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, 2nd Floor
P.O. Box 716
Charles Town, West Virginia 25414

File #: 22-9-CUP
R'cvd Date: 10/ 03 / 22
Mtg. Date: 10/ 27 / 22
Fee Paid: $ 37,100
Staff Int.: jth / AB

Email: zoning@jeffersoncountywv.org
Phone: (304) 728-3228
Fax: (304) 728-8126

Application for a Conditional Use Permit

Project Name

Rippon Energy Facility, LLC

Property Owner Information

Name: Multiple Owners (see attached)
Business Name:
Mailing Address: Mail Response: ☐ Yes ☐ No
Phone Number: Email Response:

Applicant Information

Name: Sam Gulland
Business Name: Rippon Energy Facility, LLC
Mailing Address: 230 Court Square, Suite B102, Charlottesville, VA 22902 Mail Response: ☐ Yes ☐ No
Phone Number: 703-999-4280 Email Response: sgulland@torchcleanenergy.com

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

Name: Sophia Huang, P.E.
Business Name: Kimley-Horn and Associates, Inc.
Mailing Address: 11400 Commerce Park Drive Suite 400 Reston, VA 20191 Mail Response: ☐ Yes ☐ No
Phone Number: 703-674-1300 Email Response: Sophia.Huang@kimley-horn.com

Physical Property Details

Physical Address: Multiple Addresses (see attached)
Tax District: Map No: Parcel No.
Parcel Size: Deed Book: Page No:

Zoning District (please check one)

Residential Growth (RG)	Industrial Commercial (I-C)	Rural* (R)	Residential-Light Industrial-Commercial (R-LI-C)	Village (V)	Neighborhood Commercial (NC)
☐	☐	☑	☐	☐	☐
General Commercial (GC)	**Highway Commercial (HC)**	**Light Industrial (LI)**	**Major Industrial (MI)**	**Planned Neighborhood Development (PND)**	**Office/ Commercial Mixed-Use (OC)**
☐	☐	☐	☐	☐	☐

* 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:

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

Solar Energy Facility (per Draft Amendment Section 8.2, dated May 17th, 2022): Proposed land use consists of the construction and operation of a Solar Energy Facility on approx. 632 acres of seven parcels in the Kabletown tax district, connecting to an existing 138 kV transmission line via substation.

Please provide any information or known history regarding this property.

The properties are all zoned Rural and have been historically been used for agricultural production.

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.

(See attached) Property Owner Date

(See attached) Property Owner Date

Property Owner Information

Parcel 1

Property Address	673 OFF OLD SHENNANDALE RD
Parcel ID	06 11000900000000
Tax District	06
Map Number	11
Parcel Number	09
Deed Book	1084
Deed Page Number	276
Property Owner	**Bullskin LLC**
Owner Address	3250 Highland Place, Washington, DC 20008
Owner Phone	
Owner Email	

Owner Agent Name: Robert Mathias

Owner Agent Signature: DocuSigned by: 7F8830F067AC471...

Date: 9/27/2022

Parcel 2

Property Address	Meyerstown Rd.
Parcel ID	06 10000300010000
Tax District	06
Map Number	10
Parcel Number	03
Deed Book	1209
Page Number	172
Property Owner	**Hough, Clarence E et al.**
Owner Address	620 Old Shennandale Rd, Charles Town, WV 25414
Owner Phone	
Owner Email	

Owner Agent Name: Clarence Hough

Owner Agent Signature: Clarence E. Hough

~~Date:~~ Todd Hough: 2 Todd Hough

Date: 28 September 2022

RECEIVED
OCT - 3 2022
JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

Parcel 3

Property Address	Kabletown Rd
Parcel ID	06 21000600000000
Tax District	06
Map Number	21
Parcel Number	06
Deed Book	945
Deed Page Number	636
Property Owner	**View Mountain Farm, LLC**
Owner Address	PO Box 933, Harpers Ferry, WV 25425
Owner Phone	
Owner Email	

Owner Agent Name: Neal Snyder

Owner Agent Signature: Neal K Snyder

Date: 9/28/22

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ZONING & ENGINEERING

Parcels 4, 5, 6, and 7

Property Address	2046 Kabletown Rd	E Dutch Hill Rd	Windy Valley Ln	1371 Myerstown Rd
Parcel ID	06 21000500000000	06 21000700000000	06 22000500010000	06 10000500000000
Tax District	06	06	06	06
Map Number	21	21	22	10
Parcel Number	05	07	05	05
Deed Book	1016	1016	1090	540
Deed Page Number	601	601	239	249
Properties Owner	**Dunn, Stanley W. Jr. & Katherine B.**			
Owner Address	1371 Myerstown Rd, Charles Town, WV 25414			
Owner Phone				
Owner Email				

Owner Agent Name: Stanley Dunn, Jr. (Owner)

Owner Agent Signature: Stanley Dunn Jr.

Date: Katherine Dunn

Owner Agent Name: Katherine B. Dunn (Owner)

Owner Agent Signature:

Date: September 28, 2022

RECEIVED
OCT - 3 2022
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ZONING & ENGINEERING

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

As amended in April of 2022, Jefferson County's Comprehensive Plan explicitly encourages development of Solar Energy Facilities in Jefferson County, both in areas within the Urban Growth Boundary as a Principal Permitted Use and outside of it through the Conditional Use Process. The proposed Rippon Energy Facility will be partially sited on land within the Urban Growth Boundary as well as on land outside of the UGB in the Rural Zone. This narrative document serves to support the application for Conditional Use approval for the portion of the project that is sited in the Rural Zone.

Beyond its compatibility with that explicit encouragement of solar energy facilities in the County, the proposed Rippon Energy Facility will help further several additional goals established by *Envision Jefferson 2035*:

ENVISION JEFFERSON 2035 TEXT	PROJECT CONTRIBUTION
Land Use and Growth Management Element 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. p. 196	The setbacks and buffers discussed will protect viewsheds from public rights-of-way and neighboring properties, ensuring that the development of this renewable energy source will be done with respect to the character of the County.
Economic Development, Employment & Infrastructure Goal #6: Encourage the Growth of Jefferson County's Economy and Enable the Creation of High Quality Jobs within the County. p. 194	The Project plans to contract with local businesses for much of the site preparation, including a business owned by one of the landowners. An economic impact report has estimated that the construction phase of the Project would directly support 97 jobs, representing $4.6 million in labor income.
Finance and Public Safety Goal # 24: Ensure that Adequate Short and Long Term Financing is Available to Support the Current Capital and Operating Needs of the County and its Residents as well as the Requirements of Future Growth in Jefferson County. p. 204	The Project is a long-term asset that will provide steady revenues to the County over its life and will fund education, emergency services, and other County projects.
Land Use & Growth Management Goal #2: Maintain and Enhance the Agricultural and Artisan Economy, Rural Land Uses, Rural Neighborhoods, and Rural Character of the Areas of the County Outside the Preferred Growth Areas. p. 191	Solar is a use that is compatible with agriculture. The Site will be seeded with a diverse mix of native grasses and plants that support pollinators and other wildlife. This will provide benefits to the farmland around it. Sheep grazing will also be considered on the Site as a means of controlling vegetation, providing local agricultural opportunities, and enhancing the soils.

Agricultural & Rural Economy Goal #8: Retain, Strengthen, and Enable the Growth of Jefferson County's Rural, Cultural and Artisan Economies. p. 195	The Project plans to contract with local businesses for much of the site preparation, including a business owned by one of the landowners.

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. 6.3 A.2*

- Solar is wholly compatible with agriculture and with an agriculture community. The Project is a safe, passive use of the land that allows for continued agricultural use of the land and can provide benefits to the land around it.
- The Project will help ensure that the Kabletown District maintains a rural setting with open space and low traffic on its roads.
- The Project is a Low Intensity Use:
    - Traffic: Once operational, the Project will not measurably increase traffic in the area and will produce less traffic than some agricultural uses.
    - Noise: The operation of photovoltaic panels produces no discernible noise, with only periodic negligible audio produced by the shifting of the single-axis trackers, and the materials that comprise these panels have repeatedly been found to have no toxic environmental impacts.
    - Pollution: No component of the Project can pollute the land or waters of Jefferson County. Establishing a meadow with deep-rooted grasses will prevent erosion near the Shenandoah River and Bullskin Creek and will reduce pollution and runoff.
- Safety: Solar is a safe and passive technology, and the Project will comply with National Electric Code and local ordinances to install a fence of a minimum of 6-ft around all equipment used.

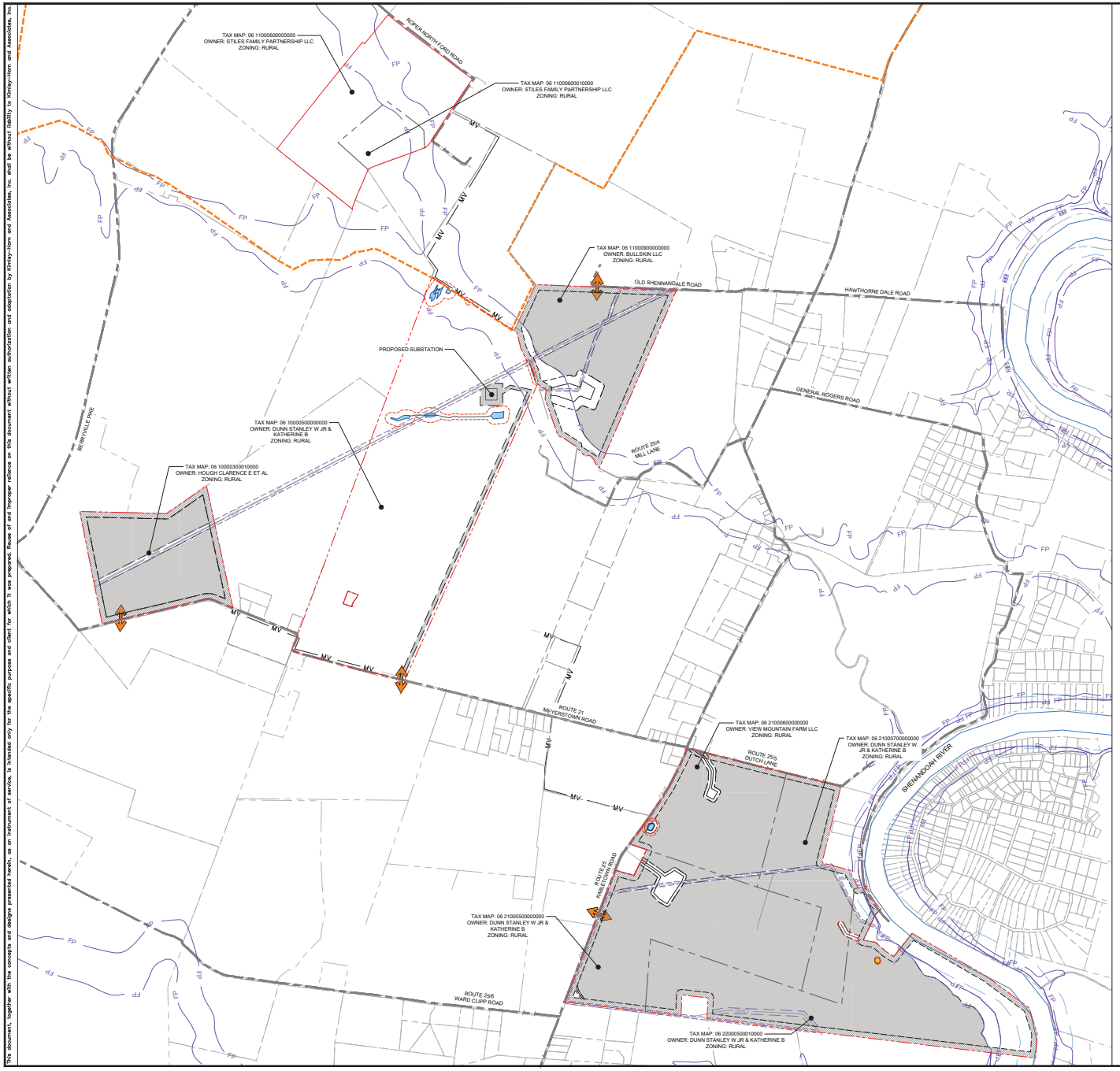
3. Describe how the proposed site development will be designed such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings. *Section 6.3 A.3*

While solar generation is inherently a low-intensity use as noted in the response to the second question of this application form, the Rippon Energy Facility is taking several steps to further minimize the possibility of the project's development adversely impacting the development and use of adjacent land and buildings:

- **Property Setbacks:** The proposed design of the Project, as reflected in the Concept Plan submitted on September 30th, 2022, incorporates the full 100' setback of solar panels and accessory equipment from external property lines and public rights-of-way, as well as the required 200' setback from residences.

- **Supplemental Landscaping:** Though the County's zoning ordinance requires no screening or vegetative buffer if generation equipment is setback 100' from property lines and rights-of-way, the Rippon Energy Facility offers substantial screened planting to minimize viewshed impacts from neighboring residences and key rights-of-way, including:
    - Myerstown Rd.
    - Kabletown Rd.
    - Dutch Ln.
    - Roper North Fork Rd.
- **Pollinator Habitats:** Torch Clean Energy incorporates the planting of pollinator-friendly native grasses into all of its mid-Atlantic projects to contribute to both the health and biodiversity of local ecosystems and provide benefit to neighboring agricultural operations. The landscaping plan proposed in the Rippon Energy Facility's Concept Plan displays pollinator-friendly native grasses seeded in the vegetative buffers encompassing much of the Project.
- **Restricted Construction Hours:** To minimize any disruption to neighboring residences during its construction phase, the Project is offering as a condition of its permit restricted hours for general construction as well as committing to not perform any pile driving on weekends.

Please reference the attached Application Narrative for greater detail of the mitigation measures list of Supplemental Conditions the Project has proposed.



NORTH

GRAPHIC SCALE IN FEET
0 425 850 1700

LEGEND:

- OVERALL PROJECT LIMITS (EXTERIOR PARCEL BOUNDARY)
- ADJACENT PARCEL BOUNDARY
- INTERIOR PARCEL BOUNDARY
- 100' PROPERTY LINE SETBACK
- DELINEATED WETLANDS
- DELINEATED STREAM
- 50' STREAM & WETLAND BUFFER
- FEMA FLOODPLAIN
- SHENANDOAH RIVER APPROXIMATE OUTLINE
- SHENANDOAH RIVER 300' RIPARIAN BUFFER
- KARST FEATURES
- 50' BUFFER FROM HIGH RISK KARST FEATURES
- OVERHEAD ELECTRIC LINES
- APPROXIMATE ELECTRIC EASEMENTS
- 100' PROPERTY LINE SETBACK AREA
- PROJECT BUILDABLE AREA
- EXISTING RIGHT OF WAY CENTERLINE
- JEFFERSON COUNTY URBAN GROWTH BOUNDARY
- PROPOSED MEDIUM VOLTAGE ROUTE
- PROPOSED ACCESS POINTS

NOTES:

1. LAYOUT SHOWN WITHIN THESE PLANS IS CONCEPTUAL AND MAY CHANGE DURING FINAL ENGINEERING DESIGN.
2. BASED ON WRITTEN INSTRUCTIONS FROM THE COUNTY, OPEN THROAT KARST FEATURES MAY BE REMEDIATED. ONCE REMEDIATED, FEATURES WILL NOT REQUIRE A BUFFER.

PROJECT PARCELS - ACREAGES

OWNER	LAND USE	PARCEL ID	TOTAL PARCEL AREA (AC)	CUP PROJECT AREA (AC)	100' PROPERTY LINE SETBACK (AC)	IN UGB
DUNN STANLEY W JR & KATHERINE B	POI	06 10000500000000	366.62	12.27	-	No
STILES FAMILY PARTNERSHIP LLC	PV	06 11000900010000	25.14	NOT IN CUP	NOT IN CUP	Yes
STILES FAMILY PARTNERSHIP LLC	PV	06 11000900000000	115.79	NOT IN CUP	NOT IN CUP	Yes
BULLSKIN LLC	PV	06 11000900000000	134.00	83.92	22.60	No
DUNN STANLEY W JR & KATHERINE B	PV	06 21000500000000	175.00	154.47	11.05	No
DUNN STANLEY W JR & KATHERINE B	PV	06 21000700000000	89.00	78.43	7.64	No
DUNN STANLEY W JR & KATHERINE B	PV	06 22000500010000	232.00	137.37	31.78	No
HOUGH CLARENCE E ET AL	PV	06 10000300010000	109.00	79.47	20.37	No
VIEW MOUNTAIN FARM LLC	PV	06 21000600000000	102.00	87.49	9.52	No

REV	DATE

TORCH CLEAN ENERGY

Kimley»Horn
© 2022 KIMLEY-HORN AND ASSOCIATES, INC.
11400 COMMERCE PARK DR., SUITE 400
RESTON, VA 20191
PHONE: 703-674-1300
WWW.KIMLEY-HORN.COM

KHA PROJECT	110188002
DATE	9/30/2022
SCALE	AS SHOWN
DESIGNED BY	SAH
DRAWN BY	BAH
CHECKED BY	SMM

RIPPON ENERGY FACILITY
PREPARED FOR
TORCH CLEAN ENERGY
JEFFERSON COUNTY WEST VIRGINIA

CUP PROJECT AREA MAP

APPROVAL

SHEET NUMBER
C2.0

Rippon Energy Facility, LLC

Kabletown District (06)
Jefferson County, West Virginia

TORCH
CLEAN ENERGY

Conditional Use Permit Application Narrative

Submitted: October 3rd, 2022

230 Court Square, Suite B102, Charlottesville, VA 22902

Contents

Executive Summary

Rippon Energy Facility, LLC, a subsidiary of Torch Clean Energy ("Torch"), requests a Conditional Use Permit from Jefferson County to construct and operate the portion of its proposed 99 MWac solar photovoltaic energy generation facility, as described in this application narrative.

The Rippon Energy Facility (the "Project") is proposed on nine parcels in Jefferson County sited in the Kabletown District in and around the Urban Growth Boundary ("UGB") with two of the parcel sin the UGB and seven parcels located outside of the UGB. This CUP-eligible portion of the Project area totals approximately 635 acres, including solar arrays and accessory components, interconnection facilities, property line setbacks, vegetative buffers, and erosion and sediment control features.

The Project is sited with the following considerations:

- Solar arrays will leave space for agricultural cultivation to continue, enabling a hybrid use of rural properties that enables landowners to diversify income while continuing to farm.
- The Project uses existing topography and vegetation to minimize impacts to the surrounding viewshed and is designed to avoid impacts to cultural and environmental resources.
- The Project will provide clean energy that matches the electricity consumption of approximately 18,000 homes in West Virginia.
- The Project will inject direct economic activity into the County during the construction and operating periods.

Torch Clean Energy

Torch Clean Energy is a renewable energy and battery storage developer with extensive experience developing, permitting, designing, and building solar, wind, and battery energy storage projects. Torch has over 3,000 MW of high-quality solar and battery projects under development throughout the United States, with eight utility scale projects that are expected to begin construction in 2022 including the 130MW Bartonsville Energy Facility in Frederick County, VA.

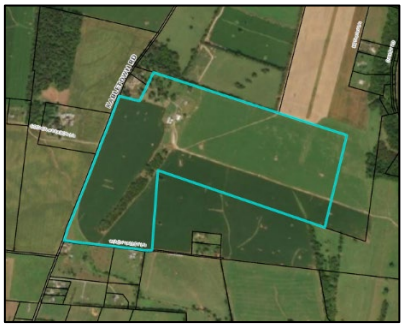
1. Parcels and Zoning

All constituent parcels of the proposed Project are located in the Kabletown District, in the County's Rural District. The different parcels that comprise the Site have been used for agricultural purposes, including cropland, hayfields, and pasture. The land is generally cleared land, but includes some trees along rock outcroppings, field boundaries, and along the Shenandoah River and Bullskin Creek. The Site includes land in the 100-Year Flood Zone in the vicinity of those bodies of water.

The parcels are as follows:

Parcel 1: 673 Off Old Shennandale Rd Tax District: 6, Tax Map: 11, Parcel: 9 Deed Book 1084, Page: 276 Zoning: Rural Parcel Size: 133.75 Project Area[1]: 106.52	
Parcel 2: Meyerstown Rd. Tax District: 6, Tax Map: 10, Parcel: 3.1 Deed Book: 1209, Page: 172 Zoning: Rural Parcel Size: 108.66 Project Area: 99.84	
Parcel 3: Kabletown Rd Tax District: 6, Tax Map: 21, Parcel: 6 Deed Book: 945, Page: 636 Zoning: Rural Parcel Size: 101.61 Project Area: 97.01	

[1] Project Area calculations include all land used for the generation facility (e.g. panel arrays, accessory components, access roads, point of interconnection, etc.) as well as property setbacks and landscaping. See Appendix A: CUP Project Area for an outline of these Project Areas on each parcel and Table 1: Approximate Proposed Land Use Areas contains summary of approximate areas of proposed land uses.

Parcel 4: 2046 Kabletown Rd Tax District: 6, Tax Map: 21, Parcel: 5 Deed Book: 1016, Page: 601 Zoning: Rural Parcel Size: 174.64 Project Area: 165.52	
Parcel 5: E Dutch Hill Rd Tax District: 6, Tax Map: 21, Parcel: 7 Deed Book: 1016, Page: 601 Zoning: Rural Parcel Size: 89.39 Project Area: 86.07	
Parcel 6: Windy Valley Ln Tax District: 6, Tax Map: 22, Parcel: 5.1 Deed Book: 1090, Page: 239 Zoning: Rural Parcel Size: 232.03 Project Area: 169.15	
Parcel 7: 1371 Myerstown Rd Tax District: 6, Tax Map: 10, Parcel: 5 Deed Book: 540, Page: 249 Zoning: Rural Parcel Size: 366.62 Project Area: 12.27	

Floodplain

The 100-year floodplain ("Floodplain") as outlined in the National Flood Hazard Layer overlaps with three parcels in this Project's CUP application. **Figure 1** below features clips from the Project's Concept Plan application showing the two different floodplain areas and their overlaps with Project parcels. Project infrastructure will be outside the Floodplain except where underground cables or roads may need to cross a Floodplain.

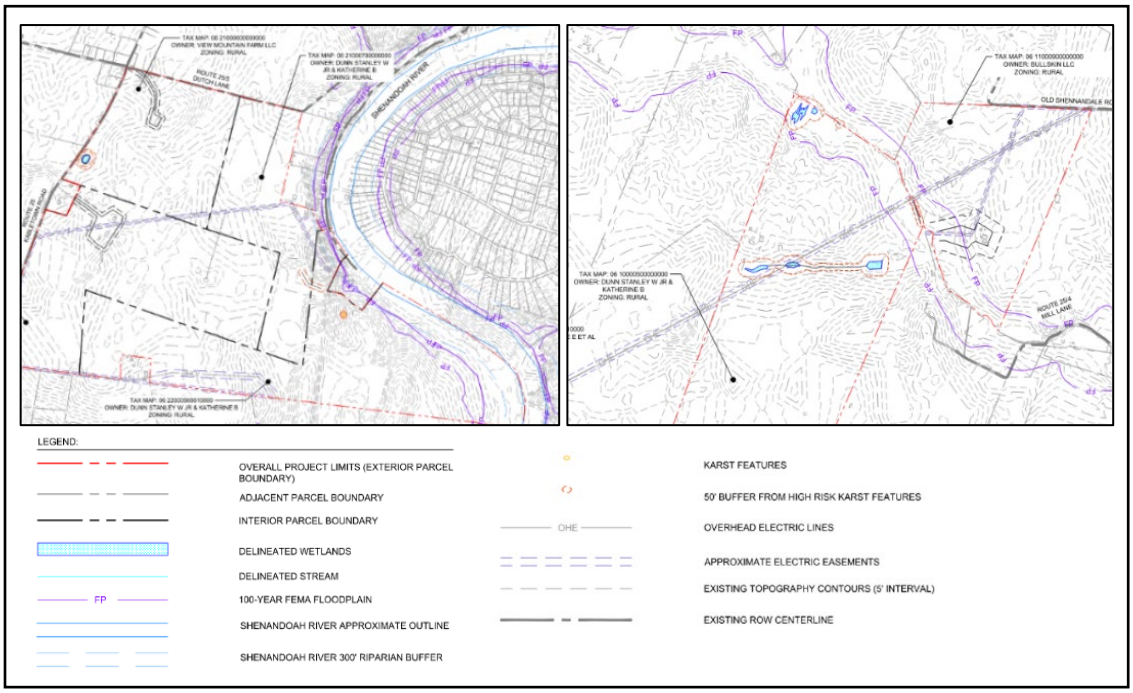


Figure 1: Clips from Concept Plan Present Conditions Exhibit show the locations of floodplains on Project parcels.

Wetlands

The Applicant engaged environmental engineering firm, Greenway Engineering, to conduct desktop review and wetland delineation on the Project's parcels.[2] These reviews and studies delineated multiple streams, but only two streams intersect with the Project area.

The Army Corps of Engineers provided the Project with a preliminary jurisdictional decision in July 2022 confirming the results of these wetland delineations.


Photo 12: Bullskin Run flowing along southern limits of Bullskin Farm parcel.

Figure 2: "Bullskin Run", forming the boundary between parcels 06 11000900000000 and 06 10000500000000.

Figure 3: "Stream C" on parcel 06 10000500000000


Photo 31: Stream C. Photo facing east.

[2] Wetlands have not yet been delineated on the westernmost parcel, 06 10000300010000, but Greenway will conduct this analysis after this autumn's harvest.

Historical

The Application performed a desktop review to determine if there were any existing know historical sites with the Site and consulted with West Virginia Department of Arts, Cultures and History ("WVDACH") as to the type of historical survey that will be required and will complete a Phase 1 Archaeology and Architecture study and provide the results to WVDACH for their consideration and guidance.

2. Proposed Uses

The primary components of a solar generation facility are:

A. Solar photovoltaic panels mounted on single-axis trackers and steel posts (example pictured)
B. Inverters and transformers (example pictured)
C. Perimeter Fencing (example pictured)
D. Landscaping
E. Maintenance Aisles for vegetation management
F. Stormwater Management ("SWM") infrastructure
G. Underground DC and AC cabling
H. Substation for interconnection

Figure 1: PV Panel mounted on Single-Axis Tracker

During construction of the Project, additional temporary components may be installed:

- Construction trailers
- Temporary Erosion & Sediment Control Basins
- Storage Containers
- Laydown Area

Figure 7: Inverters are installed periodically toward the interior of PV arrays.

Figure 8: Fencing with a minimum height of 6-ft will enclose facility equipment.

Land Use Summary

This CUP application proposes the following uses on the portion of the Project that would be sited in the Rural zone outside of the Urban Growth Boundary:

Table 1: Approximate Proposed Land Use Areas

USE	APPROX. ACREAGE
Photovoltaic Panel Arrays	394
Property Setbacks & Buffers[3]	103
Point-of-Interconnection	3
Other (e.g. Access Roads, SWM)	236
Total Project Area	**736**
Underground Utility Easements*	18

Facility Summary

The Project will produce over 200,000 megawatt-hours of clean energy in its first year of operation, which represents the energy consumption of approximately 18,000 homes. The Project will generate electricity from photovoltaic solar modules that will be attached to a racking supported by driven posts. Single-axis trackers will be used to follow the sun from east to west and increase the efficiency of the solar arrays. A series of central inverters will be used to convert the electricity from direct current to alternating current.

The Project will interconnect to an existing FirstEnergy 138-kilovolt overhead transmission line between Millville and Old Chapel. No new transmission-voltage lines will be built for the Project.

The attached Project Sketch Plan provides a map of the solar array areas, the proposed point of interconnection with the gen-tie system, vegetative buffer zones, perimeter fencing, access points and access points.

3. Traffic Impacts

As shown on the Project Sketch (Appendix A), the Project will use commercial entrances on Kabletown, Myerstown, Old Shennandale, and Roper North Fork Roads. The primary delivery point and laydown yard for the Project will be on Kabletown Road, approximately 3500 feet south of the intersection with Myerstown Road. This entrance will be used by the majority of construction and operations vehicles, given the layout of the Project. All entrances shall ensure proper sight distance in both directions and shall obtain permits from the West Virginia Department of Highways ("WVDOH").

[3] See Section 4: Setbacks, Buffers & Landscaping for details of proposed setbacks and buffers.

* Underground utilities are not subject to land use review, but we have included for reference the approximate locations of our proposed underground electrical gen-tie lines as well as the locations and estimated land area of the easements that will enable them.

Construction Traffic will include deliveries of materials: solar modules, steel piles, electrical conductor, and accessory equipment including fencing, seed, gravel. The primary route for this delivery is expected to be Kabletown Road via US Route 340 to the Kabletown entrance.

Torch has provided a map that shows the Highway Problem Areas in the vicinity of the Project. The two relevant areas are 90-degree turns on Meyerstown Road. The use of this portion of Meyerstown Road can be minimized, and it is not expected to be used for deliveries to the Kabletown Road entrance. The Project will coordinate with the WVDOH regarding these roads and will consider the use of temporary signs during the construction period, and measures to increase driver sight distances near these areas.

During the Operations Phase, the Project will not measurably increase traffic in the area. Maintenance of the solar equipment and the Site's vegetation will require approximately 2-4 trips per month at most in each of the Site's entrances. This is significantly less than a potential residential development, and less than some types of current agricultural uses. Once operational, the Project will help keep traffic at low levels in the County's rural district.

4. Buffers, Setbacks & Planting

While solar generation is inherently a low-intensity use as noted in the response to the second question of this application form, the Rippon Energy Facility is taking several steps to further minimize the possibility of the project's development adversely impacting the development and use of adjacent land and buildings:

- **Property Setbacks:** The proposed design of the Project, as reflected in the Concept Plan submitted on September 30th, 2022, incorporates the full 100' setback of solar panels and accessory equipment from external property lines and public rights-of-way, as well as the required 200' setback from residences.
- **Supplemental Landscaping:** Though the County's zoning ordinance requires no screening or vegetative buffer if generation equipment is setback 100' from property lines and rights-of-way, the Rippon Energy Facility offers substantial screened planting to minimize viewshed impacts from neighboring residences and key rights-of-way, including:
    - Myerstown Road
    - Kabletown Road
    - Dutch Lane
- **Pollinator Habitats:** Torch Clean Energy incorporates the planting of pollinator-friendly native grasses into all of its mid-Atlantic projects to contribute to both the health and biodiversity of local ecosystems and provide benefit to neighboring agricultural operations. The landscaping plan proposed in the Rippon Energy Facility's Concept Plan displays pollinator-friendly native grasses seeded in the vegetative buffers encompassing much of the Project.

5. Decommissioning Overview

West Virginia Decommissioning Code

The West Virginia Wind and Solar Energy Facility Reclamation Act establishes, in Article 32 of Chapter 22 of the Code of West Virginia (§22-32-1 through (§22-32-8), the decommissioning responsibilities of the owners of solar and wind generation facilities in West Virginia, and it establishes requirements for the development and execution of decommissioning agreements to the relevant public agencies as well as the posting of financial security sufficient to cover the costs of decommissioning and reclamation of land.

Rippon Energy Facility, LLC will be the owner of this proposed solar generation facility, and it will adhere to all requirements established by this statute.

Operational Timeline

The Project is expected to operate for a minimum of 30 years, based on the useful life of the equipment and the warrantees that guarantee that equipment. The Plan describes the approach for removal of the Project and land restoration activities.

Decommissioning of Solar Facility

The Owner shall arrange for and be responsible for the decommissioning of the Project, including the following:

Equipment Dismantling and Removal

Many of the Project's components are largely composed of recyclable materials, including glass semiconductor material, steel, and wiring. When the project reaches the end of its operational life, reusable and recyclable parts will be dismantled, removed from the site, and transported to reuse or recycling facilities. All waste resulting from the decommissioning of the facility will be transported by a certified and licensed contractor and taken to a landfill facility.

Above-ground Structure Decommissioning

Solar Panel Arrays and Project Substation:

- De-energize and disconnect the Project from the utility power grid;
- Disconnect all above ground wirings, cables, fuses and electrical and protection components and reuse or recycle off-site by an approved facility;
- Remove concrete foundations of inverter and transformer pads
- Remove PV modules and metallic structures and ship to reuse or recycling facilities for aftermarket use or recycling and material reuse;
- Remove all waste;
- Remove the perimeter fence if desired by landowner and recycle off-site by an approved metal recycler; and
- Remove inverters, transformers, meters, fans, lighting fixture and other electrical components and recycle off-site by an approved recycler.

Access Roads:

- Consult with landowner (if applicable) to determine if any access roads should be left in place for their continued use.
- If access road is deemed unnecessary, remove access road, and restore access road location as practicable to its previous condition with native soils and seeding.

Below-ground Structure Decommissioning

- Disconnect all underground cables and transmission lines and remove and recycle off-site by an approved recycling facility; and
- Remove all racking below and above ground, including the steel pile foundations.

This Plan is based on current best industry practices and procedures. These practices may be subject to revision based on the development of new and improved decommissioning practices in the future.

Site Restoration

The Owner will develop a comprehensive restoration plan designed to restore the site so it can be returned to its previous use. Restoration will include the following:

- Redistribution of topsoil, if necessary, to provide similar ground cover as was present prior to the site disturbance.
- De-compacting of access roads and other areas where soils have been compacted where desired by landowner.

Where Project infrastructure has been removed, disturbed areas will be seeded with a quick growing native species to prevent topsoil erosion. Erosion and control measures will be installed at ditches and will be left in place until groundcover is fully established.

Managing Excess Materials and Waste

During the decommissioning phase, waste materials will be removed in accordance with applicable local regulations. It is the goal of the Owner to reuse and recycle materials to the extent practicable and to work with local subcontractors and waste firms to segregate material to be recycled. As an example, it is anticipated that nearly 100% of the above grade metal is salvageable based on current industry practices and trends.

Many components of the Project are reusable or recyclable and have salvage value. The Owner will manage decommissioning to minimize, to the extent practicable, the volume of project components and materials discarded as waste. **Table 2** below outlines the anticipated disposition methods of the different Project components.

Table 2: Anticipated Project Decommissioning Disposition Methods

Anticipated Project Decommissioning Disposition Methods	
Concrete Foundations	Crush and recycle
Solar Panels	Reuse or recycle
Metal racks and mounts	Salvage/recycle
Steel piles and rack foundations	Salvage/recycle
Wiring and cabling	Recycle/salvage
Inverters, transformers, and breakers	Salvage/recycle/reuse
Granular material	Reuse/dispose
Fence steel	Salvage/recycle
Project Substation Controls	Dispose/reuse

Major pieces of equipment such as transformers and breakers are recyclable and reusable and will have significant market value. The solar panels are expected to retain over 80% of their generation

capability after 30 years of operation and the potential for re-use is high. If the panels are beyond their life span, existing solar panel manufacturers have programs to buy and salvage panels. These programs extract the raw materials in the panels to make new panels at a significant discount from new material costs. Recycled materials include semiconductors and glass. Other components such as electrical cable have a high salvage-market value due to their copper and aluminum content. The same is true for the steel and aluminum racks and foundations that support the solar panels.

6. Supplemental Conditions

In the interest of maximizing public benefit and minimizing adverse impacts from this development, the applicant offers several supplemental conditions beyond what is required by Jefferson County and West Virginia code. These conditions have been developed both internally and in communication with project neighbors.

1. Floodplain; Conserved Trees. The Facility or any part thereof shall not be located within500 feet of the bank of the Shenandoah River, or in the 100 Year Flood Zone associated with the Shenandoah River at the time of the Building Permit issuance. Other 100 Year Flood Zones shall only be disturbed for access roads and electrical crossings where necessary.

2. Conserved Trees. Existing vegetation shall be used for screening where practicable. Additionally, Operator shall not cut, prune, or remove trees identified in the Concept Plan as the "Preserved Existing Treeline Adjacent to Shenandoah River".

3. Panel Information. Operator will provide technical specification sheets and information on panel components for the specific model selected to the County prior to the issuance of the Building Permit.

4. Panel Height. Installed solar modules, shall not exceed fifteen (15) feet in height, measured from grade to the top of the panel when at maximum tilt.

5. Insurance. From and after the start of commercial operations, the Operator shall secure and maintain during the Project's Operational Phase Commercial General Liability for personal injuries, death and property damage, and umbrella insurance coverage for the duration of the Conditional Use Permit in the minimum amounts set forth below:
   a. Commercial General Liability covering personal injuries, death and property damage: $1,000,000 per occurrence / $2,000,000 aggregate;

   b. Automobile Coverage: $1,000,000 per occurrence;

   c. Excess Liability: $4,000,000;

   d. Workers' Compensation and Employers Liability Insurance in accordance with applicable statutory amounts.

6. Insurance Certificates. The Operator's insurance policies shall be issued by an insurance company licensed to do business in the State and with an AM Best's rating of at least 'A'. Prior to the commencement of construction and annually afterwards, Applicant shall provide the Zoning Administrator certificates of insurance that document the levels of insurance.

7. Sewage Sludge. The Applicant shall not use or distribute sewage sludge on the Property during construction or operation of the Project.

8. Change in Ownership. If any change of ownership of the Operator causes a change in contact information for the Project, Owner shall update the Zoning Administrator within 60 days.

9. Storage of Panels. A sealed construction trailer, ConEx, storage container, orenclosed building shall be maintained on the Site for the storage of damaged solar panels prior to removal from the Site.

10. Use of Blasting in Construction. Good faith efforts shall be used to avoid blasting on the Site. If blasting is necessary, Owner shall consult with a qualified geotechnical engineering firm to develop best practices to be followed.

11. Construction Access. Construction and opearational traffic for the portion of the Project located east of Kabletown Road and south of Dutch Hill Lane shall be limited to entrances from Kabletown Road.

12. Construction Hours. All construction that produces noise beyond the surroundings of the Facility shall be limited to between the hours of 7:00am and 6:00pm Monday through Friday and between 8:00am and 5:00pm on Saturday. The driving of piles shall only occur between 7:00am and 5:00pm Monday through Friday and 8:00am to 1:00pm on Saturday.

Appendix A: Project Sketch

Exhibit C2.0, entitled CUP Project Area Map, from the Rippon Energy Facility Concept Plan application submitted September 30th, 2022 will serve as the Project Sketch and has been submitted separately with this Conditional Use Permit application.

Appendix B: N.C. Clean Energy Technology Center at N.C. State University, "Health and Safety Impacts of Solar Photovoltaics."

We have attached this report for County and community reference.