

CYNTHIANA-HARRISON COUNTY-BERRY  
JOINT PLANNING COMMISSION

REGULAR MEETING  
MINUTES  
FEBRUARY 19, 2018

Courthouse Community Room

6:30 P.M.

Chairman Bear called the meeting to order at 6:30 P.M.

Present: Avi Bear-Chairman, Mathew Harney-Vice Chairman, David Kramer-Secretary,  
Daryl Northcutt, Rick Boland, Julie Muth and Robert Owen.  
Bonnie Skinner-Zoning Administrator  
Rochelle Boland-Legal Counsel for Commission  
Christopher Philpot-Building Inspection  
Steve Eads-Code Enforcement  
Charlene Fuller-Recording Secretary

Minutes-December 18, 2017

Mathew Harney made a motion to approve the minutes of December 18, 2017. Robert Owen seconded. Kramer, Northcutt, Boland, Muth, Harney, Bear and Owen voted yes. None voted no. Motion Passed 7-0.

Items for Postponement or withdrawal:  
None.

APPLICATIONS

1. Old Business

- A. #ZTA-03-2017: PUBLIC HEARING-Text Amendment to Solar Energy (Article 23)

Doug Shulte, representative for Genex Solar, for solar activity for Harrison County. He was present to answer any questions or comments of the public.

PUBLIC COMMENT

Col. Horace Davis presented a handout and stated that there should be additional wording to the ordinance following concerns: That an EPA and erosion control permit be obtained. That he went to a meeting Genex sponsored. He would like to see the grass left growing so to prevent water runoff onto neighbor's property. Restrict growth retardants so not to be harmful to neighbor's crops. What happens when a tree falls onto a solar panel? He did not want to carry more liability insurance for the trees. He was told if his tree hung over onto the neighbor's property that they could cut the branches. Not have eminent domain to get an easement across his farm for the solar panels. As a condition that any chemicals put on property next to an active agricultural site, that this would be

heard by the BOA.

Mark Sadler, neighbor across from the 62 project, stated Geneex said they would not clear cut the land, they would not remove fencing or trees. That chemicals could be air borne. After 25 years and then decommissioned would the land be put back as before or the trees that are removed? That Hwy. 62 W. is heavily travelled he would like to see the panels placed 100 ft. setback so when they are turning they will not caused accidents from glare off of them. At a project in West Virginia the P&Z made them have a setback of 1,000ft on Hwy. 47.

Bradley Copes, magistrate, stated the following: That most people at the fiscal court meeting wanted to see this as a conditional use to the BOA when addressing reclamation on the property. The magistrates went to visit a solar farm in North Carolina and felt that a 100% bond was better for decommissioning.

Chairman Bear stated when the decommissioning was done the land would be put back to the condition as to use of agricultural again in the A-1 district.

Rick Boland stated that there should be no consideration of recyclable value upon decommissioning and that the bond would be 100 % of the estimate in the engineering report.

Attorney Rochelle Boland answered the that it was common law states that if a limb is hanging over onto neighbor's property it could be removed. She stated that private companies could not use eminent domain.

Avi made a motion to approve the solar facility ordinance with the changes discussed, requiring the posting of a bond in the amount of 100% of the cost estimate in the engineer's decommissioning report with no consideration of any value of recyclable materials at the time of decommissioning. Staff will amend the ordinance as needed to conform with the discussion and the ordinance will then be forwarded to the fiscal fiscal court. Robert Owen seconded. A poll vote was taken: Daryl Northcutt-yes, Rick Boland-yes, Julie Muth-yes, Mathew Harney-yes, Avi Bear-yes and Robert Owen-yes. David Kramer-no. Motion Passed 6-1.

## 2. New Business

- A. #FDP-01-2018: Mark Cockrell-Preliminary Development Plan at 4488 U.S. 27 S. Zoning: Rural Business (R-B).

Avi Bear made a motion to approve the final development plan for two storage buildings (20x80 & 20x130) at 4488 U.S. 27 South zoned RB, subject to:  
1.) Any revisions or amendments to the approved Preliminary Development Plan must be reviewed and approved by the Planning Commission Staff (minor) or by the Planning Commission (major). 2.) Prior to building, the Applicant must obtain a building permit. Robert Owen seconded. A poll vote was taken: David

Kramer-yes, Daryl Northcutt-yes, Rick Boland-yes, Julie Muth-yes, Mathey Harney-yes, Avi Bear-yes and Robert Owen-yes. None voted no. Motion Passed 7-0.

B. Annual Budget FY 2018-2019:

Robert Owen made a motion to approve the annual budget for FY 2018-2019. Avi Bear seconded. A poll vote was taken: Daryl Northcutt-yes, Rick Boland-yes, Julie Muth-yes, Mathew Harney-yes, Avi Bear-yes and Robert Owen-yes. David Kramer-not present. Motion Passed 6-0.

OTHER BUSINESS

1. Old Business

A. None.

2. New Business

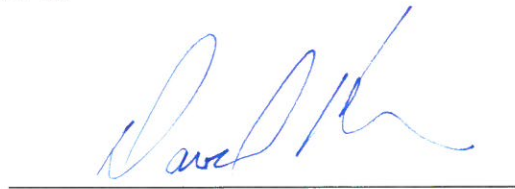
A. Building Permits and Financial Report

Robert Owens made a motion to table the building permit and financial report. Avi Bear seconded. Kramer, Northcutt, Boland, Muth, Harney, Bear and Owen voted yes. None voted no. Motion Passed 7-0.

Adjourn:

Robert Owen made a motion being no other discussion the meeting was adjourned at 7:35 p.m. Daryl Northcutt seconded. Kramer, Northcutt, Boland, Muth, Harney, Bear and Owen voted yes. None voted no. Motion Passed 7-0.

  
Avi Bear, Chairman

  
David Kramer, Secretary