

STAFF REPORT (DRAFT/REVISED 8-13-2026)

MADISON COUNTY PLAN COMMISSION

August 13, 2026

Petition Number: 2026-Z-004
Location: 0 E 800 S, Markleville, IN
Owner: DLS Leasing LLC; Liberty Madison Storage LLC
Petitioner: Liberty Madison Storage LLC, 1108 Lavaca Street, Austin, TX 78701
Request: Rezone from AG to HI for BESS Liberty I

In reviewing the rezoning petition, the Plan Commission and Board of County Commissioners shall pay reasonable regard to the following:

- a. The Madison County Comprehensive Plan and any other applicable, adopted planning studies or reports;
- b. The current conditions and the character of current structures and uses in each district;
- c. The most desirable use of which the land in each district is adapted;
- d. The conservation of property values throughout Madison County; and
- e. Responsible growth and development.

Site Information

1. The BESS project site includes three parcels and approximately 40 acres.
 - SP# 48-13-26-200-008.000-001
 - SP# 48-13-26-200-009.000-001
 - SP# 48-13-26-200-010.000-001
2. The parcel has frontage on 800 S and 400 E. Both are classified as a local road in the county thoroughfare plan.
3. The parcel is not located in a floodplain.
4. The parcel is in Adams Township.
5. The Maxey Davis drain is located on the northwest side of the proposed project.
6. The project is in an area currently primarily agricultural in use with some limited residential development. The AEP substation is directly to the north of this site.
7. The Madison County Comprehensive Plan specifies this area as an agricultural area.

LETTER OF INTENT

The Madison County Plan Commission
The Board of Commissioners of Madison County
16 East 9th Street
Madison County Government Center
Anderson, IN 46016

Re: Letter of Intent Regarding Liberty Madison Storage LLC, Rezoning Application for the Development of a Battery Energy Storage System in Madison County, IN.

Dear Commission Members:

Liberty Madison Storage LLC, a Delaware limited liability company ("**Petitioner**") hereby proposes to rezone the real estate (the "**Project Site**") as defined **Exhibit A** located within unincorporated Madison County to industrial use for the development of a Battery Energy Storage System commonly known as Liberty I (the "**Project**").

The Project Site was selected because it is adjacent to the I&M Fall Creek Substation. This substation plays a critical role in the local and regional energy system and is a location where an energy storage system can have an outside impact on the power grid. By locating the Project adjacent to the substation, the Project is clustering electrical infrastructure in a location where very significant electrical infrastructure already exists. In addition, being adjacent to the substation reduces the need for lengthy new power lines running from some other more distant location to the substation, which would be required if the site were farther away. This proximity to the substation helps to minimize the land use impacts that the Project might otherwise create.

The Project Site is currently zoned agriculture and consists of agricultural row crops. Surrounding land uses include residential/agricultural fields to the east and west, a residence to the south, and the I&M Fall Creek Substation to the north. An application for site development approval was submitted in parallel to the rezoning application. However, as part of the written commitments (as attached separately and defined in **Exhibit B**), the Petitioner is proposing that in parallel with the rezoning, high-impact industrial applications, as well as solar, be restricted on the parcels to ensure that rezoning does not lead to any unintended uses on the site.

Please see the Project Description document submitted by Liberty Madison Storage LLC as support for its Site Development Plan application for more information on the proposed development use.

Thank you.

Liberty Madison Storage LLC

Proposed Commitments

The following commitments summarize the major commitments proposed by the petitioner. The full list is included in Appendix C of their project report, which can be accessed at the planning commission website or at the planning department office (16 E 9th Street, Suite 200).

In addition to complying with all County, state, and federal rules and regulations, the Project has also proposed a series of written commitments that it suggests the County impose on the Project to minimize impact from the Project on the community. A summary of those suggested commitments is below:

- Restrictions on the Project property to ensure that the required rezoning to industrial is limited to BESS use, and not high-impact industrial uses. This is suggested to avoid unintended consequences of the rezoning.
- Safety requirements related to code compliance, training of first responders, and emergency management plans.
- A Decommissioning Plan backed by a bond to ensure the Project would be removed at the end of its useful life.
- A Transportation and Traffic Control Plan to address any traffic and road impacts during construction and operations (though traffic during operations is expected to be near-zero).
- Assurances that the Project would be appropriately screened by landscaping.
- Reimbursement to the County of third-party engineering expenses, among other items.

1 Summary

Liberty Madison Storage LLC (Liberty) is an indirect subsidiary of Jupiter Power. Jupiter Power is an energy infrastructure company focused on the development, ownership, and operation of utility-scale battery energy storage projects in the United States. Led by an experienced management team, Jupiter Power has 24 battery energy storage projects totaling 4,995 megawatt-hours currently operating or under construction, and has over 22,000MW of projects in development across the U.S.

Liberty is proposing to construct and operate the Liberty I Energy Storage Project (Project), a utility-scale battery energy storage system (BESS) in Madison County, Indiana, which is anticipated to begin operating in the second half of 2028. The Project is expected to be 80 megawatts in capacity and would connect to the existing 138-kilovolt Indiana Michigan Power (I&M) Fall Creek Substation located directly adjacent to the Project site to the north via a generation transmission (gen-tie) line. The Project would provide additional capacity for the electrical grid to assist with serving energy consumers during periods of peak energy demand by charging when demand is low and discharging when demand is high. Batteries are fast acting and capable of responding within fractions of a second to stabilize and support a high-quality and reliable electric grid.

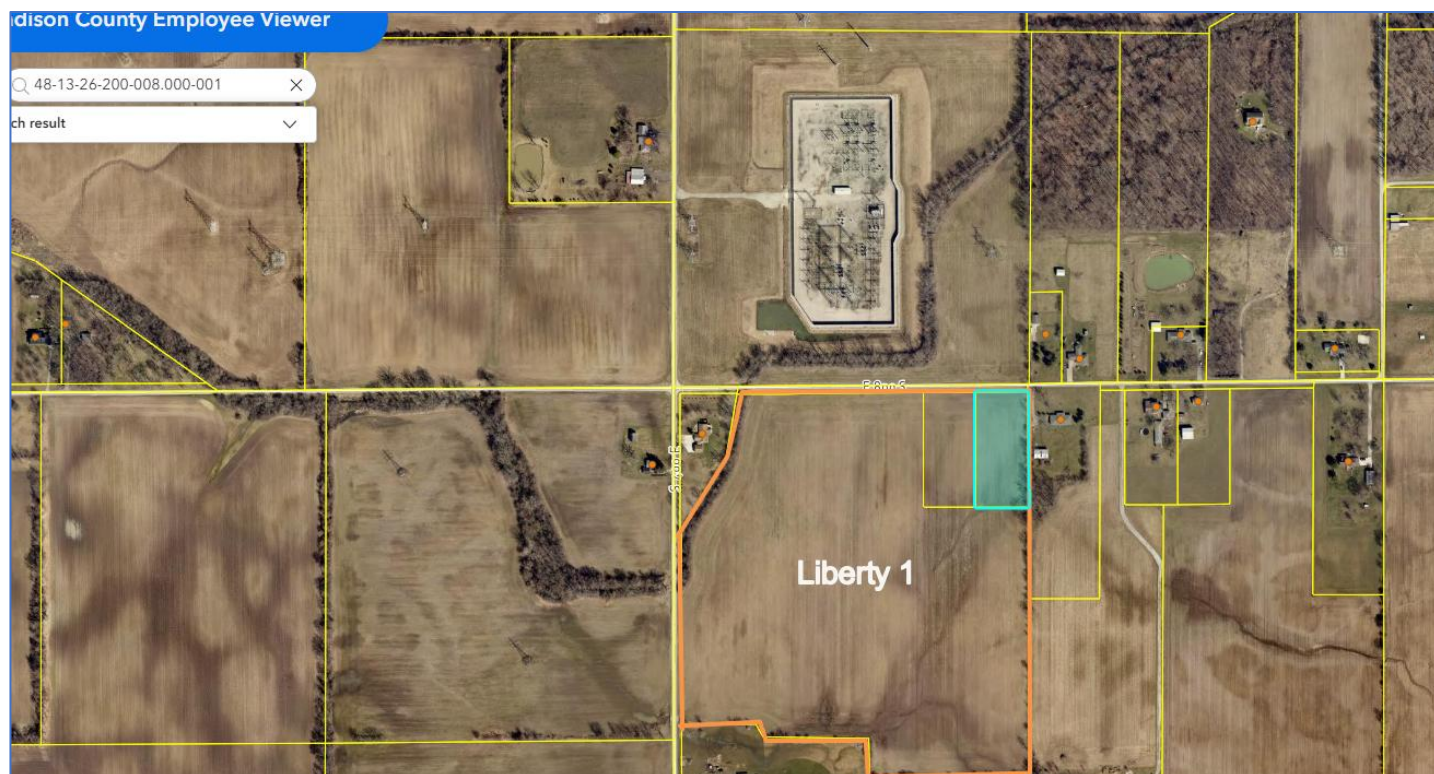
I&M has signed an agreement to purchase Liberty I upon completion, pending local permitting and approval by the Indiana Utility Regulatory Commission. Liberty I would be a key asset in I&M's generation portfolio to support its Indiana customers and would interconnect at the Fall Creek Substation, which I&M currently owns and operates. I&M currently serves approximately 18,000 customers in Madison County, including homes and businesses.

Jupiter is also submitting an application for the Liberty II energy storage facility, concurrent with this application. Liberty II is a 300-megawatt facility, also connecting at the Fall Creek Substation which is anticipated to be operational by the end of 2030. The projects are located on separate parcels, are electrically separate, and are on different construction timelines. Jupiter is submitting both applications concurrently to ensure that Madison County (County) understands the full scope of Jupiter's plans and can appropriately evaluate the impact of the two projects.

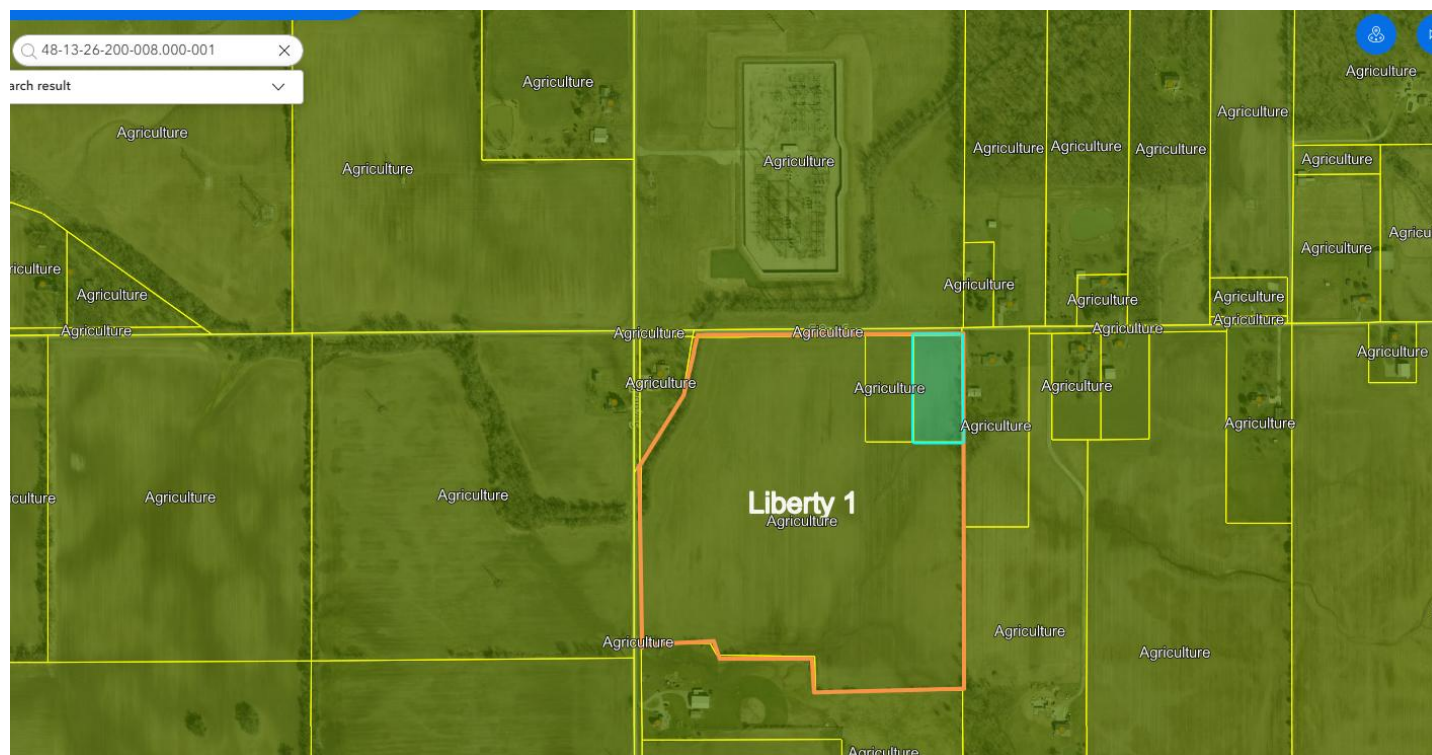
This Project description was prepared to provide an overview of the facilities that are proposed to be constructed and operated as part of the Project. This Project description focuses on Liberty I, but may reference Liberty II at times where relevant studies and plans were completed for both projects in tandem. A Project Site Plan has been provided under separate cover.

2.1 Project Location

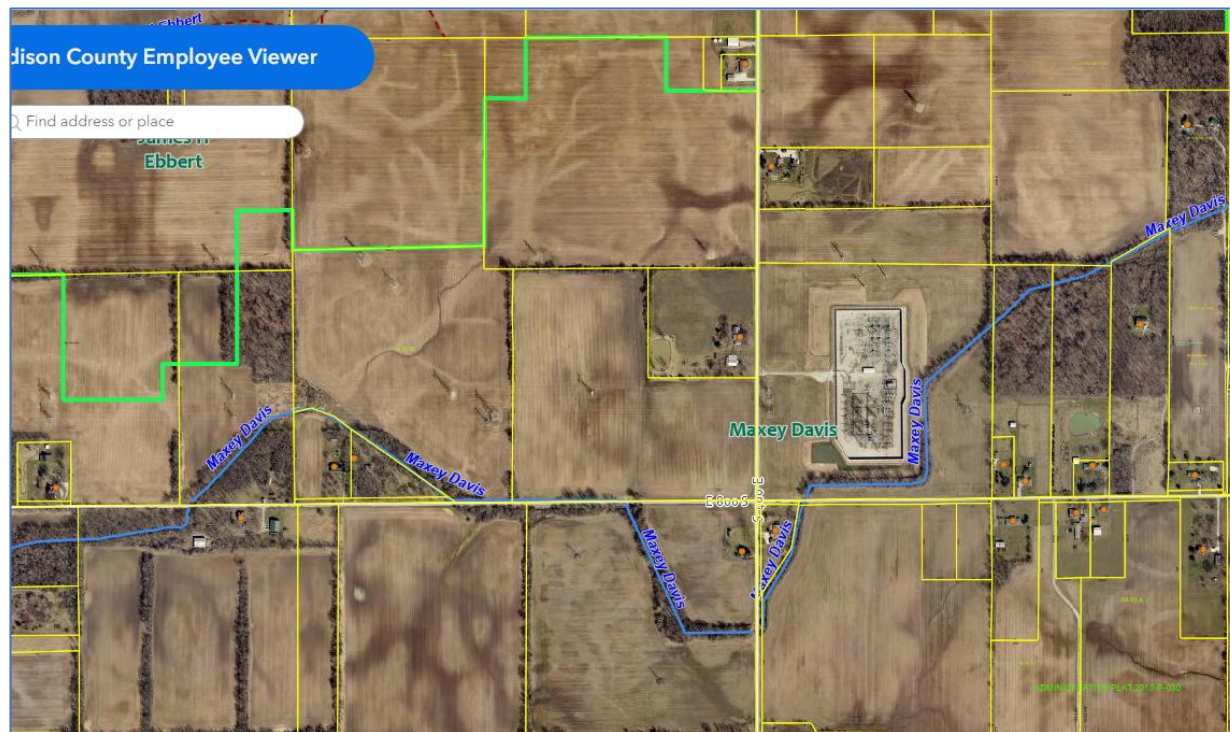
The Project site consists of approximately 40 acres of leased land, comprising three separate parcels (Assessor's Parcel Numbers 48-13-26-200-008.000-001, 48-13-26-200-009.000-001, and 48-13-26-200-010.000-001) located at the intersection of County Roads 800 South and 400 East within Adams Township in Madison County, Indiana. The Project site is adjacent to the I&M Fall Creek Substation to the north across from County Road 800 South, and rural agricultural property to the east, west and south. Surrounding land uses include agriculture, rural residential, and utility substation. The physical footprint of the Project would occupy approximately 4 acres, with 6.4 additional acres devoted to aesthetic landscaping to obscure the facility and drainage infrastructure. The portion of the leased property that would not be physically impacted by the facility is anticipated to continue to be farmed through the life of the Project. Jupiter holds an option to purchase a small portion of the land for the footprint of the Project substation, but all battery-specific infrastructure would remain on leased land. Additional renderings of the proposed projects from various angles can be found in Appendix A.



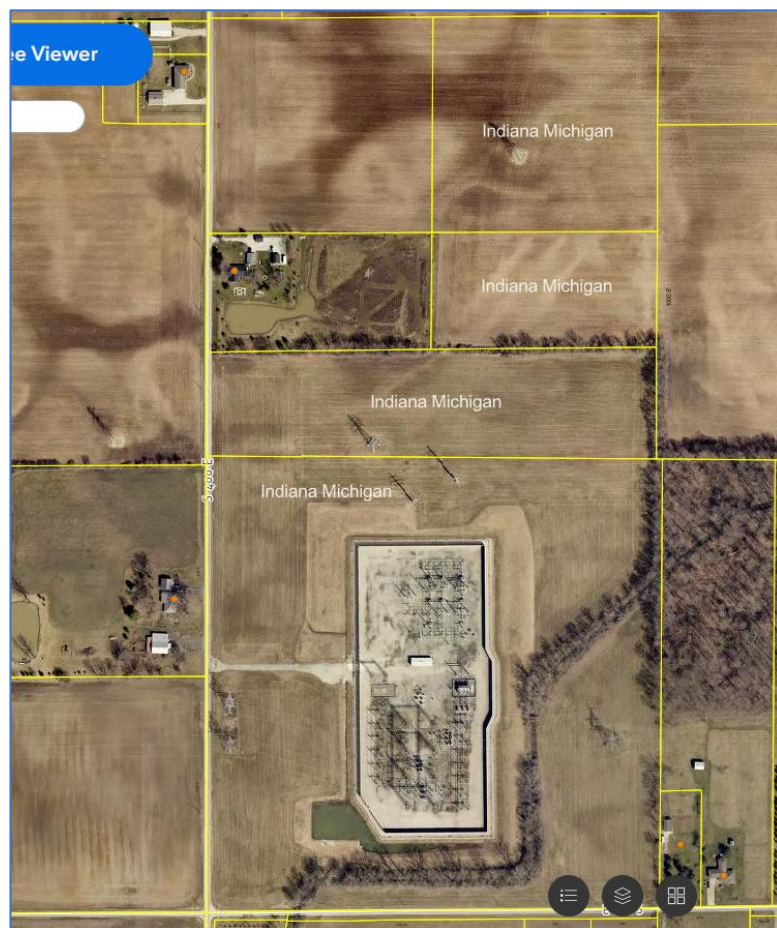
Site



Current zoning - AG



County Drain



Properties directly owned by Indiana Michigan Power

Zoning Requirements

The language was added to the zoning code to guide the development of BESS and other projects.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MADISON, INDIANA THAT ORDINANCE NUMBER 2024-BC-O-____, IS HEREBY AMENDED AS FOLLOWS :

The following language shall be added to Section ____:

1. **Battery Energy Storage Systems (BESS), Carbon Capture Sequestration (CCS), and other new renewable-energy projects:**
 - Because of the rapidly changing landscape in the renewable energy business, and to protect the county from impacts associated with unforeseen or lightly understood technologies, all requests for new major BESS, CCS and other new renewable-energy projects so designated by the director of the plan commission, must follow the applicable elements of application process as defined in the Madison County Solar Ordinance. Prior to construction of a BESS, CCS or any other new renewable-energy projects as defined by the Executive Director of the Madison County Planning Department, the petitioner shall obtain the following: 1) a site development plan processed through Article Eight of this ordinance, including review and approval by the Madison County Planning Commission as specified in Article Eight, to permit a BESS, CCS or similar project in the following zoning districts: GI, HI (if the property is zoned differently it must be rezoned to one of these zoning districts); 2) a special use



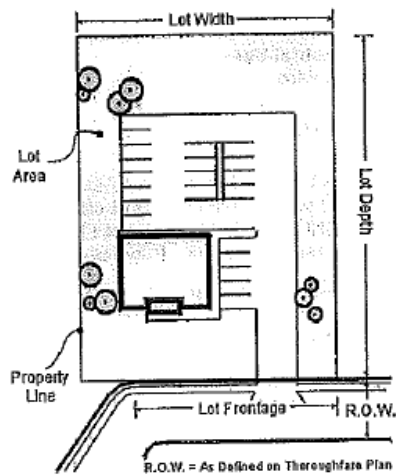
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permit from the Board of Zoning Appeals based on the approved site plan; and, 3) an improvement location from the Madison County Plan Commission, as described in the Madison County Land Use & Development Code.

Following are the requirements of the High Impact zone.

HI - High Impact Uses District

3.32 "HI" High Impact Uses Standards

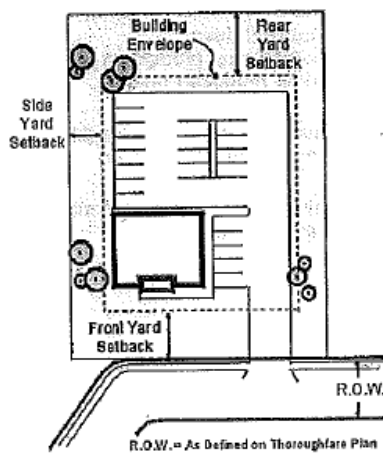


Minimum Lot Area:
• 5 acres

Minimum Lot Width:
• 250 feet

Maximum Lot Depth:
• none

Minimum Lot Frontage:
• 100 feet on a public street with access from said public street

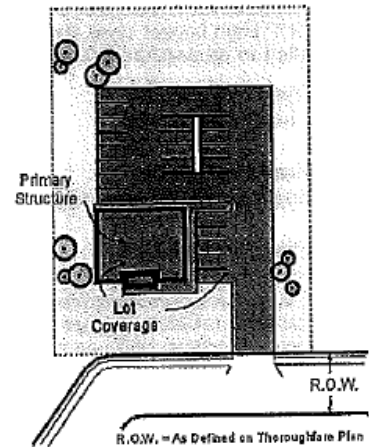


Minimum Front Yard Setback:
• 200 feet when adjacent to an Arterial Road
• 200 feet when adjacent to a Collector Road
• 200 feet when adjacent to a Local Road

Residential Setback:
• At least two hundred (200) feet from any residential zoning.

Minimum Side Yard Setback:
• 200 feet

Minimum Rear Yard Setback:
• 200 feet



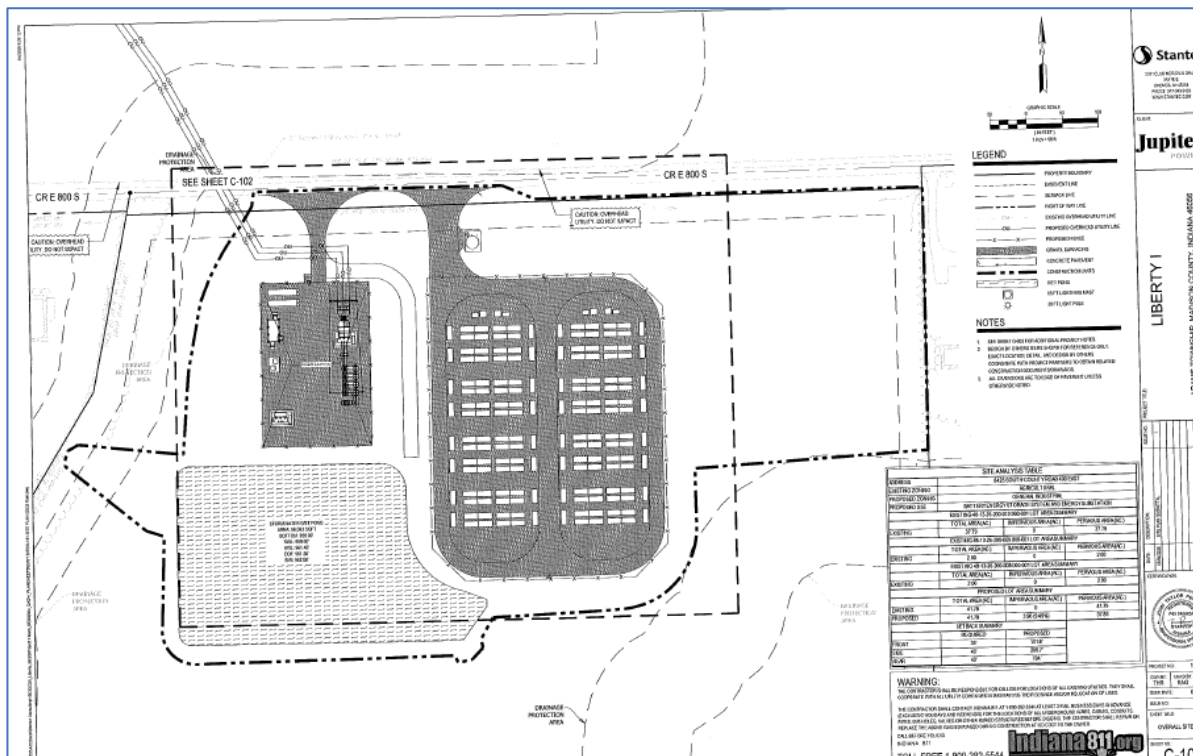
Maximum Lot Coverage:
• square feet of all primary and accessory structures, and impervious surface cannot exceed 70% of the Lot Area

Maximum Primary Structures per Lot:
• 1

HI - High Impact Uses District

3.31 "HI" District Intent, Permitted Uses, and Special Uses

District Intent	Permitted Uses	Special Uses
The "HI" High Impact Uses District is intended to be used as follows: Use Type and Intensity • High Impact land uses Application of District • Existing and new development Development Standards • Recognize the need for quality time, place and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality; • Minimize light, noise, water and air pollution. Appropriate Adjacent Districts • LI, GI, GC and HC Required Approvals • MCPC Development Plan approval required for all developments. • Board of Health approval required. • State agencies as required. Plan Commission • Zone property HI only after determining that the site is appropriate for any of the possible uses allowed in the zoning district; • Be very sensitive to environmental protection. Board of Zoning Appeals • Allow a Special Exception use only when it is clearly harmonious with the surrounding areas; • Require a significant buffering and separation from adjacent uses and environmental features; • Be very sensitive to the potential for light pollution, noise pollution, wellhead protection, and protection	Agricultural Uses • agricultural crop production (of materials produced on-site) • agriculture crop processing (of materials produced on-site) • agriculture crop storage (of materials produced on-site)	Industrial Uses • Junk yard • Scrap Metal Yard • Solid Waste Management Activities (solid waste collection and storage, landfilling or dumping, waste processing or recycling, transfer station) • bottled gas storage • Incinerator • Explosives manufacturing and storage • Manufacturing/fabrication facility • Power Plant • Building Material Demolition Site



Site plan



Site Plan Topo

Comments from the Technical Review Committee

The Technical Review Committee met on June 25, 2026, and met again on July 30, 2026. The minutes for each are presented below.

Minutes from June 25, 2026 TRC meeting (full minutes are available for review at the planning office)

1. 26-Z-004/5 – Liberty I and Liberty II Battery Energy Storage

Liberty I

Petitioner: DLS Leasing LLC; Liberty Madison Storage LLC

Owner: Liberty Madison Storage, LLC

Liberty 2

Petitioner: Gary and Brenda Brumfield

Owner: Liberty Madison II Storage, LLC

Introductions were made. Larry reviewed the proposed Battery Energy Storage Project and stated the objective of the Technical Review committee. A summary of the proceedings is attached. The TRC determined that additional information was required before committee members would be able to make a recommendation. The next TRC meeting is currently scheduled to be heard on July 30, but may be moved to accommodate schedules.

For ease of review, the projects will be presented to the plan commission in a single presentation with any votes and/or findings specific to each petition.

Next Scheduled Meeting: July 30, 2026, 9 a.m. government center

The recommendation to the Board of Commissioners from the TRC is generally null, as there is still outstanding issues that were identified by the TRC to be considered included:

- Jupiter continued pre-site development work (aerial surveys, etc.), after they had stated they would stop.
- The surveyor's office requested information on whether monitoring wells would be established and that had not been addressed at the time of this report.
- Definitive requests for peak noise times.

Jupiter Power provided responses to the TRC on August 10. These include the following.

Liberty I & II TRC Questions: Written Responses, Continued

6. Can the project operator commit to providing a single point of contact for ongoing operations?

Yes. Commitment 11 in Jupiter's Written Commitments (Appendix C to the Project Description) addresses this concern: "Owner will designate a "BESS Liaison" and provide the County a phone number, physical address, and email address for communication with the liaison during construction and operation. Contact information for the BESS Liaison will be posted at the entrance to the BESS. The BESS Liaison role will commence at the initial preconstruction meeting."

If the County would like to modify this language in some way, Jupiter would be happy to do so.

7. What is the maximum noise measured at the Tibbits site, both at the road and at the fence line?

A sound assessment study prepared for the Tibbits site prior to construction estimated maximum sound levels of approximately 50 dBA on North Michigan Avenue near the site entrance and approximately 55 dBA at the project fence line. For reference, in the combined sound studies for Liberty I & II the loudest scenario modeled for a neighboring residence anticipates a maximum sound level of 51dBA.

Sound levels vary hour by hour, day by day, and season by season at energy storage facilities, and sound assessment studies typically model the loudest scenario (as is the case for the Liberty sound studies), which represents only a portion of operating hours under specific conditions. That peak generally occurs on hot days, when the HVAC on the battery containers runs at maximum to keep the system cool while the facility is simultaneously discharging at full capacity to supply electricity to homes and businesses — which is precisely when that power is most critical for the grid, since hot weather is also often what drives peak electricity demand. This typically coincides with summer afternoons or evenings, when home air conditioning systems and existing electrical infrastructure, like the Fall Creek substation, also tend to be running at full capacity and ambient noise is highest.

8. Is Jupiter willing to post a long-term environmental remediation bond (or another similar instrument) for the project?

Commitment 5 in Jupiter's Written Commitments (Appendix C to the Project Description) requires the project to maintain a decommissioning plan for the life of the project, addressing certain environmental requirements, and to post a decommissioning bond. The decommissioning plan would cover any situation that could require equipment removal prior to or at the end of project life and would outline the plan for restoration of the property. The associated bond then provides a financial backstop if Jupiter is unable to meet its obligations under the plan.

Analysis

This project requires the petitioner to file and be heard in a public hearing by the Madison County Plan Commission, followed by a hearing with the County Board of Commissioners. If the rezoning request is passed by the Commissioners, the project will go to the BZA, which will consider the project in more detail, particularly as how it

relates to impacts on adjacent properties and how those could be ameliorated. The BZA could deny the project if it deems the impact too great.

The petition in front of the planning commission is for the MCPC to determine if this parcel(s) are suitable for the proposed use on a more general, long-term level.

The Battery Energy Storage System (BESS) as presented for site 1 has the following characteristics:

- 80-megawatt capacity
- 25-year life span followed by decommissioning as stated in the petition
- Location is driven by access to substation
- Approximately 10.4 acres of 40 acres that is currently farmed will be converted from agricultural use, 4 of which will be for the battery facility itself, and 6.4 of which will be for drainage and landscaping/buffering.

Based on review of the analysis in the petition, the largest concerns of this project appear to be the aesthetic appeal; general light and noise pollution; safety issues, particularly associated with fire; drainage; property values; and, long term stability/ownership; and, finally, need for the project. The primary benefits to the county include enhancing grid security and safety for the coming decades and economic benefits to the county through taxes generated by the facility. The following summary bullets address each of these.

- **Aesthetic appeal/light – noise pollution – any BESS facility will have a certain amount of light and noise. Based on evaluation of the report provided by the petitioner and visual observation of the site operated by the Petitioner in Branch County, Coldwater, Michigan both during the 5 – 7 p.m. and 1 a.m. + windows, the noise issue is a concern. Based on field observation, even allowing for noise from the IM/AEP station and the overhead powerlines, it is generally quieter in this area in the evening that it is at the Tibbets. Staff recommendation is to require a recorded commitment from the petitioner that they will provide certification from a noise engineer that the design will ensure noise buffering consistent with the recommendation of the Board of Zoning Appeals.**

The bigger concern based on visual observation is light and the degradation of the night sky. The level of light at one in the morning at the Jupiter facility in Tibbetts, Michigan is not suitable in a rural setting in Madison, County. Security concerns are noted but IM/AEP owns the facility across the street.



The staff recommendation is that the lighting be designed to be minimal and not increase the level of ambient light over what exists today associated with the existing substation.

- **Safety issues** – Uncontrolled fires and explosions have been cited as safety issues. While these have occurred, discussions with local fire officials, testimony by fire safety specialists with Jupiter, and review of the data presented demonstrate that while there is always a chance an event of this kind will occur, these can be managed in a safe and environmentally friendly manner. Information presented during the public hearing may contradict this analysis.
- **Drainage** – There is a drain that goes around the northwest side of the property. The impact on the local drainage and watershed should be limited unless there is a safety issue/accident that causes issues. The surveyor's office is reviewing the potential drainage impacts and additional questions will be forthcoming.
- **Property Values** – The issue of property values was an important consideration during the development of the solar ordinance and has continued to be referenced in subsequent projects (e.g., the recent data center meetings held as part of the data center moratorium process). There is and will be much more research, with varying conclusions, about the degradation of property values associated with renewable energy projects. Local realtors have brought forward research that suggests that these projects do negatively impact property values and likely will bring those forward at the public hearing. A recent study, produced by Ball State University's Center for Business and Economic Research (a peer-reviewed hedonic regression analysis and event studies using 1,000's of data points from a multi-year period), was recently released and is available on Purdue University's RSTEP website <https://extension.purdue.edu/cdext/thematic-areas/community-planning/collaborative-projects/rstep/projects.html>. This report suggests that proximity to solar projects (producing 1MW or more) has no statistically significant or economically significant negative impact on nearby home prices. While it doesn't directly reference BESS, BESS is a renewable energy project in that it provides a reservoir for that renewable energy and there should be some transference of the conclusions of this research to BESS. The analysis provides weak evidence of negative effects of larger-capacity (>3MW) on residential sale prices. The type of power producer appears to impact property values, with properties within 0.5 miles of investor-owned solar projects experiencing positive effects on home prices.

This is the link to the report: https://extension.purdue.edu/cdext/thematic-areas/community-planning/collaborative-projects/rstep/_docs/r-step-03-solar-20260803-ada.pdf

- **Long-term stability and ownership** – Jupiter Power is a private company and appears to be stable financially based on available information. Once the development is completed, IM/AEP will assume control and ownership of the project.
- **Need for the project** – The petitioner has stated in its project report and in the technical review meetings the need for this facility based on the overall grid as it functions locally, statewide, and nationally. Madison County is facing significant growth in the next decade as Fisher’s and Hamilton County begins to face build-out and affordability issues. The Heartland MPO has just completed an update of its long range transportation plan, which included an analysis of population growth as a part of planning for the roadway system. From this point forward to 2035, the following increase is already on the books (projects and permits that have been permitted):

Geography	HHs	Emps
Madison Co	3,978	400
North	162	15
Central-East	145	10
Southwest	3,671	375

As can be seen, there will be almost 3700 new households in the southern part of the county by 2035. By 2050, the same report states that there will be a 61.3 percent increase in the population of the southern part of the county.

Finally, IM/AEP is taking ownership. A utility, which is not a private business, would not be undertaking this project if there were no long-term need.

Staff Recommendation (Pending evidence provided at public hearing)

BESS technology is not new to the nation or world, but it is a new concept to Madison County. **The staff recommendation is to send a favorable recommendation for BESS I to the Board of Commissioners with a recommendation that commitments are made to provide appropriate mitigation for noise and light impacts as determined during any subsequent Board of Zoning Appeals process.** This recommendation is based on belief that the power needs over time will exceed our existing resources, that alternative sources are less desirable (re-opening coal plants because of lack of forecasted power), that this project is a direct extension and contributor to the IM/AEP facility on 400, and that IM/AEP will be the owner and controller of the facility. It should be restated that this recommendation is for rezoning the property to HI for this type of use. If it goes forward, more detailed review will occur at the Board of Zoning Appeals.

FINDINGS

- The Madison County Comprehensive Plan and any other applicable, adopted planning studies or reports
- The current conditions and the character of current structures and uses in each district
- The most desirable use of which the land in each district is adapted

- d. The conservation of property values throughout Madison County
- e. Responsible growth and development –

Site Photos



Looking north



View to the east



View to the south



Looking west

STAFF REPORT **(DRAFT)**

MADISON COUNTY PLAN COMMISSION

August 13, 2026

Petition Number: 2026-Z-005 (Liberty II)
Location: 8425 S 400 E, Markleville, IN
Owner: Gary and Brenda Brumfield
Petitioner: Liberty Madison II Storage, LLC, 1108 Lavaca Street, Austin TX, 78701
Request: Rezone from AG to HI for BESS Liberty II

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2.1 Project Location

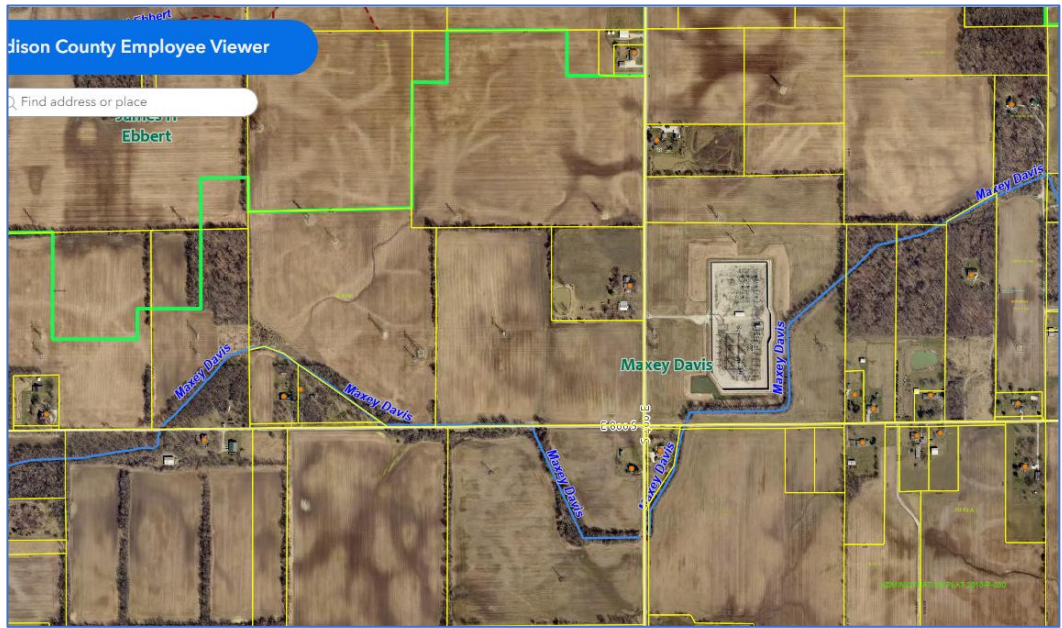
The Project site consists of approximately 100 acres of leased land, comprising three separate parcels (Assessor's Parcel Numbers 48-13-27-100-005.000-001, 48-13-27-100-004.000-001, and 48-13-27-400-005.000-001) and is bordered by County Road 800 South to the north and County Road 400 East to the east within Adams Township in Madison County, Indiana. The Project site is southwest of the I&M Fall Creek Substation with rural agricultural directly adjacent to the property on the north, south, east and west. Surrounding land uses include agriculture, rural residential, and utility substation. The physical footprint of the Project would occupy approximately 9.4 acres, with 9.3 additional acres devoted to aesthetic landscaping to obscure the facility and drainage infrastructure. The portion of the leased property that would not be physically impacted by the facility is anticipated to continue to be farmed through the life of the Project. Additional renderings of the proposed projects from various angles can be found in Appendix A.



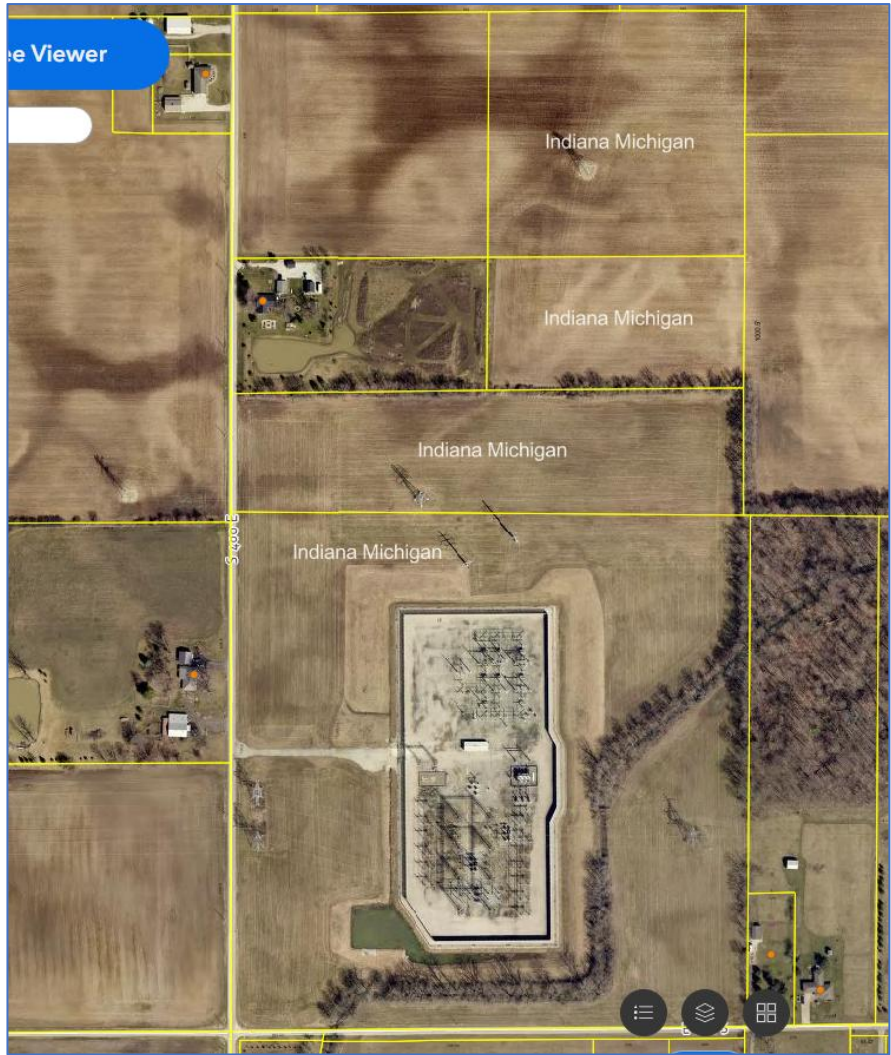
Site



Current zoning – AG



County Drain



Properties directly owned by Indiana Michigan Power

Zoning Requirements

The following language was added to the zoning code to guide the development of BESS and other projects.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MADISON, INDIANA THAT ORDINANCE NUMBER 2024-BC-O-____, IS HEREBY AMENDED AS FOLLOWS :

The following language shall be added to Section ____:

1. **Battery Energy Storage Systems (BESS), Carbon Capture Sequestration (CCS), and other new renewable-energy projects:**
 - Because of the rapidly changing landscape in the renewable energy business, and to protect the county from impacts associated with unforeseen or lightly understood technologies, all requests for new major BESS, CCS and other new renewable-energy projects so designated by the director of the plan commission, must follow the applicable elements of application process as defined in the Madison County Solar Ordinance. Prior to construction of a BESS, CCS or any other new renewable-energy projects as defined by the Executive Director of the Madison County Planning Department, the petitioner shall obtain the following: 1) a site development plan processed through Article Eight of this ordinance, including review and approval by the Madison County Planning Commission as specified in Article Eight, to permit a BESS, CCS or similar project in the following zoning districts: GI, HI (if the property is zoned differently it must be rezoned to one of these zoning districts); 2) a special use



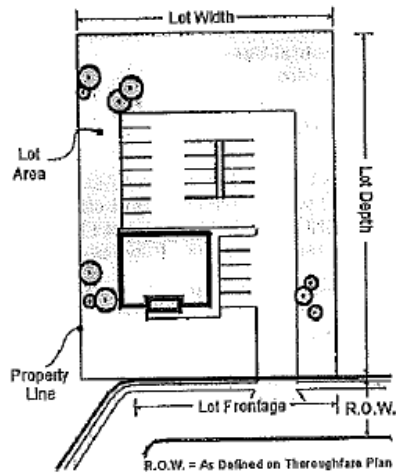
2

permit from the Board of Zoning Appeals based on the approved site plan; and, 3) an improvement location from the Madison County Plan Commission, as described in the Madison County Land Use & Development Code.

Following are the requirements of the High Impact zone.

HI - High Impact Uses District

3.32 "HI" High Impact Uses Standards

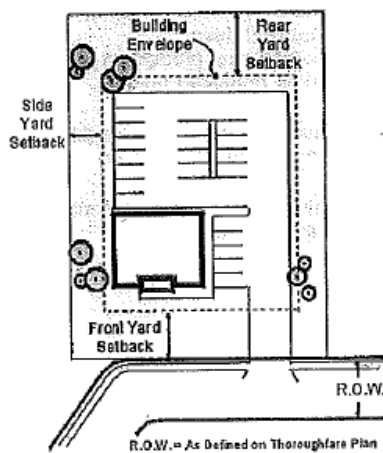


Minimum Lot Area:
• 5 acres

Minimum Lot Width:
• 250 feet

Maximum Lot Depth:
• none

Minimum Lot Frontage:
• 100 feet on a public street with access from said public street

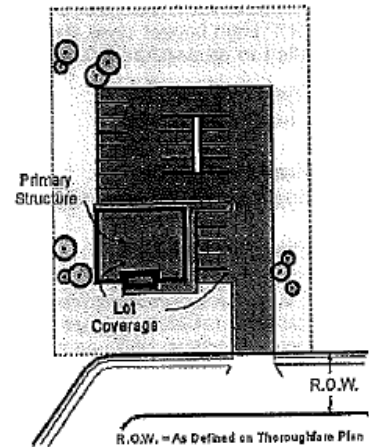


Minimum Front Yard Setback:
• 200 feet when adjacent to an Arterial Road
• 200 feet when adjacent to a Collector Road
• 200 feet when adjacent to a Local Road

Residential Setback:
• At least two hundred (200) feet from any residential zoning.

Minimum Side Yard Setback:
• 200 feet

Minimum Rear Yard Setback:
• 200 feet



Maximum Lot Coverage:
• square feet of all primary and accessory structures, and impervious surface cannot exceed 70% of the Lot Area

Maximum Primary Structures per Lot:
• 1

HI - High Impact Uses District

3.31 "HI" District Intent, Permitted Uses, and Special Uses

District Intent	Permitted Uses	Special Uses
The "HI" High Impact Uses District is intended to be used as follows: Use Type and Intensity • High Impact land uses Application of District • Existing and new development Development Standards • Recognize the need for quality time, place and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality; • Minimize light, noise, water and air pollution. Appropriate Adjacent Districts • LI, GI, GC and HC Required Approvals • MCPC Development Plan approval required for all developments. • Board of Health approval required. • State agencies as required. Plan Commission • Zone property HI only after determining that the site is appropriate for any of the possible uses allowed in the zoning district; • Be very sensitive to environmental protection. Board of Zoning Appeals • Allow a Special Exception use only when it is clearly harmonious with the surrounding areas; • Require a significant buffering and separation from adjacent uses and environmental features; • Be very sensitive to the potential for light pollution, noise pollution, wellhead protection, and protection	Agricultural Uses • agricultural crop production (of materials produced on-site) • agriculture crop processing (of materials produced on-site) • agriculture crop storage (of materials produced on-site)	Industrial Uses • Junk yard • Scrap Metal Yard • Solid Waste Management Activities (solid waste collection and storage, landfilling or dumping, waste processing or recycling, transfer station) • bottled gas storage • Incinerator • Explosives manufacturing and storage • Manufacturing/fabrication facility • Power Plant • Building Material Demolition Site



Comments from the Technical Review Committee

Please refer to the Liberty I section (page 11 and 12 of this staff report).

Analysis

The Battery Energy Storage System (BESS) as presented for Liberty II has the following characteristics:

- 300-megawatt capacity
- 100 acres of leased land
- 25-year life span followed by decommissioning as stated in the petition
- Location is driven by access to substation
- Approximately 18.8 acres of 100 acres that is currently farmed will be taken for the BESS project (roughly 19%)

Based on review of the analysis in the petition, the largest concerns of this project appear to be the aesthetic appeal and the safety issues, particularly associated with fire. There are economic benefits to the county, including that the project will make the local grid more reliable. While noise has been cited, the petition notes an ambient noise level of around 51 to 60 decibels at a typical facility. This seems credible based on visits to other similar facilities and would be within the bounds of the Madison County noise ordinance. It should be noted that noise and other immediate impact type issues would be part of the BZA review that is required for any project approval.

The biggest differences between Liberty 1 and II are:

- Liberty II is much larger (300 MW and 100 acres versus 80 MW and 40 acres for Liberty 1)
- There is no agreement for AEP to take control like they propose in Liberty 1

Based on review of the analysis in the petition, the largest concerns of this project appear to be the aesthetic appeal; general light and noise pollution; safety issues, particularly associated with fire; drainage; property values; and, long term stability/ownership; and, finally, need for the project. The primary benefits to the county include enhancing grid security and safety for the coming decades and economic benefits to the county through taxes generated by the facility. The following summary bullets address each of these.

- **Aesthetic appeal/light – noise pollution** – the BESS facility will have a certain amount of light and noise associated with its operation. The petitioner has presented a buffering plan that could offset these. As mentioned earlier, these issues will be more directly addressed at the BZA presentation if the petition gets to that level. The county has a noise ordinance, and this would be mandatory for the BESS. Staff has visited BESS facilities and requested additional noise information, which would be developed in more detail if the project moves forward.
- **Safety issues** – Uncontrolled fires and explosions have been cited as safety issues. While these have occurred, discussions with local fire officials, testimony by fire safety specialists with Jupiter, and review of the data presented demonstrate that while there is always a chance an event of this kind will occur, these can be managed in a safe and environmentally friendly manner. Information presented during the public hearing may contradict this analysis.
- **Drainage** – There is a drain that goes around the northwest side of the property. The impact on the local drainage and watershed should be limited unless there is a safety issue/accident that causes issues. The surveyor's office is reviewing these issues.

- **Property Values** – The issue of property values was an important consideration during the development of the solar ordinance and has continued to be referenced in subsequent projects (e.g., the recent data center meetings held as part of the data center moratorium process). There is and will be much more research, with varying conclusions, about the degradation of property values associated with renewable energy projects. Local realtors have brought forward research that suggests that these projects do negatively impact property values and likely will bring those forward at the public hearing. A recent study, produced by Ball State University’s Center for Business and Economic Research (a peer-reviewed hedonic regression analysis and event studies using 1,000’s of data points from a multi-year period), was recently released and is available on Purdue University’s RSTEP website <https://extension.purdue.edu/cdext/thematic-areas/community-planning/collaborative-projects/rstep/projects.html>. This report suggests that proximity to solar projects (producing 1MW or more) has no statistically significant or economically significant negative impact on nearby home prices. While it doesn’t directly reference BESS, BESS is a renewable energy project in that it provides a reservoir for that renewable energy and there should be some transference of the conclusions of this research to BESS. The analysis provides weak evidence of negative effects of larger-capacity (>3MW) on residential sale prices. The type of power producer appears to impact property values, with properties within 0.5 miles of investor-owned solar projects experiencing positive effects on home prices.

This is the link to the report: <https://extension.purdue.edu/cdext/thematic-areas/community-planning/collaborative-projects/rstep/docs/r-step-03-solar-20260803-ada.pdf>

- **Long-term stability and ownership** – Jupiter Power is a private company and appears to be stable financially based on available information. Liberty II will be operated by Jupiter Power until such time as IM/AEP wants to take it over.
- **Need for the project** – The petitioner has stated in its project report and in the technical review meetings the need for this facility based on the overall grid as it functions locally, statewide, and nationally. Madison County is facing significant growth in the next decade as Fisher’s and Hamilton County begin to face build-out and affordability issues. The Heartland MPO has just completed an update of its long-range transportation plan, which included an analysis of population growth as a part of planning for the roadway system. From this point forward to 2035, the following increase is already in the books (projects and permits that have been approved):

Geography	HHs	Emps
Madison Co	3,978	400
North	162	15
Central-East	145	10
Southwest	3,671	375

As can be seen, there will be almost 3700 new households in the southern part of the county by 2035. By 2050, the same report states that there will be a 61.3 percent increase in the population of the southern part of the county.

Finally, IM/AEP is **not** taking ownership. A utility, which is not a private business, would not be undertaking this project if there were no long-term need.

Staff Recommendation (Pending evidence provided at public hearing)

BESS technology is not new to the nation or world, but it is a new concept to Madison County. **The staff recommendation is to send an unfavorable recommendation for BESS II to the Board of Commissioners.** This recommendation is based on the newness of the technology in this area, the much larger size of this proposed facility, and the fact that IM/AEP has not committed to the purpose. **In addition, the trend in technology is to always go smaller. If that trend holds, the initial site may be sufficient for decades to a point that new technology comes along.** It should be restated that this recommendation is for rezoning the property to HI for this type of use. If it goes forward, more detailed review will occur at the Board of Zoning Appeals. If over the next several years IM/AEP determines more storage than can be developed on BESS I is required then the discussion of additional acreage could be warranted.

FINDINGS

- a. The Madison County Comprehensive Plan and any other applicable, adopted planning studies or reports
- b. The current conditions and the character of current structures and uses in each district
- c. The most desirable use of which the land in each district is adapted
- d. The conservation of property values throughout Madison County
- e. Responsible growth and development –

Site Photos



Looking north



View to the east



View to the south



Looking west