

The Madison County Plan Commission met on the above date at 9:00 A.M. with Wesley Likens, President, presiding.

Members Present: Phil Isom, Bill Maxwell, Pat Manship, John Simmermon, Mike Phipps, John Orick, Mark Gary, and Wesley Likens. Steffanie Owens arrived at 9:07:54.

Members Absent: None

Also Present: Ken Ellis, Planning Director, Gerald Shine Jr., Attorney, and Elizabeth Bruns, Board Secretary

Current Business

1. Pledge of Allegiance
2. Prayer – Pat Manship
3. Roll call taken with one member, Steffanie Owens, arriving late at 9:07:54.
4. Member Maxwell made a motion to approve the June 14, 2011, minutes, with the following changes: Wes Likens chaired the meeting, and Mark Gary was absent. Member Orick seconded the motion. Vote was unanimous in favor of the motion. **The June 14, 2011, minutes approved with changes.**

New Business

1. Member Compensation

Director Ellis requested that the Board make a policy decision as to members of the MCPC and BZA Boards being paid if they are not at a meeting. Should the Elected Officials be compensated for being on the Board?

The consensus of the Board was that the Elected Officials are required to be on the Boards and should not be paid to do so, as they are already being compensated for their Elected Position.

After a brief discussion, Member Simmermon made a motion that the Board Members should be paid \$80 compensation, only if they are present at the meeting. Vice President Gary seconded the motion. Vote was unanimous in favor of the motion.

Member Maxwell made a motion to adjourn this meeting until 10:00 a.m. at which time we will reconvene for the Wind Farm Petition meeting.

10:01:46 Madison County Planning Commission meeting reconvened.

Roll call was taken and all Board Members were present.

Mr. Shine stated that the matter before the Planning Commission today is a Special Use which has been filed by E.ON for a Wind Farm in Northwest Madison County. Pursuant to the County Ordinance on Wind Farms and Indiana Code 36-74-905, Elected Office holders are required to recuse themselves from the hearing. That would include our County Commissioner, Steffanie Owens, our County Councilman, and our County Surveyor. They are entitled to be part of the general public and can make any comments or ask any questions they may have, but they may not partake in the decision making process.

10:03:44 Mrs. Owens, Mr. Phipps and Mr. Manship have recused themselves from the hearing.

President Likens explained the process of the meeting to all in attendance, and then turned the meeting over to Mr. Ellis, Planning Commission Director.

Director Ellis stated that the boundaries for this Special Use Exception area are in the general area of Northwest Madison County, it's bound by CR 1300 North to CR 900 North which is the Grant County line, and 1000 West to CR 500 West, Tipton County line. The Planning Commission confirms that all noticing requirements were met.

Members of the Planning Commission, my name is Andy Melka, I am the representative with E.ON Climate & Renewables, I've been the lead developer on this project since its' inception back in 2008.

E.ON is a large utility company headquartered in Germany, but in the United States our headquarters are in Chicago. We build a number of different types of energy projects around the world, but here in the United States our soul focus at this time is wind power. We have 14 wind projects currently operating in the United States, that puts us at the number five operator in the Country at this point, and this project would represent almost a ten percent increase in our generating capacity and would represent a four hundred plus million dollar investment here in Central Indiana. The Mayor and Economic Developer of Elwood were unable to be here tonight, but Bill Savage wanted me to make sure that I said that he was very much in support of this project and is very excited to have it come to the County.

Mr. Melka showed maps of where they intend to place the wind towers. The capacity of the project will be approximately 200 mega watts, and that's the equivalent of generated power for the annual use of about 60,000 average American homes.

Depending on which turbine we ultimately select, this project will include 87 to 125 wind turbines, roughly split equally between Madison and Tipton Counties, with a slightly greater percentage in Tipton County. Each turbine will have an access road to the base of the tower, an underground collection system, an operations and maintenance facility as well as a collector substation where all the energy comes together, from all the turbines at which point it's brought above the ground and transmitted over a couple of miles of overhead transmission line to the power line that exists just east of SR 37 in Boone Township.

Our plan is that we will develop, construct, and own and operate this project throughout the lifetime. We have already signed an economic development agreement and a road use agreement with the Commissioners and obtained tax abatement from the County Council. If we are approved for this Special Use we could actually begin spending money, moving dirt and constructing this project as early as October of this year.

There are still some outstanding items necessary besides this approval, the decommissioning agreement which is provided for and required by the Ordinance prior to pulling building permits. This form has been agreed upon and we expect this to be passed and signed at the next Commissioner's meeting. We are working with the County Engineer to finalize the specifications for the road upgrades. We are about 99% there, but we have not finally selected a turbine, once we do we will make sure that the layout we presented here fits and we might make some small changes to that layout, but will all continue to comply with all provisions of the ordinance and stay within the setback areas. The final site plan and engineering, including landowner review of the site plan we take that very seriously that the landowner should have some input on the site plan to make sure that we are not creating a problem for them or for their farming. Lastly, finish up the environmental permitting that is still outstanding. There are many protections in the lease agreements and the County Ordinance, 80% of the leaseholders live in Madison or Tipton County. Over 96% of them are actual residents of Central Indiana. This

is a very local project. The lease protects the ability to continue to farm all of the land right up to the tower base and make it as easy as possible to do that. We will actually shutdown during crop dusting periods to make sure that the pilots don't have to fly around the spinning blades. Many protections in the contract for the life of the project, such as payments for all crop damage that we cause, restoration of all drainage damage that is done from the construction and or operation of the project. Protection of all the other land rights and use of our project access roads. We have a decommissioning bond, and we will make sure that this project continues to run safely and effectively. None of our towers will be closer than a mile to Elwood, I believe that is the way the layout stands right now, and we do not have any intention of getting any closer than that. In fact we have additions to the setbacks that we've done as a good neighbor policy to increase the County setback 25% to 1,250'. The County ordinance requires that this setback be from the center of the tower to the edge of the foundation of the closest house. This 1,250' setback is from the center point of the house to the center point of the foundation of the tower. We will meet and exceed all of the standards set forth in the Wind Ordinance. We as a company take safety very seriously. Employee compensation is based on company safety. We will generate very significant tax revenue to the County and schools. I believe we will become one of the biggest taxpayers in the County. Our evidence establishes the four findings of fact that you are required to consider today.

Lynn Gresock, Associate Vice President of ARCADIS US, Inc., Lead Environmental Consultant. Various studies have been conducted which do not indicate that there are any neither unique habitats nor sensitive species identified. We also conducted a very detailed analysis demonstrating compliance at the 215 residences that were identified within Madison County as potential receivers of sound from the project.

Dr. Mark Roberts, M.D., Ph.D., I am from a company called Exponent. We are an engineering firm that has a health component, I direct the Center for Occupational & Environmental Health. I'm a physician licensed in three states, IL, OK, & WI. I have a Ph.D. in epidemiology, which is to evaluate the science behind health issues. As an occupational medicine physician, I've looked at the noise induced hearing loss and that's up in the range of 800,000 and above. In this situation we are talking about lower levels. There are no health conditions that had been documented to be associated with wind turbines. That's not to say that wind turbines don't cause annoyance, but remember one persons music is another person's annoyance. I went into scientific literature and looked to see what's there, and so far there have been no published articles about wind turbines that have documented a particular disease caused from them. So the bottom line is in looking at the scientific literature, what has clearly documented is with annoyance that's associated with emotional response to a situation. There is not a health condition that has been associated and been documented to be associated with wind turbines.

Dr. Mark Thayer, Ph.D., Chairperson of the Economics Department at the San Diego State University. conducted a very large scale review of property values with relation to wind turbines. Based on the analysis of 7,459 single family home sales before, during and after wind farm development in the U.S., we concluded that there was no impact from wind farms on the sale prices of these residential properties. There have recently been several studies completed and all of them find the exact same thing that we find, that post construction there is no impact from wind farms on nearby residential sale prices. It is true that the Hinman Study and the Heintzelman Study did find an impact in the post announcement preconstruction period.

Mr. Melka stated that one other thing they wanted to bring up was the effect on property taxes. In Tipton County the Commissioners engaged a firm by the name of Umbaugh & Associates, which concluded that in fact this project would decrease the tax rates for all of the taxpayers in the area.

Mary Solada, Attorney for E.ON – The Henry Hamilton Study concluded that the tax rates have declined in Benton County and also the assessed values have gone up and the tax levy has remained relatively consistent

and that the burden upon commercial and residential taxpayers in Benton County actually dropped from 2009 to 2010.

Mr. Melka stated that the road use and drainage agreement has been approved and signed by the County Commissioners that requires us to upgrade the county access roads ahead of time that we will be using to make sure they are in drivable condition throughout the operation of the project and that we are repairing any damage to any of the drainage facilities in the county. The decommissioning agreement requires us to put some sort of financial security in place to pay for the actual decommissioning and removal of the towers when that day comes. The value of that bond will be set by an independent third party engineer that will estimate the salvage value, the actual cost of removing from the site, and the total costs of decommissioning the site.

This project will generate \$48 to \$60 million in direct economic benefits to the County. That includes property tax revenue, land owner revenue, road upgrades, job creation and the Economic Development Fund that was set up through the Economic Development Agreement in the County.

Member Simmermon asked for clarification on the substation and a buffer yard.

Mr. Melka said that is not something that we have committed to, but I'm happy to commit to that right here and to install those arborvitae around the substation. The power line that we are interconnecting into is a half mile east of SR 37 on the south side of CR 1500 North. The station itself will be approximately 200' wide by 300' deep. It looks like a standard electrical substation that you see on the east side of town here. That facility will be connected to the rest of the project via an overhead transmission line which will run along CR 1500 North for about a mile and a half west to the northwest corner of CR 1500 North and CR 700 West, to where we will have a collector substation, where all of the electrical cables that connect the wind turbines together meet and then come up out of the ground where a transformer will step that voltage up from 34,500 volts up to the voltage of the high tension transmission line of 138,000 volts.

Member Orick asked if this would have a positive or negative effect on the electric bills.

Mr. Melka responded that this is just a drop in the bucket of the energy generated and it will probably not have a positive or negative effect on your utility bills.

President Likens addressed the public and asked them to come up to the podium if they would like to speak.

Patrick Manship, I live at 1054 East 600 South. How high will the bottom of the tip be off the ground on these blades? Who is going to control the Economic Development Fund? Will the trench that you are digging be an open trench?

Mr. Melka stated that the turbine models that we're looking at all have blade clearances of well over 100' and closer to 130' to 150' from the ground. The trench will be an open trench; this makes it a lot easier on everyone.

Gerald Shine, Board Attorney, stated that we do have the agreement to receive those funds, and they will be disbursed by the Madison County Commissioners, for Economic Development Purposes of the County.

Richard Williams – I live at 1449 South 700 East in Elwood, Indiana which is actually in Tipton County but I am a landowner in the subject area as well. Duck Creek Township doesn't have a lot to offer. A lot of other industries that we do have are agricultural commodities and energy. What we need to do is use these resources that occur naturally in our township. I am for the approval of this zoning.

Shane Harris – 103 North Buckeye, Kokomo. I am here speaking on behalf of the Indiana, Kentucky, Ohio regional council of carpenters and millwrights. Since 2007 our working men and women have put in almost one million working hours constructing wind turbines. We ask that you support and pass this variance.

Margaret Thomas – 2425 Main Street, Elwood. I've done a lot of research on wind energy and have looked at both sides. My concerns are the documented numbers of bat and bird kills which are in the thousands including raptors, eagles, and migratory birds. The wind turbines destroy and fragment wildlife habitats and wetlands. She expressed concerns with the blades icing and the wing tip speed throwing chunks of ice off the size of a car; the setback is not a safe distance. We have three coal power plants that are in danger of being closed by the EPA in southern Indiana which is going to cause a spike in our utility rates. This is a fact; it's going to happen in two years. There have been no new permits allowed for the building of new coal power plants and the wind industry is very dependent upon our coal generation. Without the government subsidies you would have no wind industry.

Mike Closser – Pipe Creek Township, Frankton. I would like to speak about the effect of the wind turbine farm on property values. I found on the internet something called a property value guarantee (PVG). Developers believe turbines won't devalue neighboring property, and they should guarantee it. Mr. Closser shared the percentages of market value drops in other Countries.

Burel Tyner, 1111 Main Street, Elwood. I worked in a factory and there was a lot of noise there. I got paid to work there. We stuck our ear plugs in and went about our business making tin cans. If our neighbors had to listen to what I did they would have been screaming up one side and down the other. If you are getting paid to listen to noise then you don't mind it, but you neighbor is not getting a dime off of it. We're talking about people here and not just about money.

Joseph C. Kelich 7175 North 575 West, Frankton. I do not live inside the proposed development area, but my father does and our discussions have been very positive on this development. Other than agriculture we don't have anything else to help our means of income, so we are very positive with the proposed development and look forward to what it brings out for Madison County.

Mike Papoi, 3014 Mounds Road, Anderson. We need jobs regardless if this is going to be beneficial to our community. I live near the railroad tracks and hear a train every day, you get used to it. I hear motorcycles, beat boxes and everything else. If we can put up with that, I'm sure we can put up with this.

Terry Sherman, 7707 West 1600 North. First of all I would like to say that alternative energy is a great thing. I still have some questions I would like to have answered. What is the noise that we expect to hear from these turbines? Also, is there any chance that the magnetic field could cause any kind of health or mental problems, because it is associated in some areas? What about satellite reception or internet reception, are those affected.

Mr. Melka stated that from 1,000 feet away we expect to not hear much of anything, I'm not saying you will never hear any noise, but typically the sound of the wind passing by your ears and the crops will drown out the noise from the turbine. Again, our electricity is generated at very common voltages that you are exposed to on a day to day basis, so it's nothing unique or unusual about this type of electricity. I heard in one instance that someone's television was affected and we ran cable for them.

Linda Floyd, 9329 West 1500 North. We have been asked by E.ON to have the turbines on our property. Before we signed the papers, my husband and I, and then our son on a separate occasion who has also been asked, drove to Benton County, and White County and we were quite impressed. We found no problems; we

were very close to the turbines. We were within a few feet of the tower, we heard absolutely no noise. When our son visited the site, he stood under one of the turbines and made a phone call to us. There was no problem with reception, it was very clear. At times when we pulled up to a second turbine there was a very slight humming noise. I personally am excited to have one that I can see from my kitchen window. This decision was not taken lightly on our part, we studied the situation and then we signed.

Joe Evans, I live in Delaware County. I work for the Indiana, Kentucky, and Ohio Regional Council of Carpenters. I am also President of the East Central Indiana Building Trades which represents about 3,000 construction workers. We have lost thousands of jobs with the loss of General Motors. We need jobs.

President Likens asked Mr. Melka if he would like to address any of the questions brought up.

Mr. Melka stated that one of the studies for the effects on wildlife was completed back in the 70's in California, this was very improperly sited, it had old turbine technology with lattice towers, with faster spinning blades and it was right in an area where a lot of raptors and condors and migratory birds like to travel through. That was a poorly sited project that was one of the first projects that was ever built in the United States. All of these issues have been addressed in subsequent wind farms and subsequent projects. Lynn Greesock and her team did a number of investigations measuring bird activity and we are in constant communication with the Fish & Wildlife Service. The only concern that they have on this site is the Indiana bats, and we are working to get an incidental take permit for the endangered Indiana bat on this site, which we hope to have before operation. Ice does build up on the blades, and can fly off, but not a 1,000 feet, a few hundred feet at most. There are a number of reasons property values go down and wind farms cannot be isolated from that and don't have any specific effect. We placed a microphone on the met tower just north of Elwood off 1300 North, found a couple of calls that were in the genus of Indiana Bat but were not specified as the Indiana Bat. In addition we put big nets over some of the streams along the wildcat creek and we did not catch any Indiana Bats. We feel very comfortable that this is not going to be much of an issue.

Member Simmermon stated that it would be hard to tell if the property values dropped due to wind turbines or the markets.

Director Ellis presented his staff report and stated that along the way, we will have human safeguards including members of the Plan Staff, the Highway Department, the County Engineers Office, and have access to the Professional Engineers thru this entire process. We are inspecting the facility based upon the manufacturer's specifications. We have a decommissioning agreement signed that would take everything back to dirt if needed in the future. We feel that this will bring tourism into the area. The Madison County Board of Commissioners has found that wind farms in agricultural districts do not substantially alter the character and the value of the areas.

Staff recommendation is to approve with conditions.

Member Simmermon asked if E.ON agreed with the tight screen of the arborvitae.

Petitioner Melka said around the switch yard and substation, yes we can commit to that.

Member Isom asked if the substation would also be protected by a security fence. Petitioner Melka said yes including high voltage signs and emergency contact information.

Member Simmermon made a motion to approve and adopt findings with the following conditions, a tight screen of arborvitae acting as a buffer yard within the required side yards of the switch and transmission utility stations

facility, that the terms of all Madison County Agreements relating to the Wildcat Farm 1 entered into by the Petitioner and Madison County are conditions of approval, that all provisions include any pre and post construction requirements of Madison County WECS Ordinance are conditions of approval, that all commitments made by the Petitioners either in writing on the site plan or made verbal at the hearing shall be made recorded conditions of approval. And that the additional conditions would be 1,250 feet for the dwelling setbacks.

Member Isom seconded the motion. Roll call taken, vote was unanimous in favor of the motion. **Special Use Exception 2011-SU-002 approved with conditions.**

Adjournment 12:12:03 PM

Wesley Likens, President

Elizabeth Bruns, Board Secretary