

April 23, 2021

Via email and overnight mail for delivery April 26, 2021

Mindy Bourne (mindy.bourne@poseycountyin.gov)
Executive Director
Posey County Area Plan Commission
126 E. Third St. Coliseum Bldg., Room 223
Mount Vernon, IN 47620

Re: Application by Posey Solar, LLC for Preliminary and Final Development Plan approval

Dear Mindy:

You will be receiving various overnight deliveries that together will constitute the Development Plan ("DP") application for Posey Solar, LLC (the "Project"). We also provide you this link to the [Project data room](#).

These submittals summarized below as set out in the County Solar Zoning Ordinance, as amended on April 20 (the "Ordinance") represent in the experience of Capital Dynamics and Tenaska best practice approaches to the required submittals which we believe together constitute a complete filing under the SECS provisions of the Ordinance.

We ask that you evaluate these submittals for Ordinance compliance and respond back to us with a summary of your review by Friday May 7. We would like to request a special hearing date the week of June 14th of both the Preliminary Development Plan and the Final Development Plan at the same time. If the APC does not want to hold a special meeting, then we would like this matter placed on the June 10 agenda. This should afford the APC, area citizens, and Project stakeholders adequate time for review and should serve the interests of time for all parties. To that end, we would like to suggest a call with you and our Project team next week so that we can do a walk-through with you and Terry Hall of the submittal components.

The submittals are as follows:

1) Per p. 22 of the Ordinance, and the anticipated interpretation of the APC on May 13, your offices will receive the initial Filing Fee in the amount of \$50,000 payable to Posey County, Indiana. The \$50,000 check will be sent directly by Josh Chavez at Arevon. We anticipated that the remaining fee based on \$1,600 per MW will be paid at the time that the final MW is determined which will be at the time of issuance of an Improvement Location Permit ("ILP"). If there is to be a different payee, please advise.

2) Below is a summary of submittal items per Section 153.124.02 of the Ordinance. The documents are included in the Project data room and hard copies are being mailed directly to you from Tenaska.

- A. Project Summary
- B. Applicant and Co-Applicants
- C. Maps that show topography and natural features of the Project site
- D. Site Plan
- E. Copy of communications with Federal, State and Local Entities
- F. Visual Impact Evaluation Report with Viewshed Screening

- G. Noise Evaluation Report
 - H. Telecommunications and Wireless Signals Report
 - I. Natural Resources Impact Report
 - J. We look forward to discussing with you an acceptable manner to address Cost Reimbursements pursuant to Section J.
- 3) Our proposed Safety and Security Plan (to be finalized at time of Final Development Plan).
- 4) Decommissioning Plan that we anticipate will be approved by the County Commissioners (note: we will file the final version of Decommissioning Plan together with the Road Use Agreement (Transportation Plan) at time of Final DP).
- 5) Proposed draft conditions of approval (further detail may follow at time of submittal of remaining Final Development Plan items).
- 6) Findings of Fact per Indiana Statute.
- 7) By our prior email exchange, we request flexibility to shift Project features within the Project area so long as Ordinance development standards are met. Of course a modified Site Plan with non-material changes will be submitted at the time of ILP application. See Ordinance Section 153.126.01 H.

Thank you for your consideration. Please do not hesitate to contact Jarrod, Josh, Kyle and me (as your primary contacts) as you conduct your review. Let us know if we may set a time next week to discuss.

Sincerely,

Mary E. Solada
Indiana Project attorney

MES/cmm
Enclosures

cc: Terry Hall (terry@terryhall.law)
Jarrod Pitts (jpitts@tnsk.com)
Timberly Ross (tross@tenaska.com)
Joshua Chavez (jchavez@arevonenergy.com)
Kyle Gerking (kgerking@tenaska.com)
Steve Johnson (sjohnson@tenaska.com)