

Sebree Solar II, LLC

Case No. 2022-00131

Application – Exhibit 5

**Kentucky State Board on Electric Generation and Transmission Siting
Sebree Solar II, LLC – Case No. 2022-00131
Application – Exhibit 5**

Filing Requirement

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: Jason Andrews

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.

The electric generation portion of the Project is entirely within Henderson County and is therefore subject to local planning and zoning requirements that are less restrictive than those in KRS 278.704(2). Sebree II certifies that the Project will be in compliance with the Henderson County solar ordinance's setback requirements.

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No Attachments**