

**Decatur County Area Plan Commission  
July Minutes 2024**

The regularly scheduled meeting for the Decatur County Area Plan Commission was called to order by Todd Mauer at 7:02 p.m. on Wednesday, July 10, 2024 and read the following: *to comply with Title VI of the Civil Rights Act of 1964, Decatur County requests that participants in this meeting complete a voluntary, anonymous survey that is available on the table in the back of the room.* There were 7 board members present with Sheilla Kirchhoff and Jay Schoettmer absent. Also attending the meeting was Melissa Scholl – APC Attorney, Krista Duvall – Area Plan Director and Debbie Martin – Administrative Assistant.

\* **Approval of June 5, 2024 Minutes:** Paul Stone made a motion to approve minutes as mailed; Brad Schutte seconded the motion which was approved unanimously.

\* **APC Petition 2024-11 – Jacob Johnson** is requesting to subdivide approx. 5 acres out of 49.37 acres and rezone approx. 2.99 acres out of the approx. 5 acres from an A-1 zoning classification to an A-2 zoning classification for construction of a single-family detached dwelling. This request falls under Decatur County Ordinance Section Number 920(7) & 915. The property is owned by Walter & Debra Johnson and is located approx. 1/3 of a mile East of 7788 W County Rd 1300 S, Westport in **Jackson Township**.

**Jacob:** We want to build a home and we need to be rezoned to be able to do that so we are here. Todd; looks like the driveway permit and septic is in order. **Brad;** will you own to the road? **Jacob;** yes.

Brad Schutte made a motion to vote on APC 2024-11; Tom Cherry seconded the motion with all members present voting yes. **Todd;** your petition carries, stay in touch with the office as you go through the building process. This is just the first step of many trips to the office. Stay in contact with the ladies in the office and good luck.

\* **APC Petition 2024-13 – Ricky Koors** is requesting to subdivide approx. 2 acres out of 96.786 acres and rezone approx. 2 acres from an A-1 zoning classification to an A-2 zoning classification for construction of a single-family detached dwelling. This request falls under Decatur County Ordinance Section Number 920(7) & 915. The property is owned by the petitioners and is located just South of 3680 E County Rd 700 S, Greensburg in **Marion Township**.

**Ricky:** My daughter wants to build a house there, eventually. We will leave the old house until the new one is built and then it will be torn down. We are taking 2 acres so that my daughter can build a home. **Brad;** great place to build a house.

Ryan Kennelly made a motion to vote on APC 2024-13; Scott Smith seconded the motion with all members present voting yes. **Todd;** your petition passes, stay in contact with the girls in the office as you go through the building process.

\* **Solar Ordinance Changes**

**Krista:** I had a request from 2 of the Commissioners to make some amendments to the Solar Ordinance. 1) Drainage - they would like to see added into the ordinance a requirement that is any

drainage tile is damage that it has to be repaired. I think that is a State Statute. I didn't feel it was necessary but I wanted to bring it to you. Do we need to put that in there? 2) Vegetative Screening – they asked for a buffer or a natural screen of some kind, earthen berms so that the view of the solar field from non-participating residential uses and residential uses on adjacent lots. The reason we didn't write the vegetative screening in the ordinance is because we thought it took up too much acreage. The size of these solar farms, if you have vegetative screening, if it is a 20 foot or 40 foot screen along the outside perimeter of this field, it will take up too much acreage. In writing it we thought that the BZA should make that determination based on the comments from the surrounding property owners and what the property owners and the solar companies work out together. Then that would be a requirement, a stipulation put on by the BZA Board that that would have to be in place and maintained. That is the reason it is not in there, I'm not saying that it shouldn't be so I am asking your opinion, do we want to look into this and re-write this ordinance. 3) Materials used in the building of the solar farm should be classified as non-toxic, where available. I think that is too vague, I don't think that that has any substance. I think that that is going to be a given as things change and we progress. Are these things going to get safer – I don't know but I don't know how we can say that they have to use non-toxic materials when available. When, where and how! **Brad**; that is the only one that we didn't really address. The first two are really addressed in the ordinance. **Ryan**; I thought so too. **Brad**; we have to, when we did that we made sure that all the plans submitted have to show existing facilities and that includes field tile per the Technical Review Committees definition. They would have to identify those ahead of time regardless. The vegetation stated that it is basically left up to the BZA to determine. It is mentioned in the ordinance but we did not want to give hard fast rules, because very situation is different. If a house is there it may need a lot of vegetation, if there is no houses for miles there would be no need for vegetation, so we left that to the BZA Board. Really, the chemical one is the only one, I agree... **Ryan**; how do you define toxic? **Brad**; you have to list the chemicals, the fact that it all goes through a tech review regardless. **Krista**; that is what I thought but I had to bring it to you and ask and whether or not we need to make any amendments. **Ryan**; they may need to show up and give us a little more reasoning behind why they are.... **Brad**; that would be my biggest thing, I don't know that they are truly understanding the ordinance as it is written, other than the last one. **Ryan**; more of the process of it. **Brad**; yes. **Todd**; my issue with putting the ordinance that says you have to have vegetation, how many fence rows have people torn out and now we are going to tell them that they have to plant trees around how many acres again. To me, the vegetation can cause as many issues with the tiles as everything else. To go around and put trees around all of this, to me is going to maybe do more harm. Now like Brad says, if it is next to someone's house and in the grand scheme of things they want trees, that is something the BZA can work into their decision. Just to say that we will require it around 5000-6000 acres, depending on what your vegetation is, the tree roots will probably cause more problems. Paul; the current plans that I have seen for any of this has shown probably a more liberal amount of vegetation so I think that any petitioner that wants a chance is going to come in with a fair amount of vegetation around adjoining homes. My concern is that if we put this in print that it has to be there, we could be the one policing it if an adjoining homeowner feels like it is insufficient, that hey they are not meeting your requirements of this vegetation, what are you going to do to ensure that it is improved or, especially if they sit at a higher elevation, it could be impossible to have the visual barrier if an adjoining home looks out over 200 acres you cannot overcome an elevation problem to stop a visual screen. I think that it opens us up, with a real vague thing that it has to be there if it becomes our problem to enforce it. **Krista**; I will take it back to the Commissioners. **Brad**; tell them to call me.

\* **APC Petition 2024-12 – Randall Stone** - requesting to subdivide two (2) approx. 2.1 acre parcels out of 4.208 acres and rezone approx. 2.10 acres on each parcel from an A-1 zoning classification to an A-2 zoning classification to sell as buildable parcels. This request falls under Decatur County Ordinance Section Number 920(7) & 915. The property is owned by Randall & Beverly Stone and is located west of 5855 W County Rd 500 S, Greensburg in **Sand Creek Township**.

Petitioner was unable to make it, will be tabled until the next scheduled meeting.

Scott Smith made a motion to adjourn at 7:18 p.m.; Brad Schutte seconded the motion will all present signifying aye.

ATTEST

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Secretary, Sheila Kirchhoff  
Decatur County Area Plan Commission

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President, Todd Mauer  
Decatur County Area Plan Commission