

MINUTES

**POSEY COUNTY
AREA PLAN COMMISSION
SPECIAL MEETING**

**THE HOVEY HOUSE
330 WALNUT STREET
MT. VERNON, IN 47620**

**MAY 18, 2022
5:00 P.M.**

MEMBERS PRESENT: Mr. Mark Seib - President, Mr. Mike Baehl, Mr. Kevin Brown, Mr. Andy Hoehn, Mr. Randy Owens, Mr. Randy Thornburg Mr. Trent Van Haaften – Attorney, Mrs. Mindy Bourne – Executive Director, Mrs. Becky Wolfe – Administrative Assistant

MEMBERS ABSENT: Mr. Dave Pearce, Dr. Keith Spurgeon

DEVELOPMENT PLAN:

DOCKET: 2022-01-SECS-3-APC

APPLICANT: Brad Unfried

OWNER: Bradley Unfried

PREMISES: Part of the North Half of the Northwest Quarter of Section 28, Township 5 South, Range 12 West, Lot 1 Glaser Exempt II, lying in Robinson Township, Posey County Indiana. More commonly known as 1870 Stierly Road N., Wadesville, Indiana. Containing 2.50 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests Development Plan Approval to develop a Solar Energy Conversion System (SECS) – Tier 3 under the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

MARK SEIB: Does anyone on the board have a conflict of interest?

Mark Seib confirmed with Mindy Bourne that the applicant has met all the requirements for notification per the statute.

MARK SEIB: Who is here to speak on this application?

BRAD UNFRIED: 1870 Stierly Road North, Wadesville. I am trying to put my solar panels closer to the adjoining property in the back of my house. It's more than 10' off the property line.

MARK SEIB: How many panels are you putting up?

BRAD UNFRIED: There are 32. Two rows of 16.

MARK SEIB: And that is going to be used for your use and then you are going to try to sell the extra to the power company, right?

BRAD UNFRIED: That is correct.

MARK SEIB: But it is for your residential use, right?

BRAD UNFRIED: Correct.

MARK SEIB: Does the committee have any questions?

KEVIN BROWN: Who owns the adjoining property?

BRAD UNFRIED: My uncle, Ralph Glaser.

ATTORNEY TRENT VAN HAAFTEN: He did get a Variance.

MARK SEIB: Are there any further questions for him at this time? You may have a seat. That is true. The BZA did meet last week and they did grant him the Variance subject to the APC approval. We will now open this up for public comment. Is there anyone here wishing to speak for or against this application? Seeing and hearing none, we will close the public portion.

Mr. Seib confirmed with Mindy Bourne there were no phone calls, emails or letters.

Kevin Brown made a motion in the affirmative to approve Development Plan 2022-01-SECS-3-APC. Motion was seconded by Randy Thornburg. Roll Call Vote (6-0). **Yes. Motion passed.**

MINDY BOURNE: You need to come into our office to get your Improvement Location Permit. You will have to get a permit through our office and the Building Commissioner's Office.

ATTORNEY TRENT VAN HAAFTEN: Mark, if I may. Based upon the wording of the Ordinance, it says if approved what reasonable additional restrictions or provisions shall be included in the plan in addition to those outlined herein. I would suggest you just request whether any members have any additional reasonable restrictions or provisions to include in the approval.

MARK SEIB: With that, is there anyone wishing to put any restrictions or requirements on this application, 2022-01-SECS-3-APC? Hearing none, we will have no restrictions or requirements.

DEVELOPMENT PLAN:

DOCKET: 2022-02-SECS-3-APC
APPLICANT: Catherine C. Elbert-Burkemper
OWNER: Catherine C. Elbert-Burkemper
PREMISES: Part of the Southeast Quarter of the Southeast Quarter of Section 20, Township 5 South, Range 12 West, lying in Robinson Township, Posey County Indiana. More commonly known as 2020 Stierly Road N., Wadesville, Indiana. Containing 6.00 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests Development Plan Approval to develop a Solar Energy Conversion System (SECS) – Tier 3 under the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

MARK SEIB: Does anyone on the board have a conflict of interest?

Mark Seib confirmed with Mindy Bourne that the applicant has met all the requirements for notification per the statute.

MARK SEIB: Who is here to speak on this application?

JOHN CHASE: 6011 Seiler Road, Newburgh. The Burkempers are requesting a ground stand solar job in their back yard. It is going to be 64 panels, two ground arrays, in line with each other. They will be 32 panels each. The system is for private production only.

MARK SEIB: I will also put into the record that you were before the BZA and asked for a Variance. That was granted subject to APC approval. Are there any questions for him at this time?

KEVIN BROWN: How close is this to the adjacent property?

JOHN CHASE: 30 feet.

MARK SEIB: Are there any other questions? Hearing none, you may have a seat. We will now open this up to the public for comment. Is there anyone here wishing to speak for or against this application? Hearing none, we will close the public portion.

Mr. Seib confirmed with Mindy Bourne there were no phone calls, emails or letters.

Kevin Brown made a motion in the affirmative to approve Development Plan 2022-02-SECS-3-APC. Motion was seconded by Randy Thornburg. Roll Call Vote (6-0). **Yes. Motion passed.**

MARK SEIB: I guess to follow up with what Trent said before, are there any additional stipulations or restrictions we want to place on this Development Plan? None were given or applied.

MINDY BOURNE: You will need to come into the office to get your Improvement Location Permit. You have to get our permit and you will have to get a building permit.

PROPOSED BUDGET 2023

MARK SEIB: You have a copy of the proposed budget in your folder for review. It is due June 1, 2022.

MINDY BOURNE: It's pretty cut and dry. They are the same amounts I give every year. The only thing is that I asked more for Legal Services. I ask for more on it every year. I never know what I'm going to get.

RANDY THORNBURG: What was it last year, Mindy?

MINDY BOURNE: I asked for \$15,000 last year and got \$10,000. The amounts you see are what I was given. The last column is what I proposed. I got \$10,000 in 2021; I got \$10,000 in 2020, 2019, 2018. They started cutting it in 2017.

MARK SEIB: The County Council has always made the comment that since they have cut her budget and it's an unknown amount of money that we need because we have to defend the County, that they would have her to come back and work on appropriating more...

MINDY BOURNE: Which is what I have had to do the last several years.

RANDY OWENS: Whatever happened to the fertilizer plant? Has that just disappeared? The reason I asked...

MARK SEIB: They still have all of their permits, don't they Randy?

RANDY THORNBURG: All of the permits are there.

RANDY OWENS: The reason I ask is, as far as labor, is there anything major where you might need to bump up your part time clerical or anything like that?

MINDY BOURNE: No. That's another subject. I did bump it up last year. Last year I asked for full time. I did not get that. I got more part time, which has worked out. I don't know if my part time is going to carry me through to the end of the year. When they gave it to me, they understood that it probably wouldn't take me to the end of the year. They said I could come back. The figure that you see here is what I would need for all year.

RANDY OWENS: So, for 2022... that can't be right... \$7,900?

MINDY BOURNE: Yes. In the past, it was like \$3,000. It was \$4,900.

RANDY OWENS: So you have bumped it up significantly.

MINDY BOURNE: Yes. Like I said I asked for full time but they wouldn't give me full time so they said they would give me more part time.

RANDY OWENS: I am in favor of that.

MINDY BOURNE: I don't know that they will give me all of that.

Randy Thornburg made a motion in the affirmative to approve the proposed budget. Motion was seconded by Mike Baehl. Roll Call Vote. (6-0). **Yes. Motion passed.**

MARK SEIB: The only thing I would like to add is that Mindy keeps the budget at a bare minimum with no fluff and nothing added to it. It is pretty much straight forward and I commend her on doing that every year.

ADJOURNMENT: Kevin Brown made a motion to adjourn the meeting at 5:18 p.m.



Mr. Mark Seib – President



Mrs. Mindy Bourne, Executive Director

POSEY COUNTY
TIER 3 SOLAR PROJECT APPROVAL OR DISAPPROVAL

153.124.01 TIER 3 APPLICATION APPROVAL PROCESS: Tier 3 projects are required to submit a final development plan for consideration at one hearing, with a plan containing the following:

1. **153.124.02 (A). PROJECT SUMMARY.** An initial project summary including a description of the project stating the approximate total name plate generating capacity and the name plate generating capacity of each solar panel, the total acreage included in the project and the GIS coordinates of the general outline of the project area, the potential equipment manufacturers and type of solar energy conversion system to be used, the number of solar panels, the size and maximum height of the solar panels, and description of substations, power inverters, maintenance structures, storage yards, permanent solar resource monitoring structures and equipment, and other buildings that are a direct functional part of the project. If any part of the project will include battery storage, the kinds of batteries to be used, the manufacturer, and the type of installation shall also be included.
2. **153.124.02 (B) APPLICANT AND CO-APPLICANTS.** A description of the Applicant, Owner and Operator and any other responsible party and if applicable each of their intermediate and ultimate parent companies, listing experience in similar projects and gross capitalization. List names, addresses, email addresses, websites and phone numbers of the Applicants, Owners and Operators and all Co-Applicants.
3. **153.124.02(D) SITE PLAN.** The Applicant shall submit a site plan at an appropriate scale showing the proposed location of the project facilities; proposed access roads; substations; maintenance structures; storage yards; permanent solar resource measuring or monitoring installations; electrical cabling; ancillary equipment; and any other structures that are a direct functional part of the project. Each contiguous row of solar panels and/or structure should be assigned a unique identification number on the site plan. In addition, the site plan shall show: primary structures within one quarter mile of any project; property lines, including identification of non-participating adjoining properties; setback lines; public roads; County regulated drains, open ditches or tiles including private tiles if located in a public right of way; location of all above-ground utility lines; location of all existing underground utility lines associated with the site; recognized historic or heritage sites as noted by the Indiana Department of Natural Resources; floodplains; and any wetlands based upon a delineation prepared in accordance with the applicable U.S. Army Corps of Engineer requirements and guidelines, and the location of any other condition or facility regulated by any other agency having jurisdiction of activity on the site. This site plan must also be distributed to emergency management agencies, fire departments serving any part of the project site, the County Sheriff, and the chief executive body of any municipal government whose boundary is within 2 miles of the project site.

4. **Coordination with applicable agencies in 153.124.02 (E) and 153.124.03 (D)**

153.124.02 (E) COORDINATION WITH APPLICABLE ENTITIES. The Applicant shall submit a summary report identifying the entities the Applicant has communicated and coordinated with respect to the project. The report shall list the entity name, the primary contact person at the entity and contact information, the dates of coordination and list of documents submitted to each agency. The report shall also transmit any comments, suggestions, concerns, approvals, or disapprovals with respect to the project issued by the entity and/or communicated to the Applicant. The following entities shall be contacted:

Authority	Purpose	Type of Documentation
Posey County Soil & Water Conservation District	Drainage Plan Approval	Drainage Plan
Highway Supervisor	Road Plan Approval (constructions, maintenance, access cuts)	Transportation Plan
Local Emergency Response	Life Line Access, safety protocols	Safety and Security Plan

153.124.03 (D) SAFETY AND SECURITY PLAN. A Safety and Security Plan which must include adequate provisions for site security and safety. If the plan includes using County services, it should include signatures of the proper authorities indicating they are aware of their role and capable of performing it. Coordination with local emergency responders and area hospitals must be included.

153.124.01 (F). APPROVAL OR DISAPPROVAL OF FINAL DEVELOPMENT PLAN
All information provided and gathered during afinal development plan review may be used by the Commission in determining whether to approve or disapprove the plan and, if approved, what reasonable additional restrictions or provisions shall be included in the plan in addition to those outlined herein

MOTION MADE BY Kevin Brown FOR APPROVAL

SECOND MADE BY Randy Thornburg FOR APPROVAL

Mike Baehl	(<input checked="" type="checkbox"/>) Yes () No	Kevin Brown	(<input checked="" type="checkbox"/>) Yes () No
Andy Hoehn	(<input checked="" type="checkbox"/>) Yes () No	Randy Owens	(<input checked="" type="checkbox"/>) Yes () No
Dave Pearce	() Yes () No	Hans Schmitz	() Yes () No
Keith Spurgeon	() Yes () No	Randy Thornburg	(<input checked="" type="checkbox"/>) Yes () No
Mark Seib	(<input checked="" type="checkbox"/>) Yes () No		

APPROVED () YES () NO

If approved, are there any reasonable restrictions or provisions to be included in the plan in addition to those outlined above?

none

MOTION MADE BY _____ FOR DISAPPROVAL

SECOND MADE BY _____ FOR DISAPPROVAL

Mike Baehl	() Yes () No	Kevin Brown	() Yes () No
Andy Hoehn	() Yes () No	Randy Owens	() Yes () No
Dave Pearce	() Yes () No	Hans Schmitz	() Yes () No
Keith Spurgeon	() Yes () No	Randy Thornburg	() Yes () No
Mark Seib	() Yes () No		

DISAPPROVED () YES () NO

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APPROVED () YES () NO

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Keith Spurgeon	() Yes () No	Randy Thornburg	() Yes () No
Mark Seib	() Yes () No		

DISAPPROVED () YES () NO