

Henry County Indiana
Local Approval Process and Timeline
Wind Energy Conversion Systems (WECS or ‘wind farms’)

Current Approval Status:

No Commission Approved Use Permits exist for wind farms in Henry County.
Tax Abatement Approval expired for Apex Flat Rock at end of 2017.
Tax Abatement Approval expires at end of 2018 for NextEra.

Summary: The local approval process includes at least one public hearing and requires 29 yes votes from 17 different people. The overlap occurs on the Planning Commission.

Before wind turbines are constructed, the local approval process as described below must be completed. The order of completion may vary.

Commission Approve Use (CAU) Zoning Approval by Henry County Planning Commission -
<http://henryco.net/PlanningCommission.aspx>

Minimum of 15 yes votes needed for approval. The Planning Commission is asked three questions and each question must receive 5 "yes" votes. (9 member Board)

Adjacent landowners to the proposed project are mailed a notice of the public hearing. Notice is published in the newspaper and at the Courthouse. The Planning Commission reviews the application and hears from the public before tabling, denying or approving the request. This public hearing and public notice occurs after the wind farm development company has filed a complete application pursuant to the Henry County Development Code.

Contract Agreements by Henry County Commissioners -

<http://henryco.net/CommissionersOffice.aspx>

Minimum of 6 yes votes needed for approval. 2 yes votes for each of the three separate contracts. (3 elected officials)

County Commissioners are asked to vote in their public meetings on three agreements: Decommissioning, Road Use, and Economic Development. These agreements are negotiated with the wind farm development company.

Tax Abatement Request by Henry County Council - <http://henryco.net/CountyCouncil.aspx>

Minimum of 8 yes votes needed for approval. Two separate votes are required to approve abatement. (7 elected officials)

The statutory process requires a preliminary vote, public hearing and final vote to grant abatement. There has not been a wind farm constructed in Indiana without tax abatement.

Web Resource: <http://henryco.net/WindEnergy.aspx>

Timeline

Apex Flat Rock, NextEra Whitewater, Calpine Big Blue

Apex and NextEra (Location: South of I-70, Dudley and Franklin Townships)

Calpine (Location: Generally west of SR 3, North of SR 38)

Prior to 2009, Henry County did not have regulations related to WECS (wind farms). Discussions between private landowners and Nordex date back to at least 2009.

1. March 21, 2013: Public Info Meeting- Courthouse – Flat Rock (Nordex)
[Flat Rock Project Quiet: Nordex sells to Apex]
2. October 28, 2014: Public Info Meeting – Center Christian Church - Whitewater Wind (NextEra)
3. October 29, 2014: Henry County Council Meeting – Whitewater Wind Project Introduced
4. November 6, 2014: Public Info Meeting – Henry County Courthouse (NextEra)
5. November 26, 2014: Henry County Council Meeting – Preliminary Tax Abatement Resolution Adopted for Whitewater Wind (NextEra)
6. December 3, 2014: Public Info Meeting – The Gathering – Lewisville (Flat Rock)
7. December 10, 2014: Henry County Commissioners Regular Meeting: Approval of Three Agreements for Whitewater.
8. December 17, 2014: Henry County Council – Public Hearing and Final Vote on Whitewater Wind Tax Abatement
9. May 21, 2015: Henry County Planning Commission Public Hearing: Grants CAU for Flat Rock Wind
10. June 23, 2015: Henry County Planning Commission Public Hearing: Grants CAU for Whitewater Wind
11. January 27, 2016: Henry County Commissioners Regular Meeting: Approved 2 of 3 Agreements for Flat Rock
12. February 24, 2016: Henry County Council Meeting – Introduce Flat Rock Wind Project
13. March 15, 2016: Public Info Meeting – The Gathering – Lewisville (Flat Rock)
14. March 23, 2016: Henry County Council Meeting – Preliminary Tax Abatement Resolution Adopted for Flat Rock
15. April 7, 2016: Calpine withdrawals zoning request for Meteorological Tower (MET) near Mt. Summit.
16. April 27, 2016: Henry County Council Meeting – Public Hearing on Tax Abatement for Flat Rock. Approved on a vote of 5-1.

17. June 16, 2016: Planning Commission denies Apex Flat Rock's request for two new MET Towers near Knightstown and Straughn. Forwards renewal request on existing Lewisville MET to Board of Zoning Appeals.
18. July 28 – November 22: Wind Energy Conversion System (WECS) Ordinance Advisory Committee holds 5 meetings including one 2+ hour public hearing. Final *recommendation* on a vote of 4-3 was to change the setback to a minimum of 1,250 feet between the WECS tower and the dwelling.
19. August 30, 2016: Economic Development Corporation issues Open Letter Regarding wind energy.
20. November 10, 2016: Board of Zoning Appeals grants three year renewal on MET Tower for Apex.
21. March 22, 2017: County Council grants abatement extension and modification for NextEra on a vote of 4-2.
22. April 20, 2017: Planning Commission approves two MET towers for Calpine's Big Blue River.
23. May 26, 2017: County Commissioners on a vote of 2-0 approve an amendment to the previously approved Economic Development Agreement for NextEra project.
24. July 20, 2017: Apex and NextEra Commission Approved Use Extensions denied by Planning Commission. Original southern projects dead.
25. Fall 2017 – Spring 2018: County Commissioners hold several public meetings with two pro wind representatives and two anti-wind representatives. The task: Review WECS ordinance and three agreements (Road, Decommissioning and Road Use). Attorneys now drafting final changes to ordinance and agreements. Final action by Commissioners is forthcoming. Exact timing is unknown.

Information compiled by New Castle Henry County Economic Development Corporation (www.GrowInHenry.com) as a public service. Information deemed reliable but not guaranteed accurate.