

COMMONWEALTH OF KENTUCKY

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

IN THE MATTER OF:

THE ELECTRONIC APPLICATION OF)
SEBREE SOLAR, LLC FOR A CERTIFICATE)
TO CONSTRUCT AN APPROXIMATELY 250)
MEGAWATT MERCHANT SOLAR ELECTRIC) CASE NO. 2021-00072
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 SOLAR LLC'S
MOTION FOR REHEARING**

Comes now Sebree Solar LLC, (“Sebree”), by and through counsel, and does hereby respectfully request the Siting Board to grant rehearing with regard to eight conditions included in the February 9, 2022 Order in this docket, respectfully stating as follows:

I. BACKGROUND

Sebree tendered its application to construct a 250 MW merchant electric solar generating facility in Henderson County and an approximately 4.85-mile electric transmission line in Henderson and Webster Counties (the “Project”) with the Siting Board on August 13, 2021. Following two rounds of information requests and a visit to the site of the proposed solar and transmission facilities, a hearing was held in this case on December 21, 2021. At the hearing, Sebree presented the testimony of six witnesses. Following an additional round of post-hearing data requests, the case stood ready for adjudication on January 7, 2022. The Siting Board issued

its Final Order on February 9, 2022. The February 9th Order included thirty-two conditions attaching to the construction certificate awarded to Sebree. Sebree has reviewed the conditions set forth in the February 9th Order and respectfully requests the Siting Board to grant rehearing with respect to eight of these conditions so as to prevent unnecessary cost, delay or inefficiency in the development of the proposed project, to maintain consistency with the conditions already applicable to the Project by virtue of mandates imposed by the Henderson City-County Planning Commission and to avoid what amount to serious impairments of Sebree’s ability to finance the Project.

II. ARGUMENT

The Siting Board is a creature of statute and, as such, may only act within the scope of its jurisdiction and authority.¹ Per KRS 278.704(1) and KRS 278.710, the purpose of the Siting Board is to review and rule upon applications to “construct” a merchant electric generating facility.² As with other administrative agencies, the Siting Board may not act arbitrarily or capriciously or in a manner inconsistent with law.³ The February 9th Order imposes a number of conditions upon the Sebree Project, the vast majority of which Sebree has no concerns. However, eight of the conditions included in the February 9th Order, though no doubt well-intentioned, would lead to

¹ See *Fam. Tr. Found. of Kentucky, Inc. v. Kentucky Horse Racing Comm’n*, 620 S.W.3d 595, 601 (Ky. 2020), *reh’g denied* (Jan. 21, 2021) citing *GTE v. Revenue Cabinet*, 889 S.W.2d 788, 792 (Ky. 1994) (“Notwithstanding this broad remit, the Commission, like all administrative agencies, may not exceed its statutory authority”); *Public Serv. Comm’n v. Attorney Gen.*, 860 S.W.2d 296, 297–98 (Ky. App. 1993) (“An administrative body’s powers are defined and limited by the agency’s enabling statute.”).

² “Commence to construct” is defined in KRS 278.700(4) as the “physical on-site placement, assembly, or installation of material or equipment which will make up part of the ultimate structure of the facility.”

³ See *Sebastian-Voor Properties, LLC v. Lexington-Fayette Urb. Cty. Gov’t*, 265 S.W.3d 190, 195 (Ky. 2008) (“Judicial review of an agency decision is limited to the determination of whether the decision was arbitrary, i.e., whether the action was taken in excess of granted powers, whether affected parties were afforded procedural due process, and whether decisions were supported by substantial evidence.”) citing *American Beauty Homes Corp. v. Louisville and Jefferson County Planning and Zoning Commission*, 379 S.W.2d 450, 456 (Ky.1964); see also *Protect My Check, Inc. v. Dilger*, 176 F. Supp. 3d 685, 690 (E.D. Ky. 2016).

results which are likely unintended or that exceed the scope of the Siting Board's authority. Individually, these conditions make the Project more difficult to bring to completion. In the aggregate, they threaten the viability of the Project. Accordingly, Sebree respectfully requests the Siting Board to grant rehearing on the basis set forth herein.

A. Conditions 8 and 10 – Vegetative Buffers

Condition 8 reads as follows:

Sebree Solar shall plant native evergreen species as a visual buffer to mitigate viewshed impacts, particularly in areas directly adjacent to the Project without existing vegetation.

In developing the updated Site Plan that was included in response to the Siting Board's Post-Hearing Data Requests, Item 1, Sebree already developed and prepared a vegetative buffer plan that fully complied with, and was approved by, the Henderson City-County Planning Commission.⁴ The final Site Plan approved by the Henderson City-County Planning Commission incorporates specific feedback from the Henderson County Codes Administrator adding vegetative buffering. The Site Plan is comprehensive and views each parcel individually. Accordingly, it is more restrictive than Condition 8, which applies only a general rule as opposed to the specific vegetative buffer requirements for each parcel of the Site Plan.

Condition 8 has, in effect, already been complied with by virtue of the Henderson City-County Planning Commission process. Sebree does not propose to eliminate Condition 8, but believes it would be preferable to expressly incorporate the specific measures that have already been imposed upon Sebree into the general guidance of Condition 8. This will eliminate confusion as to what is required in the construction of the Project and provide certainty with regard to whether

⁴ The Henderson City-County Planning Commission approval for the Sebree Site Plan was issued on October 14, 2021. A copy is attached hereto and incorporated herein as Exhibit 1.

Sebree has followed through on its commitments. Based upon the foregoing, Sebree respectfully requests that Condition 8 be amended to read as follows:

The Consistent with the updated Site Plan provided as Post-Hearing Request Attachment, Item 1, and as approved by the Henderson City-County Planning Commission, Sebree Solar shall plant native evergreen species as a visual buffer to mitigate viewshed impacts, particularly in areas directly adjacent to the Project without existing vegetation.

Sebree also seeks rehearing to amend a related condition relating to vegetative buffers.

Condition 10 reads as follows:

Sebree Solar shall provide a visual buffer between Project infrastructure and residences or other occupied structures with a line of sight to the facility to the reasonable satisfaction of the affected adjacent property owners. To the extent that an affected adjacent property owner indicates to the Sebree Solar that such a buffer is not necessary, it will obtain that property owner's written consent and submit such consent in writing to the Siting Board.

As stated above, the Site Plan as depicted in the Project's Response to Post-Hearing Information Request, Item 1 reflects these updated vegetative buffer requirements. As with Condition 8, the proposed additional wording for Condition 10 (below) specifically requires Sebree to act consistently with its commitments in obtaining the Henderson City-County Planning Commission Site Plan approval. For the reasons set forth above, this additional language will assure that compliance with the Site Plan will equate to compliance with the Siting Board's condition as well. This will have the further benefit of honoring the local requirement espoused in the Site Plan and avoiding confusion in the future construction of the Project.

Sebree seeks one additional change to Condition 10, which requires that a visual buffer must be "to the reasonable satisfaction of the affected adjacent property owners." This term injects significant uncertainty into the development of the Project and undermines the very purpose of gaining approval for the local Site Plan. The Henderson City-County Planning Commission

process is designed to give all affected parties an opportunity to raise any concerns with a proposed site plan. Like any administrative agency's permits, a duly issued Site Plan approval is presumed to be lawful and reasonable unless set aside or vacated.⁵ Condition 10 undermines the purpose of the local Site Plan approval where it gives individual adjacent landowners the ability to vitiate the Site Plan by insisting upon vegetative screening that varies from that which has already been approved by the Henderson City-County Planning Commission. While an adjacent landowner's success on such a claim would hinge upon how reasonable it is, the "reasonable" standard itself invites formal disputes to fester and lead to litigation. Though no doubt well-intentioned, Condition 10 could lead to outcomes which are inconsistent with the purpose of requiring local government approval of a Site Plan and the cost of resolving such disputes are wholly unnecessary.

Condition 10 also implies that acceptance of the vegetative buffer which the Site Plan has already established will need to be documented with each of the affected adjacent property owners. This would require outreach to nearly 97 unique adjacent property owners, adding significant administrative burden to the Project. If Sebree is unable to reach an agreement with every landowner, it may affect Project financing or create an enhanced litigation risk. In light of the fact that the Site Plan has been reviewed and approved by an agency of local government and the updated Site Plan comports with its restrictions, it should be sufficient to establish reasonable requirements for vegetative buffers. Accordingly, Sebree respectfully requests that Condition 10 be amended to read as follows:

~~The ***Consistent with the Site Plan approved by the Henderson City-County Planning Commission, which was provided as Post-Hearing Data Request Attachment, Item 1***, Sebree Solar shall provide a visual buffer between Project infrastructure and residences or other occupied structures with a line of sight to the facility to the reasonable satisfaction of the affected adjacent property owners. To the extent that an affected adjacent property owner indicates to the~~

⁵ See, e.g., *Hynes v. Grimes Packing Co.*, 337 U.S. 86, 101 (1949).

Sebree Solar that such a buffer is not necessary, it will obtain that property owner's written consent and submit such consent in writing to the Siting Board.

The proposed changes to Conditions 8 and 10 will limit confusion, align the obligations with those applied by the Henderson City-County Planning Commission, reduce the administrative burden of developing the Project and limit the likelihood of future litigation. Sebree respectfully requests the Siting Board to adopt these proposed changes.

B. Conditions 12 and 14 – Construction Limitations

The February 9th Order includes two conditions that adversely impact the construction phase of the Project. For instance, Condition 12 reads as follows:

Sebree Solar is required to limit the construction activity, process, and deliveries to the hours between 8 a.m. and 6 p.m. Monday through Saturday. Non-noise-causing and non-construction activities can occur on the site between 7 a.m. and 10 p.m., Monday through Sunday, including field visits, arrival, departure, planning meetings, mowing, surveying, etc.

Limiting construction activities to between 8:00 a.m. and 6:00 p.m., particularly during the summer months, will have a detrimental impact upon the Project and increase the construction costs by: (1) requiring additional contractors to be employed to meet the Project schedule; (2) extending the construction schedule based upon fewer working hours; or (3) some combination of both. Sebree is prepared to work within this constraint, but respectfully requests that it be allowed one additional hour in the morning to undertake non-noise-causing activities. By definition, such activities would not be disruptive to adjacent landowners, but would enable Sebree to more effectively utilize its 8 a.m. to 6:00 p.m. workday. Accordingly, Sebree respectfully requests that Condition 12 be amended to allow non-noise-causing activities to begin on the Project site at 6:00 a.m.

Sebree also requests that Condition 14 be deleted from the Commission's Order. Condition 14, which was not included in the Siting Board consultant's recommended mitigation measures, reads as follows:

If pile driving activity occurs within 1,500 feet of a noise-sensitive receptor, Sebree Solar shall implement a construction method to suppress the noise generated during the pile driving process (i.e., semi-tractor and canvas method; sound blankets on fencing surrounding the solar site; or any other comparable method).

While pile-driving is expected to take place on the Project over an approximate twelve (12) month period, the activity will be moving around the Project over that time. It is anticipated that the longest that pile-driving would take place within 1,500 feet of any particular noise sensitive receptor is one month.⁶ Once pile-driving is complete in an area, Sebree does not anticipate a need to return to that area for further pile-driving. As stated in prior filings, Sebree Solar has committed to the following noise mitigations:

[P]lanned noise mitigation will include notification of residents and businesses in the vicinity of the proposed Project about the start of construction and potential construction noises at least a month prior to commencing Project construction. These notifications will include contact information for receiving complaints.⁷

The additional requirement set forth in Condition 14 to use sound blankets on fencing or another comparable method during pile driving will result in millions in additional construction costs, which threatens the Project's viability. These additional costs will include procurement and installation of the sound barriers as well as negative impacts to crew productivity by forcing work to be undertaken in a non-sequential fashion. Moreover, the benefit of sound blankets is itself

⁶ The precise sequence for this activity has not yet been determined. In limiting the construction workday in Condition 12, the cumulative number of days of pile-driving activity will likely increase to some degree.

⁷ See Sebree Response to Siting Board Consultant's Report, p. 3; Sebree Response to Siting Board Staff First Request, No. 15 (Oct. 15, 2022).

uncertain. There is nothing in the record or the Siting Board's February 9th Order which supports a finding of fact that such incremental methods are effective in a rural, open setting. As much as anything, terrain features, existing vegetation and ambient conditions will impact the extent to which a noise sensitive receptor perceives noise from the pile-driving activity. Sebree understands the well-intentioned nature of this requirement, but respectfully suggests that it will certainly add an unreasonable expense in order to gain what is a speculative benefit.

C. Condition 16 –Setbacks

Condition 16 of the February 9th Order includes specific setback requirements for various components of the proposed solar facility.

Sebree Solar shall place panels, inverters and substation equipment consistent with the distances to noise receptors indicated in Sebree Solar's noise and traffic study and with the setbacks required by the Henderson County Planning and Zoning regulations for the entirety of the Project. Nevertheless, Sebree Solar shall not place solar panels or string inverters, if used, closer than 150 feet from a residence, church or school, 25 feet from non-participating adjoining parcels, and 50 feet from adjacent roadways. Sebree Solar shall not place a central inverter, and if used, energy storage systems, closer than 450 feet from a residence, church or school. The only exception to these distances is allowed for parcel #81-13.1, 14873 US Highway 41 S, for transmission route option #2, in which the residence is 145 feet from the transmission line route. These setbacks shall not be required for residences owned by landowners involved in the Project that explicitly agree to lesser setbacks and have done so in writing. All agreements by participating landowners to lesser setbacks must include language advising the participating landowners of the standard setback required by this order. All agreements by participating landowners to lesser setbacks must be filed with the Siting Board prior to commencement of construction of the Project.

This Condition contradicts the requirements of the Henderson County Planning and Zoning Ordinance which applies to Level 3 Solar Energy Systems such as that proposed by Sebree. Under the Henderson County Ordinance:

Setback requirements for Level 3 SES shall be as follows: (1) All equipment shall be at least fifty (50) feet from the perimeter property lines of the project area; (2) No interior property line setbacks shall be required if the project spans multiple contiguous properties; (3) All equipment shall be located at least one hundred (100) feet from any residential structure and; the maximum height of any individual component will be 25 feet measured from the local ground level of the component.⁸

By imposing a more restrictive setback requirement than the setback requirements set forth in the Henderson County Planning and Zoning regulations, Condition 16 violates KRS 278.704(3) which gives primacy to setback requirements in local planning and zoning ordinances. Moreover, all of the leases for the solar facility portion of the Project have already been signed. Requiring Sebree to obtain lease amendments for setbacks that are already consistent with the locally approved Site Plan adds significant administrative cost and burden to the Project with no corresponding benefit. Accordingly, Sebree proposes that Condition 16 be restated as follows:

~~Sebree Solar shall place panels, inverters and substation equipment consistent with the distances to noise receptors indicated in Sebree Solar's noise and traffic study and with the setbacks required by the Henderson County Planning and Zoning regulations for the entirety of the Project. Nevertheless, Sebree Solar shall not place solar panels or string inverters, if used, closer than 150 feet from a residence, church or school, 25 feet from non-participating adjoining parcels, and 50 feet from adjacent roadways. Sebree Solar shall not place a central inverter, and if used, energy storage systems, closer than 450 feet from a residence, church or school. The only exception to these distances is allowed for parcel #81-13.1, 14873 US Highway 41 S, for transmission route option #2, in which the residence is 145 feet from the transmission line route. These setbacks shall not be required for residences owned by landowners involved in the Project that explicitly agree to lesser setbacks and have done so in writing. All agreements by participating landowners to lesser setbacks must include language advising the participating landowners of the standard setback required by this order. All agreements by participating landowners to lesser setbacks must be filed with the Siting Board prior to commencement of construction of the Project.~~

⁸ See Sebree's Application, Vol. 1, Tab 4, Attachment A, pp. 4-5 (Henderson County Zoning Ordinance, Section 30.02 (Nov. 10, 2020)).

D. Conditions 26 – Restrictions on Future Transfers

One of the conditions in the February 9th Order applies to any future transfers of ownership, control or the right to control the Project. Condition 26 reads as follows:

If any person shall acquire or transfer ownership of, or control, or the right to control the Project, by sale of assets, transfer of stock, or otherwise, or abandon the same, Sebree Solar, or its successors or assigns shall request explicit approval from the Siting Board with notice of the request provided to the Henderson County Fiscal Court and Webster County Fiscal Court. In any application requesting such abandonment, sale or change of control, the Applicant shall certify its compliance with KRS 278.710(1)(i).

The constitutional and statutory basis for imposing this condition is unclear. Nevertheless, even if it is enforceable, the condition as written and included in the February 9th Order is untenable as it, in essence, requires any future owner or investor of the Project – whether a direct or indirect owner – to reapply for “approval” of such a transaction from the Siting Board. The current wording will impact NextEra Energy Resources LLC’s (an indirect parent of Sebree) ability to finance the Project through its traditional finance and tax equity financing structures due to the broad nature of the condition’s language. Condition 26 also adversely impacts creditors' rights. As a backstop to this condition, a financing party would require an indemnity obligation in favor of investors backstopped by a guaranty in an amount equal to its investment in the Project. Another option that NextEra Energy Resources leverages for project financing is through its corporate partners or a strategic project investment portfolio which would transfer partial ownership to outside investors who want to invest in renewable energy. As written, Condition 26 would restrict the ability to use these avenues to finance Sebree’s Project and would impose considerable additional costs upon the Project. While Sebree certainly has no objection to providing notice of such a transaction to the Siting Board and the Fiscal Courts of Henderson County and Webster County, there is no apparent statutory basis for the Siting Board to hold any future corporate transaction approval

proceedings once construction is complete. This condition was not the subject of discovery or the Siting Board’s consultant’s report and appears for the first time in the record as a condition in the February 9th Order. Condition 26 impairs the value of the construction certificate issued by the Siting Board without substantial evidence to support the condition in a manner that violates fundamental notions of due process.⁹ Accordingly, Sebree respectfully requests that this condition be modified to only include a requirement that participating lessors, the Siting Board and the respective Fiscal Courts be notified if any such transfer of ownership, control or right to control takes place, as was done in Case No. 2021-00029.¹⁰

E. Conditions 28 and 29 – Decommissioning Obligations

The final two conditions for which Sebree seeks rehearing relate to various decommissioning obligations. For instance, Condition 28 reads as follows:

Sebree Solar shall file a complete and explicit decommissioning plan with the Siting Board. This plan shall commit Sebree Solar to remove all facility components, above-ground and below-ground, regardless of depth, from the project site. Upon its completion, this plan shall be filed with the Siting Board or its successors. The decommissioning plan shall be completed at least one month before the construction of the Project.

The Decommissioning Plan approved by the Henderson City-County Planning Commission as part of the Site Plan expressly permits Sebree to abandon any “non-recoverable

⁹ See, e.g., *Wasson v. Kentucky State Police*, 542 S.W.3d 300, 303 (Ky. Ct. App. 2018).

¹⁰ See *In the Matter of the Electronic Application of Martin County Solar Project, LLC for a Certificate of Construction for an Approximately 200 Megawatt Merchant Electric Solar Generating Facility in Martin County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110*, Order, Case No. 2021-00029 (Ky. State Siting Bd. Nov. 15, 2021), Appendix A, p. 6 (“If any person shall acquire or transfer ownership of, or control, or the right to control the Project, by sale of assets, transfer of stock, or otherwise, or abandon the same, Martin County Solar or its successors or assigns shall provide explicit notice to the Siting Board and the Martin County Fiscal Court.”).

underground cables below a depth of three (3) feet.”¹¹ The decommissioning depth of up to three (3) feet is an industry standard for multiple reasons. Underground components for solar generating facilities are limited to electrical conductors, junction boxes, fiber telecommunication lines, and steel structural posts, which do not contain hazardous materials. The removal of these facilities up to 40 years after operation would require trenching and disturbance to the soil. To avoid these disturbances, it is recommended to leave these conductors in place. In addition, these conductors often cross underneath existing underground utilities and/or pipelines. At these crossings, the conductors are installed using horizontal borehole drilling methods at further depths to avoid any impact to these existing utilities and/or pipelines. Removal of these conductors after 40 years of operation would pose unnecessary additional risk, although minor, to these existing utilities and pipelines. Accordingly, to avoid conflict between the state and local mandates and to avoid unnecessary disturbance of the land after the facility ceases generation, Sebree respectfully requests that Condition 28 be amended to read as follows:

Sebree Solar shall file a complete and explicit decommissioning plan with the Siting Board. This plan shall commit Sebree Solar to removing all facility components, above-ground and ***up to three (3) feet depth below-ground, as set forth in the Decommissioning Plan approved by the Henderson City-County Planning and Zoning Commission*** ~~below-ground, regardless of depth,~~ from the project site. Upon its completion, this plan shall be filed with the Siting Board or its successors. The decommissioning plan shall be completed at least one month before the construction of the Project.

¹¹ See Sebree Solar Project Level 3 Solar Energy System Site Plan Application for Henderson County, Kentucky, App. 4 (Decommissioning Plan), p. 2 (Sept. 24, 2021). A copy of the Site Plan Application is attached hereto and incorporated herein as Exhibit 2. See also Letter from Henderson City-County Planning Commission approving Sebree’s Site Plan, including its Decommissioning Plan, dated Oct. 14, 2021 (Exhibit 1).

Finally, Condition 29 imposes a bonding obligation on Sebree that runs in favor of the respective Fiscal Courts of Henderson County and Webster County. Condition 29 reads as follows:

Sebree Solar shall file a bond with the Henderson County Fiscal Court and Webster County Fiscal Court, equal to the amount necessary to effectuate the explicit or formal decommissioning plan naming Henderson County and Webster County as a third-party obligee (or secondary, in addition to individual landowners) beneficiary, in addition to the lessors of the subject property insofar as the leases contain a decommissioning bonding requirement so that Henderson County and Webster County will have the authority to draw upon the bond to effectuate the decommissioning plan. For land with no bonding requirement otherwise, Henderson County and Webster County shall be the primary beneficiary of the decommissioning bond for that portion of the Project. The bond(s) shall be filed with the Henderson County Treasurer and Webster County Treasurer or with a bank, title company, or financial institution reasonably acceptable to the counties. The acceptance of the counties of allowing the filing the bond(s) with an entity other than the Fiscal Court, through the Henderson County Treasurer and Webster County Treasurer, can be evidenced by a letter from the Judge-Executive, the Fiscal Court, or the County Attorney. The bond(s) shall be in place at the time of commencement of operation of the Project. The bond amount shall be reviewed every five years at Sebree Solar's expense to determine and update the cost of removal amount. This review shall be conducted by an individual or firm with experience or expertise in the costs of removal or decommissioning of electric generating facilities. Certification of this review shall be provided to the Siting Board or its successors and the Henderson County Fiscal Court and Webster County Fiscal Court. Such certificate shall be by letter and shall include the current amount of the anticipated bond and any change in the costs of removal or decommissioning.

Sebree does not object to posting a decommissioning bond with the two fiscal courts being named as beneficiaries.¹² However, it believes that Condition 29 should be amended to reflect that the Henderson County decommissioning bond obligation already exists. The Henderson

¹² Sebree will reach out to the Webster Fiscal Court in the coming weeks to confirm that it will consent to being named as a beneficiary of a decommissioning bond and will accept the duties and obligations that arise from such status. Sebree will advise the Siting Board as to the Fiscal Court's response.

County decommissioning bond obligation is defined in the Henderson County Zoning Ordinance, Section 30.02, subsection G(1):

1. The developer shall post a Surety Bond, or other form of Security acceptable to the County, for the abandonment of the site and in the event the Commission must remove the facility. Abandonment shall be when the SES ceases to transfer energy on a continuous basis for twelve (12) months. The surety bond or other form or security, shall be one (1) percent of the total project cost re-calculated every 5 years during the project life.

Thus, the Siting Board should not impose a separate bonding requirement for the Henderson County portion of the Project. Sebree therefore respectfully requests that Condition 29 be amended to read as follows:

Sebree Solar shall file a bond with the ~~Henderson County Fiscal Court and Webster County Fiscal Court~~, equal to the amount necessary to effectuate the explicit or formal decommissioning plan naming ~~Henderson County and Webster County~~ as a third-party obligee (or secondary, in addition to individual landowners) beneficiary, in addition to the lessors of the subject property insofar as the leases contain a decommissioning bonding requirement so that ~~Henderson County and Webster County~~ will have the authority to draw upon the bond to effectuate the decommissioning plan. For land with no bonding requirement otherwise, ~~Henderson County and Webster County~~ shall be the primary beneficiary of the decommissioning bond for that portion of the Project. The bond(s) shall be filed with the ~~Henderson County Treasurer and Webster County Treasurer~~ or with a bank, title company, or financial institution reasonably acceptable to the Webster County Treasurer~~the counties~~. The acceptance of ~~the counties~~ of allowing the filing the bond(s) with an entity other than the Fiscal Court, through the ~~Henderson County Treasurer and Webster County Treasurer~~, can be evidenced by a letter from the Judge-Executive, the Fiscal Court, or the County Attorney. The bond(s) shall be in place at the time of commencement of operation of the Project. The bond amount shall be reviewed every five years at Sebree Solar's expense to determine and update the cost of removal amount. This review shall be conducted by an individual or firm with experience or expertise in the costs of removal or decommissioning of electric generating facilities. Certification of this review shall be provided to the Siting Board or its successors and the ~~Henderson County Fiscal Court and Webster County Fiscal Court~~. Such certificate shall

be by letter and shall include the current amount of the anticipated bond and any change in the costs of removal or decommissioning.

These amendments to Condition 29 will assure that Sebree complies with its pre-existing obligation under the Henderson County Planning and Zoning regulations, but will not create an inconsistent obligation. Likewise, it will allow Sebree to work with the Webster County Fiscal Court to establish a decommissioning bond in the latter's favor as envisioned in the original language of Condition 29. Again, this clarification will make the administration of the decommissioning bond more efficient while fully effectuating the Siting Board's intent.

III. CONCLUSION

Sebree continues to appreciate the time and attention that the Siting Board has already devoted to the review of the Project. With minimal changes, the Siting Board's February 9th Order may be improved to assure that the Project moves forward and positively contributes to the communities of both Henderson County and Webster County for many decades to come.

WHEREFORE, on the basis of the foregoing, Sebree respectfully requests the Siting Board to grant rehearing and amend or delete the various conditions of its February 9, 2022 Order as set forth herein.

This 1st day of March, 2022.

Respectfully submitted,

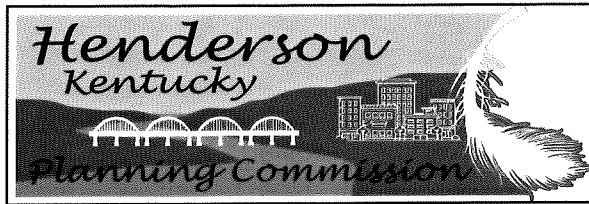


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Counsel for Sebree Solar LLC

Exhibit 1

Letter from Henderson City-County Planning
Commission, dated October 14, 2021,
Approving Sebree Solar, LLC's Site Plan



Henderson City-County Planning Commission
1990 Barret Ct. Suite C
Henderson, KY 42420

Jennifer Marks
Assistant Director

October 14, 2021

NextEra Energy Resources
Lina Jensen
700 Universe Blvd
Mail Stop E5E
Juno Beach, FL 33408

Dear Lina:

Please be advised that on Tuesday, October 5, 2021 the Henderson City-County Planning Commission heard your request for site plan approval for the Sebree Solar Project Site Plan to be located in Henderson County, Kentucky.

PLANNING COMMISSION ACTION: Solar Site Plan Approved.

The 1% surety bond for the project will need to be received in the Planning Commission office before any construction permits can be issued for this project.

If you have any questions, feel free to contact me at (270) 831-1289.

Sincerely,

Jennifer Marks
Assistant Executive Director
Henderson City/County Planning Commission

Exhibit 2

Sebree Solar, LLC Site Plan Application
Henderson City-County Planning Commission

September 15, 2021

Mr. Brian Bishop
Executive Director
Henderson County Planning commission
20 N Main Street
Henderson, KY42420

Re: Sebree Solar Project Level 3 Solar Energy System Site Plan Application for Henderson County, Kentucky

Dear Mr. Bishop,

Sebree Solar, LLC ("Applicant") is pleased to submit the enclosed Site Plan Application for the construction of a proposed Level 3 Solar Energy System ("SES") in Henderson County, Kentucky. The Sebree Solar Project ("Project") is to be located on a site encompassing approximately 1,250 acres of land located in Henderson County and Webster County, Kentucky, approximately seven miles south of the City of Henderson, directly north and west of the Town of Robards, west of U.S. Highway 41 ("US-41"), north of State Road 416 ("HWY-416"), and east of US-41A. Approximately 59 additional acres of land will be utilized for the proposed transmission line with approximately 53 acres located in Henderson County and the remaining approximately 6 acres located in neighboring Webster County. The Project meets the definition of a Level 3 SES and is targeted to begin commercial operation in 2023.

As part of this submittal and in compliance with applicable sections of the Henderson County Zoning Ordinance, the Applicant is providing the following documents:

EXHIBIT A – Site Plan Application

EXHIBIT B – Application Narrative, Compliance Documentation, and Site Plan Checklist

Appendix 1 – Project Location Map

Appendix 2 – Preliminary Site Plan

Appendix 3 – List of Project Parcels

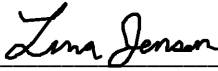
Appendix 4 – Decommissioning Plan

Sebree Solar, LLC respectfully requests Henderson County's review and approval of the enclosed Site Plan Application and the Preliminary Site Plan for the Project as proposed herein.

If you have any questions or require more information, please contact Lina Jensen at (832) 613-7247.

Sincerely,

Sebree Solar, LLC

By: 

Name: Lina Jensen

Title: Project Director

EXHIBIT A
COMPLETED SITE PLAN APPLICATION



PLANNING COMMISSION SITE PLAN APPLICATION# _____

A fee of \$50.00 is required of which no part shall be refundable.

DATE 9/15/2021 RECEIPT# _____ (FOR STAFF USE)

The undersigned hereby submits, for the Henderson City-County Planning Commission, a site plan for a parcel of land herein described:

TITLE SebreeSolar Project

ADDRESS _____, OR
LOCATION Approximately seven miles south of the City of Henderson, directly north of the Town of Robards, west of US-41, north of HWY-416, and east of US-41A

DEVELOPER Sebree Solar, LLC (Lina Jensen)

DEVELOPER'S
OWNER'S SIGNATURE *Lina Jensen*

MAILING ADDRESS 700 Universe Boulevard, Juno Beach, FL 33408

PHONE# 832-613-7247 DATE 9/15/2021

(FOR STAFF USE)

CLERK'S SIGNATURE _____ DATE _____

PUBLIC HEARING DATE _____

ACTION _____

COMMENTS CONCERNING THIS SITE PLAN:

EXHIBIT B
APPLICATION NARRATIVE, COMPLIANCE DOCUMENTATION, AND
SITE PLAN CHECKLIST



**> Henderson County
Level 3 Solar Energy System
Site Plan Application
for
Sebree Solar Project**

September 2021
ECT No. 200196

SEBREE SOLAR, LLC
Juno Beach, FL



3720 Wilder Road, Unit B
Bay City, Michigan 48706
www.ectinc.com

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- Appendix 3 – List of Project Parcels
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I. Project Introduction

Sebree Solar Project, LLC ("Applicant"), proposes to develop a Level 3 Solar Energy System ("Level 3 SES"), known as the Sebree Solar Project ("Project"), in Henderson County, Kentucky. A Level 3 SES is defined in Article XXX, Section 30.01.c Henderson County Solar Energy System Regulations ("Henderson Regulations") as: "Any system that does not satisfy the parameters for a Level 1 or Level 2 SES."

The Applicant is a wholly owned subsidiary of NextEra Energy Resources, LLC ("NEER"). NEER is a leading wholesale power generator that designs, builds, and operates power plants of a diverse set of resources for utilities, retail electricity providers, power cooperatives, municipal electric providers, and large industrial companies. NEER is nationally recognized as a leading clean energy provider with a diverse portfolio of wind, solar, natural gas, and nuclear energy facilities that generate more than 21,900 megawatts in the United States and Canada.

The Project is to be located on a site encompassing approximately 1,250 acres of land located in Henderson County and Webster County, Kentucky, approximately seven miles south of the City of Henderson, directly north and west of the Town of Robards, west of U.S. Highway 41 ("US-41"), north of State Road 416 ("HWY-416"), and east of US-41A. Approximately 59 additional acres of land will be utilized for the proposed transmission line with approximately 53 acres located in Henderson County and the remaining approximately 6 acres located in neighboring Webster County. The Project area has historically been used for agricultural and forestry purposes and the Project parcels are predominantly bordered by agricultural farmland and scattered rural homesteads. *Appendix 1 – Project Location Map* shows the outermost "Project Boundary" and delineates the Project area for this Site Plan Application.

Pursuant to the Henderson Regulations, a Level 3 SES that complies with the requirements of Section 30.02 is allowed in Agricultural Zone, Light Industrial (M-1) and Heavy Industrial (M-2) zones. The Applicant is submitting this Application to document compliance with the provisions of Section 30.02 and the 2017 Site Plan Checklist from the County. The Project is being designed and built to meet all applicable Zoning Ordinance requirements as shown in this document. The Site layout has been developed to optimize the solar resource while minimizing impacts on natural resources and neighboring properties, see *Attachment 2 – Preliminary Site Plan* for all plan details.

The parcels included in this project are all zoned as AG – Agricultural District.

The Project is a 250-megawatt alternating current ("MW AC") SES capable of providing clean, renewable electricity and includes an approximately 4.85-mile transmission line. The power generated by the Project will interconnect with the transmission system owned by the Big Rivers Electric Corporation at the 161 kilovolt (kV) Reid Substation, located east of Pennyrite Parkway (Interstate 69) in neighboring Webster County, Kentucky.

The Project components will include photovoltaic ("PV") solar panels mounted on a fixed angle racking system. Additional infrastructure for the Project will include central electric inverters and transformer, underground electrical collection systems (distribution equipment), electrical collector substation, point of interconnection switchyard (including power control equipment), an overhead transmission line approximately 4.85 miles in length, a solar meteorological station, and SCADA hardware. A control house for protective relay panels and site controllers will also be constructed. Permanent private gravel and/or

> Sebree Solar, Henderson County | SES Level 3 Site Plan Submittal

earthen access roads with gated ingress/egress points and security fencing will be constructed to access and maintain the facilities. Temporary facilities associated with construction will include a construction laydown yard. Collectively, the components listed in this paragraph comprise the "Project Facilities". Project Facilities are concentrated primarily on open fields and avoid sensitive environmental features.

Sebree has undertaken an extensive public outreach effort. As detailed below, this effort includes numerous in-person meetings with landowners, local officials and community leaders, a virtual public meeting, office hours, establishing a Project website and Facebook page and individual outreach to adjacent landowners.

Sebree established a website for the Project in November 2020. The website included information concerning the description of the Project, an overview of solar power generation, frequently asked questions, contact information, and a means by which individuals could seek additional information about the Project. The Project's website is:

<https://www.nexteraenergyresources.com/sebree-solar.html>

In addition to the website, Sebree established a Facebook page to provide more frequent updates and developments on the Project and to address questions and comments from the public. The Project's Facebook page is:

<https://www.facebook.com/SebreeSolar>

Sebree conducted in-person office hours in Henderson, Kentucky at Hometown Roots Restaurant on March 24, 2021 from 12:00 PM – 7:00 PM. Office hours in Robards, Kentucky were held at Farmer & Frenchman Winery on March 23, 2021 from 10:00 AM to 5:00 PM. In addition, Sebree held a virtual public meeting on March 30, 2021. Prior to hosting each of these events, Sebree posted a copy of the Project map in the courthouses of Henderson County and Webster County.

In addition, an extra effort has been made to reach out to adjacent landowners. On August 3-4, 2021, Sebree representatives hand-delivered notes with contact information to adjacent landowners. A community "Meet & Greet" event was held to provide an avenue for interested persons to ask questions and learn more about the Project.

A list of the proposed project parcels is provided as *Appendix 3 – List of Project Parcels*. Project Parcels are the only lands on which any Project Facilities will be built or installed as part of the Project.

The following narrative is in response to and outlined according to the following applicable Zoning Ordinance Article XXX: Henderson County Solar Energy System Regulations.

II. Zoning Ordinance Compliance

a. Article XXX: Henderson County Solar Energy System Regulations

The Project includes Project Facilities as shown in *Appendix 2 – Preliminary Site Plan*. The Project is compliant with the requirements as outlined in Article XXX and applicable provisions of the Zoning Ordinance. In addition, the Applicant reviewed the Henderson County Comprehensive Plan (Plan) and determined the Project to be in accordance with the Plan, specifically the energy goals. The County's energy goals include making the energy system reliable, affordable, efficient, and diverse, and reducing the effects of the energy system on the environment. The following pages set forth the criteria for the development of a Level 3 SES pursuant to the aforementioned sections of the Ordinance.

30.01 Design Standards

The components and subsystems required to convert solar energy into electric energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. For the purposes of these zoning regulations, solar energy systems are divided into three (3) classes.

- a. Level 1 Solar Energy System. A roof mounted system on any code compliant structure or any ground mounted system on an area of up to fifty (50) percent of the footprint of the primary structure on the parcel but not more than one (1) acre and not more than twenty-five (25) feet tall or any building integrated system (i.e. shingle, hanging solar, canopy, etc.)***

Not applicable. The Project is not a Level 1 SES, as it is a utility-scale system and is ground-mounted.

- b. Level 2 Solar Energy System. Any ground mounted system not included in a Level 1 SES and meets the following area restrictions:***
- 1. In an agricultural zone the area of the SES shall not exceed one half (1/2) acre in size and shall require a building permit issued by the Henderson County Codes Department. In areas exceeding one half (1/2) acre, a Site Plan shall be required by the Henderson City-County Planning Commission.***
 - 2. In an industrial zone the SES shall not exceed ten (10) acres in size.***
 - 3. In an Industrial Zone, an SES of any size shall require a site plan approved by the Henderson City-County Planning Commission.***

Not Applicable. The Project is not a Level 2 SES, as it covers an area greater than 10 acres.

- c. Level 3 Solar Energy System. Any system that does not satisfy the parameters for a Level 1 or Level 2 SES.***

The Project does not satisfy the parameters for a Level 1 or Level 2 SES. Therefore, it is classified as a Level 3 SES. The Project's Site Plan is attached to this application for review by the Henderson City-County Planning Commission.

30.02. Requirements

Solar Energy Systems (SES) shall comply with the following criteria:

- a. The height of any ground mounted SES shall not exceed twenty-five (25) feet as measured from the highest natural grade below each solar panel (excludes utility poles, substations and antennas constructed for the project).**

The Applicant acknowledges this requirement and the Project plans for the solar panels to be a maximum of 25 feet as measured from the grade elevation underneath, see *Appendix 2 – Preliminary Site Plan*.

- b. Setback requirements for Level 1 and Level 2 SES shall be in compliance with the zoning classification for the parcel.**

Not Applicable. The Project is not a Level 1 or Level 2 SES.

- c. Setback requirements for Level 3 SES shall be as follows: (1) All equipment shall be at least twenty- five (25) feet from the perimeter property lines of the project area; (2) No interior property line setbacks shall be required if the project spans multiple contiguous properties; (3) All equipment shall be located at least one hundred (100) feet from any residential structure and; the maximum height of any individual component will be 25 feet measured from the local ground level of the component.**

The Project plans for all components of the Level 3 SES to be at least 25 feet from the property lines of the Project. Additionally, per this requirement all Project Facilities (excluding Project screening, fencing, and access roads) will be maintained at a distance of 100 feet from any residential structure or other occupied building as listed. Additionally, no individual component will have a height greater than 25 feet measured from the local ground level of the component, see *Appendix 2 – Preliminary Site Plan*.

- d. All Level 3 SES shall be screened with a seven (7) foot tall fence and, to the extent reasonably practicable, a visual buffer that provides reasonable screening to reduce the view of the SES from residential dwelling units on adjacent lots (including those lots located across a public right of way). A vegetation screening plan to reduce the view of the SES from residential dwelling units on adjacent lots will be submitted for approval of the Henderson City-County Planning Commission. The existing natural tree growth and natural land forms along the SES perimeter may create a sufficient buffer and shall be preserved when reasonably practicable. When no alternative vegetation screening plan is approved by the Henderson City-County Planning Commission, a double row of staggered evergreen trees will be planted 15' on center from adjacent non participating residential dwellings including the outdoor living space immediately near residential dwellings. Parcel boundaries with no proximity to residential dwellings shall not require screening. The proposed evergreen trees shall be placed on the exterior of security fencing. The use of barbed wire or sharp pointed fences shall be prohibited in or along any boundary adjoining residential properties.**

As shown on the Site Plan (*Appendix 2*), the Project Facilities are completely screened by a 7-foot-tall security fence, including 1 foot of barbed wire, which will be constructed in compliance with the National Electrical Safety Code. Barbed wire will be excluded from portions of the security fence in or along any boundary adjoining residential properties. The Project will utilize

the existing vegetation and topography to screen the Project Facilities where practicable. A landscaping plan designed to reduce the view of the Level 3 SES from adjacent residential units is also shown in *Appendix 2 – Preliminary Site Plan*.

- e. *There shall be no signs permitted except those displaying emergency information, owner contact information, warning or safety instructions or signs that are required by a federal, state or local agency. Such signs shall not exceed 5 square feet in area.***

The Project will only contain advisory and emergency information signs that will be installed on the premises, such as safety warnings, owner contact information, and any other signs required by federal, state, and local regulations, see *Appendix 2 – Preliminary Site Plan*.

- f. *Excessive lighting shall be prohibited except that required by federal or state regulations.***

The Project will utilize motion- or timer-activated lighting systems where required for safety and security, like inside the substation. The lights would only be activated during maintenance activities.

- g. *Decommissioning of Level 3 SES shall be as follows:***

- 1. *The developer shall post a Surety Bond, or other form of Security acceptable to the County, for the abandonment of the site and in the event the Commission must remove the facility. Abandonment shall be when the SES ceases to transfer energy on a continuous basis for twelve (12) months. The surety bond or other form or security, shall be one (1) percent of the total project cost re-calculated every 5 years during the project life.***

The Applicant will post a decommissioning surety bond or other form of financial security in a form acceptable to the County for the estimated decommissioning costs, including salvage values as provided within the final Decommissioning Plan. This financial security will be in place prior to the Commercial Operation Date.

- 2. *A decommissioning plan shall be submitted at the time of application by the developer responsible for decommissioning and must include the following: (1) Defined conditions upon which the decommissioning will be initiated. i.e. there has been no power production for 12 months, the land lease has ended, or succession of use of abandoned facility, etc.; (2) Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations to the depth of three (3) feet; (3) Restoration of the property to substantially similar physical condition that existed immediately prior to construction of the SES; (4) The time frame for completion of decommissioning activities; (5) the party currently responsible for decommissioning, and; (6) Plans for updating the decommissioning plan.***

The Applicant has prepared a decommissioning plan that addresses these six items and has attached it separately to this application as *Appendix 4 – Decommissioning Plan*. The decommissioning plan outlines what may trigger a decommissioning event, who would be responsible, and how the Project Facilities will be removed to a depth of not less than three (3) feet. It also describes how infrastructure may be reused, salvaged, or recycled and the restoration process for the Project Site. The plan includes estimated costs for the decommissioning and salvage values at this time. Finally, the Plan also outlines the process

> Sebree Solar, Henderson County | SES Level 3 Site Plan Submittal

and timing for the review and renewal of the decommissioning plan and bond every 5 years.

b. Site Plan Checklist 2017

The Project that is under review as part of this SES application includes Project Facilities as shown in **Appendix 2 – Preliminary Site Plan**. The following (or the Attached) provides the site plan checklist.

- 1. A Site Plan review submittal shall include ten (10) copies of the site plan and a complete plan Review application. All Site Plans submitted to the Henderson City-County Planning Commission for review and approval shall depict the following information:**
- 2. Title of Site Plan (example Green Street Apts. Site Plan)**
- 3. If apartment complex/ number of units/ number bedrooms**
- 4. North Arrow.**
- 5. Drawn to scale.**
- 6. Date prepared**
- 7. Name and address of property owner**
- 8. Address of property.**
- 9. Property lines (existing and proposed).**
- 10. Street(s) on which the property has frontage and/or street(s) which provide access to the Property.**
- 11. Size of the property (dimensions and square footage).**
- 12. Accurate location and dimensions of proposed and existing building(s).**
- 13. Location and type of security lighting (if required).**
- 14. Surface water drainage patterns, erosion control, approved by appropriate authority.**
- 15. Required number of parking spaces and dimensions 10x18.**
- 16. Dimensions and location of loading/unloading spaces (if required).**
- 17. All existing and/or proposed entrances, exits and internal driveways which will be utilized by the development, show internal traffic flow. (Include curbing, sidewalk, drive and access aprons to be removed.)**
- 18. Any existing or proposed easements (i.e. Utility, drainage) located on the property.**
- 19. Location and description of all screening/buffering elements which will be utilized for the Development (if required).**
- 20. Location of trash and garbage containment areas with proposed buffer.**
- 21. Site triangle**
- 22. 100 year flood plain elevation (if applicable).**
- 23. Signature line**
- 24. Required building Setbacks**
- 25. Fire hydrant location or distance to nearest fire hydrant. (If required).**
- 26. Vicinity Map**
- 27. Any existing or proposed location and size of all utilities.**
- 28. N.O.I. - Notice of Intent if disturbing more than 1 acre.**
- 29. State Encroachment Permit if required.**
- 30. Other features – Any additional information deemed necessary by the Planning Commission or Technical advisors.**

> Sebree Solar, Henderson County | SES Level 3 Site Plan Submittal

Item #13 Note:

During the construction phase, any lighting would be minimized, designed to prevent intrusion into neighboring properties, and utilized only during emergencies. If nighttime construction or maintenance is necessary, lighting would be temporary, minimal and localized at the immediate construction site. Lighting may also be used in the dusk hours to safely finish tasks and for workers to leave. Construction lighting would be removed from the Site upon completion of the construction.

During the operation phase, minimal lighting would be employed on the site. Motion-controlled lights would be installed at the onsite Project substation controls enclosure but are generally kept in the “off” position unless maintenance personnel are onsite or working at night during emergency repairs or maintenance. During operations, nighttime lights would only be utilized for emergency repairs and would be shielded and directed downwards to minimize light intrusion at adjacent facilities.

Item #14 Note:

Construction projects that disturb one acre or more are required to obtain a Kentucky Pollution Discharge Elimination System (KPDES) Construction General Permit and a Stormwater Construction General Permit (KYR10), which covers all construction discharges and is issued by the Kentucky Division of Water (KDOW). General Permit requirements typically include the development of a Stormwater Pollution prevention Plan (SWPPP), implementation of stabilization practices and Best Management Practices (BMPs), and minimization of disturbed areas. Various BMPs will be implemented during construction, including silt fencing around active construction areas to protect abutting properties and demarcate the extent of soil disturbing activities.

These plans and a copy of the General Permit through the KPDES can be provided to Henderson County as they are completed, which will likely occur during the first half of 2022.

Item #15 Note:

No structures are designed for occupancy on the site. Operations and maintenance support, including warehousing of critical spare parts, would be staged out of a regional office and/or a connex box onsite. A small parking and loading area that would accommodate operations and maintenance vehicles would be located adjacent to the Project substation and would have sufficient space for 3-4 vehicles to support operations. The parking area would facilitate loading/unloading of parts and equipment for maintenance operations scheduled to take place at the Project. No formal parking bollards would be employed to designate parking locations.

Item #28 Note:

Construction projects that disturb one acre or more are required to obtain a Kentucky Pollution Discharge Elimination System (KPDES) Construction General Permit and a Stormwater Construction General Permit (KYR10), which covers all construction discharges and is issued by the Kentucky Division of Water (KDOW).

All projects receiving KPDES coverage must develop and implement a Storm Water Pollution Prevention Plan (SWPPP) and submit a Notice of Intent (NOI) to KDOW. Approval from KDOW must be received before

> Sebree Solar, Henderson County | SES Level 3 Site Plan Submittal

any soil-disturbing activities can commence. At the end of construction, a Notice of Termination (NOT) must be submitted to KDOW. The KPDES permit also requires inspections of all runoff controls every 7 days or every 14 days and within 24 hours after any storm event of 0.5-inch or greater.

These plans and permits can be provided to Henderson County as they are completed, which will likely occur during the first half of 2022.

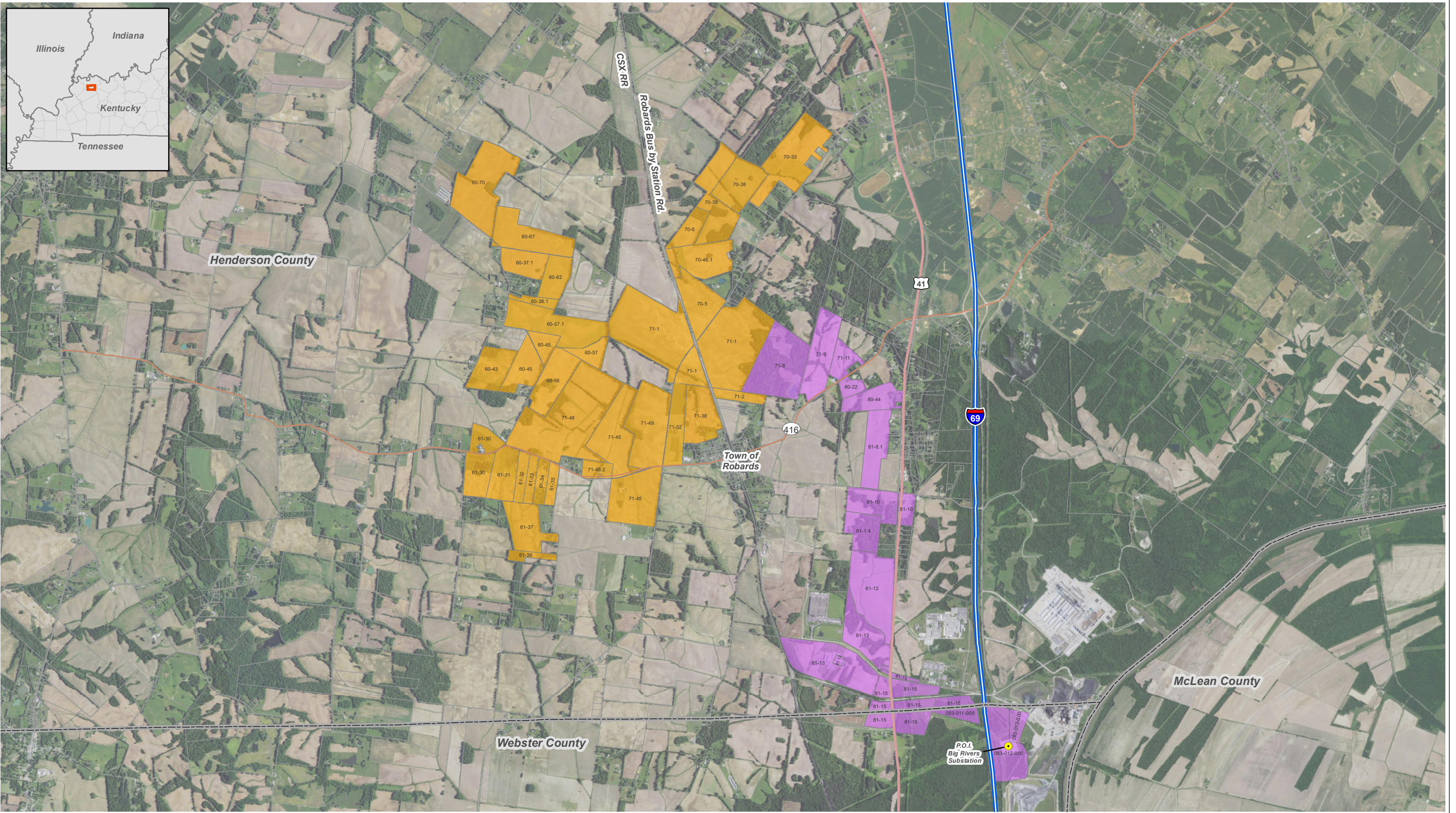
Item #29 Note:

Encroachments and Road Crossing agreements will be required for multiple roads, one railway, and multiple natural gas pipelines across the project site. These agreements will be required at the County level, State level, and with other operating companies in the Robards area. The project will be initiating these conversations in the next month with the appropriate departments of transportation. Discussions are ongoing with the gas pipeline operating companies as well to define encroachment agreements.

> Sebree Solar, Henderson County | SES Level 3 Site Plan Submittal









Appendix 1

Project Location Map

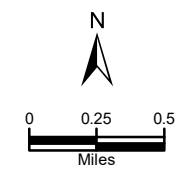


Project Location
 Sebree Solar Project
 Henderson County, KY
 Date: 9/14/2021

Legend

-  Point of Interconnect (P.O.I.)
-  Proposed Project Parcel
-  Interstate
-  Transmission Line Parcel
-  County Boundary
-  Highway
-  County Parcel Boundary
-  Major Road

Sources: NAIP 2020 Imagery; ECT 2021.



> Sebree Solar, Henderson County | SES Level 3 Site Plan Submittal

Appendix 2

Preliminary Site Plan

CONCEPTUAL SITE PLAN

SEBREE SOLAR PROJECT

PHASE 1

PREPARED FOR



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

Contact: Lina Jensen, Project Director
 Sebree Solar, LLC
 (832) - 613 - 7247

CITY OF ROBARDS
HENDERSON COUNTY,
KENTUCKY, 40146

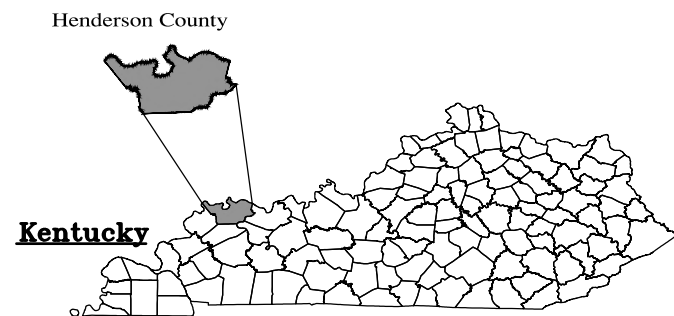
BY



707 East Third Avenue
 New Smyrna Beach, Florida 32169
 Tel: (386) 427-0694 Fax: (386) 427-0889
 Agent's E-mail: cfagerstrom@ectinc.com
 Agent's Tel: (386) 852-0387
<http://www.ectinc.com>

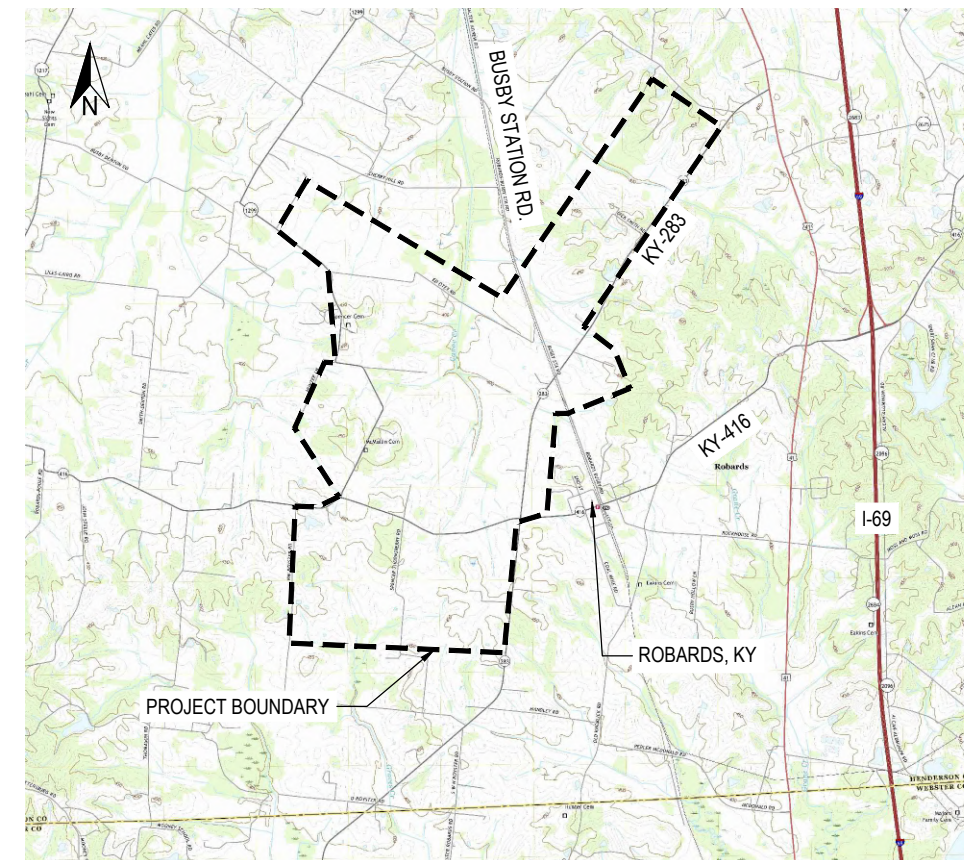
ECT PROJECT NUMBER 20-0196

SEPTEMBER 2021
HENDERSON COUNTY SITE
PLAN APPLICATION



KENTUCKY STATE MAP
 N.T.S.

PROJECT SITE INFORMATION	
SITE ADDRESS	TBD
COUNTY PARCEL NUMBERS	SEE APPENDIX 3
GPS COORDINATES	37.689°N, -87.547°W (SUBSTATION)
SITE ELEVATION	450 FT A.M.S.L.
UTILITY NAME	TBD
UTILITY ADDRESS	TBD
UTILITY CONTACT INFORMATION	TBD
DEVELOPER NAME	SEBREE SOLAR, LLC
DEVELOPER ADDRESS	700 UNIVERSE BLVD., JUNO BEACH, FL
DEVELOPER CONTACT	LINA JENSEN
CIVIL ENGINEER OF RECRD (EOR) NAME	TBD
CIVIL EOR ADDRESS	TBD
CIVIL EOR CONTACT INFORMATION	TBD
APPLICABLE BUILDING PERMIT AUTHORITY	KY SITING BOARD, HENDERSON CO.
SYSTEM AC SIZE (MW AT POI)	250
SYSTEM DC SIZE (MW)	361.49
MODULE COUNT	850,564
INVERTER COUNT	78
SWITCHGEAR COUNT	TBD
TRANSFORMER COUNT	1
EQUIPMENT PAD COUNT	78
PROJECT ZONING	AGRICULTURAL
NON PARTICIPATING PARCEL BUFFER	25 FEET
OCCUPIED STRUCTURE BUFFER	100 FEET
ROAD R.O.W. BUFFER	40 FEET
SURFACE WATER BUFFER	25 FEET
WETLAND BUFFER	25 FEET
STREAM BUFFER	25 FEET
PROJECT AREA	1,200 ACRES
ROAD LENGTH	63,300 FEET / 11.80 MILES
LANDSCAPE BUFFER	10,370 FEET



USGS TOPO MAPS: KY ROBARDS 20190402

PROJECT LOCATION MAP
 N.T.S.

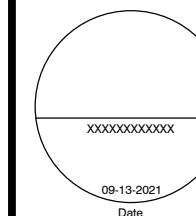
INDEX OF DRAWINGS

C1.00	COVER PAGE
C1.01	EXISTING CONDITIONS
C1.02	OVERALL LAYOUT PLAN
C1.03 -	SITE EXHIBITS
C1.14	
C2.01	CIVIL DETAILS
C2.02	LANDSCAPE ILLUSTRATION



SEBREE SOLAR
HENDERSON CO.
KENTUCKY

ECT PROJECT No.:	20-0196
DESIGNED BY:	Sebree Solar, LLC
DRAWN BY:	MRA
CHECKED BY:	DMW/XG
APPROVED BY:	TBD
KY SITING BOARD	08-09-2021
HENDERSON COUNTY	09-07-2021
SUBMITTAL	



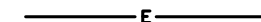


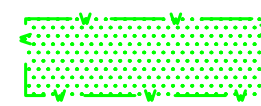




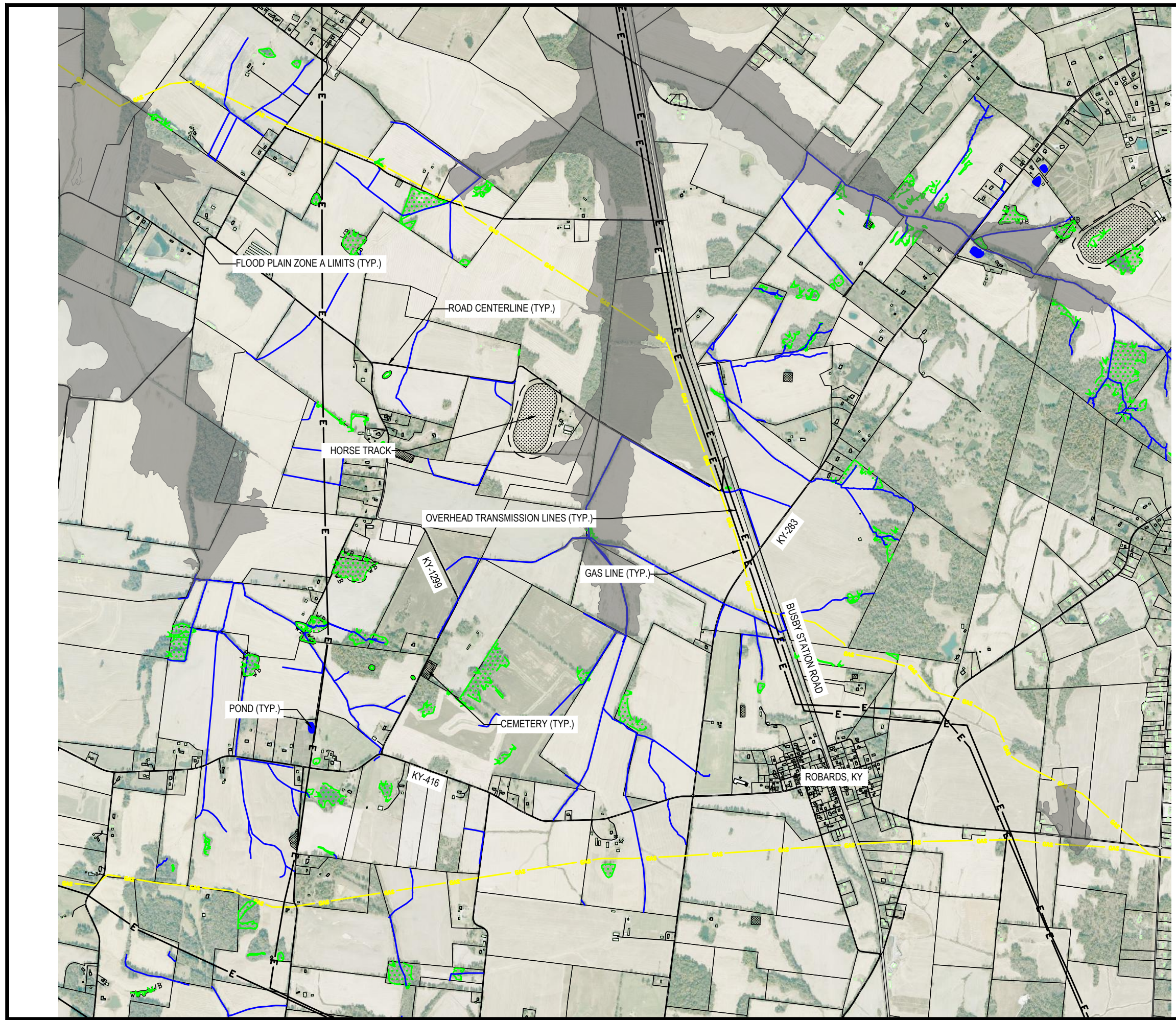
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CALL BEFORE YOU DIG
 811

C1.00

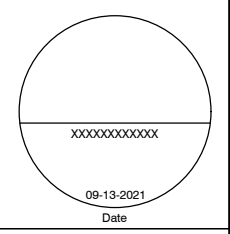
LEGEND

-  PARCEL LINE
-  ROAD CENTERLINE
-  OVERHEAD ELECTRIC
-  PIPELINE
-  HORSE TRACK
-  WETLANDS
-  STREAM
-  FLOODPLAIN ZONE A

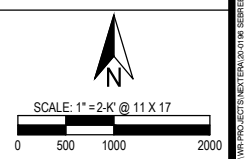


**SEBREE SOLAR
HENDERSON CO.
KENTUCKY**

ECT PROJECT No.:	20-0196
DESIGNED BY:	Sebree Solar, LLC
DRAWN BY:	MRA
CHECKED BY:	DMW/XG
APPROVED BY:	TBD
KY SITING BOARD	08-09-2021
HENDERSON COUNTY	09-07-2021
SUBMITTAL	




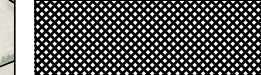









**EXISTING
CONDITIONS**



CALL BEFORE YOU DIG
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C1.01

LEGEND

-  PARCEL LINE
-  EXCLUDED AREAS
-  ROAD CENTERLINE
-  OVERHEAD ELECTRIC
-  SEBREE SOLAR OVERHEAD LINE
-  PIPELINE
-  WETLANDS
-  STREAM
-  FLOODPLAIN ZONE A
-  SECURITY FENCE
-  SOLAR PANEL AREAS

NEXTERA ENERGY


**SEBREE SOLAR
HENDERSON CO.
KENTUCKY**

ECT PROJECT No.:	20-0196
DESIGNED BY:	Sebree Solar, LLC
DRAWN BY:	MRA
CHECKED BY:	DMW/XG
APPROVED BY:	TBD
KY SITING BOARD	08-09-2021
HENDERSON COUNTY	09-07-2021
SUBMITTAL	

XXXXXXXXXXXXX

09-13-2021
Date

OVERALL SITE LAYOUT



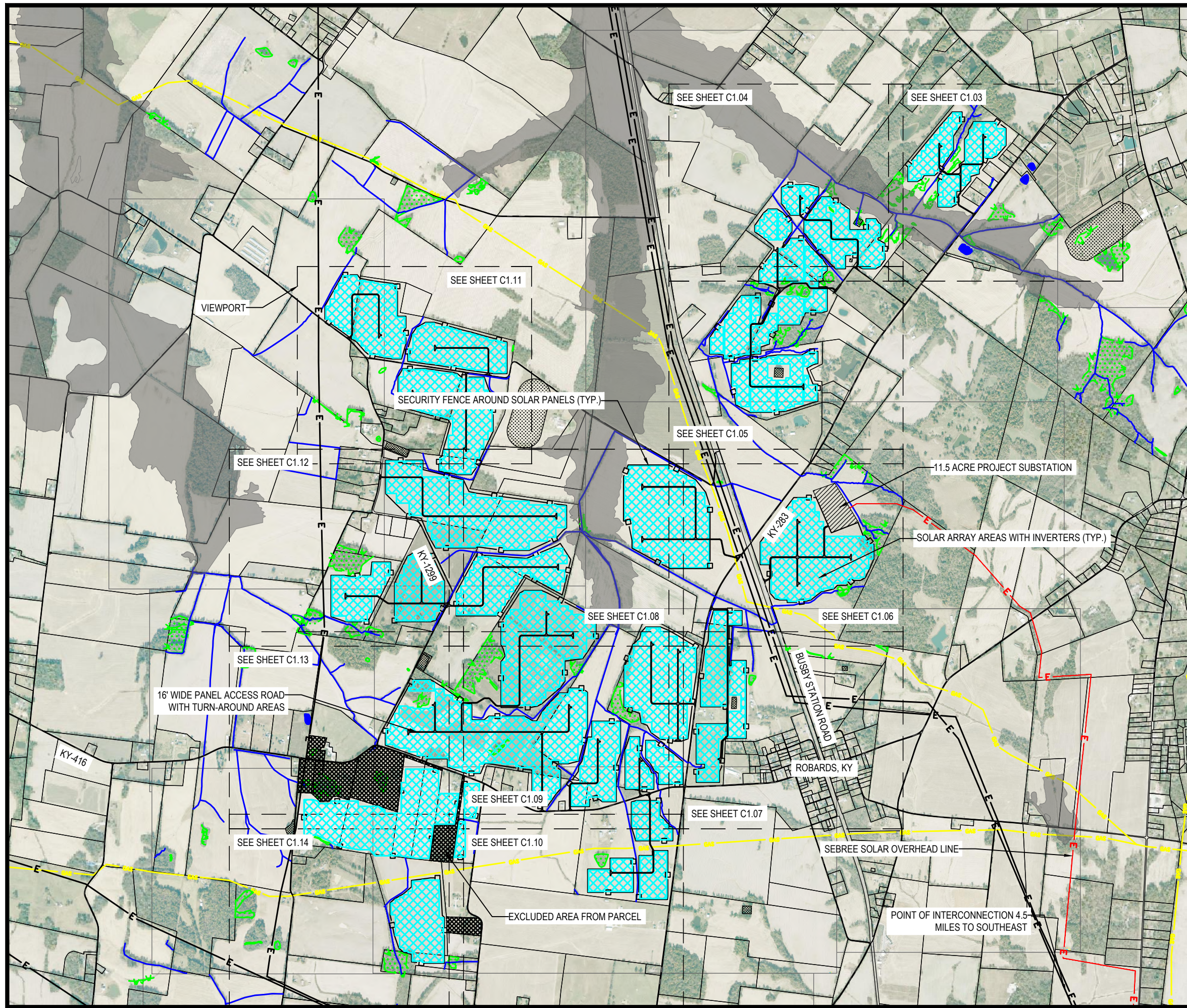
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0 500 1000 2000

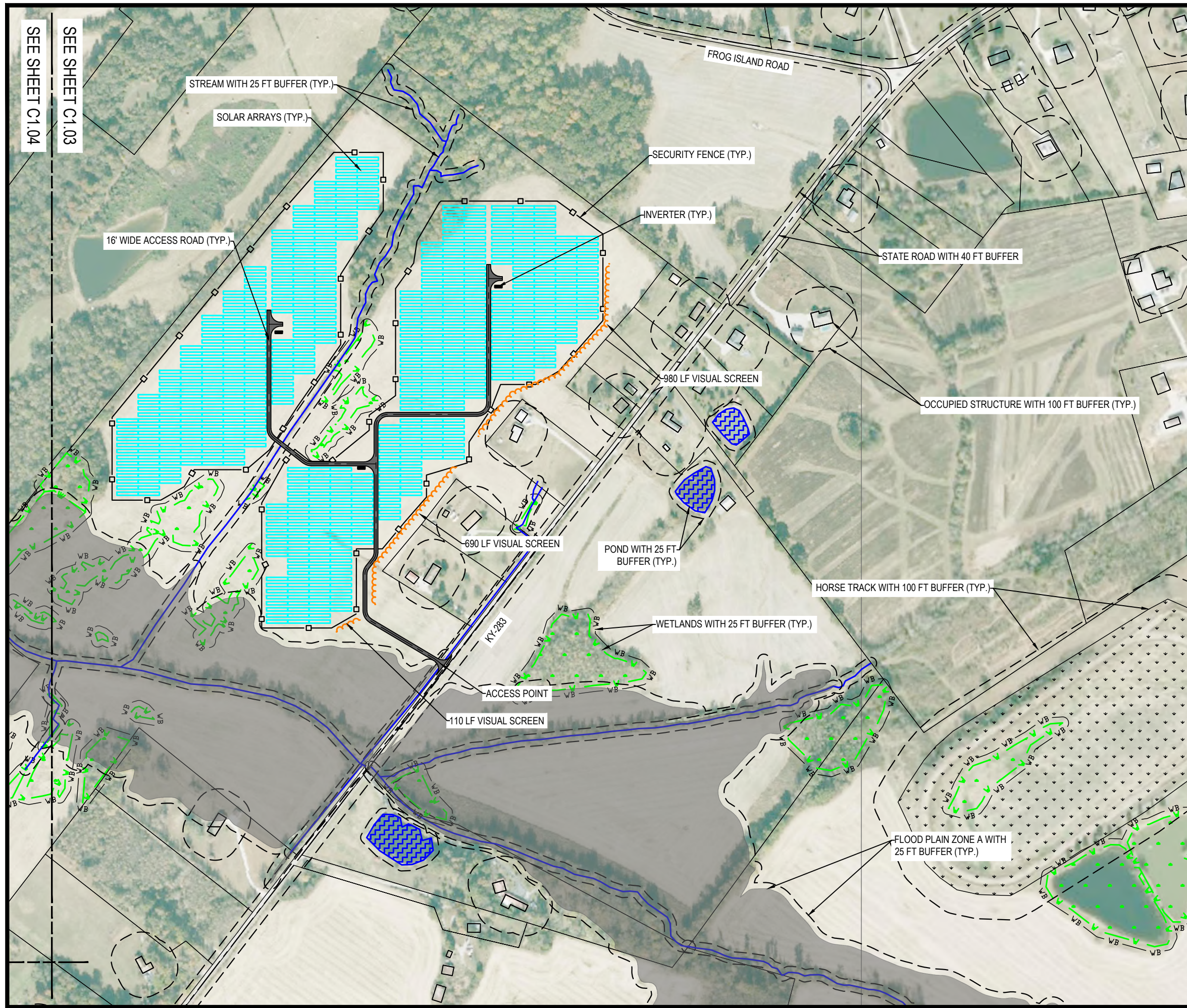
CALL BEFORE YOU DIG
811

C1.02

NOT FOR CONSTRUCTION



PROJECT FILES: \PROJECTS\2021\2021-00072\SEBREE SOLAR\HENDERSON\SEBREE SOLAR C1.02.DWG
 DATE PLOTTED: 09/13/2021 10:58 AM
 PLOTTER: HP DesignJet T1100e



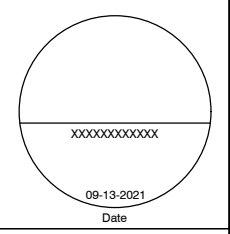
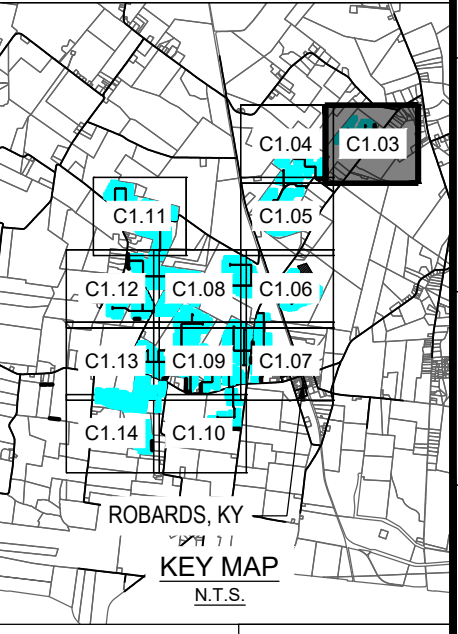
LEGEND

- PARCEL LINE
- - - SETBACK LINE
- [Cross-hatched box] EXCLUDED AREA FROM PARCEL
- - - ROAD CENTERLINE
- E - OVERHEAD ELECTRIC
- E - SEBREE SOLAR OVERHEAD LINE
- G - PIPELINE
- W - WETLANDS
- WB - WETLAND BUFFER
- - - STREAM
- [Grey shaded area] FLOODPLAIN ZONE A
- [Blue wavy pattern box] SURFACE WATER
- □ - SECURITY FENCE
- [Blue horizontal lines] SOLAR ARRAYS
- - - INVERTER
- - - ACCESS ROAD
- [Orange wavy line] VISUAL SCREEN
- [Circle with X] AVOIDANCE FEATURE WITH 30 FT BUFFER

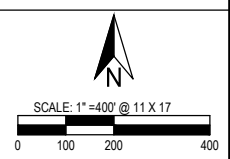
SEE SHEET C1.03
SEE SHEET C1.04

NEXTERA ENERGY
SEBREE SOLAR HENDERSON CO. KENTUCKY

ECT PROJECT No.:	20-0196
DESIGNED BY:	Sebree Solar, LLC
DRAWN BY:	MRA
CHECKED BY:	DMW/XG
APPROVED BY:	TBD
KY SITING BOARD SUBMITTAL	08-09-2021
HENDERSON COUNTY SUBMITTAL	09-07-2021



SITE EXHIBIT



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811

C1.03

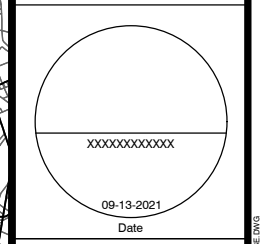
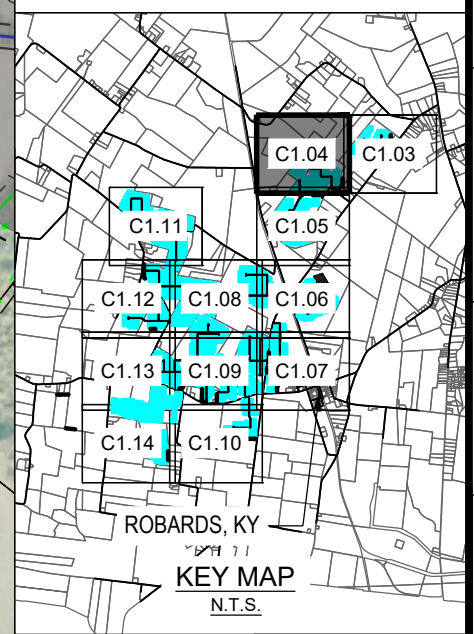
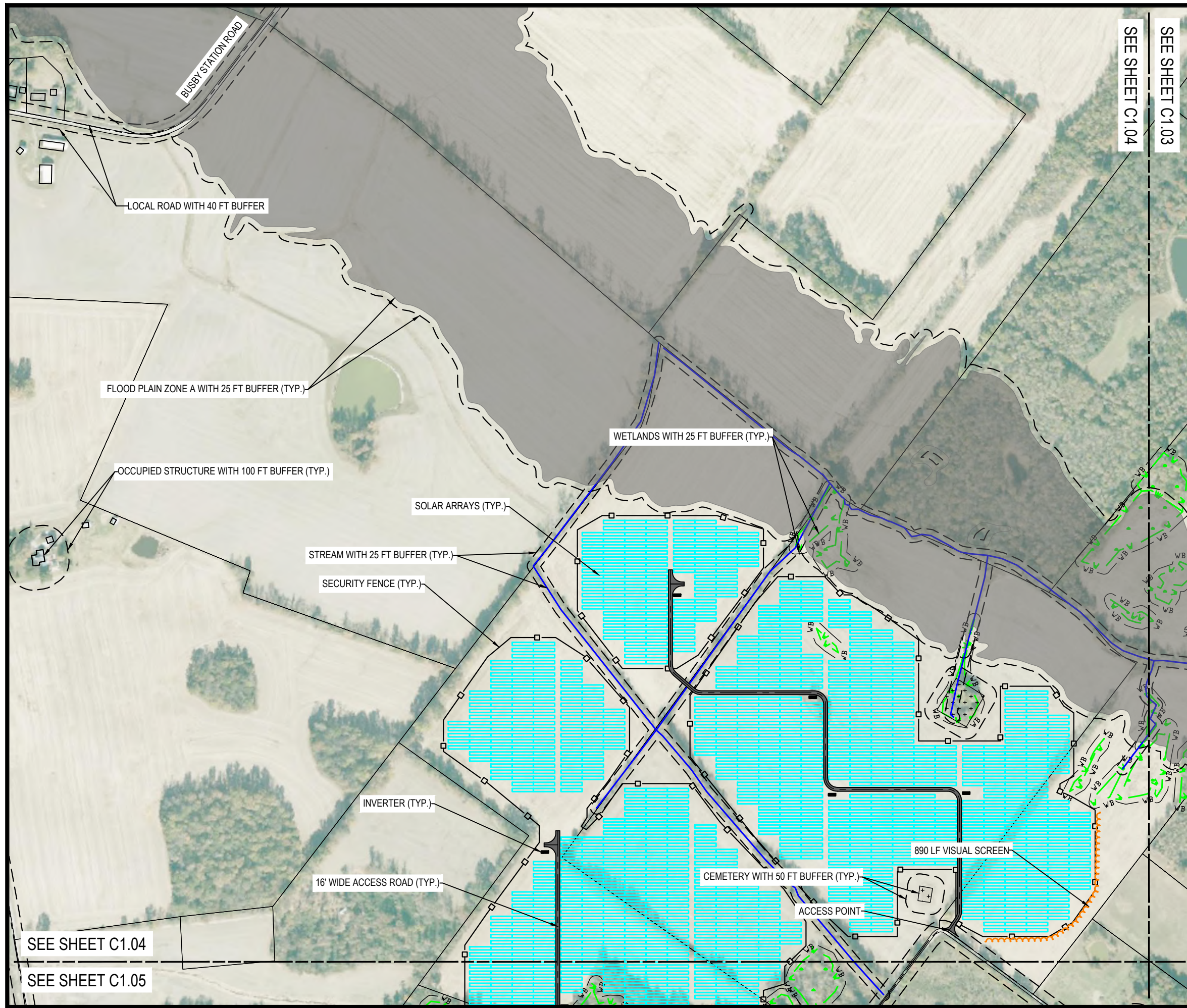
NOT FOR CONSTRUCTION

NEXTERA ENERGY
SEBREE SOLAR HENDERSON CO. KENTUCKY

ECT PROJECT No.:	20-0196
DESIGNED BY:	Sebree Solar, LLC
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CHECKED BY:	DMW/XG
APPROVED BY:	TBD
KY SITING BOARD	08-09-2021
HENDERSON COUNTY SUBMITTAL	09-07-2021

LEGEND

- PARCEL LINE
- - - SETBACK LINE
- ▨ EXCLUDED AREA FROM PARCEL
- ROAD CENTERLINE
- E — OVERHEAD ELECTRIC
- E — SEBREE SOLAR OVERHEAD LINE
- GAS — PIPELINE
- W — WETLANDS
- WB — WETLAND BUFFER
- STREAM
- FLOODPLAIN ZONE A
- ▨ SURFACE WATER
- SECURITY FENCE
- ▨ SOLAR ARRAYS
- INVERTER
- ACCESS ROAD
- VISUAL SCREEN
- ⊗ AVOIDANCE FEATURE WITH 30 FT BUFFER



SITE EXHIBIT

Date: 09-13-2021

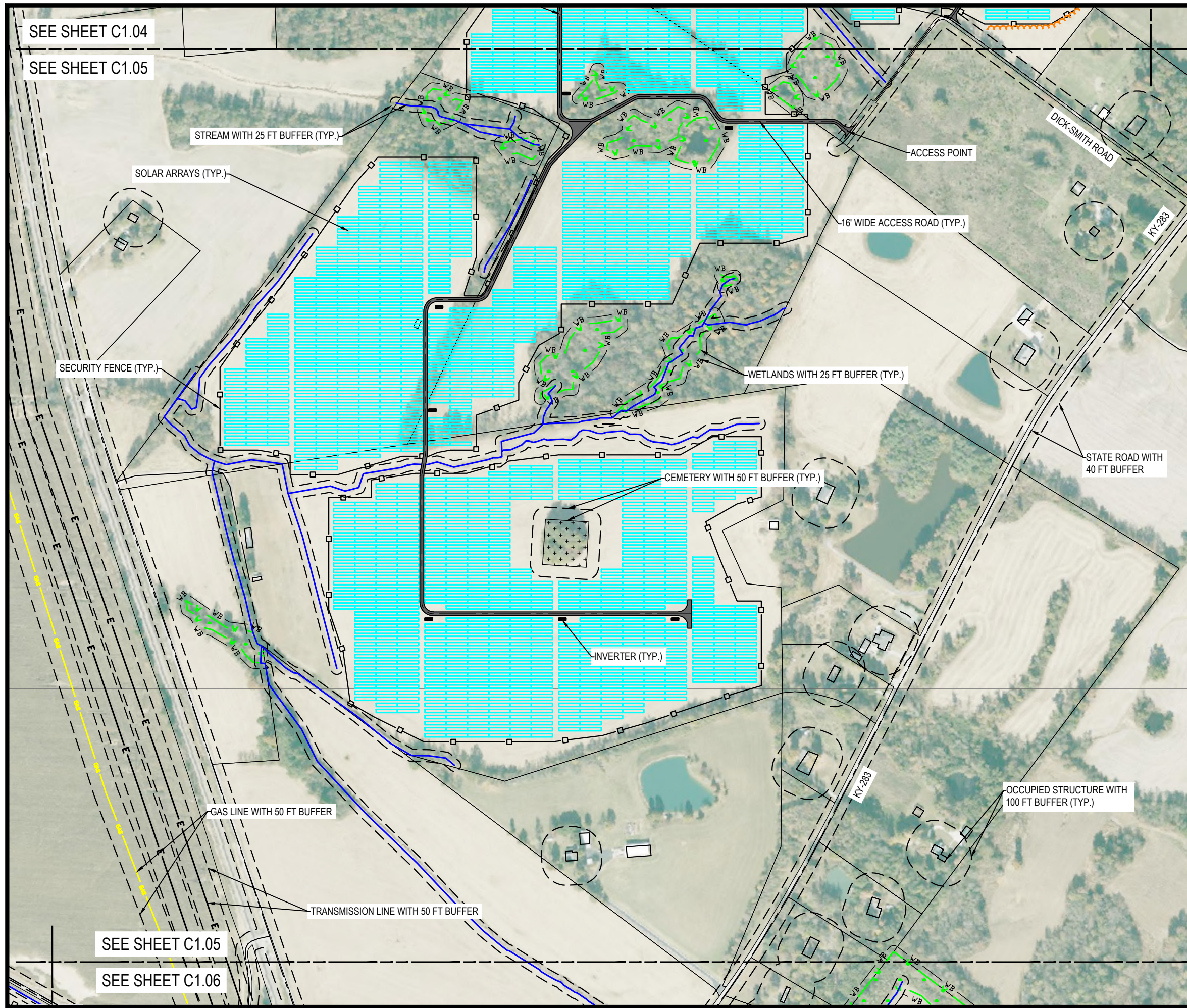
SEE SHEET C1.04

SEE SHEET C1.05

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811

C1.04

NOT FOR CONSTRUCTION

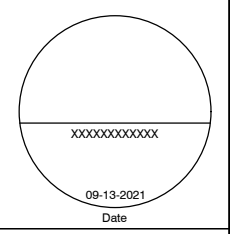
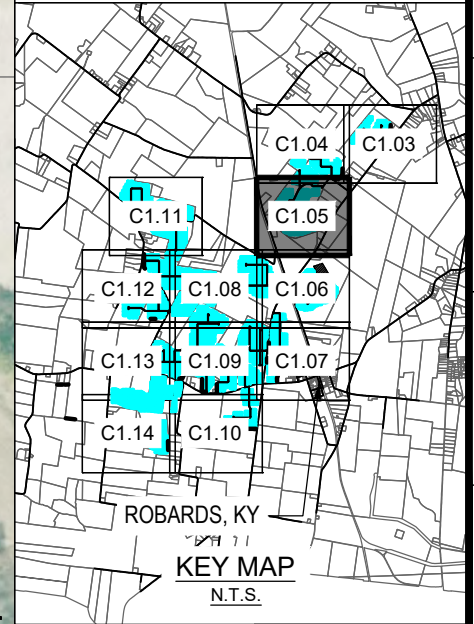


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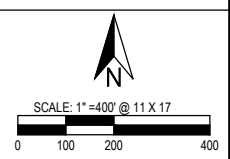
- PARCEL LINE
- SETBACK LINE
- EXCLUDED AREA FROM PARCEL
- ROAD CENTERLINE
- OVERHEAD ELECTRIC
- SEBREE SOLAR OVERHEAD LINE
- PIPELINE
- WETLANDS
- WETLAND BUFFER
- STREAM
- FLOODPLAIN ZONE A
- SURFACE WATER
- SECURITY FENCE
- SOLAR ARRAYS
- INVERTER
- ACCESS ROAD
- VISUAL SCREEN
- AVOIDANCE FEATURE WITH 30 FT BUFFER



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KY SITING BOARD	08-09-2021
HENDERSON COUNTY SUBMITTAL	09-07-2021

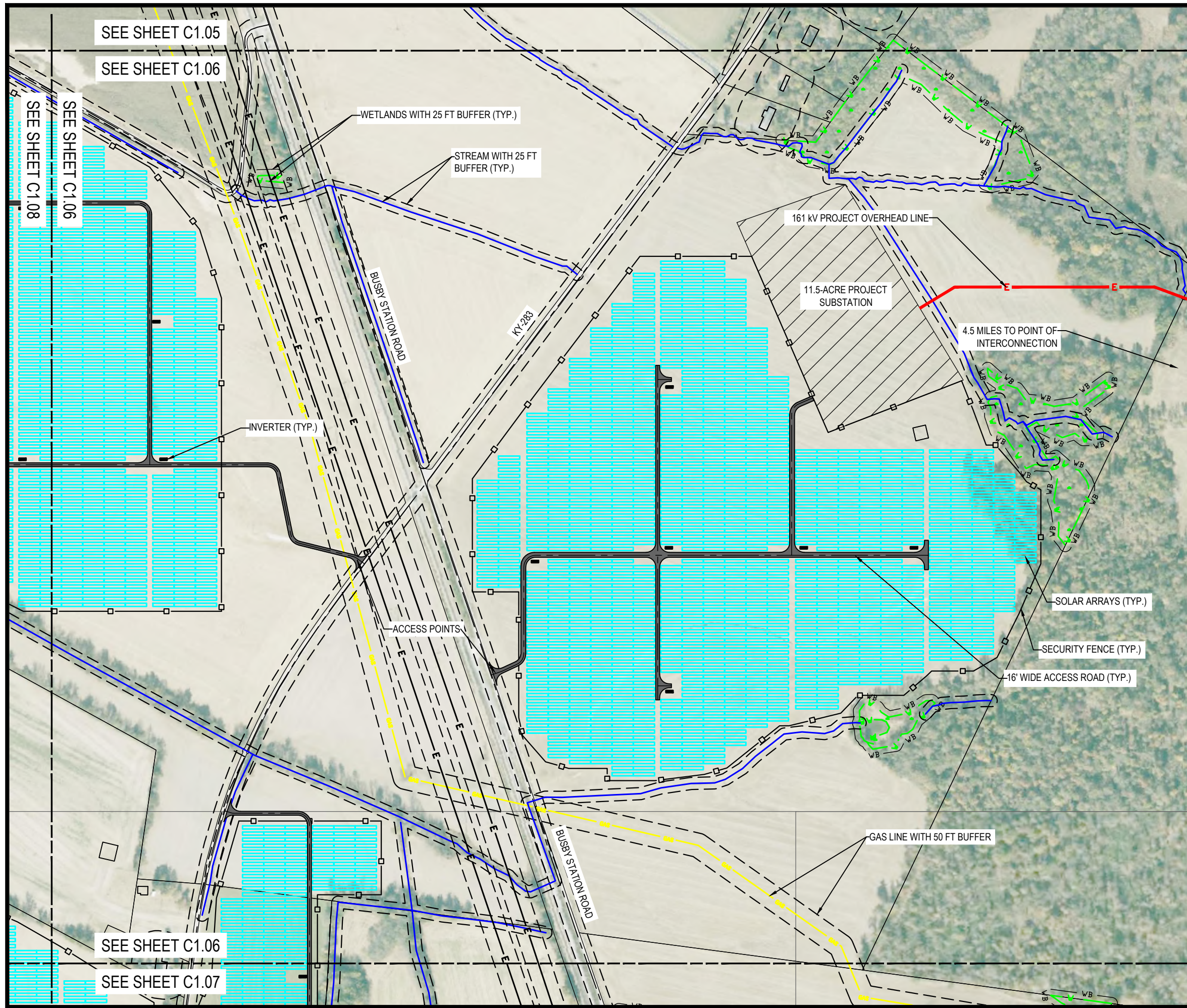


SITE EXHIBIT



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811

C1.05

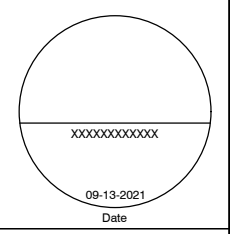
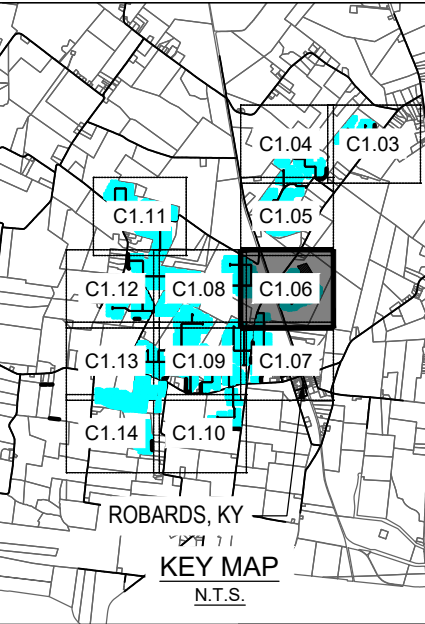


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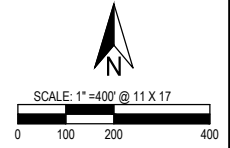
- PARCEL LINE
- SETBACK LINE
- EXCLUDED AREA FROM PARCEL
- ROAD CENTERLINE
- OVERHEAD ELECTRIC
- SEBREE SOLAR OVERHEAD LINE
- PIPELINE
- WETLANDS
- WETLAND BUFFER
- STREAM
- FLOODPLAIN ZONE A
- SURFACE WATER
- SECURITY FENCE
- SOLAR ARRAYS
- INVERTER
- ACCESS ROAD
- VISUAL SCREEN
- AVOIDANCE FEATURE WITH 30 FT BUFFER

NEXTERA ENERGY
SEBREE SOLAR HENDERSON CO. KENTUCKY

ECT PROJECT No.:	20-0196
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APPROVED BY:	TBD
KY SITING BOARD SUBMITTAL	08-09-2021
HENDERSON COUNTY SUBMITTAL	09-07-2021

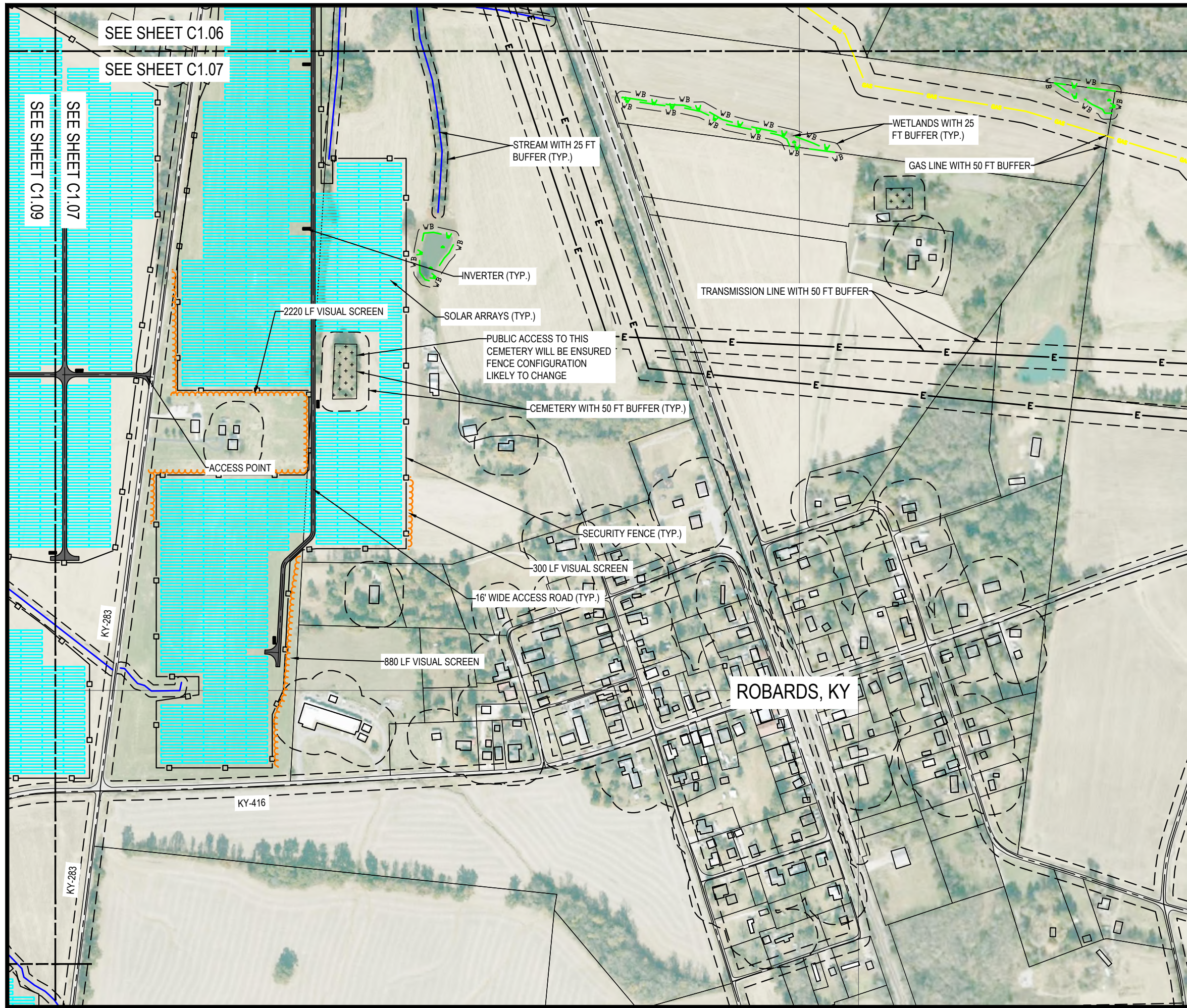


SITE EXHIBIT



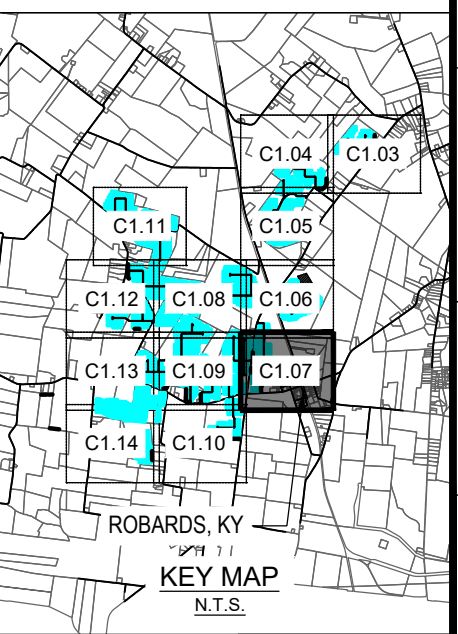
CALL BEFORE YOU DIG
811

C1.06



LEGEND

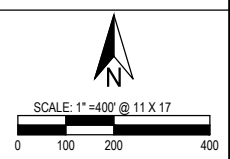
- PARCEL LINE
- SETBACK LINE
- EXCLUDED AREA FROM PARCEL
- ROAD CENTERLINE
- OVERHEAD ELECTRIC
- SEBREE SOLAR OVERHEAD LINE
- PIPELINE
- WETLANDS
- WETLAND BUFFER
- STREAM
- FLOODPLAIN ZONE A
- SURFACE WATER
- SOLAR ARRAYS
- INVERTER
- ACCESS ROAD
- VISUAL SCREEN
- AVOIDANCE FEATURE WITH 30 FT BUFFER
- SECURITY FENCE



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DRAWN BY:	MRA
CHECKED BY:	DMW/XG
APPROVED BY:	TBD
KY SITING BOARD	08-09-2021
HENDERSON COUNTY	09-07-2021
SUBMITTAL	

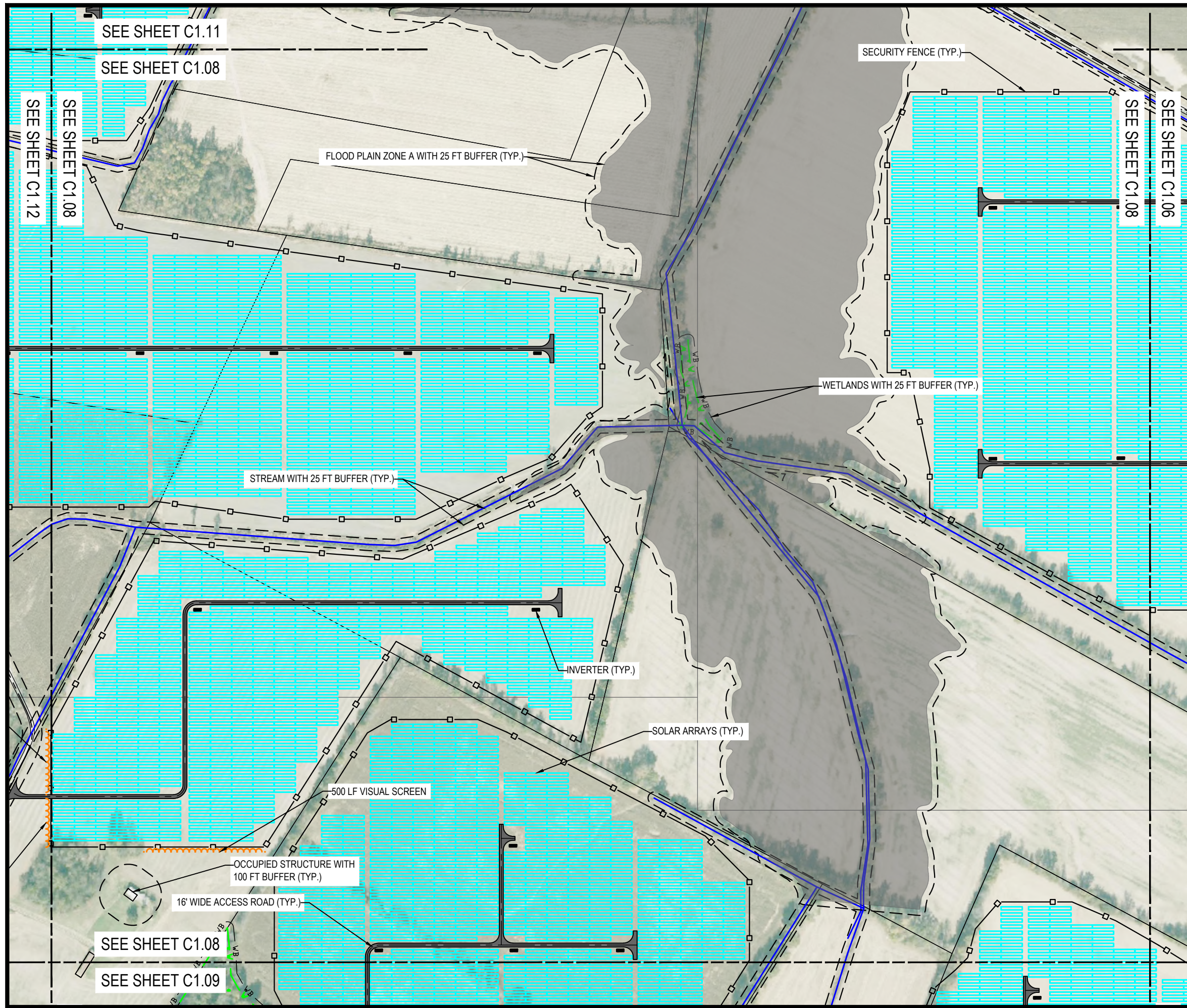
XXXXXXXXXXXXX
09-13-2021
Date

SITE EXHIBIT



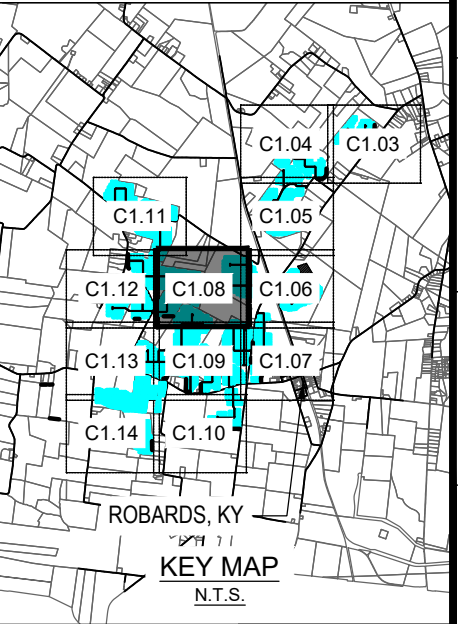
CALL BEFORE YOU DIG
811

C1.07

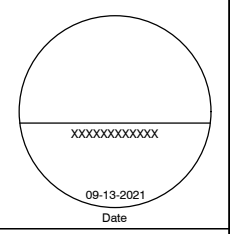


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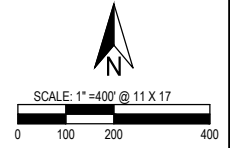
- PARCEL LINE
- - - SETBACK LINE
- [Cross-hatched box] EXCLUDED AREA FROM PARCEL
- - - ROAD CENTERLINE
- E — OVERHEAD ELECTRIC
- SEBREE SOLAR OVERHEAD LINE
- GAS — PIPELINE
- W — WETLANDS
- WB — WETLAND BUFFER
- STREAM
- [Grey shaded area] FLOODPLAIN ZONE A
- [Blue wavy pattern box] SURFACE WATER
- □ — SECURITY FENCE
- [Blue horizontal lines box] SOLAR ARRAYS
- INVERTER
- ACCESS ROAD
- VISUAL SCREEN
- ⊗ AVOIDANCE FEATURE WITH 30 FT BUFFER



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KY SITING BOARD	08-09-2021
HENDERSON COUNTY SUBMITTAL	09-07-2021




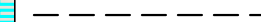









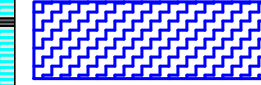
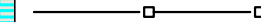




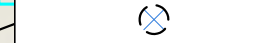
SITE EXHIBIT



C1.08

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 811

LEGEND

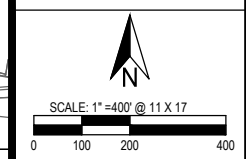
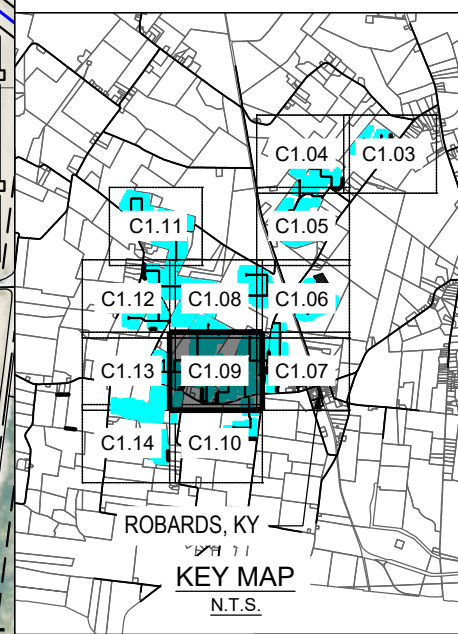
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-  SETBACK LINE
-  EXCLUDED AREA FROM PARCEL
-  ROAD CENTERLINE
-  OVERHEAD ELECTRIC
-  SEBREE SOLAR OVERHEAD LINE
-  PIPELINE
-  WETLANDS
-  WETLAND BUFFER
-  STREAM
-  FLOODPLAIN ZONE A
-  SURFACE WATER
-  SECURITY FENCE
-  SOLAR ARRAYS
-  INVERTER
-  ACCESS ROAD
-  VISUAL SCREEN
-  AVOIDANCE FEATURE WITH 30 FT BUFFER

NEXTERA ENERGY
SEBREE SOLAR HENDERSON CO. KENTUCKY

ECT PROJECT No.:	20-0196
DESIGNED BY:	Sebree Solar, LLC
DRAWN BY:	MRA
CHECKED BY:	DMW/XG
APPROVED BY:	TBD
KY SITING BOARD	08-09-2021
HENDERSON COUNTY SUBMITTAL	09-07-2021

XXXXXXXXXXXXXX
09-13-2021
Date

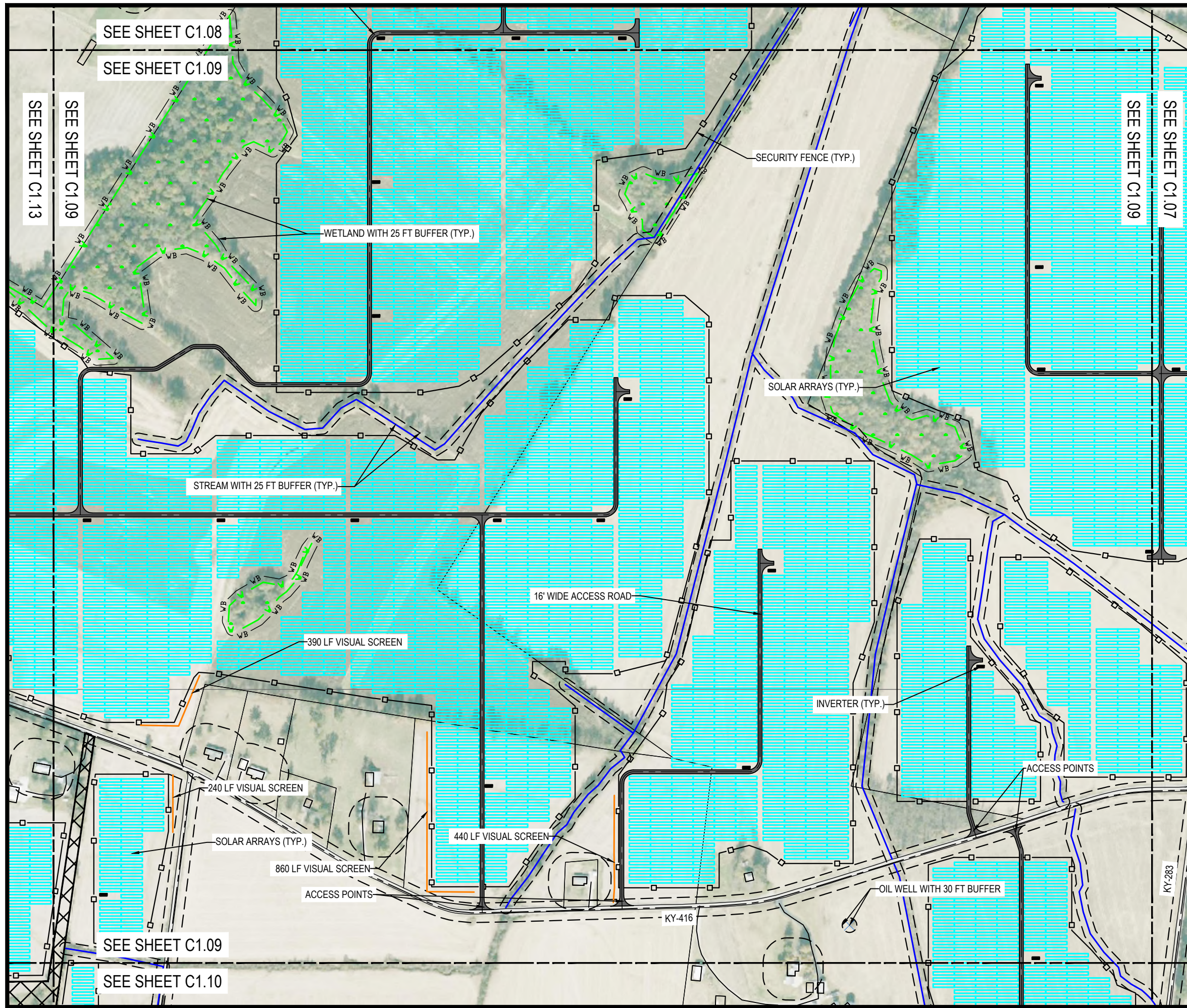
SITE EXHIBIT



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811

C1.09

NOT FOR CONSTRUCTION

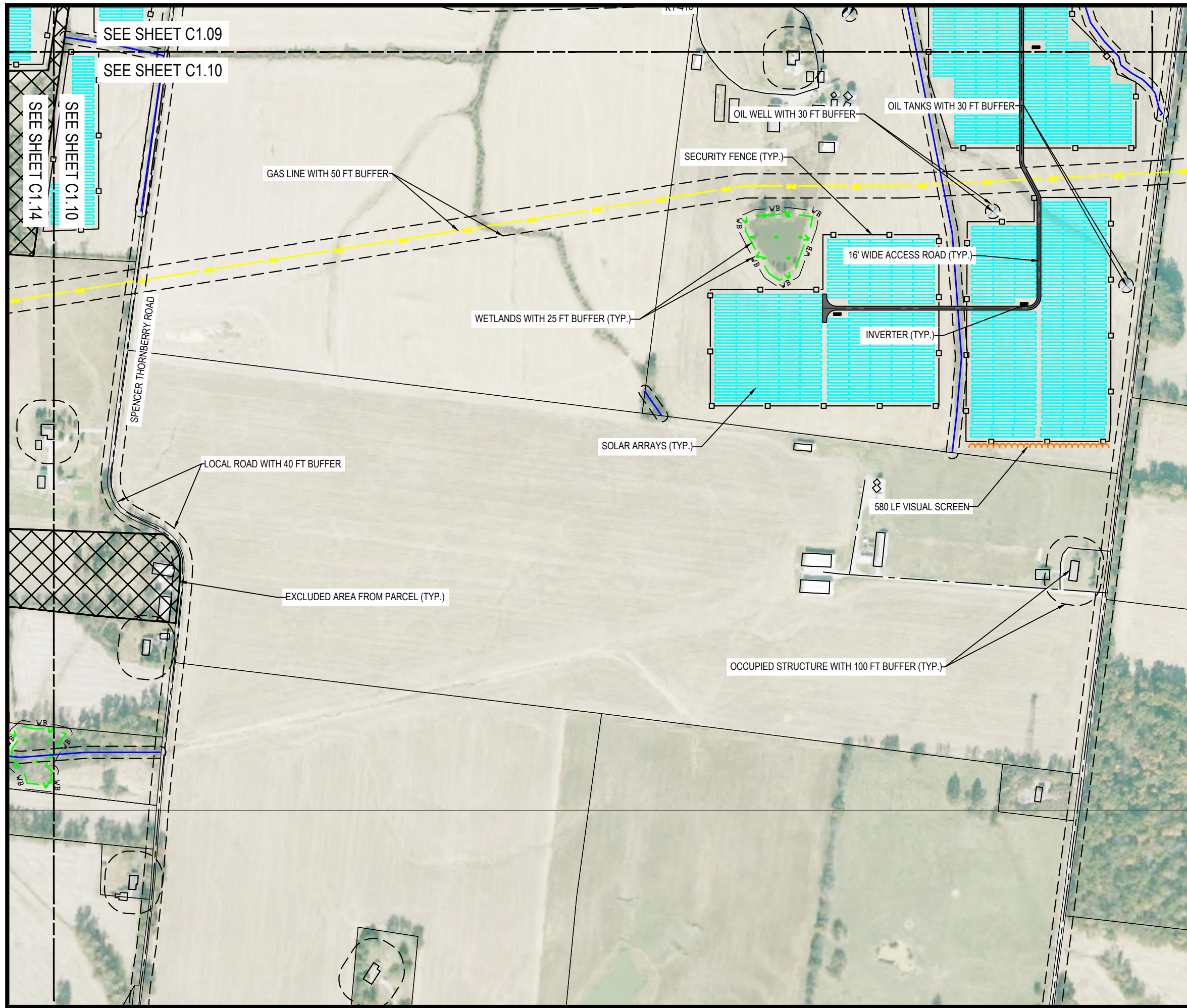


SEE SHEET C1.08
SEE SHEET C1.09

SEE SHEET C1.13
SEE SHEET C1.09

SEE SHEET C1.07
SEE SHEET C1.09

SEE SHEET C1.09
SEE SHEET C1.10

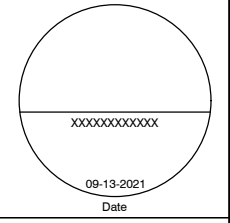
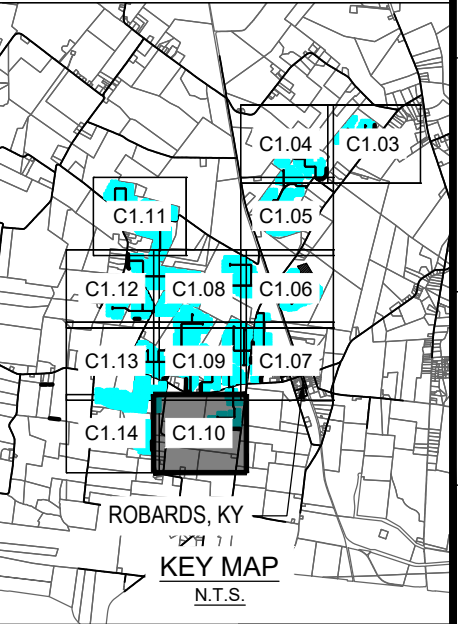


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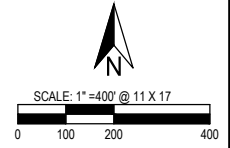
- PARCEL LINE
- - - SETBACK LINE
- EXCLUDED AREA FROM PARCEL
- ROAD CENTERLINE
- OVERHEAD ELECTRIC
- SEBREE SOLAR OVERHEAD LINE
- PIPELINE
- WETLANDS
- WETLAND BUFFER
- STREAM
- FLOODPLAIN ZONE A
- SURFACE WATER
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- ACCESS ROAD
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ECT PROJECT No.:	20-0196
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KY SITING BOARD	08-09-2021
HENDERSON COUNTY SUBMITTAL	09-07-2021




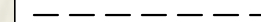

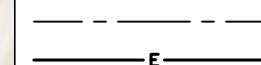







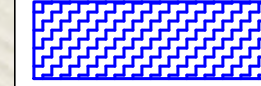
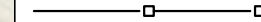




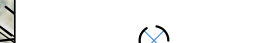
SITE EXHIBIT



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811

C1.10

LEGEND

-  PARCEL LINE
-  SETBACK LINE
-  EXCLUDED AREA FROM PARCEL
-  ROAD CENTERLINE
-  OVERHEAD ELECTRIC
-  SEBREE SOLAR OVERHEAD LINE
-  PIPELINE
-  WETLANDS
-  WETLAND BUFFER
-  STREAM
-  FLOODPLAIN ZONE A
-  SURFACE WATER
-  SECURITY FENCE
-  SOLAR ARRAYS
-  INVERTER
-  ACCESS ROAD
-  VISUAL SCREEN
-  AVOIDANCE FEATURE WITH 30 FT BUFFER

NEXTERA ENERGY

**SEBREE SOLAR
HENDERSON CO.
KENTUCKY**

ECT PROJECT No.:	20-0196
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CHECKED BY:	DMW/XG
APPROVED BY:	TBD
KY SITING BOARD	08-09-2021
HENDERSON COUNTY SUBMITTAL	09-07-2021

XXXXXXXXXXXX

09-13-2021
Date

SITE EXHIBIT

ROBARDS, KY

KEY MAP
N.T.S.

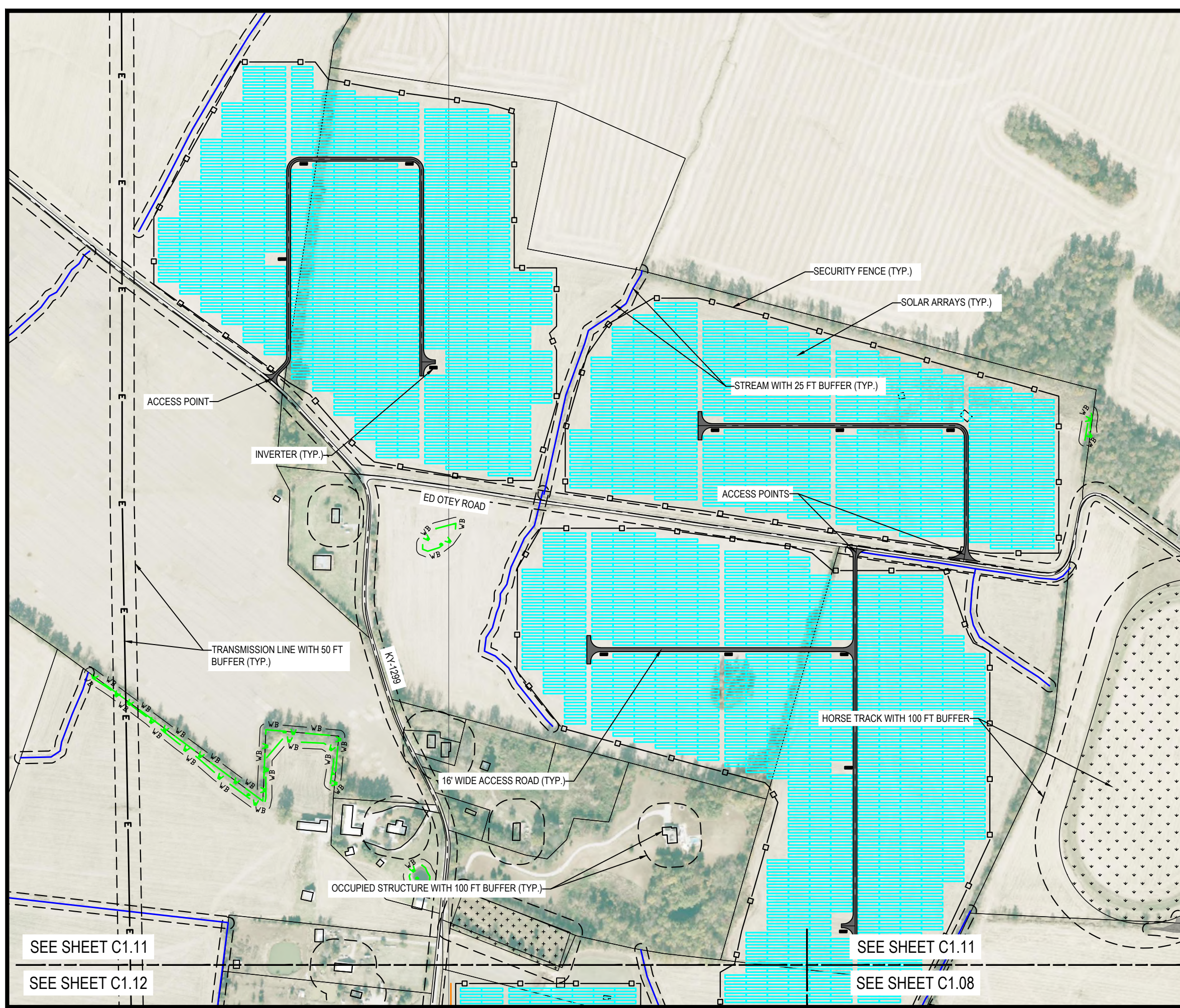
SCALE: 1"=400' @ 11 X 17

0 100 200 400

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811

C1.11

NOT FOR CONSTRUCTION



SEE SHEET C1.11

SEE SHEET C1.12

SEE SHEET C1.11

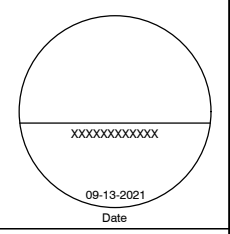
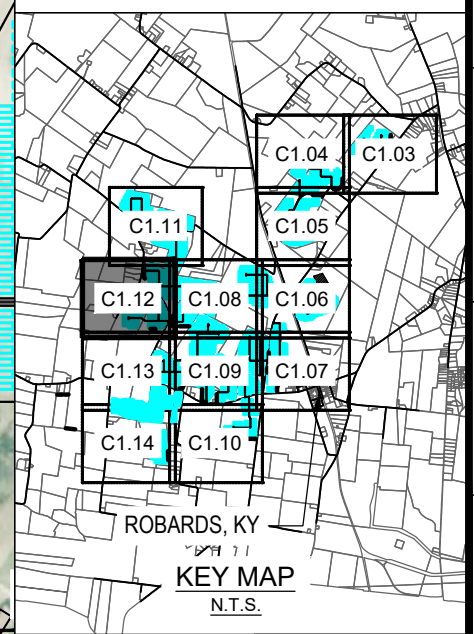
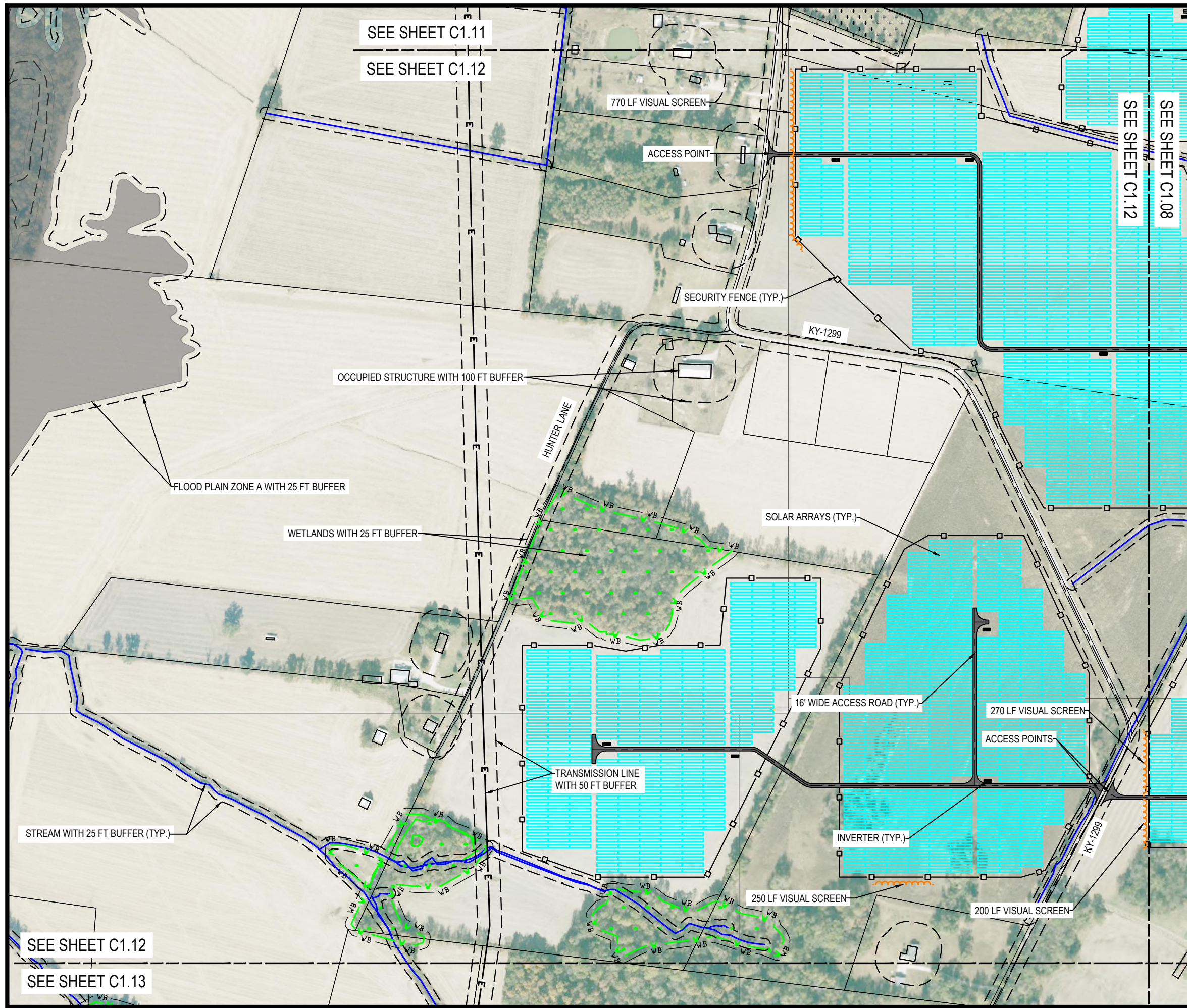
SEE SHEET C1.08

NEXTERA ENERGY
SEBREE SOLAR HENDERSON CO. KENTUCKY

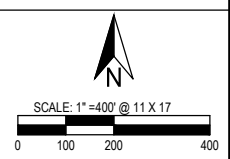
ECT PROJECT No.:	20-0196
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APPROVED BY:	TBD
KY SITING BOARD	08-09-2021
HENDERSON COUNTY SUBMITTAL	09-07-2021

LEGEND

- PARCEL LINE
- - - SETBACK LINE
- EXCLUDED AREA FROM PARCEL
- - - ROAD CENTERLINE
- OVERHEAD ELECTRIC
- SEBREE SOLAR OVERHEAD LINE
- PIPELINE
- WETLANDS
- WETLAND BUFFER
- STREAM
- FLOODPLAIN ZONE A
- SURFACE WATER
- SECURITY FENCE
- SOLAR ARRAYS
- INVERTER
- ACCESS ROAD
- VISUAL SCREEN
- AVOIDANCE FEATURE WITH 30 FT BUFFER



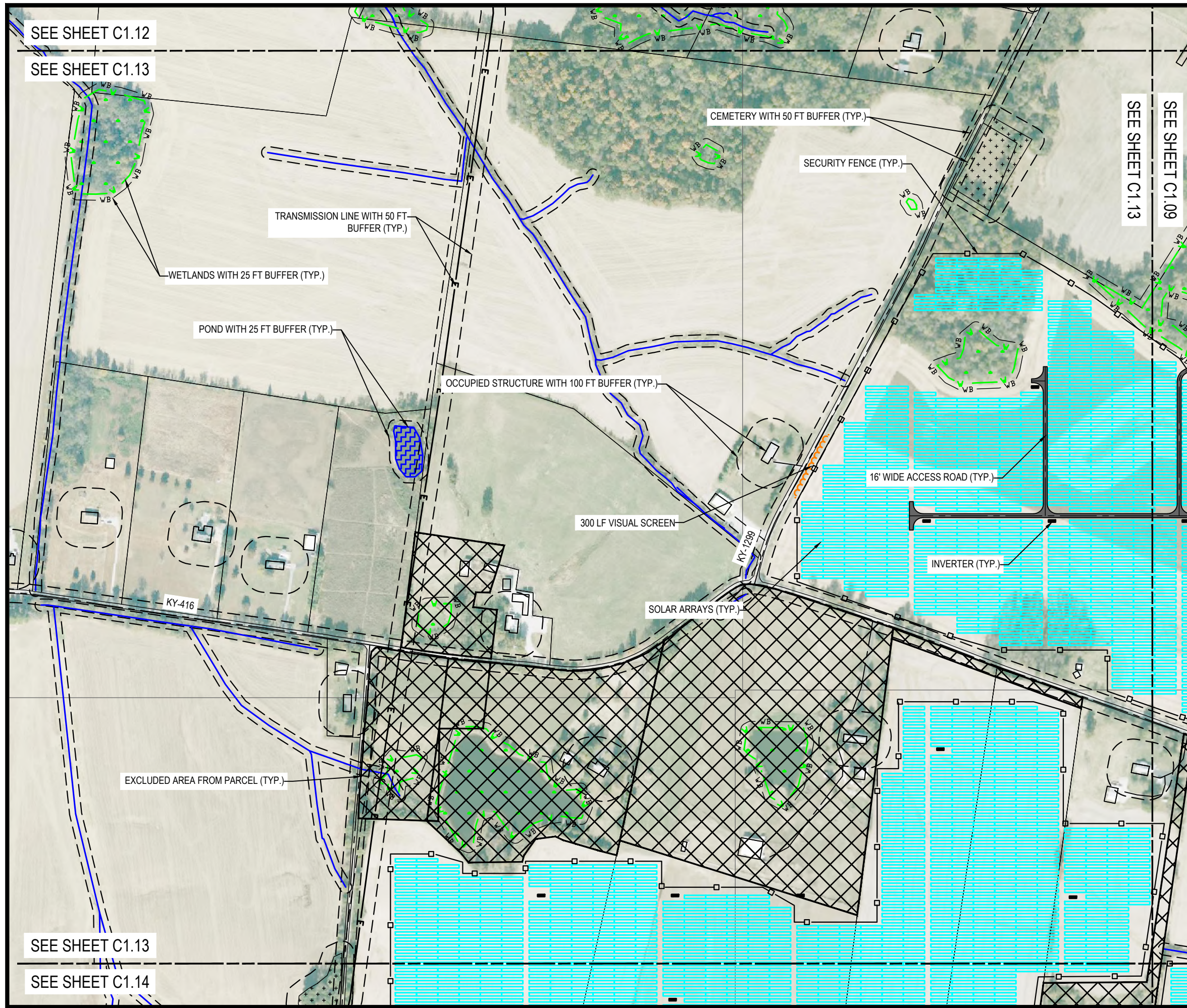
SITE EXHIBIT



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811

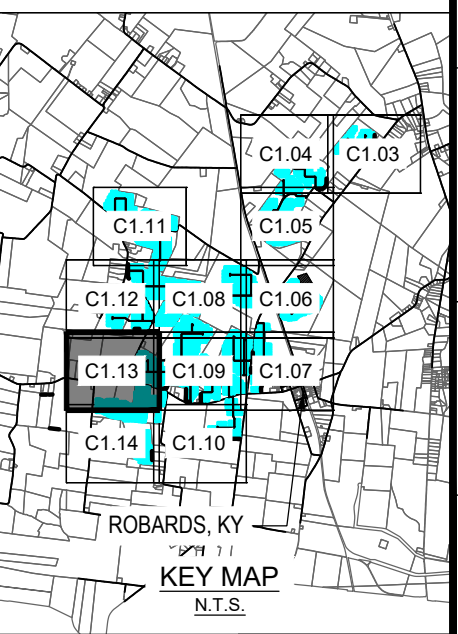
C1.12

NOT FOR CONSTRUCTION



LEGEND

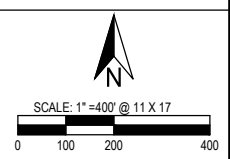
- PARCEL LINE
- SETBACK LINE
- EXCLUDED AREA FROM PARCEL
- ROAD CENTERLINE
- OVERHEAD ELECTRIC
- SEBREE SOLAR OVERHEAD LINE
- PIPELINE
- WETLANDS
- WETLAND BUFFER
- STREAM
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KY SITING BOARD	08-09-2021
HENDERSON COUNTY	09-07-2021
SUBMITTAL	

XXXXXXXXXXXXX
09-13-2021
Date

SITE EXHIBIT



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C1.13

NOT FOR CONSTRUCTION

SEE SHEET C1.12

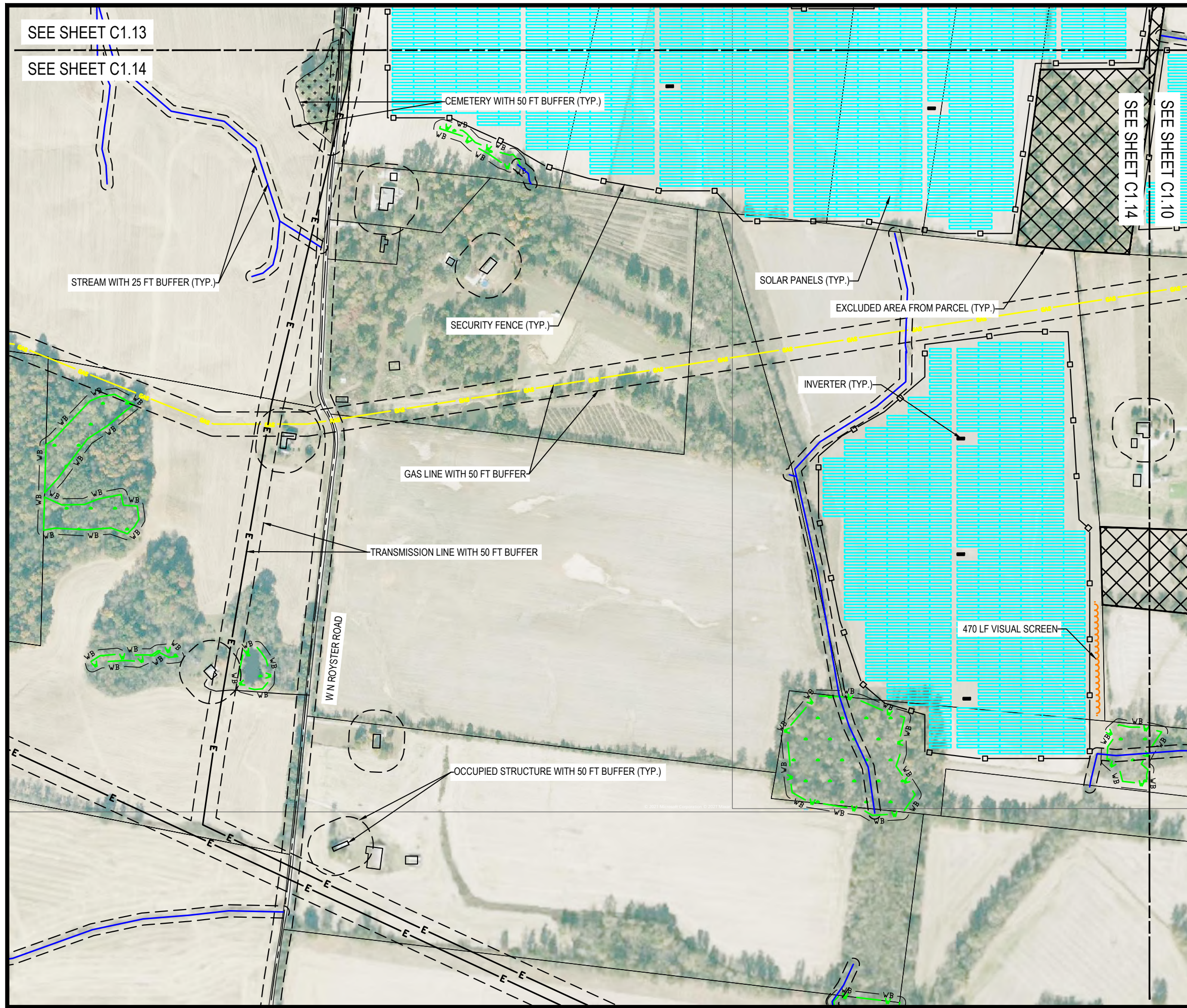
SEE SHEET C1.13

SEE SHEET C1.13

SEE SHEET C1.09

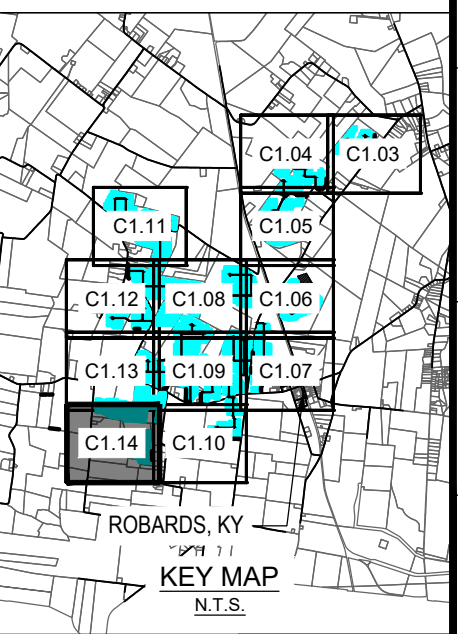
SEE SHEET C1.13

SEE SHEET C1.14

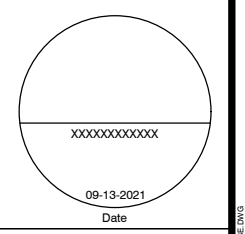


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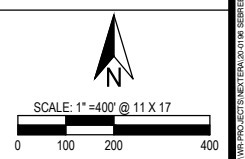
- PARCEL LINE
- SETBACK LINE
- EXCLUDED AREA FROM PARCEL
- ROAD CENTERLINE
- OVERHEAD ELECTRIC
- SEBREE SOLAR OVERHEAD LINE
- PIPELINE
- WETLANDS
- WETLAND BUFFER
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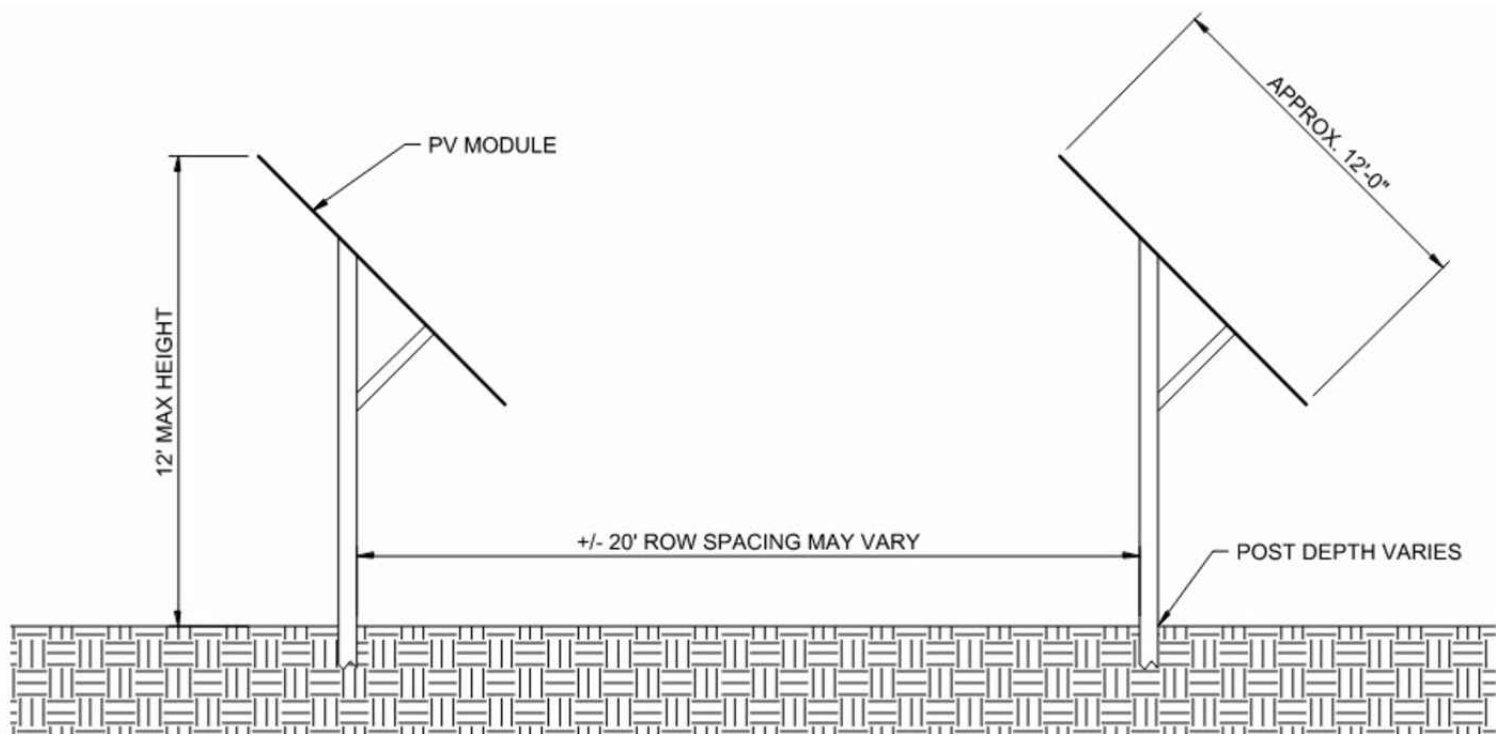
SITE EXHIBIT



C1.14

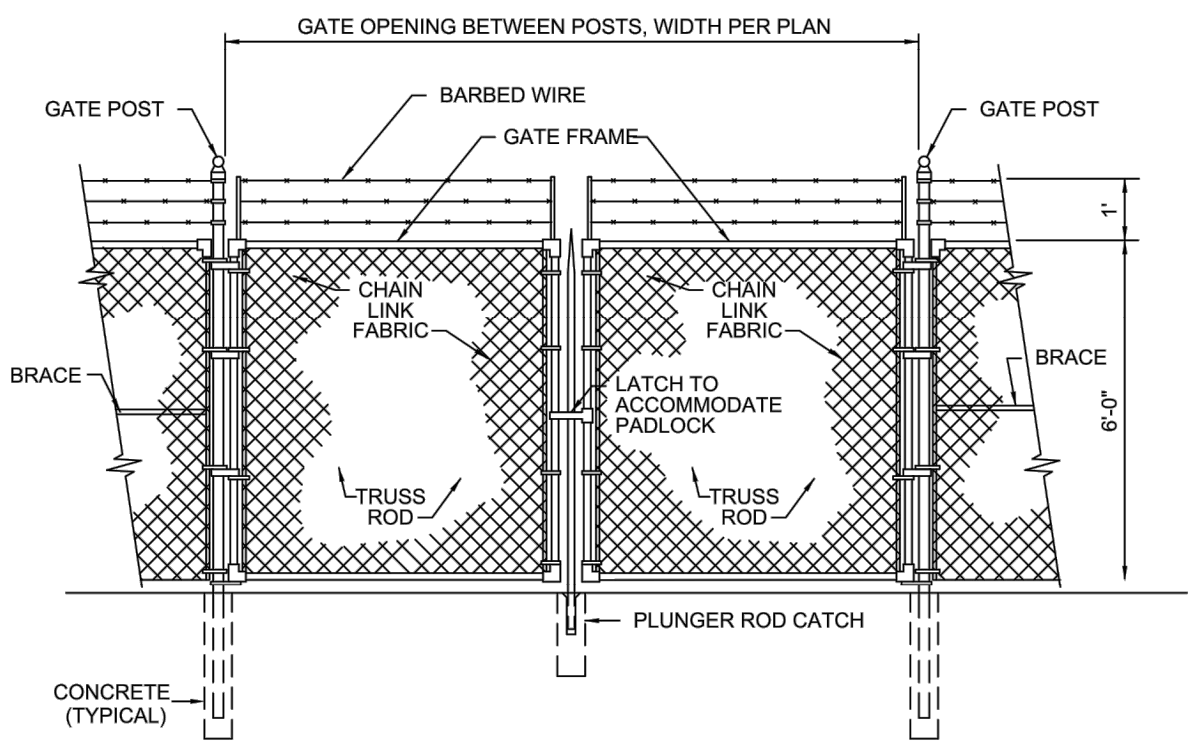
CALL BEFORE YOU DIG
811

NOT FOR CONSTRUCTION

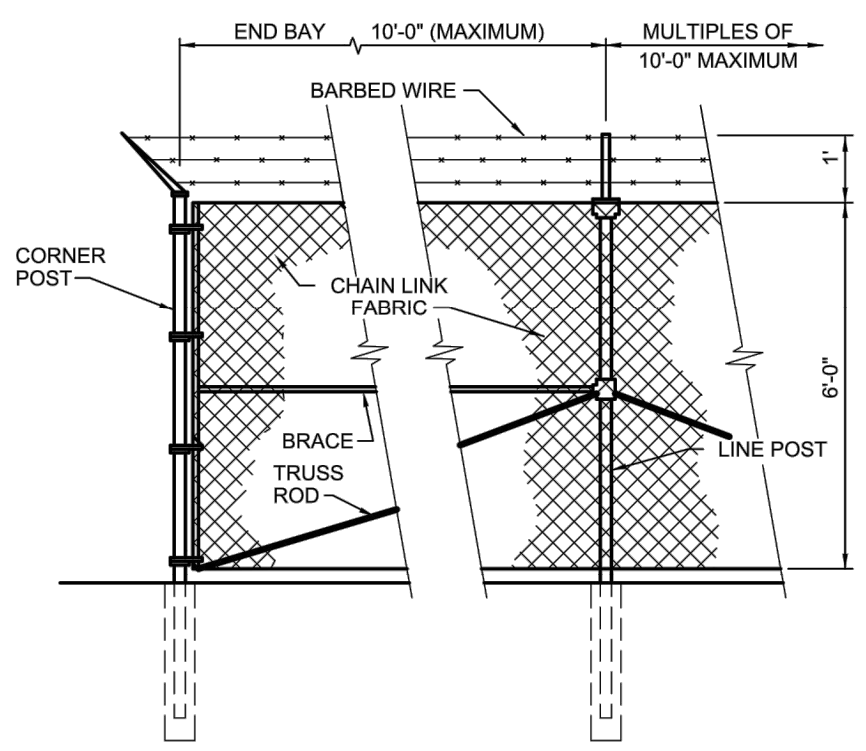


NOTE:

1. DETAILS ON THIS DRAWING ARE CONCEPTUAL ONLY.
2. FOUNDATION AND EQUIPMENT CONFIGURATION SUBJECT TO CHANGE DURING DETAILED DESIGN.
3. PILE EMBEDMENT DEPTH VARIES ON GEOTECHNICAL STUDY RESULTS AND STRUCTURAL DESIGN.
4. ACTUAL OPTIMAL DIMENSIONS MAY DEPEND ON SPECIFIC CONDITIONS OF THE SITE.



**DOUBLE SWING GATE DETAIL
 NOT TO SCALE**



**SECURITY FENCE DETAIL
 NOT TO SCALE**

NEXTERA ENERGY
**SEBREE SOLAR
 HENDERSON CO.
 KENTUCKY**

ECT PROJECT No.:	20-0196
DESIGNED BY:	Sebree Solar, LLC
DRAWN BY:	MRA
CHECKED BY:	DMW/XG
APPROVED BY:	TBD
KY SITING BOARD SUBMITTAL	08-09-2021
HENDERSON COUNTY SUBMITTAL	09-07-2021

XXXXXXXXXXXX
 09-13-2021
 Date

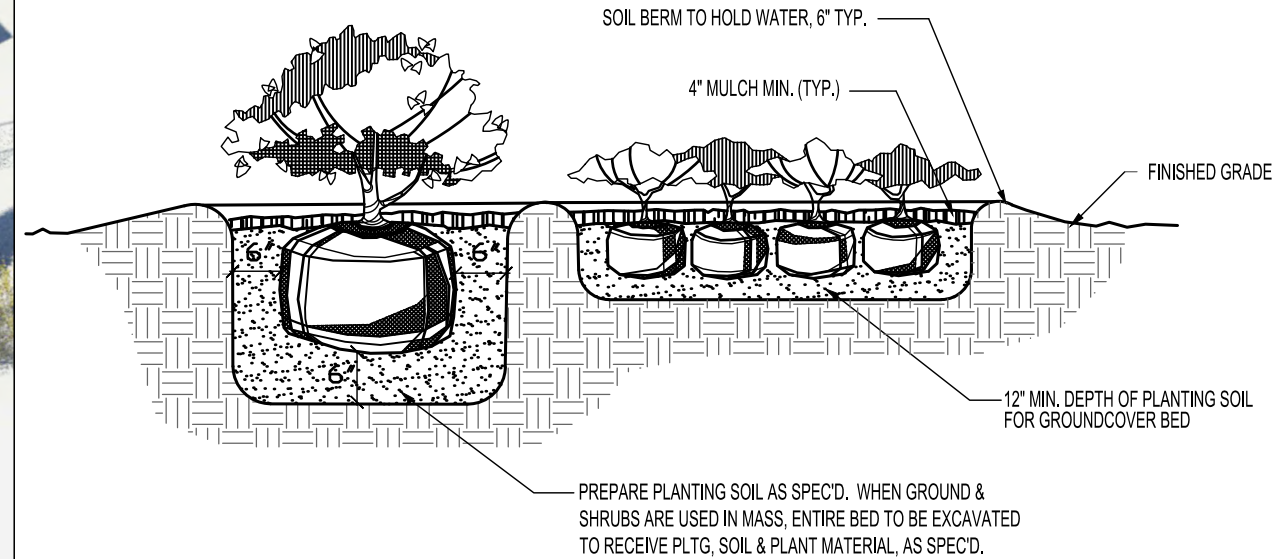
CIVIL DETAILS

CALL BEFORE YOU DIG
 811

C2.01

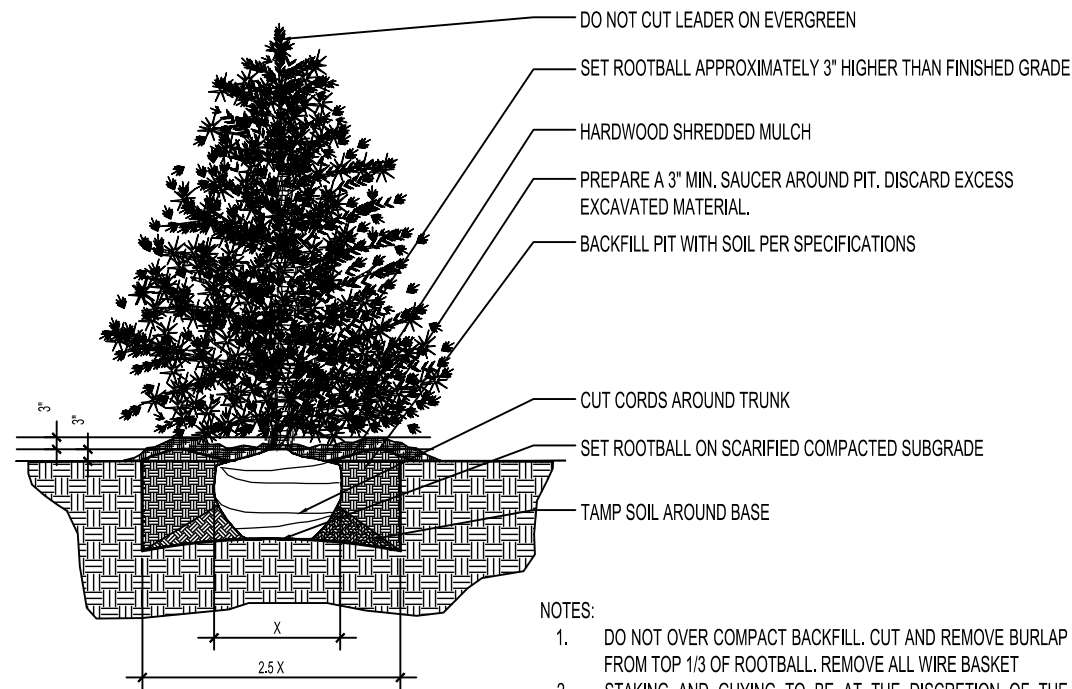


LANDSCAPE ILLUSTRATION



NOTE: CONTRACTOR SHALL ASSURE PERCOLATION OF ALL PLANTING PITS / BEDS PRIOR TO INSTALLATION

SHRUB AND GROUNDCOVER DETAIL



EVERGREEN PLANTING DETAIL

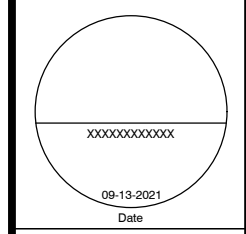
Table 1. Potential Evergreen and Deciduous Species Utilized by the Proposed Project

Type	Species	Scientific Name
Coniferous Trees and Shrubs	White Pine	<i>Pinus strobus</i>
	Virginia Pine	<i>Pinus virginiana</i>
	Red Cedar	<i>Juniperus virginiana</i>
	Common Juniper*	<i>Juniperus communis</i>
	Eastern Hemlock	<i>Tsunga canadensis</i>
Broadleaf Small Trees and Shrubs	Serviceberry	<i>Amelanchier spp.</i>
	Dogwood	<i>Cornus spp.</i>
	Winterberry	<i>Ilex spp.</i>
	Chokecherry	<i>Prunus virginiana</i>
	Ninebark	<i>Physocarpus opulifolius</i>
	Sumac	<i>Rhus spp.</i>
	Viburnum	<i>Viburnum spp.</i>
	Redbud	<i>Cercis canadensis</i>

* an upright growing habitat cultivar



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KY SITING BOARD	08-09-2021
HENDERSON COUNTY	09-07-2021
SUBMITTAL	



LANDSCAPE ILLUSTRATION

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811

C2.02

> Sebree Solar, Henderson County | SES Level 3 Site Plan Submittal

Appendix 3

List of Project Parcels

APN	Owner	Property Owner Address	City	State	Zip	Acreage
70-39	CROWDER MILTON E & GADDIS VIRGINIA S	8628 STATE ROUTE 416 W	ROBARDS	KY	42452	88.75
60-57.1	NUNN DENNIS E & JUDY	7155 STATE ROUTE 1299	ROBARDS	KY	42452	99.79
60-45	RILEY JAMES R & SARAH E	PO BOX 115	RUSSELLVILLE	KY	42276	66.13
60-38.1	NUNN DENNIS EARL	7155 STATE ROUTE 1299	ROBARDS	KY	42452	76.07
70-33	DOSSETT JOHN	225 S WATER ST	HENDERSON	KY	42420	116.86
60-67	CROWDER WILMA	352 HEARTHSTONE LN	HENDERSON	KY	42420	84
70-38	SPENCER STEPHEN H	213 CORRAL DR	GOLDSBORO	NC	27534	68.93
60-62	NUNN DENNIS E & JUDITH	7155 STATE ROUTE 1299	ROBARDS	KY	42452	40.8
70-6	DAWSON FAMILY FARMS LLC	6039 LAUREL TRL	HENDERSON	KY	42420	30
71-1	LEO KING FARM LLC	707 N MAIN ST	HENDERSON	KY	42420	362.26
70-46.1	DAWSON FAMILY FARMS LLC	6039 LAUREL TRL	HENDERSON	KY	42420	72.67
70-5	LEO KING FARM LLC	707 N MAIN ST	HENDERSON	KY	42420	64.88
71-45	CROWDER MILTON E & DIANE	8628 STATE ROUTE 416 W	ROBARDS	KY	42452	179.5
60-43	PERKINS CLAUDIA	15175 STATE ROUTE 136 E	HENDERSON	KY	42420	24.36
71-48	ANDERSON JAMES E	395 REDDING RD	LEXINGTON	KY	40517	230.3
71-52	BRANSON PHILLIP D & ROBIN R	6604 STATE ROUTE 283	ROBARDS	KY	42452	46.5
71-49	LEO KING FARM LLC	707 N MAIN ST	HENDERSON	KY	42420	108.13
71-38	BROCK DELNOE & FAY	PO BOX 3	ROBARDS	KY	42452	65.9
71-46.2	EBLEN JON B & MARIE A	9056 STATE ROUTE 416 W	ROBARDS	KY	42452	17.37
80-122	NUNN DENNIS	7155 STATE ROUTE 1299	ROBARDS	KY	42452	113.3
71-2	LEO KING FARM LLC	707 N MAIN ST	HENDERSON	KY	42420	19.94
60-37.1	GARDNER PAMELA	2400 COBBLESTONE DR	HENDERSON	KY	42420	43.29
60-43.1	DAVIS MARY	1014 COUNTRY CLUB DRIVE	HENDERSON	KY	42420	30.69
61-30	WHITMORE CAROLYN	9422 STATE ROUTE 416 W	ROBARDS	KY	42452	77.17
61-31	DANIEL CHRIS & LAVETA	9260 STATE ROUTE 416 W	ROBARDS	KY	42452	39.88
61-32	EBLEN JON BARTON	9056 STATE ROUTE 416 W	ROBARDS	KY	42452	19
61-33	EBLEN JON BART & MARIE	9056 STATE ROUTE 416 W	ROBARDS	KY	42452	17.09
61-34	EBLEN JON BARTON	9056 STATE ROUTE 416 W	ROBARDS	KY	42452	19
61-35	CROWDER WILMA	352 HEARTHSTONE LN	HENDERSON	KY	42420	15.8
61-37	WHITMORE DONALD R EST & CAROLYN	9422 STATE ROUTE 416 W	ROBARDS	KY	42452	63.4
61-39	WHITMORE DONALD R EST & CAROLYN	9422 STATE ROUTE 416 W	ROBARDS	KY	42452	13
60-70	GARDNER PAMELA	2400 COBBLESTONE DR	HENDERSON	KY	42420	127.4
60-57	SUGG MARY ANN	320 CHIMNEY HILL LN	HENDERSON	KY	42420	25.99
60-56	SUGG MARY ANN	320 CHIMNEY HILL LN	HENDERSON	KY	42420	65.5

> Sebree Solar, Henderson County | SES Level 3 Site Plan Submittal

Appendix 4

Decommissioning Plan

DECOMMISSIONING PLAN

Sebree Solar Project

Prepared for:

Sebree Solar, LLC
700 Universe Boulevard
Juno Beach, FL

Prepared by:



3720 Wilder Road, Unit B
Bay City, MI 48706

August 2021

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1.0 INTRODUCTION

Sebree Solar, LLC ("Sebree") contracted Environmental Consulting & Technology, Inc. ("ECT") to prepare a Decommissioning Plan ("Plan") for the Sebree Solar Project ("Project") in Henderson County, Kentucky. This Plan was prepared to document Sebree's intent to decommission the Project and to meet the requirements of subsection 30.02.D of the Henderson County Zoning Ordinance. The Henderson County Zoning Ordinance requires that a decommissioning plan be submitted that includes: (1) the defined conditions for when decommissioning will be initiated; (2) removal of all non-utility-owned equipment, conduit structures, fencing, roads, and foundations to a depth of three (3) feet; (3) restoration of the property to a substantially similar physical condition that existed immediately prior to construction; (4) the timeframe for completing decommissioning; (5) the party currently responsible for decommissioning, and (6) the plans for updating the decommissioning plan.

Within Henderson County, the Project is a proposed 250 megawatt alternating current (MWac) photovoltaic energy generating facility. The Project is proposed to be located on 1,250 acres of undeveloped agricultural land that is located directly north and west of the City of Robards, west of U.S. Highway 41 (US-41), north of State Road 416 (HWY-416), and east of US-41A ("Site"). The Project Site is also located south of the City of Henderson. The Solar Energy System (SES) would connect to a proposed 4.85-mile 161 kilovolt (kV) transmission line that would then connect into the existing point of interconnection (POI) substation located at the Reid EHV substation.

The Project components consist of photovoltaic (PV) modules mounted on a fixed tilt racking system, central electric inverters and transformers, underground electrical collection systems, electrical collector substation, point of interconnection, switchyard, interconnection facilities, a solar meteorological station, supervisory control and data acquisition (SCADA) hardware, control house and associated facilities, transmission line and associated transmission facilities, private gravel access roads with gated ingress/egress points, and security fencing. Temporary facilities associated with construction will include a laydown yard that will serve as facilities for construction office trailers and delivery points for major equipment. Collectively, the facilities listed in this paragraph comprise the "Project Facilities." See Appendix I –Site Plan for further details of the proposed project.

The site restoration will remove all above ground equipment associated with the project, including the electrical substation. All below grade items will be removed to a depth of three (3) feet below grade and solar module support posts will be completely removed. Any electrical casing or conduit below the three-foot depth will remain in place in order to minimize disruption to the land. Gravel access roads will be removed unless the landowner requests that they remain in place.

As previously stated, the purpose of this Plan is to outline the procedures to decommission the facility and to restore the properties to be substantially similar to their pre-construction state to the extent practicable upon expiration of the operational life of the Project. Estimated costs are provided based on the array design

and associated facilities proposed to be installed for the Project. Sebree plans to reevaluate these decommissioning costs every five (5) years throughout the life of the Project and will adjust the financial assurance accordingly.

2.0 SOLAR FACILITY COMPONENTS

The primary components of the Project include the following solar components and associated infrastructure. These counts of equipment are preliminary and subject to change as detailed design is not yet complete.

- Photovoltaic modules: 850,564
- Fixed tilt racking system: 16,357
- Collector substation and associated equipment: 78 inverters, 1 transformer, 1 control house with associated data monitoring equipment, telecommunications equipment, electrical breakers, miscellaneous steel structures
- 3.47MW Central inverters: 78
- Underground collection system: 496,944 feet of cable, 49,694 feet of cable above 36 inches
- Combiner Boxes: 1,872
- Overhead transmission line: 4.85 miles
- Meteorological station: 1
- Data monitoring systems (i.e., SCADA): 1
- Private gravel access roads: 57,018 feet
- Security fencing: 145,191 feet of fencing

Sebree, or its successors and assignees, will be responsible for the decommissioning of the Project. Utility-scale solar facilities have a mechanical life expectancy of thirty (30) years.

3.0 DECOMMISSIONING TASKS AND SEQUENCE

Sebree acknowledges that all solar components including Project Facilities constructed above ground and any structures below-grade will be removed offsite for disposal except for: (i) access roads or driveways on private property if the property owner requests in writing to Sebree for such to remain, (ii) any infrastructure the subsequent landowner at the time of decommissioning may wish to retain as it may be beneficial to post-solar agricultural land use; infrastructure such as, but not limited to, fencing and stormwater basins (iii) switchyard, interconnection facilities and other similar utility facilities not owned by Sebree, and (iv) non-recoverable underground cables below a depth of three (3) feet.

Sebree estimates decommissioning will occur over a period of 1 year, unless, external circumstances prohibit site work, such as weather delays. All applicable local and state approvals and permits for the removal of the Project facilities will be obtained prior to the start of decommissioning.

The anticipated sequence of decommissioning and removal are described below. However, an overlap of activities is expected.

1. De-energize solar arrays and other facilities, if not already de-energized.

2. Dismantle panels, racking, and frames.
3. Remove inverters, transformers, and electrical cables and conduits (as recoverable).
4. Remove fencing and miscellaneous equipment.
5. Remove structural foundations.
6. Remove access and internal roads, if not retained by the property owner.
7. De-compact soils (if needed) and restore disturbed land to pre-construction conditions to the extent practicable.
8. Revegetate any exposed soil that was disturbed during decommissioning.

The restoration efforts will return the land to substantially its original condition to the extent practicable, leaving any desirable infrastructure as requested by the subsequent landowner. It is unlikely that a significant amount of earthwork will be required due to the limited disturbance associated with construction and operations of the Project. Nonetheless, restoration activities may include regrading to restore land contours to the extent practicable, seeding to revegetate disturbed areas, de-compacting of soils determined to be compacted and back-filling with native subsoil or topsoil as needed.

4.0 DECOMMISSIONING COST ESTIMATE SUMMARY

Decommissioning costs detailed in **Table 1** include labor and material expenses for removal of solar modules, steel posts, transformers and inverters, access roads, perimeter fencing, cabling below-grade, and other Project Facilities. The estimates provided include both the cost of decommissioning and removal (including site restoration) and the salvage value from the recovered materials. Solar components anticipated to have a resale or salvage value that can offset the cost of decommissioning include solar modules, steel piles, inverters, and transformers. The materials recovered include the insulated copper wire, bare copper, aluminum, and steel that constitute raw materials making up the Project facilities. Reselling these valuable materials is a common practice in demolition and decommissioning of facilities because of the high value of these components.

Materials that have no value at the time of decommissioning will be recycled when possible or hauled offsite to a licensed solid waste disposal facility. The costs of removal, transportation, and disposal are included in these estimates. Furthermore, with the growth and development of solar technologies, there are secondary market opportunities to reuse and/or repurpose solar modules. These opportunities are not accounted for in the current estimates.

Table 1. Estimated Decommissioning Costs and Salvage Values

Decommissioning Task Description	Decommissioning Cost	Salvage Value
De-energize the facility	\$86,160.00	--
Dismantle panels and PV frames	\$9,531,215.00	\$3,965,276.00
Remove inverters, electrical cables and conduits down to three ft (as recoverable)	\$123,980.00	\$241,300.00

Remove fencing and miscellaneous equipment / Grading	\$329,475.00	\$13,932.00
Remove structural foundations and access roads (if not retained by owner)	\$428,405.00	\$396,070.00*
Earthwork and stabilization (decompact, restore, revegetate as needed)	\$710,986.42	\$710,986.42*
Total Decommissioning Cost	\$11,210,221.42	
Total Estimated Material Recovery (Salvage) Value	\$4,220,508.00	
Total Optional Cost Reduction Value	\$1,107,056.42	
Total Estimated Decommissioning Costs	\$6,989,713.42	
Total Estimated Decommissioning Costs with Reductions Applied	\$5,882.657.00*	

*Value derived from optional owner retention of components or not requesting soil restoration; not material salvage.

5.0 RESTORATION

It is unlikely that a significant amount of earthwork would be required, as the construction, operations, and maintenance of the Project involves limited earth disturbance. Nevertheless, if necessary, Sebree or the assigned responsible party would regrade and contour the area to establish proper stormwater and sediment controls until the area is established. Other initiatives will be taken as needed to restore vegetative cover to its original or an improved condition—such as through soil decompaction and reseeding—as it was prior to development.

6.0 TIMELINE AND PARTIES RESPONSIBLE TO COMPLETE DECOMMISSIONING

In accordance with Section 30.30.D.2(1), decommissioning would begin no later than 12 months (365 days) after the Level 3 SES has ceased to generate electricity. Decommissioning would be completed no later than 12 months (365 days) after commencement of decommissioning. Sebree or a designated party as approved by the Henderson County Board of Commissioners will assume responsibility to conduct decommissioning activities within the posted timeframe.

7.0 DECOMMISSIONING PLAN UPDATES

In accordance with Section 30.30.D.2(6), Sebree will prepare a final Decommissioning Plan once the project design is finalized. This final Decommissioning Plan will be provided to Henderson County at least four (4) weeks prior to the commencement of construction along with a surety bond or other form of financial security. Sebree agrees to update this Decommissioning Plan every five years during the life of the Project.

