

PLAN MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 8TH DAY OF AUGUST 2024 AT 9:30 A.M. IN THE
MEETING ROOM OF THE ADMINISTRATION BUILDING
117 N. 2ND ST., GOSHEN, INDIANA

1. The regular meeting of the Elkhart County Plan Commission was called to order by the Chairman, Lori Snyder. The following staff members were present: Mae Kratzer, Plan Director; Jason Auvil, Planning Manager; Danny Dean, Planner; Danielle Richards, Planner; and James W. Kolbus, Attorney for the Board.

Roll Call.

Present: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Steven Clark, Dan Carlson, Roger Miller, Brian Dickerson, Brad Rogers.

2. A motion was made and seconded (*Edwards/Barker*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 11th day of July 2024, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Warner/Clark*) that the Elkhart County Zoning Ordinance and Elkhart County Subdivision Control Ordinance be accepted as evidence for today's hearings. The motion was carried with a unanimous vote.

4. The application for a zone map change from A-1 to M-1, for Barbara Christine Truee Wilhelm represented by Jones Petrie Rafinski, on property located on the north side of CR 23, 1,875 ft north of CR 14, in Washington Township, zoned A-1, was presented at this time.

Jason Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0445-2024*.

Tim Ramm of Newport Equities, located at 26 Corporate Plaza Dr. in Newport Beach, represented the petitioner and presented a PowerPoint presentation. He reported that a meeting with around thirty citizens took place in July. Ramm emphasized that their firm, operational for over thirty years, is hands-on and experienced. He disclosed the design of the buildings and mentioned that Ken Jones with JPR and Gensler would be involved. The property, spanning 247 acres, borders industrial uses to the east and west and has already been annexed into the town of Bristol. Ramm outlined the purpose and equipment of a data processing center, emphasizing its sophisticated systems for air filtration, equipment cooling, fire suppression, security, and climate control. He stressed the importance of data centers by citing examples such as The Cloud, Facebook, Netflix, and credit card transactions. The development plan includes an 800,000 to 1.2 million square foot data center campus, all single-story buildings, with the project entrance to be located north of Rail Park Dr. The M-1 zone will be utilized as a data center campus, and the project will utilize the town's utilities. The capital investment is estimated at one billion dollars, with job creation expected to range from 125 to 150 high-quality jobs. The entire project is projected to take 5-7 years to complete. Ramm highlighted the benefits of the project, stating that it will have a low impact on the area but a significant economic impact. He emphasized that it will not create heavy truck traffic, or have an impact on schools, parks, police, fire, or other emergency services due to the sophistication of the buildings. The project is expected to provide numerous job opportunities during and after its completion. Ramm mentioned

that the property tax revenue in 2023 was just over 300 million dollars and estimated the property tax for this facility to be 23 million dollars a year.

Steve Clark asked how many long-term jobs will remain post-construction. Mr. Ramm stated approximately 125-150 jobs.

Lori Snyder asked about the electricity usage.

Mark Kerslake from Newport Equalities, located at 26 Corporate Plaza Dr. in Newport Beach, represented the petitioner. He mentioned that there have been numerous meetings with Nipsco and emphasized the importance of zoning. He also pointed out the increasing demand for data centers. Additionally, he mentioned a new substation in Bristol with two new 138 kilovolt circuits. Mr. Rogers asked about the sufficiency of the new substation for the data center, Mr. Kerslake believed it would be sufficient, as a formal application has already been submitted to Nipsco. He also mentioned that Nipsco has introduced a new data center intake form, which includes questions about local/county support and land use approvals. Mr. Kerslake confirmed that he believes the capacity needed to support the facility is feasible. When asked if there were any Nipsco representatives present, Mr. Kerslake stated that there were none. Mr. Rogers expressed concern about the impact on the county's power supply due to the data center. In response, Mr. Kerslake cited Virginia as a case study, stating that Virginia has more data centers than any other state and that the responsibility of the power provider is to manage the grid. He also provided an explanation of the power transmission levels and how Nipsco will be tapping into a different circuit. Finally, Mr. Kerslake mentioned Nipsco's billion-dollar generation projects for solar and wind power.

Jill Schwartz, Town of Bristol, 303 E. Vistula St. was present in favor of the petition. She stated last week the Council sent a letter to the board in support of this rezoning to allow for a data center. She also mentioned most of the public's comments that were heard are in support of the M-1 zoning with the single-use of the data center campus. Mr. Rogers asked if the Town of Bristol was prepared to handle the water needs that will be in demand. Jill stated there are a few questions along with the noise ordinance and the water usage. She signified there are different techniques that they are using to cool their system. She concurred the Town of Bristol will be able to accommodate. Mr. Clark asked if there was a concern regarding the noise ordinance. Mrs. Schwartz stated they will be using generators and are trying to have the amount of noise in decibels presented for the neighboring properties. Mr. Rogers stated there was an article that stated data centers were turning quiet neighborhood into a dystopian nightmares She affirmed that noise was a concern they were trying to be proactive about with the noise ordinance.

Ryan Elliot, 54868 Leona Ct., Bristol, was present to speak about this petition. He stated that this is an intriguing and different idea. He expressed some concerns as a neighbor to this property. He explained that the company has been good at listening to neighbors' concerns. He stated that his concerns are about noise and water, and also explained that A/C units will be running 24/7. He indicated his concern about this project falling through with 250 acres of M-1 land surrounding his property. Mr. Elliot asked if there could be a restriction placed on the rezoning. He stated that there were many questions people didn't have answers to and asked if solar panels could be part of a restriction. Mr. Elliot mentioned he could be open to the idea of a data center. He further expressed that listening to a project that could take 5-7 years to complete is a concern.

Lester Otto, 18686 CR 23, Bristol, was present in remonstrance. He expressed that farming is a challenging way of life and doesn't have any issues with landowners maximizing their profits. He indicated his preference for M-1 over M-2. He expressed his opposition to not knowing who was

involved in the project. He mentioned that although the project is alleged to be a data center, the parties involved are operating under a non-disclosure agreement (NDA). He pointed out that the company behind the project could be legitimate and honest, but there's no certainty that it's an American company. He questioned the intentions behind building a data center and whether there's any potential for spying. He wondered if the company might be gathering harmless information or if their activities are more sinister. He emphasized the need for more information, including the identity of the company involved. He informed the board about the increasing acquisition of farmland by foreign entities and expressed his opposition to this trend. He concluded by stating that instead of dramatically altering the landscape of Bristol, the board should seek more information.

Mr. Kerslake addressed that the emergency generators would only be tested during the day. He stated industry standard is that they run 30 minutes a month at a 30 % load factor, and are tested in sequence, not all at once. He informed the board that the standard is going to be 10 min a month for emergency generators. He indicated there are acoustic enclosures. He further stated that during the day 65 decibels at the property line, is expected from the generators, is at the level that is speaking currently. He stated day time would be at 70 decibels, equivalent to washing machine. He stated there would be berms for buffering. He explained that construction traffic will be limited to Rail Park to keep traffic off of CR 23. Mr. Rogers asked if Mr. Kerslake could comment on the NDA. Mr. Kerslake stated that was the entire point of an NDA, however, he did state he could say that he did not represent a foreign agent. Mr. Kolbus asked there was another question regarding solar panels. Mr. Kerslake explained there was no plan for solar panels. Mr. Kerslake reminded the board that the site plan will still have to go in front of the Town of Bristol. He stated their plan was to be a good neighbor. Mr. Carlson asked if there would be buffers around the residential area. Mr. Dickerson asked if Nipsco would come back and indicate they don't have the base level capability to supply the power, and what would be the intent of the site. Mr. Kerslake indicated if there is no power it would not be a data center. He mentioned it would be back to a drawing board, the zoning that is being requested is conditional upon the data center use. Mr. Dickerson asked what the approximate mega watt load for the facility. Mr. Kerslake stated 400. Mr. Dickerson asked what the phasing loading would look like over the next 5 years. Mr. Kerslake stated the project would be built in phases and each building would be 60-80 megawatts per building, perhaps more. He stated conventional data centers that you may have read over the years, but now there is AI with machinery which changes the configuration and the power demand. Mr. Dickerson confirmed Nipsco is going to build a 138 line north of the property and questioned, do you plan on having an additional circuit tie into your facility in order to have local backup. Mr. Kerslake stated Nipsco is building two 138 kv lines off the new substations, one is on the north property line and the second circuit is going down Rail Park. He further stated tapping into both 138 kv lines. Mr. Rogers asked if water would be used to cool the equipment. Mr. Kerslake stated the cooling system would be a closed hood type system, comparable to a car's radiator system. Mr. Rogers asked in regards to Mr. Otto's concern about the NDA, do you know who is coming into this data center. Mr. Kerslake shook his head yes. Mr. Rogers stated you are bonded by the NDA, not Elkhart County. He continued to state that he voted no on another project due to not knowing who was coming in. Mr. Rogers stated it is the role of government to be transparent and to allow people in the area to know what is coming in. Mr. Dickerson informed that the Indiana legislature passed a bill last year Indiana House Bill 1183 signed by the governor in March of this year and became law that prohibits certain foreign entities from leasing agricultural land in Indiana. He went on to state there are certain things that the legislature has done to protect property

and military installations. He recommended to get a hold of your state rep and senator on how that bill was written.

A motion was made and seconded (*Clark/Dickerson*) that the public hearing be closed, and the motion was carried with a unanimous vote.

Mr. Clark emphasized that the most concerning issue is regarding Commissioner Rogers's comments about the power grid. He mentioned that it's a national problem, not just isolated to Elkhart County. Whether the data center is located here, in Michigan, or in Virginia, it's a national problem influenced by national and state politics. He also mentioned the construction of a data center in St. Joseph County and expressed his preference for the tax revenue to come to their county. Mr. Clark thought the petitioner explained the construction process in detail and emphasized that the project had addressed all previous concerns. Mr. Clark strongly believes in property rights and thinks that the impact on neighboring properties will be minimal compared to previous cases that were shut down. For these reasons, he expressed his intention to vote in favor of the petition.

Mr. Dickerson explained that the data center will access power at the transmission level, which is significant as it distributes power to the distribution network. He stressed the need for commissioners to put pressure on utilities to solve the power distribution problems. He expressed uncertainty about whether solar and wind power could address the base load power configuration issue, and he believes this matter should be a higher level of concern before zoning the property. He noted that the Federal Energy Regulatory Commission will have the final say on these matters. He also noted that it will be important that after this project future smaller projects have access to utilities after this project was built. Mrs. Snyder stated those conversations are already happening. Mr. Dickerson stated it will be very important that our state partners know how much revenue these projects are generating which will be very significant. He stated getting utilities now is becoming an issue. Mrs. Snyder stated that everyone is in favor of DPUD's, however, they are willing to put on a commitment that the use will be limited to a data center. Mr. Dickerson stated they will not keep their generators going full-time, they are only there for emergencies. Mr. Miller stated from what he has heard the cooling of the unit causes more sound issues than generators do. He also stated that newer technology makes things more efficient. Mr. Dickerson stated there are still county noise ordinances. Mr. Warner stated with Bristol's due diligence and other experiences they have gone through in the past several years, the town is comfortable with their approach to this. Mr. Dickerson stated he would also recommend having a good conversation with local fire departments. He stated this is a new type of facility in our area and don't know if we are ready to address these types of issues that could arise. He mentioned finding a way to control that internally. Mr. Rogers stated we have approved a recent solar project of 850 acres and required an emergency response plan.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Steven Clark, **Seconded by** Brian Dickerson that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from A-1 to M-1 be approved with the commitment of a data center.

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

Yes: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Steve Clark, Dan Carlson, Roger Miller, Brian Dickerson, Brad Rogers.

5. The application for an amendment to an existing DPUD R-1 and for primary approval of a 2-lot minor subdivision to be known as LONGBOAT POINTE, DPUD 1ST AMENDMENT, for Chad A. & Jennifer A. Leiby represented by Wightman, on property located on the south side of Longboat Ct., north of SR 120, east of CR 19, common address of 20406 Longboat Ct. in Washington Township, zoned DPUD, R-1, was presented at this time.

Jason Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0454-2024*.

Terry Lang, Wightman, 1402 Mishawka Ave. South Bend, was present representing the petitioner. He stated there were toy barns purposed for these small lots. He stated it did not take off at this location. Mr. Leiby purchased all of the lots in the private roadway and divided it into two lots. He explained on one lot is his existing home with the lot being made larger and the balance will become a second lot to the west. Mrs. Snyder stated it fits the neighborhood better. Mr. Wightman confirmed.

There were no remonstrators present.

A motion was made and seconded (*Rogers/Dickerson*) that the public hearing be closed, and the motion was carried with a unanimous vote.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Brad Rogers, **Seconded by** Brian Dickerson that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for an amendment to an existing DPUD R-1 and for primary approval of a 2-lot minor subdivision to be known as LONGBOAT POINTE, DPUD 1ST AMENDMENT be approved in accordance with the Staff Analysis.

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

Yes: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Steve Clark, Dan Carlson, Roger Miller, Brian Dickerson, Brad Rogers.

6. The application for a zone map change from GPUD M-1 to DPUD M-1 and for primary approval of a 1-lot subdivision to be known as FOREST RIVER-GOSHEN STORAGE LOT DPUD, for Forest River Inc. represented by Jones Petrie Rafinski, on property located on the southeast corner of US 33 and CR 40, in Elkhart Township, zoned M-1, was presented at this time.

Danielle Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0461-2024*.

Ken Jones, Sr., Jones Petrie Rafinski, 232 S. Main, Goshen was present representing the petitioner. He stated there were representatives from Forest River here. He mentioned this location will be used to store electrically charged chaises. He explained a couple of things to note about the operation. He stated there was a meeting conducted with the local residents to give them a preview of what we would do and made a significant commitment to landscape buffering on the perimeter. He went on to say they would not build a new approach on CR 40, instead it would be done on US 33. He noted they took all the concerns from the neighboring properties. He also went on to say their

operation hours would be from 5 a.m. to 5 p.m. Mr. Jones indicated a very detailed plan has been submitted.

Brian Dickerson asked about the lighting concerns from the last time this was presented. He asked if the lights would just be motion-activated at the perimeter or throughout the site. Mr. Jones stated it would only be lit at the perimeter. Mr. Rogers mentioned the last time this was presented about the lighting and buffering for the neighbors to the north to pose a problem. Mr. Jones stated there were no trees allowed under the power lines. He indicated they are allowed to put the buffering on the neighbor's site. Mr. Dickerson asked if this was for an electric bus division. Mr. Jones responded that was correct. Mr. Dickerson asked if there was any intent to use the electric vehicles as storage at this site. Mr. Jones stated he did not believe that was the case. The representative stated no there would not be storage of electric vehicles at this site.

There were no remonstrators present.

A motion was made and seconded (*Miller/Dickerson*) that the public hearing be closed, and the motion was carried with a unanimous vote.

Mrs. Snyder stated that the buffering on the neighbor's site is great, do we need a special commitment for that or part of the plan. Mr. Jones stated if we use the site plan that includes the landscape design then it is apart of the plan. Mr. Kolbus stated for a DPUD plan that is in the packet, all that information is like one big commitment.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Brian Dickerson that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from GPUD M-1 to DPUD M-1 and for primary approval of a 1-lot subdivision to be known as FOREST RIVER-GOSHEN STORAGE LOT DPUD be approved in accordance with the Staff Analysis.

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

Yes: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Steve Clark, Dan Carlson, Roger Miller, Brian Dickerson, Brad Rogers.

7. Board of County Commissioners Approvals Following Plan Commission Recommendations

Jason Auvil reported that on July 9, 2024 the Town Council of Wakarusa meeting approved a zone map change and amendment to an existing DPUD. He also reported that on July 15, 2024, County Commissioners petition approvals.

A motion was made and seconded (*Dickerson/Edwards*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 10:35 a.m.

Respectfully submitted,

Amber Weiss, Recording Secretary

Lori Snyder, Chairman