

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

**BLUEBIRD SOLAR, LLC
CASE NO. 2021-00141**

STATEMENT REGARDING CERTIFICATIONS REQUIRED BY KRS 278.706(2)(d)

Comes the undersigned and states as follows:

1. That my name is Michael Stanton and I am a Vice President of Development of BayWa r.e. Solar Projects, LLC, which is the sole member of BayWa r.e. Development, LLC, which is the sole member of the Applicant herein;
2. That I am over 18 years of age and am a resident of the State of Virginia;
3. That I have conducted an inquiry into the facts contained in this Statement and believe them to be true to the best of my knowledge;
4. That the proposed facility as planned will be in compliance with any and all local ordinances and regulations concerning noise control, and will also be in compliance with any and all applicable local planning and zoning ordinances as provided in KRS 278.704(3).
5. The proposed facility will be constructed in compliance with the setback requirements established by the Harrison County Board of Adjustment's approval of Bluebird Solar's Conditional Use Permit, which is attached hereto.

Signed this 2nd day of February 2022.

Michael Stanton

Michael Stanton
Vice President, Development



1. All construction activities shall be limited to daylight hours between 7:00 a.m. to 9:00 p.m. and will not be conducted on Sundays unless it is necessary to make up for delays or to meet deadlines. Construction workers may arrive on site prior to 7 a.m., but construction activities shall not take place until that time.
2. The Applicant shall adhere to its Landscape Plan as submitted to the Planning Commission for the site plan review. However, along KY-353 the applicant shall at the minimum supplement existing landscape and plant either evergreens as listed in the Segment 5 planting plan or Segment 4 planting plan.
3. The Applicant shall maintain setbacks of a minimum of 100 feet to frontage boundary lines and 50 feet to side and rear boundary lines of any non-participating properties and roadways from the Applicant's solar energy system.
4. The Applicant's solar energy system, excluding utility poles, antennas, and substation equipment, shall not exceed 20 feet in height.
5. The Applicant shall prepare stormwater management plans that meet or exceed the Kentucky Stormwater Management Program regulations for all regulated activities at all stages of construction, operation, and decommissioning.
6. The Applicant shall obtain all required regulatory permits including a KPDES General Permit for Stormwater Discharges Associated with Construction Activity and a certificate of construction from the Kentucky State Board on Electric Generation and Transmission.
7. Following construction of the Project, the Project Site shall be fenced and locked at all times. The Project Site shall also be secured during construction. The Developer will install and maintain a permanent perimeter/boundary fence that meets the requirements of the National Electrical Safety Code.
8. Prior to the issuance of a Building Permit, a Decommissioning Plan and Cost Estimate shall be prepared by a licensed and Registered Professional Engineer from the Commonwealth of Kentucky who is not an employee of the Applicant or the landowner. The Decommissioning Plan shall comply with the minimum requirements of Article 23 of the Harrison County Fiscal Court's Zoning Ordinance. The Decommissioning Plan and Cost Estimate shall be approved by the Planning Commission prior to issuance of a Building Permit.



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9. The Decommissioning Plan and Cost Estimate shall be updated every five years, submitted to the Planning Commission for approval, and the Security revised as appropriate based upon the revised cost estimate.
 10. The Applicant shall post a combination performance and warranty surety in the amount indicated by the Cost Estimate in the form of either a Cash Deposit, Irrevocable Letter of Credit, or Surety Bond, which shall be both to ensure repair of defective materials and/or abandonment of the site. The Security shall be made in favor of the Cynthiana - Harrison County - Berry Joint Planning Commission in a form approved to the satisfaction of the Planning Commission.
 11. The Applicant and the County shall enter into a recorded agreement in a form approved by the Planning Commission that ensures that the decommissioning is carried out in accordance with this Ordinance. The agreement at a minimum shall include a Decommissioning Plan, Cost Estimate, and language binding the applicant or landowner and the County to implement the decommissioning activities.
 12. The project will be addressing any glare events through controls limiting the angle of rotation for the trackers on-site during periods of backtracking, typically early morning and late afternoon. During the first year of operation should glare events occur, Bluebird Solar will respond accordingly by modifying the tracker rotation limits in the plant controller during times when glare is present. The project will put together an Operations and Maintenance Glare plan, to be submitted to the Building Inspector before project permits. The plan will detail when onsite Operations and Maintenance (O&M) personnel would on-site mobilize to critical viewpoints during certain times of the year during specific early morning and late afternoon hours. As detailed in the Reflectivity and Visibility Analysis, implementing limitations on backtracking cut off angles would achieve the desired effect of reducing or preventing a glare event. The backtracking limits will be implemented during the hours and seasons as determined by the combined Reflectivity and Visibility Analysis and verified by the Operations and Maintenance team.
 13. Ground shall be remain free of debris and damaged solar materials at all times after construction has been completed.
 14. Prior to construction the Applicant shall prepare an emergency management plan acceptable to the local fire district and County and should be responsible for training of local personnel as needed.
 15. We recommend the Applicant contact the agricultural department and property owners and have a discussion on appropriate landscaping for the area.