

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

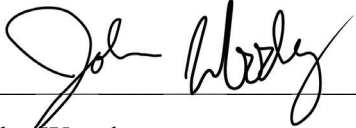
**SONG SPARROW SOLAR LLC
CASE NO. 2023-00256**

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

Comes the undersigned and states as follows:

1. That my name is John Woody, and I am the Senior Vice President, Development of Song Sparrow Solar LLC, the Applicant herein;
2. That I am over 18 years of age and am a resident of the State of California
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 recommended by Ballard County Fiscal Court resolution, which is attached hereto.

Signed this 17th day of August 2023.



John Woody
Senior Vice President, Development

**COMMONWEALTH OF KENTUCKY
COUNTY OF BALLARD
RESOLUTION NUMBER: 2023-04-18-
01**

**A RESOLUTION RELATING TO THE
POLICIES AND PROCEDURES CONCERNING
COMMERCIAL SOLAR ENERGY SYSTEMS**

Be it ordained by the Fiscal Court of County of Ballard, Commonwealth of Kentucky:

Whereas, The purpose of this resolution is to facilitate the siting, development, construction, installation, and decommissioning of Commercial Solar Energy Systems (CSES) to bolster economic development, job creation, diversify the Commonwealth of Kentucky's energy portfolio, strengthen energy and grid security, and reduce other environmental impacts. It encourages the siting, development, construction, installation and decommissioning of CSES in Ballard County in a predictable manner that promotes and protects the safety, health and welfare of the community and the use of adjacent properties.

Whereas, the Ballard County Fiscal Court is empowered and authorized by KRS 67.083 to enact ordinances and issue regulations governing conservation, preservation, and enhancement of natural resources including soils, surface, and groundwater, air, vegetation, and wildlife; regulation of commerce for the protection and convenience of the public; and regulation of commerce; and economic development; and

Whereas, the Ballard County Fiscal Court has determined that the appropriate siting and development of CSES can be beneficial to Ballard County and its economy, but desire to supplement any existing safety, health, or environmental requirements under federal state or local laws and regulations with regard to CSES; and

Whereas, the Ballard County Fiscal Court has determined that a CSES that meets the minimum standards for siting and operation contained in this ordinance will not cause a public nuisance nor threaten public health, public safety, and general public welfare, nor be injurious to the rights of other property owners; and

Therefore, after the date of the enactment of this ordinance, any person who constructs a CSES facility shall comply with the provisions of this resolution relating to the application process for the establishment and operation of CSES facilities in Ballard County, Kentucky, to provide financial assurance for any environmental damages, decommissioning, and to maintain a legally enforceable means of regulation for the CSES for the life of project(s), and to comply with certain setback distances.

SECTION 1: DEFINITIONS

Commercial Solar Energy Systems or CSES, or the applicant, as referenced herein shall refer to Commercial Solar Energy Systems including but not limited to the components and subsystems required to convert solar energy into electric energy for the purpose of selling the electric energy to a corporate entity, located on a piece of land owned by one or multiple property owners, and/or corporate entity. These systems are ground mounted systems and occupy ten (10) or more contiguous acres.

Exempt Solar Energy System means a CSES that is a facility of a municipally owned electric system or public utility regulated by the Ky Public Service Commission or Federal Energy Commission, which is exempt from planning and zoning requirements under KRS 100.324.

Footprint of the CSES is calculated by drawing a perimeter around the outermost CSES panels and any equipment necessary for the equipment to function, such as transformers and inverters. The footprint does not include perimeter fencing or visual buffers, nor transmission lines or portions thereof that are required to connect the CSES to a utility or customer outside the CSES perimeter.

Siting Board Regulated CSES means a CSES that constitutes a “merchant electric siting facility” under KRS 278.700(2), the construction and siting of which is subject to review and approval of the Ky State Board on Electric Generation and Transmissions Siting. A merchant electric siting facility is an electricity generating facility of facilities that, together with all associated/structures and facilities are capable of operating at an aggregate capacity of ten megawatts (10MW) or more and sell the same electricity produced in the wholesale market, at rates and charges not regulated by the Kentucky Public Service Commission.

Primary Roadway means any numbered route maintained by Kentucky Transportation Cabinet (KYTC).

Secondary Roadway means any unnumbered route maintained by Ballard County, or Kentucky Department of Fish and Wildlife Resources (KDFWR).

Public Notice means any required by the Commonwealth of Kentucky Energy Cabinet, or other regulation and requirements pursuant to KRS 278.706 (2) (c).

SECTION 2: COUNTY NOTICE TO PROCEED PROCESS

The CSES shall file a *DEVELOPMENT NOTIFICATION PLAN* with the Ballard County Judge Executive Office, once a “notice of intent” is filed by the CSES with the Kentucky State Board on Electric Generation and Transmission Siting. The plan shall contain the following information and addendums:

- A. A site development plan showing the proposed CSES design configuration and construction materials that will be used including, property lines and setbacks, natural resource features, proposed buildings and structures; including preliminary locations of the proposed solar panels and related equipment; the

location of proposed fencing, driveways, internal roads, and structures; and the location of points of ingress/egress. Any subsequent modifications to an approved site development plan shall be presented to the building inspector for approval.

B. A survey plat or maps prepared by a registered land surveyor or engineer of the property plot proposed to contain the CSES, as well as the surrounding area in enough detail to indicate compliance with this ordinance.

C. A list of all real properties on which CSES infrastructure will be constructed and all properties adjoining the Project Properties, along with the names and mailing addresses of the owners of the adjoining properties as provided by the Ballard County PVA office.

D. A list of all permits required by the Commonwealth of Kentucky, the United States of America, or any other governmental or regulatory agency from which any permit is required for construction and/or operation, with the condition that construction and/or operation will not commence prior to receipt of said permit.

E. A copy of the Kentucky State Board on Electric Generation and Transmission Siting letter "notice of intent" shall be provided to the Ballard Co. Judge Executive Office for any projects located in Ballard County, and adhered to as evidence of acceptance and approval with the condition that construction and/or operation will not commence prior to receipt of the "construction certificate" from the Kentucky State Board on Electric Generation and Transmission Siting.

F. A decommissioning plan that describes the manner in which the CSES will be decommissioned and the site restored. This plan shall be prepared by a third-party engineer licensed in Kentucky and inclusive of the estimated cost of removal of the CSES and the net of salvage value. The decommissioning estimate shall be updated every five years. During the second (2d) year of CSES operations, a surety bond or a decommissioning security shall be issued to the Ballard County Fiscal Court for the cost of removal of the CSES net of salvage value. The bond or security must be an amount sufficient to cover decommissioning costs after the end of use of the CSES and will be increased if the decommissioning estimate yields a different net cost for removal. All decommissioning shall be in accordance with Kentucky state law, pursuant to 2023 HB 4. Decommissioning to occur within twelve (12) months of the cessation of energy generation by the CSES.

G. Construction or decommissioning of any CSES facility(s) shall take place between the hours of 6:00 a.m and 7:00 p.m.(cst) on the days of Monday-Saturday only.

H. Industrial Revenue Bond (IRB): The Ballard Fiscal Court and the CSES may choose to enter into an IRB. The term of which cannot exceed 480 consecutive months. The owner-operator of the CSES shall hire and compensate any and all agencies necessary to produce work product, documents, and other related requirements of KRS to implement the IRB.

I. Payment in Lieu of Taxes (PILT) The Ballard Fiscal Court and the CSES owner/operator may enter into a PILT agreement prior to, during or following construction of the CSES. Such PILT agreement shall require payment by the CSES owner/operator in an amount to be agreed upon by Ballard County Fiscal Court and the CSES owner/operator.

Payment in Lieu of Taxes (PILT): The Ballard Fiscal Court may require the PILT payment due by July 15 of each calendar year in the amount agreed to by parties per megawatt (MW) that is generated per each acre(s) of property owned/leased by the CSES owner/operator. The CSES shall pay a rate, as agreed between parties based on a per MW generated to the other county taxing districts, as agreed by the County and the owner/operator of CSES. These payments shall be made to the Fiscal Court, who shall pay them out to each of the districts within 20 days of receipt.

J. Fees: The applicant shall pay a one-time \$250 fee for the development application to be paid the Ballard Fiscal Court due with the filing of/on the same date of application.

SECTION 3: The CSES facility shall comply with the following setback requirements, as measured between the Setback Feature and the CSES footprint:

Setback Feature from the CSES

- | | | |
|----|--|------------|
| A. | Dwelling not owned by CSES applicant/owner or participating landowner In the project. (*) | 250 feet |
| B. | Church, school, schoolyard, business, park, (not located on project properties (*) | 250 feet |
| C. | Center of the following unincorporated town limits Bandana, Blandville and Lovelaceville, as shown in Table 2 below. | 1,000 feet |
| D. | City limits of Wickliffe, Barlow, La Center, Kevil, Kentucky | 1500 feet |
| E. | Downstream public works supply surface intake, as defined in Table 1 below | 1000 feet |

F. Roadways (primary and secondary)

Primary: 50-feet
from centerline
Secondary-25-feet-
secondary from c/l

G. Adjoining properties line (*)

100 feet

H. Setbacks are not required where the property line is shared by two or more participating landowners.

(*) The setback provisions above can be waived in writing by the adjacent property owner to whom the property line or residence setback is applicable. A copy of said waiver shall be filed with the application.

Table 1. Downstream Public Works Supply Surface Intake centers

Downstream Public Works Supply Surface Intake centers	Geographic Center Latitude	Geographic Center Longitude
Kevil City	37.084	-88.886
La Center City	37.068	- 88.989

Table 2. Unincorporated Town centers

Unincorporated Town	Geographic Center Latitude	Geographic Center Longitude
Bandana	37.146	-88.945
Blandville	36.944	-88.966
Lovellaceville	36.970	-88.830

SECTION 4: Within seven (7) days following the receipt of a completed application for CSES, the Office of Ballard County Judge/Executive shall mail to the owner of each Adjoining Property (as identified in the application) a notice identifying that application has been made and the proposed location of the CSES.

SECTION 5: Prior to commencement of construction of a CSES, the CSES owner/operator shall provide proof to the Office of the Ballard County Judge/Executive of an existing and valid policy/policies of Commercial General Liability Insurance, evidencing no less than a single limit of one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) in the aggregate to cover injuries of any type (environmental, physical, chemical, or other) to any damages including damages sustained by adjoining landowner during the operation of the CSES.

SECTION 6: Each applicant shall acknowledge adherence to the requirements stated herein by signing an affidavit to such effect and placing said affidavit with the application for the office of the Ballard County Judge/Executive.

SECTION 7: Public notice and comment shall be held in compliance with Commonwealth of Kentucky requirements under the Kentucky State Board on Electric Generation and Transmission Siting guidelines and be held in compliance with KRS 278.706 (2)(c), as well as any other Kentucky State Board on Electric Generation and Transmission Siting requirements. If a local public hearing is not held within the county per KRS 278.712, the owner/operator shall conduct a minimum of one (1) public informational meeting within the county limits or provide a space in the county where the public can monitor the hearing electronically and actively comment on the project. This hearing may be conducted simultaneously to one or more of the local siting board hearings.

Introduced, seconded and given first reading and approval at a duly conveyed meeting of the Ballard County Fiscal Court held on 18 day of April, 2023.

ATTEST: 
Katie Mercer, Ballard County Clerk


Todd Cooper, Ballard County Judge Executive