

BOARD OF ADJUSTMENT
HARRISON COUNTY

REGULAR MEETING

MEETING MINUTES
MAY 24, 2021

Courthouse Community Room

6:00 P.M.

Call to Order

Chairperson Re'Jeana Craft called the meeting to order.

Present: Re'Jeana Craft-Chairman, Carl Nunnelley-
Secretary, David Lawler and Tracy Lair
Bonnie Skinner-Director
Brian Canupp-Legal Counsel

Absent: James Switzer- Vice Chairman, Charlene Fuller

Minutes-March 1st, 2021:

Carl Nunnelley made a motion to approve the minutes of March 1st, 2021 as presented.
Tracy Lair seconded. Nunnelley, Craft, Lawler and Lair voted yes. None voted no.
Motion Passed 4-0.

Items for postponement or withdraw:

1. None.

1. Old Business

A. None.

2. New Business

A. #2021-HB-06-Jeff and Suzanne Taylor- Request for a conditional use permit for 2 rental suites at 3495 Ky Hwy 32 W. Zoning: Agricultural One (A-1). (Art. 10 Sec. 10.0.C.1)

Bonnie Skinner read a letter from adjoining property owner Carol Rogers in support of the request.

Carl Nunnelley made a motion to approve the conditional use permit for 2 rental suites at 3495 Ky Hwy 32 W; the conditional use will not have significant impact on adjoining properties, and shall meet the following conditions:

1. VRBO/ Airbnb must meet all requirements of the Building Code before occupancy.
2. The Applicant shall return to the Board of Adjustment prior to any change which affects the approved conditions.
3. All sign regulations shall be met.

4. The conditional use permit shall become null and void upon sale or transfer of the property.
5. The applicant shall comply with all the other federal, state and local regulations and entities and shall provide copies to the Board of Adjustment under any and all permits issued on behalf of the applicant as result of the approval of the conditional use permit.
6. The door leading to the pool shall be locked at all times.

Tracy Lair seconded. Nunnelley, Craft, Lawler and Lair voted yes. None voted no.
Motion Passed 4-0.

B. #2021-HB-07-Bluebird Solar LLC-Request for

Conditional Use for a Level 3 Solar Energy System and Variance for landscaping on 1,000 acres between U.S. 62 W and Ky Hwy. 353. Zoning:

Agricultural One (A-1). (Art. 23- Solar Energy System and Art. 23.B.1.3-Visibility). (PVA Map #066-0000-005-00-000, 066-0000-02-00-000, 066-0000-006-00-000, 065-0000-024-00-000, 065-0000-026-00-000, 066-0000-001-00-000, 052-0000-029-00-000, 052-0000-039-00-000, 080-0000-002-01-000, 080-0000-002-02-000, 066-0000-007-01-000, 066-0000-003-02-000, 066-000-007-00-000,)

The following individuals spoke in favor of the request: George Hawkins, Louis Dutton, Curtis Cout, Jerry Dawson, Sam Arnold, Morgan Farrow, Bill Hilliard, Byron Bell, and Nick Farmer.

Steven Burrier stated he had concerns about the contract and the Applicant was asked to review the lease and address any concerns with Mr. Burrier.

Anthony Koch was neutral on the application but had questions regarding the history, taxes and additional items for the Applicant. He was asked to address those after the meeting if they did not relate specifically to the conditional use permit.

Carl Nunnelley made a motion to recommend approval of the Bluebird Solar application for a conditional use for PVA Map #066-0000-005-00-000, 066-0000-02-00-000, 066-0000-006-00-000, 065-0000-024-00-000, 065-0000-026-00-000, 066-0000-001-00-000, 052-0000-029-00-000, 052-0000-039-00-000, 080-0000-002-01-000, 080-0000-002-02-000, 066-0000-007-01-000, 066-0000-003-02-000, 066-000-007-00-000- only 126 acres of this parcel). All of these are contingent upon the following conditions:

1. All construction activities shall be limited to daylight hours between 7:00 a.m. to 9:00 p.m. and will not be conducted on Sundays unless it is necessary to make up for delays or to meet deadlines. Construction workers may arrive on site prior to 7 a.m., but construction activities shall not take place until that time.
2. The Applicant shall adhere to its Landscape Plan as submitted to the Planning Commission for the site plan review. However, along KY-353 the applicant shall

at the minimum supplement existing landscape and plant either evergreens as listed in the Segment 5 planting plan or Segment 4 planting plan.

3. The Applicant shall maintain setbacks of a minimum of 100 feet to frontage boundary lines and 50 feet to side and rear boundary lines of any non-participating properties and roadways from the Applicant's solar energy system.
4. The Applicant's solar energy system, excluding utility poles, antennas, and substation equipment, shall not exceed 20 feet in height.
5. The Applicant shall prepare stormwater management plans that meet or exceed the Kentucky Stormwater Management Program regulations for all regulated activities at all stages of construction, operation, and decommissioning.
6. The Applicant shall obtain all required regulatory permits including a KPDES General Permit for Stormwater Discharges Associated with Construction Activity and a certificate of construction from the Kentucky State Board on Electric Generation and Transmission.
7. Following construction of the Project, the Project Site shall be fenced and locked at all times. The Project Site shall also be secured during construction. The Developer will install and maintain a permanent perimeter/boundary fence that meets the requirements of the National Electrical Safety Code.
8. Prior to the issuance of a Building Permit, a Decommissioning Plan and Cost Estimate shall be prepared by a licensed and Registered Professional Engineer from the Commonwealth of Kentucky who is not an employee of the Applicant or the landowner. The Decommissioning Plan shall comply with the minimum requirements of Article 23 of the Harrison County Fiscal Court's Zoning Ordinance. The Decommissioning Plan and Cost Estimate shall be approved by the Planning Commission prior to issuance of a Building Permit.
9. The Decommissioning Plan and Cost Estimate shall be updated every five years, submitted to the Planning Commission for approval, and the Security revised as appropriate based upon the revised cost estimate.
10. The Applicant shall post a combination performance and warranty surety in the amount indicated by the Cost Estimate in the form of either a Cash Deposit, Irrevocable Letter of Credit, or Surety Bond, which shall be both to ensure repair of defective materials and/or abandonment of the site. The Security shall be made in favor of the Cynthiana - Harrison County - Berry Joint Planning Commission in a form approved to the satisfaction of the Planning Commission.

11. The Applicant and the County shall enter into a recorded agreement in a form approved by the Planning Commission that ensures that the decommissioning is carried out in accordance with this Ordinance. The agreement at a minimum shall include a Decommissioning Plan, Cost Estimate, and language binding the applicant or landowner and the County to implement the decommissioning activities.
12. The project will be addressing any glare events through controls limiting the angle of rotation for the trackers on-site during periods of backtracking, typically early morning and late afternoon. During the first year of operation should glare events occur, Bluebird Solar will respond accordingly by modifying the tracker rotation limits in the plant controller during times when glare is present. The project will put together an Operations and Maintenance Glare plan, to be submitted to the Building Inspector before project permits. The plan will detail when onsite Operations and Maintenance (O&M) personnel would on-site mobilize to critical viewpoints during certain times of the year during specific early morning and late afternoon hours. As detailed in the Reflectivity and Visibility Analysis, implementing limitations on backtracking cut off angles would achieve the desired effect of reducing or preventing a glare event. The backtracking limits will be implemented during the hours and seasons as determined by the combined Reflectivity and Visibility Analysis and verified by the Operations and Maintenance team.
13. Ground shall be remain free of debris and damaged solar materials at all times after construction has been completed.
14. Prior to construction the Applicant shall prepare an emergency management plan acceptable to the local fire district and County and should be responsible for training of local personnel as needed.
15. We recommend the Applicant contact the agricultural department and property owners and have a discussion on appropriate landscaping for the area.

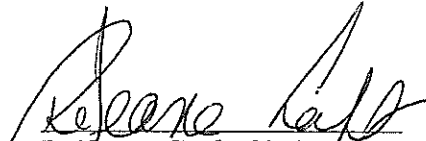
David Lawler seconded the motion. Nunnolley, Craft, Lawler and Lair voted yes. None voted no. Motion Passed 4-0.

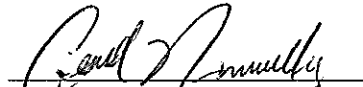
Other Business

1. Old Business
None
2. New Business
None.

Adjourn

Tracy Lair made a motion to adjourn being no other discussion at 8:45 pm. Carl Nunnelley seconded. Nunnelley, Craft, Lawler and Lair voted yes. None voted no. Motion Passed 4-0.


Rejeana Craft, Chairperson


Carl Nunnelley, Secretary