

Findings of Fact and Ruling

PETITION FOR CAFO 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 CAFO: **900 Mature Dairy Cows**

PRINT DATE: **April 23, 2009**

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

John H. Doe filed a Petition for a CAFO 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 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.

16-03 This petition meets the jurisdiction requirements of a CAFO due to the fact that it will have more than 700 mature dairy cows.

16-07 (1) This petition meets the minimum setback requirements for a CAFO. The specific information is shown on the plat submitted with the petition.

16-07 (2) This petition meets the storm water standards prescribed in the Subdivision Control Ordinance due to the fact that the petition meets the stricter requirements for runoff and manure storage required by the Indiana Department of Environmental Management (IDEM).

16-07 (3) This petition has adopted an environmental management system (EMS) recognized by the Indiana Department of Environmental Management (IDEM).

16-07 (4) The petitioner will notify the Wells County Area Plan Commission if the approved manure management plan is to be violated.

16-07 (5) The petition will meet the Point System requirements due to fact that they qualify for 230 points out of a required 220 points. Specific information about the points are shown on the plat submitted with the petition.

16-07 (6) The petitioner is aware of the manure application setback requirements. This petition shall not violate these setback requirements.

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 CAFO by John H. Doe is hereby granted by a vote of _____ in favor and _____ opposed.

Granted this 7th day of May, 2009.

Wells County Area Plan Commission President

Wells County Area Plan Commission Secretary