

BOARD OF ADJUSTMENT
HARRISON COUNTY

REGULAR MEETING

MEETING MINUTES
OCTOBER 25, 2021

Courthouse Community Room

6:00 P.M.

Call to Order

Chairman Re'Jeana Craft called the meeting to order.

Present: Re'Jeana Craft-Chairman, Tracy Lair and Carl Nunnelley

Bonnie Skinner-Director

Brian Canupp-Legal Counsel

Charlene Fuller-Office Manager

Absent: James Switzer and David Lawler

Minutes-September 27, 2021:

Tracy Lair made a motion to postpone the minutes of September 27, 2021. Carl Nunnelley seconded. Lair, Nunnelley and Craft voted yes. None voted no. Motion Passed 3-0.

Items for postponement or withdraw:

1. #2021-HB-15, Joe A. Swartzentruber-Request for custom built furniture and cabinet making at 1061 Pedro Pike. Zoning: Agricultural One (A-1). (Art. 10.0.C.22)
Postponed.
2. #2021-HB-17, Terry Shields-Request for Variance to reduce front yard setback for a pole barn at 1464 Apple Lane. Zoning: Agricultural One (A-1). (Art. 10 Sec. 10.D.3)
Withdrawn met agricultural zone regulations and did not variance.

1. Old Business

A. None.

2. New Business

- A. #2021-HB-13-Jeanette & Paul Bracken- Request for Conditional Use for an Airbnb cabin at 608 Hicks Pike. Zoning: Agricultural One (A-1). (Art. 10 Sec. 10.C.22)

Public Comment:

There was none.

Carl Nunnelley made a motion to approve a conditional use for an VRBO/AirBnb based on the findings of facts under Article 10.0.C.22 of the Zoning Ordinances on the property of 608 Hicks Pike. The property is zoned Agricultural One District

(R-1); the conditional use will not have significant impact on adjoining properties, and shall meet the following conditions: 1.) The Applicant shall return to the Board of Adjustment prior to any change which affects the approved conditions. 2.) There is no sign placed at this time. All sign regulations shall be met if one is placed. 3.) The conditional use permit shall become null and void upon sale or transfer of the property. 4.) A maximum of 14 guests over night should be permitted on the Project Site. Tracy Lair seconded. Lair, Nunnelley and Craft voted yes. None voted no. Motion Passed 3-0.

- B. #2021-HB-15-Jason & Kassie Bennett dba Royal Ranch Ministries-Request for Conditional Use for retreat, cabin and RV camp grounds at 971 Dutch Chapel Rd. Zoning: Agricultural One (A-1). (Art. 10. Sec. 10.0.C.22)

Public Comment:

Janice Watts neighboring property owners, spoke in opposition of the conditional use request. She then read a letter from another neighbor, the Sopers, who were also in opposition citing narrowness of Dutch Chapel for vehicular & RV traffic flow, music, sewage and its runoff to a creek.

Carl Nunnelley made a motion to approve a conditional use for an retreat, cabin and RV camp grounds based on the findings of facts under Article 10.0.C.22 of the Zoning Ordinances for property at 971 Dutch Chapel Road. The property is zoned Agricultural One District (R-1); the conditional use will not have significant impact on adjoining properties, and shall meet the following conditions: 1.) The Applicant shall return to the Board of Adjustment prior to any change which affects the approved conditions. 2.) All sign regulations shall be met. 3.) The conditional use permit shall become null and void upon sale or transfer of the property. 4.) A maximum of 40 guests overnight should be permitted on the Project Site. 5.) Any structures used for the Ministry must go through building inspection. 6.) If the barn is used for assembly (over 100) it will have to go to the State for Building Review. This is based on square footage and a formula of the entire building. 7. Food will not be made on site. 8.) Music is to stop at 9:00 pm. 9.) Trash be removed after each event. 10.) There will be 4 employees. 11.) There be emergency plans for over 100 people. Tracy Lair seconded. Lair, Nunnelley and Craft voted yes. None voted no. Motion Passed 3-0.

- C. #2021-HB-16, Bluemoon Solar LLC-Request for Conditional Use for a Level 3 Solar Energy System and Variance for Landscaping on 1,581 acres 2 miles east of Cynthiana, Ky. The Project is intersected by Millersburg Pike (Hwy. 32) and is bounded to the North by Hwy. 392 and the south by McKee Lane. Zoning: Agricultural One (A-1). (Art. 23-Solar Energy System and Art. 23.B.I.3-Visibility). (PVA Map #116-0000-011-02-000, #116-0000-012-01-000, #117-0000-009-00-000, #117-0000-022-00-000, #128-0000-008-00-000, #128-0000-009-00-000, #128-0000-013-00-000, #129-0000-007-01-000, #129-0000-019-00-000, #129-0000-022-02-000, #129-0000-024-00-000, #130-0000-002-00-000, #130-0000-003-00-000, #130-0000-003-01-000, #130-0000-010-00-000, #130-0000-012-00-

000)

Condition Use:

Bluemoon Solar LLC were represented by Jayce Walker, Kate Garcia and Chad Martin. Jayce Walker gave a power point presentation on the TV screen to the public.

Public Comment:

In Favor were Pam McCauley, Diane Wilson, Jim Wilson. Kent Bradford, Mary Beth Bradford, Tom Zack Evans, Brad Whalen, Dale Kendrick, Nathan Crider, Nick Farmer

In Opposition were Attorney Greg ??? representing several property owners who were in opposition, Steve Judy, Judy McGowen, Jeff Bennett, Tom Miller & Junie Vallandingham.

Individuals present seeking information were Brian Kinsey, Steve Craycraft Jr. & Jerry Prows

Letter of Opposition:

Re' Jeana Craft made a motion to enter into record 2 letters of opposition by Bobby Thomas and Katie & Daniel Hemlock. Tracy Lair seconded. Lair, Nunnelley and Craft voted yes. None voted no. Motion Passed 3-0.

Carl Nunnelley made a motion to approve a conditional use for Blue Moon Energy LLC ("Applicant"), a wholly-owned subsidiary of Recurrent Energy, LLC (RE), proposes the following conditions in connection to their Conditional Use Permit application to develop and construct the Blue Moon Solar Project (the "Project"), an approximately 70 MW (AC) photovoltaic (PV) solar energy conversion facility ("Facility") in Harrison County (the "County"), Kentucky.

1. **Site Development Plan; Location.** All solar panels and other above-ground equipment will be located within the "Buildable Area" as shown on the Conceptual Site Plan included with the CUP application.
2. **Height.** Permanently installed solar equipment, excluding MET stations, utility poles, antennas, and substation equipment, shall not exceed twenty (20) feet in height.
3. **Setbacks.** Except for fencing and any pole mounted electric lines, consistent with the County ordinance, all above-ground equipment will have a minimum front setback of at least one hundred (100) feet to frontage boundary lines and fifty (50) feet to side and rear boundary lines of any non-participating properties and roadways. No setbacks are required between the boundary lines of parcels that are part of a single project. Above-ground equipment shall be located no closer than 150' from any participating residential structures and no closer than 200' feet from any non-participating landowner.
4. **Landscaping.** Along the perimeter locations shown on the Conceptual Site Plan, the setback will include a vegetative buffer area comprised of existing vegetation and supplemental landscaping consisting of a double row of evergreen trees and shrubs, as needed. Applicant will confer with the agricultural department and communicate with adjoining property owners regarding appropriate landscaping. Trees will size 6 feet in height at planting. Supplemental landscaping will be replaced within six (6) months of death. 100% of all project boundaries shall be buffered.

5. **Permanent Storage.** Associated outside storage shall be completely screened with a vegetative buffer from view from all streets and adjacent residential structures.
6. **Construction.** 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 commence until 7 a.m.
7. **Stormwater Management.** 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.
8. **Permits.** The Applicant shall obtain all required regulatory permits including, but not limited to, 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.
9. **Security.** Following construction of the Project, the Facility shall be fenced and secured with a locked gate. The Project Site shall also be secured during construction. The Facility Owner will install and maintain a permanent perimeter fence that meets the requirements of the National Electrical Safety Code. The perimeter fence will consist of a chain link fence coated in green or black coating.
10. **Lighting.** Fixed lighting will be shielded and downward facing to minimize light spillage and shall be motion-activated.
11. **Decommissioning.** A Decommissioning Plan shall be prepared by the applicant that includes a commitment to remove above ground solar facility equipment and restore the land to a quality suitable for its previous use upon the end of the project's life. Equipment located below ground may be left in place in accordance with landowner agreements. A Cost Estimate shall be prepared by an individual or firm with experience or expertise in the costs for removal or decommissioning of electric generating facilities. 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. The Decommissioning Plan and associated Cost Estimate will be updated every five (5) years, and the security revised as appropriate. Decommissioning will occur in accordance with Article 23 of the Harrison County Zoning Ordinance within a timeframe of twelve (12) months.
12. **Survival.** So long as the Project is operated in conformance with these conditions, the CUP shall continue for the life of the Project.
13. **Debris Maintenance.** Ground shall remain free of debris at all times after construction has been completed.
14. **Emergency Response.** Prior to construction, the Applicant shall provide a finalized Emergency Response Plan to the local fire district and the County Emergency Management Agency. Applicant will provide training for local emergency responders at their request.
15. **Road Repairs.** Damage to public roads caused by construction within 150 feet of the designated access points will be promptly repaired. Ninety days prior to commencement of construction, Applicant shall conduct a pre-construction road survey to document the condition of the pavement and shoulders along roads adjacent to the Project boundary. Applicant will repair damage directly attributable to Facility construction within such area.

16. **Sound.** Applicant shall not generate noise in excess of 125 db at the outer boundary of the setbacks required by condition 3. Compliance with this condition shall be sufficient to negate the need for any sound mitigation techniques or equipment during construction. Additionally, compliance with this condition shall provide the Applicant flexibility to place central inverters, panels, and substations, in any project location so long as the 125db limit is maintained during construction and operation.
 17. **Construction Dust.** Applicant shall produce a plan to control fugitive dust during construction and make said plan available to the County upon request.
 18. **Comment Response.** Applicant shall create a plan to track and address comments or concerns from adjoining landowners during construction. The plan and tracked information shall be available to the County upon request.
- Tracy Lair seconded. Lair, Nunnelley and Craft voted yes. None voted no. Motion Passed 3-0.

Variance for Landscaping:

Re'Jeana Craft made a motion for approval of the landscaping for 1.581 acres 2 miles east of Cynthiana, Ky. The motion failed from a lack of a second vote.

Other Business


1. Old Business
None
2. New Business
None.

Adjourn

Re'Jeana Craft made a motion to adjourn being no other discussion at 10:49 pm. Tracy Lair seconded. Lair, Nunnelley and Craft voted yes. None voted no. Motion Passed 3-0.



Re'Jeana Craft, Chairman



Carl Nunnelley, Secretary