



This development will be known as Love's Travel Shop and will only utilize 23.4767 acres and will be known as Phase 1. The remaining acreage will be used for future PUD developments (Phase 2).

Attorney Biege stated notice is adequate.

Mandy Gauss stated she is with CESO. Frank Ille with Love's is also present if there are other Love's specific questions that he can answer. They appreciate their time tonight to look at their item on the agenda. The package in front of them she knows they have seen a few times before. There have been some minor changes to it so she will briefly explain those and then be happy to take any questions they may have. One (1) of the items before them is the change in the building. Before they had a larger building and they have removed the Chester's so there are only two (2) restaurants within it now being Taco John's and a Godfather's Pizza. Those are the two (2) restaurants that will be within the Love's Travel Stop. They have also removed the truck wash; there were two (2) truck wash bays previously on the plan. The truck wash was removed and it went back to a four (4) bay Speedco. Those are the changes on the site that were made. With that, there was some signage changes to remove the Chester's signage and to add the Speedco signage so the sign package was also updated. If there is anything specific that they have questions on, please let them know. They have seen this a few times so she won't go into too much detail. Everything else remained the same. There are still nine (9) truck fueling positions and sixteen (16) auto fueling positions. They did add some auto parking with the decrease of the building size. The one (1) row next to the drive-thru became a double row so that went from seventy-eight (78) to eighty-seven (87) parking spaces. Those are really the main changes in the plan. The truck parking remained the same at one hundred and fourteen (114) spaces.

Michael Polan stated when they were here last time, he wanted to make sure that they are asking for everything that it is that they need or foresee that they would need. The prior approval consisted of ten thousand to fourteen thousand square feet (10,000<sup>2'</sup> – 14,000<sup>2'</sup>) range and once they got into it the actual square footage and size of the plan was more than the five percent (5%) discretionary authority he has to approve above and beyond the Board, thus requiring them to come back here for the approval. They are looking for the square footage.

Mandy Gauss stated the actual square footage of the building is sixteen thousand four hundred and seven square feet (16,407<sup>2'</sup>) for the Love's Travel Stop.

Frank Ille stated that was his fault. He thought that he had given a range that would encompass what the building is and quite honestly, he didn't know that they built that size of building nowadays which they do. It's called a Tier Zero which he has talked about with them before. This will be a premiere building; they only have nine (9) of them open around the Country. This is the premiere building that they are doing at special locations or locations that they think are going to have the highest traffic. He didn't realize that those buildings had grown to over sixteen thousand square feet (16,000<sup>2'</sup>) so that was his fault. That was the first change and the reason they are back here this month. Number two (2) is the elimination of a truck wash and the reason they did that was to enhance the flow of traffic around the site. They thought that having the two (2) truck wash bays and three (3) bay tire shop, so five (5) total bays with a tight site as they had to work their landscaping around the pipeline, they thought it was too busy for the trucks so they wanted to ease

their traffic flow a little bit so they got rid of the truck wash. In doing so, that allows them to have a Speedco, so the third change is the addition of the Speedco signage to the pylon sign out by the interstate. That is an increase of one hundred and eighty-five square feet (185<sup>2</sup>) to the pylon sign.

Michael Polan asked if he feels that a square footage range like last time would be a good thing to ask for or does he want to go with the exact amount.

Anthony Hendricks asked if they can open up the range from ten thousand to forty thousand square feet (10,000<sup>2</sup> – 40,000<sup>2</sup>). They don't want to hold them up; we want them to be able to build and start moving.

Frank Ille stated he told everybody not to stop that it was his mistake and that he would come back and beg for their forgiveness, but they do plan on starting construction on this location in the month of May barring anything unfortunate going on tonight with this meeting. If they want a range, he can say fourteen to eighteen thousand square feet (14,000<sup>2</sup> – 18,000<sup>2</sup>) and he is pretty positive the building is now sixteen thousand four hundred and seven square feet (16,407<sup>2</sup>) just like Mandy said, but he doesn't mind being a little safe and saying fourteen to twenty (14,000<sup>2</sup> – 20,000<sup>2</sup>) or whatever they want.

Anthony Hendricks stated the Building Commissioner only has five percent (5%) and that is small if anything changes.

Michael Polan stated the Tier Zero description sounds exciting though.

Anthony Hendricks stated yes, they will get a bigger a place. In his opinion at the ten to twenty (10,000<sup>2</sup> - 20,000<sup>2</sup>), he doesn't think he will ever go over or under than range.

Michael Polan stated there was an issue with the I-94 sign that was off-site, but that was actually corrected to the previous hearing. Is he remembering that correctly?

Anthony Hendricks stated yes. Lot 1 has changes so it has frontage on I-94.

Michael Polan stated they just have the proposed changes in front of them then.

No remonstrators present.

Anthony Hendricks asked Attorney Biege if they ask for approval of this submitted Planned Unit of Development with all the changes they have and a range up to the Board which he would think ten thousand to twenty thousand (10,000<sup>2</sup> – 20,000<sup>2</sup>) to make sure whatever they cover additions or loss, Mike can be covered to get this built.

Harold Parker asked if he needed that stated in a motion.

Anthony Hendricks stated yes.

Harold Parker stated he would motion whatever he just said.

Harold Parker made a motion for a favorable recommendation for Petitioner Love's Travel Shops & Country Stores, Inc. (Love's) represented by CESO, Inc. (CESO) would like to present to the Plat Committee a proposed PUD with fueling stations, convenience store and restaurant (10,000<sup>2</sup> - 20,000<sup>2</sup>'), a truck tire repair facility located at the intersection of US Route 421 and County Road W. 300 N., Michigan City, IN. Coolspring Twp. Zoned B3 consisting of 56.397. This development will be known as Love's Travel Shop and will only utilize 23.4767 acres and will be known as Phase 1. The remaining acreage will be used for future PUD developments (Phase 2).

John Carr seconded.

Earl Cunningham asked if they need to add the reduction of the truck wash.

Anthony Hendricks stated the motion includes the current plan they are seeing in front of them.

Attorney Biege stated he has it all.

John Carr stated he would like to reiterate the importance of working with the local trades and contractors on this project. They would appreciate that.

Earl Cunningham stated he would like to thank them on behalf of the rest of the members of the Board as well for their patience. Out of curiosity, is this a record for the longest it has ever taken them to get construction started on a Love's.

Frank Ille stated unfortunately, not even close. He worked on one (1) in Oregon for seven (7) years and they have one (1) that one (1) of his colleagues worked on for twelve (12) years.

Anthony Hendricks stated thank you for their perseverance especially with the pipeline; it took a very long time. That is something to behold to get that pipeline moved.

All approved. Motion carries 7-0.

Frank Ille stated he hopes the next time they see each other is at their store.

Anthony Hendricks asked for any old business other than the Solar Discussion?

Anthony Hendricks stated if anybody has seen the news, Porter County rescinded its' Solar Ordinance and they do not have an Ordinance in place. He spoke to the Porter County Stormwater Management Engineer Mike Novotney and he thought he was going to give him their proposed Solar Ordinance because he said there are lots of things that are happening that they need to protect themselves and the individuals in our County that would wish to do these main big solar projects. Harold and John worked with him, but Porter County didn't put anything in place. He doesn't think they would even entertain that because it would leave them open to really no Ordinance so they need to discuss it. Mike had some good emails this afternoon and he just got back to it and he looked; there is a lot of stuff coming online very fast. There are portals with lots of information on what everyone is talking about and he kind of put together just a quick highlighted points they need

to look at, but the main one (1) is the decommissioning. Solar Panels can last twenty (20) years to eighty percent (80%) capacity and then they will run, slowly degrade, and they could be fifty to seventy-five (50 – 75) years to zero (0), but they will have to dispose of them somehow. They are not friendly to dispose of. Starke County, Jasper County, and Pulaski County he believes have some decommissioning wording, but he doesn't think it is tight enough and neither do they. If they are talking about the thirteen (13) square miles that are happening in Pulaski and Starke County, that is a lot of panels. Porter County was thinking the same thing; how do they guarantee that if it all goes south because typically these companies if they get below eighty percent (80%) they want to replace the panels; they don't want less than eighty percent (80%). Homeowners can just let them run until they are nothing because who cares, they aren't going to pay for them, but a big field of panels, they will start replacing them, or if they walk away, then what? Over the last months, he has been looking at it that some people want insurance, some people want a bond, something, but talking twenty (20) or fifty (50) years out and those companies might not exist anymore. A bond company might give them a bond, but if it doesn't exist then it's worthless. Or an insurance policy where the company isn't there anymore. Starke County and Porter County have been talking about some escrow. He understands that's a big charge, but these are billion-dollar companies so he thinks they need something to add to their Ordinance that either is some escrow, a lump sum in the beginning, or they work up to a payment in escrow in five-ten-fifteen (5 – 10 – 15) years so they know when somebody is there. Or he sees now people are putting a lien on the property. Typically, the companies are leasing these fields and when they leave, if the companies are selling them off to other companies, so the first company that has the lease might be the company they end up with, which Porter County is having trouble with that too, they will need some legal advice regarding that. If they leave, then the owner of the farm field, which is not ruined, they can take the panels off and still farm it, but somebody has to pay to take those panels off and they know it will be the government that gets charged to take those panels off. Can they put a lien on their property? His thought is that it's not very nice, but if they put a lien on their property for hundreds of acres, they know coming in the front that they will get a lien on their property, they might make the person paying the lease pay the escrow up front instead of potentially putting a lien on their family farm. That's some discussion he thinks everyone is having right now. How do they guarantee that?

Attorney Biege stated he just thought about inflation if they are talking about something fifty (50) years away.

Anthony Hendricks stated that's a good point. Some people want an independent engineering study which they have to pay for to say what the decommissioning cost is. Then they want a new study every five to ten (5 – 10) years to make sure that inflation hasn't gone up or down to dispose of them. Maybe twenty (20) years from now, they might want these. Who knows? Maybe they don't. But they want it independent because what they are seeing from the companies leasing them is they are giving engineering studies on decommissioning costs and they are nowhere near what they really are.

Attorney Biege stated they have the requirement in the initial application, but he doesn't think they have an update requirement which is a good idea.

Anthony Hendricks stated this is moving very fast and people are moving quickly to protect themselves, the government is.

Harold Parker stated they are going to have to have some kind of inflation, hire an engineer. He doesn't know what good a lien would do other than they will get the property if they can't.

Anthony Hendricks stated they would take the property, decommission the panels, and sell it. Whatever money is left, they give back to the person that owned it.

Harold Parker stated that's kind of bad.

John Carr stated what size of facility would these regulations come in to effect on.

Anthony Hendricks stated that's a good question because he did see people are looking at small, medium, and large now.

John Carr stated he doesn't want to hamstring a homeowner that has twenty (20) panels.

Anthony Hendricks stated he doesn't either.

Attorney Biege stated they already have that covered because they did different categories in the Ordinance that they passed already.

Joe Haney stated in their current Ordinance they have some of that here, but they probably need to look at tightening it up, but for example it says "financial assurance in an amount at least equal to said demolition and removal contractor cost estimate, through the use of a bond, escrow deposit, or other security acceptable to the County, for the cost of decommissioning each tower or solar array and related improvements constructed under the improvement." They do have some of it in there, but it is a little vague.

Anthony Hendricks stated they need to take some out and not let them choose.

Joe Haney stated what is going to be acceptable to the County is open ended.

Attorney Biege stated he wanted what's acceptable to the County as it gives the Commissioner some discretion. This is all so new he is concerned they are going to miss something or something new will pop up so he wants to leave some discretion, which he can't believe he's saying it, to the elected officials. So, there is some flexibility in case there is a topic they don't know about now that pops up in a couple years because Tony's point on a lien is a good one, but he has to research that because real estate law is fairly structured. He doesn't know if there is a mechanism out there that would allow for it.

Anthony Hendricks stated they can do that on demolition of houses though right?

Attorney Biege stated right, but the work is done. Let him do some research on that one (1).

Harold Parker stated farmers are not going to back something if they are going to lien, because it is a public authority that they are helping and then they are going to come after grandma who did it to

put the kids through school and at the end of twenty (20) years they would take the farm because nobody is there to pay the bill.

Anthony Hendricks stated a lien is the worst thing they could do.

Harold Parker stated something has to hook into the natural grid and make those people pay for the clean-up. They got the benefit of it then they have to pay for the clean-up.

Anthony Hendricks stated one (1) thing that came up that he didn't even realize Porter County is looking into is inverter noise. The panels have pretty big inverters and if they put it next to a house, they are pretty loud. They need to be screened for noise. He didn't even realize that if they get an inverter that size, the fans are loud. Setback from a home for decibel level is something nobody saw coming like Doug had said. They can't see everything that is coming until they start doing some of these and then they are cleaning up the mess. It's moving very fast, but he agrees with Joe that they need to tighten up some of this. He got more concerned because today it was announced that GM just signed an agreement with Samsung SDI and they all know that that might put New Carlisle back on the grid and they'll need a lot of power.

Harold Parker stated they are going to bank batteries.

Anthony Hendricks stated there will be people looking at solar in St. Joe and LaPorte County like they have never seen.

Attorney Biege stated they should set up a committee to go over what we have here and tighten some areas up and maybe some other areas of addition because he just had a thought about requiring the bond to be five (5) years and to be renewed every five (5) years.

Anthony Hendricks stated that's a good idea.

Michael Polan stated he likes it.

Attorney Biege stated there's less of a risk that the company isn't going to be there. That's just talking here, but a committee of four or five (4 – 5) people might be a good idea to put this together.

Harold Parker stated if they renew every five (5) years, what are the teeth in it? They're not going to renew it if it's not making them any money.

Attorney Biege stated that's a good question.

Harold Parker stated the hardest thing down the line is they're not going to have the people that started it. Most of them sell off. They make their money and then they sell off and other people come in and write all the tax laws and ride that and get the free "no taxes" in the County and they ride it and then soon another one (1) comes in.

Anthony Hendricks stated the lien is horrible, but it's the only last resort the government has because the ground isn't moving anywhere and if they want to start farming again the panels have to

be moved. Maybe, if they want to farm again, they will move the panels, but if they just walk away, kids just walk away a third generation out, that will fall on the government to take those panels out.

John Carr stated the farmers could have some kind of agreement.

Harold Parker stated a public utility has public use. If they're going to use it, then they have to pay for it when they're done. That's his case whether it's the government or whoever. If they can get some kind of insurance up front that is fine or some kind of mechanism with the inflation that is hooked to the governments idea of what inflation is every year.

Anthony Hendricks stated his first thought is escrow. They have the money. Those people making the money are getting paid. He doesn't care if they do it up front or in five, ten, fifteen (5 – 10 – 15) years; that fund will be sitting there and they know it will be there. It will be there; there is no clawing that back.

Michael Polan stated he thinks their decommissioning plan was well thought out and very detailed, but when they get down into specific language. . . As they have stated this is coming and it is happening fast, they are seeing what other counties are up against and what they are dealing and revealing their ordinances. One (1) sentence in there it says a bond or escrow, but what does that mean? Is it the choice of the applicant? The choice of the County. There's that. It also further states it is going to be reviewed by the County in five, ten, fifteen (5 – 10 – 15) years, but that will be their successors so are they going to do that or is it going to fall through the cracks. These are good things for them to go over and consider now when they are tightening it up.

Anthony Hendricks stated the one (1) that says it is up to the Commissioners, it doesn't get to the Commissioners; it gets to Mike as Building Commissioner. It never gets back in front of the Commissioners.

Attorney Biege stated Mike didn't read it far enough. It says security acceptable to the County. He used the words the County because there may or may not be a Building Commissioner in fifty (50) years. There might be a restructure of how it works, so some stuff they don't want to get too specific on because then it will be completely irrelevant.

Michael Polan stated so it covers both.

Attorney Biege stated Mike is the designee of the County, so it would be him.

Anthony Hendricks stated what he is hearing from the other counties is that they have had these lease agreements between the owner and the solar farm and they say all these things and then come back and say too bad and send a team of attorneys after them just to wear them down. And they will do that to the County unless it is specifically in the Ordinance like it has to be and they don't have a choice. They could say they want to give a bond because it says in the Ordinance and they'll send attorneys after the County. They have millions and millions of dollars and tons of attorneys who will keep after them to accept the lowest possible solution. It puts Mike under the microscope because they will go after him and Doug and the County Attorney and they will run them ragged until they get what they want.



Attorney Biege stated that's inevitable no matter what. They're not going to draft an Ordinance that is attack proof.

Michael Polan stated switching gears slightly, but still relevant to the Ordinance, are they going to look at lot coverage on the larger commercial operations.

Anthony Hendricks stated in his mind, that is tough. A lot of people are asking for setbacks of a hundred to three hundred feet (100' – 300') back. He doesn't see that easily defined. There could be trees or forests. Some are asking for screening so if they put a fifty-foot (50') tall evergreen they just lost their solar; what use is it? If they tell them that the screening has to be a maximum of eight feet (8') then it doesn't affect the solar panels. Those are all things they'll have to discuss. Porter County thought so much of it and they are going to be working hard all summer. He can work closely with Porter County and see what they come up with, but they will be a lot stricter than we will ever be.

John Carr stated he could see that for sure and he thinks that's why they repealed it. Is there any kind of legislative action being taken on a Statewide level in regards to solar?

Attorney Biege stated not that he has heard of. He has been working on the batteries, but he hasn't heard anything on solar.

Anthony Hendricks stated this is the last week, right?

Attorney Biege stated they won't see anything this year on the batteries.

Joe Haney stated there was a solar bill that was introduced at some point and he doesn't think it went anywhere, but in relation to if the County didn't have a solar plan and they didn't already have one (1) on the books they would have to go with what? They passed this two (2) years ago when he was up there and they did this. He thinks they did a pretty good job for right out of the gate, putting something in there because it's not as tight as they might want, but it's doing a good job of covering them in the interim while they come up with exactly what they want. It popped its head back up this year that if the County didn't have its' own solar ordinance, it would be subject to whatever the State decided.

Attorney Biege stated he hasn't heard of anything passing on it.

Joe Haney stated he didn't think it made it out of committee.

Attorney Biege stated this and the batteries, both issues, he expects are going to have to have several amendments as the technology advances.

Anthony Hendricks stated yes. Who wants to be on the committee? They can't have more than four (4).

John Carr stated they already had a committee.

Anthony Hendricks asked if they wanted to stay on it? Him, John and Harold?

John Carr stated sure.

Harold Parker stated yes.

Anthony Hendricks stated they'll get with Doug. See if they can get something moved faster than not. They will watch closely with Porter County.

Earl Cunningham asked what is the oldest solar operation in the Country? Has anybody just checked Google for the oldest solar operation and has anybody decommissioned one (1) already. Somebody did this thirty (30) years ago, he is sure. They should go back and look.

Attorney Biege stated he doesn't know how they'd find that information.

Anthony Hendricks stated they'll start searching.

Attorney Biege stated call County to County he guesses.

Earl Cunningham stated he thinks they can Google a lot of it. What was the first solar operation to go into effect in the United States. He bets there's info out there.

Attorney Biege stated good point.

Anthony Hendricks stated there are some things in there where a lot of communities are asking about what you do underneath panels. Is that hard surface? Most rules now say that it's not considered hard surface because if they look at any solar field, they are not getting the erosion and runoff. They are actually mowing it because so much grass is growing under there. It's not running off in horrible areas unless it's on a steep slope so that is one (1) thing people started looking at.

Earl Cunningham stated they could graze pigs or chickens and stuff like that.

Anthony Hendricks stated yes. And then he brought that agrovoltatics; goats and pigs will eat the grass and run around on the field. Security about the fencing; do they want people in there because these are very high-powered electrical things and if somebody gets in and starts messing with it. . .

Harold Parker stated he wants to explain something about animals. They eat everything. A goat can eat through almost any kind of conduit.

Anthony Hendricks asked if they will start chewing on the wires.

Harold Parker stated they will chew. He used to have a cow and they chewed all the valve stems and stuff on the tires he had on there. It's unbelievable; they just have to chew.

Anthony Hendricks stated grass grows under them though.

Attorney Biege stated he might add teenagers too.

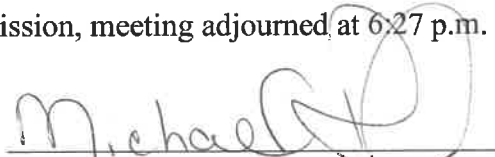
Anthony Hendricks stated they'll have the Commission and the Committee and come back with some more ideas with Doug.

Anthony Hendricks asked for any new business.

There being no further business before the Plan Commission, meeting adjourned at 6:27 p.m.



Anthony Hendricks, President



Michael Polan, Recording Sec.