

The Posey County Area Plan Commission will hold a public hearing on Thursday, March 11, 2021 at 6:00 p.m. at the Posey County Community Center, 111 Harmony Township Rd., New Harmony, Indiana to receive public comments concerning the following proposed amendment to The Zoning Ordinance of the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville and Unincorporated Posey County as submitted by Brian A. Goebel, et al.

153.123 DESIGNATION OF USE IN DISTRICTS. Subject to the requirements of this Ordinance, the designated solar energy projects are permitted uses (X) or special exception (E) uses in the following districts. No Improvement Location Permits shall issue to any Applicant without the Area Plan Commission granting preliminary and final approval at public hearings. Prior to entering into the approval process set forth in 153.124.01 below, all proposed Tier 1 and Tier 2 projects in which a property owner leases its land to a third party for income related to the production of electricity to be sold to utility transmission lines and/or electricity generated is not for the landowner's personal use shall be required to rezone the property to M-2 – Medium Manufacturing if currently zoned as any other district at the time the application is made.

District	SECS-1	SECS-2	SECS-3
A	X	X	X
RS or R-		E	E
RT		E	E
R-2		E	E
RM or R-3		E	E
RMH		E	E
PUD		E	E
R-O or O		E	E
B-1 or NC		E	E
B-1A or CS		E	E
B-2 or CG		E	E
B-3 or CH		E	E
CBD			
M-1	X	X	X
M-2	X	X	X

153.126.02 DEVELOPMENT STANDARDS

G. The Applicants and Owners of a SECS project shall provide and maintain screening of green arbor vitae in double stack rows at or exceeding the height of the solar panels around the perimeter of any SECS project that is visible from an adjacent nonparticipating landowner or public roadway. Arbor vitae screening shall be placed on the outside of the fencing for solar panels and accessory buildings required by Section 154.126.02(d).

153.126.03 SETBACKS AND HEIGHT RESTRICTIONS

B. No solar panel may be located less than One Thousand Hundred (1,000) feet from any Non-Participating landowner property line measured from the outer edge of the solar panel.

153.127.01 POST-CONSTRUCTION AND CONTINUED MAINTENANCE

- A. DECOMMISSIONING SECURITY. At the completion of construction but before any commercial operations begins, the Applicant shall secure and provide to the Area Plan Commission a ~~cash performance bond held by a financial institution; surety bond; letter of credit, or other form of financial assurance~~ that is acceptable to the Area Plan Commission (the “Decommissioning Security”) equal to 125% of the estimated cost of decommissioning the project pursuant to the Decommissioning Plan. ~~The Decommissioning Security, in computing the estimated cost of decommissioning, shall consider and deduct up to 65% of the Net Salvage Value (as defined) of the project.~~ The amount of the Decommissioning Security shall be adjusted annually by January 31 by an amount equal to the increase in the CPI Index. “CPI Index” shall mean the Consumer Price Index for “All Urban Consumers, U.S. City Average, All items,” issued by the Bureau of Labor Statistics of the United States Department of Labor, or, if discontinued or no longer published, such other governmental index that most closely matches the manner in which inflation had been previously tracked as selected by the Area Plan Commission. The Decommissioning Plan and Decommissioning Surety shall be re-evaluated every five (5) years commencing with the operation of the project by a licensed engineer approved by the Area Plan Commission and qualified to provide an estimate of the cost of decommissioning of the project and the Net Salvage Value of the project (the “Decommissioning Engineer”). A new Decommissioning Security in the revised amount, if any, shall be provided within sixty (60) days of the approval of the updated Decommissioning Plan.

Written comments concerning the proposed amendment may be filed with the Executive Director of the Area Plan Commission by March 5, 2021 4:00 pm by delivering, emailing or mailing the comments to the address below and all comments received by this date will be considered. Oral comments concerning the proposed amendment will be heard at the hearing. The hearing may be continued from time to time as may be found necessary. The Commission may set time limits for oral comments at the public hearing as necessary. A copy of the proposed amendment is on file in the Area Plan Commission office, Second Floor, Coliseum Building, Room 223, Mt. Vernon, Indiana, 47620. A copy of the proposed amendment may also be viewed at www.poseycountyin.gov.

Email: areaplancommission@poseycountyin.gov

POSEY COUNTY AREA PLAN COMMISSION
BY: MINDY BOURNE, EXECUTIVE DIRECTOR