

**MINUTES
DEKALB COUNTY PLAN COMMISSION
Wednesday September 20, 2023**

Due to meeting conflicts in the Commissioner's Courtroom, the DeKalb County Plan Commission was called to order at 6:05 p.m. in the Prosecutor's conference room on the first floor of the Courthouse by Vice President, Frank Pulver. Then, at 6:45 p.m., the Plan Commission meeting was moved to the Commissioner's Courtroom, led by President, Jason Carnahan.

ROLL CALL:

Members Present: Jason Carnahan (arrived at 6:15 pm), Angie Holt, Mike Watson, Jerry Yoder, Frank Pulver, Bill VanWye, and Suzanne Davis

Members Absent: Elysia Rodgers, Glenn Crawford, and Sandy Harrison

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

Community Representatives Present: None

Public in Attendance: LeAnn Fultz

PRAYER:

Jerry Yoder led prayer.

APPROVAL OF MINUTES:

Angie Holt moved to approve the June 21, 2023 meeting minutes. Seconded by Suzanne Davis. None opposed. Motion carried.

CONSIDERATION OF CLAIMS:

Bill VanWye moved to approve the claims from June 2023, July 2023, and August 2023, totaling \$25,613.17. Seconded from Jerry Yoder. None Opposed. Motion carried.

OLD BUSINESS:

None

NEW BUSINESS:

- Discussion of Fee Schedule changes
- Discussion of Zone Map Amendments
- Review List of Amendments to UDO

Frank Pulver introduced the New Business.

Jason Carnahan arrived at 6:15 p.m. and led the meeting with the Fee Schedule changes.

Angie Hold noted a couple of discrepancies between the blue comparisons document versus the draft of the proposed fee schedule.

Chris Gaumer explained how he came up with the Fee Schedule changes versus the blue excel sheets simply being comparisons between a few local counties. He added that he wasn't recommending a vote on any of the topics of discussion tonight.

Mr. Gaumer went on to explain how he came up with the values and costs that were presented in the Fee Schedule. He determined how many staff members it took to review an application or petition, the amount of time the staff members took to work on the item. He went on to compare the cost incurred by the County for a petition or application to the existing fee schedule. Mr. Gaumer concluded that he doesn't

want our fees to deter people from building in DeKalb County, but that it should be reflective for a “fee-for-service”.

Bill VanWye clarified if our contracted Attorney Fee Agreement includes reviewing cases for the Plan Commission and/or the Board of Zoning Appeals.

Mr. Gaumer affirmed Mr. VanWye’s question.

Mr. Gaumer suggested that we charge a “review fee” because petitioners may cancel before their hearing and want a refund.

Jason Carnahan suggested that both sides have to have a “cost of doing business.” And that it should be no less than 25% of the fee that doesn’t get refunded.

Suzanne Davis and Frank Pulver agreed with Mr. Carnahan.

Mr. Gaumer advised that if the Plat Committee only has one petition during a public hearing, then the county is already in the hole as far as everyone’s pay for their attendance.

He added that he didn’t really change the Improvement Location Permit fees, because we charge building permit fees on top of that. He clarified that the County Commissioners set the Building Permit fees. Mr. Gaumer stated that he did propose changing the minimum structure size because the Building Permit and Improvement Location Permit structure sizes are different. He believes the structure size should mirror in both the Improvement Location & Building Permit.

At 6:20 p.m., Mike Watson arrived at the meeting.

Frank Pulver clarified the \$500 to \$2,000 Commercial Solar Energy System. Yet, a residential is only \$30.

Mr. Gaumer explained a Commercial Solar Project versus a much smaller Residential Solar Project.

Mr. Pulver suggested that Commercial Solar Projects be based off of acreage.

Mr. VanWye inquired about how the fee was based.

Mike Watson commented on commercial versus residential solar projects.

Mr. Gaumer clarified that if the energy from the solar panels is being added back into the electrical grid, that’s when it would be commercial.

Jerry Yoder commented on the acreage of commercial solar.

Mr. Carnahan suggested a “max of” fee.

Mr. VanWye commented on how to set a “max” fee, if we aren’t sure yet of how much time will be put into the project by staff members.

Mr. Gaumer explained what would be involved after the Development Plan is submitted.

Angie Holt commented on the lack of comparison between other local counties for solar projects and other fees.

Mr. Yoder inquired if we were covered as far as paying the inspector with the permit fees.

Mr. Gaumer explained the two different fees involved, the Building Permit fee and Improvement Location Permit fee. The Improvement Location Permit checks the zoning, and the Building Permit fee is what covers the cost of the required inspections. Mr. Gaumer reminded the board that the Building Permits and fees are set by the County Commissioners, not the Plan Commission. Mr. Gaumer then explained to Mr. Yoder the reasoning behind that.

Mr. Gaumer explained permit fees for fences and why the building inspector goes out to inspect the location.

Mr. Pulver inquired what exactly gets inspected for a fence permit, also disagreeing with the substantially low fee. He added that in the city limits, you have to get a fence permit, but they don't charge a fee.

Mr. Yoder advised the board of Allen County's fence permit fee. Mr. Gaumer would look into increasing the fence permit fees.

Mr. VanWye commented on fence permits.

Mr. Gaumer stated that coordination of all the departments when sending a project through Technical Review process. It's what takes the most time and coordination from his office staff. He elaborated briefly on pond permits.

Mr. Carnahan and Mr. VanWye commented on Pond Permits and setbacks.

At 6:35 p.m., Andrew Kruse arrived at the meeting.

Mr. Gaumer mentioned that he didn't feel like they had to get through all of the bullet points under the New Business discussion, because they were having a productive discussion on Improvement Location Permits. Mr. Gaumer then advised that they could take their meeting upstairs to the Commissioner's Courtroom.

At 6:45 p.m., the meeting was moved to the Commissioner's Courtroom on the second floor of the Courthouse.

Mr. Gaumer led into the next topic on the Fee Schedule, which was fees for the Board of Zoning Appeals. He explained the members get paid for those meetings, including our attorney, Andrew Kruse. Mr. Gaumer thinks that the fees for the Board of Zoning Appeals meetings should be based on the type of application they're requesting. Then, he explained the different Variance requests that can be made and the fees associated with the application.

Mr. Pulver inquired about Special Meetings.

Mr. Gaumer moved the discussion forward with Plan Commission and Plat Committee fees by advising the payment to the members for each of those meetings. He then explained his reasoning for the proposed fee for Special Exception meeting requests.

Mr. Watson and Mr. VanWye each commented on what they thought the fee should be for Special Meetings.

Mr. Gaumer stated that a Zoning Ordinance Amendment is not an application the public can bring forward and if staff or the Commissioners do. There shouldn't be a charge for the plan Commission or County Commissioners to bring an amendment forward; theoretically be paying yourselves. So, he proposed revising the name of the fee to "Zone Map Amendment."

Mr. Gaumer then explained the next topic of the Fee Schedule, which was regarding the Commercial Solar Energy System Overlay District. He stated that this was something that was approved by the Commissioners back when the ordinance was adopted three years ago; it was \$50 per acre or \$5,000 max. So, they currently pay a fee of \$5,000 for the Plan Commission to hear the Overlay District and \$5,000 for the Plan Commission to hear their Development Plan.

Mr. Gaumer advised that he clarified the language throughout the Fee Schedule to make more sense. Then, he explained each of the subdivisions and their respective fees. He added that a lot of these fees haven't been updated since 2009, which is why he proposed that the Plan Commission increase them.

Mr. Gaumer revisited the Commercial Solar Energy System Development Plan (\$5,000 max.) and advised that if they bring these forward as separate projects, the Overlay District takes much less of the staff's time than the Development Plan. He stated that the Overlay District is basically like a rezone and that he would come up with a better idea of how much time and cost it is for an Overlay District project and a Development Plan and bring those numbers forward at the next meeting.

Mr. Gaumer addressed an Amendment to the Development Plan (If not approved by the Zoning Administrator). There's a caveat in our ordinance that allows the Zoning Administrator to approve minor changes to Development Plans. He referenced Steel Dynamics, for example, because they're always making small additions like a break room or a couple small offices. He added that it just doesn't make sense to require them to create a new Development Plan for each small change. However, that wouldn't be the case if they were to make a much larger change increasing their acreage, etc.

Mr. Gaumer advised that he proposed removing "All Other Meetings Before the Plan Commission with a 30-minute max" because there are no other types of meetings that would only take 30 minutes. He also proposed removing the fees for the Plat Committee, because he consolidated those to be included in the Plan Commission fees.

Again, Mr. Gaumer clarified that there isn't a need for a vote on these changes today. Instead, he would like the board members to review the information. If any member would like to see anything different, they should contact him. Otherwise, if they were comfortable with the discussions they've had, then he would bring something forward to vote on, at the next meeting. The Plan Commission was in agreement.

Mr. Gaumer quickly explained the five Zoning District Maps that he included in their packets and encouraged them to review each quadrant individually. He told them to make notes of their own to bring to the next meeting.

Mr. Gaumer concluded the discussion portion of the meeting by sharing his list of proposed amendment changes for them to discuss. This list includes things that change often or things that people often have issues with. For example, he referenced Accessory Dwelling Units.

Mr. VanWye commented on Accessory Dwelling Units.

Mr. Gaumer encouraged the board members to come up with their own list of amendments to discuss and bring to the next meeting.

Mrs. Holt commented on this being the "clean-up effort" they had previously discussed.

Mr. Gaumer agreed.

7:00 PM: Petition #23-22 – LeAnn Fultz requesting a Zone Map Amendment from A1 – Conservation Agricultural to A2 – Agricultural. The property is located at 0750 County Road 54, Garrett.

Chris Gaumer read the staff report.

Frank Pulver confirmed that the dotted yellow line is the piece of property that we're considering.

Andrew Kruse confirmed that "The Passage" has already been separately platted and currently is LeAnn Fultz's residence.

Mr. Gaumer explained spot zoning, disclosed a future land use map as a guide, and went through the differences and similarities between the A1 and A2 Zoning Districts.

Before the Findings were presented, Mr. Gaumer advised of 5 things the Plan Commission members are obligated to pay reasonable regard to when considering a Zone Map Amendment. He also wanted to point out in the Findings, as he reviewed past aerials, it doesn't look like this property has been farmed since at least the 1990's. Then, it was sold and approved as a buildable lot. He stated that he doesn't believe it's going to be hindering—or even meets—the intent of our A1 Zoning District of conserving agricultural land. Mr. Gaumer concluded that he recommends a favorable recommendation to the County Commissioners.

Mr. VanWye asked if the proposed land was a wooded area.

Mr. Gaumer replied that it was a slightly wooded area with probably a lot of scrub-brush, and that he can ask Ms. Fultz when speaks.

Mr. Kruse clarified the assumption that Ms. Fultz will eventually want to split The Passage into two lots.

Mr. Gaumer added that it is not allowed in the A1 Zoning District, but it is allowed in the A2 Zoning District.

Mr. Pulver clarified the lot size of The Passage to be 5.3 acres.

Mr. Gaumer confirmed this, adding that a minimum of 2 acres is required to build. He explained that the 5.3 acres excludes the right-of-way, which is already dedicated. One lot would be 2.3 acres and the second lot would be 2 acres.

Mr. VanWye asked about the neighboring lot, "Sea Cam Property," and verified that it is not involved in this petition.

Mr. Pulver inquired about the Commissioners' role in approving this petition.

Mr. Gaumer explained that the Plan Commission will give a recommendation to the Commissioners, then they will make the final decision. Ms. Fultz won't be able to get started on any of the subdivision processes until next month if this petition were to get approved.

Mr. VanWye asked if the petitioner has had a perc test performed on the property yet (for a septic system).

Mr. Carnahan explained to Mr. VanWye that the Plan Commission was only voting on switching the Zoning District of The Passage from A1 to A2.

Mr. Carnahan invited the petitioner to come forward to address the questions from the Plan Commission.

LeAnn Fultz, approached the podium to address questions from the board.

Mr. Gaumer asked Ms. Fultz about soil testing.

Ms. Fultz stated that they had a soil test scheduled, but then they found out about the most recent Zoning Ordinance change. She cancelled the test until they could get the Zoning changed and approved and then move forward with the replat.

Mr. VanWye verified the property ("The Passage") in which Ms. Fultz currently resides.

Determining that there were no other questions for the petitioner, or anyone in the audience who wanted to speak for or against the petition, Mr. Carnahan closed the public portion of the hearing.

Mr. Kruse reviewed the Findings of Fact:

JURISDICTIONAL FINDINGS:

1. The petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.
 - a. Application completed and filed on **July 28, 2023**.
 - b. Legal notice published in The Star on **September 8, 2023** and Publishers Affidavit was given to staff.
 - c. Certificate of mailing notices were sent, and receipts were given to staff.
 - d. Report from the County Board of Health, dated **August 3, 2023**.
 - e. Report from the County Highway Department, dated **July 31, 2023**.
 - f. Report from the DeKalb County Soil & Water Conservation District, dated **July 31, 2023**.
 - g. Report from the County Surveyor, dated **August 1, 2023**.

UDO & STATUTORY MATTERS TO CONSIDER:

1. Is the change in zoning in harmony with the Comprehensive Plan?
The subject site has a Future Land Use (FLU) designation of Mixed Agricultural/Rural Residential. The proposed zoning district is compatible with this FLU designation.
2. Do the current conditions and the character of current structures and uses in each district adapt to the proposed zoning?
The existing development surrounding this property is residential and agricultural. This change in zoning will be consistent with the surrounding properties.
3. Is the change in zoning consistent with the most desirable use for which the land in each zoning district is adapted?
The proposed zoning district is desirable for this property and the area.
4. Will the change in zoning help with the conservation of property values throughout the jurisdiction?
The property values of the area should not be disturbed negatively considering the adjacent uses.
5. Does the change in zoning promote responsible development and growth?
In changing the zoning of the property to A2, Agricultural, the Plan Commission will be promoting the desired use of the land. This parcel does not appear to have been farmed after the 1990's and was sold and approved as a buildable site.


IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION THAT THIS ZONE MAP AMENDMENT, PETITION #23-22, FULTZ REZONE, IS HEREBY GRANTED APPROVAL ON THIS 20TH DAY OF SEPTEMBER 2023.


Motion made by Frank Pulver, Seconded by Mike Watson

Vote tally: Yes: 7 No: 0

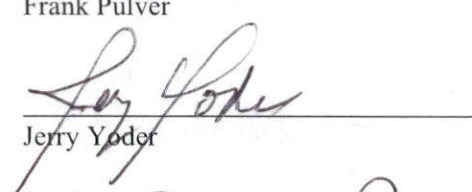

Jason Carnahan

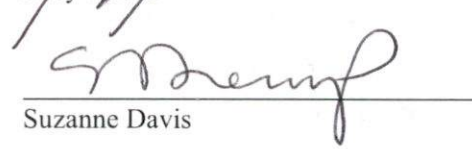

Mike Watson


Bill VanWye


Angie Holt


Frank Pulver


Jerry Yoder


Suzanne Davis

At 7:20 p.m., the Plan Commission members continued their previous discussion in New Business.

Mr. Gaumer presented a few options on how the board members would like to move forward on the Zoning District Maps. He offered to review the maps by township or by quadrants, or if the members wanted to create a committee to go through the maps, adding that there's no rush to do anything with them.

Mr. Pulver asked why they should review the Zone Maps.

Mr. Gaumer explained that a Zoning Ordinance was recently changed, the types of subdivisions were changed, A1 and A2 Zoning District Uses were changed, and the number of splits from a parent parcel were changed. He wants to make sure that the Zoning Districts are where they should be and if they make sense in the location they currently are, especially for agricultural and conservation agricultural districts.

Mr. Kruse commented on the vast number of lots in the county.

Mr. Pulver mentioned that this is something that is going to take some time.

Mr. Gaumer affirmed that is why he previously mentioned that they weren't in any hurry. He preferred to start by looking at areas of concern. He proposed examples of areas around the Airport that are currently zoned for AP3, the Industrial Corridor by Steel Dynamics in Butler, and San Giovanni Estates in Butler Township that's currently Agricultural but should be Rural Estate because no one is farming there. He added that before our Unified Development Ordinance was created, they went through the rezone process, but it didn't carry over, so this will basically be a "clean up" of those areas.

Mr. Gaumer offered that he's willing to go through township by township and highlight his areas of concern if the board members would rather do it that way.

Mrs. Holt stated that going by areas of concern is a good approach, that way we can expedite the things that are going to be problematic and address them sooner than later. Mrs. Davis agreed.

Mrs. Holt inquired about how this would work with the Future Land Use Map and if that's something they're supposed to keep in mind while looking into those areas of concern.

Mr. Gaumer stated that they do have the option to hold off on this until we do the new Comprehensive Plan in 2025 and let look into the Zone Maps along with the Comprehensive Plan, at the same time.

Mr. VanWye inquired about the relevance of 2025.

Mr. Gaumer explained that typically, a Comprehensive Plan should be reviewed every 10 to 20 years. Our county's plan was adopted in 2017. Then, he elaborated on what all it entails to update the Comprehensive Plan.

Mr. Watson briefly commented on Auburn's Comprehensive Plan and process.

Mr. Gaumer discussed the future of DeKalb County: seeing ourselves wanting to have an area for industrial businesses and more industry. He stated that something the county currently does not have are any areas for commercial development that a commercial garage would want to move into or a small retail development, excluding the strip on State Road 8.

Mr. VanWye mentioned County Road 11A turning industrial at one time.

Mr. Watson commented on its intention to be more commercial than industrial.

Mr. Gaumer included that into something to be looked at. He stated that our ETJ areas do not encompass much of the I-69 corridors because of Waterloo being right next to I-69, one of Auburn's exits are included in I-69, the other Auburn exit is in their ETJ, and the areas south of that.

Mr. Gaumer directed the conversation to Auburn's sewer and water infrastructure needing to go south, or Allen County's is going to come up into DeKalb County. He stated that DeKalb County is in need of more middle-class single-family homes, and in order to do that, they will need developers to build developments that meet those standards. On smaller sizes of lots, people are going to have to get sewer and water, and the only way to do that is to do studies to extend Auburn's sewer and water. He added that we need to make sure those areas are zoned to promote that kind of development.

Mr. Watson advised that the study has been done up to the county line, adding that bringing Allen County sewer and water into DeKalb County doesn't make any sense. Mr. Watson stated that we have a workforce housing need of \$150,000 - \$200,000 range and multifamily housing.

Mr. Gaumer mentioned that there are larger, 10-20 lot subdivisions on the southern part of the county that are zoned A2 but have no agricultural uses on them. He suggested that we just need to try to promote development where we would like to see it. One way to do that is with zoning.

Mr. Watson commented that we have a good base now to start working towards that.

Mr. Pulver mentioned a light blue area to the east of Auburn, designated as commercial. He also noted the current location of the industries in Auburn, and when they start to dwindle, they'll look to property owners for tax revenue. He mentioned how visually pleasing Garrett's new subdivision is.

Mr. Watson mentioned that there will be a 130-lot subdivision going out by County Road 19.

Mr. Pulver mentioned the large Hamilton ETJ.

Mr. Gaumer explained that he will put that on his list to look into, adding that we do not have ETJ agreements with Hamilton or Butler.

Mrs. Holt stated that she would still be a proponent of moving forward with identifying, with Mr. Gaumer's guidance, the areas of most concern, rather than waiting for 2025 and well beyond that to begin this process. She added that attracting people will, in turn, attract business; that our current citizens don't have adequate housing options available. She also clarified with Mr. Gaumer that the Future Plan/Future Land Use Map for DeKalb County is included in the Comprehensive Plan.

Mr. Gaumer advised that the Zoning Districts don't have to match the Future Land Use Maps, but they should. He added that if you're going to change your Future Land Use Map, we need to get into the text of the Comprehensive Plan, and we need to do that in 2025-2026 with the hope of having it adopted and enacted on January 1, 2027.

Mr. VanWye commented on the public hearings for the Comprehensive Plan change.

Mr. Carnahan suggested we go through the quadrants to see what makes sense.

Mr. Yoder commented on a new group of people coming in 2045 saying the same things we are now.

Mr. Watson advised that if the plan is done the right way, it grows into being self-sustaining no matter who comes in to fill the seats.

Mr. Carnahan mentioned if the plan is done right and then we put some teeth in, to follow that plan without instantly amending that plan.

Mr. Gaumer added that allowing the Zoning Ordinance to change like it did without amending the amount of districts you have, was not proper guidance from the person who had this position before me.

Mr. Watson commented that if you let a Comprehensive Plan run its course the full 20-25 years, you've done it wrong. It needs to be revisited periodically.

Mr. Gaumer agreed.

Mr. Gaumer concluded his discussion by stating that an Commercial Solar Energy Systems Overlay District application has been completed by Sculpin Solar and advised when his office will be sending out packets/binders for the public hearing.

Mrs. Holt inquired about the sequence of events for that solar project.

Mr. Gaumer replied that the Plan Commission will hear the overlay request first and then the development plan. But Sculpin Solar decided to only do the overlay at this time.

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

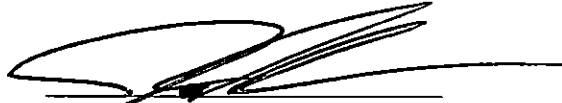
None.

COMMENTS/QUESTIONS FROM THE PUBLIC IN ATTENDANCE:

None.

ADJOURNMENT:

Jason Carnahan adjourned the meeting at 8:03 p.m.



President – Jason Carnahan

Secretary – Andrea Noll