

**Joint City-County Planning Commission
of
Barren County, Kentucky**

December 18, 2023

The Joint City-County Planning Commission of Barren County, Kentucky met in regular session on Monday, December 18, 2023, at 7:00 PM in the Council Chambers of the Glasgow City Hall.

Chairman Gumm called the meeting to order and called for a roll call of Members. The following Commission Members were present:

Eddie Atnip	Ricky Houchens
Joe Austin	Joan Norris
Lewis Bauer (Zoom)	David Rutherford
Bobby Bunnell	Janis Turner
Thomas Grubbs (Zoom)	Maria Westcott
Tommy Gumm	Candy Wethington
	Forrest Wise

I. GENERAL BUSINESS:

Agenda Item # 1 – Approval of Minutes

A motion was made by Forrest Wise and seconded by Candy Wethington to approve the November 20, 2023, meeting minutes as amended. Motion unanimously carried.

Agenda Item # 2 – Approval of Invoices

The invoices for December were presented for payment.

A motion was made by Eddie Atnip and seconded by Maria Westcott to approve the invoices as presented. Motion unanimously carried.

Agenda Item # 3 – Committee Report

Chairman Gumm appointed a Land Use Committee for informational purposes for Barren County with Eddie Atnip, Chairman, Thomas Grubbs and Bobby Bunnell.

Chairman Gumm appointed a Barren County Subdivision Regulation Review Committee with Lewis Bauer, Chairman, Candy Wethington and Joe Austin.

Agenda Item # 4 – Treasurer’s Report

Janis Turner, Treasurer, presented the Treasurer’s Reports for the period ending November 31, 2023.

Agenda Item # 5 – Director’s Report

Kevin Myatt, Planning Director, reported that there will be training at the beginning of February 2024 in Elizabethtown that will be a free training open to all members, planners and elected officials and is put on by KAPA.

Mr. Myatt also explained that to meet the Kentucky 100 Statutes, specifically the SPGE requirements, the Planning Commission will have to preform an audit of the 2022-23 fiscal year and that the cost is approximately \$5,000 dollars from Campbell, Myers and Rutledge CPA firm. The Planning Commission decided to wait one month to discuss further.

II. SUBDIVISION:

- 1. 121823-01-B – Subdivision Regulations Setback Encroachment Variance Application –** *Geenex Solar LLC, Applicant – Waller Road (PVA Parcel #20-12), New Bowling Green Road (PVA Parcel #20-2BB, 20-5, 19-31, 19-22, 33-7A), Oak Grove Church (PVA Parcel #19-19, 32-21F, 19-10, 32-20B), Millstown Road (PVA Parcel #19-17B, 19-18, 19-5, 19-6E, 32-16A, 32-16B, 19-17A), Apple Grove Road (PVA Parcel #19-8, 32-16), Park City Bon Ayr Road (PVA Parcel #32-17, 32-17A, 32-21), Disman Road (PVA Parcel #32-41C), Mayhew Road (PVA Parcel #32-39), R. Crump Road (PVA Parcel #19-2, 19-3), Dripping Springs Road (PVA Parcel #32-22) – Twenty (20’) foot Variance to the Twenty (20’) foot Rear Yard Setback and Ten (10’) foot to the Ten (10’) foot Side Yard Setback Requirement – Article 503.1.5 of the Barren County Subdivision Regulations – Barren County*

Staff Findings:

1. The applicant has filed a Subdivision Regulations Encroachment Variance Application in the appropriate time and has explained the proposed request, see Attachment A. Attachment E of the Applicants submittal are the sheets signed by the individual property owners.
2. The Applicant is requesting a twenty (20’) foot variance to the twenty (20’) foot Rear Yard Setback requirement and a ten (10’) foot variance to the ten (10’) foot Side Yard Setback requirement, Article 503.1.5 of the Barren County Subdivision Regulations. The variance request is only to the interior lot/tract lines of the participating properties and not to the adjacent non-participating property and landowners.

3. Attachment B is a general vicinity map of the subject property provided by the applicant. The requested variance takes place over Twenty-Seven (27) Tracts along Waller Road, New Bowling Green Road, Oak Grove Church Road, Millstown Road, Apple Grove Road, Park City Bon Ayr Road, Siman Road, Mayhew Road, R. Crump Road, and Dripping Springs Road. Article 201.52 of the Barren County Subdivision Regulations states that solar production facilities are a solar energy system whose sole or primary function is the production, distribution and sale of solar generated electricity. Solar production farms may include multiple landowners, lessee's, and/or properties.
4. The proposed site development, see Attachment C, extends on both the north and south side of Cumberland Parkway and is conveyed over 2,334.61 +/- total acres and is for informational purposes on this agenda item.
5. Attachment D, (which is Attachment B and Attachment D of the Applicants submittal), Explanation of Requests, states that the Setbacks would unnecessarily reduce the area where solar panels and related project infrastructure can be installed.
6. The Explanation of Request also states that the strict adherence to the Setbacks would impose a particular hardship on the project as well as the participating Property Owners.

Mr. Greg Dutton, Applicant Counsel of Frost, Brown & Todd, spoke on behalf of the applicants and presented additional facts and information to support the proposed request in a PowerPoint presentation, which was submitted as an exhibit.

There was some discussion by the Planning Commission members in regard to the pylons being movable or replaceable and not similar to usual stick-built structures that require poured concrete footers and that there would not be an expansion of the project after the variance agenda item.

A motion was made by Bobby Bunnell and seconded by Eddie Atnip to approve the Setback Encroachment Variance Application for Geenex Solar, LLC, Applicant, for the properties located along Waller Road, New Bowling Green Road, Oak Grove Church Road, Millstown Road, Apple Grove Road, Bon Ayr Road, Disman Road, Mayhew Road, R. Crump Road and Dripping Springs Road because granting of the variance would not adversely affect the public health, safety and welfare and will not cause a hazard or nuisance to the public and due to the fact the variance sought is to the internal lot lines of the development and that all structures could be removed as opposed to a structure which would have a poured concrete footer for a typical variance request. Motion unanimously carried.

III. DEVELOPMENT PLAN:

- 1. 121823-02-B – Development Plan – Wood Duck Solar Farm Site Construction – Geenex Solar LLC, Applicant – Property located along Waller Road (PVA Parcel #20-12), New Bowling Green Road (PVA Parcel #20-2BB, 20-5, 19-31, 19-22, 33-7A), Oak Grove Church (PVA Parcel #19-19, 32-21F, 19-10, 32-20B), Millstown Road (PVA Parcel #19-17B, 19-18, 19-5, 19-6E, 32-16A, 32-16B, 19-17A), Apple Grove Road (PVA Parcel #19-8, 32-16), Park City Bon Ayr Road (PVA Parcel #32-17, 32-17A, 32-21), Disman Road (PVA Parcel #32-41C), Mayhew Road (PVA Parcel #32-39), R. Crump Road (PVA Parcel #19-2, 19-3), Dripping Springs Road (PVA Parcel #32-22) – 28 Tracts – 2,334.61 +/- Total Acres – Glasgow – Plans Prepared by Geenex Solar LLC**

Staff Findings:

1. Article 201.52 of the Barren County Subdivision Regulations states that solar production facilities is a solar energy system whose sole or primary function is the production, distribution and sale of solar generated electricity. Solar production farms may include multiple landowners, lessee's, and/or properties.
2. The proposed development is taking place in the Unincorporated area of Barren County, which has no Land Use Plan ordinance. However, Article 511.1 of the Barren County Subdivision Regulations states that a development plan shall be submitted to the Joint-City County Planning Commission for review to verify that all structures proposed are in accordance with Section 503.1.5. The name of the proposed Solar Farm is the Wood Duck Solar Development.
3. The applicant has sought a Variance to the ten (10') foot side yard and twenty (20') foot rear yard building setback requirements found in Article 503.1.5.
4. The development will contain approximately 2,334.61 total acres and lies on the north and south side of the Cumberland Parkway.
5. Attachment B is the proposed Site Plan provided by the Applicant.
 - a. As indicated on the Site Plan the development will consist of rows of solar modules for the majority of the development.
 - b. A fence is proposed around all the modules.
 - c. The development will include an electrical substation for the site as well as a new EKPC substation. An operations and maintenance building is also proposed.

- d. Roadways within the site are shown in red. Material storage and parking areas during construction are shown in the gray hatched squares.
 - e. Wetlands and karst areas are also indicated on the site map. No construction is proposed to take place within these areas.
6. Parcels included in the proposed solar farm are shown on Attachment C. The project will include development on Parcels located on Waller Road, New Bowling Green Road, Oak Grove Church Road, Millstown Road, Apple Grove Road, Park City Bon Ayr Road, Disman Road, Mayhew Road, R. Crump Road and Dripping Springs Road.
7. A Sound Study conducted by Stantec has been presented by the applicant in Attachment D. Page 9 of this study states that sound produced during normal operation of the solar farm will produce sounds heard at 47 decibels. Decibels produced during the construction phase of this project will range from 69 to 74.
 - a. These decibels as they relate to both indoor and outdoor activity are shown on the “Noise Scale” chart included in the portion of the study.
8. Stantec has also prepared a Traffic Impact Study for the proposed site, an excerpt is shown in Attachment E. Per the study, any increased traffic, both during construction and during use will be negligible with no measurable impact on the traffic and/or transportation infrastructure.
9. An estimated economic impact for Barren County due to this project compiled by Consulting Economist Paul A. Coomes, Ph.D. surmises that approximately \$2.4 million dollars in revenues for Barren County will occur due to “Payment in Lieu of Taxes” over four (4) decades. It is also estimated that during the construction phase, approximately 323 new jobs with compensation exceeding \$20 million dollars will occur. See Attachment F.
10. The conclusion of Kirkland Appraisals, LLC, Attachment G, states that according to their analysis there is “no impact on home values due to abutting or adjoining a solar farm as well as no impact to abutting or adjacent vacant residential or agricultural land where the solar farm is properly screened and buffered”.
11. A “Visual Resource Assessment” was also performed by Stantec. The conclusions page of this inclusion is shown in Attachment H. As noted in the Attachment: “Results of this viewshed analysis indicate that the proposed solar arrays associated with the Project will be screened from view in approximately 98.5% of the 5-mile radius VSA”.
12. The applicant proposes landscaping the site to visually shield the development. Attachment I is a landscaping plan provided by the applicant.

- a. The plan includes trees proposed for the bordering areas of the solar modules, spacing of the proposed trees and examples of existing project(s).
 - b. C202, Attachment I, indicates the screening areas in pink on the aerial mapping.
13. The “Glare Hazard Analysis” Conclusion, Attachment J, states that based on the current design, glare is not predicted from the Project for pilots approaching the runway at the Glasgow Municipal Airport or for helicopters hovering over the helipad at TJ Samson Community Hospital.
 - a. Green glare from the Project is predicted to occur for drivers along one segment of Oak Grove Church Road and for four (4) of one hundred forty-seven (147) residents for twenty (20) minutes per day in the late fall and winter months.
 - b. “Overall, glare predicted from the project is very minimal and should not prove bothersome to area residents” as stated within the Glare Hazard Analysis.
14. Using the “Notice Criteria Tool” provided by the Federal Aviation Administration (FAA) to determine if the FAA should be notified of construction intent produced a “negative criteria” result meaning that the FAA does not consider this Solar Farm to impede air traffic.
15. Stantec also provided a “Critical Issues Analysis” of the solar farm development. The conclusion of their study is shown in Attachment K. According to their findings two (2) federally endangered species, seventeen (17) state-endangered species, twenty (20) state threatened species, and one (1) federal candidate species potentially reside in the project area. The Project is located wholly within critical habitat for the Indiana Bat.
 - a. It is also determined that streams associated with the Project would be classified as Waters Of The United States (WOTUS) and would be under the jurisdiction of the United States Army Corps of Engineers.
 - b. Correspondence from the United States Department of the Interior, Fish and Wildlife Service, has also been furnished as an attachment within the study which indicates possible species which may be encountered during the Project as well as potential mitigation measures.
 - c. A “Permit Matrix” has been attached to these findings detailing the appropriate regulatory agency as well as permitting requirements for each potential “Critical Issue”.
16. Attachment L is a Karst Survey and Assessment Report provided by Terracon. It details Karst areas which may be encountered as well as counter measures and construction

restraints for those areas. As indicated on Page 16 of this study the preferred approach to Karst areas is avoidance and initiating a twenty-five (25') foot setback from all Karst features encountered.

17. The "Water Delineation Report" Conclusion and Recommendations, Attachment M, says that Stantec identified eighty-three (83) wetlands and seventy-two (72) streams within the Project Area. A total of 86.66 acres (4.28 %) of the Project Area is within the 100-year floodplain. If the Project were to potentially impact jurisdictional waters, it is recommended to obtain a jurisdictional determination from the United States Army Corp of Engineers.
18. Modules and appurtenances are not proposed within the Flood Hazard Area.
19. As shown in Attachment N, Geenex has made several attempts at Community Engagement including a quarter mile "Door Knocking" campaign in June of 2023 for adjacent property owners of the Wood Duck Solar project footprint.
20. In accordance with Article 511.0 of the Barren County Subdivision Regulations the following criteria must be met:
 - a. Any entity proposing a Solar Energy System (SES) for a Solar Production Farm must meet KRS 278.704 regulations prior to submittal to the Joint City-County Planning Commission.
 - b. Plans are submitted to the Planning Commission; this submittal does meet the requirement.
 - c. No building site shall be constructed to create or increase flooding.
 - d. A Decommission Plan Agreement submitted with the declaration of which current responsible party (or parties) shall remove ALL components and accessories, not to exceed twelve (12) months in length of removal, signed by all party and/or parties with ownership interest and recorded within the Barren County Clerk's Office, see Attachment O.

Staff Recommendation:

It is the Staff's recommendation of approval of the Development Plan subject to the following conditions:

- a. The Decommission Plan Agreement be recorded in the Clerk's Office.

Mr. Greg Dutton, Applicant Counsel of Frost, Brown & Todd, spoke on behalf of the applicants and presented additional facts and information to support the proposed development in a PowerPoint presentation, which was submitted as an exhibit. Mr. Dutton answered questions posed by the Planning Commission Members.

Commission Member Eddie Atnip asked about the financial part of the decommission plan and of whom would be responsible for the regulation.

Mr. Dutton responded that the decommission plan would be recorded in the local Clerk's office and would be incorporated into every lease on record via a memorandum of leases.

Commission Member Maria Westcott asked about the endangered or threatened species that would be affected by the development and if there were any mitigation measures implemented into the proposal.

Mr. Dutton referenced the exhibit to which they submitted and stated that the study has not verified that the species exist on this property but that they may be there in that region. Kentucky Fish and Wildlife will be discussed at the State level when this is presented to the Public Service Commission of Kentucky and at that time, they will have construction and mitigation measures implemented when KY Game & Fish lets them know.

Member Westcott asked if this would affect bird migration patterns.

Mr. Dutton said there is no evidence that the migration patterns of birds are affected by solar panels or by this type of development. It was referenced that the applicants are not affecting the wetlands areas of the development and in addition are extending their setbacks to fifty (50') feet from all wetlands within the development.

Chairman Gumm asked to verify that Kentucky Game and Fish will be engaged and consulted in regard to all endangered/threatened species and bird migration issues.

Kelly Pope, Manager of Project Development with Geenex, said that they would have to be included at the State PSC meeting and that Geenex would abide by all requirements pertaining to the endangered/threatened species list.

A motion was made by Eddie Atnip and seconded by Bobby Bunnell to approve the Development Plan for the Wood Duck Solar Project, Geenex Solar, LLC, Applicants, because the proposed Development does meet the minimum standards set forth in the Barren County Subdivision Regulations Article 511.1 and subject to Staff Findings and Recommendations of approval of the proposed Development with conditions that the Decommissioning Plan be recorded within the Barren County Clerk's office. Motion unanimously carried.

2. 121823-01-G – Preliminary & Final Development Plan – NexAir – NexAir LLC, Applicant / Owner(s) – Property located at 102 Carroll Knicely Drive – 1 Tract – 2.30 +/- Total Acres – Glasgow – Plans Prepared by American Engineers, Inc.

Staff Findings:

1. Attachment A is an application signed by the owner/applicant.
2. Currently the subject property is zoned I-2 (Heavy Industrial District). It is located along Carroll Knicely Drive, a local city street.
3. There is an existing, unoccupied, shell/spec building located on the lot with a gravel parking lot.
4. The entire development contains approximately 2.66 total acres with the entirety of the site being disturbed for this development. The majority of the existing site slopes from south to the north, see Sheet C-100.
5. Sheet C-200 shows detailed drawings with dimensions, etc., for the proposed parking layout and building addition.
 - a. A 45.5' X 60.3' expansion of the existing building is proposed which accommodates a proposed truck dock.
 - b. Drive aisle widths within the public parking areas meet all Glasgow Zoning Ordinance requirements, see Sheet C-200. The passenger vehicle parking area is proposed to be light duty bituminous pavement, while the truck / tank storage area is proposed to be heavy duty.
6. The landscaping requirements of 158.028 (B) do apply with the following exceptions:
 - a. The open VUA (Vehicle Usage Area) requirements of Section 158.028 (2) do not apply to loading, unloading, and storage areas within an industrial zone.
 - b. The screening for service structures required by Section 158.028(3) does not apply to industrial zones.
 - c. The parcel does not meet the requirements of a landscape buffer area (LBA) since it is not adjacent to a residential district.
 - d. Proposed tree and planting details are shown on Sheet L-100.

7. The plans propose six (6) proposed public parking spaces. This does adhere to Section 158.400(9) and (19) of the Zoning Ordinance, parking schedule.
8. The proposed drainage layout is shown on Sheet C-300.
 - a. As shown on the plans, stormwater is proposed to drain to a proposed basin on the northwest corner of the development by sheet flowing and ditching, see Sheet C-300.
 - b. The basin is proposed to empty from a pipe structure onto the adjacent property. As shown by the drainage calculations the runoff coefficient does increase, but the pond is designed to discharge water at the same rate as pre-development.
 - c. Grading is proposed on the adjacent property. Attachment C is an approval letter from the adjacent property owner allowing this work to take place.
 - d. Any grading work done in the right-of-way will require approval from the Glasgow Street Department.
9. Proposed erosion control measures are shown on Sheet C-400.
 - a. Silt fence is proposed along the perimeter of the site at the toe of all slopes.
 - b. The existing entrance is to be used as the construction entrance.
 - c. Erosion control blankets are proposed on the slopes of the proposed ditch along Carroll Knicely Drive and leading to the proposed basin.
 - d. Channel lining is proposed on both the inlet and outlet of the basin piping.
10. Sheet C-500 shows the proposed utility connections for the site.
 - a. The applicant is proposing attachment to the existing force main along Carroll Knicely Drive. A grinder pump and lift station are also proposed. See detail on sheet C-500.
 - b. The development is to be served by an existing fire hydrant across Carroll Knicely Drive from the southwest corner of the property.
 - c. Water service is available at an existing tap adjacent to the subject property. Boring and tapping to be coordinated with Glasgow Water Company.
 - d. Electrical service is available at a pole on the southwest corner of the development.

11. Construction details are shown on Sheets C-600 – C-602.

Staff Recommendation:

It is the Staff's recommendation of approval of the Final Development Plan subject to the following conditions: adequate soil erosion and sedimentation control measures, shown on the approved plans, be implemented during and after site construction in order to reduce soil erosion and to minimize water runoff to the surrounding developments.

A motion was made by David Rutherford and seconded by Joe Austin to approve the Preliminary and Final Development Plan for NexAir, LLC, Applicants, because the proposed Development does meet the minimum standards set forth in the Glasgow Development Plan Ordinance and subject to Staff Findings and Recommendations of approval. Motion unanimously carried.

3. 121823-02-G – Preliminary Development Plan – South Cooper Industrial Park Lot #1 Speculative Building – Barren County Economic Authority, Applicant / Owner(s) – Property located along Beltline Boulevard – Lot 1 – 1 Tract – 21.812 +/- Total Acres – Glasgow – Plans Prepared by Scott and Murphy, Inc.

Staff Findings:

1. Currently the subject property is located within an I-2 (Heavy Industrial) District.
2. The existing tract of land contains 21.812 total acres with approximately 4.86 total acres being disturbed during the speculative phase of construction. The majority of the existing site slopes to the south and west, away from New Bowling Green Road (US 68 / KY 80) sheet C-0.5.
3. As shown on Sheet C-1.0 the Applicant is proposing the construction of a 50,750 ft² industrial speculative building. There is no immediate tenant for the building.
4. For the speculative phase of development, the applicant is proposing that initially only one gravel driveway provides access to the building and ten (10) gravel parking spaces. Once possession of the development has been taken over by future tenants, another development plan approval by the Planning Commission will be required to ensure that the development plan ordinance regulations are met.
5. Sheet C-2.0 through C-2.2 are the detailed proposed grading sheets for the development.
 - a. The storm water runoff generated by the building and site work is to drain via ditches to the south of the building, to a proposed retention pond near the southwestern most property line. The outlet for the pond directs water to a

reducer that restricts water flow rates more than the undeveloped rate before leaving the site.

- i. This sheet also serves as the proposed erosion control measures:
 - 1) Silt fencing is proposed around the perimeter of the north side of the site.
 - 2) A temporary construction entrance is proposed off Beltline Boulevard to the east of the proposed structure. The entrance will be removed once the proposed parking lot is completed.
 - 3) Rock check dams are proposed within the ditch along Beltline Boulevard.
 - 4) Rip-rap is proposed at the ends of all ditch lines.
 - 5) Inlet protection is proposed at the inlets of all structures.
 - b. As shown on the plans, storm water runoff on the north and south side of the building is to drain via guttering/storm drains to the existing detention pond.
 - c. Further explanation of the existing detention pond is shown on Sheet C-2.1 as well as the Pre-Development run-off and Post-Development run-off coefficient for the site. The proposed detention area is designed to accommodate the additional storm water runoff.
 - d. Sheet C-2.2 includes detention calculations for future expansion of the building, including additional paved parking areas. As shown on the plans the existing detention pond will also accommodate the future development.
6. A storm water maintenance agreement must be signed with the City of Glasgow Stormwater Coordinator before Final Approval can be given.
 7. Sheet C-3.0 shows the site utilities. Coordination with the fire department is required for the placement of the hydrant and also designating that area for a fire pit prior to final approval or the submission of building/electrical permits. Electricity to the building is to be supplied from an overhead line coming from the southwest corner of the site.
 8. Details for the erosion control as well as details for the stone and concrete paving are shown on Sheet C-4.0.

Staff Recommendation:

It is the Staff's recommendation of approval of the Preliminary Development Plan subject to the following conditions: adequate soil erosion and sedimentation control measures, shown on the approved plans, be implemented during and after site construction in order to reduce soil erosion and to minimize water runoff to the surrounding developments. Should the applicant seek Final approval to obtain a building permit it is noted that building occupancy cannot occur other than for the purposes of marketing the building to potential tenants without a separate development plan approval and that the stormwater maintenance agreement be signed and submitted and that the fire hydrants and FDC pit be agreed upon by the Glasgow Fire Department.

A motion was made by Eddie Atnip and seconded by Forrest Wise to approve the Preliminary Development Plan for Barren County Economic Authority, Applicant/Owner, because the proposed Development does meet the minimum standards set forth in the Glasgow Development Plan Ordinance and subject to Staff Findings and Recommendations of approval. Motion unanimously carried.

There being no further business to come before the Commission, upon the motion of Forrest Wise, seconded by Candy Wethington, and unanimously carried, the meeting was adjourned at 8:30 PM.

JOINT CITY-COUNTY PLANNING COMMISSION
OF
BARREN COUNTY, KENTUCKY

By: _____

Tommy Gumm, Chairman

ATTEST:

Janis Turner, Secretary-Treasurer