

Findings of Fact and Ruling

PETITION FOR WECS APPROVAL: **A09-04-01 (THIS # COMES FROM APC OFFICE)**

OWNER OF REAL ESTATE: **John H. Doe**

LOCATED AT: **11333 S 100 W**

DESCRIPTION: **80 Acres in the NE ¼ of S36T25NR12E**

CURRENT ZONING CLASSIFICATION: **A-1**

PROPOSED WECS: **1 Large WECS Tower**

PRINT DATE: **April 24, 2009**

Comes now the Wells County Area Plan Commission and in support of granting John H. Doe's Petition for WECS makes the following Findings of Fact, to wit:

John H. Doe filed a Petition for a WECS as to the following described real estate located in Chester Township, Wells County, Indiana; more particularly described on Exhibit A attached hereto.

Notice of the scheduled May 7, 2009 public hearing on the Petition was duly published in accordance with I.C. 5-3-1 more than ten (10) days prior to the public hearing.

The sign as required by the Wells County Area Plan Commission has been duly posted in accordance with the Rules of Procedure of the Wells County Area Plan Commission more than fourteen days prior to the Wells County Area Plan Commission hearing.

On May 7, 2009, the Wells County Area Plan Commission conducted a public hearing on the Petition in accordance with the Rules of Procedure of the Wells County Area Plan Commission and the following evidence was heard.

**15-02 This petition qualifies for a Large WECS due to the fact that the proposed peak generation capacity for the proposed device is 2 MW.**

**15-05 (1) The petition includes the construction information and specifications, including but not limited to equipment name, power rating, height, blade length, lighting plan, breaking system, hazard signage, and anti-climbing device for the project.**

**15-05 (2) This petition shall meet the height requirements imposed by FAA rules and the set back requirements as shown on the plat for this petition and written correspondence with FAA.**

**15-05 (3) This petition shall meet the 1.1 x the length of the highest point reached by the blade set back restrictions from neighboring property lines and public right-of-ways as shown on the plat for this petition.**

**15-05 (4) This petition shall not require guy wire supports.**

**15-05 (5) This petition shall be a minimum of 1000' from a neighboring residential structure as shown on the plat for this project.**

**15-05 (6) This petition shall be colored light grey as shown on the construction information and specifications attached to the plat for this project.**

**15-05 (7) This petition shall not exceed 50 decibels as measured from the nearest neighbor due to fact that the construction information and specifications from the manufacturer state that the 1000' set back will create a noise level under this requirement.**

**15-05 (8) This petition includes a map and plan of operation for the public roads, legal drains, bridges, culverts, and other similar public improvements that will need to be upgraded or repaired before or after the installation of this petition. The developer is taking responsibility for the upgrades and repairs shown listed on the map and plan of operation.**

**15-05 (9) This petition shall not include any signage except manufacturer logos as shown on the plat for this petition and construction information and specifications.**

**15-05 (10) (A) This petition shall meet the permitted uses for this petition due to the fact that the property is zoned A-1.**

**15-05 (10) (B) This petition is in zone "C" according to the 1983 FIRM map.**

**15-05 (10) (C) This petition will not violate any of the performance standards of the Wells County Zoning and Floodplain Management Ordinance.**

Wells County Board of Zoning Appeals Variance: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Wells County Area Plan Commission Modification: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Conditions or Commitments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Wherefore, based upon the above findings of fact and upon the Motion of \_\_\_\_\_, duly seconded by \_\_\_\_\_, the Petition for a WECS by John H. Doe is hereby granted by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

Granted this 7<sup>th</sup> day of May, 2009.

\_\_\_\_\_  
Wells County Area Plan Commission President

\_\_\_\_\_  
Wells County Area Plan Commission Secretary