

**E.ON Climate & Renewables
Wildcat Wind Farm, LLC**

**Special Exception Permit Application
Submitted to Madison County July 22, 2011**

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1 Project Summary

1.1 Project Applicant

The Applicant and Owner of the proposed Wildcat Wind Farm (the "Project") is Wildcat Wind Farm I, LLC (the "Applicant"), a Delaware limited liability company that is wholly owned by EC&R Investco Mgmt, LLC. The Operator will be Wildcat Wind Farm I, LLC.

The Applicant/Owner can be contacted as follows:

Address:
Wildcat Wind Farm I, LLC
353 N. Clark St, 30 th Floor
Chicago, Illinois 60654
(312) 923-9463

All participating property landowners, and their addresses, have been included in **Tab 02**. Legal descriptions have been included in **Tab 03**.

1.2 Project Description

The Project sits on approximately 15,400 acres of land leased by the Applicant located in Madison and Tipton Counties, Indiana. The Project area is bound to the North by County Road 700 N, to the South by State Road 28, to the East by N 400 East Road and to the West by N 500 W Road. Please see **Tab 04**, Project Special Use Area Map for a visual depiction of the Project Area. Wind turbines and other Project improvements within Madison County will comply with all applicable Madison County requirements.

The total nameplate generating capacity of the Project will be approximately 200 megawatts ("MWs"). The Proposed Turbine Layout, including alternate locations yet to be specified, is included as **Tab 05**. The Proposed Layout meets all setback requirements per the Madison County Zoning Ordinance, as described further in Section 2. Turbine locations are subject to change based on further wind analysis, infrastructure, field micro-siting, and other considerations, but will be finalized prior to applying for Improvement Location Permits. All final turbine locations will remain in full compliance with the provisions of the Ordinance, and documentation of compliance shall be provided to Madison County prior to application of Improvement Location Permits.

The Applicant is considering three turbine models for this Project, 1) General Electric 1.6-100 turbine, 2) Siemens SWT 2.3-101 turbine, and 3) Vestas V100-1.8 turbine. Given the different power generation capabilities of the three potential turbine models, the overall number of turbines used in the 200 MW Project will depend on final turbine selection. As all three wind turbines have nearly identical rotor diameters, the

proposed turbine layout will be appropriate for each model. Final turbine selection will be based on continued analysis of the actual wind at the Project (as measured by four onsite temporary MET towers), each model's potential power output, transportation considerations, cost and availability.

Turbine information and specifications for the three models are included in **Tab 06**. However, note all surveys, studies and maps included in this Application for the proposed Project have been based on the GE 1.6-100 turbine, unless otherwise noted.

Turbine Manufacturer	Turbine Model	Per Turbine Nameplate Capacity	Max Number of Turbines	Approx. Turbines in Madison County	Total Height	Rotor Diameter	Hub Height
General Electric	1.6xle-100	1.6 MW	125	50-60	121.25 m (426'-492')	100 m (328')	80 m (263') or 100 m (328')
Siemens Wind Power	SWT- 2.3-101	2.3 MW	87	40-45	130.5m (428')	101 m (331')	80 m (263')
Vestas	V100-1.8	1.8 MW	112	50-60	130-150m (426'-492')	100 m (328')	80 m (263') or 95 m (312')

The wind farm will consist of wind turbines, roads, underground collection lines, an overhead transmission line, a collector substation, a switching station, and an operations and maintenance facility. During construction of the project there will also be temporary sites for staging and laying down equipment and preparing concrete. Underground collection lines will connect the wind turbines to one electrical substation located near the center of the Project area, in Madison County. In addition, the Project will require a new switching station located adjacent to the American Electric Power (AEP) 138kV transmission line running on the eastern edge of the Project, approximately one-half mile east of IN-37. Limited above-ground electrical transmission lines will be used to connect the substation to the new AEP switching station. Pad-mounted transformers will be located at the bases of each wind turbine. An Operations & Maintenance facility will be located within Madison or Tipton Counties, and is currently proposed next to the substation site. A temporary construction staging area, or Laydown Yard, approximately 10 acres in size will also be located near the site, as well as a turbine delivery truck staging area. Tentative Operations & Maintenance facility, laydown yard, and staging area locations are depicted on the Site Plan Map (**Tab 07**).

1.3 Project Benefits to the Community

The Project will provide significant benefits to Madison and Tipton Counties and to the communities within these two Counties. Wind farms have recently become a key part of helping revitalize and stabilize farming communities through the positive economic impacts these large investments provide. The primary long-term economic benefits of the proposed wind farm to Madison County are 1) property tax revenue, 2) a decrease in local tax rates, 3) payment of economic development funds, 4) landowner royalties, 5) road upgrades, and 6) the creation of new jobs.

Many regional impacts will also be felt by this project, including support for American-based "supply chain" manufacturing in Indiana. As wind development has expanded in the Midwest, new turbine manufacturing jobs have been created to meet demand. In addition, the Project will have a positive impact on the environment, as this project will help meet the need of providing clean renewable energy to customers throughout the region; energy which does not emit the harmful air pollutants of traditional sources of power.

A summary of local benefits of the Project are summarized below. **Tab 08** presents in further detail the benefits this Project would have on Madison County and the region as a whole.

A. Property Tax Revenue

The Project will generate substantial tax revenue for local taxing districts in Madison County. Based on current layout and equipment costs, it is estimated that for the first ten years the Project is in operation, \$5.4 million in additional property tax revenue will be generated. Each year thereafter, the Project will generate approximately \$750,000 to \$1,000,000 per year. Over the anticipated 30-year life of the Project, it is estimated that approximately \$22.5 million in additional tax revenue will be paid by the Project in Madison County. The following table is a breakdown of the total additional tax revenue to certain taxing bodies.

The following table outlines the estimated 15-year property tax revenue to taxing districts within the Project area based on current law.

Taxing District	Approx Proportion of Tax Revenue	15-Year Total Tax Revenue
Madison Grant School District	38%	\$3,500,000
County (excl. Bridges)	31%	\$2,900,000
Duck Creek Township	12%	\$1,100,000
Elwood School District	9%	\$800,000
Library District	7%	\$700,000
Bridges	1.5%	\$140,000

Solid Waste	0.4%	\$35,000
Pipe Creek Township	0.3%	\$26,000
Boone Township	0.3%	\$24,000

(1) Based on the pay 2011 budget orders for Madison County and adjusted for the estimated assessed value impact of Phase I of the proposed Wildcat Wind Farm. *Note:* The estimates included above assume no additional assessed value growth beyond the proposed wind farm investment, and there is no assumption of future changes in property tax rates for the cumulative funds.

B. Decrease in Local Tax Rates

The Project will increase the assessed value (“EAV”) of the whole area by approximately \$100 to \$120 million, or approximately \$50 to 60 million in Madison County. Assuming the assessed value of other properties in the district remains constant, this increase in EAV will permit the taxing authorities to maintain current spending levels while reducing the local tax rate, lowering the actual tax burden for all property owners in the County. As such, the increased EAV attributable to the Project will provide significant benefits to local taxpayers.

C. Economic Development Payments

An Economic Development Agreement was made between Madison County and the Applicant which would provide \$1.2 Million in payments over a four-year period to Madison County for the purposes of supporting economic development activities in the County. These funds can be used by the County for such activities as encouraging job growth, education and training programs, business development, etc.

D. Landowner Royalties

The Project will provide a new constant revenue stream to participating landowners for the life of the Project. Participating landowners in Madison County are projected to collectively be paid in the range of \$500,000 to \$750,000 each year for lease payments. Over the 30-year anticipated life of the Project, this amount will total approximately \$22 in payments. This income will also have an impact on the community at large, as the increased income of these landowners will cycle throughout the local economy in the form of increased spending and investment. As the vast majority of participating landowners are local residents, it is expected that much of the increased spending and income that will be realized will remain within the County. In addition, this added revenue stream will add to the agricultural heritage of the area by allowing farmers and landowners to invest in equipment and technology and thereby reduce incentives to sell or otherwise develop the farmland for other purposes.

E. Road Upgrades

Upgrades will be made to approximately 20 to 30 miles of roads throughout the Project area that are used during the construction process. It is estimated that the value of road upgrades in Madison County will be in the range of \$3 to \$6 million. All of the upgrades and reconstruction are borne by the Applicant alone, at no additional expense to Madison County, with almost no increase in additional required services.

Post construction, these roads will be rebuilt to a much better condition than the existing roads. Roads used for the construction of this Project will be stabilized to allow for use by construction crews and equipment. After completion of the project, roads will be completely rebuilt and resurfaced. The improved conditions will result in lower costs for the local road authority and will benefit the community at large.

F. Job Creation

In addition to increasing the tax base of Madison and Tipton Counties, the Madison County portion of the Project will bring approximately 100 to 150 prevailing wage construction jobs to the area for 6 to 12 months. Approximately 4 to 6 local full-time, permanent Operations & Management well-paying jobs will be created to service the equipment for the duration of the Project. Additionally, substantial indirect benefits will also be realized by local businesses during the construction and operations phases of the Project.

G. Regional Impact on Manufacturing

Economic development created from this Project can also spur other, more traditional forms of investment and manufacturing in the region. Brevini USA, Inc. and Vela Gear Systems, LLC are two such manufacturers of wind turbine components that have invested in Indiana because of wind development in the region and the favorable business climate for wind energy expansion. See **Tab 08** for more information on the impact of the wind industry on manufacturing in Indiana and the region.

H. Environmental Benefits

The 200 MW of power generated by the Project will provide electrical power on a yearly basis for the equivalent of 60,000 homes. The Project helps the state of Indiana meet its goal of providing clean, renewable energy to its citizens and helps diversify the portfolio of energy generation in Indiana. Wind farms are the cleanest, most cost-effective way to produce new power in the Country. Wind power does not burn or consume any fuel source, and does not emit the many varied pollutants that are emitted by coal and other forms of traditional electrical generation. By generating electricity from wind farms

instead of new coal- or gas-fired facilities, the Country, State and County can avoid the release of sulfur dioxide (a key part of the acid rain that degrades forests and the timber economy), nitrogen dioxide and soot (key components in the formation of atmospheric smog), mercury (a potent neurotoxin) and greenhouse gases (chemicals that contribute to atmospheric global warming). Wind power is a completely clean, reliable way to generate electricity.

I. Compatibility with Land Use Plan/Preservation of Agricultural Uses (expand)

The Madison County Comprehensive Plan sets forth a series of goals, objectives and policies concerning land use and development within the County. The Madison County Comprehensive Plan has established the following Economic Development Goal: "Ensure a stronger and more diverse economy that, while maintaining the overall rural character, will create growth and provide a full range of employment opportunities in Madison County." This Project will provide an additional revenue stream to participating owners of agricultural land within the Project Area, as well as provide new jobs for local residents as well as experience in the wind industry.

Additionally, the proposed location is within Duck Creek and Boone Townships, which have the lowest residential density of the fourteen townships within Madison County. The Project is not located within or adjacent to a Residential Growth Area, as identified in the Madison County Comprehensive Plan.

2 Compliance with the Madison County Zoning Ordinance

Article 15 – Wind Energy Conversion Systems

The Wildcat Wind Farm meets all requirements set forth in Madison County Ordinance Number 2002-BC-0-6 Part A, Article 15 – Wind Energy Conversion Systems (the “Wind Ordinance”) for the siting of this Project. Specific requirements of Section 1, Subsection I of the Wind Ordinance (with corresponding section numbers) are set forth below in italics, along with an explanation of how the Applicant has met or intends to meet each requirement.

Article 15 – Wind Energy Conversion Systems

A. Purpose

1. To assure that any development and production of wind-generated electricity in Madison County is safe and effective.
 - *The Application is dedicated to safety and responsibility in construction and operation of the Project.*
2. To facilitate economic opportunities for Madison County and its residents.
 - *The Wildcat Wind Farm will make substantial contributions to Indiana’s economic development objectives by creating jobs, increasing the tax base in two counties, generating substantial new public and private revenues, diversifying the local and state economies, and increasing the monetary yield of land utilized by the project.*
 - *In 2010, the wind industry in Indiana supported 1,000 to 2,000 combined direct hire and indirect jobs, paid over \$21 million in new property taxes and paid landowners over \$4 million dollars. The Wildcat Wind Farm will contribute to this trend by putting 200-300 people to work during construction of the project, creating 8-12 long term full time technology positions to operate and maintain the wind farm, paying over \$20 million dollars to Madison County in local tax revenues, and paying over approximately \$22 million to Madison County landowners over the life of the project .*
 - *The Wildcat Wind Farm will also contribute to the growing Indiana Wind Manufacturing Sector, one of the few manufacturing sectors to see growth even during the economic downturn.*
 - *In recognition of the rapid growth and economic benefits of the wind industry in Indiana, Governor Mitch Daniels said in 2009 that “We welcome the news that Indiana is the fastest-growing state for wind power energy. We’ve made homegrown clean energy production a priority, and we are proud to become a leader in new wind energy installations,”*
3. To assist in the reduction of carbon-based emissions; the dependence of petroleum and coal-based energy systems.

- *The Project will provide electrical power for the equivalent of 60,000 homes. It will displace fossil fuel generation equivalent to taking approximately 62,000 cars off the road, and will avoid the release of approximately 360,000 tons of CO2 into the atmosphere every year. Further, the project will reduce the need for new conventional sources of power, and by doing so reduce the future emissions of sulfur dioxide, nitrous oxide, mercury and greenhouse gases.*
4. To provide a regulatory scheme for the construction and operation of Wind Energy Facilities in Madison County, subject to reasonable restrictions, in order to preserve the public health, safety and general welfare.
 - *The Project complies with all development standards set forth in the Madison County Wind Energy Conversion System ("WECS") ordinance adopted in 2009.*

B. Setback Requirements

1. No WECS or meteorological tower shall be constructed in any setback, dedicated public easement or dedicated public right-of-way without prior written authorization from the county and owner of any utility easement if applicable.
 - *The proposed WECS turbine layout complies with all applicable setbacks (illustrated in **Tab 09**).*
2. Installation of any WECS or meteorological tower may not be nearer than 1.1 times the height of the WECS tower height to any property lines, dedicated roadway, railroad right of way or overhead electrical transmission or distribution lines. Distance shall be measured from the center of the foundation at the base of the tower. New structures built adjacent to wind power facilities shall maintain these same minimum setback requirements. Participating landowners within the area comprising the WECS may waive property line setbacks with written approval from all landowners sharing such property line.
 - *The proposed WECS turbine layout complies with all applicable setback requirements from property lines, dedicated roadways, railroad rights-of-way and overhead electrical transmission or distribution lines (illustrated in **Tab 09**). Participating adjacent landowners have waived the WECS setback in regards to other participating adjacent parcel. This waiver is also provided in **Tab 09**. Applicant will additionally provide a Surveyor letter certifying compliance with this requirement prior to submittal of an Improvement Location Permit application. In the event of any changes to the Project layout that would result in any setbacks not being met, a waiver will be sought from Madison County.*
3. Except as provided herein the setback distance for any WECS shall be, at a minimum, 1,000 feet or more from any existing or occupied residence or 1,500 feet or more from any platted major subdivision, as defined in the subdivision control ordinance. A turbine with a capacity of 1.25 MW or

less may be placed as near as 600 feet from an occupied residence with the prior written approval of the owner. The setback distance will be followed except in specific instances allowed by the BZA.

- *The proposed WECS turbine layout complies with all applicable setback requirements from existing or occupied residences, and from platted major subdivisions, as defined in the subdivision control ordinance. (Tab 09). Applicant will additionally provide a Surveyor letter certifying compliance with this requirement prior to submittal of an Improvement Location Permit application.*
4. The setback distance for the WECS will be, at a minimum, 1,500 feet from any platted community under the zoning jurisdiction of a separate municipality. Distance shall be measured from the center of the foundation at the base of the WECS to the closest Corporate Limit boundary line.
- *The proposed WECS turbine layout complies with all applicable setback requirements from any platted community under the zoning jurisdiction of a separate municipality (illustrated in Tab 09). Applicant will additionally provide a surveyor letter certifying compliance with this requirement prior to the Improvement Location Permit application.*

C. Safety Design and Installation Standards

1. Equipment Type

a. Turbines

All turbines shall be constructed of new, commercially available equipment.

- *The turbines considered for this Project are all constructed of new, commercially available equipment and are manufactured by top tier WECS companies General Electric, Siemens and Vestas. WECS manufacturer information and technical specifications are included in Tab 06.*

b. Meteorological Towers

Meteorological towers may be guyed.

- *The permanent meteorological towers utilized in the Project will be free-standing with appropriate safety lighting. All temporary meteorological towers will have appropriate marking balls, lighting up to a height of 15 feet from the ground.*

2. Design Safety Certification

All WECS shall conform to applicable industry standards, as well as all local, state and federal regulations. An applicant shall submit certificate(s) of design compliance that wind turbine manufacturers have obtained from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energie, or an equivalent third party.

- *The Project will comply with ANSI standards along with applicable industry standards. Certificates of design compliance and further detail will be provided to the County upon final turbine selection and prior to submission of an Improvement Location Permit application.*

3. Controls and Brakes

a. Braking System

All WECS shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Stall regulation shall not be considered a sufficient braking system for over speed protection.

- *The Applicant will ensure that all WECS are equipped with redundant braking systems. Upon final turbine selection and before Improvement Location Permit issuance, further documentation of braking systems along with the certificates of design compliance will be provided.*

b. Operation Mode

All Mechanical brakes shall be operated in a fail-safe mode.

- *The Applicant will ensure that all mechanical brakes shall be operated in fail-safe mode.*

4. Electrical Components

a. Standards

All electrical components of all WECS shall conform to applicable local, state and national codes, and any relevant national and international standards.

- *The Project will comply with ANSI standards along with applicable local, state and national codes. Certificates of design compliance will be provided to the County prior to submittal of an Improvement Location Permit application.*

b. Collection cables

All electrical collection cables between each WECS shall be located underground unless they are located on public or utility rights-of-way or with prior County approval.

- *All electrical collection cables between each WECS shall be located at least four feet underground, except where impractical due to onsite conditions.*

c. Transmission lines

All buried transmission lines will be at a depth consistent with or greater than local utility and telecommunications underground line standards or as negotiated with the land owner or the

land owner's designee until the same reach the property line or a substation adjacent to the property line.

- *All transmission lines will be buried at a depth consistent with or greater than local utility and telecommunications underground line standards.*

5. Color and Finish

In addition to all applicable FAA requirements, the following shall also apply:

a. Wind Turbines and Towers

All wind turbines and towers that are part of WECS shall be white, grey, or another non-obtrusive color.

- *The Applicant will ensure all wind turbines and towers shall be white, grey, or another non-obtrusive color. The Applicant will comply with all applicable FAA requirements, and has obtained Determination of No-Hazard certifications for each proposed wind turbine location. Should there be any change in turbine layout, Applicant will follow all applicable FAA requirements.*

b. Blades

All blades shall be white, grey, or another non-obtrusive color. Blades may be black to facilitate deicing.

- *The Applicant will comply with this requirement.*

c. Finishes

Finishes shall be matte or non-reflective.

- *The Applicant will comply with this requirement.*

d. Exceptions

Exception may be made for meteorological towers, where concerns exist relative to aerial spray applicators.

- *The Applicant understands and accepts this requirement, and has painted aviation markings on all existing temporary meteorological towers.*

6. Warnings

a. Towers, Transformers, and Substations

A sign or signs shall be posted on the tower, transformer and substation warning of high voltage. Signs with emergency contact information shall also be posted on the turbine or at another suitable point.

- *The Applicant will place reasonable visible high voltage warning signs at the base of all towers, pad-mounted transformers and substations.*

b. Guy Wires and Anchor Points

For all guyed towers, visible and reflective objects, such as flags, plastic sleeves, reflectors, or tape shall be placed on the anchor point of guy wires and along the innermost guy wires up to eight (8) feet above the ground. In addition, visible fencing shall be installed around anchor point of guy wires.

- *All temporary meteorological towers, or other guyed structures, will have appropriate marking balls, marking and lighting up to a height of eight (8) feet above the ground. In addition, fencing shall be installed around anchor points of guy wires. All wind turbine models being considered are free standing.*

c. Meteorological Towers

All meteorological towers shall meet all FAA regulations as applicable.

- *All permanent meteorological towers utilized in the Project will be free standing with appropriate safety lighting and shall meet all FAA regulations as applicable.*

7. Climb Prevention

a. All WECS tower designs shall include features to deter climbing or be protected by anti-climbing devices such as:

- 1) Fences with locking portals at least six (6) feet in height; or
- 2) Anti-climbing devices fifteen (15) feet vertically from the base of the WECS tower; or
- 3) Locked WECS tower doors.
 - *The WECS towers are unclimbable by design, with locked doors and internal ladders. The tower doors are heavy gauge steel and will be equipped with sturdy locks to prevent unauthorized personnel from entering the towers.*

8. Blade Clearance

a. The minimum distance between the ground and any protruding blade(s) utilized on all WECS shall be fifteen (15) feet, as measured at the lowest point of the arc of the blades. The minimum distance shall be increased as necessary to provide for vehicle clearance in locations where oversized vehicles might travel.

- *The minimum distance between the ground and any protruding blades utilized on all WECS being considered are a minimum of 96 feet from the lowest point of the arc of the blades to the ground.*

9. Lighting

a. Intensity and Frequency

All lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements of established by Federal Aviation Administration permits and regulations.

- *All lighting will adhere to, but not exceed requirements established by FAA permits and regulations.*

b. Strobe lights

Red strobe lights shall be required for night-time illumination to reduce harm to migrating birds. Red pulsating incandescent lights are expressly prohibited.

- *No lighting other than normal security lighting or lighting required by the FAA shall be utilized for the project.*

c. Shielding

Except with respect to lighting required by the FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of any WECS.

- *All lighting other than required FAA lighting will be shielded so that no glare extends substantially beyond the boundaries of any WECS. Lighting will be installed only as necessary to comply with FAA regulations.*

10. Materials Handling, Storage and Disposal

a. Solid Wastes

All solid wastes whether generated from supplies, equipment, parts, packaging, operation or maintenance of the facility, including old parts and equipment related to the construction, operation and/or maintenance of any WECS shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.

- *The Applicant will comply with this requirement to remove all solid wastes from the site promptly and dispose of them in accordance with all federal, state and local laws.*

b. Hazardous Materials

All hazardous materials or wastes related to the construction, operation and/or maintenance of any WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

- *The Applicant will comply with this requirement to remove all hazardous materials from the site and handle, store, transport and dispose of them in accordance with all federal, state and local laws.*

D. Other Applicable Standards

1. Guyed Wire Anchors

No guyed wire anchors shall be allowed within any required road right-of-way setback.

- *The Applicant will comply with this requirement that no guy wires will be present within any required road right-of-way setback.*

2. Sewer and Water

All WECS facilities shall comply with the existing septic and well regulation as required by the Madison County Health Department and/or the State of Indiana Department of Public Health.

- *The Applicant will comply with the existing septic and well regulation as required by the Madison County Health Department and/or State of Indiana Department of Public Health.*

3. Noise and Vibration

At no point within 200 feet of a primary residence may the sound pressure levels from a wind turbine exceed the following sound levels. Sound levels shall be measured with an octave band analyzer or sound level meter and associated filter manufactured in compliance with standards prescribed by the American National Standards Institute (ANSI). This standard shall supersede any noise standard(s) set forth in any other Madison County Ordinance.

Octave Band for Madison County In Hertz (Hz), per ANSI	Maximum Permitted Sound Level (in decibels) (measured 200 feet from edge of any Primary Structure)
63	75
125	70
250	65
500	59
1000	53
2000	48
4000	44
8000	41

- *Applicant has performed a noise study for the Project Area and the WECS is in compliance with the standards prescribed by the American National Standards Institute. See **Tab 11**, Noise and Wind Profile.*

4. Utility Interconnection

The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as prescribed by the applicable regulations of the electrical utility, as amended from time to time.

- *The Applicant will comply with this requirement.*

5. Signage

a. In addition to complying with Sign standards, the following signage regulations and standards shall also apply. In the event that one of the following regulations or standards conflicts with another sign regulation or standard prescribed by the Madison County Land Use & Development Code, the most restrictive regulation or standard shall apply.

1) Surface Area

No sign shall exceed sixteen (16) square feet in surface area.

- *The Applicant will comply with this requirement.*

2) Height

No sign shall exceed eight (8) feet in height.

- *The Applicant will comply with this requirement.*

3) Manufactures or owner's company name and/or logo

The manufacturers or owner's company name and/or logo may be placed upon the compartment containing the electrical equipment.

- *The Applicant will comply with this requirement.*

4) Development Signs

Not more than two (2) ground/monument identification signs relating to the development shall be located on any portion of the project site.

- *The Applicant will comply with this requirement.*

5) Other signs and logos

No other advertising signs or logos shall be erected, placed or painted on any WECS, including, but not limited to, off-premise advertising signs (billboards) or free-standing pole signs.

- *The Applicant will comply with this requirement.*

6. Feeder Lines

With the exception of minimum setback distances, feeder lines installed as part of any WECS shall not be considered an essential service. To wit, all communications and feeder lines installed as part of any WECS shall be buried underground.

- *The Applicant will comply with this requirement that all communications and feeder lines installed as part of this Project be buried underground, except where impractical due to site conditions.*

7. Other Appurtenances

No appurtenances other than those associated with the wind turbine operations shall be connected to any wind tower except with express, written permission by the MCPC.

- *The Applicant will comply with this requirement.*

E. Use of Roads/Services

An Applicant, Owner or Operator proposing to use any county road(s) for the purpose of transporting WECS or Substation parts and/or equipment for construction, operation, or maintenance of the WECS(s) or Substation(s), shall prior to construction:

1. Identify All Such Public Roads and Services

a. Roads

- 1) Any proposed routes that will be used for construction and maintenance purposes shall be identified. If the route includes a public road, it must be approved by the Madison County Engineer/Highway Department. The Engineer shall conduct a pre-construction base-line survey to determine existing road conditions for assessing potential future damage.
 - *The Applicant has worked with Madison County Commissioners and Madison County Engineers to develop a Road Use Agreement, which has been signed. A transportation plan and baseline survey is underway per the requirements of this Ordinance and Road Use Agreement.*
- 2) Any road damage caused by the construction of the WECS project equipment, the installation of same, or the removal of same, shall be repaired to the satisfaction of the Madison County Engineer. The Engineer must choose to require either remediation of road repair upon completion of the project or is authorized to collect fees for oversized load permits. Further, a corporate surety bond in an amount to be fixed by the Engineer shall be required by the Engineer to insure the County that future repairs are completed to the satisfaction of the unit of local government. The cost of bonding is to be paid by the applicant.
 - *The Applicant understands and accepts this requirement, which has been addressed in the Road Use Agreement.*

3) Newly constructed WECS access roads may not impede the flow of water and shall be approved by the Madison County Drainage Board.

- *The Applicant understands and accepts this requirement.*

b. Dust and Debris Control

Reasonable dust and debris control measured will be required by the County during construction of the WECS. For instance, a storm water run-off fence shall be required on all construction sites during construction and installation.

- *The Applicant will comply with this requirement.*

c. Sewer and Water

Any facility shall comply with existing septic and well regulation as required by the Madison County Health Department and the State of Indiana Department of Public Health.

- *The Applicant will ensure the Project complies with existing septic and well regulations as required by the Madison County Health Department and the State of Indiana Department of Public Health.*

d. Drainage Repair

All damages to waterways, drainage ditches, field tiles, or any other infrastructures caused by the construction or maintenance of the WECS, must be completely repaired to near original condition, and so as not to impede the natural flow of water. All repairs must be completed within sixty (60) days and must be approved by the Madison County Drainage Board.

- *The Applicant understands and accepts this requirement.*

F. Operation and Maintenance

1. Physical Modifications

In General, any physical modification to any WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification. Like-kind replacements shall not require re-certification. Therefore, prior to making any physical modification, the owner or operator shall confer with the Planning Commission to determine whether the physical modification requires recertification.

- *The Applicant understands and accepts this requirement.*

2. Inspections

Inspections, at a fee to be determined from time to time by the Madison County Planning Commission and paid by the applicant, may be made by Madison County Planning Commission no

more than once annually to certify the safety and maintenance of the WECS and any accessory structures.

- *The Applicant understands and accepts this requirement.*

3. Interface

No WECS shall be constructed so as to interfere with any county, state or federally owned and operated microwave transmissions. The applicant, owner and/or operator shall minimize and if necessary mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. In addition, the applicant, owner and/or operator shall:

a. Notification of existing communications tower owners

The applicant shall notify all existing communication tower owners within two (2) miles of the proposed WECS upon application to the county for permits.

- *The Applicant will provide notice to all existing communication tower owners within two (2) miles of the proposed WECS upon application for an Improvement Location Permit. Further, Applicant has performed a Communications Study, attached in **Tab 12**.*

b. Mitigating interference following a complaint

If after the construction of the WECS, the owner or operator receives a written complaint related to interference with local broadcast residential television, telecommunication, communication or microwave transmissions, the owner or operator shall take reasonable steps to mitigate said interference.

- *The Applicant shall take all steps prescribed by the FCC to mitigate or eliminate any anticipated interference in compliance with then-existing, FCC-promulgated regulations. In the event of any written complaints from the FCC, the Applicant will follow the steps prescribed by the FCC to mitigate or eliminate such complaint.*

c. Failure to remedy a complaint

If the interference is not remedied within thirty (30) days the WECS shall remain inactive until the interference is remedied. Remedies may include relocation or removal.

- *The Applicant understands and accepts this requirement.*

d. Declaration of Public Nuisance

Any WECS thereof declared to be unsafe by the Madison County Planning Commission Inspector by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage or abandonment is hereby declared to a public nuisance and shall be abated by repair,

rehabilitation, demolition or removal in accordance with the procedures set forth in this Chapter.

- *The Applicant understands and accepts this requirement.*

e. Operation and Maintenance Summaries and Reports

The owner or operator shall submit, on an annual basis, a summary of the operation and maintenance reports to the County. In addition, the applicant shall also make available operations and maintenance reports as the County reasonably requests.

- *The Owner or Operator will submit, on an annual basis, a summary of the operation and maintenance reports to Madison County. In addition, operations and maintenance reports will be provided upon reasonable request.*

f. Access to the Site and Facility

The Madison County Planning Commission Staff, along with licenses third party professionals retained by County for the specific purpose of conduction inspections of the WECS shall have the right, at any reasonable time and with sufficient prior notice, to accompany the owner or operator, or his/her agent, on the premises where a WECS has been constructed to inspect all parts of said WECS installation and to require that repairs or alterations be made. The owner or operator of a WECS may retain a licensed third party professional engineer familiar with WECS systems to prepare and submit to the Madison County Planning Commission staff a written report which addresses the repairs or alterations required, and which suggest alternate methods for addressing the concerns or provides evidence that said repairs or alterations are unnecessary, within thirty (30) days after receiving notice from the Madison County Planning Department staff that repairs or alterations requested, or within a longer period of time mutually acceptable to both parties. The Madison County Planning Commission staff will consider any such written report and determine whether the repairs of alterations should be made as originally requested or as suggested in the written report. In the event of a dispute between the Madison County Planning Commission staff and the owner or operator, or the owner or operator's third party professional engineer, as to the repairs or alterations which are being required, the decision of the Plan Commission shall be final.

- *The Applicant understands and accepts this requirement.*

G. Decommissioning Plan

Prior to receiving an Improvement Location Permit, or siting approval under this Ordinance, the County and the applicant, owner and/or operator shall formulate a decommissioning plan outlining the anticipated means and cost of removing a WECS at the end of their serviceable life or upon becoming a

discontinued or abandoned use to ensure that the WECS is properly decommissioned. A decommissioning plan shall include, at a minimum, language to the follows:

1. Assurance

Written assurances will be provided that the facilities will be properly decommissioned upon the project life or in the event that the facility is abandoned.

- *The Applicant will comply with this requirement.*

2. Cost Estimates

The applicant shall provide a contractor cost estimate for demolition and removal of the WECS facility. The cost estimates shall be made by a competent party; such as a professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning WECS.

- *The applicant will comply with this requirement.*

3. Financial Assurance

Applicant will provide financial assurance in an amount at least equal to said demolition and removal contractor cost estimate, through the use of a bond, or other security acceptable to the County, for the cost of decommissioning each tower constructed under the permit. Said security will be released when each tower is properly decommissioned as determined by the Madison County Planning Commission.

- *The Applicant will comply with this requirement.*

4. Discontinuation and Abandonment

a. Discontinuation

All WECS shall be considered a discontinued use after one (1) year without energy production, unless plan is developed and submitted to the Madison County Planning Commission outlining the steps and schedule for returning the WECS to service.

- *The Applicant will comply with this requirement.*

b. Abandonment by Owner or Operator

In the event of abandonment by the owner or operator, the applicant will provide an affidavit to the Madison County Planning Commission representing that all easements for wind turbines shall contain terms that provide financial assurance, including access to the salvage value of the equipment, for the property owners to ensure that facilities are properly decommissioned within one (1) year of expiration of earlier termination of the project.

- *The Applicant will comply with this requirement.*

c. Removal

An applicant's obligation shall include removal of all physical material pertaining to the project improvements to a depth of four (4) feet below ground level within ninety (90) days of the discontinuation of abandonment of the facility, and restoration of the project are to as near as practicable the condition of the site immediately before the construction of such improvements by the owner, or by Madison County, at the owner's expense.

- *The Applicant will comply with this requirement.*

d. Written Notices

Prior to the implementation of the existing procedures for the resolution of such default(s), the appropriate County body shall first provide written notice to the owner and/or operator, setting forth the alleged default(s). Such written notice shall provide the owner and/or operator a reasonable time period not to exceed sixty (60) days, for good faith negotiations to resolve the alleged default(s).

- *The Applicant understands and accepts this requirement.*

e. Unresolved Defaults

If the County determines at its discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, the existing County ordinance provision(s) addressing the resolution of such default(s) shall govern.

- *The Applicant understands and accepts this requirement.*

f. Costs incurred to the County

If the County removes a tower and appurtenant facilities, it may sell the salvage to defray the costs of removal. By approval, the permittee or grantor grant a license to Madison County to enter the property to remove a tower pursuant to the terms of an approved decommissioning plan.

- *The Applicant understands and accepts this requirement.*

H. Liability Insurance

The owner or operator of any WECS shall maintain a current general liability policy covering bodily injury and property damage and name Madison County as an additional insured with dollar amount limits of at least two million dollars (\$2,000,000) per occurrence, and five million dollars (\$5,000,000) in the aggregate, and a deductible of no more than five thousand (\$5,000).

- *The Owner or Operator of the WECS will maintain a current general liability policy meeting these limits*

3 Compliance with Madison County Zoning Ordinance

Article 1, Section 1.4 - General Conditional Use Permit Standards

The following standards are sited directly from the *Madison County Zoning Ordinance Article 1. Section 1.4: Purpose*. Below, the Applicant will describe how it believes it has met each condition.

1.4 Purpose

This Ordinance is intended to guide growth and development of the County in accordance with the Madison County Comprehensive Plan and for the following purposes:

A. To secure adequate light, air, and convenience of access; and safety from fire, flood, and other dangers.

- *Numerous measures are in place to secure adequate safety and convenience for the general public. The WECS meets all minimum setback requirements set forth in the Ordinance. In addition, the Owner/Operator will work in full cooperation with local public safety departments, including emergency services, and no additional demands on public services will be created. The Project is not located in any floodplain areas and will not negatively impact drainage. Further, as a result of the Road Use Agreement established as part of this Project, approximately 20 to 30 miles of roads within the Project Area will be improved at no cost to the County and will result in improved public safety.*

B. To promote the public health, safety, comfort, convenience, morals and general welfare.

- *This project will result in approximately \$50 to \$60 million in new EAV in Madison County. There are a total of seven taxing districts that will see significant increases to their tax revenue; the Project is projected to pay approximately \$3 million to the Madison Grant School District in the first 15 years of the Project.*
- *The Project will have a positive impact on the environment, as this project will help meet the need of providing clean renewable energy to customers throughout the region; energy which does not emit the harmful air pollutants of traditional sources of power such as SO₂, NO₂, mercury and greenhouse gasses.*
- *This Project will create approximately 150 to 200 full-time equivalent construction jobs generating approximately \$12 million in earnings, and approximately 4 to 6 permanent full time jobs, generating approximately \$250,000 in earnings. A portion of these jobs will be from the local labor pool.*

- *Participating landowners will collectively earn from \$500,000 to \$750,000 annually in landowner revenues, which will circulate through the local economy. Over the life of the project, property owners will earn approximately \$22 million in lease payments.*
- *This Project meets all of the requirements set forth in the Madison County Zoning ordinance, including minimum setback, signage, and noise requirements, as well as other requirements that have been established to protect public health and safety. It also meets the goals and objectives set forth in the Comprehensive Plan, and is in keeping with the Growth Management Plan.*
- *Appropriate measures have been taken to protect the general public should the Owner or Successor cease the ability to maintain the project as set forth in the Decommissioning Agreement. A bond has been issued for the Project to provide for complete and safe removal of the facility should it be necessitated.*
- *The Applicant has established with the County remedies of complaint that allow the County to shut down the project should a condition arise*

C. To plan for the future development of the County to the end:

- a. That the community grows only with adequate public ways, utilities, health, education, and recreation facilities
 - *The Project is not likely to have any measurable impact on the provision of public ways, utilities, education or recreation facilities in the County, as it is not expected to generate an increase in population which would utilize those services. Rather, the Project is likely to have a substantial positive impact on public ways as 20-30 miles of roads will be fully rebuilt as a result of this Project, while placing little of no additional impact on demand for public services.*
- b. That the needs of agriculture, industry, and business be recognized in future growth
 - *The Madison County Comprehensive Plan has established the following Economic Development Goal: "Ensure a stronger and more diverse economy that, while maintaining the overall rural character, will create growth and provide a full range of employment opportunities in Madison County." This Project will provide an additional revenue stream to participating owners of agricultural land within the Project Area, as well as provide new jobs and experience in the wind industry.*
- c. That residential areas provide healthful surroundings for family life
 - *The Project will not impact residential areas within the County. Additionally, the proposed location is within Duck Creek and Boone Townships, which have the lowest residential density of the fourteen townships within Madison County. The Project is not located within or adjacent to a Residential Growth Area, as identified in the Madison County Comprehensive Plan.*

- d. That the growth of the community is commensurate with and promotes the efficient and economical use of public funds
- *This Project is wholly paid for by the Applicant. The Applicant creates no additional demand on public facilities, but rather it is the investment of the Applicant in this Project that will increase the tax base that will pay into County funds.*
- e. That the community strives for high aesthetic value and quality planning and design
- *The layout of the proposed WECS has been designed by Certified Professional Engineers, and prior to submittal of an Improvement Location Permit, the Applicant will consult with each participating landowner to ensure the access roads and collection system are designed with consideration to the functional aspect of the underlying land use, and will be designed in such a way that infrastructure may exist cooperatively with agricultural activities.*