

# DEKALB COUNTY DEPARTMENT OF DEVELOPMENT SERVICES

## PLANNING • BUILDING • GIS

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### AGENDA

#### DeKalb County Plan Commission

Commissioners Court – 2<sup>nd</sup> Floor DeKalb County Court House

Wednesday, September 20, 2023

**6:00 PM**

1. Roll call
2. Pledge of Allegiance
3. Prayer
4. Approval of Minutes: June 21, 2023
5. Consideration of Claims: June 2023, July 2023, August 2023

Westwood Car Washes	\$50.00
Lassus Fuel	\$1,191.32
Verizon	\$153.26
Ben Davis – Oil Change	\$66.45
Kruse & Kruse – Quarterly Fees	\$3,381.83
Amazon – Office Supplies	\$56.63
City of Auburn – Bldg. Inspections	\$360.00
Ft. Wayne Newspaper – Inspection Stickers	\$223.00
KPC Legal Ad – PC Text Amendment	\$40.18
Certificate of Mail. Postage – BZA	\$29.60
APA-IN Fall Conference Registration	\$185.00
Assoc. State Floodplain Mgrs. (Mbrshp. Dues)	\$175.00
Legal Ad – BZA #23-04	\$32.34
Legal Ad – BZA #23-05	\$31.85
Legal Ad – BZA #23-06	\$31.85
<u>Payroll (06/04/23 – 09/09/23)</u>	<u>\$19,604.86</u>
<b>TOTAL:</b>	<b>\$25,613.17</b>

6. Old Business: None
7. New Business:
  - 20 min. - Discussion of Fee Schedule changes
  - 20 min. - Discussion of Zone Map Amendments
    - How to review? EG: township by township? PC & Staff areas of concern?
  - 10 min. - Review List of Amendments to UDO

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

8. Reports from Officers, Committees, Staff or Town/City Liaisons
9. Comments from Public in Attendance
10. Adjournment

Next Meeting: October 18, 2023

**If you cannot attend, please contact Andrea Noll:**

**[Anoll@co.dekalb.in.us](mailto:Anoll@co.dekalb.in.us) | (260) 925-1923**

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

**\*\*No cellphones, tablets, laptops or weapons permitted.**

**MINUTES**  
**DEKALB COUNTY PLAN COMMISSION**  
**Wednesday June 21, 2023**

The Regular Meeting of the DeKalb County Plan Commission was called to order at 7:01 p.m. in the DeKalb County Commissioner's Courtroom by Plan Commission President, Jason Carnahan.

**ROLL CALL:**

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

Members Absent: Elysia Rodgers

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

Community Representatives Present: None

Public in Attendance: None

Jason Carnahan led The Pledge of Allegiance.

**APPROVAL OF MINUTES:**

Mike Watson moved to approve the May 17, 2023 meeting minutes. Seconded by Sandy Harrison. None opposed. Motion carried.

**CONSIDERATION OF CLAIMS:**

Jason Carnahan asked for a motion to approve May 2023 claims, totaling \$76,575.06. Sandy Harrison motioned to approve with a second from Suzanne Davis. None Opposed. Motion carried.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

Petition #23-15 – Text Amendments to the Unified Development Ordinance to include revisions, additions and deletions to:

- Article 2, Section 2.03: A1 District Intent, Permitted Uses & Special Exception Uses;
- Article 2, Section 2.04: A1 District Development Standards;
- Article 2, Section 2.06: A2 District Development Standards;
- Article 6, 6.01: Subdivision Introduction, Design Standards Overview;
- Article 6, 6.02: Subdivision Introduction, Prerequisite Zoning;
- Article 6, 6.03: Conservation Agriculture Subdivision Intent;
- 6.04: Conservation Agriculture Subdivision Features;
- 6.05: Conservation Agriculture Subdivision Standards and Effects on Development Standards;
- Article 6, 6.06: Minor Subdivision Intent;
- 6.07: Minor Subdivision Features;
- 6.08: Minor Subdivision Standards and Effects on Development Standards

Chris Gaumer went over the text amendments that the Plan Commission has been discussing over the past couple of months. Mr. Gaumer stated that he has brought them forward as one text amendment, but they could break them up as well. Then, he went on to explain the staff report and the pages from the Unified Development Ordinance that were included in their packet regarding this petition.

- *Article 2, Section 2.03: A1 District Intent, Permitted Uses & Special Exception Uses:*  
Remove “dwelling, manufactured home” and “dwelling, single family” from Permitted Uses. Add “dwelling, manufactured home” and “dwelling, single family” to Special Exception Uses. So, these uses would have to go through the Board of Zoning Appeals.
- *Article 2, Section 2.04: A1 District Development Standards:*  
Add “OR 40 feet if the lot or lots are designed to conserve agricultural crop production” to Minimum Lot Frontage. This change brings the A1 District back to its original intent from 2009.
- *Article 2, Section 2.06: A2 District Development Standards:*  
Add “OR 40 feet if the lot or lots are designed to conserve agricultural crop production” to Minimum Lot Frontage. Nothing was changed for the Permitted Uses Section in the A2 District, but added to lessen the lot frontage.
- *Article 6, 6.01: Subdivision Introduction, Design Standards Overview:*  
Addition of Conservation Agriculture Subdivision. These sections are all new. When the Plan Commission had previously discussed the Conservation Agricultural District, we also had discussed creating a Conservation Agricultural Subdivision that would be permitted in our A1 Zoning Districts only. Also discussed taking the maximum lot splits to one, if there is an existing farmstead or home; or a maximum of 2 lot splits if it is vacant land. This proposed change will take the current maximum number of lot splits in half.
- *Article 6, 6.02: Subdivision Introduction, Prerequisite Zoning:*  
Addition of Conservation Agriculture Subdivision and the CA Subdivision being permitted only in A1 Zoning District. Removal of Minor Subdivision being permitted in A1 Zoning District.
- *Article 6, 6.03: Conservation Agriculture Subdivision Intent; 6.04: Conservation Agriculture Subdivision Features; 6.05: Conservation Agriculture Subdivision Standards and Effects on Development Standards:*  
Addition of Conservation Agriculture (CA) Subdivision as a new subdivision type, permitted only in A1 Zoning District. These sections are all new. These new sections basically mirror what the Minor Subdivision is, but having that two-page layout added in for our Conservation Agriculture Subdivision standards.
- *Article 6, 6.06: Minor Subdivision Intent; 6.07: Minor Subdivision Features; 6.08: Minor Subdivision Standards and Effects on Development Standards:*  
Removal of A1 as a prerequisite base zoning, which removes Minor Subdivisions being permitted in the A1 Zoning District.

Mr. Gaumer concluded that this would be just one of many steps, of revising and amending the UDO. He added that this was probably going to be a two or three year process. Mr. Gaumer said that there will be things that come up when we look at our Comprehensive Plan in the start of 2025 that will probably take at least a year or year and a half to amend. He explained that the process would take a long time, because the Plan Commission would meet to discuss what to amend, before having a public hearing to vote on the proposed amendments. Otherwise, if they are interested in doing it all at once, they would have to hire a consultant to get that done because it's not something that can be done administratively with our current staffing. Chris Gaumer asked if there was addition questions or comments, adding that they had already discussed all of it previously, in April and May.

Angie Holt stated that she had two questions and/or comments. The first one possibly being categorized under the future clean-up effort; under 2.05—the A2 District, we had talked about the Wind Energy



Systems and for a clean-up for consistency to either add it or remove it from Article 5, 5.58 Wind Energy Systems Section.

Mr. Gaumer responded that he had already added that to his PDF working copy of the UDO. It was decided that it's in the text of Section 5, so when all of these changes get officially amended, he will update and revise everything.

Ms. Holt then stated her second item in question, Live Streaming, under the Rules of Procedure.

Mr. Gaumer inserted that they will be talking about the Rules of Procedure later in the meeting, so we would be coming back to her question.

Sandy Harrison inquired, as we're moving forward with the A1 & A2 changes, on the map it looks like a "hodge-podge." Ms. Harrison questioned how they were going to fix the locations of the different zones and if that would come after we did the changes to the UDO.

Mr. Gaumer confirmed that it would come after we did the UDO changes.

Mike Watson added that the 2009 Zoning Map is so outdated.

Jason Carnahan also agreed.

Mr. Gaumer added that it would take a lot of work and we're going to have to have some Plan Commission discussion meetings. He explained that we need to have some public input, but not have a public open-house like they did back in 2009 when the Zoning Ordinance was re-written. Mr. Gaumer concluded that the zoning districts do need to be looked at. He shared what he would like to do first with them, questioning if DeKalb County needs 24 zoning districts. Then, they will amend the map itself.

Mr. Carnahan stated that we need to get what zones we want, then figure out where they need to be.

Mr. Watson agreed.

Ms. Harrison added that you can't just shove a zone down someone's throat. For example, if someone is in an A2 District, they should have a choice of either A1 or A2.

Mr. Gaumer asked if every property should have a choice.

Ms. Harrison replied no, not every property. She added that it depends on if they're close to town, they should not have to be A1. If that town ever decides to expand out, it wouldn't make sense if that property was zoned A1.

Mr. Gaumer quickly addressed our Extraterritorial Jurisdictions that have expanded in Auburn, created in Waterloo, created in Garrett, stayed the same in Hamilton, and stayed the same in Butler, all need to also be looked at. He explained that in the creation of those, the County just allowed the ETJ, without considering what the surrounding districts were. A lot of time, those municipalities had an Agricultural District that mirrored what our A1 or A2 was; citing that a lot of Auburn's ETJ area that's close to our A1 or A2, is an Agricultural Zoning District as well. So, when looking at the zoning map, we need to look at the surrounding zoning.

Mike Watson agreed that it will be a long process, adding that it will avoid doing all of the re-zonings we've had to do because of the 2009 map.

Mr. Carnahan inquired when there would be an opportunity to choose to be A1, if a property was zoned A2.

Mr. Gaumer asked if Mr. Carnahan meant each individual property.

Mr. Carnahan confirmed yes, because he owns some properties that are both A1 and A2.

Mr. Gaumer explained that it all needs to be looked at, as to why those properties are zoned differently and if there are property lines/a road/stream that splits it into an A1 or A2. Or is it that the A1 or A2 in

some areas that cuts properties in half, two-thirds, or one-third. Chris Gaumer restated that those types of areas need to be looked at, especially down that Butler corridor (down to SDI) that we've talked about before, that's all zoned I1 & I2—right next to Agricultural land. Mr. Gaumer added that SDI literally just went 500 feet on each side and split properties in half. They didn't look at how property lines were drawn out, where lakes/streams were, or where boundaries made sense.

Jason Carnahan interjected that if you look at the map, there are areas where one side of the road is A1 and the other side of the road is A2—same tract and same ownership.

Mr. Gaumer and Mr. Carnahan both agreed that those areas on the map need looked into and it will be a long process, doing small steps at a time.

Andrew Kruse stated that one thing we would want to avoid, is having a checkerboard effect of spot-zoning. He didn't think that made sense, nor is good planning technique.

Mr. Gaumer agreed with Mr. Kruse.

Mr. Kruse asked how you would balance the needs of the individual landowner with the overall picture.

Mr. Gaumer responded that landowners also need to understand that A1 & A2, in this instance, still allow them the same uses that they're currently doing. If you've got a single-family home and a farm, it really doesn't matter if you're A1 or A2, it's what makes sense for the County. He added that it's part of the bigger picture of DeKalb County.

Jason Carnahan added that some of it is tied to the productivity of the farm land too. Some of the little areas in the County where we have swampy dirt and woods and trees, that stuff doesn't make sense to be A1.

Mr. Gaumer agreed and said all that has to get looked at when we do this and that he's going to be relying on the expertise of our farmers and our county & city people, on what the make-up of DeKalb County looks like. He added that those were all good questions.

Mr. Carnahan asked if there were other comments or questions from the board, or from the public audience. There were none. Mr. Carnahan closed the public portion of the hearing.

Mr. Gaumer explained that the findings aren't very robust; the Plan Commission members just have to pay reasonable regard to these 5 items. Mr. Gaumer added that there is no right or wrong answer.

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. Legal notice published in The Star on June 9, 2023 and Publishers Affidavit given to staff.

#### UDO AND STATUTORY MATTERS TO CONSIDER:

1. Is the change in text in harmony with the Comprehensive Plan?

*Mike Watson answered yes.*

2. Is the change in text consistent with the current conditions and the character of current structures and uses in each zoning district?

*Bill Van Wye answered no; we've got 48 different zonings and we want to get down to 10. So, it's not the same, because we want to move past what we have now.*

*Jason Carnahan added that it wasn't a realistic goal of hitting 10, it was just an arbitrary example of maybe we need to thin it down.*

*Mr. Kruse revised his question to ask if the proposed text amendment is fine with just looking at the current conditions of A1 and A2. Mr. Van Wye answered yes.*

3. Does the change in text help with the most desirable use for which the land in each zoning district is adapted, at least in A1 & A2?

*Sandy Harrison answered yes.*

4. Will the change in text promote the conservation of property values throughout the jurisdiction?

*Jerry Yoder answered yes.*

5. Will the change in text promote responsible growth and development in DeKalb County?

*Frank Pulver answered yes.*

Andrew Kruse added that all of the members of the Plan Commission have a chance to comment after the Findings, before there's any motion to vote.

Glenn Crawford inquired about the proposed amendments for the additional Design Standards that apply for Erosion Control, Lot Establishment Standards, Monument Marker Standards, etc.

Chris Gaumer responded that those are all items that come with the Subdivision Section.

Mr. Crawford verified if that was all just wording change.

Mr. Gaumer responded yes, that it's already in the UDO that we have Covenant Standards for—like the Drainage Covenants are part of that. So, those would still have to be part of the Conservation Agricultural Subdivision. If there's any Easement Standards, those need to be based off of the Design Standards in our Subdivision section of the Ordinance.

Mr. Gaumer added that if an A1 District that is adjacent to an Auburn Utility Easement, for instance, and if they're going to connect to that Utility, then we need to have Utility Standards on there that meet what our UDO says.

Mr. Carnahan then entertained a motion for a favorable, unfavorable, or no recommendation for the petition, moving forward.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION THAT THIS TEXT AMENDMENT, PETITION # 23-15, FOR REVISIONS, ADDITIONS, AND DELETIONS TO THE UNIFIED DEVELOPMENT ORDINANCE, ARTICLE , SECTION 2.03: A1 DISTRICT INTENT, PERMITTED USES & SPECIAL EXCEPTION USES; ARTICLE 2, SECTION 2.04: A1 DISTRICT DEVELOPMENT STANDARDS; ARTICLE 2, SECTION 2.06: A2 DISTRICT DEVELOPMENT STANDARDS; ARTICLE 6, SECTION 6.01: SUBDIVISION INTRODUCTION, DESIGN STANDARDS OVERVIEW; ARTICLE 6, SECTION 6.02: SUBDIVISION INTRODUCTION, PREREQUISITE ZONING; ARTICLE 6, SECTION 6.03: CONSERVATION AGRICULTURE SUBDIVISION INTENT; ARTICLE 6, SECTION 6.04: CONSERVATION AGRICULTURE SUBDIVISION FEATURES; ARTICLE 6, SECTION 6.05: CONSERVATION AGRICULTURE SUBDIVISION STANDARDS AND EFFECTS ON DEVELOPMENT STANDARDS; ARTICLE 6, SECTION 6.06: MINOR SUBDIVISION INTENT; ARTICLE 6, SECTION 6.07: MINOR SUBDIVISION FEATURES; ARTICLE 6, SECTION 6.08: MINOR SUBDIVISION STANDARDS AND EFFECTS ON DEVELOPMENT STANDARDS; AND VARIOUS MINOR REVISIONS NECESSARY TO MAKE THESE AMENDMENTS (IE: PAGE NUMBERS, SECTION NUMBERS, ETC.), IS HEREBY CERTIFYING A FAVORABLE RECOMMENDATION TO THE COUNTY COMMISSIONERS ON THIS 21<sup>ST</sup> DAY OF JUNE, 2023.

Motion made by: Bill Van Wye. Seconded by: Mike Watson

Vote tally: Yes: 9 No: 0

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Jason Carnahan

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Frank Pulver

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Bill Van Wye

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Mike Watson

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Sandra Harrison

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Angie Holt

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Glenn Crawford

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Jerry Yoder

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Suzanne Davis

Petition #23-16 – Text Amendments to the Unified Development Ordinance to include revisions, additions and deletions to: Appendix B: Fee Schedule

Chris Gaumer introduced the next petition, to take the Fee Schedule out of the UDO and putting it in the Rules of Procedure for the Plan Commission. He added that the Indiana Code (36-7-4-411) for the Plan Commission allows the Plan Commission to “*establish a schedule of reasonable fees to defray the administrative costs connected with: (1) processing and hearing administrative appeals and petitions for rezoning, special exceptions, special uses, contingent uses and variances; (2) issuing permits; and (3) other official actions taken under this chapter.*”

Mr. Gaumer explained that moving the Fee Schedule from the UDO to the Rules of Procedure allows the Plan Commission to review the Fee Schedule without having to go through the Text Amendment procedure. He stated that Indiana Code intended it to be a stand-alone document, or not part of the UDO, but rather adopted, managed, and amended by the Plan Commission.

Mr. Gaumer stated that there’s no intent to change the Fee Schedule at this time, but he did include fees from the neighboring communities to reference for discussion at a later date in the packet. Mr. Gaumer added that DeKalb County is less than the fees of our neighboring communities and even if we don’t end up taking it out of the UDO, it’s still something that needs to be revised.

Mr. Gaumer also stated that the second page in the packet for this petition is Section 9.02: The Schedule of Fees. The amendment would remove the part that says that it’s hereby incorporated by reference to the UDO, and added “Section Twelve of the DeKalb County Plan Commission Rules of Procedure shall serve as the official fee schedule for the Unified Development Ordinance. Therefore, all fees associated with permits and processes outlined in the Unified Development Ordinance shall be determined by Section Twelve: Fee Schedule in the DeKalb County Plan Commission Rules of Procedure.”

Andrew Kruse added, that way we don't have to change the UDO every time we want to change one single fee.

Chris Gaumer agreed, also reminding the Plan Commission that we had discussed this back in April and May. He added that we will vote on the Rules of Procedure, but we would make it contingent on the County Commissioners voting also to remove the fees from the UDO. So, if they would happen to vote against what the Plan Commission would want, it would have to go back to the Plan Commission.

In summary, Mr. Kruse stated, potentially a motion to approve everything subject to the Commissioners approving the fee section.

Bill Van Wye inquired if the Plan Commission is eventually look at the fees.

Mr. Gaumer verified that they were, and if there is a special meeting or if there is a Board of Zoning Appeals case, he believes that the fee—or at least the majority of the fee—should be able to pay for the members' attendance.

Mike Watson agreed.

Mr. Carnahan asked if there were other comments or questions from the board, or from the public audience. There were none. Mr. Carnahan closed the public portion of the hearing.

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. Legal notice published in The Star on June 9, 2023 and Publishers Affidavit given to staff.

#### UDO AND STATUTORY MATTERS TO CONSIDER:

1. Is the change in text in harmony with the Comprehensive Plan?

*Suzanne Davis answered yes.*

2. Is the change in text consistent with the current conditions and the character of current structures and uses in each zoning district?

*Angie Holt answered yes.*

3. Does the change in text help with the most desirable use for which the land in each zoning district is adapted?

*Glenn Crawford answered yes.*

4. Will the change in text promote the conservation of property values throughout the jurisdiction?

*Jason Carnahan answered yes.*

5. Will the change in text promote responsible growth and development?

*Mike Watson answered yes.*

Finding no further discussion, Mr. Carnahan entertained a motion for a favorable, unfavorable, or no recommendation for petition #23-16—for amending the location of the Fee Schedule.

Mr. Kruse asked if we were including everything that was highlighted in the amended Rules of Procedure.

Mr. Gaumer clarified that they were just doing the Fee Schedule at that time.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION THAT THIS TEXT AMENDMENT, PETITION #23-16 FOR APPENDIX B: FEE SCHEDULE AND SECTION 9.02: THE SCHEDULE OF FEES, IS HEREBY CERTIFYING A FAVORABLE RECOMMENDATION TO THE COUNTY COMMISSIONERS ON THIS 21<sup>ST</sup> DAY OF JUNE 2023.

Motion made by: Sandy Harrison. Seconded by: Angie Holt

Vote tally: Yes: 9            No: 0

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Jason Carnahan

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Frank Pulver

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Bill Van Wye

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Mike Watson

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Sandra Harrison

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Angie Holt

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Glenn Crawford

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Jerry Yoder

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Suzanne Davis

Chris Gaumer stated that he did include the Fee Schedule comparisons and they would try to tackle that sometime this year. He wanted to try to bring the Fee Schedule and the start of looking into the zoning districts for the next discussions.

#### New Rules of Procedure Revisions

Mr. Gaumer started by clarifying that this part is not a public hearing, it's just their own Rules of Procedure that they would have to vote on to approve. He stated that he could go through the revisions if they would like, then opened up discussion between the members.

Angie Holt inquired about the Livestreaming 10.1 on page 21, and if it precluded them from starting Livestreaming earlier than July 2025.

Mr. Gaumer confirmed that they could start Livestreaming before July 2025, if they wanted to.

Ms. Holt asked for the board's thoughts on beginning sooner than later and if it would relieve Andrea Noll from the intensive minutes she's doing.

Mike Watson stated that the minute requirements don't change.

Mr. Gaumer affirmed that the minute requirements won't change and that it's up to the Plan Commission members as to when they would like to start livestreaming.

Andrew Kruse stated that they should have the capacity to do it.

Mr. Gaumer confirmed that they do now, and that they could do it at the next meeting, if they wanted to.

Jason Carnahan asked if there would be any additional cost for that.

Chris Gaumer advised that there would not be any additional cost, but that he does want I.T. to get the Plan Commission a separate YouTube page or subfolder from the Council and Commissioners.

Andrew Kruse inquired about the training of Secretary Andrea Noll on how to get Livestreaming up and going.

Mr. Gaumer responded that it sounded pretty easy and that Andrea would just have to get with the Auditor's Office to show her how to get it started.

Mike Watson stated that I.T. frequently has to come in on Monday mornings to tweak things.

Bill Van Wye agreed, stating that the Council has I.T. at every other meeting, tweaking something.

Mr. Gaumer stated that I.T. might have to have somebody here during the Plan Commission meetings.

Mr. Van Wye advised that the I.T. Department would have to be willing to come help them out, whenever they decide to start Livestreaming.

Mr. Gaumer addressed Ms. Holt's previous question, he would like Andrea to get with Auditor Susan Sleeper and I.T. Director Jack Smith to figure out what those tweaks are. Adding that luckily, we don't have to do it until 2025, so if we get it up and going, and find that something suddenly isn't working, it wouldn't be illegal. But if there are that many problems, they would either need to move the Plan Commission meetings during the day when I.T. is here, or I.T. needs to have somebody here in the evenings during our meetings.

Jason Carnahan explained that that was what he meant when he had previously asked about an additional cost, is if they have to have somebody here during our evening meetings.

Mr. Gaumer advised that it wouldn't cost anything for the Plan Commission, and he would have to talk to I.T. to figure out how that would all work.

Mr. Watson agreed, stating that the cost would come from I.T.'s budget. He added that there would be no penalty if they start the Livestreaming prior to July 2025, and it goes out on them during a meeting.

Mr. Carnahan stated that, making an attempt to Livestream earlier than July 2025, might help with their transparency issues. He added that he thought Mr. Gaumer has gone through all of this on the record enough that he wouldn't have to go through all of the changes that were made in the Rules of Procedure again. The other members agreed.

Bill Van Wye asked what they thought of moving the Plan Commission meetings to the morning, when I.T. is here. He suggested that we have the meeting in the morning on the day they decide to start Livestreaming, so that we have Susan and I.T. here to help, if needed. Then, they could go back to evening meetings.

Chris Gaumer stated that the first thing he wants to do is ask I.T. if they are willing to be here during our meetings. If he's not, then we would need to discuss moving the meetings to a different time.

Mr. Van Wye advised that two of the I.T. guys will be gone within a year, and you won't know anything about the next crew coming in, who most likely won't agree to attend evening meetings.

Mike Watson stated that he would personally rather see daytime meetings unless there's a controversial issue that would merit having an evening meeting, just for public attendance. He added that if we were Livestreaming and everyone has an opportunity to view it that would make a good case for daytime meetings.

Glenn Crawford asked if a public citizen could remotely join in the Livestream, similar to a Zoom call.

Mr. Watson replied that they can't participate and ask questions but they can watch it on their computer.

Mr. Van Wye thought the only people who can join a Livestream are the members of the commission.

Andrew Kruse advised that Commissioners and Council can appear, but they have to be able to communicate back, to be able to vote.

Suzanne Davis inquired about a public meeting vs. a public hearing. She asked if the public have to be here in person if they want to participate. Mr. Kruse said yes.

Just like we've done in the past for controversial topics, Jason Carnahan assumed if we go to daytime meetings, we would have informational public meetings for the people to come and give their input; not necessarily be present at the hearing when the Plan Commission actually voted on it.

Mr. Watson agreed, stating that it works for Commissioners and Council, so there's no reason it couldn't work for Plan Commission or BZA.

A motion was made by Mike Watson to approve and adopt the Plan Commission Rules of Procedure. Seconded by Sandy Harrison. None opposed. Motion carried.

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

Sandy Harrison reported that Butler approved their fee schedule, Hamilton approved their re-zoning map and isn't having any meetings until September, and Waterloo cancelled their meeting.

Mike Watson reported that Auburn had a routine meeting.

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

None.

**ADJOURNMENT:**

Jason Carnahan adjourned the meeting at 7:49 p.m.

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President – Jason Carnahan

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Secretary – Andrea Noll



Items highlighted are notes for PC members to understand costs and timeframes associated with petitions and application. Timeframes are approximate.

- ILP'S (residential): 45 – 60 minutes total including 2 staff
- ILP'S (commercial/industrial): 90 – 120 minutes total including 2 staff
- CSES Overlay & Dev. Plan (approximate): 2-3+ review & comment rounds; 12 - 20 hours total
- BZA cases: 6-8 hours total (application review, Technical Review correspondence, prep of BZA materials)
- For Minor Subdivisions: 3-4 hours total (2-3 rounds of review/comments to surveyor, Technical Review correspondence & prep for PC hearing)

Items to consider:

- Some projects require 2+ rounds of review and comments and then the project is pulled. Should there be a "review fee" for projects?
- Refund policy for ILP's, BZA & PC petitions?

DeKalb County Fee Schedule:

Improvement Location Permits: (Shall include Certificate of Occupancy)

1. Structures ~~350~~ 300 square feet or less.....\$30.00  
(Including additions to existing structures)
2. Structures larger than ~~350~~ 300 square feet.....\$50.00  
(Including additions to existing structures)
3. Commercial Structures - \$.02 per square foot..... Min.....\$ 75.00  
Max.....\$250.00
4. Industrial Structures - \$.02 per square foot.....Min.....\$100.00  
Max.....\$500.00
5. Commercial Solar Energy System.....\$500.00 2000.00
6. Commercial Solar Energy System upgrade, replace or new equipment.....~~\$50.00~~ 250.00 per piece of equip.
7. Residential Private Accessory Solar Energy System.....\$30.00
8. Fence/Retaining Wall Permit.....\$ ~~15.00~~ 25.00
9. Ponds - (Including detention/retention/recreation ponds) .....~~\$100.00~~ 150.00
10. All other Permits (signs, in & above ground pools) .....\$ 50.00

Board of Zoning Appeals:

*\$390 pd. to members per meeting (\$70/member, \$40 secretary)*

1. Special Meeting.....\$600.00
2. Appeal Decision of Zoning Administrator.....~~\$150.00~~ 1,000.00
3. ~~Appeal Decision of Zoning Administrator.....\$500.00~~  
(Zoning Administrator determines appeal will take longer than one half hour)
4. Development Standards Variance Petition.....\$150.00  
Additional Variance Requests.....\$50.00
5. Special Exception Petition.....~~\$150.00~~ 300.00
6. Use Variance Petition.....\$500.00
7. Amendment to ~~Special Exception~~ BZA Petition.....~~\$150.00~~ 500.00
8. ~~All Other Meetings Before the BZA.....\$200.00~~

Plan Commission/Plat Committee:

*\$670 pd to Plan Commission members (\$70/member + \$40 secretary)*

*\$390 pd to Plat Committee members (\$70/member + \$40 secretary)*

1. Special Meeting <u>Requested by Petitioner</u> .....	<del>\$600.00</del> 1,000.00
2. <u>Zone Map Zoning Ordinance</u> Amendment .....	<del>\$150.00</del> 300.00
3. <del>Request for</del> Commercial Solar Energy System Overlay District.....	\$50.00 per acre or \$5000 max
4. <u>Plat Vacation</u> .....	\$150.00
5. <u>Conservation Agricultural Subdivision</u> .....	\$300.00
6. <u>Minor Division of Land</u> .....	<del>\$150.00</del> 300.00
7. <u>Conventional Subdivision</u> (First <del>two</del> three (2 3) lots).....	<del>\$150.00</del> 300.00
(Each Addition Lot).....	\$50.00
8. <u>Commercial Development Plan</u> .....	<del>\$200.00</del> 300.00
9. <u>Industrial Development Plan</u> .....	<del>\$400.00</del> 500.00
10. <u>Commercial Solar Energy System Overlay District Development Plan</u> .....	\$25 per acre or \$5000 max
11. <u>Amendment to Development Plan (If not approved by Zoning Administrator)</u> .....	<del>\$200.00</del> 500.00
12. <del>All Other Meetings Before the Plan Commission (30 min max)</del> .....	<del>\$200.00</del>

**Plat Committee:**

1. <u>Primary Plat</u> .....	\$100.00
2. <u>Secondary Plat</u> .....	\$100.00

# Fee Schedule Comparison - Improvement Location Permits

Fee Name	DeKalb County	Noble Co.	Steuben Co.	Whitley Co.	DeKalb PROPOSED
Structures - 350 SF or Less	\$30				\$30
Res. New Const. / Addition - Steu., Whit., Noble		\$30	.14/SF \$50 min	\$70 + .08/SF	
Structures - Larger than 350 SF	\$50				\$50
Accessory Bldg. or Addition - Steu., Whit., Noble		\$10	.10/SF \$40 min	\$70 + .03/SF	
Accessory Structures 200 SF or Less - Whitley Co.				\$40	
Indust. & Comm. New Const. up to 20k SF - Whit.				\$105 + .08/SF	
				then .03/SF	
Commercial Structures - \$0.02 per SF	\$75 min.	Primary \$70	.14/SF \$50 min		\$100
	\$250 max.	Acces. \$50			\$250
Industrial Structures - \$0.02 per SF	\$100 min.		.14/SF \$50 min		\$200
	\$500 max.				\$500
Commercial Solar Energy System (CSES)	\$500				\$500
CSES upgrade, replacement, or new equipment	\$50 per piece				\$50
	of equipment				
Residential Private Accessory Solar Energy Syst.	\$30			\$70 + 1/2 cent/SF	\$30
Fence / Retaining Wall Permit	\$15			\$40	\$25
				Billboard \$300	
Ponds - incl. detention/retention/recreation	\$100			Pond \$105	\$100
				in-grnd. \$105	
All Other Permits - signs, in/above ground pool	\$50		\$50	abv-grnd. \$70	\$75
				Signs \$50	
Residential Remodel - Whitley County				\$40 + .08/SF	
Telecommunication Towers (Commercial)					\$100

## Fee Schedule Comparison - Board of Zoning Appeals

Fee Name	DeKalb County	Noble County	Steuben County	Whitley County	DeKalb PROPOSED
Special Meeting	\$600	\$400	\$900	\$250	\$600
Appeal Decision of Zone Administrator	\$150			\$75	\$200
if appeal will take longer than 30 min.	\$500				\$600
Floodplain Variance	\$150				\$500
Use Variance	\$150		\$300		\$300
Dev. Standards Variance Petition	\$150	\$250	\$300		\$250
Additional Variance Requests	\$50	\$100	\$100		\$50
Special Exception	\$150	\$250	\$150	\$150	\$300
Special Exception Amendment	\$150	\$250		\$150	\$300
All Other Meetings Before the BZA	\$200				\$300

## County Fee Schedule Comparison - Plan Commission

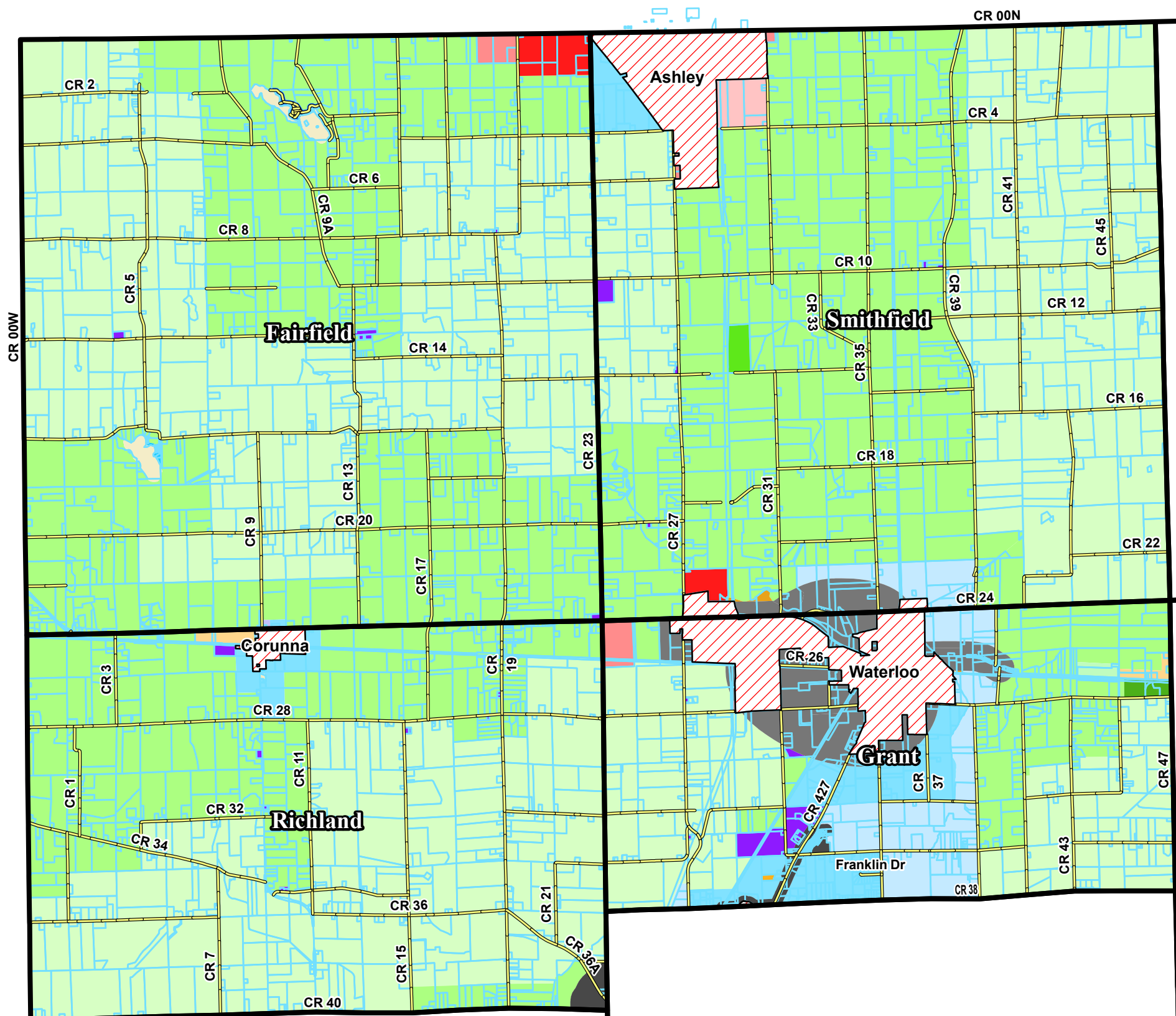
Fee Name	DeKalb County	Noble County	Steuben County	Whitley County	DeKalb PROPOSED
Special Meeting	\$600	\$600	\$900		900
Re-Zone / Zone Map Amendment	\$150	\$250	\$250 + \$10/acre		250
Zoning Ordinance Amendment	\$150	\$250			Can only be Commissioners or Plan Commission to propose.
					We wouldn't pay ourselves.
Request for CSES Overlay District	\$50 per acre				50
	or \$5,000 max				5000
Plat Vacation	\$150	\$100			250
Conservation Ag/Minor Division of Land/RePlat	\$150	\$250			200 +50 per lot
Conventional Subdivision	\$150 (2 lots)		\$100 (4 lots)	\$150 plus	200
Each Additional Lot	\$50		\$20 per lot	\$10 per lot	50
Major Subdivision - Noble County		\$250 plus			
		\$20 per lot			
Commercial Development Plan	\$200		\$1k + \$20/acre	\$400 Initial &	250
Development Plan - Noble County		\$500		\$200 + \$10/lot	
Industrial Development Plan	\$400		\$1k + \$20/acre	\$400 Initial &	500
				\$200 + \$10/lot	
CSES Overlay District Development Plan	\$25 per acre	\$500-1,000			25
	or \$5,000 max.				5000
Amendment to the Development Plan	\$150			\$300	250
All Other Meetings	\$200				900
CSES Application - Noble County		\$1,000			
Medium Dev. Plan less than 1KW - Noble		\$50			
Medium Solar 41KW-1MW - Noble Co.		\$100			
Commercial Solar 1MW-40MW - Noble		\$1,000+			
41MW-80MW (add'l per MW) - Noble		\$750 per MW			

81MW + (additional per MW) - Noble		\$500 per MW			
Administrative Subd. - Noble & Steuben		\$100	\$150		

### Fee Schedule Comparison - Plat Committee

Fee Name	DeKalb County	Noble County	Steuben County	Whitley County	DeKalb Proposed
Primary Plat	\$100		\$100		0
Secondary Plat	\$100		\$50		0
Plat Vacation	\$150	\$100		\$150	0
Re-Plat	\$150			\$150 plus	0
				\$10 per lot	

## DeKalb County Zoning Quadrant 1



## Features

- |   |                  |   |     |   |    |   |         |   |         |
|---|------------------|---|-----|---|----|---|---------|---|---------|
|  | Corporate Limits |  | A3  |  | C4 |  | OP      |  | GAR ETJ |
|  | Civil Township   |  | A4  |  | I1 |  | R1      |  | WAT ETJ |
|  | County Road      |  | AP1 |  | I2 |  | R2      |   |         |
|  | Tax Parcel       |  | C1  |  | I3 |  | R3      |   |         |
|  | A1               |  | C2  |  | IN |  | RE      |   |         |
|  | A2               |  | C3  |  | MP |  | AUB ETJ |   |         |

**9/12/2023**

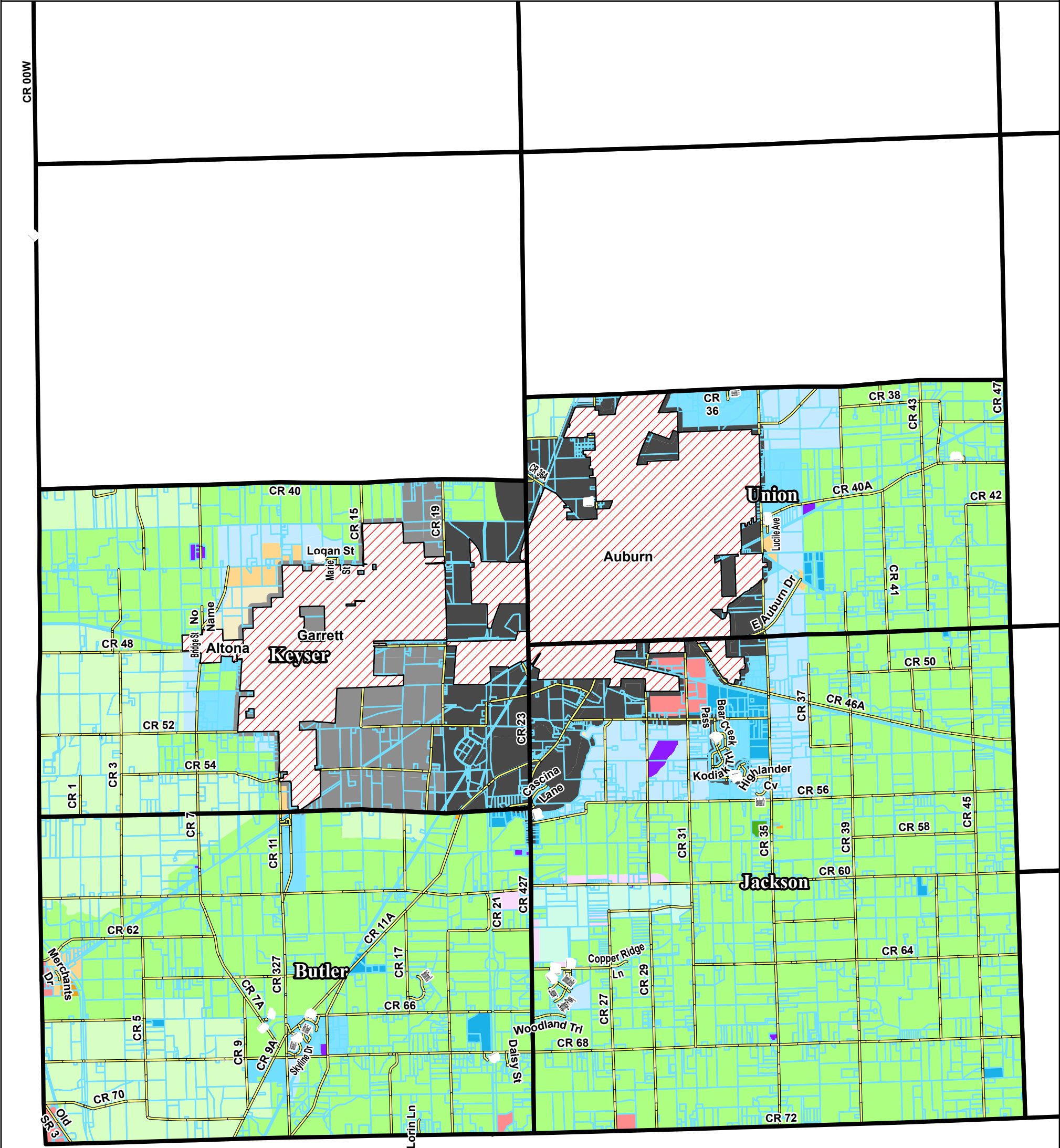
**1 in = 6,500 feet**



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DeKalb County Zoning Quadrant 2

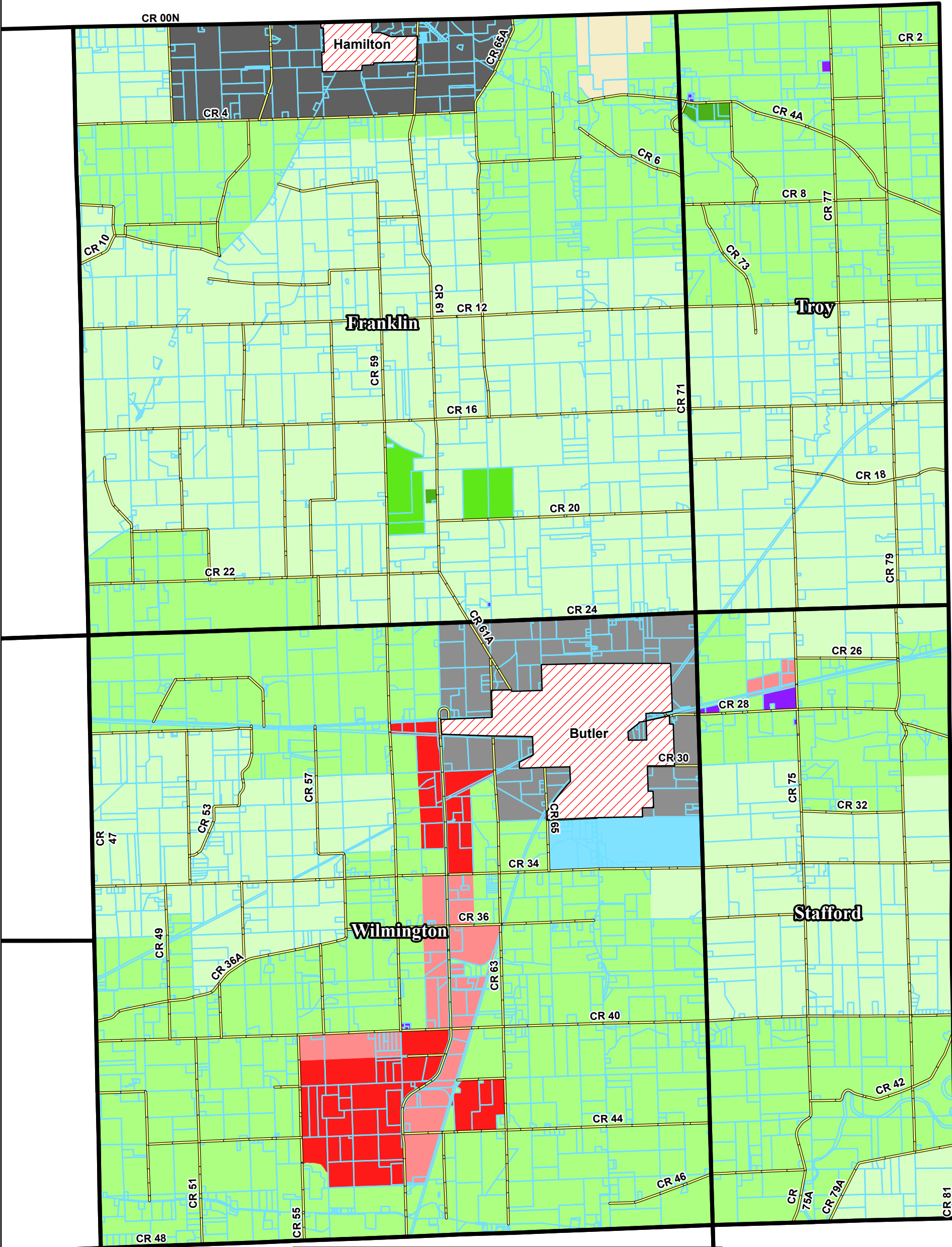


### Features




















Corporate Limits	A4	C3	MP	AUB ETJ
Civil Township	AP1	C4	OP	GAR ETJ
County Road	AP2	I1	R1	WAT ETJ
Tax Parcel	AP3	I2	R2	
A1	C1	I3	R3	
A2	C2	IN	RE	



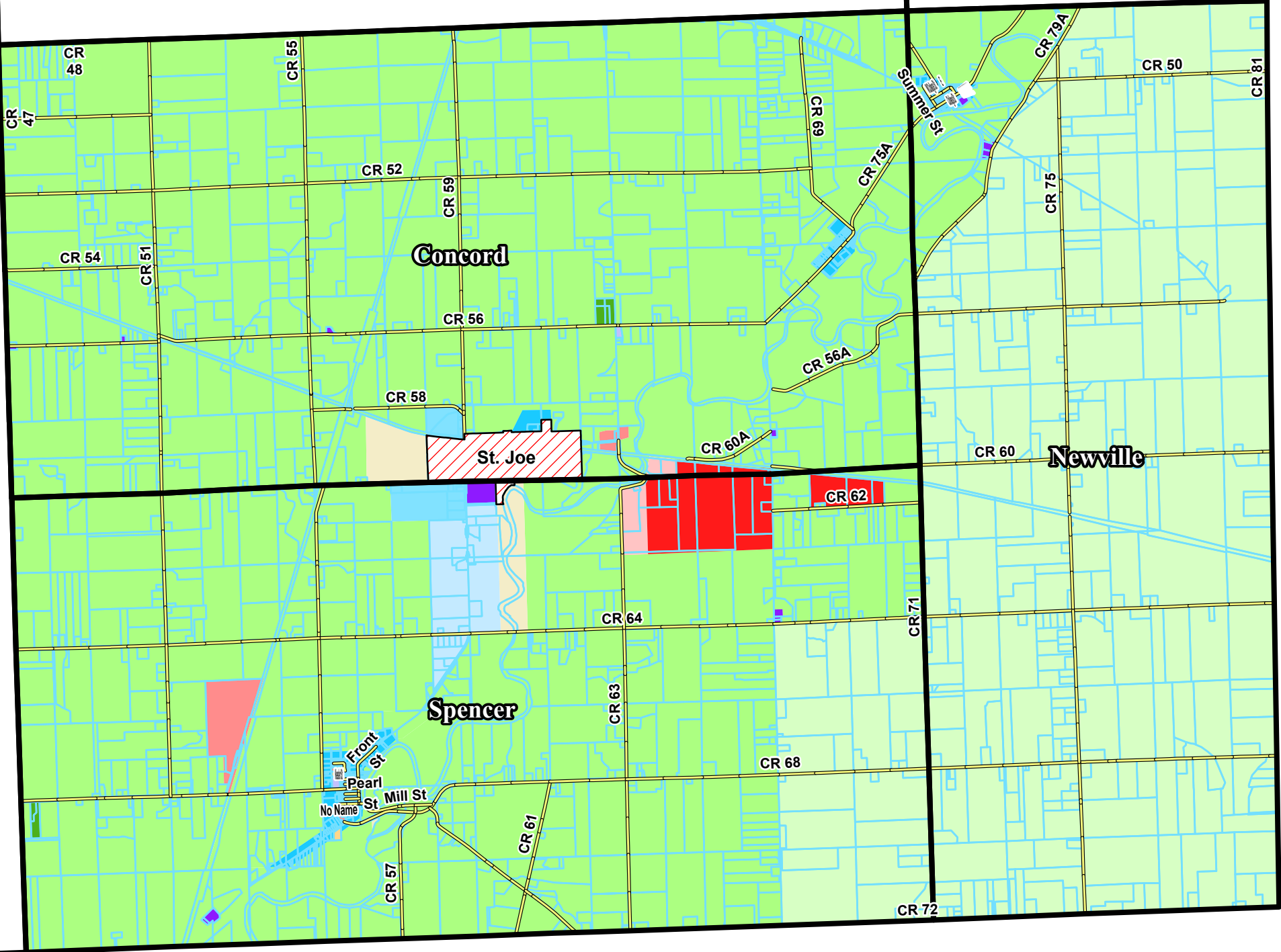
DeKalb County Zoning Quadrant 3






















Features

	Corporate Limits		A2		I2		R3
	Civil Township		A3		I3		RE
	County Road		A4		IN		BUT ETJ
	Tax Parcel		AP1		OP		HAM ETJ
	A1		C2		R2		

DeKalb County Zoning Quadrant 4

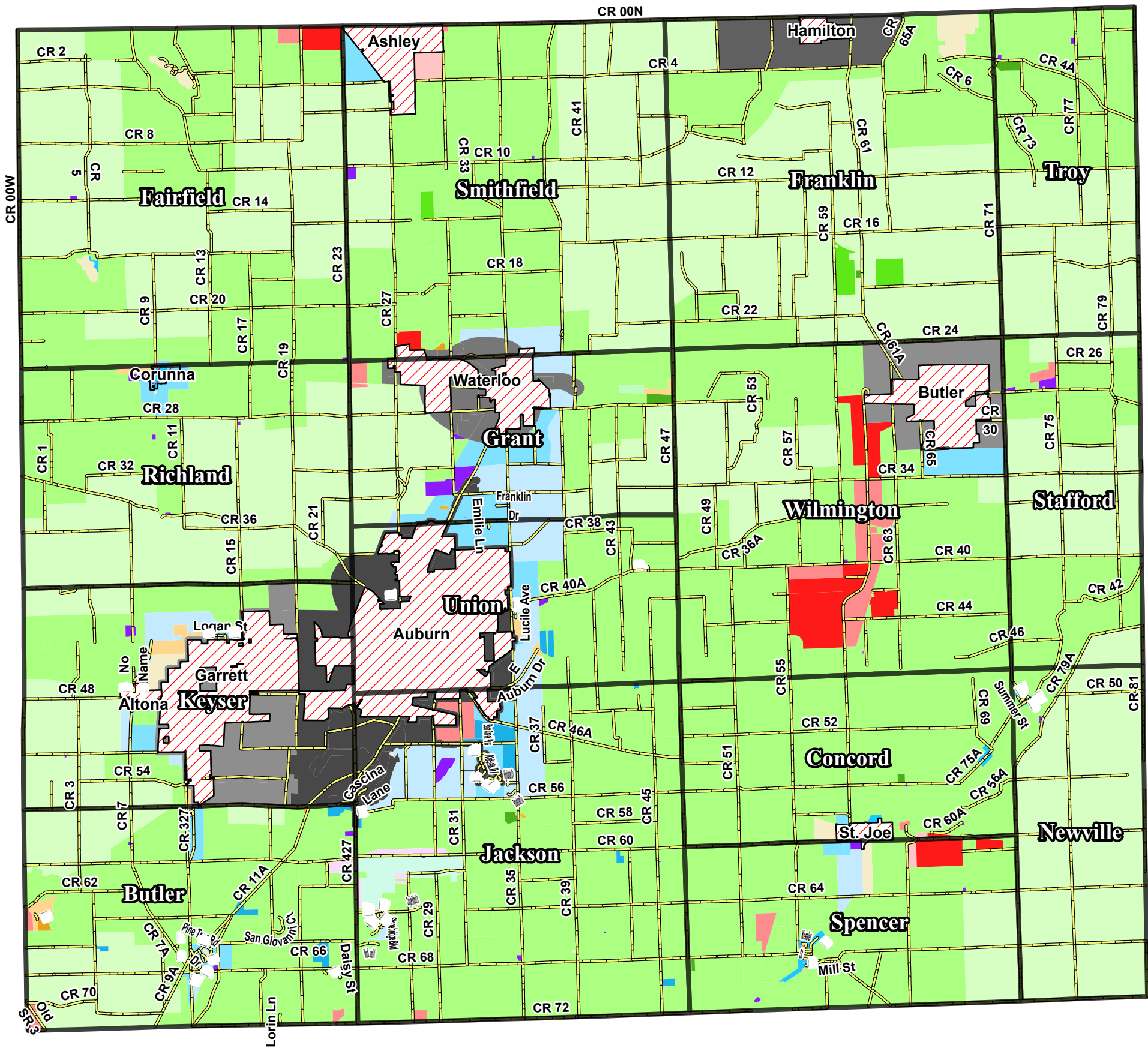


Features

	Corporate Limits		A2		I1		R1
	Civil Township		A4		I2		R2
	County Road		C1		I3		R3
	Tax Parcel		C2		IN		RE
	A1		C3		OP		



DeKalb County Zoning



Features

Corporate Limits	A3	C1	I2	R1	GAR ETJ
Civil Township	A4	C2	I3	R2	WAT ETJ
County Road	AP1	C3	IN	R3	BUT ETJ
A1	AP2	C4	MP	RE	HAM ETJ
A2	AP3	I1	OP	AUB ETJ	

## UDO Text Amendments

<u>Type of Amendment:</u>	<u>Section #:</u>	<u>What to revise:</u>
Accessory Dwelling Units	N/A	Add accessory dwelling units as permitted use in A1 & A2? Need definition
Exeptions to Accessory Structure Setbacks	Definitions	Add additional exeptions to setback requirements
Fences	5.12, 5.13	Privacy fences shouldn't be prohibited outside building envelopes (setback lines)
Intrepratation	1.09	Add PC not required to enforce private covenants/restrictions, etc.
Non-Conforming Uses	8.03(A)(2)	Add a date to non-conforming use becoming a legal conforming use - 10 years?
Home Based Business Standards	5.22	Should BZA approve Home Workshop & Home Enterprise? Or staff approval if meets standards? Remove permit/fee info from UDO and add fee in Fee Schedule. Allow for Home Occupation to be in accessory structure.
Signage: Pole Sign	Defintions	Remove minimum clearance requirement from definition
Mobile Homes	A1 & A2	Allow if of a certain age or younger? - 20 years? 10 years?
Entrance & Drive Standards	5.1	Highway Dept. has standards that are more restrictive. Should PC remove the standards and let Highway Dept. control location of driveways?
Outdoor Storage	5.33	Add additional items to what is prohibited?
Covenant Standards	7.14(E)(12)	Add in b that no ponds are allowed.
Development Plans	9.08(C)(2)	Add information on what is a simple development plan. Commercial or Industrial developments? Size requirement?

DeKalb County Department of Development Services  
Planning, Building & GIS  
301 S. Union St.  
Auburn, IN 46706  
Ph: 260-925-1923  
Fax: 260-927-4791

FOR OFFICE USE ONLY:

File Number: 23-22

Date Application Filed: 7/23/2023

Fee Paid: pd cash

**Application for Amendment to Zone Map (Rezone)**  
**(Section 9.06)**

This application must be completed and filed with the DeKalb County Department of Development Services in accordance with the meeting schedule.

**APPLICANT INFORMATION**

Applicant's Name: LeAnn Fultz  
Address: 0750 CR 54  
Garrett IN 46738  
Telephone Number: 260-704-3864 E-Mail: fultzleann@yahoo.com

**OWNER INFORMATION (if different from applicant information)**

Owner's Name: SAME  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**REPRESENTATIVE INFORMATION (if different from applicant information)**

Representative: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**Legal Ad Payment & Public Hearing Notifications:** Applicant ☐ Owner ☐ Representative ☐

**Existing Zoning Classification of Property:** A1 ZONE

**Proposed Zoning Classification of Property:** A2 ZONE

**Address or Legal description of property:**

0750 CR 54 Garrett IN, 46738  
(THE PASSAGE)

**Percentage of Property Owners Included:** All

**Statement or reason for the request for a Zone Map Amendment:**

It is listed as agricultural farm land, no longer able to divide. I am  
a residential property, my son would like to build home on my property  
requiring a split.

By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct.

Applicant's Signature: [Signature]  
(If signed by representative for applicant, state capacity)

*This staff report is prepared by the DeKalb County Department of Development Services to provide information to the Plan Commission to assist them in making a decision on this application. It may also be useful to members of the public interested in this application.*

**SUMMARY FACTS:**

**PROPERTY OWNER:** LeAnn Fultz  
**SUBJECT SITE:** 0750 County Road 54, Garrett  
**REQUEST:** Zone Map Amendment  
**EXISTING ZONING:** A1, Conservation Agricultural  
**PROPOSED ZONING:** A2, Agricultural  
**SURROUNDING LAND USES AND ZONING:** North: Single Family Residential (A2)  
South: Farm Ground (A1)  
East: Single Family Residential (A1)  
West: Single Family Residential (A1)

**ANALYSIS:**

The information provided in this staff report has been included for the purpose of reviewing the proposed zone map amendment (rezoning). Since the rezoning process does not require a site plan, there may be additional requirements placed on the property through the Technical Review process to address development regulations, if required.

The request is to rezone approximately 5.3 acres from Conservation Agricultural (A1) to Agricultural (A2). The area to be rezoned is located at 0750 County Road 54, Garrett. The petitioner would like to subdivide this parcel for her son to be able to build on the property.

In October 2021, the petitioner subdivided the property to build herself a single-family home. Also in October 2021, the property to the west was subdivided to be a buildable lot. These 2 parcels were split from parcel 07-09-08-400-004 which is the parent parcel and is home to 5688 County Road 7. On June 21, 2023 the Plan Commission gave a favorable recommendation to the County Commissioners for a Unified Development Ordinance (UDO) Text Amendment to the number of buildable lots that can be split from a parent parcel. On July 17, 2023 the County Commissioners approved that Text Amendment. In part, the amendment permits parcels in the A1 Zoning District to be split a maximum of 2 times to create buildable lots, or 1 time plus the residual homestead.

With that, the 2 parcels split from parent parcel 07-09-08-400-004, 5688 County Road 7, currently exceed the maximum number of splits from the parent parcel (2 new buildable lots + 1 parcel with the residual homestead). For the petitioner to be able to split her parcel into one more additional lot, a Zone Map Amendment is required.

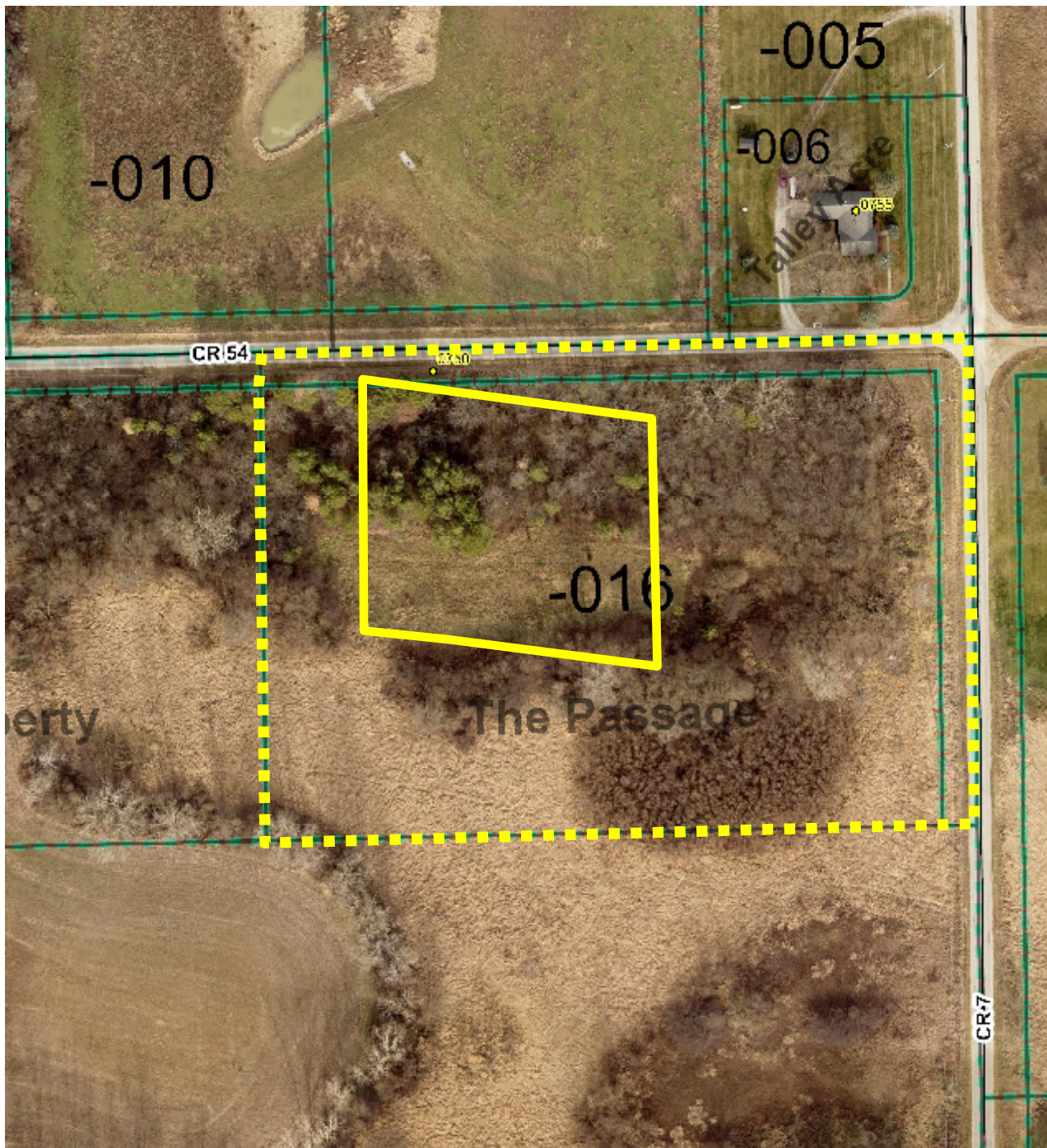


**LOCATION MAP:**



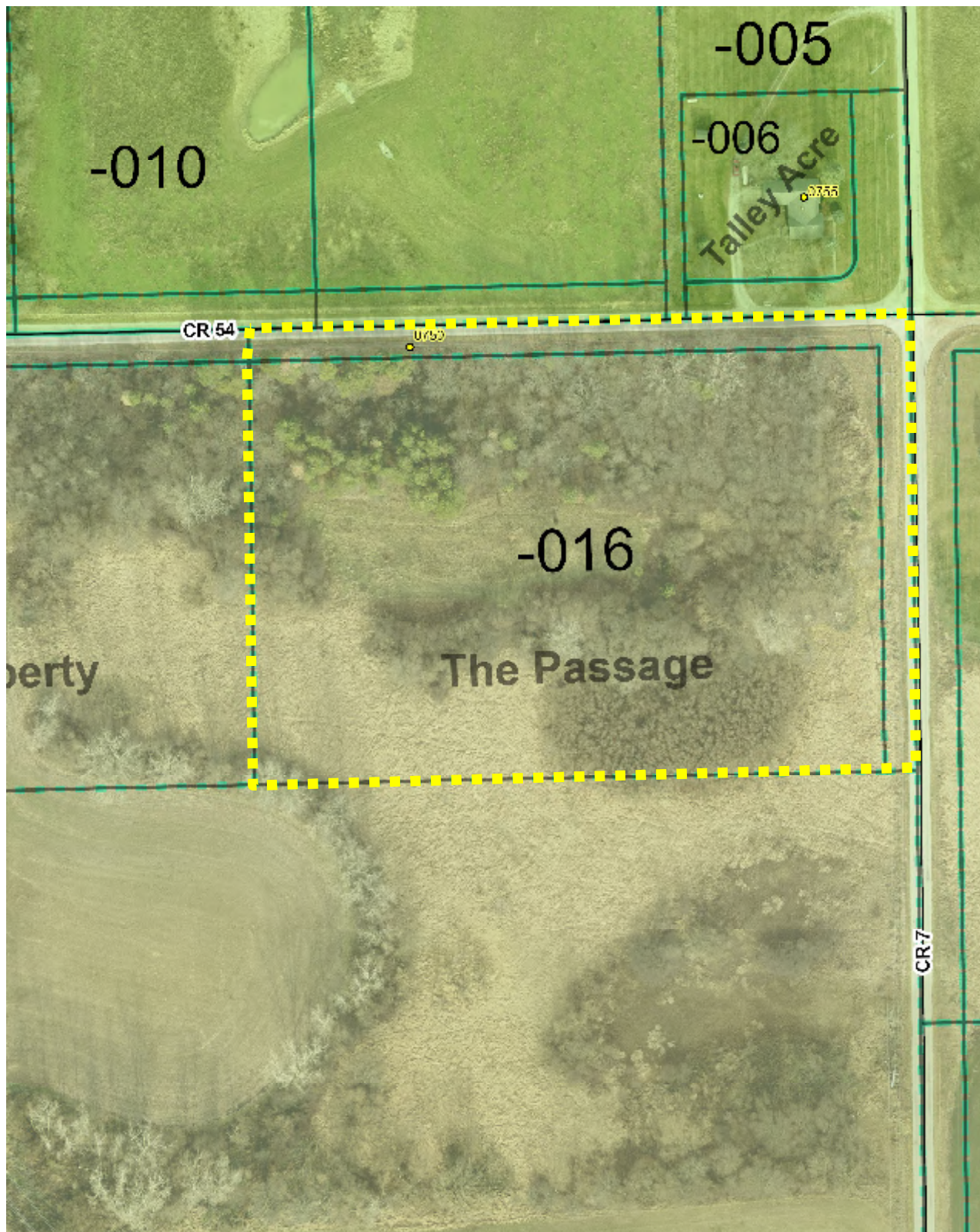


Yellow Outline: Subject Site



Yellow Outline: Subject Site





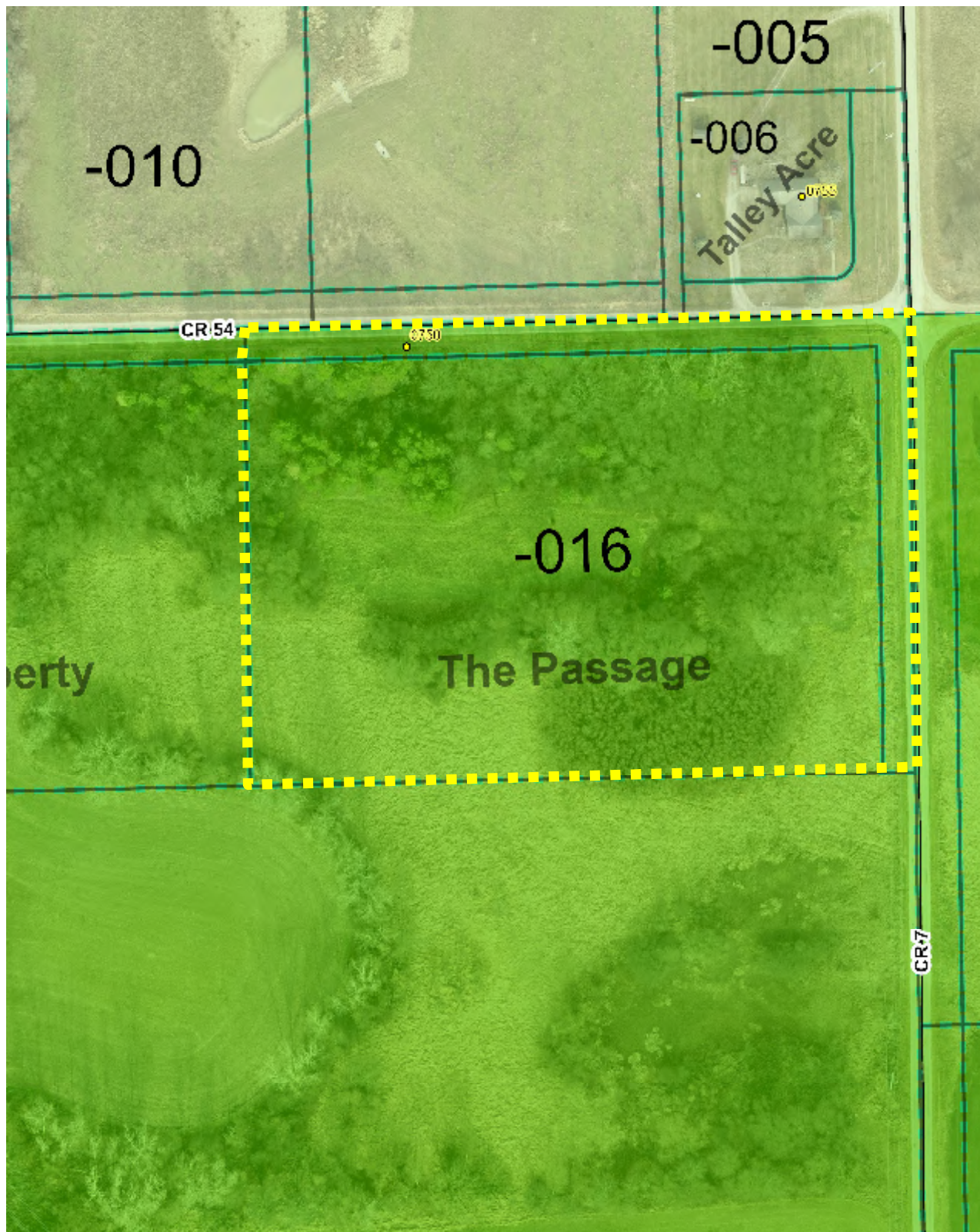
Light Green: A1, Conservation Agricultural

Green: A2, Agricultural

Yellow Outline: Subject Site (A1, Conservation Agricultural – existing)

**FUTURE LAND USE MAP:**





Dark Green: Agricultural  
Light Green: Mixed Agricultural/Rural Residential  
Yellow Outline: Subject Site



**PROPOSED ZONING MAP:**



Light Green: A1, Conservation Agricultural  
Green: A2, Agricultural

Yellow Outline: Subject Site (A2, Agricultural – proposed)

**Differences between IN (Existing) and A2 (Proposed) Zoning Districts:**

**A1: Conservation Agricultural:** This district is established for the protection of agricultural areas and buildings associated with agricultural production. (page 1-5 of UDO).

**A2: Agricultural:** This district is established for agricultural areas and buildings associated with agricultural production; also allows for some small infusion of non-agricultural single-family detached homes in areas where impact on agriculture and rural character is minimal. (page 1-5 of UDO).

**Permitted uses within the A1 zoning district include the following (page 2-4 of the UDO).**

Accessory Permitted Uses

- Home Based Business

Agricultural Permitted Uses

- Agricultural Crop Production
- Confined Feeding Operation – up to 2 times  
Indiana Department of Environmental  
Management CAFO numbers
- Orchard
- Raising of Farm Animals
- Sale of Agricultural Product
- Storage building, agricultural
- Storage of Agricultural Product
- Tree Farm

Industrial Permitted Use

- Telecommunication Facility

Residential Permitted Uses

- Child Care, Home
- Farmstead
- Storage Buildings, Private, Non-Accessory

**Permitted uses within the A2 zoning district include the following (page 2-6 of the UDO).**

Accessory Permitted Uses

- Home Based Business

Agricultural Permitted Uses

- Agricultural Crop Production
- Confined Feeding Operation – up to 2 times  
Indiana Department of Environmental  
Management CAFO numbers
- Orchard
- Raising of Farm Animals
- Storage building, agricultural
- Storage of Agricultural Product
- Tree Farm

Industrial Permitted Use

- Telecommunication Facility

Institutional Permitted Use

- Police, Fire or Rescue Station

Residential Permitted Uses

- Child Care, Home
- Dwelling, Manufactured Home
- Dwelling, Single-Family
- Fair Housing (Small)
- Farmstead
- Storage Buildings, Private, Non-Accessory

**Unified Development Ordinance Requirements**

When considering a zone map amendment the DeKalb County Plan Commission and the County Commissioners are obligated — under Section 9.06 G(3) of the DeKalb County Unified Development Ordinance — to pay reasonable regard to the following:

- a. The Comprehensive Plan;
- b. Current conditions and the character of current structures and uses in each district;
- c. The most desirable use for which the land in each district is adapted;
- d. The conservation of property values throughout the jurisdiction; and

- e. Responsible development and growth.

#### **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 given to staff
  - c. Certificate of mailing notices sent and receipts 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.*

#### **PLANNING STAFF RECOMMENDATIONS/COMMENTS:**

Staff is recommending a favorable recommendation to the County Commissioners for the requested Zone Map Amendment.