



Agenda

Jefferson County Planning Commission

Tuesday, October 14, 2025 at **6:00 PM**

**By order of the President of the Jefferson County Planning Commission,
Public Participation is available in-person only.
The meeting will be broadcast live via ZOOM for viewing purposes only.**

In-Person Meeting Location: County Commission Meeting Room located in the main level of the Jefferson County Government Complex (entrance on East side of the building) 393 North Lawrence Street, Charles Town, WV 25414

ZOOM Broadcast Information*: Meeting ID: 884 4667 4366
Meeting Link: <https://us02web.zoom.us/j/88446674366>

**If watching live broadcast, please ensure your microphone is muted and be mindful that your video is streaming to others.*

1. **Approval of Meeting Minutes:** September 23, 2025 meeting minutes to be included at the next available meeting

2. **Request for postponement**

There is no public comment for the following items.

3. **Planner's Memo**

- a. Planning Commissioner Self Evaluation
- b. Direction from County Commission
- c. Public Hearing for Historic Resource Protection Text Amendment
 - i. Scheduled by County Commission for December 4th
- d. Staff Report on Text Amendment Cost

4. **Training Presentation by the Office of GIS/Addressing**

- a. GIS and Mapping in Planning

5. **Training Presentation by the Office of Planning and Zoning**

- a. Roberts Rules of Order

6. **Training Presentation and Legal Advice by Legal Counsel**

- a. Ministerial and Adjudicatory Actions
- b. Ex Parte Communication

7. **Review and Approval:** Planning Commission Calendar Year 2026 Meeting and Submission Dates

8. **Discussion and Possible Action:** Staff discussion regarding a proposed text amendment to revise language on Solar Energy Facilities in the Zoning & Land Development Ordinance Section 2.2, Section 4.13, and Section 8.20 and add specific requirements for Solar Energy Facilities to the Subdivision & Land Development Regulations.

9. **Discussion and Recommendation:**

Draft FY 26 Planning and Zoning Budget recommendation for use by the Department of Engineering, Planning, and Zoning. *(To be distributed at the meeting)*

10. Reports from Legal Counsel

- a. Discussion on Jefferson County Circuit Court Case # CC-19-2025-C-93 (RE: Sidewinder Enterprises, LLC v. Jefferson County Planning Commission) with legal counsel.

11. President's Report

12. Actionable Correspondence

13. Nonactionable Correspondence

- a. David Tabb
 - b. Joslyn Noland
-



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Planner's Memorandum Planning Commission Meeting October 14, 2025

1) Department of Engineering, Planning and Zoning County Offices Contact Information

BUILDING PERMITS & INSPECTIONS 304-725-2998 permits@jeffersoncountywv.org

IMPACT FEES 304-728-3331 - mmason@jeffersoncountywv.org

ENGINEERING 304-728-3257 - engineering@jeffersoncountywv.org

PLANNING & ZONING 304-728-3228 - planningdepartment@jeffersoncountywv.org, zoning@jeffersoncountywv.org

GIS & ADDRESSING 304-724-6759 - gis@jeffersoncountywv.org

2) Planning Commissioner Self Evaluation

- Form to be distributed at meeting for completion at the meeting.

3) Direction from County Commission

- Staff has prepared a memo for the packet.

4) Public Hearing for Historic Resource Protection Text Amendment

- County Commission Public Hearing date: **December 4, 2025**

5) Staff Report on Text Amendment Cost

6) Upcoming PC meetings

- Next Regular meeting date: **November 4, 2025**
 - 7:00 pm Planning Commission Meeting



JEFFERSON COUNTY, WEST VIRGINIA

Office of Planning and Zoning

116 East Washington Street, 2nd Floor; P.O. Box 716

Charles Town, WV 25414

www.jeffersoncountywv.org

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

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

MEMO

TO: Planning Commission of Jefferson County
FROM: Luke Seigfried, Chief County Planner
DATE: October 14, 2025
RE: County Commission Direction to Review the Concept Plan Process

On Thursday, September 18, 2025, the County Commission directed Planning Commission and Engineering, Planning, and Zoning staff to review the Concept Plan Process, design flow charts for commercial projects, and provide process recommendations for the Site Plan process. County Commission staff has informed Planning and Zoning staff and provided the full direction found below. The fourth part of the request is not relevant to the Department of Engineering, Planning, and Zoning or the Planning Commission.

Commissioner Stolipher motioned to approve four requests (1) Engineering, Planning and Zoning staff and the Planning Commission to review the concept plans processes and provide recommendations for improvements to streamline the process, (2) Engineering, Planning and Zoning staff to design flow charts of the commercial plan approval process, (3) Engineering, Planning and Zoning staff to provide process recommendations following site plan approval to encourage a sped up process and (4) request Agritourism task force to provide recommendation to improve ordinances and encourage agritourism development. The motion was seconded by Commissioner Mood and approved unanimously.

Request (2) Commercial Flow Charts

To complete this project staff intends to begin with the second request to design flow charts that show the commercial project approval process. Once the flow charts depicting the current process are prepared they can be used as a framework to review and critique the processing of Concept Plans and Site Plans. Creating a flow chart for the commercial plan process will also serve as an effective tool for developers currently interested in pursuing projects in Jefferson County. The Director of Engineering, Planning, and Zoning has met with staff and has assigned relevant staffers to begin meeting to draft the commercial flow charts. At this time, staff is planning on preparing three flow charts separated into Permitted Commercial Uses, Conditional Commercial Uses, and Commercial Agricultural Uses.

Request (1) Concept Plan Process Review, Request (3) Site Plan Process Review

The first request, to review the Concept Plan process and provide streamlining recommendations, and the third request, to review the Site Plan process and provide streamlining recommendations, will require more time to complete than the second request. Completing both requests will include a review of State Code and research into best practices in other localities. Additionally, it is probable that any recommendations related to either process will require text amendments to one of more of the Ordinances and must follow the text amendment process.

Staff intends to look at every aspect of the process including outside agency reviews and state permitting timelines. Various developers have noted that obtaining the required state permits have effected development timelines outside of the scope of County processing.

Conclusion

Staff does not need any Planning Commission action at this time. This memo is currently informational as staff will need time to prepare the flow charts and begin reviewing the ordinances in accordance with the County Commission direction. As this project is ongoing, staff can provide updates to Planning Commission if directed.

Sincerely,



Luke Seigfried

Chief County Planner

What is GIS?

A Geographic Information System (GIS) is computer software that links geographic information (where things are) with descriptive information (what things are) and allows you to make connections you might not notice using just a paper map.

GIS also gives you a way to visualize your data that is quickly understood and easily shared, whether in person or online.

What is a digital map?

As on a paper map, a digital (computer-generated) map contains dots or points that represent features such as addresses, lines that represent features such as roads, and polygons that represent features such as rivers.

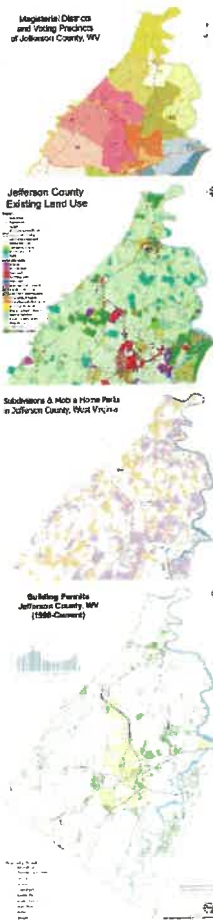


However, a digital map can also contain information about these features. How has the population changed in Charles Town over the years? How does the water level change seasonally in the Potomac River? Any information you need can be stored with the relating feature.

Digital maps are also interactive. Features can be turned on or off depending on what the user wishes to view. This allows for easier analysis of areas. Does the location of roads on the Blue Ridge Mountain affect the stability of the slope? How many houses are located in the floodplain of Bullskin Run?

GIS can help with many different types of questions.

How is GIS used in Jefferson County?



GIS is used daily by many departments to complete their work.

911

The 911 Dept utilizes GIS in their dispatch software. When you call in an emergency, they can rapidly look up your location and get a list of the quickest responders for your area.

Planning

The Planning Dept uses GIS to quickly research properties, easily finding their zoning, land use, and more.

Engineering

The Engineering Dept has access to a large backlog of building permits on their GIS maps, allowing them to see what has been done on properties in the past.

Voters Registration

The Voters Registration Office uses GIS maps to determine in which districts each citizen votes; using the maps, they can easily pinpoint this by the citizen's address.

This is just a sampling of the ways County Depts utilize GIS every day.

How Can I Use Jefferson County's GIS?

The GIS/Addressing Office has created a "one-stop shop" for research about Jefferson County. This Public Research Portal contains several interactive maps that allow citizens to discover information about their properties.



We also provide paper copies of many of our maps on our website. These maps are available for print from our Office.



Many of our data layers can also be acquired on the Public Research Portal. Download is free and the data can be used to make your own custom maps!

Still have questions?

Contact Us:

Address:

116 E Washington St Suite 201
Charles Town, 25414

Phone:

304-724-6759

Email:

gis@jeffersoncountywv.org

Website:

<https://www.jeffersoncountywv.org/county-government/departments/gis-addressing>

Public Research Portal:

<https://od-jcwgis.opendata.arcgis.com/>

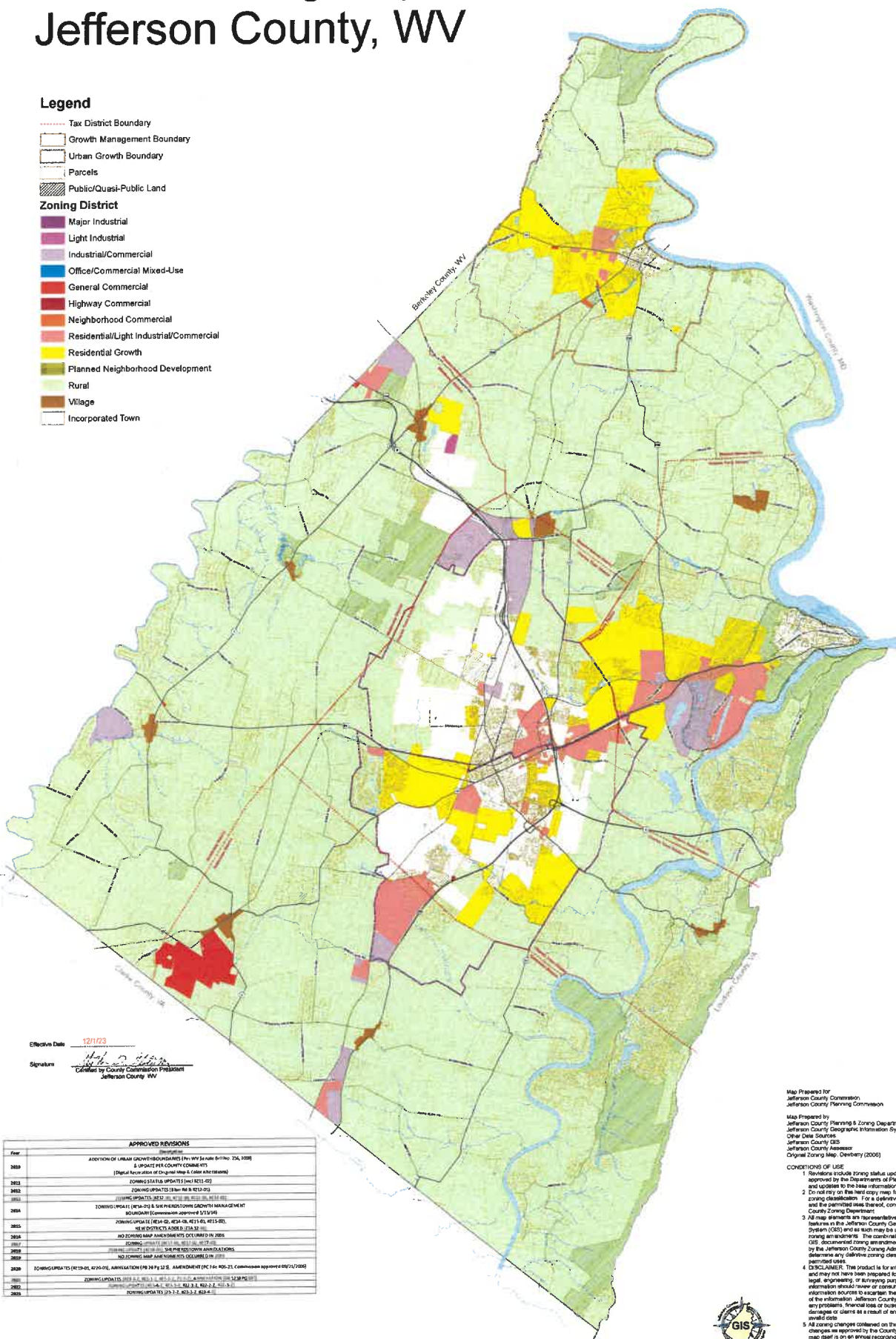


2023 Zoning Map Jefferson County, WV



Legend

- Tax District Boundary
- Growth Management Boundary
- Urban Growth Boundary
- Parcels
- Public/Quasi-Public Land
- Zoning District**
- Major Industrial
- Light Industrial
- Industrial/Commercial
- Office/Commercial Mixed-Use
- General Commercial
- Highway Commercial
- Neighborhood Commercial
- Residential/Light Industrial/Commercial
- Residential Growth
- Planned Neighborhood Development
- Rural
- Village
- Incorporated Town



Effective Date: 12/1/23
 Signature: [Signature]
 Certified by County Commission President
 Jefferson County, WV

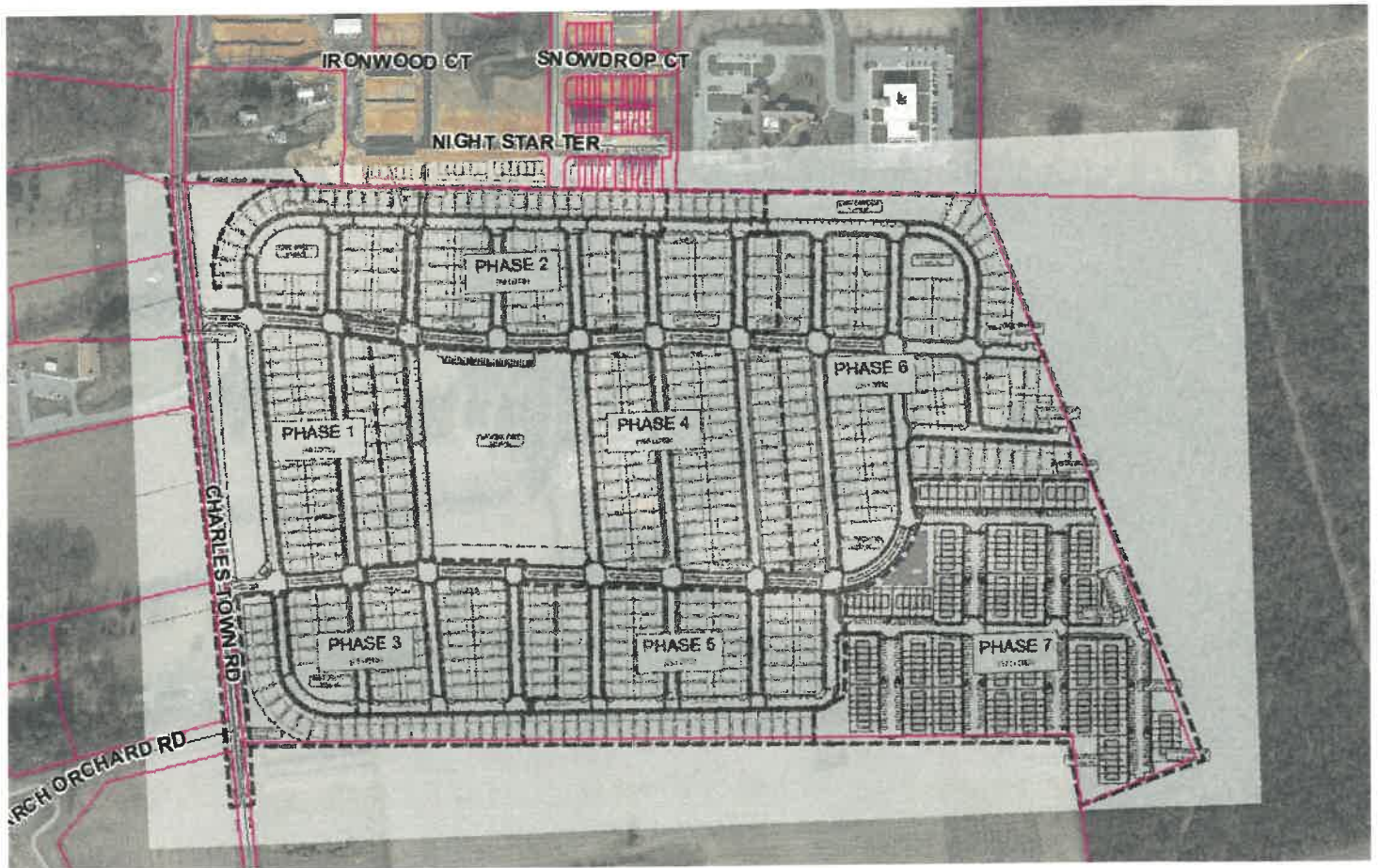
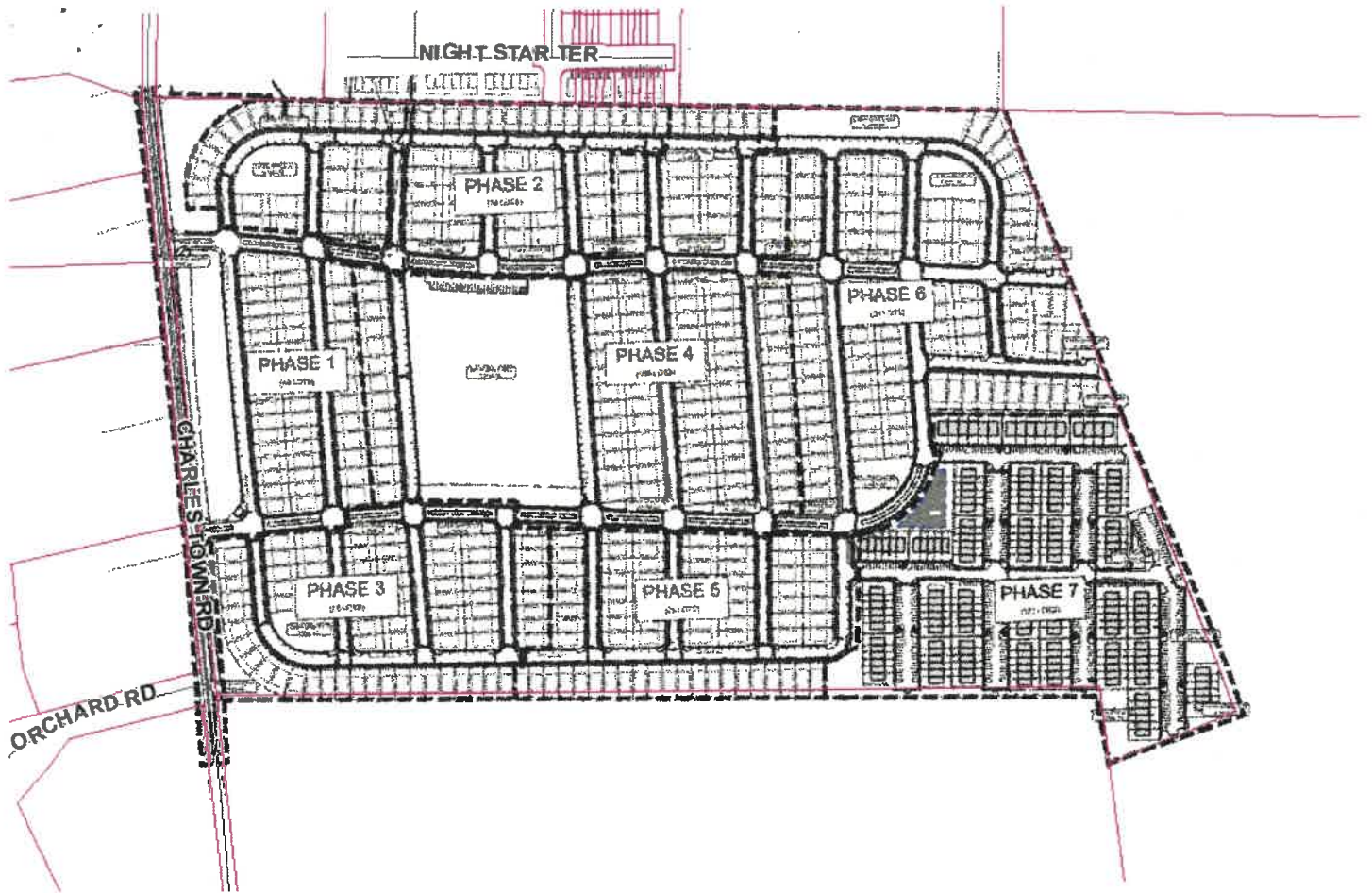
Year	APPROVED REVISIONS
2009	ADDITION OF URBAN GROWTH BOUNDARIES (PLANNING & ZONING DEPARTMENT 2008) & UPDATE PER COUNTY COMMISSIONS (Digital Acquisition of Digital Map & Data Information)
2012	ZONING MAP AMENDMENTS (PLANNING & ZONING DEPARTMENT 2011)
2013	ZONING MAP AMENDMENTS (PLANNING & ZONING DEPARTMENT 2012)
2014	ZONING MAP AMENDMENTS (PLANNING & ZONING DEPARTMENT 2013)
2015	ZONING MAP AMENDMENTS (PLANNING & ZONING DEPARTMENT 2014)
2016	ZONING MAP AMENDMENTS (PLANNING & ZONING DEPARTMENT 2015)
2017	ZONING MAP AMENDMENTS (PLANNING & ZONING DEPARTMENT 2016)
2018	ZONING MAP AMENDMENTS (PLANNING & ZONING DEPARTMENT 2017)
2019	ZONING MAP AMENDMENTS (PLANNING & ZONING DEPARTMENT 2018)
2020	ZONING MAP AMENDMENTS (PLANNING & ZONING DEPARTMENT 2019)
2021	ZONING MAP AMENDMENTS (PLANNING & ZONING DEPARTMENT 2020)
2022	ZONING MAP AMENDMENTS (PLANNING & ZONING DEPARTMENT 2021)
2023	ZONING MAP AMENDMENTS (PLANNING & ZONING DEPARTMENT 2022)

Map Prepared for:
 Jefferson County Commission
 Jefferson County Planning Commission

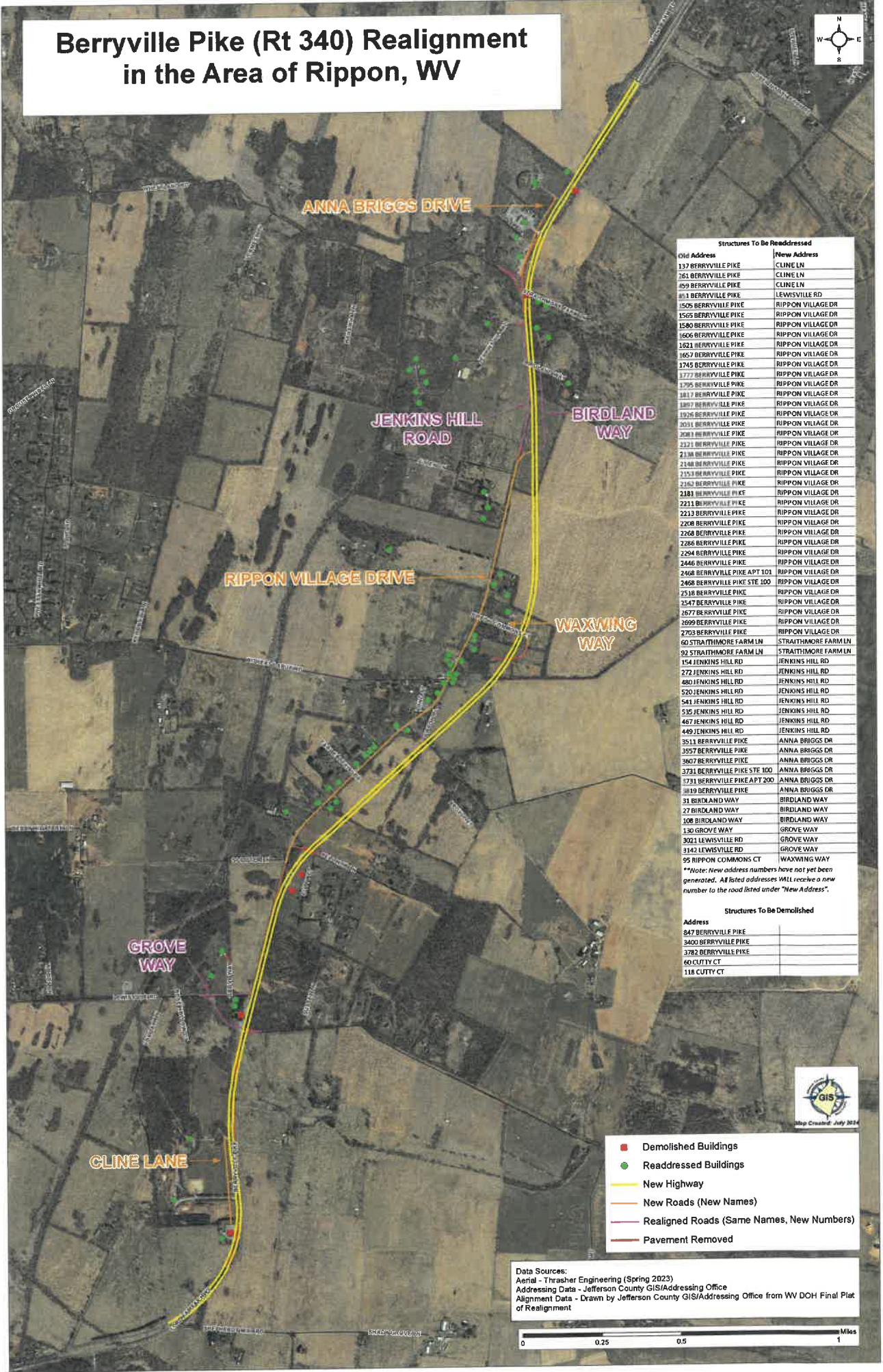
Map Prepared by:
 Jefferson County Planning & Zoning Department
 Jefferson County Geographic Information System
 Chief Data Officer:
 Jefferson County GIS
 Jefferson County Planner
 Original Zoning Map: Dentberry (2006)

- CONDITIONS OF USE**
1. Revisions include zoning status updates as approved by the Department of Planning & Zoning and updates to the base information (roads, parcels, etc.)
 2. Do not rely on the hard copy map for any definitive zoning classification. For a definitive zoning classification and the permitted use thereof, consult the Jefferson County Zoning Department.
 3. All map elements are non-exclusive of geographic features in the Jefferson County Geographic Information System (GIS) and as such may be updated via automated zoning amendments. The combination of the map, the GIS, documented zoning amendments and interpretation by the Jefferson County Zoning Administrator shall determine any definitive zoning classification and permitted uses.
 4. **DISCLAIMER:** This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the appropriate liability of the information. Jefferson County declines all liability for any problems, financial loss or otherwise, consequences/damages or claims as a result of errors, inaccuracies or omissions.
 5. All zoning changes reflected on the map are official changes as approved by the County Commission. The map is part of an annual rezoning schedule and will be signed and recorded in January of subsequent year. Any rezoning updates, not recorded, but available online will reflect the most current zoning information available.





Berryville Pike (Rt 340) Realignment in the Area of Rippon, WV

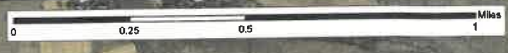


Structures To Be Readdressed	
Old Address	New Address
137 BERRYVILLE PIKE	CLINE LN
261 BERRYVILLE PIKE	CLINE LN
499 BERRYVILLE PIKE	CLINE LN
411 BERRYVILLE PIKE	LEWISVILLE RD
1505 BERRYVILLE PIKE	RIPPON VILLAGE DR
1565 BERRYVILLE PIKE	RIPPON VILLAGE DR
1580 BERRYVILLE PIKE	RIPPON VILLAGE DR
1606 BERRYVILLE PIKE	RIPPON VILLAGE DR
1621 BERRYVILLE PIKE	RIPPON VILLAGE DR
1657 BERRYVILLE PIKE	RIPPON VILLAGE DR
1745 BERRYVILLE PIKE	RIPPON VILLAGE DR
1777 BERRYVILLE PIKE	RIPPON VILLAGE DR
1795 BERRYVILLE PIKE	RIPPON VILLAGE DR
1817 BERRYVILLE PIKE	RIPPON VILLAGE DR
1897 BERRYVILLE PIKE	RIPPON VILLAGE DR
1926 BERRYVILLE PIKE	RIPPON VILLAGE DR
2031 BERRYVILLE PIKE	RIPPON VILLAGE DR
2081 BERRYVILLE PIKE	RIPPON VILLAGE DR
2121 BERRYVILLE PIKE	RIPPON VILLAGE DR
2138 BERRYVILLE PIKE	RIPPON VILLAGE DR
2148 BERRYVILLE PIKE	RIPPON VILLAGE DR
2153 BERRYVILLE PIKE	RIPPON VILLAGE DR
2162 BERRYVILLE PIKE	RIPPON VILLAGE DR
2181 BERRYVILLE PIKE	RIPPON VILLAGE DR
2211 BERRYVILLE PIKE	RIPPON VILLAGE DR
2213 BERRYVILLE PIKE	RIPPON VILLAGE DR
2208 BERRYVILLE PIKE	RIPPON VILLAGE DR
2268 BERRYVILLE PIKE	RIPPON VILLAGE DR
2286 BERRYVILLE PIKE	RIPPON VILLAGE DR
2294 BERRYVILLE PIKE	RIPPON VILLAGE DR
2446 BERRYVILLE PIKE	RIPPON VILLAGE DR
2468 BERRYVILLE PIKE APT 101	RIPPON VILLAGE DR
2468 BERRYVILLE PIKE STE 100	RIPPON VILLAGE DR
2518 BERRYVILLE PIKE	RIPPON VILLAGE DR
2547 BERRYVILLE PIKE	RIPPON VILLAGE DR
2677 BERRYVILLE PIKE	RIPPON VILLAGE DR
2699 BERRYVILLE PIKE	RIPPON VILLAGE DR
2703 BERRYVILLE PIKE	RIPPON VILLAGE DR
60 STRATHMORE FARM LN	STRATHMORE FARM LN
92 STRATHMORE FARM LN	STRATHMORE FARM LN
154 JENKINS HILL RD	JENKINS HILL RD
272 JENKINS HILL RD	JENKINS HILL RD
480 JENKINS HILL RD	JENKINS HILL RD
520 JENKINS HILL RD	JENKINS HILL RD
541 JENKINS HILL RD	JENKINS HILL RD
535 JENKINS HILL RD	JENKINS HILL RD
467 JENKINS HILL RD	JENKINS HILL RD
449 JENKINS HILL RD	JENKINS HILL RD
3511 BERRYVILLE PIKE	ANNA BRIGGS DR
3557 BERRYVILLE PIKE	ANNA BRIGGS DR
3807 BERRYVILLE PIKE	ANNA BRIGGS DR
3731 BERRYVILLE PIKE STE 100	ANNA BRIGGS DR
1731 BERRYVILLE PIKE APT 200	ANNA BRIGGS DR
1119 BERRYVILLE PIKE	ANNA BRIGGS DR
31 BIRDLAND WAY	BIRDLAND WAY
27 BIRDLAND WAY	BIRDLAND WAY
108 BIRDLAND WAY	BIRDLAND WAY
130 GROVE WAY	GROVE WAY
3021 LEWISVILLE RD	GROVE WAY
3142 LEWISVILLE RD	GROVE WAY
95 RIPPON COMMONS CT	WAXWING WAY

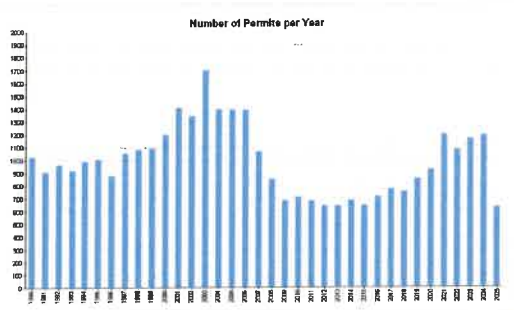
Structures To Be Demolished	
Address	
847 BERRYVILLE PIKE	
3400 BERRYVILLE PIKE	
3782 BERRYVILLE PIKE	
60 CUTTY CT	
118 CUTTY CT	

- Demolished Buildings
- Readdressed Buildings
- New Highway
- New Roads (New Names)
- Realigned Roads (Same Names, New Numbers)
- Pavement Removed

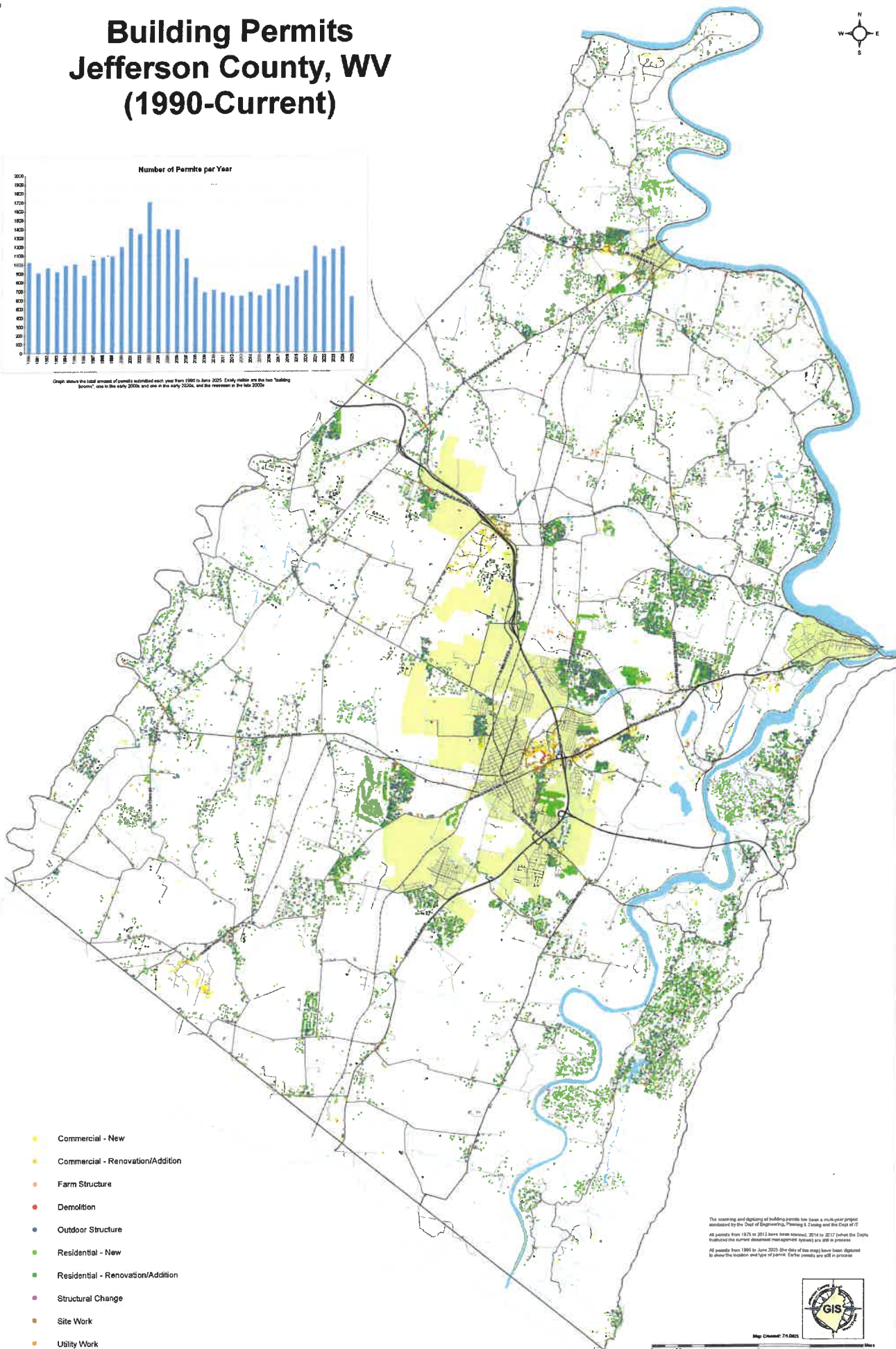
Data Sources:
 Aerial - Thrasher Engineering (Spring 2023)
 Addressing Data - Jefferson County GIS/Addressing Office
 Alignment Data - Drawn by Jefferson County GIS/Addressing Office from WV DOH Final Plat of Realignment



Building Permits Jefferson County, WV (1990-Current)



Graph shows the total amount of permits submitted each year from 1990 to June 2025. Early, middle and late "building booms" are in the early 2000s and one in the early 2020s, and the recession in the late 2000s.



- Commercial - New
- Commercial - Renovation/Addition
- Farm Structure
- Demolition
- Outdoor Structure
- Residential - New
- Residential - Renovation/Addition
- Structural Change
- Site Work
- Utility Work

The mapping and digitizing of building permits has been a multi-year project undertaken by the Dept of Engineering, Planning & Training and the Dept of IT. All permits from 1979 to 2013 have been entered; 2014 to 2017 when the Dept. finished the former database management system per GIS in process. All permits from 1990 to June 2025 the date of this map have been digitized to show the location and type of permit. Earlier permits are still in process.

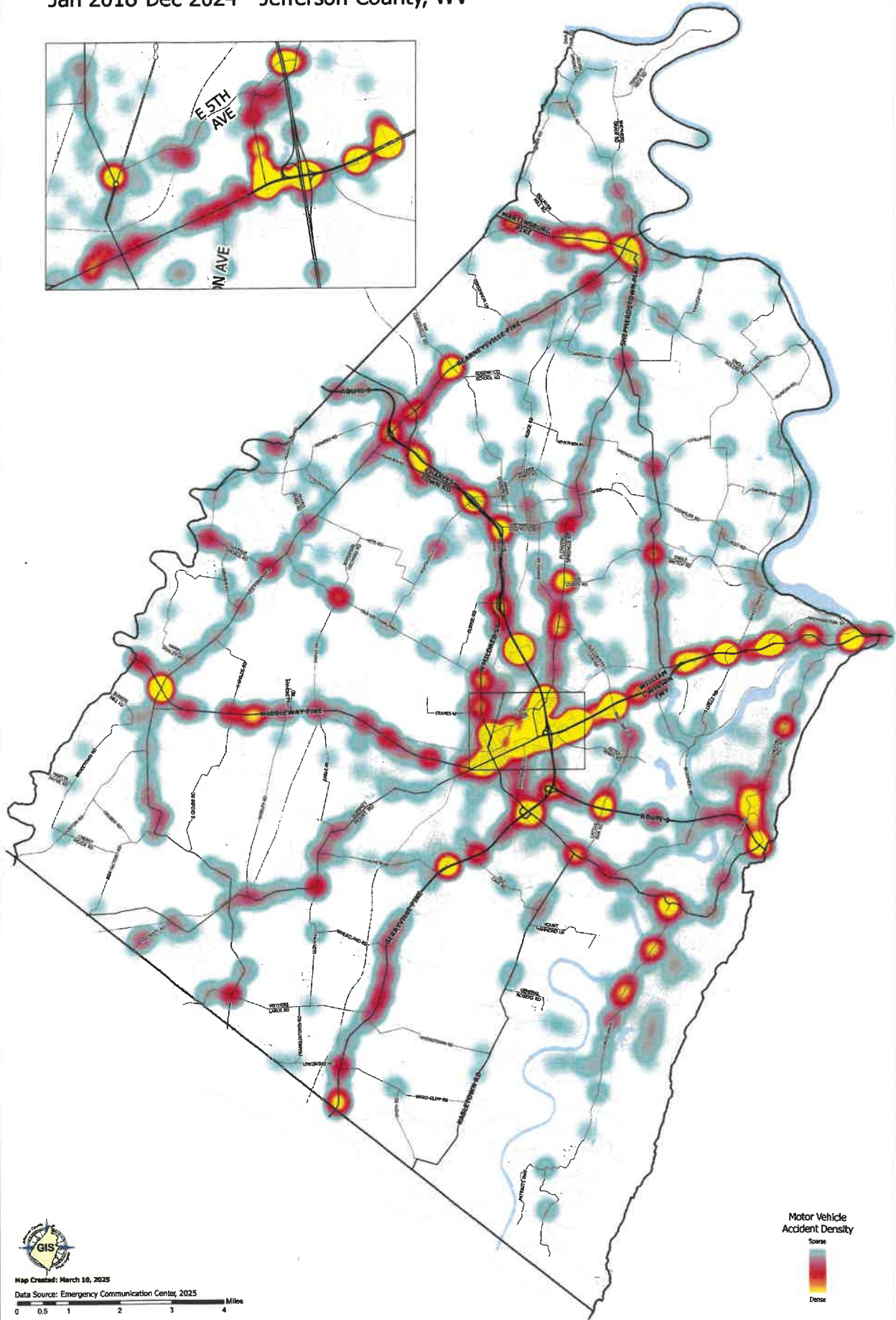
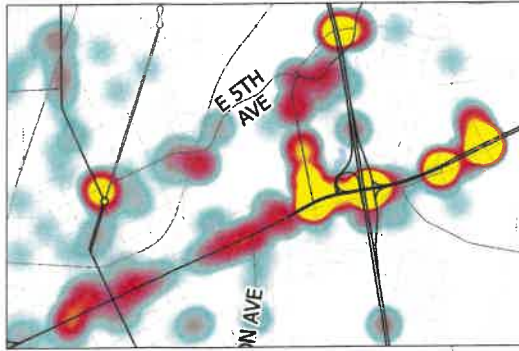


Map Created: 7/1/2023



Motor Vehicle Accident Density

Jan 2018-Dec 2024 - Jefferson County, WV



Map Created: March 10, 2025

Data Source: Emergency Communication Center, 2025

0 0.5 1 2 3 4 Miles

Motor Vehicle Accident Density

Score



Dense

Recently Completed Projects:

- NextGen 911 Migration
- County Annual Events map (ex: Fair, Mountain Heritage Festival, etc)
- County Commission Dashboard
- 250th Anniversary Bee Line March online map
- Revolutionary War Soldier Burials online map
- Natural & Cultural Heritage Resources Dashboard

Current Projects:

Addressing

- Berryville Pike Project
- Road Sign Inventory & Repair project

911

- Schools Indoor Mapping
- ArcGIS Pro Migration
- EMS Data Expansion

Planning

- Permit Inventory
- Site Plan layer
- Zoning Certificates
- Zoning Variances

Online

- Migration of all online maps to ArcGIS Online
- Jefferson County Roads Map (like old Explore map)
- Emergency & Social Services map (ex: shelters, cooling stations, etc)

Eastern Panhandle GIS



Users Group Meeting

Eastern Panhandle GIS Users Group Meeting:

Hosted by staff from Jefferson County GIS/Addressing & Washington County Planning

The Eastern Panhandle GIS Users Group (EPan) Meeting is an annual one-day conference designed to highlight local and regional GIS endeavors. This year, the event will be held at the Shepherdstown Fire Dept in Shepherdstown, WV on Thursday, September 4, 2025. EPan is free to attend.

ROBERT'S RULES OF ORDER CHEAT SHEET

Robert's Rules of Order is a manual of parliamentary procedures that governs most organizations with boards of directors. Robert's Rules of Order are a provision of each of the SMPS chapter's bylaws normally stated as the following:

"The rules contained in the most recent edition of Robert's Rules of Order shall provide the rules of procedure for the Chapter where they are not inconsistent with the provisions of the Articles of Incorporation or these bylaws."

TYPES OF MOTIONS

- **Main Motion:** Introduce a new item
- **Subsidiary Motion:** Change or affect how to handle a main motion (vote on this before main motion)
- **Privileged Motion:** Urgent or important matter unrelated to pending business
- **Incidental Motion:** Questions procedure of other motions (must consider before the other motion)
- **Motion to Table:** Kills a motion
- **Motion to Postpone:** Delays a vote (can reopen debate on the main motion)

EVERY MOTION HAS 6 STEPS

1. **Motion:** A member rises or raises a hand to signal the chairperson.
2. **Second:** Another member seconds the motion.
3. **Restate motion:** The chairperson restates the motion.
4. **Debate:** The members debate the motion.
5. **Vote:** The chairperson restates the motion, and then first asks for affirmative votes, and then negative votes.
6. **Announce the vote:** The chairperson announces the result of the vote and any instructions.

TIP! If the board is in obvious agreement, the chairperson may save time by stating, "If there is no objection, we will adopt the motion to..." Then wait for any objections. Then say, "Hearing no objections, (state the motion) is adopted." And then state any instructions. If a member objects, first ask for debate, then vote and then announce the vote.

REQUESTING POINTS OF SOMETHING

Certain situations need attention during the meeting, but they don't require a motion, second, debate or voting. It's permissible to state a point during a meeting where the chairperson needs to handle a situation right away. Board members can declare a Point of Order, Point of Information, Point of Inquiry, or Point of Personal Privilege.

- **Point of Order:** Draws attention to a breach of rules, improper procedure, breaching of established practices, etc.
- **Point of Information:** A member may need to bring up an additional point or additional information (in the form of a nondebatable statement) so that the other members can make fully informed votes.

- **Point of Inquiry:** A member may use point of inquiry to ask for clarification in a report to make better voting decisions.
- **Point of Personal Privilege:** A member may use point of personal privilege to address the physical comfort of the setting such as temperature or noise. Members may also use it to address the accuracy of published reports or the accuracy of a member's conduct.

TIPS AND REMINDERS FOR CHAIRPERSONS

Robert's Rules of Order, which is also widely known as parliamentary procedure, was developed to ensure that meetings are fair, efficient, democratic and orderly. A skilled chairperson allows all members to voice their opinions in an orderly manner so that everyone in the meeting can hear and be heard. The following tips and reminders will help chairpersons to run a successful and productive meeting without being run over or running over others.

- Follow the agenda to keep the group moving toward its goals.
- Let the group do its own work; don't overcommand.
- Control the flow of the meeting by recognizing members who ask to speak.
- Let all members speak once before allowing anyone to speak a second time.
- When discussions get off-track, gently guide the group back to the agenda.
- Model courtesy and respect, and insist that others do the same.
- Help to develop the board's skills in parliamentary procedure by properly using motions and points of order.
- Give each speaker your undivided attention.
- Keep an emotional pulse on the discussions.
- Allow a consensus to have the final authority of the group.

Action	What to say	Can speaker be interrupted?	Need a second?	Can this be debated?	Can this be amended?	Votes needed
Introduce main motion	"I move to..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move to amend the motion by..."	No	Yes	Yes	Yes	Majority
Move item to committee	"I move that we refer the matter to committee."	No	Yes	Yes	No	Majority
Postpone item	"I move to postpone the matter until..."	No	Yes	Yes	No	Majority
End debate	"I move the previous question."	No	Yes	Yes	No	Majority
Object to procedure	"Point of order."	Yes	No	No	No	Chair's decision
Recess the meeting	"I move that we recess until..."	No	Yes	No	No	Majority
Adjourn the meeting	"I move to adjourn the meeting."	No	Yes	No	No	Majority
Request information	"Point of information."	No	Yes	No	No	No vote
Overrule the chair's ruling	"I move to overrule the chair's ruling."	Yes	Yes	Yes	No	Majority
Extend the allotted time	"I move to extend the time by _____ minutes."	No	Yes	No	Yes	2/3
Enforce the rules or point out incorrect procedure	"Point of order."	Yes	No	No	No	No vote
Table a motion	"I move to table..."	No	Yes	No	No	Majority
Verity voice vote with count	"I call for a division."	No	No	No	No	No vote
Object to considering some undiplomatic matter	"I object to consideration of this matter..."	Yes	No	No	No	2/3
Take up a previously tabled item	"I move to take from the table..."	No	Yes	No	No	Majority
* Reconsider something already disposed of	"I move to reconsider our action to..."	Yes	Yes	Yes	Yes	Majority
Consider something out of it scheduled order	"I move to suspend the rules and consider..."	No	Yes	No	No	2/3
Close the meeting for executive session	"I move to go into executive session."	No	Yes	No	No	Majority

*A member may make a motion to reconsider something that was already disposed; however, the reconsidered motion may not be subsequently reconsidered. A motion to reconsider must be made during the same meeting and can extend to a meeting that lasts for more than one day.



Robert's Rules of Order Cheat Sheet

Action	What to Say	Can interrupt speaker?	Need a Second?	Can be Debated?	Can be Amended?	Votes Needed
Introduce main motion	"I move to..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move to amend the motion by // (add or strike words or both)"	No	Yes	Yes	Yes	Majority
Move item to committee	"I move that we refer the matter to committee."	No	Yes	Yes	No	Majority
Postpone item	"I move to postpone the matter until..."	No	Yes	Yes	No	Majority
End debate	"I move the previous question."	No	Yes	Yes	No	Majority
Object to procedure	"Point of order."	Yes	No	No	No	Chair decision
Recess the meeting	"I move that we recess until..."	No	Yes	No	No	Majority
Adjourn the meeting	"I move to adjourn the meeting."	No	Yes	No	No	Majority
Request information	"Point of information."	Yes	No	No	No	No vote
Overrule the chair's ruling	"I move to overrule the chair's ruling."	Yes	Yes	Yes	No	Majority

Action	What to Say	Can interrupt speaker?	Need a Second?	Can be Debated?	Can be Amended?	Votes Needed
Extend the allotted time	<i>"I move to extend the time by ____ minutes."</i>	No	Yes	No	Yes	2/3
Enforce the rules or point out incorrect procedure	<i>"Point of order."</i>	Yes	No	No	No	No vote
Table a Motion	<i>"I move to table..."</i>	No	Yes	No	No	Majority
Verify voice vote with count	<i>"I call for a division."</i>	No	No	No	No	No vote
Object to considering some undiplomatic matter	<i>"I object to consideration of this matter..."</i>	Yes	No	No	No	2/3
Take up a previously tabled item	<i>"I move to take from the table..."</i>	No	Yes	No	No	Majority
Reconsider something already disposed of	<i>"I move to reconsider our action to..."</i>	Yes	Yes	Yes	Yes	Majority
Consider something out of its scheduled order	<i>"I move to suspend the rules and consider..."</i>	No	Yes	No	No	2/3
Close the meeting for executive session	<i>"I move to go into executive session."</i>	No	Yes	No	No	Majority
Personal preference - noise, room temperature, distractions	<i>"Point of privilege"</i>	Yes	No	No	No	No vote

*A member may make a motion to reconsider something that was already disposed; however, the reconsidered motion may not be subsequently reconsidered. [A motion to reconsider](#) must be made during the same meeting and can extend to a meeting that lasts for more than one day.

BoardEffect Global 24/7 Support
support@boardeffect.com

United States
+1 800 961 6429

United Kingdom
+44 208 819 7320

Australia
+61 1300 731 253

South Africa
+27 21 205 1491



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: planningdepartment@jeffersoncountywv.org

Phone: 304-728-3228

2026 MEETING SCHEDULE
JEFFERSON COUNTY PLANNING COMMISSION

Unless otherwise posted, Planning Commission meetings are held in the County Commission Meeting Room located in the main level of the Jefferson County Government Complex (entrance on east side of the building) 393 N. Lawrence Street in Charles Town, West Virginia at 7:00 p.m.

Submission Deadlines

Waiver/Variance*

Concept Plan**

Regularly Scheduled Meeting^

Tuesday, December 23, 2025	Wednesday, November 26, 2025	Tuesday, January 13, 2026
Tuesday, January 20, 2026	Friday, December 26, 2025	Tuesday, February 10, 2026
Tuesday, February 17, 2026	Friday, January 23, 2026	Tuesday, March 10, 2026
Tuesday, March 24, 2026	Friday, February 27, 2026	Tuesday, April 14, 2026
Tuesday, April 22, 2026	Friday, March 27, 2026	Tuesday, May 12, 2026
Tuesday, May 19, 2026	Friday, April 24, 2026	Tuesday, June 9, 2026
Tuesday, June 23, 2026	Friday, May 29, 2026	Tuesday, July 14, 2026
Tuesday, July 21, 2026	Friday, June 26, 2026	Tuesday, August 11, 2026
Tuesday, August 18, 2026	Friday, July 24, 2026	Tuesday, September 8, 2026
Tuesday, September 22, 2026	Friday, August 28, 2026	Tuesday, October 13, 2026
Tuesday, October 20, 2026	Friday, September 22, 2026	Tuesday, November 10, 2026
Tuesday, November 17, 2026	Friday, October 23, 2026	Tuesday, December 8, 2026

^Regularly scheduled Planning Commission Meetings are held on the second Tuesday of each month. The Planning Commission may choose to schedule a Tentative Meeting (as needed) on the fourth Tuesday of every month to conduct Commission business or to meet required deadlines that are in accordance with the Planning Commission's 4th Tuesday Meeting policy (approved 11/14/17). Please check with office Staff for a list of Tentative Meeting dates.

The required application, supporting documentation and applicable fees must be submitted to the office in accordance the Application Submission Deadline Policy, which establishes a 4:00 pm deadline for any application submitted on a Friday.

*The Waiver and Variance deadline is 21 calendar days prior to the meeting to allow for Staff review the applications, and to accommodate the 14-day notice requirements for the placard/sign and mailings to adjacent property owners.

**The Concept Plan deadline is 45 calendar days prior to the meeting to allow for Staff review of the Plan, and to accommodate the 21-day legal advertisement requirement, and the 14-day notice requirements for the placard/sign and mailings to adjacent property owners. All documents & fees must be submitted no later than 4:00 pm.

Changes in the time or location of the meeting shall be noticed on the County's website at www.jeffersoncountywv.org.

Note: if the President of the County Commission or the Planning Commission determines that weather conditions make travel unsafe for the public, County offices may close and/or the meeting may be cancelled. Please check the County's website for possible meeting updates during inclement weather.

Agenda items that have been deferred due to a meeting cancellation will be rescheduled. No additional public notice shall be given. All signs must remain posted on the respective properties until the rescheduled meeting date. Please call the office or check the County's website for the rescheduled meeting date.



Jefferson County, West Virginia
Department of Engineering, Planning and Zoning
Office of Planning and Zoning
116 E. Washington Street, 2nd Floor
P.O. Box 716
Charles Town, West Virginia 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: 304-728-3228

MEMORANDUM

TO: Jefferson County Planning Commission
FROM: Jonathan Saunders, County Engineer
DATE: October 14, 2025
RE: Solar Text Amendment Questions for the Planning Commission

Staff will not have a finalized draft for the October meeting as further clarification from the Commission is required. The County Engineer had the following questions for the Planning Commission:

1. Should all design standard be in the sub reg? Point is, do we want the designer looking at 2 document or just 1? Sub reg and Zoning or just sub reg.
2. Is the limit of 20 megawatts acceptable as proposed in the model ordinance? 1 MW typically takes up 5 to 10 acres depending on technology and environment according to AI. Should we limit the area as well?
3. Based on the limit above, should a commercial site be required to process a Sec. 20.203 Minor Site Development and adhere to section 20.203.B. Site Plan Classifications? That would still be a lot of acreage.
4. A fire response plan and an emergency response plan.

Utility-Scale Solar Energy Systems

MODEL ORDINANCE
FRAMEWORK

Utility-Scale Solar Energy Systems Model Ordinance Framework

American Clean Power Association

The American Clean Power Association (ACP) is the leading voice of today's multi-tech clean energy industry, representing over 800 energy storage, wind, utility-scale solar, clean hydrogen and transmission companies. ACP is committed to meeting America's national security, economic and climate goals with fast-growing, low-cost, and reliable domestic power.

About this Document

This document is intended to provide guidance to local governments considering developing an ordinance or rules related to the development of utility-scale solar energy systems that are permitted as a conditional use by the local government's zoning code. The recommendations and considerations included in this framework draw from a variety of sources including guidance established by national energy laboratories, and existing state laws and local regulations.

Instructions for Use

This document is designed to inform the development of individual ordinances or state regulations to guide the development of utility-scale solar energy systems and is intended to help local governments strike an appropriate balance between the need to develop clean, renewable energy resources and the need to protect the public health, safety and welfare within host communities.

It may not be appropriate to adopt this Model Ordinance precisely as it is written. It is intended to be advisory, and users should not rely upon it as legal advice. Local government officials are urged to seek legal advice from their attorneys before enacting a utility-scale solar energy system ordinance. Local governments must consider how the language in this Model Ordinance may or should be modified to suit local conditions, comprehensive plans, existing land use and zoning provisions.

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Section I: Definitions & Applicability

A. Definitions

The list of terms provided is not exhaustive but defines many of the terms local jurisdictions should consider adding to the definitions section of a solar siting ordinance.

Conditional / Special Use Permit means a permit issued by [County/Village/Town/City] for the siting, construction, and operation of a utility-scale solar energy system (SES).

Module means an individual unit comprised of multiple photovoltaic (PV) cells, with multiple modules used in a solar energy system.

Nameplate capacity means the designed full-load sustained generating output of an energy facility. Nameplate capacity shall be determined by reference to the sustained output of an energy facility even if components of the energy facility are located on different parcels, whether contiguous or noncontiguous.

Nonparticipating property means real property that is not a participating property.

Nonparticipating residence means a residence that is located on nonparticipating property and that is existing and occupied on the date that an application for a permit to develop the SES facility is filed with the [County/Village/Town/City].

Occupied community building means any one or more of the following buildings that is existing and occupied on the date that the application for a permit to develop the SES facility is filed with the [County/Village/Town/City]: a school, place of worship, day care facility, public library, or community center.

Note: An occupied building does not include barns, coops, silos, stables, outbuildings, garages, hangars, storage buildings, machine shops or other similar buildings.

Operator means the entity or individual that operates a utility-scale solar energy system.

Participating property means real property that is the subject of a written agreement between an SES facility owner and the owner of the real property that provides the SES facility owner an easement, option, lease, or license to use the real property for the purpose of constructing a SES facility, or ancillary equipment.

Participating residence means a residence that is located on participating property and that is existing and occupied on the date that an application for a permit to develop the SES facility is filed with the [County/Village/Town/City].

System height means the height of a utility-scale solar energy system, usually referring to ground mounted systems. Total system height is the measurement from the ground to the top of the solar modules associated with a system.

Utility-scale solar energy system (SES) means any device or assembly of devices that

- a. is connected to the grid on the utility side of the meter (“in front of the meter”),
- b. is ground installed, and
- c. uses solar energy from the sun for generating electricity for the primary purpose of wholesale or retail sale and not primarily for consumption on the property on which the device or devices reside.

SES facility includes, but is not limited to, the following equipment and facilities to be constructed by an electric provider or independent power producer: photovoltaic solar panels; inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; circuit breakers and transformers; energy storage facilities; overhead and underground control; communications and radio relay systems and telecommunications equipment; utility lines and installations; generation tie lines; solar monitoring stations; and accessory equipment and structures.

SES owner means:

- a. a person or entity with a direct ownership interest in a utility-scale solar energy system (SES) facility regardless of whether the person is involved in acquiring the necessary rights, permits, and approvals or otherwise planning for the construction and operation of the facility, and
- b. at the time the facility is being developed, a person or entity who is acting as a developer of the facility by acquiring the necessary rights, permits, and approvals or by planning for the construction and operation of the facility, regardless of whether the person will own or operate the facility.

B. Applicability

The requirements of this ordinance shall apply to utility-scale solar energy systems with a nameplate capacity equal to or greater than 20 megawatts (MW) permitted and installed in [County/Village/Town/City] after the effective date of this ordinance.¹

This ordinance does not extend to the general maintenance and repair, or repowering of utility-scale solar energy facilities permitted, installed, or modified prior to the effective date of this ordinance.

C. Application Approval

Applications for permits shall be approved in accordance with Section [XXX] of [County/Village/Town/City] ordinances.

¹ SES Nameplate Capacity – Where a state defines the nameplate capacity of utility-scale (large) projects, the state’s threshold applies.

D. Timeline for Review and Approval

The [County/Village/Town/City] shall complete an initial review of the application to determine whether the required elements in the application established within this ordinance are present and shall provide written notice of completeness or issue a notice of deficiency within 30 calendar days of receipt of the application.

The notice of deficiency must include a list of each requirement included in this ordinance with which the applicant has not sufficiently demonstrated completeness and issue a recommendation and timeline for achieving sufficient completeness.

The [County/Village/Town/City] shall require a public hearing in accordance with their public participation requirements prior to issuance of a conditional / special use permit. The public hearing should be conducted within 45 days of notice of application completeness. Notice of the hearing shall be published in a newspaper of general circulation in the [County/Village/Town/City].

[County/Village/Town/City] shall approve or deny the application within 120 days after receiving the application. The applicant and [County/Village/Town/City] may jointly agree to extend this deadline by up to 120 days.

Section II: Siting Standards

SES facilities may be approved as a conditional use / special use in the applicable zoning district² when in compliance with the following standards and requirements:

A. Setbacks

Local permitting authorities must balance multiple interests while implementing feasible development of SES facilities. Setback requirements are designed to protect public health, safety, and welfare within host communities.

The setback requirements in this section may be waived subject to the written consent of the owner of each affected non-participating property. Evidence or affidavit of any applicable setback waiver easement agreement shall be provided at the time of application.

Common and Accepted Setback requirements:

Participating Property Lines	None
Participating Residences	None
Occupied Community Buildings	75 feet, measured from the nearest edge of the perimeter fencing of the SES facility to the outside wall of the building.
Nonparticipating Residences	100 feet, measured from the nearest edge of the perimeter fencing of the SES facility to the outside wall of the nonparticipating residence, or 200 feet without a vegetative buffer*
Nonparticipating Property Lines	50 feet*
Public Road Rights-of-way	50 feet measured from the nearest edge of the perimeter fencing of the SES facility to the nearest edge of a public road right-of-way.

*Nonparticipating landowners may waive these setback requirements

B. Ground-mounted Solar Module Height

Ground mounted solar modules shall not exceed 25 feet in height above ground when at full tilt.

² Zoning District definitions differ between local jurisdictions, so it is important for each community to assess the right process for permitting solar energy systems across zones.

C. Sound

Solar panels do not emit sound when they convert sunlight into electricity. Rather, sources of sound at solar facilities are associated with converting solar panels electrical output from direct current (DC) electricity into alternating current (AC) electricity and adjusting the voltage such that it can be transmitted to the electrical grid. The inverters and transformers may have fans and cooling systems to ensure proper operation when operating at full load during the heat of the day.

Sound emissions can be minimized through project design and siting inverters away from sensitive noise receptors such as nonparticipating residences.

Solar development shall be regulated consistent with existing sound level limits established for each zoning district.

D. Visual

A [County/Village/Town/City] may require a visual screening buffer of natural vegetation, plantings, and/or fencing that will provide an effective visual and lighting screen between the SES and adjacent residentially zoned parcels with occupied building/structure at the time of permit approval, unless waived by the [County/Village/Town/City], nonparticipating landowner, or other authority having jurisdiction. Existing buffers along an SES facility perimeter shall be preserved when reasonably practicable. Vegetative screening shall be limited in height at full maturity to avoid reducing the productive output of the utility-scale solar energy system.

E. Lighting

Lighting of an SES facility shall be limited to the minimum necessary for safe operation in accordance with the applicable electric code and shall be directed and / or shielded to prevent any direct lighting of adjoining property or any roadway right-of-way.

F. Security and Safety Standards³

Fencing should provide security to prevent unauthorized access to the site, which can help protect equipment and ensure safety. A security fence must be installed along all exterior sides of the SES facility and be equipped with a minimum of one gate and locking mechanism on the primary access side.

Security fences, gates, and warning signs must be maintained in good condition until the solar energy system is decommissioned and removed from the site according to the decommissioning plan.

³ Local jurisdictions may have also specific zoning laws and/or building codes that dictate fencing requirements, including height, materials, and setback distances from property lines, which should be taken into consideration for consistency.

Fencing for the SES facility shall comply with the latest version of the National Electric Safety Code as of the effective date of this ordinance.⁴

Section III: Permitting & Environmental Compliance

A. Site Plan Applications

A site plan application shall include the following information:

- A. A project summary, including, to the extent available:
 - i. a general description of the project, including the general location of the project.
 - ii. a description of the applicant, project owner and operator, including their respective business structures; including the names, addresses, and phone numbers of the applicants, owners and operators, and all property owners;
 - iii. total name plate generating capacity of the SES facility;
 - iv. typical equipment manufacturers of key equipment (modules, inverters, racking system); and
 - v. the maximum height of the solar modules.
- B. A preliminary site plan for the installation of the SES facility showing the planned location of each of the primary structures, property lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, substation(s), electrical cabling from the solar modules to the substation's ancillary equipment, transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
- C. Letters of consent to construct from all surface property owners on which the SES facility is located.
- D. Stormwater assessment including a Stormwater Pollution Prevention Plan to minimize, mitigate, and repair any impacts to site drainage during site preparation and project construction.
- E. Vegetation management plan (construction and operations).
- F. A fire response plan and an emergency response plan.
- G. Decommissioning Plan complying with the requirements of Section [XXX] of this [County/Village/Town/City] ordinance.
- H. A summary of the community outreach and education efforts undertaken by the applicant, including a description of any public meetings and / or meetings with elected officials.
- I. Any other information required by the [County/Village/Town/City] as part of its zoning regulations, including all studies, reports, certifications, and approvals

⁴ "National Electric Safety Code" (NESC) is a set of safety standards that set the ground rules and guidelines for practical safeguarding of utility workers and the public during the installation, operation, and maintenance of electric supply, communication lines and associated equipment. Per regulations, a fence of at least 6 ft (with 3-strand barbed wire) or 7ft in height must enclose the electrical components of a solar facility. Common fencing is chain link or wildlife / game fencing where appropriate. Rule 092E of the NESC describes grounding methods applicable to fences at electric supply facilities.

demonstrating compliance with the provisions of all applicable federal, state, and local regulations.

B. Special / Conditional Use Permits

Applications for special use or conditional use permits shall be considered and approved in accordance with Section [XXX] of [County/Village/Town/City] ordinances.

C. Environmental Compliance

An applicant shall notify and consult with relevant local, state, and federal environmental jurisdictions and agencies regarding the proposed project and potential protected resources that may be present before submission of a site plan application.

An applicant shall describe any avoidance, minimization, and/or mitigation measures for protected resources incorporated into the project plan.

D. Vegetation Management

The owner of the solar energy system shall plant, establish, and maintain perennial vegetated groundcover on the ground around and under the solar panels per project design, and as appropriate in project site buffer areas for the life of the solar energy system.

A [County/Village/Town/City] may require a vegetation management plan that considers vegetation that:

- A. is project location site specific and compatible with the solar energy system design at the project site.
- B. provides for the planting of noninvasive species and the use of native or naturalized species if the use of noninvasive and native or naturalized species are:
 - i. appropriate to the region; and
 - ii. economically feasible; provides for site preparation and maintenance practices that do not include planting of invasive species and noxious weeds (as defined by the [County/Village/Town/City] regulations).
- C. maintains current stormwater runoff flows or reduces flow such that it does not have material impact on surrounding natural features (ie., wetlands, etc.).

Section IV: Decommissioning⁵

A decommissioning plan that is consistent with agreements reached between the applicant and other landowners of participating properties and that ensures the return of all participating properties to a useful condition, similar to the preconstruction condition, including removal of above-surface facilities and infrastructure that have no ongoing purpose, shall be provided by the applicant.

⁵ See Attachment for model decommissioning language.

The decommissioning plan shall include, but is not limited to, financial assurance in the form of a bond, a parent company guarantee, or an irrevocable letter of credit, but excluding cash, to be determined by applicant. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the SES, after deducting salvage or recycling value, as calculated by a third party with expertise in decommissioning, hired by the applicant.

The financial assurance may be posted in increments as follows:

- i. The first posting date shall be on or before the tenth (10th) anniversary of the commercial operations date of the SES facility.
- ii. Additional posting dates shall occur not less frequently than every five (5) years following the first payment.
- iii. The last posting date shall be on or before the twenty-fifth (25th) anniversary of the commercial operations date of the SES facility.

Section V: Resources

As state and local jurisdictions consider the recommended framework for siting and permitting SES facilities outlined in this model ordinance, ACP seeks to provide communities with resources and technical guidance. ACP encourages the review of the following materials:

Solar as a Neighbor: Living Near a Solar Project: If a new solar project is proposed in your community, it is important to understand how the project will fit into the existing landscape. Solar projects will improve air quality and provide communities with real economic benefits through land lease payments and local tax revenue.

Solar Panels are Safe for Your Community: As solar energy facilities are proposed in more communities, community members have questions about what materials are included in solar photovoltaic (PV) panels, and if they pose an environmental or health risk to surrounding neighbors. Solar panels are made of materials like glass, aluminum, copper, and semiconductors commonly found in household appliances and technology.

In the U.S., the two most used solar cells—Crystalline Silicon (c-Si) and Thin Film Cadmium Telluride (CdTe)—do not pose a danger to human health or the environment.

Protect Private Property Rights to Site Clean Energy: Since solar farms are often built on farmland, there have been concerns that solar is growing too fast and changing the fabric of rural America. In reality, very little farmland is needed for solar projects and only 0.6% of existing farmland would be required for solar farms to power 45% of the American grid. With this in mind, property rights should be protected for siting clean energy projects on private land. For a more in depth look at questions communities may have regarding solar and farmland conversion, please see: **Solar Energy & Farmland FAQ: What does a new solar facility mean for farmland?**

Photovoltaics & Farmland: How Solar Power Enhances Rural Ecosystems: Given the challenges of modern farming, many families are choosing to lease land for solar generation to preserve their farm for the next generation by securing a stable source of income and avoiding pressures to sell land to developers who will permanently alter it and remove it from agriculture.

Unlike residential or commercial real estate development, land set aside for solar energy can be returned to farming after the project's useful lifespan, if the landowner chooses. Solar on rural land can help:

- i. Improve soil health
- ii. Reduce nutrient runoff
- iii. Enhance stormwater management
- iv. Form and retain soil
- v. Reduce pesticide use
- vi. Reduce water use
- vii. Preserve future farming opportunities.

Agrivoltaics: Considerations for Co-locating Solar and Agricultural Practices: Agrivoltaics refers to dual use areas with the careful integration of agricultural practices and solar energy generation on the same plot of land. Agrivoltaics is dependent upon site-specific environmental and economic considerations. Since agrivoltaics projects can often raise costs, may reduce potential energy generation, and require special design and operational considerations, both developers and landowners must weigh such considerations between the economic and environmental benefits of solar power with those of paired agricultural benefits.

Beneficial Practices for Establishment and Maintenance of Vegetation at Utility-Scale Solar Sites: This fact sheet covers best practices for maintaining vegetation at solar sites.

Renewable Energy Facility Decommissioning: Before a project is built, developers create a plan for removing equipment and restoring landowners' property to a useful condition similar to preconstruction conditions when the project is no longer operational. Many local municipalities and state governments require decommissioning plans as a permitting condition.

What happens when a solar facility is decommissioned?: In general, solar projects receive approval for construction, and operate between thirty and forty years. Upon completion of the economic life of a project or, potentially permit expiration, the project owner will determine whether to apply for a new permit or remove the facility. This fact sheet details end-of-life strategies for solar projects.

Solar Panel Recycling and Disposal: Solar panels are primarily composed of non-hazardous materials and present minimal risks to the environment and human health. Their disposal and recycling processes can recover more than 90% of materials, maximizing resource efficiency.

Property Values and Utility-Scale Solar Facilities: Utility-scale solar installations require large tracts of land; some communities have raised concerns a nearby solar facility may impact local property values. Real world experience has demonstrated this to not be true.

Attachment: Model Decommissioning Language

Section A: DEFINITIONS

- A. "Renewable energy facility" includes:
 - i. Wind power facility
 - ii. Solar power facility
 - iii. Battery storage facility
- B. "Battery storage facility" includes:
 - i. An energy storage facility that uses battery technologies to absorb electricity, store that electricity for a period of time, and then deliver that electricity to the electric grid.
 - ii. battery enclosures and battery systems, and other equipment used to support the operation of battery storage facilities, including underground or aboveground electrical transmission or communications lines, electric transformers, telecommunications equipment, access road(s).
- C. "Wind power facility" includes but is not limited to the following equipment and ancillary equipment to be constructed by an electric provider or independent power producer: wind towers; wind turbines; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; circuit breakers and transformers; energy storage facilities; overhead and underground control; communications and radio relay systems and telecommunications equipment; monitoring and recording equipment and facilities; erosion control facilities; utility lines and installations; generation tie lines; ancillary buildings; wind monitoring stations; and accessory equipment and structures.
- D. "Solar power facility" includes, but is not limited to, the following equipment and facilities to be constructed by an electric provider or independent power producer: photovoltaic solar panels; inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; circuit breakers and transformers; energy storage facilities; overhead and underground control; communications and radio relay systems and telecommunications equipment; utility lines and installations; generation tie lines; solar monitoring stations; and accessory equipment and structures.
- E. "Grantee" means a person or entity who:
 - i. leases property from a landowner; and
 - ii. owns a renewable energy facility on the property.

Section B: DECOMMISSIONING PLAN

This section applies to all renewable energy facilities that have not filed an application with the authority having jurisdiction to begin construction by XX

- i. LIMITATIONS. Sections A-B shall not apply to—
 - i. Projects that have already obtained permits;

- ii. Operating renewable energy facilities; or
- iii. Projects that have already begun the permitting process.
- ii. GENERAL— A renewable energy facility owner may not install or locate a renewable energy facility unless the project owner submits a decommissioning plan or alternative agreement with the required provisions described in subsection (c) to the applicable permitting authority.
- iii. REQUIRED PROVISIONS— Each decommissioning plan or alternative agreement should:
 - i. Provide that the owner of a renewable energy facility shall be responsible for, at its expense, the proper decommissioning of the facility at the end of the operational life of the renewable energy facility.
 - ii. Describe what conditions constitute the end of the operational life of the facility and therefore the trigger need to implement the decommissioning strategy.
 - a. Describe a decommissioning strategy to either:
 - b. repower the energy facility's equipment;
 - c. remove the facility's infrastructure from the landowner's property and return the property to a useful condition, similar to the preconstruction condition, including:
 - (i) remove above-surface project facilities and infrastructure that have no ongoing operational purpose, unless otherwise negotiated with the landowner or host community or required by permit; and
 - (ii) remove underground facilities and infrastructure that have no ongoing operational purpose to a depth of 3 feet below the surface, unless otherwise negotiated with the landowner or host community or required by permit; or
 - (iii) alternatively restore buildings, roads, or any other associated facilities as agreed to by the landowner, including leaving facility infrastructure on site. Any option for alternative agreement should be included in the decommissioning plan.
 - iii. Include a provision on financial assurance, as described in Sec. 0Y.
 - iv. REEVALUATION OF PLAN — Unless otherwise negotiated with the landowner or host community, the renewable energy facility owner and permitting authority shall reevaluate the Plan every 5 years after the first 10 years of operation and adjust the Plan as necessary to account for advancements in technologies and processes for decommissioning, salvaging, or repowering⁶ of renewable energy facilities.

Section C: EVIDENCE OF FINANCIAL ASSURANCE OF FACILITY OWNER.

⁶ Repowering refers to the replacement of all or substantially all of the energy facility for the purpose of extending its life. Repowering does not include repairs related to the ongoing operations that do not increase the capacity or energy output of the energy facility.

- A. **REQUIRED AGREEMENT PROVISION ON FINANCIAL ASSURANCE.** A renewable energy facility decommissioning plan or agreement must provide that the grantee shall obtain and deliver to the authority having jurisdiction (e.g., permitting authority or landowner where there is no permitting authority) evidence of financial assurance that conforms to the requirements of this section to secure the performance of the grantee's obligation to remove the grantee's renewable energy facilities as described by Section 0X of this chapter.
- B. **ACCEPTABLE FORMS OF FINANCIAL ASSURANCE.** Acceptable forms of financial assurance include, but are not limited to, one or more of the following instruments—
- i. Surety bond;
 - ii. Letter of credit;
 - iii. Self-guarantee;
 - iv. Parent guarantee;
 - v. Escrow; or
 - vi. Another form of financial assurance reasonably acceptable to the developer.
- C. **TOTAL AMOUNT OF FINANCIAL ASSURANCE REQUIRED.**
- i. **ESTIMATES.** The evidence of financial security in paragraph (b) shall be accompanied by an estimate of the total cost of decommissioning, net of the salvage and resale value of the equipment.
 - ii. **QUALIFIED INDIVIDUAL.** The estimates described in subparagraph (1) of this section shall be calculated by one of the following qualified individuals—
 - a. A third-party, registered professional engineer; or
 - b. Another person with suitable experience in the decommissioning of the relevant renewable energy device, as agreed upon by the project owner and the permit authority or landowner.
 - iii. **AMOUNT OF FINANCIAL ASSURANCE.** The amount of financial assurance required shall be the estimated cost of decommissioning, net of the estimated salvage value and resale value of the renewable energy facility at the time of decommissioning. Financial assurances provided in lease agreements should count towards the total bond amount, where appropriate.
- D. **SCHEDULE.** The required bond or other security shall be posted according to the following payment schedule—
- i. **FIRST POSTING DATE.** The first posting date shall be on or before the tenth (10th) anniversary of the commercial operations date of the renewable energy facility.
 - ii. **INTERMEDIARY POSTING DATES.** Additional posting dates shall occur not less frequently than every five (5) years following the first payment.
 - iii. **LAST POSTING DATE.** The last posting date shall be on or before the twenty-fifth (25th) anniversary of the commercial operations date of the renewable energy facility.
- E. **AMOUNT OF PAYMENTS.** The amount of each bond or other security payment shall be determined between the grantee and the authority having jurisdiction but must be of an

amount sufficient to fulfill the timeline requirements outlined in paragraph (d) of this section.

- F. **TRANSFER OF OWNERSHIP.** In the event of a transfer of ownership of a renewable energy facility, the evidence of financial security posted by the transferor shall remain in place and shall not be released until such time as evidence of financial security meeting the requirements of this section is posted by the new owner of the renewable energy facility and deemed acceptable by the authority having jurisdiction.

Section D. TIMING OF DECOMMISSIONING

IN GENERAL — The decommissioning of the energy facility shall be completed by the owner of the facility within 12 months, to the extent practicable, after ending commercial operations or the end of the useful life of the renewable energy facility, as defined as the failure to generate electricity from commercial renewable energy equipment for a period of twenty-four (24) consecutive months, unless otherwise defined in the lease agreement.

**Public Comment for Jefferson County Planning Commission
meeting for September 9, 2025**

I, **David Tabb**, a lifelong resident/taxpayer make the following comments:

PUBLIC COMMENT –

Now come David Tabb, and submit a document with an affidavit attached.

Section 6.2 Variances A.1

“...will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents”.

Division 4.0 Stormwater Management and Erosion and Sediment Control:

Follow the guidelines already in place.

Sidewalks Section 22.208 A & B require when 3 units per acre or frontage is greater than 80': not required. Any waiver has to be equal or greater to allow pedestrian safety.

Item #3 – Ghazwa’s Forest Subdivision

1. Stormwater management – Is there enough retention? Is fencing included? Are all the stormwater proposals required to be in place, at the beginning, to include all phrases? Eco system and forestry management to include a study on any endangered species.
- 2.1. Highway study and approvals. “*Do no harm*” with increased traffic someone will die.
- 2.2. Emergency Services – in an emergency is there enough room to get equipment in or out?
3. There should be sidewalks on both sides.
4. Are the setbacks on property and max number of buildings, per street, within the regulations?
5. No variances allowed.

Your obligation is to preserve our natural resources: “*Do not push your water onto others*”; “*Do no harm to anyone*”. The increased runoff is the developer’s responsibility – don’t give them a variance. If you do, now this will be the Commission’s problem.

Item 4 – Ghazwa’s Forest

This is the same property as item #3. No variances should be allowed and all the requirements within item #3 be address in accordance with all the requirement to protect the county at large. “*Do no harm*”.

Item 5 – Various request - Executive Emergency Lighting, LLC

I believe that the 1,200 sq ft maximum foot print is to ensure the integrity of the project that requires a site plan. This includes stormwater, highway studies, emergency service access, sidewalks as required, parking and set-backs. “*Do no harm*”.

Item 6,7 & 8 Media Farms Subdivision

This request is too vague within item #6 and if approved no variances should be granted. Therefore, items 7 & 8 no longer apply. Once again, if this project is to proceed, fast tracking the requirements is not acceptable such as: stormwater, highway studies, emergency service access, sidewalks as required, parking and set-backs. "Do no harm".

Item 9 – Proposed Amendment regarding Historical Resource Protection

The Jefferson County Historic Landmarks Commission letter of June 4, 2025, does not agree with the proposed text amendment. Therefore, this amendment should be rejected. "Cause no harm".

Items 10-14

This Commission can take no action without having public hearings when a decision is either made or action taken. Public voice is still required to be heard.

Item 15 – Report from Legal Counsel (Sidewinder vs. JC Planning Commission)

This is an open forum and a public case. Executive session is inappropriate and possibly illegal.

To comply with this Commission’s wishes not to consume their time, I David Tabb, have submitted this document to be entered into each agenda item as a complete document.

AFFIDAVIT:


David C. Tabb came and appeared before me, the undersigned notary, Amanda S. Bennett, resident of Berkeley Co., in the State of West Virginia made his statement and affidavit upon affirmation of belief that the facts set forth are true and correct to the best of his knowledge.

DATED this 9th day of September, 2025

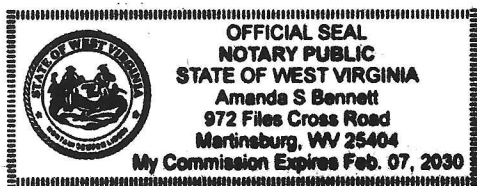


David C. Tabb

Sworn and subscribed before me this 9th day of September, 2025



Notary



Planning Department

From: Planning Department
Sent: Monday, October 6, 2025 9:04 AM
To: Cara Keys
Subject: RE: Mr Shepp

Good morning,

Thank you for forwarding that email over to us, we'll get this included in the packet for the October 14, 2025 Planning Commission meeting, which will be posted by the end of the business day on Friday, October 10, 2025.

Thanks!

Colin Uhry
County Planner
Office of Planning and Zoning
304-728-3228

From: Cara Keys <ckeys@jeffersoncountywv.org>
Sent: Sunday, October 5, 2025 11:28 AM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Subject: Fw: Mr Shepp

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From: d <jnoland77@aol.com>
Sent: Wednesday, October 1, 2025 4:27 PM
To: ckeys@jeffersoncountywv.org <ckeys@jeffersoncountywv.org>
Subject: Mr Shepp

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

Dear Mr. Shepp,

I want to thank you for your wisdom and strong leadership you demonstrated during the meeting on March 11-12. Your insight to the dangers that the Sidewinder project poses to our small community on that evening was greatly appreciated.

But I wonder. Would the state of Virginia allow a project of this proportion to build in Bluemont, or would the state of Maryland allow a project such as this in Sharpsburg? Even though they are incorporated and we aren't, would a project of this magnitude be allowed in Shepherdstown? Or Harpers' Ferry? Middleway is on the Register of Historic homes. That does not represent one home, but a total of forty homes that date back to the eighteenth and nineteenth century.

Now I worry since that long meeting is over, you will mentally downplay the dangers of safety and quality of life for monetary concerns. There have been four homes sold in Middleway since that March meeting. People don't want to live in an area that poses threat of tractor trailers hitting their homes, and the quality of life of living in an entire village of industrial activity. There is evidence from the hydrogeologists that the entire village is in jeopardy of losing their water supply, or the pollution plume will move into the village based on the cone of depression

I know you are being faced with multiple entities coming out with their special interests, but our tightknit community is being faces with a quality of life. loss of home values, and the loss of our historic identity. I ask that you think how you and your family would feel faced with the change families are facing.

And the planning commission does not have a good idea of how strong a case we have because not one commissioner attended the July meeting with the judge. Since your name is listed on this trial, I urge you to attend the November 10th trial to see for yourself that the planning commission made the right and brave decision to stand up for their neighbors. I, and many others, thank you for that decision.

I will continue to attend the planning commission meetings because this is important to the future of my adult children and grandchildren.

Sincerely yours,

Joslyn Ring Noland
Middleway Farm