

PLYMOUTH PLAN COMMISSION
JUNE 3, 2020

The Plymouth Plan Commission met in regular session at 124 North Michigan Street, Plymouth, Indiana on June 3, 2020 at 7:00 p.m.

Commission President Doug Feece called the meeting to order for Commissioners Alex Eads, Rick Gaul, Mark Gidley, Beth Pinkerton, Angie Rupchock-Schafer, Linda Secor, Bill Walters, and Fred Webster. Commissioners Randy Longanecker and John Yadon were absent.

Commissioners Webster and Walters moved and seconded to approve the minutes of last regular meeting of April 7, 2020, as presented. The motion carried.

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on the following matters:
PC 2020-03: City of Plymouth, 124 N. Michigan St., Plymouth, IN 46563: Text amendment to Article 6, Section 210 Solar Energy System Standards, D. General Approval Standards, G. Abandonment and Decommissioning Requirements, and Article 13, Solar Energy Systems definitions, of the Plymouth Zoning Ordinance.
PC 2020-04: Marshall County Habitat for Humanity, 116 S. Walnut St., Plymouth, IN 46563: A Minor Subdivision, Rev. DR. Ronald W. Liechty Minor Subdivision, located at 415 W. Garro St., Plymouth, IN 46563, parcel 50-32-93-103-029,000-019. A re-plat of Niles and Spring's Partition, Part of Lot S2, into four (4) lots, zoned R-3, Traditional Residential District.
Information on these matters may be obtained at the office of the Clerk-Treasurer, 124 N. Michigan St., Plymouth, IN and telephone #574-936-2124. Written objections to the proposal filed at the Clerk-Treasurer's office will be considered and oral comments will be heard. The hearing may be continued from time to time as may be found necessary.
If you are disabled and need special accommodations,

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please call the ADA Coordinator at 574-936-2948.
Abby Collins, Recording Secretary, Plan Commission, May 22, 2020
May 22, 2020 FN313237 (repage)

**NOTICE OF
PUBLIC HEARING**

The Plan Commission of the City of Plymouth, Indiana will hold a hearing on June 3, 2020 at 7:00 p.m. in the Council Chambers of the City Building, 124 N. Michigan St. (Garro St. entrance), Plymouth, Indiana

PC 2020-03: City of Plymouth, 124 N. Michigan St., Plymouth, IN 46563: Text amendment to Article 6, Section 210 Solar Energy System Standards, D. General Approval Standards, G. Abandonment and Decommissioning Requirements, and Article 13, Solar Energy Systems definitions, of the Plymouth Zoning Ordinance.

Plan Consultant Booker reviewed the proposed changes to the Plymouth Zoning Ordinance:

Article 13 – Definitions

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G. . Farm-Scale Solar Energy System: A Solar Energy System that occupies 435,601square feet of panel area or more.

Article 6 –Solar Energy Standards

1. Setbacks

Add -

Farm-Scale Solar Energy Systems shall be setback 75' from all property lines and 250' from the nearest corner of residential structures. Interior project property lines don't have setback requirements.

3. Lot coverage:

Lot coverage cannot exceed the impervious lot surface requirements.

The area covered by Ground Mounted Solar Energy Systems, measured by a rectangle encompassing the various system components, where the ground beneath is permeable or pervious, shall not be included in calculations for lot coverage or impervious cover.

Add - The Applicant shall plant a pollinator species with a mix approved by a local licensed landscape architect or equivalent. The Michiana Council of Governments or Minnesota State requirements for pollinator species for solar installations shall be referenced.

5. Additional Farm Scale Conditions:

Buffer Requirements:

a. Shall have a 25' planted buffer along the following areas:

1. along the perimeter of project area.
2. along public roadways
3. adjacent to residential lots within the 250' setback area.

a) The buffering shall be a minimum 3 row, 4 season tree stand with off-set spacing as to minimize the view of the proposed project.

b) Must be approved by the Marshall County Drainage Board and the system must be a minimum 75' away from any county ditch or tile.

b. Must repair private Drainage Systems

c. Must be reviewed by the Technical Review Committee

d. Must meet floodplain regulations.

e. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

f. Exterior lighting shall be limited to that required for safety and operational purposes and will not produce glare across lot lines onto properties not associated with the project and minimized for same property residences.

g. The Applicant shall certify that the Applicant will comply with the Damage to Underground Facilities Law (Ind. Code 8-1-26) and accompanying regulations of the Indiana Utility Regulatory Commission, unless the applicant intends, and so states on the application that the system will not be connected to the electrical grid.

h. A decommissioning agreement must be executed by the Applicant.

i. A traffic management plan shall be approved by the Marshall County Highway Superintendent/ Marshall County Commissioners.

j. Property Operation and Maintenance Plan A property operation and maintenance plan shall be submitted with the Special Use application.

k. The facility shall have a perimeter security fence.

l. Signage on the solar farm fencing shall display the facility name, address and emergency contact information.

m. Must provide reasonable accessibility for emergency vehicles.

H. Abandonment and Decommissioning Requirements

1. Small-Scale, Medium-Scale, and Large-Scale removal requirements:

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Removal Requirements – Any small, medium- or large-scale Ground Mounted Solar Energy System which has reached the end of its useful life or has been abandoned shall be removed [by the owner or operator]. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Plymouth Plan Department by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- a) Physical removal of all Solar Energy Systems, structures, and equipment from the site.
 - b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Plymouth Planning Office Plan Consultant may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
2. Small-Scale, Medium-Scale, and Large-Scale abandonment:
- Abandonment – Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Small-Scale, Medium-Scale or Large-Scale Ground-Mounted Solar Energy System shall be considered abandoned when it fails to operate for more than one year without the written consent of the Plymouth Plan Department. If the owner or operator of the Solar Energy System fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the City retains the right after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned Small-Scale, Medium-Scale, or Large-Scale Ground Mounted Solar Energy System at the owner/operator's expense. As a condition of Site Plan approval, the Applicant and property owner shall agree to allow entry to remove an abandoned or decommissioned installation.
3. Farm-Scale construction, decommissioning and removal requirements:
- a) Prior to the issuance of a building permit, a decommissioning plan must be approved by the Board of Zoning Appeals and recorded with the Marshall County Recorder, cross-referenced to the deed(s) to all associated project parcels. Once a project has not generated energy for 1 month the developer/owner shall notify the Plymouth Plan Commission Consultant. Once a facility has not generated power for 12 consecutive months, the system is to begin the process of decommissioning shall be undertaken in accordance with the aforementioned approved decommissioning plan shall be activated.
 - b) The decommissioning plan will include, but is not limited to, the following:
 1. Lifetime of the project
 2. Timeline for construction, and general operation
 3. Decommissioning cost estimate, including salvage value of materials.
 4. Restoration and reclamation requirements shall adhere to the following:
 - i. restoration of the pre-construction surface grade and soil profile after removal of the structures, equipment, graveled areas and access roads.
 - ii. re-vegetation of restored soil areas with crops, native seed mixes, plant species suitable to the area.
 - iii. for any part of the Solar Energy System on leased property, landowner regarding leaving access roads, fences, gates or repurposed buildings in place or regarding restoration of agricultural crops or forest resource land. Any use remaining structures must be in conformance with all ordinances and

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regulations in effect at the time of decommissioning. Copies of said agreements must be provided as a part of the decommissioning plan whether made initially or at a later date pending approval of the Plymouth Plan Consultant or designee.

5. Bonds or financial assurance are required:
 - i. Bond or financial assurance that will cover the reconstruction of public infrastructure due to construction activity related to the Solar Energy System installation that will be approved in association with the traffic management plan.
 - ii. Bond or financial assurance that will cover damage to the drainage infrastructure that may be damaged during the construction process beginning once construction has been completed and is to last for 5 years once construction has been completed.
 - iii. Bond or financial assurance that will cover the decommissioning of the Solar Energy System as described in the decommissioning plan.
 - iv. Bonds and financial assurance shall be reevaluated every 3 years with contributions adjusting at that time to cover costs at the time of decommissioning.
 - v. The amount of the Bonds or financial assurances must the plan may incorporate agreements with the approval of the Board of Public Works.

Booker said that Marshall County amended their solar ordinance and he feels the city should update the zoning ordinance to include regulations within the two-mile zone.

Commissioner Rupchock-Schafer asked for clarification on Article 6, Section 3 regarding the equivalencies. She wanted to know if the equivalency is in relation to the licensed landscape architect or to a pollinator species. Booker said he thinks it is the equivalency to the landscape architect. Booker said we want to have some sort of pollinator species underneath the solar display. Webster asked if vegetables can be grown under the solar display. Eads said it depends on what they classify as a pollinator species. Booker said the landscape architect would make that determination.

Webster questioned how the city will know if a solar system goes down without the owner volunteering that information. He also asked if the owner of the solar system would need an approval each time they had solar panels replaced. Booker said they would only need to come back if they were adding to what already existed, not if they were replacing panels that were already approved. He added that he would assume NIPSCO would let the city know if a system went down, however it is unlikely that a farm-scale system would be built in the two-mile zone, much less the city limits, but the regulation should be in place if one does pop up.

Gidley voiced concern about being the only community in the area adopting potentially stricter solar regulations than surrounding communities and putting the city into a position where we are not economically competitive for a high-technology company to establish here. Booker said he did not research this to see what the surrounding counties have adopted. He did note that the county adopted this same language and if someone wanted to install something that does not adhere to our regulations, they can go before the Board of Zoning Appeals.

Commissioners Eads and Rupchock-Schafer moved and seconded to open the public hearing. The motion carried.

There were no comments from the public.

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Commissioners Pinkerton and Walters moved and seconded to close the public hearing. The motion carried.

Commissioner Walters stated that he feels having an ordinance in place that matches the county's ordinance causes less confusion for the residents in the two-mile zone and he feels the requirements are not unreasonable.

Commissioners Pinkerton and Walters moved and seconded to approve PC 2020-03 as presented.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8, No = 1).

Yes: Eads, Gaul, Gidley, Pinkerton, Rupchock-Schafer, Secor, Walters, Feece
No: Webster

PC 2020-04: Marshall County Habitat for Humanity, 116 S. Walnut St., Plymouth, IN 46563: A Minor Subdivision, Rev. DR. Ronald W. Liechty Minor Subdivision, located at 415 W. Garro ST., Plymouth, IN 46563, parcel 50-32-93-103-029.000-019. A re-plat of Niles and Sering's Partition, Part of Lot 52, into four (4) lots, zoned R-3, Traditional Residential District.

Plan Consultant Booker reviewed the findings of fact. He noted that this location has already received variances from the Board of Zoning Appeals for the front yard setback (approved for 8 ft – requirement is 20 ft) and the width of the property (approved for 45 ft – requirement is 60 ft).

Booker reviewed changes to the verbiage on the plat regarding the easement dedication:

DEED OF DEDICATION:

THE UNDERSIGNED, HABITAT FOR HUMANITY OF MARSHALL COUNTY, INC., OWNER OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DOES HEREBY LAYOFF, PLAT AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF PLYMOUTH, INDIANA. THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS: REV. DR. RONALD W. LIECHTY MINOR SUBDIVISION. ALL STREETS, ALLEYS, RIGHTS-OF-WAY, FUTURE ROADWAY EASEMENTS AND PUBLIC OPEN SPACES SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC FOR THE USES DESIGNATED HEREIN. FRONT BUILDING SETBACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THIS PLAT, BETWEEN WHICH LINES AND THE RIGHT-OF-WAY LINES OF THE STREETS THERE SHALL BE ERRECTED OR MAINTAINED NO BUILDING OR STRUCTURE. THE AREAS OF GROUND DESIGNATED ON THE PLAT AND MARKED "EASEMENT" ARE RESERVED FOR THE DESIGNATED USES BY THE PUBLIC UTILITIES, INCLUDING BUT NOT LIMITED TO THE INSTALLATION OF WATER AND SEWER MAINS, POLES, DUCTS, LINES AND WIRES, DRAINAGE FACILITIES, AND ACCESS FOR PRESENT OR FOR FUTURE DEVELOPMENT SUBJECT AT ALL TIMES TO THE PROPER AUTHORITIES AND TO THE EASEMENT HEREIN RESERVED. NO PERMANENT OR OTHER STRUCTURES ARE TO BE ERRECTED OR MAINTAINED UPON SAID EASEMENTS OF LAND, BUT OWNERS OF LOTS IN THIS SUBDIVISION SHALL TAKE THEIR TITLES SUBJECT TO THE RIGHTS OF THE PUBLIC UTILITIES AND TO THE RIGHTS OF THE OWNERS OF THE OTHER LOTS IN THIS SUBDIVISION.

OWNER'S CERTIFICATION:

THIS IS TO CERTIFY THAT THE UNDERSIGNED, HABITAT FOR HUMANITY OF MARSHALL COUNTY, INC., IS THE OWNER OF THE LAND DESCRIBED IN THE PLAT HEREIN AND HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED THEREON FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE PLAT UNDER THE STYLE AND TITLE THEREON INDICATED.

He explained that the updated verbiage confirms that the alley easement is not being dedicated to the city and will therefore be the responsibility of the homeowners to maintain, not the City of Plymouth. It will be a private easement and not public responsibility.

Booker also noted that the layout of the driveway(s) has not yet been decided and will be unknown until the determination is made as to whether the access can go through the old railroad property or not. He also reviewed the findings from the Brownfield Grant testing of the soil; arsenic and polycyclic aromatic hydrocarbons were detected, but are not of concern. The findings indicate that homes can be built in this location.

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Brent Martin, representative of Marshall County Habitat for Humanity as the architect for the project, reviewed the plans for the homes and detailed the grant funding for this project. He noted that they are currently working with City Attorney Surrisi to obtain information, and ultimately the goal is to receive permission, to cross the old railroad property, which is needed for the storm sewer outlet. The drainage plan has not been finalized but they do have a conceptual idea of the plan. Dean Byers, Executive Director of Marshall County Habitat for Humanity, was also present to discuss the request and the project.

Commissioners Walters and Eads moved and seconded to open the public hearing. The motion carried.

Dennis Cripe, 10807 Nutmeg Meadows Drive, said he is not against building homes and commended Habitat for the work that they do for the community. He did voice concern that building four homes on this parcel is too much for such a small area. He is also concerned that the parking lot next door, which he owns, is going to be abused. He requested a fence or wall be installed between the two lots.

Martin said there would be four off-street parking spaces per home: two in front and two in back in the garage. Byers noted that the Habitat homes that were built on Harrison Street are using the same grant program and plan. The difference in the size of the lots between this project and the Harrison Street projects is only 5-feet.

Commissioners Webster and Rupchock-Schafer moved and seconded to close the public hearing. The motion carried.

Commissioners Walters and Pinkerton moved and seconded to approve PC 2020-04 as presented, with the stipulation that the drainage plan be approved by City Engineer Gaul prior to granting a building permit.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9).

Yes: Eads, Gaul, Gidley, Pinkerton, Rupchock-Schafer, Secor, Walters, Webster, Feece

Commissioners Webster and Walters moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 7:59 p.m.



Abby Collins – Recording Secretary