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Authors:
[Gregory Dutton](#)
[Kathryn A. Eckert](#)
[Brian D. Zoeller](#)

Kentucky Bill to Create Minimum Setbacks for Solar in Counties Without Zoning and Require Transparency in Project Financing

Sponsored by the chair of the House Committee on Natural Resources and Energy and the house speaker pro tempore, Kentucky House Bill (HB) 790 aims to implement minimum state-level setback requirements in counties without zoning and require developers to file public reports detailing all federal and state incentives utilized. This bill was introduced on February 19, 2025, but given its high-profile sponsors, it may be quickly voted out of committee and to the House for further consideration. Developers should closely track this bill, contact representatives and coalition partners where possible, and consult their legal counsel or lobbyists regarding further questions and strategy.

Setbacks

Per the language of HB 790, any application to the Kentucky Electric Generation and Transmission Siting Board ("Siting Board") filed after January 1, 2026, for a project located in a county without zoning authority, would be required to meet or exceed a 350-foot setback from certain non-participating property boundaries. This setback will apply to solar panels, substations, central inverters and energy storage systems (when built as part of a solar project). The 350-foot setback can only be amended by consent of both the non-participating adjoining landowner and the legislative body of the local government.

Roughly two-thirds of counties in the Commonwealth do not have zoning authority, so this bill would apply to the majority of Kentucky. Currently, the 350-foot setback would only apply to property statutorily defined as a residential neighborhood or used as a school, hospital, or nursing home. However, certain language in the bill suggests the setback is intended to apply to all non-

participating parcels, regardless of use, which would greatly expand the impact of this legislation. Typically, the Siting Board has approved boundary setbacks significantly lower than 350 feet, even as low as 25 feet.

Funding Disclosures

HB 790 also seeks to increase transparency around merchant solar project funding and financing. Specifically, any new solar project would need to file a report with the Kentucky Energy and Environment Cabinet (EEC) upon completing construction that includes all federal and state incentives utilized for siting, construction and operation of the facility. The EEC would then compile a report of all incentive filings made by solar projects and provide such report to the legislature.

Our team is closely watching the progression of HB 790 and on hand to address any questions or concerns clients may have as it pertains to current or future projects. For assistance, please contact the authors or any attorney with Frost Brown Todd's [Renewables Team](#).

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