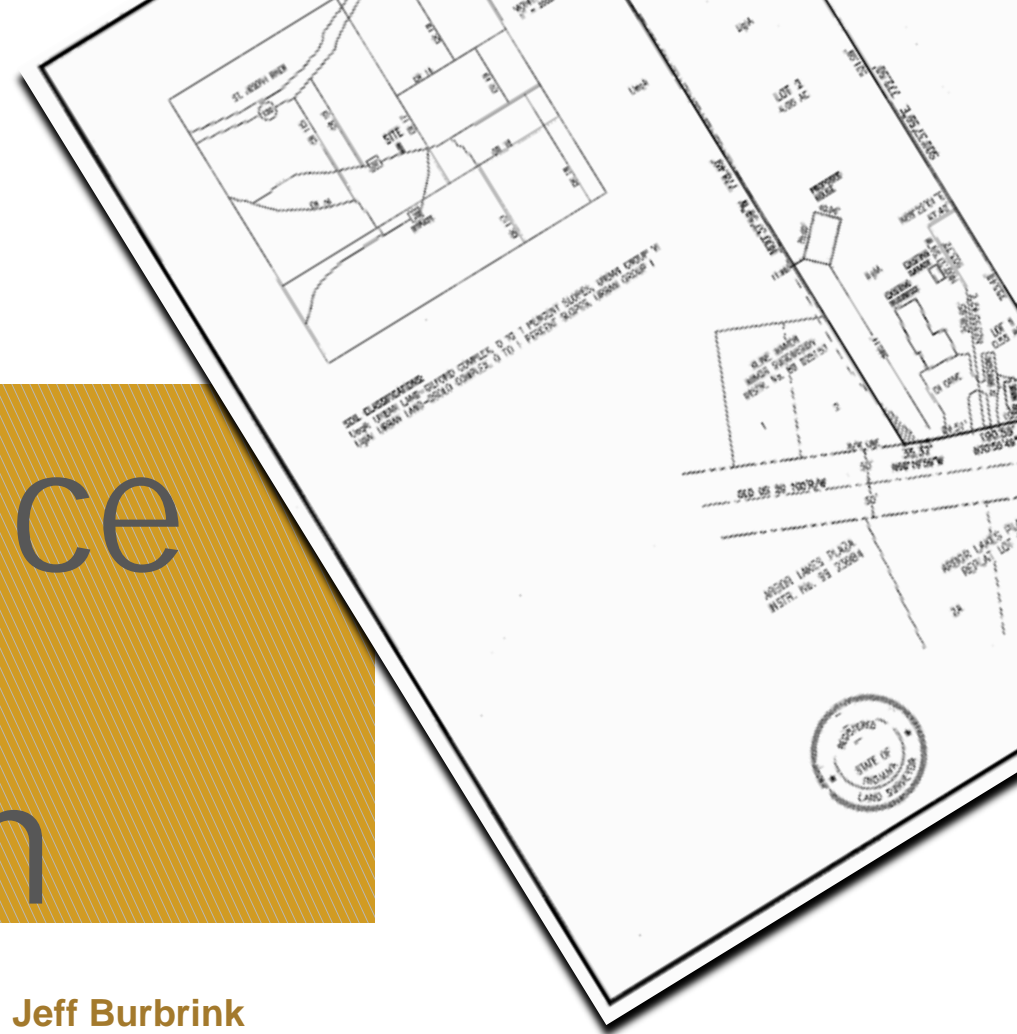


# My Experience On the Plan Commission

**Jeff Burbrink**

Purdue Extension – Elkhart County





Plan Commission Member

Noble County 1990–1994

Elkhart County 2004 – present

Co– Chair of the Purdue Land Use Team

# Plan Commission Types in Indiana

- Advisory Plan Commission
  - County (Elkhart)
  - City or Town
- Metropolitan
- Area Plan Commission (Grant)
  - Must include county + at least one municipality
  - Includes rural and urban representatives

- Advisory Plan Commission
  - Advises the Executive body (County Commissioners) in zoning matters
  - Is the final authority on subdivision
- Area Plan Commission
  - Is the final authority on Planning and subdivision

# Power of Planning & Zoning

- “You can’t tell me what I can and can’t do with my land.”



# Power of Planning & Zoning

It turns out: Government can do this, but it can only be done with due process, and can only be done for public purposes



# Decision Checklist

- Notice
- Opportunity to be heard
- Full Disclosure
- Unbiased Decisions
- Timely Decisions
- Complete Records
- Clear Rules of Procedure
- Conclusions Based on Findings



# Notice

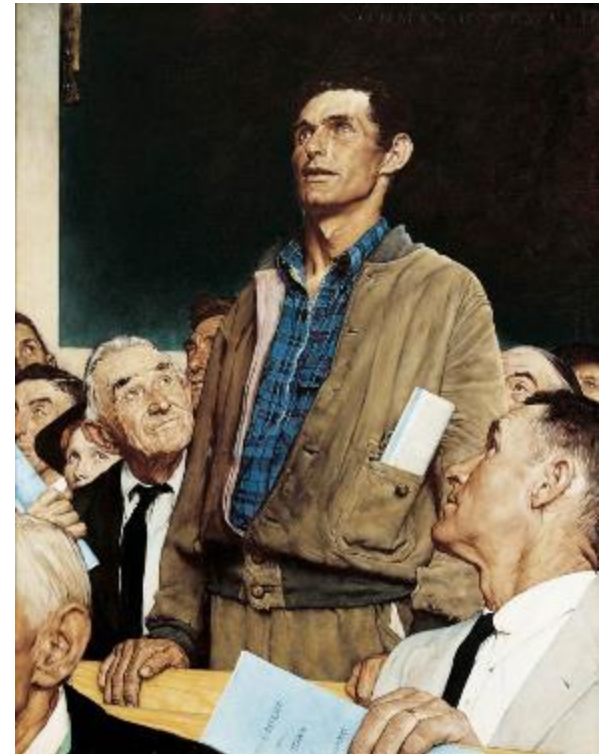
- ▶ Must be timely
- ▶ Allows for parties to prepare
- ▶ The average person must be able to understand the notice
- ▶ Short notice = suspicion





# Opportunity to be Heard

- ▶ All meetings/hearings should be open to the public
- ▶ The appearance of non-public decision making leads to suspicion.
- ▶ How can you assure this opportunity when large crowds show up?



# History since 2004

- ▶ Updated comprehensive plan 2006
  - Must have a comp plan to have zoning
  - Had not been updated since 1960s
- ▶ Updated Subdivision Ordinance
  - 2007–08
- ▶ First attempt to update Zoning Ordinance
  - 2009 – 2011
  - Primarily an effort by Plan Commission, staff and a few developers
  - Hired a consultant – not well received
- ▶ Second attempt to update Zoning Ordinance
  - Passed Dec. 2014
  - Done in house, with opposition at the table

# Since Dec. 2014

- ▶ Two updates to the Zoning Ordinance
  - Revision committee met to review these
- ▶ Reviewed and updated our rules of procedure several times
- ▶ Revised changes to the subdivision ordinance to fix issues and streamline

# Additional comments

- ▶ We've had no CAFO issues come to the plan commission in many years
- ▶ We have many CFO level farms, not regulated in our ordinance
- ▶ Housing subdivisions are allowed in Ag zones with little protection for ag or the houses
- ▶ A whole new batch of broiler and egg barns are coming in, and people are asking questions
- ▶ This may be an opportunity, but it is happening fast, and the window will close

# My conclusions:

- ▶ The farmers themselves did not want the changes proposed in the first zoning attempt.
- ▶ But most of the farmers really did not understand or had not read what was being proposed.
- ▶ The process you go through is just as important as the changes you are trying to make
- ▶ Involvement/buy-in is critical and starts at the beginning of the change process
- ▶ Every PC & BZA should have a good attorney at the meeting to help them