

**MINUTES**  
**DEKALB COUNTY PLAN COMMISSION**  
**Wednesday April 19, 2023**

The Regular Meeting of the DeKalb County Plan Commission was called to order at 8:30 a.m. in the DeKalb County Commissioner's Courtroom by Plan Commission President, Jason Carnahan.

**ROLL CALL:**

**Members Present:** Angie Holt, Frank Pulver, Bill Van Wye, Mike Watson, Jerry Yoder, Jason Carnahan, Elysia Rodgers, Sandy Harrison, and Suzanne Davis

**Members Absent:** Glenn Crawford

**Staff Present:** Plan Commission Attorney Andrew Kruse, Director/Zoning Administrator Chris Gaumer, and Secretary Andrea Noll

**Community Representatives Present:** None

**Public in Attendance:** Meredith Reith, Erin Reith, Andrew Provines, Josh Ayers, and Ryan Hoover

Jason Carnahan led The Pledge of Allegiance.

**APPROVAL OF MINUTES:**

Mike Watson moved to approve the February 15, 2023 meeting minutes. Seconded by Sandy Harrison. None opposed. Motion carried.

**CONSIDERATION OF CLAIMS:**

Jason Carnahan inquired about a motion to approve February 2023 and March 2023 claims, totaling \$43,436.92. Sandy Harrison motioned to approve with a second from Suzanne Davis.

None Opposed. Motion carried.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

- Discussion of Unified Development Ordinance:
  - CSES Overlay: Landscape Buffer Requirement (Section 3.13 H(c)(1)(a) & (b))
  - Section 1.14: Establishment of Standard Zoning Districts
  - Section 2.03: Conservation Agricultural (A2) District Uses
  - Section 6.01: Subdivision Design Standards
- Discussion of current policies & Rules of Procedure
  - Remove fees from UDO & move to an appendix of Rules of Procedure
  - Confidentiality Agreements
  - HB1167: Livestreaming of meetings (July 1, 2023 start)

Chris Gaumer initiated a discussion between the board members about re-visiting the Unified Development Ordinance that was adopted in January 2009. Mr. Gaumer explained that he wasn't proposing any changes at this time, but was inquiring about the board's thoughts and opinions or if there was any room for improvement in the UDO as a whole.

Mr. Gaumer brought up the concerns about issuing waivers and the landscape requirements from the Plan Commission solar meeting back in February. He then invited questions, comments, and/or discussion from board members.

Mike Watson stated that he encourages further discussion and thought that the Plan Commission should be keeping a "running list" of troubling spots in the UDO as we go. Also, he suggested that the UDO should be reviewed and updated every few years. Mr. Watson felt that the way they left off with the

landscape buffer was sloppy and left “up in the air” to say we will give waivers out to anybody who wants one. Mr. Watson felt that the portions of the current wording in the CSES Overlay basically leave the decision-making [for landscape buffers] to the Plan Commission, which isn’t fair to them.

Angie Holt asked Mike Watson if this was something the commissioners were currently working on/discussing amongst each other.

Mr. Watson replied that he is proposing that the Plan Commission have a discussion and make a recommendation (or not) for a text amendment. He stated that the discussion needs to start with the Plan Commission because they’re the ones who are “on the hook” for determining who gets a waiver and who doesn’t.

Jason Carnahan shared his opinion that there was a plan to do “this and this” but when it came down to decision making time, it was left to the Plan Commission.

Mr. Watson responded that the other commissioners were “ready to be done with all of the solar talk” but didn’t want to leave it undetermined at that stage.

Andrew Provines approached the podium to say that he agreed with Mr. Watson, that the Plan Commission is “on the hook” for giving/not giving a waiver in regards to the new solar ordinance. Mr. Provines then referred to what Chris Gaumer had said when talking about the ordinance in general. Mr. Provines stated that he has read through the ordinance a number of times and there are some places where the definition is specifically stated, but then there are also places with either the incorrect definition, a missing definition, references to the incorrect sections, and/or no references at all. Mr. Provines made a list of things to be reviewed and would e-mail that list to Mr. Gaumer.

Mr. Gaumer stated that he also has a list of places in the UDO to be reviewed. He said that he would like to get back to having somewhat regular meetings for discussing UDO changes, then deciding on approving those changes (or not) in a Plan Commission public hearing.

As far as the solar landscape buffer issue, Mr. Gaumer offered that he would propose to remove it from the setbacks but leaving it up in the Visual Buffer-Landscape Requirement [the Plan Commission *can* require buffering and additional landscaping requirements during that development plan].

Mr. Gaumer would like to have an ordinance that does not leave it up to interpretation. This particular thing doesn’t, except when it was stated that the solar companies could request a waiver and it can be approved. Mr. Gaumer thinks that if we aren’t going to require it, then it needs to be completely taken out of the UDO.

Ms. Holt inquired about berms and what exactly the Plan Commission is requiring from the Solar companies.

Mr. Gaumer said that’s what is difficult, and one thing the Plan Commission doesn’t see, is the amount of review time it takes to make sure an application is complete. No information comes to the Plan Commission until an application is complete (development plan approval, making sure they meet every standard within the overlay district, meeting the development plan standards, meeting their zoning district, etc.).

Mike Watson referred back to the commissioners meeting when they approved the text amendments. Commissioner Watson indicated that Commissioner Sanderson said to waive the landscape buffers indefinitely.

Jason Carnahan added that it was a “blanket waiver.”

Mr. Watson added that he was fine with a blanket waiver, but that it needs to be covered in the UDO, not handled on a case-by-case basis.

Mr. Carnahan agreed, and said that they didn’t spend all that time on the topic, just to hand out waivers on it. The ordinance needs to clearly state what the Plan Commission position is.

Bill Van Wye shared that he had a conversation with a board member in a different county who told him that the solar landscape buffers required by their ordinance is ruining their top soil. Those solar companies were pulling all of the topsoil and putting it in the form of buffers, which made the land worth less than it previously had been before the solar equipment was installed. Mr. Van Wye was concerned with the value of the land after the solar companies no longer use that specific parcel of land.

Angie Holt clarified that Mr. Van Wye was referring to berms.

Mike Watson stated his opinion that the berm issue was dead and that he didn't believe the surveyor would approve anything with any substantial berms because of the drainage issues. Mr. Watson conveyed that Glenn Crawford (DeKalb County Surveyor) had some very big concerns in regards to landscape berms.

Jason Carnahan explained that he and Chris Gaumer were concerned with where that dirt is going to come from. If they (the solar companies) just grate top soil together to make a berm, (the land) will never be the same again.

Mr. Watson added that you couldn't possibly haul such a large amount of dirt to the designated site.

Mr. Carnahan wondered if they were going to dig "borrow pits" on the back of the property.

Mr. Gaumer established his concern that the landscape buffer currently requires berms and landscaping on top of those berms, which also changes how the site is laid out. If Mr. Gaumer tells the solar company to have landscape buffers and then the Plan Commission grants a waiver, that's going to change the site plan. Then, it will have to come back to the Plan Commission because the site plan had to be revised. This would create a domino effect, because they would have to revise their drainage plan, soil erosion control plan, etc.

Angie Holt asked what the waivers were again and wondered what Commissioner Sanderson had referenced regarding the waivers.

Mr. Gaumer verified that the landscape buffer with the non-participating property owners is for the setback. He reiterated that it's not removing the landscape buffer requirement, the waiver would be for the setback to be reduced. For example, if a non-participating landowner has solar on 3 sides of their parcel of land, and the solar-utilized land has an 800-foot setback; if you reduce that to 400 feet, you're still required to have a buffer.

Andrew Kruse supported Mr. Gaumer that anything less than 600 feet, requires to have a buffer.

Mr. Watson advised that Commissioner Sanderson's comment/suggestion during the Commissioners meeting was to just give everyone a waiver; to give the waivers automatically for landscape buffers, period. Mr. Watson concluded that the issues with the landscape buffers were his biggest concern.

Suzanne Davis inquired if there were any long-term issues to the farm land if there are trees or shrubbery put in as a buffer (ignoring the berms for now).

Mr. Gaumer responded that there are a couple of different routes with that. Prior to these changes, the decommissioning plan for these solar projects was discussed; and if we need to include getting the landscape buffers removed as part of that plan. We needed the money from the bond to be there to remove the landscape buffers. If we had to initiate the bond, it would be up to the county and the property owner to leave the buffer or remove it.

Bill Van Wye added that the decision to leave or remove the landscape buffer should be an option of the property owner, and that decision should be included in the contract between the property owner and the solar companies. Mr. Van Wye discussed the advantages and disadvantages of planting trees.

Mr. Gaumer concluded that whether it stays or it goes is a non-issue, except for in the decommissioning plan. We just need to make sure that the removal of it is included in that plan.

Andrew Kruse inquired about making a row of one hundred trees for the landscape buffers, then after the removal of that particular row, the land being usable for farming later on, assuming that they're hauling in the dirt from somewhere else to create the buffers.

Mr. Van Wye explained that they would have to completely remove the tree stumps in order for that land to be usable later on for farming. They would use a dozer to dig around the stump, then push them over and fill in that hole; Mr. Van Wye advised that it would be just like clearing a woods. He stated that the crops planted within the first 25 feet of a field are only half as good as the rest of the field, because of environmental factors.

Mike Watson stated that it was his understanding that there are also decommissioning agreements with every individual participating property owner, that he would assume would cover some of that language. He added that the decommissioning agreement that the Plan Commission negotiates would be the master agreement which would contain the bond and dictate the amount of that bond.

Jerry Yoder suggested that the Plan Commission recommend each one of these development plans have a borrow pit on each one of their sites. He also offered that they find an area that would be suitable for a pond or a small lake, to get that borrow from, to build those with.

Chris Gaumer indicated that they would probably have to. If the Plan Commission is going to leave the landscape buffer in there, then he thinks that they would have to have some sort of borrow pit. He added that it would be up to the surveyor's office and the drainage board.

Jason Carnahan emphasized what Bill Van Wye was explaining and that the Plan Commission would be contradicting themselves if they require a berm and also say that the ground is going to go back to what it was before the development project. He added that those two things do not coexist, and if the Plan Commission does require a berm, the land will never go back to what it was; and if it's going to go back, it cannot have a berm.

Mr. Yoder disagreed that you could take a berm out just like you could take trees out.

Mr. Carnahan inserted that it was possible, but all the top soil would be scraped off and then move the berm dirt back to the borrow pit.

Mr. Watson stated that berms wreak havoc on drainage and that they were never a good idea.

Mr. Yoder asserted that at least they wouldn't be stripping top soil.

Mr. Van Wye agreed that Mr. Yoder had a good idea.

Mr. Carnahan reiterated that if they're going to require a berm to go in, then the decommissioning plan has to require it to go back the way it started.

Mr. Watson discussed the details of the decommissioning agreement.

Mr. Gaumer cited that the details of the decommissioning requirements are in the UDO, adding that it would be an agreement between the County Commissioners and the Plan Commission. He affirmed that the Plan Commission are the ones who have the ultimate enforcement if we would have to decommission the project. The Plan Commission has the power to pull that bond to get the money, but it is something that gets reviewed by all parties.

Mr. Gaumer concluded that they could come back next month and have more discussion on this, but the ultimate question that he has, is do they want to require the landscape buffers at the 600 ft or lower levels and allow the waivers to happen, or do they want to remove it?

Mr. Carnahan shared his concerns about being expected to approve waivers.

Angie Holt suggested that the Plan Commission have discussions with the commissioners so that there is better communication between everyone involved in the decision-making process and so that they are all on the same page.

Mr. Gaumer stated that was what his next step would go; to get a better understanding of where the Plan Commission members are at. Then, before it goes to the commissioners (unlike a re-zone or text

amendment), have a discussion with the commissioners and find out where their reasoning behind their statements and decisions are on all of these standards.

Mr. Carnahan added that it would be nice to get input from Glenn Crawford, especially if we're talking about berms.

Mr. Watson indicated that's what helped to change his mind; after several discussions with the surveyor about what the berms would actually do to the drainage and how possible it would be to work with that. Mr. Gaumer stated that we've seen it on a single-family house project, what 10-foot-tall berms do to the neighboring property owner and how that affects their drainage, etc. He suggested that they invite Todd and Bill (the other two commissioners) to have these discussions with us.

Mike Watson agreed that it wouldn't be a bad idea. He added more context in regards to a statement made by Todd, about the landscape buffers in relation to the setback requirements—and just giving everyone a waiver. Mr. Watson stated that was bad legislation.

Chris Gaumer explained that he just didn't want the Plan Commission to be confused as to how to move forward, and that was where some of the rest of these discussions are going to go too. He concluded that it would be good to bring in additional people into this discussion.

Mr. Gaumer introduced the next topic of reviewing and possibly updating the A1 and A2 zoning districts in the UDO. He explained what the current standards are for adding residential into those districts. Mr. Gaumer also explained the current standards for allowing subdivisions of land and inquired about revisions by the Plan Commission.

Mr. Gaumer invited a discussion on keeping A1 & A2 or removing A1, if it's mirroring an existing district, there's really no need to have two districts that are basically the same thing.

Andrew Kruse inquired about the amount of land in each of those districts.

Mr. Gaumer replied that he wasn't sure of an exact acreage, but that the majority would be zoned in A1 and A2 districts.

Bill Van Wye inquired about how other surrounding counties handle how to stop a subdivision from being on farm ground, and keep it as farm ground.

Mr. Gaumer explained how DeKalb County currently handles those scenarios.

Sandy Harrison suggested putting into effect an agricultural preservation.

Jason Carnahan inserted that the question in discussion was if we should revert the A1 zoning district back to what it was originally defined, or should we eliminate A1 and make it all A2. He explained that A2 already allows for what was just said, but A1 did not. Then, they amended A1 to let it essentially become A2.

Mrs. Harrison added that if they want DeKalb County to be agricultural, then it should be agricultural.

Mr. Carnahan agreed and established that he has always been an advocate of returning A1 back to what it was defined as originally, and possibly making more of A1.

Mr. Gaumer added that if someone meets every standard of our subdivision ordinance, then the Plan Commission cannot deny them if they are in the A1 or A2 district. If it's in your UDO that these are the standards, you can't make up a standard just to be able to deny a subdivision.

Angie Holt inquired about how long ago that came about. Mr. Gaumer responded that it has been in effect for 11-12 years.

Ryan Hoover approached the podium from the public audience to mention that there's a lot of land out there that is both A1 and A2.

Mr. Gaumer explained that he's probably correct and that there are multiple parcels that are zoned in two districts. He added that our ordinance states that if the majority of the parcel is located in one district vs the other, then that's what that parcel is considered zoned as.

Mr. Van Wye asked what the Plan Commission will do moving forward, then made his own suggestions of or committees.

Mr. Gaumer stated that he has no problem creating sub-committees to have them bring to the Plan Commission and that he just doesn't have any current petitions to bring forward to the Plan Commission dockets.

Mr. Kruse concluded that these topics of discussion will take either this meeting or another meeting where we publicly notify that we're going to have this discussion, and then someone makes a motion. Mr. Gaumer explained that the Plan Commission would task him with getting the public hearing process started, to amend the UDO.

Mr. Carnahan inquired how to strike amendment one.

Mr. Gaumer clarified that what the Plan Commission would do is have an amendment to strike all of the conservation and agriculture districts or he would have to go back and redline the ordinance to reflect what it was.

Andrew Kruse suggested to make a list of changes that are administrative or technical and are more non-controversial, that could be approved separate from other controversial issues that might take longer to get approved.

Angie Holt admitted that she needs more time to study the difference between A1 and A2.

Chris Gaumer explained special exception uses and what exactly they would need to strike in the UDO.

Jerry Yoder discussed the pros and cons and examples of pipe stems with the board.

Mike Watson explained that the Plan Commission could use Planned Unit Developments (PUD's).

Mr. Gaumer explained PUD's to the board. Then, he insisted on the board members to study their UDO and see if there are any changes that need to be made.

Jason Carnahan inquired how they get the feel of the whole board while using the productivity of a sub-committee so that we can keep moving forward.

Mr. Gaumer responded that a sub-committee would meet to discuss details of a proposal that they would bring to the Plan Commission to vote on.

Mr. Yoder voiced that he was not in favor of creating a new committee.

Mr. Carnahan clarified that Mr. Yoder is suggesting that he and Mr. Gaumer get together and draft something to present to the Plan Commission at the next meeting.

Mike Watson stated that he agrees with Mr. Gaumer that they all need to do a "deep dive" into the UDO. He expressed that the decisions being made henceforth need to be well thought out and that they need to consider long-term planning in making those decisions. Mr. Watson suggested that they need to talk about the possibility for unintended consequences, as well as the future success of DeKalb County.

Frank Pulver stated that cleaning up A1 and A2 should be a priority and that it shouldn't be too difficult. Mr. Pulver also threw in the idea to combine the two districts.

Bill Van Wye disagreed and said that the two should be kept separate.

Mr. Gaumer advised that there should be more discussion either from a sub-committee or the Plan Commission before he makes any amendments and further explained the importance of both A1 and A2. He concluded that if they're going to have their A1 district, then let's make it what it should be; the conservation of agricultural land.

Mr. Gaumer stated that his final thoughts on this topic were that a committee for an entire UDO is difficult, because you're creating a 400+ page document to submit to the Plan Commission for a vote in hopes that the Plan Commission members fully understand.

Mr. Carnahan agreed that they need to look into the UDO deeper, but first they need to look at the few "shallow things" that maybe need addressed and would be taken care of quicker than the deeper dive.

Mr. Van Wye advised that they have another Plan Commission discussion meeting to go over A1 and A2, so that they have everyone's input. Then, possibly create a sub-committee to approach the deeper dive into the UDO which might help to speed up the process. He cited that with nicer weather coming, the board members who are also farmers won't have as much time to meet for discussions every month.

Mr. Gaumer stated that he will look into the surrounding counties to see if they have an A1 and/or A2 district.

Mr. Van Wye mentioned that we need to get our zoning districts set up appropriately so that Allen County can't push through into the southern part of our county.

Mr. Gaumer added that they need to look into the south corridor of the county on CR 427 and decide what we want it to look like.

Mr. Watson reiterated his point about not just fixing immediate problems; that we need to look at more long-term solutions. He also stated his opinion that our Comprehensive Plan is not a master plan, it's only a snapshot of 2017 and has no relevance today.

Mr. Gaumer added that he will be adding to the rewrite of the Comprehensive Plan to his 2025 Budget and hope to have a new Comprehensive Plan adopted in 2027.

Mr. Gaumer introduced another topic of removing fees from the UDO and moving them to an appendix in the Rules of Procedure, to let the Plan Commission dictate what the fees are instead of the County Commissioners.

He then shared another topic that has come up about confidentiality or non-disclosure agreements for the Plan Commission members.

Finally, Mr. Gaumer advised that starting in July, we will have to start live-streaming our meetings and explained what that would look like. Also, he suggested adding a Code of Conduct for the live-stream meetings.

Mike Watson agreed with Chris Gaumer about adopting a Code of Conduct to the live-streamed meetings and that the City of Auburn's Plan Commission has a good one. He also suggested adopting the requirements for appearing via Zoom meetings. Mr. Gaumer mentioned that he would take a look at the commissioners' code of conduct and Auburn's.

Angie Holt stated that she likes the transparency of the live-streamed meetings. She inquired about confidentiality agreements within the rest of the county.

Mr. Gaumer shared an example of the confidentiality agreement of a different county.

Mr. Watson added that every single development that's ever been done, has components that need to be confidential until they reach a certain point in the process when they're official.

Andrew Kruse advised from a legal standpoint, that he would want to look at the language of it. If other counties are using it successfully, that's at least a sign that it might work fine. Mr. Kruse added that he did not think there were any other current confidentiality agreements utilized within DeKalb County.

Mr. Gaumer agreed that it would be a good idea to look up any case law there has been on that issue.

Jerry Yoder asked to have a prayer before every meeting be added into the rules and procedures. The board then discussed it.

Mr. Kruse advised of the pros and cons and a legal standpoint of saying a prayer at a public meeting.

#### **REPORTS FROM OFFICERS, COMMITTEES, STAFF OR TOWN/CITY LIAISONS:**

Mike Watson updated the board about the City of Auburn.

Sandy Harrison reported updates about Hamilton and Waterloo.

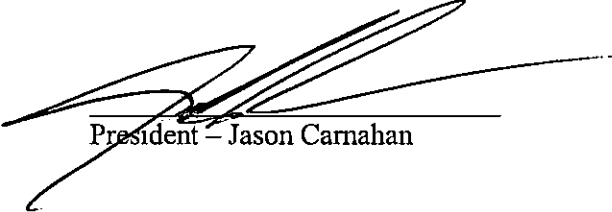
Frank Pulver reported an update about the City of Garrett.

**COMMENTS/QUESTIONS FROM THE PUBLIC IN ATTENDANCE:**

None.

**ADJOURNMENT:**

Mike Watson motioned to adjourn the meeting, seconded by Bill Van Wye.  
Jason Carnahan adjourned the meeting at 10:04 a.m.

  
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President – Jason Carnahan  
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Secretary – Andrea Noll