



thoroughbred solar

## **Exhibit 5**

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# **Statements Regarding Setbacks and Coal Facilities**

## **EXHIBIT 5 – STATEMENTS REGARDING SETBACKS AND COAL FACILITIES**

*If the facility is not proposed to be located on a site of a former coal processing plant and the facility will use on-site waste coal as a fuel source or in an area where a planning and zoning commission has established a setback requirement pursuant to KRS 278.704(3), a statement that the exhaust stack of the proposed facility and any wind turbine is at least one thousand (1,000) feet from the property boundary of any adjoining property owner and all proposed structures or facilities used for generation of electricity are two thousand (2,000) feet from any residential neighborhood, school, hospital, or nursing home facility, unless facilities capable of generating ten megawatts (10MW) or more currently exist on the site. If the facility is proposed to be located on a site of a former coal processing plant and the facility will use on-site waste coal as a fuel source, a statement that the proposed site is compatible with the setback requirements provided under KRS 278.704(5). If the facility is proposed to be located in a jurisdiction that has established setback requirements pursuant to KRS 278.704(3), a statement that the proposed site is in compliance with those established setback requirements. KRS 278.706(2)(e).*

### **Respondent: Rob Kalbouss**

The Project will not be located on the site of a former coal processing facility, nor will the Project use on-site waste coal as a resource. The Project site also does not have any existing electricity generating facilities. Because the proposed Project is a ground-mounted solar photovoltaic electric generating facility, it will not contain any exhaust stacks or wind turbines, rendering the 1,000/2,000 setback requirements contained in KRS 278.706(2)(e) for such structures inapplicable to this Application.

KRS 278.706(2)(e) requires that “all proposed structures or facilities used for generation of electricity [be] two thousand (2,000) feet from any residential neighborhood, school, hospital or nursing home facility.” Because Hart County has no planning and zoning ordinances governing relevant setback requirements, these statutory setback requirements apply.

There are no schools, hospitals or nursing homes within 2,000 feet of the Applicant’s proposed location of structures or facilities used for generating electricity. However,

Thoroughbred Solar will be seeking a deviation from the setback requirement as it relates to the proximity of residential neighborhoods.