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?
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
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.