January 23, 2020
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Plan Commission meeting to order at 7:00 p.m. on Thursday, January 23, 2020, in Room 203 of the Marshall County Building. Present were: Commission Members Terri Barnhart, James Berger, Craig Cultice, David Hostetler, Matt Miller, Jack Roose, Dan Voreis, Bob Yoder and Stan Klotz. Plymouth Liaison, Fred Webster, Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties.

The first item of business was the election of officers for the Marshall County Plan Commission for the year 2020.

President – Mr. David Hochstetler made a motion to nominate Stan Klotz as President of the Marshall County Plan Commission for 2020, seconded by Mr. Yoder. Motion carried by acclamation.

Vice President – Mr. James Berger made a motion to nominate Mr. David Hostetler as Vice-President of the Marshall County Plan Commission for the year 2020, seconded by Mr. Yoder. Motion carried by acclamation.

Secretary - Mr. Dan Voreis made a motion to nominate Mr. Yoder as the Secretary of the Marshall County Plan Commission for the year 2020, seconded by Mrs. Barnhart. Motion carried by acclamation.

Technical Review Committee - Mr. Dan Voreis made a motion to nominate Mrs. Barnhart, Mr. Roose, and Mr. Yoder as members of the Technical Review Committee for the Plan Commission for the year 2020, seconded by Mr. Berger. Motion carried by acclamation.

Alternates for the BZA - Mr. Craig Cultice made a motion to nominate Mr. Voreis, Mr. Yoder, Mrs. Barnhart, and Mr. Hostetler as alternates for the Marshall County Board of Zoning Appeals for the year 2020, seconded by Mr. Roose. Motion carried by acclamation.

Plymouth Plan Commission Liaison – Mr. Roose made a motion to nominate Mr. Stan Klotz to the Plymouth Plan Commission Liaison for the year 2020, seconded by Mr. Miller. Motion carried by acclamation

Board Attorney – Mr. Craig Cultice made a motion to nominate Mr. Derek Jones as Attorney for the Marshall County Plan Commission, seconded by Mrs. Barnhart. Motion carried by acclamation.

The second item of business was the review of the minutes from the November 21, 2019, meeting. **Mr. Voreis moved and Mr. Miller seconded the motion to approve the minutes as written. The motion passed by acclamation.**

The second item of business was **19-PC-13 Marshall County Plan Commission(EROSION CONTROL)–** Amend Article 6.040.J. (Surface Water) to read as "Any construction which disturbs more than four-thousand (4,000) square feet per project and/or six thousand (6,000) square feet of cumulative surface area must comply with the Marshall County Drainage and Sediment Control Ordinance."

The Planning Commission proposed to the board to add the following to the existing ordinance.

Soil Erosion

6.040J (Surface Water)

Environmental Standards

J. Surface Water

It shall be the responsibility of the owner of any lot or parcel of land developed for any use other than for agriculture cultivation to provide for adequate surface water drainage.

1. Any construction which disturbs more than four-thousand (4,000) square feet per project and/or six-thousand (6,000) square feet of cumulative surface area must comply with the Marshall County Drainage and Sediment Control Ordinance.

Currently under the existing development standards, you are allowed to build multiple structures on a property as long as each structure is under 4,000 square feet while not having to submit a drainage plan to accommodate surface run off as well as being able to retain in on the property.

In the past people build structure or cut back the size to meet the less than 4,000 sq ft to eliminate the need for a drainage plan. While cutting back the size to meet this threshold it still has an effect on the storm water as it goes down stream.

This cumulative effect over the course of time will cause additional issues downstream. We have already seen flooding issues. If something is not done about this, the flooding issues will only get worse.

The proposed revision states that any construction which disturbs more than four-thousand (4,000) square feet per project and/or six thousand (6,000) square feet of cumulative surface area must comply with the Marshall County Drainage and Sediment Control

Ordinance.

Kankakee River Basin and Yellow River Basin Development Commission's mission statement "advances Northwest Indiana's safety, economic prosperity, and quality of its natural resources." A portion of their presentation was shown to the board showing the Kankakee River Basin.

Mr. Cultice, Marshall County Survey, agreed that this proposal is a good thing.

It was clarified that once this is approved everything prior to that date is exempt.

An example was given to explain the proposal.

Mr. Adley gave a recap of comments that were made at the Commissioner's Meeting. In response to some of the comments Mr. Adley gave the board a breakdown of permits and valuations over the past three years showing an increase in permit count and valuations.

Recommendation: TRC and Staff would recommend the revised proposal.

Mr. Yoder asked Mr. Cultice his thoughts on our county's drainage. Mr. Cultice explained that he is Marshall Counties representative on the W4 Kankakee Yellow River Basin Commission. Being on that board and listening to everyone down stream from Marshall County, we had it bad in 2018, they had it really bad downstream. It was so bad that the legislatures came in and disbanded the once KRBC that had 24 members and took it down to 8 members that included 1 member from DNR and 2 members from Illinois. They were able to appropriate 2.3 million dollars to start working on the basin and took assessments from ten cents an acre in the watershed to one dollar an acre. This is a serious situation that needs addressed. Anytime we can take hard surface area that is being graded and slow it down it protects our county drains and our taxpayers. We need to be good neighbors to our fellow counties downstream and do our part.

Mr. Voreis commented that he didn't see that much different from the first proposal to the second proposal.

Mr. Klotz asked if Mr. Cultice had the final say on drainage plans. Mr. Cultice responded yes.

Mr. Cultice explained to the board that they would like to backdate this proposal to the beginning of 2020. For one project of 4,000 square feet this proposal will kick in. But if the building has multiple structures under 4,000 and as soon as the total from 2020 forward reach 6,000, we will catch that and look to see if a drainage plan is needed.

Mr. Yoder explained that he knows well that when a person keeps adding impervious surface area it can even affect adjacent property owners. He knows of someone after a hard rain lost two acres of productive farm ground due to impervious surfaces.

Mrs. Miller moved to open for public hearing, seconded by Mrs. Barnhart. Motion carried by acclamation. There being no one to speak for or against Mr. Roose moved and Mr. Miller seconded the motion to close the public hearing. Motion carried by acclamation.

Mr. Klotz stated, "On behalf of the Commissioner's discussion in their meeting our concern was that we have to be competitive with the neighboring counties. Some point we are not. Granted in some cases some don't have any rules. But if we are going to protect our tax base you need to encourage growth to get away from tax caps." Also expressed that nobody is in favor of letting people run wild, but at some point, we feels we have to be competitive.

Mr. Hostetler made a motion to approve 19-PC-13 Marshall County Plan Commission(EROSION CONTROL)– Amend Article 6.040.J. (Surface Water) to read as "Any construction which disturbs more than four-thousand (4,000) square feet per project and/or six thousand (6,000) square feet of cumulative surface area must comply with the Marshall County Drainage and Sediment Control Ordinance, seconded by Mrs. Barnhart. Motion carried with a voice vote 8-0-1 with Mr. Klotz abstaining.

The third item of business was 19-PC-14 Marshall County Plan Commission (SOLAR) – Various articles within the Marshall County Zoning Ordinance are proposed to be revised as it pertains to the SOL Smart Initiative as well as requirements for Solar Farms.

The breakdown included: Ordinance Revision Parts, Typical Concerns, Marshall County Ordinance Context, American Planning Association, Solar Impacts, Additional Standards and Research, Ordinance Modeling, and Marshall County Existing/Proposed Ordinance.

A recap of the typical concerns was: noise, resale, value of property assessment, agricultural preservation, cost to remove, decommissioning, and hazardous materials. In addition to those recent concern has been whether solar farms should be aloud on agricultural properties or should be limited to commercial or industrial locations. As well as concerns of contamination from the panels. This was discussed earlier in that the amount of hazardous material located in the panels is quite insignificant and disposable in landfills based on the information that was provided.

The SOL Smart initiative assisted in identifying areas for improvement within the existing solar ordinance for deficiencies. Based out of the interest in Marshall County for Solar Farms, there was minimal guidance for installations larger than approximately 10 acres for the Board of Zoning Appeals to make decisions with appropriate conditions. Mr. Adley presented Exhibit A showing the original proposal along with corrections made by a law group as directed and additional corrections by staff were color coded. Much of the corrections were changes in terminology and insignificant.

Fiscal impact studies were done in McLean County, IL and Kendall County, IL and a brief synopsis was shared that no consistent negative impact has occurred to adjacent properties and could be attributed to proximity to the adjacent solar farm. Impact was identified as none by six different county assessors.

Recommendation: TRC and Staff recommend approval, but agree that there should be further discussion at the Plan Commission.

Mr. Yoder had a concern about the buffer between property lines adjacent to the solar farm. With there being gaps and no plants planted he feels the adjacent property owner should have the right to plant plants in that 75' buffer.

Mr. Klotz stated that after a discussion with the other Commissioner's they would like to see a moratorium put on these solar farms. There are some serious issues mostly surrounding decommissioning. New information came forward Tuesday morning showing these companies can come and mortgage your ground against these projects. They have the right to level it, bull doze it, strip mine it and basically anything they want. The Commissioner's want to make sure the ground is put back where it was. Another important question was whether it would be farmable again. He felt there are leases out there so we need to move forward on this and send to the Plan Commission for their recommendation.

When asked the time frame the commissioner's wanted for the moratorium, he stated 1 year and it would be for solar farms of ten acres plus.

Mr. Adley asked if there is guidance on what is insufficient in the ordinance as proposed. Mr. Klotz responded that it's primarily decommissioning but there are some questions where they would like additional legal counsel advice.

When asked what the specific definition of moratorium was it was explained that no permits would be allowed for a specific time period.

There was a discussion on decommissioning and the unknows. Other discussion was what would be allowed through their contracts to the ground. Mr. Adley explained that uses would have to receive approval as such. The only thing that would be approved by the Board of Zoning Appeals would be the solar farm itself. Any additional potential uses that would pop up in relation to leases that are signed by the property owner doesn't make a difference. It's only for the specific use that is associated with that approval. The BZA wouldn't give a blanket approval for any and all projects.

Mr. Roose stated that he can understand the decommissioning concern and compared the wind farms to the solar farms and doesn't feel the solar farm decommissioning would be near as burdensome as all the cement that went in to hold the wind towers. There wasn't anyone that could guarantee the decommissioning on wind farms back then and there still doesn't seem to be anyone who can guarantee the decommissioning on the solar farms either. Would support the moratorium for awhile.

Mr. Berger moved and Mr. Miller seconded the motion to open the public hearing. Motion carried by acclamation.

1. Dennis Thornton – 590 Juniper Rd., Bremen – Past board member that has a concern

with the health issues pertaining to the decommissioning.

2. Ed Allen – 15315 Thorn Rd., Culver – Questioned what benefit solar farms will be to Marshall County. Believes it will be a detriment to his property values. Has read a copy of a lease and recommended the board read one as well. Has a concern about glare and if it sits inactive for 12 months he's looking at a "waste land". Believes the bonds that have been talked about will not cover the decommissioning, the county will raise taxes so he will have to pay for it. Hopes that this board will stop solar farms like it did wind farms. If a committee is formed to discuss solar farms, he would be willing to be on the committee.
3. Debbie VanDeMark – 14750 Tulip Rd., Culver – Is a farmer that was asked to put their land in this lease process. There are currently 1272 acres that have signed up for this project. Has a concern that many people in the area were not aware of the solar farm proposal. Doesn't believe that property values have stayed the same once a solar farm was put up. Possibly because of the newness. Some are failing and being abandoned. This is supported by grant money. If the grant money stops, what's going to happen to it? Has been very concerned. Also questions whether these solar farms should be on agricultural ground.
4. Adam Thada – 10650 Park Lane, Plymouth – Came to offer any sort assistance after putting up solar panels at Ancilla Domini. There are approximately 1,300 panels with about a 1-million-dollar investment. This was a well thought out plan as they wanted to make sure it worked. The solar radiation over the course of a year is pretty consistent even though it varies from day to day. Appreciates that the board is taking time to look at the data and studies brought to the situation rather than opinions. They've used two separate companies that used stainless steel posts. These systems are manufactured to last 40 years. The specific panels are not supported by any concrete. Decommissioning would only involve pulling out the steel posts. Ancilla was extremely happy to see very low impact construction practices. In response to the glare, the closest largest solar panel farm is located on the ground of the Indianapolis airport. He would seriously doubt that glare would be an issue that close to an international airport. Takes Mr. Klotz's comment to heart about protecting the tax base with tax caps. These solar farms do represent a substantial investment. If these solar farms aren't going to be in Marshall County they will be in a neighboring county. Grew up in Crawfordsville and there was a coal plant right across the street. Grew up with coal dust on his window sill. Has young kids and hopes that they will have some other energy source than having to breathe coal dust.
5. Don Heckford – 15539 Thorn Rd., Culver – Believes that there are going to be a lot of people effected by these solar farms. Has a concern about property values. Also questions whether these types of operations should be on a commercially zoned property rather than agricultural/residential. Urges the board consider this moratorium.
6. Joe Allen – 15321 Thorn Rd., Culver – As a homeowner has a concern the lack of communication. Doesn't understand the benefit of these solar panels to Marshall County. Had questions concerning where the power is going, the tax issues, and grants. Supports the moratorium.

Mr. Roose commented back to Mr. Allen's concerns. The Plan Commission knew that

we had no control over large wind farms. Plus, the power companies knew that we didn't have any structure in place for such. This board has no intent to withhold any information. Items are dealt with as they come up.

Mr. Adley explained to everyone that what the board is trying to accomplish is a framework that assists the Board of Zoning Appeals in making qualified decisions efficiently and effectively.

Fred Webster – City of Plymouth Liaison stated that Plymouth is struggling with the solar energy ordinance as well. He understands that there are many locations NIPSCO, AEP and Duke that serve electric patrons are being replaced with solar and wind energy. Personally, has installed solar panels on his garage. Five years ago, the cost of the solar panels were three times the cost that they are today.

It was asked that the board clarify moratorium. Mr. Klotz explained that moratorium means that there would be a hold on all all solar farm permits of ten acres and more. Less than ten acres would continue to fall under the existing ordinance unless the board decides different.

Mr. Roose moved to close the public hearing, seconded by Mr. Miller. Motion carried by acclamation.

When asked what the payback on solar was Mr. Thada commented that there are many variables, but Ancilla's is approximately eight years.

Mr. Roose made a motion of approval of 19-PC-14 MARSHALL COUNTY PLAN COMMISSION (Solar) – Request for a moratorium on a solar farm ten (10) acres or more for one (1) year as a favorable recommendation to the Marshall County Commissioners to allow the Commissioner's time to discover and investigate the decommissioning process on solar farms with the following stipulation be added to the proposed ordinance; Motion withdrawn

Mr. Hochstetler made a motion to approve 19-PC-14 MARSHALL COUNTY PLAN COMMISSION (Solar) – Request for a moratorium on solar farms/ten (10) acres or more for one (1) year/365 days as a favorable recommendation to the Marshall County Commissioners to allow the Commissioner's time to discover and investigate the decommissioning process on solar farms, seconded by Mr. Roose. Motion carried with a voice vote 8-0-1 with Mr. Klotz abstaining.

Mr. Yoder brought up that he still has a concern about neighboring property owners to a solar farm should have the ability to have some sort of a visual barrier around the solar field.

Mr. Voreis made a motion to approve 19-PC-14 Marshall County Plan Commission (SOLAR) – Various articles within the Marshall County Zoning Ordinance are proposed to be revised as it pertains to the SOL Smart Initiative as well as requirements for Solar Farms, seconded by Mrs. Barnhart. Motion withdrawn

Mr. Roose made a motion to approve 19-PC-14 Marshall County Plan Commission (SOLAR) – Various articles within the Marshall County Zoning Ordinance are proposed to be revised as it pertains to the SOL Smart Initiative as well as requirements for Solar Farms with the following stipulation:

1. **Trees and/or shrubs shall be planted as a buffer in the perimeter of the entire solar farm project**

seconded by Mr. Yoder. Motion carried with a voice vote 9-0.

The fourth item of business was 19-PC-15 Marshall County Plan Commission (Fee Ordinance) – In order to accommodate the proposed Solar Ordinance evolution, the Fee Ordinance will need to follow suit.

Solar Permits (current)

Micro-less than 120 square feet	$40
Small – 120 -1750 square feet	$80
Medium – 1751 to 40,000 square feet	$150
Large – 40,001 square feet or above	$250

Pending the approval of the proposed solar ordinance restricting of fees is necessary.

Micro-less than 120 square feet	$40
Small – 120 -1750 square feet	$80
Medium – 1751 to 43,560 square feet	$150
Large – 43,561 to 435,600 square feet	$250
Farm – 435,601 square feet or more	$20/acre

** Measurements are in panel square feet

When describing acres in relation to solar acres solar is based on the surface area of the panels. Much of the board had concern of the description “acres”. Defining acres in regards to permitting description is necessary to be completely understood. The terminology “square feet” and “panel acres” were proposed. The pricing is based completely on the panels not buffers or pollinators. How other counties price their solar farms range from square feet to kilowatt hours.

Mr. Roose made a motion to open for public hearing, seconded by Mrs. Barnhart. Motion carried by acclamation. There being no one to speak for or against Mr. Hostetler moved and Mr. Berger seconded the motion to close the public hearing. Motion carried by acclamation.

Mr. Roose made a motion to approve 19-PC-15 MARSHALL COUNTY PLAN COMMISSION (Fee Ordinance) – In order to accommodate the proposed Solar Ordinance evolution, the Fee Ordinance will need to follow suit and make a favorable recommendation to the Marshall County Commissioner’s with the following amendment:

1. **Large 43,560 to 43,561**
2. **Farm 435,600 to 435,601**

Seconded by Mr. Voreis. 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

Bob Yoder

February 27, 2020
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 7:00 p.m. on Thursday, February 27, 2020, in Room 203 of the Marshall County Building. Present were: Commission Members Terri Barnhart, James Berger, Craig Cultice, David Hostetler, Matt Miller, and Jack Roose. Plymouth Liaison, Fred Webster, Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties. Members absent were Mr. Voreis, Mr. Yoder and Mr. Klotz.

The second item of business was the review of the minutes from the January 23, 2020, meeting. Mr. Miller moved and Mrs. Barnhart seconded the motion to approve the minutes as written. The motion passed by acclamation.

The second item of business was 20-PC-01 DAVIS, Sterling - A request for a two lot Minor Subdivision approval for Sterling Davis located at 17622 Vine St., Plymouth, IN Polk Twsp., Zoned T-1. The applicant is seeking to subdivide the 7.6 acre T-1 (Town Residential) parcel into 2 lots (1.31 acres and 6.12 acres). Mr. David Washburn, real estate agent, represented the applicant. Mr. Adley presented the findings of fact.

The property is mostly used as agricultural crop ground, but there is one main structure that is a 4-unit multi-family residence. The Zoning Ordinance does not account for multi-family development with use of a septic system. The applicant has taken into consideration the existing septic system and has left aside additional acreage should a new system be necessary in the future.

Mr. Sterling Davis passed away in 2018. In 2011 Mr. Washburn represented Mr. Davis on a real estate transaction. When Mr. Sterling passed away his children contacted Mr. Washburn to assist them in liquidating the farm. Part of the agreement was the six acres be added back to the whole which is a why a replat has to be done. The 40 acres has already been sold. This 6 acres will be an added bonus to the purchaser.

Part of these 6 acres has been used as a multi residential unit for at least the past four years by a husband, wife and wife's mother and are in the process of buying this acre as their primary residence without it being a multi residential unit.

Mr. Miller made a motion to open for public hearing, seconded by Mrs. Barnhart. Motion carried. There being no one to speak for or against Mr. Roose made a motion to close the public hearing, seconded by Mrs. Barnhart.

Mr. Roose made a motion to approve 20-PC-01 DAVIS, Sterling - A request for a two lot Minor Subdivision approval for Sterling Davis located at 17622 Vine St., Plymouth, IN Polk Twsp., Zoned T-1. The applicant is seeking to subdivide the 7.6 acre T-1 (Town Residential) parcel into 2 lots (1.31 acres and 6.12 acres), seconded by Mrs. Barnhart. Motion carried with a voice vote 6-0.

Other

The soil erosion ordinance was passed at the February 16th meeting. The solar and fee ordinance have passed on the first reading and had a little hesitancy. The moratorium ordinance was passed on the February 16th meeting. A task force is being formed for solar projects.

The annual report will be discussed at the March meeting.

There will be a March 26th Plan Commission meeting as there are currently three cases.

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

Respectfully submitted

Bob Yoder

May 28, 2020
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Plan Commission meeting to order at 7:00 p.m. on Thursday, May 28, 2020, in Room 203 of the Marshall County Building. Present were: Commission Members Stan Klotz, Terri Barnhart, James Berger, Craig Cultice, David Hostetler, Dan Voreis, Bob Yoder and Jack Roose. Plymouth Liaison, Fred Webster, Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties. Member absent was Matt Miller.

The second item of business was the review of the minutes from the February 27, 2020, meeting. **Mrs. Barnhart moved and Mr. Cultice seconded the motion to approve the minutes as written. The motion passed by acclamation.**

The third item of business was 20-PC-02 MONTGOMERY, Chad - A request for a two lot Minor Subdivision approval for Chad Montgomery located at 5503 Michigan Rd., Plymouth, IN North Twsp., Zoned A-3. Mr. Chad Montgomery and Mr. Brian Montgomery were present to represent their request. Mr. Adley presented the findings of fact.

The applicant is seeking to subdivide Lot 5 of Higbee Tavern Baby Farms which is approximately 5 acres. The parcel is zoned A-3 Agricultural Residential which has a minimum lot area of 1 acre. Lot 5A, the new lot, will be using the existing drive for the house located on Lot 5B.

The applicant's father plans to build a home on the proposed new lot.

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

The board requested from the applicant that they create an easement maintenance agreement between the two and record it along with the subdivision plat.

Mr. Roose made a motion to approve 20-PC-02 MONTGOMERY, Chad - A request for a two lot Minor Subdivision approval for Chad Montgomery located at 5503 Michigan Rd., Plymouth, IN North Twsp., Zoned A-3, with the condition that said agreement is part of the

recorded plat, seconded by Mr. Hostetler. Motion carried with a voice vote 8-0.

The fourth item of business was 20-PC-03 MARTIN, Daniel - A request by Erica & Laura Morris to create a one lot Minor Subdivision approval for Daniel Martin located at 16740 10 B Rd., Plymouth, IN West Twsp., Zoned L-1 (Off Water). **Mr. Martin wasn't present for his request. Mr. Roose made a motion to table this request until the July meeting, seconded by Mrs. Barnhart. Motion carried by acclamation.**

The fifth item of business was 20-PC-04 SICKMILLER, Sandro - A request for a one lot Minor Subdivision approval for Sandro Sickmiller located at 19589 Elm Rd., Tippecanoe, IN Tippecanoe Twsp., Zoned A-1. Mr. James Easterday was present to represent his request. Mr. Adley presented the findings of fact.

The applicant is seeking to subdivide the first lot after the available splits have been completed. The parent parcel was 34.78 acres and had been subdivided twice in the past; 5.00 acres in 2012 then 10 acres in 2015. The property is zoned A-1 Agricultural District.

The applicant's plans are to use the property as hunting ground.

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

1. Justin Keininger – Is not in favor of the request.

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

Mr. Roose made a motion to open back up for public hearing to read letter that was submitted to Plan Commission, seconded by Mr. Hostetler. Motion carried by acclamation.

1. Ezra Ramer – In favor or the request.

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

Mr. Voreis made a motion to approve 20-PC-04 SICKMILLER, Sandro - A request for a one lot Minor Subdivision approval for Sandro Sickmiller located at 19589 Elm Rd., Tippecanoe, IN Tippecanoe Twsp., Zoned A-1, seconded Mrs. Barnhart. Motion carried with a voice vote 8-0.

The sixth item of business was 20-PC-05 PETERSON, Randy – A request for a Replat of Adams Place Minor Subdivision increasing the subdivision to 3 lots; located at: 4479 E. Shor e Dr. Bremen, IN German Twsp., Zoned L-1. Mr. Randy Peterson was present to represent his request. Mr. Adley presented the findings of fact.

The applicant is seeking to create one new lot in the L-1 Lake Residential District. The 7,400 square foot parcel is being created out of a total 1.58 acre parcel. The minimum lot size and property frontages have all been met. The lot is served by the local sewer district which significantly reduces the minimum lot size.

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

1. Robert & Betty Spruit 4451 E. Shore Dr., Bremen – Needed additional information
2. Donald Starke6y 4467 E. Shore Dr., Bremen – Not in favor of the request

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

The board discussed that a new well will be required for the proposed lot. They also felt this would be the best time to prepare a driveway maintenance agreement between the lots.

Mr. Hostetler made a motion to approve <u>20-PC-05 PETERSON, Randy –</u> A request for a Replat of Adams Place Minor Subdivision increasing the subdivision to 3 lots; located at: 4479 E. Shore Dr. Bremen, IN German Twsp., Zoned L-1, with the following conditions:

1. **Driveway maintenance agreement be recorded with the new plat**
2. **Approved well permit**

Seconded by Mrs. Barnhart. Motion carried with a voice vote 8-0.

<u>2019 Year End Report</u>

2019 was a year of great accomplishment for Marshall County both through the Planning Commission and BZA, but also as whole County. The Department has experienced the new records in both permit numbers as well as valuation in permits. In 2019 there were 947 permits issued in comparison to the 749 issued in 2018 and the previous record of 815 set in 2017. The valuation for 2019 was $73,197,291 which is greater than the previous record set in 2018 of $68,416,914.

<u>Solar Task Force Update</u>

The Solar Task Force has had their first meeting. Will continue meeting and bring updates as needed.

Marshall County Plan Commission
May 28, 2020

June Plan Commission Meeting

There will be cases before the board next month. The next meeting is scheduled for June 25th.

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

Respectfully submitted

Bob Yoder

June 25, 2020
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Plan Commission meeting to order at 7:00 p.m. on Thursday, June 25, 2020, in Room 203 of the Marshall County Building. Present were: Commission Members Stan Klotz, Terri Barnhart, James Berger, Matt Miller, David Hostetler, Dan Voreis, Bob Yoder and Jack Roose. Plymouth Liaison, Fred Webster, Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties. Member absent was Craig Cultice.

The second item of business was the review of the minutes from the May 28, 2020, meeting. Mr. Roose moved and Mr. Berger seconded the motion to approve the minutes as written. The motion passed by acclamation.

The third item of business was 20-PC-03 MARTIN, Daniel - A request by Erica & Laura Morris to create a one lot Minor Subdivision approval for Daniel Martin located at 16740 10 B Rd., Plymouth, IN West Twsp., Zoned L-1 (Off Water). The applicant wasn't available. Mr. Miller made a motion to table this request, seconded by Mr. Hostetler.

The fourth item of business was 20-PC-06 TIPPECANOE TWSP TRUSTEE- A request by John Grolich for a Site Plan Review of a 195' communication tower for the immediate use of high-speed wireless internet for emergency responders of Marshall County. Also enhance the infrastructure for a County wide communication system upgrade; located at: 18325 SR 331, Tippecanoe, Zoned C-1. Mr. John Grolich was present to represent his request. Mr. Adley presented the findings of fact.

The 195' tower would bring much needed wireless capability to a rural portion of Marshall County. The proposed location though does not permit Communication Towers because the parcel is zoned C-1. There is a BZA case currently filed for the upcoming meeting along with a reduction in setback from property lines. The setback is from an adjoining parcel that is also owned by the Township.

This is a grant that was received through Dr. Holm and the Health Department in 2000. The grant was for $180,000 and the Marshall County Commissioners also put in $40,000 for these towers. There were 9 towers acquired through Pi-Rod. They have been placed throughout the county strategically. Primarily near fire stations to provide high speed internet along with

creating an environment to put their communication antennas on. A private partner has co located on the tower and for that they receive high speed internet free of charge. Because of the rent that was charged for the high-speed internet it's allowed additional income to put up two more hours. One at the Tippecanoe Twsp Fire Department and the other at the Marshall County Highway Department. There are no tax dollars going into this.

Mr. Webster asked Mr. Grolich if there was room on the tower to put amateur radio. Mr. Grolich replied with a yes.

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

1. Matt Pitney – Tippecanoe Twsp. Trustee – In favor of the proposed project. Has talked with ATT and hopes to have them utilize this tower as well. If you don't live on 331 or in town in Tippecanoe you can't get high speed internet.

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

The board requested that all costs be waved.

Mrs. Barnhart made a motion to approve 20-PC-06 TIPPECANOE TWSP TRUSTEE- A request by John Grolich for a Site Plan Review of a 195' communication tower for the immediate use of high-speed wireless internet for emergency responders of Marshall County. Also enhance the infrastructure for a County wide communication system upgrade; located at: 18325 SR 331, Tippecanoe, Zoned C-1, seconded by Mr. Berger. Motion carried with a voice vote 8-0.

Mr. Roose thanked Mr. Grolich for his time and service to Marshall County.

The fifth item of business was 20-PC-07 RVH TRUCKING - A request for a 2-lot minor subdivision, located at: 1260 20th St. Tippecanoe, IN Zoned I-1. Mr. Ben Franger and Mr. Scott Thompson were present to represent their request. Mr. Adley presented the findings of fact.

The applicant is seeking to create a 9.06 acre parcel for RVH Trucking and a 8.70 acre parcel for Franger Gas. The proposed subdivision would resolve the parcel line issue between western and central parcels that cut through the existing structures at RVH Trucking. It also removes a small parcel that currently serves minimal purpose due to its size.

Per the Plan Director's suggestion this only made sense to move the property line that runs through the center of the existing business and to combine the small corner that was deeded separately.

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

1. Matt Pitney – Has met with Franger gas as a fire chief and believes they serve needs well and meet all safety requirements.

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

The idea with this property is propane storage that will be filled during the summer and pull out during the winter. This way it allows them to stabilize pricing for their customers.

Mr. Hostetler thanked the applicants for all the work they've done to prepare and bring documentations and answers back to the board.

Mr. Roose made a motion to approve 20-PC-07 RVH TRUCKING - A request for a 2-lot minor subdivision, located at: 1260 20th St. Tippecanoe, IN Zoned I-1, seconded by Mrs. Barnhart. Motion carried with a voice vote 8-0.

The third item of business was 20-PC-03 MARTIN, Daniel - A request by Erica & Laura Morris to create a one lot Minor Subdivision approval for Daniel Martin located at 16740 10 B Rd., Plymouth, IN West Twsp., Zoned L-1 (Off Water). Mr. Daniel Martin was present to represent his request. Mr. Adley presented the findings of fact.

The property is located in the L-1 off water zoning district. The minimum lot size without public sewer is 1 acre and with over 3 acres being subdivided, the threshold is met. The adjacent roadways are being dedicated.

Mr. Martin would like to tear down the old house and maybe make a shed out of it for storage along with cleaning it up.

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

1. Derrick Morris – Would like to buy the 2 acres from the Mr. Martin to build a house.

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

Mr. Hostetler made a motion to approve 20-PC-03 MARTIN, Daniel - A request by Erica & Laura Morris to create a one lot Minor Subdivision approval for Daniel Martin located at 16740 10 B Rd., Plymouth, IN West Twsp., Zoned L-1 (Off Water), seconded by Mr. Roose. Motion carried with a voice vote 8-0.

2021 Plan Commission Budget

Mr. Adley presented the proposed budget. Additional added to the budget includes: employees increase, taking part time code enforcement to full time position that is joined with the Building Commissioner and longevity. Mr. Adley prepared a cost analysis of permit costs vs. expenses and found that some of the permits we are losing money. The Plan Commission and Building Department would like to propose to the board an option to

increase some fees to cover the cost of budget increase by increasing the cost of a few permits so they won't be losing money. The office is also looking at increasing contractor registration fees to be more competitive with adjoining counties.

Mr. Roose commended Mr. Adley for the research done to allow him to bring accurate information back to the board. Mrs. Barnhart made a motion to have Mr. Adley bring back to the board a proposal for fee increases, seconded by Mr. Miller. Motion carried by acclamation.

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

Respectfully submitted

Bob Yoder

July 23, 2020
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Plan Commission meeting to order at 7:00 p.m. on Thursday, July 23, 2020, in Room 203 of the Marshall County Building. Present were: Commission Members Stan Klotz, James Berger, Matt Miller, David Hostetler, and Dan Voreis, Bob Yoder. Plymouth Liaison, Fred Webster, Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties. Members absent were Terri Barnhart and Jack Roose.

The second item of business was the review of the minutes from the June 25, 2020, meeting. Mr. Hostetler moved and Mr. Berger seconded the motion to approve the minutes as written. The motion passed by acclamation.

The third item of business was 20-PC-08 JIMENEZ, Joe – A request for a vacation of the alley between lots 4 & 5 of Lee & Dickinson Addition; located at: 7511 11A Rd., Plymouth, IN Center Twsp., Zoned T-1. Mr. Joe Jimenez was present to represent his request. Mr. Adley presented the findings of fact.

The applicant is seeking to abandon the alley in between the two parcels that he owns.

If the alleyway is vacated Mr. Jimenez would like to combine his two parcels through the administrative subdivision process.

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

Mr. Berger made a motion to approve and forward to the Marshall County Commissioner's with a favorable recommendation 20-PC-08 JIMENEZ, Joe – A request for a vacation of the alley between lots 4 & 5 of Lee & Dickinson Addition; located at: 7511 11A Rd., Plymouth, IN Center Twsp., Zoned T-1, seconded by Mr. Voreis. Motion carried with a voice vote 6-0.

Discussion 20-PC-09 Yoder, Robert & Esther

Joseph Petrizek, Surveyor for the applicant was present to represent their request. The

applicant is requesting a 2-lot minor subdivision to allow the applicant to build another home in order to care for an elderly parent. The ROW requirement for a subdivision is 30' from the centerline of the road. The Planning Department would like advice from the board how they would like to proceed. Mr. Petrizek located other right of ways in the vicinity and notice them being an average of 20'-25'.

After discussion the board concurs with the Marshall County Highway Department that 20' from the centerline would be feasible in this situation

Property Clean-up 8983 Chestnut Rd.

The parcel located at 8983 Chestnut has went through the violation procedure, attorney, court and received a judgment. The Plan Commission has received two bids for the clean-up of the property.

Mr. Adley started the opening bid process.

1. Chain O Lakes LLC $2,200.00 Dumpsters for removing trash and other materials on the property. Skid steer hours for cleanup up of trash and tractor hours for mowing the tall grass on the property. Fee does NOT include removing cars.
2. Jackson Demolition Ent. LLC $8,500.00 Clean up the various items in the yard, including: Tall grass, weeds, appliances, trailers yard equipment, garbage, and vehicles as requested by the summary provided by the Marshall County Planning Commission. Is not responsible for any hazardous materials in or around the site. All rubbish and debris will be hauled to an approved licensed landfill.

Mr. Miller made a motion to approve Chain O' Lakes bid for $2,200 for the clean up of 8983 Chestnut Rd., seconded by Mr. Cultice. Motion carried by acclamation.

A time frame of cleanup will be scheduled with Chain O'Lakes and a courtesy letter will be sent to the homeowner when to expect clean up to start.

The board had a discussion of the difference between unkept yard and area left for wildlife and habitat. The specific concern was how the owner would be able to keep up mowing his full acre. Others felt that the tall grass and rubbish leads to rodent problems.

Other Business Camping vs. Living in a camper

Mr. Adley asked the board for their thoughts on the difference between camping and living in a camper.

Mr. Miller stated that RV's are not designed for permanent living quarters. They are designed specifically for temporary living. They are built to code for temporary living quarters.

While discussing the subject topics ranged from government overreach and the actual concern. Mr. Adley stated that the most recent subject had a concern about lowering property values, safety and sanitation. The board's consensus was that the person must have a primary residence somewhere where they get mail.

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

Respectfully submitted

Bob Yoder

August 27, 2020
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Plan Commission meeting to order at 7:00 p.m. on Thursday, August 27, 2020, in Room 203 of the Marshall County Building. Present were: Commission Members Stan Klotz, Craig Cultice, James Berger, Matt Miller, David Hostetler, and Dan Voreis. Plymouth Liaison, Fred Webster, Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties. Members absent were Terri Barnhart, Jack Roose and Bob Yoder.

The first item of business was 20-PC-09 YODER, Robert & Esther – A request for Yoder's Cedar Road 2 Lot Minor Subdivision; located at 6664 Cedar Rd., Bremen, IN Zoned A-1, German Twsp. Mr. Joe Pietryzak was present to represent the Yoders. Mr. Adley presented the findings of fact.

The applicant is seeking to subdivide off 1 acre of their 8-acre parcel. The new parcel will be for Robert & Esther Yoder and the remaining operation and ground will be sold to their son.

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

The board asked for clarification on the 5-acre density rule. Mr. Adley explained that was the reason the applicant was required to come before the board. To allow a parcel to be split and have two residential units on it there must be at least 10 acres or more. If not, they have to go through a subdivision process over an administrative process.

Mr. Hostetler made a motion to approve this recommendation 20-PC-09 YODER, Robert & Esther – A request for Yoder's Cedar Road 2 Lot Minor Subdivision; located at 6664 Cedar Rd., Bremen, IN Zoned A-1, German Twsp to the Marshall County Commissioners, seconded by Mr. Miller. Motion carried with a voice vote 6-0.

The second item of business was 20-PC-10 MARSHALL COUNTY PLAN COMMISSION – Various amendments to articles 3,6, and 13 in the Marshall County Zoning Ordinance are proposed to be revised as it pertains to the requirements for solar Farms. Mr. Adley presented the findings of fact.

Marshall County Plan Commission
August 27, 2020

Based on the additional information and review by the Solar Task Force, the attached amendments have been proposed.

Mr. Adley presented to the board the proposed amendments from the Solar Task Force. The underlined portion that was amended.

Article Three

A-1 Permitted Uses – Utilities
Solar Energy System – Roof Mounted Micro-Scale and Small Scale; Ground Mounted Micro-Scale and Small-Scale; Roof Mounted Medium-Scale and Large-Scale
Special Uses – Transportation, Communications, Utilities
Solar Energy Systems – Ground Mounted Medium-Scale and Large-Scale; Farm-Scale

A-2 Permitted Uses – Utilities
Solar Energy System – Roof Mounted Micro-Scale and Small Scale; Ground Mounted Micro-Scale and Small-Scale; Roof Mounted Medium-Scale and Large-Scale
Special Uses – Transportation, Communications, Utilities
Solar Energy Systems – Ground Mounted Medium-Scale and Large-Scale

A-3 Permitted Uses – Utilities
Solar Energy System – Roof Mounted Micro-Scale and Small Scale; Ground Mounted Micro-Scale and Small-Scale; Roof Mounted Medium-Scale and Large-Scale
Special Uses – Transportation, Communications, Utilities
Solar Energy Systems – Ground Mounted Medium-Scale and Large-Scale

T-1 Permitted Uses – Utilities
Solar Energy System – Roof Mounted Micro-Scale and Small Scale; Ground Mounted Micro-Scale and Small-Scale

L-1 Permitted Uses – Utilities
Solar Energy System – Roof Mounted Micro-Scale and Small Scale; Ground Mounted Micro-Scale and Small-Scale

MH Permitted Uses – Utilities
Solar Energy System – Roof Mounted Micro-Scale and Small Scale; Ground Mounted Micro-Scale and Small-Scale

C-1 Permitted Uses – Transportation, Communications, Utilities
Solar Energy System – Roof Mounted Micro-Scale and Small Scale; Ground Mounted Micro-Scale and Small-Scale; Roof Mounted Medium-Scale and Large-Scale
Special Uses – Transportation, Communications, Utilities
Solar Energy Systems – Ground Mounted Medium-Scale and Large-Scale

C-2 Permitted Uses – Transportation, Communications, Utilities
Solar Energy System – Roof Mounted Micro-Scale and Small Scale; Ground Mounted Micro-Scale and Small-Scale; Roof Mounted Medium-Scale and Large-Scale
Special Uses – Transportation, Communications, Utilities
Solar Energy Systems – Ground Mounted Medium-Scale and Large-Scale

I-1 Permitted Uses – Transportation, Communications, Utilities

Solar Energy System – Roof Mounted Micro-Scale and Small Scale; Ground Mounted Micro-Scale and Small-Scale; Roof Mounted Medium-Scale and Large-Scale

Special Uses – Transportation, Communications, Utilities

Solar Energy Systems – Ground Mounted Medium-Scale and Large-Scale; Farm-Scale

I-2 Permitted Uses – Transportation, Communications, Utilities

Solar Energy System – Roof Mounted Micro-Scale and Small Scale; Ground Mounted Micro-Scale and Small-Scale; Roof Mounted Medium-Scale and Large-Scale

Special Uses – Transportation, Communications, Utilities

Solar Energy Systems – Ground Mounted Medium-Scale and Large-Scale; Farm-Scale

120 Land Use Matrix

Solar Energy systems	A-1	A-2	A-3	T-1	L-1	C-1	C-2	I-1	I-2	MH	PUD
Roof Mounted Micro-Scale and Small-Scale	P	P	P	P	P	P	P	P	P	P	D
Ground Mounted Micro-Scale and Small-Scale	P	P	P	P	P	P	P	P	P	P	D
Roof Mounted Medium-Scale and Large-Scale	P	P	P			P	P	P	P		
Ground Mounted Medium-Scale and Large-Scale	S	S	S			S	S	S	S		
Farm-Scale	S							S	S		

Article Six

210 Solar Energy Systems

A. Intent

In order to protect the public health, safety, and general welfare of the community while accommodating the energy needs of residents and businesses, these regulations are necessary in order to:

1. Bring the benefits of solar energy to Marshall County, including the potential to add local jobs, reduce energy bills, and reduce pollution in a manner that preserves reliability and affordability;
2. minimize adverse effects of SES facilities through careful design and siting standards;
3. avoid potential damage to adjacent properties from SES failure through structural standards and setback requirements.
4. A Solar Energy System is considered a Primary Use if there is no other Primary Use on site.

B. Authority

The Marshall County Planning Office is vested with the authority to review, approve, and disapprove applications for Solar Energy Systems, including a sketch, preliminary plans and final plans

C. Public Purpose

Regulations of the siting of SES facilities is an exercise of valid police power delegated by the State of Indiana. The developer has the duty of compliance

with reasonable conditions laid down by the Marshall County Plan Commission.

D. Types and Sizes of Solar Energy Systems

1. Types
    a. Roof Mounted: a Solar Energy System, including but not limited to the panels and mounting system, that is affixed, set, or placed on the roof of a Primary or Accessory Structure.
    b. Ground Mounted: a Solar Energy System that is self-supporting and set into or on the ground.
2. Sizes of Solar Energy Systems
    a. Shall be measured by the total surface area of all the panels and is referenced below in panel square feet.
    b. Micro-Scale Solar Energy System: A Solar Energy System that occupies less than 120 square feet of panel area (Standalone systems are exempt such as flag pole lights, single solar lights, etc.)
    c. Small-Scale Solar Energy System: A Solar Energy System that occupies 1,750 square feet of panel area to 120 square feet.
    d. Medium-Scale Solar Energy System: A Solar Energy System that occupies more than 1,750 square feet but less than 43,560 square feet of panel area.
    e. Large-Scale Solar Energy System: A Solar Energy System that occupies more than 43,561 square feet, but less than 435,600 square feet of panel area.
    f. Farm-Scale Solar Energy System: A Solar Energy System that occupies 435,601 square feet of panel area or more.

E. General Approval Standards

1. Setbacks:
    a. Ground Mounted Micro-Scale, Small-Scale, Medium-Scale, and Large-Scale Solar Energy Systems in all districts shall be installed either in the Side Yard, Second Street Front Yard, or Rear Yard when considered Accessory Structures. Ground-Mounted Solar Energy Systems may be located no closer than the setback for their Zoning District.
    b. Ground Mounted Micro-Scale, Small-Scale, Medium-Scale, and Large-Scale Solar Energy Systems that are primary uses on property shall meet the District Setback standards.
    c. Farm-Scale Solar Energy Systems shall be setback 150’ from the centerline of the adjacent Right-of-Ways, 75’ from all property lines and 250’ from the nearest corner of residential structures. Interior project property lines don’t have setback requirements.
2. Height:
    a. Roof Mounted: Roof-Mounted Solar Energy Systems may exceed the maximum building height, provided the SES does not exceed five feet in height above the roofline in residential districts and ten feet above the roof line in all other districts.
    b. Ground Mounted: The maximum height of PV module and racking system shall not exceed 15’ as measured from the highest natural grade below each solar panel. The recommend minimum height from

grade is 3' for pollinator species to grow without obstructing the panel efficiency.

3. Lot coverage:

The area covered by Ground Mounted Solar Energy Systems, measured by a rectangle encompassing the various system components, where the ground beneath is permeable or pervious, shall not be included in calculations for lot coverage or impervious cover.

The Applicant shall plant a pollinator species with a mix approved by a local licensed landscape architect or equivalent. The Michiana Council of Governments ~~or Minnesota State~~ requirements for pollinator species for solar installations shall be referenced. The site shall be planted and maintained to be free of all invasive species, as listed by the Indiana Invasive Species Council.

4. Drainage:

Solar Energy Systems must meet the requirements of the Marshall County Storm Drainage and Sediment Control Ordinance.

5. Additional Farm Scale Conditions:

a. Buffer Requirements:

~~a). Shall have a 25' planted buffer along the following areas:~~
~~1. Along the perimeter of project area.~~

~~b). The buffering shall be a minimum 3 row, 4 season tree stand with off-set spacing as to minimize the view of the proposed project.~~

a). Shall provide adequate visual 4 season screen while within 250' setback from residences and when adjacent to roadway intersections.

b). Buffering shall be maintained by trimming if necessary, removal of dead or fallen trees and replanting.

*c). Buffering shall be considered when adjacent, non-residential parcels may have competing uses.

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.

c. Must ~~repair~~ repair, reroute or install new tile private Drainage Systems in order to preserve the overall drainage integrity.

d. Must be reviewed by the Technical Review Committee

e. Must meet floodplain regulations.

f. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

g. Exterior lighting shall be limited to that required for safety and operational purposes and will not produce glare across lot lines onto properties not associated with the project and minimized for same property residences.

h. The Applicant shall certify that the Applicant will comply with the Damage to Underground Facilities Law (Ind. Code 8-1-26) and accompanying regulations of the Indiana Utility Regulatory Commission

i. A decommissioning agreement must be executed by the Applicant.

j. A traffic management plan shall be approved by the Marshall County Highway

Superintendent/ Marshall County Commissioners.
k. A property operation and maintenance plan shall be submitted with the Special Use application.
l. The facility shall have a perimeter security fence. The security fence must be kept repaired, painted and maintained in good condition.
m. Signage on the solar farm fencing shall display the facility name, address and emergency contact information.
n. Must provide reasonable accessibility for emergency vehicles.
o. Top soil shall be preserved on site and grading should be minimized to preserve the future viability of plantings.
p. Deforestation shall be minimized and approved by the Plan Director and Board of Zoning Appeals.
q. Energy Storage installations must meet the associated development standards.
r. Wildlife and Mitigation study or similar as required by applicable state or federal department shall be submitted. Should neither state or federal departments require such a study, the county will require best practices and impact mitigation to be shown and indicated by report or site design.
s. Preferred locations for Solar Farms and other large-scale solar installations are on Brownfields, industrial zoned property and marginal agricultural soils.
t. Electric solar energy system components must have a UL or equivalent listing.
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 instance where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines or distance makes undergrounding infeasible at the discretion of the Plan Director.
v. For solar farms located within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the result of a glare analysis through a qualitative analysis of potential impact, field test demonstration, or geometric analysis of ocular impact in consultation with the Federal Aviation Administration (FAA) Office of Airports, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

F. Permitting

1. A complete building permit application for all Solar Energy Systems will include the following:

a. Solar System Specifications including manufacturer and model information

b. Module design and site plans

c. Business plan indicating how all conditions will be addressed

d. System components including panels, inverters, batteries, etc. should be a minimum 95% recyclable.

2. A Technical Review Committee (TRC) site plan approval is required for Medium-Scale, Large-Scale, and Farm -Scale Solar Energy Systems prior to building permit approval.
3. System upgrades/~~repair~~/replacement will require a new building permit.

G. Site Plan

Site Plan documents shall include, but not limited to signed off by a licensed Engineer in the State of Indiana:
1. Property lines and physical features, including roads, for the project site;
2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
3. Drawings of the Solar Energy System showing the proposed layout of the system, the distance between the proposed solar collector and all property lines, and the tallest finished height of the solar collector;
~~4. Name, address, and contact information for proposed system installer;~~
5. Name, address~~, phone number and signature of the project Applicant, as well as all co-Applicants and~~ of property owners;
6. Zoning District designation for the parcel(s) of land comprising the project site.
7. Documentation that the Applicant has submitted notification to the utility company of the Applicant's intent to install an interconnected customer-owned generator. Off -grid systems are exempt from this requirement.

H. Abandonment and Decommissioning Requirements

1. Small-Scale, Medium-Scale, and Large-Scale removal requirements:
Any Ground Mounted Solar Energy System which has reached the end of its useful life or has been abandoned shall be removed [by the owner or operator]. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Marshall County Plan Department by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

a). Physical removal of all Solar Energy Systems, structures, and equipment from the site.
b). Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
c). Stabilization or re-vegetation of the site as necessary to minimize erosion. The Marshall County Plan Director may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

2. Small-Scale, Medium-Scale, and Large-Scale abandonment:
Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Small-Scale, Medium-Scale or Large-Scale Ground-Mounted Solar Energy System shall be considered abandoned when it fails to operate for more than one year without the written consent of the Marshall County Plan Department. If the owner or operator of the Solar Energy System fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the County retains the right to enter and remove an abandoned, hazardous, or decommissioned Small-Scale, Medium-Scale, or Large-Scale Ground Mounted Solar Energy System at the owner/operator's

expense. As a condition of Site Plan approval, the Applicant and property owner shall agree to allow entry to remove an abandoned or decommissioned installation.

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 Board of Zoning Appeals and recorded with the Marshall County Recorder, cross-referenced 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 ~~12~~ 6 consecutive months, the decommissioning plan shall be activated. Shall provide the Plan Director and the County Commissioners a semi-annual generation report.

b). The decommissioning plan will include, but is not limited to, the following:

1. Lifetime of the project
2. Timeline for construction, and general operation
3. Decommissioning cost estimate, including salvage value of materials.
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. Sub-grade components shall be removed from a depth of 3' and shallower, and encourages total removal.

ii. re-vegetation of restored soil areas with crops, native seed mixes, plant species suitable to the area.

iii. for any part of the Solar Energy System on leased property, the plan may incorporate agreements with the landowner regarding leaving access roads, fences, gates or repurposed buildings in place or regarding restoration of agricultural crops or forest resource land. Any remaining structures must be in conformance with all ordinances and regulations in effect at the time of decommissioning. Copies of said agreements must be provided as a part of the decommissioning plan pending approval of the Marshall County Plan Director.

5. Bonds or financial assurance are required:

i. Bond or financial assurance that will cover the reconstruction of public infrastructure due to construction activity related to the Solar Energy System installation that will be approved in association with the traffic management plan.

ii.. Bond or financial assurance that will cover damage to the drainage infrastructure that may be damaged

during the construction process beginning once construction has been completed and is to last for 5 years once construction has been completed.
iii. Bond or financial assurance that will cover the decommissioning of the Solar Energy System as described in the decommissioning plan.
iv. Bonds and financial assurance shall be reevaluated every 3 years with contributions adjusting at that time to cover costs at the time of decommissioning.
v. The amount of the Bonds or financial assurances must be approved by the Marshall County Commissioners.

Article 13 Definitions
Solar Energy System (SES)
Solar Energy System: Any device or structural design feature whose primary purpose is to generate energy for interior lighting or provide for the collection, storage, or distribution of solar energy for space heating, space cooling, electricity generation, or water heating.

The Technical Review Committee has taken the amendments under advisement and only have one recommendation as it relates to the undeveloped parcels and buffering. TRC and staff would recommend approval of the proposal and seek the Plan Commissions consideration of the above referenced additional amendment.

Mr. Yoder commented that there should be something in this ordinance about maintaining the property free noxious and invasive weeds identified by the State of Indiana annually. Also thinks there should be a list of polymer grasses.

Mr. Adley explained that will be governed by Purdue Extension Office. They have a sheet they will be putting out in conjunction with Macog.

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

1. Joe Pietryzeak – Stated that he used to do soil work and believes that once you remove top soil a septic system will never be allowed on that ground. There is a solar farm going up on Bittersweet Road in St Joseph County and recommended the board take a look at it.

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

Mr. Webster, Plymouth Liaison, wanted to verify that this proposal is only for 10 acres and over.

Mr. Miller suggested a grammar change of G.5. to replace and with of.

Mr. Miller made a motion to approve the recommendation 20-PC-10 MARSHALL COUNTY PLAN COMMISSION – Various amendments to articles 3,6, and 13 in the Marshall County Zoning Ordinance are proposed to be revised as it pertains to the requirements for solar Farms to the Marshall County Commissioner's, seconded by Mr. Hostetler. Motion carried with a voice vote 6-0.

Mr. Yoder stated that there is a solar farm going up in Pulaski County and questioned whether the ordinance protects the county roads.

Mr. Adley explained that there will be a bond as well as a traffic management plan as well. The roads will be assessed prior to by the Highway Superintendent. The bond will be agreed to by the Marshall County Commissioners for such potential impact.

Other Business

Violations

Mr. Adley stated that it was brought to his attention that there has been violation discussion and questioned the board if they would be interested in a quarterly report. Mr. Klotz stated that he brought it up and while being on the BZA previously it used to be brought up at each meeting. He thought it would be nice to hear updates and how things are progressing. The board agreed that a quarterly report would be sufficient.

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

Respectfully submitted

Bob Yoder

September 24, 2020
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Plan Commission meeting to order at 7:00 p.m. on Thursday, September 24, 2020, in Room 203 of the Marshall County Building. Present were: Commission Members Stan Klotz, Craig Cultice, James Berger, Matt Miller, and David Hostetler. Plymouth Liaison, Fred Webster and Plan Director Ty Adley were present along with interested parties. Members absent were Terri Barnhart, Jack Roose and Bob Yoder.

The minutes of the July 23rd and the August 27th minutes were presented, Mr. Miller made a motion to approve the minutes as present, seconded by Mr. Berger. Motion carried by acclamation.

The first item of business was 20-PC-11 MILLER/BARNES - A request to combine two parcels by way of a Major Subdivision/Secondary Plat of Smith's 3rd Addition to the Lake of the Woods & A Tract of Land in Section 7, T34N R3E, German Twsp., Marshall County. Mr. Christian Barnes was present to represent his request. Mr. Adley presented the findings of fact.

The Applicant is seeking to combine the front and rear lots of the property. The issue is that front property is a part of a subdivision and the rear is not. In order to combine the properties together the outer boundary of the subdivision needs to be expanded which is why this is considered a major subdivision, but it is a secondary plat due to the fact that there will be no associated infrastructure for the property.

The board discussed possible reasons for the 30' parcels behind the parcels that were never made part of the subdivision.

Mr. Hochstetler 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. Berger moved and Mr. Cultice seconded the motion to close the public hearing.

Mr. Barnes stated that the future plans are to build a house for their son as they live right across the street.

Mr. Hochstetler made a motion to approve 20-PC-11 MILLER/BARNES - A request to combine two parcels by way of a Major Subdivision/Secondary Plat of Smith's 3rd Addition to the Lake of the Woods & A Tract of Land in Section 7, T34N R3E, German Twsp., Marshall County, seconded by Mr. Cultice. Motion carried with a voice vote 5-0.

Other Business

Quarterly Report of Code Violations

Since January:
8 warnings
16 fines
8 turned over to attorney
4 completed/closed

9 warnings
8 fines
19 turned over to attorney
48 completed/closed
Total of 84 cases

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

Respectfully submitted

Bob Yoder

October 22, 2020
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Plan Commission meeting to order at 7:00 p.m. on Thursday, October 22, 2020, in Room 203 of the Marshall County Building. Present were: Commission Members Stan Klotz, Matt Miller, Terri Barnhart Dan Voreis, Bob Yoder and David Hostetler. Lori Lowry, Administrative Assistant and Plan Director Ty Adley were present along with interested parties. Members absent were James Berger, Craig Cultice, and Jack Roose.

The minutes of the September 24, 2020, meeting was present. Mr. Hostetler made a motion to approve the minutes as corrected, seconded by Mrs. Barnhart. Motion carried by acclamation.

The first item of business was 20-PC-12 READ, Steven & Sandra - A request for a one lot Major/Secondary Subdivision approval for Read Subdivision; located at 3671 W. Shore Dr., Bremen, IN German Twsp., Zoned L-1. Mr. & Mrs. Steven & Sandra Read were present to represent their request. Mr. Adley presented the findings of fact.

The applicant owns 6 parcels, 3 of which are located within the Reese's Subdivision and 3 are metes and bounds properties. In order to combine the properties, they are applying through a major subdivision to include the rear 3 parcels in the subdivision and then the property is going through a secondary plat because there is no new infrastructure involved. The purpose behind the subdivision is for the sale of the parcel to ensure that a home can be placed on the property, which it could have previously, but would have had to go through the combination process. Per the survey, you can see that the building is currently touching all six parcels. The major subdivision will allow for the 6 parcels to become 1.

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

1. Marvin Houin – POA for Marilyn Ralston – Neighboring property owner. Doesn't believe the property lines are designated by a true survey. Has looked along the southwest corner of the property line and doesn't find a stake. He believes that in order to approve this request they need to come up with a whole new survey to make sure the property line is correct. The applicants have planted landscaping on their property and uses their property as part of their turnaround to get out of their

garage. Is opposed to this as they don't have a true survey of the property to say what is there. Typically, there shouldn't be anything built in the 75' right of way. They have a driveway in the right of way as well as the building. There was a variance approved by the drainage when the building was built and the Houin's didn't oppose it at that time. Mr. Houin also sent a letter stating the same was read into record.

2. Debra McClain – Owner of the land – Opposes the request and noted that their driveway is on her property and hasn't given them permission. Not sure if they could even clean the ditch if they had to. By combining the properties will they be paying their fair share of taxes? Questions whether they may be doing this to evade paying taxes. Would like a proper survey done. Mr. Adley stated that a recent survey was done September 8, 2020. Mrs. McClain also sent a letter stating the same and was read into record.

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

The board was all in agreement and explained that a missing survey marker does not make a survey inadequate.

Mr. Miller made a motion to approve <u>20-PC-12 READ, Steven & Sandra -</u> A request for a one lot Major/Secondary Subdivision approval for Read Subdivision; located at 3671 W. Shore Dr., Bremen, IN German Twsp., Zoned L-1, seconded by Mr. Hostetler. Motion carried with a voice vote 6-0.

Mr. Klotz recommended that if you are on his property you need to make adjustments and make changes. Mrs. Read commented that the landscaping talked about is ornamental grass to hold the bank in so it wouldn't deteriorate more. The bank has been cleaned twice and they are okay if they run over it. The board explained to all that this portion is a civil matter.

<u>Other</u>

There was a discussion with the Plan Commission Meeting times for 2021. The Plan Commission Office would like to see that the board agree on a standard time as it would make it easier on the office as well as the public. The board had mixed comments. The majority seemed to be to move it back to 7:30pm.

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

Respectfully submitted

Bob Yoder

November 19, 2020
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Plan Commission meeting to order at 7:00 p.m. on Thursday, November 19, 2020, in Room 203 of the Marshall County Building. Present were: Commission Members Stan Klotz, Matt Miller, James Berger, Craig Cultice, Terri Barnhart Dan Voreis, Bob Yoder and David Hostetler. Lori Lowry, Administrative Assistant and Plan Director Ty Adley were present along with interested parties. Member absent was Jack Roose.

The minutes of the October 22, 2020, meeting was present. Mrs. Barnhart made a motion to approve the minutes, seconded by Mr. Hostetler. Motion carried by acclamation.

The first item of business was 20-PC-13 ISENBARGER, Thomas & Cynthia - A request for a Major/Secondary Plat of Shamrock Hills Subdivision Lot 3 and adjacent southern parcel; located at: 16839 Easy St., Plymouth West Twsp., Zoned L-1. Mr. and Mrs. Isenbarger were present. Mr. Adley presented the findings of fact.

The applicant owns 2 parcels, one is lot 3 of Shamrock Hills Subdivision and the other is a metes and bounds property. In order to combine the properties, they are applying through a major subdivision to include the southern into the subdivision and then the property is going through a secondary plat because there is no new infrastructure involved. The purpose behind the subdivision is that they are seeking to do a home addition and would otherwise be building in close proximity or over the lot lines.

Mr. Miller made a motion to open for public hearing, seconded by Mrs. Barnhart. Motion carried by acclamation. Mr. Isenbarger asked the Board a few questions not related to the case. Mrs. Barnhart moved to close the public hearing, seconded by Mr. Berger. Motion passed.

Mr. Berger moved to approve 20-PC-13 ISENBARGER, Thomas & Cynthia - A request for a Major/Secondary Plat of Shamrock Hills Subdivision Lot 3 and adjacent southern parcel; located at: 16839 Easy St., Plymouth West Twsp., Zoned L-1and was seconded by Mr. Voreis. Motion carried with a voice vote 8-0.

The second item of business was 20-PC-14 MARSHALL COUNTY PLAN COMMISSION - A request to update the Marshall County Zoning Ordinance Article 6 010 A and Article 13 Shipping Containers.

There have been several conversations and code cases revolving around shipping containers and whether or not they are permitted accessory structures. Staff has come to the conclusion that it was time to clarify from the existing ordinance where exactly shipping containers fit. Mr. Adley presented the Ordinances. Discussion was held about pods. Plus definitions for temporary versus semi-permanent.

Mr. Miller moved to open for public hearing. Mr. Berger seconded the motion. Motion carried by acclamation. No discussion. Mrs. Barnhart moved to close the public hearing. Mr. Cultice seconded the motion. Motion carried.

Mr. Hostetler moved to approve 20-PC-14 MARSHALL COUNTY PLAN COMMISSION - A request to update the Marshall County Zoning Ordinance Article 6 010 A and Article 13 Shipping Containers with a favorable recommendation to the Marshall County Commissioners, seconded by Mr. Cultice. Motion passed with a voice vote 8-0.

The third item of business was 20-PC-15 MARSHALL COUNTY PLAN COMMISSION - Various amendments to articles 3, 6 and 13 in the Marshall County Zoning Ordinance are proposed to be revised as it pertains to the requirements for Solar Farms.

Based on additional information and review by the Solar Task Force, a recommendation was made to the Technical Review Committee whom made a recommendation to the Plan Commission. The Plan Commission made a recommendation to the County Commissioners who have suggested amendments to the proposal previously identified as 20-PC-10. The Technical Review Committee has since reviewed the Commissioners recommendations and the attached amendments have been proposed.

Proposal 1 is for additional Farm Scale conditions: o. Top soil shall be preserved on site and grading should be minimized to preserve the future viability of plantings, and natural contours of the property must be maintained.

Proposal 2 is for additional Farm Scale conditions: s. Preferred locations for Solar farms and other large-scale solar installations are on Brownfields, industrial zoned property marginal agricultural soils.

Mr. Hostetler moved to open the meeting for public hearing. Mrs. Barnhart seconded the motion. Motion carried by acclamation. Mrs. Barnhart moved to close the public hearing meeting and seconded by Mr. Berger. No discussion.

Mrs. Barnhart moved to approve 20-PC-15 MARSHALL COUNTY PLAN COMMISSION - Various amendments to articles 3, 6 and 13 in the Marshall County Zoning Ordinance are

proposed to be revised as it pertains to the requirements for Solar Farms and forward to the Marshall County Commissioner's with a favorable recommendation, seconded by Mr. Berger. Motion carried with a voice vote 8-0.

Other Business

Proposed 2021 Plan Commission Calendar Mr. Adley presented the 2021 calendar and asked to move the meetings to 7:30 p.m.

Mr. Berger moved that the meetings start at 7:30 p.m. and the 2021 calendar be approved. Motion was seconded by Mrs. Barnhart. Motion was approved with a voice vote 8-0.

Mr. Adley asked if the Board wanted to have an executive session at the January 28, 2021 meeting at 6:30 p.m. Everyone was in agreement.

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

Respectfully submitted

Bob Yoder

December 17, 2020
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Plan Commission meeting to order at 7:00 p.m. on Thursday, December 17, 2020, in Room 203 of the Marshall County Building. Present were: Commission Members Stan Klotz, James Berger, Craig Cultice, Bob Yoder and David Hostetler. Lori Lowry, Administrative Assistant and Plan Director Ty Adley were present along with interested parties. Members absent were Mrs. Barnhart, Mr. Miller, Mr. Roose and Mr. Voreis.

The minutes of the November 19, 2020, meeting was present. Mr. Hosteler made a motion to approve the minutes, seconded by Mr. Berger. Motion carried by acclamation.

The first item of business was 20-PC-16 CHUPP, Robert & JoEllen - A request for a zoning change from A-1 to I-2 to allow for a business of warehousing and manufacturing of hitches and related towing products on a portion of the property; located at: 318 B Hwy 6 Nappanee, IN 46550. Attorney, David Holmes (116 W. Plymouth St. Bremen) Carl Borkholder (27592 CR 15 Nappanee) and Dan Miller (25757 CR 52 Nappanee). Properties owners, Mr. & Mrs. Chupp were in the audience. Mr. Adley presented the findings of fact.

The subject property shares access off of US 6 with the property immediately to the West. The property will split the accessory buildings from the existing residence, but will continue to share access. There is a historical business that has been there for some time.

Attorney Holmes shared that his clients have an option to purchase the east portion of the property that would allow them to build a manufacturing facility to manufacture and distribute these hitches. The business has grown exponentially and the demand is great. With the property being located on US 6 it allows for great access. There are currently 30 employees at the Bremen facility and 20 employees at the Nappanee facility. They hope to expand by four to five times that number in a couple of years.

During the Technical Review Committee, the drainage issues were discussed. The applicants intend on building a retention pond to retain their water on their property. They are prepared to do whatever is necessary and to the standards this board requires.

Mr. Klotz stated that Mr. Holmes did call him about a month ago and asked him what he needed to be looking at before the meeting. He mentioned drainage, access off and on US and septic design release.

Attorney Holmes understands problems with multiple entrances off of US 6. The good thing is the south side of US 6 is primarily the highway. They intend to use and improve the existing driveway and meet whatever standard the state requires.

Mr. Cultice moved and Mr. Hostetler seconded the motion to open for public hearing. Motion carried by acclamation.

1. Simon Burkholder 616 2 B Rd. Nappanee Doesn't believe this is a home-based business. This business will create a lot of extra traffic. Commercial business creates a lot more tax for the county. Do we have more interest in that than preserving farmland for generations after us? The surface water will drain to the west and would like it to be drained a different direction. In the recent past there was 21 or 22 different people a part of a private tile. Doing this has eliminated the water problems. Do not let their drainage water drain into this private tile.
2. Morris Yoder Owns the 90 acres to the east of the proposed development. Not so concerned about the building, but the drainage. About three years ago they spent around $60,000 putting in tile to help with the water. At that time, they never thought there would be a large commercial property there. If they can come up with a system that hauls the water off and takes it elsewhere, they wouldn't have a problem with the request.
3. Ross Yoder 2365 Beech Rd. Nappanee Does not have land that adjoins this parcel, but lives at the bottom of where all the water drains to. The concern is that this drainage system was just created a few years ago and this is agricultural and residential land. There are a lot of residences in this area. Has a business in Nappanee and understand what a 50,000 sq ft building does with hard surface parking lots as it generates a lot of water. Understands retention ponds, but also understands when that is full it will still run-down steam and will be back to where it was prior with wet basements and flooding. Attorney Holmes already said they want to increase their business size by 3 to 4 times. Also doesn't understand how they are going to share a driveway off of US 6. He get's semi loads of steel in and doesn't believe what they are proposing is going to work. If this company is planning on controlling their own water that is great. But, what assurance do they have from the County and the board that there will be a recourse. They want to be good neighbors, but this is agricultural land. This proposal will put a big strain on the private existing system.
4. Ivan Miller 39 2B Rd. Nappanee Lives across on US 6. What assurance does he have that this property will not be sold and commercialized and turned into an industrial park? Doesn't like the thought of multiple people using his property to access this business. A few bikes here and there aren't a problem, but hundreds of employee's cars are a problem. Their privacy will be lost. If it stays as one business they won't complain. He may want a job there in the future. Is very much against it turning into an industrial park.

5. Darren Bontrager 30637 US 6 West Nappanee The proposed business doesn't affect him; however, the drainage of all the excess water will affect him.
6. James Miller 158 2 B Rd Nappanee The water does affect one of his parcels. Had a question about a life lease on the property.
7. Harlen Slabaugh 2112 Beech Rd. Nappanee They have a total of 40 acres and has had some water issues, but the people downstream from him have it a lot worse. However, if there are heavy rains his property does get flooded and takes a long time for it to dry out.

Mr. Hostetler moved and Mr. Cultice seconded the motion to close the public hearing. Motion carried by acclamation.

Attorney Holmes believes that the applicants wouldn't get a permit issued if the drainage wasn't planned for and met all the requirements as set forth in the ordinances.

Surveyor Cultice stated that their ordinance requires them to take care of all their own water. They have to be able to contain it for the critical storm and reduce it at a slower rate. They would have to capture it for the storm and then it's released in what's called a ten-year predevelopment rate. So, the water coming off that ground even after development should be slower with the drainage system put into the ground.

The applicants completely understand and are willing to comply with whatever is required. They are not developers. The business rents buildings in Nappanee and Bremen and hope to consolidate at one location. In regard to the entrance and driveway they plan to enhance that as well.

Surveyor Cultice mentioned a new business in Argos where there were drainage issues. Instead of them doing a 100-year storm they did a 500-year storm. Instead of a 10-year release they did a 2-year release and is working great. There are certain things that we can do to help.

The applicants grew up in the area and plan to stay. They want to be good neighbors and do things the right way.

City of Plymouth representative, Fred Webster, commented that they have approved cases subject to the approval of the drainage plan.

Surveyor Cultice said the first thing they need to do is a topographical survey of the whole property to see the lay of the land which will tell us the story and what they need to do.

All associated developmental standards within the zoning ordinance and drainage ordinance will have to be met prior to any building permit being issued.

The applicants informed the board that there is currently no drainage retention for the buildings that are already there. So, if they take down the existing buildings and rebuild in

conjunction with retaining their own water it is their understanding that it might also solve water problems downstream as well.

Mr. Yoder made a motion to approve 20-PC-16 CHUPP, Robert & JoEllen - A request for a zoning change from A-1 to I-2 to allow for a business of warehousing and manufacturing of hitches and related towing products on a portion of the property; located at: 318 B Hwy 6 Nappanee, IN 46550, seconded by Mr. Cultice.

Director Adley reminded the board and applicant that due to a smaller attendance on the board every member would have to vote in favor for it to pass. The applicant has the option to proceed with the vote or table the request for January's meeting in hope for a greater attendance.

Attorney Holmes requested to table this until the January 2021 meeting. Motion carried by acclamation.

The second item of business was 20-PC-17 YODER, Levi & Katie - A request for a 12 lot Major Subdivision located at 917 4B Road, German Twsp., Zoned A-1. Mr. Glenn Yoder, Mr. Rich Yoder and Mr. Bernie Feeney of Plymouth Land Survey was present to represent their request. Mr. Adley presented the findings of fact.

There are 3 existing parcels that are being considered to be subdivided into a variety of lot sizes, but all remaining above the minimum lot threshold.

President Klotz asked what adjustments needed to be made to the plat as noted. Director Adley said that there was nothing major that relates to the lot layout. There are three parcels within the subdivision that do not meet the 1:3 width to depth ratio, but will be going through the Marshall County Board of Zoning Appeals for a variance.

The applicants explained their wishes are to split up the parcels equally for members in the family. All lots will be retained except for the three smaller lots which will be used to financially disburse between the family.

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

1. Harley Yoder 2881 County Line Rd In favor of the request

Mr. Cultice moved and Mr. Berger seconded the motion to close the public hearing, seconded by Mr. Berger. Motion carried by acclamation.

Mr. Yoder made a motion to approve 20-PC-17 YODER, Levi & Katie - A request for a 12 lot Major Subdivision located at 917 4B Road, German Twsp., Zoned A-1 with the condition that the Board of Zoning Appeals approve the variance of 1:3 width to depth ratio, seconded by Mr. Berger. Motion carried with a voice vote 5-0.

Marshall County Plan Commission
December 17, 2020

Other Business – Violation Quarterly Report

Director Adley stated the year ended with 60 completed violations and a total of 93 violations for the year. There are currently 17 cases at the attorney.

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

Respectfully submitted

Bob Yoder