

April 28, 2022
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 7:30 p.m. on Thursday, April 28, 2022, in Room 203 of the Marshall County Building. Present were: Commission Members Craig Cultice, Jon VanVactor, Matt Miller, Bob Yoder and Stan Klotz. Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties. Members absent were Terri Barnhart, David Hostetler, and Chris Kline.

Minutes of the January 27, 2022, meeting was presented. Mr. VanVactor moved, and Mr. Miller seconded the motion to approve the minutes as submitted. The motion passed by acclamation.

The first item of business was 22-PC-01 MARSHALL COUNTY PLAN COMMISSION - A request to update the Marshall County Zoning Ordinance/Signs of Expressions Article 6.

Indiana Code 36-1-3-11 was recently updated/added and has contradicted the existing Marshall County Zoning Ordinance 6.200.C.8 and this is in the name of reconciling the two. The Zoning Ordinance was not allowing the same time frames that the State Code was permitting (30 days vs 60 days prior to an election). The existing County Ordinance indicates: Signs of Expression Political signs and other signs of expression, provided that no such sign exceeds six (6) square feet in area or four (4) feet in height from ground level. a. Each sign shall be permitted on any property for a maximum of four (4) months per calendar year. However, signs related to a particular event or date, such as political signs placed in anticipation of an election, may be placed no sooner than thirty (30) days prior to the event and shall be removed a maximum of one (1) week after the event. b. The sign shall not be illuminated. C. The sign shall not be located in a public right-of-way or otherwise create a safety hazard The Indiana Code indicates: IC 36-1-3-11 "Election"; "sign"; certain sign ordinances unenforceable, time period; public safety exception Sec. 11. (a) As used in this section, "election" refers to an election described in IC 3-5-1-2. (b) As used in this section, "sign" refers to a sign, the surface area of which is not greater than thirty-two (32) square feet. For purposes of determining the surface area of a sign under this section, if a sign consists of two (2) faces, only the surface area of one (1) of the faces is considered if both of the following apply: (1) The faces are mounted back to back. (2) The measure of the angle between the faces is not more than fifteen (15) degrees. (c) Subject to subsection (d), an ordinance or a regulation of a political subdivision relating to the number or size of signs is unenforceable during the following period: (1) Beginning sixty (60) days before an election. (2) Ending at the beginning of the sixth day after the election. (d) This section does not prohibit a political subdivision from enforcing an ordinance or regulation relating to the number or size of signs at any time if necessary to ensure public safety. As added by P.L.211-2017, SEC.1. Staff would suggest the ordinance 6.200.C.8 to be written as follows: Political signs and other signs of expression shall adhere to IC 36-1-3-11 and below conditions. a. Each sign should not exceed 32 (thirty-two) square feet. b. Signs shall not be placed greater than 60

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(sixty) days before an election. c. Signs shall be removed 7 days after the election. d. The sign shall not be illuminated. e. The sign shall not be located in a public right-of-way or otherwise create a safety hazard.

The board discussed that they thought there used to not be a time frame to pick up political signs. After discussion the plan director stated since the legislators passed this law allowing for 60 days of sign removal; we would be in violation of restricting it to those 30 days. This proposal will make us come into compliance with the state. The enforcement of this would be the road maintaining authority.

When asked about help wanted signs in the right of way the plan director responded that should fall under the same purview as signs of expression and shouldn't be in the right of way.

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

Mr. Yoder moved to approve 22-PC-01 MARSHALL COUNTY PLAN COMMISSION - A request to update the Marshall County Zoning Ordinance/Signs of Expressions Article 6 and forward to the Marshall County Commissioners with a favorable recommendation, seconded by Mr. Cultice. Motion carried with a voice vote 5-0.

The second item of business was 22-PC-02 MARSHALL COUNTY PLAN COMMISSION - A request to update the Marshall County Zoning Ordinance/Data Centers, Articles 3, 6 and 13.

The existing ordinance does not have an existing use denoting data centers nor a comparable use within the land use matrix. The term Data Center brings up a variety of inclusive uses such as server farms, mining operations and other technology warehousing matters. As the need for technology and data capacity increases, a greater requirement for related infrastructure rises. These upgrades continue to find their desire to reach out into the rural areas. For most data centers, the greatest impact for their business is going to be the utility infrastructure and potential exterior mechanics to service the business, not the usual traffic generation as impact. Items of interest during the review included utility grid impact, accessory vs. primary use in relationship to scale, noise generation and screening. There are not many communities in the state that have data center ordinances, so national ordinances were sought. Through the research of Boulder, CO, Hawaii County, Hawaii, Missoula County, MO, Moses Lake, WA, and Dayton, OH the following ordinance is proposed: Article 3 – A-1 Special Use, I-1 Permitted, I-2 Permitted Article 6 – Development Standards to include; 250 Data Center 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 combination of noises, detectable at the boundary line of any residential or commercial zoning district. Article 13 – Definition; Data Center is a facility where the primary operation is the compiling, processing and/or storage of documents, records and other types of information. Such uses may include server farms, mining operations, and other associated technology warehouse.

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This request is coming forth due to data centers not always being planned for infrastructure or the use as it relates to neighbors. This proactive approach should help guide the process.

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

Mr. Yoder made a motion to approve 22-PC-02 MARSHALL COUNTY PLAN COMMISSION - A request to update the Marshall County Zoning Ordinance/Data Centers, Articles 3, 6 and 13 and forward to the Marshall County Commissioner's with a favorable recommendation, seconded by Mr. Miller. Motion carried with a voice vote 5-0.

Annual Report

The 2021 Marshall County Planning Commission and Board of Zoning Appeals Annual Report was presented. Permits are continuing to increase to over 1,100 permits in 2021 with an increase in valuation of over 77 million dollars in investment in Marshall County.

Regional Sewer District Letter

The Plan Director proposed to send a letter in support of the regional sewer district from the board. The board affirmed the plan director's proposal.

The board briefly discussed the long-term regional sewer plans.

Mr. Cultice made a motion that the Plan Commission signs the Regional Sewer District letter as requested by the plan director, seconded by Mr. Yoder. Motion carried with a voice vote 5-0.

Comprehensive Plan

The Comprehensive Plan was written 20 years ago. A lot has happened over the past twenty years. Begin to think about if what we have is sufficient from twenty years ago or do we want to possibly use the quality-of-life program that the crossroads community has put together and move towards updating our comprehensive plan.

Subdivision Ordinance

There really isn't an issue with the content; but could use an update to make it more user friendly for staff as well as the community.

House and senate Bills of Interest

APA IN Legislative Report Synopsis

HB1103	DNR Wants us to use best available mapping
HB 1245	Connections to water and sewers
SB 85	Interest of farm ground and the drainage
SB 139	Mfg home parks are now exempt on the age of the home

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SB 411 Set up standards for solar and wind energy ready communities

Local Code Case

In the northeast section of the county there was a lagoon dug and nearly 100,000 gallons of manure dumped. The proper authorities have been notified and the dumping has been stopped. After discussing this incident, the board discussed whether they need to update our ordinances and after discussion they felt that IDEM should be the governing authority of the enforcement on cases like this.

Shipping Containers

The Plan Director asked for clarification of whether the board constitutes the box portion of a box truck the same as a shipping container. The ordinance identifies semi-trailers not as accessory structures. If it is plated it would be considered a vehicle, but if not plated would the semi-trailer be considered junk and what would the box of a box truck be considered.

The board agreed that a box of a box truck would be considered junk. If a semi-trailer is not plated it is considered as junk.

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