January 26, 2023
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

Vice - President, David Hostetler, called the Marshall County Plan Commission meeting to order at 7:30 p.m. on Thursday, November 17, 2022, in Room 203 of the Marshall County Building. Present were Commission Members Terri Barnhart, Craig Cultice, David Hostetler, Deborah Johnson, Christopher Kline, Michelle Mieras, Matt Miller, Kevin Overmyer, Bob Yoder, Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties.

Mr. Adley swore in the new and returning Planning Commission Members: Ms. Mieras, Ms. Barnhart, Mr. Overmyer, Mr. Hostetler, and Ms. Johnson.

The first item of business was the election of officers for the Marshall County Plan Commission.

- **President** Mr. Overmyer made a motion to nominate David Hostetler as President of the Marshall County Plan Commission, seconded by Mr. Cultice. Motion carried by acclamation.
- **Vice President** Mr. Cultice made a motion to nominate Matt Miller as Vice President of the Marshall County Plan Commission, seconded by Ms. Mieras. Motion carried by acclamation.
- **Secretary** Mr. Overmyer made a motion to nominate Craig Cultice as the Secretary of the Marshall County Plan Commission, seconded by Ms. Mieras. Motion carried by acclamation.
- **TRC Committee** Mr. Overmyer made a motion to nominate Craig Cultice, Terri Barnhart, Deborah Johnson and Bob Yoder as members of the Technical Review Committee, seconded by Mr. Miller.
- **BZA Alternate** Ms. Barnhart made a motion to nominate Chris Kline, Bob Yoder, and Michelle Mieras as Board of Zoning Appeals alternates, seconded by Mr. Overmyer. Motion carried by acclamation.
- **Board Atty** Mr. Hostetler made a motion to retain Derek Jones with Jones Huff & Jones as board attorney, seconded by Mrs. Barnhart. Motion carried by acclamation.
- **Plymouth Liaison** Mr. Overmyer made a motion to nominate David Hostetler as the Liaison for the City of Plymouth, seconded by Mr. Kline. Motion carried by acclamation.

Minutes of the November 17, 2022, meeting was presented. Ms. Barnhart moved, and Mr. Cultice seconded the motion to approve the minutes as submitted. The motion passed by acclamation. Mr. Overmyer abstains as he is a new member.

Marshall County Plan Commission
January 26, 2023

The first item of business was 23-PC-01 WOOLLEY, Mary - A request by Deane Norris for a 2 lot minor subdivision; located at: 13360 5th Rd., Plymouth, IN North Twsp., Zoned A-3. Mr. Dean Norris of 13300 5th Rd. Plymouth was present to represent his request. Mr. Adley presented the findings of fact.

The applicant is seeking to purchase a 7.35 acre parcel from a 9.75 acre property owned by Terry L & Mary J Woolley. The property is represented by Karla Glore. The Woolley's would retain 2.11 acres. The residual (0.29 acres) from the 7.35 and 2.11 acre parcels are proposed to be dedicated to the County Commissioners for half of the Right of Way of 5th Road. The A-3 Agricultural Residential District allows for a density of 1 acre area per residential unit and 1 acre minimum lot area. Lot 1 and Lot 2 will meet both of those regulations.

Recommendation:
Based on the information provided and review by the Technical Review Committee, staff and TRC would recommend approval with the conditions that the septic concerns of location of existing and available space for a replacement system be cleaned up and any concerns of minimum information on the minor subdivision be corrected at the guidance of the Plan Director and County Surveyor.

Mr. Norris, neighbor to the east, was contacted by Ms. Woolley to see if he would like to purchase their land. It is her intent to keep 2 of the acres with the existing two houses.

Mr. Norris is in the process of purchasing this property and will proceed as long as this request is approved by the board. The POA, Ms. Glore, is pretty sure the septic system is contained on the proposed 2 acre parcel. If for any reason it is not they are aware lot lines will need to be adjusted. Even with new lot lines the planning department doesn't see any viewable infraction with the existing two houses. Ms. Glore's intent is to retain the largest house and in the event they needed a new septic the smaller house would not be removed and a septic would be placed in that location.

Mr. Norris is asking for the approval of the subdivision itself. As long as the Plan Commission approves the request the plat will be signed once there are a few edits and the document meets the requirements. One of the edits would be to place a condition on the approval of the subdivision making sure the septic systems are correctly located on the property. If there needs to be a correction it could possibly change the acreage. Once all the amendments are made the proposed subdivision will then go to the County Commissioners to get their final approval.

Mrs. Barnhart 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. Overmyer moved and Mr. Kline seconded the motion to close the public hearing. Motion carried by acclamation.

Mrs. Barnhart made a motion to approve 23-PC-01 WOOLLEY, Mary - A request by Deane Norris for a 2 lot minor subdivision; located at: 13360 5th Rd., Plymouth, IN North Twsp., Zoned A-3 and forward to the Marshall County Commissioners with a favorable recommendation with the condition of septic approval, seconded by Mr. Miller. Motion carried with a voice vote 9-0.

The second item of business was 23-PC-02 MOORE, John - A request by Joy Moore Swinehart to petition for zoning change from T-1 to C-1 to allow a new buyer to run a small automotive business out of the property; located at: 1020 N. Michigan Rd. Lakeville, IN North Twsp. Zoned T-1.

There was nobody in attendance to represent the John Moore request. Mr. Miller made a motion to table the request, seconded by Mr. Cultice. Motion carried with a voice vote 9-0.

The third item of business was 23-PC-03 MARSHALL COUNTY PLAN COMMISSION - The Marshall County Plan Commission is requesting an amendment to the Zoning Ordinance Site Development Plan Exemptions Article 7.020.B Exemptions Add: 5. Demolition.

In the application of the ordinance, site development plans take place within Lake, Commercial, and Industrial properties. These plans go through the Technical Review Committee unless they are found within the exemptions. The Ordinance currently reads as: Article 7.020.B Exemptions The following types of development shall be exempt from the requirements of this Article, but shall be required to obtain an Improvement Location Permit and any other permit or approval required by this Ordinance: 1. Sign Installation The replacement or installation of any sign(s) not occurring as part of an improvement to any other aspect of the property; 2. Parking Lot Expansion The expansion of an existing parking lot which does not result in a greater than ten percent (10%) or two thousand (2,000) square foot, whichever is less, increase in the surface area of the parking available on the property on the effective date of this Ordinance, exclusive of the alteration or expansion, or the need for modifications to street accesses; or 3. Structural Expansion The expansion of an existing structure or the construction of an accessory structure which does not result in a greater than ten percent (10%) increase in the floor area of the structures on the effective date of this Ordinance, exclusive of the alteration or expansion, and does not require the provision of additional landscaping, parking, or other improvement regulated by this Ordinance. 4. Interior renovations and Roof permits. The proposal is to add "5. Demolition" to the ordinance. This would no longer require a TRC meeting for demolition of structures within the Lake, Commercial, and Industrial zoning districts. This will assist in ensuring that projects can continue to move at as fast a rate as logically possible.

During TRC discussion the Health Administrator requested that they be notified of demolition permits. This will ensure that the Health Department inspects the wells and make sure they are all capped off.

The Planning Department will administratively handle how the notification process will take place and work with the Health Department.

Mr. Miller 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. Overmyer moved to close the public hearing and seconded by Mrs. Barnhart. Motion carried by acclamation.

Mrs. Barnhart made a motion to approve 23-PC-03 MARSHALL COUNTY PLAN COMMISSION - The Marshall County Plan Commission is requesting an amendment to the Zoning Ordinance Site Development Plan Exemptions Article 7.020.B Exemptions Add: 5. Demolition and forward to the Marshall County Commissioner's with a favorable recommendation, seconded by Mr. Kline. Motion carried with a voice vote 9-0.

The fourth item of business was 23-PC-04 MARSHALL COUNTY PLAN COMMISSION - The Marshall County Plan Commission is requesting an amendment to the Zoning Ordinance Article 3 for T-1 Town Residential District, L-1 Lake Residential and C-1 Commercial District.

Based on a series of BZA meetings involving cases for side yard setback reduction, there is a need to update the ordinance to provide some additional information for side yard setbacks in the T-1 Town Residential, L-1 Lake Residential, and C-1 General Commercial Zoning Districts. Currently for Town and Lake Residential, the minimum side yard setback is 10' or 10% of lot width, whichever is less. This can mean that setbacks go down to 3-4' in separation from eave and the property line. This can begin to create a safety concern because there are more strict regulations when homes are less than 10' from one another. In order to assist in keeping home further apart and promote additional safety, the proposal is for Lake and Town Residential districts to have a minimum side setback distance of 5'. The commercial district currently allows for 0' setback when adjoining C-1 or 20' when not adjoining C-1 property. The proposal is to limit the 0' side setback to within a downtown area. This will promote more developable space in the downtown areas, meeting historical design and restricting sprawling growth that will struggle to maintain the sidewalls of the structure.

Mr. Overmyer 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. Overmyer motioned to close the public hearing, seconded by Mr. Kline. Motion carried by acclamation.

After a question from the board the plan director clarified on lake lots and where the 10'/10% rule applies the proposed minimum standard of 5' side yard setback will only affect parcels less than 50' in width.

Mr. Overmyer 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. Overmyer moved to close the public hearing, seconded by Mr. Kline. Motion carried by acclamation.

Mr. Kline made a motion to approve 23-PC-04 MARSHALL COUNTY PLAN COMMISSION - The Marshall County Plan Commission is requesting an amendment to the Zoning Ordinance Article 3 for T-1 Town Residential District, L-1 Lake Residential and C-1 Commercial District and forward to the Marshall County Commissioners with a favorable recommendation, seconded by Ms. Mieras. Motion carried with a voice vote 9-0.

The fifth item of business was 23-PC-05 MARSHALL COUNTY PLAN COMMISSION - The Marshall County Plan Commission is requesting an amendment to the Zoning Ordinance Article 9.070.B Expiration.

The ordinance currently reads: Article 9.070.B Expiration A special exception or variance ceases to be authorized and is expired if an Improvement Location Permit for the execution of the approval has not been obtained within one (1) year of the date the variance or special exception is granted. The variance or special exception shall also expire if the approved construction has not been completed and approved by the Plan Director as being consistent with all written commitments or conditions, the requirements of this Ordinance, and all applicable permits within two (2) years of the date the approval is granted. In a separate section of the ordinance it reads as; Article 11.060.F Expiration of Permits Improvement location permits shall expire consistent with the following provisions 1. Initiation of Work If the work described in

any improvement location permit has not begun within six (6) months from the date of issuance, said permit shall expire; no written notice shall be given to the persons affected. 2. Completion of Work If the work described in any improvement location permit has not been completed within two (2) years of the date of its issuance, the permit shall expire; no written notice shall be given to the persons affected. a. The Plan Director may grant two (2) extensions for up to one (1) year each for work completion. Requests for extensions must be received within one (1) month of the expiration. b. No extension shall be granted unless all appropriate extension fees, as defined by the adopted fee schedule, are paid to the Plan Director and the project continues to conform with all applicable requirements of Marshall County. The way that this compares is in short is if you meet all the requirements, you have 6 months to start construction and 2 years to finish from the date of permit approval. If you had to receive a variance your 2 year time frame is the date of BZA approval and not from permit approval. So therefore the proposal would be to revise the ordinance to read as; Article 9.070.B Expiration A special exception or variance ceases to be authorized and is expired if an Improvement Location Permit for the execution of the approval has not been obtained within one (1) year of the date the variance or special exception is granted. This amendment would also allow for projects with variances to receive extensions due to a variety of factors.

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. Overmyer moved to close the public hearing, seconded by Ms. Mieras. Motion carried by acclamation.

Mrs. Barnhart made a motion to approve 23-PC-05 MARSHALL COUNTY PLAN COMMISSION - The Marshall County Plan Commission is requesting an amendment to the Zoning Ordinance Article 9.070.B Expiration and forward to the Marshall County Commissioners with a favorable recommendation, seconded by Mr. Cultice. Motion carried with a voice vote 9-0.

The sixth item of business was 23-PC-06 MARSHALL COUNTY PLAN COMMISSION - The Marshall County Plan Commission is requesting an amendment to the Zoning Ordinance 6.220.D3.e Setback distance from the center of a tower.

The existing ordinance for Communication Tower height reads as; 6.220.D.3.e: “The Setback distance from the center of the proposed facility/tower to the nearest recorded parcel line shall be 60% of the height of the facility/tower.” The Indiana Code reads as; 8-1-32.3-17: “(b) A permit authority may not impose a fall zone requirement that: (2) is larger than the area within which the wireless support structure is designed to collapse, as set forth in the applicant’s engineering certification for the wireless support structure.” Due to the wording in the Indiana Code, this is going to result in a need to revise the Zoning Ordinance. The proposal is to reword the zoning ordinance section to; 6.220.D.3.e: “The Setback distance from the center of the proposed facility/tower to the nearest recorded parcel line shall be 60% of the height of the facility/tower or may be setback no closer than the designed fall zone as prepared by a certified engineer.”

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

Ms. Mieras made a motion to approve 23-PC-06 MARSHALL COUNTY PLAN COMMISSION - The Marshall County Plan Commission is requesting an amendment to the Zoning Ordinance 6.220.D3.e Setback distance from the center of a tower and forward to the Marshall County Commissioners with a favorable recommendation, seconded by Mr. Overmyer. Motion carried with a voice vote 9-0.

The seventh item of business was 23-PC-07 MARSHALL COUNTY PLAN COMMISSION - The Marshall County Plan Commission is requesting an amendment to re-order the Subdivision Ordinance.

The department is getting ready to work with a committee to rewrite the Subdivision Ordinance. This is the first step by putting the chapters in a more proper and logical order. The ordinance is currently order as follows; General Provisions Minimum Development Standards Subdivision Procedures Major Subdivisions Minor Subdivisions Street Design Standards and Street Improvements Water Facilities Sewage Facilities Erosion Control and Landscaping Early Warning Sirens Parcel Lot Splits Administration and Enforcement Definitions Appendix A Appendix B Appendix C Appendix D The proposal is to switch it to; General Provisions Subdivision Procedures Major Subdivisions Minor Subdivisions Parcel Lot Splits Minimum Development Standards Street Design Standards and Street Improvements Water Facilities Sewage Facilities Erosion Control and Landscaping Early Warning Sirens Administration and Enforcement Definitions Appendix A Appendix B Appendix C Appendix D.

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. Overmyer moved to close the public hearing, seconded by Mr. Cultice. Motion carried by acclamation.

Mr. Miller made a motion to approve 23-PC-07 MARSHALL COUNTY PLAN COMMISSION - The Marshall County Plan Commission is requesting an amendment to re-order the Subdivision Ordinance with a favorable recommendation to the Marshall County Commissioners, seconded by Mrs. Barnhart. Motion carried with a voice vote 9-0.

US 30 and 31 Planning Committee Update

The committee is compiling information and finalizing an actual document plan with MACOG to present first to the Marshall County Commissioners. Once it goes through the Commissioners it will ultimately go through US 30 and US 31 Coalitions as well as INDOT for the Propel Study. Their plan to present is sometime in February.

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

Respectfully submitted.

Matt Miller

March 23, 2023
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 7:30 p.m. on Thursday, March 23, 2023, in Room 203 of the Marshall County Building. Present were Commission Members Craig Cultice, David Hostetler, Deborah Johnson, Christopher Kline, Kevin Overmyer, Bob Yoder, Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties. Members absent were Terri Barnhart, Michelle Mieras, and Matt Miller.

Minutes of the January 26, 2023, meeting was presented. Mr. Overmyer moved, and Mr. Cultice seconded the motion to approve the minutes as submitted. The motion passed by acclamation.

The first item of business was 23-PC-08 MILLER, Homer & Freda - A request to include a split of land from his neighbor to be combined with his to create Homer Miller Second Minor Subdivision; located at: 2141 Beech Rd., Nappanee, IN German Township, Zoned C-2. Mr. Bernie Feeney of Whiteman & Associates 1405 N. Michigan St. Plymouth was present to represent the request by Homer Miller. Mr. Adley presented the findings of fact.

The proposal is to expand an existing 2.27 acre parcel by purchasing and subdividing off 10.54 acres from the Whetstone property to create a 12.81 acre parcel. The parcel is zoned C-2 Highway Commercial. The parent parcel is used for mostly for agriculture. The Board of Zoning Appeals on March 14th approved the width to depth ratio variance due to the size and shape of the proposal.

Mr. Cultice asked if the new lot 1A will be owned by two different people. Mr. Feeney stated that once the plat is approved the property will all be conveyed into one ownership and later be quitclaimed to the current owner of lot 1.

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

1. Renee Dubay 1580 US 6 Questioned whether their request would affect her property. After clarifying the location of her property and the proposed she agreed it wouldn't affect her.

Mr. Cultice moved to close the public hearing, seconded by Mr. Overmyer. Motion carried by acclamation.

Mr. Cultice made a motion to approve 23-PC-08 MILLER, Homer & Freda - A request to include a split of land from his neighbor to be combined with his to create Homer Miller Second Minor Subdivision; located at: 2141 Beech Rd., Nappanee, IN German Township, Zoned C-2, with a favorable recommendation to the Marshall County Commissioners,

seconded by Mr. Overmyer. Motion carried with a voice vote 6-0.

The second item of business was 23-PC-09 BALKA, GOOD & ALBERT - A request to combine and create a one lot Albert Michigan Road Minor Subdivision; located at: 505295404418000010, 505295404417000010, and part of 505295404416000010, 750 S. Michigan St. Lapaz IN North Twsp., Zoned C-2. Mr. Bernie Feeney and Tim Good of P O Box 850 Lapaz were present to represent the request for applicants. Mr. Adley presented the findings of fact.

The applicant is seeking to combine 2 existing parcel and the portion of another to create a 2.60 acre parcel. The applicant at this point does not have planes for the proposal aside from taking the land to auction. The interesting aspect of the future redevelopment of the parcel will be the access due to limited turns for the majority of the frontage area. Most traffic though will return east to US 31.

All the property owners are combing to create one larger piece. The prospective purchasers will be required to obtain their own driveway permits from the respective entities for access onto either road.

The environmental investigation and remediation has taken place and is now completed.

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

Mr. Kline made a motion to approve 23-PC-09 BALKA, GOOD & ALBERT - A request to combine and create a one lot Albert Michigan Road Minor Subdivision; located at: 505295404418000010, 505295404417000010, and part of 505295404416000010, 750 S. Michigan St. Lapaz IN North Twsp., Zoned C-2, seconded by Mr. Overmyer. Motion carried with a voice vote 6 -0.

Other Business

On March 6, 2023, Superintendent Peters and Surveyor, Bernie Feeney presented an alley vacation on behalf of the Jason Sturman Family that runs through 2550 East Shore Lane, Culver. This specific alley runs between one parcel of land. This vacation does not restrict access to the lake and has been recommended by the Culver Town Plan Commission.

The Commissioners requested that this request should be made to the Marshall County Plan Commission and upon their recommendation will return to the Commissioners for a public hearing.

The only proposal of roadway vacation is adjacent to the 2550 East Shore Lane. It will not affect the property to the north.

After a lengthy review Mr. Adley stated that there is no public nor private indication that this is a dedicated roadway. It's always been referenced as a 20' alleyway or roadway.

Mr. Feeney stated there are surveys dating back to the 1970's indicating that particular section

as a 20' public alley.

There were no objections of staff presenting the abovementioned alley vacation to usher along Culver's recommendation of approval to the County Commissioners.

2022 Plan Commission Annual Report

The 2022 Annual Planning Commission Report was presented to the board. The valuation of permits was up while the count was down by 3%.

Subdivision Committee

The subdivision committee has met for the past two months. This committee has set up the main goals and best practices. The plan from here is to go through the ordinance line by line and providing indications of what it says today and providing options.

The plan is to continue to review the ordinance for the next couple of months. Then the committee will take a break while staff pulls all the information together into a cohesive document. Then the committee will re-read the final document.

The committee needs a couple planning commission members to participate on the committee. Mr. Kline and Ms. Johnson offered to join the committee.

Bob Yoder Retirement

The board wished Bob well in retiring and thanked him for his service and representing the county well.

Robert Demis

Mr. Demis of 20993 8th Rd. came before the board to discuss his requirement of providing the County with an engineered report to allow him to be able to install a 30" entrance door in his storage container. He felt that he was being singled out. The board explained that the integrity of every container can be different. It's the county's duty to make sure you provide the proof from an engineer that the container is safe. In addition to the alteration of this structure, the use is going from cold storage to an actual workspace. The board stands behind it's decision.

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 27, 2023
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

Vice - President, Matt Miller, called the Marshall County Plan Commission meeting to order at 7:30 p.m. on Thursday, April 27, 2023, in Room 203 of the Marshall County Building. Present were Commission Members Craig Cultice, Deborah Johnson, Christopher Kline, Kevin Overmyer, Terri Barnhart, and Michelle Mieras. Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties. Member absent was David Hostetler.

Minutes of the March 23, 2023, meeting was presented. Mr. Overmyer moved, and Mr. Cultice seconded the motion to approve the minutes as submitted. The motion passed by acclamation.

Miller Certificate of Appointment

Mr. Adley read the Certificate of Appointment of Mr. Miller to the Marshall County Planning Commission and he affirmed his duties.

The first item of business was 23-PC-10 WILMA, David & Janice - A request for a one lot minor subdivision by David Wilma; located at: 12095 Queen Rd. Plymouth, IN West Twsp., Zoned L-1. Mr. Robert Aloi of Territorial Engineering was present to represent his request. Mr. Adley presented the findings of fact.

The applicant owns 46.66 acres of Lake Residential zoned property that is predominantly used for agriculture. They are seeking to create a 1 acre lot surrounding the home and adjoining buildings to separate it from the tilled ground that surrounds it on Queen Road.

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

Mr. Kline made a motion to approve 23-PC-10 WILMA, David & Janice - A request for a one lot minor subdivision by David Wilma; located at: 12095 Queen Rd. Plymouth, IN West Twsp., Zoned L-1 seconded by Mrs. Johnson and to forward to the Marshall County Commissioners with a favorable recommendation.

The second item of business was 23-PC-11 DAVIS, Ronald - A request by Thomas Landgrebe for a PUD of 30-60 shipping container homes; located at: 3919 Michigan Rd. Plymouth, IN Zoned A-3 was tabled by the request of Mr. Landgrebe.

The third item of business was 23-PC-12 MARSHALL COUNTY PLAN COMMISSION - A request to amend the Marshall County Permit Fee Ordinance.

The fee schedule for the Plan Commission has been amended over time on different occasions as costs of risen, or a separation of type was warranted. Fees were discussed in the 1994 ordinance under the Zoning Ordinance having a minor breakdown of the different type sand associated fees. In 2006 fees for Board of Zoning Appeals cases and Planning Commission cases were outlined between $50 and $100. In 2010 the fee schedule was created to list all building permits, BZA and PC cases. In 2012 permit fees were consolidated to make them all inclusive of the total inspections, so you would only pull one permit rather than multiple. In 2015 the larger permit categories such as conventional homes, accessory structures and commercial buildings were broken into square foot categories. In 2017 solar permit fees were added, but were amended in 2019 to account for solar farms. The proposal for this long-standing amendment is to bring the fees into association with the time and cover the cost of administration and inspection. Many of the fees have remained relatively unchanged for just over a decade. The proposal comes with multiple options for the board including full costs in increments of $10 and $25 and a mixture of cost coverage. An option that has not been tabulated would be to include the largest scale structures being at a per square foot cost similar to that of Culver. The cost would be set at the same scale as the level prior per square foot. These fees are already accrued in time, but the benefit in amendment would be the support to staff and reduction in permit wait times. The goal of the department is not to over-generate funding, but to have the project owner cover the cost rather than members of the general public pay for improvements through taxes.

Mr. Adley presented the proposed fees along with a few items with an (*) Residential Homes >4,000 sq ft and Commercial Buildings >10,000 sq ft that is proposed at a per square foot cost.

A price comparison spreadsheet of three permits was done in six surrounding counties. They ranged from set fees to charging per square foot.

Mrs. Johnson asked if a handicap ramp's permit fee could be waived. Mr. Adley replied that he does not have that authorization to waive fees. It would be up to the Planning Commission to make that decision.

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. Johnson moved to close, seconded by Mrs. Barnhart. Motion carried by acclamation.

The Planning Commission's thoughts on implementation was the following:

1. All the fees starting July 1 or beginning of third quarter, or January 1st, 2024.
2. Splitting the proposal from the Planning & BZA changes to July 1st and permit fees to start January 1st, 2024.

Mr. Overmyer made a recommendation that the Planning Commission bring in the Plan Commission and Board of Zoning Appeals fees to the Commissioners for a public hearing first and get that active by July 1st and bring the permit fees back to the planning commission late summer or fall to be effective January 1, 2024.

When asked what options the commissioner's have as far as approval or modification Mr. Overmyer stated they could approve or modify it. If they choose to modify it would be sent back to the planning commission with a modification request. Mr. Overmyer stated that he personally feels a modification wouldn't be necessary as this update has been needed for a long time.

Mr. Overmyer moved to approve 23-PC-12 MARSHALL COUNTY PLAN COMMISSION - A request to amend the Marshall County Permit Fee Ordinance and forward to the Marshall County Commissioner's with a favorable recommendation the Planning Commission and Board of Zoning Appeals fees to consider becoming active July 1, 2023, and the permit fees to be revisited at a later date, seconded by Mrs. Barnhart. Motion carried with a voice vote 7-0.

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 22, 2023
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 7:30 p.m. on Thursday, June 22, 2023, in Room 203 of the Marshall County Building. Present were Commission Members David Hostetler, Craig Cultice, Deborah Johnson, Christopher Kline, Matt Miller, Kevin Overmyer, Terri Barnhart, Michelle Mieras and City of Plymouth Liaison Fred Webster. Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties.

Minutes of the April 27, 2023, meeting was presented. Mrs. Barnhart moved, and Mr. Cultice seconded the motion to approve the minutes as submitted. The motion passed by acclamation.

The first item of business was 23-PC-11 DAVIS, Ronald - A request by Thomas Landgrebe for a PUD of 30-60 shipping container homes; located at: 3919 Michigan Rd. Plymouth, IN Zoned A-3. Thomas Landgrebe of 514 Dittman St. South Bend, IN was present to represent his request. Mr. Adley presented the findings of fact.

Recommendation
Based on the information provided and review by the Technical Review Committee, TRC would recommend approval pending staff's review of the amended proposal including the following condition that the project meet; 1. Fire Department Fire Hydrant regulations and Turnaround spacing, 2. Stormwater utility ultimately addressed/clarified. Based on review of the amended proposal staff would recommend approval of the amended proposal with the conditions that; 1. Accessory structures and club buildings be addressed as internal conditional uses at the guidance of the Adventura Review Committee,2. The front setback be clarified as 5' from edge of sidewalk (of private drive)and 60' from Michigan Road Right of Way, 3. Site plan be updated to include contours, 4. The land use matrix be updated to reflect associated conditional uses.

The applicant is seeking to develop a 33-lot gated residential lot in place of an existing 16 out of 30 lot mobile home community. The mobile home community has come under concerns with the state and the developer is seeking to purchase it and remediate the environmental issues. The proposed 33 homes would be made of a combination of shipping containers providing structural secure homes that will be signed off by engineer/architect ensuring Indiana Residential Code is met. The existing driveway will house a new water line and be regraded to make way for a brick road with 2 10' drive lanes and 2 4' sidewalks. The gated entrance feature will add security but will also allow for emergency vehicle access in case of need. The front of the development will provide open space as well as area for a community garden. To the rear of the homes a community building will be located adjacent to the woods. The woods will be

preserved for recreational purposes.

The applicant's plan is to use post-consumer shipping containers to create a gated housing community with an HOA type atmosphere for possibly empty nesters. It will be set up similar to that of a condominium association. They will own the building itself and the entire community will be owned by Ventura. There will be buyback options spelled out by Ventura. Ventura's plan is to start out with five units.

In response to a question of finding 3 Mr. Adley stated that a mobile home park differs from this type of community because mobile homes are governed differently than a stick-built structures with advanced building materials because they require engineered and architectural plans.

When asked about the existing park the applicant stated that there are three still on the premises. He plans to do his best to help facilitate their transition to a new location.

Mr. Cultice has reviewed some of the storm water data and the high point is proposed at 700' west of Michigan Road. In between that point and Michigan Road is almost a 12' drop. Mr. Cultice requested that he provide information on how he plans to slow up that storm water and how he plans to keep it off of Michigan Road. In addition to that Mr. Cultice also recommends having a licensed surveyor to survey the land so everyone knows where the boundary lines are at.

There is an existing 4" well that has worked well in the past. However, it has been recommended that they upgrade to a 6" well that has a variable speed drive that will facilitate enough water for the proposed community. There is a plan to have fire hydrants and more information will follow once there is a meeting with the fire marshall.

During discussion of the layout, it was brought up if there are sidewalks and they meet requirements. Mr. Adley explained that the sidewalks meet all the requirements and with this being a gated community he doesn't see any issues.

The price range of the units range from $165,000 to around $200,000 ish. There will be many options available including an elevator. The target group for this community will be empty nesters and business professionals. There will be many amenities including built in vacation accounts and specialized delivery service of staff dropping off delivery in a drop box.

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

1. Ben Etter 3897 Michigan Rd. Lives directly north of the proposed property. Understands the need for low-income housing, but he believes this isn't the location for it. Is in construction and has seen shipping containers used for housing and doesn't believe it's economical. Has had difficulty with the current owners and their septic system routed on their property and had to have them correct it. Doesn't believe this is a good location for what the applicant is proposing.
2. Debra Leake 3884 Michigan Rd. Lives directly across the street from the proposed. She doesn't feel this is a good location for a multi home development

with the curve.

3. Connie Nichols 3983 Michigan Rd. Isn't necessarily against everything, but believes once Marshall County allows these into the community it will grow rapidly. Doesn't believe the sewage has been addressed. Even with minimum capacity at the existing trailer park she had raw sewage backing up on her property for months. ISDH has been working on this and the violations for over 35 years. She doesn't believe container homes are the way to go as they don't usually last for over 30 years. She has a concern with people re-selling units and subletting and would eventually come of the proposed community. Has a concern of the safety with the curve in the road and increased property taxes.
4. Connie Nichols 3983 Michigan Rd. Read a letter into record restating the above.
5. Kyle & Jessica Rhodes 3838 Michigan Rd. Read a letter and is in strong opposition to the request and shipping container homes. Concern of low income housing that brings instances of theft violence and lowering property values. Not knowing what was stored in the container before questions corrosives and pollution when the units rust. They also don't have confidence in the Davis' to do a project like this.
6. Louann Etherton 3976 Michigan Rd. Is against the request as it's been an eyesore for years.

Responses to some of the questions:

- When the Davis' took over the property they overbuilt the septic system. It was originally planned for 45 three bedroom units. What the applicant is proposing is only 33 units that are 2 bedrooms each.
- The applicant will have two people living on the property with camera security that will take care of the facility.
- Most containers material are at least five times the thickness of steel roofing. The rusting people see on containers are due to saltwater environment. The applicants' plans are to purchase the best units and paint them.
- The plans for the front of the facility will include a cinderblock wall and a gate to limit traffic to a minimum and will help contain the noise as much as possible.
- There is no plan to grow beyond what has been proposed.

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

Mr. Landgrebe wants to uphold his integrity and believes what he's proposing will be safe and most likely will be replicated across the United States.

Their plan is to get rid of an eyesore and use existing infrastructure that will be cost effective.

The applicant has not tried to push sales at this time until he is in line with the ISDH and IDEM.

There will be a fee similar to that of an HOA that will take care of the grounds, maintenance, taxes and vacation account.

Mr. Overmyer asked if there was enough ground if the septic system fails. Mr. Landgrebe said that the current system sits on about one acre of property. As they move forward with the project he's going to take the original prints and make sure it's up to today's standards. It's his belief that their community will be using much less water. With this project being of commercial nature, ISDH will have to approve the request.

The Davis' are currently still the owners of the property. The purchase of the property will take place soon. If this request isn't approved Mr. Landgrebe plans to move forward with possibly another trailer park.

Mr. Webster asked about the efficiency of the units. The units will be welded together, and the insulation will be spray foam. When asked about individual solar Mr. Landgrebe said solar will be an option.

Mr. Kline made a motion to approve 23-PC-11 DAVIS, Ronald - A request by Thomas Landgrebe for a PUD of 30-60 shipping container homes; located at: 3919 Michigan Rd. Plymouth, IN Zoned A-3 that includes TRC's Recommendation:

1. **Based on review of the amended proposal staff would recommend approval of the amended proposal with the conditions that; 1. Accessory structures and club buildings be addressed as internal conditional uses at the guidance of the Adventura Review Committee,2. The front setback be clarified as 5' from edge of sidewalk (of private drive)and 60' from Michigan Road Right of Way, 3. Site plan be updated to include contours, 4. The land use matrix be updated to reflect associated conditional uses;**
2. **Fire and turnaround spacing addressed; Stormwater utilities addressed; and Sewer issues addressed and clarified;**

with a favorable recommendation to the Marshall County Commissioner's, seconded by Mr. Cultice. Motion carried with a voice vote 5-3.

The second item of business was 23-PC-13 RICHARD, Steven & Beverly - A request for a one lot minor subdivision; located at: 11766 4A Rd., Plymouth, IN North Twsp., Zoned T-1. Mr. Steven Richard 11766 4 A Rd., Plymouth, IN was present to represent his request. Mr. Adley presented the findings of fact.

Recommendation:
Based on the information provided and review by the Technical Review Committee, staff and TRC would recommend denial of the proposal as submitted (may suggest the item be tabled to be amended) due to land suitability. The Subdivision Regulations indicate that "If the Plan Commission finds that the property requested to be subdivided is unsuitable for development because of flooding, topography, inadequate water supply, inadequate sewage disposal, or other conditions which may endanger health, life, or property, the Plan Commission shall not approve the land for subdivision."

The applicant is seeking to subdivide 1.00 acre from their 10.8 acre parcel. The Town Residential district permits a minimum lots size without municipal water and sewer on the property to be 1 acre with a minimum lot width of 60'. The existing frontage along the road 164.98' and a proposed depth of 294.00'. 50' of the western property is encompassed by an ingress/egress

easement. Under the Zoning Ordinance, "no structure with the exception of fences may be located in, or otherwise obstruct any easement." It is this easement that creates interest because the easement is taking up 33.75% of the parcels developable acreage.

Mr. Richard wanted to subdivide off this one acre piece in order to sell it in the future.

Currently the request includes the easement. The TRC would be more comfortable that the one acre does not include the easement space. If the septic were to fail the 33% that is easement would not be usable by the future tenant of that house.

Mr. Adley stated that as soon as the clear space would equal one acre that would be sufficient space.

Mrs. Barnhart made a motion to table this request to give the applicant time to update the proposed plat to meet the board's recommendations, seconded by Mr. Miller. Motion carried with a voice vote 8-0.

The third item of business was 23-PC-14 TOWN OF LAPAZ - A request for a minor subdivision to reconfigure ground into three parcels; which includes the following parcels: 50-52-95-204-375-000-010, 50-52-95-204-347-000-010, 50-52-95-204-374-000-010, North Twsp.,Zoned T-1. Mr. Roger Ecker of 206 Walnut St. Lapaz, IN was present to represent the Town of Lapaz's request. Mr. Adley presented the findings of fact.

Recommendation:
Based on the information provided and review by the Technical Review Committee, staff and TRC see no issue with the proposal and would recommend approval of the proposed subdivision with the condition that final subdivision plat be inspected by the Plan Director and County Surveyor prior to signatures.

The applicant is seeking to adjust common property lines among 3 parcels to more appropriately align with their intended uses. Existing property lines cross through a variety of park fields and features and does not lead to ease of development. The proposal also addresses lack of access to a rear property that originally had not legal access. The Town of Lapaz, North Township and the Lapaz Volunteer Fire Department have each reviewed and given their respective support for approval of the project.

The township has been very supportive. Phase one of the project is $280,000. They are looking forward to getting people back into the park and receiving health and wellness benefits from it.

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

1. Steve Barber 13391 5 C Rd. Is on the North Township Advisory Board. They voted to approve this request. The land behind the fire station had fallen into disrepair. They had the opportunity to update it with the support of the Town of Lapaz. Feels it's in the common good of the community. It will provide a place where people can come together and supports the project.

2. Emily Haskins 14087 3rd Rd. Is the North Township Trustee. They have worked with the Town of Lapaz and the fire department for the splitting of the parcels. North Township owns the property and are donating it to the Town of Lapaz to make the park project a reality. The Town of Lapaz is also donating a portion of their property back to the fire department who is also surrendering some property. This will give the fire department space available if they ever need to add on. The buildings that were there were being vandalized and have since been tore down and are ready to move forward.
3. Robert Holowatuk 107 Church St. Questioned the location of the property compared to his property.

There will be no buildings on the property except for a bathroom facility. The plan is to have an expanded play ground area and pickle ball courts.

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

Mr. Overmyer made a motion to approve <u>23-PC-14 TOWN OF LAPAZ -</u> A request for a minor subdivision to reconfigure ground into three parcels; which includes the following parcels: 50-52-95-204-375-000-010, 50-52-95-204-347-000-010, 50-52-95-204-374-000-010, North Twsp.,Zoned T-1, seconded by Ms. Johnson. Motion carried with a voice vote 8-0.

<u>Other Business</u>

Ms. Deb Vandemark requested to come before the board to discuss solar farms and her concerns.

Ms. Johnson, representative from the county council stated that her board voted unanimously voted in favor of a moratorium. The council would like to see a change in the ordinance.

Mr. Overmyer, representative from the county commissioners, gave a brief run down of how the solar ordinance was presented, the moratorium, reviews back and forth between the commissioners and planning commission, a committee was formed and brought considerations from both sides to the planning commission and then brought to the commissioners for consideration and was approved. Last Monday a motion was made by commissioner Klotz for a moratorium and didn't receive a second.

Mr. Hostetler asked the plan director if there were any solar applications that have been submitted. Mr. Adley stated that there are no applications submitted for solar farms.

Mr. Adley commented to 15-17 solar panel projects in our county. After a conversation with Mr. Hildebrand of Marshall County EDC that information is from MACOG's online map showing projects across the state. That project list goes from 2008 – 2022. To his knowledge the only two that were missing were the Bremen IMPA project and the Plymouth Wastewater solar project. These projects in our definition of solar do not fall under Solar Farms of 10 acres or greater.

Debbie Vandemark 14750 Tulip Rd. Culver Provided the board with a binder of information that she and Mr. Levett put together. It includes research articles, ordinances,

emails, damage study, minutes from the ordinance process that started in 2019 and the one that was signed in January 2021. She came before the board to explain her concern with solar farms and believes Marshall County's solar ordinance needs updated. It is her hope that this board would place a moratorium on solar farms to improve the existing ordinance.

Jeanette Surissi — An attorney but appearing in a personal capacity and not representing anyone. Ms. Surissi stated, "the next step this board has is to set the request for a public hearing and allow public input on a rapidly evolving changing issue regarding energy is a wise smart approach." At that point this board is advisory to the county commissioners. A couple excerpts from a local solar agreement that was signed and was given permission to share was read. Ms. Surissi commented that some of the things that are said in meetings are not actually written into the agreements. Ms. Surissi believes there's time for Marshall County to develop more comprehensive standards.

Paul Levette — 16161 18th Rd. — Came to make three points in relation to the Marshall County Ordinance. 1. The setbacks in relation to solar farms are too short. The ROW is only 150', 75' from the property line and 250' to residential homes. 2. There is no fire safety plan in the present ordinance. 3. No property value guarantees for those homes surrounded by solar. They would like to see the setback the same as airports, 500', there be a value guarantee of local affected homeowners and put the burden of fire safety back on the solar company and not the Marshall County citizens. Mr. Levette wants to see the burden taken off Marshall County residents and back on the solar companies.

Dale Schultz — 19818 Peach Rd. — Farms in Marshall and Pulaski County. Has heard that wells are going bad in Pulaski County. Is concerned and believes there needs to be a little more research before we put all of the precious farm ground into solar and find out later you made a mistake. Farm ground is where food is produced it needs to be thought about.

Bill Githens — 210 Winfield St. — Since the moratorium the battery storage complexes that are attached to the transfer stations weren't even thought of back then. Thinks the Planning Commission should take a look at it.

Lauren Overmyer — 17501 10 B Rd. — Doesn't believe this is good for the environment. Look at what is happening with this company in Christiana Wisconsin. There was a study in Rhode Island where homes were devalued by as much as 7%.

Russell Allyn — 15315 Thorn Rd. — Was on the original solar committee and believe they did the best they could with the information they had. Has a lot of information and will try to give the board a recap later.

James Hart — 20346 15B Rd. — Believes there's a conflict of interest.

Mike Fetterling — 18036 16th Rd. — Doesn't believe that solar is the issue. Has a concern with the batteries hooked up to it. Also believes there is a concern with fire and contamination.

Kraig Mackey — 15764 Thorn Rd. — Has a concern with the battery storage. He

lives right next to where one is proposed. Has a concern with safety and property values.

James Vantwoud 19917 16th Rd. Has a concern about pollution of the water.

Becky Bechtel Indianapolis, IN Speaking on behalf of the Indiana Land and Liberty Coalition. Group of farmers, landowners, private property rights activists and conservatives. She is here to advocate for the private property rights of members who are protected from government encroachment. Believes the ordinance is fair, thoughtful, and well-crafted ordinance. Encouraging the board to stay with the ordinance to the betterment of the county.

Jan Lemler 1019 W. Jackson St. Believes Marshall County's acreage is precious. Plymouth is the home of the world's largest seed producing facility in the world. As Will Erwin said, we should leave our land better than we found it. Back in 2017 it was report that there are 3073 counties in the United States that produce ag products. Marshall County ranks 596 in production. We are 96 in hay production and 32 in grain production.

Mike Vandemark 10365 E. Toto Rd. The concern over solar farms is rapidly increasing. Thanked those in attendance regarding solar.

Will Patterson 1730 Dogwood Rd. Is a Marshall County Councilman. The council had a unanimous vote of support of a moratorium. Has a concern that batteries are not included in the ordinance. Is willing to work together with other forms of government to address this. He respects individual landowners rights, but has a concern for neighbors.

2024 Planning Commission Proposed Budget

The proposed 2024 Planning Commission budget was presented to the board. The Plan Commission is looking from transitioning out of a Code Enforcement Officer to a full time Planning Tech. This has been approved by the council and Mr. Adley will give the council an update at the next meeting. Along with that an additional we be asked for to complete the year 2023 and position funding for 2024.

There is a 3% recommended increase and there is a increase on the per diem from $50 to $75 that wasn't picked up last year and went through as an additional. It's now being put in for 2024 of 9 members at $75.

The equipment lease will no longer be needed as the office now owns their own machine. Maintenance is still needed for copies and such.

The change in legal fees going up is because the funds were transferred from BZA to Planning Commission. The Planning Commission is the proper party to pay out those expenditures.

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 27, 2023
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 7:30 p.m. on Thursday, June 27, 2023, in Room 203 of the Marshall County Building. Present were Commission Members David Hostetler, Deborah Johnson, Christopher Kline, Kevin Overmyer, Terri Barnhart, Brieanna Slonaker, and City of Plymouth Liaison Fred Webster. Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties. Members absent were Craig Cultice, Michelle Mieras, and Matt Miller.

Minutes of the June 22, 2023, meeting was presented. Mr. Overmyer moved, and Mr. Kline seconded the motion to approve the minutes as submitted. The motion passed by acclamation.

23-PC-13 RICHARD, Steven & Beverly - A tabled request for a one lot minor subdivision; located at: 11766 4A Rd., Plymouth, IN North Twsp., Zoned T-1. **This request was tabled by the applicant to complete the work being done by the surveyor.**

Other Business

Deb Vandemark – Large scale solar & energy storage

President, Mr. Hostetler, expressed to those in attendance that public comments on solar was on the agenda for the June meeting and the floor was opened for comments were heard. There will be no public comments other than Mrs. Vandemark as she asked to be on the agenda to offer additional information for tonight's meeting. If there is new technical information, for or against, that information is welcomed and can be given to the Plan Director, Ty Adley.

Mrs. Vandemark read a letter to the board about her concerns over solar farms, battery storage and the need for updates to the Marshall County Zoning Ordinance pertaining to large scale solar. To allow for time needed to make such amendments Mrs. Vandemark would like to see the board place a moratorium on large-scale solar. She gave a list of suggestions to the board:

1. Remove A-1 agricultural land from solar farms that have been signed up with the USDA the past three years.
2. An ordinance for energy storage systems a/k/a battery storage which would include permits, BZA approval and setbacks.
3. Amend the ordinance for large scale solar farms to include further setbacks of 1000 to 1500 ft.

4. Implement a fire emergency plan environmental safety plan for the solar ordinance and energy storage ordinance.
5. Require material data sheets on all solar panels and batteries.
6. Water and land testing annually by solar and energy storage companies to make sure of no land contamination.
7. Change the zoning to industrial.
8. Fines and consequences for ordinance violation.
9. 72" minimum galvanized chain link fence surrounding the proposed project.
10. Decommissioning guarantees.
11. In addition, she would ask for a short-term moratorium or amendments to our large-scale solar ordinance and energy storage ordinance a/k/a battery storage ordinance.

Mrs. Vandemark asked the board about their plans to move forward and how they recommended for her to proceed. Mr. Hostetler recommended she funnel her information through the Plan Director. For tonight's meeting the board's plans are to discuss their thoughts and how they want to proceed and to give the plan director specific directions on what they want him to bring back to the board.

Mr. Bill Githens spoke out about the Town of Culver's recent meeting on a moratorium for solar. Also, Senator Bohacek spoke out that this is basically local zoning and state law deals with safety. His recommendation was that a moratorium would allow time to carefully construct an ordinance so that it is done properly.

The boards consensus was to have the Plan Director review other counties' current solar ordinances and investigate new state legislation on battery storage facilities and asked the Plan Director to bring this data back to the Plan Commission.

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

August 24, 2023
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 7:30 p.m. on Thursday, August 24, 2023, in Room 203 of the Marshall County Building. Present were Commission Members David Hostetler, Terri Barnhart, Craig Cultice, Christopher Kline, Michelle Mieras, Matt Miller, and City of Plymouth Liaison Fred Webster. Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties. Members absent were Deborah Johnson, Kevin Overmyer, and Brieanna Slonaker.

Minutes of the July 27, 2023, meeting was presented. Mr. Kline moved, and Mrs. Barnhart seconded the motion to approve the minutes as submitted. The motion passed by acclamation.

23-PC-13 RICHARD, Steven & Beverly - A tabled request for a one lot minor subdivision; located at: 11766 4A Rd., Plymouth, IN North Twsp., Zoned T-1. **This request was tabled by the applicant to complete the work being done by the surveyor.**

The first item of business was 23-PC-15 MARSHALL COUNTY PLAN COMMISSION - A request to amend the Marshall County Permit Fee Ordinance.

The fee schedule for the Plan Commission has been amended over time on different occasions as costs of risen, or a separation of type was warranted. Fees were discussed in the 1994 ordinance under the Zoning Ordinance having a minor breakdown of the different types and associated fees. In 2006 fees for Board of Zoning Appeals cases and Planning Commission cases were outlined between $50 and $100. In 2010 the fee schedule was created to list all building permits, BZA and PC cases. In 2012 permit fees were consolidated to make them all inclusive of the total inspections, so you would only pull one permit rather than multiple. In 2015 the larger permit categories such as conventional homes, accessory structures and commercial buildings were broken into square foot categories. In 2017 solar permit fees were added but were amended in 2019 to account for solar farms. In Spring 2023 the Plan Commission and Board of Zoning Appeals fees were adjusted with a recommendation to bring building permit fees back at a later date. The proposal for this long-standing amendment is to bring the fees into association with the time and cover the cost of administration and inspection. Many of the fees have remained relatively unchanged for just over a decade. The proposal comes with multiple options for the board including full costs in increments of $10 and $25 and a mixture of cost coverage. An option that has not been tabulated would be to include the largest scale structures being at a per square foot cost similar to that of Culver. The cost would be set at the same scale as the level prior per square foot. These fees are already accrued in time, but the benefit in amendment would be the support to staff and reduction in permit wait times. The goal of the

department is not to over-generate funding, but to have the project owner cover the cost rather than members of the general public pay for improvements through taxes.

On April 27th the Planning Commission moved and approved 7-0 to favorably recommend the PC and BZA fees be amended and become active July 1st, 2023 and permit fees to be revisited at a later date.

A small graph was shown offering a comparison of two different permits and other county's fees. Due to differing permit fee breakdowns and some charging per square foot the comparison chart was a close representation while trying to compare apples to apples.

The recommended rate per square foot wasn't given by the TRC it was given as an option.

The plan director explained that on larger projects there is a little more review done, but the majority of increased work is through increased inspections. Depending on the size of the job there can be multiple footing, wall, and other inspections.

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

The TRC's recommendation for possible fees per square foot included the largest scale of residences, accessory and commercial structures.

The board understood the desire to have the property owner incur their own expenses for their project/inspections rather than to spread it out to taxpayers. To estimate how many of these projects across the county per year is north of 30 permits, said the plan director. The main large commercial projects are about 2-4 projects a year.

After a discussion the board recommended that the larger structures with a proposed per square foot go back to the TRC so they can make a recommendation back to the board of a per square foot figure.

Mr. Kline made a motion to approve <u>23-PC-15 MARSHALL COUNTY PLAN COMMISSION -</u> A request to amend the Marshall County Permit Fee Ordinance as presented and forward to the Marshall County Commissioners with a favorable recommendation and the TRC to come back at another time with a recommendation of per square foot for large commercial, accessory, and residential structures, seconded by Ms. Mieras. Motion carried with a voice vote 6-0.

<u>Solar Ordinance Research</u>

Mrs. Debbie Vandemark of 14750 Tulip Rd. Culver passed out to the board solar research materials.

Attorney Kuchmay and Mrs. Vandemark attended the last commissioner's meeting and suggested the board go back and listen to the meeting. He has read the ordinance and is encouraging a moratorium in Marshall County. Mr. Klotz made a motion for a moratorium and

Mr. Burroughs wanted to wait and see the recommended changes and proposal by the Plan Commission and is willing to hear what is said and the best decision for the county.

Research materials that were passed out were the Indiana Code, suggestions that would improve the county's ordinance, plan commission basics as well as suggestions from Mr. Ed Allen that was on the original committee for solar.

Marshall County and the citizens need to be protected.

With all battery components being different Ms. Mieras suggested when the ordinance is being re-written to take that into consideration.

The existing approval process for solar farms and battery storage was given. A presentation was then given by the plan director comparing Indiana Code and the current ordinance. Marshall County's ordinance has 18 additional regulations than the state code. The state code does have four regulations that are not in Marshall County's Ordinance. Those four include glare, signal interference, soul level limitations and force majeure event.

The following recommendations were made to the plan commission:

1. Solar – Recommendation to amend and include state standards under IC 8-1-42 that weren't included within MC Standards. Then to also compare MC standards to surrounding districts, present similar table of PC selected standards and return with a recommendation to the PC on what Marshall County can do to better protect residents as it relates to public health and safety.
2. Battery – Recommendation for a Moratorium.

During discussion some the recommendations were as follows:

- Put a moratorium on solar to allow staff and board time to research other ordinances.
- Research ordinances that have implemented solar and had in depth discussions and doesn't need to be surrounding Marshall County.
- Several members said they don't think a moratorium on solar is necessary. Marshall County's current ordinance is more restrictive than the states. It was their view that modifications could be made without putting a moratorium in place.
- Research setback comparisons of other jurisdictions.
- Can cash be an option over a bond?

Mr. Miller made a motion to propose a moratorium on battery storage for a period of 1 (one)year or upon completion of the ordinance for battery storage systems, seconded by Ms. Mieras. Motion carried with a voice vote 5-1 with Mr. Kline voting against.

If there is a need for legal counsel regarding the solar and battery storage research the board gave their approval to the plan director.

The board was asked if they have additional items that they want researched to reach out to the plan director within a week. Mr. Miller voiced that he would like to see the items that are a state requirement become a part of the county's requirement.

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 28, 2023
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 7:30 p.m. on Thursday, September 28, 2023, in Room 203 of the Marshall County Building. Present were Commission Members David Hostetler, Terri Barnhart, Craig Cultice, Deborah Johnson, Matt Miller, Kevin Overmyer, Brieanna Slonaker, and City of Plymouth Liaison Fred Webster. Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties. Members absent were Christopher Kline and Michelle Mieras.

Minutes of the August 24, 2023, meeting was presented. Mr. Cultice moved, and Mrs. Barnhart seconded the motion to approve the minutes as submitted. The motion passed by acclamation. Mr. Overmyer and Mrs. Johnson abstained as they were not in attendance at the last meeting.

23-PC-13 RICHARD, Steven & Beverly - A tabled request for a one lot minor subdivision; located at: 11766 4A Rd., Plymouth, IN North Twsp., Zoned T-1. **This request was tabled by the applicant to complete the work being done by the surveyor.**

The first item of business was 23-PC-16 MARSHALL COUNTY PLAN COMMISSION - A request to amend the Marshall County Permit Fee Ordinance.

The fee schedule for the Plan Commission has been amended over time on different occasions as costs of risen, or a separation of type was warranted. Fees were discussed in the 1994 ordinance under the Zoning Ordinance having a minor breakdown of the different type sand associated fees. In 2006 fees for Board of Zoning Appeals cases and Planning Commission cases were outlined between $50 and $100. In 2010 the fee schedule was created to list all building permits, BZA and PC cases. In 2012 permit fees were consolidated to make them all inclusive of the total inspections, so you would only pull one permit rather than multiple. In 2015 the larger permit categories such as conventional homes, accessory structures and commercial building were broken into square foot categories. In 2017 solar permit fees were added, but were amended in 2019 to account for solar farms. In Spring 2023 the Plan Commission and Board of Zoning Appeals fees were adjusted with a recommendation to bring building permit fees back and which received a recommendation of Approval in August and passed on first reading by the Commissioners in end of September. The proposal for this amendment is to bring the fees into association with the time and cover the cost of administration and inspection of those permits that are greater than 4,000 sqft for conventional homes and accessory structures along with structures that are greater than 10,000 sqft for commercial buildings. The proposed price per sqft for each was generated by establishing the price per sqft under the 2023 amendment which came out to $0.05 (Accessory), $0.08

(Conventional) and $0.06 (Commercial) per sqft. The proposal for amendment is accessory structures greater than 4,000 sqft is $0.05/sqft with a $250 minimum, conventional homes greater 4,000 sqft is $0.08/sqft with a $400 minimum, and commercial structures greater than 10,000sqft is $0.06/sqft with a $1000 minimum.

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

1. Don Nunemaker 14375 Nutmeg Rd. Right now there are 33 tax units within Marshall County. Marshall County has 49 million dollars in surplus funds not designated for anything.

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

Mr. Cultice stated at the last TRC meeting Steve Howard, Marshall County Building Commissioner, did attend and he was in agreement with the proposed fees and thought they were fair.

Mr. Overmyer made a motion to approve 23-PC-16 MARSHALL COUNTY PLAN COMMISSION - A request to amend the Marshall County Permit Fee Ordinance and send to the Marshall County Commissioners with a favorable recommendation, seconded by Mr. Cultice. Motion carried with a voice vote 7-0.

23-PC-17 - MARSHALL COUNTY PLAN COMMISSION (Battery Storage) - Consider a moratorium concerning Utility Scale Battery Energy Storage Systems on property within the geographical area of Marshall County, Indiana.

That a moratorium is hereby created and established which specifically provides that no new building permits, land use applications, site development plans, including applications for improvement location permits, special exceptions, variances or rezonings pertaining to Utility Scale Battery Energy Storage Systems will be accepted by the Marshall County Building Commission, Marshall County Plan Commission or Marshall County Board of Zoning Appeals for a period of 12 months from the passage of this proposal, while and until the Marshall County Plan Commission and Marshall County Plan Director 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. 2. That in proposing the above amendment, the Marshall County Plan Commission has given due consideration to and has paid reasonable regard to: A. The Comprehensive Plan; B. Current conditions and the character of current structures and uses in each district; C. The most desirable use for which the land in each district is adapted; D. The conservation of property values throughout the jurisdiction, and; E. Responsible growth and development. That the Marshall County Plan Commission finds that the above stated reasons are sufficient to support the amendment as set forth above.

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

1. Debbie Vandemark 14750 Tulip Rd. She passed out a handout to the board with 3 questions for them to consider. 1. Lead acid batteries – which require ventilation and regular maintenance which increases the chances of battery leakage. 2. Lithium – ion batteries – which are very expensive and have a higher chance of fire due to thermal runaway. 3. Nickel cadmium batteries – are very toxic 4. Flow batteries – which have the longest lifespan, are fire retardant and low maintenance. In addition to that she offered a list of suggestions.
2. Julia Baxter 16781 18B Rd Believes our greatest asset is our land. What will happen to our land with all the storage containers and solar farms covering our land and even the toxicity? Doing this will turn fertile land into a desert. No to battery farms and the panels that come with it. Why is Indiana putting these in? Are there government subsidies? Save our land.
3. Katie Lewallen 1075 E. Shore Culver Believes that more than 50% of solar companies are considered solar plus storage. The battery is to make up for the intermittency of the non-productive hours of solar panels. There is a concern for public safety, emergency safety, and battery fires. The moratorium is needed to conduct careful research to properly draft. What are the guarantees with the proposed money coming in and where will it be allocated to? Representative Pressel recommended that the county have a good ordinance. The only function the state has under 1173 is the permitting that the battery company would have to apply through Indiana Department of Homeland Security. In addition would be DNR, IDEM and the fire commission.
4. Daniel Stracca 1845 Azalia Dr. Muenster Is with the Land and Liberty Coalition. Batteries are there to store energy from solar panels that isn't directly going into the grid. Batteries help make the grid more reliable and flexible to the times. It stores energy when prices are low and releases it when prices are high to help bring down costs. Battery storage is safe and regulated. The design, construction and operation of these batteries begin with safe equipment and is in compliance with national and international fire codes. There is a benefit to Marshall County's economic development and landowners who are trying to protect their private property rights. Believes that everything comes with a risk and compared it to lithium ion batteries in cell phones that everyone carries. Encouraged the board to take their time and create a good ordinance that protects. Not necessarily in favor of the moratorium, but in favor of the board doing due diligence and protect Marshall County.

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

Mr. Miller made a motion to approve <u>23-PC-17 - MARSHALL COUNTY PLAN COMMISSION (Battery Storage) -</u> Consider a moratorium concerning Utility Scale Battery Energy Storage Systems on property within the geographical area of Marshall County, Indiana and forward to the Marshall County Commissioner's with a favorable recommendation, seconded by Mrs. Johnson. Motion carried with a voice vote 6-0-1 with Mr. Overmyer abstaining.

Marshall County Plan Commission
September 28, 2023

Other Business – Solar Research Update

The Plan Director listed the items that he will later be providing solar research on and requested the board let him know if there is anything additional they want researched.

Mr. Miller recalled earlier conversations that we should research counties that have solar experience.

Mrs. Johnson stated that during a TRC meeting there was discussion on solar ground contamination testing and would recommend this be part of the research as well.

Mr. Hochstetler also brought up accessory uses for solar farms.

The Plan Director commented that he couldn't promise it would be back before the board in October. He wants to make sure it is done correctly and will follow up with the communities to make sure what is read is what is intended within their 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

November 16, 2023
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 7:30 p.m. on Thursday, November 16, 2023, in Room 203 of the Marshall County Building. Present were Commission Members David Hostetler, Terri Barnhart, Craig Cultice, Deborah Johnson, Matt Miller, Kevin Overmyer, Brieanna Slonaker, Christopher Kline, and Michelle Mieras. Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties.

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

Mr. Miller made a motion to adjust the agenda and hear case 23-PC-19 Matt Lowry first before the board hears the solar amendment case, seconded by Mr. Overmyer. Motion carried by acclamation.

The first item of business was 23-PC-19 LOWRY, Matt - A request for a 2 Lot Minor Subdivision located at the property identified as 9071 N Shore Drive, Bremen, IN 46506, Zoned L-1. Mr. Matt Lowry of 9071 N. Shore Dr. Bremen and Mr. Bernie Feeney 1405 N. Michigan St were present to represent their request.

Ms. Mieras requested to recuse herself from the board for this case.

The applicant is seeking to subdivide parcel 504201000031000009 commonly known as 9071 N Shore Drive. The property is approximately 0.87 acres or 37,897 sqft. The proposal is to split it into two parcels with road and lake frontage. The parcel exceeds the L-1 Lake Residential District minimum lot size of 6,000 sqft. and has received a variance for associated setbacks around an existing garage. A request for a Variance of Developmental Standard 23-BZA-27 on the proposed existing residence parcel to 5' on the west side yard setback from the required 10'/10%, 5' rear yard setback from the required 20' and DENIED the proposed building lot with a 20' front yard setback from the required 30' was approved on a vote of 3-2. Due to the large scale of the parcel and the received variance, the proposal has met all the associated development standards for a subdivision.

Due to the unique nature of this property the house is located in the extreme northeast corner of the property near the road. Based on the layout and how everything is positioned it's feasible for the Lowry's to subdivide this property in order to build a new home.

There was talk about trying to keep the existing garage and make that part of the parcel with the house. Because of not being able to meet the setback requirements the decision was made that the existing garage will be removed once the new house is built.

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

1. Michael Nate – 9087 N. Shore Dr. Bremen Is the adjacent neighbor to the west. The biggest problem he has with the proposal is that he will lose his view of the lake. If the garage is removed why not build the house east and west instead of lengthwise. Building the house in an east/west direction would not diminish their view of the lake.

Mr. Overmyer moved to close the public hearing, seconded by Mr. Cultice. Motion carried by acclamation.

The width of both parcels is 50' each.

Mr. Cultice made a motion to approve 23-PC-19 LOWRY, Matt - A request for a 2 Lot Minor Subdivision located at the property identified as 9071 N Shore Drive, Bremen, IN 46506, Zoned L-1, seconded by Mrs. Barnhart. Motion carried 8-0.

The second item of business was 23-PC-18 Marshall County Plan Commission – Amend Solar Ordinance Article 6, Section 210.

The proposal includes amendments to the existing standards that regulate Farm-Scale Solar Energy Systems which are described commonly as those that are greater than 10 acres in panel area. Upon review of the existing County Zoning Ordinance, Indiana Code and Zoning Ordinances for St. Joe, Kosciusko, Starke, Shelby, Lake, Clinton, LaPorte, Pike, Whitley and Howard Counties. The development standards within the existing ordinance that were furthest reviewed include; road setback, property line setback, non-participating residence setback, buffer, private drainage tile, decommissioning agreement, restoration and reclamation, bonds and financial assurance as well as items that were addressed in other ordinances that could be beneficially added the existing County regulations. Other ordinances included glare, signal interference, sound level limitations, force majeure, emergency response planning, laydown and staging area, and parking. Through the TRC (by one or more members) in review of the above districts, have come to the conclusion to adjust the following standards (as referenced below but are better shown within the track changes document); - Increase the setbacks from 250' to 400' for nonparticipating and to make the same measurement from property line, not by nearest corner of the residential structure. - To require the project to adhere to interior property line setbacks. - To add include where the Board of Zoning Appeals may require buffer. - Buffering shall not only be limited to trimming, removal and replanting and now is clarified for the life of the project. - Buffering may be waived by agreement between the developer and nonparticipating landowner. - The Drainage Plan must include any required temporary facilities needed during the construction of the facility as to not have a negative impact on public infrastructure. - Clarified that the Developer is the party that must repair or install new private drainage tile for overall drainage integrity. - It is now included that all repairs must be completed with a reasonable period of time and to original or better condition. - The developer may not have cabling and other components above ground keeping with best practices rather than being required to having everything buried underground. - Added The developer and/or

operator must design and install the system to minimize glare on adjacent properties and roadways and not interfere with vehicular traffic, including air traffic. - Added The developer and/or operator must design and install the system to minimize impacts to; television signals, microwave signals, agricultural global positioning systems, military defense radar, radio reception, and weather and doppler radar. - Added The developer and/or operator must account for sound level unless otherwise allowed under 36-7-4-1109, as amended. The developer must provide information pertaining and showcasing the sound attributed by the solar energy system and all associated components will not exceed an hourly average sound level of fifty (50) A-weighted decibels, as modeled at the property line of an adjacent nonparticipating property. This requirement may be waived by the written consent of the owner of each adjacent nonparticipating property. - Added The laydown and staging area(s) shall be setback a minimum of 500' from a nonparticipating residence and any and all lights for the laydown and staging area(s) shall be shielded from shining across residential property. - Added Construction Parking will not be permitted along public roadways. - Added Water and Soil Testing locations shall be submitted and approved by the Board of Zoning Appeals to have results submitted to the Marshall County Commissioners. Testing by a qualified third party is to ensure that there are not any adverse impacts to soil and public water resources. - Added An approved Emergency Response Plan by the primary fire agency along with proof of notice to all mutual aid agencies shall be submitted. - Amended subgrade components shall be removed in their entirety unless agreed to under section iii instead of from a depth of 3' and shallower. - Added Should a Force Majeure event such as; fire, flood, tornado or other natural disasters or acts of God, war, civil strife, a terrorist attack, or other similar acts of violence, other unforeseen events or events over which a project owner has not control, results in the solar energy system not generating electricity, the owner/operator shall as soon as practicable after the Force Majeure event, provide notice to the permit authority of the event and of the resulting cessation of generating operations. Also must demonstrate to the permit authority that the commercial solar energy system will be substantially operation and generating electricity not later than twelve (12) months after the occurrence of the force majeure event. If the commercial solar energy system does not become substantially operational and resume generating electricity within 12 months, the project will be considered abandoned and the decommissioning plan will take effect. The changes within the solar ordinance are intended to keep Marshall County up to date with the ever evolving landscape of solar generation.

Recommendation: Based on the information provided and review by the Technical Review Committee, TRC recommends approval of amendments to section 210 Solar Energy Systems * Setback may be waived or reduced by agreement between non-participating landowner and developers.

Mr. Adley explained to the board their options for recommendation to the County Commissioners.

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

1. Ed Allen 15315 Thorn Rd. Believes an ideal solution would be to deny any farm scale solar installations in Marshall County at this time. Submitted a letter along with suggestions and passed out to the board.
2. Ethan Sternberg One S. Whacker Chicago Is against the opposed amendments and in agreement with Mr. Allen to table and go back to the TRC to create a proper consensus as to what the recommended setbacks should be. Passed out

information on the Tamarack solar project. Invenergy started to develop the project back in 2019 and they came to Marshall County because they saw an opportunity. The transmission lines are what brought them to this area. A high level the project is 150 mega watts which is enough energy to power over 30,000 homes. This project will be bringing in income, constructions jobs in the community and economic activity. Take a close look at those setbacks as he believes the proposed setbacks are out of line with what the state code requires and what surrounding communities are doing.

3. Jason Kuchmay, Atty 4211 Clubview Dr. Ft Wayne Talking on behalf of group Concerned property owners of Marshall County. If there is a concern over landowners who are in contract already, it's not a legitimate concern the county is free to amend their ordinance. The county needs to follow the proper procedure of a notice for the hearing to include a summary of the proposed changes in the paper. His clients would like to see a moratorium imposed on solar while amendments are considered. Wants to see the county has the proper protections in place. Reminds the board to look at the comprehensive plan for the "blueprints" of the future development of Marshall County. They would like to see a property value guarantee on non-participating properties, exclude prime agricultural farmland from being subjected to projects or possible caps. Make sure that the county is protected when the decommissioning takes place.
4. Stan Klotz 1322 W. Grant St. Bremen Questioning three things that haven't been brought up. 1. Will there be killing of microbes in the soil? 2. Dekalb County – Commissioner's rejected an overlay zone that allows solar to come into their county. Spencer County – Mechanics liens were filed against the property owners with contracts because a company that was hired to put in the infrastructure wasn't paid.
5. Rachael Connor 9780 S. 150 W. Pennelton Exec Director of Hoosiers for Renewables. Passed a packet to the board. Their job is to advocate for the advancement of wind, solar and other forms of renewable energy. Is asking that the board send the request back to the Technical Review Committee for the setbacks. Their only issue seems to be the setback proposals that were added. Would be interested in providing material to this committee before the meeting.
6. Debbie Vandemark 14750 Tulip Rd. Culver Addressed her timeline of solar concerns. Has concerns that the comprehensive plan is not being followed. The setbacks are not far enough to protect property values. Fines and consequences are not in the ordinance if it is not followed. Decommissioning concerns.
7. Joanna Null 8099 S. 200 E. Columbia City From Whitley County. Addressed the 1,500' setback from non-participating property confusion. This was put in place because there were four property owners who signed up to put up solar panels and 80 surrounding properties that were impacted. This was put in place to help protect nonparticipating property values. Requesting the board protect the non-participants at their property line not at the foundation of their home.
8. Steve Gorski 805 Baker St. Doesn't think there's enough in the proposed ordinance. Thinks there should be a moratorium on large scale solar energy and utility scale battery energy storage systems so standards could be addressed. Would also like to see addressed penalties for non-compliance.
9. Ed & Kim Reiter 348 Columbia Circle Valpo Their property is at 14218 Tulip Rd. Before signing their lease they did a lot of background research for almost a year. Solar has been around for years and doesn't see any environmental or safety issues concerning this. Believes the setback proposed severely limits landowners to make an

income. Kim – They have researched ahead of time and even throughout the contract with Invenergy. The research that was done wasn't just for themselves, but for their community.

10. Katie Lewallen 1075 East Shore Dr. Culver Recommendations: Pg 4 (w) Instead of minimize it should be eliminate. Instead of the average sound she recommends 40 dba and install converters in the center of the facility to minimize noise nuisance. Played the sound of the inverters.
11. Mark Owens 9698 16th Rd. Argos Is in favor of solar farms. Has a concern with people from out of town having any impact on what is happening in Marshall County.
12. Tim McCarthy 20087 SR 10 Culver Is a farmer and is in favor of this project. Has ground that is not prime farm ground and is contracting to be a part of the solar farm. We've already had a moratorium and doesn't see the need for another one. The original setbacks are average and should have been kept.
13. Trina Radabush 601 S. Meridian St. Indy Works for GeeNex and has 15 contracts. Believes the ordinance that is currently in place is reflective of the additional changes that the TRC committee except for the setbacks do create a workable standard that provides reasonable protection for all of the county's residents as well as protects the property rights that choose to be part of the project. Believes the proposed 400' setback is excessive. Give developers the opportunity to bring their projects forward and be evaluated on their own unique merits.
14. Greg Hildebrand 17996 14th Rd. Plymouth Marshall County EDC -The economic impact for this project will be beneficial for everybody in the county. This year alone Marshall County has increased their businesses by 150 million. This solar project alone is said to be a 275-million-dollar project. The economic impacts the tax rates – the real estate alone is a 10 million dollar plus because the land changes from ag to solar. Believes the increase in setbacks is counterproductive. The original setbacks were average and right in line with counties around us.
15. Benjamin Callendar 19668 15th Rd. Culver Is all for solar, but wouldn't necessarily put it on farmground.
16. Wayne Neidlinger 16323 Redwood Rd Culver Believes in rights to the farms freedoms. Now you are putting restrictions on how much setback there has to be. Why doesn't the farmer have the rights to do with his land what he wants? There are a lot of housing projects that are taking up farm ground. The farmers should have some freedom.
17. Paul Levvett 16161 18th Rd Culver Is not anti-solar but wants to respect property rights. Property owners have a right not to have a loss of property values depending on the setbacks. After reviewing articles/studies believes that a setback of 500' is sufficient. Looks at Marshall County as a diamond.
18. Josh Frances 7995 N. SR 19 Denver Was a County Commissioner in Miami County for 8 years. Has fought hard for property rights in his own county. Believes that requiring a 400' setback from the property line hurts property values. This is government over reach.
19. Kristina Wheeler Bosse McKinney Evans, Indy Spent the last 25 years solely practicing energy law and public utility law. Marshall County's existing solar ordinance is one of the best she's seen. It is workable and fair. It balances a lot of competing interests. Every solar farm scale is highly regulated by the Indiana Regulatory

Commission and by the Federal Energy Regulatory Commission. All disputes go to these commissions. It's not the job of this board to protect the individual property values of anybody.

20. Will Patterson 1730 Dogwood Rd. Bremen Is an elected official in Marshall County. His philosophy is to predict and prevent vs. react and repair. Believes we are here to represent the people.
21. Mike Umbaugh 19700 12th Rd. Sent a letter in support. Currently has 162 acres in Union Township and after long consideration and knowing his ground ranks as average or below quality decided to be in a contract with a solar company. He would hate to see a project that will have such an overwhelmingly positive impact on this community as a whole derailed because of resistance to change by some well-intentioned individuals.

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

The Technical Review Committee meetings are scheduled for every 1st and 3rd Thursday of the month at 9:00 am in room 300.

The noise portion of the ordinance was brought up and questioned the validity since Marshall County doesn't have a noise ordinance in place. Mr. Adley explained that portion of the ordinance came from Indiana Code and was amended. The audible level that was suggested within that ordinance was supposed to come from the foundation and we increased it to the property line.

Mr. Miller believes the proposed ordinance is pretty close to where it needs to be. He brought up for discussion a yearly cap and a total cap.

During discussion it was brought up that Marshall County has 220,000 acres of farm ground. While talking about caps it was said that Delaware County did a 20% cap which was about 46,000 acres. Ms. Slonaker stated that a cap would fall in line with Marshall County's Comprehensive Plan to protect ag land. Our area is a very unique location within the US where we can have muck and sand within a hundred feet from each other.

The consensus of the board seemed to be that the ordinance was close. The issue of setback seemed to be a concern on both sides. If this went back to the Technical Review Committee the following items would benefit additional discussion: setbacks, farm ground percentage, and confirm noise.

Ms. Johnson made a motion to create a proposal of a one-year moratorium for the installation of commercial solar farms, seconded by Mr. Miller. Motion denied with four yes and five no votes.

Mr. Kline made a motion to table <u>23-PC-18 Marshall County Plan Commission –</u> Amend Solar Ordinance Article 6, Section 210 and send back to the Technical Review Committee to address: setbacks, noise, farm ground cap, and bond values, seconded by Ms. Mieras. Motion carried 9-0.

Marshall County Plan Commission
November 16, 2023

2024 Plan Commission Meeting Calendar

Both the Planning Commission and Board of Zoning Appeals have discussed moving up the time of their meetings and the desire to keep the meeting times the same.

Ms. Johnson made a motion to approve the Planning Commission meeting calendar with the amendment to change the meeting time from 7:30 to 7:00pm, seconded by Mr. Overmyer. Motion carried with a voice vote 9-0.

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

December 28, 2023
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 7:30 p.m. on Thursday, December 28, 2023, in Room 203 of the Marshall County Building. Present were Commission Members David Hostetler, Terri Barnhart, Craig Cultice, Deborah Johnson, Matt Miller, Kevin Overmyer, Brieanna Slonaker, Christopher Kline, and Michelle Mieras. Plan Director Ty Adley, Lori Lowry Administrative Assistant, Fred Webster the City of Plymouth Liaison, and Derek Jones the Marshall County Planning Commission attorney were present along with interested parties.

Minutes of the November 16, 2023, meeting was presented. Mrs. Barnhart moved, and Mr. Overmyer seconded the motion to approve the minutes as submitted. The motion passed by acclamation.

The second item of business was 23-PC-18 Marshall County Plan Commission – Amend Solar Ordinance Article 6, Section 210.

The initial proposed ordinance has been revised to read as follows: Cap on Farm-Scale Solar Energy Systems (a.) In interest of preserving Agricultural property, Solar farms shall be limited to 12,000 acres of property in Marshall County Zoning Jurisdiction. The acreage will be calculated on the number of leased acres in solar farms that are constructed/ approved by Board of Zoning Appeals. Farm-Scale Solar Energy Systems shall be setback 150’ from the centerline of the adjacent Rightof-Ways, 75’ from all property lines and 325' from the existing structures greater than 210 square feet on the property. Interior project property lines don’t have setback requirements. Setback may be waived or reduced by agreement between landowner and developers, but not to be reduced more than zoning district setback minimums. Buffer Requirements: 1). Shall provide adequate visual 4 season screen while within 250’ setback from residences and when adjacent to roadway intersections and where required by the Board of Zoning Appeals. 2). Buffering shall be maintained including but not limited to; by trimming if necessary, removal of dead or fallen trees and replanting for the life of the project. 4). Buffering may be waived by agreement between the developer and nonparticipating landowner. b. Must be approved by the Marshall County Drainage Board and the system must be a minimum 75’ away from any county ditch or tile. Drainage Plan must be approved prior to building permit approval and shall include any required temporary facilities needed during the construction of the facility as to not have a negative impact on public infrastructure. c. Developer must repair, reroute or install new tile private Drainage systems in order to preserve the overall drainage integrity. All repairs must be completed within a reasonable period of time and to original or better condition. u. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by Marshall County in instances where shallow bedrock, water courses, or other elements of natural landscape interfere with the ability to bury lines, distance makes undergrounding infeasible or best practice at the discretion of the Plan

Director. w. The developer and/or operator must design and install the system to minimize glare on adjacent properties and roadways and not interfere with vehicular traffic, including air traffic. x. The developer and/or operator must design and install the system to minimize impacts to; television signals, microwave signals, agricultural global positioning systems, military defense radar, radio reception, and weather and doppler radar. y. The developer and/or operator must account for sound level unless otherwise allowed under 36-7-4-1109, as amended. The developer must provide information pertaining and showcasing the sound attributed by the solar energy system and all associated components will not exceed an hourly average sound level of fifty (50) A-weighted decibels, as modeled at the property line of an adjacent nonparticipating property. This requirement may be waived by the written consent of the owner of each adjacent nonparticipating property. z. The laydown and staging area(s) shall be setback a minimum of 500' from a nonparticipating residences and any and all lights for the laydown and staging area(s) shall be shielded from shining across residential property. aa. Construction Parking will not be permitted along public roadways. ab. The applicant shall submit an Environmental Report, at the cost of the Developer, to include the following areas of interest. Water and soil testing locations shall be submitted and approved by the Board of Zoning Appeals to have results submitted to the Marshall County Commissioners. Testing by a qualified third party is required to ensure that there are not any adverse impacts to soil and public water resources. Other areas to be covered within the Environmental Report include: Compaction testing and location, Soil Erosion Plan, and Weed Management. ac. An approved Emergency Response Plan by the primary fire agency along with proof of notice to all mutual aid agencies shall be submitted. ad. The developer/operator shall ensure that the facility is properly grounded and maintained to prevent stray voltage and include a preliminary grounding site plan in the special use application and final grounding site plan in the submitted construction drawings for building permit approval. ae. Indiana Code 8-1-42 et.seq., and any subsequent amendments thereto, are hereby adopted and incorporated by reference herein, except to the extent that said provisions are not explicitly addressed above. 3. Farm-Scale Construction, decommissioning and removal requirements: a. Prior to the issuance of a building permit, a decommissioning plan must be approved by the Marshall County Commissioners and recorded with the Marshall County Recorder, crossreferenced to the deed(s) to all associated project parcels. Once a project has not generated energy for 1 month the developer/owner shall notify the Marshall County Plan Commission Director. Once a facility has not generated power for 6 consecutive months, the decommissioning plan shall be activated. The Operator shall provide the Plan Director and the County Commissioners with a semi-annual generation report. 4. Restoration and reclamation requirements shall adhere to the following: i. Restoration of the pre-construction surface grade and soil profile after removal of the structures, equipment, graveled areas and access roads. Subgrade components shall be removed in their entirety unless agreed to under section iii below. iv. Bonds and financial assurance shall be reevaluated every 3 years with contributions adjusting at that time to cover costs of decommissioning. At the cost of the Developer/Project Owner, a revised cost report shall be submitted and approved by the County Commissioners upon reevaluation and said report will include the adjusted decommissioning costs and salvage values. vi. Bond amounts must be agreed to at the time of Decommissioning Plan Approval by County Commissioners and bonds shall be in place prior to building permit approval. 6. Should a Force Majeure event such as; fire, flood, tornado or other natural disasters or acts of God, war, civil strife, a terrorist attack, or other similar acts of violence, other unforeseen events or events over which a project owner has not control, results in the solar energy system not generating electricity, the owner/operator shall as soon as practicable after the Force Majeure event, provide notice to the permit authority of the event and of the resulting cessation of generating operations. Also, must demonstrate to the permit authority that the commercial solar energy system will be substantially operation and generating electricity not later than twelve (12) months after the occurrence of the force majeure event. If the commercial solar energy system does not become substantially operational and resume generating electricity

within 12 months, the project will be considered abandoned, and the decommissioning plan will take effect.

RECOMMENDATION: Based on the additional information reviewed by the Technical Review Committee, Staff and TRC recommend approval of the proposed amendments to the proposed solar farm amendments to Article 6 of the Marshall County Zoning Ordinance.

As requested by the board Mr. Adley discussed more on the cap of leased versus panel acres, stray voltage and the requirement of grounding locations and force majeure that we will be following Indiana Code.

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

1. Lynn Studebaker 7063 E. 800 S.-43 South Whitley Representing her parents. Is against the setback from the structure.
2. Janelle Prochno Naylor 16451 Robert Ct. Is against the timing of the meeting. Shared feedback from citizens of Marshall County. Against solar farms. Believes there is a conflict of interest.
3. Jim Clark Hoffman Estate, Illinois Community Affairs Manager of Invenergy. The current ordinance is strong. Believes that the proposed setbacks are excessive and will result in unusable space. Requesting the board stay with the existing ordinance approved in 2020.
4. Rachel Conner 9780 S. 150 W. Pennelton Executive Director of Hoosiers for Renewables. Understands the rational for caps, but not in favor. Gave specific examples that leased ground doesn't take it out of ag use, but USDA subsidy programs.
5. Charles Dault 14774 Nutmeg Rd. Solar farms will devalue property values and what about reimbursement from devaluation. Concern about water contamination.
6. Cynthia Langdon 13227 Rose Rd. Has a concern that solar panels are toxic. What about the wildlife and the disruptions.
7. Brenda Prochno 13817 20 A Rd. Wants farmland preserved. Concern about eminent domain.
8. Casey Neidlinger 16682 14B Rd. The solar farm doesn't follow the comprehensive farm. Has concerns with setbacks proposed, emergency services plan, and property value guarantees.
9. John Neidlinger 16775 14th Rd. Has a concern about eminent domain. Does Invenergy have a regulated status that allows a landgrab situation?
10. Bruce Carter 18563 16th Rd. What are the commission's thoughts about proposed buffering and fencing. Would like to see the fence on the inside of the trees. Concern about a conflict of interest.
11. Joann Null 8099 S. 200 E. Columbia City Whitley County resident questions how you are going to address complaints.
12. Debbie Vandemark 14750 Tulip Rd. Believes there is more work to be done to the ordinance. Concern over the proposed setbacks, caps, no provisions to landowners rights, violations to the ordinance, conflicts of interest, and decommissioning.
13. Christina Wheeler Attorney for Invenergy Clarified that NIPSCO does have eminent domain in Indiana Code. Invenergy and other counties like that do not have this power.
14. Trina Radebush 601 S. Meridian St. Indy The setbacks are put in place to protect property values and provided resource that absence screening beyond 105'

there is no measurable impact on property values. Believes the current ordinance is sufficient.

15. Jeanette Surissi 455 Liberty St. Culver Not appearing as counsel. The goal should be to draft a good ordinance. Sees a problem with Section 5AE IC8-1-42 et set, and negotiating agreements between energy companies and non-participating landowner setbacks. Proposes the county create an ordinance that preserve property values promotes public health safety and general welfare.

The following are emails and letters that were received and read into record.

1. Dr. Demond Martello 1570 E. Shore Culver Proposing a rescheduling of meeting date. Has a concern about the solar plan.
2. PB Dye 1570 E. Shore Culver Proposing a rescheduling of meeting date. Has a concern about the solar plan.
3. Sandy Welch 1680 E. Shore Culver Is against any solar farm in Marshall County.
4. Debbie Vandemark 14750 Tulip Rd. Culver Objects to conducting hearing regarding changes to the solar ordinance due to public notice.
5. Donald Nunemaker 14375 Nutmeg Rd. Plymouth Has a concern with allowing such a large percentage of ground used for solar farms, where does the figure of possible tax gain come from and questions conflict of interest.
6. Carl & Nancy Crow No Address Requested rescheduling of meeting.
7. Casey Neidlinger No Address Proposed postponing the meeting.
8. Travis Dexter 16705 16C Rd. Culver Requesting the meeting be postponed.
9. Richard & Julia Baxter 16787 18B Rd. Culver Is against Solar and Battery Projects in Marshall County.
10. Connie Neininger Center for Infrast./Economic Dev Supports the development of renewable energy. Does not believe additional changes need to be made to the existing ordinance. Not in favor of caps and measuring sound at the property line.
11. Mary Thompson No Address Proposed postponing and doesn't believe solar farms are in the best interest of the county's economy and environment well being.
12. Chet Marshall No Address Is in opposition of solar farms because of loss of farm production.
13. Kate Marshall 108 N. Main St. Culver Proposed delaying the meeting. Has a concern about the environment and conservations areas.
14. Cathy Lockwood 950 E. Shore Dr. Culver Is opposed to the solar field. Solar panels are not recyclable. Farm fields are a resource and new farm fields are not being created.
15. Peter Daw 17257 Tamarack Rd. Is against solar development and cited other communities that have banned solar development.
16. Amy Curtis No Address Writing on behalf of family who owns 3 homes in Culver, Marshall County. Not in agreement with the solar proposal as it's not in the best interest of the citizens.
17. Robert Broeker No Address Leased land for solar project near Burr Oak in 2019. Believes the project will benefit the community and land and is a win win situation. Is not in favor of amending the ordinance as it will waste land and drive up solar costs.

18. Jennifer Shea — No Address — Is opposed to the date of the meeting.
19. Renee Muehlhausen — 11299 18th Rd. Argos — Is opposed to the solar farms in rich farmland community. Believes there will be a negative impact and decreased desirability and loss of property values.
20. Krista Furry — Culver, Indiana — Is opposed to solar facility as its not in the best interest of the community. Believes the meeting needs to be changed to a future date.
21. Paulette Yager — Culver — Is not in favor of solar farms.
22. Paul Levett — No address — Is concerned about residential property values, setbacks, lack of property value guarantees, and conflict of interest.
23. Bill Githens — Culver — Is against the proposed solar on the farmland and industrial battery packs associated with them.
24. William Wheeler — Email — Is against the proposed solar.
25. William Furry — 2425 E Shore Lane Culver — Is against the proposal solar.
26. Kathy Talbot — 215 S. Ohio St. Culver — Is opposed to the date of the meeting. Is also opposed to the solar project.
27. Rhonda Pendergast — Email — Is opposed to solar farms and doesn't see their benefit.
28. Jake Sturman — Email — Requesting information on location and impact to the electrical grid specific to proposed solar farm.
29. Amy Ditmire — 17705 16C Rd. Culver — Is opposed to solar panels in Marshall County.
30. Traci Zrelak — Culver — Is opposed to solar farms.
31. Mike Umbaugh — 19700 12th Rd. Plymouth — Is in favor of allowing a clean energy alternative.
32. J. Colin MacNab — Email — Proposes the meeting be postponed to learn more details.
33. Yvonne Martello — 1540 E. Shore Dr. Culver — Is opposed to solar panels and objects to this project.
34. Greg Welch — Email — Is opposed to the timing of the meeting and is not in favor of solar farms.
35. Angie Curtis — Culver homeowner — Is opposed to solar farms in Marshall County. Needs more information.
36. Dr. John Zrelak — 1004 South St. Culver — Opposes the installation of solar panels in Marshall County.
37. Frank Kline — Email — In support of development and future growth of solar energy in Marshall County.
38. Patrick Kline — Email — In support of solar projects in Marshall County.
39. Vincent Duke — Email — Is against any proposed solar project in Marshall County.
40. Edgar & Kimberly Reiter — 14218 Tulip Rd. — In support of solar, but has concerns with caps on farm scale solar and the general approved standard setbacks.

41. Rosemary Miller — 866 W. Shore Dr. Culver — Is opposed to the timing of the meeting.
42. Nora Kline — Email — In support of solar in Marshall County.
43. Patricia Stallings — 506 E. Lake Shore Dr. Culver — Is opposed to solar project until results of such projects can be measured.
44. Anthony George & Maeve Kline — In support of future growth of solar energy in Marshall County.
45. Jeanene Sullivan — 6810 20th B Rd Argos — Is against the use of agricultural land for solar farms in Marshall County.

Multiple petitions were received from property owners in Marshall County that object to the current industrial solar ordinance and the proposed amendments and do not want agricultural land used for solar farms. The signatures read as follows:

- Adam Leeper — 14826 Hickory Rd. Argos
- Caleb Poisel — 19018 Pine Rd. Argos
- Cassandra Leeper — 14826 Hickory Rd. Argos
- Carl Prochno — 13817 20 A Rd. Argos
- Brenda Prochno — 13817 20 A Rd. Argos
- Ryan Sieber — 19022 Queen Rd. Culver
- Penny Davis — 10073 18th Rd. Argos
- Bill Davis — 10073 18th Rd. Argos
- Illegible — 12403 3 A Rd. Plymouth
- Rebecca Davis — 5438 18th Rd. Argos
- Illegible — 5438 18th Rd. Argos
- Preston Henry — 14641 Muckshaw Rd. Plymouth
- Illegible — 320 Weidner Ave. Argos
- Steve Ringer — 15600 Pear Rd. Plymouth
- Robert Ringer — 15383 Pear Rd. Plymouth
- Jim Ringer — 15521 Muckshaw Rd. Plymouth
- Larry Davis — 11531 W. 10th Rd. Plymouth
- Donna Fishburn — 15070 Olive Tr. Plymouth
- Georgana Fishburn — 15408 Nutmeg Rd. Plymouth
- James Fishburn — 15084 Olive Tr. Plymouth
- Mary Fishburn` — 15084 Olive Tr. Plymouth
- Gage Nettrour — 8311 1st Rd. Bremen
- Joe Ervin — 212 N. Indiana St. Bremen
- Cheryl Ervin — 212 N. Indiana St. Bremen
- Darlene Ervin — 4236 3rd Rd., Bremen
- Becky Ervin — 207 Marshall St. Bremen
- Harold Nettrour — 1584 Miami Tr Bremen
- Donald Mark Aker — 550 South Shore Culver
- Ann Aker — 550 South Shore Culver
- Phillip Scruggs — 9466 Collins Dr. Plymouth
- Jayne Aker — 14463 Lawrence Lake Dr. Plymouth
- James Gault — 16513 Robert Ct. Plymouth
- Janell Naylor — 16541 Robert Ct Plymouth

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- Kent Naylor 16541 Robert Ct Plymouth
- Angela Hummel 995 N. Michigan Lakeville
- Jennifer Criddle 12320 Tamarack Rd. Plymouth
- Cynthia Casper 13805 Jarrah Rd. Argos
- Bryan Casper 13805 Jarrah Rd. Argos
- Larry Houin 11291 14th Rd. Plymouth
- Jim Pentelow 13851 Jarrah Rd. Plymouth
- Mary Pentelow 13851 Jarrah Rd. Plymouth
- Lawrence E. Houin Sr. 9242 Suter Rd. Plymouth
- Betty Bellman 615 S. East St. Bremen
- Trisha Sporner 408 N. Bourbon St. Bourbon
- Brian Sporner 408 N. Bourbon St. Bourbon
- James Houin 9242 Suter Rd. Plymouth
- Thomas Langdon 1322y Rose Rd.Plymouth
- Cynthia Langdon 13227 Rose Rd. Plymouth
- John Chamberlin 10561 Quince Rd. Plymouth
- Julie Chamberlin 10561 Quince Rd. Plymouth
- Tom Langdon Sr. 16392 Pretty Lake Rd. Plymouth
- Illegible 2400 N. SR 23 Grovertown
- Illegible 2400 N. SR 23 Grovertown
- Dave Langdon 13222 Nutmeg Tr. Plymouth
- Michelle Langdon 13222 Nutmeg Tr Plymouth
- Kayla Langdon 17763 Lincoln Hwy Plymouth
- Kyle Langdon 816 N. Michigan St. Plymouth
- Adam Langdon 17763 Lincoln Hwy Plymouth
- Marcy Caron 13717 Rose Rd. Plymouth
- Simon Caron 13717 Rose Rd. Plymouth
- Shari Miller 14823 12th Rd. Plymouth
- Vivian Miser 1215 Solomon Ct. Plymouth
- Nick Lunetta 13298 Rose Rd. Plymouth
- Ashley Lunetta 13298 Rose Rd. Plymouth
- David Flosenzier 13854 Rose Rd. Plymouth
- Paul Flosenzier 13770 Rose Rd. Plymouth
- Illegible 13854 Rose Rd. Plymouth
- Sherri Flosenzier 13770 Rose Rd. Plymouth
- C. William Crow 14263 Lawrence Lake Dr. Plymouth
- Brooke Singleton 6626 Olive Rd. Plymouth
- Illegible 6626 Olive Rd. Plymouth
- Illegible 6195 Olive Rd. Plymouth
- Len Clifton 9908 SR 110 Argos
- Michael Bachtel 8890 14th Rd. Argos
- Belinda McNeal 10980 Aubrie Lane Plymouth
- Aaron Bachtel 3397 Lilac Rd. Plymouth
- Tim Fishburn 15408 S. Nutmeg Rd. Plymouth
- Jenni Fishburn 15070 Olive Tr. Plymouth
- Dani Bachtel 3397 Lilac Rd. Plymouth
- Robert Bachtel 8138 9B Rd Plymouth

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- Judy Richards 209 E. North St. Argos
- John Bachtel 5360 9B Rd Bourbon
- Melissa Bachtel 5360 9B Rd Bourbon
- Michael Olszewski 10240 Muckshaw Rd. Plymouth
- Jeff Bowen 11711 9th Rd. Plymouth
- Mark Shafer 5237 Quince Rd.
- Barb Eyrich 4970 12th Rd. Bourbon
- Lon Helton 3075 Illion St. Tippecanoe
- Marc Weissert 14295 Elm Rd. Bourbon
- Douglas Eyrich 4970 12B Rd Bourbon
- Hal Sullivan 6810 20th B Argos
- Michael Weissert 5565 E. 15B Tippecanoe
- Jeniffer Sullivan 6260 20th Rd. Argos
- Jeanne Sullivan 6810 20th B Argos
- Richard Crum 18737 Hickory Rd. Argos
- Illegible 18737 Hickory Rd. Argos
- Illegible 11730 Olive Tr. Plymouth
- Edmund Hartman Jr. 12966 14tj Rd/
- Robert Ray 10880 Fir Rd. Bourbon
- Annette Ray 10880 Fir Rd. Bourbon
- Paula Kinney 11730 Olive Tr. Plymouth
- Lawrence Martin 6859 20 B Rd Argos
- Russell Alderfer 404 Dewey St. Argos
- Illegible 109 E. Williams Argos
- John Fisher 1118 South Mill St. Argos
- Ron Hensley 19736 Michigan Rd. Argos
- Russel Wagley Marshall Argos
- Sharon Walls 14874 Michigan Rd. Argos
- Lyndon Bailey 5375 18th Rd. Argos
- Melinda Bailey 5375 18th Rd. Argos
- Tim VanDuyne 7252 20 B Rd Argos
- Steve Powell 7497 N. 300 W. Rochester
- Illegible 7497 N. 300 W. Rochester
- Illegible 19600 Oak Rd. Argos
- Illegible 1887 Birmingham Rd. Macy
- Rick Davis 19380 Pine Rd. Argos
- Illegible 19380 Pine Rd. Argos
- Richard Morgan Jr. 19640 Pine Rd. Argos
- Elton Morgan 19640 Pine Rd. Argos
- Illegible 19640 Pine Rd. Argos
- Chuck Campbell 8790 19th Rd. Argos
- Don Karen Savage 14395 19th Rd. Argos
- Illegible 14677 19 C Rd. Argos
- Illegible 19600 Oak Rd. Argos
- Illegible 18929 Nutmeg Rd. Argos
- Illegible 20130 Peach Rd. Culver
- Brandon Surma 429 Thorn Rd. Walkerton

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- Kayla Surma 429 Thorn Rd. Walkerton
- Mitchell Crum 14924 20 A Rd. Argos
- Annis Crum 14924 20 A Rd. Argos
- Shelley Beatty 14139 18 B Rd Argos
- Carl Prochno 14139 18B Rd Argos
- Carl Prochno 14474 18 B Rd Argos
- Jim Poisel 19018 Pine Rd. Argos
- Chantel Poisel 19018 Pine Rd. Argos
- Carolyn Poisel 19082 Pine Rd. Argos
- Chris Chilton 14379 20 A Rd. Argos
- Alyssa Chilton 14379 20 A Rd. Argos
- Jason Chilton 14766 20 A Rd. Argos
- Amanda Chilton 14766 20 A Rd. Argos
- Wade Chilton 14766 20 A Rd. Argos
- Ronald Lee 9564 14th Rd. Argos
- Marcia 9451 18th Rd. Argos
- Derrick Lee 209 Maple St. Argos
- J. Houin 9902 14th Rd. Argos
- Peter Manzuk 11105 Regency Ct. Plymouth
- Penny Davis 10073 18th Rd. Argos
- Matt Cripe 13891 11th Rd. Plymouth
- Justin Fish 16683 6th Rd. Plymouth
- Brittany Fish 16683 6th Rd. Plymouth
- Matt Smith 19541 Oak Rd. Argos
- Karen Lee 9564 14th Rd. Argos
- Illegible 11288 Hawthorn Rd. Plymouth
- Illegible 13740 Michigan Rd. Plymouth
- Greg Ferguson 103851 W. 14 C Rd. Argos
- Illegible 6890 SR 110 Argos
- Audrey Gibbons 6890 SR 110 Argos
- Pam Lee 14701 Dixon Lake Tr. Plymouth
- Eddie Richer 10772 Olive Tr. Plymouth
- Heather 4560 Hickory Rd Plymouth
- Samantha Rains 14515 5th Rd. Plymouth
- Illegible 9751 Pine Rd. Plymouth
- Illegible 706 Freeman Dr. Plymouth
- Hundt 10824 12 B Rd. Plymouth
- Illegible 410 Indiana Ave Argos
- Cecil Wilson 17910 12th B Rd. Plymouth
- Illegible 12852 Muckshaw Rd. Plymouth
- Doug Metz 10420 king Rd. Plymouth
- Jody Metz 10420 King Road Plymouth
- Alan Neidlinger 9820 Lincoln Hwy Plymouth
- Melissa Neidlinger 9309 Lincoln Hwy Plymouth
- Stuart Neidlinger 9309 Lincoln Hwy Plymouth
- Trenton Pletcher 10909 Iris Rd. Plymouth
- Daniel Neidlinger 8741 11th Rd. Plymouth

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- Penny Davis 10073 18th Rd. Argos
- Rick Davis 10073 18th Rd. Argos
- Barry Zechiel 12403 3 A Rd Plymouth
- Rebecca Davis 5438 18th Rd. Argos
- Illegible 5438 18th Rd.
- Preston Henry 14641 Muckshaw Rd. Plymouth
- Howard Carlisle 320 Weidner Ave. Argos
- Steve Ringer 15600 Pear Rd. Plymouth
- Robert Ringer 14383 Pear Rd. Plymouth
- Jim Ringer 15521 Muckshaw Rd. Plymouth
- Larry Davis 11531 10th Rd. Plymouth
- Joan McLochlin 10940 12 B Rd. Plymouth
- Travis Martin 20833 8th Rd. Plymouth
- Rodney Hathaway 14376 4th Rd. Plymouth
- Patricia Hathaway 14376 4th Rd. Plymouth
- Sarah Betz 15182 Nutmeg Rd. Plymouth
- Earl Betz 15182 Nutmeg Rd. Plymouth
- Tom Miller 10940 12B Rd. Plymouth
- Jim Ruby 9445 20 B Rd. Argos
- Kathy Ruby 9445 20 B Rd. Argos
- Val Hanley 308 N. Michigan St. Argos
- Noah Mechling 11569 19th Rd. Argos
- Terry Ritchie 7810 E. 25 N. Knox
- Anita Bottorff 8080 Jarrah Rd. Plymouth
- Dana Walkeland 8577 1st Rd. Bremen
- Illegible 825 Pennsylvania Ave. Plymouth
- Melissa Owen 11868 Ridgeview Dr. Plymouth
- James Ferguson 11148 14 C Rd. Argos
- Illegible 10273 W. Anglin Rd. Etna Green
- Illegible 921 W. Jefferson St.
- April Bailey 16290 Pretty Lake Rd. Plymouth
- Illegible
- Therese Bucher 10400 Pretty Lake Tr. Plymouth
- Brad Bucher 10400 Pretty Lake Tr. Plymouth
- Rod Kubley 10423 Pretty Lake Tr. Plymouth
- Mike Scheetz 11017 Forest Dr. Plymouth
- Stacy Scheetz 11017 Forest Dr. Plymouth
- J. Marc Adams 2967 Redwood Ct. Plymouth
- Allyson Adams 2967 Redwood Ct. Plymouth
- Joseph Adams 10715 Muckshaw Rd. Plymouth
- Pat Adams 10715 Muckshaw Rd. Plymouth
- Travis meister 2334 Hillcrest Ave Plymouth
- Jordan Scheetz 611 Angel St. Plymouth
- Allison Scheetz 611 Angel St.Plymouth
- Kieran mcCan 533 Glacier Dr.
- George Emenaker 11272 Muckshaw Rd. Plymouth
- Dale Hayn 11012 Queen Rd Plymouth

- Allen Olson 11243 Pear Rd. Plymouth
- Martha Jacobson 19336 6 B Rd. Plymouth
- Tod Jacobson 20495 6 B Rd. Plymouth
- John Nifong 8609 Quince Rd. Plymouth
- Kim Nifong 8609 Quince Rd. Plymouth
- Carol Beatty 13180 Queen Rd. Plymouth
- Rodney Ronk 17230 14 B Rd Culver
- Cathy Ronk 17230 14 B Rd. Culver
- Vince Hoffman 19645 W. 20 A Rd. Culver
- Michelle Hoffman 19645 W. 20 A Rd. Culver
- Bob Hoffman 20779 Tulip Rd. Culver
- Beckie Hoffman 20779 Tulip Rd. Culver
- Julie Hayn 16489 12th Rd. Plymouth
- Cheryl Humes 8195 12th Rd. Argos
- Ron Humes 8195 12th Rd. Argos
- Ron Hayn 16489 12th Rd. Plymouth
- Kathy Slonaker 16531 12th Rd. Plymouth
- Deborah VandeMark 14750 Tulip Rd. Culver
- Paul VandeMark 14750 Tulip Rd. Culver
- Karen Brenneman 431 Miami Tr. Bremen
- Lisa Bixel 227 E. Raymond St. Bremen
- Eric Haseley 5379 1 B Rd. Bremen
- Barb Sauter 714 S. Washington Bremen
- Dale Brenneman 431 Miami Tr. Bremen
- Sarah Schultz 7584 SR 17 Plymouth
- Patricia Schultz 7584 SR 17 Plymouth
- Karen Hooker 15412 20 A Rd. Culver
- Amy Curtis 19729 Queen Rd. Culver
- R. Scott Curtis 19729 Queen Rd. Culver
- Matt Hopkins 15627 18 B Rd. Culver
- Makaela Hopkins 15627 18 B Rd. Culver
- Ron Lee 20090 Peach Rd. Culver
- Joyce Winn 20690 SR 17 Culver
- Kaye Schultz 19818 Peach Rd. Culver
- Dale Schultz 19818 Peach Rd. Culver

Mr. Overmyer moved to close the public hearing, seconded by Ms. Mieras. Motion carried by acclamation.

Ms. Johnson has concerns with the proposed IC Code 8-1-42 and the proposed non-participating setback. Ms. Johnson's recommendation would be 500' from the property line and remove the option for negotiating in the setback section.

Mr. Miller isn't in favor of the 325' from a structure. Mr. Miller's recommendation was 325' or even 500' from the property line. If the solar company wishes for a lesser setback, they always have the right to request a variance.

Mr. Adley reminded the board if they are looking at possible variances for setback reductions, they will need to look at amending the setback section and remove the option for negotiating between landowner and developer.

Mr. Hochstetler brought up that if the negotiations are removed that removes all the rights from the non-participating landowner.

Mr. Kline believes it would be a mistake to require a 500' setback from the property line. The state code requires 250' from a dwelling and we have already proposed to extend it even further to 325' from an accessory structure. Doesn't understand what moving it to 500' from a property line will achieve.

After earlier discussion on IC 8-1-42 the board discussed concerns about including that code in the proposed ordinance under (ae). The board decided that they would prefer to review new Indiana state codes and decide whether they want them included in our local ordinance.

The board discussed multiple options about how to move forward.

Ms. Johnson made a motion to recommend a proposal for a three (3) month moratorium on Solar Farms to review the Indiana Code section (ae) and the proposed setbacks, seconded by Mr. Miller. Motion denied with a voice vote four in favor and five against. Five voting against were Mrs. Barnhart, Mr. Kline, Ms. Mieras, Mr. Overmyer and Mr. Hostetler.

Mr. Kline made a motion to recommend approval of <u>23-PC-18 Marshall County Plan Commission –</u> Amend Solar Ordinance Article 6, Section 210 with the exception to strike subsection (ae) in reference to Indiana Code 8-1-42 et.sec. from the proposal and forward to the County Commissioners with a favorable recommendation, seconded by Ms. Mieras. Motion carried with a voice vote eight in favor and one against. One voting against was Ms. Johnson.

<u>Executive Session</u>

The board will convene at 6:00pm one hour prior to the next scheduled meeting on January 25th, 2024, to discuss personnel review.

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