January 25, 2024
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, David Hostetler, called the Marshall County Plan Commission meeting to order at 7:00 p.m. on Thursday, January 25, in Room 203 of the Marshall County Building. Present were Commission Members David Hostetler, Terri Barnhart, Craig Cultice, Deborah Johnson, Kevin Overmyer, Brieanna Slonaker, and Christopher Kline. Plan Director Ty Adley, Lori Lowry Administrative Assistant, and Fred Webster the City of Plymouth Liaison were present along with interested parties. Members absent were Ms. Mieras and Mr. Miller.

Mr. Adley read the Certificate of Appointment of Kevin Overmyer, County Commissioner, to the Plan Commission for the year 2024. Mr. Overmyer agreed to the oath.

Mr. Overmyer made a motion to retain the same officers, committees, and board attorney for the year 2024, with the addition of replacing Bob Yoder with Brieanna Slonaker as extension agent, seconded by Mr. Kline. The members are as follows:

President	David Hostetler
Vice President	Matt Miller
Secretary	Craig Cultice
Member	Kevin Overmyer
Member	Michelle Mieras
Member	Chris Kline
Member	Deborah Johnson
Member	Terry Barnhart
Member	Brieanna Slonaker

Technical Review Committee: Craig Cultice, Brieanna Slonaker, Terri Barnhart and Deborah Johnson.
Alternates for the Marshall County BZA are Chris Kline, Brieanna Slonaker and Michelle Mieras.
Plymouth Plan Commission Liaison is David Hostetler
Derek Jones, Attorney at Law Jones Huff & Jones

Minutes of the December 28, 2023, meeting was presented. Mr. Cultice moved, and Mrs. Barnhart seconded the motion to approve the minutes as submitted. The motion passed by acclamation.

The second item of business was 24-PC-01 RIPPY, Adam - A request for a Petition to Re-Zone from A-1 to A-3 of a parcel to allow a 3.6 acre parcel to be split to build another house for a parent; located at: 4860 N. Underwood Rd. Walkerton, Zoned A-1. Mr. Adam Rippy of 4860 Underwood Rd. Walkerton and James Rippy of 4810 Underwood Rd. Walkerton were present to represent their

request. Mr. Adley presented the findings of fact.

The applicant is seeking to rezone their property from A-1 Agricultural District to A-3 Agricultural Residential. This will change their ability for residential density. They will be wanting to subdivide the property into two pieces in order for the parents to be able to build a retirement home. They are wanting to work with John Glenn Building Trades for the home construction. The subject property is 3.6 acres. Under the A-1 Zoning District you can subdivide the property down to 1 acre in size with a parent parcel lot density of 1 unit per 5 acres. This is adjusted to the same 1 acre lot size, but the density is adjusted to 1 unit per acre. One of the complications that will come with developing the site will be the minimal road frontage that exists as well as the County Ditch that has a 75' setback from top of bank. Provided rezoning is approved then they will pursue a minor subdivision that will come before the Plan Commission as well.

Mrs. Barnhart made a motion to open for public hearing, seconded by Mr. Cultice. Motion carried by acclamation.

1. James Rippy 4810 Underwood Rd. Walkerton Would like to downsize from his current property and pass it to his son Adam and build a smaller retirement home with the John Glenn Building Trades.

Mr. Overmyer made a motion to close the public hearing, seconded by Mrs. Barnhart. Motion carried by acclamation.

The applicant is awaiting this approval to move forward with the building trades program.

Mr. Cultice reminded the applicant that the ditch on the southern portion of the property requires a 75’ setback from the top of the ditch bank.

Mr. Kline made a motion to approve <u>24-PC-01 RIPPY, Adam -</u> A request for a Petition to Re-Zone from A-1 to A-3 of a parcel to allow a 3.6 acre parcel to be split to build another house for a parent; located at: 4860 N. Underwood Rd. Walkerton, Zoned A-1 and forward to the Marshall County Commissioners with a favorable recommendation, seconded by Mrs. Barnhart. Motion carried with a voice vote 7-0.

<u>Tree Buffer Discussion</u>

Brad Stackhouse of 6808 9B Rd. Plymouth contacted the Plan Commission office regarding tree buffers and his concerns with the existing ordinance.

His specific concern is Tree Buffers 3.130.A. 4(c)

The buffer setback shall not be required when the property line is five (5) acres or less in area.

Mr. Stackhouse asked the board why parcels less than five (5) acres are excluded from this rule? Mr. Stackhouse asked that the board review this section of the ordinance and see if this is truly their intent.

In addition to the tree buffer discussion Mr. Stackhouse also brought up his concern about farming and the requirement to be 50’ from a well. He proposed the board consider there being a 50’ well setback requirement from the fence line.

There being no further business, a motion was made to adjourn and seconded. The motion was passed by a voice vote.

Respectfully submitted.

Craig Cultice,
Secretary

February 22, 2024
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, David Hostetler, called the Marshall County Plan Commission meeting to order at 7:00 p.m. on Thursday, February 22, in Room 203 of the Marshall County Building. Present were Commission Members David Hostetler, Terri Barnhart, Craig Cultice, Deborah Johnson, Brieanna Slonaker, and Matt Miller. Plan Director Ty Adley, Lori Lowry Administrative Assistant, and Fred Webster the City of Plymouth Liaison were present along with interested parties. Members absent were Michelle Mieras, Chris Kline and Kevin Overmyer.

Minutes of the January 25, 2024, executive session meeting was presented. Ms. Johnson requested battery storage be added to the minutes. President Hostetler recommended the request be discussed with the boards attorney since it involves personnel review. **Ms. Slonaker made a motion to table to discuss request with the board's attorney, seconded by Mrs. Barnhart. Motion carried by acclamation.**

Minutes of the January 25, 2024, meeting was presented. Mr. Cultice moved, and Mrs. Barnhart seconded the motion to approve the minutes as submitted. The motion passed by acclamation.

The first item of business was 24-PC-02 ULRICH, David & Julie Williams - A request for Raven Creek Minor Subdivision a two-lot minor subdivision; located at: 15564 Redwood Rd. Culver, IN Union Twsp., Zoned T-1. Mr. Bob Aloi of Territorial Engineering was present to represent the Ulrich request. Mr. Adley presented the findings of fact.

The Applicant owns a 5.1 acre parcel that is zoned T-1 Town Residential. The property is bound on two sides by railroad rights-of-way. The owner is seeking to subdivide the property into two parcels in order to create a new parcel for a family member to return to the area and live at. The minimum lot size is 1 acre with a minimum lot width of 60'. The proposed parcels are 2.8 and 3.88 acres respectively. All setbacks and minimum lot sizes have been met.

Ms. Slonaker made a motion to open for public hearing, seconded by Mr. Miller. Motion carried by acclamation. There being nobody to speak for or against Mr. Cultice moved and Mr. Miller seconded the motion to close the public hearing. Motion carried by acclamation.

Mrs. Barnhart made a motion to approve 24-PC-02 ULRICH, David & Julie Williams - A request for Raven Creek Minor Subdivision a two lot minor subdivision; located at: 15564 Redwood Rd. Culver, IN Union Twsp., Zoned T-1, seconded by Mr. Miller. Motion carried with a voice vote 6-0.

The second item of business was 24-PC-03 BENNETT, Gary - A request for a 2 lot Myers Lakeview Minor Subdivision; located at: 14857 12th Rd. Plymouth, (50-32-19-000-017-000-018, 50-32-19-000-018-000- 018)Center Twsp., Zoned L-1. Mr. Gary Bennett of 14857 12th Rd. was present to represent his request. Mr. Adley presented the findings of fact.

The applicant is seeking to approve a minor subdivision in order to adjust a lot line between his and the property next door owned by the Millers. The subdivision is required due to the limitations on administrative subdivisions. Should the property have been in the ag district, this process could have been simplified. The lot line is proposed to shift a variation of distances that will follow an existing driveway on the Miller property.

Mrs. Barnhart made a motion to open for public hearing, seconded by Mr. Cultice. Motion carried by acclamation. There being nobody to speak for or against Mr. Cultice moved and Mr. Miller seconded the motion to close the public hearing. Motion carried by acclamation.

The applicant misunderstood where his property line was when he purchased the property. Ever since he purchased it, he's maintained the area. After an agreement between he and his neighbor they are pursuing moving the property line which in turn required a minor subidivison.

Mrs. Barnhart made a motion to approve 24-PC-03 BENNETT, Gary - A request for a 2 lot Myers Lakeview Minor Subdivision; located at: 14857 12th Rd. Plymouth, (50-32-19-000-017-000-018, 50-32-19-000-018-000- 018)Center Twsp., Zoned L-1, seconded by Mr. Miller. Motion carried with a voice vote 6-0.

The third item of business was 24-PC-04 Marshall County Plan Commission - Amend TRC Attendance Article 10 Administration 10.030.C Attendance Required.

The proposal is to amend the Zoning Ordinance as it pertains to the attendance requirements for Technical Review Committee meetings. The current ordinance reads as follows: "The petitioner and/or a representative of the petitioner shall be required to attend all Technical Review Committee meetings at which their petition shall be reviewed. If the petitioner or their representative is not present, the petition shall automatically be tabled and placed on the agenda for the next appropriate TRC meeting." Staff is initiating the proposal to follow current best practices and the logical requirements for applicants necessity for attendance. Staff currently does not see a reasonable reason to require applicants to leave work in order to attend a meeting where a specific case may only last 15 minutes or less when the application or conditions may be able to more easily address proposals. The proposed language is as follows:

> "The petitioner and/or a representative of the petitioner may be required to attend all Technical Review Committee meetings at which their petition shall be reviewed. If the petitioner or their representative is not present, the petition may be tabled and placed on the agenda for the next appropriate TRC meeting." There may be times when a project of scale will necessitate the attendance of an owner or developer, but the intention is to reduce the unnecessary attendance of an applicant for small projects.

Mr. Miller made a motion to open for public hearing, seconded by Mrs. Barnhart. Motion carried by acclamation. There being nobody to speak for or against. Mr. Miller moved and Mr. Cultice seconded the motion to close the public hearing. Motion carried by acclamation.

Mr. Miller made a motion to approve 24-PC-04 Marshall County Plan Commission - Amend TRC Attendance Article 10 Administration 10.030.C Attendance Required and forward to the Marshall County Commissioner's with a favorable recommendation, seconded by Mrs. Barnhart. Motion carried with a voice vote 6-0.

The fourth item of business was 24-PC-05 Marshall County Plan Commission - An ordinance amending article 3, 6, and 13 to create a regulation for battery energy storage systems.

The plan director presented research on the following: IC 22-14-8, Grid-Scale Battery Storage FAQ, UL 9540, Siting and Safety Best Practices for Battery Storage Systems, Energy Storage in Local Zoning Ordinances, overview of local zoning ordinances for Battery Energy Storage Systems, Community Codes, NFPA855, Electromagnetic Fields and the ordinance proposal.

Currently within the Marshall County Zoning Ordinance there are little to no requirements for Battery Energy Storage Systems. The Plan Commission has advised the County Commissioners and there is currently a Moratorium in place prohibiting the application of Battery Energy Storage systems that is set to expire on October 16th, 2024. The Moratorium is set so that the Plan Commission can consider and determine appropriate building, zoning and use regulations which should be adopted and incorporated into the Marshall County Zoning Ordinance as the same pertain to Utility Scale Battery Energy Storage Systems. Battery Energy Storage Systems are the latest in a line of ordinances that the public has taken great interest in. The County ordinance currently only has a on-line reference under the existing solar ordinance as of early February 2024, but as battery technology has advanced and become a more viable stand-alone land use an ordinance is in need of being created should a project apply in Marshall County's zoning jurisdiction. The State of Indiana has adopted a process, procedure, and series of requirements that are to be adhered to for Battery Energy Storage Systems effective July 2023. Those requirements were reviewed along with the reference document NFPA 855 which set the standard for Battery Energy Storage Systems. The following proposal is based on the research of Indiana Code 22-14-8 (HEA 1173) "Utility Scale Battery Energy Storage Systems", National Fire Protection Association (NFPA) 855 "Standard for the Installation of Stationary Energy Storage Systems", articles by National Renew Energy Laboratory, UL Solutions (previously Underwriters Laboratories), Pacific Northwest National Laboratory, American Clean Power, along with multiple communities with existing battery storage ordinances outside of the state of Indiana due to the recent interest in the state of Indiana for such projects and the lack of ordinances dedicated to regulating them. One amendment per discussions with a local fire department has been included and can be best shown in the tract changes document. As better detailed in the PowerPoint presentation for the research from IC 22-14-8, Various Sources and Communities; Grid-Scale Battery Storage FAQ, UL 9540, Siting and Safety Best Practices for Battery Energy Storage Systems, Energy Storage in Local Zoning Ordinances, An Overview of Local Zoning Ordinances for Battery Energy Storage Systems, Community Codes, and NFPA 855 below is some basic information from analysis prior to writing the ordinance. Indiana Code now requires that the Department of Homeland Security regulate and approve all BESS projects beginning July 1, 2023 and shall be compliant with NFPA 855. It permits BESS projects within ½ mile of a floodplain so long as the structure is raised 2 feet above the floodplain (commonly known as flood protection grade). The operator shall provide copy of the emergency response plan and provide annual training for the fire department on their specific operation. Per the article "Siting and Safety Best Practices for Battery Energy Storage Systems" by Exeter Associates, there are three items that should be updated in current regulations of battery facilities and they fall into three categories; siting, safety and decommissioning. They were more detailed as: "The siting plan should address: undergrounding on site utility lines; maintaining the site free of vegetation; following noise, height, and setback requirements; fencing or enclosing the site; and installing screening or

other measures to minimize visibility impacts. The safety plan should include: hazard detection systems; means of protecting incipient fires; and ventilation and/or cooling strategies for protecting against thermal runaway, fires, and explosions. As a corollary, sound training must be provided to local responders to that they are equipped to handle any of these potential emergencies – which require substantially different tactics – as safely as possible. BESS should have plans to address extreme weather, earthquakes, or other environmental threats that may occur. The decommissioning plan should include: descriptions of the steps that will be taken, a cost estimate, a funding plan, and a contingency plan for handling damaged batteries." The 4 communities that were reviewed in 3 states had the following standards of interest; Tier's of Battery Storage, Reference to State Building Code and NFPA 855, Road Access, Clearance space Lighting for safety and security shall be shielded, 30' clear space of vegetation in accordance with 855, Setbacks, Buffer, Fencing, Noise, Decommissioning Plan and Bond, SDS(safety data sheets), Emergency Operations Plan, Statement of Purpose, Applicability, General Requirements, and Utility lines. NFPA 855 is comprised of 15 chapters and 8 annex's that have been around and amended every 3 years since the mid/late 1990's. It covers topics including but not limited to; Definitions, Hazard Mitigation Analysis, System Interconnections, Commissioning, Operation and Maintenance, Firefighting Considerations, Decommissioning, and has a specific annex titled "Guide for Suppression and Safety of Lithium-Ion Battery Energy Storage Systems" which is beneficial because Lithium-Ion is the leading and most used technology when it comes to energy storage systems. The annex indicates that; "As an important first step in protecting public and first responder safety while promoting safe energy storage, the technical committee has developed this annex as a comprehensive set of guidelines for reviewing and evaluating LIB ESS facilities." As well as "This annex provides details about the design, hazard evaluation, installation, operations, appropriate technology application, inspection, and first responder safety processes of LIB-based ESS." The annex even goes on towards the end to indicate that through explosion modeling has shown that the minimum distance should be 75'. It is recommended increasing that to a minimum clearance of 100'. Then that a Recommend evacuating buildings withing a 200' diameter of the battery energy storage system (BESS). There is potential for damage to glass in windows and structure depending on distance from the site. Each hazard will be different based on the state of charge at the time of the event. The Technical Review Committee met on Thursday February 1st and outside of its recommendation discussed later, indicated that some additional research would be beneficial on Electromagnetic Fields and Sound Frequency. Below is a brief synopsis for the analysis, but additional information is provided within the power point presentation. Included within the EMF and Sound frequency research were articles from the National Cancer Institute and National Institute of Environmental Health Sciences. NCI indicates that "electric and magnetic fields are invisible areas of energy (also called radiation) that are produced by electricity, which is the movement of electrons, or current, through a wire." Electric and magnetic fields are referred to as EMF and there are two categories; high frequency (ionizing) and low to mid frequency (non-ionizing). High Frequency is a greater frequency than visible light beginning at approximately 10 to the 15th power of hertz (measurability of frequency). Low frequency is less than the visibility light spectrum from 0 to approximately 10 to the 15th power of hertz. As a point of reference power frequency is 50-60 hertz. A cell phone operates at approximately 1000 hertz or 10 to the 3rd power (per the NIEHS study). Per the NIEHS study, one of the topics included links of EMF to childhood leukemia, but "the association is weak and it is not clear whether it represents a cause-and-effect relationship." The study further goes on to discuss relationships between EMF and heart rate, sleep electrophysiology, melatonin, and several more topics. These items have were researched post the recommendation of the proposal, should the Plan Commission identify a need for change in the ordinance as proposed, it can be reverted back to staff and/or the Technical Review Committee for additional consideration. For a user-friendly version of reading the ordinance see attached and/or associated power point.

Mr. Miller made a motion to open for public hearing, seconded by Mrs. Barnhart. Motion carried by acclamation.

1. Casey Neidlinger 16682 14B Rd. Talked about fire risk increase.
2. Deb Vandemark 14750 Tulip Rd. Passed out a packet and reviewed with the board her and Mr. Allyn's recommended proposals and changes to the proposed battery energy storage systems. Found out there has been another contract recording for a proposed battery storage.
3. Steve Barry 11239 Manor Dr. Is representing Farm Bureau and concurs with the Council's recommendation of a 2-year moratorium of Farm Scale Solar and Battery Storage. Believes there are additional issues that need addressed.
4. Steve Gorski 805 Baker St. Took noise decibel reading during meeting (50 decibels during meeting compared to battery storage sound of 50-80 decibels. Asked if there were any state codes to ban battery storage?
5. James Hingston Long Beach CA Lead developer at Tenasca. There are 3 areas in the ordinance they believe need revised. 1.) Setbacks excessive proposing– Residential structures 200' and property lines 50'. Separate setbacks from non-residential properties are not necessary. Include a waiver between when there is an agreement between participating and non-participating landowners. 2.) There should be a waiver for interior line setbacks when property owners willingly developing their own land. 3.) Instead of commissioner's reviewing the bond and financial assurances every 3 years, rather than having discretionary approval every three years they suggest the updates and re-evaluations be done by an agreed upon third party to ensure the accuracy.
6. Tom Benson Ohio Listed his credentials and background. Believes Tenasca has met codes and Indiana regulations and standards.
7. John Grolich As president of the county fire association last fall John and fire chiefs Terry Wakefield and Steve Holm met with Tenasca to become familiar with their project to see what they would offer as far as education that would offer befits to the fire service. Tenasca seemed to meet Mr. Wakefield's concerns. They agreed to put in 2-3 10-12" wells at the sites if that's what was required by the fire service.
8. Greg Hildebrand MCEDC Battery storage is an important part of clean renewable energy.
9. Connie Nineinger White County Supports and came to help educate the county about renewables.
10. Janell Naylor 16541 Robert Ct. Offered information about a fire with a battery storage system. Wants to know where the information from the ordinance was obtained from.
11. Patty Stallings 506 E. Lake Shore Dr Received a letter about concern of solar power energy.
12. Gary Lewallen Culver Received an email about their concern of the toxicity of batteries and requests the ordinance needs to be specific and comprehensive.
13. Mary Faulstich 123 E. Maple St. Bremen Doesn't see the need to rush and makes sense to have a moratorium.
14. Jim Pressel State Representative In support of the new battery storage project in Marshall County.

Mr. Miller made a motion to close the public hearing, seconded by Mrs. Barnhart. Motion carried by acclamation.

In addition to what was presented Mr. Miller requested additional information on the following:

- What options are available for the ongoing bond renewal and if a 3rd party is an option
- Liability insurance to protect neighbors
- Secondary containment system

The board came to a consensus that they would like additional time to review all the data presented and additional time to submit items for further review.

Ms. Slonaker made a motion to table 24-PC-05 Marshall County Plan Commission - An ordinance amending article 3, 6, and 13 to create a regulation for battery energy storage systems until April 25th in order to allow the board more time to digest the information provided, seconded by Mrs. Barnhart. Motion carried with a voice vote 6-0.

2023 Plan Commission & BZA Annual Report

The Plan Director presented the 2023 Plan Commission and Board of Zoning Appeals Annual Report. In 2023 there were 1098 permits issued in comparison to 1072 issued in 2022. The valuation of permits for 2023 was $145,320,000 which is more than $94,210,229 in 2022. The coming year the department will continue keep up with the latest changes. Updates will include solar farms, battery storage, communication towers, billboards, carbon sequestration/capture, data centers and updating the subdivision ordinance.

There being no further business, a motion was made to adjourn and seconded. The motion was passed by a voice vote.

Respectfully submitted.

Craig Cultice,
Secretary

April 25, 2024
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, David Hostetler, called the Marshall County Plan Commission meeting to order at 7:00 p.m. on Thursday, April 25, 2024, in Room 203 of the Marshall County Building. Present were Commission Members David Hostetler, Terri Barnhart, Craig Cultice, Michelle Mieras, and Deborah Johnson. Plan Director Ty Adley, Lori Lowry Administrative Assistant, Fred Webster the City of Plymouth Liaison and Derek Jones, Marshall County Plan Commission attorney were present along with interested parties. Members absent were Matt Miller, Brieanne Slonaker, Chris Kline and Kevin Overmyer.

Minutes of the January 25, 2024, executive session meeting and February 22, 2024 Plan Commission meeting were presented to the board. Due to a majority not being present at the meetings Mr. Cultice made a motion to table the approval of the minutes to the next meeting, seconded by Ms. Mieras. Motion carried with a voice vote 5-0.

The first item of business was 24-PC-06 BEMISH, Timothy & Joan – A request to rezone parcel from A-1 to L-1; located at: 4115 W. Shore Dr. Bremen, IN (50-42-12-000-120-000-009) North Twsp., Zoned A-1. Mr. Timothy Bemish was present to represent his request. Mr. Adley presented the findings of fact.

The applicant is preparing for a lot consolidation, but in order to do so the property must be under the same zoning classification. The majority of the property is zoned L-1 Lake Residential with only a portion of the property being located within the Thayers Addition. There is one parcel (subject parcel) that is Zoned A-1 Agricultural. The applicant wants to consolidate the property in order to prepare it as a part of estate planning.

Recommendation:
Based on the information provided and review by the Technical Review Committee, staff and TRC would recommend approval of the proposed rezoning.

Mrs. Barnhart made a motion to open for public hearing, seconded by Mrs. Johnson. Motion carried by acclamation.

1. Lucinda Gott 4075 W. Shore Dr. Bremen Owns a property on the northwest side of the applicant's property. Is not against the request. In 2001 there was an alley between the properties that was vacated. Ms. Gott bought her property in 2021 and since she has questioned who owns the alley and whose property that is. The plan director has looked into this vacation and found the alley is part of the Andrew J Thayer's Addition

and when the vacation took place half the alley went to the respective owners in that subdivision and the other half went to the adjacent property owners. There are currently discussions with the board's attorney to find out the proper process. Ms. Gott hopes to have answers to this before the Bemish's are ready to come back to the board for their subdivision of combining all their properties.

Ms. Mieras made a motion to close the public hearing, seconded by Mr. Cultice. Motion carried by acclamation.

Ms. Mieras made a motion to approve 24-PC-06 BEMISH, Timothy & Joan – A request to rezone parcel from A-1 to L-1; located at: 4115 W. Shore Dr. Bremen, IN (50-42-12-000-120-000-009) North Twsp., Zoned A-1 as written and forward to the Marshall County Commissioners with a favorable recommendation, seconded by Mrs. Barnhart. Motion carried with a voice vote 5-0.

The second item of business was 24-PC-07 MONTGOMERY, Chad & Cortnee - A request for a replat of Lot 6 of Higbee Tavern Baby Farm to Lots 6a and 6b; located at: Michigan Rd. Plymouth (50-42-17-000-048-000-009) North Twsp., Zoned A-3. Mr. Rich Ziegler of Territorial Engineering was present to represent their request. Mr. Adley presented the findings of fact.

The applicant is seeking to replat existing lot 6 into two new lots identified as lot 6A and 6B. Lot 6 is a part of Higbee Tavern Baby Farms subdivision in North Township along Michigan Road. Lot 5 was previously subdivided. Lot 5B is the owner of Lot 6. Lot 6B is set to be owned by a relative and 6A will be retained under existing ownership.

Recommendation:
Based on the information provided and review by the Technical Review Committee, staff and TRC would recommend approval of the proposed replat of Lot 6 into Lots 6A and 6B.

Ms. Mieras made a motion to open for public hearing, seconded by Mr. Cultice. Motion carried by acclamation.

1. Chad Montgomery 5503 Michigan Rd. Is the owner of Lot 6 and Lot 5B and is in favor of this split.

Mrs. Barnhart made a motion to close the public hearing, seconded by Mr. Cultice. Motion carried by acclamation.

Mrs. Barnhart made a motion to approve 24-PC-07 MONTGOMERY, Chad & Cortnee - A request for a replat of Lot 6 of Higbee Tavern Baby Farm to Lots 6a and 6b; located at: Michigan Rd. Plymouth (50-42-17-000-048-000-009) North Twsp., Zoned A-3, seconded by Mrs. Johnson. Motion carried with a voice vote 5-0.

The third item of business was 24-PC-05 Marshall County Plan Commission - An ordinance amending article 3, 6, and 13 to create a regulation for battery energy storage systems.

Currently within the Marshall County Zoning Ordinance there are little to no requirements for Battery Energy Storage Systems. The Plan Commission has advised the County Commissioners and there is currently a Moratorium in place prohibiting the application of Battery Energy Storage

systems that is set to expire on October 16th, 2024. The Moratorium is set so that the Plan Commission can consider and determine appropriate building, zoning and use regulations which should be adopted and incorporated into the Marshall County Zoning Ordinance as the same pertain to Utility Scale Battery Energy Storage Systems. Battery Energy Storage Systems are the latest in a line of ordinances that the public has taken great interest in. The County ordinance currently only has an online reference under the existing solar ordinance as of early February 2024, but as battery technology has advanced and become a more viable stand-alone land use an ordinance is in need of being created should a project apply in Marshall County's zoning jurisdiction. The State of Indiana has adopted a process, procedure, and series of requirements that are to be adhered to for Battery Energy Storage Systems effective July 2023. Those requirements were reviewed along with the reference document NFPA 855 which set the standard for Battery Energy Storage Systems. The following proposal is based on the research of Indiana Code 22-14-8 (HEA 1173) "Utility Scale Battery Energy Storage Systems", National Fire Protection Association (NFPA) 855 "Standard for the Installation of Stationary Energy Storage Systems", articles by National Renew Energy Laboratory, UL Solutions (previously Underwriters Laboratories), Pacific Northwest National Laboratory, American Clean Power, along with multiple communities with existing battery storage ordinances outside of the state of Indiana due to the recent interest in the state of Indiana for such projects and the lack of ordinances dedicated to regulating them. One amendment per discussions with the local fire department has been included and can be best shown in the tract changes document. As better detailed in the PowerPoint presentation for the research from IC 22-14-8, Various Sources and Communities; Grid-Scale Battery Storage FAQ, UL 9540, Siting and Safety Best Practices for Battery Energy Storage Systems, Energy Storage in Local Zoning Ordinances, An Overview of Local Zoning Ordinances for Battery Energy Storage Systems, Community Codes, and NFPA 855 below is some basic information from analysis prior to writing the ordinance. Indiana Code now requires that the Department of Homeland Security regulate and approve all BESS projects beginning July 1, 2023, and shall be compliant with NFPA 855. It permits BESS projects within ½ mile of a floodplain so long as the structure is raised 2 feet above the floodplain (commonly known as flood protection grade). The operator shall provide copy of the emergency response plan and provide annual training for the fire department on their specific operation. Per the article “Siting and Safety Best Practices for Battery Energy Storage Systems” by Exeter Associates, there are three items that should be updated in current regulations of battery facilities, and they fall into three categories; siting, safety and decommissioning. They were more detailed as: “The siting plan should address undergrounding on site utility lines; maintaining the site free of vegetation; following noise, height, and setback requirements; fencing or enclosing the site; and installing screening or other measures to minimize visibility impacts. The safety plan should include: hazard detection systems; means of protecting incipient fires; and ventilation and/or cooling strategies for protecting against thermal runaway, fires, and explosions. As a corollary, sound training must be provided to local responders so that they are equipped to handle any of these potential emergencies – which require substantially different tactics – as safely as possible. BESS should have plans to address extreme weather, earthquakes, or other environmental threats that may occur. The decommissioning plan should include: descriptions of the steps that will be taken, a cost estimate, a funding plan, and a contingency plan for handling damaged batteries.” The 4 communities that were reviewed in 3 states had the following standards of interest; Tier’s of Battery Storage, Reference to State Building Code and NFPA 855, Road Access, Clearance space Lighting for safety and security shall be shielded, 30’ clear space of vegetation in accordance with 855, Setbacks, Buffer, Fencing, Noise, Decommissioning Plan and Bond, SDS(safety data sheets), Emergency Operations Plan, Statement of Purpose, Applicability, General Requirements, and Utility

lines. NFPA 855 is comprised of 15 chapters and 8 annex's that have been around and amended every 3 years since the mid/late 1990's. It covers topics including but not limited to; Definitions, Hazard Mitigation Analysis, System Interconnections, Commissioning, Operation and Maintenance, Firefighting Considerations, Decommissioning, and has a specific annex titled "Guide for Suppression and Safety of Lithium-Ion Battery Energy Storage Systems" which is beneficial because Lithium-Ion is the leading and most used technology when it comes to energy storage systems. The annex indicates that; "As an important first step in protecting public and first responder safety while promoting safe energy storage, the technical committee has developed this annex as a comprehensive set of guidelines for reviewing and evaluating LIB ESS facilities." As well as "This annex provides details about the design, hazard evaluation, installation, operations, appropriate technology application, inspection, and first responder safety processes of LIB-based ESS." The annex even goes on towards the end to indicate that through explosion modeling has shown that the minimum distance should be 75'. It is recommended to increase that to a minimum clearance of 100'. Then that a Recommend evacuating buildings withing a 200' diameter of the battery energy storage system (BESS). There is potential for damage to glass in windows and structure depending on distance from the site. Each hazard will be different based on the state of charge at the time of the event. The Technical Review Committee met on Thursday February 1st and outside of its recommendation discussed later, indicated that some additional research would be beneficial on Electromagnetic Fields and Sound Frequency. Below is a brief synopsis for the analysis, but additional information is provided within the PowerPoint presentation. Included within the EMF and Sound frequency research were articles from the National Cancer Institute and National Institute of Environmental Health Sciences. NCI indicates that "electric and magnetic fields are invisible areas of energy (also called radiation) that are produced by electricity, which is the movement of electrons, or current, through a wire." Electric and magnetic fields are referred to as EMF and there are two categories; high frequency (ionizing) and low to mid frequency (non-ionizing). High Frequency is a greater frequency than visible light beginning at approximately 10 to the 15th power of hertz (measurability of frequency). Low frequency is less than the visibility light spectrum from 0 to approximately 10 to the 15th power of hertz. As a point of reference power frequency is 50-60 hertz. A cell phone operates at approximately 1000 hertz or 10 to the 3rd power (per the NIEHS study). Per the NIEHS study, one of the topics included links of EMF to childhood leukemia, but "the association is weak and it is not clear whether it represents a cause-and-effect relationship." The study further goes on to discuss relationships between EMF and heart rate, sleep electrophysiology, melatonin, and several more topics. These items have been researched post the recommendation of the proposal, should the Plan Commission identify a need for change in the ordinance as proposed, it can be reverted back to staff and/or the Technical Review Committee for additional consideration.

Topics of research discussed were:

- Bonds are Regularly Utilized in the Renewable Energy Space
  - Performance/Payment Bond
  - Right of Way Bonds
  - Custom Bonds
  - Operations and/or Maintenance Bonds
  - Decommissioning or Restoration Bonds
- Surety Bond Providers Can Assist with Contractor Prequalification
- Surety Providers can Help Resolve Claims Effectively
- Ground/Spill Protection

Noise and setbacks/Comparisons
Thermal Runaway

The following battery energy storage system proposal was presented.

- Article 3
  - Uses and Districts
- Article 6
  - Intent
  - Public Purpose
  - Types of Battery Energy Storage Systems
  - Personal Battery Energy Storage System Standards
  - Utility Battery Energy Storage System Standards
    - Setbacks
    - Buffer
    - Fencing
    - Power and Communication Lines
    - Deforestation
    - Topsoil Preservation
    - Signage
    - Lighting
    - Noise
    - Stray Voltage
    - Force Majure
    - Access Roads
    - Batteries
    - TRC Review
  - Permitting
    - Site Plan
    - State Permit
    - Battery Type
    - SDS
    - Emergency Response Plan
    - Hazard Mitigation Analysis
    - Property Operations and Maintenance Plan
    - Environmental Report
    - Traffic Management Plan
    - Commissioning Plan
    - Decommissioning Plan
    - Restoration and Reclamation Plan
  - Site Plan
  - Decommissioning Plan
  - Bonding
- Article 13
  - Definitions

Recommendation:
Based on the information provided to the Technical Review Committee there was a majority recommendation to approve the proposal with the inclusion of the fire departments access amendments, but there were some areas of interest including; the term third party and who had rights to select whom the third party would be, corresponding with the local Emergency Management Director, setbacks being too small, the effects of EMF and sound frequency.

Per meeting with Plan Commission Attorney, there are a few sections that can benefit from additional clarity, but the suggested amendments were not included as the meeting was after the ordinance was initially proposed.

Staff would recommend that the Plan Commission continue with the Public Hearing and rather than take action on sending it to the County Commissioners, that the best course of action is to either;

Take this evening's information under advisement to digest information presented and comments made by the public and then provide guidance to staff at a future meeting (determined by the Commission tonight) or;

To provide guidance to staff on additional items of interest in the development of a BESS ordinance and to bring back amendments and present the additional research at a later meeting (determined by the Commission tonight).

Ms. Mieras made a motion to open for public hearing, seconded by Mr. Cultice. Motion carried by acclamation.

1. Janelle Prochno Naylor — 16541 Robert Ct. — Believes we need to take our time and have additional discussions.
2. Casey Neidlinger — 16682 14 B Rd. — Concern about if/when the battery catches fire and the contamination.
3. Anita DeWitt — 17199 Oak Rd. — Concerned about the solar taking away pollinators for the farm ground and contamination.
4. Jenny Fishburn — 15084 Olive Tr. — Wants to keep the moratorium as there needs to be more research of information and its effects.
5. John Grolich — Pres. Fire Assoc — NFPA855 is a national standard that's been adopted by the state of Indiana that enforces guidelines for battery energy storage systems and assists to help provide a safe environment for the battery energy storage systems. The meetings that have taken place have been productive and they are eager to meet the needs and demands of the fire services. The board had discussions with Mr. Grolich on the management and plan if there is a fire and evacuations.
6. Nicole Cox — Olive Rd. — With all the additional training required for the fire departments she believes the ordinance should require the companies to pay for the training and compensate the departments for the training they must go through.
7. Brandon Schadek — 19921 9th Rd. — Believes there is a leadership problem in the county and that the people of the county should be first.
8. James Hingston — Long Beach CA — Lead developer of Tenasca. They would like to the setback reduced to 200' from residences and property lines to 50', eliminate setbacks from non-residential structures, and flexibility to waive setbacks through agreements with non participating land owners. Additional discussion on decommissioning and financial assurances.
9. Deb VanDemark — 14750 Tulip Rd. — Believes the BZA should have something to say about the setback standards. Would like to see some changes to the buffering section. Such as there needs to be visibility through the screening not vegetation that prohibits visibility in case there is a problem. Also, gravel along the fence. The railroad's close proximity is also a concern.
10. Steve Barry — 11239 Tulip Rd. — Represents Marshall County Farm Bureau. Continues to recommend a 2-year moratorium. Their ag concerns are top soil, weed control and tile line/drainage concerns.
11. Katie Lewallen — Letter — Discussed other energy sources and concerns about the proposal.

Ms. Mieras made a motion to close the public hearing, seconded by Mrs. Johnson. Motion carried by acclamation.

The board discussed whether a committee should be formed to discuss battery storage like the task force for solar.

Mrs. Barnhart stated, "In light of the information we have heard tonight, and the absence of 4 other voting members that we table 24-PC-05 and if we believe there needs to be another task force or whatever you want to call it with outside people I would suggest that it would be equal on both sides and with relevant people especially our fire departments.", seconded by Mr. Cultice. Motion carried with a voice vote 5-0.

Mrs. Johnson offered to be on the committee.

Other Business

Data Center

Mrs. Johnson made a motion to table the data center discussion since member Mr. Miller was absent and it was his request that this topic be brought up, seconded by Ms. Mieras. Motion carried with a voice vote 5-0.

Tree buffer update

3.130.A Setback Requirements

- 4. Buffer Setbacks

A thirty (30) foot buffer setback from all property lines shall be provided in A-1, A-2, and A-3 Zoning Districts.

a. There shall be no gardens, flowers, trees, landscaping, or other vegetative material deemed by the Zoning Administrator which would restrict the normal agronomic practices of crop or horticulture production.

b. The buffer setback shall not apply to Crop or horticulture Production or Forestry.

c. The buffer setback shall not be required when the property adjoining the property line is five (5) acres or less in area.

There have been no known amendments since the 2007 re-write.

After a lengthy discussion the board wanted additional time to research and think about the topic.

Soil analysis draft

The Marshall County Plan Commission in conjunction with Purdue Extension Marshall County began in early March 2024 to conduct a soil analysis for soil nutrient values within and adjacent to solar panels because of the concern of soil pollution from solar panels. Upon the initial findings as outlined below the analysis can conclude that generally based on the factors reviewed that the soil nutrient values should have little to no impact from the installation of solar panels. This study should note though that the style of installation and extent of land clearing/grading may have additional impact on soil nutrient values but was not included within this study. The analysis

includes a select series of chemicals and soil factors but can be furthered reviewed with the support of Marshall County Commissioners, Council and Plan Commission.

Conclusion
From the above information and analysis, we can generally conclude that based on the factors reviewed that the soil nutrient values should have little to no impact from the installation of solar panels. The only anomalies that came out of the analysis were shared by both those within and outside of the solar installation area for Phosphorus levels (all higher than standard range), Potassium (multiple regions were low or the lowest end of the standard range) and Zinc levels (most within standard range except South Side solar and West Side Ag). The Organic Matter, Magnesium, Calcium, and most all areas Soil pH were within standard levels.

Should future or additional analysis be requested MCPC staff, MC Purdue Extension and other parties would be happy to coordinate, but this should provide sufficient evidence of soil health and the proposed effects of solar installation. This study should note though that the style of installation and extent of land clearing/grading may have additional impact on soil health but was not included within this study.

The solar panels have been in place for 5 and 6 years.

There being no further business, a motion was made to adjourn and seconded. The motion was passed by a voice vote.

Respectfully submitted.

Craig Cultice,
Secretary

May 23, 2024
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, David Hostetler, called the Marshall County Plan Commission meeting to order at 7:00 p.m. on Thursday, May 23, 2024, in Room 203 of the Marshall County Building. Present were Commission Members David Hostetler, Matt Miller, Brieanne Slonaker, Chris Kline, Mike Burroughs, Terri Barnhart, and Deborah Johnson. Plan Director Ty Adley, Lori Lowry Administrative Assistant, Fred Webster the City of Plymouth Liaison and Derek Jones, Marshall County Plan Commission attorney was present along with interested parties. Members absent were Craig Cultice and Michelle Mieras.

Mrs. Johnson made a motion to approve the January 25, 2024, executive session minutes with the exception of adding the public access counselor's opinion, seconded by Mr. Miller. Motion carried with a voice vote 6-0-1 with Mr. Burroughs abstaining.

Ms. Slonaker made a motion to approve the February 22, 2024, Planning Commission meeting minutes, seconded by Mrs. Barnhart. Motion carried 5-0-2 with Mr. Kline and Mr. Burroughs abstaining.

Ms. Slonaker made a motion to table the April 25, 2024 Planning Commission meeting minutes due to not having quorum for that meeting, seconded by Mr. Hochstetler. Motion carried by acclamation.

The first item of business was 24-PC-08 RIPPY, Adam - A request by James Rippy for Rippy Minor (Two Lot) Subdivision; located at: 4860 Underwood Rd., Walkerton, IN Polk Twsp., Zoned A-3.

The applicants were not present. Mr. Miller made a motion to table the above request to the end of the meeting, seconded by Mrs. Johnson. Motion carried by acclamation.

The second item of business was 24-PC-09 BACHTEL, Kenneth & Michelle - A request for a Zoning Change from C-2 to A-1 (Agriculture); located at: 10647 Hawthorn Rd., Plymouth, IN Center Twsp., Zoned C-2. Ken and Michelle Bachtel of 10313 Hawthorn Rd., Plymouth appeared before the board to present their request. Mr. Adley presented the findings of fact.

The applicant is seeking to rezone their property because they do not have commercial intentions with the property. Per the applicant the parcel was originally zoned A-1 Agricultural Zoning District and they would like to rezone it back from the current C-2 Highway Commercial District. The

Comprehensive Plan does designate the intersection of Hawthorn and US 30 as Corridor Commercial, but currently the future of access between US 30 and the crossroads is under review by INDOT their Propel study. The rezoning of the property from Commercial to Agricultural would be considered a downzoning from a more intense district to a lesser intense district.

RECOMMENDATION: Based on the information provided and review by the Technical Review Committee, Staff and TRC recommend approval of the proposed rezoning from C-2 to A-1.

The applicants would ultimately like to have a residence on the property which would require a zoning other than commercial.

Mrs. Barnhart made a motion to open for public hearing, seconded by Mrs. Johnson. Motion carried by acclamation. There being nobody to speak for or against Mrs. Barnhart moved and Ms. Slonaker seconded the motion to close the public hearing. Motion carried by acclamation.

Mrs. Barnhart made a motion to approve 24-PC-09 BACHTEL, Kenneth & Michelle - A request for a Zoning Change from C-2 to A-1 (Agriculture); located at: 10647 Hawthorn Rd., Plymouth, IN Center Twsp., Zoned C-2, and forward to the Marshall County Commissioners with the favorable recommendation, seconded by Ms. Slonaker. Motion carried with a voice vote 7-0.

The third item of business was 24-PC-05 Marshall County Plan Commission - An ordinance amending article 3, 6, and 13 to create a regulation for battery energy storage systems.

Currently within the Marshall County Zoning Ordinance there are little to no requirements for Battery Energy Storage Systems. The Plan Commission has advised the County Commissioners and there is currently a Moratorium in place prohibiting the application of Battery Energy Storage systems that is set to expire on October 16th, 2024. The Moratorium is set so that the Plan Commission can consider and determine appropriate building, zoning and use regulations which should be adopted and incorporated into the Marshall County Zoning Ordinance as the same pertain to Utility Scale Battery Energy Storage Systems. Battery Energy Storage Systems are the latest in a line of ordinances that the public has taken great interest in. The County ordinance currently only has an online reference under the existing solar ordinance as of early February 2024, but as battery technology has advanced and become a more viable stand-alone land use an ordinance is in need of being created should a project apply in Marshall County's zoning jurisdiction. The State of Indiana has adopted a process, procedure, and series of requirements that are to be adhered to for Battery Energy Storage Systems effective July 2023. Those requirements were reviewed along with the reference document NFPA 855 which set the standard for Battery Energy Storage Systems. The following proposal is based on the research of Indiana Code 22-14-8 (HEA 1173) "Utility Scale Battery Energy Storage Systems", National Fire Protection Association (NFPA) 855 "Standard for the Installation of Stationary Energy Storage Systems", articles by National Renew Energy Laboratory, UL Solutions (previously Underwriters Laboratories), Pacific Northwest National Laboratory, American Clean Power, along with multiple communities with existing battery storage ordinances outside of the state of Indiana due to the recent interest in the state of Indiana for such projects and the lack of ordinances dedicated to

regulating them. One amendment per discussions with the local fire department has been included and can be best shown in the tract changes document. As better detailed in the PowerPoint presentation for the research from IC 22-14-8, Various Sources and Communities; Grid-Scale Battery Storage FAQ, UL 9540, Siting and Safety Best Practices for Battery Energy Storage Systems, Energy Storage in Local Zoning Ordinances, An Overview of Local Zoning Ordinances for Battery Energy Storage Systems, Community Codes, and NFPA 855 below is some basic information from analysis prior to writing the ordinance. Indiana Code now requires that the Department of Homeland Security regulate and approve all BESS projects beginning July 1, 2023, and shall be compliant with NFPA 855. It permits BESS projects within ½ mile of a floodplain so long as the structure is raised 2 feet above the floodplain (commonly known as flood protection grade). The operator shall provide copy of the emergency response plan and provide annual training for the fire department on their specific operation. Per the article "Siting and Safety Best Practices for Battery Energy Storage Systems" by Exeter Associates, there are three items that should be updated in current regulations of battery facilities, and they fall into three categories; siting, safety and decommissioning. They were more detailed as: "The siting plan should address undergrounding on site utility lines; maintaining the site free of vegetation; following noise, height, and setback requirements; fencing or enclosing the site; and installing screening or other measures to minimize visibility impacts. The safety plan should include: hazard detection systems; means of protecting incipient fires; and ventilation and/or cooling strategies for protecting against thermal runaway, fires, and explosions. As a corollary, sound training must be provided to local responders so that they are equipped to handle any of these potential emergencies – which require substantially different tactics – as safely as possible. BESS should have plans to address extreme weather, earthquakes, or other environmental threats that may occur. The decommissioning plan should include: descriptions of the steps that will be taken, a cost estimate, a funding plan, and a contingency plan for handling damaged batteries." The 4 communities that were reviewed in 3 states had the following standards of interest; Tier's of Battery Storage, Reference to State Building Code and NFPA 855, Road Access, Clearance space Lighting for safety and security shall be shielded, 30' clear space of vegetation in accordance with 855, Setbacks, Buffer, Fencing, Noise, Decommissioning Plan and Bond, SDS(safety data sheets), Emergency Operations Plan, Statement of Purpose, Applicability, General Requirements, and Utility lines. NFPA 855 is comprised of 15 chapters and 8 annex's that have been around and amended every 3 years since the mid/late 1990's. It covers topics including but not limited to; Definitions, Hazard Mitigation Analysis, System Interconnections, Commissioning, Operation and Maintenance, Firefighting Considerations, Decommissioning, and has a specific annex titled "Guide for Suppression and Safety of Lithium-Ion Battery Energy Storage Systems" which is beneficial because Lithium-Ion is the leading and most used technology when it comes to energy storage systems. The annex indicates that; "As an important first step in protecting public and first responder safety while promoting safe energy storage, the technical committee has developed this annex as a comprehensive set of guidelines for reviewing and evaluating LIB ESS facilities." As well as "This annex provides details about the design, hazard evaluation, installation, operations, appropriate technology application, inspection, and first responder safety processes of LIB-based ESS." The annex even goes on towards the end to indicate that through explosion modeling has shown that the minimum distance should be 75'. It is recommended to increase that to a minimum clearance of 100'.

Then that a Recommend evacuating buildings withing a 200' diameter of the battery energy storage system (BESS). There is potential for damage to glass in windows and structure depending on distance from the site. Each hazard will be different based on the state of charge at the time of the event. The Technical Review Committee met on Thursday February 1st and outside of its recommendation discussed later, indicated that some additional research would be beneficial on Electromagnetic Fields and Sound Frequency. Below is a brief synopsis for the analysis, but additional information is provided within the PowerPoint presentation. Included within the EMF and Sound frequency research were articles from the National Cancer Institute and National Institute of Environmental Health Sciences. NCI indicates that "electric and magnetic fields are invisible areas of energy (also called radiation) that are produced by electricity, which is the movement of electrons, or current, through a wire." Electric and magnetic fields are referred to as EMF and there are two categories; high frequency (ionizing) and low to mid frequency (non-ionizing). High Frequency is a greater frequency than visible light beginning at approximately 10 to the 15th power of hertz (measurability of frequency). Low frequency is less than the visibility light spectrum from 0 to approximately 10 to the 15th power of hertz. As a point of reference power frequency is 50-60 hertz. A cell phone operates at approximately 1000 hertz or 10 to the 3rd power (per the NIEHS study). Per the NIEHS study, one of the topics included links of EMF to childhood leukemia, but "the association is weak and it is not clear whether it represents a cause-and-effect relationship." The study further goes on to discuss relationships between EMF and heart rate, sleep electrophysiology, melatonin, and several more topics. These items have been researched post the recommendation of the proposal, should the Plan Commission identify a need for change in the ordinance as proposed, it can be reverted back to staff and/or the Technical Review Committee for additional consideration.

Topics of research discussed were:

Bonds are Regularly Utilized in the Renewable Energy Space
- Performance/Payment Bond
- Right of Way Bonds
- Custom Bonds
- Operations and/or Maintenance Bonds
- Decommissioning or Restoration Bonds

Surety Bond Providers Can Assist with Contractor Prequalification
Surety Providers can Help Resolve Claims Effectively
Ground/Spill Protection
Noise and setbacks/Comparisons
Thermal Runaway

The following battery energy storage system proposal was presented.

- Article 3
  - Uses and Districts
- Article 6
  - Intent
  - Public Purpose

- Types of Battery Energy Storage Systems
- Personal Battery Energy Storage System Standards
- Utility Battery Energy Storage System Standards
    - Setbacks
    - Buffer
    - Fencing
    - Power and Communication Lines
    - Deforestation
    - Topsoil Preservation
    - Signage
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    - Access Roads
    - Batteries
    - TRC Review
- Permitting
    - Site Plan
    - State Permit
    - Battery Type
    - SDS
    - Emergency Response Plan
    - Hazard Mitigation Analysis
    - Property Operations and Maintenance Plan
    - Environmental Report
    - Traffic Management Plan
    - Commissioning Plan
    - Decommissioning Plan
    - Restoration and Reclamation Plan
- Site Plan
- Decommissioning Plan
- Bonding

- Article 13
    - Definitions

Recommendation:
Based on the information provided to the Technical Review Committee there was a majority recommendation to approve the proposal with the inclusion of the fire departments access amendments, but there were some areas of interest including; the term third party and who had rights to select whom the third party would be, corresponding with the local Emergency Management Director, setbacks being too small, the effects of EMG and sound frequency.

Per meeting with Plan Commission Attorney, there are a few sections that can benefit from additional clarity, but the suggested amendments were not included as the meeting was after the ordinance was initially proposed.

Initial proposed was tabled February of 2024 for additional information, which was presented in April.

The proposal was then tabled in April to take the additional information and public comment under advisement.

Staff would recommend that the plan Commission intake the public comments and the information provided this evening and table the proposed ordinance to again digest the information and collectively come together in the next Plan Commission meeting.

Ms. Slonaker made a motion to open for public hearing, seconded by Mr. Miller. Motion carried by acclamation.

1. Casey Neidlinger 16682 14 B Rd Asked if there has been any discussion on vetting the companies or a financial analysis on these companies. Would like to see a committee formed.
2. Deb Vandemark 14750 Tulip Rd Passed out a page from Tenaska's website showing a picture of a battery energy storage system. Asked if this looks like an agricultural or commercial site. Has heard that promises are being made that are misleading. Request the board review all the wording of the proposed ordinance. Would like the agenda to read if there is going to be a public hearing.
3. Katie Lewallen 1085 E. Shore Dr. Had a conversation with Mrs. Johnson and Mr. Abbott a retired fire chief from Arizona. Mr. Abbott was present at the BESS fire in Arizona. Discussed NFPA855 and that they are the lowest set of standards as well as the IAF curriculum.
4. Connie Nininger 3129 N. 400 E. Monticello Works for National Center for Infrastructure and Development. Shared battery energy safety information and data.
5. James Hingston Longbeach CA Lead developer from Tenasca. Looking to address the needs for utilities. Tenasca recommends the board move forward and make a recommendation tonight. They would like the setback reduced to 200' from residences and property lines to 50', eliminate setbacks from non-residential structures, and flexibility to waive setbacks through agreements with non-participating land owners. Keep bonding to every three years and done by a third-party auditor.
6. Brandon Schadek 19921 9th Rd. Asked the board listen to people from Marshall County.
7. Brian Johnson 20707 9th Rd. Brought back up the open-door concern.
8. Julie Spitznagle 5119 Sage Rd. Asked if data centers are part of battery storage? Why aren't we looking into the best standards and not the minimum standards? Recommended to rescind the letter of the Sol Smart Initiative from Macog.
9. Greg Hildebrand MCEDC This project has little cost to our roads and not a big demand for labor.
10. Michelle Jensen 9916 Pine Rd. Whether it's a privately owned or not, it affects all of the people in Marshall County. Against the project.
11. Curt Jensen 9916 Pine Rd. Discussed the danger of lithium-ion batteries. What is the cost of fire protection from the county?
12. Robert Demis 20969 Union Rd. Shipping containers come with a wooden floor. Has this been discussed?
13. Julie Spitznagle 5119 Sage Rd. Wanted clarification that data centers wouldn't be up for vote under 24-PC-05.

Ms. Slonaker made a motion to close the public hearing, seconded by Mrs. Barnhart. Motion carried by acclamation.

Mrs. Johnson was part of the conversation with Mr. Abbott and Katie Lewallen. Mr. Lewallen commented that he is willing to meet with the group if so desired. Mrs. Johnson's desire is to put together a sub-committee as discussed at the previous meeting. **Mrs. Johnson made a motion to create a sub-committee, motion died for a lack of a second.**

After a lengthy discussion on the moratorium **Mrs. Johnson made a motion to write a proposal to extend the current moratorium on battery storage until October 16th, 2025, seconded by Mr. Miller. Motion did NOT pass on a voice vote 4-3.**

Mr. Kline made a motion to approve 24-PC-05 Marshall County Plan Commission - An ordinance amending article 3, 6, and 13 to create a regulation for battery energy storage systems, motion died for a lack of a second.

The board discussed the desire to hear from Mr. Abbott on the differences between NFPA 855 and the IAF. After several options were put on the table Ms. Slonaker made a motion to table **24-PC-05 Marshall County Plan Commission - An ordinance amending article 3, 6, and 13 to create a regulation for battery energy storage systems to find out the particulars in how a meeting could be set up to talk to Mr. Abbott in a public setting; Ms. Slonaker amended said motion to add discussing and comparing NFPA 855 and IAF, seconded by Mr. Burroughs. Motion carried with a voice vote 7-0.**

Ms. Slonaker made a motion to schedule a special meeting for questions & answers related to NFPA 855 and IAF with Mr. Abbott, seconded by Mrs. Johnson. Motion carried with a voice vote 7-0.

Mrs. Johnson stated in the proposed ordinance it reads "NFPA 855 requirements". She told the plan director she would like to have the requirements listed. Also, thinks it would be a good idea to have it listed later in the ordinance.

Mrs. Barnhart has a concern about listing out word for word NFPA 855 requirements in the ordinance. Should NFPA change at some point, then what?

There was additional discussion on posting a link in the proposed ordinance to assist people in directing them to NFPA 855.

The first item of business was 24-PC-08 RIPPY, Adam - A request by James Rippy for Rippy Minor (Two Lot) Subdivision; located at: 4860 Underwood Rd., Walkerton, IN Polk Twsp., Zoned A-3. James and Sara Rippy of 4810 Underwood Rd. were present to represent their request. Mr. Adley presented the findings of fact.

The applicant is seeking to subdivide a parcel that is 3.60 acres into two lots for a family member.

The applicant has received approvals for a rezoning and variance previously and this is the last step before coordinating with the local high school whose trade class will be building a new home on the property. The property currently has a residence and a couple of accessory structures on the property and will all meet the required setbacks.

RECOMMENDATION Based on the information provided and review by the Technical Review Committee, Staff and TRC recommend approval of the proposal.

Mrs. Barnhart made a motion to open for public hearing, seconded by Ms. Slonaker. Motion carried by acclamation. There being nobody to speak for or against Mr. Kline moved to close the public hearing, seconded by Ms. Slonaker. Motion carried by acclamation.

Ms. Slonaker made a motion to approve 24-PC-08 RIPPY, Adam - A request by James Rippy for Rippy Minor (Two Lot) Subdivision; located at: 4860 Underwood Rd., Walkerton, IN Polk Twsp., Zoned A-3 with a favorable recommendation to the Marshall County Commissioners, seconded by Mrs. Johnson. Motion carried with a voice vote 7-0.

Other Business

Tree buffer update

3.130.A Setback Requirements

- 4. Buffer Setbacks

A thirty (30) foot buffer setback from all property lines shall be provided in A-1, A-2, and A-3 Zoning Districts.

a. There shall be no gardens, flowers, trees, landscaping, or other vegetative material deemed by the Zoning Administrator which would restrict the normal agronomic practices of crop or horticulture production.

b. The buffer setback shall not apply to Crop or horticulture Production or Forestry.

c. The buffer setback shall not be required when the property adjoining the property line is five (5) acres or less in area.

There have been no known amendments since the 2007 re-write.

The board discussed many of the scenarios that could happen with tree overgrowth into the neighboring parcel, drifting of chemical spray into the neighboring parcel and the enforcement of a stricter ordinance.

The consensus of the board was to make no changes to the existing ordinance.

2025 Proposed Planning Commission Budget

The plan director brought to the board a preliminary update of the proposed 2025 Planning Commission budget. With regard to a change in advertising legal notices it has also increased

total dollars spent. The plan is to increase that budgeted amount as well as wage increases as proposed by the council. A full proposal will be presented at the June meeting.

Mrs. Barnhart recused herself to any and all discussions on data centers.

Data Centers

Mr. Miller shared an article with the plan director on data centers and was interested in discussing it with the board.

Back in 2020 an ordinance was written on data centers because there was someone who was looking to come into Marshall County with a data center in relation to crypto currency who later changed their mind. The ordinance we have to date is more in relation to crypto currency, not necessarily what data centers are today.

The plan director shared information from the article.

After reading this article Mr. Miller felt like it might be advantageous for the board to discuss data centers to see if our ordinance is tight enough. After discussion the board's consensus was that they would like to discuss data centers more in detail.

The plan director suggested bringing the data center discussion back to the board after battery energy storage system conversations are done. As time permits the plan director will start conducting research.

There being no further business, a motion was made to adjourn and seconded. The motion was passed by a voice vote.

Respectfully submitted.

Craig Cultice,
Secretary

June 27, 2024
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, David Hostetler, called the Marshall County Plan Commission meeting to order at 7:00 p.m. on Thursday, June 27, 2024, in Room 203 of the Marshall County Building. Present were Commission Members David Hostetler, Craig Cultice, Brieanne Slonaker, Chris Kline, Michelle Mieras, and Deborah Johnson. Plan Director Ty Adley, Lori Lowry Administrative Assistant, Fred Webster the City of Plymouth Liaison and Derek Jones, Marshall County Plan Commission attorney was present along with interested parties. Members absent were Matt Miller, Terri Barnhart and Mike Burroughs.

A motion to table the April 25, 2024 Planning Commission meeting minutes due to not having quorum for that meeting. Motion carried by acclamation.

A motion to table the May 23, 2024 Planning Commission meeting minutes due to not having quorum for that meeting. Motion carried by acclamation.

The third item of business was 24-PC-05 Marshall County Plan Commission - An ordinance amending article 3, 6, and 13 to create a regulation for battery energy storage systems.

Per the request during the May meeting the plan director gave a comparison of NFPA and IAF (actually ICC code IFC), and detail of the 855 standards.

The Indiana Fire Code was created by ICC. What we are working under is the 2012 Edition which was effective December of 2014.

Shared information from Tom Abbott included a suggestion on revisions to IFC in 2019. Per an email from Deborah Johnson between her and Tom Abbott, he would suggest a 300' setback from property line or a compromise to 150'.

Discussed concern over residential sized battery storage.

Currently within the Marshall County Zoning Ordinance there are little to no requirements for Battery Energy Storage Systems. The Plan Commission has advised the County Commissioners and there is currently a Moratorium in place prohibiting the application of Battery Energy Storage systems that is set to expire on October 16th, 2024. The Moratorium is set so that the Plan Commission can consider and determine appropriate building, zoning and use regulations

which should be adopted and incorporated into the Marshall County Zoning Ordinance as the same pertain to Utility Scale Battery Energy Storage Systems. Battery Energy Storage Systems are the latest in a line of ordinances that the public has taken great interest in. The County ordinance currently only has an online reference under the existing solar ordinance as of early February 2024, but as battery technology has advanced and become a more viable stand-alone land use an ordinance is in need of being created should a project apply in Marshall County's zoning jurisdiction. The State of Indiana has adopted a process, procedure, and series of requirements that are to be adhered to for Battery Energy Storage Systems effective July 2023. Those requirements were reviewed along with the reference document NFPA 855 which set the standard for Battery Energy Storage Systems. The following proposal is based on the research of Indiana Code 22-14-8 (HEA 1173) "Utility Scale Battery Energy Storage Systems", National Fire Protection Association (NFPA) 855 "Standard for the Installation of Stationary Energy Storage Systems", articles by National Renew Energy Laboratory, UL Solutions (previously Underwriters Laboratories), Pacific Northwest National Laboratory, American Clean Power, along with multiple communities with existing battery storage ordinances outside of the state of Indiana due to the recent interest in the state of Indiana for such projects and the lack of ordinances dedicated to regulating them. One amendment per discussions with the local fire department has been included and can be best shown in the tract changes document. As better detailed in the PowerPoint presentation for the research from IC 22-14-8, Various Sources and Communities; Grid-Scale Battery Storage FAQ, UL 9540, Siting and Safety Best Practices for Battery Energy Storage Systems, Energy Storage in Local Zoning Ordinances, An Overview of Local Zoning Ordinances for Battery Energy Storage Systems, Community Codes, and NFPA 855 below is some basic information from analysis prior to writing the ordinance. Indiana Code now requires that the Department of Homeland Security regulate and approve all BESS projects beginning July 1, 2023, and shall be compliant with NFPA 855. It permits BESS projects within ½ mile of a floodplain so long as the structure is raised 2 feet above the floodplain (commonly known as flood protection grade). The operator shall provide copy of the emergency response plan and provide annual training for the fire department on their specific operation. Per the article “Siting and Safety Best Practices for Battery Energy Storage Systems” by Exeter Associates, there are three items that should be updated in current regulations of battery facilities, and they fall into three categories; siting, safety and decommissioning. They were more detailed as: “The siting plan should address undergrounding on site utility lines; maintaining the site free of vegetation; following noise, height, and setback requirements; fencing or enclosing the site; and installing screening or other measures to minimize visibility impacts. The safety plan should include: hazard detection systems; means of protecting incipient fires; and ventilation and/or cooling strategies for protecting against thermal runaway, fires, and explosions. As a corollary, sound training must be provided to local responders so that they are equipped to handle any of these potential emergencies – which require substantially different tactics – as safely as possible. BESS should have plans to address extreme weather, earthquakes, or other environmental threats that may occur. The decommissioning plan should include: descriptions of the steps that will be taken, a cost estimate, a funding plan, and a contingency plan for handling damaged batteries.” The 4 communities that were reviewed in 3 states had the following standards of interest; Tier’s of Battery Storage, Reference to State Building Code and NFPA 855, Road Access, Clearance space Lighting for safety and security shall be shielded, 30’ clear space of vegetation in

accordance with 855, Setbacks, Buffer, Fencing, Noise, Decommissioning Plan and Bond, SDS(safety data sheets), Emergency Operations Plan, Statement of Purpose, Applicability, General Requirements, and Utility lines. NFPA 855 is comprised of 15 chapters and 8 annex's that have been around and amended every 3 years since the mid/late 1990's. It covers topics including but not limited to; Definitions, Hazard Mitigation Analysis, System Interconnections, Commissioning, Operation and Maintenance, Firefighting Considerations, Decommissioning, and has a specific annex titled "Guide for Suppression and Safety of Lithium-Ion Battery Energy Storage Systems" which is beneficial because Lithium-Ion is the leading and most used technology when it comes to energy storage systems. The annex indicates that; "As an important first step in protecting public and first responder safety while promoting safe energy storage, the technical committee has developed this annex as a comprehensive set of guidelines for reviewing and evaluating LIB ESS facilities." As well as "This annex provides details about the design, hazard evaluation, installation, operations, appropriate technology application, inspection, and first responder safety processes of LIB-based ESS." The annex even goes on towards the end to indicate that through explosion modeling has shown that the minimum distance should be 75'. It is recommended to increase that to a minimum clearance of 100'. Then that a Recommend evacuating buildings withing a 200' diameter of the battery energy storage system (BESS). There is potential for damage to glass in windows and structure depending on distance from the site. Each hazard will be different based on the state of charge at the time of the event. The Technical Review Committee met on Thursday February 1st and outside of its recommendation discussed later, indicated that some additional research would be beneficial on Electromagnetic Fields and Sound Frequency. Below is a brief synopsis for the analysis, but additional information is provided within the PowerPoint presentation. Included within the EMF and Sound frequency research were articles from the National Cancer Institute and National Institute of Environmental Health Sciences. NCI indicates that "electric and magnetic fields are invisible areas of energy (also called radiation) that are produced by electricity, which is the movement of electrons, or current, through a wire." Electric and magnetic fields are referred to as EMF and there are two categories; high frequency (ionizing) and low to mid frequency (non-ionizing). High Frequency is a greater frequency than visible light beginning at approximately 10 to the 15th power of hertz (measurability of frequency). Low frequency is less than the visibility light spectrum from 0 to approximately 10 to the 15th power of hertz. As a point of reference power frequency is 50-60 hertz. A cell phone operates at approximately 1000 hertz or 10 to the 3rd power (per the NIEHS study). Per the NIEHS study, one of the topics included links of EMF to childhood leukemia, but "the association is weak and it is not clear whether it represents a cause-and-effect relationship." The study further goes on to discuss relationships between EMF and heart rate, sleep electrophysiology, melatonin, and several more topics. These items have been researched post the recommendation of the proposal, should the Plan Commission identify a need for change in the ordinance as proposed, it can be reverted back to staff and/or the Technical Review Committee for additional consideration.

Topics of research discussed were:

Bonds are Regularly Utilized in the Renewable Energy Space

Performance/Payment Bond

Right of Way Bonds
Custom Bonds
Operations and/or Maintenance Bonds
Decommissioning or Restoration Bonds
Surety Bond Providers Can Assist with Contractor Prequalification
Surety Providers can Help Resolve Claims Effectively
Ground/Spill Protection
Noise and setbacks/Comparisons
Thermal Runaway

The following battery energy storage system proposal was presented.

- Article 3
  - Uses and Districts
- Article 6
  - Intent
  - Public Purpose
  - Types of Battery Energy Storage Systems
  - Personal Battery Energy Storage System Standards
  - Utility Battery Energy Storage System Standards
    - Setbacks
    - Buffer
    - Fencing
    - Power and Communication Lines
    - Deforestation
    - Topsoil Preservation
    - Signage
    - Lighting
    - Noise
    - Stray Voltage
    - Force Majure
    - Access Roads
    - Batteries
    - TRC Review
  - Permitting
    - Site Plan
    - State Permit
    - Battery Type
    - SDS
    - Emergency Response Plan
    - Hazard Mitigation Analysis
    - Property Operations and Maintenance Plan
    - Environmental Report
    - Traffic Management Plan
    - Commissioning Plan
    - Decommissioning Plan
    - Restoration and Reclamation Plan
  - Site Plan

- Decommissioning Plan
- Bonding

- Article 13
  - Definitions

Recommendation:
Based on the information provided to the Technical Review Committee there was a majority recommendation to approve the proposal with the inclusion of the fire departments access amendments, but there were some areas of interest including; the term third party and who had rights to select whom the third party would be, corresponding with the local Emergency Management Director, setbacks being too small, the effects of EMG and sound frequency.

Per meeting with Plan Commission Attorney, there are a few sections that can benefit from additional clarity, but the suggested amendments were not included as the meeting was after the ordinance was initially proposed.

Initial proposed was tabled February of 2024 for additional information, which was presented in April.

The proposal was then tabled in April and May to take the additional information and public comment under advisement.

Based on the information and discussion that Staff had with Mr. Abbott due to the concern surrounding residential battery storage and the population density accompanying such batteries, stricter standards separating the battery from the residential structure is recommended.

Some of the questions the board had: Would still like to hear from Mr. Abott, water wells are important, what happens to the contaminated water, setbacks between the units be addressed, liability for contaminated run off, add to the site plan review with appropriate emergency services, a residential section, questions whether a generator may be of benefit as a fall back, and the possibility of banning specific types of batteries.

Ms. Slonaker made a motion to open for public hearing, seconded by Ms. Johnson. Motion carried by acclamation.

1. Ray Trump 9451 18th Rd. Gave a couple examples of normal fires from a firefighter's perspective.
2. Katy Lewallen 1075 E. Shore Talked about a BESS fire in CA. Paul Rodgers recommended two separate decommissioning plans. An emergency plan and an end-of-life plan.
3. Casey Neidlinger 16682 14B Rd. Concern about fire suppression systems.
4. Paul Levett 161 18th Rd. Doesn't want the Solar and Bess Ordinances to be bare minimums. Has a concern about the water and setbacks.
5. Don Nunemaker 14375 Nutmeg Spoke about the BESS fire in CA.

Ms. Slonaker made a motion to close the public hearing, seconded by Ms. Mieras. Motion carried by acclamation.

The board discussed some of their existing concerns.

Mrs. Johnson made a motion to create a task force…died for a lack of a second.

Mr. Cultice made a motion to create a task force with Mr. Adley as the chair, seconded by Mrs. Johnson. Motion denied with a voice vote 4-2 with Mr. Kline and Mr. Hochstetler voting against.

Mr. Adley explained an example of the breakdown of who might make up the task force committee and how the process of a task force works.

The board discussed options if the Plan Commission could nail down their concerns and work through them during the next meeting or pursue a task force to allow in-depth discussions and citizen members to come together and create a good ordinance.

Mrs. Johnson made a motion to create a task force with Ty Adley as the chair, seconded by Ms. Slonaker. Motion carried with a voice vote 6-0.

Ms. Slonaker made a motion to create a list of actions items that the Plan Commission would like the task force to focus on, seconded by Mr. Kline.

Ms. Slonaker amended her motion to include the list of actions below that the Plan Commission would like the task force to focus on, seconded by Mrs. Johnson.

1. Setbacks and distances between containers
2. Residential
3. Water wells/talk with environmentalist on the effects on water table and sizes of wells
4. Force majeure/12 months too long
5. Prohibit most dangerous types of batteries
6. Two separate decommissioning plans
7. Backup power for alerts
8. Site plan review with emergency services involvement
9. Property guarantees discussion/setbacks

Ms. Slonaker made a motion to table 24-PC-05 Marshall County Plan Commission - An ordinance amending article 3, 6, and 13 to create a regulation for battery energy storage systems until the task force returns with a recommendation, seconded by Mrs. Johnson. Motion carried with a voice vote 6-0.

Other Business

2025 Proposed Planning Commission Budget

The plan director brought to the board the proposed 2025 Planning Commission budget. The proposal includes: 4% recommended wages, increase in legal service, increase in fuel cost, increase in advertising and a proposed updated comprehensive plan.

Mr. Kline made a motion to approve the proposed Planning Commission 2025 Budget, seconded by Ms. Slonaker. Motion carried with a voice vote 5-0-1 with Mrs. Johnson abstaining.

There being no further business, a motion was made to adjourn and seconded. The motion was passed by a voice vote.

Respectfully submitted.

Craig Cultice,
Secretary

July 25, 2024
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, David Hostetler, called the Marshall County Plan Commission meeting to order at 7:00 p.m. on Thursday, July 25, 2024, in Room 203 of the Marshall County Building. Present were Commission Members David Hostetler, Craig Cultice, Chris Kline, Michelle Mieras, Mike Burroughs and Deborah Johnson. Plan Director Ty Adley, Lori Lowry Administrative Assistant, along with interested parties. Members absent were Terri Barnhart, Matt Miller and Brieanne Slonaker.

A motion to table the April 25, 2024 Planning Commission meeting minutes due to not having quorum for that meeting. Motion carried by acclamation.

A motion to table the May 23, 2024 Planning Commission meeting minutes due to not having quorum for that meeting. Motion carried by acclamation.

Ms. Mieras made a motion to approve the June 27, 2024 meeting minutes, seconded by Mr. Cultice. Motion carried by acclamation.

The first item of business was 24-PC-10 BURCH, JeAnna - A request for a Petition to Re-Zone from L-1 (Lake Residential) to A-1 (Agricultural); located at: 4825 N. Underwood Rd., Walkerton, IN Polk Twsp., Zoned L-1. Ms. JeAnna Burch of 4825 N. Underwood Rd. Walkerton was present to represent her request. Mr. Adley presented the findings of fact.

The applicant is seeking to rezone their 4.6 acre parcel on Underwood Road just south of Koontz Lake from L-1 Lake Residential to A-1 Agricultural. The reason for the rezone is to be able to raise animals. Many of the properties to the South are already zoned A-1 along with one just to the Southeast that was recently rezoned from L-1 to A-1 in early 2024.

RECOMMENDATION: Based on the information provided and review by the Technical Review Committee, Staff and TRC would recommend approval of the proposed rezoning.

Mr. Kline made a motion to open for public hearing, seconded by Mr. Burroughs. Motion carried by acclamation. There being nobody to speak for or against Mr. Burroughs made a motion to close the public hearing. Motion carried by acclamation.

Ms. Mieras made a motion to approve 24-PC-10 BURCH, JeAnna - A request for a Petition to Re-Zone from L-1 (Lake Residential) to A-1 (Agricultural); located at: 4825 N. Underwood Rd.,

Walkerton, IN Polk Twsp., Zoned L-1, with a favorable recommendation to the Marshall County Commissioners, seconded by Mrs. Johnson. Motion carried with a voice vote 6-0.

Other Business

Move Safe Michiana – MACOG is committed to enhancing transportation safety throughout the region. The plan director will be forwarding out information to this board and different members in the community to get involved by taking a survey to help MACOG prioritize community concerns and improving transportation safety measures.

Budget Update – After meeting with three members of the county council the plan director explained to the board that due to changes in advertising and additional fees incurred with the board's legal counsel the Board of Zoning Appeals has run out of money in printing and advertising and the Planning Commission has run out of money in printing and advertising and legal services. The counsel decided at it's June meeting to require approval by the Counsel's president before any advertising and legal counsel bills be incurred.

The plan director asked the board how they would like to proceed in the future about the need for counsel at meetings. After discussion the consensus of the board was that counsel is a benefit to the board and the county when there are cases that are technical.

Ms. Mieras made a motion to have the president of the board to have permission to decide whether counsel is needed at a given meeting dependent on the agenda, seconded by Mr. Kline.

Due to several questions Ms. Mieras rescinded her motion and requested that this be brought back before the board at the next meeting.

Battery Storage Committee Update – At the August 5th Commissioner's Meeting a commissioner's representative will be appointed. After that the remainder of the group will be notified and a first meeting date will be set possibility for the end of August or first of September. At this point there is a list of people who have shown interest only. Council woman, Deb Johnson, someone from electrical background and fire have been chosen for the committee.

There being no further business, a motion was made to adjourn and seconded. The motion was passed by a voice vote.

Respectfully submitted.

Craig Cultice,
Secretary

September 26, 2024
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, David Hostetler, called the Marshall County Plan Commission meeting to order at 7:00 p.m. on Thursday, September 26, 2024, in Room 203 of the Marshall County Building. Present were Commission Members David Hostetler, Craig Cultice, Chris Kline, Michelle Mieras, Mike Burroughs, Brieanna Slonaker and Deborah Johnson. Plan Director Ty Adley, Lori Lowry Administrative Assistant, and City of Plymouth Liaison Fred Webster along with interested parties. Members absent were Terri Barnhart and Matt Miller.

Mr. Burroughs made a motion to approve the May 23, 2024 Planning Commission meeting minutes, seconded by Ms. Slonaker. Motion carried by acclamation.

Ms. Mieras made a motion to approve the July 25, 2024 meeting minutes, seconded by Mr. Cultice. Motion carried by acclamation.

The first item of business was 24-PC-10 BURCH, JeAnna - A request for a Petition to Re-Zone from L-1 (Lake Residential) to A-1 (Agricultural); located at: 4825 N. Underwood Rd., Walkerton, IN Polk Twsp., Zoned L-1. Ms. JeAnna Burch of 4825 N. Underwood Rd. Walkerton was present to represent her request. Mr. Adley presented the findings of fact.

The applicant is seeking to rezone their 4.6 acre parcel on Underwood Road just south of Koontz Lake from L-1 Lake Residential to A-1 Agricultural. The reason for the rezone is to be able to raise animals. Many of the properties to the South are already zoned A-1 along with one just to the Southeast that was recently rezoned from L-1 to A-1 in early 2024.

RECOMMENDATION: Based on the information provided and review by the Technical Review Committee, Staff and TRC would recommend approval of the proposed rezoning.

Due to all of the adjacent letters being returned as undeliverable from the post office after the meeting we were advised to re-hear the request to allow for proper notice.

Mr. Kline made a motion to open for public hearing, seconded by Mr. Burroughs. Motion carried by acclamation.

1. Patrick & Kathy Raycroft 20834 S. Lake Dr. Requesting denial as they don't want livestock that close to their home on the lake.

2. Koontz Lake Conservancy District Is not in favor as the south side of said property runs along the Pontius Ditch which flows into the Koontz Lake several hundred yards from this property.

Ms. Mieras made a motion to close the public hearing, seconded by Mr. Burroughs. Motion carried by acclamation.

Mr. Burroughs made a motion to approve 24-PC-10 BURCH, JeAnna - A request for a Petition to Re-Zone from L-1 (Lake Residential) to A-1 (Agricultural); located at: 4825 N. Underwood Rd., Walkerton, IN Polk Twsp., Zoned L-1, with a favorable recommendation to the Marshall County Commissioners, seconded by Mr. Cultice. Motion carried with a voice vote 7-0.

Other Business

Battery Task Force:
There have been two meetings to date. Discussion included the purpose, zoning ordinance basics, review, electricity 101, battery sites within northern Indiana, ordinance structure and intent.

The task force went and looked at a facility south of Columbia City.

There is an interest in getting to talk with Paul Rodgers from ESRG to be able to answer questions by the task force.

2025 Proposed Plan Commission Calendar
This calendar will be brought to the board at the next meeting.

There being no further business, a motion was made to adjourn and seconded. The motion was passed by a voice vote.

Respectfully submitted.

Craig Cultice,
Secretary

November 26, 2024
Marshall County Planning Commission
Special Meeting
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, David Hostetler, called the Marshall County Plan Commission Special Meeting to order at 5:30 p.m. on Tuesday, November 26, 2024, in Room 203 of the Marshall County Building. Present were Plan Commission Members David Hostetler, Michelle Mieras, Brieanna Slonaker, Terri Barnhart, Matt Miller and Deborah Johnson. Office administrator present was Lori Lowry were present along with interested parties.

Before the board were two contracts one being an Extension/Employment Agreement for Marshall County Plan Commission Director and the other an Intergovernmental Agreement Between the City of Plymouth and Marshall County for Planning Services.

The Intergovernmental Agreement is between the City of Plymouth and Marshall County for services during regular business hours. The other agreement is between Marshall County and Mr. Adley for three (3) after-hours meetings. These contracts last through December 31st. Anything beyond this date will need to be re-negotiated.

A recommendation of approval is needed from this board to the County Commissioners.

Ms. Mieras made a motion for a favorable recommendation of the Intergovernmental Agreement between the City of Plymouth and Marshall County for Planning Services to the Marshall County Board of County Commissioners, seconded by Ms. Johnson. Motion carried with a voice vote 6-0.

Ms. Slonaker made a motion for a favorable recommendation of the Extension/Employment Agreement for Marshall County Plan Commission Director to the Marshall County Board of County Commissioners, seconded by Mrs. Barnhart. Motion carried with a voice vote 6-0.

There being no further business, a motion was made and seconded to adjourn.

Respectfully submitted.

Craig Cultice, Secretary

December 19, 2024
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, David Hostetler, called the Marshall County Plan Commission meeting to order at 7:00 p.m. on Thursday, December 19, 2024, in Room 203 of the Marshall County Building. Present were Commission Members David Hostetler, Craig Cultice, Deborah Johnson, Michelle Mieras, and Brieanna Slonaker. Plan Director Ty Adley, Lori Lowry Administrative Assistant, and Fred Webster the City of Plymouth Liaison were present along with interested parties. Members absent were Terri Barnhart, Matt Miller, and Mike Burroughs.

Mr. Cultice made a motion to table the minutes of the April 25, 2024, Plan Commission meeting due to no quorum, seconded by Ms. Slonaker. Motion carried by acclamation.

Ms. Slonaker made a motion to approve the minutes of the June 27, 2024, Plan Commission meeting, seconded by Mr. Cultice. Motion carried by acclamation.

Mrs. Johnson made a motion to approve the work session minutes of November 6, 2024, seconded by Ms. Slonaker. Motion carried by acclamation.

Mr. Cultice made a motion to table the Special Meeting Minutes of the November 26, 2024, meeting due to no quorum, seconded by Mrs. Johnson. Motion carried by acclamation.

The first item of business was 24-PC-11 GIBSON, Jason – A request for Raven Creek Minor 2 Lot Subdivision, located at: 15700 Redwood Rd., Culver, IN Union Twsp., Zoned T-1. Mr. Robert Aloi of Territorial Engineering was present to represent his request. Mr. Adley presented the findings of fact.

The applicant is seeking to expand the existing subdivision to the north of the property to include his existing parcels and during that expansion creating a phase 2 to the subdivision, he will be adjusting his property line North while also combining all of his property into a single parcel. His parcel is also bound between Redwood Road and Railroad.

Recommendation:
Based on the information provided and review by the Technical Review Committee recommend approval of the proposal.

Mrs. Johnson made a motion to open public hearing, seconded by Mr. Cultice. Motion carried by acclamation.

1. Jon Anderson Email He is for this request.

Mrs. Johnson made a motion to close the public hearing, seconded by Ms. Mieras. Motion carried by acclamation.

The application has no plan to clear out any of the brush or wooded area.

Ms. Slonaker made a motion to approve 24-PC-11 GIBSON, Jason – A request for Raven Creek Minor 2 Lot Subdivision, located at: 15700 Redwood Rd., Culver, IN Union Twsp., Zoned T-1, seconded by Ms. Mieras. Motion carried with a voice vote 5-0.

2025 Proposed Marshall County Plan Commission Meeting Calendar

Mrs. Johnson made a motion to approve the proposed 2025 Mashall County Plan Commission and Technical Review Committee meeting calendars, seconded by Ms. Slonaker. Motin carried by acclamation.

There being no further business, a motion was made to adjourn and seconded. The motion was passed by a voice vote.

Respectfully submitted.

Craig Cultice,
Secretary