

**SITING BOARD STAFF'S SECOND REQUEST FOR
INFORMATION TO HORUS KENTUCKY 1 LLC
(with Confidential Information in Highlight)**

Horus Kentucky 1 LLC provides the following responses to the Siting Board Staff's Second Request for Information. The following exhibits are attached hereto as a part of this response:

- A. Preliminary Construction Schedule
- B. Revised Site Plan Layout Map
- C. Revised Sound Level Assessment Report
- D. Conditional Use Permit Applications
- E. Phase I Archaeological Survey
- F. Architectural Survey
- G. Digital Surface Model
- H. Kentucky Technical Advice Memorandum KY-TAM-21-01
- I. Lease Agreement Copies
- J. Returns of Service

1. Refer to Horus Kentucky 1's response to Staff's First Request for Information (Staff's First Request) Item 24 (a) and (b).

a. Provide a list of the different construction activities, or types of activities, required to complete the Project, in the order that they are likely to occur: Please refer to **Exhibit A** for the **Preliminary Construction Schedule Document** which details the anticipated construction activities with associated timelines. The general construction activities include the following: civil works, pile installation, tracker installation, modules installation, electrical installation (AC/DC works), and commissioning.

b. Provide a tentative or preliminary schedule for those activities, which according to the response to Item 24 (b), will occur sequentially: Please refer to **Exhibit A** for the **Preliminary Construction Schedule Document** which provides a tentative and preliminary schedule for anticipated construction activities. It should be noted that mechanical activities are anticipated to occur sequentially, but not across the entire project. Civil work and electrical installation are anticipated to take place at different times in different areas of the project.

c. Confirm the response to Item 24 (b) implies that individual construction activities for Horus Kentucky 1 will not overlap: Per the **Preliminary Construction Schedule Document** presented in **Exhibit A**, some activities will overlap as different trades are anticipated to be assigned to different project areas/locations. For example, civil work may be occurring in one area of the project while panel installation would be occurring in another area of the project where civil work may have already been completed. In addition,

seasonal weather variations could significantly impact the exact schedule and Horus Kentucky 1 will need to remain as flexible as possible to adjust to fluctuating field conditions.

2. Refer to Horus Kentucky 1's response to Staff's First Request Item 24 (c). Indicate which quarter of the construction year will be the peak period: [The second quarter of 2022 is anticipated to be the peak period.](#)

3. Refer to response Horus Kentucky 1's response to Staff's First Request Item 24 (d). Provide the range of on-site construction workers over the 12-month construction period: [The following is the anticipated range of on-site construction workers over the construction period:](#)

- [Month #1 – Month #2: 50 workers](#)
- [Month #3 – Month #4 : 100 workers](#)
- [Month #5 – Month #6: 300 workers](#)
- [Month #7 – Month #10: 100 workers](#)
- [Month #11 – Month #12: 50 workers](#)

4. Refer to Horus Kentucky 1's response to Staff's First Request Item 24 (e). Provide the days of the week and times of day that construction activity is allowed, per the Simpson County building requirements: [According to the Simpson County Planning Director, Carter Munday, there are no specific prescribed hours for construction. However, based on both industry experience and desire to be a "good neighbor", Horus would limit construction from 7 a.m. until 8 p.m. during Monday through Saturday, with the exception of any holidays. It should be noted that the County would reserve the right to contract those hours if need be and may even set hours in the "Conditions" to the Conditional Use Permit, which is still in discussion.](#)

5. Refer to Horus Kentucky 1's response to Staff's First Item 24 (h). State whether the Simpson County building requirements allow for construction activities on Sundays: [Simpson County Building Requirements allow for construction activities on Sundays. However, and as stated in Response to Request 4 above, the Applicant intends to limit construction to Monday through Saturday absent rare, unforeseen circumstances.](#)

6. Refer to Horus Kentucky 1's response to Staff's First Request Item 27 (f)

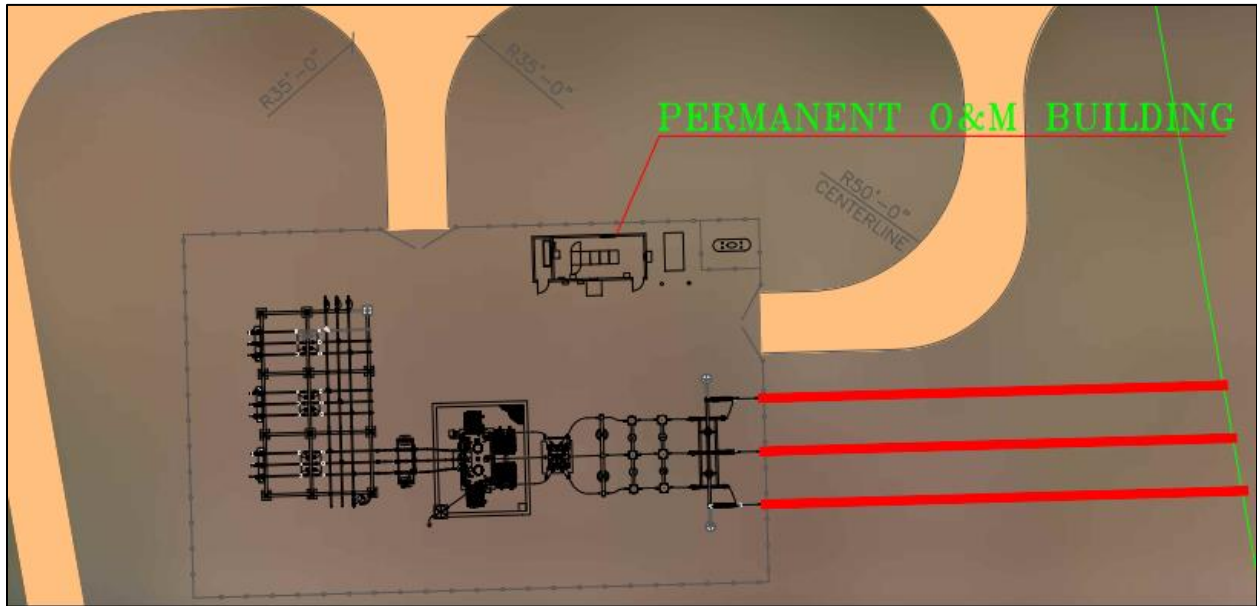
a. Confirm that the risk avoidance areas are related to geological features or conditions on the Project site: [Confirmed, the risk avoidance areas were determined through the Preliminary Karst Assessment \(originally provided in Appendix K-Additional Due Diligence Reports of the Application\). The following aerial shows the avoidance areas \(circled in red outline\), which were then incorporated into the **Revised Site Plan Layout Map** provided in **Appendix B:**](#)



- b. Confirm that no construction activities will occur within any of the risk avoidance areas: [Confirmed](#).
 - c. Confirm that no Project facilities or infrastructure will be located within any of the risk avoidance areas: [Confirmed](#).
 - d. Confirm that land within any of the risk avoidance areas will not be disturbed: [Confirmed](#).
7. Refer to Horus Kentucky 1's response to Staff's First Request Item 27 (g).
- a. Confirm that the Project site includes one Excluded Zone: [Confirmed](#).
 - b. Confirm that the Excluded Zone includes an occupied residential property: [Confirmed](#).
 - c. Confirm that the Excluded Zone is a property in which the landowners have decided not to participate in the Project: [The Excluded Zone includes residential property and existing structures currently owned by one of the landowners \(Summers\) that is participating in this project.](#)
 - i. If confirmed, provide any comments or concerns received from that landowner: [No concerns as the landowner \(Summers\) is currently participating in this project.](#)

- ii. Provide the distance between the home (residential structure) located within the Excluded Zone and the closest point of the Project footprint: 250 feet.
- iii. Provide the distance between the property boundary of the Excluded Zone and the closest point of the Project footprint: What has been referenced as the “Excluded Zone” is not an independent property for which there is a “property boundary”. The Excluded Zone is a portion of the property owned by one of the lessees (Summers), a participant in the Project.

8. Refer to Horus Kentucky 1’s response to Staff’s First Request Item 29. Identify the location of the permanent building to be located on-site and used as a maintenance shed: Please refer to **Exhibit B** for the **Revised Site Plan Layout Map** – the third page shows the location of the permanent O&M maintenance shed, to be used to store electrical control equipment, which will be located to the north of the substation:



9. Refer to Application, Appendix I, page 7 of the Property Value Impact Study and Horus Kentucky 1’s response to Staff’s First Request, Exhibit E, Zoning Regulations for city of Franklin and Simpson County Kentucky.

- a. Explain how the Project will meet the Simpson County setback requirements for solar farms, which includes a 250-foot distance “from any abutting residential zoned properties. . . ” when four adjacent residential properties are listed as having homes less than 250 feet from the closest solar panels: The Applicant intends to either request a variance as allowable under the *Franklin-Simpson Zoning Regulations* or update its site plan layout to reflect compliance.
- b. Provide a list of the distances between the Project footprint and the closest edge of each adjoining residential property (not the distance to the home itself.): Please refer to

Exhibit B for the **Revised Site Plan Layout Map** – the second page shows a map with corresponding table with list of distances to the adjoining residential properties:

| LIST OF DISTANCES | | | |
|----------------------|---------------|---------------|-------------------------|
| RESIDENTIAL PROPERTY | LATITUDE | LONGITUDE | DISTANCE TO THE PROJECT |
| 1 | 36°40'32.26"N | 86°32'49.24"W | 37 Ft |
| 2 | 36°40'38.26"N | 86°32'42.49"W | 330 Ft |
| 3 | 36°40'30.62"N | 86°32'38.35"W | 32 Ft |
| 4 | 36°40'11.42"N | 86°32'6.63"W | 850 Ft |
| 5 | 36°40'4.72"N | 86°31'45.53"W | 640 Ft |
| 6 | 36°39'48.36"N | 86°31'51.93"W | 32 Ft |
| 7 | 36°39'14.58"N | 86°31'34.29"W | 350 Ft |
| 8 | 36°39'4.33"N | 86°31'51.93"W | 1000 Ft |
| 9 | 36°39'12.46"N | 86°32'10.77"W | 850 Ft |
| 10 | 36°39'19.19"N | 86°32'27.26"W | 975 Ft |
| 11 | 36°39'28.67"N | 86°32'55.60"W | 1082 Ft |

c. Provide evidence that the Project meets the current County setback requirements, as applicable to solar farms: As stated in Response to subpart (b) above, the Revised Site Plan Layout Map for the Project indicates the Project is currently in compliance with the current County setback requirements except with respect to Residential Properties 1, 3, and 6. As stated in Response to subpart (a) above, the Applicant intends to either further revise the Site Plan or request a variance from the County in compliance with the *Franklin-Simpson Zoning Regulations*.

10. Refer to Application, Appendix I, page 7 of the Property Value Impact Study and Horus Kentucky 1's response to Staff's First Request, Exhibit A, Table 6 of the Sound Study.

a. Explain why Table 6 includes one residence within 300 feet of a solar panel, while the Property Value Impact Study states four residences within 300 feet of a solar panel: Please refer to **Exhibit C** for the **Revised Sound Level Assessment Report**. The GIS analysis conducted for the Sound Study only indicated one residential structure within 300 feet of a solar panel. The Sound Study report identifies this residential structure as Receptor 01 with an address of 292 Tyree Chapel Road, which is approximately 158 feet from the nearest proposed solar panel. This residence correlates to Tax Parcel #3 in the Property Value Impact Study. The Property Value Impact Study identifies 3 other parcels, #5, #6, and #12 as also being within 300 feet to the closest solar panel. Based on the best available resources (aerial imagery, Simpson County Tax Parcel mapping), we were not able to confirm the existence of any typical residential structures located within the parcel identified as #5 (listed as 172 Hendricks Road in the Simpson County Tax Parcel map). Based on the findings of the Property Value Impact Study, we assumed that one of the structures located near the pond within Parcel #5 was a residential structure and revised the Sound Study to include it as a noise sensitive receptor, Receptor #63. The Property Value Impact Study claims the residence identified within Parcel #5 is 165 feet from a solar panel, but based on the data available to us, the absolute closet distance to a solar panel from this residential structure is approximately 536 feet. Regarding Parcel #6, the Sound Study has been revised to include a noise sensitive receptor, Receptor #64, at what we originally assumed to be an abandoned residential structure approximately 1,700 feet south of Hendricks Road. We were not able to find an address for this residential structure from any of the available resources (aerial imagery, Simpson County Tax Parcel

mapping). Regarding Parcel #12, we revised the Sound Study to include a noise sensitive receptor, Receptor #65, at what we originally assumed to be an abandoned residential structure located at 1666 Tyree Chapel Road. In summary, based on our revised evaluation of these properties it appears that there are three properties within 300 feet of a solar panel (Receptors #1, #64, and #65). The fourth property in the Property Value Impact Study (Parcel #5 / Receptor #63) identified as being within 300 feet from a solar panel does not appear to contain any potential residential structures closer than 536 feet from a solar panel.

b. Provide a revised version of Table 6, if necessary: Table 6 has been revised to include the new receptor data and renamed Table 7 to follow the sequential numbering of the tables in the **Revised Sound Level Assessment Report** in **Exhibit C**.

11. Refer to Horus Kentucky 1's response to Staff's First Request Item 36.

a. Explain the recourse that can be taken by the Zoning Board if the Project is found to not meet the applicable setback requirements at any time: Pursuant to Section 12.3.2 of the *Franklin-Simpson Zoning Regulations*, the Board of Adjustment may revoke a conditional use permit for noncompliance as set forth in the regulation submitted here for ease of reference:

12.3.2 Revocation of Conditional Use Permit

a. The Board of Adjustment has the power to revoke a conditional use permit if the landowner for non-comply with the conditions thereto. Furthermore, the board shall have the right of action to compel offending buildings or uses removed at the cost of the violator and may have judgment in person for such cost.

b. Procedure: The administrative officer shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually or more often if requested by the Board of Adjustment, to determine if the all conditions which were listed on the conditional use permit are being met.

c. Power to inspect: The administrative officer shall have the power to inspect the land or building where the conditional use is located in order to ascertain that the landowner is complying with all the conditions which are listed on the conditional use permits.

d. Report of violation: If the landowner is not complying with all the conditions listed on the conditional use permit, the administrative officer shall report the fact in writing to the chairperson of the Board of Adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the chairperson of the Board of Adjustment.

e. Public hearing: The Board of Adjustment shall hold a hearing on the report within thirty (30) days of receipt of the report, and notice of the time and place of the hearing shall be furnished to the landowner at least one (1) week prior to the hearing.

f. Action of the Board of Adjustment: If the Board of Adjustment finds that the facts alleged in the report of the administrative officer are true and that the landowner has taken no steps to comply with them between that date of the report and the date of the hearing, the Board of Adjustment may authorize the administrative officer to revoke the conditional use permit and the Board of Adjustment shall take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

b. Confirm whether the Project will require a deviation from the setback regulations: See Answer to Request No. 9, above.

c. Explain whether there is any opportunity for the Applicant to request a deviation from the setback regulations: Pursuant to Section 12.4 of the *Franklin-Simpson County Zoning Regulations*, an applicant may request a variance from the Board of Adjustment from the setback regulations. The relevant Regulations, in their entirety, are as follows:

12.4 Request for Variance

12.4.1 The Board of Adjustment may approve or deny any application for a variance. In granting a variance, the Board of Adjustment may attach thereto such conditions regarding the location, character and other features of the proposed building, building or use as it may deem advisable in the furtherance of the purposes of these regulations.

12.4.2 Findings Necessary To Grant A Variance

Before any variance is granted, the Board of Adjustment must find that the granting of the variance will not:

- a. Adversely affect the public health, safety, or welfare, will not alter;
- b. Alter the essential character of the general vicinity;
- c. Cause a hazard or a nuisance to the public;
- d. Allow an unreasonable circumvention of the requirements of these Zoning Regulations.

In making these findings, the Board of Adjustment shall consider whether:

- e. For a lot of record:
 - i. That the lot of record is of an unusual shape, smallness of size or other extraordinary physical conditions not of the making of the property owner or their predecessor in title.
 - ii. That the property owner is deprived of a reasonable capacity to use the land in a manner equivalent to the use

permitted other landowners whose land is in the same zoning district classification.

iii. That the conditions which warrant a variance existed at the time these zoning regulations were adopted.

f. For other variances (such as the height of a building on a conforming lot or the size of an open space):

i. The requested variance arises from special circumstance which do not generally apply to land in the general vicinity, or in the same zoning district classification;

ii. The strict application of the provisions of the Zoning Regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and

iii. The circumstances are the result of actions of the applicant taken subsequent to the adoption of these Zoning Regulations.

12.4.3 Variances Which Are Prohibited

The Board of Adjustment shall not possess the power to:

a. Grant a variance to permit a use of any land, or building which is not permitted in the zone district where the property is located;

b. Permit a use not authorized by these regulations;

c. Alter the density requirements of the zoning district where the property is located;

d. Permit the expansion of a nonconforming use.

12.4.4 Granting a Variance

The approval granted by the Board of Adjustment must contain the following:

a. A listing of the specific conditions in detail which are unique to the applicant's land and do not exist on other land in the general vicinity or in the same zoning district.

b. The manner in which the strict application of the provisions of these regulations would deprive the applicant of the reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zoning district.

c. That the unique conditions and circumstances are not the result of actions of the applicant taken after the adoption of these Zoning Regulations.

- d. Reasons that the variance will preserve and not harm the public safety and welfare and will not alter the essential character of the neighborhood.

12.4.5 Variance Runs With the Land

A variance applies to the property for which it is granted, and not to the individual who applied for it. The variance runs with the land and is transferable to any future owner of the land but may not be transferred by the applicant to a different site.

d. Explain how the Conditional Use Permits were approved without review of any Project plans: The Conditional Use Permits were approved without review of the Project plans in compliance with Section 8.15.3 of the Franklin-Simpson County Zoning Regulations.

A Conditional Use Permit Application, in general, need contain “the application form and a plan”. See Franklin-Simpson County Zoning Regulations. Section 8.15.3. The plan, drawn to scale, shall show as a minimum, the dimension of the lot to be built upon, the outside dimensions of all existing buildings and all buildings to be constructed or altered. In addition, the use of buildings, yard depths, and any other information necessary in order to refer a decision on the conditional use permit.” Id. The conditional use permit applications (attached hereto as Exhibit D) contained the application form as well as the legal descriptions of the property to be built upon, and an arial map for reference in compliance with the “plan” requirement of Section 8.15.3 of the Franklin-Simpson County Zoning Regulations. These conditional use permits were approved following the notice and hearing requirements of the Franklin-Simpson County Zoning Regulations.

As outlined in Response to subpart (e) below, Section 9.8 of the Franklin-Simpson County Zoning Regulations require a development plan be submitted which will include the required review of the project plans.

e. Explain whether the Zoning Board will complete a more in-depth review, including setbacks, when final Project plans are complete: As stated within Section 9.8 of the *Franklin-Simpson County Zoning Regulations*, a project granted a conditional use permit under this section requires there be a development plan submitted. The development plan must include the following:

1. The location and dimensions of all proposed areas for placement of solar panels, screening and fencing and related structures.
2. Any preexisting structures on the same property and principle structures on other properties that would affect placement of solar panels.
3. Parking and access areas.
4. Location of any proposed solar access easements.
5. Locations for wiring interconnections to system components.
6. Site access must be secured by a fence of at least 6 foot in height. A vegetative landscape buffer may be provided between the fence and the property line under

the Planning Commission's recommendation for location and type so as long as it does not impair the system efficiency.

7. Site must adhere to the applicable sections of the international building code and national electric code.

8. Any glare generated by the system must be mitigated or directed away from adjoining property or adjacent roadway when it creates a nuisance or safety hazard for passing motorist.

9. Decommissioning plan that describes the anticipated life of the solar farm, the estimated costs in current dollars, the method for ensuring that the funds will be available for decommissioning and restoration and the manner in which the farm will be decommissioned and the site restored. Following a six-month period in which no electricity is generated, the permit holder will have six months to complete decommissioning of the solar farm. Decommissioning includes removing of solar panels, buildings, cabling, electrical components, and any other associated materials.

10. Property must be maintained to standards maintained within international property maintenance codes and local ordinances.

See Franklin-Simpson County Zoning Regulations Section 9.8. Pursuant to Section 13.1 of the Franklin-Simpson County Zoning Regulations, the development plan's purpose is to:

Demonstrate to the Planning Commission the character and objectives of the proposed development;

There is sufficient capacity of community facilities and services to adequately provide for the proposed development and the proposed development will not adversely impact or over burden those services.

Demonstrate there will be no adverse impact on the character of the neighborhood.

Demonstrate there will be no adverse impact on the community.

Provide the Planning Commission adequate detail for it to evaluate the proposed development and determine what shall be binding on the use and development of the property.

The Applicant is currently in active communication with local officials to prepare a development plan consistent with the requirements of the *Franklin-Simpson County Zoning Regulations* and the specifications contained within the present application. The Applicant expects to submit the finalized development plan to the County officials in early November 2021.

Further, and as discussed in Response to Request 11(a) above, the County will ensure compliance with the setback requirements and compliance with the development plan and retains the right to revoke the conditional use permits for the Project for noncompliance.

12. Refer to Horus Kentucky 1's response to Staff's First Request, Exhibit E Zoning Regulations for city of Franklin and Simpson County Kentucky. Provide the distance between the Project footprint and the edges of Kitchens Cemetery: [At least 250 feet.](#)

13. Refer to Application, Appendix A Map of Residential Neighborhoods Surrounding Proposed Facility.

a. State whether there are any nursing homes or schools within the 2-mile radius indicated on the map: [There are no nursing homes or schools within the 2-mile radius indicated on the map. The closest nursing home is the New Haven Assisted Living \(1119 Brookhaven Road\) located approximately 2.11 miles northwest of the project. The closest school is the Simpson Elementary School \(721 Witt Road\) located approximately 3.5 miles northwest of the project.](#)

b. If so, provide a list of those facilities and their distance from the Project footprint and a revised map that identifies those nursing homes and schools: [Not applicable, refer to answer 13 \(a\).](#)

14. Refer to Horus Kentucky 1's response to Staff's First Request Item 39. Explain what the designation of the Kitchens Cemetery as an "Architectural Resource" means and the significance of the cemetery given that designation: [The **Architectural Survey** provided in **Exhibit F** does not state that the Kitchens Cemetery is an "Architectural Resource". As part of the National Environmental Policy Act \(NEPA\) and Section 106 compliance process, Horus Renewables conducted an Architectural Survey of the Horus Kentucky 1 Project to identify and evaluate above-ground historic resources within the Area of Potential Effects that could be eligible for inclusion in the National Register of Historic Places \(NRHP\). The Architectural Survey refers to Kitchens Cemetery as "Resource No. SI 536/Archaeological Site No. 15Si64", as Kitchens Cemetery is a previously recorded historic resource within the Kentucky Historical Commission's files. The Architectural Survey further reports that cemeteries and graves do not qualify for NRHP listing unless they are associated with persons of exceptional significance \(and is the only or best physical representation associated with that person\), of outstanding age within its geographic and cultural context; feature distinctive design features; or were part of noteworthy historic events. The Kitchens Cemetery is not associated with a significant historic figure or event and is unlikely to yield information important to the history of the area. The Kitchens Cemetery does represent distinctive characteristics of a type, period, and method of construction; however, the cemetery is not the best example of an early twentieth century rural cemetery. For these reasons, Resource No. SI 536 – Kitchens Cemetery was not recommended ineligible for inclusion in the NRHP. In addition, the **Phase I Archaeological Survey** is provided in **Exhibit E**, which goes into further detail about the headstones located within the Kitchens Cemetery.](#)

- a. Explain which agency made that designation: This question does not apply as the Kitchens Cemetery was not designated as an “Architectural Resource”, Kitchens Cemetery is a previously recorded historic resource within the Kentucky Historical Commission’s files.
- b. Explain who is responsible for the preservation of the cemetery: It is unknown who is responsible for the preservation of the cemetery, but the current landowner (Mr. Hoffman) has been responsible for maintenance and upkeep of the cemetery as it is located within their property.
- c. Explain any legal or other limitations on activities in and around the cemetery: The Kitchens Cemetery, although not considered to be a historic property, should be avoided from ground disturbing activities as it is protected by Kentucky state law. In addition, Simpson County requires 250-foot setbacks from cemeteries.
- d. Explain how the cemetery is currently accessed by visitors: Anyone visiting the cemetery is currently trespassing onto Mr. Hoffman’s private property.

15. Refer to Horus Kentucky 1’s response to Staff’s First Request Item 41 (c).

- a. Explain how carpooling to the Project site will be enforced: Each morning, workers will gather in the hotel parking lots and will be driven across I-65 to the site by a designated driver, which will be assigned by the Engineering, Procurement, and Construction (EPC) contractor. This approach will continuously be updated as workers join and leave the project construction.
- b. Explain where construction workers would park off-site in order to carpool together: A specific collection point will be defined where sets of workers will meet the designated driver as assigned by the EPC contractor. The pick-up locations will be dispersed between six hotels that are all located directly across the highway from the project where workers are anticipated to stay during construction. The hotels are as follows: The Quality Inn (3794 Nashville Road), Baymont by Wyndham (162 Anand Drive), Super 8 by Wyndham (3811 Nashville Road), Econo Lodge (3894 Nashville Road), Holiday Inn Express (85 Neha Drive), and the Hampton Inn (4010 Nashville Road).
- c. Explain whether the on-site parking area(s) will be limited such that the estimates of 25 vehicles per day on average and 50 vehicles per day during the peak will be met: On-site parking area(s) are anticipated to be located within the “Laydown Areas” as denoted on the **Revised Site Plan Layout Map** presented in **Exhibit B**. These designated laydown areas will be able to accommodate the estimate of 25 vehicle per day on average as well as 75 vehicles at its peak.

16. Refer to Horus Kentucky 1’s response to Staff’s First Request Item 41 (f) and (g) and Horus Kentucky 1’s response to Staff’s First Request, Exhibit B Transportation Study.

- a. Explain whether the estimate of “20 delivery trucks per day” to the Project site included in the Transportation Study represents the average number of trucks per day, as suggested in the Transportation Study or the peak number of trucks per day, as stated in

the response to Item 41 (f): Confirmed, the estimate of 20 delivery trucks per day represents the average number of trucks per day.

b. If 20 is the average number of trucks, provide the peak number of trucks or vice versa: We do not anticipate exceeding 20 trucks per day, even at its peak.

c. Provide the number of delivery trucks required for delivery of the substation transformers and the total weight of those vehicles: The transformer and associated accessories is anticipated to arrive on three trucks. The first truck will have a total gross weight, depending on final design of the unit, of approximately 90 tons and will carry the frame of the transformer. It will be an overweight and possibly oversized load that will require an escort. Once the manufacturing schedule and subsequent delivery schedule are finalized, we will contract with an experienced over road delivery firm to transport the unit from its state of manufacture to the project site. The transport firm will comply with all required regulations in all states through which it passes, including the Commonwealth of Kentucky. The second truck is anticipated to carry all the associated accessories and equipment and will be under 80,000 pounds gross. The third truck is anticipated to carry the transformer oil and will be under 80,000 pounds gross.

d. Explain when that data regarding the number of trucks and class sizes of trucks traveling to the site on an average day will be available to the Siting Board: We anticipate the data will be available approximately 3 months prior to start of construction.

17. Refer to Horus Kentucky 1's response to Staff's First Request Item 43, which states that "water irrigation will be applied on-site and on the roads."

a. Explain whether water trucks will be used to deliver and apply water to the Project site: Yes, water trucks are anticipated to be used if field conditions warrant its use. If summer conditions are dry, trucks will be used to spray to keep dust under control.

b. Explain how many water trucks will access the site on an average day and a peak day: One per day would be the maximum (average and peak) if conditions dictate the need for dust suppression.

c. Explain whether those water trucks are included in the estimate of "20 delivery trucks per day": Yes, it is included in the total number of trucks per day.

18. Refer to Horus Kentucky 1's response to Staff's First Request Item 41 (d) and (h). Confirm that no Project traffic (commuter vehicles or trucks) will access the Project site using the following roads: Tyree Chapel Road (north of Hendricks Road); and Flat Rock-Peden Mill Road (any portions): Tyree Chapel Road cuts the project in half, therefore, truck transit is to be expected when trucks need to go from one side of the project to the other. The Project traffic is anticipated to exit I-65 then head south along 31 W and follow Geddes and Tyree Chapel Road to the project entrance. While Flat Rock-Peden Mill Road won't be used as frequently, this road may experience some traffic as it relates to the project.

19. Refer to Horus Kentucky 1's response to Staff's First Request Item 41 (k).

- a. Provide a map of the location of the traffic stations listed in the Site Assessment Report's (SAR) Traffic Assessment (two located along I-65): [The original Traffic Assessment was revised in the response to the Siting Board Staff's First Request for Information, therefore, this information has been revised with the traffic stations in the Transportation Study – please see answer to 19\(b\) below.](#)
- b. Provide a map of the location of the traffic station listed in the Transportation Study (on US 31W): [Please see map below of the traffic station along US 31 W:](#)



20. Refer to Horus Kentucky 1's response to Staff's First Request Item 41 (I). Confirm than no traffic data exists for any local roads in the area (including Geddes Road, Tyree Chapel Road and Hendricks Road) from the Simpson County Road Department or any other sources: [Confirmed.](#)

21. Refer to Horus Kentucky 1's response to Staff's First Request, Exhibit B Transportation Study and Item 24 (d). Explain which is correct: the estimate of 300 workers anticipated to work on-site each day included in the Transportation Study; or the previous estimates of an average of 100 workers on site on an average day and 200 on a peak day: [The estimate of 300 workers on a peak day and 100 workers on an average day.](#)

22. Refer to Horus Kentucky 1's response to Staff's First Request, Exhibit B Transportation Study and Item 41 (a-c).

- a. Explain the assumption of one worker per vehicle included in the Transportation Study in relation to the previous assumption of four workers per vehicle. Explain which is correct and why: [Four workers per vehicle is the correct assumption.](#)
- b. Explain which is correct: 300 worker vehicle trip per day included in the Transportation Study; or the previous Applicant assumption of 25 to 50 worker vehicle trips per day: [The estimate of 300 workers on a peak day \(75 vehicle trips\) and 100 workers on an average day \(25 vehicle trips\) is the correct assumption.](#)

c. In regard to Section 3.4 of the Transportation Study, describe the current conditions of roads (material such as pavement and general condition) used by Project vehicles, including US 31W, Geddes Road, Tyree Chapel Road and Hendricks Road: [Please see pictures for current conditions of the following roads:](#)

Representative Photo of Tyree Chapel Road Conditions (north of Geddes Road):



Representative Photo of Tyree Chapel Road Conditions (north of Hendricks Road):



Representative Photo of Geddes Road Conditions:



Representative Photo of Hendricks Road Conditions:



d. Confirm that Horus Kentucky 1 will repair, or pay for repairs, to any damage to local roads due to Project generated traffic or other activities: [Confirmed](#).

e. In regard to Section 3.5 of the Transportation Study describe the frequency and duration (in minutes) of anticipated lane closures and temporary traffic stoppages: [The one instance of potential anticipated lane closure and/or temporary traffic stoppage would be related to the answer to #16. The transformer and associated accessories are anticipated to arrive on three trucks. The first truck will have a total gross weight, depending on final design of the unit, of approximately 90 tons and will carry the frame of the transformer. It will be an overweight and possibly oversized load that will require an escort. Once the manufacturing schedule and subsequent delivery schedule are finalized, we will contract with an experienced over road delivery firm to transport the unit from its state of manufacture to the project site. The transport firm will comply with all required regulations in all states through which it passes, including the Commonwealth of Kentucky. The first truck is the one instance of potential anticipated lane closure and/or temporary traffic stoppage of a maximum of 15 minutes.](#)

f. Describe the general level of activity associated with the CSX Transportation rail line in the vicinity of the Project, including the number of trains using that section of the line on a typical day or week: [The CSX System Map denotes the location of the CSX Rail Services lines, but it does not denote the level of activity associated with each rail line:](#)



g. Explain how Horus Kentucky 1 will mitigate impacts to the railroad crossing on Geddes Road from delivery trucks accessing the site: [There currently aren't any mitigation plans to potential impact to the railroad crossings, however, Horus Kentucky 1 will work with the County and CSX or KYTC \(if necessary\) to assess impacts and damage to the railroad crossings due to Project generated traffic or other activities.](#)

23. Refer to Horus Kentucky 1's response to Staff's First Request Item 42. Explain when the information regarding weights and frequency of vehicle trips to the project site will be made available to the Siting Board: [We anticipate the data will be available approximately 3 months prior to start of construction.](#)

24. Refer to Horus Kentucky 1's response to Staff's First Request, Exhibit A Sound Study. Explain whether the classification of ambient sound levels for each noise receptor was based on an in-person field visit or was performed as a desk-top analysis: [The classification of ambient sound levels for each noise receptor was based on typical background levels from research conducted by the Acoustical Society of America and reported by the American National Standards Institute in their document ANSI/ASA S12.9-2013/Part 3. No in-person field work was conducted for the Sound Study analysis.](#)

25. Refer to Horus Kentucky 1's response to Staff's First Request Item 31 (a-c) and Exhibit A Sound Study.

a. Explain whether there are any noise receptors located along Hendricks Road: [Please see response to comment 10 in regard to the 2 properties along Hendricks Road that were added to the Revised Sound Study \(Receptors #63 and 64\).](#)

b. If noise receptors exist on Hendricks Road, provide the distance from each receptor and (1) the Project boundary; (2) Project solar panels; (3) the nearest inverter; and (4) the substation: [Tables 2, 4, and 6 in the Revised Sound Study report were revised to include the above requested data for the additional receptors.](#)

c. If noise receptors exist on Hendricks Road, provide (1) the estimated equivalent continuous construction noise level (Leq) and (2) the estimated maximum construction noise levels (Lmax) for each receptor: [Table 4 in the Revised Sound Study report was revised to include the above requested data for the additional receptors.](#)

d. If not a noise receptor, explain the structures located several hundred feet north of Hendricks Road: [The structures located near and to the southwest of the pond are unable to be identified and are assumed to be residential in nature based on the findings of the Property Value Impact Study. The two structures located southeast of the pond appear to be agricultural buildings \(barns or equipment garages\).](#)

26. Refer to Horus Kentucky 1's response to Staff's First Request, Exhibit A Sound Study, Figure 2 and to Application, Appendix I Property Value Impact Study.

a. Explain why the residential structure identified as Tax Parcel #5 in the Property Value Impact Study is not included as a noise receptor in the Sound Study: [See responses to comment #10 and comment #25.](#)

b. Explain why the residential structure identified as Tax Parcel #6 in the Property Value Impact Study is not included as a noise receptor in the Sound Study: [See response to comment #10.](#)

c. Explain why the residential structure identified as Tax Parcel #12 in the Property Value Impact Study is not included as a noise receptor in the Sound Study: [See response to comment #10.](#)

d. If the residential structures in Tax Parcel #5, #6 and #12 are noise receptors, provide the following:

i. The distance from each receptor to (1) the Project boundary; (2) Project solar panels; (3) the nearest inverter; and (4) the substation.

ii. The estimated construction Leq for each receptor.

iii. The estimated construction Lmax for each receptor.

iv. Revised Figure 2 and Figure 3 of the Sound Study.

[Tables 2, 4, and 6 in the Revised Sound Study report were revised to include the above requested data for the additional receptors.](#)

27. Refer to Horus Kentucky 1's response to Staff's First Request Item 46 (a-d) and to Exhibit A Sound Study.

a. Provide an expanded version of Exhibit A, Table 4, and information for all noise receptors within 2,400 feet of the Project: [Table 4 was expanded to include information for all noise receptors within 2,400 feet of the Project.](#)

b. Confirm that the estimated construction noise levels presented in Table 4 reflect the cumulative effects of overlapping construction activities: [The construction noise levels presented in Table 4 reflect the cumulative effects of all construction activity associated with the installation of a solar panel array, with piledriving being the most dominant noise producing activity. The text associated with Table 4 was revised to include an explanation](#)

of the resulting construction noise level at the receptor if 2 solar panel arrays were being constructed concurrently as a worst-case example of overlapping construction activities. The result would be a doubling of the noise sources and a +3 dBA increase above the construction noise level associated with the construction of a single solar panel array.

c. Provide a description of how the cumulative noise effects were calculated: The estimated construction noise levels were based on worst-case estimates generated by the FHWA Roadway Construction Noise Model which considers the cumulative effects of multiple pieces of construction equipment operating concurrently. As explained above in the response to comment 27, part b, the text was revised to provide an example of the cumulative effects of overlapping construction activities.

d. Provide the anticipated number of days in which the noise receptors would experience the Leq noise levels: The report states that the worst-case construction noise levels (both Leq and Lmax) would be expected to last no more than a day or two at most based on typical construction methods. A more exact estimation is not possible as we were not provided a specific construction schedule which provided detailed construction sequencing operations.

e. Provide the anticipated number of days in which the noise receptors would experience the Lmax noise levels: The report states that the worst-case construction noise levels (both Leq and Lmax) would be expected to last no more than a day or two at most based on typical construction methods. A more exact estimation is not possible as we were not provided a specific construction schedule which provided detailed construction sequencing operations.

f. If noise receptors exist on Hendricks Road, provide the combined operational sound level for each: The Sound Study was revised to include 2 receptors for residential properties with Hendricks Road addresses in addition to the property at 1666 Tyree Chapel Road. Table 6 was revised to include the combined operational sound level for all 3 of the added receptors.

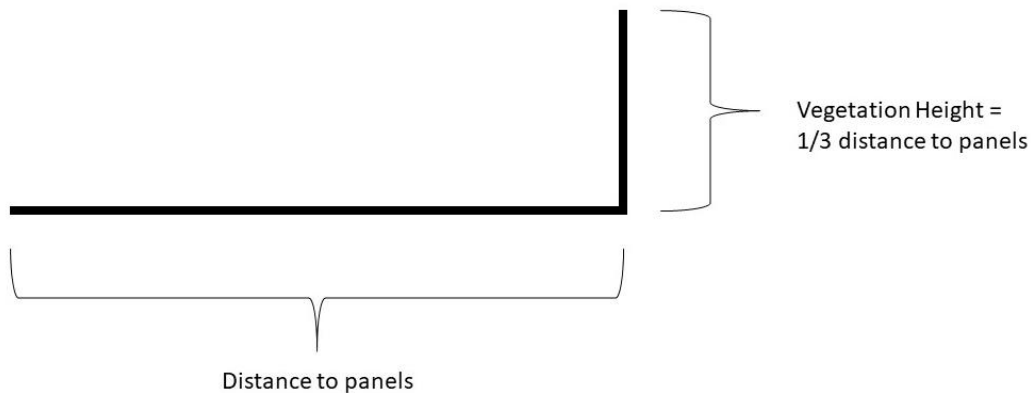
g. If the residential structures in Tax Parcel #5, #6 and #12 are noise receptors, provide the combined operational sound level for each: The Sound Study was revised to include 2 receptors for residential properties with Hendricks Road addresses in addition to the property at 1666 Tyree Chapel Road. Table 6 was revised to include the combined operational sound level for all 3 of the added receptors.

28. Refer to Horus Kentucky 1's response to Staff's First Request Item 48. Confirm that no existing vegetation located along the Project boundary line will be removed: Confirmed, however there will be limited trimming and removal of vegetation as needed for the installation of the security fence. Fence routing will be planned to minimize any impact to the existing vegetation.

29. Provide the total number of solar panels to be located on the Project site: 163,632 modules.

30. Refer to Horus Kentucky 1's response to Staff's First Request Item 51(a).

- a. Explain when the location of the proposed vegetative buffers will be finalized: As outlined above in response to Request 11(e), the location of any proposed vegetative buffer will be finalized with the submission of the Applicant's Development Plan. The Development Plan will be consistent with the information contained within this Application and the Applicant intends the Development Plan will be submitted in early November 2021.
- b. Explain the statement "generic vegetation buffer will be kept as approximately three times tree height": The statement explains that the solar modules would be placed at a general distance of three times the existing tree height in order to avoid any shading to occur within the solar farm that could impact the energy generation. As an example, see below:



31. Refer to Horus Kentucky 1's response to Staff's First Request, Exhibit E Zoning Regulations for city of Franklin and Simpson County Kentucky. Explain whether the regulations included in Article 14 (Landscape and Land Use Buffers) are applicable to the Project. If not, explain why not: Section 9.8 of the Franklin-Simpson County Zoning Regulations states that a "[a] vegetative landscape buffer may be provided between the fence and the property line under the Planning Commission's recommendation for location and type so as long as it does not impair the system efficiency." Therefore, Section 9.8 of the Franklin-Simpson County Zoning Regulations indicates that Article 14 of the Regulations is inapplicable to the Project. However, the Applicant's Conditional Use Permits are subject to the approval of the Development Plan, and if the Planning Commission's recommendation requires a vegetative buffer the Applicant intends to comply with all requirements or conditions required by local officials.

32. Refer to Horus Kentucky 1's response to Staff's First Request, Exhibit F Conditional Use Permit Applications and Exhibits. Explain how the issue of vegetative buffers was addressed, evaluated, and resolved with the Planning Commission as part of the Conditional Use Permit process: The Vegetative buffers are a consideration to be submitted with the development plan to be submitted as described in response to Request 11(e) above. Specifically, Topic 6 to be included in the Development Plan as required by Section 9.8 of the *Franklin-Simpson County Zoning Regulations* states that a "vegetative landscape buffer may be provided...", and the

finalized Development Plan will include the precise proposal as indicated in response to Request 30(a) above.

33. Refer to Horus Kentucky 1's response to Staff's First Request Item 51(b). Explain whether any vegetative buffers will be planted such that the view of the Project is minimized from the cemetery: Based on discussion with the current landowner, no vegetative buffers are currently considered surrounding the cemetery. While Horus would be happy to install a small screening for the cemetery, we do not wish to risk any activity that could be considered a violation of the required setbacks. A picture¹ of the current vegetation surrounding the cemetery is provided below:



34. Refer to Horus Kentucky 1's response to Staff's First Request Item 51(i). Explain how "landscaping methods" will be used to mitigate glare: All solar modules will have an antireflective coating. In addition, Horus will finalize a landscaping plan with the County which will address glare and viewshed concerns from adjacent residences, roads, landowners.

35. Refer to Horus Kentucky 1's response to Staff's First Request, Exhibit D Glare Study Results Memo (Glare Memo).

a. Explain the screening plan for the areas the Glare Memo recommends to "consider a screening plan appropriate to the local environment/climate in these areas" due to the prediction of glare: Horus will finalize a landscaping plan with the County to address potential glare issues along the western border of the project near the CSX railroad tracks

¹ More photographs of the cemetery can be found at:
<https://photos.google.com/share/AF1QipN81soLcggqAnRIYoL5YP3K4-kWqatM1SXbrQy3UdEJo4rhrKuM7L36Ooe-5fAWg?key=ZWtociQxa0t6TzFyWG1XMTikTEMxaiZPS0wwb0NR>

and along the stretch of Tyree Chapel Road near the residential structures within the Excluded Zone.

b. Explain the plan for the examination of the areas and any resulting screening required in the areas the Glare Memo notes that “notable amounts of glare are not predicted,” but are areas that Horus Kentucky 1 should “perform a boots-on-the-ground examination.”: Horus performed additional boots on the ground examination along the areas that are denoted in green outline in the Glare Memo. The northern portion of the project along I-65 already provides a heavy vegetative cover along the highway, where glare would already be mitigated. In addition, based on the Viewshed Analysis conducted, the panels are not anticipated to be visible along I-65 due to existing elevation, topography, and vegetation. While vegetative screen already exists along I-65, Horus will work with the landowner and the County to ensure any glare impacts are mitigated along the northern boundary of the project:



The areas surrounding the Excluded Zone has potential for glare to the existing residence, therefore, Horus will work with Mr. Summers and the County to provide any vegetative screening from potential glare to the Excluded Zone area as well as the area by the Project Substation location²:

² More photographs of the Excluded Zone can be found at:
https://photos.google.com/share/AF1QipN81soLcqqgAnRIYoL5YP3K4-kWqatM1SXbrQy3UdEJo4rhrKuM7L36Ooe_-5fAWg?key=ZWtociQxa0t6TzFyWG1XMTikTEMxaiZPS0wwb0NR



The stretch of Tyree Chapel Road where it bisects the project in half site lacks vegetative screening on both sides, therefore, Horus will work with the landowners (Mr. Summers and Hoffman) along with the County to provide vegetative screening to mitigate any potential glare:



Lastly, the eastern border of the project is along an unimproved road south of Hendricks. As vehicles don't frequent this unimproved road, glare to drivers is not anticipated, however, there is potential glare to surround residences. Horus will work with the landowners (Mr. Summers and Hoffman) along with the County to provide vegetative screening to mitigate any potential glare:



36. Refer to Application, Appendix A Map of Residential Neighborhoods Surrounding Proposed Facility.

a. Explain the yellow outline located along I-65 to the northeast of the Project site: As denoted by the key on the map, the yellow outline denotes “Park”, in this case, the Kenny Perry’s Country Creek Golf Course.

b. Explain what each of the two different types of green shading indicate: There aren’t two different shades of green. The map was generated using an aerial overlay, therefore, if the background of the aerial is darker, it looks like it’s a darker shade of green vs. an aerial where the background may be lighter.

c. Explain the Viewshed Analysis, including a description of the methods and the results: The Viewshed Analysis was modeled based on panel heights of approximately 8 feet tall, and that is how it was parameterized for the viewshed model. Approximately 5.5-foot tall sensors (eyes) within every 5’x5’ pixel within 2 miles (so 5 feet is the resolution of the digital surface model (DSM) that we used as the elevation base in this model, and that is very high quality) and 8-foot tall panels modeled at every “Observation Point” shown on the map. The model is asking if a 5.5’ tall person modeled at every 5’x5’ pixel in the entire AOI (2-mile radius) can see the 8’ tall panels (modeled at the Observation Points within the site boundaries). The digital surface model includes not only ground elevation, which on its own is a digital elevation model (DEM), but also includes buildings and trees. That means that trees and elevated surfaces of any kind are accounted for and cause interference with visibility as is shown. Please also refer to **Exhibit G** for the **Digital Surface Model** which denotes the Observation Points within the site boundaries.

d. Provide an interpretation of the Viewshed Analysis, as illustrated on the map: The areas denoted in green are areas where the solar panels will be visible, areas denoted in red are areas where solar panels will not be visible.

e. Explain why the Project would not be visible from:

i. The west side of the railroad tracks: Due to existing elevation, topography, and vegetation.

ii. The southwest side of the Project: Existing tree cover.

iii. The southeast side of the Project: Existing tree cover.

iv. The northwest side of the Project (across from I-65): Due to existing elevation, topography, and vegetation.

37. Refer to Horus Kentucky 1’s response to Staff’s First Request Item 36 (b). Explain what items, documents or topic areas were addressed by the Simpson County Planning and Zoning Board, if, as stated, the Board “did not review any Project plans as part of their review.”: As outlined above, The hearings regarding the conditional use permits occurred before the submission of a Development Plan as permitted by the *Franklin-Simpson County Regulations* and therefore the Board did not review the Development Plan. As part of the conditional use permit application process, the Board reviewed the application form, the legal descriptions of the subject properties, as well as an arial map. At the Board’s meetings regarding the conditional use permits, which

were properly noticed as indicated within the conditional use permit applications (Exhibit D), the Applicant's representative, Braden Houston, was available to discuss the project as well as hear the concerns of both the Board and any other concerned individuals. The Applicant's history in this industry, including questions regarding past projects, was discussed. Further, responsibilities for certain repairs to affected roadways and/or damaged solar panels, as well as potential for exposure to hazardous materials, were discussed. Items relevant to the upcoming submission of the Development Plan were discussed as well, such as possible vegetative buffering, decommissioning, etc.

38. Refer to Horus Kentucky 1's response to Staff's First Request Item 55 (e).

a. Explain the revised estimate of labor income, which would amount to about \$9,600 of income per FTE for the noted 100 FTEs: [REDACTED]

[REDACTED]


b. If necessary, provide a revised estimate of labor income:

[REDACTED]

c. Provide an updated table showing payroll taxes, by recipient agency: [REDACTED]

[REDACTED]

[REDACTED]



39. Refer to Horus Kentucky 1's response to Staff's First Request Item 55 (k). Explain whether it is possible to "take advantage of any Kentucky tax treatments specifically available to solar projects and businesses in general" without negotiating with the County for an IRB or PILOT agreement: The Applicant intends to comply with the sales and use taxes on equipment generating solar power as outlined within Kentucky Technical Advice Memorandum KY-TAM-21-01, attached hereto as Exhibit H. As outlined within the Memorandum, which was issued by the Kentucky Department of Revenue Office of Tax Policy and Regulation, The applicable code specifically contemplates certain exemptions and certain rates for real and personal property related to solar projects and the Applicant intends to fully comply with the relevant statutory and regulatory code related to this project.

40. Refer to Horus Kentucky 1's response to Staff's First Request Item 55 (l) and (m). Explain when the tax analysis will be available for review: As outlined within Exhibit H referenced in response to Request 39 above, a tax analysis requires a complete itemization of the values for the personal property by the categories designated within by KRS 132.200(4), KRS 132.020(1)(c)(1), and KRS 132.020(1)(h) and the corresponding definitional guidance, including a valuation of the impact of the exemptions available under KRS 139.480 to the overall analysis and depreciation methods. At this stage, the Applicant is currently compiling the information necessary to prepare the full tax analysis and will supplement its Application with that information once it is available.

41. Refer to Horus Kentucky 1's response to Staff's First Request Item 57 (d).

a. Confirm that the Applicant will be posting a decommissioning bond with individual landowners and a separate, larger bond with Simpson County: No, the Project company will be securing one decommissioning bond equal to the largest required amount among the three parties, which will almost certainly be the County. The landowners would then be named on that bond in addition to the County. Each landowner will be allowed to draw on the instrument, if needed. If for some reason, the County is not satisfied with the final site remediation but both landowners were, the County would then be able to draw against the instrument to remediate any items in the original Conditions of the Conditional Use Permit that were not completed.

b. Explain the purpose of issuing bonds with both the landowners and the County: Our option lease agreements with each landowner require that we post a decommissioning bond. For our option lease agreement with Mr. Hoffman, we are required to post a \$50,000 surety bond or Letter of Credit with a credit worthy financial institution for the entire length of the lease period of the agreement. For our option lease agreement with Mr. Summers, we are required to post a \$50,000 surety bond or Letter of Credit with a credit worthy financial institution for the entire length of the lease period of the agreement. The County is yet to settle on an amount, but we are expecting the total security to be well over \$100,000, in total. Any funds available would be utilized to return the site to its original

condition if Horus Kentucky 1, LLC is unwilling or unable to perform the remediation at the end of the lease term.

42. Refer to Horus Kentucky 1's response to Staff's First Request Item 57 (e).

a. Confirm that each lease agreement includes a \$50,000 decommissioning security: [Confirmed](#).

b. Explain how the amount for the decommissioning security was determined: [A good faith negotiation was conducted with each landowner following a discussion on the expected decommissioning costs.](#)

c. Explain whether that \$50,000 will be enough to remove Project infrastructure and restore the site to its previous condition: [Yes; It is very difficult to estimate costs more than 40 years in the future, however, based on the current costs of decommissioning and scrap values of copper \(539 tons\), steel \(4,312 tons\) and aluminum \(1,463 tons\), we would expect the cost of decommissioning to approximate \\$2,329,000, while the current scrap values for the metals would approximate \\$5,863,000. We fully expect to receive funding from our eventual decommissioning contractor following the completion of the work.](#)

43. Refer to Horus Kentucky 1's response to Staff's First Request Item 57 (f).

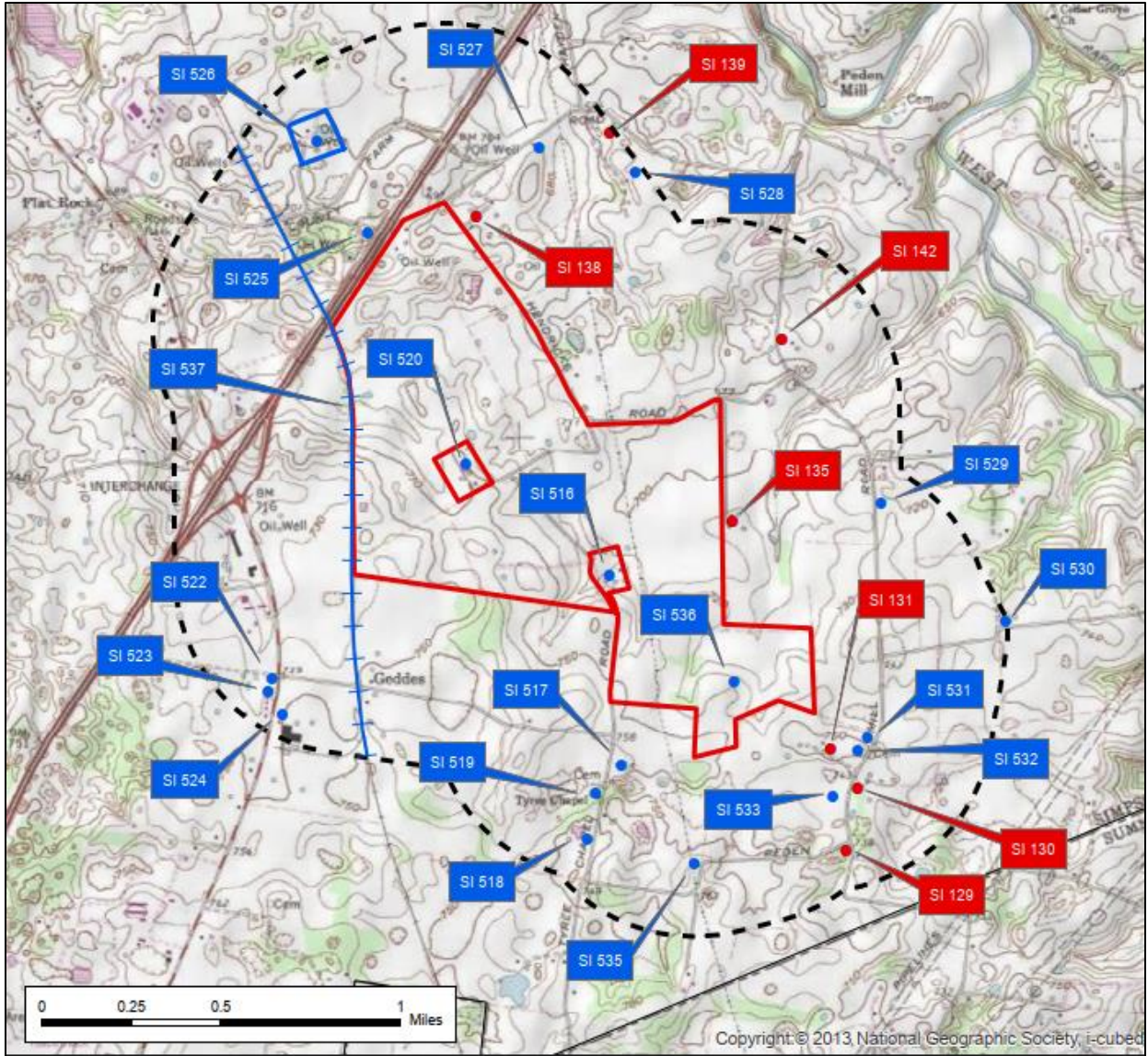
a. Provide the timeline for negotiation with the county regarding the decommissioning bond or security: [Range of one to two months; targeting Nov. 1, 2021.](#)

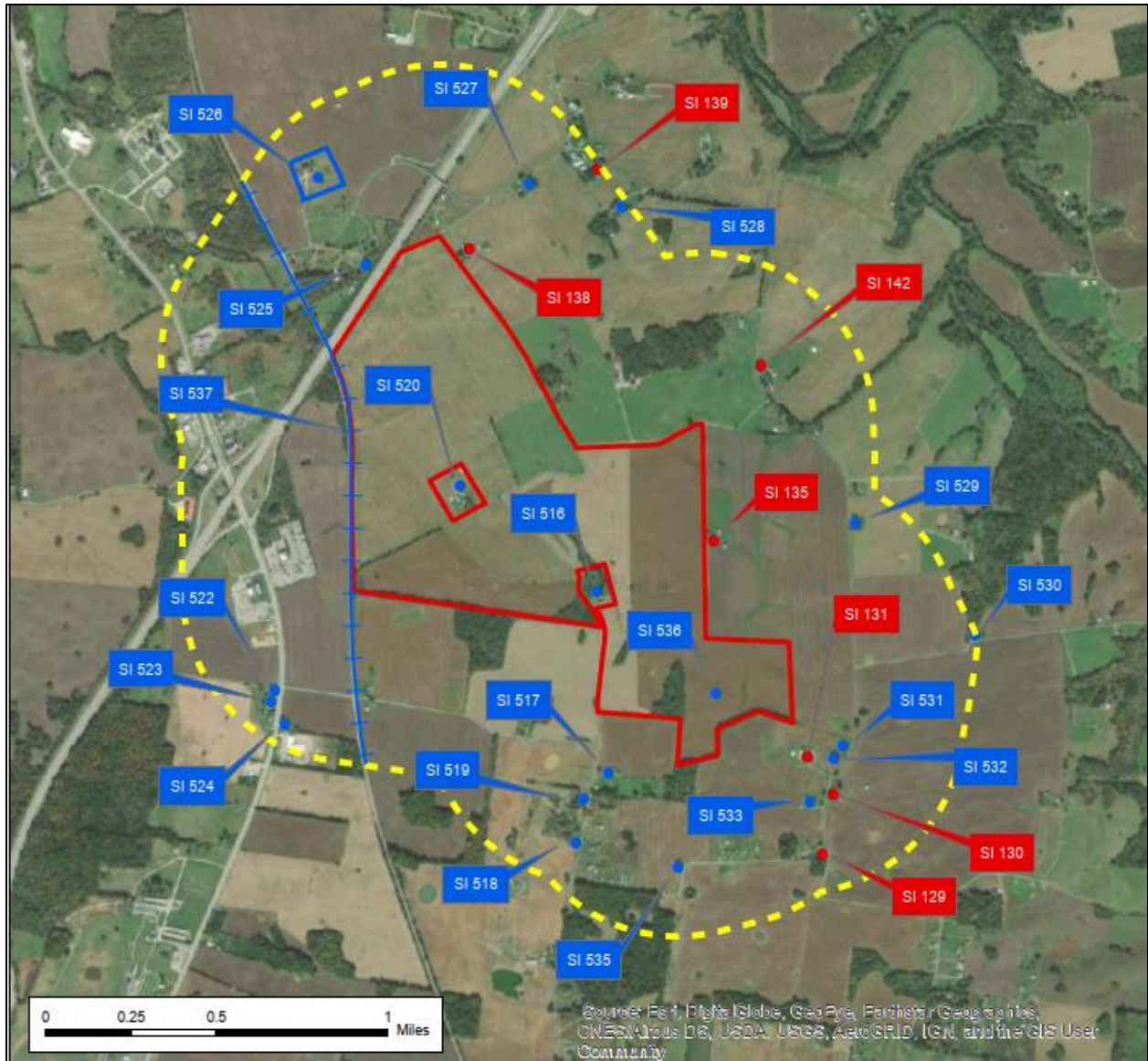
b. Explain whether the negotiated amount is dependent on the Applicant's assumption of future salvage value for parts: [Yes, our projected cost of decommissioning is reliant on a positive scrap value price for copper, steel, and aluminum.](#)

44. Refer to Horus Kentucky 1's response to Staff's First Request Item 52 (g). Provide additional detail as to the process and timing for resolving complaints related to construction activities and Project operations: [There will be a procedure for complaints resolution that will be both hierarchical and based on where the complaint was received. Any formal or informal complains from the County building inspector \(Ron Tabor\) will be directed to the on-site EPC manager, with a copy sent to the Applicant. If the complaint cannot be solved by the EPC manager, it will be resolved by the project manager assigned by the Applicant. If the complaint is received directly from a neighbor or outside interested party, the on-site EPC manager will again notify the applicant and try to resolve the complaint. If there is a failure at that level, then the Applicant will then resolve the dispute with the complainant.](#)

45. Confirm if the park delineated in the Application, Appendix A, is Kenny Perry's Country Creek Golf Course: [Confirmed, please also refer to 36 \(1\).](#)

46. Submit a map showing the following three cemeteries found in the Architectural Survey: (1) Tyree Chapel Church of Christ Cemetery (2) Briant Cemetery, and (3) Kitchens Cemetery: [Please see maps below:](#)





The Tyree Chapel Church of Christ Cemetery is labeled as # 519 (located southwest of the site), the Briant Cemetery is labeled as # 532 (located southeast of the site), and Kitchens Cemetery is labeled as #536 (located within southern parcel of the site).

47. Submit copies of the two land lease agreements of 307 acres and 250 acres, secured for 41 years. (Application, Appendix B, Project Overview): **Lease Agreement Copies** are provided in **Exhibit I**.

48. Refer to the mailing receipts in Application, Appendix B.

a. Describe any attempt to reach owners of the property for which there was a “return to sender” for John P. Crafton, et al. Trustees: The Applicant sent notices of the local public meeting to both the physical address listed with the PVA as well as the tax address for adjacent property owners in compliance with KRS 278.706(2)(f) to ensure notice to adjacent landowners. The return sent

to the address listed with the PVA for tax purposes was delivered on June 8, 2021, evidence by the reattached executed return of service. See Exhibit J.

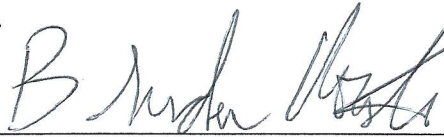
b. Explain why there are no delivery receipts for Roger Hoffman and Steve Baldwin. Explain if additional attempts were made to contact them: As stated in Response to Request 48(a) above, Horus sent notices of the local public meeting to both the physical address listed with the PVA as well as the tax address for adjacent property owners in compliance with KRS 278.706(2)(f) to ensure notice to adjacent landowners. The return for notice of the local public meeting sent to the physical property address to Steve Baldwin was delivered June 8, 2021, evidenced by the reattached executed return of service. See Exhibit J. Roger Hoffman is one of the lessors for the project (see Response to Request 47 above), and the Applicant corresponds with him regularly – roughly biweekly.

VERIFICATION

STATE OF Massachusetts.
COUNTY OF Middlesex. TO-WIT.

I, Braden Houston, Managing Director of Solar Development for OPDEnergy, state that I am authorized to make this verification on behalf of the Horus Kentucky 1 LLC, that the foregoing Responses to the Siting Board Staff's Second Request for Information to Horus Kentucky 1 LLC were prepared under my direction and supervision, that the contents are true and correct to the best of my knowledge, information, and belief and formed after reasonable due diligence and inquiry.

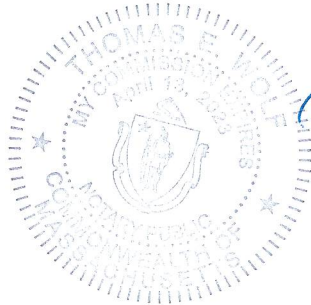
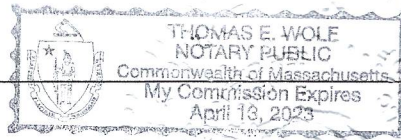
Executed this 30th day of September 2021.

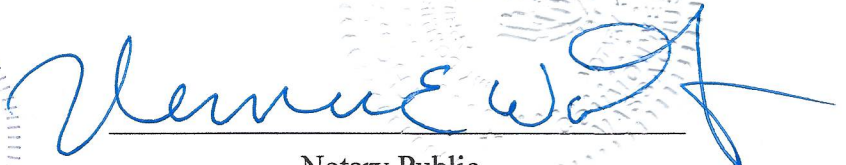


) Braden Houston

Taken. sworn to and subscribed before me this 30 day of September, 2021.

My commission expires _____





Notary Public