March 26, 2026
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Deborah Johnson, called the Marshall County Plan Commission meeting to order at 7:00 p.m. on Thursday, March 26, 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, and Lori Lowry, Planning Staff. Members absent were Michelle Mieras and Brieanne Slonaker.

The minutes of the February 26, 2026 minutes were presented. Mrs. Barnhart made a motion to approve the minutes as written, seconded by Mr. Klotz. Motion carried by acclamation.

The first item of business was 26-PC-01 FISHBURN, James John & Mark - A request for a three-lot minor subdivision; located at: Olive Tr. Plymouth (50-22-06-000-002-001-007) Green Twsp., Zoned A-1. Attorney, Jim Easterday and applicant were present to represent their request. Mr. Witwer presented the findings of fact.

The Subdivision Creates three lots of equal size for each individual Tenant of the original parcel. An access easement is platted for the back parcel to Olive Trail.

RECOMMENDATION:
Based on the information provided, staff recommends approval of the Fishburn Family Minor Subdivision.

Mr. Cultice mentioned at the TRC meeting he recommended that near the ingress and egress there is a county regulated tile that was not noted on the plat. If that ever breaks down they would have to have access to that tile and has to be shown on the plat. Attorney, Easterday said they would get the plat amended and bring it back for signature.

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

The plan director brought up that this minor subdivision does have a lot that doesn't meet the 1 to 3 width to depth ratio, but due to unusual circumstances is allowed.

Mr. Cultice commented that easements down the road can get messy and asked who will be maintaining the easement? Mr. Easterday replied that when the easement is prepared it will clarify the property owners jointly will be in charge of the maintenance of the easement.

Mr. Klotz made a motion to approve 26-PC-01 FISHBURN, James John & Mark - A request for a three-lot minor subdivision; located at: Olive Tr. Plymouth (50-22-06-000-002-001-007) Green Twsp., Zoned A-1 with the conditions that the regulated tile be shown on the plat as well as the maintenance on the ingress and egress will be jointly maintained, seconded by Mr. Nunemaker. Motion carried 7-0 with a voice vote.

The second item of business was 24-PC-05 MARSHALL COUNTY PLAN COMMISSION BESS – A proposed ordinance amending article 3, 6, and 13 to create a regulation for battery energy storage systems.

At the Commissioner's Meeting 2/16/2026 the Commissioner's reviewed Ordinance 2026-7 Regulating siting of battery energy storage systems, section VI setbacks (b) to increase the setback from 1000 feet to 1,320 feet from the nearest edge of any adjacent properties. Motion carried 3-0.

During discussion it was brought up if the proposed 1,320' setback is to the structure or the property line. There seemed to be confusion if this proposal is based off the chicken barn setback why isn't it from structure to structure?

Mr. Klotz stated that the commissioner's discussed the chicken barn setback and to the property line and recommended property line to property line.

Mr. Calhoun recommended the plan director confirm the ordinance stated property line to property line.

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

Mr. Nunemaker made a motion to approve 24-PC-05 MARSHALL COUNTY PLAN COMMISSION BESS – A proposed ordinance amending article 3, 6, and 13 to create a regulation for battery energy storage systems VI setbacks (b) to increase the setback from 1,000 feet to 1,320 feet from the nearest edge of any adjacent properties and forward to the Marshall County Commissioner's with a favorable recommendation, seconded by Mr. Cultice. Motion carried with a voice vote 5-1-1. Mr. Calhoun voted against and Mr. Klotz recused.

The third item of business was 26-PC-02 MARSHALL COUNTY PLAN COMMISSION FARM-SCALE SOLAR ENERGY SYSTEMS- A request to update the Marshall County Zoning Ordinance to prohibit Farm-Scale Solar Energy Systems in Marshall County Zoning Jurisdiction.

The Marshall County Board of Commissioners have heard much public concern regarding the development of Farm-Scale Solar Energy Systems within the County. The County's planning staff continues to investigate appropriate regulation of such development. However, in the meantime, the Board seeks to prohibit the development of Farm-Scale Solar Energy Systems within the County. The Board now invokes Indiana Code § 36-7-4-602(b)(1), which allows the Board, as the County's legislative body, to initiate a proposal to

amend the Zoning Ordinance, and require the Marshall County Plan Commission to conduct a public hearing on such proposal.

This is a request to amend the Zoning Ordinance to allow a maximum of 217,800 sf of panel area as a Farm Scale installation on any one property. And, to eliminate any solar development, project, installation, etc....that would have more panel area on any property, or combination of properties. The resolution will include amendment to the Zoning Ordinance to end the Moratorium adopted in February 2025.

Delete from Article 3, A-1 Agricultural Residential Special Uses list, under Transportation, Communication, Utilities; Solar Energy Systems:

Farm Scale.

Delete from Article 3, I-1 Industrial District Special Uses list, under Transportation, Communication, Utilities; Solar Energy Systems:

Farm Scale.

Delete from Article 3, I-2 Heavy Industrial District Special Uses list, under Transportation, Communication, Utilities; Solar Energy Systems:

Farm Scale.

Amend Article 3, Section 120 Land Use Matrix, Page 47:

Delete Farm Scale Solar Energy Systems from the Left Hand Side of the page as a "Use".

Amend Article 6, Section 210.D.2.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.

To Read As:
A solar Energy System that occupies more than 43,561 square feet, but less than 217,800 square feet of panel area.

Amend Article 6, Section 210.D.2.f. Farm-Scale Solar Energy System:
A Solar Energy System that occupies 435,601 square feet of panel area or more.

To Read As:
Farm Scale Solar Energy Systems
Prohibited in Marshall County Zoning Jurisdiction.

Delete Article 6, Section 210.D.3.a Cap on Farm-Scale Solar Energy Systems
In interest of preserving Agricultural Property, Solar Farms shall be limited to 12,000 acres of property in Marshall County Zoning Jurisdiction. The acreage will be calculated on the number of leased acres in solar farms that are constructed/approved by the Board of Zoning Appeals.

Delete Article 6, Section 210.E.1 Setbacks.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 325' from the existing structures greater than 210 square feet on the property. Interior project property lines don't have setback requirements. Setback may be waived or reduced by agreement between landowner and developers, but not to be reduced more than zoning district setback minimums.

Delete Article 6, Section 210. E.5 Additional Farm Scale Conditions.

Delete Article 6, Section 210. H. 3 Farm Scale Construction, decommissioning and removal requirements.

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

Robyn Sommers 19416 SR 8 Culver Shared her concern over living right in the middle of the proposed Tamarack Solar Farm. Appreciates the boards and committee's that are trying to protect Marshall County.

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

Mrs. Johnson stated that this proposal to ban solar farms will replace the moratorium. This will give the committee more time to work on the ordinance. Mr. Calhoun asked if there is a deadline or is this an open-ended time of working on an ordinance and in the meantime have a ban? Mr. Klotz replied that this ban can be reversed, but this group of commissioners will not. The recent tornado that tore through a solar farm has changed a lot of thought processes.

The ordinance will still allow small, medium and large solar.

Mr. Cultice made a motion to approve 26-PC-02 MARSHALL COUNTY PLAN COMMISSION FARM-SCALE SOLAR ENERGY SYSTEMS- A request to update the Marshall County Zoning Ordinance to prohibit Farm-Scale Solar Energy Systems in Marshall County Zoning Jurisdiction and forward to the Marshall County Commissioner's with a favorable recommendation, seconded by Mr. Nunemaker. Motion carried 5-1-1 with Mr. Calhoun voting against and Mr. Klotz recusing.

The fourth item of business was 26-PC-03 MARSHALL COUNTY PLAN COMMISSION DATA CENTERS- A request to update the Marshall County Zoning Ordinance to prohibit Data Centers in Marshall County Zoning Jurisdiction.

The members of the Marshall County Board of Commissioners have heard much public concern regarding the development of Data Centers within the County under the County's present Zoning Ordinance, which lacks appropriate regulation of such development. At this time, the Board seeks to prohibit the development of Data Centers within the County. The

Board now invokes Indiana Code § 36-7-4-602(b)(1), which allows the Board, as the County's legislative body, to initiate a proposal to amend the Zoning Ordinance, and require the Marshall County Plan Commission to conduct a public hearing on such proposal.
The purpose and intent of this document is to certify the proposed amendments to the Marshall County Zoning Ordinance to the Plan Commission for its consideration.

The County Commissioners in the interest in protecting the residents, agricultural assets, environment, health and safety of the County have requested to ban data center development until a comprehensive development standard and ordinance can be written and more understanding of long-term effects of data center developments is understood.

Delete from Article 3, A-1 Agricultural Residential Special Uses list, under Transportation, Communication, Utilities;

Data Centers.

Delete from Article 3, I-1 Industrial District Special Uses list, under Transportation, Communication, Utilities;

Data Centers

Delete from Article 3, I-2 Heavy Industrial District Special Uses list, under Transportation, Communication, Utilities;

Data Centers

Amend Article 3, Section 120 Land Use Matrix:

Delete S (Special Exception) From A-1, and Delete P from I-1, and I-2 for Data Centers. Leaving Data Centers as not permitted in any form in any zoning district within Marshall County Zoning Jurisdiction.

Amend Article 6, Section 250.Data Centers:

Delete 1. Scale of Data Center

2. The applicant shall provide written approval from local utilities stating the following for major data centers:

a. Adequate capacity is available on the applicable supply lines and substations to ensure the capacity available to serve the other needs of the planning area.

b. Utility supply equipment and related infrastructure are sufficiently sized and can safely accommodate the proposed use.

c. The use will not cause interference on and off the premises.

3. A screening plan shall be provided for major data centers.

4. No use on a property shall create an objectionable production or operational noise, or a combination of noises, detectable at the boundary line of any residential or commercial zoning district.

To Read As:

Data Centers:

Prohibited in Marshall County Zoning Jurisdiction.

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

The board had discussion that data centers are large energy and water consumers.

Mr. Nunemaker made a motion to approve 26-PC-03 MARSHALL COUNTY PLAN COMMISSION DATA CENTERS- A request to update the Marshall County Zoning Ordinance to prohibit Data Centers in Marshall County Zoning Jurisdiction and forward to the Marshall County Commissioner's with a favorable recommendation, seconded by Mr. Houin. Motion carried with a voice vote 5-1-1 with Mr. Calhoun voting against and Mr. Klotz recusing.

The fifth item of business was 26-PC-04 MARSHALL COUNTY PLAN COMMISSION CARBON CAPTURE – A request to update the Marshall County Zoning Ordinance to prohibit Carbon Capture in Marshall County Zoning Jurisdiction.

The members of the Marshall County Board of Commissioners have heard much public concern regarding the development of Carbon Capture Projects within the County. In response, in the fall of 2025 the Board approved amendments to the Marshall County Zoning Ordinance prohibiting the development of Carbon Capture projects within the County. However, at that time, it neglected to remove language from the ordinance striking the previously adopted moratorium on such projects, which now needs to be cleaned up. The Board now invokes Indiana Code § 36-7-4-602(b)(1), which allows the Board, as the County's legislative body, to initiate a proposal to amend the Zoning Ordinance, and require the Marshall County Plan Commission to conduct a public hearing on such proposal.

Ordinance 2025-21 Carbon Capture and Storage was recommended for approval by the PC and adopted by the County Commissioners in 2025. This request is to amend the ordinance to include language striking the Moratorium of Carbon Capture and Storage that was adopted in February 2025.

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

This proposal is only to end the moratorium.

Mr. Nunemaker made a motion to approve 26-PC-04 MARSHALL COUNTY PLAN COMMISSION CARBON CAPTURE – A request to update the Marshall County Zoning Ordinance to prohibit Carbon Capture in Marshall County Zoning Jurisdiction and forward to the Marshall County Commissioner's with a favorable recommendation,

seconded by Mr. Houin. Motion carried with a voice vote 6-1 with Mr. Klotz recusing.

Other Business

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

Respectfully submitted.

Craig Cultice,
Secretary