

Shelby County Plan Commission

August 27, 2024, at 7:00 PM

Table of Contents

Agenda.....	3
RZ 09-08 / SD 24-10 Nancy Brown Vacation of Stipulation of Rezoning & Waivers	5
Staff Report	5
2009 Meeting Minutes for RZ 09-08	10
Preliminary Lot Layout	12
SD 24-07 Alyssa Purdue Simple Subdivision	13
Staff Report	13
Plat.....	15
RZ 24-06 / SD 24-08 R & V Lain Farms Inc Rezoning & R & V Lain Farms Inc Simple Subdivision.....	16
Staff Report	16
Petitioner’s Findings of Fact	20
Plat.....	21
RZ 24-07 / SD 24-09 Sundvall Rezoning & Sundvall & Sparks Simple Subdivision.....	22
Staff Report	22
Petitioner’s Findings of Fact	27
Plat.....	28
RZ 24-08 Unified Development Ordinance Text Amendment – SES-01 – Commercial Solar Energy Systems.	29
Staff Memo.....	29
Draft Ordinance Amendment.....	32
Explanation of Purpose of Ordinance Amendments.....	43

MEETING AGENDA

Shelby County Plan Commission
August 27, 2024, at 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the June 25, 2024, meeting.

OLD BUSINESS

None.

NEW BUSINESS

RZ 09-08 – NANCY BROWN REZONING: Vacation of Stipulations of Rezoning. Located east of and adjoining 7816 W 950 N, Fairland, Moral Township.

SD 24-10 – NANCY BROWN WAVIERS: Waivers of Simple Subdivision design standards. Located east of and adjoining 7816 W 950 N, Fairland, Moral Township.

SD 24-07 – ALYSSA PURDUE SIMPLE SUBDIVISION: Simple Subdivision of 7.119-acres into a 2.682-acre building lot and a 4.438-acre lot including an existing single-family residence. Located at 7077 N 500 E, Shelbyville, Hanover Township.

RZ 24-06 – R & V LAIN FARMS INC REZONING: Rezoning of 8-acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a two-lot Simple Subdivision. Located east of and adjoining 4477 W 900 S, Edinburgh, Jackson Township.

SD 24-08 – R & V LAIN FARMS INC SIMPLE SUBDIVISION: Simple Subdivision of two building lots (5-acres & 3-acres) from a 49.97-acre parent tract. Located east of and adjoining 4477 W 900 S, Edinburgh, Jackson Township.

RZ 24-07 – SUNDVALL REZONING: Rezoning of 4.444-acres from the A2 (Agricultural) District to the RE (Residential Estate) District to allow for a three-lot Simple Subdivision. Located at 7160 E 200 N, Shelbyville, Union Township.

SD 24-09 – SUNDVALL & SPARKS SIMPLE SUBDIVISION: Simple Subdivision of 9.444-acres into two building lots (2.222-acres and 2.222-acres) and one 5-acre lot including an existing single-family residence, and waiver of Simple Subdivision prerequisites. Located at 7160 E 200 N, Shelbyville, Union Township.

DISCUSSION

RZ 24-08 - Unified Development Ordinance Text Amendment – SES-01 – Commercial Solar Energy Systems.

ADJOURNMENT

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, **September 24, 2024**, at **7:00 PM**.

Staff Report

Property Details

Location: East of and adjoining 7816 W 950 N, Fairland, Moral Township.

Property Size: 31.97-acres.

Current Land Use: Cropland/Woodland.

Current Zoning Classification
RE (Residential Estate)
This district is established for single-family detached dwellings in a rural or country setting.

Future Land Use per Comp Plan
Suburban Residential
This purpose of this category is for the transition of land use from agricultural and estate residential uses to low to medium-density, single-family residential subdivisions as water and sewer facilities become available.

Parks, Open Space, & Conservation
The purpose of this category is to provide for passive and active recreational activities, permanent preservation of significant natural areas, and preservation of natural features within clustered developments. This category applies to public and private lands.

Surrounding Development

	Zoning	Land Use
North	A1	Cropland
South	R1	Single-Family Residential
East	RE	Estate Residential
West	RE	Estate Residential

Case Number: RZ 09-08 / SD 24-10
Case Name: Nancy Brown Rezoning – Vacation of Stipulations of Rezoning & Waivers of Subdivision Standards

Requests

Vacation of Stipulations of Rezoning.

Waivers of Simple Subdivision Design Standards to allow a residential lot:

1. Without 160-feet of road frontage;
2. Without frontage on a public street built to the County street standards.

Property Map



Case Description

Property History

- In 1998, the petitioner subdivided the subject property into four building lots in compliance with all subdivision regulations in existence at that time.
- Due to an error made by the Recorder's Office, the property did not appear as separate building lots on the County mapping system. When the County updated the County-wide zoning maps in 2008, the County assigned the property the A1 (Conservation Agricultural) zoning designation due to the size of the non-subdivided property shown on the County map.
- The County discovered the error in 2009, and the Planning Director at that time informed the petitioner that they would need to obtain approval of a rezoning of the property to RE (Residential Estate) to develop the lots as single-family residential building sites.
- The Planning Director and Technical Advisory Committee (TAC) / Site Plan Review Committee reviewed the zoning request and recommended several stipulations regarding the design of the driveway.
- The Plan Commission and County Commissioners approved the rezoning with stipulations consistent with the stipulations recommended by TAC. The stipulations include:
 - 1) Should the petitioner desire to further subdivide the property she shall proceed through the formal plat approval process.
 - 2) The driveway serving all four lots shall be constructed to meet the following standards:
 - a. Width: The ingress/egress drive shall be 20 feet wide.
 - b. Materials: The ingress/egress easement shall consist of asphalt, concrete or other non-porous material approved by the Zoning Administrator.
 - c. Distance to property line: The ingress/egress drive shall be at least five (5) feet from all property lines.
 - d. Turn around: The ingress/egress drive shall include a loop or turn-around designed for a thirty (30) foot long vehicle at the end of the drive (at the boundary line of lot #3 and #4).
 - e. Weight bearing: The ingress/egress drive shall have a surface and culverts (if needed) constructed to safely convey a 30,000-pound vehicle.
 - f. Turning radius: The ingress/egress drive shall not have any curve or turn that restricts a forty-five-foot-long vehicle, a minimum forty-five foot turning radius.
 - g. Free of obstacles: The ingress/egress drive shall not have trees/canopies, sculpture, arches or similar natural or architectural features that would restrict a forty-five (45) foot long vehicle that is twelve (12) feet in height from being able to traverse the driveway from the public street to the turn-around
 - h. Because the thirty-foot wide ingress/egress easement will not allow for the petitioner to comply with the provisions outline in items d and f above, the petitioner shall have an engineer design the required driveway and submit the plans for the driveway to the Site Plan Review Committee for review and approval.

- i. The base of the ingress/egress drive shall be installed prior to the issuance of any building permits for any of the lots. The asphalt for the drive shall be laid within two years of the first building permit being obtained. The petitioner shall be required to post a two-year performance bond or letter of credit with the County Board of Commissioners in the amount of 110% of the estimated construction to complete the installation of the asphalt. Should the asphalt not be laid in this specified two-year timeframe, the bond shall be called up and the County will pave the driveway utilizing the performance bond.
 - j. The petitioner shall replace the culvert pipe at the entrance to the subdivision when the driveway is upgraded to the above-referenced standards.
- If the County had not made an error during the process of recording the legally subdivided property, the County would have zoned the property RE in 2008. Therefore, the error made by the County necessitated rezoning of the property and imposition of the stipulations to allow for development of legally created building lots.
 - Additionally, under the administration of the ordinance by the most recent Planning Directors, the County does allow for the development of new single-family homes as permitted homesteads in the A1 District with a commitment to use the property for agricultural purposes.
 - Since 2009, the petitioner has used the property for agricultural purposes and has not developed the lots.

Proposed Development

- The property currently consists of four building lots (14.64-acres, 5-acres, 5-acres, 7.33-acres). The petitioner proposes to subdivide a 2-acre, land-locked lot from the 14.64-acre lot to allow a family member to build a new home.
- The UDO requires approval of a Simple Subdivision and waivers from subdivision design standards to allow for creation of the lot. If the Plan Commission approves the amendment to the stipulation of rezoning and waivers, the petitioner will apply for the Simple Subdivision at a subsequent Plan Commission meeting.
- The UDO restricts re-subdivision of property for five years. The previous subdivision of the lot occurred in 1998; therefore, the property qualifies for re-subdivision.
- The family member seeks to build their home near the wooded area of the property, which would not allow for a practical method of adding road frontage to the lot.

Staff Analysis

Vacation of Stipulations of Rezoning

- The stipulations of rezoning would require the petitioner to install the base of the required asphalt driveway serving all lots included in the original rezoning approval prior to the issuance of building permits for the proposed building lot. The stipulations would require the petitioner to install the entire asphalt driveway within two years of obtaining the building permit.

- Council for the Plan Commission has provided the following guidance to the Plan Commissioner for consideration of amendment to stipulations of rezoning: *A condition/stipulation may be removed by the plan commission if there has been a material change in circumstances. A material change in circumstances has occurred if the facts and circumstances that induced the commission to place the condition/stipulation have changed and the original purpose of the condition is no longer intact. A condition should not be removed if it does violence to the zone plan or disrupts the balance of equities.*
- The stipulations provide for a driveway of durable surface wide enough to accommodate emergency vehicles and multiple passenger vehicles utilizing the driveway simultaneously. The need for the improved driveway to serve multiple established building lots has not changed.
- However, the petitioner created the original building lots in compliance with all subdivision regulations in existence at that time. An error made by the County necessitated the rezoning and resulting stipulations requiring a driveway exceeding the standards included in the UDO. In Staff's opinion, this situation represents a government overreach, and the Plan Commission and County Commissioners should remove the stipulations.
- If the Plan Commission chooses to remove the stipulations, the requirements for driveways included in the UDO would allow the petitioner to install a gravel driveway to serve the proposed lot and one other lot included in the original rezoning. Use of three or more lots by the driveway would require upgrading the driveway to a public street or approval of a variance by the Board of Zoning Appeals to allow more than two lots to use a single private driveway.

Waivers

- The UDO requires that all new lots within a subdivision have access to a public street built to the County street standards. This requirement serves to mitigate issues associated with shared use of private driveways. However, the proposed subdivision only includes one lot.
- The family member seeks to build their home near the wooded area of the property, which would not allow for a practical method of adding road frontage to the lot.
- The property lies within an area including single-family residential development and an area recommended for suburban residential development by the Comprehensive Plan. Approval of the waiver to allow for development of a lot at the northwest corner of the property would render the remaining portion of the property suitable for future development.

Staff Recommendation

If the Plan Commission chooses to approve the waivers and remove the stipulations, the requirements for driveways included in the UDO would allow the petitioner to install a gravel driveway to serve the proposed lot and one other lot included in the original rezoning. Use of three or more lots by the driveway would require upgrading the driveway to a public street or approval of a variance by the Board of Zoning Appeals to allow more than two lots to use a single private driveway.

APPROVAL

Applicant/Owner Information

Applicant: Nancy E Brown
7770 W 950 N
Fairland, IN 46126

Surveyor: Scott T Sumerford
3149 N Riley Hwy.
Shelbyville, IN 46176

RZ09-08 Nancy Brown Rezone: The applicant is Nancy Brown of 7770 West 950 North, Fairland, IN. The project designer is Accura, Gibson & Going Inc. of 1105 West Main Street, Greenfield, IN. The address of the property is 7730 West 950 North. The current zoning of the property is Conservation Agricultural (A1). The current use of the property is agricultural. The proposed zoning is Residential Estate (RE). The proposed use is residential lots. The total area in acres is 30.6. The petitioner requests a favorable recommendation to rezone an approximate 30.6 acre parcel that is currently zoned A1, Conservation Agricultural, to an RE, Residential Estate, zoning designation in order to sell four previously platted lots as residential building sites. (Moral Township, Section 13).

Dillon read the petition into the record and indicated that she had proof of publication in the Shelbyville News and proof of notification to adjoining property owners. She indicated that the petitioner seeks a favorable recommendation to rezone an approximate 30.6 acre parcel that is currently zoned A1, Conservation Agricultural, to an RE, Residential Estate zoning designation in order to sell four previously platted lots as residential building sites. She noted that the petitioner had discovered the need to rezone the property when she went to the Auditor's office to file a lot line adjustment description. The Auditor's office did not have any record of the four-platted lots. The Auditor's office contacted the Plan Commission office, and the Plan Commission contacted the petitioner to inform her that it did not appear that there were four legal lots of record (per the Auditor's office). Dillon also informed the petitioner that the property was not zoned appropriately for residential building lots because only one 30.6-acre parcel was shown on all of the Court House records. The petitioner brought in additional paperwork, and Dillon worked with Alice Brandt of the Auditor's office to discover that the four lots had been platted and recorded in 1998; however, the Recorder's office never forwarded the information onto the Auditor's office. This loophole led to the all GIS and Auditor's office records showing only one 30.6 acre parcel. When the county's comprehensive zoning update occurred, it was not known that there were four platted lots for the subject 30,6-acres; therefore, the A1 zoning designation was assigned because the property consisted of more than 20-acres and was being used as tillable acreage. Dillon informed the petitioner that the property was not zoned appropriately for residential development, so the petitioner then began the process of completing the necessary paperwork to file for a rezone. Dillon noted that the Site Plan Review Committee had reviewed the proposed rezoning application, and she indicated that they approved of the request for rezoning. She added that the Site Plan Committee was very concerned about site development issues, particularly the road. Dillon noted that the UDO indicates that the County may require a developer to install infrastructure to meet the current standards if lots were previously platted but no improvements or limited improvements had been made to the property. She indicated that she felt that the road serving the development should be upgraded, and she had provided the Plan Commission with recommendations for improving the road. If inclined to do so, the Plan Commission could stipulate that the developer implement the recommended stipulations or an alternative of these stipulations as a condition of approval of the rezone. Dillon read her recommended stipulations into the record.

Nancy Brown presented her case to the Board. She stated that when they purchased the property they didn't realize that it was not zoned residential. She explained that she would like to have three building lots to sell for single family residential and keep the 18- acre parcel for a private nature preserve.

The Board then opened up the meeting for public comment. Beverly Clark made comments about the petition, and she stated that she lives next to the proposed roadway and that she was concerned about the maintenance and location of the road serving the proposed subdivision. She also noted that there are drainage problems with her property associated with an existing gravel

drive on the subject property. She presented photos of the road serving the property and drainage issues to the Board. She explained that she was not opposed to development. She was simply concerned about making her problems worse.

Nancy Brown offered her rebuttal by stating that their own personal drainage goes to Little Sugar Creek. She explained that the existing homes in the general area might need to upgrade their perimeter drain systems around their septic fields and basements.

After questions and discussion from the Plan Commission, Anngie Steinbarger made a motion to vote on the petition with the following stipulations:

- 1) Width: The ingress/egress drive shall be 22 feet wide.
- 2) Materials: The ingress/egress easement shall consist of asphalt, concrete or other non-porous material approved by the Zoning Administrator.
- 3) Distance to the property line: The ingress/egress drive shall be at least five (5) feet from all property lines.
- 4) Turn around: The ingress/egress drive shall include a look or turnaround designed for a thirty (30) foot long vehicle at the end of the drive (at the boundary line of lot #3 and #4).
- 5) Weight bearing: The ingress/egress drive shall have a surface and culverts (if needed) constructed to safely convey a 30,000 pound vehicle.
- 6) Turning radius: The ingress/egress drive shall not have any curve or turn that restricts a forty-five (45) foot long vehicle, a minimum forty-five (45) foot turning radius.
- 7) Free of obstacles: The ingress/egress drive shall not have trees, canopies, sculpture, arches or similar natural or architectural features that would restrict a forty-five (45) foot long vehicle that is twelve (12) feet in height from being able to traverse the driveway from the public street to the turn-around or loop.
- 8) Because the thirty foot wide ingress/egress easement will not allow for the petitioner to comply with the provisions outlined in items 4 and 6, the petitioner shall have an engineer design the required driveway and submit the plans for the driveway and submit the plans for the driveway to the Site Plan Review Committee for review and approval.
- 9) The ingress/egress drive shall be constructed prior to any homes being constructed on any of the lots.
- 10) The petitioner must replace the culvert pipe at the entrance to the subdivision (at owner's expense).

Terry Smith seconded the motion. The motion approved by a vote of 7-0.

Mark McNeely read the findings of fact into the record, and they were affirmed.



Staff Report

Property Details

Location: 7077 N 500 E,
Shelbyville, Hanover Township.

Property Size: 7.119-acres.

Current Land Use: Estate
Residential

Current Zoning Classification

RE (Residential Estate)

This district is established for single-family detached dwellings in a rural or country setting.

Future Land Use per Comp Plan

Parks, Open Space, & Conservation

The purpose of this category is to provide for passive and active recreational activities, permanent preservation of significant natural areas, and preservation of natural features within clustered developments. This category applies to public and private lands.

Surrounding Development

	Zoning	Land Use
North	A1	Single-Family Residential
South	A1	Cropland
East	A1	Cropland
West	A1	Cropland

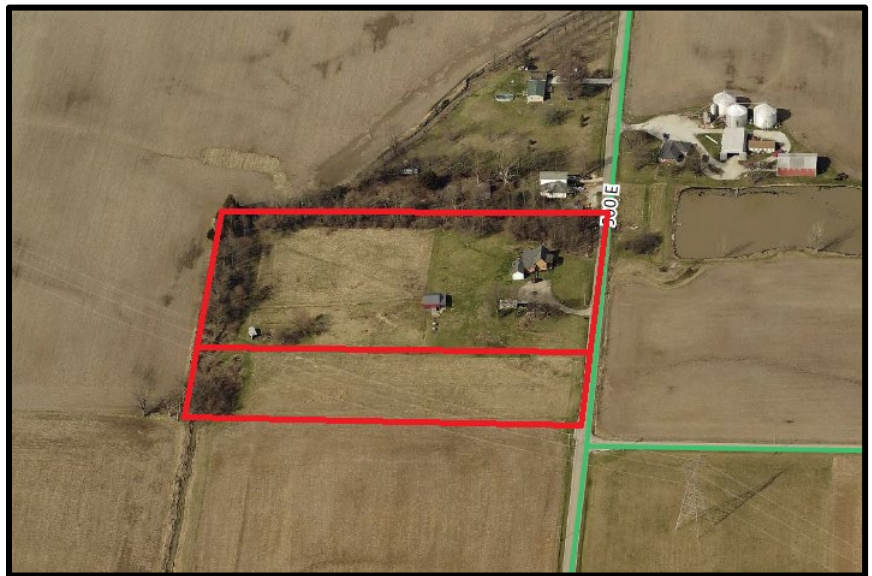
Case Number: SD 24-07

Case Name: Alyssa Purdue Simple Subdivision

Request

Simple Subdivision of 7.119-acres into a 2.682-acre building lot and a 4.438-acre lot including an existing single-family residence.

Property Map



Case Description

- The petitioner proposes to subdivide the property into a 2.682-acre building lot (Lot 1) and a 4.438-acre lot (Lot 2) including an existing single-family residence and accessory structures.
- The plat shows preliminary plans for development of a single-family residence on Lot 1.
- The Woodyard Open Ditch legal drain terminates at the northwest corner of Lot 2. The plat includes a drainage easement along the remaining portion of the ditch. Per the requirements of the UDO, the plat also includes language that allows access to the easement by the County Surveyor and County Drainage Board for the purpose of widening, deepening, sloping, improving, maintaining, replacing tile, or protecting the open ditch.

- Per the requirements of the UDO, the plat includes a conservation easement along the ditch which prohibits structural development and grading within the easement unrelated to maintaining the ditch.
- The rear portion of the property lies within a Federal Emergency Management Agency (FEMA) designated 100-year Special Flood Hazard Area and Indiana Department of Natural Resources (IDNR) designated 100-year Special Flood Hazard Area Floodway and Flood Fringe. The petitioner has agreed to extend the required conservation easement to encompass the entire special flood hazard area.
- Per the requirements of the UDO, the plat includes a covenant and restriction that at least five deciduous trees with at least 1 ¾-inch DBH at time of planting are required on Lot #1 prior to issuance of a certificate of occupancy for a new single-family residence.
- An Indiana-Michigan Electrical Company transmission line intersects the rear portion of Lot 1. The plat shows the existing approximately 162-foot-wide power line easement. The County would require approval from the electrical company for any development in the easement.
- The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance of permits for the new single-family residence on Lot #1.

Staff Analysis Findings of Fact

Staff has reviewed the proposed plat and has determined:

1. The subdivision of land is consistent with the Shelby County Comprehensive Plan.
2. The subdivision of land satisfies the development requirements of Article 06: Subdivision Types.
3. The subdivision of land satisfies the standards of Article 07: Design Standards.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance.
5. The subdivision of land satisfies the construction requirements of Shelby County's Construction Standards.

Staff Recommendation

Per State Code, the Plan Commission must approve any subdivision of property that complies with local subdivision code. The proposed subdivision complies with local subdivision code.

Staff recommends **APPROVAL**

Applicant/Owner Information

Applicant/Owner:	Alyssa Purdue	Surveyor:	Powell Land Surveying LLC
	7077 N 500 E		4634 N 575 E
	Shelbyville, IN 46176		Shelbyville, IN 46176

Alyssa Purdue Simple Subdivision

A part of the Southeast quarter of the Southeast quarter of Section 25, Township 14 North, Range 7 East, in Hanover Township, Shelby County, Indiana.

Owner: Alyssa Purdue
Site Address: 7077 North, 500 East, Shelbyville, IN 46176
7.1 Acres recorded in Instrument 2022001384

Scale 1" = 50'

Note: Bearings based on NAD 83, Indiana East, State plane Coordinates

Legend

- Section Corner
- Set 5/8" Capped Rebar
- Set Mag Nail
- Found Monument



NE Cor. SE1/4, 25-14-7
Found a railroad spike at grade per the county ties.
SFC NAD 83 Indiana East 1301, N:1594433.699 E:322416.303

Parent description of the 7.1 acre tract of land owned by Alyssa Purdue, recorded in Instrument 2022001384.
Beginning at the Southeast corner of Section 25, Township 14 North, Range 7 East, running thence West along the South line of said section, 539 feet; thence North 523 feet, thence East 593 feet; thence South 523 feet to the place of beginning, containing 7.1 acres, more or less.

Description of Lot #1 being a 2.682 acre tract split from the lands owned by Alyssa Purdue, recorded in Instrument 2022001384 per this survey.
A part of the Southeast quarter of the Southeast quarter of Section 25, Township 14 North, Range 7 East, in Hanover Township, Shelby County, Indiana, being created from a survey (Job # 73-2022) by Jeffrey Powell and being more particularly described as follows:
Beginning at the Southeast corner of the said Southeast quarter-quarter section, said point being a Shelby County monument per the county ties and said point being the Point of Beginning of the tract herein described; thence North 89 degrees 59 minutes 31 Seconds West (Bearings based on NAD 83, Indiana East, State plane Coordinates) along the South line of the said quarter-quarter section a distance of 593.00 feet to a Powell capped rebar set at a distance of 593.00 feet to a Powell capped rebar set at the Northwest corner of the said 7.1 acre tract described in Instrument 2022001384; thence North 00 degrees 43 minutes 49 Seconds West along the West line of the said 7.1 acre tract a distance of 326.00 feet to a Powell capped rebar set at the Northwest corner of the said 7.1 acre tract and being a point on the East line of the said quarter-quarter section; thence South 89 degrees 59 minutes 31 Seconds East a distance of 593.00 feet to a mag nail with a Powell washer set at the Northeast corner of the said 7.1 acre tract and being a point on the East line of the said quarter-quarter section; thence South 00 degrees 43 minutes 49 Seconds East along the East line of the said quarter-quarter section a distance of 326.00 feet to the point of beginning of the tract herein described, containing 4.438 Acres more or less and being subject to any and all easements, right of ways and restrictions. Also being subject to an Indiana, Michigan Electrical Company powerline easement as described and recorded in Deed Record Book 228, Page 355 and a 75' half drainage easement for the Woodyard Legal Drain.

Description of Lot #2 being a 4.438 acre remainder tract of the lands owned by Alyssa Purdue, recorded in Instrument 2022001384 per this survey.
A part of the Southeast quarter of the Southeast quarter of Section 25, Township 14 North, Range 7 East, in Hanover Township, Shelby County, Indiana, being created from a survey (Job # 73-2022) by Jeffrey Powell and being more particularly described as follows:
Commencing at the Southeast corner of the said Southeast quarter-quarter section, said point being a Shelby County monument per the county ties; thence North 00 degrees 43 minutes 49 Seconds West (Bearings based on NAD 83, Indiana East, State plane Coordinates) along the East line of the said quarter-quarter section a distance of 197.00 feet to a mag nail with a Powell washer, said point being the Point of Beginning of the tract herein described; thence North 89 degrees 59 minutes 31 Seconds West along the West line of the said 7.1 acre tract a distance of 326.00 feet to a Powell capped rebar set at the Northwest corner of the said 7.1 acre tract described in Instrument 2022001384; thence North 00 degrees 43 minutes 49 Seconds West along the West line of the said 7.1 acre tract a distance of 326.00 feet to a Powell capped rebar set at the Northwest corner of the said 7.1 acre tract and being a point on the East line of the said quarter-quarter section; thence South 89 degrees 59 minutes 31 Seconds East a distance of 593.00 feet to a mag nail with a Powell washer set at the Northeast corner of the said 7.1 acre tract and being a point on the East line of the said quarter-quarter section; thence South 00 degrees 43 minutes 49 Seconds East along the East line of the said quarter-quarter section a distance of 326.00 feet to the point of beginning of the tract herein described, containing 4.438 Acres more or less and being subject to any and all easements, right of ways and restrictions. Also being subject to an Indiana, Michigan Electrical Company powerline easement as described and recorded in Deed Record Book 228, Page 355 and a 75' half drainage easement for the Woodyard Legal Drain.

Surveyor's Report:
This report is in accordance with Title 865, Article 1.1, Chapter 12, Sections 1 through 34, of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of: Availability and condition of the reference monuments, Occupation or possession lines, Clarity or ambiguity of the record description used and / or adjoiner's description. This survey falls within the classification of a Rural survey and therefore has a Relative position accuracy of 0.13 feet plus 100 parts per million.

Purpose of the survey:
The purpose of this survey is to split off Lot #1, being a 2.682 acre tract from the parent 7.1 acre tract owned by Alyssa Purdue, recorded in Instrument 2022001384 and for the said lot to be a new buildable tract per the owners instructions. The field work was performed on 7-8-2022 and other dates.

Availability and condition of the reference monuments:
The section corners field to established the East line of the Southeast Quarter were per the Shelby County ties and the South line of the Southeast Quarter of the Southeast Quarter of Section 25, Township 14 North, Range 7 East per this survey are as shown on the survey plat.
A stone was found at the Southeast corner of the Southeast Quarter and is assumed to be the same stone called for per the old section corner records. The monument siron on the survey plat and the uncertainty associated with the said corners are represented on the hereon drawn survey plat and within this report by Record vs Measured vs Calculated. All monuments were found or set as indicated on the survey plat or within this report.

Occupation or possession lines:
There is an existing old farm fence along the West line of the parent 7.1 acre tract that appears to be 5.5' to 2.5' West of the line. The Woodyard Open Ditch Legal Drain is along the West edge of the 7.1 acre tract and there is an open ditch that is along the North side of the North line. There is only a field line along the South line and County Road 500 East is along the East line. The North line of the 2.341 acre tract split per this survey was created per the owners instructions.

Clarity or ambiguity of the record description used and / or adjoiner's description:
There were no ambiguities found within the record descriptions used per this survey.

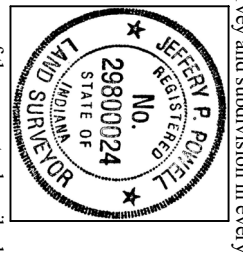
Relative position accuracy of Measurements:
This survey falls within the classification of a Rural survey and therefore has a Relative position accuracy of 0.13 feet plus 100 parts per million and is subject to the findings of the previous said survey.

Flood Hazard Statement:
The proposed building area of the Lot #1 and the existing residents located on Lot #2 is located in a special flood hazard ZONE X, and the Western portions of Lot #1 & 2 are located in a flood hazard ZONE A per the FEMA Flood Insurance rate map number 18145C0065C & 18145C0070C, with an approximate BFE of 864.5' at the downstream and 866.5' at the upstream. The accuracy of this flood hazard statement is subject to map scale uncertainty in location or elevation on the referenced flood insurance rate map.

Survey Notes:
- Note the building set back lines for the "RE" zoning are 50' Front for primary & accessory structures and 30' Side & Rear for primary & 10' for accessory structures.
- Note the drainage easement allows access by the County Surveyor and County Drainage Board for the purpose of "widening, deepening, sloping, improving, maintaining, replacing, etc." or protecting the open ditch.
- Note: The drainage easement allows access by the County Surveyor and County Drainage Board for the purpose of "widening, deepening, sloping, improving, maintaining, replacing, etc." or protecting the open ditch.
- Note: At least five deciduous trees with at least 1 1/2-inch DBH at time of planting are required on Lot #1 prior to issuance of a certificate of occupancy for a new single-family residence.
- Note: The floodway areas across Lots 1 & 2 are being established as a Conservation Easement per this plat which prohibits structural development and grading within the easement unrelated to maintaining the ditch. Lot #1, 0.510 Acres & Lot #2, 1.426 Acres.

Surveyor Certification:
I, the undersigned, hereby certify that I am a Land Surveyor registered in compliance with the laws of the State of Indiana; and I do hereby further certify that I have surveyed the real estate described in the caption above and that I have subdivided the same into two tracts as shown on the hereon drawn plat. This plat correctly represents said survey and subdivision in every detail. Monuments shown are in place as located.

Witness my hand this 23 day of August, 2024.



Jeffrey P. Powell
Registered Land Surveyor
No. 29800024

Owners Certification:
I, Alyssa Purdue, do hereby certify that we are the owners of the property described in the above captioned and that as such owners we have caused the said above described property to be surveyed and subdivided as shown on the hereon drawn plat, as our free and voluntary act and deed.

Witness my hand this ___ day of ___, 2024.

Alyssa Purdue

Notary Certification:
I, _____, a Notary Public in and for said County and State, do hereby certify that Alyssa Purdue, Personally known to me to be the same person whose name is subscribed to the above certificate appeared before me this day, in person and acknowledged that they signed the above certificate as their own free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this ___ day of ___, 2024.

Notary Public

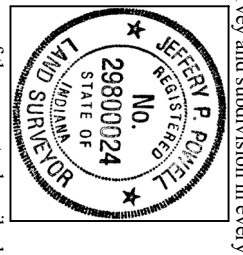
Plan Commission Approval:
Approved by the Shelby County Plan Commission in accordance with the Subdivision Regulations of the design standards.

By: _____ Date _____
Terry Smith, President Plan Commission

By: _____ Date _____
Jason Able, Secretary Plan Commission

Surveyor Certification:
I, the undersigned, hereby certify that I am a Land Surveyor registered in compliance with the laws of the State of Indiana; and I do hereby further certify that I have surveyed the real estate described in the caption above and that I have subdivided the same into two tracts as shown on the hereon drawn plat. This plat correctly represents said survey and subdivision in every detail. Monuments shown are in place as located.

Witness my hand this 23 day of August, 2024.



Jeffrey P. Powell
Registered Land Surveyor
No. 29800024

Owners Certification:
I, Alyssa Purdue, do hereby certify that we are the owners of the property described in the above captioned and that as such owners we have caused the said above described property to be surveyed and subdivided as shown on the hereon drawn plat, as our free and voluntary act and deed.

Witness my hand this ___ day of ___, 2024.

Alyssa Purdue

Notary Certification:
I, _____, a Notary Public in and for said County and State, do hereby certify that Alyssa Purdue, Personally known to me to be the same person whose name is subscribed to the above certificate appeared before me this day, in person and acknowledged that they signed the above certificate as their own free and voluntary act and deed for the uses and purposes therein set forth.

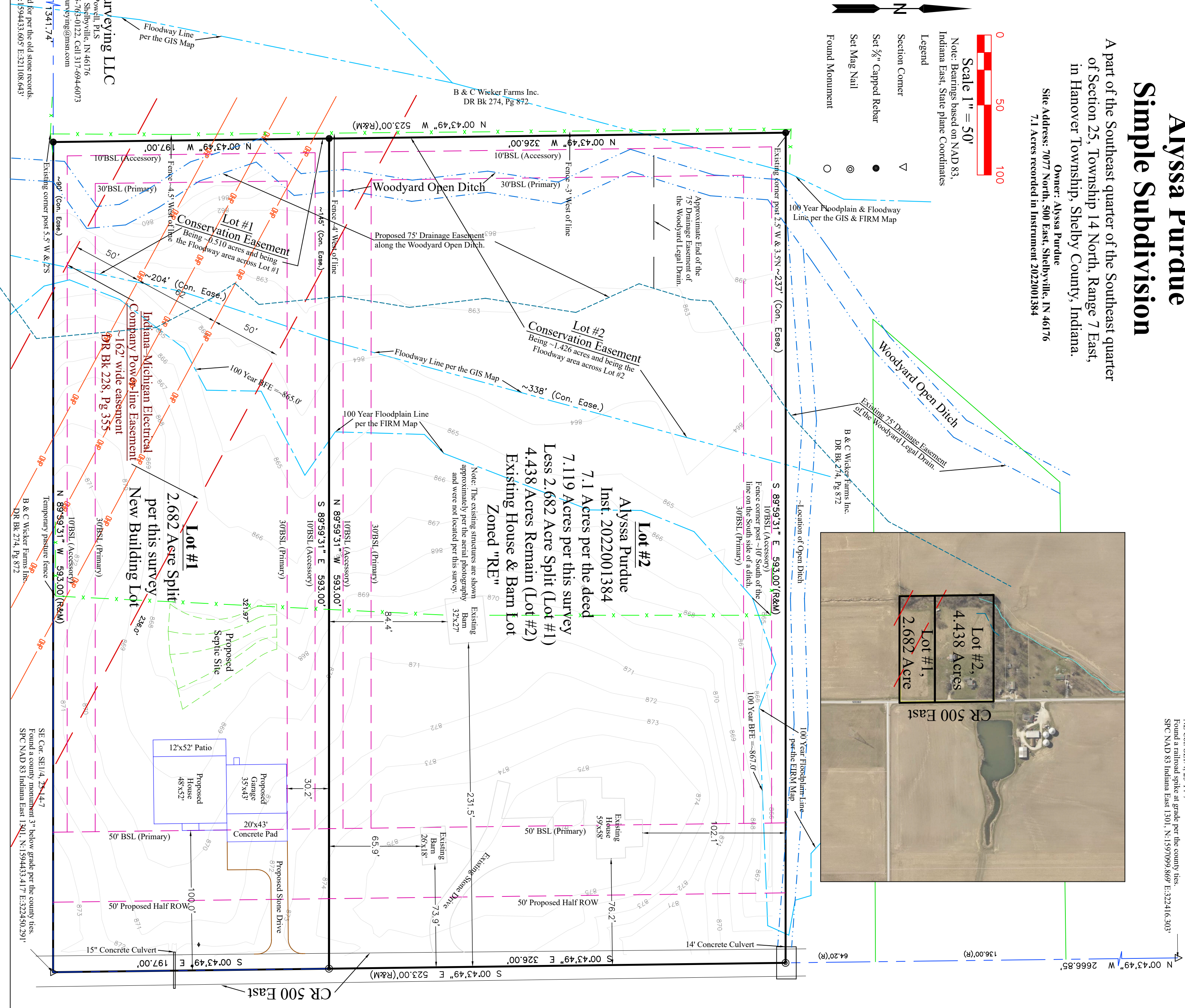
Given under my hand and notarial seal this ___ day of ___, 2024.

Notary Public

Plan Commission Approval:
Approved by the Shelby County Plan Commission in accordance with the Subdivision Regulations of the design standards.

By: _____ Date _____
Terry Smith, President Plan Commission

By: _____ Date _____
Jason Able, Secretary Plan Commission



Staff Report

Property Details

Location: East of and adjoining 4477 W 900 S, Edinburgh, Jackson Township.

Property Size: 8-acres.

Current Land Use: Cropland.

Current Zoning Classification

A1 (Conservation Agricultural)
This district is established for the protection of agricultural areas and buildings associated with agricultural production.

Proposed Zoning Classification

RE (Residential Estate)
This district is established for single-family detached dwellings in a rural or country setting.

Future Land Use per Comp Plan

Estate Residential
The purpose of this category is to provide for new rural residential housing opportunities in rural areas not well suited for agriculture. New residential development should have reasonable access to roads and utilities and should not significantly disrupt agricultural activities. The residential density of this category should not exceed one lot for every two acres.

Surrounding Development

	Zoning	Land Use
North	A2/RE	Estate Residential
South	A1	Cropland
East	A1	Cropland
West	A1	Agricultural Homestead

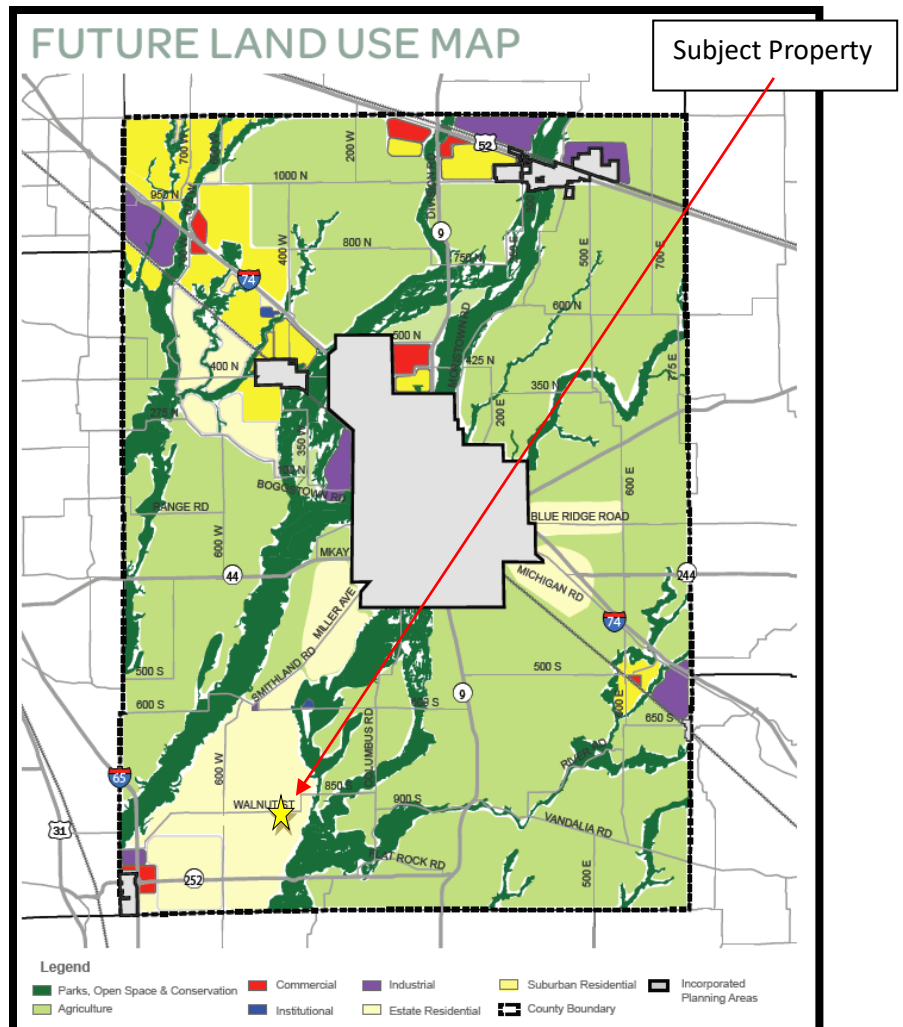
Case Number: RZ 24-06 / SD 24-08
Case Name: R & V Lain Farms Inc. Rezoning – A1 (Conservation Agricultural) to RE (Residential Estate) & R & V Lain Farms Inc. Simple Subdivision

Requests

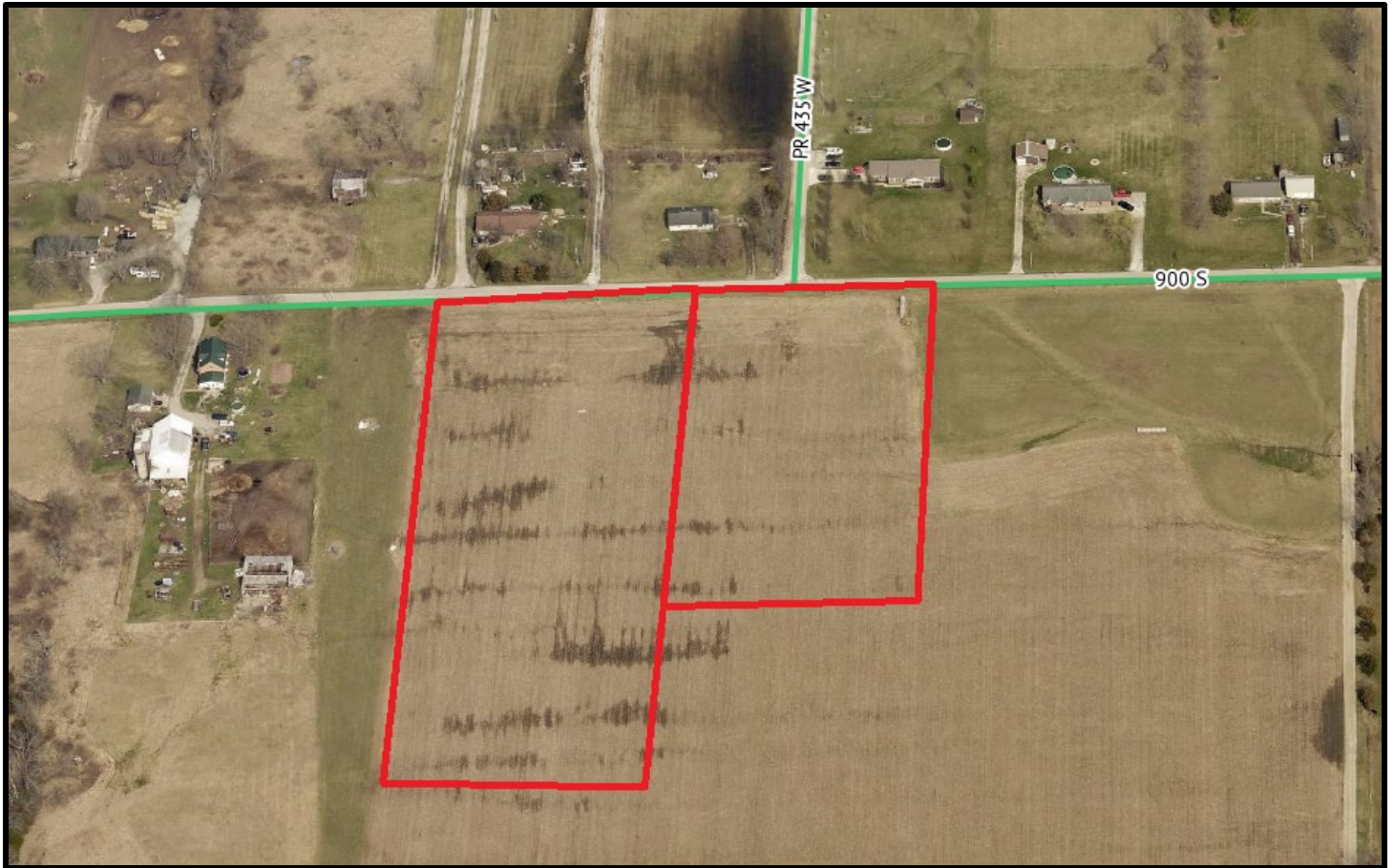
Rezoning of 8-acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a two-lot Simple Subdivision.

Simple Subdivision of two building lots (5-acres & 3-acres) from a 49.97-acre parent tract.

Future Land Use Map



Property Map



Case Description

- The petitioner proposes to subdivide a 5-acre single-family building lot (Lot #1) and a 3-acre single-family building lot (Lot #2) from a 49.97-acre parent tract.
- The petitioner previously subdivided the adjacent single-family residence to the west from the parent tract through the homestead exemption process included in the UDO. The UDO allows for subdivision of property including any home constructed prior to 2008 from any parent tract equal to or greater than 20-acres without Plan Commission approval.
- A family member of the petitioner intends to construct and reside within a single-family residence on Lot #1.
- A relatively large subdivision consisting of primarily 3-acre tracts zoned RE (Residential Estate) adjoins the property to the north. The remaining surrounding area consists of cropland and scattered agricultural homesteads.
- The plat includes a 20-foot drainage easement along the side and rear lot lines of Lot #1. This easement will also extend along the rear lot line of the adjacent single-family residential tract to the west. All lots and the existing single-family tract to the west may outlet drainage into this easement. Per the requirements of the UDO, the plat

also includes language that allows access to the easement by the County Surveyor and County Drainage Board for the purpose of widening, deepening, sloping, improving, maintaining, replacing tile, or protecting the drainage infrastructure.

- Per the requirements of the UDO, the plat includes a covenant and restriction that at least five deciduous trees with at least 1 ¾-inch DBH at time of planting are required on each lot prior to issuance of a certificate of occupancy for a new single-family residence on each lot.
- The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance of permits for any new single-family residence.
- Per State Code, the Plan Commission must approve any subdivision of property that complies with local subdivision code. The proposed subdivision complies with all development standards applicable to the RE District and local subdivision code.

Staff Analysis Findings of Fact

Rezoning: In accordance with IC 36-7-4-603 and the UDO, when considering a rezoning, the Plan Commission shall pay reasonable regard to:

1. Current Conditions and the Character of Current Structures and Uses in Each District

Approval of the rezoning to allow for the development of estate residential lots would be consistent with the adjacent subdivision to the north which consists of residential lots zoned RE.

2. The Most Desirable Use for Which the Land in Each District Is Adapted

Development of the property for estate residential purposes would serve as an extension of the residential development north of the property.

3. The Conservation of Property Values throughout the Jurisdiction

Development of the property for residential purposes would have no perceivable impact on property values throughout the County.

4. Responsible Development and Growth

The property would have access to utilities and drainage infrastructure to support residential development.

5. The Comprehensive Plan

Development of the property for estate residential purposes would not conflict with estate residential development recommended for the area by the Comprehensive Plan.

Simple Subdivision: Staff has reviewed the proposed plat and has determined:

1. The subdivision of land is consistent with the Shelby County Comprehensive Plan.

2. The subdivision of land satisfies the development requirements of Article 06: Subdivision Types.
3. The subdivision of land satisfies the standards of Article 07: Design Standards.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance.
5. The subdivision of land satisfies the construction requirements of Shelby County's Construction Standards.

Staff Recommendation

APPROVAL of the **Rezoning and Simple Subdivision** primarily because development of estate residential lots would be consistent with the adjacent subdivision to the north which consists of residential lots zoned RE.

Applicant/Owner Information

Applicant:	R & V Lain Farms Inc. / Teresa Lain 4477 W 900 S Edinburgh, IN 46124	Surveyor:	Powell Land Surveying LLC 4634 N 575 E Shelbyville, IN 46176
------------	--	-----------	--

Owner: Same

APPLICATION FOR REZONING
FINDINGS OF FACT BY THE SHELBY COUNTY PLAN COMMISSION

Applicant: R & V Lain Farms Inc., Teresa Lain _____

Case #: _____

Location: East of 4477 West 900 South, Edinburgh, IN 46124 and Lots #1 & 2 are to the East. _____

The Shelby County Plan Commission, having heard the application for rezoning described above and all opposition from parties claiming to be adversely affected thereby, has considered the request based on the provisions of Indiana law and forwards the following findings and recommendation to the Shelby County Commissioners:

1. The request is consistent with the Shelby County Comprehensive Plan because: **It requires tracts between 2 to 5 acres to be rezoned to a "RE" for residential use.**

2. The request is consistent with the current conditions and the character of structures and uses in each zoning district because: **It will be consistent with the area, because there are many 3 to 5 acre tracts along PR 435 West to the North of CR 900 South.**

3. The request is consistent with the most desirable use for which the land in each district is adapted because: **Lot #1 is being proposed to be built on by a family member and Lot #2 is being proposed as a smaller build lot to use less farm land.**

4. The request is consistent with the conservation of property values throughout the jurisdiction because: **It will not lower, but will increase the land values of the lands that are being rezoned.**

5. The request is consistent with responsible growth and development because: **There are residential tracts to the North and it will have no effect on the existing land use.**

Based on the findings described above, the Plan Commission hereby forwards a **favorable/unfavorable** (circle one) recommendation to the City Council this _____ day of _____, _____.

Shelby County Plan Commission

By: _____

President

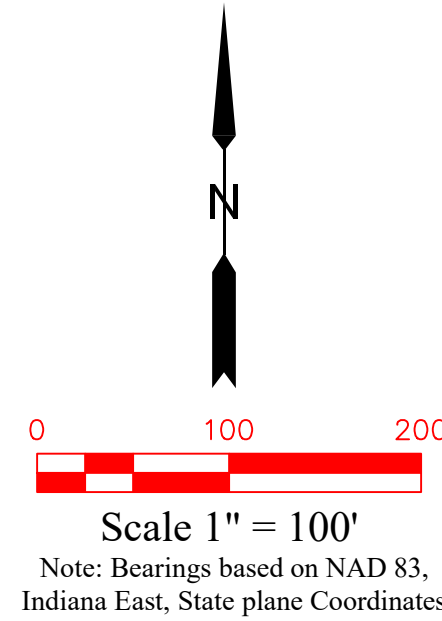
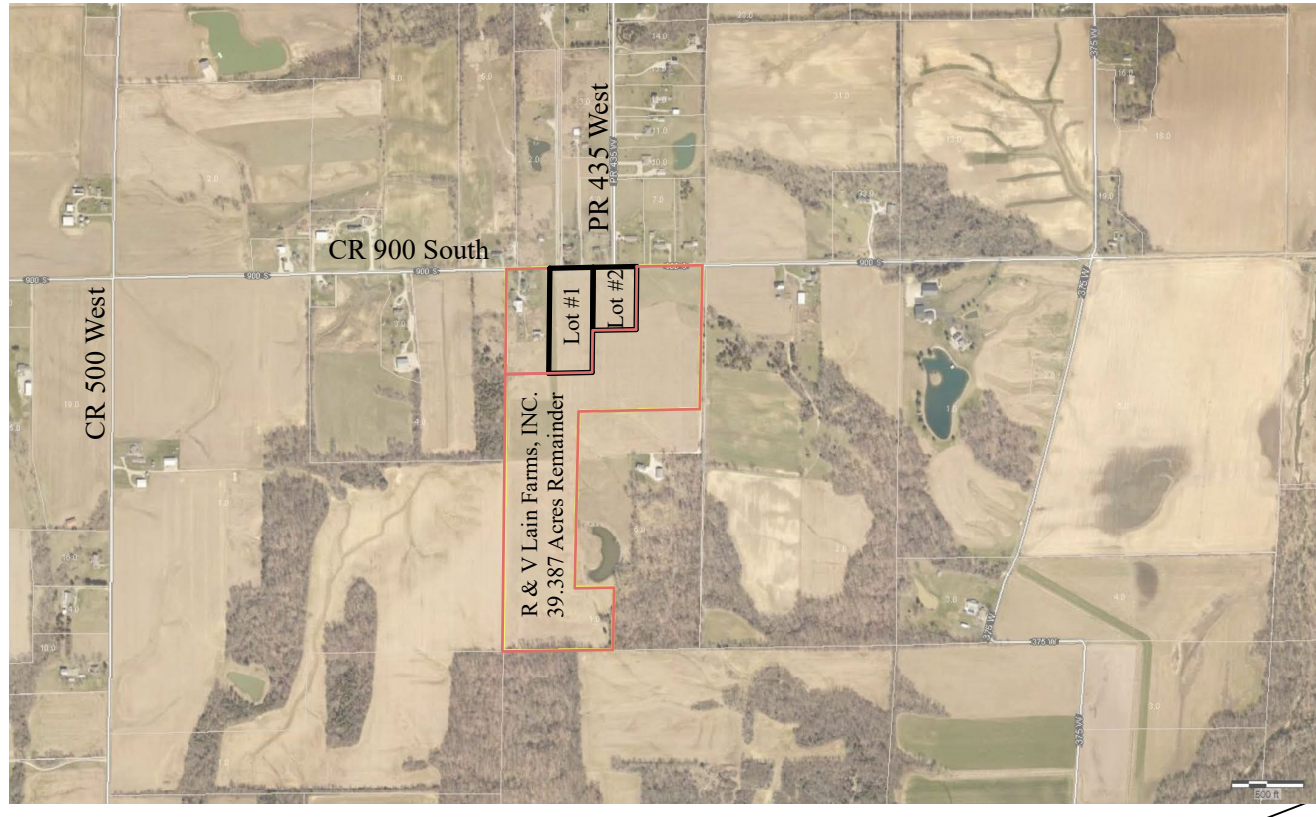
Attest: _____

Secretary

R & V Lain Farms Inc. Simple Subdivision

A part of the West half of the Northeast Quarter of Section 21, Township 11 North, Range 6 East, Jackson Township, Shelby County Indiana.

Owners: R & V Lain Farms, INC., DR Bk 276, Pg 414
Client: Teresa Lain
Site Address: 4477 West 900 South, Edinburgh, IN 46124



- Legend
- Section Corner ▽
 - Set $\frac{1}{8}$ " Capped Rebar ●
 - Set Mag Nail ⊙
 - Found Monument ○

Parent description of the lands owned by R & V Lain Farms Inc., described in Deed Record Book 276, Page 414.

The West half of the Northeast Quarter of Section 21, Township 11 North, Range 6 East, containing 80 acres more or less.

EXCEPT, the 31,037 acre tract owned by Paul M. & Kerry Coffey described in Inst. 2024003053 split per previous surveys, Parcel #73-14-21-200-005-000-010.

Description of the 5.000 acre tract being the existing Homestead split from the lands owned by R & V Lain Farms Inc., per a previous survey and being apart of the lands described in Deed Record Book 276, Page 414.

A part of the West half of the Northeast Quarter of Section 21, Township 11 North, Range 6 East, Shelby County Indiana, being created from a survey (Job # 63-2024) by Jeffrey Powell and being more particularly described as follows:
Beginning at the Northwest corner of the of the said half-quarter section, said point being a pk nail per the Shelby County ties and being the point of beginning of the tract herein described; thence North 88 degrees 52 minutes 19 seconds East (Bearings based on NAD 83, Indiana East, State plane Coordinates), along the North line of the of the said half-quarter section a distance of 300.00 feet to a mag nail with a Powell washer; thence South 00 degrees 37 minutes 02 seconds West, parallel to the West line of the said half-quarter section a distance of 726.34 feet to a Powell capped rebar; thence South 88 degrees 52 minutes 19 seconds West, parallel to the North line of the said half-quarter section a distance of 300.00 feet to a Powell capped rebar set on the West line of the said half-quarter section; thence North 00 degrees 37 minutes 02 seconds East, along the said line a distance of 726.34 feet to the point of beginning, containing 5.000 Acres more or less and being subject to any and all easements, right of ways and restrictions.

Description of Lot #1 being a 5.000 acre tract split from the lands owned by R & V Lain Farms Inc., described in Deed Record Book 276, Page 414 per this subdivision.

A part of the West half of the Northeast Quarter of Section 21, Township 11 North, Range 6 East, Shelby County Indiana, being created from a survey (Job # 63-2024) by Jeffrey Powell and being more particularly described as follows:
Commencing at the Northwest corner of the of the said half-quarter section, said point being a pk nail per the Shelby County ties, thence North 88 degrees 52 minutes 19 seconds East (Bearings based on NAD 83, Indiana East, State plane Coordinates), along the North line of the of the said half-quarter section a distance of 300.00 feet to a mag nail with a Powell washer, said point being the point of beginning of the tract herein described; thence continuing North 88 degrees 52 minutes 19 seconds East, along the said line a distance of 300.00 feet to a mag nail with a Powell washer; thence South 00 degrees 37 minutes 02 seconds West, parallel to the West line of the said half-quarter section a distance of 726.34 feet to a Powell capped rebar; thence South 88 degrees 52 minutes 19 seconds West, parallel to the North line of the said half-quarter section a distance of 300.00 feet to a Powell capped rebar; thence North 00 degrees 37 minutes 02 seconds East, parallel to the West line of the said half-quarter section a distance of 726.34 feet to the point of beginning, containing 5.000 Acres more or less and being subject to any and all easements, right of ways and restrictions.

SUBJECT TO A 20' wide Drainage Easement along the South side of the above described 5.000 acre tract with the North and West lines of the said easement being described as follows.

A part of the West half of the Northeast Quarter of Section 21, Township 11 North, Range 6 East, Shelby County Indiana, being created from a survey (Job # 63-2024) by Jeffrey Powell and being more particularly described as follows:
Commencing at the Northwest corner of the of the said half-quarter section, said point being a pk nail per the Shelby County ties, thence South 00 degrees 37 minutes 02 Seconds West (Bearings based on NAD 83, Indiana East, State plane Coordinates), along the West line of the of the said half-quarter section a distance of 706.33 feet to the point being the point of beginning of the easement herein described; thence North 88 degrees 52 minutes 19 Seconds East a distance of 579.99 feet; thence North 00 degrees 37 minutes 02 Seconds East a distance of 290.54 feet to the end of the said easement;

Description of Lot #2 being a 3.000 acre tract split the lands owned by R & V Lain Farms Inc., described in Deed Record Book 276, Page 414 per this subdivision.

A part of the West half of the Northeast Quarter of Section 21, Township 11 North, Range 6 East, Shelby County Indiana, being created from a survey (Job # 63-2024) by Jeffrey Powell and being more particularly described as follows:
Commencing at the Northwest corner of the of the said half-quarter section, said point being a pk nail per the Shelby County ties, thence North 88 degrees 52 minutes 19 seconds East (Bearings based on NAD 83, Indiana East, State plane Coordinates), along the North line of the of the said half-quarter section a distance of 600.00 feet to a mag nail with a Powell washer, said point being the point of beginning of the tract herein described; thence continuing North 88 degrees 52 minutes 19 seconds East, along the said line a distance of 300.00 feet to a mag nail with a Powell washer; thence South 00 degrees 37 minutes 02 seconds West, parallel to the West line of the said half-quarter section a distance of 435.80 feet to a Powell capped rebar; thence South 88 degrees 52 minutes 19 seconds West, parallel to the North line of the said half-quarter section a distance of 300.00 feet to a Powell capped rebar; thence North 00 degrees 37 minutes 02 seconds East, parallel to the West line of the said half-quarter section a distance of 435.80 feet to the point of beginning, containing 3.000 Acres more or less and being subject to any and all easements, right of ways and restrictions.

ALSO with and SUBJECT TO A 20' wide Drainage Easement along the South side and a part of the East of the above described Lot #1 with the North and West lines of the said easement being described as follows.

A part of the West half of the Northeast Quarter of Section 21, Township 11 North, Range 6 East, Shelby County Indiana, being created from a survey (Job # 63-2024) by Jeffrey Powell and being more particularly described as follows:
Commencing at the Northwest corner of the of the said half-quarter section, said point being a pk nail per the Shelby County ties, thence South 00 degrees 37 minutes 02 Seconds West (Bearings based on NAD 83, Indiana East, State plane Coordinates), along the West line of the of the said half-quarter section a distance of 706.33 feet to the point being the point of beginning of the easement herein described; thence North 88 degrees 52 minutes 19 Seconds East a distance of 579.99 feet; thence North 00 degrees 37 minutes 02 Seconds East a distance of 290.54 feet to the end of the said easement;

Description of the 39.387 acre remainder tract of lands owned by R & V Lain Farms Inc., described in Deed Record Book 276, Page 414 per this subdivision.

A part of the West half of the Northeast Quarter of Section 21, Township 11 North, Range 6 East, Shelby County Indiana, being created from a survey (Job # 63-2024) by Jeffrey Powell and being more particularly described as follows:
Commencing at the Northwest corner of the of the said half-quarter section, said point being a pk nail per the Shelby County ties, thence North 88 degrees 52 minutes 19 seconds East (Bearings based on NAD 83, Indiana East, State plane Coordinates), along the North line of the of the said half-quarter section a distance of 900.00 feet to a mag nail with a Powell washer, said point being the point of beginning of the tract herein described; thence continuing North 88 degrees 52 minutes 19 Seconds East along the said line a distance of 453.10 feet to the Northwest corner of a 31.037 acre tract being described Instrument 2024003053 and being 30.02 West of the Northeast corner of the said half-quarter section; the next 5 cores being along the Westerly sides of the said 31.037 acre tract, 1. thence South 01 degrees 01 minutes 15 Seconds West a distance of 994.34 feet to a Sumerford capped rebar, 2. thence South 88 degrees 52 minutes 24 Seconds West a distance of 838.00 feet to a Sumerford capped rebar, 3. thence South 01 degrees 12 minutes 45 Seconds West a distance of 1221.85 feet to a Sumerford capped rebar; 4. thence North 89 degrees 11 minutes 02 Seconds East a distance of 271.95 feet to a Sumerford capped rebar; 5. thence South 01 degrees 01 minutes 15 Seconds West a distance of 430.00 feet to a Sumerford capped rebar set on the South line of the said half-quarter section marking the Southwest corner of the said 31.04 acre tract; thence North 89 degrees 11 minutes 02 Seconds West along the South line of the said half-quarter section a distance of 764.23 feet to the Southwest corner of the said half-quarter section, being marked by a Powell capped rebar; thence North 00 degrees 37 minutes 02 Seconds East along the East line of the said half-quarter section a distance of 1916.36 feet to a Powell capped rebar; thence North 88 degrees 52 minutes 19 Seconds East a distance of 600.00 feet to a Powell capped rebar; thence North 00 degrees 37 minutes 02 Seconds East a distance of 290.54 feet to a Powell capped rebar; thence North 88 degrees 52 minutes 19 Seconds East a distance of 300.00 feet to a Powell capped rebar; thence North 00 degrees 37 minutes 02 Seconds East a distance of 435.80 feet to the point of beginning of the tract herein described, containing 39.387 Acres more or less and being subject to any and all easements, right of ways and restrictions.

ALSO with a 20' wide Drainage Easement along the South side of a 5.000 acre tract and the South and a part of the East of the above described Lot #1 with the North and West lines of the said easement being described as follows.

A part of the West half of the Northeast Quarter of Section 21, Township 11 North, Range 6 East, Shelby County Indiana, being created from a survey (Job # 63-2024) by Jeffrey Powell and being more particularly described as follows:
Commencing at the Northwest corner of the of the said half-quarter section, said point being a pk nail per the Shelby County ties, thence South 00 degrees 37 minutes 02 Seconds West (Bearings based on NAD 83, Indiana East, State plane Coordinates), along the West line of the of the said half-quarter section a distance of 706.33 feet to the point being the point of beginning of the easement herein described; thence North 88 degrees 52 minutes 19 Seconds East a distance of 579.99 feet; thence North 00 degrees 37 minutes 02 Seconds East a distance of 290.54 feet to the end of the said easement;

Surveyor's Report:

This report is in accordance with Title 865, Article 1.1, Chapter 12, Sections 1 through 34, of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of: Availability and condition of the reference monuments. Occupation or possession lines. Clarity or ambiguity of the record description used and / or adjoining's description. This survey falls within the classification of a Rural survey and therefore has a Relative position accuracy of 0.13 feet plus 100 parts per millilion.

Purpose of the survey:

The purpose of this survey is to subdivide Lot #1, being a 5.000 acre tract and Lot #2, being a 3.000 acre tract from the lands owned by R & V Lain Farms Inc., described in Deed Record Book 276, Page 414 and for the said lots to be buildable and being per the owners instructions. Also a new remainder description of the parent tract was created per this survey, being less the existing 5.000 acre Homestead tract that was created per a previous survey. The field work was performed on 4-10-2024 and other dates.

Availability and condition of the reference monuments:

The section corners held to establish the West half of the Northeast Quarter of Section 21, Township 11 North, Range 6 East per this survey are as shown on the survey plat with an explanation of the division of the quarter section. The monuments shown on the survey plat and the uncertainty associated with the said corners are represented on the hereon drawn survey plat and within this report by Record vs Measured vs Calculated. All monuments were found or set as indicated on the survey plat or within this report.

Occupation or possession lines:

County Road 900 South is along the North line of the tracts and there were no occupation lines held along the new lot lines per this survey and was created per the owners instructions.

Clarity or ambiguity of the record description used and / or adjoining's description:

There were no ambiguities found per this survey.

Relative position accuracy of Measurements:

This survey falls within the classification of a Rural survey and therefore has a Relative position accuracy of 0.13 feet plus 100 parts per millilion and is subject to the findings of the previous said survey.

Flood Hazard Statement:

The proposed building Lots #1 and #2 are located in a special flood hazard ZONE X per the FEMA Flood Insurance rate map number 18145C0190D, the accuracy of this flood hazard statement is subject to map scale uncertainty in location or elevation on the referenced flood insurance rate map.

Survey Notes:

-Note: the building set back lines for the "RE" zoning are 50' Front for primary & accessory structures and 30' Side & Rear for primary & 10' for accessory structures.

-Note: The drainage easement allows access by the County Surveyor and County Drainage Board for the purpose of widening, deepening, sloping, improving, maintaining, replacing tile, or protecting the open ditch.

-Note: At least five deciduous trees with at least 1 1/4-inch DBH at time of planting are required on each lot prior to issuance of a certificate of occupancy for a new single-family residence.

Surveyor Certification:

I, the undersigned, hereby certify that I am a Land Surveyor registered in compliance with the laws of the State of Indiana; and I do hereby further certify that I have surveyed the real estate described in the caption above and that I have subdivided the same into two tracts as shown on the hereon drawn plot. This plat correctly represents said survey and subdivision in every detail. Monuments shown are in place as located.

Witness my hand this 23 day of August, 2024.

Jeffery P. Powell
Registered Land Surveyor
No. 29800024



Owners Certification:

I, Teresa Lain, owner of R & V Lain Farms, INC., do hereby certify that I am the owners of the property described in the above captioned and that as such owners I have caused the said above described property to be surveyed and subdivided as shown on the hereon drawn plat, as my free and voluntary act and deed.

Witness my hand this ____ day of _____, 2024.

Teresa Lain

Notary Certification:

I, _____, a Notary Public in and for said County and State, do hereby certify that Teresa Lain, Personally known to me to be the same person whose name is subscribed to the above certificate appeared before me this day in person and acknowledged that they signed the above certificate as their own free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this ____ day of _____, 2024.

Notary Public

Plan Commission Approval:

Approved by the Shelby County Plan Commission in accordance with the Subdivision Regulations of design standards.

By:

Terry Smith, President Plan Commission Date

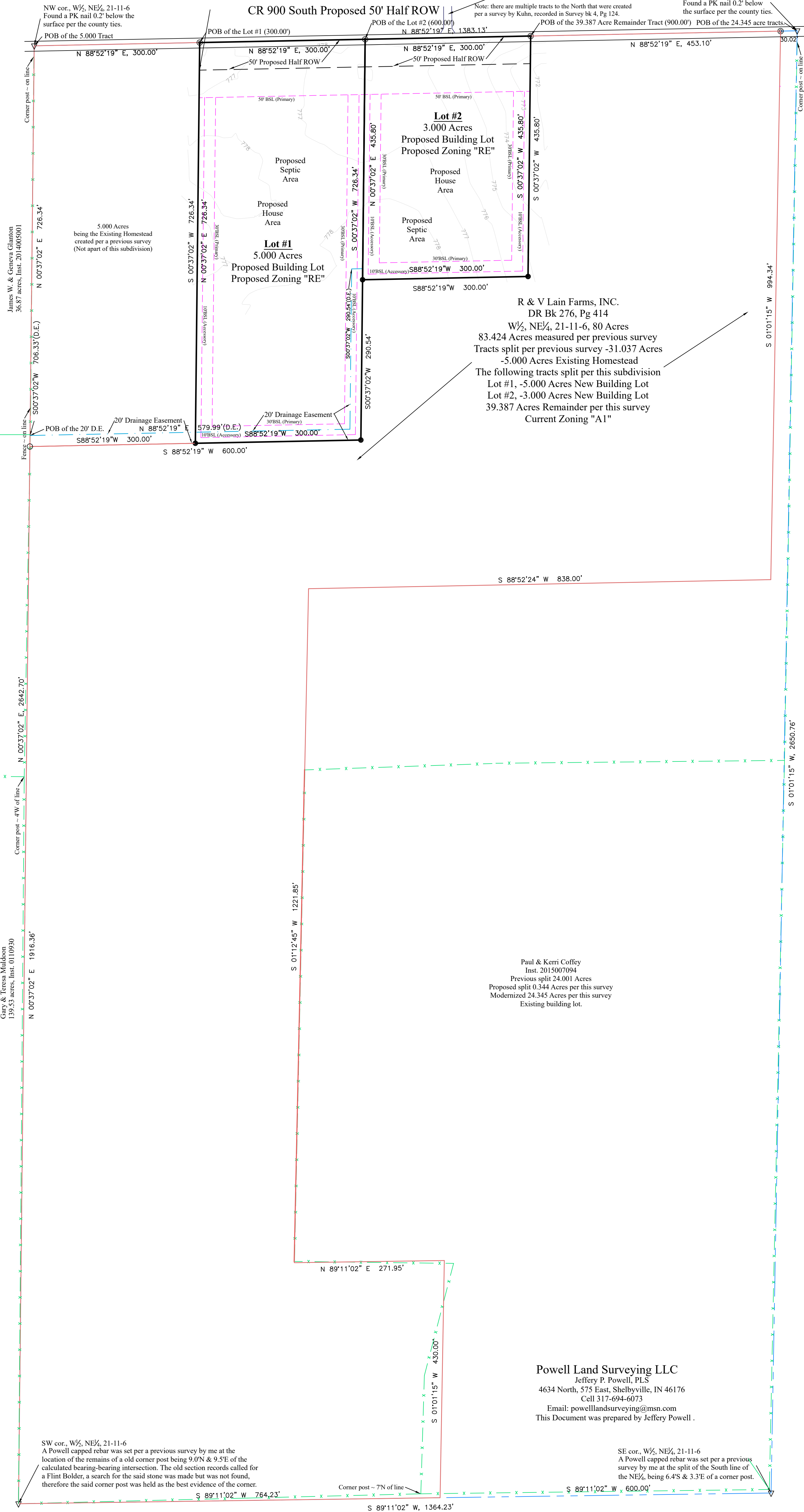
By:

Jason Able, Secretary Plan Commission Date

Re-zoning Approval:

Shelby County Commissioners Rezoning Ordinance # _____ was approved by the Shelby County Commissioners on _____

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law." Jeffrey P. Powell



Paul & Kerri Coffey
Inst. 201507094
Previous split 24.001 Acres
Proposed split 0.344 Acres per this survey
Modernized 24.345 Acres per this survey
Existing building lot.

Powell Land Surveying LLC
Jeffery P. Powell, PLS
4634 North, 575 East, Shelbyville, IN 46176
Cell 317-694-6073
Email: powellandsurveying@msn.com
This Document was prepared by Jeffrey Powell.

SW cor., W 1/2, NE 1/4, 21-11-6
A Powell capped rebar was set per a previous survey by me at the location of the remains of an old corner post being 9'N & 9.5'E of the calculated bearing-bearing intersection. The old section records called for a Flint Boulder, a search for the said stone was made but was not found, therefore the said corner post was held as the best evidence of the corner.

SE cor., W 1/2, NE 1/4, 21-11-6
A Powell capped rebar was set per a previous survey by me at the split of the South line of the NE 1/4, being 6.4'S & 3.3'E of a corner post.

Staff Report

Property Details

Location: 7160 E 200 N, Shelbyville, Union Township.

Property Size: 9.444-acres (4.444-acres included in rezoning).

Current Land Use: Estate Residential / Vacant

Current Zoning Classification A2 (Agricultural)

This district is established for general agricultural areas and buildings associated with agricultural production.

Proposed Zoning Classification RE (Residential Estate)

This district is established for single-family detached dwellings in a rural or country setting.

Future Land Use per Comp Plan Agriculture

The purpose of this category is to provide for traditional agricultural practices (such as crop production and livestock grazing) and modern agricultural practices (such as agricultural research facilities and CAFOs). Rural home sites may also occur within this category; however, the emphasis should remain on agriculture. New residential subdivisions that remove prime farmland from production should be discouraged. The residential density of this category should be one lot for every five acres.

Surrounding Development

	Zoning	Land Use
North	A1	Cropland
South	A1	Cropland
East	A1	Cropland
West	A1	Cropland

Case Number: RZ 24-07 / SD 24-09
Case Name: Sundvall Rezoning – A2 (Agricultural) to RE (Residential Estate) & Sundvall & Sparks Simple Subdivision

Requests

Rezoning of 4.444-acres from the A2 (Agricultural) District to the RE (Residential Estate) District to allow for a three-lot Simple Subdivision.

Simple Subdivision of 9.444-acres into two building lots (2.222-acres and 2.222-acres) and one 5-acre lot including an existing single-family residence.

Waivers:

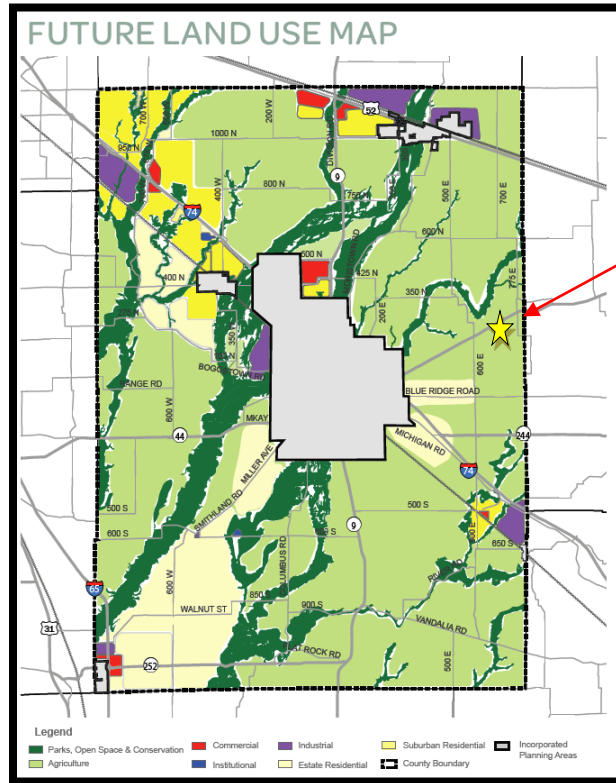
1. Of Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned A2
2. Of Simple Subdivision design standards to allow a side lot line not within a 15-degree angle to the right-of-way.

Purpose of Subdivision Code Requirement

The UDO requires RE zoning for properties in residential Simple Subdivisions to limit use of lots for intense agricultural uses that may pose a nuisance to adjacent residential properties. For example, the UDO allows agritourism and keeping of large numbers of animals on property in the A2 District, however, prohibits these uses in the RE District.

Lot line orientation standards promote orderly development.

Future Land Use Map



Subject Property

Property Map



Case Description

- The petitioner proposes to subdivide the property into two, 4.444-acre building lots (Lot #2 & Lot #3) and a 5-acre lot (Lot #1) including an existing single-family residence and accessory structures.
- Minimal residential development exists in the area. The property has included an orchard for over ten years and previously was used for crop production.
- The petitioner intends to sell Lot #2 and Lot #3 as single-family residential building lots.
- In April of 2024, the petitioner purchased proposed Lot #3, proposed Lot #2, and one acre of proposed Lot #1. Matthew and Sarah E Sparks purchased four acres of proposed Lot #1 and currently reside in the dwelling on this property. The split of the parent tract does not qualify for a subdivision exemption and occurred before application for Simple Subdivision. Approval of the subdivision would legally establish Mr. & Ms. Sparks' property as a building lot.
- As part of a private agreement, the petitioner has agreed to convey 1-acre of the property he currently owns to Mr. & Ms. Sparks. This transfer will result in Lot #1 including five acres. Also, the petitioner has agreed to provide on the plat a 245-foot setback for any new single-family dwelling on Lot #2 and Lot #3 from the property line of Lot #1 owned by Mr. & Ms. Sparks.
- The rezoning request only includes Lot #2 and Lot #3. The owners of Lot #1 would like to retain the A2 zoning designation to allow for use of the property more intensive agricultural purposes than permitted in the RE District.
- The plat includes a 20-foot drainage easement along south end of the west property line of Lot #1 and along the rear property line of Lot #2. All lots may outlet drainage into this easement. Per the requirements of the UDO, the plat also includes language that allows access to the easement by the County Surveyor and County Drainage Board for the purpose of widening, deepening, sloping, improving, maintaining, replacing tile, or protecting drainage infrastructure.
- Per the requirements of the UDO, the plat includes a covenant and restriction that at least five deciduous trees with at least 1 ¾-inch DBH at time of planting are required on Lot #2 and Lot #3 prior to issuance of a certificate of occupancy for a new single-family residence on Lot #2 and Lot #3.
- The USDA Soil Survey classifies the property as 'Prime Farmland if Drained.'
- The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance of permits for any new single-family residence.

Staff Analysis Findings of Fact

Rezoning: In accordance with IC 36-7-4-603 and the UDO, when considering a rezoning, the Plan Commission shall pay reasonable regard to:

1. Current Conditions and the Character of Current Structures and Uses in Each District

Considerations Supporting Rezoning: The rezoning would allow for the development of two residential lots consistent in size with the existing residential lot in the proposed subdivision. Development of the lots would not have a significant impact on the existing residential lot due to the imposition of a 245-foot setback for primary structures from the property line.

Considerations Contradicting Rezoning: Minimal residential development exists in the area.

2. The Most Desirable Use for Which the Land in Each District Is Adapted

Considerations Supporting Rezoning: The size of the property limits use of the property for large-scale agricultural production. The property has convenient access to a major transportation corridor (SR 44), which renders the property desirable for residential development.

Considerations Contradicting Rezoning: The property can accommodate small-scale agricultural uses, such as an orchard.

3. The Conservation of Property Values throughout the Jurisdiction

Considerations Supporting Rezoning: Development of the property for residential purposes would have no perceivable impact on property values throughout the County.

4. Responsible Development and Growth

Considerations Supporting Rezoning: The property would have access to utilities and drainage infrastructure to support residential development.

5. The Comprehensive Plan

Considerations Supporting Rezoning: The Comprehensive Plan recommends a variety of agricultural uses for areas designated for Agriculture use. The size of the property limits use of the property for large-scale agricultural production. The USDA Soil Survey would only designate the property as Prime Farmland if adequately drained.

Considerations Contradicting Rezoning: The rezoning would restrict agricultural use of the site and allow for residential development exceeding the residential density of one lot for every five acres as recommended for agricultural areas by the Comprehensive Plan.

Simple Subdivision: Staff has reviewed the proposed plat and has determined:

1. The subdivision of land is consistent with the Shelby County Comprehensive Plan.
2. The subdivision of land satisfies the development requirements of Article 06: Subdivision Types, pending approval of a waiver to allow for Simple Subdivision of property zoned A2.
 - a. Approval of the waiver would allow proposed Lot #1 to retain an agricultural zoning designation in an area recommended for agricultural use by the Comprehensive Plan. The plat includes a 245-foot setback for primary structures on Proposed Lot #2 and Lot #3 from the property line of Lot #1. Therefore, use of Lot #1 for agricultural practices should not pose a significant impact to residential development on Lot #2 and Lot #3.

3. The subdivision of land satisfies the standards of Article 07: Design Standards, pending approval of a waiver to allow a side lot line not within a 15-degree angle to the right-of-way.
 - a. The waiver would allow an existing lot line to maintain an angle not within 15-degrees to the right-of-way.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance.
5. The subdivision of land satisfies the construction requirements of Shelby County's Construction Standards.

Staff Recommendation

The Agricultural land use recommendation for the property of the Comprehensive Plan and lack of existing residential development in the area do not support rezoning of the property for residential development, therefore Staff recommends **DENIAL** of the Rezoning and Simple Subdivision.

However, from a practical perspective, the size of the property limits use of the property for large-scale agricultural production and the owner of the developed residential lot within the proposed subdivision supports development of two additional residential lots.

Applicant/Owner Information

Applicant:	Frank Sundvall PO Box 1 Shelbyville, IN 46176	Surveyor:	Powell Land Surveying LLC 4634 N 575 E Shelbyville, IN 46176
Owners:	Frank Sundvall PO Box 1 Shelbyville, IN 46176		
	Matthew & Sarah E Sparks 7160 E 200 N Shelbyville, IN 46176		

APPLICATION FOR REZONING
FINDINGS OF FACT BY THE SHELBY COUNTY PLAN COMMISSION

Applicant: Sundvall & Sparks Simple Subdivision, Frank Sundvall _____

Case #: _____

Location: 7160 East 200 North, Shelbyville, Indiana 46176 being the address of Lot #1 (the Existing 4.000 Acre Homestead) and Lots #2 & 3 are to the South. _____

The Shelby County Plan Commission, having heard the application for rezoning described above and all opposition from parties claiming to be adversely affected thereby, has considered the request based on the provisions of Indiana law and forwards the following findings and recommendation to the Shelby County Commissioners:

1. The request is consistent with the Shelby County Comprehensive Plan because: **It requires tracts between 2 to 5 acres to be rezoned to a "RE" for residential use, Being Lots 2 & 3 and Lot #1 is to remain "A2"**. _____

2. The request is consistent with the current conditions and the character of structures and uses in each zoning district because: **The 5.44 acre parent tract of Lots 2&3 is not being farmed and the proposed new building lots will be clustered with the existing lot.** _____

3. The request is consistent with the most desirable use for which the land in each district is adapted because: **The 5.44 acre parent tract of Lots 2&3 is not being farmed and the proposed new building lots will be clustered with the existing lot.** _____

4. The request is consistent with the conservation of property values throughout the jurisdiction because: **It will not lower, but will increase the land values of the lands that are being rezoned.** _____

5. The request is consistent with responsible growth and development because: **There is a existing residential tract to the North zoned "A2" and It will have no effect on the existing land use of the 5.44 acre parent tract of Lots 2&3, not being farmed at this time and the proposed new building lots will be clustered with the existing lot.** _____

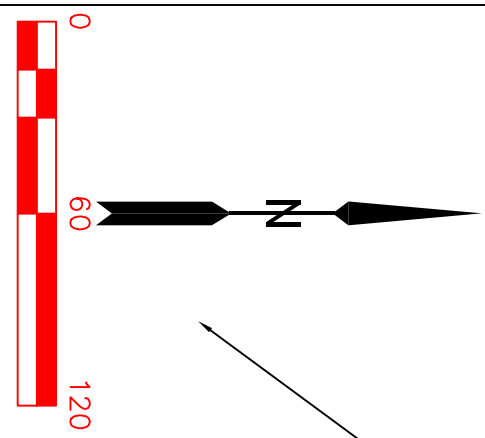
Based on the findings described above, the Plan Commission hereby forwards a **favorable/unfavorable** (circle one) recommendation to the City Council this _____ day of _____, _____.

Shelby County Plan Commission

By: _____
President

Attest: _____
Secretary

Hudson Family Farms Irrevocable Trust
30.56 Acres, Instr. 2012000419
(Being a part of the W12, SW1/4, 21-1-38 with the
exception of the 9.44 acre parent tract per this survey.)



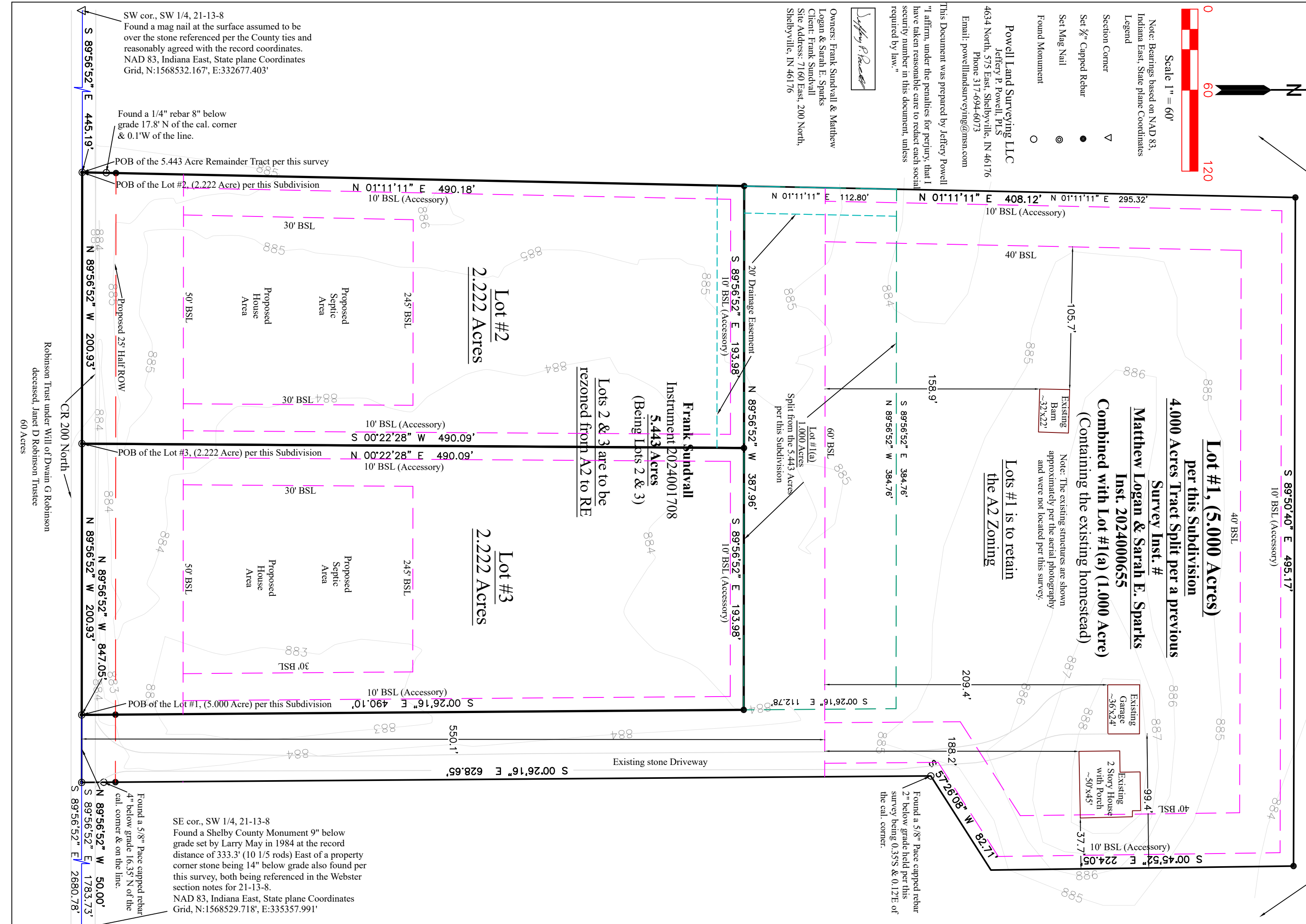
Note: Bearings based on NAD 83, Indiana East, State Plane Coordinates
Legend

- Section Corner
- Set 3/8" Capped Rebar
- Set Mag Nail
- Found Monument

Powell Land Surveying LLC
Jeffery P. Powell, PLS
4634 North, 575 East, Shelbyville, IN 46176
Phone 317-694-6073
Email: powelllandsurveying@gmail.com

This Document was prepared by Jeffery Powell
I affirm, under the penalties for perjury, that I
have taken reasonable care to reduce each social
security number in this document, unless
required by law."

Owners: Frank Sundvall & Matthew
Logan & Sarah E. Sparks
Client: Frank Sundvall
Site Address: 7160 East, 200 North,
Shelbyville, IN 46176



**Lot #1, (5,000 Acres)
per this Subdivision**

**Matthew Logan & Sarah E. Sparks
Inst. 2024000655
(Containing the existing homestead)**

**Lot #1 is to remain
the A2 Zoning**

**Frank Sundvall
Instrument 2024001708
5.443 Acres
(Being Lots 2 & 3)
are to be
re-zoned from A2 to RE**

**Lot #2
2.222 Acres**

**Lot #3
2.222 Acres**

SW cor., SW 1/4, 21-13-8
Found a mag nail at the surface assumed to be
over the stone referenced per the County ties and
reasonably agreed with the record coordinates.
NAD 83, Indiana East, State plane Coordinates
Grid, N:1568532.167, E:332677.403

Found a 1/4" rebar 8" below
grade 17.8' N of the cal. corner
& 0.1' W of the line.

SE cor., SW 1/4, 21-13-8
Found a Shelby County Monument 9" below
grade set by Larry May in 1984 at the record
distance of 333.3' (10 1/5 rods) East of a property
corner stone being 14" below grade also found per
this survey, both being referenced in the Webster
section notes for 21-13-8.
NAD 83, Indiana East, State plane Coordinates
Grid, N:1568529.718, E:335357.991'

Sundvall & Sparks Simple Subdivision

A part of the West Half of the Southwest Quarter of Section 21, Township 13 North, Range 8 East, in Union Township, Shelby County, Indiana

Parent description of the 5.443 acre tract being the parent tract of Lot 2&3 per this subdivision and now owned by Frank Sundvall, recorded in Instrument 2024001708. Parcel No. 73-08-21-300-000-0191
A part of the West Half of the Southwest Quarter of Section 21, Township 13 North, Range 8 East, of the Second Principal Meridian, situated in Union Township, Shelby County, Indiana and being created from a survey by Jeffery Powell (Job # 2023-77) and being more particularly described as follows:
Commencing at the Southwest corner of the said Southwest quarter section said point being a mag nail over a stone per the Shelby County ties, thence South 89 degrees 56 minutes 52 seconds East (Bearings based on NAD 83, Indiana East, State Plane Coordinates) along the South line of the said quarter section a distance of 443.19 feet to a mag nail with a Powell washer set at the Southeast corner of a 9.44 acre tract recorded in Instrument 2023003120, being created per the original survey by Pace Engineering recorded in Shelby County Recorded Office in Survey Book 2, page 472-3; and said point also being the point of beginning of the tract herein described; thence North 01 degrees 11 minutes 11 seconds East along the West line of the said 9.44 acre tract a distance of 490.18 feet to a Powell capped rebar; thence North 89 degrees 56 minutes 52 seconds East a distance of 490.10 feet to a Powell capped rebar; thence South 89 degrees 56 minutes 52 seconds East a distance of 490.10 feet to a Powell capped rebar; thence South 00 degrees 26 minutes 16 seconds East a distance of 602.88 feet to a mag nail with a Powell washer set on the South line of the said quarter section; thence North 89 degrees 56 minutes 52 seconds West along the South line of the said quarter section a distance of 401.86 feet to the point of beginning, containing 5.443 acres more or less and being subject to any and all easements, right of ways and restrictions.

Parent description of the 4,000 acre tract split per the previous survey owned by Matthew Logan & Sarah E. Sparks, recorded in Instrument 2024000655. Parcel No. 73-08-21-300-000-0191
A part of the West Half of the Southwest Quarter of Section 21, Township 13 North, Range 8 East, of the Second Principal Meridian, situated in Union Township, Shelby County, Indiana and being created from a survey by Jeffery Powell (Job # 2023-77) and being more particularly described as follows:
Commencing at the Southwest corner of the said Southwest quarter section said point being a mag nail over a stone per the Shelby County ties, thence South 89 degrees 56 minutes 52 seconds East (Bearings based on NAD 83, Indiana East, State Plane Coordinates) along the South line of the said quarter section a distance of 847.06 feet to a mag nail with a Powell washer set at the point of beginning of the tract herein described; thence North 00 degrees 26 minutes 16 seconds West a distance of 602.88 feet to a Powell capped rebar; thence North 89 degrees 56 minutes 52 seconds West a distance of 384.76 feet to a Powell capped rebar set on the West line of a 9.44 acre tract recorded in Instrument 2023003120, being created per the original survey by Pace Engineering recorded in Shelby County Recorded Office in Survey Book 2, page 472-3; the next 3 courses being on and along the boundary of the said 9.44 acre tract; (1) thence North 01 degrees 11 minutes 11 seconds East a distance of 295.32 feet to a Powell capped rebar; (2) thence South 89 degrees 56 minutes 52 seconds East a distance of 495.17 feet to a Powell capped rebar; (3) thence South 00 degrees 26 minutes 16 seconds East a distance of 224.05 feet to a Powell capped rebar; (4) thence South 57 degrees 26 minutes 08 seconds West a distance of 32.71 feet to a found Pace Engineering capped rebar set per the original survey of the said 9.44 acre tract; (5) thence South 00 degrees 26 minutes 16 seconds East a distance of 628.65 feet to a mag nail with a Powell washer set on the South line of the said quarter section; thence North 89 degrees 56 minutes 52 seconds West along the South line of the said quarter section a distance of 500.00 feet to the point of beginning, containing 4,000 acres more or less and being subject to any and all easements, right of ways and restrictions. More commonly known as 7160 East 200 North, Shelbyville, Indiana 46176.

Description of Lot #1(a) (1,000 Acres) being split from the hands owned by Frank Sundvall, recorded in Instrument 2024001708 per this subdivision.
A part of the West Half of the Southwest Quarter of Section 21, Township 13 North, Range 8 East, of the Second Principal Meridian, situated in Union Township, Shelby County, Indiana and being created from a survey by Jeffery Powell (Job # 2023-77) and being more particularly described as follows:
Commencing at the Southwest corner of the said Southwest quarter section said point being a mag nail over a stone per the Shelby County ties, thence South 89 degrees 56 minutes 52 seconds East (Bearings based on NAD 83, Indiana East, State Plane Coordinates) along the South line of the said quarter section a distance of 443.19 feet to a mag nail with a Powell washer set at the Southeast corner of a 5.443 acre tract described in Instrument 2024001708; thence North 01 degrees 11 minutes 11 seconds East along the West line of the said 5.443 acre tract a distance of 490.18 feet to a Powell capped rebar and said point also being the point of beginning of the tract herein described; thence North 01 degrees 11 minutes 11 seconds East along the West line of the said 5.443 acre tract a distance of 490.10 feet to a Powell capped rebar; thence North 89 degrees 56 minutes 52 seconds West a distance of 387.96 feet to a Powell capped rebar set on the West line of a 9.44 acre tract described in Instrument 2023003120, being created per the original survey by Pace Engineering recorded in Shelby County Recorded Office in Survey Book 2, page 472-3; the next 3 courses being on and along the boundary of the said 9.44 acre tract; (1) thence North 01 degrees 11 minutes 11 seconds East a distance of 408.12 feet to a Powell capped rebar; (2) thence South 89 degrees 56 minutes 52 seconds East a distance of 495.17 feet to a Powell capped rebar; (3) thence South 00 degrees 26 minutes 16 seconds East a distance of 224.05 feet to a Powell capped rebar; (4) thence South 57 degrees 26 minutes 08 seconds West a distance of 32.71 feet to a found Pace Engineering capped rebar set per the original survey of the said 9.44 acre tract; (5) thence South 00 degrees 26 minutes 16 seconds East a distance of 628.65 feet to a mag nail with a Powell washer set on the South line of the said quarter section; thence North 89 degrees 56 minutes 52 seconds West along the South line of the said quarter section a distance of 500.00 feet to the point of beginning, containing 1,000 acres more or less and being subject to any and all easements, right of ways and restrictions.

Description of Lot #1 (5,000 Acres) combining the 4,000 acre tract split per the previous survey owned by Matthew Logan & Sarah E. Sparks, recorded in Instrument 2024000655 and Lot #1(a), being a 1,000 acre split from the hands owned by Frank Sundvall, recorded in Instrument 2024001708 per this subdivision.
A part of the West Half of the Southwest Quarter of Section 21, Township 13 North, Range 8 East, of the Second Principal Meridian, situated in Union Township, Shelby County, Indiana and being created from a survey by Jeffery Powell (Job # 2023-77) and being more particularly described as follows:
Commencing at the Southwest corner of the said Southwest quarter section said point being a mag nail over a stone per the Shelby County ties, thence South 89 degrees 56 minutes 52 seconds East (Bearings based on NAD 83, Indiana East, State Plane Coordinates) along the South line of the said quarter section a distance of 847.06 feet to a mag nail with a Powell washer set at the Southeast corner of a 5.443 acre tract described in Instrument 2024001708; thence North 01 degrees 11 minutes 11 seconds East along the West line of the said 5.443 acre tract a distance of 490.18 feet to a Powell capped rebar and said point also being the point of beginning of the tract herein described; thence North 01 degrees 11 minutes 11 seconds East along the West line of the said 5.443 acre tract a distance of 490.10 feet to a Powell capped rebar; thence North 89 degrees 56 minutes 52 seconds West a distance of 387.96 feet to a Powell capped rebar set on the West line of a 9.44 acre tract described in Instrument 2023003120, being created per the original survey by Pace Engineering recorded in Shelby County Recorded Office in Survey Book 2, page 472-3; the next 3 courses being on and along the boundary of the said 9.44 acre tract; (1) thence North 01 degrees 11 minutes 11 seconds East a distance of 408.12 feet to a Powell capped rebar; (2) thence South 89 degrees 56 minutes 52 seconds East a distance of 495.17 feet to a Powell capped rebar; (3) thence South 00 degrees 26 minutes 16 seconds East a distance of 224.05 feet to a Powell capped rebar; (4) thence South 57 degrees 26 minutes 08 seconds West a distance of 32.71 feet to a found Pace Engineering capped rebar set per the original survey of the said 9.44 acre tract; (5) thence South 00 degrees 26 minutes 16 seconds East a distance of 628.65 feet to a mag nail with a Powell washer set on the South line of the said quarter section; thence North 89 degrees 56 minutes 52 seconds West along the South line of the said quarter section a distance of 500.00 feet to the point of beginning, containing 5,000 acres more or less and being subject to any and all easements, right of ways and restrictions.

Description of Lot #2 (2,222 Acres) being split from the hands owned by Frank Sundvall, recorded in Instrument 2024001708 per this subdivision.
A part of the West Half of the Southwest Quarter of Section 21, Township 13 North, Range 8 East, of the Second Principal Meridian, situated in Union Township, Shelby County, Indiana and being created from a survey by Jeffery Powell (Job # 2023-77) and being more particularly described as follows:
Commencing at the Southwest corner of the said Southwest quarter section said point being a mag nail over a stone per the Shelby County ties, thence South 89 degrees 56 minutes 52 seconds East (Bearings based on NAD 83, Indiana East, State Plane Coordinates) along the South line of the said quarter section a distance of 443.19 feet to a mag nail with a Powell washer set at the Southeast corner of a 5.443 acre tract described in Instrument 2024001708, and said point also being the point of beginning of the tract herein described; thence North 01 degrees 11 minutes 11 seconds East along the West line of the said 5.443 acre tract a distance of 490.18 feet to a Powell capped rebar; thence North 89 degrees 56 minutes 52 seconds East a distance of 490.10 feet to a Powell capped rebar; thence South 89 degrees 56 minutes 52 seconds East a distance of 490.10 feet to a Powell capped rebar; thence South 00 degrees 26 minutes 16 seconds East a distance of 602.88 feet to a mag nail with a Powell washer set on the South line of the said quarter section; thence North 89 degrees 56 minutes 52 seconds West along the South line of the said quarter section a distance of 200.93 feet to the point of beginning, containing 2,222 acres more or less and being subject to any and all easements, right of ways and restrictions.

Description of Lot #3 (2,222 Acres) being split from the hands owned by Frank Sundvall, recorded in Instrument 2024001708 per this subdivision.
A part of the West Half of the Southwest Quarter of Section 21, Township 13 North, Range 8 East, of the Second Principal Meridian, situated in Union Township, Shelby County, Indiana and being created from a survey by Jeffery Powell (Job # 2023-77) and being more particularly described as follows:
Commencing at the Southwest corner of the said Southwest quarter section said point being a mag nail over a stone per the Shelby County ties, thence South 89 degrees 56 minutes 52 seconds East (Bearings based on NAD 83, Indiana East, State Plane Coordinates) along the South line of the said quarter section a distance of 443.19 feet to a mag nail with a Powell washer set at the Southeast corner of a 5.443 acre tract described in Instrument 2024001708, and said point also being the point of beginning of the tract herein described; thence North 01 degrees 11 minutes 11 seconds East along the West line of the said 5.443 acre tract a distance of 490.18 feet to a Powell capped rebar; thence North 89 degrees 56 minutes 52 seconds East a distance of 490.10 feet to a Powell capped rebar; thence South 89 degrees 56 minutes 52 seconds East a distance of 490.10 feet to a Powell capped rebar; thence South 00 degrees 26 minutes 16 seconds East a distance of 602.88 feet to a mag nail with a Powell washer set on the South line of the said quarter section; thence North 89 degrees 56 minutes 52 seconds West along the South line of the said quarter section a distance of 200.93 feet to the point of beginning, containing 2,222 acres more or less and being subject to any and all easements, right of ways and restrictions.

Surveyor's Report:
This report is in accordance with Title 865, Article 1.1, Chapter 12, Sections 1 through 34, of the Indiana Administrative Code; the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of: Availability and condition of the reference monuments, Occupation or possession lines, Clarity or ambiguity of the record description used and/or adjacent's description. This survey falls within the classification of a Suburban survey and therefore has a Relative position accuracy of 0.13 feet plus 100 parts per million.

Purpose of the survey:
The purpose of this survey is to subdivide off a 1,000 acre tract of the North end of the 5,443 acre tract owned by Frank Sundvall, recorded in Instrument 2024001708 that was created per a previous survey recorded in Instrument 2024000658 and combine it with a

4,000 acre tract owned by Matthew Logan & Sarah E. Sparks, recorded in Instrument 2024000655 to create the proposed Lot #1 (5,000 acres) per this subdivision and the remaining 4,443 acre tract is being split in half to create Lots #2 & 3 (2,222 acres). The new lots created per this subdivision are per the owner's instructions. Lot #1 per this subdivision is to remain the A2 zoning and Lots #2 & 3 are to be rezoned to "RE". The field work was performed on September 19, 2023 and other dates.

Availability and condition of the reference monuments:
The following corners were found and held to establish the South line of the Southwest Quarter of Section 21, Township 13 North, Range 8 East per this survey:
-SW cor., SW 1/4, 21-13-8; Found a mag nail at the surface assumed to be over the stone referenced per the County ties and reasonably agreed with the record coordinates.
-SE cor., SW 1/4, 21-13-8; Found a Shelby County Monument 9" below grade set by Larry May in 1984 at the record distance of 333.3' (10 1/5 rods) East of a property corner stone being 14" below grade also found per this survey, both being referenced in the Webster section notes for 21-13-8 found in the Shelby County Surveyor's Office.
-There were 2 Pace capped rebars that were found along the East line that were held and the remaining corners were established per the geometry of the 9.44 acre tract described in Instrument 2023003120, being created per the original survey by Pace Engineering recorded in Shelby County Recorded Office in Survey Book 2, page 472-3.
-The monuments shown on the survey plat and the uncertainty associated with the said corners are represented on the herein drawn survey plat and within this report by Record vs. Measured vs. Calculated. All monuments were found or set as indicated on the survey plat or within this report.

Occupation or possession lines:
County Road 200 North is along the South side and there were no other occupation lines found per this survey. The new South lines of the Lot #1, 2,000 acre tract and the Lots #2 & 3 created per this survey are per the owners instructions. The occupation or possession lines found per this survey are as indicated on the survey plat and within this report.

Clarity or ambiguity of the record description used and/or adjacent's description:
There were no ambiguities found within the record descriptions used. The previous survey recorded in Instrument 2024000658 held the record geometry of the 9.44 acre tract except for the 2 Pace capped rebars that were found along the East line that were held and adjusted to per this survey. The adjacent lands to the North, East and West owned by Hudson Family Farms Irrevocable Trust and recorded in Instrument 2012000419 describe the West Half of the Southwest Quarter 21-13-8 with the exception of the 9.44 acre parent tract per this survey.

Relative position accuracy of Measurements:
This survey falls within the classification of a Suburban survey and therefore has a Relative position accuracy of 0.13 feet plus 100 parts per million.

Flood Hazard Statement:
The proposed building Lots #1 and #2 are located in a special flood hazard ZONE X per the FEMA Flood Insurance rate map number 18145C0145D; the accuracy of this flood hazard statement is subject to map scale uncertainty in location or elevation on the referenced Flood Insurance rate map.

Survey Notes:
-Note: the building set back lines for the "RE" zoning are 50' front for primary & accessory structures and 30' Side & Rear for primary & 10' for accessory structures.
-Note: The drainage easement allows access by the County Surveyor and County Drainage Board for the purpose of widening, deepening, sloping, improving, maintaining, repairing, etc. or protecting the open ditch.
-Note: At least five decisions trees with at least 1 1/2 inch DBH at time of planting are required on Lot #2 & 3 prior to issuance of a certificate of occupancy for a new single-family residence on Lots #2 & 3.

Surveyor's Certification:
I, the undersigned, hereby certify that I am a Land Surveyor registered in compliance with the laws of the State of Indiana, and I do hereby further certify that I have surveyed the real estate described in the caption above and that I have subdivided the same into two tracts as shown on the herein drawn plat. This plat correctly represents said survey and subdivision in every detail. Monuments shown are in place as located.

Witness my hand this 23th day of August, 2024.
Jeffery P. Powell
Registered Land Surveyor
No. 29800024

Witness my hand this 23th day of August, 2024.
Matthew Logan
Sarah E. Sparks

Witness my hand this 23th day of August, 2024.
Frank Sundvall

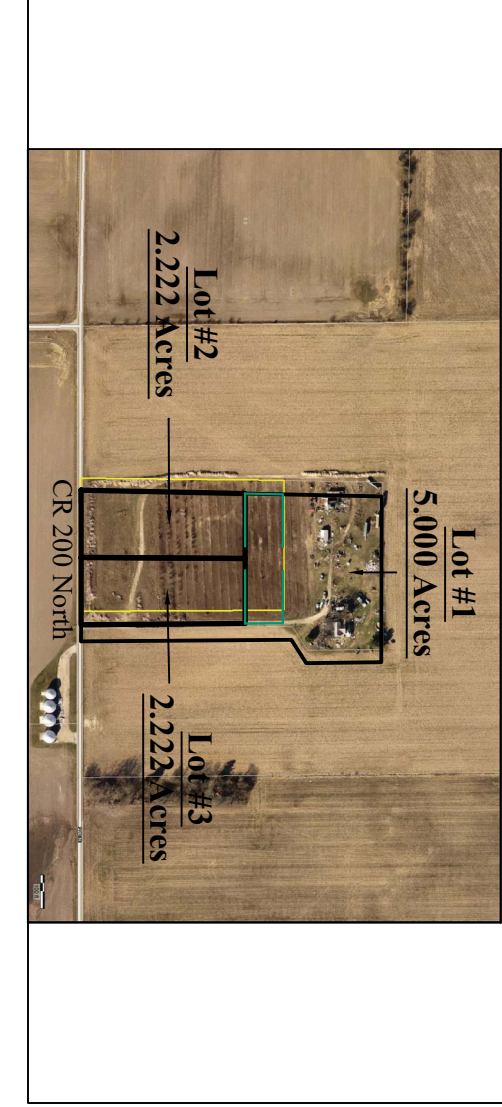
Witness my hand this 23th day of August, 2024.
Terry Smith, President Plan Commission

Notary Certification:
I, Matthew Logan & Sarah E. Sparks, do hereby certify that we are the owners of the property described in the above captioned and that as such owners we have caused the said above described property to be surveyed and subdivided as shown on the here on drawn plat, as our true and voluntary act and deed.
Witness my hand this _____ day of _____, 2024.

Notary Public:
Green under my hand and notarial seal this _____ day of _____, 2024.

Plan Commission Approval:
Approved by the Shelby County Plan Commission in accordance with Subdivision Regulations with the following waivers of design standards:
- Of Simple Subdivision design standards to allow a side lot line not within a 15-degree angle to the right-of-way.
By: _____ Date: _____
Terry Smith, President Plan Commission

Re-zoning Approval:
Shelby County Commissioners Re-zoning Ordinance # _____ with the following stipulation: _____ was approved by the Shelby County Commission on _____ -The primary structure rear lot line setback on Lot 2 and Lot 3 shall be 245 feet from the North line.



Shelby County Plan Commission

Memo

To: Shelby County Plan Commission

From: Desiree Calderella, Planning Director

RZ 24-08 Unified Development Ordinance Text Amendment – SES-01 – Commercial Solar Energy Systems.

The solar ordinance amendment recommended by the majority of the members of the solar ordinance review committee established by the Shelby County Commissioners, and explanation of the purpose of each amendment, are attached to this memo. The items in red reflect the changes made to the current ordinance.

The members of the Plan Commission should use the discussion item on the August Plan Commission agenda to ask any technical or clarifying questions on the language in the amendment. The Planning Director will advertise the amendment for public hearing and comment for the September Plan Commission meeting.

The Shelby County Commissioners have adopted a resolution imposing a moratorium on filing, processing, review, and acceptance of new applications for commercial solar energy development while the County reviews the County's commercial solar energy development standards. The moratorium specifically references the need for the County's regulations to align with the State legislation outlining minimum standards for commercial solar energy systems and to incorporate the most recent best practices associated with CSES installations, their construction, maintenance, and decommissioning.

The Shelby County Commissioners established a solar ordinance review committee to review the County's current standards. Members include Desiree Calderella (Planning Director), Don Parker (Commissioners Representative), Kyle Barlow (Council Representative), Megan Hart (Plan Commission Representative), Jason Foltz (owner of property in proposed solar project), and Jason Clark (Plan Commission Attorney).

The Planning Director submitted a solar ordinance standard comparison analysis to the committee which compared the County's existing solar regulations to the State minimum standards, recommended standards by the American Planning Association, and recommended standards by the Indiana State Model Ordinance. The County existing standards met or exceeded most other standards. Notable

25 W Polk St, Shelbyville, IN 46176

T: 317-392-6338 W: <https://www.co.shelby.in.us/plan-commission/>

standards lacking included noise restrictions and transportation plan requirements, which the committee chose to include in the updated regulations.

The Planning Director also conducted a site visit of the operational Bellflower Solar Energy Facility located in Rush & Henry Counties. The committee agreed to add a few additional regulations recommended by the Planning Director after her review of the project.

The committee came to a consensus on all amendments, other than four items. Staff recommends that the Plan Commission take these items into consideration before making a recommendation to the County Commissioners on the amendment.

Section D 1 – Updates the setback from the road from 100-feet to 500-feet.

The Planning Director recommended increasing the front setback after viewing the Bellflower Project over in Rush/Henry County, since the front setback had the largest aesthetic impact on the area as a whole. However, this would result in Shelby County having the most restrictive front setback in the State. Also, the setback only serves the purpose of mitigating aesthetics, so the Plan Commission can reduce the setback if it prefers to place less emphasis on aesthetics. Photographs from the Bellflower Project showing alternative setbacks are attached to this memo.

Section D 2– Updates the required setback from 660-feet from a primary structure on non-participating property to 660-feet from the property line of non-participating property. Adds a clause that allows the non-participating property owner to waive this requirement.

This setback would also result in Shelby County having the most restrictive setback in the State; however, many other communities do not have language that allows the non-participating property owner to waive the setback. Imposing such a large setback could result in solar company acquiring additional acres which would significantly increase the overall project size (this happened with Speedway Solar). Although likely several non-participating property owners would agree to waive the requirement if offered compensation.

Section R 3 – Allows herbicides to be applied for weed control

Kyle suggested prohibiting the use of herbicides due to the argument that solar companies often make that solar projects will allow the land to rest from chemicals sprayed on crops. The committee had concerns that the company would have no other practical method of weed control, other than grazing, which would likely not occur over the entire site, resulting in unmaintained groundcover.

Shifting the approval process from the BZA by Special Exception to the Plan Commission and County Commissioners by a rezoning.

The committee did not have a strong feeling regarding this change in process but suggested that the Plan Commission and Commissioners consider this option. In a nutshell, to shift the process the ordinance would require a recommendation from the Plan Commission and final approval by the Commissioners of a zoning overlay district only over the property included within a proposed project. All development standards applicable to the property in the underlying zoning district would apply in addition to the standards applicable to solar facilities. None of the requirements for solar facilities would change. A few benefits of this change in process include:

- Review by a larger body of people, and review by people with related experience on the Plan Commission (Surveyor, Ag Extension, etc.)
- Final approval by officials directly elected by the public.
- Final approval by officials elected to office in the most recent election. A BZA appointee at the end of a four-year term could have been appointed by previous elected officials.

ORDINANCE NO 2024 -

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, INDIANA, AMENDING THE SHELBY COUNTY UNIFIED DEVELOPMENT ORDINANCE - SPECIFICALLY ARTICLE 2: ZONING DISTRICTS AND ARTICLE 5, SECTION SES-01 – COMMERCIAL SOLAR ENERGY FACILITIES

WHEREAS, the Board of Commissioners of Shelby County, Indiana recognize the need for orderly growth and development within Shelby County and those areas within its planning jurisdiction;

WHEREAS, Shelby County has an existing Unified Development Ordinance that regulates development within its jurisdictional areas;

WHEREAS, Shelby County desires to update its development regulations to meet current economic conditions, current trends, and to promote quality growth;

WHEREAS, Public Notice was given for at least one public hearing as required by Indiana Code 36-7-4-604; and

WHEREAS, the Shelby County Plan Commission has recommended approval of the amendment to the Unified Development Ordinance as required by Indiana Code 36-7-4-605.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of Shelby County, Indiana as follows:

SECTION 1: Amendment of Article 5, Section SES-01 of the Unified Development Ordinance of Shelby County: **see attached**

SECTION 2: Amendment of Article 2.03 A1 District Intent, 2.05 A2 District Intent, 2.07 A3 District Intent, and 2.09 A4 District Intent to add: **see attached**

SECTION 3: Effective Date. This ordinance shall be in full force and effect from and after its adoption by the Board of Commissioners of Shelby County, Indiana.

SECTION 4: Repealable Provisions. All ordinances and parts of ordinances in conflict with the specific amendment herein are hereby repealed.

ADOPTED this ___th day of ___, 2024 by a vote of _____ ayes and _____ nays of members of the Board of Commissioners of Shelby County, Indiana.

Don Parker, President

Kevin Nigh, Member

Jason Abel, Member

ATTEST:

Amy Glackman, Auditor
Shelby County, Indiana

SES-01 – Commercial Solar Energy Systems

The Commercial Solar Energy Systems Standards apply to the following zoning districts: **A1, A2, A3, A4, C1, C2, I1, I2, HI**

The intent of these performance standards are to enable Shelby County to regulate the permitting of commercial solar energy systems; be informed of the placement of commercial solar energy systems; preserve and protect public health and safety; allow for the orderly development of land; and protect property values in Shelby County.

- A. Permitted Districts: Zoning approval required for a CSES is displayed in Table SES-A: CSES Permitted Districts.

Table SES-A: CSES Permitted Districts

	CSES Permitted Districts								
Zoning District	A1	A2	A3	A4	C1	C2	I1	I2	HI
CSES	SE	SE	SE	SE	SE	SE	D	D	D

SE-Special Exception D- Development Standards

(To be added to the two-page layout in Article 02: Zoning Districts, for the applicable districts)

- B. Application Procedure and Land Use Approvals Required: Applications for CSES land use approvals and permits shall be filed on forms provided by the Zoning Administrator. The order of the approval process is as follows (1) If required, Special Exception and Development Standards Variance approval, (2) TAC Site Plan approval, (3) Improvement Location Permit approval. The following standards apply:
1. Special Exception: For any CSES requiring a Special Exception: Refer to Shelby County U.D.O. *Section 9.13 Special Exception*. Additionally, the applicant shall submit the *Application and Supporting Information*, as listed in *Section 9.13*, to the governmental agencies listed below. Any written response from each agency received within thirty (30) days of submittal of the *Application and Supporting Information* shall be submitted with the Application for Special Exception. Approval of the project by each agency is not required, however the Board of Zoning Appeals may place conditions on approval of an application or deny an application based on the submitted written responses.
 - i. The following Divisions of the Indiana Department of Environmental Management (IDEM)
 - Office of Land Quality
 - Office of Water Quality
 - All other applicable Divisions as requested in writing by the Zoning Administrator
 - ii. The following Divisions of the Indiana Department of Natural Resources (IDNR)
 - Division of Forestry (if over one acre of forested land is disturbed)
 - Division of Historic Preservation & Archaeology
 - Division of Oil & Gas
 - Division of Water

- All other applicable Divisions as requested in writing by the Zoning Administrator
- iii. Local Indiana Department of Transportation District (if the perimeter boundary of the CSES is adjacent to a State Road, U.S. Road, or Interstate)
 - iv. Shelbyville Municipal Airport (if the perimeter boundary of the CSES is within 660 feet of the airport)
 - v. Telecommunications Infrastructure Owners & Operators within 2 miles of the CSES perimeter boundary
 - vi. Fire Department(s) having jurisdiction over the CSES
 - vii. Shelby County Sheriff's Department
 - viii. Shelby County Highway Department
 - ix. Office of the Shelby County Commissioners
 - x. Building Department of any Shelby County incorporated municipality within 2 miles of the CSES perimeter boundary
 - xi. Shelby County Emergency Management Service
 - xii. Shelby County Soil & Water Conservation District
 - xiii. Shelby County Purdue Extension Office
 - xiv. If any portion of the CSES is located in a Wellhead Protection Area(s), the water utility(s) that maintains the wellhead(s).
 - xv. Any other applicable governmental agency as requested in writing by the Zoning Administrator.
2. Development Standards Variance: For any CSES requiring a Development Standards Variance(s): Refer to Shelby County U.D.O *Section 9.17 Variance*.
 3. TAC Site Plan Approval: The applicant shall be required to submit a commercial site plan to the Shelby County Storm Drainage, Erosion and Sediment Control Ordinance Technical Advisory Committee (TAC) for review. The plan should be submitted in accordance with the Class 1 Site Plan requirements as listed in Table A of the Shelby County Storm Drainage, Erosion and Sediment Control Ordinance. In addition to the Class 1 Site Plan, the following supplementary documentation shall be required:
 1. The building envelope (i.e. the resulting developable area after applying setbacks).
 2. A calculation of the existing lot coverage expressed as a percentage.
 3. A calculation of the lot coverage as it would be upon completing the project, expressed as a percentage.
 4. Denotation of any existing structure on an adjacent parcel if within 660 feet of the subject parcel's property line.
 5. Denotation of adjacent zoning districts if different than the subject parcel.
 6. Denotation of wildlife corridors to allow wildlife to navigate through the CSES.

7. Landscape Plan **in accordance with U.D.O. Section SES-01 G** drawn and certified by a Registered Engineer or Landscape Architect.
 8. **Acoustic Assessment in accordance with U.D.O. Section SES-01 I.**
 9. Groundcover Plan in accordance with U.D.O. ~~Section SES-01 R~~. The Groundcover Plan may be incorporated into the Landscape Plan.
 10. **Road Use Agreement in accordance with U.D.O. Section SES-01 S 1.**
 11. Bond to cover costs associated with repair to County roads and roadway infrastructure in accordance with U.D.O. ~~Section SES-01 S 2~~.
 12. Decommissioning Plan in accordance with U.D.O. ~~Section SES-01 R-U~~.
 13. **Any written consent filed by a non-participating property owner in accordance with U.D.O. Section SES-01 D 3 and Section SES-01 G.**
 14. Any other information necessary to support a thorough review of the project as requested in writing by the Zoning Administrator, **including any additional information from any agencies listed in U.D.O. Section SES-01 B 1.**
4. Improvement Location Permit: The applicant shall be required to submit an application for an Improvement Location Permit (ILP) in accordance with Shelby County U.D.O. *Section 9.05 Improvement Location Permit*. In addition to the ILP Application, the following supplementary documentation shall be required:
1. Solar system specifications, including manufacturer and model. The manufacturer specifications for the key components of the solar energy system shall be submitted with the application.
 2. Array/module design **shall be submitted with the application.**
 3. Certification that layout, design, and installation conform to and comply with all applicable industry standards, such as:
 - i. National Electrical Code (NEC)(NFPA-70)
 - ii. American National Standards Institute (ANSI)
 - iii. Underwriter's Laboratories (UL)
 - iv. American Society for Testing & Materials (ASTM)
 - v. Institute of Electric & Electronic Engineers (IEEE)
 - vi. Solar Rating & Certification Corporation (SRCC)
 - vii. Electrical Testing Laboratory (ETL), and other similar certifying organizations
 - viii. Federal Aviation Administration (FAA)
 - ix. Indiana Building Code (IBC)
 4. The CSES applicant shall certify that they will comply with the utility notification requirements contained in Indiana law and accompanying regulations through the Indiana Public Utility Commission, unless the applicant intends, and so states on the application, that

the system will not be connected to the electricity grid.

5. Documented approval of any other permits as required by Shelby County.

C. Application Fees: The following fees shall accompany any CSES application:

1. Special Exception Application Fee: ~~\$450~~-\$5,650
2. Variance Fee: ~~\$375~~ \$4,750
3. TAC Site Plan Fee: ~~\$100~~-\$120 per hour of review
4. Improvement Location Permit Fee: ~~\$0.05 per pile plus \$0.05 per sq. ft. of substation area~~ 0.1% of the value of all property improvements.
5. Third-Party Review Fees: The applicant shall pay all attorney fees, costs associated with third-party review, and any other costs in the enforcement of the terms of this ordinance.

D. Setbacks: Any CSES ground mounted equipment **and buildings**, excluding any security fencing, poles, and wires necessary to connect to facilities of the electric utility, shall be located:

- ~~1. A minimum of 660 feet from any primary structure on adjoining property not owned by a person(s) and/or corporate entity owning land within the CSES.~~
- ~~2. A minimum of 150 feet from any adjoining property line which is a perimeter boundary line of the CSES.~~
- ~~3. A minimum of 100 feet from the edge of pavement of any public road.~~
1. A minimum of 500 feet from the centerline of any public road.
2. A minimum of 660-feet from the property line of any non-participating property, including the property line of properties not adjacent to the CSES. Any non-participating property owner may reduce or waive the setback requirement from their property lines by filing written consent with the Shelby County Recorder. Such consent, when recorded, shall run with the property in perpetuity. At a minimum, the written consent shall include:
 - a. The setback requirement agreed upon by the non-participating property owner and the applicant.
 - b. A legal description of the non-participating property and parcel number(s).
 - c. A property map showing all property lines and agreed upon setback lines.

E. Lot Coverage: Any CSES shall be exempt from the maximum lot coverage requirement of each zoning district.

F. Height: The height of any CSES ground mounted solar equipment is limited to 20 feet, as measured from the highest natural grade below each solar panel.

G. Landscape Buffer: ~~Any CSES shall be required to meet the landscape standards as listed in Shelby County U.D.O. Section 5.49 LA 07: Buffer Yard Landscaping Standards. All CSES installations shall require a minimum of a Buffer Yard "C" where the subject parcel abuts a parcel with an equal or lower intensive zoning category than the subject parcel. This shall not apply to any CSES property abutting land zoned A1.~~ Any CSES shall be required to install a landscape buffer along the side and rear property lines adjacent to the CSES of any adjacent non-participating property which includes a dwelling unit. Any non-participating property owner may reduce or waive the landscaping

requirement along their property lines by filing written consent with the Shelby County Recorder. Such consent, when recorded, shall run with the property in perpetuity. The landscape buffer shall be installed in accordance with the following requirements:

1. **Berm:** A six (6) foot tall undulating mound shall be installed within fifteen (15) feet of the property line.
 2. **Evergreen Trees:** One (1) evergreen tree shall be planted for every five (5) feet of contiguous boundary with the adjacent lot. Each tree shall be planted between the required berm and adjacent lot. All required evergreen trees shall be at least five (5) feet in height at the time of planting. Any tree designated by the Zoning Administrator as an invasive species or with poor characteristics for a location shall not be permitted.
- H. **Fencing:** Security fencing surrounding any CSES shall be agricultural fencing which is of woven wire composition and wood posts. Fencing shall be a minimum height of six (6) feet and shall not exceed a height of eight (8) feet. Razor wire shall be prohibited. If Federal or State requirements conflict with County fencing standards, the Federal or State requirements shall supersede.
- I. **Noise:** Sound attributable of any CSES shall not exceed an hourly average sound level of forty (40) A-weighted decibels, as modeled at the perimeter boundary line of the CSES.
- J. **Wireless Communication Signal Disturbance:** Any CSES shall be installed so as not to cause any wire or wireless communication signal disturbance.
- K. **Glare:** Any CSES shall be situated to eliminate concentrated glare onto abutting structures and roadways.
- L. **Electrical Wires & Utility Connections:** To the greatest practical extent, all electrical wires and utility connections for any CSES shall be installed underground, except for transformers, inverters, substations and controls. The Zoning Administrator shall take into consideration prohibitive costs and site limitations in making his/her determination.
- M. **Lighting:** Exterior lighting for any CSES shall be limited to that required for safety and operational purposes.
- N. **Signage:** All signs, other than the **facility maintenance contact information**, manufacturer's or installer's identification, appropriate warning signs, or owner identification on a solar panel array and/or modules, building, or other structure associated with any CSES shall be prohibited.
- O. **Storage:** Outdoor storage of equipment, machinery, and waste or scrap materials, other than materials used during construction of any CSES or actively engaged in routine maintenance of any CSES, shall be prohibited. On-site storage structures shall comply with all standards for accessory structures identified in the U.D.O. and have a concrete floor and perimeter foundation.
- P. **Proximity to Airport:** For any CSES located within 660 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of a glare analysis through a qualitative analysis of potential impact, field test demonstration, or geometric analysis of ocular impact in consultation with the Federal Aviation Administration (FAA) Office of Airports, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
- Q. **Security:** All ground-mounted electrical and control equipment for CSES shall be fenced and labeled or secured to prevent unauthorized access. The solar array and/or modules shall be designed and installed to prevent access by the public **with fencing in accordance with Section SES-01 H**, and

access to same shall be through a locked gate.

R. Groundcover: Groundcover within any CSES shall comply with the following standards:

1. Groundcover within any CSES shall be planted and maintained to be free of all invasive species prohibited by Indiana law.
2. No insecticide use is permitted. This provision does not apply to insecticide use in on-site buildings, in and around electrical boxes, or as otherwise may be deemed necessary to protect public health and safety.
3. Legally applied herbicides by a licensed applicator for the control of weeds is permitted.
4. Prime Farmland:
 - a. Within any CSES project area, management of groundcover located on land classified as *All Areas Are Prime Farmland* by the *National Cooperative Soil Survey*, is required to adhere to guidance set forth by the Purdue University Extension, or an Indiana state government agency, on pollinator-friendly management practices, except as permitted in *U.D.O Section SES-01 O 2 b*. If no such guidance is established, such sites shall meet the following best management practices for creating pollinator habitat:
 - i. Ground around and under solar panels and in project site buffer areas shall be planted, established, and maintained for the life of the solar project in perennial vegetated ground cover to the maximum extent feasible and economical.
 - ii. To the maximum extent feasible and economical, perennial vegetation ground cover shall be based on a diverse seed mix of native species, or in the alternative, based on guidance specific to the local area provided by the National Resources Conservation Service, Soil and Water Conservation District, or Conservation District.
 - iii. The site shall be planted and maintained to be free of all invasive species prohibited by Indiana law.
 - b. Within any CSES project area, other agronomic practices may be permitted on land classified as *All Areas Are Prime Farmland* by the *National Cooperative Soil Survey* in lieu of pollinator-friendly management practices as described in *U.D.O Section SES-01 O 2 a* at the discretion of the Zoning Administrator. The Zoning Administrator shall take into consideration prohibitive costs and site limitations in making his/her determination.
5. Groundcover Plan: The applicant for any CSES shall submit a groundcover plan approved by a DNR wildlife biologist, local Soil and Water Conservation District professional, or other qualified professional as determined by the Zoning Administrator.

S. County Roads:

1. The applicant for any CSES and the Shelby County Commissioners shall enter into a Road Use Agreement for the use, repair, and improvement of County roads for the duration of the development, construction, operation, and maintenance of the CSES. The Road Use Agreement shall comply with any standards for Road Use Agreements adopted by the County Commissioners and applicable laws.
2. The applicant for any CSES shall provide a financial assurance to cover any costs associated with repair to County roads and roadway infrastructure due to construction activity related to the CSES:

- a. The applicant shall provide financial assurance in an amount determined by a State licensed professional engineer chosen by the County.
 - b. The financial assurance shall be in the form of a performance bond or a surety bond issued by an AM Best Company having an A or A+ rating.
 - c. The bond shall name the Shelby County Commissioners as the beneficiary, and default to the applicable municipality should the CSES become annexed.
- T. Maintenance: The applicant for any CSES or its successor shall be responsible for regular maintenance of the CSES. Failure to maintain the CSES is a violation of the Unified Development Ordinance. At a minimum, regular maintenance includes:
1. Physical improvements, including but not limited to electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, and pilings, shall be maintained in good working order at the cost of the applicant.
 2. Panels shall be repaired or replaced when either nonfunctional or in visible disrepair.
 3. Weed control, mowing, and removal of invasive species shall be performed routinely.
 4. Growth of vegetation, other than trees, shrubs, ornamental plants, agricultural crops, and vegetation to exceed ten (10) inches as part of an approved Groundcover Plan in accordance with U.D.O Section SES-01 R, shall not exceed ten (10) inches.
 5. All fences shall be maintained in accordance with U.D.O Section 5.23 D
 6. All landscaping shall be maintained in accordance with U.D.O Section 5.43 D
- U. Decommissioning: Any CSES which has ~~reached the end of its useful life~~ discontinued commercial operation or has ceased electrical power generation or transmission for at least six (6) consecutive months shall be removed at the expense of the applicant or its successor in compliance with a decommissioning plan approved by the County. The following standards apply:
1. Decommissioning Plan: The applicant shall submit a decommissioning plan to the County for approval in conjunction with application for TAC Site Plan approval. At a minimum, the decommissioning plan shall include:
 - a. Description of Implementation, including but not limited to:
 - i. Removal of all surface and subsurface physical improvements including but not limited to electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and fences. At the discretion of the Zoning Administrator, the plan may incorporate agreements between the applicant and owners of leased property with the CSES to allow access roads and/or fencing to remain in place.
 - ii. Restoration of surface grade, soil, and vegetation to pre-construction conditions.
 - iii. Disposal of all CSES equipment and materials in compliance with Federal, State, and Local laws at the time of decommissioning.
 - iv. Decommissioning Cost Estimate in accordance with U.D.O Section SES-01 U 2
 - v. Financial Assurance for Decommissioning in accordance with U.D.O Section SES-01 U 3

2. Decommissioning Cost Estimate:
 - a. The applicant shall submit a decommissioning cost estimate for the gross estimated cost to decommission the CSES in accordance with the decommissioning plan.
 - b. The cost estimate shall be prepared by a State licensed professional engineer chosen by the County.
 - c. The cost estimate shall be submitted in conjunction with the TAC Site Plan application and updated every five years by a State licensed professional engineer chosen by the County.
 - d. The applicant or its successor shall reimburse the County for any analysis by the State licensed engineer and any other third party of the initial and updated decommissioning cost estimates.
 - e. The decommissioning cost estimate shall not include any estimates or offsets for the resale or salvage values of the CSES equipment and materials.

3. Financial Assurance for Decommissioning:
 - a. The applicant shall provide financial assurance for the total estimated cost of decommissioning, in accordance with *U.D.O Section SES-01 U 2*
 - b. The financial assurance shall be in the form of a performance bond or a surety bond issued by an AM Best Company having an A or A+ rating **reviewed and approved by County legal counsel.**
 - c. The bond shall name the Shelby County Commissioners as the beneficiary, and default to the applicable municipality should the CSES become annexed.
 - d. The bond shall be in place prior to issuance of an ILP and the applicant or its successor shall submit an updated bond to the County every **five-three** years.

4. Partial Decommissioning: If decommissioning is triggered for a portion, but not the entire CSES, then the applicant or its successor will commence and complete decommissioning, in accordance with the decommissioning plan, for the applicable portion of the CSES; the remaining portion of the CSES would continue to be subject to the decommissioning plan. **~~Any reference to decommissioning the CSES shall include the obligation to decommission all or a portion of the CSES whichever is applicable with respect to a particular situation.~~ The Decommissioning Plan shall define the circumstances which would trigger partial decommissioning.**

5. Amendments to the Decommissioning Plan: Any amendment to an approved decommissioning plan shall comply with all standards of this ordinance and shall be approved at the discretion of the Zoning Administrator.

Board of Zoning Appeals (to be added to U.D.O Section 2.03 A1 District Intent, 2.05 A2 District Intent, 2.07 A3 District Intent, 2.09 A4 District Intent)

Allow a Special Exception when potential impacts to prime agricultural land on adjacent property and rural residential home-sites sites can be reasonably avoided.

Definitions:

Commercial Solar Energy Systems (CSES): An area of land or other area used by a property owner and/or corporate entity for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily or solely for off-site utility grid use, and consisting of one or more free-standing, ground-mounted, solar arrays or modules, or solar related equipment, intended to primarily reduce offsite consumption of utility power and/or fuels. CSES are a minimum of ¼ acre in total area.

Private Residential Solar Energy Systems (PRSES): An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily or solely for on-site residential use, and consisting of one or more free-standing, ground or roof mounted, solar arrays or modules, or solar related equipment, intended to primarily reduce on-site consumption of utility power and/or fuels. PRSES shall be permitted in all zoning districts and shall be treated as accessory structures in each zoning district they are erected in. The maximum size of a PRSES is limited to the maximum size allowed for an accessory structure in each zoning district (other accessory structures shall not be included in maximum size calculations).

Nonparticipating Property: A lot or parcel of real property that is not owned by a project owner and with respect to which the project owner does not seek to install or locate one (1) or more CSES systems or other facilities related to a CSES system project (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure); or to otherwise enter into a lease or any other agreement with the owner of the property for use of all or part of the property in connection with a CSES system project or the owner of the property does not consent to having one or more CSES systems or other facilities related to a CSES system project (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure) installed or located or to otherwise enter into a lease or any other agreement with the project owner for use of all or part of the property in connection with a CSES system project. The term does not include a lot or parcel of real property if the owner of the lot or parcel consents to participate in a CSES system project through a neighbor agreement, a participation agreement, or another similar arrangement or agreement with a project owner.

Explanation of Amendments

Section B -Processes

Updates required TAC review supplementary documentation to include an acoustic assessment and road use agreement.

Specifies that the zoning administrator may request additional information from State and Local agencies.

Revises cross-reference numbers.

Note that the Site Plan approval cross references the drainage ordinance.

Section C - Fees

Legally supportable permitting fees should reflect the amount of work dedicated toward a project. The County already calculates site plan reviews fees on an hourly basis, therefore this number does not change other than updating the fee to reflect current site plan review costs.

Updates zoning fees to 10X the fee of a commercial zoning petition.

Updates ILP fees for consistency with construction permit fee for a warehouse (warehouse is .06 sq. ft, which equates to about 0.1% the value of the warehouse). Under the current ordinance, the County charged Speedway Solar about \$6,000. The revision would have resulted in a charge of \$300,000 for the \$300 million project.

Section D - Setbacks

Updates setback from property lines to 660-feet as recommended by the ordinance committee.

Updates the setback from the center of the road to 500-feet. The setback from the road has the largest aesthetic impact on the area as a whole. After review of the Bellflower project, it appears that a 500-foot setback would significantly reduce the visibility of the panels from the road.

Includes a provision that would allow a non-participating property owner to waive the setback requirements. This provision would help justify having the largest setback requirement in the State. The State minimum standards also include this provision. Note that the setback also applies to non-adjacent property.

Section G - Landscaping

Removes buffer yard requirement. Given the large setback, the buffer would likely result in the panels appearing more conspicuous by requiring landscaping in the middle of a field (this was apparent at the Bellflower Project). Also, the landscaping would limit use of the remaining portion of the property for agricultural purposes.

Adds landscaping requirement along adjacent non-participating property lines including dwellings. Language taken from Kyle's recommendation.

Section H – Fencing

Adds a fencing requirement and encourages use of agricultural fencing consistent with fencing in rural areas.

Section I – Noise

Adds a maximum noise standard as recommended by the ordinance committee.

Section O – Storage

Limits outdoor storage to encourage adequate property maintenance. Limits use of temporary structures, such as shipping containers, for on-site storage (shipping containers are used at the Bellflower site).

Section Q – Security

Cross references the new fencing standards.

Section S – County Roads

Requires a Road Use Agreement. The County Highway Department and Commissioners would regulate a road use agreement, not zoning, therefore the ordinance does not include specific standards.

Section U – Decommissioning

Clarifies meaning of 'end of its useful life' with language taken from State minimum standards.

Jason Clark will review the financial assurance for the decommissioning cost estimate.

References the approved decommissioning plan for partial decommissioning. While researching partial decommissioning, I could not find any specific standards and most ordinances do not reference partial decommissioning. However, I believe we need to include a standard in the event that a large portion of a project becomes non-functional. Without partial decommissioning, a project owner could allow a large portion of the project to remain non-functional as long as the project still produces electricity.

Definitions

Adds definition for non-participating property. Language taken from minimum state standards.

Other Items Discussed by Committee

Maintenance of the site, including landscaping, and penalty for not maintaining the site is referenced in Section T.

The State limits the County's ability to regulate battery storage. Jason Clark will review.

Lighting standards included in the UDO would apply, which includes prohibiting non-cut off fixtures.

As discussed, groundwater and soil contamination would fall under the jurisdiction of IDEM, DNR, Soil & Water, etc., so the amendment does not address water and soil testing.

As discussed, the County Council would address items such as property ownership, job creation, contributions to the tax base, etc. while making decisions on tax abatements. Therefore, these items are not included in the amendment.

Optional Language for Solar Overlay District

Transfers the approval process from the BZA by Special Exception to the Plan Commission and County Commissioners by a rezoning. The rezoning would place an overlay district over the existing zoning of the property, therefore, all development standards applicable to the property in the underlying zoning district would apply in addition to the standards applicable to CSES facilities. The language used to set up the overlay district reflects the language used to set up the Airport and Wellhead overlay districts currently in the UDO.

~~SES-01 – Commercial Solar Energy Systems~~

~~The Commercial Solar Energy Systems Standards apply to the following zoning districts: A1, A2, A3, A4, C1, C2, I1, I2, H1~~

~~The intent of these performance standards are to enable Shelby County to regulate the permitting of commercial solar energy systems; be informed of the placement of commercial solar energy systems; preserve and protect public health and safety; allow for the orderly development of land; and protect property values in Shelby County.~~

~~A. Permitted Districts: Zoning approval required for a CSES is displayed in Table SES-A: CSES Permitted Districts:~~

~~Table SES-A: CSES Permitted Districts~~

	CSES Permitted Districts								
Zoning District	A1	A2	A3	A4	C1	C2	I1	I2	H1
CSES	SE	SE	SE	SE	SE	SE	D	D	D

~~SE-Special Exception — D-Development Standards~~

~~(To be added to the two-page layout in Article 02: Zoning Districts, for the applicable districts)~~

Commercial Solar Energy Systems (CSES) Overlay District

3.12 CSES District Intent, Effect on Uses, and Effect on Standards

District Intent

The Commercial Solar Energy System (CSES) Overlay District is intended to enable Shelby County to regulate the permitting of commercial solar energy systems; be informed of the placement of commercial solar energy systems; preserve and protect public health and safety; allow for the orderly development of land; and protect property values in Shelby County. The Plan Commission should use this district to allow for CSES facilities on land when potential impacts to prime agricultural land on adjacent property and rural residential home-sites sites can be reasonably avoided.

Effect on Uses

All permitted uses in the base zoning district are permitted in the CSES District. All special exception uses permitted by special exception in the base zoning district are permitted by special exception in the CSES District.

Effect on Standards

The procedural standards indicated in U.D.O. Article 9 and development standards from the base zoning

district shall apply to the CSES District in addition to the procedural and development standards described in Section 3.15: CSES Procedural and Development Standards.

3.13 CSES District Applicability

The procedural requirements and development standards indicated in Section 3.15: CSES District and Procedural Standards apply to all land within the CSES District as defined in Section 3.14: CSES Boundaries and Exemptions. Under no circumstances shall a planned development or rezoning of property change the applicability of the CSES District's land use restrictions and additional development standards.

3.14 CSES District Boundaries

The CSES District shall apply to all properties as indicated on the Official Zoning Map.

3.15 CSES District Procedural and Development Standards

- A. Application Procedure and Land Use Approvals Required: Applications for CSES land use approvals and permits shall be filed on forms provided by the Zoning Administrator. The order of the approval process is as follows ~~(1) If required, Special Exception and Development Standards Variance approval, (2) TAC Site Plan approval, (3) Improvement Location Permit approval. The following standards apply:~~ (1) Rezoning to CSES Overlay District, (2) If required, Development Standards Variance, (3) TAC Site Plan approval, (4) Improvement Location Permit. The following standards apply:
- a. ~~Special Exception: For any CSES requiring a Special Exception: Refer to Shelby County U.D.O. Section 9.13 Special Exception.~~ Rezoning to CSES Overlay District: Refer to Shelby County U.D.O Section 9.18 Zoning Map Amendment (Rezoning). Additionally, the applicant shall submit the *Application and Supporting Information*, as listed in Section 9.13, to the governmental agencies listed below. Any written response from each agency received within thirty (30) days of submittal of the *Application and Supporting Information* shall be submitted with the Application for Special Exception. Approval of the project by each agency is not required, however the Board of Zoning Appeals may place conditions on approval of an application or deny an application based on the submitted written responses.