



# Use Permit Application

**OFFICIAL USE ONLY:**

Case Number: \_\_\_\_\_  
 Date Filed: \_\_\_\_\_  
 Gate Keeper: \_\_\_\_\_  
 Amount Paid: \_\_\_\_\_

**Contact Information**
**APPLICANT:**

Name: Oak Trail Solar, LLC  
 Address: 6688 N. Central Expressway, Suite 500  
Dallas, TX 75206  
 Telephone: 205-948-6018  
 E-Mail Address: Brad.Thompson@LeewardEnergy.com

**PROPERTY OWNER:**

Name: Karen Lea Jarvis  
 Address: 230 Station House Rd  
New Bern, NC 28562  
 Telephone: 252-227-1172  
 E-Mail Address: KLJARVIS.1984@gmail.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Lessee

**Property Information**

Physical Street Address: Puddin Ridge Road, Moyock, NC 27958  
 Location: Puddin Ridge Road, Moyock, NC 27958  
 Parcel Identification Number(s): 8021-45-3564  
 Total Parcel(s) Acreage: 99  
 Existing Land Use of Property: Solar Energy Facility (Oak Trail Solar, LLC)

**Request**

Project Name: Operations and Maintenance Building ("O&M Building") for Oak Trail Solar facility  
 Proposed Use of the Property: O&M Building addition to previously approved solar energy facility  
 Deed Book/Page Number and/or Plat Cabinet/Slide Number: DB 1693/PG 825  
 Total square footage of land disturbance activity: 57,484 sqft  
 Total lot coverage: 2.76% Total vehicular use area: 12,797 sqft  
 Existing gross floor area: N/A Proposed gross floor area: 2,000 sqft

**Community Meeting**

Date Meeting Held: March 15, 2023 (6pm - 8pm) Meeting Location: 109 Green View Rd, Moyock, NC 27958

Purpose of the Use Permit and Project Narrative (please provide on additional paper if needed): \_\_\_\_\_  
See Attachment #1

The applicant shall provide a response to the each one of the following issues. The Board of Commissioners must provide specific findings of fact based on the evidence submitted. All findings shall be made in the affirmative for the Board of Commissioners to issue the use permit.

A. The use will not endanger the public health or safety.

See Attachment #2

B. The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.

See Attachment #2

C. The use will be in conformity with the Land Use Plan or other officially adopted plan.

See Attachment #2

D. The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

See Attachment #2

I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief. Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.

  
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3/21/2023

Property Owner(s)/Applicant\*

Date

**\*NOTE: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.**

<b>Use Permit Conceptual Plan Design Standards Checklist</b>
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The table below depicts the design standards of the use permit application. Please make sure to include all applicable listed items to ensure all appropriate standards are reviewed.

## Use Permit Conceptual Plan Design Standards Checklist

Date Received: \_\_\_\_\_

TRC Date: \_\_\_\_\_

Project Name: \_\_\_\_\_

Applicant/Property Owner: \_\_\_\_\_

<b>Use Permit Conceptual Plan Design Standards Checklist</b>	
1	Property owner name, address, phone number, and e-mail address.
2	Site address and parcel identification number.
3	North arrow and scale to be 1" = 100' or larger.
4	Vicinity map showing property's general location in relation to streets, railroads, and waterways.
5	Existing zoning classification and zoning setback lines of the property.
6	A scaled drawing showing existing boundary lines, total acreage, adjacent use types, location of streets, rights-of-way, and easements.
7	Approximate location of the following existing site features and infrastructure within the property and within 50' of the existing property lines: Pedestrian circulation, vehicular use areas, structures, septic systems, wells, utility lines, water lines, culverts, storm drainage pipes, ditches, canals, streams, wooded areas, ponds, and cemeteries.
8	Approximate location of the following proposed site features and infrastructure: Structures and usages, parking and circulation plan (including streets, drives, loading and service areas parking layout and pedestrian circulation features), fences and walls, exterior lighting, drainage patterns and facilities intended to serve the development, landscape buffers and screening, and riparian buffers.
9	Approximate Flood Zone line and Base Flood Elevation as delineated on the "Flood Insurance Rate Maps/Study Currituck County."
10	Approximate location of all designated Areas of Environmental Concern or other such areas which are environmentally sensitive on the property, such as Maritime Forest, CAMA, 404, or 401 wetlands as defined by the appropriate agency.
11	Sight distance triangles.
12	Proposed common areas, open space set-asides, and required buffers.
13	Architectural drawings and/or sketches illustrating the design and character of the proposed uses.

**Use Permit Submittal Checklist**

Staff will use the following checklist to determine the completeness of your application within ten business days of submittal. Please make sure all of the listed items are included. Staff shall not process an application for further review until it is determined to be complete.

# Use Permit Submittal Checklist

Date Received: \_\_\_\_\_

TRC Date: \_\_\_\_\_

Project Name: \_\_\_\_\_

Applicant/Property Owner: \_\_\_\_\_

Use Permit Submittal Checklist		
1	Complete Use Permit application	
2	Application fee (\$300)	
3	Community meeting written summary	
4	Conceptual plan, if applicable	
5	Architectural elevations, if applicable	
6	2 copies of plans	
7	2 hard copies of ALL documents	
8	1 PDF digital copy of all plans AND documents (ex. Compact Disk – e-mail not acceptable)	

**For Staff Only**

**Pre-application Conference**

Pre-application Conference was held on \_\_\_\_\_ and the following people were present:

\_\_\_\_\_

\_\_\_\_\_

**Comments**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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**ATTACHMENT 1**

Use-Specific Standards Narrative

**Oak Trail Solar, LLC O&M Building  
Use Permit Application Attachment #1  
Application Use-Specific Standards Narrative (UDO § 4.2.3.K)**

Oak Trail Solar, LLC (“Oak Trail”), a wholly owned indirect subsidiary of Leeward Renewable Energy, LLC, received approval of Use Permit PB 20-18 from the Currituck County Planning and Community Development Department on January 4, 2021 for a Solar Energy Facility.<sup>1</sup> This application seeks a modification to the previously issued Use Permit PB 20-18 for the addition of an approximately 2,000 square foot on-site operations and maintenance building (“O&M Building”) to serve the Solar Energy Facility.

Included as Exhibit 2 is a preliminary site plan (“Site Plan”) showing the O&M Building location within the Solar Energy Facility footprint. As reflected on the Site Plan, the O&M Building has been designed to meet or exceed the use-specific standards required under the Currituck County Unified Development Ordinance (“UDO”) § 4.2.3.K and as detailed below.

1. **Location (UDO § 4.2.3.K.1):** The O&M Building is not located in a Full-Service area designated by the Land Use Plan and is not located in a Significant Heritage Area as identified by the NC Natural Heritage Program.
2. **Maximum Size (UDO § 4.2.3.K.2):** The O&M Building will be sited within the previously approved Solar Energy Facility footprint, which meets the maximum size requirements.
3. **Setbacks (UDO § 4.2.3.K.3):** The O&M Building will be sited within the previously approved Solar Energy Facility footprint, which meets all required setbacks.
4. **Height and Configuration (UDO § 4.2.3.K.4):** The O&M Building will not exceed 20 feet in height and will be constructed to avoid glare beyond the exterior property lines.
5. **Sound (UDO § 4.2.3.K.5):** Oak Trail will comply with the hours of operation during construction of 7:00am to 7:00pm, Monday through Saturday. The O&M Building is not located within 1,500 feet of a public school or licensed pre-school.
6. **Buffers and Screening (UDO § 4.2.3.K.6):** The O&M Building will be sited within the previously approved Solar Energy Facility footprint, which meets all required buffers and screening.
7. **Development Plan (UDO § 4.2.3.K.7):** The Development Plan that was approved by the Currituck County Planning and Inspections department on June 14, 2021, is being amended to include the O&M Building as part of the related Major Site Plan amendment application.
8. **Environmental Concerns (UDO § 4.2.3.K.8):** As noted in the approved Solar Energy Facility application, Oak Trail will maintain appropriate ground cover/grass for soil stabilization and will maintain it in such a manner that it does not create a fire hazard.

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<sup>1</sup> Oak Trail also received Major Site Plan approval from Currituck County Planning and Inspections for the Solar Energy Facility on June 14, 2021.  
PPAB 8212986v2

9. **Solar Facility Impact Analysis (UDO § 4.2.3.K.9):** Oak Trail submitted a Solar Facility Impact Analysis in the approved Solar Energy Facility Use Permit application. Oak Trail has included updates to sections of the approved Solar Facility Impact Analysis that were impacted by the O&M Building addition with this application as Exhibit 3.
10. **Ditch Maintenance (UDO § 4.2.3.K.10):** As noted in the approved Solar Energy Facility Use Permit application, Oak Trail will comply with the ditch maintenance obligations in the UDO. A site drainage plan was submitted with the Major Site Plan that was approved by the Currituck County Planning and Inspections department on June 14, 2021.
11. **Discontinued Use and Decommissioning (UDO § 4.2.3.K.11):** Oak Trail will comply with all discontinued use and decommissioning requirements in the UDO. Oak Trail's draft decommissioning plan was approved in Use Permit PB 20-18, and a decommissioning report was done in June, 2022. Oak Trail will update the decommissioning plan to reference the O&M Building in accordance with UDO § 4.2.3.K.11.c. Oak Trail also submitted the current Decommissioning Performance Guarantee in accordance with UDO requirements on November 11, 2022, which will be reviewed as part of the decommissioning plan update and will remain in effect until decommissioning and site restoration is complete.



**ATTACHMENT 2**

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Finding of Facts Narrative

**Oak Trail Solar, LLC O&M Building  
Use Permit Application Attachment #2  
Application Findings of Fact Narrative (UDO § 2.4.6.D)**

The Oak Trail Solar, LLC (“Oak Trail”) operations and maintenance building (“O&M Building”) addition, as designed, satisfies the four findings the Board of Commissioners considers when issuing Use Permits, as outlined in Unified Development Ordinance (“UDO”) § 2.4.6.D.

**Finding 1:** The proposed use **will not** endanger the public health or safety:

The O&M Building is a low impact use that will not endanger public health or safety. The O&M Building will be sited within the fenced footprint of the Solar Energy Facility and will be built in compliance with the North Carolina Building Code.

**Finding 2:** The proposed use **will not** injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located:

The O&M Building is proposed within the footprint of the previously approved Solar Energy Facility. As such, the O&M Building will be within the solar facility setbacks and behind the required solar facility vegetative buffering. The O&M Building is an approximately 2,000 square foot building, which is similar to the visual profile of the single-family rural residences in the area.

**Finding 3:** The proposed use **will** be in general conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the Board of Commissioners:

The O&M Building is designed to be in conformity with the requirements of the land use plan and other officially adopted plans by the County. The Imagine Currituck 2040 Vision Plan (the “Plan”) includes a Northern Mainland Future Land Use Map, which classifies the parcel being used for the O&M Building as O2 – Reserved Lands. Plan Map 7. Appropriate land uses and development types for the O2 – Reserved Lands area include cultivated farmland and accessory agricultural structures and low-density single family rural residential that prioritizes preservation of open space and natural landscapes. Plan pg. 56. The O&M Building will be in conformity with the purpose of the O-2 Reserved Lands designation as it has a similar visual profile to an accessory agricultural structure or a low-density single family rural residential structure.

**Finding 4:** The proposed use **will not** exceed the County’s ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

The O&M Building will not exceed the County’s ability to provide adequate public facilities. Because the O&M Building is not a use that will involve residents, will only involve employees on-site on occasion for maintenance, and will be within the fenced area of the Solar Energy Facility to prevent unauthorized access, it will not increase the need for new schools or strain existing schools and will have much less need for fire, rescue and law enforcement than most uses such as a residential subdivision.