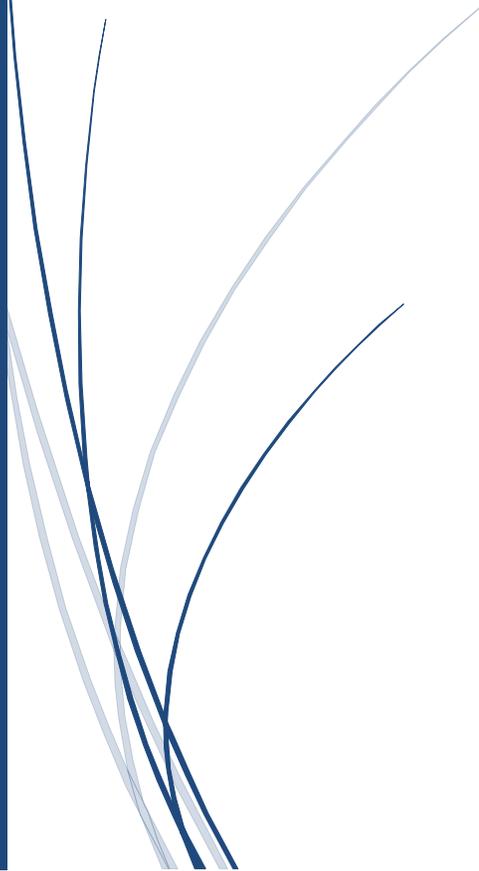


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# Kosciusko Housing

## Ordinance 202.27 Revision



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## Kosciusko County Housing and Ordinance 202.27 Revision

### Introduction

It has often been stated that Kosciusko County is in the midst of a housing shortage, and with Kosciusko County's population expected to grow by over 20,000 in the next ten years, this issue will only become more pertinent. In order to alleviate some of the pressure caused by a lack of available housing, our group is proposing a zoning overlay or amendment to Ordinance 202.27. Currently, this ordinance states that a landowner can only sell a tract of land that is less than twenty acres up to three times. This ordinance took effect March 1, 1975 and was enacted with the intention to preserve farmland. Forty-five years later, there is some debate as to whether this ordinance has served its intended purpose. Considering the growth in population that has occurred and the advent of new industry in Kosciusko County, our group is proposing that the ordinance be overlaid or amended to allow for up to ten sell offs within one mile of city or town limits. This overlay or amendment would allow landowners to sell smaller parcels of land to residents looking to purchase or build a home in Kosciusko County. We are also proposing two exceptions to the existing ordinance. Firstly, we propose a reduction of the minimum number of acres from twenty to ten to bypass the subdivision requirement. We also propose an exemption for any non-tillable acreage, such as wooded lots, wetlands, etc. These overlays or amendments would also serve the original purpose of protecting farmland by allowing farmers to sell tracts of their properties that are better suited as home sites, while preserving tillable acreage. It is our assessment that overlaying or amending Ordinance 202.27 will have the desired effect of freeing up land to house the growing Kosciusko County population, while also protecting farmland. We understand there are many factors that go into a community managing growth and since this paper was intended to only look at this ordinance, we determined the other items to be beyond the scope of this paper. There is a Kosciusko County Comprehensive Plan in development which looks at a broad range of items for a growing community.

### The Ordinance

Ordinance 202.27 states:

The division of any parcel of land shown as a unit, part of a unit, or as contiguous unit on the last preceding transfer or property, prior to March 1, 1975, into four (4) or more parcels, sites, or lots for the purpose, whether immediate or future, for the transfer of ownership; or the improvement of one or more parcels of land for Agricultural, Residential, Commercial, or Industrial structures of groups of structures involving the division and allocation of land as streets or other open spaces for common use by owners, occupants, or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities. (Subdivision Control Ordinance, 3)

A noted exception to Ordinance 202.27 states:

The division of land into parcels or tracts of twenty (20) acres or more in size which does not involve any new streets or easements of access (For the purpose of this subsection the road right-of-way shall be included into the calculations as surveyed). (Subdivision Control Ordinance, 3)

The Subdivision Control Ordinance was established in conjunction with the Kosciusko County Development Plan. (Comprehensive Plan) The Comprehensive Plan was adopted in 1973, and last revised in spring 1996. The Plan was established to explore the issues facing Kosciusko County and provide a guide for local growth management. At the time of the adoption of the comprehensive plan, it was recognized that sprawling residential subdivisions could pose a threat to agricultural land. Many communities and local governments had been expressing concern about the conversion of agricultural land to other uses. Outward migration from central cities created demand for agricultural land, and many communities feared large farmland loss. (Comprehensive Plan) When the Subdivision Control Ordinance was drafted in 1975, the response to this growing concern was to limit the number of times agricultural land could be split into smaller parcels. The thought was that this would curve the encroachment of residential subdivisions.

#### Kosciusko County's Continued Growth

As was the situation when the Kosciusko County Comprehensive Plan was enacted, the county continues to face growth pressures. Geographical location, favorable tax policies, and availability of jobs makes Kosciusko County an appealing place to reside. In the last forty years, the population of Kosciusko County has grown from 59,555 to 79,344. (Profile for Kosciusko County) The population of Kosciusko County is expected to grow by 21,756 by 2030, bringing the total population to 101,100. This growth will lead to more demand for housing. (KEDCO Presentation) Comparing January 2019 to January 2020, closed home sales increased 37.5% and inventory decreased 38%. (Local Market Update) Lack of inventory of homes on the market is often cited as a major issue for Kosciusko County and employers.

#### Recommended Ordinance Amendment/Overlay

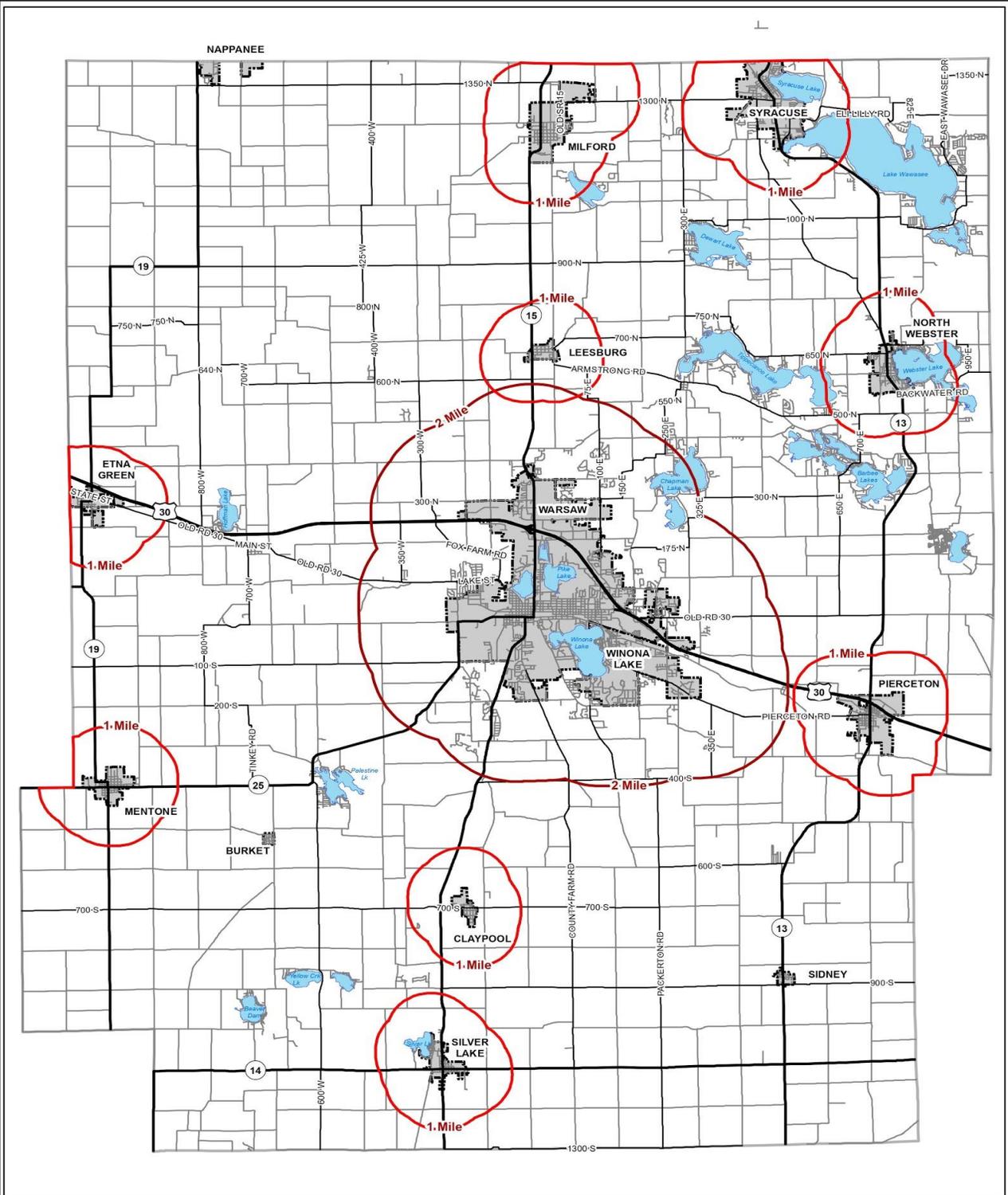
There is interest in building new homes in Kosciusko County. In 2018, 324 residential building permits were filed, 234 of which were for single family homes. (Profile for Kosciusko County) According to the 2017 Census of Agriculture in Kosciusko County, there are currently 261,674 acres of land designated as agricultural land, with the average size of farm being 251 acres. Currently 6% of farmland in Kosciusko County is woodland. Twenty-three percent of farmland is designated as no till and seventeen percent is reduced till. (Census of Agriculture) Although the current subdivision ordinance was drafted with the intention of preserving agricultural land, our group learned through an interview with the Kosciusko County Farm Bureau that the current ordinance allowing for only three sell offs of tracts of land less than twenty acres may actually be leading to a loss of tillable acreage. Our group met with the Farm Bureau on January 20, 2020 and we learned from this meeting that the current ordinance may be

having a negative impact on Kosciusko County farmers. (Farm Bureau Meeting) One farmer stated that over the past ten years, he estimated 200 acres of tillable land has been lost primarily to the minimum 20 acres subdivisions. It is our assessment that overlaying or amending ordinance 202.27 could curb some of this loss.

Some landowners who have exhausted their three sell offs and wish to further divide their land into parcels less than twenty acres have requested from the Kosciusko Area Planning Commission that their property be rezoned from Agricultural to Agricultural II. Although rezoning to this district type allows for homeowners to further divide their land, these types of rezoning requests have not always been permitted and may not be granted in each individual situation. (Larson) This rezoning process also adds additional costs and time to the seller and buyer. Recently, a landowner requested that his property be rezoned to Agricultural II and received objections from his surrounding neighbors. (Kenworthy) For these reasons, rezoning may not be a long-term solution to homeowners looking to sell off additional parcels of land.

### Conclusion

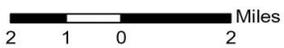
Again, the Ordinance 202.27 currently states that a landowner can only sell a tract of land that is less than 20 acres three times. If a landowner desires to sell any parcels beyond three, the tract of land will need to be twenty acres or greater. A parcel this size is larger and more costly than what the average buyer would desire for a home site. Our proposal is to overlay or amend the Kosciusko County Subdivision Control Ordinance increasing the number of sell offs to ten starting at the city limits and going out two miles from Warsaw and Winona Lake, and starting at the town limits and going out one mile (see map on page 4). The areas of Kosciusko County outside of our proposed area limits will remain under the current ordinance allowing for no more than three sell offs less than 10 acres. In addition to this overlay or amendment to Ordinance 202.27, an exemption could be made to exclude any non-tillable acreage. Since such acreage is not typically income producing, allowing this land to be sold in smaller tracts will benefit the landowner and buyers while protecting and preserving usable farmland. Our goal is to constrain growth around the cities and towns where there are schools, retail, services, fire and police, etc. We are also proposing that any acreage sold within the one- or two-mile radius from the current city/town limits will have a restriction prohibiting the buyer from remonstrating future annexation. It is also recommend that the lots are a minimum of 2 acres to ensure the integrity of both well water and septic systems. This strategy will benefit the County's city and towns as well as smaller schools located in rural areas. The effects of this overlay or amendment will not impact home inventory overnight but the availability of additional home sites will greatly benefit the residents of Kosciusko County as the region continues to grow and attract new residents.



**Legend**

- Town - 1 Mile Buffer
- Warsaw/Winona Lake - 2 Mile Buffer
- Major City/County Road
- State Road/US Highway
- Local Road
- County Line
- Lake
- City/Town Boundary

## Kosciusko County Buffers from City and Towns



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