

# Bright Mountain Solar Project

Case No. 2022-00274



**TAB 5**

## TAB 5 SETBACK REQUIREMENTS

***KRS 278.706(2)(e)*** *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.*

The Facility is not proposed to be located on the site of a former coal processing plant; rather, it will be located on the site of a former coal surface mine. Additionally, the Facility will generate electricity by the direct conversion of sunlight into electrical energy; therefore, no on-site waste coal will be used as a fuel source for the Facility and there will be no exhaust stack associated with the Facility. Further, there will be no wind turbines included as part of the Facility.

Perry County has not established setback requirements pursuant to KRS 278.704(3). Therefore, the setback requirements pursuant to KRS 278.704(2) for Project components of 2,000 feet from a residential neighborhood, school, hospital, or nursing home facility are applicable to this Project. Pursuant to KRS 278.704(4), a motion to deviate from the setback requirements of KRS 278.706(2)(e) is forthcoming.

The Applicant submits that a reduced setback requirement is appropriate for the Facility because, with a reduced setback, the Facility will still meet the goals of KRS 224.10-280, 278.010, 278.212, 278.214, 278.216, 278.218, and 278.700 to 278.716. The Cumulative Environmental Assessment, prepared pursuant to KRS 224.10-280 and submitted as part this application, establishes that impacts to the surrounding community associated with air pollutants, water pollutants, waste products, and water withdrawals related to the construction and operation of the Facility will be minimal.

As established in this application, prepared pursuant to KRS 278.706, local adverse impacts associated with the construction and operation will be minimal. Economic impacts on the local and regional economies will be positive. As detailed in the Site Assessment Report, provided pursuant to KRS 278.708, the proposed Facility is compatible with surrounding land uses. Because of its location, the Facility will have minimal visual impact on the surroundings. The Facility is not anticipated to have a negative impact on property values and land use. According to the Sound Assessment included with the Site Assessment Report (Tab 12), noise levels associated with operation of the Facility will be compatible with the existing neighborhoods.