

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

The regular scheduled meeting for the Decatur County Area Plan Commission was called to order by Brad Schutte at 7:40 p.m. on Wednesday, March 3, 2021 at the Decatur County Emergency Management meeting room at 135 S Ireland Street. There were 6 board member present in the room. Joining via Zoom was Jay Schoettmer. Absent was Tom Hunter and Jeff Hermesch. Also attending the meeting was Melissa Scholl – Area Plan Commission Attorney, Krista Duvall – Area Plan Director, Debbie Martin – Administrative Assistant and Kevin Fleetwood – Greensburg Plan Commission.

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 February 3, 2021 regularly scheduled APC monthly meeting were approved as mailed.

\* **APC Petition 2021-3 – Jacob & Sara Driver** are requesting to sub-divide approximately 2.99 acres out of 138.73 acres and to rezone approximately 2.99 acres from an A-1 zoning classification to an A- 2 zoning classification for construction of single-family detached dwelling. This request falls under Decatur County Ordinance Section Number 920(7) & 915. The property is owned by David & Rebecca Mobley and is located just North of 3635 S CR 1050 W, Greensburg in **Clay Township**.

**Jacob Driver:** My wife and I are wanting to build a home. (referencing overhead map) where that little black shaded area is where the house will roughly sit. **Brad;** do you have drainage towards the pond? **Jacob;** yes, so there is actually, recently they just dug another pond next to that one, and that is where the drainage will be. **Brad;** as far as drop from your house to the pond, you want to be careful to make sure that you have, what I call overfall or depth so that your septic system perimeter drain will be put in properly. **Jacob;** our septic guy come out and did the measurements and said that we will have enough room. **Brad;** will you be able to outlet that on your property? **Jacob;** we will have an easement. **Brad;** I just wanted to make sure that you were aware that it would require an easement because that can take some time. **Jacob;** so that second pond, the second pond is right at the edge of our property line, we will get maybe a 5' easement.

Sheila Kirchhoff made a motion to vote on APC 2020-03; Paul Stone seconded the motion with all members present voting yes. **Brad;** keep in touch with the office.

\* **APC Petition 2021-04 – Jessie Singh** is requesting to rezone approximately 1/2 acre from an A-1 zoning classification to a B-2 zoning classification to open a liquor store. This request falls under Decatur County Ordinance Section Number 1125. The property is owned by the petitioner and is located at 7947 N Old US 421, St. Paul in **Adams Township**.

**Jessie Singh:** we have about 1 acre there and want to rezone the barn area, approximately ½ acres to a B-2 and open a liquor store. The town doesn't have sewer and water, we had a meeting with the town, we have an existing septic, they gave us an ok to hook up to the water and sewer within 3 years. After three years if the town septic/water is not available we will have

to get a commercial septic. I have provided letters from the Town of St. Paul and the Board of Health. **Brad;** to clarify, you have a septic on site and the Board of Health has allowed you to maintain this business, then hopefully as the letter read, the Town of St. Paul is looking to develop that area to have sewer available within the very near future. **Jessie;** yes. **Brad;** do you have a liquor license already? **Jessie;** yes, in the town of St. Paul. **Sheila;** are you using the existing structure there for the business? **Jessie;** yes. **Sheila;** so the driveway, would be separate? **Jessie;** we will have a separate driveway. (Explained using the overhead map). **Brad;** will that all be road access or will you have a dedicated drive, have you figured that out? **Jessie;** not yet. **Paul;** what are the B2 building setbacks, will this infringe on those? **Krista;** 30' front, 10' side and 20' rear. **Paul;** so a B zoning is tighter than and A-1? And does this adhere to that, does not violate? **Krista;** correct. **Jessie;** we do own right next door to this property as well. **Paul;** do the Scudder's still live in the home? **Jessie;** yes.

Tom Cherry made a motion to vote on 2021-04; Todd Mauer seconded the motion with all members present voting yes. **Brad;** Jessie, your petition passes.

\* **APC Petition 2021-5 – Derek & Jessica Hunter** are requesting to sub-divide approximately 5.0 acres out of 40 acres and to rezone approximately 2.99 acres out of approximately 5.0 acres from an A-1 zoning classification to an A- 2 zoning classification for construction of single-family detached dwelling. This request falls under Decatur County Ordinance Section Number 920(7) & 915. The property is owned by the Riedeman Family and is located at 2497 E CR 400 S, Greensburg in **Marion Township.**

**Derek & Jessica Hunter:** We are planning to build our forever home on our family property. We will have a driveway easement, and there will be a driveway easement to access the farm, we will keep the farm and run it as a farm. **Brad;** how will you route your driveway? **Jessica;** if you see to the right side of the pond (referencing the overhead map) run that straight back past the dry dam. We have talked with DNR and they say they are fine with it since we own it. **Brad;** will you drain everything behind the pond dam? **Jessica;** yes. **Paul;** what is the approximate elevation difference between the proposed house site and the water level? **Jessica;** (referencing the overhead map) showed where the elevation changes. Our septic guy said that it would be no problem. **Brad;** it's probably not an issue with a basement either. **Jessica;** it will be a walk out basement. **Brad;** so you will raise it us enough that you will be able to daylight the drain. **Jessica;** yes, it will fall back towards the woods area. **Brad;** I'll just note for you as well, you will still need an easement for the septic drain on that other parcel. **Jessica;** yes, we are aware of that and it will be taken care of.

Sheila Kirchoff made a motion to vote on APC 2021-05; Tom Cherry the motion with all members present voting yes. **Brad;** your petition passes, keep in touch with the office.

\* **APC Petition 2021-6 – Kevin Schott** is requesting to sub-divide approximately 61 acres out of 120.034 acres and to rezone approximately 2.99 acres out of approximately 61 acres from an A-1 zoning classification to an A- 2 zoning classification for construction of single-family detached dwelling. This request falls under Decatur County Ordinance Section Number 920(7) & 915. The property is owned by Calvin Tipton and is located just West of 7299 E CR 150 N, Greensburg in **Fugit Township.**

**Kevin Schott:** We are buying 60 acres, my grandma lives across the street and my uncle lives across the road. We plan to build a pole barn with living quarters. It drains real good right back

behind where my home and septic will be. **Brad;** where is your drive? **Kevin;** it will be directly across from the driveway across the road here. (referencing the overhead map). **Brad;** what is your water source? **Kevin;** we will have a well. **Paul;** the red area on the map is the proposed purchase? **Kevin;** that is correct.

### **Audience:**

**The Bedels:** We own the property to the west, where will you be building? **Kevin;** basically where that white box is (referencing overhead map) as far back to the woods line. **Bedels;** we are building this fall and we were just wondering where you were building so that it wasn't right on top of us. **Kevin;** I was trying not to because I knew you guys were going to build over there. We plan on planting some trees. **Bedels;** we were planning on that as well.

Sheila Kirchoff made a motion to vote on AOC 2021-06; Todd Mauer seconded the motion with all members present voting yes. **Brad;** your petition passes, keep in touch with the office.

### **Solar Panels**

**Brad;** I have been working with Krista, there are some solar developments that are coming about in the county, I just want to get this out in front of you guys so you are up to date as I am. I have been getting a lot of discussion pushed towards me on how we don't have an ordinance to deal with solar whatsoever, we have a wind ordinance, but that doesn't cover all renewable energies.

- There is actually a bill through the House and Senate at the State level that can potentially remove a lot of the power that we would have to stop much of any of this.
- Randy Frye gave some input on this, he was on the committee that moved it into the House, he voted against it to go to the Senate. It passed by a wide margin through the House. Randy's thoughts on it were basically, he wanted to see a little more control to go back to the local governments, that held him up as he didn't think it was ready to go on quite yet. He is not sure what will happen with it in the Senate, it's hard to say what changes will be made. Right now it is just sitting waiting to go to a committee in the Senate. **Krista;** it's getting a little bit of opposition, the Indiana Assoc. of Counties is opposing it, they think it takes too much right away from the counties. It says that they will put them where they want and that is it.
- **Brad;** I feel like we should have something in place, ordinance wise. We don't want to change the zoning of these parcels because then it is changed forever. It would be the granting of a special exemption which would be through the BZA Board. That would give it the opportunity to have neighbors with concerns and any thoughts to voice their opinions.
- I have spoken with Brett Abplanalp, he has a lot of knowledge about these and he understands that basically, the renewal energy thing is coming. I think Indiana has a goal that 20% of electricity generated comes from renewable energy. That is widespread at a minimum. There is a magic number now of approximately 900 acres. This isn't necessarily contiguous acres, but it's in a system. We will try to develop something to bring back.
- **Krista;** Bryan has given me a lot of information, ordinances and models, I have gone through quite a few of them, we still have a lot of work to do. **Brad;** there is a lot of moving parts, with what is going on at the State level. I don't think we want to turn a blind eye to it. We want to get ourselves in a position to be able to handle something because right now we really don't have anything. Technically they could occur without needing to get anything zoned or.... **Krista;** right, they will have to get a permit. **Brad;**

but they won't have to come for zoning or anything. Obviously, we need to have something in place.

- The anticipated timeline for a rough draft ordinance will be at the next meeting. **Krista;** I have 650 acres already. Bryan Robbins as well as Micah Lohrum has offered to help. Brett is going to reach out to some other cooperatives in several other counties to give me an idea of what they have done, and how they look ordinance wise. We have a good wireless communication ordinance and wind ordinance; we could use that layout I think we could come up with something.
- **Brad;** reach out to me, my whole thought here is that this is coming, it is a nationwide thing. What we need to do is deal with it. We may not like it but it is part of the fact. We need to be as proactive as possible here and not just turn into a situation.
- **Sheila;** are we talking more on the commercial level, I have friends that have 90 of them in their back field, is that considered commercial? **Brad;** not at the level that we will be dealing with, we are talking hundreds of acres. There are leases that are in the works and it is happening. **Krista;** I have 655 acres. **Melissa;** there were 3 leases that were entered into a memorandum, they are just being recorded. We want our ordinance to encourage personal, at home systems.
- **Bryan;** I will tell you that Indiana is getting pressured from the development side, again, utility rates were pretty low back in the (inaudible) produce energy. A lot of the surrounding states in the Mid-west are (inaudible) the solar, as a means to kind of keep their rates somewhat low and Indiana is one of the cheapest (inaudible) so we can stay competitive. We want to create something that will work for us, we want to preserve the ground and make sure that the companies are held responsible. These companies are held to regulations in the east and we want to be sure that the expectations will be the same here.
- **Paul;** from an economic development standpoint, I believe that you are going to support this but obviously the Comprehensive Plan blatantly calls it out, what would be a decent meeting point about trying to address that? Do you feel to disallow a 900-acre plan but still try to ease the process of a smaller plan to be compatible, what is your overall thought on how to deal with that? **Bryan;** the Comprehensive Plan does pretty exclusively say that they are discouraged (inaudible), the technology has come a long way faster than 5 years ago, the Comprehensive Plan also states that situations may change that may require an amendment, this may fall under that. I will stress that we be good stewards of the land with projects like this. The companies are, many times, required to put back money to actually take out the solar panels and put the ground back to a farmable state. It is something to take consideration on the impact on the neighbors. From a development standpoint, we have some industries who have green goals to meet so we will be a target to help feed the factories and industries. But first and foremost I want it to work for our community.
- **Todd;** I'm all for this but why don't these factories and businesses put these panels on their roof and around their parking lots. They are signing 30 years leases. **Krista;** we want to get an ordinance written now to protect against drainage issues by stipulating a grass or cover crop that would be putting nutrients back into the soil, also requirement to put the land back to its original condition when they move out. We want to protect as much as we can. We want to have some control so the surrounding property owners have a say in this. **Bryan;** there are some clauses that you can put in such as if no electric is being produced there that they have to shut it down. If the business goes out of business then a requirement of the Special Exception would be to have funds set a side that can be used to phase those out and return them to farm land. **Brad;** there is another bill going through that involves the assessment of these solar farms. As of now they can get lumped into commercial, which is a high tax bracket, what they are trying to do is base it

on a commercial rate. The tax base will increase substantially on those acres. Krista; and a personal property tax on each of the solar panels. **Bryan;** you also have that a solar farm may have gotten X amount of an abatement, yes it happens but there is something called “payment in lieu of taxes” on the back end where they give a lump sum per year to the county. You can add those stipulations.

**Jay Hatton;** I have fielded some questions, you had this conversation with a couple of people and it’s not only 1000 now, could go up to 1400 acres. I support Krista completely; I was around when we put up the ordinance for the towers that dotted our landscape in the community. I think we can still stay a firm hand on this so we have some control over that. I’m very concerned about what happens, it seems the money is non ending on the front side, I’m worried about in the 30-year timeframe how many of these fields will be abandoned. I’m being told that the contracts, that it gets turned back over to the county. Bryan is right, we need to have money put into a bond so that it can be removed and the county doesn’t lose money. **Brad;** the lease if with the landowner, the county shouldn’t have.... **Jay;** we are being told that the county will clean it out, that is what the lease that I was reading said. They are pushing it off and saying that the county will take care of it if we walk away. So I do think that we need to not just pay attention to one paragraph, we need to be very broad minded when we are making this ordinance up and make sure we get as much covered as we can. They are (inaudible) forced into it, the price keeps going up per acres, if the time passes, they are saying that we’ll give you another \$50 to get this going. The landowner is getting a high-pressure sales job and the money is significant, they are not making near that by renting their farm or share cropping. Todd is right on all of that. **Krista;** another thing I’m concerned about is these solar panels, initially they were considered hazardous waste, are they still hazardous waste.... **Jay;** if you remember a meeting a few years ago, there is a hazard, the ac/dc convertors, if you don’t know what you are doing you could die. There is some public hazard involved. **Krista;** if we get 1000 acres of the panels and the company goes bankrupt and walks away, we have this farm out here.... **Jay;** I’m just saying what I have been told. They won’t come back if they walk away to dismantle them. Brad; no, it would be on the landowner. There are different levels of development based on the number of acres when they are putting these things in. **Melissa;** from the three leases that I have read there was a remediation clause and the tenant had to remove and there were security agreements to cover that cost. But what it said about the local government was that the security would be provided for the landowner or the local government if required. It wasn’t saying that the local government was removing it, it just said that it may be subject to the terms of security agreement so if they did have to do any remediation work, the county could get reimbursed through that. I know the cost of the removal is very high, these solar panels are very costly to get rid of, you want a pretty significant bond in place to provide that. It is probably not the actual removal but the disposal. **Brad;** if you have any questions or thoughts that come to mind just send me an email. Krista, Melissa and I are going to try to put something together and hopefully have something back here by the next meeting to at least work through.

With no other business before the board the meeting was adjourned at 8:30 p.m.

ATTEST

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Secretary, Todd Mauer  
Decatur County Area Plan Commission

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President, Brad Schutte  
Decatur County Area Plan Commission