

May 23, 2019
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 Tuesday, May 23, 2019, in Room 203 of the Marshall County Building. Present were: Commission Members Terri Barnhart, James Berger, Craig Cultice, Matt Miller, Stan Klotz, Bob Yoder, Jack Roose and Dave Hostetler. Plan Director Ty Adley and interested parties. Member absent was Dan Voreis.

The first item of business was the review of the minutes from the April 25, 2019, meeting. **Mr. Hostetler moved and Mr. Miller seconded the motion to approve the minutes as written. The motion passed by acclamation.**

The second item of business was 19-PC-07 GOLUBSKI, Michael - A request for a Zoning Map change from L-1 to A-1 to allow for animals, located at: 4860 N. Underwood Rd., Walkerton, IN 46574, Zoned L-1. Mr. Michael Golubski was present to represent his request. Mr. Adley presented the findings.

The applicant is seeking to rezone because he has only known the property to be zoned agriculture and has been using it as such until recently when he wanted to extend his fence. The property is adjacent on two sides by A-1 and is the furthest parcel from the lake. He indicates that he would like to keep his animals because currently it would be a violation. The Lawrence Pontius Ditch follows along the Southern property line.

The staff recommendation is as follows: Based on the information provided, context of the lot, and a favorable recommendation from the Technical Review Committee, Staff recommend approval of the proposed rezoning.

Back in 1989 the applicant understood the property to be agricultural and doesn't understand how or when it got rezoned. The only reason he knew it was changed to L-1 was because he came in to get a permit for a fence and was then told. At that time the Plan Commission office explained that his best course of action would be to apply to re-zone the property back to A-1.

The applicant's plan is to put up a fence to have some chickens and maybe a couple pigs.

Mr. Hochstetler confirmed that he travels that area regularly and always thought it was ag.

Mrs. Barnhart moved and Mr. Miller seconded the motion to open for public hearing. Motion carried by acclamation.

1. Unknown neighbor in the audience – Wanted to know what kind of animals he was having.
2. Dan Zemanek – 4945 N. Underwood Rd. – Wrote a letter and is in favor of the request. Has lived there for 6 years and has never had a problem with the applicant or how he keeps up his property.

Mr. Miller moved and Mr. Hochstetler seconded the motion to close the public hearing. Motion carried by acclamation.

The plan is to have small farm animals like chickens, pigs and/or sheep.

The unknown neighbor came to get more information on the request. He doesn't have a problem with what he was requesting. Wanted to make sure it wasn't a big facility.

Mr. Hochstetler made a motion to approve 19-PC-07 GOLUBSKI, Michael - A request for a Zoning Map change from L-1 to A-1 to allow for animals, located at: 4860 N. Underwood Rd., Walkerton, IN 46574, Zoned L-1 and forward to the Marshall County Commissioner's with a favorable recommendation, seconded by Mr. Roose. Motion carried with a voice vote 8-0.

Other Business

Solar Regulations

Currently the largest solar permit is considered a large solar which is 40,000 sq ft which covers approximately one acre. We currently have some growth with upcoming large/commercial grade solar farms that cover several hundreds of acres. With that there is a difference in regulating a system that covers one acre to several hundred acres. Mr. Adley asked for some guidance on what specifically the board would like him to research.

Commercial Solar Energy System

1. Equipment Setback
2. Height Limit
3. Noise Limit
4. Landscape Buffer
5. Security
6. Decommissioning

Importance of Definitions

1. Use on Property (Primary/Accessory) vs. Production vs. Purpose

Advantages and Disadvantages of Solar Ordinances

Dimensional and Operational Standards

Surface Area vs. Impervious Area.

Purpose/Why

TRC Initial Points

1. Drainage Board Approval
2. Decommissioning
3. Vegetation
4. Private Tiles
5. Bonds

When asked about the life span of a solar system Mr. Adley responded about a recent teleconference that was initiated by Macog. At that time, they indicated that the lifespan was 20 years at a 100% and after that it would only be reduced by 20%.

Mr. Yoder believes that the decommissioning and bonds will be very pertinent for the future.

Other neighboring counties are also in the process of reviewing solar farms or have tabled requests. Jasper County has approved solar farms, but they are still in the process that includes electric companies.

Mrs. Barnhart believes that Marshall County really needs to take a serious look at solar farms. If we already know that NIPSCO is going to take their coal plants off line. She doesn't want to be the county that says, "I don't want any progress to come in and businesses go." We need to be open minded.

Mr. Yoder has lived in an area where they had to reclaim property and it took several years to accrue the amount of money it took to decommission. He believes special attention on decommissioning and bonds is important.

Mr. Miller agreed on decommissioning and bonds, but also suggested private tiles.

Mr. Hochsetler agreed that going to Jasper County and getting hands on knowledge is a good idea.

Mr. Adley also stated that he will be researching other counties that have approved solar farms and how they are currently working.

The board requested information before a public hearing is scheduled.

Mr. Yoder explained to the board that when wind farms were being discussed the Plan Commission created a subset committee that included a commissioner to review in depth. Wondered what the rest of the board thought about doing that for solar farms.

Impervious Surface Coverage

Current text:

1. Any construction which disturbs more than four thousand square feet of surface area must comply with the Marshall County Drainage and Sediment Control Ordinance.

Currently you can pull multiple separate permits for structures under 4,000 square feet and not need a drainage plan. There is no cumulative number assigned.

Mr. Adley asked the board when figuring this cumulative number does the board want it based on square footage or percentage?

Mr. Miller liked the idea of basing it cumulative from the date the ordinance takes effect.

This impervious surface coverage includes not only structures, but driveways too.

The board seemed to agree that the current 4,000 square feet is a fair figure to work with.

Violation Update

The Tolsen case in Argos has recently been cleaned up with a cost of approximately \$3,000. Will be working with the attorney for collection.

Currently there are 8 cases at the attorney's office. One case is being filed at the courts and more to come.

Mr. Klotz asked when attorney's fees collection will take place. Mr. Adley said that it will most likely be at the end/during the court hearing. This has been addressed with the board's attorney.

Other

Mr. Klotz explained to the board that he and Mr. Adley discussed the permitting process. With new administration the review process of permitting approval has been more detailed than what they are used to. It was discussed that there be an informational packet available to help everyone know what's required to get a permit and what they can expect from the office.

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

Respectfully submitted

Marshall County Board of Zoning Appeals
May 23, 2019

Bob Yoder