

# **Jefferson County, WV**

**Stormwater Management Ordinance  
Department of Engineering**

AUGUST, 2013

provide stormwater management controls under the regulations, conditions and terms in effect at the time of the original approval.

However, if, after the adoption of this ordinance, there is any physical expansion to said exclusion listed above, this ordinance shall apply to the expanded area only.

(06/16/2020 Revision – “Solar Energy Facility” name change)

(h) Solar Energy Facilities (commonly referred to as “Solar Farms”), provided all of the following conditions are met:

- Earth disturbance and grading activities shall be minimized and natural vegetative cover shall be preserved and/or restored.
- Vegetative cover shall have 90% or better uniform coverage and shall not be subject to chemical fertilization and herbicides/pesticides. A meadow condition is preferable, particularly for slopes between 5 and 10%. Mowed areas should be kept to a minimum of 4”.

Individual Photo Voltaic (PV) modules within an array shall be arranged in a fashion that allows the passage of runoff underneath each module. The PV modules shall be arranged to allow the growth of vegetation beneath the PV modules and between the rows of PV arrays.

If the width of the vegetative strip between rows of PV arrays is not a minimum of twelve feet (i.e. there is inadequate vegetated spacing between modules), then stormwater BMPs such as infiltration trenches (min. 12” wide by 12” deep) or infiltration berms shall be installed down gradient between each row.

- Ground-mounted solar PV modules shall be supported with structures/foundations occupying a maximum of 5% of the total project area. (not the parcel area, but that area within the boundary of the 100’ setback/buffer surrounding the solar energy facility equipment) This area shall be delineated, and dimensioned on the Concept Plan, along with a note of the total area and a calculation of the percent of impervious area occupied by the support structures/foundation.
- Solar PV modules shall be situated on mild slopes (10% max). If greater than 10% slopes are proposed, then stormwater BMPs such as infiltration trenches (min. 12” wide by 12” deep) or infiltration berms shall be installed down gradient between each row of PV arrays, in addition to providing the minimum 12-foot spacing between the rows of PV arrays.
- The lowest vertical clearance of the solar PV array shall be at an elevation of 10 feet or less from the ground, but is also at an adequate height to promote vegetative growth below the PV array.

- No erosion or transport of sediments shall be allowed. An Erosion and Sediment Control Plan shall be submitted as part of the Stormwater Report. Permanent Erosion and Sediment Control shall be provided to address the potential for erosion at the drip edge of solar panels. In addition, the West Virginia Department of Environmental Protection's temporary construction stormwater NPDES permit shall be submitted along with the Stormwater Report.

The developer shall submit documentation in the form of a Stormwater Report, which demonstrates all of the above conditions are satisfied, to the Jefferson County Engineer for review and approval. At the time of submission, the developer shall pay a non-refundable review fee in accordance with the established fee schedule. The Stormwater Report shall be prepared, signed, and sealed, by a professional engineer registered to practice in the State of West Virginia. The Stormwater Report shall be approved prior to the issuance of the building permit.

If all the above conditions cannot be met, then the project shall fall under the jurisdiction of this Ordinance and stormwater quantity and quality control shall be provided.

For the life of the project, the Jefferson County Engineering staff shall have the authority to visit the site, with 72-hours' notice, to determine if the above conditions are being maintained.

Failure to perpetually maintain and meet the conditions for this exemption shall be a violation of this Ordinance and enforceable under the law.

- (3) Compatibility with Other Permits and Ordinance Requirements
  - (a) Compliance with the requirements herein does not create exclusion to permitting requirements from the WVDEP, the U.S. Army Corps of Engineers, or any other agency or reviewing body that has jurisdiction over the proposed project area.
  - (b) Whenever this Ordinance imposes a conflicting restriction regarding stormwater regulation, the provisions of the more restrictive ordinance shall control.

#### **E. SEVERABILITY**

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If any section, clause, sentence, part, or provision hereof shall be held to be invalid, or unconstitutional, by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, clauses, sentences, parts, or provisions of this Ordinance.

#### **F. INCORPORATION BY REFERENCE**

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- (1) For the purposes of this Ordinance, Jefferson County has adopted by reference the following published standards: