

**WHITLEY COUNTY ADVISORY PLAN COMMISSION
STAFF REPORT**

22-W-REZ-6 ZONE MAP AMENDMENT
Columbia City Plan Commission
Extraterritorial jurisdiction

NOVEMBER 16, 2022
AGENDA ITEM: 1

Note: This item is being continued to the December meeting due to an error in publication.

SUMMARY OF PROPOSAL

The petitioner, the plan commission for the City of Columbia City, is requesting a zone map amendment to expand and adjust the Columbia City Plan Commission's extraterritorial jurisdiction (ETJ). The total area of the proposed expansion is 6,100 acres.

Extraterritorial jurisdictions

This description of an extraterritorial jurisdiction comes from the Indiana Citizen Planner's Guide:

In Indiana, municipalities are legally permitted to plan for an area up to two miles outside the corporate boundaries in what is described as an "extraterritorial planning area." ...In a county with a comprehensive plan, the municipal plan commission must request this authority from the county legislative body [who receives a recommendation from the county plan commission]...The county must adopt an ordinance granting this authority to the city or town. When a municipal plan commission assumes extraterritorial jurisdiction, it must file a map and description of the territory involved with the county recorder.

The primary reason for an ETJ is to zone nearby areas so they align with the municipality's planning goals. In counties without county plan commissions, this is an important protectionary measure to prevent undesirable land uses at the edges of a municipality. Even in counties with county plan commissions, ETJs reflect differences in municipal and county goals and often encourage more urban development patterns. Frequently, municipal comprehensive plans and zoning codes are more detailed than county plans and codes, so proposed projects in an ETJ may have more zoning choices, and possibly more scrutiny, than in the county.

It should be made clear that an extraterritorial jurisdiction is for planning and zoning purposes only, and it has no connection to annexation. Being in an ETJ does not make a property easier to be annexed, nor do properties in an ETJ automatically receive municipal services. However, the zoning in the ETJ does usually encourage growth that desires annexation to obtain services—such as a more intense residential or commercial developments.

Indiana Code 36-7-4-205(h) provides the below process for adopting, or modifying, an ETJ. This petition and public hearing are steps 2 and 3.

1. Municipality includes the ETJ area in its comprehensive plan.
2. Property owners, county plan commission, or municipal plan commission petitions the county for municipal jurisdiction of the area.
3. The county plan commission holds a public hearing and makes a recommendation to the county commissioners, similar to other zoning actions.
4. County commissioners adopt an ordinance authorizing the jurisdiction.
5. Municipal plan commission accepts the jurisdiction.

Existing zoning classifications and land uses

Staff was able to determine that the current ETJ has been in place since at least 1979 without major modification. Exact documentation was not found of its original creation, but an ETJ was in place prior to the establishment of zoning in the county in 1972. In that time, the city limits have expanded, and they now match with the planning jurisdiction boundary on the south and southeast sides and are within ½ mile on the east and west sides.

Virtually all of the area proposed to be included in the new ETJ is currently zoned AG, Agricultural, but there are small areas zoned IPM, Industrial Park/Manufacturing, GC, General Commercial, and RR, Rural Residential. It should be noted that the proposed ETJ avoids the County's TIF district, as transferring the planning and zoning jurisdiction there could create difficulties in administration of the TIF.

Proposed land use

The petitioner is proposing the expansion of the ETJ primarily to increase the zoning buffer in the areas where the corporate limits have neared the current ETJ, or where city growth is reasonably expected. Additionally, some adjustments are proposed to realign the ETJ boundary with parcel lines to eliminate parcels with two zoning jurisdictions applied.

The City has already adopted an ordinance to convert existing county zoning districts to city districts upon the adoption of the expanded ETJ. The below table shows this conversion:

Current County Zoning Designation	Proposed City Zoning Designation
AG, Agricultural	A-1, Agricultural
RR, Rural Residential	R-1, Single-family Residential
GC, General Commercial	GB, General Business
IPM, Industrial Park/Manufacturing	I-1, Light Industrial

Through the conversion, all or nearly all existing land uses would continue to be permissible under the City zoning, either by-right or as a special exception. Even if there is a use not permitted, it would still continue as legal nonconforming. The City zoning code does list a handful of permissible uses that the County zoning does not, such as guest houses and bomb shelters.

Generally, the City's development standards can permit more dense development than the County's standards. Comparisons of the agricultural and industrial districts, the largest zones in the proposed ETJ, are shown in this table:

	AG	A-1	IPM	I-1
Lot area: septic	80,000 sq ft	80,000 sq ft	43,560 sq ft	20,00 sq ft
sewer	20,000 sq ft	20,000 sq ft		
sewer/water	10,000 sq ft	10,000 sq ft		
Lot width: septic	225'	150'	100'	100'
sewer	100'	100'		
sewer/water	75'	75'		
Lot frontage:	50'	50'	100'	50'
Setbacks: front	40'	40'	40'	50'
side	25' (10' accessory)	20' (5' accessory)	20' (plus buffer)	25' (plus buffer)
rear	30' (10' accessory)	30' (5' accessory)	20' (plus buffer)	25' (plus buffer)

Looking at the difference between a two-mile buffer around the city limits, any part of which can statutorily become the ETJ, and the proposed ETJ boundary, the actual jurisdictional area varies from a 1-mile to 1.75-mile buffer. Only on the far northeast and northwest corners does the proposed boundary near the maximum, being about 1.9 miles from the corporate limit.

REVIEW CRITERIA

Indiana Code §36-7-4-603 and Section 12.2(F) of the zoning ordinance state the criteria listed below to which the Commission must pay “reasonable regard” when considering amendments to the zoning ordinance. Staff’s comments are under each criterion.

1. The most recently adopted Comprehensive Plan;

The Future Character and Land Use Plan of the 2022 Comprehensive Plan designates most of the proposed ETJ area as either Mixed Rural or Rural-Agricultural. Mixed Rural is intended to allow for new residential subdivisions and development as services are expanded and development opportunities come available, while also expecting that agricultural uses would continue interspersed with that development. Conceptually, that is similar to the ETJ’s purpose of encouraging development that is more municipal in nature. Those areas of a Rural-Agricultural character would likely remain so even under the municipal jurisdiction.

Further, Recommendation 1.1 of the Plan is to “encourage growth in municipalities, adjacent to municipalities, [and] near municipalities.” To the degree that an expanded ETJ would encourage growth, it would be near the municipality.

2. The current conditions and the character of current structures and uses in each district;

If approved, the proposed expansion of the extraterritorial jurisdiction would convert the existing zoning designations to a comparable city zoning designation. Therefore, the current character and conditions of the area would not be changed with this proposal.

3. The most desirable use for which the land in each district is adapted;

The existing uses are not proposed to be changed with this request. Over time, uses would be aligned with the City’s plans, which, for any single property owner, may be more or less desirable than the County’s.

4. The conservation of property values throughout the jurisdiction;

Again, the existing uses are not proposed to be changed with this request. As the municipal zoning can permit more intense development, property values across the area may increase more than if the property were in the county jurisdiction. However, that is subject to each individual site’s development.

5. Responsible development and growth;

Generally, the areas near the city are already expected to have growth and having municipal jurisdiction might encourage that growth through appropriate zoning and development controls. However, either City or County Plan Commission would be capable of ensuring development and growth is responsible, as according to their codes, plans, and available services.

6. The public health, safety and welfare.

It seems unlikely that the public health, safety, and welfare would be affected by this proposal since both the County and City zoning codes strive to protect the public health, safety, and welfare.

Date report completed: 11/3/22

PLAN COMMISSION RECORD OF ACTION

Motion:

By:

Second by:

Favorable recommendation ____

Unfavorable recommendation ____

No recommendation ____

Conditions/Commitments? ____

<i>Vote:</i>	Drew	Emerick	Green	Hodges	Johnson	Kurtz-Seslar	Schrumpf	Wolf	Wright
<i>Yes</i>									
<i>No</i>									
<i>Abstain</i>									