

APC April 22, 2025 25-RZ-02 BROWN COUNTY BOARD OF COMMISSIONERS, PETITIONERS

The petitioners are requesting approval for rezoning property owned by William Jacob Capital, LLC, from General Business (GB), Floodplain (FP), and Floodway (FW) to Secondary Residential (R2), Floodplain (FP), and Floodway (FW). The property is located to the south and west of 279 West Main Street, Nashville, in Washington Township.

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IC-36-7-4-603 – Additional information regarding “*Reasonable regard*”

IC 36-7-4-603, ***Reasonable regard*** for the following by the Plan Commission and the Legislative body:

1. **The comprehensive plan;** [Brown County Comprehensive Plan \(PDF\)](#)
2. current conditions and the character of current structures and uses in each district;
3. the most desirable use for which the land in each district is adapted;
4. the conservation of property values throughout the jurisdiction; and
5. responsible development and growth.

This criterion was referenced by the APC and BZA. The APC voted 4 to 3 *not to* recommend approval. The previous commissioners voted 2 to 1 to approve; the BZA *did not approve* either of the proposed projects. A petition by 150 citizens in opposition was followed by a lawsuit to reverse the change.

This presentation with enclosures is intended to help illustrate the need for an improved process to help ensure that the Plan Commission and Commissioners (Legislative body) meet or exceed citizen expectations for “*reasonable regard*.”

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BLUF – Bottom Line Up Front

- Comprehensive Plan – 2011
 - Perceived as too general; Good arguments can be made for or against a change
 - Just need 2 of 3 commissioners to approve a change; Any citizen can petition to reverse a change; Legal options also available
 - The review of proposed changes and the depth of analysis vary.
- Needed: An improved process that can be continually improved, supported by criteria-weighted decision-making, facts, data, and citizen input.

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Timeline and References – 1 of 3

- Brown County Comprehensive Plan:
 - 2011 <https://www.browncounty-in.gov/DocumentCenter/View/141/Brown-County-Comprehensive-Plan-PDF>
 - 2025 Proposed Update: <https://www.browncounty-in.gov/DocumentCenter/View/726/Brown-County-Comprehensive-Plan-DRAFT>
- Timeline - Agenda, Reports, Minutes, Audio <https://www.browncounty-in.gov/AgendaCenter>
 - Oct 22, 2024, APC First Meeting – Request for more detail
 - Nov 19, 2024, APC - 2nd Meeting – 4 to 3 not to recommend, 150 signatures in opposition, max attendance and participation at the public meetings
 - Audio: <https://s3.us-east-1.amazonaws.com/APC/APC+2024/APC+Recording+November+19%2C+2024.MP3>

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Timeline and References – 2 of 3

- Dec 4, 2024, Previous Commissioner Meeting - Approved 2 to 1
*Agenda, Minutes, Audio: <https://www.browncounty-in.gov/AgendaCenter>
Board of Commissioners, 2024, Dec 4*
- Jan 2, 2025, Lawsuit; Jan 3 – New Commissioner Executive Session
- Jan 16, 2025 – New Commissioner Petition to Reverse Re-Zoning
 - Brown County Democrat: *[Commissioners aim to reverse Tilton property rezoning, lighted sign ordinance](#)*, By Dave Stafford -January 20, 2025
 - Docket – Commissioner Petition - Moved from Feb 5 to March 5
 - Brown County Democrat: *[Voiding Tilton rezoning advances](#)*, Mar 11, 2025

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Timeline and References – 3 of 3

- Jan 29, 2025, BZA Meeting – **PRD, Travel Trailer Park not approved**
 - Private Recreational Development (PRD) – too vague, no specifics presented to help the BZA assess the overall impact of the project
 - Travel Trailer Park not allowed in a Flood Plain District (pg 31)
 - Zoning Ordinance: <https://www.browncounty-in.gov/DocumentCenter/View/450/Brown-County-Zoning-Ordinance-222022>
- APC Meetings – March 25 - Decision Tabled - Additional info requested
 - Interesting and Insightful discussion – reinforces the need for improvement
<https://s3.us-east-1.amazonaws.com/APC/APC+2025/March+25%2C+2025+APC+Recording.MP3>

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Example: Weighted Decision Matrix – “Relative Importance”

Score: Scale of 1 to 5

Weighted Decision Matrix							
Criteria	Weighting	OPTIONS					
		Option 1		Option 2		Option 3	
		Score	Total	Score	Total	Score	Total
Criteria 1	1	1	1	5	5	5	5
Criteria 2	2	2	4	4	8	5	10
Criteria 3	3	3	9	3	9	5	15
Criteria 4	4	4	16	2	8	5	20
Criteria 5	5	5	25	1	5	5	25
TOTAL:			55		35		75

Enclosure 1.0 Developing a Weighted Scoring Table

Enclosure 2.0 – Examples – Decision Criteria – IC-36-7-4-603

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IC-36-7-4-603 – Was “Reasonable regard” considered?

IC-36-7-4-603		
PROPOSED -- 85 Acre Re-Zoning -- PRD, Travel Trailer Park		
Score: 1-Strongly Disagree, 2-Disagree, 3-Neither Agree nor Disagree, 4-Agree, 5-Strongly Agree		
Criteria	Score	Justification?
<u>Reasonable regard for:</u> (1) the comprehensive plan?		See Timeline and References – Links to Reports and Audio
<u>Reasonable regard for:</u> (2) current conditions and the character of current structures and uses in each district?		See Timeline and References – Links to Reports and Audio
<u>Reasonable regard for:</u> (3) the most desirable use for which the land in each district is adapted?		See Timeline and References – Links to Reports and Audio
<u>Reasonable regard for:</u> (4) the conservation of property values throughout the jurisdiction; and		See Timeline and References – Links to Reports and Audio
<u>Reasonable regard for:</u> (5) responsible development and growth?		See Timeline and References – Links to Reports and Audio

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Comprehensive Plan – Required Review

Four Main Principles (Elements). *It is important that this comprehensive plan explain the principles (elements) that should be followed when making decisions and also the relative importance of each principle, as this will help those who must make difficult decisions. This will be especially important in those situations where a decision must balance competing principles.* (Ref: Brown County Comprehensive Plan, 2011 Revision)

- “Criteria” (Four Main Elements (Principles))
 - Preserves - Natural Features and Way of Life
 - Discourages Economic Decline (*One Side of the Coin*)
 - Fosters Economic Development (*Other side of the Coin*)
 - Enhances the desirability of Brown County as a place to live in retirement should also be protected, when possible
- Assess “Relative Importance of each principle” – Criteria, Weighted Decision Matrix

Enclosure 3.0 Examples – Comprehensive Plan - Decision Criteria

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IC-36-7-4-603 – Was “Reasonable regard” considered?

IC-36-7-4-603 -- “Reasonable regard for: (1) the comprehensive plan:		
PROPOSED -- 85 Acre Re-Zoning - PRD, Travel Trailer Park*		
Score: 1-Strongly Disagree, 2-Disagree, 3-Neither Agree nor Disagree, 4-Agree, 5-Strongly Agree		
Comp Plan – Four Major Elements (Principles)	Individual SCORE	Justification
The desired change: (1) Preserves - Natural Features and Way of Life?		See Timeline and References – Links to Reports and Audio
The desired change: (2) Discourages Economic Decline?		See Timeline and References – Links to Reports and Audio
The desired change: (3) Fosters Economic Development?		See Timeline and References – Links to Reports and Audio
The desired change: (4) Enhances the desirability of Brown County as a place to live in retirement should also be protected, when possible?		See Timeline and References – Links to Reports and Audio

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Assessment of "Reasonable Regard"? – All Criteria

85 Acre Re-Zoning - PRD, Travel Trailer	
Score: 1-Strongly Disagree, 2-Disagree, 3-Neither Agree nor Disagree, 4-Agree, 5-Strongly Agree	
Decision Criteria	Score
Was there "Reasonable" Regard" for the following?	
(1) Compliance with the Comprehensive Plan?	
(2) Consider the current conditions and the character of current structures and uses in each district?	
(3) Is this the most desirable use for which the land in each district is adapted?	
(4) Does it add to the conservation of property values throughout the jurisdiction?	
(5) Is it responsible development and growth?	
Comprehensive Plan: Was there due diligence in considering the Four Major Elements to be considered in approving a change?	
(1) Preserves - Natural Features and Way of Life?	
(2) Discourages Economic Decline (One Side of the Coin)?	
(3) Fosters Economic Development (Other side of the Coin)?	
(4) Enhances the desirability of Brown County as a place to live in retirement also should be protected, when possible?	

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Summary

- IC-36-7-4-603 Reasonable regard required by the Plan Commission and the Legislative Body
- "Legislative" Body - Commissioners
 - Reviewed Requirements - IC-36-7-4-603
 - Reviewed all References - Meeting Minutes, Reports, Audio, Legal
 - Assessed Options, Pros, and Cons
- Commissioner's Petition to Reverse the Re-Zone
 - APC Recommendation - Agree, Disagree, or No recommendation?

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Comprehensive Plan – Next Steps?

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Comprehensive Plan - Next Steps – 9-12 Months

Develop Concept – Economic Development – RDC

- “What are the Best Bets for the Future of Local Economy?”
- LMI drops from 53.3% in 2017 to 40.4% in 2025
- Criteria for assessing economic growth and sustainability

Review Proposed Updates to the Comprehensive Plan

- Review current 2011 plan – compare to the proposed revision; Develop decision criteria

Public Meetings

- Review Current Zoning Maps
- Review Districts and District Boundaries
- Confirm Desired List of Allowable Uses and Special Exceptions

Resources:

- OCRA Grant – 60K – Comprehensive Plan
- Community Volunteers; Partnerships – IU – Rural Engagement, OCRA/Ball State – “RED”

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Enclosure 1.0: Developing a Weighted Scoring Table

APC Meeting April 22, 2025, Docket Number 25-RZ-02

Example of a weighted scoring table to assess how well a proposal zoning change aligns with the five **“reasonable regard”** criteria. This can be used table during public hearings, staff evaluations, or stakeholder workshops to score and compare different zoning changes or land-use proposals. **It makes decisions transparent, consistent, and tied to planning principles.**

◆ Step 1: Define the Criteria

Here are your five decision criteria:

1. **Comprehensive Plan Alignment**
2. **Current Conditions & Character of Area**
3. **Most Desirable Use of the Land**
4. **Conservation of Property Values**
5. **Responsible Development and Growth**

◆ Step 2: Assign Weights

You can customize these, but here's a **balanced example** where the comprehensive plan and long-term land use are slightly weighted more:

Criterion	Weight (%)
1. Comprehensive Plan Alignment	25%
2. Current Conditions & Character	15%
3. Most Desirable Use	25%
4. Conservation of Property Values	20%
5. Responsible Development and Growth	15%

◆ Step 3: Rate Each Option or Proposal

Rate each proposal on a **scale of 1–10** for each criterion. Here’s a scoring table template you can use:

Proposal	Comp. Plan (25%)	Character (15%)	Desirable Use (25%)	Property Values (20%)	Responsible Growth (15%)	Total Score
Option A	9 (2.25)	6 (0.90)	8 (2.00)	7 (1.40)	7 (1.05)	7.60
Option B	7 (1.75)	9 (1.35)	6 (1.50)	8 (1.60)	6 (0.90)	7.10
Option C	8 (2.00)	7 (1.05)	9 (2.25)	6 (1.20)	8 (1.20)	7.70

(Score in parentheses = weighted value; Total Score is the sum

Enclosure 2.0: Decision Criteria – Review IC-36-7-4-603

APC Meeting April 22, 2025, Docket Number 25-RZ-02

Purpose: IC 36-7-4-603, *Reasonable regard for the following criteria by the Plan Commission and the Legislative body.*

Illustration: A similar table (below) can be used during public hearings, staff evaluations, or stakeholder workshops to score and compare different zoning changes or land-use proposals. It helps make decisions **transparent, consistent, and tied to planning principles.**

Decision Matrix							
Proposed Change: PRD and Travel Trailer Park							
Scoring Scale 1 - 5							
Criteria: IC 36-7-4-603	Weighting	Person 1		Person 2		Person 3	
		Score	Total	Score	Total	Score	Total
1. Comprehensive Plan Alignment?	1	1	1	5	5	3	3
2. Current Conditions & Character?	2	1	2	5	10	3	6
3. Most Desirable Use?	3	1	3	5	15	3	9
4. Conservation of Property Values?	4	1	4	5	20	3	12
5. Responsible Development and Growth?	5	1	5	5	25	3	15
Total		5	15	25	75	15	45

AI- (ChatGPT) Generated Decision Criteria

Decision criteria for each of these elements involves determining the relevant factors to evaluate when considering a project, proposal, or development. Below are the AI suggested decision criteria for each of the elements:

1. Comprehensive Plan Alignment

- **Consistency with Vision & Goals:** Does the proposed project align with the long-term vision, goals, and objectives outlined in the comprehensive plan?
- **Zoning and Land Use Compatibility:** Does the proposed land use comply with the zoning regulations or anticipated zoning changes in the comprehensive plan?
- **Policy and Strategy Alignment:** Does the project adhere to the policies and strategies set out in the plan, such as promoting sustainability, mixed-use development, or infrastructure development?
- **Public and Stakeholder Input:** Does the proposal reflect the concerns and desires expressed by the community during the comprehensive planning process?

- **Environmental and Social Considerations:** Does the plan prioritize the protection of natural resources, open spaces, and social equity as envisioned in the comprehensive plan?

2. Current Conditions & Character of Area

- **Neighborhood Context:** How does the development fit with the current character of the surrounding area (density, scale, architectural style, etc.)?
- **Environmental and Ecological Factors:** Does the development take into account existing environmental features like wetlands, wildlife habitats, and natural topography?
- **Infrastructure and Accessibility:** Are current infrastructure and transportation networks capable of supporting the proposed development?
- **Historical and Cultural Significance:** Does the area have any historical or cultural landmarks that need to be preserved or incorporated into the development?
- **Community Compatibility:** How well does the development fit the existing community's values, lifestyle, and demographics?

3. Most Desirable Use of the Land

- **Highest and Best Use:** What is the most economically feasible and efficient use of the land, considering factors like market demand, location, and resource availability?
- **Public Benefit:** Does the proposed use provide clear benefits to the public, such as affordable housing, green spaces, or public amenities?
- **Long-term Sustainability:** Does the land use plan support sustainable development, including environmental, economic, and social sustainability?
- **Compatibility with Surrounding Land Uses:** Is the proposed land use complementary to surrounding properties and land uses, or could it cause conflicts (e.g., noise, traffic, or environmental issues)?
- **Land Use Flexibility:** Is there flexibility in the proposed use to accommodate future changes in demand, technologies, or policy priorities?

4. Conservation of Property Values

- **Impact on Property Market:** Will the proposed development maintain or increase property values in the surrounding area?
- **Neighborhood Integrity:** Will the development maintain or enhance the overall character and aesthetics of the neighborhood, preventing negative impacts on property

values?

- **Economic Impact on Existing Residents:** Will the development help maintain or raise the standard of living of current residents, or might it push them out due to rising costs or gentrification?
- **Infrastructure and Amenities:** Does the development improve or add necessary infrastructure (e.g., roads, utilities, schools, parks) that could contribute to increasing property values?
- **Community Stability:** Does the project support long-term community stability and prevent short-term speculative development that could destabilize property values?

5. Responsible Development and Growth

- **Environmental Responsibility:** Does the development minimize its environmental footprint, including energy consumption, waste production, and carbon emissions?
- **Social Responsibility:** Does the development prioritize equitable access to resources and opportunities, such as affordable housing, healthcare, and education?
- **Economic Responsibility:** Does the project provide long-term economic value, create jobs, and support local businesses without putting undue strain on public resources?
- **Compliance with Regulations:** Is the development in full compliance with relevant environmental, zoning, and building codes, and is it subject to appropriate scrutiny and permitting processes?
- **Infrastructure Impact:** Does the development incorporate responsible infrastructure planning that supports sustainable growth without overburdening existing systems (e.g., water, sewage, traffic)?
- **Equitable Growth:** Does the development ensure that all members of the community have access to the benefits of growth, such as increased services, opportunities, and amenities?

These decision criteria can help ensure that a development is evaluated comprehensively, with attention to both immediate and long-term impacts, balancing economic, environmental, and social considerations.

Enclosure 3.0 Brown County Comprehensive Plan 2011 – Decision Criteria

APC Meeting April 22, 2025, Docket Number 25-RZ-02

Four elements that Guide the Plan. It is important that this comprehensive plan explain the principles (elements) that should be followed when making decisions and also the relative importance of each principle, as this will help those who must make difficult decisions. This will be especially important in those situations where a decision must balance competing principles.

Identify decision criteria for the following (four) elements:

- (1) Preserves - Natural Features and Way of Life
- (2) Discourages Economic Decline
- (3) Fosters Economic Development
- (4) Enhances the desirability of Brown County as a place to live in retirement should also be protected, when possible

Overall Goals: These goals are by no means in order of importance. Numbers are strictly for reference purposes. (Reference: Brown County Comprehensive Plan 2011)

1. To preserve, protect and ensure wise and efficient use of limited and non-renewable natural resources for the enjoyment of future generations.
2. To encourage the preservation of Brown County's rural and scenic atmosphere.
3. To encourage land use that considers the effect on the health, safety and welfare of people and the environment.
4. To provide and require adequate standards for future economic development in the county that recognizes compatible relationships among land use and the environment.
5. To recognize the importance of sustainable forest management and agriculture within Brown County so that practices are compatible with environmental sustainability.
6. To provide for safe and reliable transportation and communication systems in the county to serve the needs of residents, businesses and visitors.
7. To consider the impact of changing land use development on adjoining land-owners.
8. To develop land use policies and regulations that are appropriate for the county.
9. To maintain or improve enforceable ordinances.
10. To encourage programs that help the public understand ordinances and practices.

AI (ChatGPT) Generated Decision Criteria

Include emphasis on both **retirement livability** and **remote work appeal**, alongside environmental and economic priorities. Below are **tailored decision criteria** for each of the four elements—designed to be clear, assessable, and actionable.

Decision Matrix							
Proposed Change: PRD and Travel Trailer Park							
Scoring Scale 1 - 5							
Comprehensive Plan - Four Major Elements	Weighting	Person 1		Person 2		Person 3	
		Score	Total	Score	Total	Score	Total
(1) Preserves - Natural Features and Way of Life	1	1	1	5	5	3	3
(2) Discourages Economic Decline	2	1	2	5	10	3	6
(3) Fosters Economic Development	3	1	3	5	15	3	9
(4) Enhances the desirability of Brown County as a place to live in retirement should also be protected, when possible	4	1	4	5	20	3	12
Total		4	10	20	50	12	30

◆ 1. Preserves Natural Features and Way of Life

“Thus, the desire to preserve becomes a major element in guiding a comprehensive plan for Brown County. The desire to preserve has always been important in Brown County; this desire is a common theme throughout the art culture, and it is the basis for the creation and maintenance of Brown County State Park, Yellowwood State Forest, and other public areas.

.... But the desire to preserve extends not only to natural features but also to ways of life. It is this principle that provides the most plausible guideline for the county's future growth, by appropriate utilization and careful protection of our natural and cultural values. This does not say that Brown County need forego growth or economic development, only that such activities must take place with careful regard to conserving the county's natural and cultural heritage.”

(Reference: Brown County Comprehensive Plan 2011)

Goal: Maintain the ecological and cultural identity of Brown County.

Decision Criteria:

- Protects environmentally sensitive areas (e.g., wetlands, waterways, wildlife habitats)
- Minimizes disruption to existing rural, agricultural, or small-town character
- Supports sustainable development practices (stormwater control, tree retention, etc.)
- Preserves open space, greenbelts, or viewsheds
- Avoids overdevelopment or sprawl

◆ 2. Discourages Economic Decline

“The desire to discourage economic decline and foster economic development are two sides of the same coin, and both are important elements in guiding a comprehensive plan for Brown County. Of the two, the desire to discourage economic decline is the more important. In this regard, existing economic activities, such as farming, logging, arts and crafts of all sorts, tourist-oriented businesses, and businesses that supply the goods and services that make community life possible—grocery stores, restaurants, drug stores, banks, health care businesses, construction-oriented businesses, home maintenance businesses, etc.—should be protected, encouraged, and accommodated, as long as they remain compatible with the desire to preserve.” (Comp Ref: (Reference: Brown County Comprehensive Plan 2011))

Goal: Prevent erosion of the local economic base and neighborhood vitality.

Decision Criteria:

- Maintains or increases local employment opportunities
 - Supports the retention and expansion of local businesses
 - Stabilizes or improves the property tax base
 - Prevents vacancy, blight, or underuse of existing infrastructure
 - Encourages investment in declining or underserved areas
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◆ 3. Fosters Economic Development

“For the same reason, the ability of residents to commute easily to jobs in neighboring counties and to operate mail-based, telephone-based, and internet-based businesses in Brown County should be protected and, where possible, enhanced.” (Reference: Brown County Comprehensive Plan 2011)

Goal: Promote resilient, diverse, and forward-looking economic growth.

Decision Criteria:

- Attracts new businesses or promotes entrepreneurship
 - Generates sustainable job growth (with a range of skill levels)
 - Increases commercial activity or mixed-use opportunities
 - Invests in infrastructure to support growth (e.g., roads, broadband)
 - Encourages innovation or green industries
-

◆ 4. Enhance the Desirability of Brown County for Retirement (*and Remote Work*)

“The real wealth of Brown County is its unique and abundant physical features and cultural characteristics. For example, when one drives along the peaceful rural roads of Brown County, billboards and off-premise commercial signs do not intrude into the scene, and this allows one an experience that once was common but now is rare.

In this and other ways—its natural beauty, rural character, slow growth, and the diversity of its people—Brown County satisfies some of the nostalgia for a time when life seemed simpler and more manageable. Those who choose to visit here and live here recognize that this is a mixture of reality and illusion, yet they find the compromise acceptable” (Reference: Brown County Comprehensive Plan 2011)

Goal: Make the county a welcoming, livable place for seniors and work-from-home residents.

Decision Criteria:

- Provides or is near healthcare, essential services, and recreational amenities
 - Offers diverse and affordable housing options (especially low-maintenance or single-level living)
 - Includes high-speed, reliable internet connectivity
 - Encourages walkable, connected communities with parks/trails
 - Maintains a quiet, safe, and clean environment with quality-of-life amenities
-