

**WHITLEY COUNTY ADVISORY PLAN COMMISSION  
STAFF REPORT**

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

**SEPTEMBER 20, 2023**  
**AGENDA ITEM: 1**

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*This staff report was originally written for the December 2022 meeting and has now been updated to reflect subsequent revisions and modifications.*

**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 currently proposed to be 1,430± acres located on the south and southeast sides of the Columbia City corporate limits. This is a reduction from the 6,100± acre expansion originally proposed on all sides of the city in 2022.

***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 1970 without major modification. Thus, the current ETJ was in place prior to the establishment of zoning in the county in 1972. Since 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. The current expansion proposal addresses the south and southeast areas where the corporate limit and existing ETJ coincide.

Virtually all of the area proposed to be included in the currently proposed ETJ expansion is currently zoned AG, Agricultural, but approximately 60 acres are zoned IPM, Industrial Park/Manufacturing near 100 South and US 30. Previous proposals had included areas of GC, General Commercial, and RR, Rural Residential, but the current proposal does not. It should be noted that the proposed ETJ avoids the County’s TIF district, due to potential 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 extended up to the current ETJ. Additionally, some adjustments are proposed to realign the ETJ boundary with parcel lines, roads, section lines, and waterways to eliminate parcels with two zoning jurisdictions. As proposed, only one parcel would be split, with about 1 acre out of 116 becoming City jurisdiction.

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:

<b>Current County Zoning Designation</b>	<b>Proposed City Zoning Designation</b>
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 current use that would not be permitted, it could still continue under legal nonconforming provisions. The petitioner has submitted a table comparing the AG and A-1 permitted uses and special exception uses.

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

	<b>AG</b>	<b>A-1</b>	<b>IPM</b>	<b>I-1</b>
Lot area: septic	80,000 sq ft	80,000 sq ft	43,560 sq ft	20,000 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)

The average width of the southern expansion area would be about one mile, while the maximum width of the southeastern area would be about 2/3 mile. These are well within the two-mile distance around city limits that the state statute permits as a maximum ETJ.

**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, with the IPM-zoned area being Employment Center. 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 plans.

**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, or lack thereof.

**5. Responsible development and growth;**

Generally, these 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 the 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: 9/12/23

**PLAN COMMISSION RECORD OF ACTION**

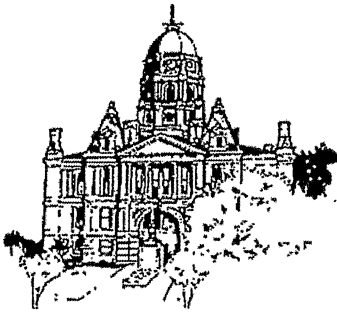
Motion:

By: \_\_\_\_\_

Second by: \_\_\_\_\_

- Favorable recommendation \_\_\_\_\_
- Unfavorable recommendation \_\_\_\_\_
- No recommendation \_\_\_\_\_
- Conditions/Commitments? \_\_\_\_\_

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



**COLUMBIA CITY/WHITLEY COUNTY  
JOINT PLANNING & BUILDING DEPARTMENT**

Whitley County Government Center  
220 W. Van Buren Street, Suite 204  
Columbia City, IN 46725  
260-248-3112  
www.whitleygov.com

**WHITLEY COUNTY PLAN COMMISSION  
PUBLIC MEETING NOTICE**

- WHEN:** Wednesday, September 20, 2023, 7:00 P.M.
- WHERE:** Whitley County Government Center – Lower Level Meeting Room  
220 West Van Buren Street, Columbia City, IN 46725
- REQUEST:** Petition # 22-W-REZ-6; The applicant is requesting a zone map amendment to expand and adjust the Columbia City Plan Commission's extraterritorial jurisdiction (ETJ).
- APPLICANTS:** Columbia City Plan Commission

**PROPERTY LOCATION:**

Generally described as follows: (See attached map for reference)

An area south from 200 South, approximately one mile, bordered to the west by Dowell Open Drain, to the south by the Eel River and Gangwer Open Drain, and to the east by 100 East and the Eel River.

An area west from 300 East, approximately one mile, bordered to the south by 100 South, and to the west and north by the Eel River.

To Whom It May Concern,


You have been notified of this meeting, per State Statute (IC 36-7-4-604), because you are listed as the owner of a parcel in the vicinity of the property that the petition is regarding.

All interested persons are invited to attend and be heard. Written comments will be considered if they are received in the office of the Columbia City/Whitley County Planning and Building Department located at 220 West Van Buren Street, Suite 204, Columbia City, Indiana, no later than 12:00 Noon on the day of the hearing. The hearing may be continued from time to time as may be found necessary.

Copies of the application are on file for examination prior to the hearing in the office of the Columbia City/ Whitley County Planning and Building Department, 220 West Van Buren Street, Suite 204, Columbia City, IN 46725, (260) 248-3112.


Enclosed is a notice of a public hearing that the Whitley County Plan Commission will hold regarding a request from the Columbia City Plan Commission to expand the Columbia City Extraterritorial Jurisdiction for zoning and planning purposes.

You are receiving that hearing notice since property you own is located within the proposed expanded area. Since this is likely news to you, we'd like to give you some information about the jurisdictional area and its purpose. Hopefully, we can answer some questions and clarify common concerns.



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Larry F. Weiss, President  
Columbia City Plan Commission



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Ryan Daniel, Mayor  
City of Columbia City

### **What is an Extraterritorial Jurisdiction?**

The Extraterritorial Jurisdiction (or ETJ) is an area outside of the city limits that the city has authority to plan for and establish a zoning ordinance for. So, for those properties within the ETJ, zoning issues go through the Columbia City Plan Commission instead of the Whitley County Plan Commission. If for example you'd want to build a new building or make a new commercial operation, you'd follow the City's zoning standards instead of the County's.

Because Indiana law permits an ETJ area to up to two miles in width from the city limits, it is sometimes called a "two-mile" jurisdiction. However, nowhere will the currently proposed Columbia City ETJ be two miles from the current city limits—the average width is about 1 mile.

### **What is the purpose of the ETJ?**

The primary reason for any ETJ is to zone areas near a city so they that will align with the city's planning goals. In counties without county zoning, this is an important to prevent incompatible and undesirable land uses from developing at the city limits. Even in counties with zoning in the county, like ours, that protection is important, as well as reflecting differences in city and county plans.

### **Why expand the ETJ now?**

Columbia City has had its current ETJ since 1970, with no significant changes made since then. While the city limits have grown numerous times in 52 years, the ETJ has not. This has led to the city limits being at the ETJ boundary on the east and south sides of the City, and a half mile from the ETJ on the west. Because of this, in 2015 the Columbia City Comprehensive Plan recommended expansion of the ETJ. The public hearing you're being notified of is part of the required legal process to request an ETJ change.

### **What are the differences between City and County zoning?**

Nearly all of the proposed ETJ area is zoned Agricultural (AG) in the County and would remain zoned Agricultural (A-1) in the City's ETJ. Most land uses permitted in AG are also permitted in A-1, and setbacks and other zoning standards are similar, so there would be little effect on most property owners. The biggest differences are among the special exception uses, which require a public hearing and zoning board approval. Enclosed is a table comparing the two agricultural zoning districts for your reference.

**Is this going to lead to annexation of my property?**

No. Annexation into the city is independent of the ETJ, which is one reason the ETJ area hasn't changed for over five decades. Even though the city itself has grown during that time, the ETJ cannot be automatically expanded as the city's boundaries grow. Expanding the ETJ will not make it easier to annex your property without your consent. Columbia City has not forced annexation on any property owner for more than 30 years; instead, it has annexed properties only at the request of landowners.

**Will this change my property taxes?**

No. Your property's zoning designation, whether in the county or in the city, has no impact on your property's assessed tax value. Assessed value is primarily based on how you actually use your property and the condition of the structures.

**Who are the members of the Columbia City Plan Commission and BZA?**

The City Plan Commission and Board of Zoning Appeals (BZA) administer planning and zoning within the ETJ.

Like the County Plan Commission, the Columbia City Plan Commission is made up of nine members. The Mayor appoints four members, the City Council appoints three local officials or city employees, and the County Commissioners appoint two residents of the extraterritorial jurisdiction area.

Also like the County BZA, the City BZA is comprised of five members, who are not elected officials. The Mayor appoints three members, the City Council appoints one, and the Plan Commission appoints one of its two ETJ members.

The current members of the City Plan Commission and BZA are:

**Plan Commission**

Mayoral appointees

- Don Langeloh
- Dennis Warnick
- Larry Weiss
- Pat Zickgraf

City Council appointees

- Walt Crowder
- Chip Hill
- Dan Weigold

County Commissioner appointees from the ETJ

- Jon Kissinger
- Nicki Veneable

**Board of Zoning Appeals**

Mayoral appointees

- Stacey Dumbacher
- Anthony Romano
- Dennis Warnick

City Council appointee

- Cathy Gardner

Plan Commission appointee from the ETJ

- Jon Kissinger

The City Plan Commission meets on the first Monday of each month at 7:00pm at the County Government Center. The City BZA meets on the first Tuesday of each month, also at 7:00pm in the Government Center.

**Have more questions?**

If you have further questions, please contact Brent or Nathan at the Planning & Building Department at (260) 248-3112 or [wcpplanning2@whitleygov.com](mailto:wcpplanning2@whitleygov.com). The Department is very knowledgeable, and they can answer your questions about the ETJ expansion request process, details about the County's and City's zoning districts and plans, and information about the upcoming hearing. If necessary, they will forward us any inquiries they can't answer, and we'll do our best to address those concerns.

## Uses Comparison

This table summarizes the uses permitted “by-right” and by special exception (i.e., with BZA approval) in the County’s AG and the City’s A-1 districts, as well as those uses allowable in one district but not the other. There is some room for interpretation in each use’s definition, so this may be approximate for some uses.

Uses permitted in AG and permitted in A-1	Special exceptions in AG but are permitted uses in A-1	Uses not permitted in AG but are permitted uses in A-1
<ul style="list-style-type: none"> <li>• Agricultural crop production</li> <li>• Animal husbandry, not in a confined feeding operation</li> <li>• Egg farms</li> <li>• Farm market/roadside stand</li> <li>• Grazing/pastureland</li> <li>• Greenhouses (under 50,001 sf)</li> <li>• Hunting/game preserves</li> <li>• Orchards/plant nursery/forestry/tree farm</li> <li>• Single-family dwelling</li> <li>• Storage of agricultural products/equipment</li> </ul>	<ul style="list-style-type: none"> <li>• Church</li> <li>• Dairy</li> <li>• Farmer's market/roadside stand</li> <li>• Guest house/secondary dwelling unit</li> <li>• Winery</li> </ul>	<ul style="list-style-type: none"> <li>• Conservation clubs</li> <li>• Greenhouses over 50,001 sf</li> <li>• Libraries, museums</li> <li>• Recreational facilities (noncommercial)</li> <li>• Veterinary hospitals</li> </ul>
Uses permitted in AG but are special exceptions in A-1	Special exceptions in AG and special exceptions in A-1	Uses not permitted in AG but are special exceptions in A-1
<ul style="list-style-type: none"> <li>• Agricultural feed and seed sales</li> <li>• CFO, Class 1</li> <li>• Cider mill</li> <li>• Processing crop products produced on-site</li> </ul>	<ul style="list-style-type: none"> <li>• Bait/tackle shop</li> <li>• Bed and breakfast</li> <li>• Cemetery</li> <li>• CFO, Class 2</li> <li>• Communications towers</li> <li>• Corporate retreat/resort</li> <li>• Farm equipment sales and service</li> <li>• Fertilizer storage/distribution</li> <li>• Grain elevator/storage (commercial)</li> <li>• Gravel mining</li> <li>• Kennels</li> <li>• Landing strip/airport</li> <li>• Lumberyard/sawmill</li> <li>• Recycling collection point</li> <li>• Schools</li> </ul>	<ul style="list-style-type: none"> <li>• Aircraft and boat sales/service</li> <li>• Auction barns</li> <li>• Boarding houses</li> <li>• Campgrounds</li> <li>• CFO, Class 3 and 4</li> <li>• Clubs, lodges</li> <li>• Community services (e.g., fire station)</li> <li>• Condominiums</li> <li>• Contractor's yard, coal/coke sales</li> <li>• Correctional institution</li> <li>• Funeral home</li> <li>• Golf course</li> <li>• Halfway house</li> <li>• Hospitals/clinics</li> <li>• Manufactured home parks</li> <li>• Military installation</li> <li>• Multi-family dwelling units</li> <li>• Nursing home, assisted living, retirement home</li> <li>• Real estate offices, incl. model homes</li> <li>• Recreational facilities (commercial)</li> <li>• Rifle and pistol ranges</li> <li>• Sanitary landfills (non hazardous)</li> <li>• Slaughterhouses</li> <li>• Stockyards</li> <li>• Youth organization center</li> </ul>
Uses permitted in AG but are not permitted in A-1	Special exceptions in AG but are not permitted in A-1	
<ul style="list-style-type: none"> <li>• <i>All permitted AG uses are either permitted or special exceptions in A-1</i></li> </ul>	<ul style="list-style-type: none"> <li>• Auto body shop/auto repair</li> <li>• Electric supply shop</li> <li>• Hardware store</li> <li>• HVAC sales/service</li> <li>• Machine shop</li> <li>• Mini-warehouse</li> <li>• Mobile home (standalone)</li> <li>• Plumbing supply store</li> <li>• [Some] processing of ag products not produced on-site (not including slaughterhouses)</li> <li>• Specialty retail shops</li> <li>• Variety store</li> </ul>	

Note that accessory, utility, transportation, home occupation, and disability-related residential uses are not shown.



