb County, Indiana

EXHIBIT B

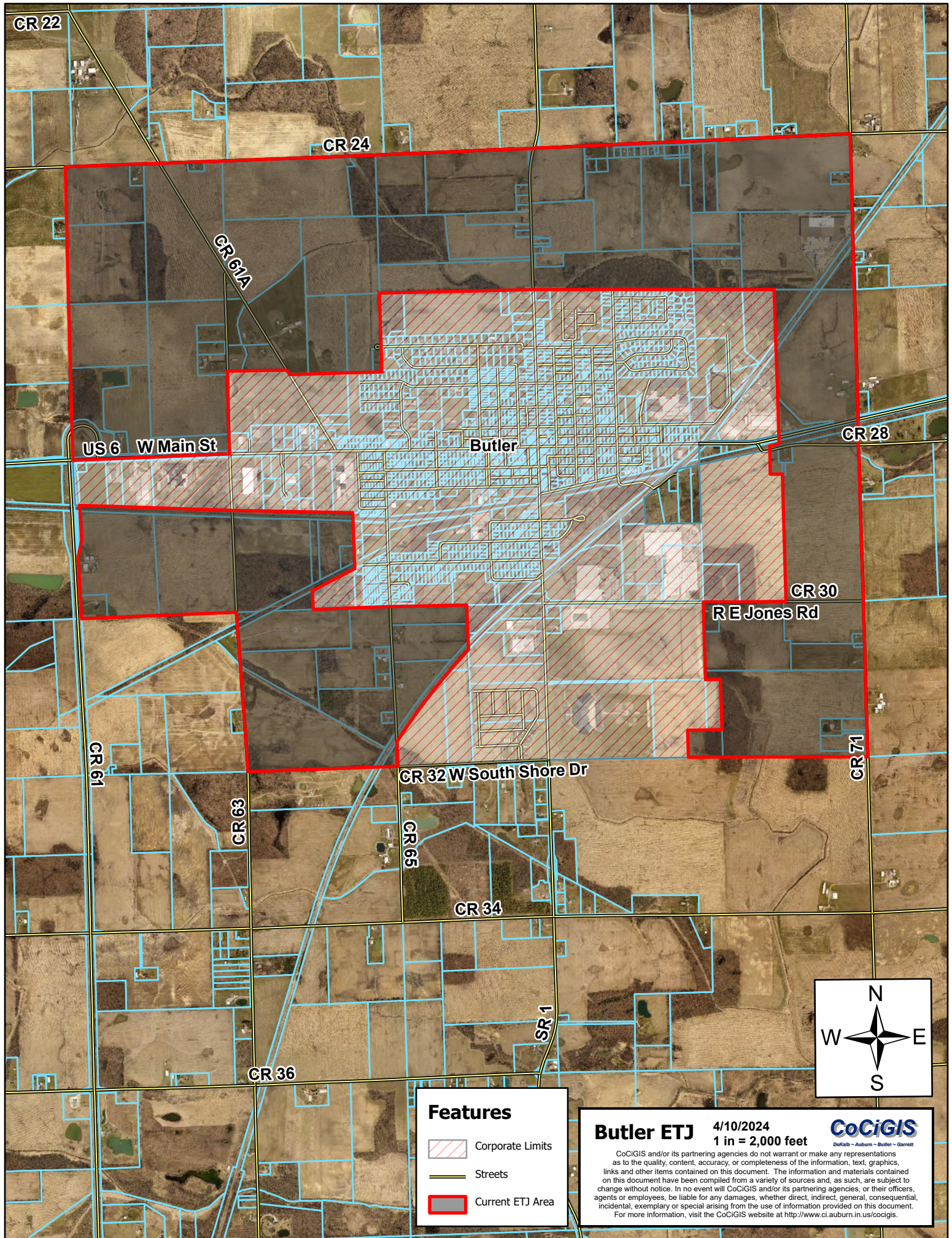
Street Type	Minimum Road Width	Minimum Right-of-Way	Minimum Asphalt Base	Minimum Asphalt Surface	Minimum Concrete Base	Minimum Concrete Surface
Major Arterial	<ul style="list-style-type: none"> 12 foot lanes On-street parking in urban areas optional 	<ul style="list-style-type: none"> Class I: 105 feet Class II: 120 feet 	<ul style="list-style-type: none"> 12 inches total aggregate 8 inches of #1 or #2 4 inches of #53 or #73 	<ul style="list-style-type: none"> 4 inches of intermediate 2 inches of finish 	<ul style="list-style-type: none"> 6 inches total aggregate #53 of #73 	<ul style="list-style-type: none"> 8 inches of concrete
Minor Arterial	<ul style="list-style-type: none"> 12 foot lanes On-street parking in urban areas optional 	<ul style="list-style-type: none"> 100 feet 	<ul style="list-style-type: none"> 12 inches total aggregate 8 inches of #1 or #2 4 inches of #53 or #73 	<ul style="list-style-type: none"> 4 inches of intermediate 2 inches of finish 	<ul style="list-style-type: none"> 6 inches total aggregate #53 of #73 	<ul style="list-style-type: none"> 8 inches of concrete
Collector Street	<ul style="list-style-type: none"> 11 foot lanes 8 foot on-street parking lane optional 	<ul style="list-style-type: none"> 80 feet 	<ul style="list-style-type: none"> 12 inches total aggregate 8 inches of #1 or #2 4 inches of #53 	<ul style="list-style-type: none"> 4 inches of intermediate 2 inches of finish 	<ul style="list-style-type: none"> 6 inches total aggregate #53 of #73 	<ul style="list-style-type: none"> 7 inches of concrete
Local Street	<ul style="list-style-type: none"> Minimum 32 feet back of curb to back of curb Parking permitted 	<ul style="list-style-type: none"> 60 feet 	<ul style="list-style-type: none"> 12 inches total aggregate 8 inches of #1 4 inches of #53 	<ul style="list-style-type: none"> 4 inches of intermediate 2 inches of finish 	<ul style="list-style-type: none"> 6 inches total aggregate #53 of #73 	<ul style="list-style-type: none"> 6 inches of concrete

Exhibit C




	Required	Minimum Width	Minimum Thickness	Joint Spacing	Location
Sidewalks	<ul style="list-style-type: none"> Required in all subdivisions Both sides of internal streets 	<ul style="list-style-type: none"> 5 feet for internal streets 6 feet along perimeter streets 8 feet if along a proposed trail route 	<ul style="list-style-type: none"> 4 inches 6 inches at driveways 	<ul style="list-style-type: none"> 5 feet maximum 	<ul style="list-style-type: none"> 1 foot from right-of-way line

Exhibit D

	Minimum Pavement Radius	Minimum Right-of-Way	Length
Cul-de-sacs	<ul style="list-style-type: none"> 45 foot Street width minimum of 32 feet 	<ul style="list-style-type: none"> 60 feet 	<ul style="list-style-type: none"> Residential: 20 lots maximum 140 feet minimum length 600 feet maximum length Commercial: 140 feet minimum length 600 feet maximum length



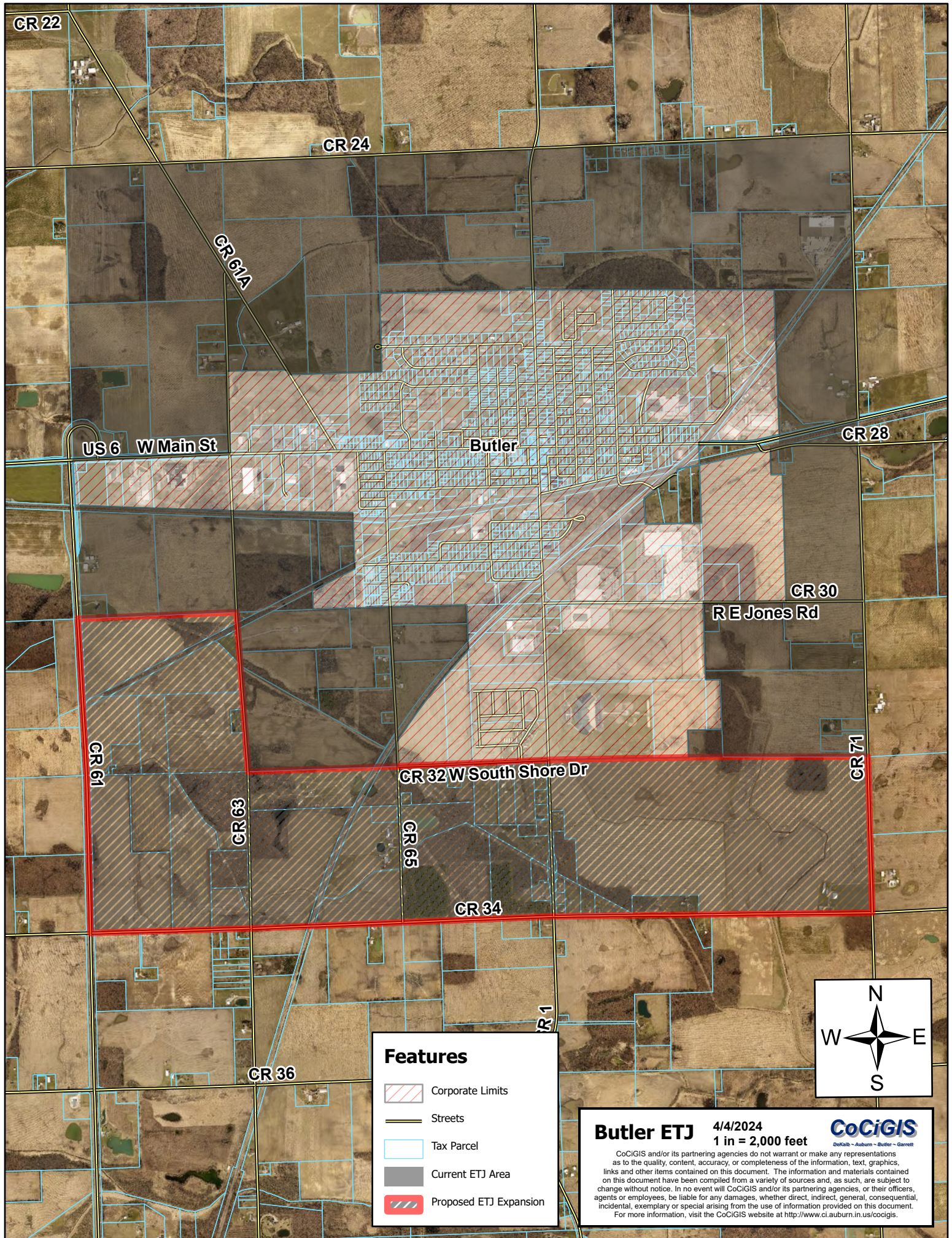
Features

-  Corporate Limits
-  Streets
-  Current ETJ Area






Butler ETJ 4/10/2024
1 in = 2,000 feet

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Features

-  Corporate Limits
-  Streets
-  Tax Parcel
-  Current ETJ Area
-  Proposed ETJ Expansion



Butler ETJ

4/4/2024
1 in = 2,000 feet

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