

**COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY STATE BOARD
ON ELECTRIC GENERATION AND TRANSMISSION SITING**

In the Matter of:

**Electronic Application Banjo Creek Solar LLC for a)
Certificate of Construction for an Approximately 120)
Megawatt Electric Generating Facility in Graves) Case No. 2023-00263
County, Kentucky Pursuant to KRS 278.700 and 807)
KAR 5:110)**

NOTICE OF CORRECTION

Banjo Creek Solar LLC (“Banjo Creek Solar”), by counsel, hereby provides a corrected draft of Section 5 of the Application.¹ The original application erroneously included a paragraph pertaining to a prior project (AEUG Fleming Solar LLC in Case No. 2020-00206) related to neighborhoods within 2,000 feet of the other project site. As noted in the Notice of Intent filed on August 3, 2023, in this matter and verified by the Context Map submitted in response to Item 18 of the First Request for Information, there are no residential neighborhoods, schools, hospitals, or nursing home facilities currently existing within 2,000 feet of the Banjo Creek Project.

A corrected Section 5 of the Application with changes tracked is attached to this Notice of Correction.

Respectfully submitted,



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ATTORNEYS FOR BANJO CREEK SOLAR LLC

¹ The project informed the Siting Board of this correction at the evidentiary hearing on January 23, 2024.

5. Setback Requirements

REQUIREMENT: per 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 (10 MW) 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.*

COMPLIANCE: The Project is not proposed to be located on the site of a former coal processing plant, nor will it use any waste coal as a fuel source. No existing electricity generating facilities are located on the Project site. Graves County has no setback requirements for this location, per the information provided in Section 4. The Project will not include any exhaust stacks or wind turbines as part of the facility, so the 1,000-foot boundary requirement is not applicable.

There are no residential neighborhoods, schools, hospitals, or nursing home facilities currently existing within 2,000 feet of the Banjo Creek Project, and therefore, the applicant will not need to request a deviation from the setback requirements found in KRS 278.704(2).

~~There is only one residential neighborhood (as defined by KRS 278.700[6]) within 2,000 feet of the Project's facilities. Pursuant to KRS 278.704(4), AEUG Fleming Solar will be moving the Siting Board for a deviation from this setback requirement. See Appendix A for a map showing the residential neighborhood in relation to the Project.~~