

January 23, 2025
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

Secretary, Craig Cultice, called the Marshall County Plan Commission meeting to order at 7:00 p.m. on Thursday, January 23, 2025, in Room 203 of the Marshall County Building. Present were Commission Members Craig Cultice, Larry Houin, Deborah Johnson, Stan Klotz, Michelle Mieras, and Don Nunemaker. Plan Director Lydia Dutton, Lori Lowry Administrative Assistant, Fred Webster, City of Plymouth Liaison, and Derek Jones the Marshall County Plan Commission attorney were present along with interested parties. Members absent were Mrs. Barnhart and Ms. Slonaker.

Ms. Mieras made a motion to approve the regular meeting minutes of December 19, 2024, as written, seconded by Mrs. Johnson. Motion carried by acclamation.

Mrs. Johnson made a motion to approve the executive session minutes of December 23, 2024, as written, seconded by Ms. Mieras. Motion carried by acclamation.

Board Member Swearing In

The following board members were sworn in to the Planning Commission: Michelle Mieras, Don Nunemaker, Larry Houin and Deb Johnson.

Re-Organization of the 2025 Plan Commission

Mrs. Johnson made a motion to nominate Stan Klotz as President of the Marshall County Plan Commission, seconded by Mr. Nunemaker. Motion carried by acclamation.

Mr. Klotz made a motion to nominate Deb Johnson as the Vice President of the Marshall County Plan Commission, seconded by Ms. Mieras. Motion carried by acclamation.

Mrs. Johnson made a motion to nominate Craig Cultice as the Secretary of the Marshall County Plan Commission, seconded by Mr. Klotz. Motion carried by acclamation.

Mr. Klotz made a motion to nominate Deb Johnson and Terri Barnhart to the Technical Review Committee, seconded by Ms. Mieras. Motion carried by acclamation.

Mr. Klotz made a motion to nominate Larry Houin to the Marshall County Board of Zoning Appeals as a Plan Commission appointment, seconded by Mrs. Johnson. Motion carried by acclamation

Mr. Klotz made a motion to retain Attorney Derek Jones as the Marshall County Plan Commission Board attorney, seconded by Mrs. Johnson. Motion carried by acclamation.

Mr. Klotz agreed to be the City of Plymouth Liaison with Ms. Mieras as the alternate.

Mrs. Johnson made a motion to table the Planning Commission's BZA alternate, seconded by Mr. Klotz. Motion carried by acclamation.

The first item of business was 25-PC-01 HUSBAND, James & Mary Susan - A request for a one lot minor subdivision; located at: 5th Rd. (50-42-17-000-116-000-009) Plymouth, IN Zoned A-3. Mr. James Husband of 13560 5th Rd., Plymouth was present to represent his request. Ms. Lydia Dutton presented the findings of fact.

The property is located on 5th Road in North Liberty Township, in Plymouth, Indiana. The parcel number is 50-42-17-000-116-000-009, currently zoned Agricultural Residential (A-3). A minor subdivision is requested for purposes of the transfer or sharing of ownership. A subdivision will need to conform to existing zoning and subdivision control regulations. Whereas the current property is measured at 6.38 acres, with a width of approximately 411.65' and a depth of 761.47' on the west perimeter, the owner has proposed a subdivision be made for the northwest corner.

Recommendation:

The County Plan Commission may wish to advise the applicant on regulations for zoning that would be relevant to future site plans. This may include minimum lot sizes, minimum setbacks, the use of tract space or shared driveway easements, and the conservation of agricultural land by cluster housing.

The applicants have children that are moving back into the area and plan to build a house on the property.

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

Ms. Mieras made a motion to approve 25-PC-01 HUSBAND, James & Mary Susan - A request for a one lot minor subdivision; located at: 5th Rd. (50-42-17-000-116-000-009) Plymouth, IN Zoned A-3 and pass to the Marshall County Commissioners with a favorable recommendation, seconded by Mrs. Johnson. Motion carried with a voice vote 6-0.

The second item of business was 25-PC-02 MARSHALL COUNTY PLAN COMMISSION FARM SCALE SOLAR ENERGY SYSTEMS- A request to update the Marshall County Zoning Ordinance to add a 2-year moratorium on the development of Farm-Scale Solar Energy Systems.

1. That a moratorium is hereby created and established which specifically provides that no new building permits, land use applications, site development plans, including applications for improvement location permits, special exceptions, variances or rezonings pertaining to Farm Scale Solar Energy Systems will be accepted by the Marshall County Building Commission, Marshall County Plan Commission or Marshall County Board of Zoning Appeals for a period of

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24 months from the passage of this proposal; that the Marshall County Plan Commission and Marshall County Plan Director consider and determine the most appropriate building, zoning and land use regulations which should be adopted and incorporated into the Marshall County Zoning Ordinance as the same pertain to Farm Scale Solar Energy Systems. 2. That in proposing the above amendment, the Marshall County Plan Commission has given due consideration and reasonable regard to: A. The Comprehensive Plan; B. Current conditions and concerns within Marshall County's districts; C. The most desirable use for which the land in each district is designated; D. The conservation of property values throughout the jurisdiction, and; E. Responsible growth and development. That the Marshall County Plan Commission finds the above reasons sufficient to support the moratorium set forth above.

Recommendation

Based on the information provided and reviewed by the Technical Review Committee, the staff and TRC would recommend approval of the proposed moratorium for 24 months while the Planning Commission, Board of Zoning Appeals, and County Commissioners determine more appropriate building, zoning and land use regulations. That the moratorium be adopted for the Marshall County Zoning Ordinance as pertaining to Farm Scale Solar Energy Systems.

Board Attorney, Mr. Jones, stated that this board has four moratorium requests before the board 25-PC-02, 03, 04 and 05; they are modifications/changes to the zoning ordinance. This moratorium request is the same as that of any change to the ordinance. These are proposals that have been put forth by the Marshall County Board of Commissioners. The job of the Plan Commission is to review and consider based on statutory requirement and then make a recommendation. There are three voting options: favorable, unfavorable, and no recommendation. This vote is only a recommendation to the Board of Commissioners. The Board of Commissioners have the ultimate authority to either approve, deny or amend. The advertisement for this public meeting and notice of public hearing was published in the Pilot News on January 8, 2025.

President Klotz stated that this moratorium will allow the Plan Commission time to address modifications to the existing ordinance.

Ms. Mieras asked Attorney Jones for clarification if the Board of Zoning Appeals would be making a recommendation as well. Mr. Jones stated that the Board of Zoning Appeals cannot make any recommendations. It is the Plan Commission and/or County Commissioners who initiate proposals with the County Commissioners having the ultimate role of approval.

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

1. Vera Tetzlaff 19814 SR 8 Will not live here if the solar farm gets approved. Questioned if the test site was required to be permitted.

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

Ms. Mieras asked if this proposal could be amended later. Attorney Jones stated that the Plan Commission cannot amend the proposal as it was not initiated at the Plan Commission.

Mrs. Johnson asked Attorney Jones if the Plan Commission finishes the ordinance changes can the board of County Commissioners lift the moratorium. Attorney Jones said yes, they can lift the moratorium through a specified process.

Mrs. Johnson made a motion to approve 25-PC-02 MARSHALL COUNTY PLAN COMMISSION FARM SCALE SOLAR ENERGY SYSTEMS- A request to update the Marshall County Zoning Ordinance to add a 2-year moratorium on the development of Farm-Scale Solar Energy Systems and send to the Marshall County Commissioners with a favorable recommendation, seconded by Mr. Nunemaker. Motin carried with a voice vote 6-0.

Mrs. Johnson wanted clarification that the next proposal is for utility scale battery only and not residential. President Klotz stated when the moratorium was originally placed on batteries they didn't take into consideration residential batteries. That was a mistake. What is being proposed is now for utility scale only. Attorney Jones stated that within the proposal there is a definition of utility scale battery energy storage system. That refers to IC 24-14-8-3.

The third item of business was 25-PC-03 MARSHALL COUNTY PLAN COMMISSION UTILITY SCALE BATTERY ENERGY STORAGE SYSTEMS- A request to update the Marshall County Zoning Ordinance to add a definition for Utility Scale Battery Energy Storage System and adding a 2-year moratorium on the development of such projects.

1. That a moratorium is hereby created and established which specifically provides that no new building permits, land use applications, site development plans, including applications for improvement location permits, special exceptions, variances or rezonings pertaining to Utility Scale Battery Energy Storage Systems will be accepted by the Marshall County Building Commission, Marshall County Plan Commission or Marshall County Board of Zoning Appeals for a period of 24 months from the passage of this proposal; that the Marshall County Plan Commission and Marshall County Plan Director consider and determine more appropriate building, zoning and land use regulations which should be adopted and incorporated into the Marshall County Zoning Ordinance as these pertain to Utility Scale Battery Energy Storage Systems. 2. That in proposing the above amendment, the Marshall County Plan Commission has given due consideration and regard to: A. The Comprehensive Plan; B. Current conditions and character of districts of the County; C. The designated and most desirable use of land in each district; D. The conservation of property values throughout the jurisdiction, and; E. Responsible growth and development. That the Marshall County Plan Commission finds the above stated reasons sufficient to support the amendment set forth above.

Based on the information provided and reviewed by the Technical Review Committee, the staff and TRC would recommend approval of the proposed moratorium for 24 months during which time the most appropriate building, zoning, and land use regulations may be reviewed. Regulations may need to include safe disposal of solid and hazardous waste, materials management, and resource conservation as granting of authority to the Marshall County for Utility Scale Battery Energy Storage Systems.

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

Mrs. Johnson is looking forward to reconvening the committee to finalize the proposal to the Plan Commission.

Mrs. Johnson made a motion to approve 25-PC-03 MARSHALL COUNTY PLAN COMMISSION UTILITY SCALE BATTERY ENERGY STORAGE SYSTEMS- A request to update the Marshall County Zoning Ordinance to add a definition for Utility Scale Battery Energy Storage System and adding a 2-year moratorium on the development of such projects with a favorable recommendation to the Marshall County Commissioners, seconded by Mr. Nunemaker. Motin carried with a voice vote 6-0.

The fourth item of business was 25-PC-04 MARSHALL COUNTY PLAN COMMISSION DATA CENTERS- A request to update the Marshall County Zoning Ordinance to add a 2-year moratorium on the development of Data Center projects.

1. That a moratorium is hereby created and established which specifically provides that no new building permits, land use applications, site development plans, including applications for improvement location permits, special exceptions, variances or rezonings pertaining to Data Centers [for Farm Scale Solar Operations] will be accepted by the Marshall County Building Commission, Marshall County Plan Commission or Marshall County Board of Zoning Appeals for a period of 24 months from the passage of this proposal; that the Marshall County Plan Commission and Marshall County Plan Director consider and decide on the best and most appropriate building, zoning and land use regulations which should be adopted and incorporated into the Marshall County Zoning Ordinance as these same would pertain to Data Centers [for Farm Scale Solar operations]. 2. That in proposing the above amendment, the Marshall County Plan Commission has given due consideration and reasonable regard to: A. The Comprehensive Plan; B. Conditions within the County contributing to a need for additional scientific information on the use and decommissioning of Data Centers [for Farm Scale Solar operations]; C. The designated or most desirable use for which land in each section of the County is determined in survey or plat; D. The conservation of property values throughout the jurisdiction, and; E. Responsible growth and development. That the Marshall

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County Plan Commission finds the above stated reasons sufficient to support the amendment, as set forth above.

Recommendation

Based on the information provided and reviewed by the Technical Review Committee, the staff and TRC would recommend approval of the proposed moratorium for 24 months during which time appropriate building, zoning and land use regulations may be adopted and incorporated into the Marshall County Zoning Ordinance. Regulations may be considered to include environmental policies for disposal of solid and hazardous waste, for management of materials, and for the authority of the Planning Commission, Board of Zoning Appeals, or County Commissioners on concerns specific to the disposal of energy devices.

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

1. Gale Lewallen 1100 E. Shore Dr. Would like clarification on the presentation where it showed in red that this was for Data Centers in relation to farm scale solar. Attorney Jones responded saying the presentation that includes farm scale solar in red is not part of the proposal from the commissioners. This board can only approve, deny or give no motion on the proposal presented.
2. Tim Starr 10926 Michigan Rd. Believes Marshall County is missing out on these data centers. He believes there has to be green energy for data centers.
3. Casey Neidlinger 16682 14B Rd. Brought up the data center in New Carlisle and his concern for the water aquifer. Public should be the first priority.

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

President Klotz stated that our current ordinance doesn't have anything in it that pertains to data centers. This is the reason for the moratorium.

Ms. Mieras made a motion to approve 25-PC-04 MARSHALL COUNTY PLAN COMMISSION DATA CENTERS- A request to update the Marshall County Zoning Ordinance to add a 2-year moratorium on the development of Data Center projects with a favorable recommendation to the Marshall County Commissioners, seconded by Mrs. Johnson. Motion carried with a voice vote 6-0.

The Plan Director asked the board to strike in the presentation where it includes Farm Scale Solar Energy Systems as spoken about earlier.

The fifth item of business was 25-PC-05 MARSHALL COUNTY PLAN COMMISSION CARBON CAPTURE- A request to update the Marshall County Zoning Ordinance to add a definition for Carbon Capture Projects and adding a 2-year moratorium on the development of such projects.

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1. That a moratorium is hereby created and established which specifically provides that no new building permits, land use applications, site development plans, including applications for improvement location permits, special exceptions, variances or rezonings pertaining to Carbon Capture and Farm Scale Solar Energy Systems will be accepted by the Marshall County Building Commission, Marshall County Plan Commission, or Marshall County Board of Zoning Appeals for a period of 24 months on passage of this proposal. 2. That due consideration has been given in proposing the above amendment, with regard to Marshall County Planning Commission's support of: A. The Comprehensive Plan; B. Agricultural and forested conditions of the County and communities provided for in Plan; C. The use of land and need for agricultural tillage, drainage, natural wetlands and other features; D. The conservation of property values throughout the jurisdiction, and; E. Responsible growth and development. That the Marshall County Plan Commission finds these reasons are sufficient to support the amendment set forth above.

Recommendation

Based on the information provided and reviewed by the Technical Review Committee, the staff and TRC would recommend approval of the proposed moratorium for 24 months. The moratorium will encourage land use and zoning regulations as approved under the Marshall County Zoning Ordinance.

Ms. Mieras asked for more information on carbon capture. President Klotz gave a brief explanation.

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

1. Paul Levett 16161 18th Rd. Thanked the board for the proposed moratoriums. Wants to highlight HB#1628 and its possible impact.

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

Mr. Nunemaker made a motion to approve 25-PC-05 MARSHALL COUNTY PLAN COMMISSION CARBON CAPTURE- A request to update the Marshall County Zoning Ordinance to add a definition for Carbon Capture Projects and adding a 2-year moratorium on the development of such projects, with a favorable recommendation to the Marshall County Commissioners, seconded by Mrs. Johnson. Motion carried with a voice vote 6-0.

Other Business

House Bill 1628

The County Commissioners are going to send a letter or a resolution to the state legislature that pertains to House Bill 1628 because they don't want to lose their home rule in Marshall County. Would the Plan Commission support sending a letter stating that Marshall County Plan Commission doesn't support this house bill 1628?

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Mr. Nunemaker made a motion to approve sending said letter that the Marshall County Plan Commission doesn't support house bill 1628, seconded by Mrs. Johnson.

A few of the members hadn't read house bill 1628 and wasn't either for or against but didn't want to move forward without having read it. Mr. Nunemaker withdrew his motion.

Plan Director Evaluation

President Klotz stated that there is normally a plan director job evaluation in January. Since the plan director is new, he proposes to schedule an executive session at the end of her probationary time to have a discussion and offer guidance or answer any questions she might have.

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

Respectfully submitted.

Craig Cultice,
Secretary