

**Decatur County Area Plan Commission
May 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, May 5, 2021. There were 8 board member present. Absent was Eric Whitaker. Also attending the meeting was Krista Duvall – Area Plan Director, Debbie Martin – Administrative Assistant, Andy Scholle – Decatur County Surveyor and Kevin Fleetwood – Greensburg Area Planning.

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 April 7, 2021 regularly scheduled APC monthly meeting were approved as mailed.

* **Decatur County Redevelopment Commission – Don Schilling** - requesting to amend the Area Resolution and the Original Plan to add the funding of a pre-school program as set forth in the Third Addendum to the Economic Development Plan.

Don Schilling – The Redevelopment Commission had voted to amend our current declaratory plan and to add an item that would allow us to provide funding to Greensburg Community Schools for their pre-school program for next fall. We had not had the Greensburg Community Schools on our list of who we can provide support to. State law requires that it meet the Decatur County Comprehensive Plan. **Paul;** what kind of dollars are being divided towards that? Has that been determined? **Don;** \$270,000.00. **Brad;** you currently have the County schools in that? **Don;** yes. **Krista;** South Decatur High School recently received permission to start a Nursing Lab. **Todd;** they have had the nursing program there but they are doing to update. North Decatur High School received funds two years ago to update the wood shop, they use it for Cyber Security.

After discussion Brad asked the board who was in favor of accepting the Decatur County Redevelopment Commissions Resolution No. 2021-1; there were 8 yes votes. Resolution was signed.

Tom Hunter abstained.

* **APC Petition 2021-8 - Morgan Mauer** is requesting to subdivide and rezone approx. 2.99 acres out of 46.767 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. The property is owned by Todd & Jeff Mauer and is located just West of 5506 N CR 20 E, Greensburg, in **Clinton Township**.

Todd Mauer abstained from hearing this petition and left the room. **Brad;** so you are looking to build a new home? **Blake Meyer;** yes. **Brad;** will you use the existing lane? **Blake;** yes. **Paul;** about how far off of the property line will the structure be? **Blake;** (inaudible) off of the east property line. **Brad;** what will you do for water? **Blake;** we will drill a well.

Paul Stone made a motion to vote on APC 2021-8; Tom Cherry seconded the motion with all 7 members present voting yes. **Brad**; keep in touch with Krista in the office once you get rolling.

* **APC Petition 2021-9 - Joe White** is requesting to rezone approx. 2.99 acres out of 6.981 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. The property is owned by Robert & Lila Ogle Revocable Trust and is located just East of 2829 W CR 500 S, Greensburg, in **Sand Creek Township**.

Joe White: we plan to build a single-family dwelling and live next to my grandparents. **Paul**; where will the drive come in at? **Joe**; there is a telephone pole and we will put it right beside it. **Brad**; it is a good spot for a house. Where will you get water? **Joe**; rural water.

Sheila Kirchhoff made a motion to vote on APC 2021-9; Todd Mauer seconded the motion with all 8 members present voting yes. **Brad**; your petition passes, just keep in touch with the office.

* **APC Petition 2021-10 – Joe & Bonnie Weisenbach** are requesting to rezone approx. 2.99 acres out of 43.084 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. The property is located just East of 5411 S CR 850 E, Greensburg, in **Salt Creek Township**.

Bonnie Weisenbach: we purchased 43 acres off of my father and want to build a house there. The portion that we are building at is the wooded area, about a 5-acre patch in the front that has been a hay field in for the last few years. The remainder, about 30 acres is being farmed. Looking to put up a house and pole barn. **Tom C**; is that on Napoleon water? **Bonnie**; yes.

Todd Mauer made a motion to vote on APC 2021-10; Jeff Hermes seconded the motion with all 8 members present voting yes. **Brad**; keep in touch with Krista when you guys get going.

* **APC Petition 2021-11 - Kyle Johannigman** is requesting to subdivide approx. 3.00 acres out of 108.32 acres and rezone approx. 2.99 acres out of approx. 3.00 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. The property is located just East of 270 E CR 800 S, Greensburg, in **Marion Township**.

Brad Schutte abstained from hearing the petition and left the room. Kyle Johannigman: we want to build a single-story house back off of the road with rural water hook up.

Sheila Kirchhoff made a motion to vote on APC 2021-11; Tom Cherry seconded the motion with all 7 members present voting yes. **Paul**; stay in touch with the gals in the office and they will work you through the process.

* **Draft Solar Energy Facilities Ordinance**

With some discussion on the draft ordinance, there was some comments and recommendations for Krista on certain portions of the ordinance and some additions will be noted and brought back next month.

Gary Fischer: I have a few questions; 1) who is the petitioner in this case? The landowner or the developer? **Brad**; it would be no different than a builder coming in representing or a

developer. 2) will this be on a conditional use or permitted? **Brad**; conditional, that is the BZA. It will go through the BZA. 3) is the indemnification clause (inaudible...) is it the property owner or will it be the developer itself? **Brad**; so technically, Melissa can answer this better than I, but it would still fall back on the landowner, depending on the contract. **Melissa**; you will have to keep the landowner in it because if the county has to place a lien, it would be the property owner. We aren't going to be involved in the negotiations between the landowner and the entity that is leasing the property, so hopefully they put some sort of indemnification clause in there, that if that happens, if they indemnify from that company, we are definitely going to want it **Brad**; technically it would be whosever name is on the parcel. 4. As far as the decommissioning bond, when does this (inaudible)... **Brad**; if there is no production for 12 months.... **Krista** read the section of the ordinance pertaining to this. We would ask them to do that within 90 days. 5) when are the decommission bonds presented? **Brad**; they would only be presented if they refuse to remove them or if for some reason, they were financially unable. They are technically bound to do this themselves. Regardless, the only purpose of the bonding is insurance. 6). When do the bonds need to be in place then, immediately? **Brad**; they have to have the bond to get the permit. Paul read the section of the ordinance pertaining to this. 7). There are different of panels (inaudible...) 8). On the construction of these plans, there are ways to build these without concrete, that would lower the cost and lessen the environmental effects.

Patty Lange Fisher / Representing Decatur County Farm Bureau: on our member survey that was put out in 2021, the response to the question of using privately owned A-1 farm land for commercial use of solar energy we had the following: 61% opposing for commercial use, not private use, 12% abstaining and 27% our responses were supporting this. **Brad**; what was the date on that? **Patty**; 2021, March 15th was the return date.

Krista; would anyone oppose me changing the definition on page 1, or Residential Solar Energy System to simply Non-Commercial Solar Energy? We would have Non-Commercial and Commercial. With more discussion it was decided that it was ok to do that. **Krista**; one more question, in section 2008 B, does the "cast shadow" need to be defined? Or do they just need a setback so that at no time do they cast a shadow? **Brad**; I don't see that as an issue. Essentially, that would be addressed with the BZA.

Gary Fischer: can you, Bryan Robbins, address now or in the future the (inaudible...) impacts?

Bryan Robbins / Economic Development Corporation: It can vary, depending on how the construction goes, the panels will be taxed as personal property, some of the larger projects, that technically those projects were abated, and there was payment in lieu of taxes where they give a lump sum of money to the county, which the county (inaudible...) and they like the single payment because they know what it will be, but on a base level these will be taxes as personal property. In addition to the real property taxes. **Brad**; and the real property taxes will be re-evaluated for these facilities and those acreages. It will not stay ag based. There was some discussion on the state level on that. **Bryan**; one thing that I will say, this is important not only for the County but the negotiations between the company and the landowner as well. They will know what to expect and can address these issues in the contract. I would encourage the County, in the next Comprehensive Plan, to sort out districts and such that may be favorable for solar panels so we can preserve some of the ground. **Paul**; Bryan, one more question, are you familiar with any of these other situations that have occurred, is there an approximate dollar figure that other counties may be receiving on a per acres kind of basis? **Bryan**; some of that is somewhat protected, I can try to find out and get it for you. **Brad**; are they doing it like a TIF setup? **Bryan**; they can. I can get some figures and give you a rough estimate. **Paul**; thank you, I was just curious in what the county could possibly benefit from this. **Tom H**; if a large facility were

to come in, would they get a tax abatement? **Brad;** the only way they could get the abatement would be the Council and the Commissioners, it's not a no end pass, do you know Bryan for sure? **Bryan;** that would be through the County council and I would suggest (inaudible...). The EDC would not support that. **Brad;** if anyone on the board has any thoughts or comments, we will make our revisions, Krista, and we should have a final version to present for a vote at the next meeting.

Other: Paul Stone; updated the board of where they stand with the CFO from discussion at the last board meeting. Brad and I have sent information to the Commissioners for their review. **Gary Fischer;** and this policy was developed by whom? Paul.

With no other business before the board the meeting was adjourned at 8:05 p.m.

ATTEST

Secretary, Todd Mauer

Decatur County Area Plan Commission

President, Brad Schutte

Decatur County Area Plan Commission