

As Mr. Porter pointed out in his remarks to the hearing officer, many of his clients own small “farmettes” in the middle of the farm parcels that will have wind turbines. We calculated that the 17 clients (9 couples; 8 individuals) Mr. Porter represented prior to his appearance at the hearing on Saturday owned just 60 acres in the midst of 22,000 acres in the Applicant’s permit area that will be a part of the wind farm.

He and his clients stated that they moved to the area to enjoy rural life in the wide-open landscape. While their choice is understandable, they did not move to land adjoining a state or federal nature preserve or conservancy area. They chose to move to land in the midst of working farms owned by working farmers. Those farmers have every right to use their land to make a living consistent with the regulations governing A-1 agricultural land.

The farmers’ neighbors do not have the right to tell them what they can and can’t do to make a living. The wind turbine easements may provide a college education for their children, retirement funds, or necessary earnings to keep farmers on the farm. And the farmers will have the pride to know they are producing not only food for thousands of people but electricity for them as well.

The Applicant’s proposed Special Use of a Wind Energy Conversion System complies with all applicable provisions of the applicable district regulations. Per section 4.02 c.1.m, a permitted use in an agricultural district is an “essential service structure” such as an electrical station and a substation building; and also encompasses other structures related to essential or public services, such as the generation and distribution of electricity.

Not only is Applicant's Wind Energy Conversion System in fact an "electrical station" as commonly referred to by planners, and will in fact include "an electrical substation", it also meets the zoning ordinance definition of:

- a man-made structure (including but not limited to towers), related to
- an essential or public service.

Electricity generation and supply by way of a Wind Energy Conversion System constitute an essential or public service in many respects, and will also preserve the public health, safety and general welfare of DeKalb County, to wit:

- By providing income to the landowners;
- By allowing farmers to maintain a decent standard of living;
- Through salaries paid to the construction and permanent operation-and-maintenance workers;
- By providing tax revenue to the local governments and schools;
- By making substantial electrical power available to meet the predicted needs of Illinois in the very near future;
- Enabling the use of clean, renewable domestic energy which protects our environment and contributes to our nation's energy independence from foreign sources.

In addition, as discussed more fully below, there is no basis to the objectors' claims that low frequency sound or infrasound levels from the wind farm would adversely affect the public health and safety.

Furthermore, the Applicant's proposed special use will not be unreasonably detrimental to DeKalb County in any way. The project will not be unreasonably detrimental to the value of property in the neighborhood of the wind farm, as demonstrated by NextEra Energy's nationwide experience, the reports of tax assessors such as that introduced into evidence from Eden,

Wisconsin, and based upon the specific analysis performed by Applicant's expert, Peter J Polletti.

Not only are the significant setback requirements in the proposed conditions to the Application designed to protect existing uses, but they will also ensure that no low frequency sound or infrasound levels of concern will reach neighboring homes and the sound levels reaching them will be 10 decibels less than those in Saturday's hearing room, when completely empty.

Furthermore, the care and concern taken by Applicant with its plans for the wind farm help preserve the character of the surrounding areas and provide visual compatibility with what currently exists. Key to this is recognition that this area is zoned A-1 agricultural, and not reserved for "farmettes." The wind farm is operation will help farmers remain on their farms and the wind farm's attributes will remain visually compatible with a rural landscape, allowing for the protection and continuation of existing agricultural uses that are consistent with DeKalb County's Comprehensive Plan. In addition, rural land will remain rural rather than being paved over for residential subdivisions. The color of the turbines and their spacing will also help preserve the character of the surrounding areas and provide visual compatibility with what currently exists. The turbines are specifically painted so as to absorb and not reflect sunlight, and they blend in with the background in sun up, sun down or foggy or overcast conditions. Furthermore, in addition to making sure there are setbacks of at least 1,400 feet, spacing 151 turbines across more than 22,000 acres will go a long way toward not allowing the wind turbines to dominate the landscape (averaging 1 turbine per every 145 acres in the project), and disbursing turbines much more widely than at Mendota Hills.

Farming operations will be able to continue on all farms near the project without any interruption due to operation of the wind farm. Arrangements have been made with, and will continue to be refined with local area aerial spray applicators, just as NextEra has done in so many other jurisdictions. In short, farmland will continue to dominate the district, and turbines will in no way dominate the immediate neighborhood so as to prevent the development and use of neighboring property in accordance with the regulations of this A-1 Agricultural district.

In addition, there will be no impact to off-street parking and loading areas (because of the 15 acre staging and lay down area planned for the project), the project will not require additional utilities, and there will be no need for improved drainage.

Furthermore, the proposed special use meets the special use permit standards of zoning ordinance section 4.02.c.2 in that:

A) the proposal locates turbines based upon a combination of *strict* setback and spacing criteria and Applicant seeks the property owner's advice, guidance and approval as to specific turbine locations so that the *most suitable* location on the agricultural land is used;

B) the proposal converts an average of only 1.57 acres per turbine site to minimize conversion of agricultural land; and

C) because Applicant's wind turbines are better suited for agricultural open space, the criterion of clustering in close proximity to agribusiness centers is not appropriate for Applicant's proposal.

Sound and Health

In an apparent attempt to convince the hearing officer that this project would constitute a threat to health, the objectors attempted to use inapplicable arguments about supposed health effects of wind turbines. In addition to the many years of operation of wind farms, featuring more than 7,000 turbines without a single documented or verified claim of health effects, the vast

amount of literature supports Applicant, not the objectors. Moreover, the only study presented to the hearing officer as to whether low frequency noise in harmful levels is generated by the type of turbine that will be used for this project is the Epsilon Study. This study determined that the proposed turbine model under our proposed setbacks will not generate the level of low frequency noise that has been a cause for concern.

Furthermore, the leading proponent of “wind turbine syndrome”, Nina Pierpont, bases her conclusions upon incorrect, one-sided and misguided literature from the field of acoustic science, including one paper written by the objector’s expert, Richard James. In a paper on the subject, Mr. James’ “The How To Guide to Criteria for Siting Wind Turbines to Prevent Health Risks from Sound” relies for his conclusions upon a standard (ISO 1996-1971) withdrawn and superseded fully a quarter-century ago, and he also misrepresents a very important study of wind turbines in the United Kingdom (“The Hayes McKenzie Study”). Although referenced in his paper - for the proposition that wind farms are dangerous because of low frequency noise and must be protected against by substantial setbacks - Mr. James ignores the key findings of the United Kingdom study that he references, which are contrary to his conclusions. In addition to ignoring the conclusions of the Hayes McKenzie Study in his paper, he also omitted from his testimony before the hearing officer:

- That the three wind farms that Hayes McKenzie studied found that the wind farms were not emitting low frequency noise;
- That only 3 of 126 wind farms in the United Kingdom emitted low frequency noise;
- That infrasound associated with *modern* turbines is not a source that will result in noise levels that will be injurious to the health of a wind farm neighbor;
- That low frequency noise was measurable on a few occasions, but below the level of concern.

[For a complete critique of Mr. James' conclusions, see the Epsilon report marked as Applicant's Exhibit "M" at the hearing, particularly paragraphs 3 and 9.]

Implicit in these findings is that every wind farm is different, and each turbine type is not only different, but merits individual analysis and measurement of its sound. In fact, Applicant was the only participant at the day-long hearing that presented evidence of the measurement of low frequency sound and infrasound from the specific type of turbines that will be used in DeKalb County. That testing demonstrated that the specific types of turbines that will be used in DeKalb County do not have either a low frequency sound or infrasound problem.

While it is true that in some older models of wind turbines, two types of sound (infrasound and low frequency) are emitted which some claim to have adverse health effects, NextEra does not utilize such turbines in the wind farms that it is constructing (including this one).

Finally, the opinions of Nina Pierpont, who did not testify, but whose draft book and other papers and testimony were filed by the objectors, are deeply flawed. In addition to relying on the opinions and work of Richard James' discredited (see discussion above) "How To" paper, she places reliance upon two other inapplicable studies.

First, reference was made by the objectors' counsel, Mr. Porter, to "the French study", known as the "Recommendations of the French National Academy of Medicine". Nina Pierpont also relies upon this study in making her conclusions about wind farms. However, that study (and the more extensive setbacks recommended) is based upon a 2.5 megawatt wind turbine, rather than upon the much smaller (almost half as small) 1.5 megawatt turbine being deployed in DeKalb. It only makes sense that a setback for a much larger machine would be greater, and it is

unfair (and unscientific) to suggest that the setback for both machines should be the same. “The French Study” is, therefore, inapplicable.

In addition, she relies upon a NASA study of low frequency noise in which subjects were subjected to low frequency noise that was 35 to 90 decibels higher than that which would be emitted by the wind turbines prepared in DeKalb County. A diagram of the results of the study of the sound from the turbine types being used in DeKalb County, superimposed upon the NASA study, is attached to this submission, as Exhibit “A”. In addition, a full critique of the opinions of Nina Pierpont is set forth in the Epsilon Report marked as Applicant’s Exhibit “N” at the hearing. In short, Nina Pierpont’s views, are not supported by scientists who specialize in acoustics, low frequency sound and related human health impacts. It is important to point out that Nina Pierpont’s work has not been published in peer-reviewed journals, a fact that raises questions as to the scientific validity of her research.

Moreover, surveys of peer-reviewed scientific literature have consistently found no evidence linking wind turbines to human health concerns. It is important to note that all wind energy projects are required to undertake environmental assessments that assess the potential impacts of wind turbines on ecosystems and human health. These studies also ensure that the installations meet strict government regulations with respect to sound.

At this time, applicant notes and delineates the documents that have been filed as exhibits in the record:

- A. Affidavit of Service of Notice, Sent Notice, Mailing lists**
- B. Published Notice:**
 - 1. Certificate of Publication
 - 2. Published Notice
- C. Applicant Response to the Staff Report of the DeKalb Planning Director**
- D. Landowner Agreement Status Map**

E. Land Use:

1. Slavney C.V.
2. Slavney Report

F. Property Values:

1. Poletti C.V.
2. Poletti Report
3. Bard Report
4. Berkley Report
5. REPP Report
6. ROOTS Report
7. Texas
8. Eden (with cover email)

G. Cultural Resources:

1. General Report
2. O&M Facility Site Report

H. Avian Study:

1. Kosciuch C.V.
2. TetraTech Avian Report

I. Sound Study:

1. Kalapinski C.V.
2. TetraTech Sound Report
3. Hellweg C.V.
4. Epsilon Study

J. Support Letters:

1. Anderson
2. Handsaker
3. Huhn
4. Muenster
5. Albilene
6. Jordal
7. Greiner
8. Mullins

K. Hearing Presentation**L. Petitions of Support****M. Report Re: Kamperman and James****N. Report Re: Pierpont****O. Story County CD**

Applicant hereby requests that the hearing officer, in his findings of fact, recommend approval of this application for a special use to the DeKalb County Planning and Zoning Committee.

Mr. Dockus, we thank you for your time and consideration.