

ROLL CALL

Harry Baumgartner, Jr. Dan Baumgardner	Jerome Markley
Bill Horan Richard Kolkman Finley Lane	Tim Rohr John Schuhmacher Jim Berger

Michael Lautzenheiser, Jr., Director

The August 14, 2013 meeting of the Area Plan Commission was called to order at 7:03 p.m. by President Jerome Markley. Nine members were present for roll call. Jarrod Hahn, Keith Masterson, and Mike Morrissey were absent. Jim Berger served as alternate.

**APPROVAL OF MINUTES:**

No minutes were available for approval.

**OLD ITEMS:**

**A13-06-17 CHESTER TWP., LIBERTY TWP., & NOTTINGHAM TWP. Multiple locations.** Wells County Wind, LLC (APEX) requests approval for a modification of petition A12-11-33 & A12-11-34 for Phase 1 & Phase 2 of a Large WECS project with 60 – 2.0MW turbines. The multiple properties are zoned A-1.

**A13-06-18 CHESTER TWP., HARRISON TWP., LIBERTY TWP., & NOTTINGHAM TWP. Multiple locations.** Wells County Wind II, LLC (APEX) requests approval for an amendment of petition A13-04-10 for a Large WECS project with 68 – 2.0MW turbines. The multiple properties are zoned A-1.

Jerome Markley reminded the board that there would need to be six votes to pass a motion. He then opened the floor for any questions, comments or clarifications that the board members needed to ask.

Jim Berger commented on what the task of the board is to do. He restated some of his comments from the June 17, 2013 meeting. He asked the board to review certain areas of the ordinance and started with Article 15-01 and 15-02. He then went into the specifics of 15-03(5) & (6). He stated that the petitioner is responsible for following other articles in the ordinance not just the WECS ordinance because it's a development plan also. Then Mr. Berger referenced Article 14-01 for general development plans and 14-02, he stated that WECs are not waived and they must comply. He explained further the requirements of 14-05. He specifically explained 14-05(1), (2), & (3) and stated that Apex has failed to meet these. He commented that the petition should meet Article 15 specifically for WECS and also meet Article 14 for a general development plan. He said that Apex as the petitioner has the obligation to prove to the board that they meet the ordinance.

John Schuhmacher stated that Table 9-14 in the ordinance shows that WECs are a permitted use in an A-1 zoning.

Jim Berger made a motion to deny A13-06-17 due to the fact that article 14-05 (1), (2), and (3) were not met. Richard Kolkman seconded the motion. The board voted and it was 3-6, with Harry Baumgartner, Jr, Bill Horan, Finley Lane, Jerome Markley, Tim Rohr, and John Schuhmacher opposing. The motion failed.

Condition:

Motion to Approve A13-06-17: Bill Horan

Second: Finley Lane

Vote: 6-3 (Dan Baumgardner, Jim Berger, & Richard Kolkman)

Mr. Berger commented on Appendix A attached to petition A13-06-18, which would allow for changes of the turbine model and movement of the turbine location on a parcel without going before the APC for approval. He stated that Apex hasn't filed a petition yet that didn't needed to be corrected in some way. He asked that if a motion to approve the petition were made that it would not include Appendix A. He requests that the board not give up their control.

Michael Lautzenheiser, Jr. clarified that the items in Appendix A were originally approved for Wells County Wind I last year, which is the only reason that it was attached to the Wells County Wind II petition (A13-06-18).

John Schuhmacher made a motion to approve A13-06-18 with the condition that Appendix A is not included.

Jerome Markley and Mr. Berger discussed what Mr. Berger's objections were as far as moving the turbines on the parcel and changing the size of the turbine. Mr. Lautzenheiser stated that Apex is limited to the height listed in the petitions and that it could go no taller, without going before the board again for approval.

Mr. Schuhmacher made a motion to approve A13-06-18 with the condition that Appendix A is not included and with the waiver of the reciprocal setbacks. Finley Lane seconded the motion. The board voted and it was 5-4, with Dan Baumgardner, Jim Berger, Richard Kolkman, and Tim Rohr opposing. The motion failed.

Jim Berger made a motion to deny A13-06-18 due to the fact that that article 14-05 (1), (2), and (3) were not met. Richard Kolkman seconded the motion. The board voted and it was 3-6, with Harry Baumgartner, Jr, Bill Horan, Finley Lane, Jerome Markley, Tim Rohr, and John Schuhmacher opposing. The motion failed.

Condition: Changing the location of access road and collection lines would need to come before the Area Plan Commission.

Motion to Approve A13-06-18: John Schuhmacher

Second: Finley Lane

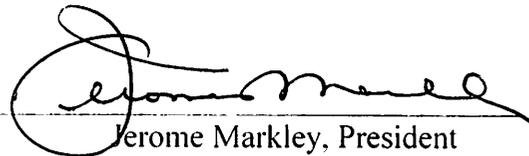
Vote: 6-3 (Dan Baumgardner, Jim Berger, & Richard Kolkman)

The board discussed the possibility of having a separate motion just for the waiver of the reciprocal setbacks. John Schuhmacher made a motion to waive the reciprocal setbacks on both projects and Finley Lane seconded the motion. Mr. Berger commented that the reciprocal setbacks were there to protect the people and the owners' property rights. Mr. Schuhmacher stated that people had asked for the ability to build where they wanted on their property, so this would allow them to build closer to a turbine without having to meet the 1000ft setback. Mr. Lautzenheiser clarified the reciprocal setbacks. He explained the setback from the turbine to the dwelling and then the setback from the dwelling to the turbine. The crowd became loud and vocally against the motion. Mr. Schuhmacher retracted his motion.

**DISCUSSION:**

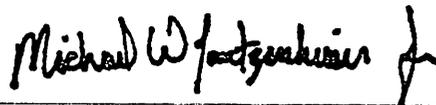
**ADVISORY:**

Tim Rohr made a motion to adjourn the meeting. The August 14, 2013 Area Plan Commission meeting adjourned at 8:06p.m.



Jerome Markley, President

ATTEST:



Michael Lautzenheiser Jr., Secretary