

**Decatur County Area Plan Commission
June Minutes 2021**

The regular scheduled meeting for the Decatur County Area Plan Commission was called to order by Brad Schutte at 7:00 p.m. on Wednesday, June 2, 2021. There were 7 board member present. Absent was Eric Whitaker and Tom Hunter. Also attending the meeting was Melissa Scholl – APC Attorney, Krista Duvall – Area Plan Director, Debbie Martin – Administrative Assistant and Andy Scholle – Decatur County Surveyor.

Brad Schutte opened the meeting 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.*

* The minutes of the May 5, 2021 regularly scheduled APC monthly meeting were approved as mailed.

* **APC Petition 2021-12 – Brian Huff** is requesting to subdivide approx. 3.30 acres and approx. 2.6 acres out of 107 acres and rezone approx. 2.99 acres out of approx. 3.30 acres and 2.6 acres from an A-1 zoning classification to a A-2 zoning classification for construction of a single family detached dwelling on each. This request falls under Decatur County Ordinance Section Number 920(7) & 915. This proposal will affect the following described real estate located in Greensburg in **Marion Township**.

Brian Huff: The farmhouse and farm are sold; we are surveying off two lots just in case family wants to move there and build. **Brad;** it looks like everything is in order. Does rural water run down that road? **Brian;** no, we will drill wells.

Sheila Kirchhoff made a motion to vote on APC 2021-12; Jeff Hermes seconded the motion with all 7 members present voting yes. **Brad;** your petition passes.

* **APC Petition 2021-13 - Marshall Edwards** is requesting to subdivide and rezone approx. 2.99 acres out of 7.50 acres from an A-1 zoning classification to a A-2 zoning classification to be able to sell as a buildable lot. This request falls under Decatur County Ordinance Section Number 920(7) & 915. This proposal will affect the following described real estate located in Greensburg in **Clay Township**.

Marshall Edwards: We are looking to subdivide and sell. **Brad;** what would the water source be? **Marshall;** rural water. **Brad;** there was some description about the driveway.....

Marshall; yes, we have two options, if it comes straight out to the road, we would have to excavate some land off the hill by about 2' for more visibility or we can survey off a piece to the south end or an easement to enter down farther. We plan to excavate the hill. **Paul;** to understand this, as the road curves the elevation increased so that you can't see north parcel very easily, is that correct? **Marshall;** yes, referencing the overhead map showed what he was talking about. **Brad;** but the intent is to just do the excavation? **Marshall;** yes. **Paul;** if this were approved, that note wouldn't be attached to the deed would it? **Krista;** they would go and get the driveway permit. We won't issue the building permit unless that is received, we require it. **Brad;** you would have to have the excavation done before someone could build on that property. **Marshall;** before I sell, I plan of getting it done. **Paul;** just so there is something so that it doesn't get lost in the shuffle.

Audience: Bobbie Boles; I have a concern about the property lines. We have trouble with the property line now, I would like a certified, legal survey with proper property line markers. **Krista;** that would be required. **Brad;** that would have to be completed to sell the lot so you would get the property markers established at that time. Then you can make them permanently identified. **Bobbie;** so before anyone builds will there be another meeting about it then? **Brad;** no. **Bobbie;** so, as long as they follow all of the septic guidelines to stay so far away from our well, because we do have a well. **Brad;** and that is very stringently enforced, that is not a concern. It will be measured and measured on site again.

Paul Stone made a motion to vote on APC 2021-13; Tom Cherry seconded the motion with all 7 members present voting yes. **Brad;** your petition passes, please make sure to follow up with everything that we have discussed this evening, that way you will be in compliance.

* **APC Petition 2021-14 – Bruce Bedel** is requesting to subdivide approx. 3.5 acres out of 38.453 acres and rezone approx. 2.99 acres out of approx. 3.50 acres from an A-1 zoning classification to a A-2 zoning classification for construction of a single family detached dwelling. This request falls under Decatur County Ordinance Section Number 920(7) & 915. This proposal will affect the following described real estate located in Greensburg in **Fugit Township**.

Bruce Bedel: Our plan is to buy 3.5 acres and build our families forever home. It's been surveyed off for where our septic is and where our house will be. Our intent is to drill a well, there is no rural water available. **Paul;** where will you put the driveway? **Bruce;** roughly in the mid-way down on the 600 E. Plan to build a house and on the other side of the driveway a pole barn some day. **Brad;** does all of that water run to the southeast? **Bruce;** yes.

Paul Stone made a motion to vote on APC 2021-14; Todd Mauer seconded the motion with all 7 members present voting yes. **Brad;** your petition passes, keep in touch with the office as you start your project.

* **APC Petition 2021-15 – Kenny Harrison** is requesting to rezone approx. 2.99 acres out of 25.85 acres from an A-1 zoning classification to a A-2 zoning classification to construct a single family detached dwelling. This request falls under Decatur County Ordinance Section Number 920(7) & 915. This proposal will affect the following described real estate located in Greensburg in **Adams Township**.

Kenneth Harrison: We plan to build our forever home there. It is all wooded and a more recent picture would show that I have been cutting a lot of trees. **Brad;** what will be your water source? **Kenneth;** we will have a well, there is no rural water up there. **Brad;** I take it there is quite an elevation drop? **Kenneth;** yes, there is about 3.5 acres of high ground. There is quite a bit of drop.

Sheila Kirchoff made a motion to vote on APC 2021-15; Tom Cherry seconded the motion with all 7 members voting yes. **Brad;** your petition passes, stay in touch with the office as you start your project.

* **APC Petition 2021-16 – APC Letts Vacate** - The Area Plan Director, requesting to vacate the following lots in the Plat of Letts Corner: Lots 1-10 Block 1; Lots 1-10 Block 2; Lots 1,4,5,8&9 Block 3; Lots 5-10 Block 10; Lots 5-10 Block 9; Lots 8,9 Block 8; Lots 1-10 Block 24; Lots 1-10 Block 17; Lots 1-10 Block 25; Lots 1-10 Block 16; along with all streets & alleys within these blocks. This request falls under Decatur County Ordinance Section Number 280-288. This

proposal will affect the following described real estate located in Greensburg in **Sand Creek Township**.

Krista Duvall: Referencing the maps on the wall, Krista pointed out which areas are on the request. These parcels are not lots, I would like to fix the meets and bounds on these and the description to clear this up.

Paul; have you spoken to the owners and they understand? **Krista;** yes, both parties said that it would help them out so much. **Paul;** is there some background on this, what brought this up?

Krista; the title company called, one of the landowners is preparing to sell at an auction and there were several offices researching why things were not showing up. **Paul;** these lots were plotted in the 70's?

Andy; in the 1870's. **Tom;** basically for expansion of the town? **Krista;** yes. **Tom C.;** do the property owners pay the taxes on this? **Krista;** yes. **Andy;** if the board votes on this tonight and this is taken to the Commissioners to officially vacate the lots, streets and alleys?

Krista; yes, I will take it next Monday. **Tom C.;** how is this zoned? **Krista;** the blue is residential and this (referencing the map) is agricultural. It will stay like that until we or the property owners needs it to change. **Tom C.;** so if any of that property was sold back in to agriculture, then it would have to go back to an A-1 zoning?

Krista; no, you can farm an R zoning but you couldn't put multiple homes in an A zoning. **Paul;** so everything that we are taking out is already an A-1 zoning? **Krista;** yes. **Paul;** so they are platted but not zoned?

Krista; yes, they are zoned agricultural. **Paul;** so that will be no tax implications because everything that is changing is already taxed off of use. **Krista;** yes. **Tom C.;** are the other small county towns facing the same issues? **Krista;** not huge yet, nothing like this. **Brad;** I think a lot of the problem that you are having is the lack of property description, is that correct? **Krista;** yes, and we cannot trace it back to where this happened. **Sheila;** is this being farmed currently.

Krista; yes, more of a correction. **Tom C.;** is anyone bucking this? **Krista;** no, we have had a number of individuals come in to look at the map so we could explain it, but once they saw it they were good with it.

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Tom Cherry made a motion to vote on APC 2021-16; Sheila Kirchoff seconded the motion with all 7 members present voting yes.

* **Troy Benge:** Addressed the board on some drainage and flooding issues on his property and adjoining properties. There was a lot of discussion but not resolved.

* **Draft Solar Energy Facilities Ordinance**

Brad; Krista has made all of the changes that were discussed. **Krista;** the only thing that I changed was the fee schedule to make it more in line with our other fees, it will be \$1,550, the fee would be in accordance with the Decatur County Fee Schedule. **Brad;** did you receive much input one way or the other on this? **Krista;** no.

Audience: Gordon Smiley; the last time you talked about taxes and that is not addressed in this, does that need to be in this document? **Brad;** that is not for our board, we discussed the taxes to make everyone aware of it. **Gordon;** I knew it wasn't in here, was just curious on how the county can benefit from the taxes. **Brad;** that is the reason we discussed it, to make light in the fact that the taxes would go up on that property. **Paul;** Krista, is there any concerns or uneasy feelings on this? **Krista;** no, I was happy that everyone agreed to have the verbiage from the Comprehensive Plan and the purpose and intent. I tried to denote that it will be commercial and non-commercial. I did get uneasy about the fee schedule, we are not here to make money, but at the same time to cover our cost, I think putting it in line was a better choice. **Melissa;** I think in line with the cell tower ordinances, we are in the infancy stages with this coming into the county,

this won't be the last one. It will get us started until we see how things start progressing and that will get some things pointed out to us. That is how we did the wireless communication facility ordinance and wind. To get something in place and see what issues we come up against, with the towers at one point we were focusing more on where we place them on the property and once you create that location, initially that was not in the ordinance. We tried to strategically place them on the property and minimize the impact to the rest of the land. The technology will change which will drive the issue as well, things will come up that we don't even know about yet. **Brad;** Bryan Robbins do you have any comments? **Bryan;** no, I think you guys did a good job and Krista. I can tell you that companies have read it and have said the same. **Paul;** I would like to thank Krista and Bryan both, I feel like we have seen the information presented with comments from everyone and I appreciate the work that has been done on it. **Brad;** very thorough, covering all aspects, it's a good starting point for sure. **Brad;** I would like to entertain a motion that we accept this.

Paul Stone made a motion to vote on making a favorable recommendation of the Solar Energy Facilities Ordinance to the Commissioners; Sheila Kirchhoff seconded the motion with all 7 members present voting yes.

Gary Fischer; (inaudible). **Brad;** everything from here goes to the Commissioners. We make the recommendation; this is what we are sending them. Everything we did tonight, the Commissioners have to approve.

With no other business before the board the meeting was adjourned at 8:13 p.m.

ATTEST

Secretary, Todd Mauer

Decatur County Area Plan Commission

President, Brad Schutte

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