

Henderson City-County  
Planning Commission  
October 5, 2021

The Henderson City-County Planning Commission held a meeting October 5, 2021 at 6:00 p.m., at the Henderson City-County Media Room, Suite F, via ZOOM and Facebook Live. Members present: Chairman David Dixon, Bobbie Jarrett, Dickie Johnson, Gary Gibson, Mac Arnold, Stacy Denton, Kevin Herron, Gray Hodge and Tommy Joe Fridy. David Williams, Kevin Richard and Doug Bell were absent. Staff present: Director Brian Bishop, Jennifer Marks, Heather Lauderdale and Chris Raymer. Theresa Curtis was absent.

***MEETING BEGAN AT 6:00 PM***

Chairman Dixon: Thank you all for joining us, we have a good group here tonight so we'll go ahead and get started.

I would like to call this Tuesday, October 5, 2021 meeting of the Henderson City-County Planning Commission to order and read the following message;

***“Due to the emergency resulting from the Coronavirus (COVID19), and to help protect the community from the spread of COVID19 by limiting in person contact, this regular October 5, 2021 meeting of the Henderson City-County Planning Commission is being held by video teleconference.***

***This video teleconference meeting is being telecast live on Facebook at [www.facebook.com/HendersonPlanning/live/](http://www.facebook.com/HendersonPlanning/live/) page and elsewhere for the media and the public to view. During the public hearing segments of the meeting, the public may offer evidence, comments, positions, suggestions and questions in accordance with the meeting rules.***

Madame Secretary, will you please call the roll?

Do we have a quorum?

Heather Lauderdale: We do.

Chairman Dixon: Very good, thank you.

We have a brief public hearing, we need to deal with the minutes so I'll entertain a motion to go into public hearing.

***MOTION WAS MADE BY X.R. ROYSTER, SECONDED BY BOBBY JARRETT TO GO INTO PUBLIC HEARING.***

Chairman Dixon: We have a motion and a second, any discussion? All in favor say aye.

***AYE: ALL***

Chairman Dixon: Any opposed?

Very good, we're in public hearing.

The only item here is the approval of the **Minutes from the September 7, 2021 meeting.**

***MOTION WAS MADE BY GRAY HODGE, SECONDED BY X.R. ROYSTER TO APPROVE THE MINUTES FROM SEPTEMBER 7, 2021.***

Chairman Dixon: We have a motion to approve and a second, any discussion? All in favor of approving those minutes say aye.

***AYE: ALL***

Chairman Dixon: Any opposed?

Very good, the minutes are approved.

Now I need a motion to leave Public Hearing.

***MOTION WAS MADE BY MAC ARNOLD, SECONDED BY BOBBIE JARRETT TO LEAVE PUBLIC HEARING.***

Chairman Dixon: We have a motion and a second, any discussion?

Marty Guier: Yes sir, I would like to ask what is going to be discussed in the closed meeting about the Sebree Solar project?

Chairman Dixon: We have no closed meeting on the agenda.

Marty Guier: Ok, you're leaving public meeting right now, correct?

Chairman Dixon: We're leaving the public hearing portion of this public meeting.

Marty Guier: Alright. Ok, thank you.

Chairman Dixon: Thank you, sir.

Any other discussion?

Ok, all in favor of leaving public hearing say aye.

***AYE: ALL***

Chairman Dixon: Any opposed?

We are out of public hearing.

The next item on the agenda is the **September Finance Report**, Ms. Marks?

Jennifer Marks: I'm no Theresa but I will do my best.

As of September 2021, we have used 31% of the budget. If you have any questions, I can entertain those. I'll just need a motion for approval for this.

Chairman Dixon: Any questions or concerns regarding the Finance Report? I'll entertain a motion to approve.

***MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY X.R. ROYSTER TO APPROVE THE SEPTEMBER FINANCE REPORT AS SUBMITTED.***

Chairman Dixon: We have a motion and a second, all in favor say aye.

***AYE: ALL***

Chairman Dixon: Any opposed?

Thank you, the Finance Report is approved.

The next item is the **Bond Report**. Ms. Marks?

Jennifer Marks: We have three (3) items on the Bond Report today.

Two (2) for bond extensions. The first is Canoe Creek II, Section II; the sidewalk's original bond was \$15,250. It has been recommended to extend that for one (1) year.

The next part is Canoe Creek II, Section II and this includes the streets, erosion control and the water. The total amount of this bonding is \$43,660; it has also been recommended to extend for one (1) year.

The last item I have is the request for a bond release and this is for Canoe Creek II, Section I; all road improvements have been inspected and approved by the City Engineer.

So, if you all will approve these we will move forward with the City accepting those in for maintenance.

Chairman Dixon: Any questions concerning the Bond Report?

***MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY MAC ARNOLD TO APPROVE THE BOND REPORT AS PRESENTED BY MS. MARKS.***

Chairman Dixon: We have a motion and a second, any discussion? All in favor of approval say aye.

***AYE: ALL***

Chairman Dixon: Any opposed?

Very good, the Bond Report is approved.

The next item, I would like to ask the Commission to agree to switch the order of the agenda so that we will deal next with Canoe Creek Subdivision and after that, deal with the Sebree Solar project which I expect to take a considerably longer time.

Can I get a motion to amend the agenda?

***MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY MAC ARNOLD TO AMEND THE AGENDA.***

Chairman Dixon: We have a motion and a second. All in favor say aye.

***AYE: ALL***

Chairman Dixon: Any opposed?

Very good, we will deal with **Canoe Creek II, Section 3 Preliminary**, Ms. Marks, back to you.

Jennifer Marks: Thank you.

This is for the Preliminary Plat for Canoe Creek, Section 3. It has been submitted by HCM, LLC which is the owner and the developer for the property located in the City of Henderson on Kayak Ln (PID#56C-19). The applicant is requesting preliminary approval for 19 lots in an Urban Single Family Residential District (R-5).

Like I mentioned, this would be an addition...

Brian Bishop: Jennifer, give me one second. The computer is lagging a little bit for the drawings to be displayed.

Can everyone see the construction drawings for Canoe Creek?

Dickie Johnson: Can now.

Jennifer Marks: As I mentioned, this is an extension of the current Canoe Creek Subdivision, Section 3. This will be an added nineteen (19) residential lots and again it is zoned R-5. These lots will range in size from around 6600 square feet to 19,000 square feet. The subdivision will include 493 linear feet of new streets and approximately 986 linear feet of sidewalk. There will be two (2) storm water basins included in the development.

All necessary utilities will be installed, including the overhead electric utilities.

This major subdivision will require public improvements and those will need to be built or bonded before a final plat can be recorded. The current bonding numbers we have for the roadways is \$122,000. This would include one (1) No Outlet sign to be installed. For the sidewalks, it's \$25,000. This week, Ken Ferry was out so once we receive the bonding numbers from Henderson Water Utility, we will get those to you all.

I do believe the developer, as well as Mr. Branson are both on if they would like to add anything to the discussion here.

Chairman Dixon: Does the Commission have any questions for staff?

Would the applicant like to address the Commission?

Would the applicant's representatives?

Chris Stone: We're here.

Chairman Dixon: Who's speaking?

Chris Stone: Chris Stone and I have Hugh Stone here.

Chairman Dixon: Would you like to address the Commission, sir?

Hugh Stone: We just wanted to express our appreciation to the City and all the people that worked on this to get the plat ready to this point. We

will be glad to answer any questions you might have. The drawing kind of speaks for itself.

Chairman Dixon: Very good. I have a procedural question if I may? Excuse me, Tommy Joe, you're on aren't you?

Tommy Joe Fridy: Yes sir.

Chairman Dixon: As we discuss this item and the next one, do I need to swear in anyone who testifies?

Tommy Joe Fridy: It's not absolutely necessary but it is a good idea.

Chairman Dixon: Ok, so we will do that...

Tommy Joe Fridy: It's not a public hearing but I suggest you do swear people in.

Chairman Dixon: As we proceed this evening, those who would like to speak I will have to go through the swearing in steps.

Anyway, Commission have any questions for staff or the applicant or the applicants representative if they're available?

I'm hearing no questions, we have nothing on Facebook concerning this do we?

Brian Bishop: Not at this time but we typically have roughly a ten (10) second delay on Facebook, so we may want to allocate some time for that.

Chairman Dixon: Ok, we'll wait a few moments to make sure everyone has been heard.

Brian Bishop: There appear to be no questions.

Chairman Dixon: If there are no further comments or questions, I'll entertain a motion in regard to Canoe Creek II, Section 3 Subdivision Preliminary.

What is the pleasure of the Commission?

***MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY MAC ARNOLD TO APPROVE CANOE CREEK II, SECTION 3 SUBDIVISION PRELIMINARY SUBMITTED BY HCM, LLC OWNER AND DEVELOPER FOR THE PROPERTY LOCATED IN THE CITY OF HENDERSON ON KAYAK LANE (PID# 56C-19). SUBJECT TO THE BONDING OF THE ROADWAYS \$122,000, SIDEWALKS \$25,000 FOR A TOTAL OF \$147,000 AND ALSO IN ADDITION TO THE AMOUNT TO COME FROM HENDERSON WATER UTILITY.***

Chairman Dixon: We have a motion and a second, any discussion?

Dickie Johnson: We need to make sure that the bonding is included in that Ms. Marks presented don't we?

Jennifer Marks: Make sure the numbers are included in the motion?

Dickie Johnson: Yes.

Jennifer Marks: Do you want me to repeat those for you Bobbie?

Bobbie Jarrett: Sure.

Jennifer Marks: So, the bonding numbers that we currently have for the Canoe Creek project; the roadways will be \$122,000 and then the sidewalks will be \$25,000. The roadway bond will include the No Outlet sign, for a total bond amount of \$147,000.

Brian Bishop: Bobbie if you would, in addition to the numbers that HWU will provide once their representative is able to give them to us.

Bobbie Jarrett: Ok, alright...subject to the bonding of the roadways \$122,000, sidewalks \$25,000 for a total of \$147,000 and also in addition to the amount to come from Henderson Water Utility.

Is that correct?

Jennifer Marks: I would just like to add that the approval of the preliminary plat itself is not subject-to that but because this is a Major

Subdivision before we can record a final plat on this we will either need to have that bonding amount for what we just listed, plus HWU or the infrastructure built before we're able to file that final plat.

Bobbie Jarrett: Ok.

Mac Arnold: I'll second that again with the additions.

Chairman Dixon: And Bobbie, you've amended your motion to include this additional information?

Bobbie Jarrett: Yes.

Chairman Dixon: We have a motion and a second. Madame Secretary, could you call the roll?

***AYE: ALL***

Chairman Dixon: Very good, the motion passes.

The next item on the agenda is the **Sebree Solar Project Site Plan**.

How I would like to proceed is Mr. Bishop will introduce this topic, we'll hear from the applicant if they so choose, I'll ask if there is anyone who would like to speak in favor of this project or site plan, and then I will ask if there are those who would like to speak in opposition to the site plan or who has any other questions.

The Commissioners, of course, can ask any question at any time.

Gray Hodge: Mr. Chairman, excuse me, I'm sorry to interrupt but this is Gray Hodge and I'm going to have to recuse myself on this topic.

Chairman Dixon: Understood. Thank you Commissioner Hodge.

Mr. Bishop, would you like to proceed?

Brian Bishop: Yes sir.

Can everyone see the conceptual site plan that should be displayed on your screen at this time?

Chairman Dixon: Can everyone see the maps being presented?

Dickie Johnson: Yes.

Stacy Denton: Yes.

Mac Arnold: Yes.

Brian Bishop: The application for the Sebree Solar Project Site Plan, Sebree Solar Project, LLC, applicant a wholly owned subsidiary of NextEra Energy Resources, LLC (“NEER”) propose to develop a Level 3 Solar Energy System located approximately seven (7) miles south of the City of Henderson, directly north and west of the town of Robards, west of US 41, north of Hwy 416, and east of US 41A located in Henderson County. Applicants are requesting Site Plan approval for a Level 3 SES Solar project.

Before we get going, I’ll kind of give you all a brief history on what we have done recently. So, if you will, bear with me, I’m going to switch screens on you again.

Can everyone see a map that is created out of GIS labeled Level 3 Solar Energy Systems?

Ok, a brief history; these are the solar projects that we have to consider or will have to consider this year. We have Henderson County Solar, LLC, which was roughly 1,100 acres. We have Sebree Solar, LLC which is what we are going to hear tonight, and then we have Unbridled Solar, LLC which is roughly 1,100 acres in Henderson County and a portion is in Webster County.

I just wanted to give you a reminder of what all we have looked at this year because I know it can get a little confusing with the different companies and different locations.

Chairman Dixon: Is everybody clear on this? This will be the third discussion like this we’ve had. I think there was a rezoning involved in the first one, Henderson County Solar, and then a site plan approval for

them. Then a site plat for Unbridled Solar, and tonight brings us to Sebree Solar.

Thank you, Brian.

Brian Bishop: Yes sir.

Let me switch gears on you guys again. Can everyone see the map and the parcel outlines, again?

I'll leave a lot of the heavy lifting for the applicant but I'll remind you that the applicant is requesting a Solar Farm, is what we generally call them, for 1,265 acres which the ordinance considers this a Level 3 Solar System and a friendly reminder all solar arrays must be at twenty-five feet (25') from adjoining property lines, and one hundred feet (100') from adjoining residences.

The solar arrays cannot be more than twenty-five feet (25') above the existing grade.

Chairman Dixon: What was that acreage again?

Brian Bishop: 1,265 acres.

Chairman Dixon: It's listed on this map as 2,600.

Chris Raymer: That's the total of the parcels used.

Brian Bishop: Total parcels as opposed to actual area of solar arrays.

Chairman Dixon: What was the distinction again so everybody can understand?

Brian Bishop: 1,265 acres will be the actual area of solar arrays. The amount of acreage because not all the acreage will be used, 2,600.

Chairman Dixon: Ok, thank you.

Brian Bishop: Yes sir.

Screening will be required at all existing residences and if they can see the solar arrays from across a public right of way.

The applicant will be required to submit a 1% decommissioning bond when they request their building permit. Just try to have everyone remember what the big ticket items are from the ordinance.

Are there any questions for staff before we turn it over to the applicant?

Chairman Dixon: Do the Commissioners have any questions for staff?

Are we prepared to hear from the applicant then?

Brian Bishop: I believe we are. They have provided a PDF power point document I believe they would like to present to the Planning Commission.

Can everyone see that now?

Chairman Dixon: Ok, are they going to be controlling the presentation?

Brian Bishop: I am going to make them host and I ask that they make sure to give us the power back so they don't end our meeting; we've had that happen in the past.

Give me one second so I can find out.

Lina, would it be best to make you the host?

Lina Jensen: Yes, this is Lina Jensen.

Brian Bishop: Give me one second.

Ok, we have made you the host and please don't end our meeting.

Chairman Dixon: Before we get started ma'am, I need to swear you in.

Are we ready to proceed? Very good.

I need your name.

Lina Jensen: Lina Jensen.

Chairman Dixon: Your address?

Lina Jensen: 700 Universe Blvd, Juno Beach, FL., 33418.

Chairman Dixon: And do you promise to tell the truth, the whole truth and nothing but the truth this evening?

Lina Jensen: Yes, I do.

Chairman Dixon: Very good, thank you. Please proceed.

Lina Jensen: We are really grateful to be here and grateful to work with Henderson County and speak to you all tonight about our project.

I want to also introduce our team here; myself, I'm the Project Manager, Amanda Klaristenfeld is with Engineering and Construction, and Brian Bartels is an Environmental Specialist. Then on the phone we also have Mark David Goss, who is our legal counsel and then Chris Mason with ECT Consultants as our environmental consultant.

I'm grateful to represent this team here tonight. We really wanted to talk through three (3) main things;

One, talk about compliance of the project to the Solar Ordinance.

Describe the benefits that will come to the local community as result of the local project and as it progresses with construction and through operations.

And lastly, provide some background on the parallel efforts that are going on with the state board and also our parallel efforts with environmental and engineering studies that are ongoing.

So, we're happy to be here and will advance to the next page.

Lina Jensen with NextEra Energy Resources gave a presentation. Copy of presentation can be obtained in the office of the Henderson City-County Planning Commission.

Dickie Johnson: Ms. Jensen?

Lina Jensen: Yes?

Dickie Johnson: I'm one of the Planning Commission members, I'm Dickie Johnson.

One of the statements you made earlier in your presentation is you said you or some of your representatives of this particular company had knocked on the neighbors' doors of this project and answered questions.

Have you had any questions asked by adjacent land owners that you were not able to answer?

Lina Jensen: I don't think so. There were certainly questions where...we answered a lot of questions like what are solar panels made of and their impact on the environment and things like that.

There were some questions where the answers weren't what the adjacent landowners agreed with but we were able to answer a lot of those questions.

Honestly, we didn't talk to every, single adjacent landowner. We went around for about two (2) days and tried to hit as many as we could and left contact information for others that we weren't able to touch base with.

Dickie Johnson: Ok, thank you.

Chairman Dixon: Excuse me, this is David Dixon. While we're on that topic, can you share with us, I think it's in the packet that we have, other ways that you plan to inform the public about this project; other than knocking on their door?

Lina Jensen: As part of the State's Siting Board process there are a few, different notices and meetings that we're required to hold.

Two that are required by the State's Siting Board and a few that we did above and beyond that. The two that are required by the State's Siting Board; one is a public meeting to be held with people in the area. Then,

the second one is a notice prior to the submittal of the application to the State Siting Board.

The public meeting was held in March, and that was a virtual, public meeting, and then the notice to prior filing the application was in August and that was a paper notice that was sent out.

Beyond that, we also held office hours and sent out notifications to people in the area about the office hours and we held those during the day a couple of days in March.

Chairman Dixon: Thank you.

**Lina Jensen continued with the presentation.**

Brian Bishop: Ms. Jensen if you would, please turn control back over.

Lina Jensen: Yes.

Brian Bishop: Chairman Dixon, before we get into public comments, if it's agreeable to the Planning Commission I would like to read letters and cards that we received into the record.

Chairman Dixon: Ok, give me one second. I just want the Commission to know that we received a Facebook question; a neighboring landowner down there asking for a copy of this power point presentation and we have told her that we can get that to her in the morning. Is that correct, Mr. Bishop?

Brian Bishop: That is correct sir. We will email it to Ms. Sondra Lynn Thompson.

Chairman Dixon: Very good. I just wanted to let you know what kind of communication is going back and forth here.

So, we'll get that out to her and anyone else who asks for it.

Brian has some email communication and some post cards; written communications to us on this topic and he's going to read that into the record, then we'll go on for further comments.

Brian Bishop: There are a total of seven (7) postcards.

The first one is from Claudia Perkins, 15175 Hwy 136 E, Henderson, Ky. 42420;

*"We must embrace change for our community to move forward. While coal has been a great asset for power, it's time for another source. Not only will solar panels help power our community, it will bring a lot of revenue to our area!"*

The second is from J and Mary Clary, 5846 Hwy 1299, Robards, KY. 42452;

*"We are excited about the solar project. This is a great opportunity for the Henderson Community, along with everything else that is taking place. (Pratt Industries, for example) This gives our community ability to have available what new industries will need to relocate to our community, along with the added tax revenue it will bring clean energy; the way of the future."*

The third one is from Stephen H. Spencer, 213 Corral Dr., Goldsboro, NC, 27534-8754 (Owner of a Robards farm)

*"I write to voice my strong support for the Sebree Solar Project. This project will add tremendous benefits to Henderson County, including good jobs, millions in tax revenue and clean energy, helping to reduce our nation's dependence on fossil fuels."*

I believe that is a duplicate from an email, I will verify to make sure.

The fourth one is from Nancy Hodge, 707 N Main St., Henderson, KY 42420.

*“Brian, My family owns a farm in Robards that is part of the Sebree Solar project. We are excited to be able to provide solar power for communities. We think this project, along with other solar projects will support our community with additional tax revenue, clean energy and good jobs. Thank you.”*

Next, we have a postcard from Jim and Sarah Riley, PO Box 115, Russellville, KY 42276.

*“This project will provide renewable energy to help clean up our environment. It will add to the tax base of Henderson County to provide much needed revenue for government to have a better “quality of life” for the citizens of Henderson County.”*

The next one is from Mary Davis, 1014 Country Club Dr., Henderson, KY 42420.

*“To Whom It May Concern, We have an amazing opportunity to develop a renewable resource that will live well past our lives. I completely agree with this project.”*

Next, we have Del and Fay Brock, PO Box 3, Robards, KY 42452.

*Ecologically friendly, clean renewable energy with proven technology. Solar power available all year and can be stored. Last but not least, financially good for land owners and the area as a whole.”*

Next is from Jon Bart Eblen, 9056 Hwy 416 W, Robards, KY 42452.

*“It is going to benefit Henderson County with millions of dollars in tax revenue that can be used for many needed improvements throughout the county. Plus, new jobs.”*

The next one is a blank card but it has a return address of Will Hall, 5025 S Pleasant Valley Rd, Robards, KY 42452.

Those are all of the postcards that we received and then we have an email from Mary Davis. If I'm not mistaken, was one of the cards...let me verify, I don't want to be redundant.

Yes, Ms. Mary Davis provided a postcard and an email.

*"To: Henderson County Planning Commission*

*The Sebree Solar Project is good for Henderson County.*

*We are writing in support of the Sebree Solar Project. This is a significant opportunity for our family to be a part of this solar energy project. Knowing that we're able to help produce clean energy right here on our farm means a lot. There are several reasons why this project is important to us, for example:*

*Participating in this project allows us to exercise our land rights, as well as maintain ownership of our farm.*

*Guaranteeing our family additional income, which is important as we get closer to retirement age.*

*Providing the opportunity to harvest a new crop- solar energy, while allowing our land to rest for several years that will improve soil quality for future farming.*

*Being part of a project that generates, clean renewable energy that would last well past our lifetimes.*

*Lastly, we will be able to pass our land and its many uses down to our family and future generations.*

*In addition, the Sebree Solar Project will be a great "kick-start" for our local area. It will also provide a steady revenue stream for essential local services, business, restaurants, and schools; not to mention it will help contribute to the tax base in Henderson County.*

*Investments of this size don't happen often in our community. We are excited to be a part of this new solar opportunity for Henderson County.*

*I urge your support for the Sebree Solar Project. This is exactly the kind of investment that can make a positive-and lasting-impact on Henderson County.*

*Best Regards,*

*Mary Davis”*

Then, we have an email from Mr. Stephen Spencer.

*“Dear Mr. Bishop,*

*I write to voice my strong support for the Solar Sebree Project. The Sebree Solar Project will add tremendous benefits to Henderson County, including good jobs, millions of dollars in additional tax revenue and clean energy, helping to reduce our country’s dependence on fossil fuels. I strongly support Henderson County leading the way to help reduce the world’s greenhouse gas emissions by incorporating this clean energy initiative.*

*Additionally, this would provide a predictable revenue stream for my family farm near Robards, which has been a contributing asset to Henderson County for over 85 years, first owned by my father, and after his passing in 1995, by me.*

*Thank you for your thoughtful consideration of this project.*

*Stephen Spencer”*

Next we have a letter from Marty Guier, and I believe he is on the ZOOM call. Please correct me if I get anything wrong.

*“Planning Commission Members,*

*I am a resident of the Robards Community and an adjacent property owner to the proposed Sebree Solar Project. I am writing this email to inform the commission that I did not receive proper notification of the public information meeting held by NextEra Energy on March 30, 2005 as required by KRS 278.706(2)(f)(2) copied below.*

*2. Evidence that notice of the time, subject and location of the meeting was published in the newspaper of general circulation in the county, and that individual notice was mailed to all owners of property adjoining the proposed project at least two (2) weeks prior to the meeting.*

*NextEra Energy included a statement in their “Notice of Filing of Proof of Public Hearing Notice” to the Kentucky Public Service Commission dated 3/16/2021 that said “Sebree Solar further gives notice of its mailing of the attached correspondence to landowners on March 15, 2021.” There is no such attachment in this filing.*

*In addition, NextEra Energy was required to notify adjacent landowners per KRS 278-706(2) (c) within 30 days immediately preceding the application filing with the PSC. This notification, dated August 11, 2021, contained a map that only depicted the route of the proposed transmission line (which I am not adjacent to) and a description that did not define the borders of the project in enough detail to discern what parcels would be adjoining the actual solar project.*

*With respect to my own personal situation, I was unaware of the fact that I was an adjacent property owner to the Sebree Solar Project until receiving the map enclosed in the Planning Commission’s letter concerning the upcoming October 5, 2021 scheduled meeting. I have also heard that several other adjacent property owners are in the same situation.*

*Due to the issues cited above, I would respectfully request that the Planning Commission delay any action scheduled to take place during the October 5, 2021 meeting until such time as all parties involved have had proper notification of a future public information meeting. This would ensure transparency between all parties involved.*

*Thank you,*

*Marty Guier*

6017 Hwy 283

Robards, KY 42452”

That is all I have.

Chairman Dixon: Ok, so we’ve had this written communication, we have a question on Facebook. Would you read that please?

Brian Bishop: Yes, Jim and Dena Bryan; *“I would like a power point presentation as well.”*

If you would, please call the office and give an email address and we can give that to you tomorrow as well.

Another comment is from Peggy Cooksey: *“I would also like to have a copy of the power point.”*

The same there, Ms. Cooksey, we will email that in the morning.

*“We are adjacent landowners, has researched been done about the property values decreasing, just curious?”*

From a Planning Commission standpoint, we have no information regarding the depreciation of land value.

Chairman Dixon: Ok, so we’ve got those questions raised. Is there anybody else with us this evening, via ZOOM or otherwise who would like to speak in favor of this project?

I’m seeing none. Do we have anyone available via ZOOM or otherwise who would like to speak in opposition to this project?

Marty Guier: Yes sir, I’m not sure that I would speak in total opposition of it but I do have comments and some are in opposition.

Chairman Dixon: Thank you. I need your name.

Marty Guier: Marty Guier.

Chairman Dixon: Your address?

Marty Guier: 6017 Hwy 283, Robards, KY., 42452.

Chairman Dixon: Do you promise to tell the truth, the whole truth and nothing but the truth for us this evening?

Marty Guier: I do.

Chairman Dixon: Thank you sir, please proceed.

Marty Guier: First of all, let me thank the Commission for letting me speak and reading my letter and getting back to me so quickly. I do appreciate it and in this time of COVID I know that can be tough sometimes.

I would actually like to make several comments and they start with the Comprehensive Plan for Henderson County. Then, I would like to go into some specific details on the solar project.

Our Comprehensive Plan, and I'm not telling the Commissioners anything they don't know, more for anybody out there. The guiding document of the county planning, it serves as our guide for all the decisions that the county planning makes.

The Vision Statement in our current Comprehensive Plan mentions three (3) occupations, only three (3) is mentioned in the vision and one of which is agriculture which made me start thinking. In fact, I did a search through the Comprehensive Plan...agriculture is mentioned fifty-four (54) times. More than economy or economics only forty-two (42) times and manufacturing only eight (8) times. When you go through a Comprehensive Plan there are several categories; Balancing Land Use and even as late as special things like I-69.

Balancing Land Use; there's a goal of preserving agricultural land while protecting the economy and heritage of the rural areas of the county.

The I-69, we want to support a bridge option that improves the economic vitality of Henderson and respects the importance of prime agriculture land, existing businesses, homes and environments.

And there is another statement later on that says agriculture is an important sector of the economy in Henderson County. In order for Henderson County to continue to benefit from an agricultural economy, land must be protected from the encroachment and indiscriminate residential uses.

And this is all leading up to one of my points and it is stated very well in the Comprehensive Plan, it is under Industrial Land Uses. It defines an Industrial Land Use as that type of establishment, along with its intendant buildings and lot area which is primarily engaged in the mechanical or chemical transformation of organic or in-organic substances into new products. Products can be sold back into the manufacturing process or sold to wholesale or retail customers.

That, in my opinion, is a perfect description of the solar panels. As a nation, we have reduced pollution seventy-four percent (74%) in the last fifty (50) years but farmland over only a five (5) year period has decreasing fourteen million (14,000,000) acres starting in 2012.

My opinion is these projects should not be on agricultural land, they are in fact an industry. In Kentucky Laws, they are titled merchant generating facility. If land is needed for these sites, it should be industrial land and proper rezoning should occur and all the planning that goes with that.

Next, I wanted to get into the actual project, I know that was long and just wanted to throw the Comprehensive Plan out there.

Actual project issues; there are three (3) projects being considered as you already discussed.

One, at least one, I know the Unbridled Solar up here that already approved, at least through the PSC (Public Service Commission) but with these two projects, Unbridled Solar and Sebree Solar, Robards will literally be surrounded three-quarters (3/4) of the way by solar panels. If

you look at a map, the only section that won't have solar panels covering it will be between 283 and Hwy 416.

NextEra representatives would have us believe there is nothing better than living next to a solar project but in all fairness, that is their job to sell it. Our job is to find out the truth. When you look through their plan, one of the first things you come across is noise. I moved out to the country for a reason. The noise levels, they say it won't be much over ambient, in fact they say the inverters are 50 to 60 decibels. You know, just for information cicadas, when you go out and hear the cicadas really loud, that's about 80 decibels. The transformer will be even more than 50 to 60 decibels. This doesn't sound like much but if you're surrounded by it for twelve hours a day, you can notice that. Anything above ambient is not what is out here.

The other thing is a fire risk. Do a little bit of research on the internet, and I understand you have to look at the sources but California had a solar farm that burned over 1,100 acres and they were smaller solar projects than what's being proposed here. You know, if one of these caught fire and started to burn, what would that do for Robards? There is a transformer sitting less than a half mile from railroad tracks, this a 280 KVA/MBA transformer. That transformer will be filled with, in my estimation about 13,000 to 14,000 gallons of oil. I haven't seen that mentioned anywhere in their proposal. No mention of whether there is going to be containments, fire suppression or anything. That transformer, like I said will be less than half a mile from the railroad tracks. By the way, looking at the proposal you have their drawings on the screen, that railroad track is not on any of their site plan drawings. You see Robards-Busby Station Road but if you look at the key there are no railroad tracks there. While you're thinking about it, do any of you ever remember there being a derailment down south from Robards? I think since I've lived here there have been several.

So that brings up does our Volunteer Fire Department have the training and equipment to deal with this possibility? There are hazardous chemicals when they burn, they say there's no hazards to them but when they get broken or burned there are hazards. There are so much hazardous chemicals in them that it's not viable to re-process or salvage them.

You know, our view. County Ordinance allows for twenty-five foot (25') structures. Their drawings call for twelve foot (12') panels. If in the future the new advances in technology require bigger panels, will they just be allowed to come in and put up taller ones? Then our screening, if they're deciduous or if they're evergreen trees that don't grow very tall like what was suggested in a previous meeting then, you know, it's going to be another eyesore, that's a possibility.

I would also like to address one that is very near and dear to everyone's heart and that is property values. I actually did some checking and it is kind of conspicuous that some of the studies done by Unbridled Solar and Sebree Solar are the same and the property values are one of them. It was the exact, same study with doing on, you know, a few different solar projects and with just the name change. But if you do some digging you can find some serious studies by the University of Rhode Island, Department of Environment of Natural Resource Economics did one, a forty-six (46) page study in September 2020. They used 71,337 transactions that were within one (1) mile of a solar facility. They used 347,921 transactions one (1) to three (3) miles for a control group for a total of 208 solar installations. They concluded that if you live between a tenth (1/10) of a mile and one (1) mile, your property values will decrease 1.7%. If you live inside a tenth (1/10) of a mile, your property values would decrease 7%. Several hundred parcels are within one (1) mile. Fifty-eight (58) parcels are adjacent with structures. So, most of those would be within the tenth (1/10) of a mile range. I have seen some suggestions for other sites that say maybe there should be some kind of

property value guarantee by the solar project if they are so convinced that property values won't go down or even just an outright purchase. Expected property tax increase of 13.8 million dollars of 35 years is what they've projected. I'm obviously not an economist, I don't understand where that comes from. Who is paying that? Who's paying that 13.8 million? And if it is NextEra paying that, I don't understand how that is property tax unless it's on the equipment that is out here in the fields. And if it is on the equipment out here in the fields, that equipment, by the way, is classified as manufacturing equipment for tax purposes.

Ultimately, if they get any subsidies from the government, the taxpayers are paying that 13.8 million.

I also want people, anybody listening to understand this project will only benefit a few. Electricity rates in Henderson are some of the lowest in the region to begin with. Solar is only a compliment to some rotating generator like coal, nuclear or gas. There are two (2) projects combined will produce 410 megawatts, about as much as the plant in Sebree. Some would have us believe that this will replace those units, at least when the sun is shining. But as I said before, we have to a rotating generator in the area, this is due to the fact that the power you receive at your house is made up of two (2) parts; real and reactive. Real makes what you see right now, the lights come on, it makes your refrigerator run. Reactive power is what keeps the voltage in the grid stable and up, and in a case where the grid dips, the rotating generator will absorb that voltage and continue to operate but solar cannot. It would trip off if there wasn't a rotating generator somewhere nearby.

My point to all of this is the air will not be cleaner to breathe because coal plants will still be running. The renewable energy credits will get sold, I'm assuming, locally to offset the pollution or even worse sold out of state. Bottom line is, it won't benefit the air we breathe.

My conclusion is I am not opposed to solar power. I know that sounded like it and I am not. I believe it has a valuable part in our energy portfolio but what I'm seeing here is three (3) solar farm projects that consists of over three thousand (3,000) acres just in the Robards area and 400-500 megawatts. Looking back at the history of this area with coal, oil and packing industries just to name a few, how many broken promises can you remember?

What if the packing plant that came here if there had been three (3) of them? What if there had been three (3) and we've been living with those broken promises today? Again, I appreciate your time and I'm not opposed to solar but I would like to see us not jump off in the deep end. I would like to see us operate one and try to keep it contiguous instead of spread out and try to make it in industrial areas where it belongs.

That's the end of my statements.

Chairman Dixon: Thank you Mr. Guier. Would the applicant care to respond to any of the issues that Mr. Guier brought up? I tried to keep up with them. He talked about noise, he talked about fire risk, and a question has arisen about proper notification. Would the applicant like to address any of these?

Lina Jensen: We can if you guys would like us to.

Chairman Dixon: Please, do so.

Lina Jensen: There are a few things that was brought up and I'll address the first one regarding notification. So, there are two (2) separate processes for discretionary permits for projects. One is the State Siting Board permitting process and then another one which we're discussing here tonight is the Henderson County Site Plan Application and approval.

We have followed the notification requirements of the Kentucky State Siting Board. We did notice today, we looked into it in more detail and

there was an error in the mailing list that was sent out for one of the points of contact. We had three (3) other points of contact for adjacent land owners and we'll be addressing that separately with the State Siting Board and we will follow up on any further actions to follow from that.

I think that Mr. Guier brought up the Comprehensive Plan and whether or not this should be under a rezoning process and I can't really comment on that one but I think what he was getting at is the use of agricultural land. So, within Henderson County there are about 180,000 acres of farmland and there is only a small portion of that which is suitable for a solar farm because part of what is required to make a solar farm economic is proximity to transmission that has available capacity. And so that's only a very small portion of what is in Henderson County.

So then there were a few other things brought up about noise levels. There are noise levels that we calculated in the study during construction and then during operations. During construction, like a lot of other construction projects there will be equipment moving around and operating and obviously that is a short term impact on noise.

The longer term impact, you brought up inverters. The location of the inverters is placed such that it's central within the solar ray and those converters won't be right up to the edge of any of those solar rays so that's why in that study we say that it's really going to be similar to ambient sounds for anyone adjacent to the facility.

Fire risk. The risk of fire with these low (inaudible) voltages is, I mean, it's very small for the actual solar panels and then the lines that are higher voltage collection lines are run underground. The fire risk is low, I think, I'm not familiar with the reference that he brought up with the solar facility in California.

Railroad tracks. We have taken all of the railroad tracks into account and avoided getting close to those railroad tracks.

Then you mentioned, very quickly going back to agricultural land, I think I've got this up in my presentation as well but the development of solar is pretty unique because future generations could also use it again for farming where many other types of development like a subdivision, once they go in they're not going to return to farmland and it's not economic to return it to farmland. But with the decommissioning bond required by the County and the commitments we have to decommission the facility it has a possibility of returning to farmland in the future.

So, I think you brought up fire departments and training for that, we have in the past worked with local fire departments to train them about what happens in case of an emergency. Most of those conversations are centered around access, so like how do we get inside the fence and get to...those are things that can all be worked out and we're happy to have those conversations if needed.

Property values. Within the State Siting Board application, we do have our property valuation report and there have been studies done that show there is nothing really statistically significant within the reports that we've produced. The Kentucky State Siting Board has also independently looked at a few, different studies and they've come to a similar conclusion and it's the impact on property values in rural areas is less so than suburban areas and I think you had mentioned that Rhode Island study, one of their findings may have been regarding more of their suburban areas where the property values were impacted more.

Taxes. So, we do pay the taxes on it and they're based on the cost of property for the solar facilities. Not all of the solar facilities are considered manufacturing equipment. A portion of them are and a portion of them are not, and they're all taxed at different rates. And then there's the land taxes and also taxes on transmission lines and those are not under that same lower tax rate.

You had talked about power generating facilities in the area. There is no tie between our solar facilities and any other types of generating

facilities in the area. The project will tie into the independent system operator call MISO (Midcontinent Independent System Operator) and it's their job to balance that load and give direction on what type of generating facilities a day ahead and things like that. So, they're not directly inter-related to each other and it's really the responsibility of the MISO in the area who we work with extensively to develop the interconnection agreement to manage the, you know when you talked about the variable or the reactive power and generated power things like this.

So, I think that I covered most of what was brought up and I'll be happy to take any other questions.

Chairman Dixon: We have another Facebook submission saying they had not had any notifications either.

If someone feels like they haven't been properly notified, who should they contact to make sure they get on the right list or whatever needs to be done?

Brian Bishop: Chairman Dixon, I would like to specify that that is for the Public Service Commission, not the Planning Commission's approval process; two, separate processes there.

Chairman Dixon: Update us again on the status of this project in regard to the Kentucky Public Service Commission. I think you might have had a timeline on this or something. There's more to come on this, correct?

Lina Jensen: Yeah, right. So, we submitted our full application at the end of August and those notifications included...the notification proceeded for filing included all the adjacent landowners, they would have received that notification. We triple-checked that today and at that time there was an open period of where public hearings could have been requested and then now where we're at is we have data requests coming in from the State Siting Board and then we'll have a site visit coming up

and there will be a public hearing at the end of December and it's unclear whether that's going to be virtual or in person but that's part of the siting process. Then, there's a lot of other stuff to go through there but the one to remember is right now we're getting the data request and information request for the public hearings at the end of December and then a decision in early February.

Chairman Dixon: Thank you. So, if someone wants to be sure that they are notified in regard to the Public Service Commission's public hearing in December, what can they do?

Lina Jensen: That one we're required to post in newspapers but you can also contact the Kentucky Public Service Commission and voice that request.

Chairman Dixon: Do we provide that information, Mr. Bishop?

Brian Bishop: Ms. Jensen, can you say that last part again. I'm sorry, I misunderstood.

Chairman Dixon: My understanding of what she said is if they want to be notified they have to contact the Public Service Commission.

Tommy Joe Fridy: Mr. Chairman, could I ask a question?

Chairman Dixon: Yes sir, please.

Tommy Joe Fridy: This Tommy Joe Fridy, I'm the attorney for the Planning Commission. Who gives the notice for the Siting Commission or the Public Service Commission? Did they give it or do you give it?

Lina Jensen: We sent out those notifications prior to filing the application, as far as the notice of the application.

Tommy Joe Fridy: So you give it? Sebree Solar or NextEra?

Lina Jensen: Then all of the files...

Tommy Joe Fridy: Excuse me. Would you provide an address and a contact person that the Planning Commission could have on file if anyone would like to notify you and tell you they did not receive notice and they would like to receive future notices and maybe certain information?

Lina Jensen: Yes, we can provide that contact information.

Tommy Joe Fridy: Can you do it now as well as doing it by email or other means tomorrow for people to hear now?

Lina Jensen: Uh yeah. You can contact me or we have a website where you can contact us type of info there through the website for Sebree Solar. I don't have it off the top of my head but you can also...

Tommy Joe Fridy: Wait, wait. Give us your name again and your address.

Lina Jensen: My name is Lina Jensen, and my email address is [Lina.Jensen@nee.com](mailto:Lina.Jensen@nee.com).

Tommy Joe Fridy: Give us also a post office address, some people do not use email.

Lina Jensen: Ok, um I'm happy to do that. 700 Universe Blvd, mail stop E5E, and that's Juno Beach, Florida, 33418.

Tommy Joe Fridy: Thank you very much. And for the Planning Commission, not receiving notice of the Public Service Commission Hearing is not part of our proceeding.

Chairman Dixon: Very good, thank you counselor.

That was very helpful.

Mark David Goss: Mr. Chairman? May I speak? My name is Mark David Goss and with the law firm of Goss Sanford in Lexington and my firm represents Sebree Solar. Just for purposes of information for those who might be watching...

Chairman Dixon: Excuse me, sir. I need your name.

Mark David Goss: Yes sir, Mark David Goss, spelled G-O-S-S.

Chairman Dixon: Your address?

Mark David Goss: 2365 Harrodsburg Rd, Lexington, Kentucky.

Chairman Dixon: And you promise to tell the truth, the whole truth and nothing but the truth, sir?

Mark David Goss: Yes sir, I do.

Chairman Dixon: Thank you, please proceed.

Mark David Goss: I'm sorry, all I wanted to say was if any members of the public or the Planning and Zoning Commission wished to follow the Siting Board process it's very simple to do.

The public can access the Public Service Commission website at [PSC.Ky.Gov](http://PSC.Ky.Gov). The case number for this case, the Siting Board case is 2021-00072.

Chairman Dixon: That was 2021-00072?

Mark David Goss: Yes sir, that's correct.

Chairman Dixon: I understand if you go to this website, and you will have to enter that case number at some point to find the information you might be looking for?

Mark David Goss: Yes sir. It has a docket sheet which would show anyone interested in the case and everything that has transpired with the case up to this point.

Chairman Dixon: Very good, thank you sir.

Mark David Goss: Yes sir, thank you.

Lina Jensen: And I had a correction to my address, it's 33408. Not 33418.

Chairman Dixon: Do we have a correct version of this?

Chris Raymer: I wrote it down.

Chairman Dixon: Ok.

Brian Bishop: Chairman Dixon, we have a few questions on Facebook if you're agreeable to that.

Chairman Dixon: Yes, by all means.

Brian Bishop: I believe we addressed Ms. Thompson's previous question.

Next is Jim and Dena Bryan.

*"Will the Planning Commission be looking into the high possibility of decreasing property values? This should be of high importance. The Commission is concerned about citizens who have invested years into their homes and property."*

I believe Ms. Jensen addressed that but is there a better...Ms. Jensen, do you care to address that question again?

Lina Jensen: I don't have anything else to add.

Brian Bishop: So I can paraphrase? Your studies have shown that little to no property value decreases, is that correct?

Lina Jensen: Correct.

Brian Bishop: Then, Mr. Guier quoted a Rhode Island study that there was some property value decrease if I remember his testimony correctly.

Tommy Joe Fridy: Mr. Chairman?

Chairman Dixon: Yes counselor?

Tommy Joe Fridy: The increase or decrease in property value is not a matter for the Planning Commission to consider in a Site Plan application. It would be in a rezoning but this is not a rezoning.

It is a proper consideration for the Public Service Commission. So if someone has a property value issue, the Public Service Commission is the place to voice it.

Chairman Dixon: Very good, thank you. Thank you.

More from Facebook?

Brian Bishop: Yes sir.

Jim and Dena Bryan also asked;

*“One hundred feet from a residence is extremely close, Posey County Indiana had that distance extended. Can the Commission consider extending that distance here?”*

The one-hundred feet (100ft) is set by the ordinance. I would probably ask Mr. Fridy to address that. My initial answer is that we cannot require more than what is required in the ordinance with a site plan.

Tommy Joe Fridy: That’s accurate.

Even if the distance was changed in the ordinance, going through the amendment of an ordinance process, it probably would not effect this applicant. It possibly could, but it probably would not. But it could be changed for future applicants. Not by the Planning Commission but through the process that would involve the Planning Commission.

Chairman Dixon: And the ordinance, would of course would have to be amended not by the Planning Commission but by Henderson County Fiscal Court.

Tommy Joe Fridy: In the end but the Planning Commission is part of that process.

Chairman Dixon: Ok, thank you.

Tommy Joe Fridy: Fiscal Court has the final decision, as you said.

Brian Bishop: The next question is from Mr. Eric Denton.

*“Will existing tree and fence lines between property lines be disturbed? I’m a co-owner on these one-hundred (100) year boundaries. If not, will the solar seven-foot (7’) fence be twenty-five feet (25’) from these existing one-hundred plus year boundary lines?”*

I believe the question is will existing fence lines and tree lines be disturbed and will the fences be twenty-five feet (25’) from existing boundary lines?

Lina Jensen: If I understand that question correctly, if there is existing vegetation along a property line, we don’t have plans to remove that if it’s within the setbacks that are required within the ordinance. The setbacks in the ordinance are twenty-five feet (25’) from the property line and that’s where the fence would start. So, the fence doesn’t start until at least twenty-five feet (25’) from any adjoining property lines.

Brian Bishop: Then we have a question from Ms. Sondra Lynn Thompson again.

*“Can we get the answers in writing since we lost connection and missed some of the answers?”*

Ms. Thompson, this video will be on the Planning Commission’s Facebook page. You can watch that as much as you would like and once the minutes are approved, we can email you copies of those.

Then, she has a follow up question.

*“Will you repeat the Site again?”*

I believe she means the Public Service Commission site. I would ask Mr. Goss to repeat that, if you would.

Mark David Goss: Certainly. It’s; PSC.KY.GOV.

Brian Bishop: Ms. Thompson said:

*“Yes, please.”*

And Jennifer, who is with the Planning Commission provided that answer. Ms. Thompson, you're welcome.

Mr. Chairman, I think we have everything from Facebook covered at this time.

Chairman Dixon: Ok.

Marty Guier: Mr. Chairman, could I address Ms. Jensen again, please?

Chairman Dixon: Yes, of course.

Marty Guier: Ms. Jensen, this is Marty Guier and when you first explained the public meeting notices, I didn't hear the first part but it sounded like you said you did find a problem. Can you expand on that? Was that for the public meeting or the notice for application?

Lina Jensen: Uh, for the public meeting held, I think like March 30.

So, there was an error in the mailings that we sent out that it didn't include the full list that we had intended. The full list was used and was correct for the open houses that were held early in March and also for the house visits and for the notification proceeding the filing of the application in August.

Marty Guier: Well, you know, I will say the only mailing I have received from NextEra is the August 11 mailing for the notice of application. I did receive that via registered mail on August 11. That is the only contact I've had from NextEra via mail and also you know, maybe I wasn't here but I work from home and I did not speak with anyone from NextEra.

I want to address the Commission just one last time while I'm on that issue and it is that it sounds like there was an issue with the mailing and it might make complete sense and I understand you as a Commission, our public officials and even NextEra you're dealing with this project, projects, multiple projects you're dealing with them on monthly, at least a monthly basis and probably on a daily basis during some weeks and I

just want you to understand that it's easy for you to keep track of that and know that that's (inaudible) but with COVID and, you know, an incident where we didn't get a mailing and there is some confusion out here in the community as to what's actually going on. A lot of people think there's only one project down here I believe. I know I only knew of one project to begin with and it wasn't until recently that I figured out this was two, separate projects and I know maybe it's an honest mistake but that was my reason for the letter to request that we just...it won't hurt anything to put on the brakes and make sure that the public has, you know, there is a reason for that due process. I know Ms. Jensen mentioned twenty-seven (27) property owners in this and they need their due process as well, as well as NextEra but the adjacent landowners need that too and I think they are in the majority here.

So, I again, please request that we press the pause button, you know call it "due to COVID" and back up and do it right.

That's all I have, and thank you.

Brian Bishop: Chairman Dixon, can I jump in there?

Chairman Dixon: Yes.

Brian Bishop: I cannot address anything from the Public Service Commission but from a Planning Commission standpoint, as Mr. Fridy said, these are not required to have adjacent property owner notification.

Meaning, we don't have to send letters for a site plan but we do it anyway just out of an abundance of caution. So, I would say that from a Planning Commission standpoint, everyone that is connected or adjacent to a site plan for a solar farm has been notified. We have gone above and beyond what we were legally required to do there.

Marty Guier: Yes sir, I understand that's the Commission's position and I'm not arguing that point right now, I'm only saying that while the Public Service Commission and the Planning Commission; some of their

proceedings follow in parallel and some of them have the same requirements and some of them don't, I understand that. But they all are trying to achieve the same purpose for the most part, as far as it's concerned with the public.

I know there are different things the Public Service Commission is actually vetting that you guys aren't but the whole purpose for that public meeting is to get the public involved so that we can let our first level officials, which would be you, our first level public officials know our feelings and that didn't happen in this case. I realize you're not required to, I understand that but it would still look a lot more transparent if we would stop and go back because I don't believe our public officials know the true, public sentiment.

Thank you.

Chairman Dixon: Ms. Jensen, were you trying to speak?

Lina Jensen: I'm sorry, I don't have anything else to add, thanks.

Chairman Dixon: Ok.

Does any members of the Commission have any questions for anybody here tonight or comments on any of this discussion?

Dickie Johnson: Mr. Chairman, this is Dickie Johnson again. I'm not sure if this is the time to bring this up but I guess I've been blessed, I'm retired and I drive all over the country and I see these solar farms going in everywhere and Ms. Jensen in their presentation said they were the biggest provider of clean energy in the world. Am I correct, Ms. Jensen?

Lina Jensen: Yes, that's correct.

Dickie Johnson: Alright. On incidents rates on your projects, how many catastrophic, type situations do you all have with failure of solar panels to where you would have to come in and remove enormous amounts and do something with the material?

Lina Jensen: Yeah, so, I mean, you guys know that we're based in Florida. As an example, obviously hurricanes come through Florida regularly. I think there was one year when we had a very active hurricane season and at that time we had about a million solar panels that were installed and operating in Florida and there were, at the end of that hurricane season there were about fifty (50) of those panels that were damaged and had to be replaced. Part of the way NextEra does business when we're operating is we have our remote operating center that is constantly monitoring these solar facilities and we can pinpoint which of the rays is damaged and how things are operating. Part of the operational jobs are people who will go out and fix the panels. Does that answer your question?

Dickie Johnson: Well, I'm assuming you're trying to tell me that it is a very small percentage of the solar panels that are installed that have (inaudible).

Lina Jensen: Yeah, that are end of...

Dickie Johnson: Natural disasters; hurricanes, tornadoes but my question is mechanically failed solar panels. Is there a big failure of those panels happening?

Lina Jensen: No, not that I'm aware of. We monitor it constantly so it's something that we keep track of and replace solar panels, so, yep.

Dickie Johnson: Ok, that was one of the questions that was asked. It kind of brought my curiosity up because I see them being built everywhere and you see very few that are being removed, that's the reason I was asking.

Thank you.

Chairman Dixon: Any other members of the Commission have a comment or question for anyone, a follow-up on anything?

Marty Guier: Mr. Chairman? Could I make a response to Mr. Johnson, there about his last question?

Chairman Dixon: Yes sir.

Marty Guier: I just was recently aware, talking with one of my colleagues and you mentioned all the solar panels and NextEra and a lot of this installation is brand new, within the last five (5) to seven (7) years I would say. If you go out west, they have much more experience out there, a lot of them are still not to the end of their life but older than they are around here.

IEEE, which is a governing, you know a government agency that oversees electrical installations, you know puts...makes recommendations on electrical installations and does some oversight if you're not familiar with IEEE.

There was actually a seminar out west where solar panels were talked about and California is having some issues with their grid right now because of solar panels aging and having so many of them. I think it's a combination effect of that and I can't speak very intelligently about it but if there is anyone on the call that could, I would love to hear that but just to say the things that you mentioned and Ms. Jensen mentioned, those are all new installations.

I would really like to have some information on some older installations.

Dickie Johnson: I can't answer that myself but I've seen solar installations, I know for the last twenty (20) years so not all of them that I have seen were just in the last few years.

Chairman Dixon: Very good. Any other Commissioners have any questions or comments? Are we getting more from Facebook?

Brian Bishop: We have no new comments from Facebook.

Chairman Dixon: Would the applicants like to add anything to what we've heard tonight?

Lina Jensen: Just a quick sum-up that we're really grateful to be here and working with you all. I started off the presentation talking about a few points that we wanted to bring up so I'll just repeat those.

The site plan that we presented does comply with the Henderson County ordinance.

There are a lot of regional benefits that will follow the project as it progresses from construction into operations and we have parallel efforts ongoing regarding due diligence for the process.

Chairman Dixon: Thank you.

Lina Jensen: Thank you.

Chairman Dixon: Anyone else who is joining us this evening by any means, would anyone else like to add anything?

Anything else from the Commission? Questions for staff, for the applicants, for anyone who has given us testimony tonight?

If you have questions, speak up.

I'm going to give those on Facebook who might be trying to get in or anyone else who might want to think about joining us, I'm going to give them a couple of minutes if that's ok.

Once again folks, does anyone have anything they want to add?

Commissioners, do you have any questions or comments?

I really want to make sure that everyone has had an opportunity to contribute to this discussion.

Nothing on Facebook, Mr. Bishop?

Brian Bishop: The last comment made was by Ms. Thompson, fifteen (15) minutes ago.

Chairman Dixon: Ok, and we've been able to....we will be able to provide these people who've asked the proper contact information with

the P.S.C. and with the applicant? We have that information prepared for them, correct?

Very good, if there are no further comments I'll entertain a motion in regard to the Sebree Solar Project Site Plan we've been discussing.

Dickie Johnson: Mr. Chairman, this is Dickie Johnson. I have listened to the comments that were presented here tonight and I feel for every individual that is going to be effected positively and negatively with this project. I want to make a motion to approve the Sebree Solar Project Site Plan, Sebree Solar Project, LLC., a wholly owned subsidiary of NextEra Energy Resources, LLC., proposes to develop a Level III Solar Energy System located approximately

***MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY X.R. ROYSTER TO APPROVE THE APPLICATION FOR THE SEBREE SOLAR PROJECT SITE PLAN, SEBREE SOLAR PROJECT, LLC, APPLICANT A WHOLLY OWNED SUBSIDIARY OF NEXTERA ENERGY RESOURCES, LLC ("NEER") PROPOSE TO DEVELOP A LEVEL 3 SOLAR ENERGY SYSTEM LOCATED APPROXIMATELY SEVEN (7) MILES SOUTH OF THE CITY OF HENDERSON, DIRECTLY NORTH AND WEST OF THE TOWN OF ROBARDS, WEST OF US 41, NORTH OF HWY 416, AND EAST OF US 41A LOCATED IN HENDERSON COUNTY. APPLICANTS ARE REQUESTING SITE PLAN APPROVAL FOR A LEVEL 3 SES SOLAR PROJECT.***

Chairman Dixon: We have a motion and second, any discussion from the Commission?

Before we vote, I would like to thank everybody who has participated in this discussion tonight; from all parties, I think it's been very constructive.

In any case, Madame Secretary please call the roll.

***AYE: ALL***

***(GRAY HODGE ABSTAINED)***

Chairman Dixon: The motion passes. Thank you once again folks.

The next item on the agenda...we have nothing under Administrative Business?

Brian Bishop: That's correct sir.

Chairman Dixon: Under Other Business, we are dealing with **Lot 2 Noretta Dixon Minor Subdivision.**

Brian Bishop: Ms. Marks, before you get started let me get that drawing for you.

Jennifer Marks: Ok.

Brian Bishop: My computer is not cooperating, bear with me one minute folks.

Jennifer Marks: While he is pulling this one up, this is one of the lots we would bring to you all just because of the odd, flag lot shape. As in our Subdivision Regulations, if it is kind of a three (3) to one (1), we do like to bring these to you all for approval.

But with regards to everything else, it does meet our standard Subdivision Regulations as well as frontage requirements and things like that.

Brian Bishop: Before we get started, I think Ms. Jensen is still on line; have you made us host again? It's not letting me share the screen.

Lina Jensen: I thought I gave back control but (inaudible) too?

Brian Bishop: You should, yes, we need...I'm sorry, did you say give control back?

Lina Jensen: Yeah, I gave back control but I'm not...

Brian Bishop: I'll tell you what. If you would, right click on my window and then it should say make host.

Lina Jensen: Oh, ok...make host. Got it, ok.

Brian Bishop: There we go.

Can everyone see the plat Ms. Marks referred to?

Dickie Johnson: Yes.

Gary Gibson: Yes.

Jennifer Marks: Just real quickly, now that you all can see; because of our subdivision regulations and the strongly discouraging of flag lots, this is why we would bring this to you all for approval. However, again, it does meet all frontage requirements and subdivision regulations that we currently have in place.

So, I would just need a motion for approval and we would move forward.

Chairman Dixon: Any questions for staff?

Do we have a motion in regard to this subdivision?

***MOTION WAS MADE BY BOBBIE JARRETT, GARY GIBSON  
SECONDED BY TO APPROVE LOT 2 OF THE NORETTA DIXON  
MINOR SUBDIVISION.***

Chairman Dixon: We have a motion and a second. Madame Secretary, please call the roll.

***AYE: ALL***

Chairman Dixon: Very good, the motion passes.

We have another item here listed under Other Business; Mr. Bishop, would you like to deal with that?

Brian Bishop: Absolutely, I would love to!

I'm not sure if everyone knows but our own Bobbie Jarrett was inducted into the Henderson Women's Honor Court. That was done on September 26.

I think it is a very well deserved honor and that I think we should all congratulate her and give her a big hand.

Dickie Johnson: I agree!

Bobbie Jarrett: Thank you, thank you.

Tommy Joe Fridy: Here, here, congratulations!

Bobbie Jarrett: Thank you. Thank you so much, I appreciate it.

Chairman Dixon: We've always felt fortunate that we've had Bobbie working with us.

If you read the list of activities and responsibilities that she in this community, you would feel *extremely* fortunate to have her working with us because she doesn't have a lot of time left as far as to fit into her schedule! So, we're very glad to have her, it's a great honor, well deserved!

Bobbie Jarrett: Thank you, I appreciate it so much.

Brian Bishop: Mr. Chairman, from staff's standpoint that's all we have at this time.

Chairman Dixon: Does anyone else have anything else that I can bring before us tonight for the good of the cause?

Dickie Johnson: Yeah, does anyone have any problem with stink bugs?

Chairman Dixon: Yeah! We should do something about that, we should rezone something or something! (Laughter)

Dickie Johnson: I thought I would get a little laugh out of somebody. (Laughter)

Chairman Dixon: I've never seen them this bad, myself.

Anyone else have anything they would like to bring forward other than that pressing issue?

If not, I'll entertain a motion to adjourn.

***MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY GRAY HODGE TO ADJOURN.***

Chairman Dixon: We have a motion and a second; all in favor say aye.

***AYE: ALL***

Chairman Dixon: Any opposed?

Very good, we stand adjourned.

Once again, thanks for everyone's patience and attention, and good work.

***MEETING ADJOURNED AT 7:54 PM***

**I, HEATHER LAUDERDALE, hereby certify that the foregoing is a true and accurate transcription of the Henderson City-County Planning Commission Meeting of, October 5, 2021 to the best of my ability.**

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**Heather Lauderdale, HCCPC Clerk**

**X**

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