

**COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY STATE BOARD
ON ELECTRIC GENERATION AND TRANSMISSION SITING**

In the Matter of the Application of Turkey Creek)
Solar, LLC, for a Construction Certificate to Construct) Case No. 2020-00040
a Merchant Electric Generating Facility)

RESPONSE TO CONSULTANT’S REPORT

Turkey Creek Solar, LLC (“Turkey Creek”), by counsel, hereby provides its response to the Report prepared by BBC Research & Consulting (“BBC”). Turkey Creek supports BBC’s report, as the report recommends that the Siting Board approve the application for a certificate to construct based upon the considerations addressed in that review. Turkey Creek encourages the Siting Board to approve the certificate of construction for its proposed facility, and is willing to commit to certain actions discussed below.

I. BACKGROUND

Turkey Creek proposes to construct a 50-megawatt alternating current photovoltaic (PV) electricity generation facility, situated on agricultural land in Garrard County. It filed an application for a certificate to construct this solar-energy project with the Siting Board on March 27, 2020.

Turkey Creek has communicated extensively with neighbors and local community leaders throughout its planning process. In order to comply with statutory requirements,¹ Turkey Creek held a public meeting on December 10, 2019, to inform the public about the Project and

¹ KRS 278.706 (2)(f).

receive comments from them.² Notice of this meeting was provided to the public through publication in the *Garrard Central Record*. Adjoining landowners and residents of the nearest subdivision (Merriwood Estates) were mailed individual notices.³ In addition to the public meeting, the Project held a neighborhood dinner at 6:00pm on December 9, 2019, also at the Lancaster First Assembly Church.⁴

Communications with the public and local leaders started well in advance of that public meeting. No later than April 2019, Turkey Creek representatives met with the Director of the Lancaster-Garrard County Industrial Development Authority to discuss the Project.⁵ Its representatives also discussed the Project with the Garrard County Judge/Executive, Lancaster Mayor, Lancaster First Assembly's Church's Pastor, Chief of the Garrard County District 1 Volunteer Fire Department and Director of the Garrard County 911 service, State Senator Tom Buford, State Representative Travis Brenda, and Garrard County School Board officials.

Notably, throughout this entire process, there have been no objections to the Project and no intervenors in this case. In fact, the Garrard County School Board even supports Turkey Creek's Project and its motion for a deviation from setback requirements, as evidenced by the letter from Acting Superintendent Ronald "Sonny" Fentress.⁶

Consistent with KRS 278.708(5), the Siting Board retained BBC to review the site assessment report ("SAR") filed by Turkey Creek and provide recommendations concerning the adequacy of the SAR and proposed mitigation measures. Pursuant to subsection (2)(a) of that statute, the SAR is required to have a description of the proposed facility, including surrounding land uses, legal boundaries, proposed access controls, location of structures on the property,

² See Application, Vol. 1, Section 6 – Public Notice Report.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ See Exhibit B to the Motion for Deviation from the Setback Requirements (filed Apr. 8, 2020)

location of roadways, location of utility infrastructure, setbacks, and anticipated noise. The SAR must also include evaluation of four aspects of the project:

1. the compatibility of the facility with scenic surroundings,
2. potential changes in property values and land use resulting from proposed facility for property owners adjacent to the facility,
3. anticipated peak and average noise levels associated with the facility's construction and operation, and
4. impact of the facility's operation on road and rail traffic to and within the facility, including anticipated levels of fugitive dust and any anticipated degradation of roads and lands.

KRS 278.708(2)(b)-(e). BBC focused on these aspects of the project in preparing its report.⁷

For each section, BBC discussed its findings and made certain recommendations.

II. DISCUSSION

A. COMPATIBILITY WITH SCENIC SURROUNDINGS

The first criterion BBC reviewed was the Project's compatibility with its scenic surroundings. As BBC described, "[v]isual impact analysis commonly includes a description of the visual setting, visual features of the facility and its appurtenances, and an identification of places where humans might observe the facility or its components."⁸

With respect to the Project, BBC determined that the "proposed facility would not be incompatible with its surroundings from a scenic standpoint."⁹ It explained that the Project is located on ground that is generally higher in location than the nearest subdivision (Merriwood

⁷ BBC stated that it did not address regional economic impact, electricity market or transmission system effects and broader environmental issues because these topics were outside the scope of KRS 278.708. See BBC Report at B1.

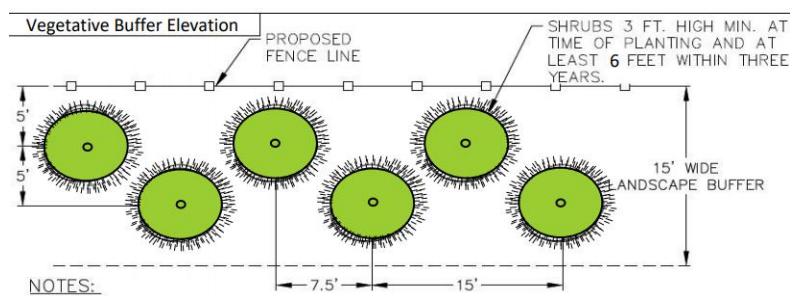
⁸ BBC Report at B2.

⁹ *Id.* at B3.

Estates). Because the solar panels have a relatively low profile, there would be limited or no visibility of the facility from the homes in that subdivision.¹⁰

BBC had two recommended mitigation measures related to the Project’s compatibility with scenic surroundings. First, it recommended the “[p]lanting of native evergreen species as a visual buffer to mitigate viewshed impacts.”¹¹ It specifically stated that it “agrees with Turkey Creek’s proposal to plant ‘a vegetative buffer . . . if one does not already exist. This buffer will consist of two staggered rows of evergreen shrubs, approximately 15 feet wide and at least three feet in height at time of planting” around “sections of the Project that adjoin roadways and other properties.”¹²

Turkey Creek agrees with this first recommendation.¹³ With the collaboration of neighboring property owners,¹⁴ Turkey Creek proposed to have a vegetative buffer where one did not previously exist. Specifically, it proposes a buffer of “two staggered rows of evergreen shrubs, approximately 15 feet wide and at least three feet in height at time of planting.” A diagram of the proposed vegetative buffer was provided as Exhibit C to Turkey Creek’s Response to BBC’s Initial Request for Information and shown below.



¹⁰ *Id.*

¹¹ *Id.* at B5.

¹² *Id.* at C12.

¹³ In BBC’s summary of recommendations on page B5, it appears that BBC erroneously suggested that trees in the vegetative buffer be 15-feet wide, as opposed to the buffer itself be 15-feet wide with two rows of plants. The specific recommendation in the detailed analysis on page C12 refers to the buffer being 15-feet wide. Turkey Creek requests that any requirement for a vegetative buffer be based on Turkey Creek’s proposal.

¹⁴ See Application, Vol. 2, Section 2 – Compatibility with Scenic Surroundings (“These neighbors have had input in the placement of some of the visual buffers associated with the facility.”)

BBC's second recommendation¹⁵ supported the "[c]ultivation of at least 2 acres of native pollinator-friendly species onsite," which Turkey Creek proposed in its application.¹⁶ Turkey Creek continues to support this part of its Project.

BBC also correctly stated in its summary of "mitigation recommendations" that "Turkey Creek Solar had an Environmental Site Assessment (ESA) Phase 1 completed for the site, which was provided with their SAR."¹⁷ Turkey Creek filed the ESA Phase 1 study prepared by Palmer Engineering as Exhibit D to the SAR. The study determined that "no further action on the subject property is recommended unless there is a need to remove the USTs [underground storage tanks] on site or some issue regarding these arises."¹⁸ To date, Turkey Creek's intent is to leave the USTs in place; however, if the USTs must be removed at a future date, Turkey Creek will remove such USTs in accordance with all applicable laws and prudent industry practice.

Turkey Creek notes that BBC states in its report that "[t]here appear to be no actual buildings associated with the proposed Turkey Creek facility."¹⁹ Turkey Creek would like to clarify that it has not decided whether to tear down the barn and several other structures in the middle of the site, whether it will use the existing structures to support its Regenerative Energy program, or tear down and replace the existing structures with comparably sized and functioning structures.

B. POTENTIAL CHANGES IN PROPERTY VALUES

The second criterion BBC reviewed was the Project's potential impact on the changes in property values for adjacent property owners. BBC looked at whether or not, and to what extent,

¹⁵ BBC Report at B5.

¹⁶ See Application, Vol. 2, Section 6; see also Exhibit C to Turkey Creek's Response to BBC's Initial Request for Information (showing the approximate location of the proposed pollinator area).

¹⁷ BBC Report at B5.

¹⁸ Application, Vol. 2, SAR Exhibit D at 12.

¹⁹ BBC Report at C4.

property values of other land owners will change as a result of development and operation of the proposed Turkey Creek facility.

BBC examined the impact study produced by Kirkland Appraisals, LLC,²⁰ as well as “recent studies and articles related to potential concerns regarding solar facility effects on nearby property values.”²¹ It poignantly noted, “Although concerns regarding nearby property values have been one of the issues raised by project opponents [for other solar projects], no data or analysis has been provided to substantiate that concern.”²²

Ultimately, BBC concluded that “the proposed facility is unlikely to have measurable impacts on the property values of adjacent properties or other properties in the vicinity of the project.” Accordingly, no mitigation efforts are necessary.

C. ANTICIPATED NOISE LEVELS

The third criterion BBC reviewed was the Project’s peak and average noise levels associated with construction and operation of the proposed Turkey Creek facility. BBC examined the Noise and Traffic Assessment provided by Turkey Creek,²³ which concluded that the noise generated during construction “will not be significant against the background of noise from other sources in the area” and operational “noise from the daily operation of the proposed facility’s panel tracking motors and inverters will not significantly contribute to noise within the assessment area.”²⁴

On the issue of noise levels, BBC made the following conclusion:

The noise generation from a solar facility’s panel tracking motors and inverters is not substantial, particularly when compared with conventional power plants and associated equipment. Given the

²⁰ This impact study was attached to Turkey Creek’s SAR as Exhibit A.

²¹ BBC Report at B3.

²² *Id.*

²³ The Noise and Traffic Assessment was attached to Turkey Creek’s SAR as Exhibit C.

²⁴ BBC Report at C17.

moderate decibel ratings of the facility's motors and inverters, the distance between the proposed facility's noise-emitting equipment and the nearest residences, and the installation of vegetative buffers that will mitigate both the visual and audible impacts of the facility, BBC concludes that noise levels at the proposed facility during normal operations will not be a significant concern.²⁵

BBC also noted that on-site noise levels may be increased during construction, including during the delivery of materials. Accordingly, BBC recommends that construction activity and delivery of materials to the site should be limited to the hours between 7 AM and 9 PM. Turkey Creek agrees with this recommendation.

D. EFFECT ON ROAD TRAFFIC

The fourth criterion BBC reviewed was the Project's impact on road and rail transportation, including traffic effects, such as congestion, safety, fugitive dust, and degradation of the transportation infrastructure. With no impact on railroads, BBC focused on impact to roadways and vehicular traffic.

BBC explained that the Project is adjacent to two major roadways: SR 39 and US 27.²⁶ Initial operations will require delivery of materials by truck, but that delivery traffic will slow towards the end of the installation period.²⁷ Traffic volume would also increase during construction due to workers travelling to the site.²⁸ During normal operations of the facility, there will be "very little impact on traffic flows."²⁹

As previously suggested by Turkey Creek in responses to information requests, BBC recommended that Turkey Creek "develop a traffic management plan to minimize the impacts of this traffic increase and keep traffic safe. Part of this plan will be to maintain all traffic/staging

²⁵ *Id.* at C18.

²⁶ *Id.* at B4.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.* at C22.

onsite.” In addition, BBC noted that an entrance on SR 39 for the facility is jointly used by a local volunteer fire department, and recommended that the traffic management plan include “protocols to make sure the fire department has immediate access to the driveway onto SR 39 when needed.”³⁰ Turkey Creek agrees to these recommendations.

E. ADDITIONAL CONCLUSIONS AND RECOMMENDATIONS

BBC also commented on a few other features of Turkey Creek’s site assessment report. It concluded that Turkey Creek “has generally complied with the legislative requirements for describing the facility and site development plan.”³¹ BBC mentioned that Turkey Creek clarified certain facts during the discovery process, including the total acreage of the site in comparison to the acreage that would be used for the facility.³²

Likewise, BBC noted an “apparent discrepancy in terms of the distance between the nearest home and solar panel, which is cited as 240 feet in the Property Value Impact Study and 400 feet in the Noise and Traffic Assessment.”³³ Turkey Creek believes that it has now explained that discrepancy in response to Item 4 of the Siting Board’s Second Request for Information.

BBC determined that “the access control identified in the SAR is generally consistent with industry standards, but should also include appropriate signage to warn potential trespassers.”³⁴ Turkey Creek agrees with BBC’s recommendation and will commit to placing “High Voltage Keep Out” or equivalent warning signs along the perimeter at approximately every 100-200 feet and at all gates/entrances.

³⁰ *Id.*

³¹ *Id.* at C8.

³² *Id.*

³³ *Id.* at B5.

³⁴ *Id.* at C8.

III. CONCLUSION

Turkey Creek is pleased with BBC's favorable report, in which BBC states, "the Turkey Creek site appears to have been well selected in terms of both access to existing transmission infrastructure and modest local impacts."³⁵ It appreciates the time that BBC has invested in its review of the Project and believes that the recommendations are generally reasonable.

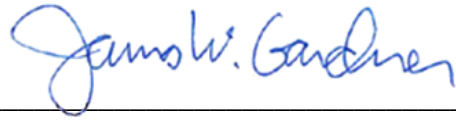
Accordingly, Turkey Creek can commit to the following actions discussed above:

- Turkey Creek will plant native evergreen species as a visual buffer to mitigate viewshed impacts. Plantings to primarily be in areas directly adjacent to the Project without existing vegetation. This buffer will consist of two staggered rows of evergreen shrubs, approximately 15 feet wide and at least three feet in height at time of planting around sections of the Project that adjoin roadways and other properties.
- Turkey Creek will ensure cultivation of at least 2 acres of native pollinator-friendly species onsite.
- Turkey Creek will place "High Voltage Keep Out" or equivalent warning signs along the perimeter at approximately every 100-200 feet and at all gates/entrances.
- Construction activity and delivery of materials to the site will be restricted to the hours between 7 AM and 9 PM.
- Development of a traffic management plan to minimize the impacts of this traffic increase and keep traffic safe. Part of this plan will be to maintain all traffic/staging onsite." The traffic management plan will also include protocols to make sure the fire department has immediate access to the driveway onto SR 39 when needed.

Based on BBC's recommendation and Turkey Creek's commitments explained above, Turkey Creek respectfully requests Siting Board approval of the certificate to construct this facility.

³⁵ *Id.* at B5.

Respectfully submitted,



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