

## **Conditional Use Permit Application**

The requirements for a Conditional Use Permit are outlined in Article 6, Section 6.3 of the Jefferson County Zoning and Land Development Ordinance.

While not required, all applicants are encouraged to schedule a Pre-Proposal Conference with the Office prior to the submission of a Conditional Use Permit application.

### **Please submit the following documents:**

- ☒ **Conditional Use Permit Application Form (attached) with application fee**
  - ☐ Application Fee: \$250 + \$50/acre
- ☒ **Site Sketch**
  - ☐ Show location of proposed building(s) / additions to existing buildings
  - ☐ Show location of proposed parking area
  - ☐ Show location of proposed access
  - ☐ Show location of proposed sign(s)
  - ☐ Show topography, natural features, etc.
  - ☐ Show existing vegetation and/or location of proposed landscaping
- ☒ **Narrative (optional)**
  - ☐ Description of the proposed land use. May include information pertaining to hours of operation, number of employees, number of customers, etc.
  - ☐ Traffic characteristics – type and frequency of traffic (i.e. both existing traffic and level of traffic that would be generated by proposed land use.
  - ☐ Any other relevant information.
- ☒ **List of adjoining property owners**
  - ☐ This includes the properties located across any road, right-of-way, or easement. The Jefferson County Court House is the source for property owner information.

Note: Approval of a Conditional Use Permit, with or without conditions, allows the proposed land use only. Further processing may be required (i.e. site plan).

A Conditional Use Permit shall become void eighteen (18) months after the date of issuance if the construction or use for which the permit was issued has not commenced. A one-time extension of this time frame may be granted by the Board of Zoning Appeals after evaluation of the hardship involved with noncompliance of this regulation. The length of time extended shall be at the discretion of the Board of Zoning Appeals and shall not exceed eighteen (18) months. (Section 3.2G)





**JEFFERSON COUNTY, WEST VIRGINIA**  
**Department of Engineering, Planning and Zoning**  
**Office of Planning and Zoning**  
 116 East Washington Street, 2<sup>nd</sup> Floor  
 P.O. Box 716  
 Charles Town, West Virginia 25414

File #: 22-4-CUP  
 R'cvd Date: 06 / 22 / 22  
 Mtg. Date: 07 / 28 / 22  
 Fee Paid: \$ 13,800  
 Staff Int.: jth

Email: [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

Phone: (304) 728-3228  
 Fax: (304) 728-8126

**Application for a Conditional Use Permit**

**Project Name**

Blake Solar Project

**Property Owner Information**

Name: See Attached  
 Business Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ Mail ☐ Yes  
 Phone Number: \_\_\_\_\_ Email Response: \_\_\_\_\_ Response: ☐ No

**Applicant Information**

Name: Braden Houston  
 Business Name: Horus West Virginia I  
 Mailing Address: 110 Front Street Suite #300 Jupiter, Florida 33477 Mail ☐ Yes  
 Phone Number: 617-530-0029 Email Response: bhouston@opdenenergy.com Response: ☐ No

**Engineer(s), Surveyor(s), or Consultant(s) Information**

Name: Mark Dyck  
 Business Name: Integrity Federal Services  
 Mailing Address: 148 S. Queen Street Suite 201 Martinsburg, WV Mail ☐ Yes  
 Phone Number: 304-725-8456 Email Response: mdyck@ifs-ae.com Response: ☐ No

**Physical Property Details**

Physical Address: See Attached  
 Tax District: \_\_\_\_\_ Map No: \_\_\_\_\_ Parcel No: \_\_\_\_\_  
 Parcel Size: \_\_\_\_\_ Deed Book: \_\_\_\_\_ Page No: \_\_\_\_\_

**Zoning District (please check one)**

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (I-C) <input type="checkbox"/>	Rural* (R) <input checked="" type="checkbox"/>	Residential- Light Industrial- Commercial (R-LI-C) <input type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>
General Commercial (GC) <input type="checkbox"/>	Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/ Commercial Mixed-Use (OC) <input type="checkbox"/>

\* For properties in the Rural Zoning District:

Is property located on a primary or secondary road?

☐ Yes ☐ No

Name of Road and/or Route Number: Route 115, Route 25



**State the proposed land use as listed in Appendix C and provide a description of the proposed use.**

Solar power generating facility. See attached for additional detail.

**Please provide any information or known history regarding this property.**

See attached

**Please respond in detail to the following questions to show how the proposed project complies with the criteria located in Section 6.3 of the Zoning Ordinance:**

1. How is the proposed use compatible with the goals of the adopted Comprehensive Plan? *Section 6.3A.1*

See attached

2. How is the proposed use compatible in intensity and scale with the existing and potential land uses on surrounding properties? How will the proposed project mitigate potential threat to public health, safety, and welfare? *Sec. 6.3A.2*

See attached

3. Describe how the proposed site development will be designed such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings. *Section 6.3A.3*

See attached

4. Neighborhood character and surrounding property values shall be safeguarded by requiring implementation of the landscaping buffer requirements found in Appendix B and Section 4.11 of this Ordinance. *Section 6.3A.4*

☒ I am aware of the landscaping buffer requirements and will adhere to them.

☐ I am aware of the landscaping buffer requirements; however, I may be seeking a variance to modify them.

5. For properties in the Rural zoning district, roadway adequacy shall be assessed by the Comprehensive Plan's Highway Road Classification Map. If a rural parcel is not shown as commercial on the Future Land Use Guide or does not front on a Principal Arterial, Minor Arterial, or Major Collector road (as identified in the Comprehensive Plan), the applicant shall submit trip generation data, including Average Daily and Peak Hour trips, for the Board of Zoning Appeals to review in conjunction with the Highway Problem Areas Map when determining roadway adequacy for the proposed use. *Section 6.3A.6*

☒ Applicable (Trip Generation Data attached)

☐ Not Applicable

**The information given is correct to the best of my knowledge. Original Signature Required.**

Multiple See Attached

Property Owner

Date

Property Owner

Date



## CUP Application High Horizons Solar Project

### Property Owner Information

**Map 19 Parcel 14\***

**Charles Town District**

**Deed Book 959      Page 359**

**172.85 acres**

Thornhill LLC

514 Haynes Drive

Chilhowie, VA 24319

Herb Jonkers

Owner Agent Name:

Owner Agent Signature:

DocuSigned by:

*Herb Jonkers*

3E99976474334A6...

6/28/2022

Date:

Phone Number:

Email:

- This parcels is made up of 179 single family lots, road easements and open space. All lots owned by Thornhill LLC, owner Agent signature acknowledges the inclusion of all properties in this application.

**Map 19 Parcel 15.2**

**Charles Town District**

**Deed Book 1202 Page 496**

**51.45 acres**

Peel Properties WVA LLC

4520 East West HEY Suite 200

Bethesda, MD 20814

Denise Peel

Owner Agent Name:

Owner Agent Signature:

DocuSigned by:

*Denise Peel*

DFC24A8473C741D...

6/28/2022

Date:

Phone Number:

Email:



**Map 19 Parcel 15.3**  
**Charles Town District**  
**Deed Book 1202 Page 496**  
**45.86 acres**

Peel Properties WVA LLC  
4520 East West HWY Suite 200  
Bethesda, MD 20814

Denise Peel

Owner Agent Name:

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Owner Agent Signature:

DocuSigned by:  
*Denise Peel*  
DFC24A8473C741D...  
6/28/2022

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Date:

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Phone Number:

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Email:

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# **BLAKE SOLAR ENERGY FACILITY**

**CONDITIONAL USE PERMIT**

**JEFFERSON COUNTY  
WEST VIRGINIA**

**June 21, 2022**

**Prepared By:  
INTEGRITY FEDERAL SERVICES**

**Prepared For:  
HORUS WEST VIRGINIA I**



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**Part 10** Adjacent Lands

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## **SUPPLEMENTAL INFORMATION**

**Appendix A** – Existing Conditions Map

**Appendix B** – Solar Panel Limits Map

**Appendix C** – Landscape Buffer Map

**Appendix D** – Sketch Plan

**Appendix E** – Adjacent Property Owner List



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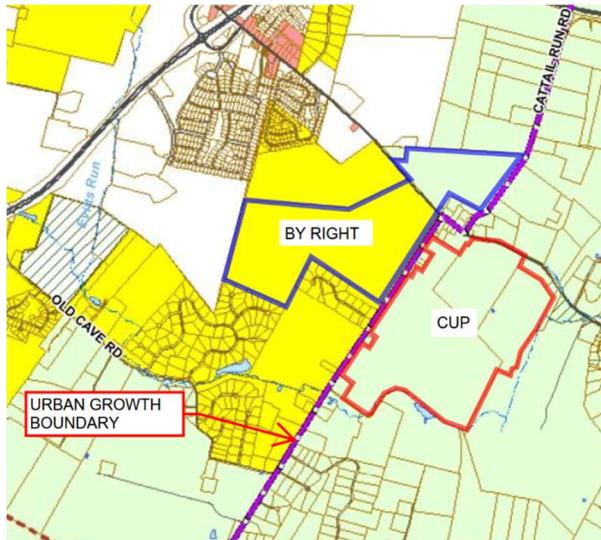
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# Part 1 – Executive Summary

Conditional Use Permits are allowed under Section 6.3 of the Jefferson County Zoning Ordinance. Specific uses and the zones in which they are permitted can be found in Appendix C of the ordinance in the Principal Permitted and Conditional Uses Table.

Conditional Use Permits (CUP) are submitted to the Jefferson County Planning Commission, which forwards the application to the Board of Zoning Appeals for a public hearing and a decision on the application. All adjacent and confronting property owners are notified of the public hearing by registered mail. The proposed solar facility is a permitted Conditional Use in the Rural zoning districts.



Urban Growth Boundary

The CUP is for a 270 acres of the 516 acre Blake Solar Energy Project, a 80MW solar electric generating facility. The portion of the project not included in the CUP application is located on the west side of Kabletown Road. This 246 acre property is located within the Charles Town Urban Growth boundary and permits solar projects by right with the approval of a CUP.

The Blake Project is a solar energy facility located on 519 acres with single-axis trackers, 535W modules, and 3.38MW inverters. The total project capacity at POI is 80MWac. This project will have a capacity factor of 22.4% and will be able to inject 157,257 MWh/year (Year 1 P50 Yield). The project site has existing high voltage power lines running through the property, a

new sub station will connect the solar facility with the electric grid.

This CUP application is an important opportunity for Jefferson County to contribute to green energy and reduce the emission of fossil fuel gases in a meaningful way. As a community the County will be one of the leaders for solar power generation in West Virginia. The project accomplishes this feat while maintaining agricultural land for future generations and protecting adjacent properties through buffers and screening. The project will comply with all State and Federal regulations. The project construction cost is projected to be \$142.4 million. During construction, employee compensation (direct, indirect, induced) is estimated at \$11.2 million or 149 job years.

The CUP will address the following.

## **Comprehensive Plan Compatibility:**

- Sustainability Goals/Strategies
- Green Energy
- Protection of Farmland

## **Public Health, Safety and Welfare**

- Traffic
- Noise
- Visual Impact
- Adjacent Lands
- Water

## **Site Design Criteria:**

- Storm Water
- Buffering and Screening
- Campus Services
- Facilities Management and Engineering (FM&E)

## **Project Layout and Design:**

- Existing Conditions
- Adjacent Residential
- Location of Solar Panels
- Buffering and Screening

## **Operations and Decommissioning:**

- Decommissioning Plan
- Return to Agriculture



# Part 2 – Property Information

## PARCELS

### Parcel #1

DB 959 Page 359

Charles Town District 8, Tax Map #19, Parcel #14

172.85 Acres

### Parcel #2

DB 1202 Page 496

Charles Town District 8, Tax Map #19, Parcel #15.2

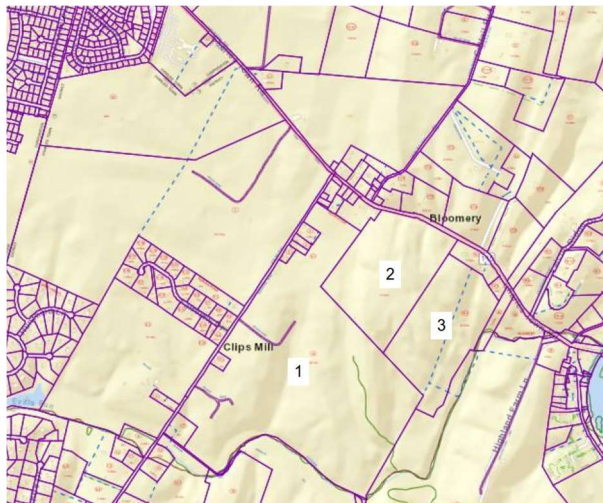
51.45 Acres

### Parcel #3

DB 1202 Page 496

Charles Town District 8, Tax Map #19, Parcel #15.3

45.86 Acres

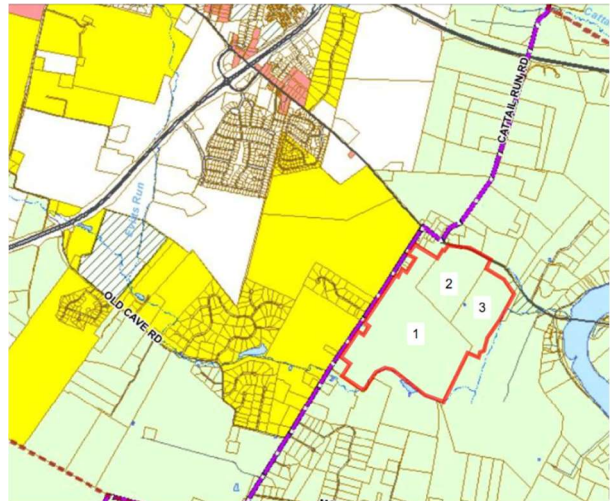


*Parcel Map*

Parcel #1 includes platted single family lots, road right-of-way, easements and open space. All of these are associated with the Thorn Hill Residential subdivision. Construction on this subdivision was not started and will be merged back to a single parcel if directed by Jefferson County. For the purposes of this application these lots are being treated as a single parcel, Parcel #1.

## ZONING

Parcels #1-3 are located in the Rural District. The Jefferson County Zoning Ordinance permits solar



facilities to be located in both of these districts.

*Zoning Map*

## SITE CHARACTERISTICS

The parcels are located southeast of Charles Town and front on Charles Town Road (route 115) and Kabletown Road (Route 25). This section of Jefferson County is in a karst geology zone.

### Parcel #1

The parcel is located on the east side of Route 25 and much of the parcel is currently pastureland. Evitts Run is located on the south side of the parcel, several large swales drain much of the parcel to this stream. The topography of the site includes flat areas and those with steeper slopes. Wooded areas are located along the creek and on the areas with steeper slopes. Trees and hedge rows are found throughout the parcel and are mostly associated with property lines, field boundaries and rock outcroppings. There are several old buildings on the property and foundations of structures that have been demolished. A high voltage power line crosses the eastern portion of the property.

### Parcel #2

The parcel is located in the south side of Route 115 and most of the parcel is currently pastureland. The site includes area with steeper slopes, specifically along Route 115. The land is characterized by a central high point that drains to the north and east. Trees and



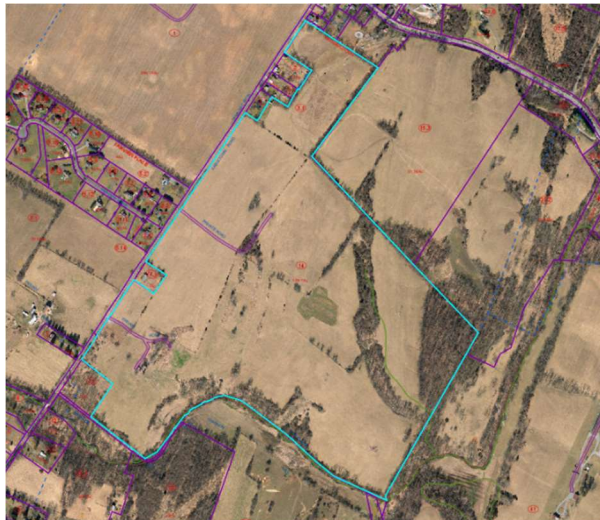
## Part 2 – Property Information

hedge rows are found throughout the parcel and are mostly associated with property lines, field boundaries and rock outcroppings.

### **Parcel #3**

The parcel is located on the eastern edge of the assemblage and does not have frontage on a public road. Most of the parcel is pastureland. A small section of Evitts Run abuts a portion of the eastern property line. The parcel has a high voltage power line running through the center of the property. The parcel is approximately 25% wooded with larger section of trees on its southern and eastern boundaries.

### **Parcel Images**



*Parcel #1 – aerial view*



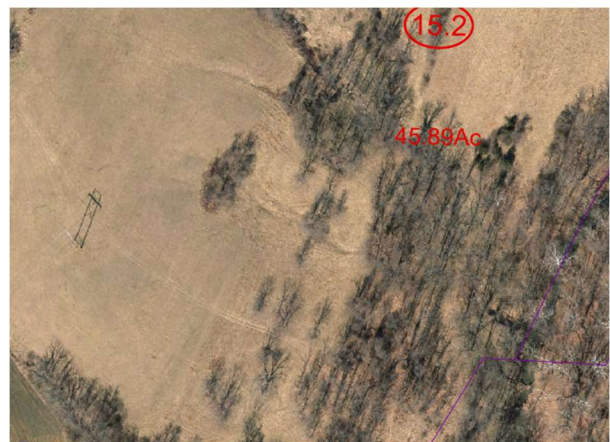
*Parcel #2 – aerial view*



*Parcel #3 – Aerial View*



*Portion of Parcel #1 and #2 showing pastureland and trees*



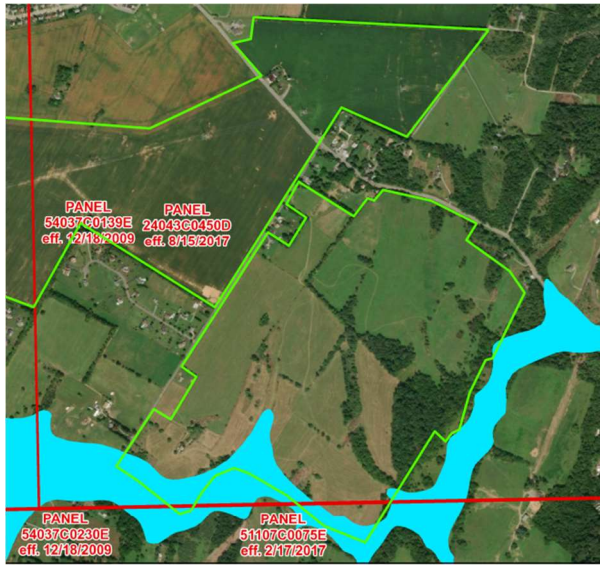
*Parcel #3 – power line and Evitts Run*



# Part 2 – Property Information

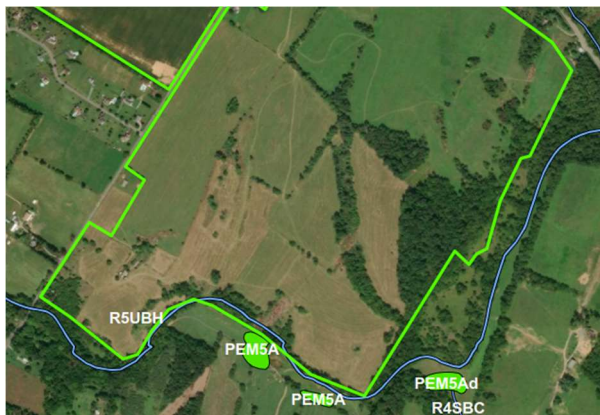
## FLOODPLAIN

Parcel #1 contains approximately 8.1 acres of floodplain associated with Evitts Run. No grading of solar panels are proposed within any floodplain area. The applicant may complete a Letter of Map Revision with FEMA that could reduce the area of the floodplain and allow for the installation of solar panels. Parcel #3 contains approximately 0.7 acres of floodplain associated with Evitts Run. No grading of solar panels are proposed within any floodplain area.



## WETLANDS

The Applicant has completed a review of the National Wetland Inventory maps and an independent wetland delineation for the project. The National Wetland Inventory map identified several offsite wetlands, Evitts Run and an unnamed offsite tributary to the north of Parcel #4.



Blake Solar Energy Facility Conditional Use Permit

## *National Wetland Inventory Map*

The independent wetland study was performed by Terracon, a nationally recognized environmental engineering firm. Their study identified an additional three onsite wetland areas and one stream. Two of the wetland areas were determined to be jurisdictional wetlands whose disturbance would be subject to USACE review and approval.

Wetland A – 0.17 acres (jurisdictional)

Wetland B – 2.91 acres (jurisdictional)

Wetland C – 0.58 acres (non-jurisdictional)



## *Terracon Wetland Delineation*

Wetland C is a manmade farm pond without a significant nexus to an onsite or offsite stream.

## HISTORIC

An archaeological assessment of the parcels was completed by Subterranean Consultants. The assessment included a literature review and pedestrian field survey.

During the literature review, state and county maps and documents were examined to determine if previously recorded archaeological resources were in or around the proposed project area. Field survey was conducted using surface and subsurface techniques, which included visual inspection, judgmental shovel testing of high probability areas, and systematic metal detecting to locate and identify archaeological resources within the project areas.



## Part 2 – Property Information

The following recommendations were generated from the study.

- Previously recorded archaeological site 46JF313 was not identified within the APE in 10 m interval shovel tests placed over the recorded location. Therefore, STC agrees with the original assessment that the site is not eligible for listing in the NRHP.
- Site 46JF137 is likely mismapped and the boundary should be adjusted to reflect the actual location.
- Previously recorded structure JF-0285, which was originally recommended ineligible should remain ineligible.
- Structure STC-Thorn-HS1 identified on the Thorn parcel as a barn and associated milk house is in disrepair and lack architectural distinction. Therefore, STC-Thorn-HS1 is recommended ineligible for the NRHP.
- Archaeological site STC-Thorn-HP1, which included the barn and milk house of STC-Thorn-HS1, did not yield any stratified deposits and archaeologically, the ruins, which consists of several concrete foundation remnants, would not yield and data for future research. Therefore, this site is recommended ineligible under Criterion D.

No further work is recommended on the parcels.

### **EXISTING USE**

Parcel #1 – pastureland, high voltage power lines, abandoned structures, forested areas

Parcel #2 – pastureland, forested areas

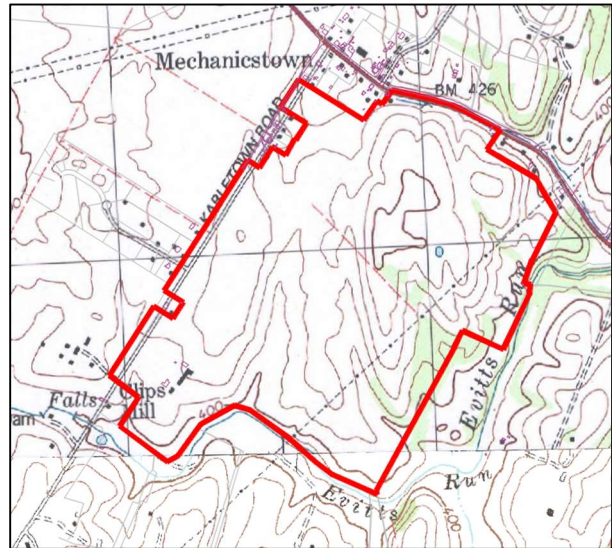
Parcel #3 – pastureland, high voltage power lines, forested areas

### **UTILITIES**

None of the parcels are served by public water or sewer.

### **TOPOGRAPHY**

Refer to Appendix A – Existing Conditions Map, USGS map is provided below for a high level overview.



USGS Topographical Map



## Part 3 – Proposed Uses

The CUP proposes a portion of a 8.0MW solar facility with supporting infrastructure and equipment.

### Land Use Analysis

Buffer Areas	30.0 acres
Power Line Easement	8.5 acres
Flood Plain/Evitts	8.8 acres
Run Buffer	
Solar Installation Zone	<u>222.86 acres</u>

**CUP Area                      270.16 acres**

### Buffer Area

A minimum 50' buffer will be provided around the perimeter of the properties. This 50' will be increased to achieve a 150' buffer from any existing offsite residential structure.

**The 150' buffer is a 300% increase over the 50' buffer required by the Jefferson County Zoning Ordinance.**

The buffer will also be increased along Evitts Run to include all floodplain areas. Improvements within the landscape buffer include trees, shrubs, maintenance aisles, underground electric lines and fencing/gates. The majority of this area will be allowed to naturalize creating a dense visual buffer along the entire perimeter of the facility. Maintenance will be limited to that required to upkeep the fencing and maintain vehicular access around the perimeter of the site.

The project will provide a minimum of 30 acres of perimeter buffer area.

### Power Line Easement

The existing power line will be maintained and not use for the proposed facility. Maintenance aisles and drainage may be located in the easements.

### Flood Plain/Evitts Run Buffer

No improvements will be placed within FEMA floodplain or within 50' of Evitts Run.

### Solar Installation Zone

The solar installation zone is the area defined by the CUP in which solar panels and accessory equipment may be located. The final location of the panels within these areas will be determined during construction as the slope of the land impacts spacing of the solar panel rows to maximize the efficiency of the installation.

**More than 50% of these of the land within the solar installation zone will be turf between the rows of solar panels.**

The following may be installed in the solar installation zones identified in this CUP:

- Solar panels
- Inverters
- Maintenance aisles
- Underground electrical lines
- SWM facilities
- Landscaping
- Other accessory equipment related to the solar facility.

Impervious surfaces associated with panel support within this area are limited and are estimated at 43,000 sf or 1.0 acres. 99.5% of the surface area in the solar panel fields will be pervious surfaces (turf, maintenance aisles, SWM areas).

Grading will occur within the solar installation zone where topographical conditions need to be modified for solar panel installation.

Portions of the solar installation zone will remain in open space. These areas in which solar panels do not fit and areas with topographical constraints. These areas become part of an expanded perimeter buffer.

### Operation

The project will collect solar energy during the day and be inactive at night. Energy collected from the panels flows to inverters located throughout the property to convert DC power into AC. Energy from the inverters flows to the sub-station which is connected to the high voltage power lines.

The operation will have full time staff who are in charge of maintenance of the facility.

All solar equipment will be located within a 6' chain link security fence. One access point is proposed and is being permitted through WVDOT. Site access will be limited to authorized personnel. Knox Box's will be located at the entry point and key will be provided to Jefferson County emergency personnel.



## Part 3 – Proposed Uses

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### Improvements and Structures

The following components are part of the CUP approval.

- Solar panels
- Inverters
- Underground electrical
- SWM
- Vehicular maintenance aisle (gravel and turf)
- Fencing and gates
- Signage at the entries
- WVDOH compliant site access
- Landscaping

Erosion and sediment control will be permitted through WVDEP and be included in the concept plan submitted to Jefferson County.

**The CUP uses will be subject to a concept plan workshop with the Jefferson County Planning Commission after approval of the CUP.**

The workshop is an open hearing and the public is able to attend and participate, including direct interaction with the applicant.



## Part 4 – Benefit Analysis

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The benefits of this project are an important consideration when reviewing the Conditional Use Permit. The following analysis includes the local regional and global importance of green energy and the secondary benefits that will come with the approval of this facility.

### Green Energy

Power generation through the use of fossil fuels has environmental impacts and solar energy is a key strategy to reduce these impacts. The project will not generate emissions and will be a small but locally significant step towards sustainability.

### Employment and Investment

The 142.2M value (total project value) represents one of the largest economic development investments in the history of Jefferson County. This level of investment is a statement that Jefferson County is willing and able to support green industry and jobs. The project will result in high levels of local employment opportunities during construction and ongoing employment after construction is complete.

### Electrical Grid

It is expected that demands on the electrical grid will expand significantly as electric cars replace fossil fuel vehicles. The power generated from this facility will be used locally and regionally and will be an important component of a strong electrical grid in our area. New electrical sources are an important strategy when looking at the future demands that will be placed on our electrical supply.

### Agricultural Uses

Jefferson County historical roots are as an agricultural community. The farm families that are the heart and soul of this business are rightfully concerned over the loss of farmland to development in Jefferson County over the last 30 years. As the County grew agricultural lands have been developed as subdivisions and businesses, these lands have been converted to non-agricultural uses.

The challenges facing agriculture are competition with large producers both national and international, generational as children leave the family farms and economic as small farms are no longer economically viable.

A great benefit of any solar project is that it does not result in the permanent conversion of farmland to residential, commercial, or industrial uses. The soils that have sustained generations of farm families will be preserved and can be returned to agricultural production. A decommissioning plan will be filed with WV as required by state legislation.

### Environmental

The project will generate electricity without producing emissions.

The project will not require the placement of nitrogen and phosphorous on the land. This will reduce nutrient loading to our streams and rivers.

The project will not require the placement of herbicides or pesticides on the land.



## Part 5 – Buffers and Setbacks

Solar panel setbacks and landscape buffers will screen the project from adjacent properties and roads. The image below shows the ability of the evergreen buffer to screen the solar panels.



*Unscreened Solar Panels*



*Screened solar panels*

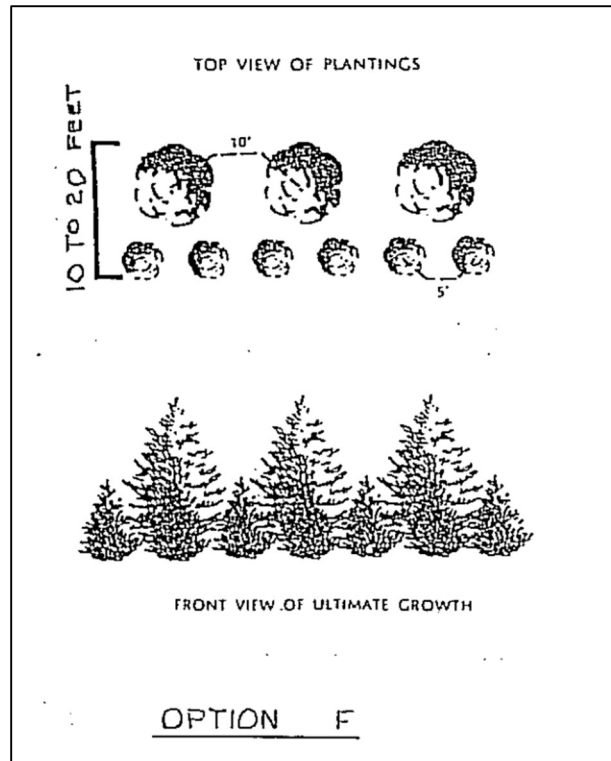
### Setbacks

1. All solar panels will have a minimum 50' setback from adjacent properties and public road rights-of-way.
2. All solar panels will have a minimum 150' setback from offsite residential structures.
3. All solar panels will have a minimum 50' setback from Evitts Run.
4. No solar panels will be located in FEMA designated floodplain.
5. See Exhibit C for the solar panel setbacks.

### Buffers

Screened landscape buffers will be in compliance with the commercial requirements of Section 8.9.10 and Section 4.11.A of the Jefferson County Zoning Ordinance.

All screened landscape buffer plantings will Option F as permitted by the Jefferson County Zoning Ordinance.



*Option F – Jefferson County Zoning Ordinance*

In addition to the standard requirements found in the Jefferson County Zoning Ordinance buffers will be enhanced as follows.

1. Solar panels within 500' of an offsite residential structure will require a screened landscape buffer.
2. Solar panels within 100' of a public road will require a screened landscape buffer.
3. The screened landscape buffer is not required to be on the property line but must meet the minimum depth requirements as shown on Option F.
4. Site access points are permitted to cross the screened landscape buffer.
5. Screened landscape buffers are not required within the existing high voltage power line easement.
6. A landscape screen will be provided along Kabletown Road regardless of panel location.



## Part 6 – Stormwater Management

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The Jefferson County Stormwater Management Regulations were modified to address stormwater management for solar energy facilities. Nothing in this section waives State or Federal requirements as they relate to stormwater management and/or erosion and sediment control.

### Stormwater Requirements

1. Stormwater management shall be provided for in accordance with the Jefferson County Stormwater Design Manual.
2. Stormwater compliance will be achieved through the installation of infiltration trenches along the drip line of solar panels.
3. Stormwater measures will be shown on the concept plan presented at the concept plan workshop public meeting.
4. WVDEP NPDES permit is required.



# Part 7 – Supplemental Conditions & Information

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## Additional Standards

1. This CUP will allow multiple adjacent properties included in the CUP to be treated as a single parcel for the purposes of determining buffer and setback requirements. See Exhibit C for setbacks.
2. Electrical wiring between the solar panels, inverters and sub station shall be located underground.
3. Onsite lighting shall be the minimum necessary for security, onsite management and maintenance.
4. Damaged or unusable panels shall be removed within 60 days from discovery of damage. Longer periods may be approved by the County Engineer.

## Site Plan

1. Upon approval of the CUP the project will be subject to concept plan approval by Jefferson County.

## Bonding

1. Will be in conformance with Jefferson County regulations.

## Maintenance

1. The owner shall not use chemical fertilization other than may be required to initially establish turf and plantings.
2. The owner shall not use herbicides on the property other than required to manage invasive plant species and during the establishment of turf and plantings.
3. The owner shall not use pesticides other than may be required to initially establish turf and plantings.
4. The owner may designate portions of the property as naturalization zones. No maintenance is required in these areas
5. Solvents necessary for the cleaning of the solar panels shall be biodegradable.

## Lease, Operation and Construction Plan

The solar energy facility will be leased and operated by Horus West Virginia I, a subsidiary of OPDEnergy. Horus West Virginia I is responsible for the construction, operation and management of the facility. Construction of the facility will be started immediately after approval of the Concept Plan (required as part of the CUP process) by the Planning Commission. Construction of the project will be completed in a single phase. The project is part of a larger solar energy facility, a portion of which is a principal permitted use. This portion of the project is located immediately to the north of the site on land located within the urban growth boundary.

The expected useful life of the Project as initially constructed is 30 years. This can be extended by regular maintenance and replacement of equipment.

Upon decommissioning of the facility, the equipment will be removed down to a depth of 3 feet below grade and any disturbed ground will be restored and reseeded with an approved seed mix. Some maintenance aisles may be left in place, to the extent their alignments predated the facility construction or if they provide utility to future land use.

Decommissioning and bonding shall be in accordance with the WV Department of Environmental Protection.



# Part 9 – Section 6.3 Compliance

## FUTURE LAND USE ASSESSMENT

Section 6.3 of the Jefferson County Zoning Ordinance contains the general standards for all conditional use permits. These standards are to be considered when approving a CUP.

In the event that a solar energy facility is not constructed it is probable that a more intense land use will occur within 10 years. This alternate land use should be a consider when evaluating the impact of the facility on the adjacent lands.

### Parcel #1 – High Probability of Intense Development

- The property is currently subdivided as a single family residential subdivision
- The property has potential access to water and sewer utilities from the City of Charles Town.
- The property shares a common boundary with land designated for residential development.
- Impact – traffic, public infrastructure required, students, storm water

### Parcel #2 – Low Probability of Intense Development

- The property has frontage on a Minor Arterial Road
- Property has close proximity to the City of Charles Town
- Impact – traffic, public infrastructure required, students, storm water

### Parcel #3– Low Probability of Intense Development

- Property has close proximity to the City of Charles Town
- Property is adjacent to lands with high probability of development.
- Impact – traffic, public infrastructure required, students, storm water

Overall, the largest percentage of the property has a high probability that it will be developed with a intense residential use. The development of Parcel #1 would likely trigger the development of Parcel #2 and #3.

## COMPREHENSIVE PLAN

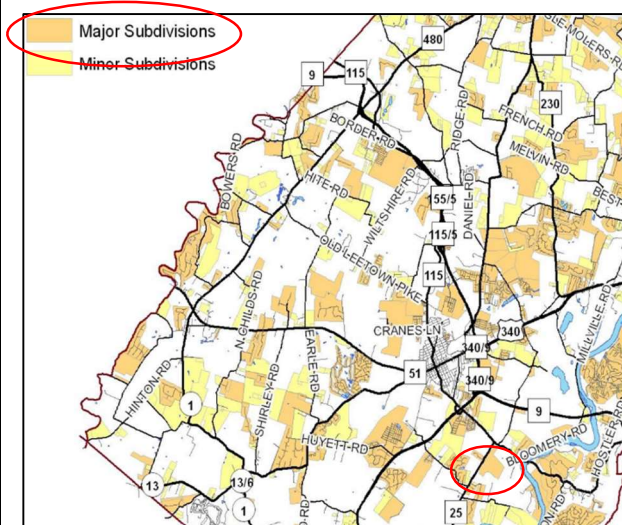
The Applicant has reviewed the Comprehensive Plan (CP) and has found strong support for the proposed CUP.

The following summary is an evaluation of the pertinent sections of the CP, with citations that support the CUP.

### Comprehensive Plan – Land Use and Growth Management

**Intense Development** - the CP recognized that intense development would occur on most the land that is subject to the CUP. Parcel #1 is identified as a major subdivision (see below). The proposed use is less intense than that projected by the Comprehensive Plan.

Comprehensive Plan Citation (map)



Major/Minor Subdivision Map

**Viewsheds** - in Jefferson County, viewsheds have historically been used as a reason and method to oppose development. The CP tells the public that viewsheds are not meant to be a factor in denying conditional use permits. The CUP proposes a less intense use of the land than a major subdivision and mitigates viewshed issues through the proposed screening and buffers.

### Citations

*“Designation of a viewshed is not intended to preclude development from occurring, rather to encourage the*



## Part 9 – Section 6.3 Compliance

*layout and scale of structures in a manner that minimizes the effects on the viewshed.”*

### **Comprehensive Plan – Economic Development, Employment and Infrastructure**

The Comprehensive Plan guides Jefferson County to pursue a robust diversified economic strategy. The proposed solar power facility would bring significant investment to Jefferson County without creating more demand for services. The facility will be part of the rural economy, only pausing agricultural use on the property without permanent conversion of the farmland. The CUP preserves agricultural land in the County.

Additionally, the recommendations found in the Comprehensive Plan direct the County to enable the construction of renewable energy facilities.

#### **Citations**

*“Recommendation 10/11-8 Encourage public entities to utilize alternative and renewable energy sources for a variety of energy needs, specifically Solar Energy Facilities in areas inside of the Urban Growth Boundary and the Preferred Growth Area as a Principal Permitted Use, and outside of the Urban Growth Boundary and the Preferred Growth Area, by the Conditional Use Process.”*

*“Recommendation 10/11-8.a Enable the construction of renewable energy generation facilities by residents and businesses.”*

*“Recommendation 8-5 Amend the Zoning and Land Development Ordinance to permit additional non-residential rurally compatible uses.”*

*“It is widely recognized that many of the resources that we rely on to heat, cool, and light homes, power electronics, provide transportation fuel, and other daily needs are finite. Consequently, there has been an increasing need to assess the viability of alternative and renewable energy sources that may assist in maintaining the quality of life of Jefferson County’s residents and businesses.”*

*“There are efforts underway at the local and state level to encourage the conservation of energy and the utilization of alternative energy sources.”*

*“There must be a viable rural economy to maintain the rural landscape.”*

*“One of the more significant issues expressed by County residents involved in the Envision Jefferson 2035 process was maintaining the rural economy and small town lifestyle of Jefferson County. It is important that this discussion not be framed by the concept of preservation but of creating opportunities for farms to be economically viable.”*

### **Comprehensive Plan – Finance and Public Safety**

The Comprehensive Plan promotes a diverse economy and the development of alternate energy projects.

#### **Citations**

*“A healthy economic future of the County will be based on the balance of a diversified commercial, industrial, and residential tax base.”*

*Recommendation 24-1 Develop policies that result in a well-balanced tax base that is not overly reliant on residential taxes, but is diversified by the presence of a robust commercial and industrial tax base.*

*Recommendation 24-14 Consider implementation of alternative energy systems as they become more efficient and cost effective in facilities owned and maintained by the County or other public entities.*

### **Comprehensive Plan – Goals**

The CP ends with a list of goals and objectives. The comprehensive plan endorsed the creation of renewable energy facilities.

#### **Citations**

*“Goal #10 - Objective #9: Encourage the creation of and use of a variety of energy sources (including renewable energy) within Jefferson County in ways that respect the character of the County.”*

### **INTENSITY AND SCALE**

The proposed CUP is a low intensity use that does not generate traffic, noise or pollution. Once constructed it will be less intense than the existing agricultural uses which have seasonal periods of intense use and activity.



## Part 9 – Section 6.3 Compliance

The evaluation of scale typically applied to the size of structures and/or the density of residential use. In the CUP there is no increase of scale with all of the solar panels either buffered/screened or buffered, physically separated from adjacent properties and roads. The scale is less than if the properties were developed for residential uses.

The project poses no threat to the public health safety and welfare. The solar energy facility will be a quiet neighbor screened from adjacent properties. There is a strong argument that the project will enhance public safety through the strengthening of the power grid.

### **USE AND DEVELOPMENT OF ADJACENT LANDS/BUILDINGS**

The proposed use has no impact on the use and development of adjacent lands/buildings. It cannot be impacted by development on adjacent lands and would not be a factor in the approval of projects on the adjacent properties.

### **NEIGHBORHOOD CHARACTER**

The neighborhood character is defined by the use of the land, typically residential, commercial, industrial, etc. Neighborhood character is an important consideration to determine how uses relate and impact one another. For example, the construction of a large shopping center on the property would change the neighborhood character.

Since the proposed use is a passive one, with no traffic, additional residents or the additional impacts of a commercial use it will have a small impact on the neighborhood character. All panels will be setback from public roads and existing residences.

The CUP specifically directs the applicant to safeguard surrounding properties by implementing landscape buffer requirements. The 150' landscape buffer (from residential

structures) proposed in this CUP is more than required by ordinance.

The CUP will not have a significant impact on the neighborhood character. It reduces the impact that would be permitted by right in the single family major subdivision recorded on Parcel #1.

### **ROADWAY ADEQUACY AND TRAFFIC**

Route 115 is classified as a Minor Arterial highway in the Jefferson County Comprehensive Plan.

Parcel #2 has frontage on Route 115

Route 25 is designated as a Major Collector in the Jefferson County Comprehensive Plan

Parcel #1 has frontage on Route 25.

Per the Conditional Use Permit form the Applicant is required to provide trip generation data, including Average Daily and Peak Hour trips for the BZA to review.

The majority of the traffic generated by the facility will occur during the construction stage. This traffic will be coordinated with the WVDOH as part of the entry permit approval process. The trip generation for a solar energy facility is very low. The site will be maintained by a single employee, although additional trip can be expected for the maintenance of the site.

Average Daily Trips – 16

- Trips are based on the projects four entries having two trips per day each.

Peak Hour trips – 4

- 25% of the average daily trips were used to calculate the peak hour trips.

### **HISTORIC SITES**

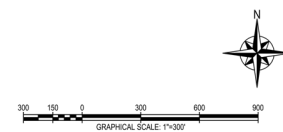
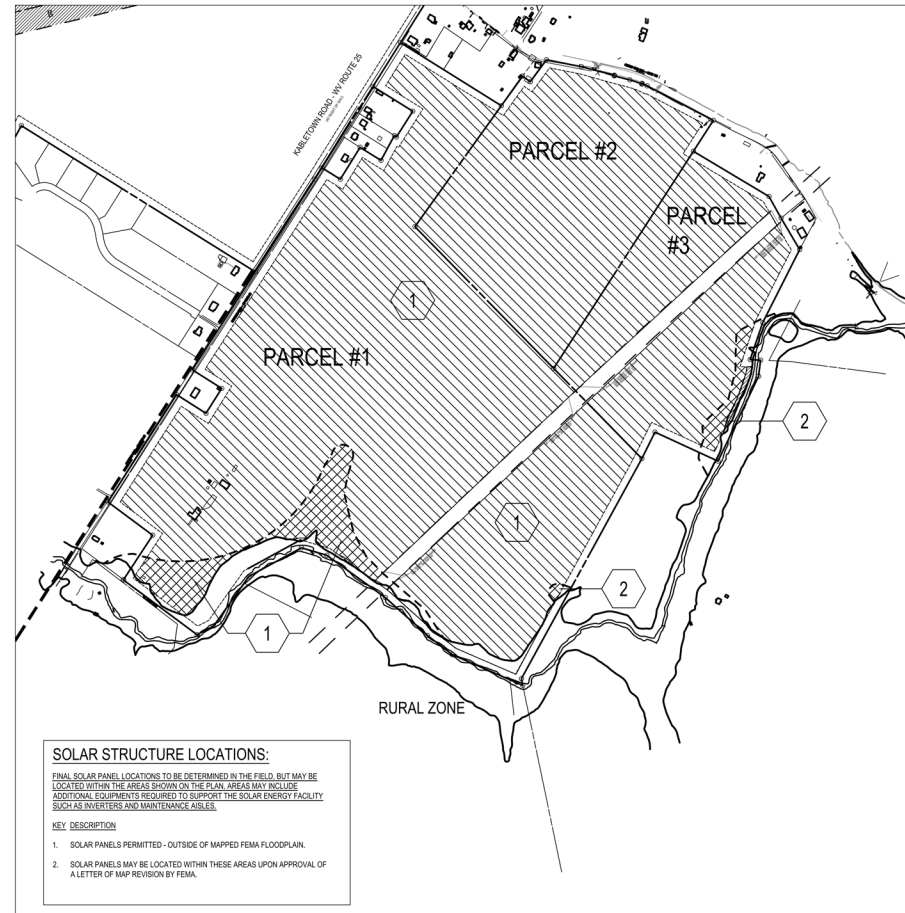
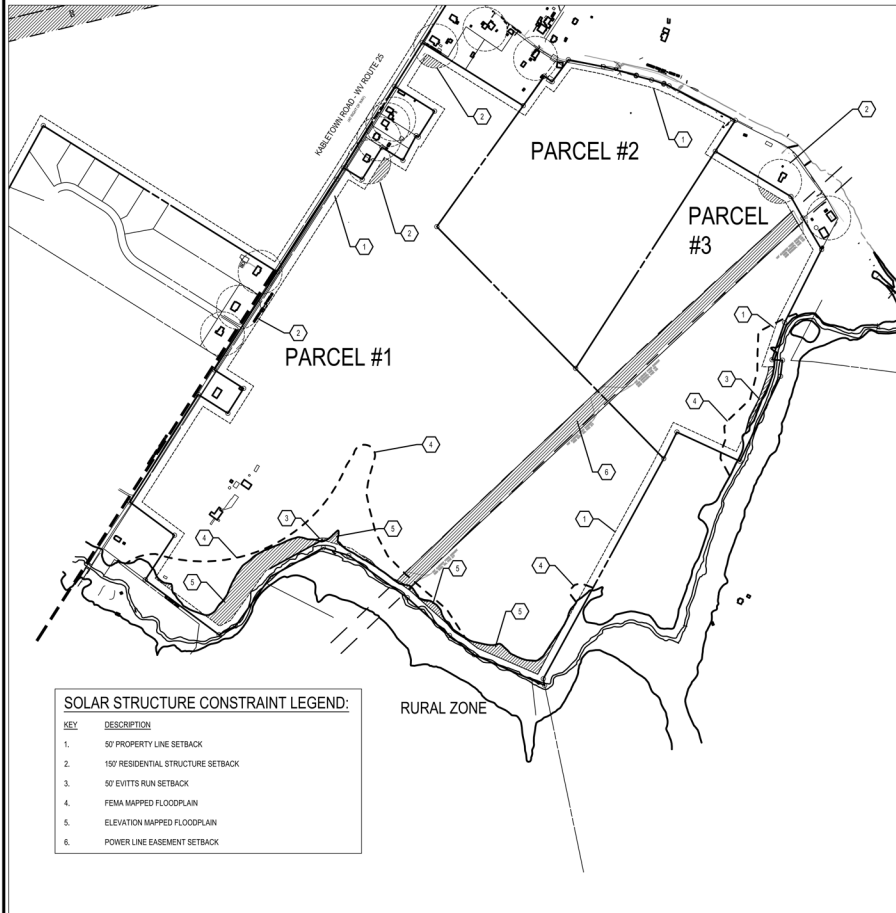
The subject properties are not historic sites. See Part 2 of this Application for additional details.

Blake Solar Energy Facility Conditional Use Permit



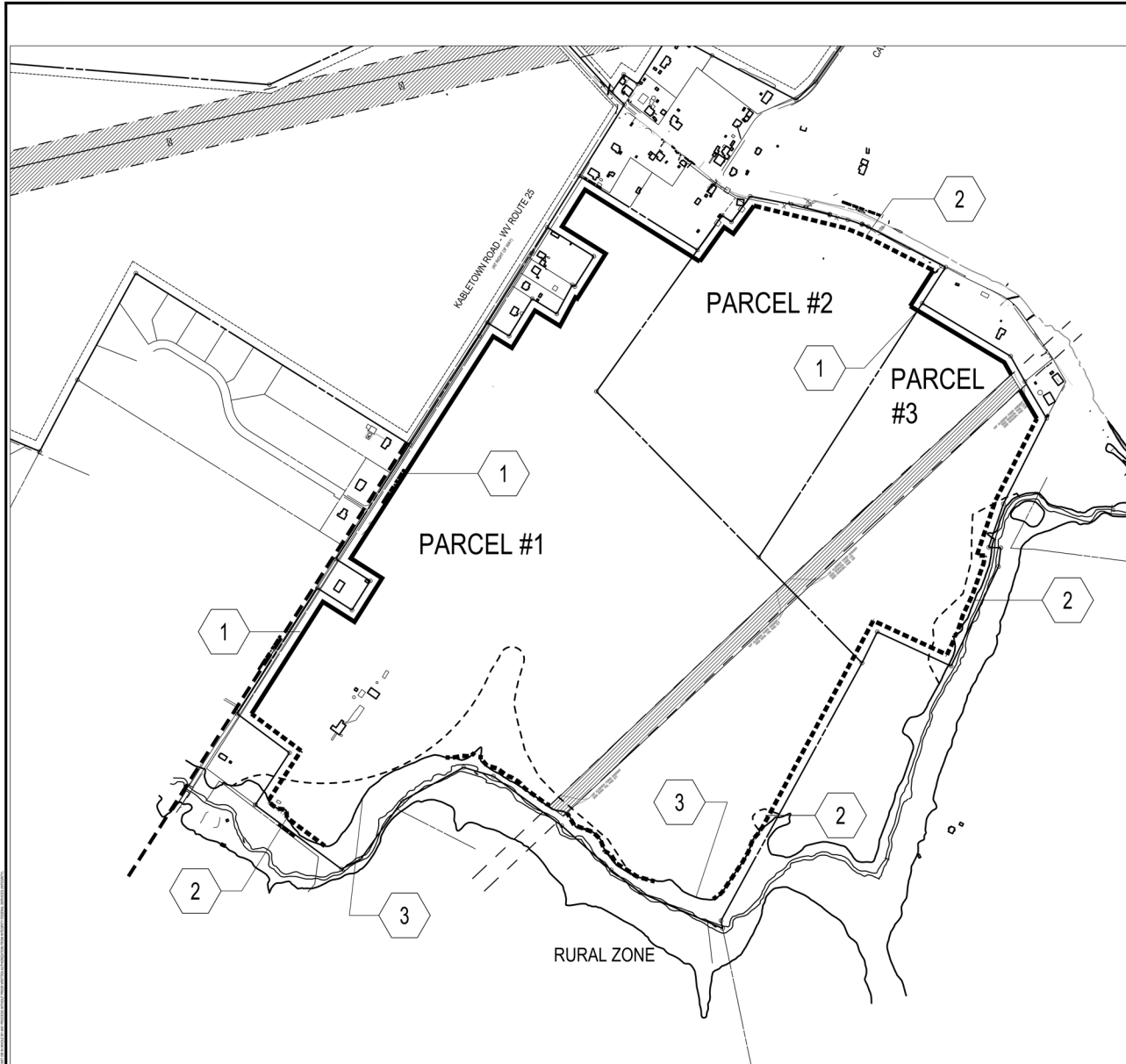






REVISIONS



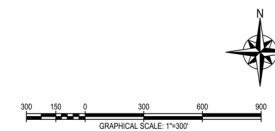
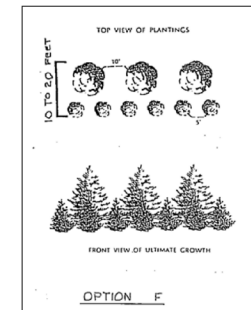


### BUFFER LEGEND:

1. LANDSCAPE BUFFER PROVIDED
2. LANDSCAPE BUFFER PROVIDED WHEN SOLAR PANELS ARE WITHIN 100' OF THE PROPERTY LINE.
3. SOLAR PANELS WILL NOT BE WITHIN 100' OF PROPERTY LINE DUE TO SITE CONSTRAINTS. NO BUFFER REQUIRED.

### BUFFER AND SCREENING NOTES

1. ALL LANDSCAPE BUFFERS WILL BE A "OPTION F" TYPE AS DEFINED IN THE JEFFERSON COUNTY ZONING ORDINANCE.
2. A LANDSCAPE BUFFER WILL BE PROVIDED AS FOLLOWS
  - a. WHEN SOLAR PANELS ARE LOCATED CLOSER THAN 100' TO A PROPERTY LINE
  - b. WHEN SOLAR PANELS ARE LOCATED WITHIN 500' OF AN OFFSITE RESIDENTIAL STRUCTURE
  - c. WHERE THE SUBJECT PROPERTIES FRONT ON KABLETOWN ROAD.
3. A LANDSCAPE BUFFER WILL NOT BE REQUIRED IN THE FOLLOWING CONDITIONS:
  - a. WHERE EXISTING VEGETATION MEETS PROVIDES A DENSE SCREEN AND IS A MINIMUM OF 50' IN WIDTH.
  - b. WITHIN POSER LINE EASEMENTS
  - c. ACROSS SITE ACCESS LOCATIONS.



NOT FOR CONSTRUCTION  
REFERENCE ONLY

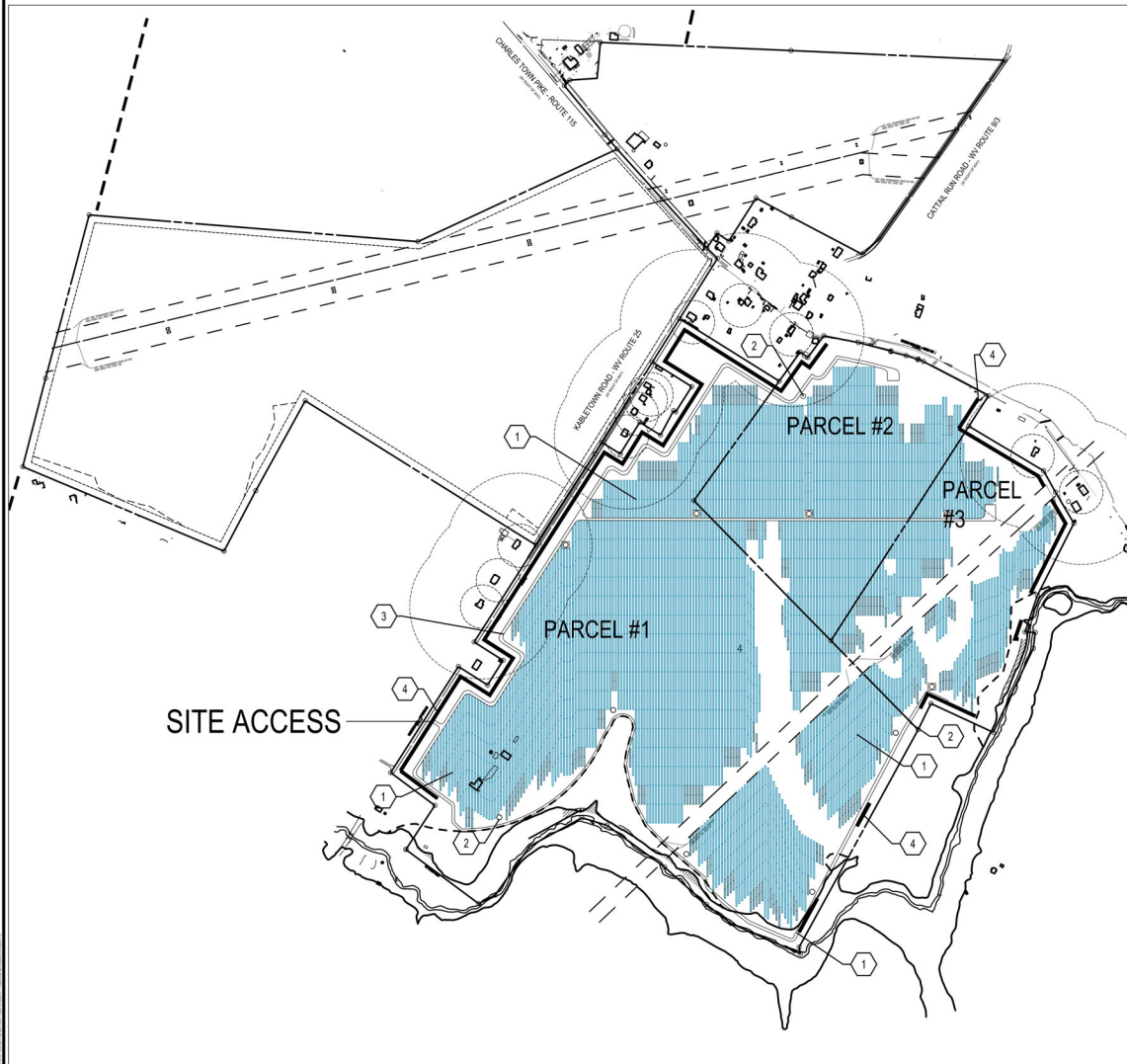
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REVISIONS

LANDSCAPE BUFFERS  
**BLAKE SOLAR PROJECT**  
MULTIPLE PARCELS  
JEFFERSON COUNTY, WEST VIRGINIA

SCALE: HORIZ.: AS NOTED  
VERT.: AS NOTED  
DATE: JUNE 17, 2022  
JOB: 3514-0101  
DRAWN: ACS CHECK: PJC  
CADD:  
NCS: N/A  
SHEET:  
**3 OF 5**



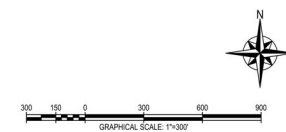
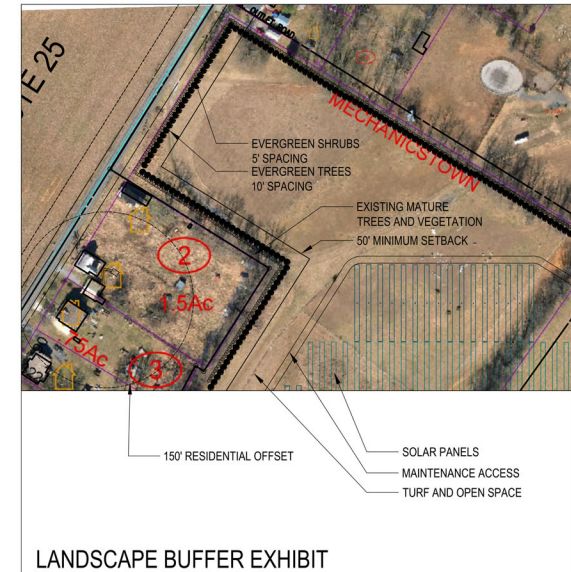


#### KEYNOTE LEGEND:

KEY	DESCRIPTION
1.	SOLAR PANEL
2.	INVERTER
3.	MAINTENANCE AISLE
4.	LANDSCAPE BUFFER - BASED ON LOCATION OF SOLAR PANELS IN SKETCH PLAN. BUFFERS WILL BE MODIFIED WITH FINAL SOLAR PANEL LOCATIONS.

#### SKETCH PLAN NOTES

1. MAINTENANCE AISLES TO BE CONSTRUCTED AS NEEDED TO SERVICE SOLAR PANELS.
2. SOLAR PANEL AND EQUIPMENT LOCATIONS MAY BE ADJUSTED WITHIN THE PERMITTED AREA.
3. LANDSCAPE BUFFERS TO BE PROVIDED IN ACCORDANCE WITH JEFFERSON COUNTY REGULATIONS AND ADDITIONAL CONDITIONS INCLUDED AS PART OF THE CONDITIONAL USE PERMIT.



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REFERENCE ONLY

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SKETCH PLAN

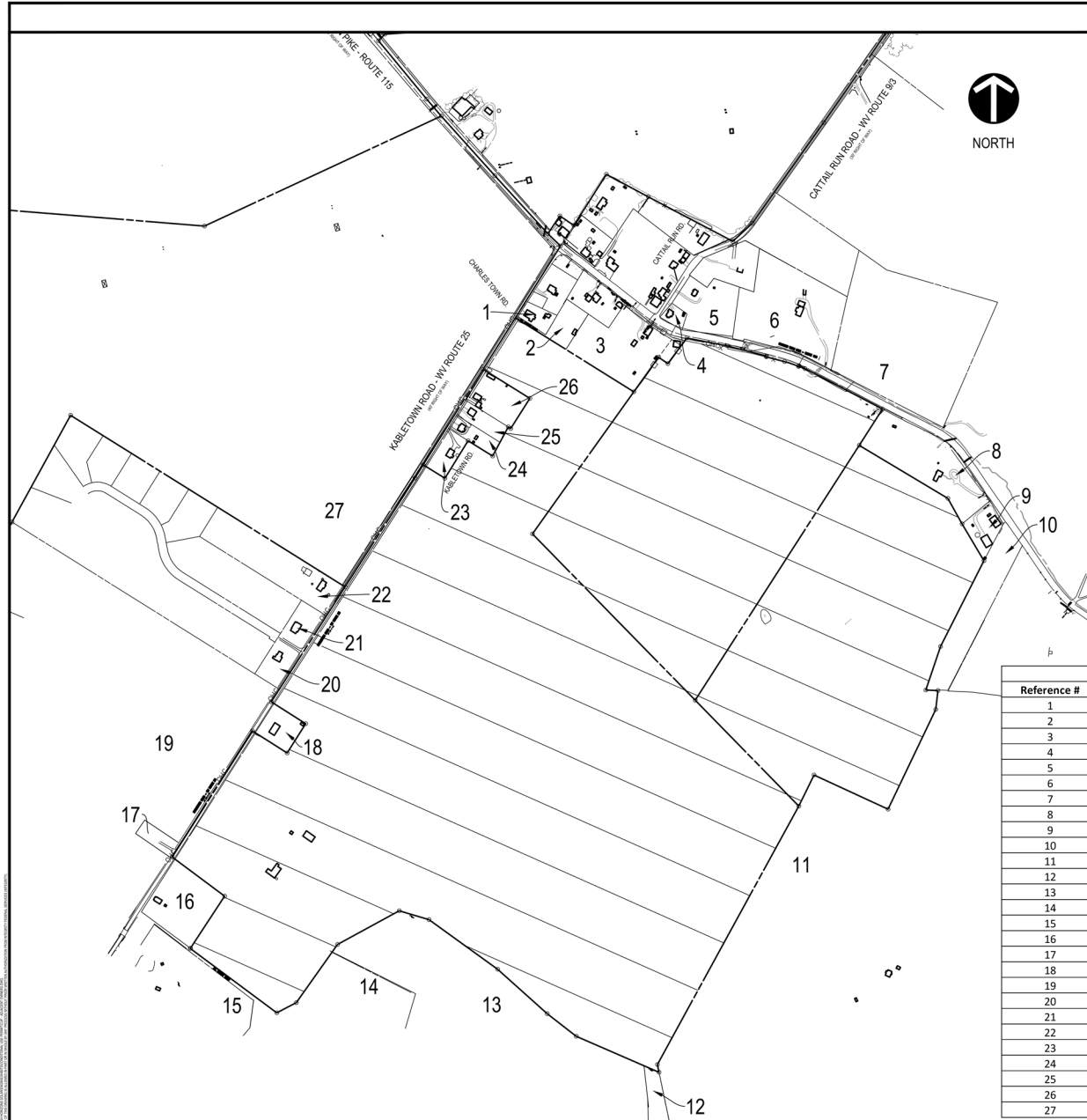
### BLAKE SOLAR PROJECT

TAX MAP IS  
02 TAX DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA

J.C. FILE #0000-00

SCALE:	HORIZ.: AS NOTED
	VERT.: AS NOTED
DATE:	JUNE 20, 2022
JOB:	3514-0101
DRAWN:	ACS
CHECK:	PJC
CADD:	
NCS:	N/A
SHEET:	





Adjacent property information 2022						
Reference #	District	Map	Parcel	Adjacent Property Information	Deed Book	Page
1	2	19A	16	ASBURY ARTHUR R JR	693	6
2	2	19A	18	ASBURY ARTHUR R JR	942	601
3	2	19A	19	THORNHILL LLC	979	345
4	2	19A	9	DERFLINGER RANDALL	1186	365
5	2	19A	7	GRAY JASON E	1214	434
6	2	19	17.5	BELL ERIC K	1097	207
7	2	19	17.3	LANCE ROBERTA L & DOUGLAS L	1182	583
8	2	19	15	STONE FRANCIS	1158	690
9	2	19	15.1	EVANS MARY L	379	173
10	2	19	40	STONE JUSTIN & ABIGAIL H	1173	144
11	2	19	41	HIGHLAND FARM HOLDINGS LLC	1122	71
12	2	22	2.5	MILTON JOHN P	499	14
13	2	22	2.9	MILTON RONALD	1142	357
14	2	19	10	BORDEN JOHN V & PRISCILLA C-TR	1041	338
15	2	19	14.1	CHAMBLEE JUDITH L	1097	223
16	2	19	13	FRIES GEORGE E & KERY A	1010	719
17	2	19	5	WALTERS ELLEN H	807	202
18	2	19	14.3	DINGES HERBERT P & CATHERINE A	387	751
19	2	19	5.1	WALTERS ELLEN H ET AL	829	334
20	2	19	5.4	CARPENTER KEVIN D & LEIGH ANN	928	541
21	2	19	5.5	EDWARDS MARY L & ROBERT F JR	1196	358
22	2	19	5.2	MARCUS RONALD E	516	707
23	2	19	4	CARTER DENISE D	1108	720
24	2	19	3.1	YATES DAVID L	WB25	343
25	2	19	3	YATES DAVID LEE & ANGELA D	611	214
26	2	19	2	SIMONS MARK - TR	1196	70
27	2	19	1	HIGH HORIZONS FARM INC.	1208	227

SEAL:

REVISIONS

ADJACENT LAND OWNERS

BLAKE SOLAR PROJECT

TAX MAP IS  
02 TAX DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA

J.C. FILE #0000-00

SCALE: HORIZ.: AS NOTED

VERT.: AS NOTED

DATE: 06/21/2022

JOB: 3514-0101

DRAWN: ACS CHECK: PJC

CADD:

NCS: N/A

SHEET: