January 22, 2026
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 22, 2026, in Room 203 of the Marshall County Building. Present was Commission Members Terri Barnhart, Brandon Calhoun, Craig Cultice, Larry Houin, Deb Johnson, Don Nunemaker, and Stan Klotz. Staff present was Nicholas Witwer, Plan Director, Lori Lowry Planning Staff and Fred Webster, City of Plymouth Liaison. Member absent were Michelle Mieras and Brieanne Slonaker.

2026 RE ORGANIZATION OF THE PLAN COMMISSION

Mr. Nunemaker nominated Mrs. Johnson as the President of the Marshall County Planning Commission, seconded by Mr. Cultice. No other nominations. Motion carried.

Mr. Nunemaker nominated Mr. Klotz as the Vice President of the Marshall County Planning Commission, seconded by Mr. Klotz. No other nominated. Motin carried.

Mr. Klotz nominated Mr. Cultice as the Secretary of the Marshall County Planning Commission, seconded by Mr. Houin. Motion carried.

Mr. Klotz nominated the same TRC members, Mrs. Barnhart, Mrs. Johnson, Ms. Slonaker and Mr. Cultice. Motion carried.

Mr. Klotz nominated Brandon Calhoun as the alternate to the Board of Zoning Appeals for the period of one year from the current to December 31, 2026.

Mr. Klotz nominated Mrs. Johnson as the liaison to the City of Plymouth's Planning Commission. Motion carried.

Mr. Klotz made a motion to retain Derek Jones as attorney for both Planning Commission and Board of Zoning Appeals. Motion carried.

MINUTES

Mrs. Barnhart made a motion to approve the minutes of the November 20, 2025, Regular Plan Commission meeting, seconded by Mr. Calhoun. Motion carried by acclamation.

The second item of business was 24-PC-05 Marshall County Plan Commission – A tabled proposed ordinance amending article 3, 6, and 13 to create a regulation for battery energy storage systems. This is a draft ordinance and there will be no voting and passing to the commissioner's tonight. There will be review for feedback and discussion.

At the previous meeting the drafted ordinance was read into record. Recommendations were made at that meeting in addition to counsel's recommendations. A revised ordinance was drafted based on comments and forwarded to the board for review.

The following changes are proposed:

- Page 2 Article 13 Definitions
  - Added ELF
  - Added EMF
- Page 4 Article 6, Title IV Application Requirements
  - Removed "Special Use Variance "referring to previous version that included special use in certain zoning districts.
  - Removed "Tier 3" referring to an eliminated Tier of storage capacity
- Page 5 Article 6, Title IV Application Requirements, b.
  - Removed "No foreign based or control of the companies will be allowed"
  - Page 5 Article 6, Title IV Application Requirements, e.
  - Removed Waivers from the setback requirements executed by the Occupied Community building owners and/or the Non-Participating Property Owners.
- Page 5 Article 6, Title IV Application Requirements, b.
  - Removed "No foreign based or control of the companies will be allowed"
  - Page 5 Article 6, Title IV Application Requirements, e.
  - Removed Waivers from the setback requirements executed by the Occupied Community building owners and/or the Non-Participating Property Owners.
- Page 6 Article 6, Title IV Application Requirements, o.
  - Removed An Economic Development Agreement approved by the Marshall County Commissioner and County Council.
  - Page 6 Article 6, Title IV Application Requirements, n.
  - Added All necessary State and Federal Permits required will be provided to the Planning Director.

- Page 9 Article 6, Title V Design and Installation, 7 Access to Water for Emergency Response, Paragraph 4
  - Amended to read
    - Should a fire prevention event occur and deplete the source of water to the extent that it impacts other property owners' usage of the same source, as determined by Indiana Department of Natural Resources (DNR), Remediation and Damages shall be made per DNR guidance.
    -

- Page 11 Article 6, Title VII Operation B Transportation Plan
    - Amended any "Road Use Agreement" to read "Transportation Plan"
    - Amended j. to read as:
        - An escrow established in the amount specified by the County Commissioner and County Council. The escrow will be used for, including, but not limited to, any: road repair, agricultural repair, water table repair, fire safety training, fire equipment, damages to public or private property, etc…..
        - Page 12 Article 6, Title VII Operation, E Coordination with Emergency Responders
    - Replaced "IN HEA 1173/2023" with "IC 22-14-8"
        - IC 22-14-8 was revised to include the requirements of IN HEA 1173/2023

- Page 13 Article 6, Title VII Operation, F Distribution and Transmission Agreements
        - Deleted
        - Page 15 Article 6, Title VIII Decommissioning Plan
    - Included
        - A second Decommissioning Plan for unplanned events such as equipment failure, malfunction, fire, etc…. This plan shall include:

            - A. Process instructions for removal from unit, on site storage and containment, storage time limits, removal/transportation companies approved for removal, and refurbishment and/or recycling company.

During the discussion of the proposed ordinance the board members discussed the following:

- VII. OPERATION (A) (3) Change The Marshall County Commissioner staff to Marshall County Planning Department.
- IV (A)(1)(b) Protection on the escrow
- VII (A) (4) General Liability limit and umbrella discussion – To contact carrier for recommendation.
- VIII (E) (A) Discussion on the process of instructions

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

1. Bill Woodward 12094 Peach Rd. Asked if there are specific sites of interest, if requests will go through zoning and if they will be allowed in residential areas.

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

The board discussed the proposed setbacks of five hundred feet (500') from the property line and if it's enough. TRC comments on the setbacks had some wanting greater than five hundred feet (500'), but none less. It was brought up possibly changing it from property line to structure along with options to take the request to the BZA if a setback reduction is desired.

Mr. Nunemaker made a motion to amend the setback distance from five hundred feet (500') to one thousand feet (1,000'), seconded by Mr. Houin. Motion carried by acclamation.

Mr. Cultice made a motion to approve with edits <u>24-PC-05 Marshall County Plan Commission –</u> A tabled proposed ordinance amending article 3, 6, and 13 to create a regulation for battery energy storage systems and forward to the Marshall County Commissioners with a favorable recommendation, seconded by Mr. Calhoun. Motion carried with a voice vote 6-0-1 with Mr. Klotz abstaining.

SUB COMMITTEE

The Plan Director thanked the sub-committee for their dedication and working collectively to come up with a solid ordinance that allows for development of these and also protects our community.

This next year there are other ordinances that the Planning Department is looking to update. The Planning Department would propose to use this same committee but change the title from BESS Sub-Committee to Ordinance Sub-Committee. This would allow the department to utilize this group of people that has expertise in planning, reviewing, and writing upcoming ordinances.

Mr. Klotz made a motion to keep this sub-committee intact to review upcoming ordinances with the option to allow other professionals as needed and to add Jeff Gustafson to that committee, seconded by Mr. Nunemaker.

Other Business

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

Respectfully submitted.

Craig Cultice,
Secretary