



Jefferson County, West Virginia

Office of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 716
Charles Town, WV 25414

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

November 1, 2023

Rippon Energy Facility, LLC
Attn: Sam Gulland
sgulland@torchcleanenergy.com

Mr. Gulland,

Enclosed is a copy of the issued Zoning Certificate for the following land use:

Zoning Certificate #23-50-ZC: Solar Energy Facility (Rippon Energy Facility)

Please review the Restrictions/Conditions noted in the Zoning Certificate. Any future change in use or expansion will require processing through the Jefferson County Department of Engineering, Planning, and Zoning to ensure compliance with applicable County Regulations.

Additional processing through the following government agencies *may* be required **prior** to the commencement of the approved land use and/or any related construction:

- Office of Building Permits & Inspections: 304-725-2998*
- Office of Impact Fees, Contact Michelle Mason: 304-728-3331
- State Fire Marshal: 304-558-2191
- West Virginia Division of Highways (entrance permit): 681-320-2039
- Jefferson County Health Department (well & septic): 304-728-8416

**Please contact the Office of Building Permits to determine whether any processing is required in order to comply with Building Code. The County is currently utilizing the 2018 International Building Code.*

Should you have any questions, please contact our office.

Sincerely,

Alexandra Beaulieu

Deputy Director & Zoning Administrator



JEFFERSON COUNTY, WEST VIRGINIA

OFFICE OF PLANNING AND ZONING

116 EAST WASHINGTON STREET

CHARLES TOWN, WV 25414

ZONING CERTIFICATE - FILE #23-50-ZC

RIPPON ENERGY FACILITY

This is to certify that the intended land use is permitted as it is proposed in the submitted application. Approval is subject to the conditions listed below.

Project Name: Rippon Energy Facility
Project Contact: Rippon Energy Facility, LLC / Attn: Sam Gulland
703-999-4280 / sgulland@torchcleanenergy.com
Parcel Information: See attached (Page 2 of this Zoning Certificate)

APPROVED USE

Solar Energy Facility

Construction of a 99 MWac solar electric generating facility with a substation connecting to the existing overhead electrical transmission line. The project will be developed across multiple parcels comprised of approximately 878-acres owned by multiple landowners.

RESTRICTIONS/CONDITIONS:

- The land use shall comply with Section 8.20 of the Zoning Ordinance, as amended June 16, 2022 including but not limited to the following:
 - Approval of a Stormwater Management Report and/or Plan in accordance with the Stormwater Management Ordinance (Section 8.20E);
 - Application for a Building Permit;
 - Submission of proof of application for a decommissioning plan and bond when such application is filed with the WVDEP as required by WV State Code §22-32-1, et. sec. (Section 8.20.B.2).
- Shall install lock boxes at all access locations in accordance with the plans deemed acceptable by Larry Herbst, Fire Chief with Citizens Fire Company dated 10-13-23
- Applicant is bound by their testimony as presented at the October 27, 2022 Board of Zoning Appeals meeting and the Conditions of Approval referenced in the approved Conditional Use Permit issued on December 7, 2022 (File #22-9-CUP) – see attached.
- Applicant is bound by their testimony as presented at the November 15, 2022 Planning Commission Concept Plan Public Workshop (File #22-15-SP).

Any future change in use or expansion will require processing through the Jefferson County Department of Engineering, Planning, and Zoning to ensure compliance with County Regulations.

Alexandra Beaulieu
Deputy Director & Zoning Administrator

November 1, 2023

Date





Zoning Certificate **#23-50-ZC**
Solar Energy Facility – Rippon Energy Facility
November 1, 2023

Article 2 of the Zoning Ordinance defines a Solar Energy Facility as follows:

A facility that generates electricity from sunlight by utilization of photovoltaic (PV) technology and distributes the generated electrical power. On-site components of the facility may include solar panels and other accessory components including, without limitation, Essential Utility Equipment, transformers, inverters, cabling, electrical lines, substations, and other improvements necessary to support generation, collection, storage, and transmission of electrical power.

Property Owners & Project Locations:

1. Stiles Family Partnership LLC, Property Owner
Vacant parcel located north of 1337 Roper North Fork Rd, Charles Town, WV
Parcel ID 06001100060001; Lot Size: 25.14 ac; Zoning District: Rural
2. Stiles Family Partnership LLC, Property Owner
Vacant parcel located north of 1337 Roper North Fork Rd, Charles Town, WV
Parcel ID 06001100060000; Lot Size: 115.8 ac; Zoning District: Rural
3. Bullskin LLC, Property Owner
673 Old Shennandale Rd, Charles Town WV
Parcel ID: 06001100090000; Lot Size: 133.75 / Project Size: 106.52 ac; Zoning District: Rural
4. Clarence E Hough Et Al, Property Owner
Vacant parcel located west of the property addressed as 957 Myerstown Rd, Charles Town, WV;
Parcel ID: 06001000030001; Lot Size: 108.66 ac / Project Size: 99.84 ac; Zoning District: Rural
5. View Mountain Farm LLC, Property Owner
28 Dutch Hill Rd, Charles Town, WV;
Parcel ID: 06002100060000; Lot Size: 101.6 ac / Project Size: 97.01 ac; Zoning District: Rural
6. Stanley W Jr & Katherine B Dunn, Property Owner
2646 Kabletown Rd, Charles Town, WV;
Parcel ID: 06002100050000; Lot Size: 174.6 ac / Project Size: 165.52 ac; Zoning District: Rural
7. Stanley W Jr & Katherine B Dunn, Property Owner
Vacant parcel located east of the property addressed as 28 Dutch Hill Rd, Charles Town, WV;
Parcel ID: 06002100070000; Lot Size: 89.39 ac / Project Size: 86.07 ac; Zoning District: Rural
8. Stanley W Jr & Katherine B Dunn, Property Owner
Vacant parcel located east of the property addressed as 2646 Kabletown Rd, Charles Town, WV;
Parcel ID: 06002200050001; Lot Size: 232 ac / Project Size: 169.15 ac; Zoning District: Rural
9. Stanley W Jr & Katherine B Dunn, Property Owner
1371 Myerstown Rd, Charles Town, WV;
Parcel ID: 06001000050000; Lot Size: 366 ac / Project Size: 12.27 ac; Zoning District: Rural

Attachment: Rippon Energy Facility Conditional Use Permit – Issued 12/07/22



Jefferson County, West Virginia
Department of Engineering, Planning and Zoning
Office of Planning and Zoning
116 E. Washington Street, 2nd Floor
Charles Town, West Virginia 25414

Email: zoning@jeffersoncountywv.org

Phone: 304-728-3228

December 7, 2022

Torch Clean Energy
Attn: Sam Gulland
230 Court Square Suite B102
Charlottesville, VA 22902

RE: Rippon Energy Facility

Mr. Gulland:

Enclosed is a copy of the Conditional Use Permit for Rippon Energy Facility, LLC to operate a Solar Energy Facility, which was approved by the Board of Zoning Appeals on October 27, 2022 (File #22-9-CUP).

Please review the Restrictions/Conditions noted in the Conditional Use Permit. Any future change in use or expansion will require processing through the Jefferson County Department of Engineering, Planning, and Zoning to ensure compliance with applicable County Regulations.

The attached Permit was issued conditioned upon all other approvals/permits being obtained from any local, state, or federal agencies, as required.

In accordance with Section 3.2G of the Zoning Ordinance, 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. Therefore, if the use has not commenced by June 7, 2024, the Conditional Use Permit will expire, unless an extension is granted. If an extension is required, the request must be submitted to our Office, for consideration by the Board of Zoning Appeals, prior to the expiration date.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

Alexandra Beaulieu
Zoning Administrator

CC: Kimley-Horn and Associates, Inc.
Attn: Sophia Huang, P.E.
Sophia.huang@kimley-horn.com



JEFFERSON COUNTY, WEST VIRGINIA

OFFICE OF PLANNING AND ZONING

116 EAST WASHINGTON STREET

P.O. Box 716

CHARLES TOWN, WV 25414

CONDITIONAL USE PERMIT

RIPPON ENERGY FACILITY

FILE #22-9-CUP

This is to certify that effective December 7, 2022, a Conditional Use Permit has been issued for the following:

Project Name: Rippon Energy Facility
Approved Use: Solar Energy Facility
Project Applicant: Torch Clean Energy / Attn: Sam Gulland
Applicant Contact: sgulland@torchcleanenergy.com / 703-999-4280
Parcel Information: Attached

Pursuant to Article 6 of the Jefferson County Zoning Ordinance, the Board of Zoning Appeals held a public hearing on October 27, 2022 for the purpose of determining if the Conditional Use (Solar Energy Facility) met the criteria outlined in Section 6.3A.1-8 and Section 8.20A. Finding that the Conditional Use met all of the criteria, the Board voted to **Grant** the requested Conditional Use Permit as presented, with the following conditions of approval:

1. The applicant is bound by their testimony;
2. The applicant will use Best Management Practices (BMP) while onsite; and
3. All 16 of the Supplemental Conditions as Proffered by the Applicant and modified by the Board at the hearing on October 27, 2022 (see attached).

In the event that the operation of this land use has not commenced by June 7, 2024, this Permit will expire. Prior to the expiration date, an extension request must be submitted to the Office for consideration by the Board of Zoning Appeals. See Section 3.2G of the Jefferson County Zoning and Land Development Ordinance, as amended June 16, 2022.

This Permit in no way relieves the Owner or Applicant from any requirements of Jefferson County Ordinances or Regulations unless the appropriate waivers/variances are granted by the appropriate County authority.

Alexandra Beaulieu
Zoning Administrator

December 7, 2022

Date



Supplemental Conditions of Approval
FOR RIPPON ENERGY FACILITY
FILE #22-9-CUP

1. Floodplain; Conserved Trees. The Facility or any part thereof shall not be located within five hundred (500) feet of the bank of the Shenandoah River, or in the One Hundred (100) Year Flood Zone associated with the Shenandoah River at the time of the Building Permit issuance. Other One Hundred (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 Tree line 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 sixty (60) days.
9. Storage of Panels. A sealed construction trailer, ConEx, storage container, or enclosed 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 operational 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 Facility shall be limited to between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday and between 8:00 a.m. and 2:00 p.m. on Saturday. The driving of piles shall only occur between 7:00 a.m. and 5:00 p.m. Monday through Friday and between 8:00 a.m. to 1:00 p.m. on Saturday.
13. Inverters and Transformers. Inverters and transformers shall be setback at least four hundred (400) feet from any residence that exists at the time of the Conditional Use Permit approval.
14. Collector Lines. All three-phase medium voltage collector electrical lines connecting the Project's photovoltaic arrays to the Project Substation shall be installed underground.
15. Invasive Species. On all leased and owned properties, the Operator shall use best management practices to control or manage any invasive plant species as defined by the West Virginia Department of Agriculture.
16. Rating. Operator will procure solar panels from a manufacturer receiving a Tier 1 rating from Bloomberg New Energy Finance or a top performer in the then current PV Module Reliability Scorecard Report by PVEL.

Alexandra Beaulieu

Alexandra Beaulieu
Zoning Administrator

December 7, 2022

Date



| Property Owner | Property Location |
|--------------------------|---|
| Bullskin LLC | 673 Old Shennandale Rd, Charles Town WV Parcel ID: 06001100090000; Lot Size: 133.75 / Project Size: 106.52 ac; |
| Clarence E Hough, Et Al | Vacant parcel located west of the property addressed as 957 Myerstown Rd, Charles Town, WV; Parcel ID: 06001000030001; Lot Size: 108.66 ac / Project Size: 99.84 ac; |
| View Mountain Farm LLC | 28 Dutch Hill Rd, Charles Town, WV; Parcel ID: 06002100060000; Lot Size: 101.6 ac / Project Size: 97.01 ac; |
| Stanley & Katherine Dunn | 2646 Kabletown Rd, Charles Town, WV; Parcel ID: 06002100050000; Lot Size: 174.6 ac / Project Size: 165.52 ac; |
| Stanley & Katherine Dunn | Vacant parcel located east of the property addressed as 28 Dutch Hill Rd, Charles Town, WV; Parcel ID: 06002100070000; Lot Size: 89.39 ac / Project Size: 86.07 ac |
| Stanley & Katherine Dunn | Vacant parcel located east of the property addressed as 2646 Kabletown Rd, Charles Town, WV; Parcel ID: 06002200050001; Lot Size: 232 ac / Project Size: 169.15 ac; |
| Stanley & Katherine Dunn | 1371 Myerstown Rd, Charles Town, WV; Parcel ID: 06001000050000; Lot Size: 366 ac / Project Size: 12.27 |