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

NO. 2021-00072

IN THE MATTER OF:

THE ELECTRONIC APPLICATION OF)
SEBREE SOLAR, LLC FOR A CERTIFICATE)
TO CONSTRUCT AN APPROXIMATELY 250)
MEGAWATT MERCHANT SOLAR ELECTRIC) CASE
GENERATING FACILITY AND AN)
APPROXIMATELY 4.85 MILE)
NONREGULATED ELECTRIC TRANSMISSION)
LINE IN HENDERSON COUNTY, KENTUCKY)
AND WEBSTER COUNTY, KENTUCKY)
PURSUANT TO KRS 278.700, ET SEQ. AND)
807 KAR 5:110, ET SEQ.)

SEBREE'S SOLAR LLC'S MOTION FOR APPROVAL OF ITS FINAL SITE PLAN

Comes now Sebree Solar LLC, ("Sebree"), by and through counsel, and does hereby respectfully move the Kentucky Siting Board on Electric Generation and Transmission Siting ("Siting Board") for an order approving the final development plan that is being filed contemporaneously with this Motion. A response is requested by February 28, 2024 to support the project timeline. In support of this motion, Sebree states as follows:

The Siting Board issued its Final Order on February 9, 2022, requiring,

1. A final site layout plan shall be submitted to the Siting Board upon completion of the final site design. Deviations from the preliminary site layout should be clearly indicated on the revised graphic. Those changes could include, but are not limited to, location of solar panels, inverters, transformers, substation, operation and maintenance building or other Project facilities and infrastructure.

2. Any change in the Project boundaries from the information which formed this evaluation shall be submitted to the Siting Board for review.

3. The Siting Board will determine if any deviation in the boundaries or site layout plan is likely to create a materially different pattern or magnitude of impacts. If not, no further action is required, but if yes, the application will support the Siting Board's effort to revise its assessment of impact and mitigation requirements.

Attachment A is a memorandum highlighting the changes made from the preliminary site plan filed in the Application and Attachment B is the final site development plan. As depicted in the attachments, the changes between the preliminary site layout plan¹ and the revised plan do not create a materially different pattern or magnitude of impacts. Significantly, Sebree filed a change in the Project boundary that reduced the Project footprint on April 18, 2023 in order to keep the Siting Board advised of any changes. The elimination of the requirement of certain parcels resulted in the reduction of the overall footprint of the Project.

WHEREFORE, Sebree respectfully requests that the Siting Board enter an order confirming that Sebree's final site development plan is in compliance with the conditions imposed in the February 9, 2022 Order and that the changes to the site plan have not materially changed the Project and do not create a magnitude of impacts different from the impacts the Siting Board addressed in the original consideration of the case.

¹ Application, Tab 12, Exhibit 3.

This 17th day of January, 2024.

Respectfully submitted,

· d Allyson Honoker

L. Allyson Honaker Brittany Hayes Koenig HONAKER LAW OFFICE, PLLC 1795 Alysheba Way, Suite 6202 Lexington, KY 40509 (859) 368-8803 allyson@hloky.com brittany@hloky.com

Counsel for Sebree Solar LLC

Exhibit A

January 16, 2024

Kentucky Electric Generation and Transmission Siting Board (KYSB) Final Order Mitigation Measure #1 Submittal Final Site Plan Sebree Solar Project KY PSC Case No. 2021-00072 Henderson and Webster Counties, Kentucky

Environmental Consulting & Technology, Inc., (ECT) was contracted by Sebree Solar, LLC (Sebree Solar) to assist in the preparation of the final site plans for the Sebree Solar Project (Project). The Project is located in Henderson and Webster Counties, Kentucky, near Robards, KY. The Project scope is to construct a 250-megawatt alternating current ("MW AC") solar energy system (SES) and associated 4.92-mile transmission line to provide clean, renewable electricity.

In accordance with the KYSB Final Order Mitigation Measure #1 for Case Number 2021-00072, Sebree Solar is submitting a final site layout plan for the Project. As part of this submittal, ECT has prepared a short memo documenting the material changes to the Project infrastructure since the last updated site plans were submitted to the KYSB in January 2022 during a post-hearing data request that utilized October 2021 site layout data.

Sincerely,

Environmental Consulting & Technology, Inc.

Beth Wilburn

Beth Wilburn Senior Project Manager



1.0 Overview of Kentucky Electric Generation and Transmission Siting Board Case

Sebree Solar submitted an electronic application for a certificate to construct an approximately 250-MW merchant solar electric generating facility and an approximately 4.92-mile non-regulated electric transmission line in Henderson County, Kentucky and Webster County, Kentucky in August 2021 under Case Number 2021-00072.

2.0 Site Plan Comparison

Below is a table that highlights the material changes between the Sebree Solar permitted site plans dated January 2022 and the attached final site plans from January 2024.



		22 Site Plans l Site Plans)		24 Site Plans ite Plans)	KYSB Applicable		
	Project Infrastructure	Closest Receptor (feet)	Project Infrastructure	Closest Receptor (feet)	Mitigation Conditions		
Number of central inverters	93	360	80	553	450-foot setback from receptors	100-foot setback from receptors	
Number of PV panels	850,564	134	680,370	189	150-foot setback from receptors	100-foot setback from receptors	
Linear feet of fence	145,191	111	167,362	148	None	100-foot setback from receptors	
Linear feet of access roads	57,018	265	73,770	NA	None	None	
Access road entrances	18	NA	18	NA	NA	NA	
Project Limits of Disturbance (LOD) acreage (fenced array areas and access roads outside fenced array areas)	1,337	NA	1,076	NA	NA	NA	

Table 1. Permitted Sebree Site Plan and January 2024 Site Plan Comparison

¹ Note that the transmission line associated with the Sebree Solar Project is the only part of the Project that is located in Webster County; the solar array facility is contained within Henderson County.

As noted in **Table 1**, there are 13 less central inverters based on the final site plans. Based on review of the January 2022 site plans, the closest mapped receptor (residence, church, or school) to an inverter was 360 feet.

In accordance with the KYSB Final Order Mitigation Measure #16, Sebree Solar did not place central inverters closer than 450 feet from a residence, church, or school. Based on review of the January 2024 site plans, the closest mapped receptor to an inverter is now 553 feet. The updated January 2024 site plans show the closest receptor to an inverter approximately 193 feet further away than in the January 2022 site plans. These metrics also conform to the Henderson County Solar Ordinance setback that dictates that all equipment (IE. solar panels, transformers, inverters, and substations) shall be located at least 100 feet from any residential structure.

As noted in **Table 1**, there are 170,194 less panels based on the final site plans. Based on review of the January 2022 site plans, the closest mapped receptor (residence, church, or school) to a PV panel was 134 feet. Note that the KYSB Final Order Mitigation Measure #16 dictates that no solar panels shall be placed closer than 150 feet from a residence, church, or school, 25 feet from a non-participating adjoining parcel, or 50 feet from adjacent roadways. The Henderson County Solar Ordinance dictates a setback of 100 feet from receptors for all equipment (IE. solar panels, transformers, inverters, and substations). The county solar ordinance also dictates a 25-foot setback from non-participating adjoining parcels.

Based on review of the January 2024 site plans, the closest mapped receptor to a PV panel is 189 feet. During review of the entire Project, the closest mapped non-participating parcel line is mapped approximately 43 feet from a PV panel and the closest mapped adjacent edge of road is mapped approximately 67 feet from a PV panel.

Due to the increased distance between the PV panel and closest receptor, Sebree Solar anticipates that the noise levels associated with both construction and operation activities at the closest receptor will be less than the original dBA levels calculated at the closest receptor for the permitted site plans.

As noted in **Table 1**, there are 22,171 more linear feet of fence based on the final site plans. This increase in linear feet of fencing was driven by the need to reduce the number of panels in some of the larger array areas and relocate these panels to several new smaller array areas, resulting in additional smaller fenced-in array areas. Based on review of the January 2022 site plans, the closest mapped receptor (residence, church, or school) to a fenced array area (measured to the fence line) was 111 feet. The January 2024 site plans show the closest mapped receptor to a fenced array area is 148 feet. This metric conforms to the Henderson County setback that dictates that all SES equipment shall be located at least 100 feet from any residential structure. The KYSB Final Order Mitigation measures do not dictate a setback for the fence component of a solar facility.

As noted in **Table 1**, there are 16,752 more linear feet of access road based on the final site plans. Similar to the increase in linear feet of fencing, the increase in linear feet of access roads was driven by the need to reduce the number of panels in some of the larger array areas and relocate these panels to several new smaller array, resulting in additional access roads needed to the new array areas. Note that there are 18 access road entrances from public right-of-way (ROW) based on the final site plans, which is the same number of access road entrances shown on the permitted site plans.



These entrances are mapped along the same roads as the permitted site plans, which are comprised of both state routes and local arterial roads.

Sebree Solar developed visual screening consistent with the updated January 2022 site plans provided as an attachment to the response to the Post-Hearing Request, Item 4, where applicable. Sebree Solar also proposed new vegetative buffers in areas of the Project with infrastructure changes to provide visual screening to residences with direct view of the solar facilities and equipment. Sebree Solar will follow the conditions applicable to visual screening as outlined in KYSB Final Order Mitigation Measures 7, 8, 9, and 10 and applicable visual screening conditions as outlined in the Henderson County Solar Ordinance.

No substantive changes were made to the Project panels, substation, transformers, or other project facilities or infrastructure in the final site plans. Note that in accordance with the Henderson Solar Ordinance, which dictates a setback of at least 100 feet from receptors for all equipment (IE. solar panels, transformers, inverters, and substations), the closest mapped receptor to the proposed substation parcel boundary is approximately 310 feet.

Table 2 provides an update to the project parcels utilized in Sebree Solar.

3.0 Conclusion

In summary, Sebree Solar does not anticipate an increase in impacts from construction or operation of the Project, as the closest receptors to the final site plans inverter and PV panel locations are mapped further from Project infrastructure than in the permitted site plan. The closest receptor to the Project substation and transformers has not changed. The number and location of access road entrances in the final site plans is comparable to the access road locations identified in the Traffic and Dust Study, prepared by Integrated Engineering/PRIME AE, for the permitted site plans.

Sebree Solar has complied with the following KYSB and Henderson County mitigations, as pertinent to the site plan development:

- KYSB Final Order Mitigation Measure 1 Sebree Solar is submitting this summary memo to document material changes in the final site plans as attached.
- KYSB Final Order Mitigation Measure 2 Sebree Solar is submitting this summary memo to document reductions in the project boundary as attached. There have been some minor boundary changes since the Notice of Change in Project Boundary was submitted on 4/18/2023.
- KYSB Final Order Mitigation Measure 9 Sebree Solar included visual screening in the final site plans as attached
- KYSB Final Order Mitigation Measure 11 Sebree Solar included an approximately 2-acre designated pollinator-friendly area in the final site plan.
- KSYB Final Order Mitigation Measure 16 Sebree Solar adhered to the following setbacks:
 - 150-foot setback for PV panels and string inverters from residences, churches, and schools (receptors) – the closest receptor to a PV panel in the final site plan is approximately 189 feet



- 25-foot setback for PV panels and string inverters from non-participating adjoining parcels the closest PV panel to a non-participating parcel line in the final site plan is approximately 43 feet. String inverters are not used for this Project. This also complies with the Henderson County solar ordinance condition that states, "All equipment shall be at least twenty- five (25) feet from the perimeter property lines of the project area."
- 50-foot setback for PV panels and string inverters from adjacent roadways the closest PV panel to the edge of a roadway in the final site plan is approximately 67 feet. String inverters are not used for this Project.
- 450-foot setback for central inverters from receptors the closest receptor to a central inverter in the final site plan is approximately 553 feet
- KYSB Final Order Mitigation Measure 32 Sebree Solar did not need to acquire any additional land/new parcels for the final transmission line route.
- Henderson County solar ordinance condition that states, "All equipment shall be located at least one hundred (100) feet from any residential structure." Sebree Solar has setback PV panels, inverters, and fence line of the array areas at least 100 feet from any non-participating receptor at 189 feet, 553 feet, and 148 feet, respectively.



Table 2. Sebr	ree List of Pro	ject Parcels
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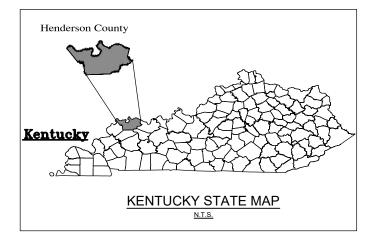
APN	Owner	Property Address	City	State	Zip	Notes
71-48	ANDERSON JAMES E	395 REDDING RD	LEXINGTON	KY	40517	No change
71-52	BRANSON PHILLIP D & ROBIN R	6604 STATE ROUTE 283	ROBARDS	KY	42452	No change
71-38	BROCK DELNOE & FAY	PO BOX 3	ROBARDS	KY	42452	No change
71-45	CROWDER MILTON E & DIANE	8628 STATE ROUTE 416 W	ROBARDS	KY	42452	No change
70-39	CROWDER MILTON E & GADDIS VIRGINIA S	8628 STATE ROUTE 416 W	ROBARDS	KY	42452	No change
60-67	CROWDER WILMA	352 HEARTHSTONE LN	HENDERSON	KY	42420	No change
61-35	CROWDER WILMA	352 HEARTHSTONE LN	HENDERSON	KY	42420	Included in Sebree Solar II only
61-31	DANIEL CHRIS & LAVETA	9260 STATE ROUTE 416 W	ROBARDS	KY	42452	Included in Sebree Solar II only
60-43.1	DAVIS MARY	1014 COUNTRY CLUB DRIVE	HENDERSON	KY	42420	No change
70-6	DAWSON FAMILY FARMS LLC	6039 LAUREL TRL	HENDERSON	KY	42420	No change
70-46.1	DAWSON FAMILY FARMS LLC	6039 LAUREL TRL	HENDERSON	KY	42420	No change
70-33	DOSSETT JOHN	225 S WATER ST	HENDERSON	KY	42420	Excluded
71-46.2	EBLEN JON B & MARIE A	9056 STATE ROUTE 416 W	ROBARDS	KY	42452	No change
61-33	EBLEN JON BART & MARIE	9056 STATE ROUTE 416 W	ROBARDS	KY	42452	Included in Sebree Solar II only
61-32	EBLEN JON BARTON	9056 STATE ROUTE 416 W	ROBARDS	KY	42452	Included in Sebree Solar II only
61-34	EBLEN JON BARTON	9056 STATE ROUTE 416 W	ROBARDS	KY	42452	Included in Sebree Solar II only
60-37.1	SEBREE SOLAR, LLC	700 UNIVERSE BLVD	JUNO BEACH	FL	33408	Purchased from Pamela Gardner et al



APN	Owner	Property Address	City	State	Zip	Notes
60-70	SEBREE SOLAR II, LLC	700 UNIVERSE BLVD	JUNO BEACH	FL	33408	Purchased from Pamela Gardner et al
71-1	LEO KING FARM LLC	707 N MAIN ST	HENDERSON	KY	42420	No change
70-5	LEO KING FARM LLC	707 N MAIN ST	HENDERSON	KY	42420	No change
71-49	LEO KING FARM LLC	707 N MAIN ST	HENDERSON	KY	42420	No change
71-2	LEO KING FARM LLC	707 N MAIN ST	HENDERSON	KY	42420	No change
80-122	NUNN DENNIS	7155 STATE ROUTE 1299	ROBARDS	KY	42452	Excluded
60-62	NUNN DENNIS E & JUDITH	7155 STATE ROUTE 1299	ROBARDS	KY	42452	No change
60-57.1	NUNN DENNIS E & JUDY	7155 STATE ROUTE 1299	ROBARDS	KY	42452	No change
60-38.1	NUNN DENNIS EARL	7155 STATE ROUTE 1299	ROBARDS	KY	42452	No change
60-43	PERKINS CLAUDIA	15175 STATE ROUTE 136 E	HENDERSON	KY	42420	No change
60-45	RILEY JAMES R & SARAH E	PO BOX 115	RUSSELLVILLE	KY	42276	No change
70-38	SPENCER STEPHEN H	213 CORRAL DR	GOLDSBORO	NC	27534	No change
60-57	SEBREE SOLAR, LLC	700 UNIVERSE BLVD	JUNO BEACH	KY	42420	Purchased from Mary Ann Sugg
60-56	SEBREE SOLAR, LLC	700 UNIVERSE BLVD	JUNO BEACH	KY	42420	Purchased from Mary Ann Sugg
61-30	WHITMORE CAROLYN	9422 STATE ROUTE 416 W	ROBARDS	KY	42452	Included in Sebree Solar II only
61-37	WHITMORE DONALD R EST & CAROLYN	9422 STATE ROUTE 416 W	ROBARDS	KY	42452	Included in Sebree Solar II only
61-39	WHITMORE DONALD R EST & CAROLYN	9422 STATE ROUTE 416 W	ROBARDS	KY	42452	Included in Sebree Solar II only

Exhibit B

FINAL SITE LAYOUT PLAN SEBREE SOLAR PROJECT



PROJECT SITE INFORMATION				
COUNTY PARCEL NUMBERS	SEE SITE PLAN MEMO			
GPS COORDINATES	37.689°N, -87.547°W (SUBSTATION)			
SITE ELEVATION	450' A.M.S.L.			
DEVELOPER NAME	SEBREE SOLAR, LLC			
DEVELOPER ADDRESS	700 UNIVERSE BLVD., JUNO BEACH, F			
DEVELOPER CONTACT	ALEX GRAVE DE PERALTA			
APPLICABLE BUILDING PERMIT AUTHORITY	KY SITING BOARD, HENDERSON CO.			
SYSTEM AC SIZE (MW AT POI)	250			
SYSTEM DC SIZE (MW)	361.49			
MODULE COUNT	680,370			
CENTRAL INVERTER COUNT	80			
TRANSFORMER COUNT	2			
PROJECT ZONING	AGRICULTURAL			
NON PARTICIPATING PARCEL SETBACK	25 FEET			
OCCUPIED STRUCTURE SETBACK (HENDERSON COUNTY)	100 FEET			
INVERTER SETBACK FROM OCCUPIED STRUCTURE (KENTUCKY SITING BOARD)	450 FEET			
PV PANEL SETBACK FROM OCCUPIED STRUCTURE (KENTUCKY SITING BOARD)	150 FEET			
EDGE OF ROAD PAVEMENT SETBACK	50 FEET			
SURFACE WATER SETBACK	25 FEET			
WETLAND SETBACK	25 FEET			
STREAM SETBACK	25 FEET			
FENCED AREA	1,074 ACRES			
ROAD LENGTH	73,770 FEET			
LANDSCAPE LENGTH	20,091 FEET			

PREPARED FOR



SEBREE SOLAR, LLC **700 UNIVERSE BLVD** JUNO BEACH, FL 33408

Contact: Alex Grave de Peralta Sebree Solar, LLC (561) - 339 - 0376

CITY OF ROBARDS HENDERSON COUNTY, KENTUCKY, 40146

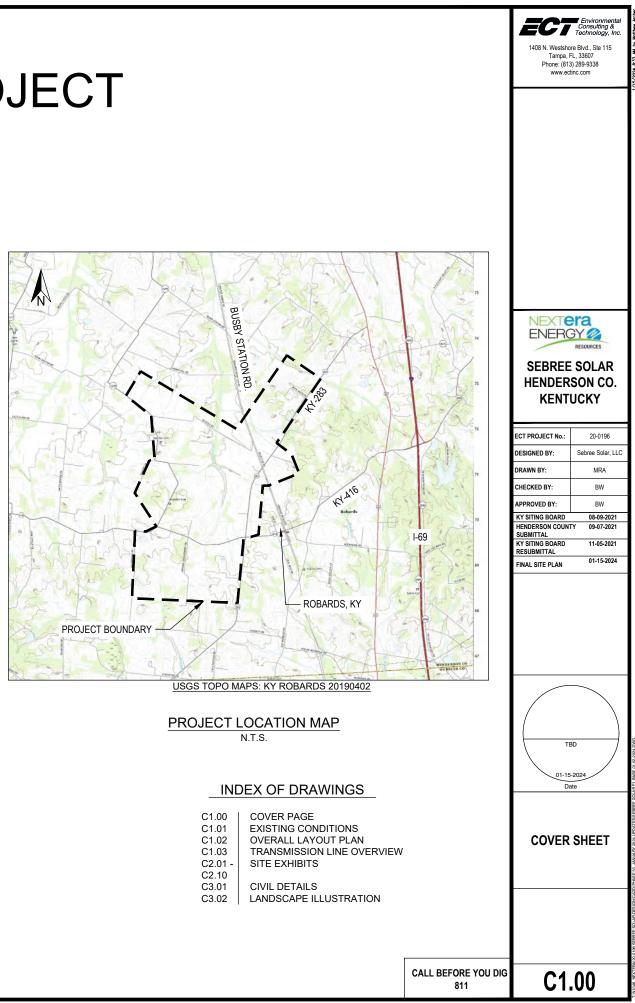
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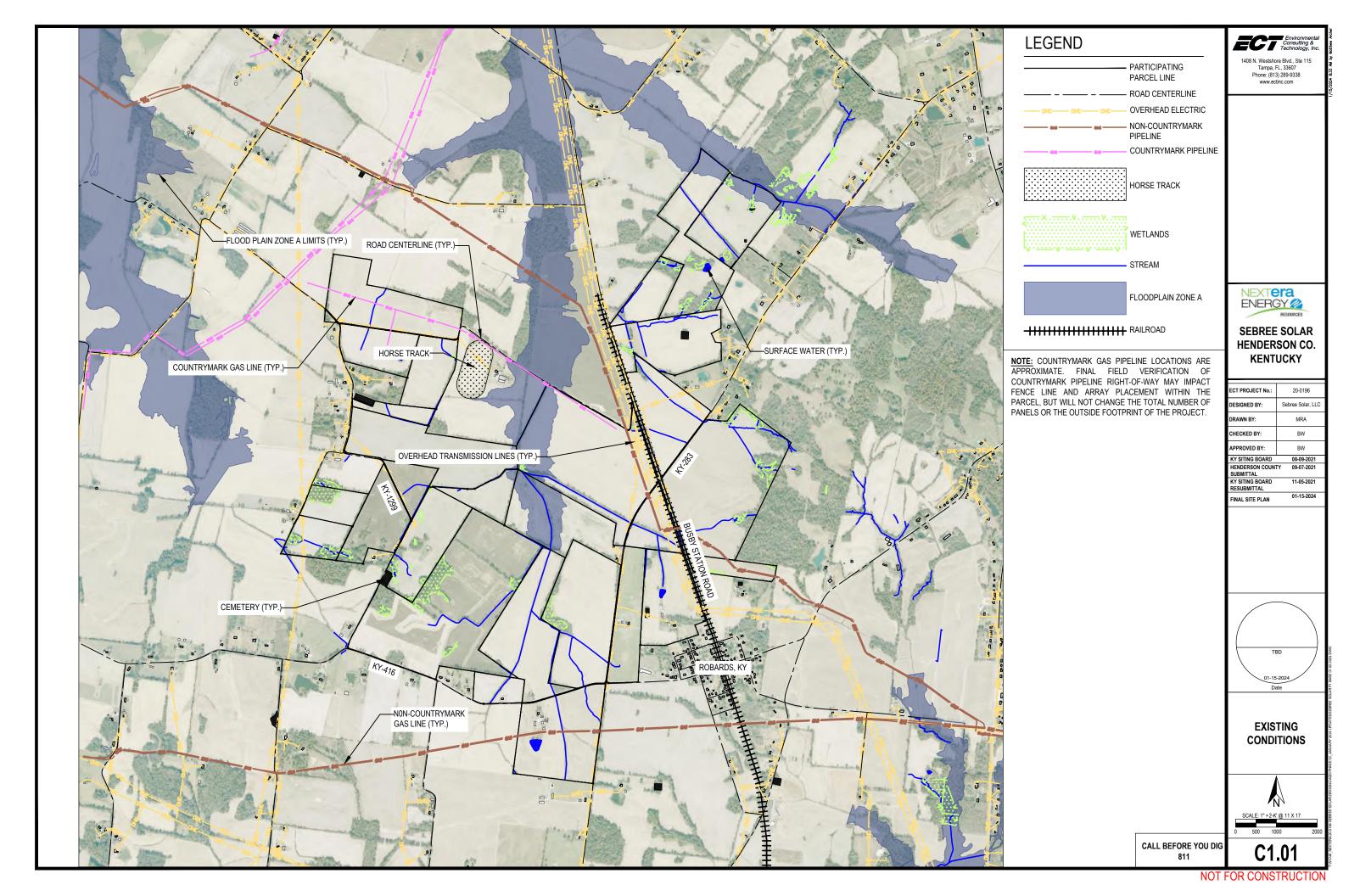
1408 N. Westshore Blvd., Ste 115 Tampa, Florida 33607 Tel: (813) 289-9338 Agent's E-mail: bwilburn@ectinc.com Agent's Tel: (513) 313-0179 http://www.ectinc.com

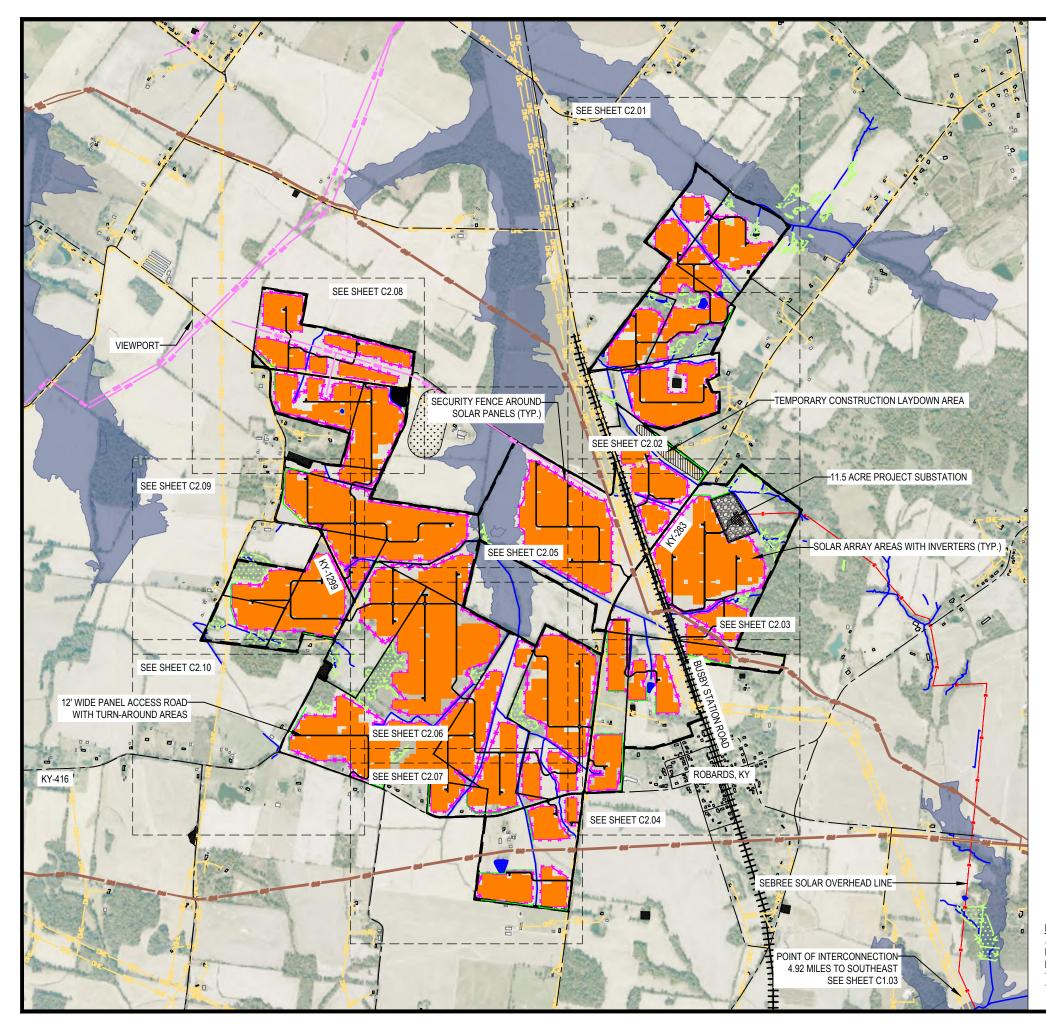
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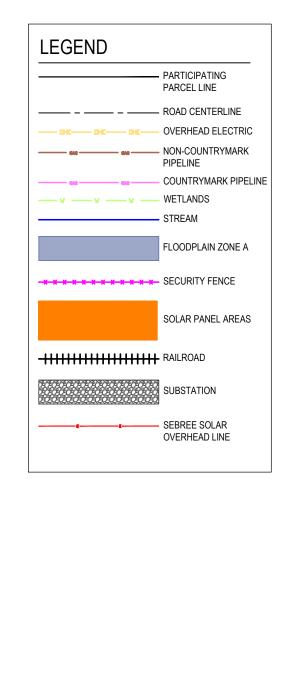
JANUARY 2024 KENTUCKY SITING BOARD FINAL SITE LAYOUT PLAN



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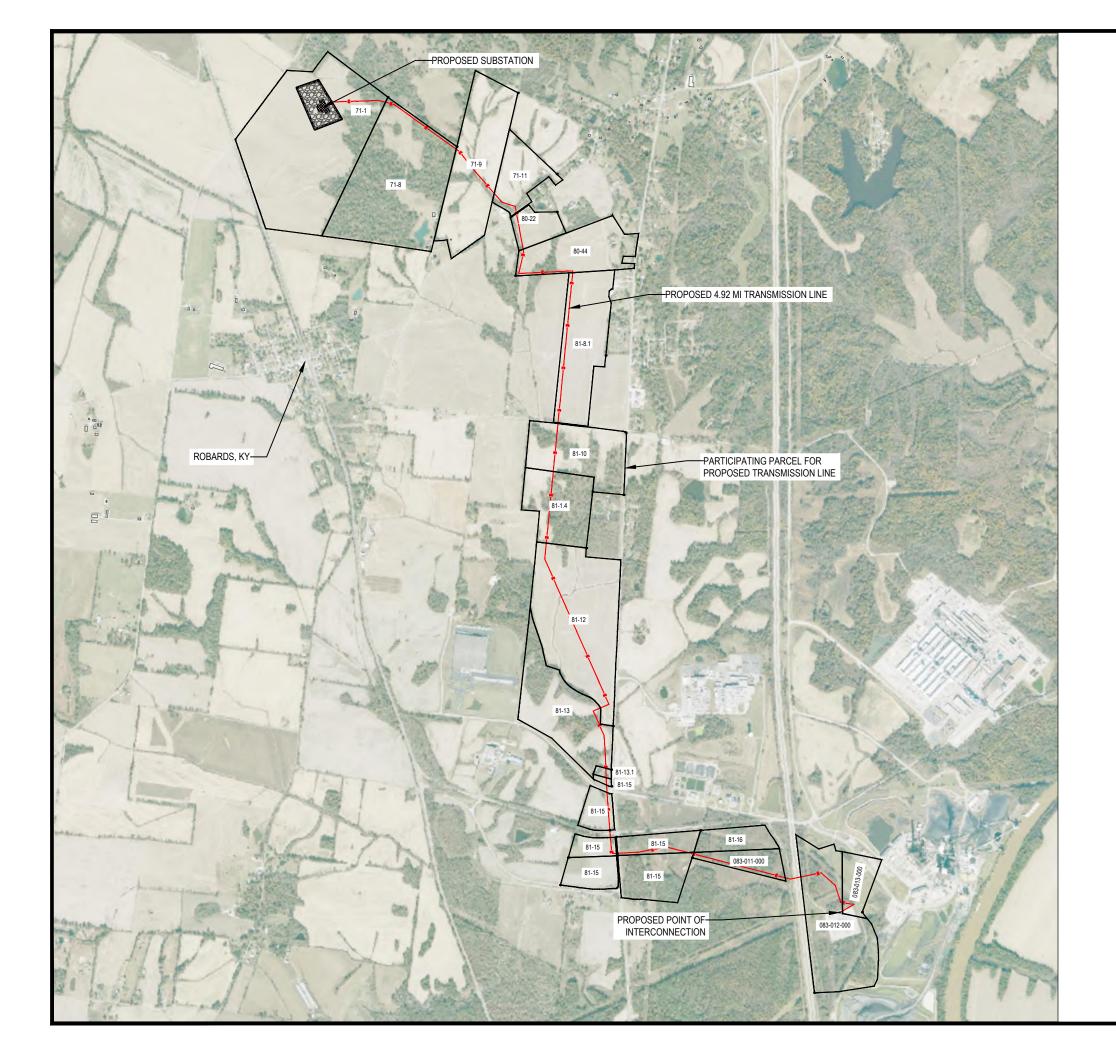
<u>MOTE:</u> COUNTRYMARK GAS PIPELINE LOCATIONS ARE APPROXIMATE. FINAL FIELD VERIFICATION OF COUNTRYMARK PIPELINE RIGHT-OF-WAY MAY IMPACT FENCE LINE AND ARRAY PLACEMENT WITHIN THE PARCEL, BUT WILL NOT CHANGE THE TOTAL NUMBER OF PANELS OR THE OUTSIDE FOOTPRINT OF THE PROJECT.

NEXTera ENERGY 🥢 RESOURCE SEBREE SOLAR **HENDERSON CO.** KENTUCKY ECT PROJECT No.: 20-0196 Sebree Solar, LLC ESIGNED BY: RAWN BY: MRA CHECKED BY: BW PPROVED BY: BW KY SITING BOARD 08-09-2021 09-07-2021 HENDERSON COUNTY SUBMITTAL KY SITING BOARD 11-05-2021 RESUBMITTAL 01-15-2024 FINAL SITE PLAN TBD 1-15-2024 Date **OVERALL SITE** LAYOUT SCALE: 1" = 2-K' @ 11 X 17 1000 CALL BEFORE YOU DIG C1.02 NOT FOR CONSTRUCTION

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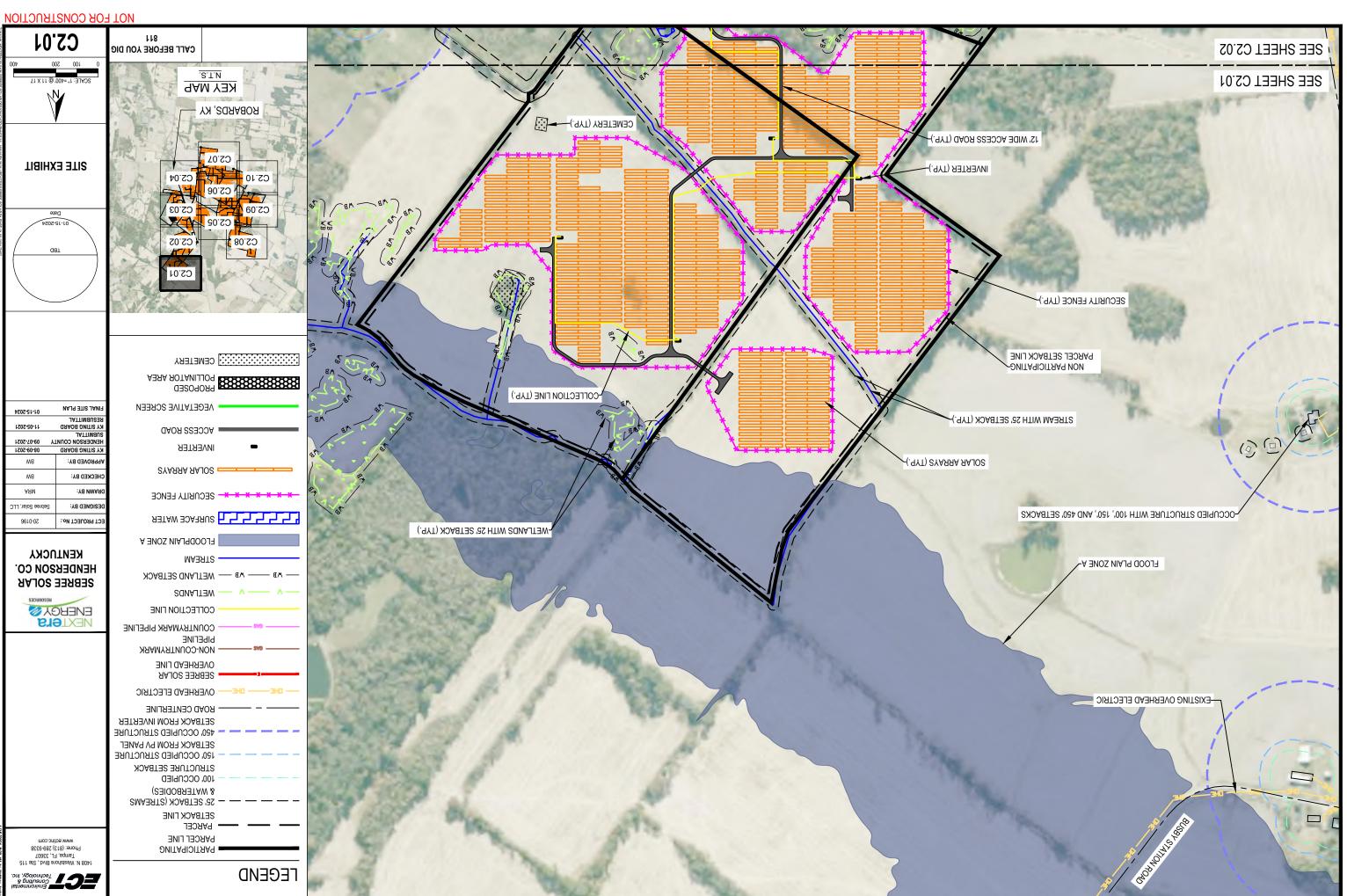
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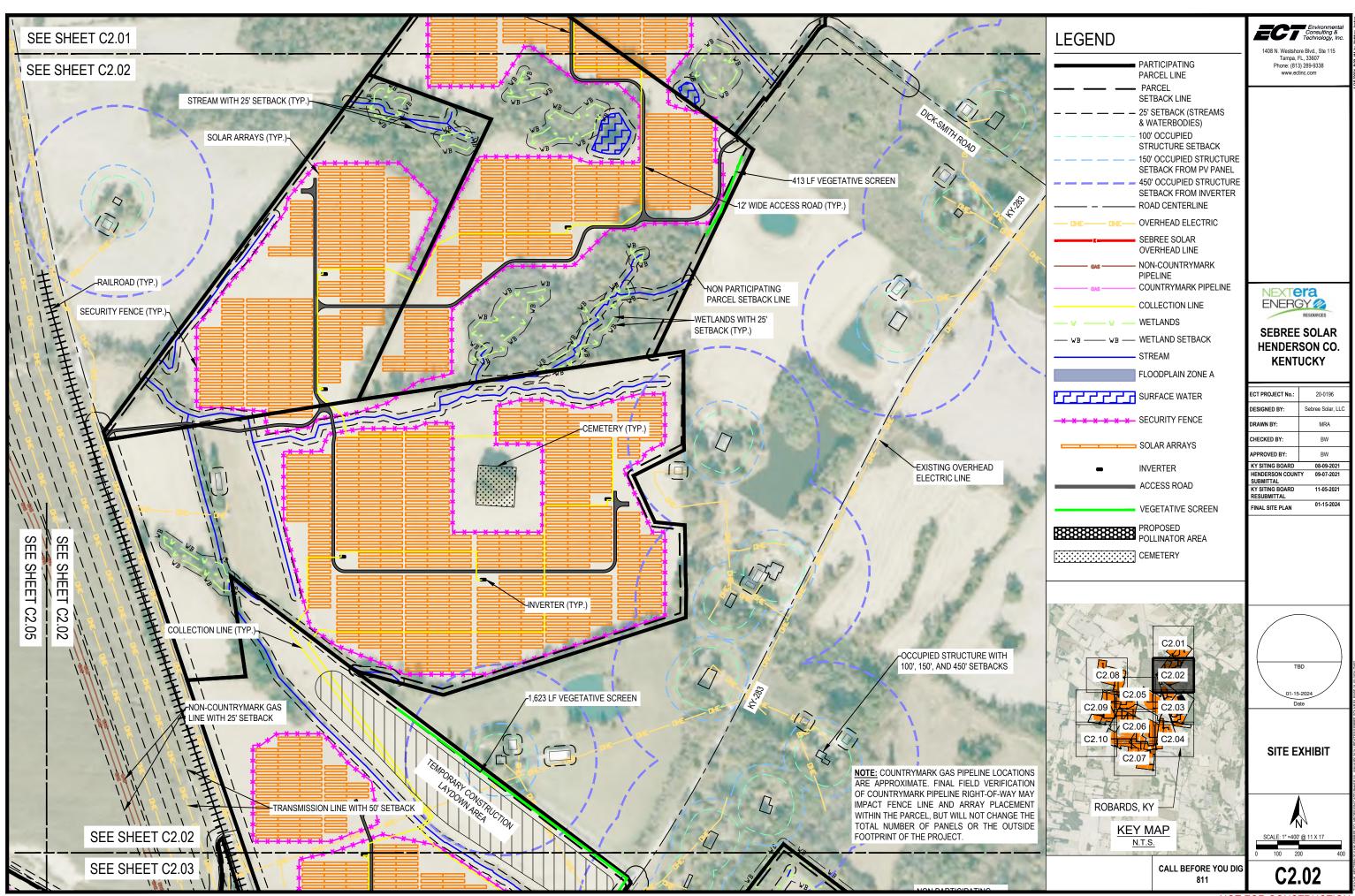
1408 N. Westshore Blvd., Ste 115 Tampa, FL, 33607 Phone: (813) 289-9338 www.ectinc.com

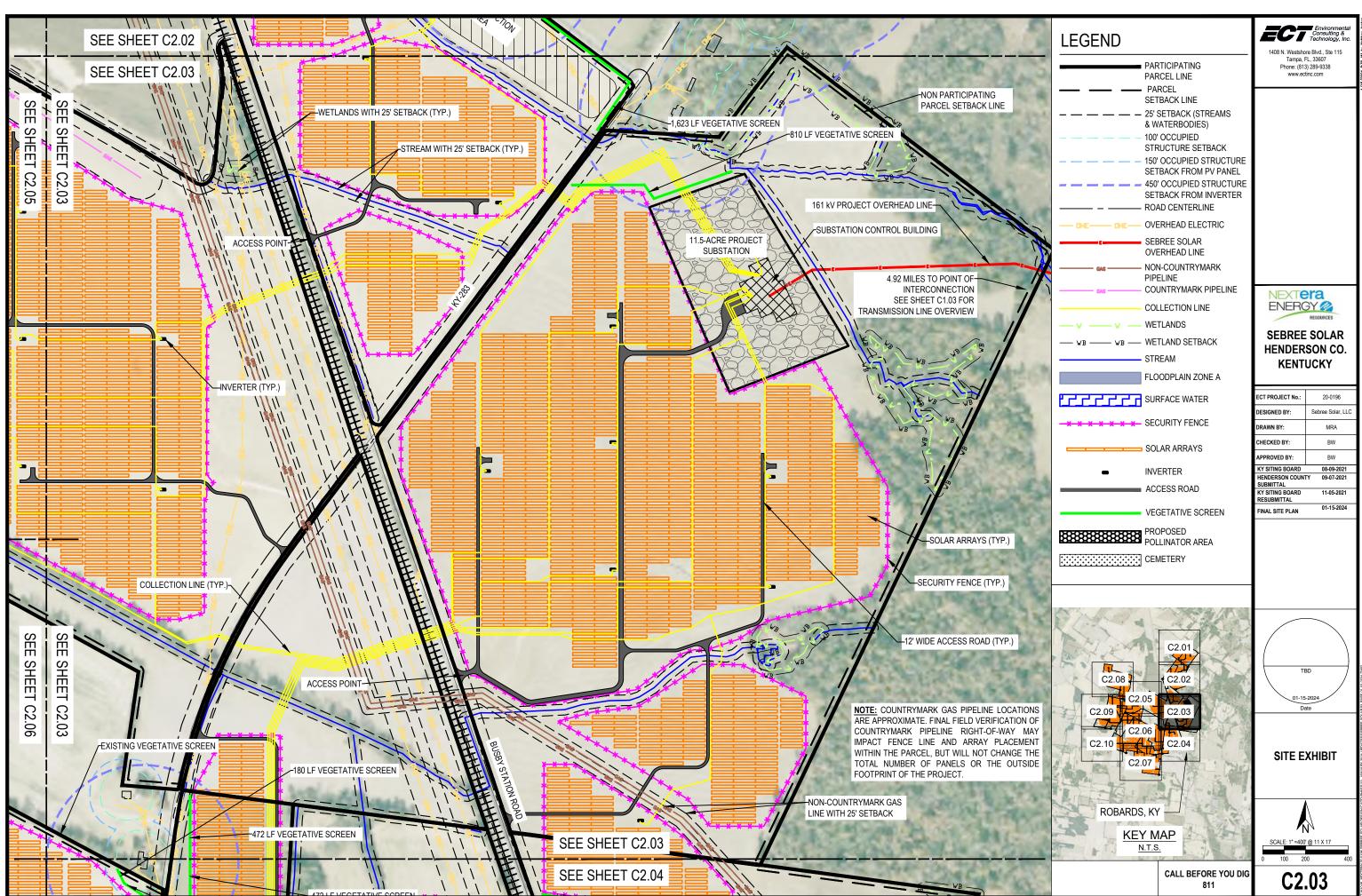


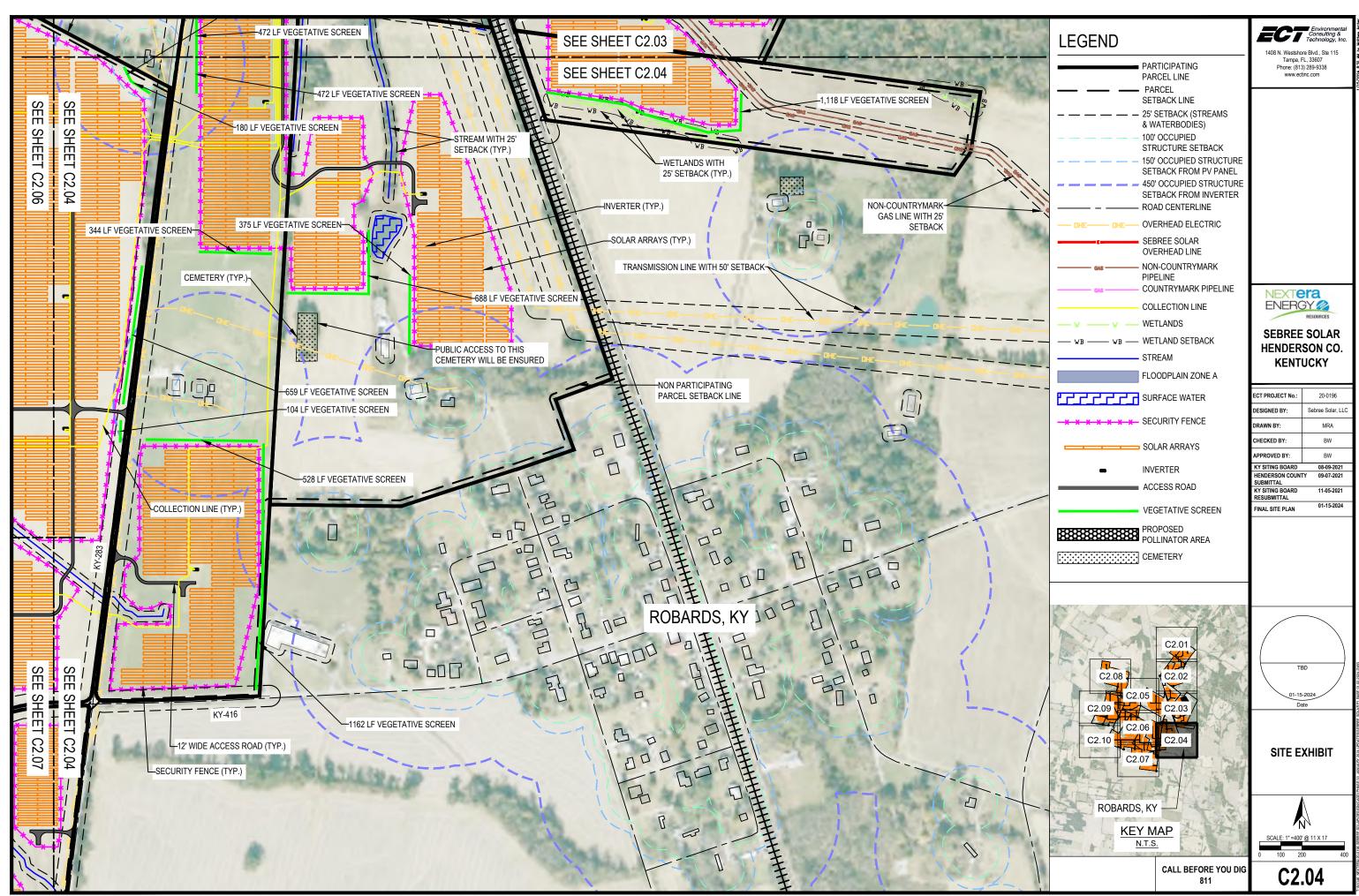
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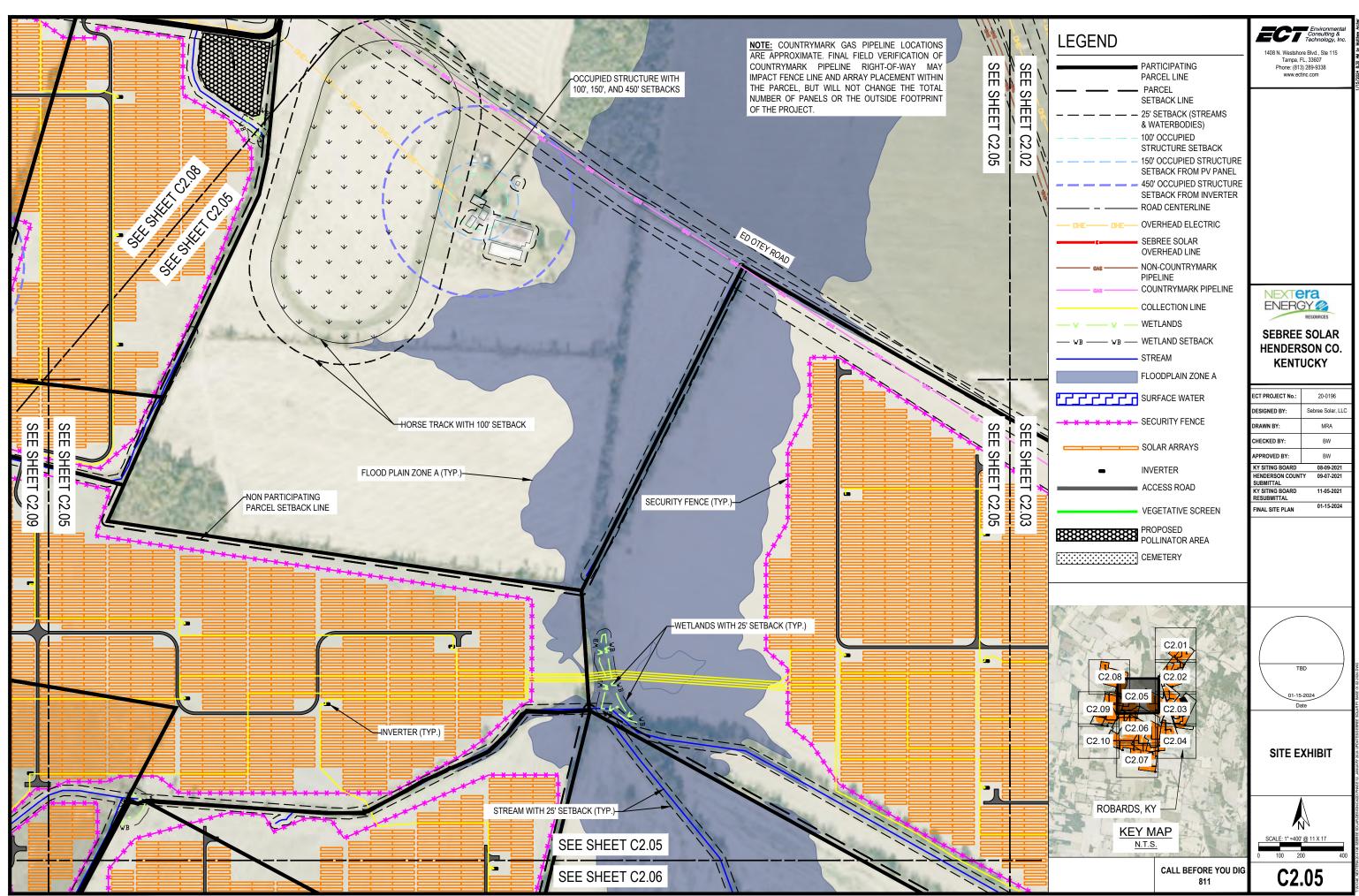
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				DESIGNED BY:	Sebree Solar, LLC
				DRAWN BY:	MRA
				CHECKED BY:	BW
				APPROVED BY:	BW
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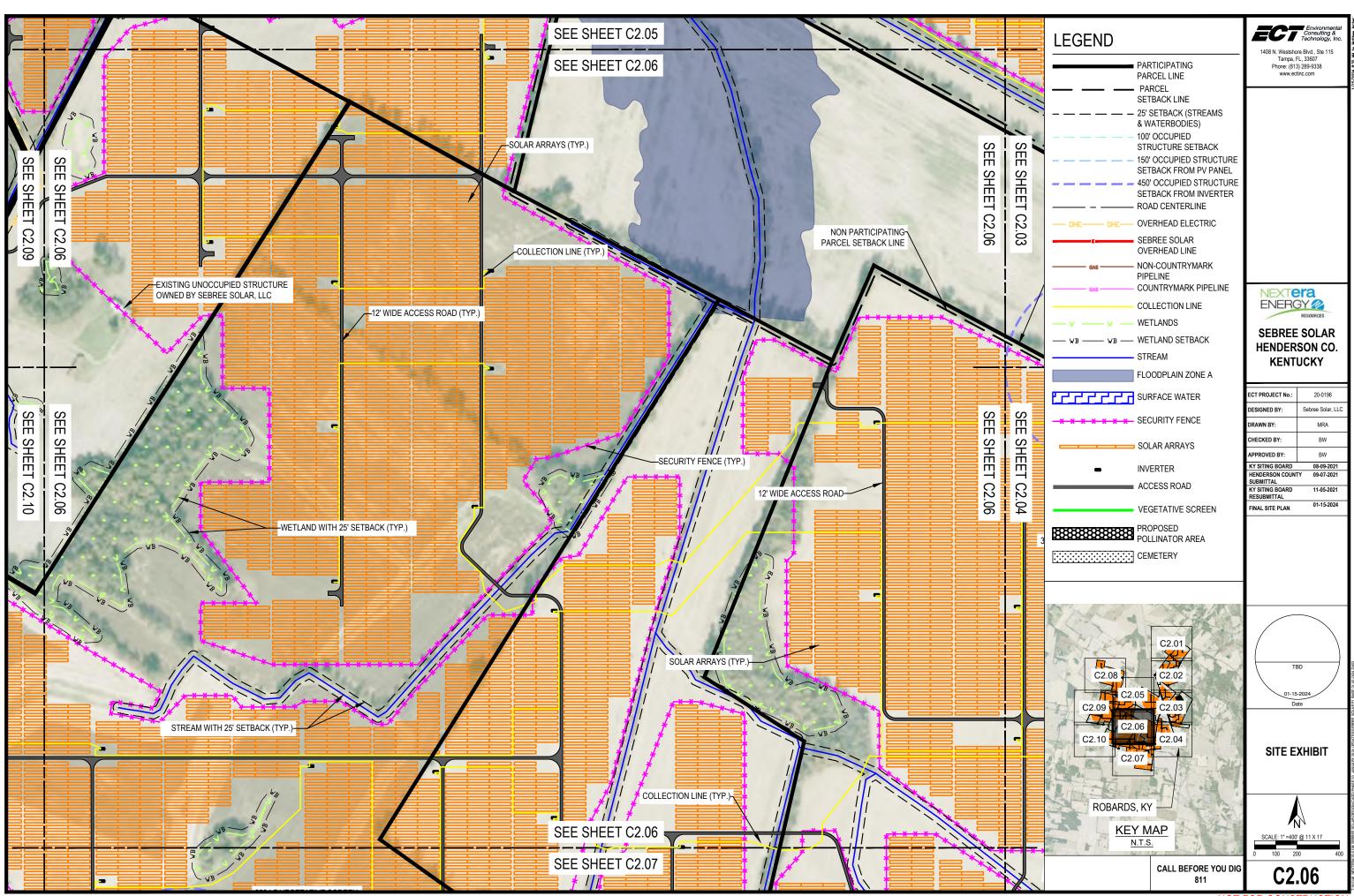


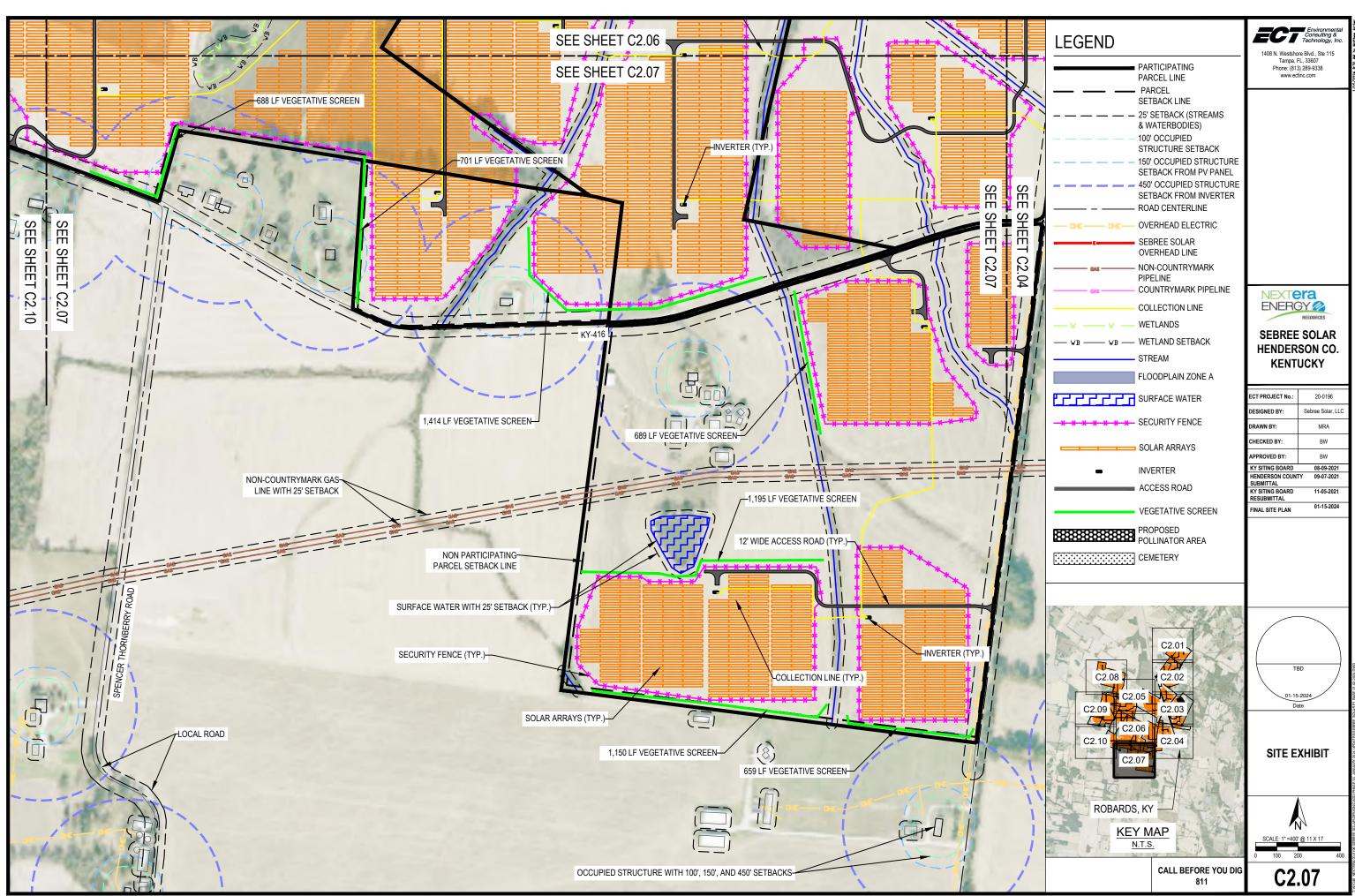


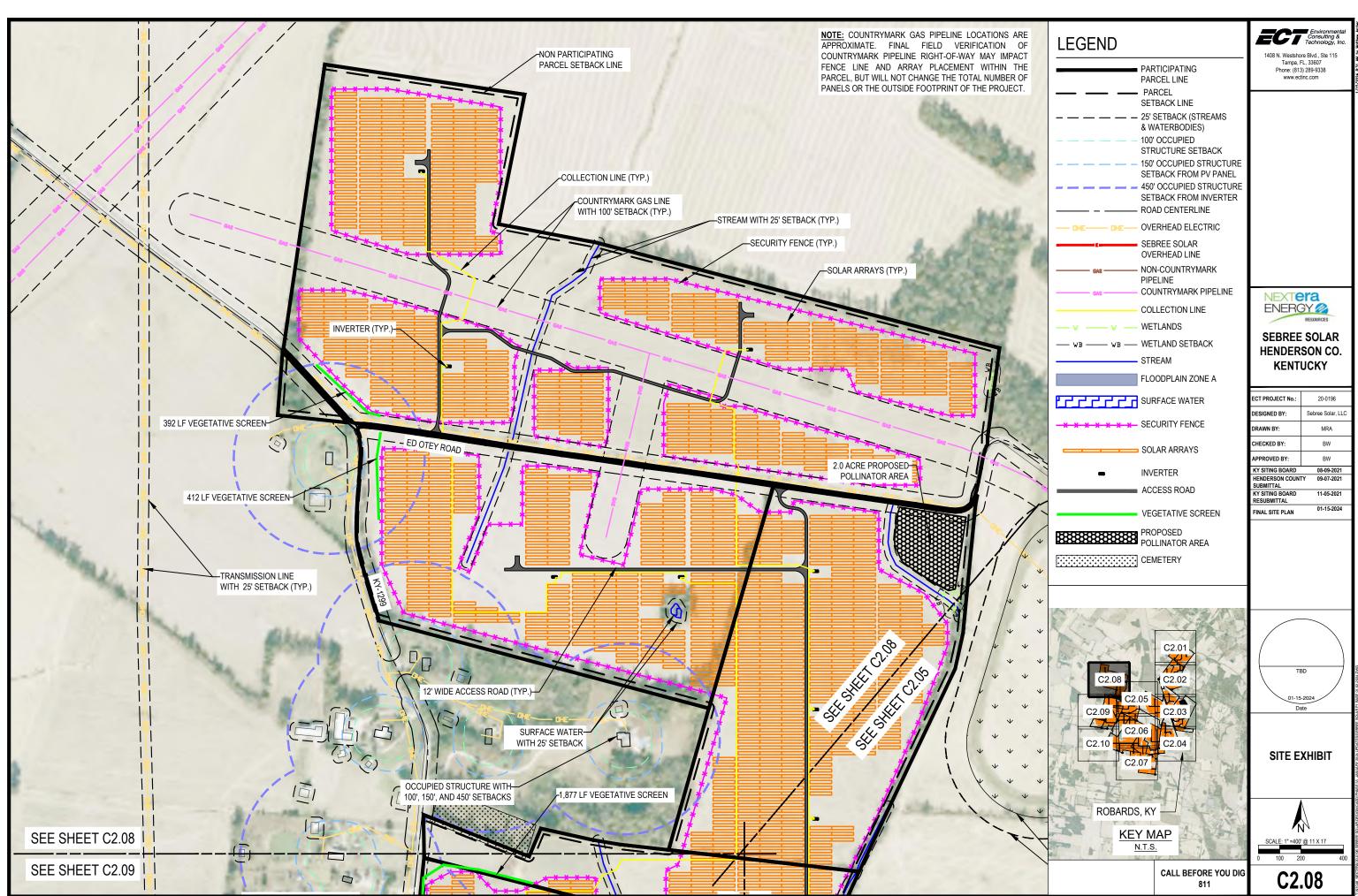












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