

TENTATIVE AGENDA
LAKE COUNTY PLAN COMMISSION
WEDNESDAY, FEBRUARY 18, 2026 - 5:30 P.M.

MEETING CAN BE VIEWED BY GOING TO LAKECOUNTYIN.GOV

I. Meeting called to order

II. Pledge of Allegiance

III. **Emergency exit announcement:** In case of an emergency, exit the Commissioners' Courtroom/Council Chamber, proceed to the stairs, go to the second floor, and exit the building. Do not enter an elevator in an emergency. If you require assistance, a Plan Commission employee will escort or assist you. Please silence any cellular phones during this meeting. If you receive a call during this meeting, please excuse yourself with as little disruption as possible to these proceedings.

IV. Record of those present

V. Communications

VI. Minutes

VII. Old Business

VIII. New Business

1. **25-ZC-09 PC – Roy W. and Sandra S. Mason, Owners and John Mason, Petitioner**
Located approximately 3/10 of a mile east of Mount Street on the south side of W. 173rd Avenue, a/k/a 4607 W. 173rd Avenue in Cedar Creek Township.

Request: Zone Change from A-1 (Agricultural Zone) to RR (Rural Residential Zone)

Purpose: To allow a proposed residential subdivision.

12/17/2025 Deferred by Plan Commission – The petitioner failed to advertise.

1/21/2026 Removed from the agenda – The petitioner failed to advertise.

favorable_____unfavorable_____deferred_____vote_____

2. **26-W-03 PC – David Vanderzee, Owner/Petitioner – Vander-Wold Estates**
Located approximately one mile west of White Oak Street on the north side of W. 151^s Avenue, a/k/a 13916 W. 151st Avenue in West Creek Township.

Request: Waiver from Title 154, Unified Development Ordinance, Article 12, Subdivision Design and Improvements, Chapter 40, Lots, Section (A) (4) Lots may not exceed a depth to width ratio of more than 3.5 to 1.

Purpose: To allow a subdivision containing proposed lots with excessive depth to width ratio.

approved_____denied_____deferred_____vote_____

3. **26-PS-02 -PC – David Vanderzee, Owner/Petitioner – Vander-Wold Estates**

Located as above

Request: Primary Approval

Purpose: Subdivision (2 lots)

approved_____denied_____deferred_____vote_____

4. **26-ZC-01 PC – Johnson Sunnybrook Farm, LLC, The Land Trust Company as Trustee Under Trust No. 4928 and Barnabas Foundation Properties, LLC, Owners and Dinwiddie Holdings, LLC, Petitioner**

Located approximately 2/10 of a mile east of Clay Street on the south side of E. 181st Avenue in Eagle Creek Township.

Request: Zone Change from A-1 (Agricultural Zone) to M-1 (Light Industrial Zone)

Purpose: To allow a proposed data center.

favorable_____unfavorable_____deferred_____vote_____

5. **AN ORDINANCE TO AMEND** the Unincorporated Lake County Unified Development Ordinance, County of Lake, State of Indiana, adopted June 13, 2023 specifically to amend **Title 154**, Unified Development Ordinance 2560; **Article 8**, Supplemental Use Regulations; **Chapter 080**, Regulations for Battery Energy Storage Systems (BESS), **Section B**. Application Submittal Requirements, **Item 12**. Abandonment, Decommissioning, and Disposal of items throughout the life of the Battery Energy Storage Systems (BESS); to add a requirement for abandonment and decommissioning.

favorable_____unfavorable_____deferred_____vote_____

6. **AN ORDINANCE TO AMEND** the Unincorporated Lake County Unified Development Ordinance, County of Lake, State of Indiana, adopted June 13, 2023 specifically to amend **Title 154**, Unified Development Ordinance 2560; **Article 8**, Supplemental Use Regulations; **Chapter 090**, Regulations for Data Centers, **Section A**. All applications for Special Exception approval must include at least the following information in addition to the standard submittal requirements for a special exception use, **Item 18**. A Decommissioning Plan, and **Section I**. Data center facilities that remain inactive for more than 15 consecutive months must be decommissioned unless otherwise approved by Plan Commission action at a public hearing. If decommissioned, the site must be restored to pre-development conditions or repurposed for permitted uses

favorable_____unfavorable_____deferred_____vote_____

IX. Study Session

1. 26-SS-03 PC – Danielle Rhinehart, Owner/Petitioner

Located approximately 3/10 of a mile south of W. 117th Avenue on the west side of White Oak Street, a/k/a 11880 White Oak Street in Hanover Township.

Request: Study Session for the purpose of a Special Exception for a two-unit house on an A-1 zoned property greater than one acre.

Purpose: To provide an early opportunity for the Lake County Plan Commission to discuss the feasibility of the applicant's proposal and conduct a preliminary evaluation of possible land use impacts.

2. 26-SS-04 PC – Jabaay Ventures I, LLC (C/O Vis Law), Owner and Priority Landscape, LLC, Petitioner

Located at the northwest quadrant at the intersection of 45th Avenue and Hayes Street and located at the northeast and northwest quadrants at the intersection of 44th Avenue and Hayes Street in Calumet Township.

Request: Study Session pursuant to Title 154-17-30, Zoning Map Amendments, Chapter C. Pre-Application Meetings and Study Sessions, 1 (b), owner-initiated rezoning from R-3 (One to Four-Family-dwelling) and B-2 (Rural Business Zone) to B-3 (General Business Zone). For the purpose of operating a proposed landscaping business, snow removal services, office use, and the storage of equipment and trucks.

Purpose: To provide an early opportunity for the Lake County Plan Commission to discuss the feasibility of the applicant's proposal and conduct a preliminary evaluation of possible land use impacts.

X. Site Development Plans Approved by Plan Commission

XI. Site Development Plans Approved by Staff

1. 25-SDP-24 PC – Lumen, Owner and Superior 4U, Inc., Petitioner

Located approximately 2/10 of a mile west of Grant Street on the north side of W. 129th Avenue, a/k/a 1620 W. 129th Avenue in Center Township.

Purpose: Fiber Optic Booster Addition.

2. 26-SDP-02 PC – D & F Land, LLC (C/O Rich Heemstra), Owner and Lamar Advertising, Petitioner

Located approximately 7/10 of a mile east of US 41 (Wicker Blvd./Indianapolis Blvd.) on the south side of W. 109th Avenue (US Highway 231/State Road 8), a/k/a 10007 W. 109th Avenue in Hanover Township.

Purpose: Off Premise LED Advertising Sign

3. 26-SDP-03 PC – Joe Giannini, Owner and Milmar Buildings, Petitioner

Located approximately 4/10 of a mile east of Wicker Blvd. (US 41/Indianapolis Blvd.) on the south side of W. 181st Avenue (State Road 2), a/k/a 10653 W. 181st Avenue in West Creek Township.

Purpose: Commercial Cold Storage Building.

XII. Public Comment

DAVID M. AUSTGEN
TIMOTHY R. KUIPER*
MICHAEL J. JASAITIS*

RYAN A. DEUTMEYER*
JEFF K. WILLIAMS

of Counsel
DANETTE GARZA†
AMERICA L. MCALPIN*
MICHAEL L. MUENICH
DAVID K. RANICH
DONALD R. O'DELL
1924-2013 Deceased



AUSTGEN KUIPER JASAITIS P.C.

ATTORNEYS AT LAW

AMY S. BENJAMIN
Paralegal

SHERRY L. GREEN
Office Administrator

*Licensed in IN & IL
†Also Licensed CPA in IN

February 5, 2026

VIA EMAIL ONLY

Ned Kovachevich, Executive Director
Lake County Plan Commission
2293 N. Main Street
Crown Point, Indiana 46307

**RE: Aaron Hack – Owner and Petitioner
Special Exception for Fill Permit
Plan Commission Number: 25-SE-07
BZA Number: 25-SE-07**

Dear Mr. Kovachevich:

This correspondence shall serve to withdraw the above-referenced Special Exception for Fill Permit. At your earliest opportunity, please confirm the application has been removed from both the Plan Commission and BZA agendas.

Thank you for your attention to this matter and past courtesies.

Sincerely,

AUSTGEN KUIPER JASAITIS P.C.

By : 
Timothy R. Kuiper
tkuiper@austgenlaw.com

cc: Attorney Joseph Irak (via email)
Attorney Matthew Fech (via email)
Client

STAFF REPORT

To: Lake County Plan Commission

Prepared by: Steve Nigro

Case number: 26-W-03 and 25-PS-02

Date: February 18, 2026

Parcel number: 45-19-06-101-001.000-037

GENERAL INFORMATION:

Owner:

David Vanderzee

Petitioner:

David Vanderzee

Request (1):

Waiver from Title 154, Unified Development Ordinance, Article 12, Subdivision Design and Improvements, Chapter 40, Lots, Section (A) (4) Lots may not exceed a depth to width ratio of more than 3.5 to 1.

Purpose (1):

To allow a subdivision containing proposed lots with excessive depth to width ratio.

Request (2):

Primary Approval – **Vander-Wold Estates**

Purpose (2):

Subdivision (2 lot)

Location:

Located approximately one mile west of White Oak on the north side of 151st Avenue in West Creek Township.

Size:

16.1061 Acres

Existing Zoning and Land Use:

RR, Rural Residential Ordinance 2588
(Partial Farmland / Undeveloped)

Surrounding Zoning and Land Use:

North: A-1 (Agricultural Zone) Farmland

East: A-1 (Agricultural Zone) Farmland

South: A-1 (Agricultural Zone); Farmland

West: A-1 (Agricultural Zone); Rural
Residential Development

Comprehensive Plan:

This property is targeted for agricultural use

AGENCY COMMENTS:

Health: No issues or concerns for Irregular Lot Shape

Highway: See comments in attached letter dated January 14, 2026

Surveyor: No objections to Waiver. No objections to Primary Plat approval

Soils and Water Conservation District: See attached Primary Plat review dated 1/9/26

BACKGROUND INFORMATION:

The subject property was recently rezoned from A-1 Agricultural to RR, Rural Residential (Ordinance 2592).

The Petitioner would like to develop a two (2) lot residential subdivision for. This proposed subdivision is the same concept plan presented to the Plan Commission at the June 18, 2025 Plan Commission meeting. (Petition 25-ZC-05, resulting in a positive recommendation to the LC Council.)

The parcel contains a gross area of 16.11 acres. Each proposed lot exceeds the minimum lot area of 4.5 acres. Lot 1 contains 7.62 acres. Lot 2 contains 8.11 acres. The overall density of the subdivision is 0.12 units per acre.

The shape of the parcels is not in concert with the limitations on the lot depth to width ratio of 3.5 to 1. (Lot 1 has 170 feet of street frontage and Lot 2 has 248.24). It appears that this design was done in order to capture the higher elevations of the land for the two proposed home sites. The proposed lots are naturally divided by an existing drainage ditch.

All agency approvals appear to be positive for this development.

Soils limitations are addressed in the attached report produced by the Lake County Soils and

Water Conservation District. The proposed subdivision appears to avoid development within those soil types identified as having such limitations for developing one residence on the 5-acre parcel.

ANALYSIS:

Compliance with Comprehensive Plan:

Comprehensive plan states targeted land use is agricultural

Compatibility with neighborhood:

Surrounding properties are primarily agricultural farmland with large residential parcels.

Environmentally Sensitive Areas:

None.

Traffic implications:

None as noted by the LC Highway Department

Access and street design:

N/A

Stormwater management / Infrastructure Fees:

N/A

DEFICIENCIES AND DISCREPANCIES:

N/A

ATTACHMENTS:

1. Vander-Wold Estates Primary Plat
2. Highway Department Letter
3. LC Soils and Water Conservation District Plat Review

VANDER-WOLD ESTATES

N.W. CORNER
SEC. 6-33-9
MON FND.

DAVID D. & BEVERLY J. KRAMER TRUST
PARCEL NO.: 45-15-31-300-003-000-013

S 89°10'51" E 631.58'

200.00'

LyB

137.62'

PATRICIA A. DeJONG TRUST 8/7/08
PARCEL NO.: 45-19-06-101-402-000-037

N 17°34'46" E

N 12°36'13" E

S 04°40'19" W

N 10°15'46" E

N 01°34'14" W

N 02°38'58" E 387.04'

N 12°57'46" W

S 12°57'46" W

N 10°15'46" E

N 01°34'14" W

N 02°38'58" E 387.04'

N 12°57'46" W

S 12°57'46" W

N 10°15'46" E

N 01°34'14" W

N 02°38'58" E 387.04'

N 12°57'46" W

S 12°57'46" W

N 10°15'46" E

DAVID D. & BEVERLY J. KRAMER TRUST
PARCEL NO.: 45-18-01-200-010-000-037

S 00°36'57" E 1391.30'

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 6

LOT 7

LOT 8

LOT 9

LOT 10

LOT 11

LOT 12

PAKAP LLC
PARCEL NO.: 45-18-01-200-011-000-037

S 89°20'07" E 410.58'
151 ST AVE.



SCALE: 1" = 100'
0 100 200 300

SOILS:
AI Alluvial loam 0 to 2% slopes
LyA Lyndick loam 2 to 6% slopes
LyB Lyndick loam 0 to 2% slopes
Mo Mollis silt loam 2 to 6% slopes
Tb Tracy loam 2 to 6% slopes

SOIL REPORT BY SOIL SOLUTIONS
DATED 12-20-24 & 11-18-25
JOHN McQUEEN

CURRENT ZONE RR
RR ZONE REQUIREMENTS:
MIN LOT AREA = 4.5 ACRE
MIN LOT WIDTH = 165'
PROPOSED:
LOT 1 = 7.62 ACRE 170' FRONTAGE
LOT 2 = 8.11 ACRES 284' FRONTAGE
ROW DEDICATION = 0.38 ACRE
GROSS LAND AREA = 16.11
DENSITY = 0.12 UNIT PER ACRE
SINGLE FAMILY RESIDENTIAL DEV.
DRAINAGE - SHEET FLOW TO
EXISTING DRAINAGE DITCH
INDIVIDUAL WELLS & SEPTIC

VICINITY MAP



LEGAL DESCRIPTION:
PART OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 33 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN LAKE COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 6; THENCE SOUTH 89 DEGREES 10 MINUTES 51 SECONDS EAST, 631.58 FEET ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 6 TO A POINT RUNNING SOUTHERLY THROUGH THE NORTHWEST QUARTER OF SAID SECTION 6; THENCE ON THE FOLLOWING 8 COURSES ALONG SAID EXTENSION OF THE DITCH CENTER LINE AND THE DITCH CENTER LINE: (1) SOUTH 4 DEGREES 40 MINUTES 19 SECONDS WEST, 200.00 FEET; (2) SOUTH 10 DEGREES 15 MINUTES 46 SECONDS WEST, 410.58 FEET; (3) SOUTH 20 DEGREES 07 SECONDS WEST, 410.58 FEET; (4) SOUTH 36 DEGREES 13 SECONDS WEST, 410.58 FEET; (5) SOUTH 54 DEGREES 01 SECONDS WEST, 137.62 FEET; (6) SOUTH 73 DEGREES 46 SECONDS WEST, 158.50 FEET; (7) SOUTH 94 DEGREES 14 SECONDS WEST, 387.04 FEET; (8) SOUTH 12 DEGREES 57 SECONDS WEST, 1391.30 FEET; THENCE NORTH 89 DEGREES 20 MINUTES 07 SECONDS EAST, 410.58 FEET ALONG SAID SOUTH LINE TO THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 6; THENCE NORTH 02 DEGREES 38 MINUTES 58 SECONDS EAST, 387.04 FEET ALONG SAID WEST LINE TO THE NORTHWEST CORNER OF SAID SECTION 6, BEING THE POINT OF BEGINNING. PARCEL NO.: 45-18-01-200-010-000-037



RECEIVED
DEC 17 2025
LAKE COUNTY
PRIMARY PLAT

PRIMARY PLAT
PART of N.W. 1/4 of SEC. 6-33-9
WEST CREEK TOWNSHIP
LAKE COUNTY, IN

OWNER OF RECORD: DAVID VANDERZEE
& PETITIONERS: JACOB WOLDHUIS
PROPERTY ADDRESS: 14386 WEST 151 ST AVE.
CEDAR LAKE, IN 46303

GKA GLENN KRACHT ASSOCIATES
314 FAIRFIELD DRIVE CROWN POINT, IN 46307
glennkrachtassociates@gmail.com
PHONE: 219-663-8923
FAX: 219-663-8945

WETLAND NOTE:
NO WETLANDS SHOWN ON SITE PER NATIONAL WETLANDS INVENTORY
I, Glenn H. Kracht, a Registered Land Surveyor in the State of Indiana, have examined the site and the information furnished to me by the owner and have determined that the information is true and correct and that the site is not a wetland as defined in the National Wetlands Inventory. I have drawn to the best of my knowledge, correctly represents said survey.

Glenn H. Kracht IN L.S. No. 29400001

NO. 29400001
5737 E. OF
LAKE COUNTY, IN
SUPERVISOR

DATE: AUG 28, 2025
DEC 16, 2025
JOB NO.: 256998
SHEET 1 of 1



Lake County Highway Department

Duane A. Alverson, P.E.
Engineer

1100 E. Monitor Street
Crown Point, Indiana 46307
Phone: 219-663-0525
Fax: 219-662-0497
Email: alverda@lakecountyin.org

January 14, 2025

Lake County Plan Commission
Lake County Government Center
2293 North Main Street
Crown Point, IN 46307

ATTN: Steve Nigro, Planning and Building Administrator

RE: Primary Plan Application – Vander-Wold Estates
151st Ave, ½ mile E of Sheffield Ave
Cedar Lake, IN, 46303

Dear Mr. Nigro,

The Lake County Highway Department has reviewed the **Primary Plan Application for Vander-Wold Estates**, and offers the following comments:

- 40' of ROW to be dedicated on North side of 151st Ave
- Size of driveway culverts to be determined by Highway Department
- Existing roadside drainage to be maintained

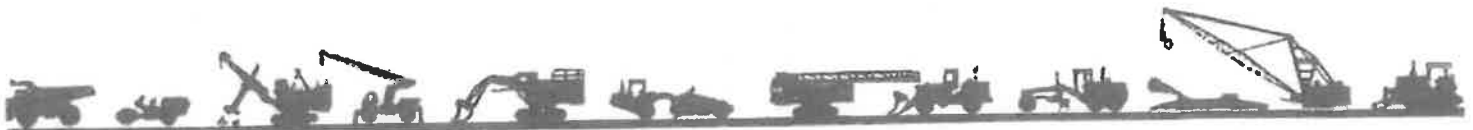
If you have any questions, please contact me.

Respectfully Submitted,

Duane A. Alverson

MA

Duane A. Alverson
Engineer





Lake County Soil and Water Conservation District

2291 North Main Street - Crown Point, IN 46307-4848 - 219-663-7042

Primary Plan

TO: Lake County Plan Commission

DATE: 1/9/2026

RE: Plat Review of: **Vander-Wold Estates**

Sketch Plat: 8/26/25
Primary Plat: 12/16/26
Secondary Plat:

Civil Township : West Creek
Total Acres: 16.11
Acres Disturbed:

SOILS INFORMATION:

Lake County Soil Survey Sheet # 40
Soils: Al, LyA, LyB, Mo, TcB

Prime Farmland: Are there soils classified as prime farmland by the USDA Natural Resources Conservation Service?

☒ Yes Soils: Al, LyA, LyB, Mo, TcB
☐ No

Sanitary Facilities: Are there soils that have limitations for conventional septic systems as described in the Lake County Soil Survey?

☒ Yes Wetness: Al
☐ No Wetness, Percs Slowly: Mo
Wetness, Percs Slowly, Slope:
Wetness, Poor Filter:
Ponding:
Slight: LyA, LyB
Ponding, Poor Filter:
Poor Filter:
Percs Slowly: TcB
Slope, Poor Filter:

Building Sites: Are there soils that have limitations for conventional building sites as described in the Lake County Soil Survey?

☒ Yes Wetness: Al
☐ No Ponding: Mo
Shrink-swell: LyA, LyB
Wetness, Shrink-Swell:
Slight: TcB
Ponding, Shrink-swell:
Ponding, Low Strength:
Slope:
Wetness, Slope:

Roads & Streets: Are there soils that have limitations for roads and streets as described in the Lake County Soil Survey?

- ☒ Yes Ponding:
☐ No Ponding, Frost Action:
Ponding, Frost Action, Low Strength: Mo
Ponding, Shrink-swell, Low Strength:
Frost Action: **Al, TcB**
Frost Action, Low Strength:
Frost Action, Shrink-swell:
Wetness:
Wetness, Frost Action:
Wetness, Slope:
Slope:
Slope, Low Strength:
Low Strength: **LyA, LyB**

WETLANDS:

Hydric Soils: Are there hydric (wet) soils on the site?

- ☒ Yes Soils: **Mo**
☐ No

Do the U.S. Fish and Wildlife Service National Wetlands Inventory Maps indicate wetlands on the site?

- ☐ Yes Quadrangle Map: **# 11 Beecher East**
☒ No

(If yes, a permit may be needed from the U.S. Army Corps of Engineers Chicago Field Office 312.846.5530 and/or the Indiana Department of Environmental Management, Office of Water Quality, 317.233.8488. U.S. Fish and Wildlife Service National Wetland Inventory Maps are available at <https://www.fws.gov/wetlands/>.)

EROSION CONTROL:

Is an Erosion and Sediment Control Plan required?

- ☒ Yes **327 IAC 15-5 Storm Water Run-off Associated with Construction Activity Permit**
☐ No (commonly referred to as CSGP - Construction Stormwater General Permit, previously known as Rule 5)
For more information or to obtain an Information Compliance Packet, contact the Lake County Soil and Water Conservation District Office at 219.663.7042; Indiana Department of Environmental Management Storm Water Permits Desk, 800.451.6027 or <https://www.in.gov/DEM/stormwater/>.
- ☒ Yes **Lake County Surveyor's Office**
☐ No *For more information in regard to Lake County's Stormwater Management Ordinance or to obtain an Information Compliance Packet, contact the Lake County Stormwater Department located in the Lake County Surveyor's Office.*

Waiver Requested: The waiver to allow an irregularly shaped subdivision lot is acceptable by Lake County Soil & Water Conservation District.

STAFF REPORT

To: Lake County Plan Commission

Prepared by: Steve Nigro

Case number: 26-ZC-05

Date: February 18, 2026

Parcel Numbers: 45-21-30-100-009.000-012
45-21-30-100-002.000-012
45-21-30-100-013.000-012
45-21-30-400-001.000-012

GENERAL INFORMATION:

Owner: Johnson Sunnybrook Farm LLC, The Land Trust Company as Trustee Under Trust No. 4928 and Barnabas Foundation Properties LLC.

Petitioner: Dinwiddie Holdings, LLC

Requested Action: Zone Change from A-1 (Agricultural Zone) to M-1 (Light Industrial Residential Zone)

Purpose: To allow a proposed data center

Location: Located approximately 2/10 of a mile east of Clay Street on the south side of E. 181st Avenue in Eagle Creek Township

Size: 162.639 acres

Existing Zoning: A-1 (Agricultural Zone)

Surrounding Zoning and Land Use:
North: A-1 (Agricultural Zone) Farmland and Residential
East: A-1 (Agricultural Zone) Farmstead with Farmland
South: A-1 (Agricultural Zone); Farmland
West: A-1 (Agricultural Zone); Farmland and CDD – Ordinance 2580 (Conditional Development District) Proposed Concrete Ready-Mix Plant

Comprehensive Plan:

The majority of this property is targeted for agricultural use. The small area at the northwest corner calls for Residential.

AGENCY COMMENTS:

Health Department:

No issues or concerns for zone change

Highway:

No objections to the zone change only.

Surveyor:

No comments on Zone Change.

BACKGROUND INFORMATION:

This zone change proposal was before the Plan Commission at the December 17, 2025 meeting for a Study Session as required for properties seeking a zone change from A-1, Agricultural to M-1, Light Industrial Zone. The zone change request to M-1 is the first step in seeking approvals to operate a data center on this property. If the zone change is successful, resulting in approval from the Lake County Council. The petitioners will be required to submit application for a Special Exception for the proposed data center. The proposal will be required to satisfy the Data Center Ordinance.

When considering such Zone Change proposals, the Plan Commission shall pay reasonable regard to the following:

1. The Comprehensive Plan;
2. The current conditions and the character of current structures and uses in each district;
3. The most desirable use for which the land in each district is adapted;
4. The conservation of property values throughout the jurisdiction; and
5. Responsible development and growth.

The Proposed Land Use Map calls the majority of this area to remain agricultural. There is a small portion of the property at the northwest corner that calls for the property to be used for residential purposes. This parcel contains an existing residence that was

constructed in 1890 according to the records of the Lake County Assessor's Office.

The property located to the west of this parcel was rezoned from A-1, Agricultural to CD, Conditional Development Zone (Ordinance #2582) for the purpose of a Concrete Ready-Mix Plant (Wille Brothers). That parcel contains just over 13-acres. The property is currently in the mix of securing subdivision approval, having been approved for a Subdivision Waiver for excessive lot depth to width ratio and Primary Plat approval.

The approved ready-mix plant is located on a State Road (SR 2), and is in close proximity the stone quarry located on the west side Clay Street (Range Line Road) south of State Road 2.

Other than the approval of the CD zoning for the Concrete Ready-Mix Plant, there are mainly traditional farms and farmland surrounding these parcels.

Property to the north (across State Road 2) has property that is part of the proposed solar farm (Foundry Works). That property is zoned A-1, Agricultural.

ANALYSIS:

Compliance with Comprehensive Plan:

This property is targeted for Agricultural uses

Compatibility with Neighborhood:

The proposed subdivision is similar to the properties located west of this parcel.

Environmentally Sensitive Areas:

Traffic implications:

None.

Access and street design

N/A

Stormwater management:

N/A

Infrastructure fees

N/A

DEFICIENCIES AND DISCREPANCIES:

None observed

ALTA/NSPS LAND TITLE SURVEY

LEGAL DESCRIPTION

THE WEST HALF OF THE NORTH-EAST QUARTER OF SECTION 23, TOWNSHIP 23 NORTH, RANGE 7 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN LARSE COUNTY, NEBRASKA.

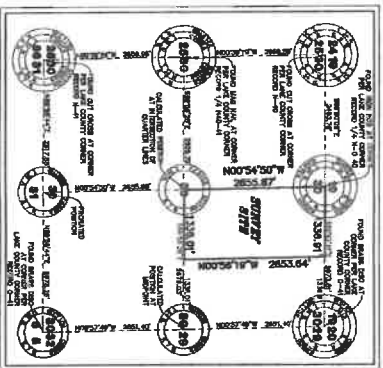
PROPERTY AREA**PROPERTY ADDRESS**

VACANT LAND, 181ST AVENUE, HESKON, IN 46341

PART OF 45-21-30-400-001,000-012

SURVEYOR'S REPORT

5-1000



SHEET INDEX

SHEET 1	GENERAL NOTES, TITLE BLOCK, LEGEND
SHEET 2	BOUNDARY AND ENCROACHMENTS

SURVEY PREPARED FOR

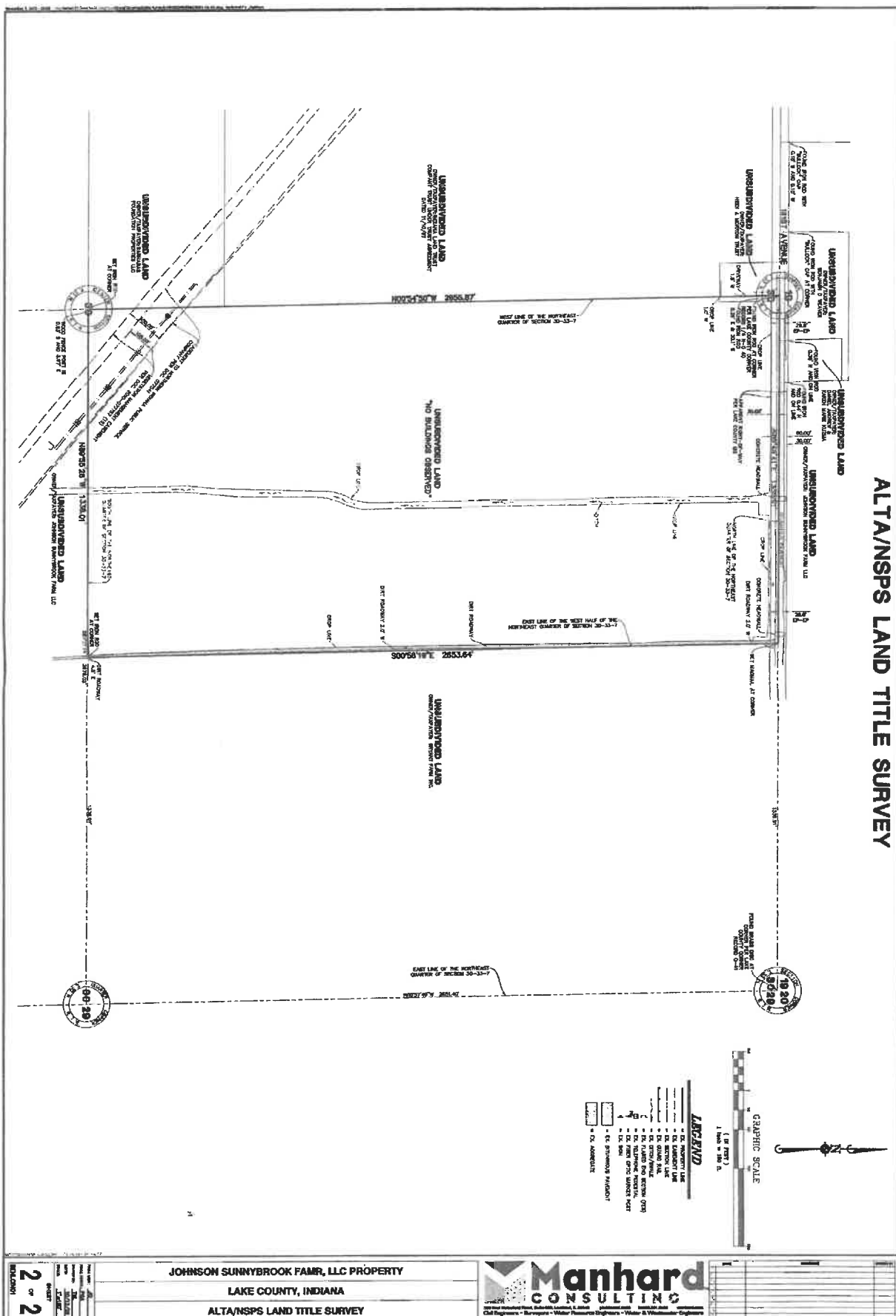
SURVIVOR'S NOTES

[illegible][illegible]

1.2

JOHNSON SUNNYBROOK FARM, LLC PROPERTY
LAKE COUNTY, INDIANA
ALTA/NSPS LAND TITLE SURVEY



[illegible]

ALTA/NSPS LAND TITLE SURVEY

PAGE 1, 1
THE LAST PART OF THE NORTHEAST QUARTER OF SECTION 31, NORTH-
WEST 1/4 OF T12N, R12E, OF THE NORTH 2D, AND ALSO CERTAIN
PORTIONS OF THE NORTH 1/4 OF SECTION 31, TOWNSHIP 12 NORTH, RANGE
12 EAST, COUNTY OF LINCOLN, NEBRASKA.

PAGE 2, 1
COMMENCING AT THE SOUTHERN CORNER OF THE SURVEYED PLATTS OF THE
NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 11 NORTH, RANGE 12 EAST,
COUNTY OF LINCOLN, NEBRASKA, AND PROCEEDING IN THE FOLLOWING ORDER:
ALONG THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 124.87 FEET,
BEARING S 89° 55' 00" E, TO THE CORNER OF SAID SECTION 31, TOWNSHIP
11 NORTH, RANGE 12 EAST, OF THE NORTH 2D, AND ALSO CERTAIN
PORTIONS OF THE NORTH 1/4 OF SECTION 31, TOWNSHIP 11 NORTH,
RANGE 12 EAST, COUNTY OF LINCOLN, NEBRASKA, TO THE PLACE OF BEGINNING.

PAGE 3, 1
THE LAST PART OF THE LAST PART OF THE SOUTHERN QUARTER OF SECTION 31,
TOWNSHIP 11 NORTH, RANGE 12 EAST, OF THE SECOND PRINCIPAL MERIDIAN, STATE OF
NEBRASKA.

SURVEY PREPARED FOR

EXERCISE NUMBER	EXERCISE NAME	DESCRIPTION	APPROXIMATE TIME	TEACHING POINTS
1	N/A	NOT ASSESSING THE STABILITY OF STABILITY	NO	N/A
2	N/A	NOT ASSESSING THE STABILITY OF STABILITY	NO	N/A
3	N/A	NOT ASSESSING THE STABILITY OF STABILITY	NO	N/A
4	N/A	NOT ASSESSING THE STABILITY OF STABILITY	NO	N/A
5	N/A	NOT ASSESSING THE STABILITY OF STABILITY	NO	N/A
6	N/A	NOT ASSESSING THE STABILITY OF STABILITY	NO	N/A
7	N/A	NOT ASSESSING THE STABILITY OF STABILITY	NO	N/A
8	N/A	NOT ASSESSING THE STABILITY OF STABILITY	NO	N/A
9	N/A	NOT ASSESSING THE STABILITY OF STABILITY	NO	N/A
10	N/A	NOT ASSESSING THE STABILITY OF STABILITY	NO	N/A
11	N/A	NOT ASSESSING THE STABILITY OF STABILITY	NO	N/A

(4) AVAILABILITY OF REFERENCE WORKS/ENTS AND THEORY OF LOCATION

45-21-30-100-002,000-01
45-21-30-100-009,000-01
45-21-30-100-012,000-01

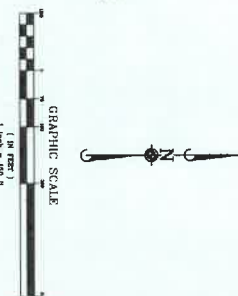
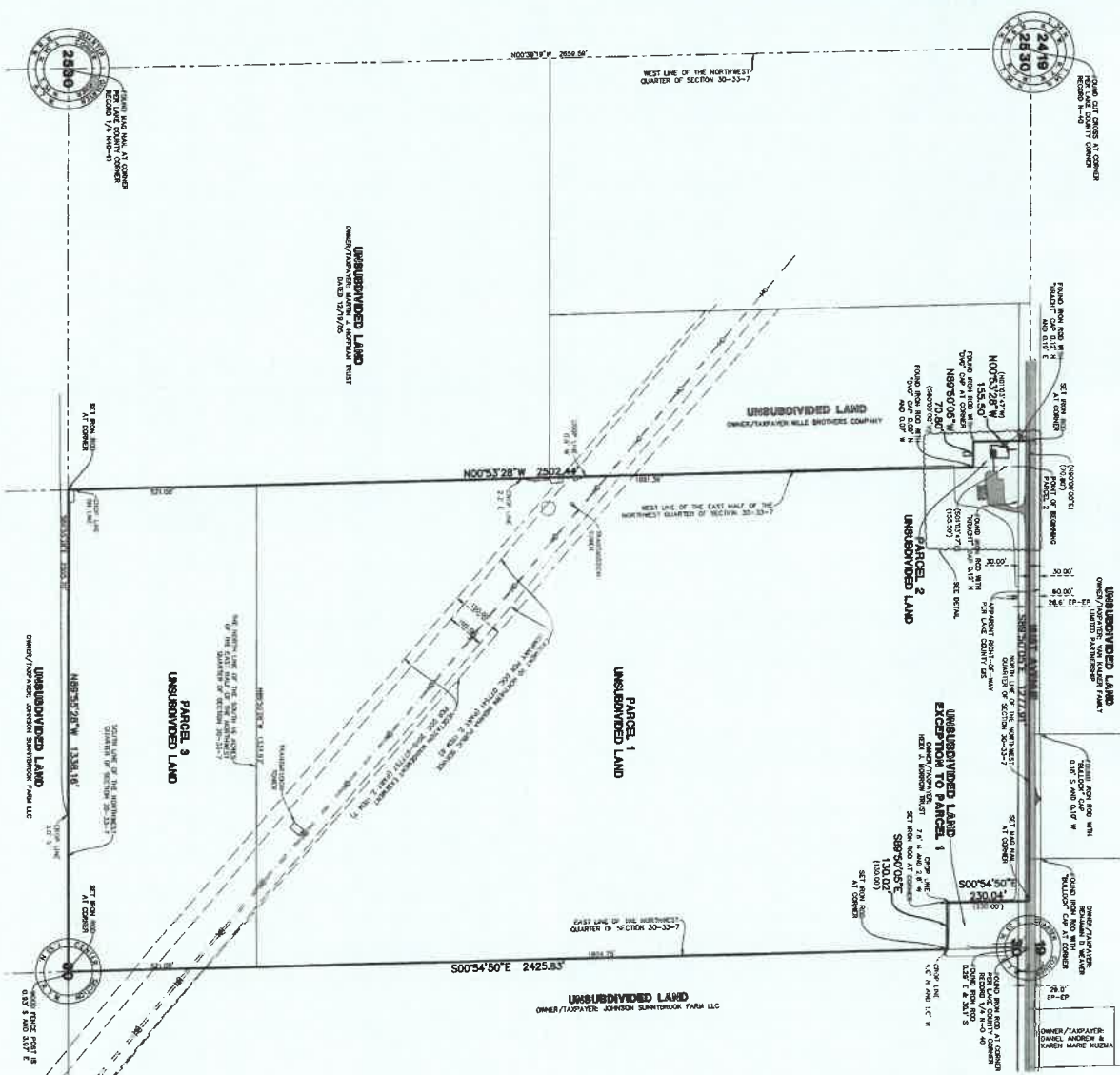
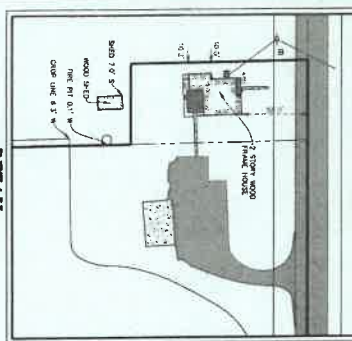
5105, 181ST AVENUE, HEBRON, IN 46341

3,534.534 SQUARE FEET (81.142 ACRES)

SHEET INDEX	
SHEET 1:	CONTRACT NO., TITLE NOTES, ETC.
SHEET 2:	BOUNDARY AND IMPROVEMENTS

[illegible]COUNTY OF LAKE)
) :

DB7A1E



LEGEND

- EX. SECTION LINE
- EX. PLATED END SECTION (
- EX. TULLY-HORN PLUG SEAL
- EX. FLOOR JOINT MATERIAL P
- EX. SIGN
- EX. AIR CONDITIONING UNIT
- EX. BRILLIANT PAVEMENT
- EX. ADVERTISE

Findings of Fact

Zone Change

In preparing and considering proposals under the 600 series, the plan commission and the legislative body shall pay reasonable regard to the following five items. Determining findings for the following criteria is required as part of the process. It is a requirement that each petitioner address the following items in order to apply for a change of the Zone Map.

- (1) The comprehensive plan - findings or reasons as to whether the request for the stated zone change meets/does not meet the intent of the comprehensive plan;

The request for the stated zone change meets the intent of the Comprehensive Plan. Pursuant to the Lake County Comprehensive Plan adopted September 11, 2018, the subject property is located in the Dinwiddie Target Area and Business Park Center category. These areas are unique with availability of major highway access which provides for land uses including "logistic and distribution, research and development, and tech industry applications." Comprehensive Plan, pg. 82. Specifically, technology park is one of the listed appropriate land uses.

The requested zone change would bring the subject property into compliance with the comprehensive plan and is consistent with the County's vision for future development in that area. The proposed use would also promote the plan's goal of prioritizing growth, creating significant high-paying jobs, advancing cutting edge technologies, and driving infrastructure investment. Finally, the use will adhere to all performance standards as set forth in the Lake County Ordinances including the new data center designation to mitigate impacts on surrounding areas.

- (2) Current conditions and the character of current structures and uses in each district – findings or reasons as to whether the request for the stated zone change is/is not consistent with the current conditions and the character of current structures and uses in each district;

The request for the stated zone change is consistent with the current conditions and the character of structures and uses in the district. While the subject property is currently unimproved farmland, the immediate area contains multiple existing and approved large-scale industrial and utility uses, including a ~1,400 acre solar field, concrete plant, battery storage, NIPSCO substation, cold storage facility, John Deere plant, stone quarry, etc. Additionally, the site is strategically located away from any residential neighborhoods or schools.

- (3) The most desirable use for which the land in each district is adapted - findings or reasons as to whether the request is/is not

consistent with the most desirable use for the land;

The request for the stated zone change is consistent with the most desirable use for the land and the County's vision for the future. Given the site's proximity to several major utility and industrial uses, the property well-suited for a utility-supported industrial use. The proposed use is desirable for the area because it can be designed as a low-traffic, landscaped campus that leverages existing infrastructure while remaining compatible with the surrounding agricultural character through appealing design, landscaping, and buffering.

- (4) The conservation of property values throughout the jurisdiction; findings or reasons as to whether the request ~~is~~/is not consistent with the conservation of property values throughout the jurisdiction;

The request for the stated zone change is consistent with the conservation of property values throughout the jurisdiction. The proposed use can be developed as a high-quality, landscaped campus to minimize off-site impacts on nearby agricultural and residential properties. In addition, the project introduces long-term investment and an expanded tax base, supporting public services and infrastructure that help maintain and enhance property values throughout the jurisdiction.

- (5) Responsible growth and development -- findings or reasons regarding whether the request does/does not represent responsible growth and development;

The request for the stated zone change does represent responsible growth and development. The proposed use will leverage existing regional infrastructure while using design and operational standards to minimize impacts on surrounding agricultural land. The project will also support long-term economic development by attracting investment and expanding the tax base in a controlled, phased manner aligned with public utility and safety considerations.

ORDINANCE # _____

OF THE COUNTY OF LAKE

AN ORDINANCE TO AMEND the Unincorporated Lake County Unified Development Ordinance, County of Lake, State of Indiana, adopted June 13, 2023 specifically to amend **Title 154**, Unified Development Ordinance 2560; **Article 8**, Supplemental Use Regulations; **Chapter 080**, Regulations for Battery Energy Storage Systems (BESS), **Section B**. Application Submittal Requirements, **Item 12**. Abandonment, Decommissioning, and Disposal of items throughout the life of the Battery Energy Storage Systems (BESS); to add a requirement for abandonment and decommissioning as follows:

BE IT ORDAINED by the County Council of the County of Lake, State of Indiana that the Unincorporated Lake County Unified Development Ordinance (UDO) be amended as follows:

WHEREAS, the Lake County Council (Council) is charged with amendments to the Unified Development Ordinance;

WHEREAS, the Council finds that large-scale Battery Energy Storage Systems (BESS) present unique land use, infrastructure, environmental, and long-term site restoration considerations;

WHEREAS, the Council further finds that the absence of clear abandonment and decommissioning standards may result in blight, environmental degradation, or undue financial burden upon the Lake County and its residents;

WHEREAS, the proposed ordinance amendment establishes reasonable, objective, and enforceable standards governing abandonment, decommissioning, disposal, and financial assurance for Battery Energy Storage Systems (BESS);

WHEREAS, the proposed ordinance amendment is consistent with the Comprehensive Plan and advances the public health, safety, and welfare;

WHEREAS, the Plan Commission after a duly held public hearing hereby recommends _____ of Section 18: Abandonment, Decommissioning, and Disposal of Battery Energy Storage Systems (BESS), including all associated definitions and requirements, as presented; and,

WHEREAS, the Council finds that the proposed ordinance is authorized by Indiana law, is reasonable in scope, and is necessary to protect the County's long-term land use interests.

NOW, THEREFORE, BE IT RESOLVED by the Lake County Council that:

INSERT:

Section 154-8-80 Battery Energy Storage Systems, Section B. Application Submittal Requirements, Item 12. Abandonment, Decommissioning, and Disposal of items throughout the life of the Battery Energy Storage Systems (BESS)

Definitions

The following definitions are applicable to this Section and are designed to be objective, measurable, and defensible, minimizing discretion while preserving County Code Enforcement authority.

County – means the Lake County Plan Commission, Lake County Board of Zoning Appeals, Lake County Board of Commissioners, or Lake County Council unless otherwise specifically specified.

Inactive - means a condition in which a Battery Energy Storage Systems (BESS), or a substantial portion thereof, has ceased normal operations for a continuous period of time, including but not limited to one or more of the following:

- A. Absence of on-site personnel other than for security, inspection, or maintenance; or,
- B. Written confirmation by the owner or operator that operations have ceased or been suspended.

Temporary shutdowns for routine maintenance, equipment replacement, emergency repairs, or force majeure events shall not constitute inactivity, provided such shutdowns do not exceed twelve (12) consecutive months.

Abandoned - means a Battery Energy Storage Systems (BESS) that has been inactive for a continuous period of fifteen (15) months or more and for which the owner or operator has not received written approval from the appropriate County bodies authorizing continued inactivity.

A determination of abandonment may be made by the County based on utility records, site inspections, sworn statements, or other objective evidence.

Material Removal - means the removal, dismantling, or permanent deactivation of Battery Energy Storage Systems (BESS) infrastructure that:

- A. Reduces the operational capacity of the facility by twenty-five percent (25%) or more;
- B. Involves removal of primary electrical, mechanical, or structural systems;

- C. Results in the permanent closure of a building or a major functional component of the facility; or
- D. Constitutes partial or full decommissioning of the Battery Energy Storage Systems (BESS).

Routine maintenance, repair, or like-for-like equipment replacement shall not be considered Material Removal.

Presumption of Abandonment

Battery Energy Storage Systems (BESS) that remain inactive for a continuous period of fifteen (15) months or more shall be presumed abandoned, unless otherwise approved by the County Board of Zoning Appeals in the case of a revised Special Exception or the County Plan Commission and County Council in the case of a change of use requiring a zoning map amendment (Zone Change) after a public hearing.

Any Battery Energy Storage Systems (BESS) presumed abandoned shall be decommissioned in accordance with this section. If decommissioned, the site shall be restored to pre-development conditions, unless otherwise approved by the appropriate County bodies in the case of a revised Special Exception or a change of use requiring a zoning map amendment (Zone Change).

Notice of Discontinued Operations

- A. The owner or operator shall notify the Plan Commission and Director (154-18-50) by Certified Mail (return receipt requested) of the proposed date of discontinued operations and the anticipated timeline for decommissioning and removal.
- B. Such notice must be provided no less than ninety (90) days prior to the proposed date of discontinued operations, unless otherwise approved by the appropriate County bodies.
- C. Decommissioning and removal shall be completed in compliance with the approved Decommissioning Plan.
- D. The Board of Zoning Appeals may approve reasonable amendments or modifications to an approved Decommissioning Plan through a revised Special Exception, provided such amendments do not materially reduce the scope or effectiveness of decommissioning.
- E. Any Battery Energy Storage Systems (BESS) that has been abandoned shall be fully decommissioned and removed within one (1) year of the date abandonment is established by the County.

Decommissioning Requirements

Decommissioning shall include but not be limited to, at a minimum, the following:

- A. Physical removal of all above and below-grade installations, structures, equipment, batteries, containers, security barriers, fencing, and electrical or communications transmission lines from the site;
- B. Recycling, reuse, or lawful disposal of all solid waste, hazardous waste, and regulated materials in compliance with all applicable local, state, and federal laws and regulations; and
- C. Site stabilization and revegetation sufficient to minimize erosion and restore the site to pre-development conditions.

The Director may authorize the owner-operator to leave approved landscaping elements or designated below-grade foundations in place where removal would increase erosion risk or cause unnecessary environmental disturbance.

Decommissioning Plan

- A. A Decommissioning Plan shall be submitted concurrently as an element of the Special Exception application.
- B. The Decommissioning Plan shall demonstrate the owner-operator's obligation and ability to remove all equipment and facilities upon the end of operations or the useful life of the Battery Energy Storage Systems (BESS), and shall include but not be limited to:
 - 1. Removal of all batteries, containers, installations, structures, and foundations;
 - 2. Removal of all electrical transmission and utility components;
 - 3. Removal and proper handling of any and all specialized assets; and
 - 4. Restoration of soil conditions and vegetation. Soils shall be tested post-removal to ensure there is no contamination.
- C. The owner-operator shall provide a detailed decommissioning cost estimate prepared by a third-party Indiana State Licensed Professional Engineer, approved by the County in a written instrument, with demonstrated experience in Battery Energy Storage Systems (BESS) or industrial facility decommissioning.
- D. The cost estimate shall identify all parties responsible for decommissioning and shall account for all labor, equipment, transportation, disposal, recycling, remediation, and site restoration costs necessary to restore the site to pre-development conditions.
- E. Estimated costs shall not be offset by the potential salvage value of any equipment.
- F. The Decommissioning Plan and cost estimate shall be updated and recalculated every five (5) years throughout the life of the Battery Energy Storage Systems (BESS) and shall be subject to County review and comment prior to submission to the County Board of Commissioners for approval. Each update shall be reflected in an adjusted financial guarantee amount, if applicable.

Financial Guarantee

- A. The owner-operator shall provide a financial guarantee sufficient to cover the full approved decommissioning cost estimate. Acceptable forms of financial guarantee may include, but are not limited to, a performance bond, letter of credit, escrow account, or other negotiable surety subject to County review and comment prior to submission to the County Board of Commissioners for approval.
- B. The financial guarantee shall be approved and accepted by the Board of Commissioners prior to issuance of any building permits for the Battery Energy Storage Systems (BESS).
- C. The financial guarantee shall remain in effect for the entire operational life of the Battery Energy Storage Systems (BESS) and shall be adjusted in accordance with each five-year updated cost estimate.
- D. If the owner-operator fails to decommission the Battery Energy Storage Systems (BESS) in accordance with the approved Decommissioning Plan or fails to submit the required five-year cost estimate update, the County may request the County Board of Commissioners to draw upon the financial guarantee and retain a third-party contractor to complete decommissioning and site restoration.

Disposal and Recycling During Operations

- A. Throughout the life of the Battery Energy Storage Systems (BESS), components and systems may be replaced, upgraded, removed, or retired, including but not limited to fire suppression systems, security components, cabling, and related infrastructure.
- B. In addition to the Decommissioning Plan, the owner-operator shall submit a Disposal and Recycling Plan describing how such materials will be handled during ongoing operations.
- C. The Disposal and Recycling Plan shall address, at a minimum:
 - 1. A narrative of the removal process for all components, including batteries, battery containers, foundations, and transmission lines.
 - 2. A disposal plan for hazardous waste (e.g., lithium-ion modules) in accordance with federal and state regulations.
 - 3. Detailed restoration steps to return the site to its original or "clean" state (e.g., re-vegetation, soil stabilization).
- D. Disposal or recycling activities may occur incrementally or as part of a full-scale decommissioning.
- E. Except for routine maintenance and like-for-like replacements, the Plan Commission and Director shall be notified of significant disposal, recycling, or removal activities to determine whether additional building permits, zoning approvals, or demolition permits are required.

Finally, as stated in 154-1-120, if any portion of this amendment is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from the UDO and in no way affects or diminishes the validity of the remainder of the UDO.

This ordinance shall take effect immediately upon its passage according to law.

ORDINANCE NO. _____ IS HEREBY _____
APPROVED DENIED NO ACTION

COUNTY COUNCIL OF LAKE COUNTY, INDIANA, THIS ____ DAY OF _____, 2026.

Mrs. Christine Cid, President

Mr. Ronald G. Brewer, Sr., Vice President

Mr. Ted Bilski, Member

Mr. Dave Hamm, Member

Mr. Charlie Brown, Member

Mr. Pete Lindemulder Member

Mr. Randy Niemeyer, Member

ORDINANCE # _____

OF THE COUNTY OF LAKE

AN ORDINANCE TO AMEND the Unincorporated Lake County Unified Development Ordinance, County of Lake, State of Indiana, adopted June 13, 2023 specifically to amend **Title 154**, Unified Development Ordinance 2560; **Article 8**, Supplemental Use Regulations; **Chapter 090**, Regulations for Data Centers, **Section A**. All applications for Special Exception approval must include at least the following information in addition to the standard submittal requirements for a special exception use, **Item 18. A Decommissioning Plan**, and **Section I**. Data center facilities that remain inactive for more than 15 consecutive months must be decommissioned unless otherwise approved by Plan Commission action at a public hearing. If decommissioned, the site must be restored to pre-development conditions or repurposed for permitted uses; as follows:

BE IT ORDAINED by the County Council of the County of Lake, State of Indiana that the Unincorporated Lake County Unified Development Ordinance (UDO) be amended as follows:

WHEREAS, the Lake County Council (Council) is charged with amendments to the Unified Development Ordinance;

WHEREAS, the Council finds that large-scale Data Centers present unique land use, infrastructure, environmental, and long-term site restoration considerations;

WHEREAS, the Council further finds that the absence of clear abandonment and decommissioning standards may result in blight, environmental degradation, or undue financial burden upon the County and its residents;

WHEREAS, the proposed ordinance amendment establishes reasonable, objective, and enforceable standards governing abandonment, decommissioning, disposal, and financial assurance for Data Centers;

WHEREAS, the proposed ordinance amendment is consistent with the Comprehensive Plan and advances the public health, safety, and welfare;

WHEREAS, the Plan Commission after a duly held public hearing, hereby recommends _____ of Section 18: Abandonment, Decommissioning, and Disposal of Data Centers, including all associated definitions and requirements, as presented; and,

WHEREAS, the Council finds that the proposed ordinance is authorized by Indiana law, is reasonable in scope, and is necessary to protect the County's long-term land use interests.

NOW, THEREFORE, BE IT RESOLVED by the Lake County Council that:

DELETE:

Item 18. A Decommissioning Plan.

DELETE:

Section I. Data center facilities that remain inactive for more than 15 consecutive months must be decommissioned unless otherwise approved by Plan Commission action at a public hearing. If decommissioned, the site must be restored to pre-development conditions or repurposed for permitted uses.

INSERT:

18. Abandonment, Decommissioning, and Disposal of items throughout the life of the Data Center

18.1 Definitions

The following definitions are applicable to this Section and are designed to be objective, measurable, and defensible, minimizing discretion while preserving County Code Enforcement authority.

County – means the Lake County Plan Commission, Lake County Board of Zoning Appeals, Lake County Board of Commissioners, or Lake County Council unless otherwise specifically specified.

Inactive - means a condition in which a Data Center, or a substantial portion thereof, has ceased normal operations for a continuous period of time, as evidenced by one or more of the following:

- A. Electrical consumption limited to baseline levels necessary solely for security, safety, or minimal maintenance;
- B. Absence of active data processing, storage, or transmission for commercial or institutional purposes;
- C. Absence of on-site personnel other than for security, inspection, or maintenance; or
- D. Written confirmation by the owner or operator that operations have ceased or been suspended.

Temporary shutdowns for routine maintenance, equipment replacement, emergency repairs, or force majeure events shall not constitute inactivity, provided such shutdowns do not exceed twelve (12) consecutive months.

Abandoned - means a Data Center that has been inactive for a continuous period of fifteen (15) months or more and for which the owner or operator has not received written approval from appropriate County bodies authorizing continued inactivity.

A determination of abandonment may be made by the County based on utility records, site inspections, sworn statements, or other objective evidence.

Material Removal - means the removal, dismantling, or permanent deactivation of Data Center infrastructure that:

- A. Reduces the operational capacity of the facility by twenty-five percent (25%) or more;
- B. Involves removal of primary electrical, mechanical, cooling, or structural systems;
- C. Results in the permanent closure of a building or a major functional component of the facility; or
- D. Constitutes partial or full decommissioning of the Data Center.

Routine maintenance, repair, or like-for-like equipment replacement shall not be considered Material Removal.

18.2 Presumption of Abandonment

Data Centers that remain inactive for a continuous period of fifteen (15) months or more shall be presumed abandoned, unless otherwise approved by the Plan Commission and County Council after a public hearing.

Any Data Center presumed abandoned shall be decommissioned in accordance with this section. If decommissioned, the site shall be restored to pre-development conditions, unless otherwise approved by the County.

18.3 Notice of Discontinued Operations

- A. The owner or operator shall notify the Plan Commission and Director (154-18-50) by Certified Mail (return receipt requested) of the proposed date of discontinued operations and the anticipated timeline for decommissioning and removal.
- B. Such notice must be provided no less than ninety (90) days prior to the proposed date of discontinued operations, unless otherwise approved by the County.
- C. Decommissioning and removal shall be completed in compliance with the approved Decommissioning Plan.

- D. The Board of Zoning Appeals may approve reasonable amendments or modifications to an approved Decommissioning Plan through a revised Special Exception, provided such amendments do not materially reduce the scope or effectiveness of decommissioning.
- E. Any Data Center that has been abandoned shall be fully decommissioned and removed within one (1) year of the date abandonment is established by the County.

18.4 Decommissioning Requirements

Decommissioning shall include, at a minimum, the following:

- A. Physical removal of all above and below-grade installations, structures, equipment, security barriers, fencing, and electrical or communications transmission lines from the site;
- B. Recycling, reuse, or lawful disposal of all solid waste, hazardous waste, and regulated materials in compliance with all applicable local, state, and federal laws and regulations; and
- C. Site stabilization and revegetation sufficient to minimize erosion and restore the site to pre-development conditions.

The Director may authorize the owner-operator to leave approved landscaping elements or designated below-grade foundations in place where removal would increase erosion risk or cause unnecessary environmental disturbance.

18.5 Decommissioning Plan

- A. A Decommissioning Plan shall be submitted concurrently as an element of the special exception application.
- B. The Decommissioning Plan shall demonstrate the owner-operator's obligation and ability to remove all equipment and facilities upon the end of operations or the useful life of the Data Center, and shall include:
 - 1. Removal of all installations, structures, and foundations;
 - 2. Removal of all electrical transmission and utility components;
 - 3. Removal and proper handling of all specialized information technology assets; and
 - 4. Restoration of soil conditions and vegetation.
- C. The owner-operator shall provide a detailed decommissioning cost estimate prepared by a third-party Indiana State Licensed Professional Engineer, approved by the County in a written instrument, with demonstrated experience in Data Center or industrial facility decommissioning.
- D. The cost estimate shall identify all parties responsible for decommissioning and shall account for all labor, equipment, transportation, disposal, recycling,

remediation, and site restoration costs necessary to restore the site to pre-development conditions.

- E. Estimated costs shall not be offset by potential salvage value of any equipment.
- F. The Decommissioning Plan and cost estimate shall be updated and recalculated every five (5) years throughout the life of the Data Center and shall be subject to County review and approval. Each update shall be reflected in an adjusted financial guarantee amount, if applicable.

18.6 Financial Guarantee

- A. The owner-operator shall provide a financial guarantee sufficient to cover the full approved decommissioning cost estimate. Acceptable forms of financial guarantee may include, but are not limited to, a performance bond, letter of credit, escrow account, or other negotiable surety approved by the County.
- B. The financial guarantee shall be submitted to the Plan Commission and Director for review and approved by the County Board of Commissioners prior to issuance of any building permits for the Data Center.
- C. The financial guarantee shall remain in effect for the entire operational life of the Data Center and shall be adjusted in accordance with each five-year updated cost estimate.
- D. If the owner-operator fails to decommission the Data Center in accordance with the approved Decommissioning Plan or fails to submit the required five-year cost estimate update, the County may draw upon the financial guarantee and retain a third-party contractor to complete decommissioning and site restoration.

18.7 Disposal and Recycling During Operations

- A. Throughout the life of the Data Center, components and systems may be replaced, upgraded, removed, or retired, including but not limited to servers, processors, storage systems, networking equipment, cooling systems, racks, fire suppression systems, security components, cabling, generators, and related infrastructure.
- B. In addition to the Decommissioning Plan, the owner-operator shall submit a Disposal and Recycling Plan describing how such materials will be handled during ongoing operations.
- C. The Disposal and Recycling Plan shall address, at a minimum:
 - 1. Secure data sanitization methods (e.g., wiping, degaussing, physical destruction);
 - 2. Secure removal, transportation, and documented chain of custody;
 - 3. Compliance with applicable data protection, privacy, and environmental regulations; and
 - 4. Use of certified recycling, resale, or Information Technology Asset Disposition (ITAD) vendors, where applicable.

- D. Disposal or recycling activities may occur incrementally or as part of a full-scale decommissioning.
- E. Except for routine maintenance and like-for-like replacements, the Plan Commission and Director shall be notified of significant disposal, recycling, or removal activities to determine whether additional building permits, zoning approvals, or demolition permits are required.

Finally, as stated in 154-1-120, if any portion of this amendment is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from the UDO and in no way affects or diminishes the validity of the remainder of the UDO.

This ordinance shall take effect immediately upon its passage according to law.

ORDINANCE NO. _____ IS HEREBY _____
APPROVED DENIED NO ACTION

COUNTY COUNCIL OF LAKE COUNTY, INDIANA, THIS _____ DAY OF _____, 2026.

 Mrs. Christine Cid, President

 Mr. Ronald G. Brewer, Sr., Vice President

 Mr. Ted Bilski, Member

 Mr. Dave Hamm, Member

 Mr. Charlie Brown, Member

 Mr. Pete Lindemulder Member

 Mr. Randy Niemeyer, Member