

August 24, 2023  
Regular Meeting of the  
Marshall County Plan Commission  
112 W. Jefferson St. Room 203  
Plymouth, IN 46563

## MINUTES

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

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

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

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

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

Marshall County Plan Commission

August 24, 2023

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

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

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

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

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

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

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

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

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

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

#### Solar Ordinance Research

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

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

## Marshall County Plan Commission

August 24, 2023

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

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

Marshall County and the citizens need to be protected.

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

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

The following recommendations were made to the plan commission:

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

During discussion some the recommendations were as follows:

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

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

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

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

Marshall County Plan Commission  
August 24, 2023

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

Respectfully submitted.

Craig Cultice,  
Secretary