June 23, 2026

RESOLUTION 2026 –03

A RESOLUTION AMENDING THE ZONING RESOLUTION OF JEFFERSON COUNTY, TENNESSEE TO REFLECT ACCESSORY AND PRINCIPAL USES IN ALL ZONING DISTRICT WITH REGARD TO SOLAR AND WIND POWERED ENERGY

WHEREAS, The Jefferson County Board of Commissioners desires to consider amendments to the Zoning Resolution of Jefferson County, regarding zoning districts in which solar and wind power systems are permitted;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Jefferson County (hereinafter referred to as the "Board") that the Board requests the Jefferson County Regional Planning Commission consider the following amendments to the Zoning Resolution as follows:

Section 1: **Article 9.3 A-1: Agricultural-Forestry District: Section A. Permitted Uses: Number 13.**

Is hereby amended by deleting solar energy systems and wind energy systems as principal uses. This subsection shall now read as follows:

> *"Solar energy systems and wind energy systems as accessory uses provided a Building Permit is obtained and an electrical inspection is obtained."*

Section 2: Article 9.4 R-1 Rural Residential District: Section A. Permitted Uses: Number 7.

Is hereby amended by deleting solar energy systems and wind energy systems as principal uses. This subsection shall now read as follows:

> *"Solar energy systems and wind energy systems as accessory uses provided a Building Permit is obtained and an electrical inspection is obtained"*

Section 3: **Article 9.5 R-2, Item #7 High Density Residential District: Section A. Permitted Uses: Number 15.**

Is hereby amended by deleting solar energy systems and wind energy systems as principal uses. This subsection shall now read as follows:

> *"Solar energy systems and wind energy systems as accessory uses provided a Building Permit is obtained and an electrical inspection is obtained"*

Section 4: **Article 9.6 R-R, Rural Residential/Resort District: Section A. Permitted Uses: Insert Number 7.**

This subsection shall now read as follows:

> *"Solar energy systems and wind energy systems as accessory uses provided a Building Permit is obtained and an electrical inspection is obtained"*

Section 5: ***Article 9.7 C-1, Neighborhood Commercial District: Section A.*** **Permitted Uses: Number 11.**

This subsection shall now read as follows:

> *"Solar energy systems and wind energy systems as accessory uses provided a Building Permit is obtained and an electrical inspection is obtained"*

Section 6: **Article 9.8 C-2, General Commercial District: Section A. Permitted Uses: Number 15.**

This subsection shall now read as follows:

"Solar energy systems and wind energy systems as accessory uses provided, they respectively meet the requirements of Article 6.6 Site Plan Requirements, Item F."

Section 7: **Article 9.9 I-1, Industrial District: Section A. Permitted Uses: Number 16.**

Is hereby amended to add solar energy systems and wind energy systems as principal uses. This subsection shall now read as follows:

"Solar energy systems and wind energy systems as principal uses provided, they respectively meet the requirements of subsections 6.6 Site Plan Requirements and 7.9 and 7.10."

Section 8: **Article 9.10: I-2: Environmental District: Section A. Permitted Uses: Number 8:**

Is hereby amended to add solar energy systems and wind energy systems as principal uses. This subsection shall now read as follows:

"Solar energy systems and wind energy systems as principal uses provided, they respectively meet the requirements of Article 6.6 Site Plan Requirements, and 7.9 and 7.10 ."

Section 9: Decommissioning.

Unless otherwise approved by the Planning Commission, decommissioning of a Principal Solar Energy System shall begin no later than twelve (12) months after the facility has permanently ceased to generate electricity, at which time the owner or operator of the Principal Solar/Wind system shall restore and reclaim the site within twenty-four (24) months after a facility has permanently ceased to generate electricity. Notwithstanding anything to the contrary, a Solar/Wind facility will not be considered to have permanently ceased to generate Electricity unless it has failed to diligently pursue the production of, or restoration of the ability to produce, Electricity for at least twelve (12) consecutive months.

Decommission Plan and Surety:

The owner or operator of the Solar/Wind facility shall provide the Planning Commission with a copy of its Decommissioning Plan and evidence of its decommissioning security to the extent required pursuant to 2022 Tenn. Pub. Acts 866. The surety amount for removal shall be based on the Decommissioning Plan and the amount shall be certified by a licensed professional with knowledge of the solar industry. The surety shall cover a period of 10 years at which time a new estimate will be required to address increased costs and inflation The cost of the surety instrument shall be calculated and sealed by the operators engineer and submitted to the appropriate officials for approval and shall be based on an amount equal to 150% of the estimated cost of site reclamation. The cost shall be based on a detailed itemized estimate of all reclamation tasks necessary to return the site to its original natural condition. The cost of the surety shall be memorialized in the minutes of the Planning Commission at the time of approval of the Site Plan for construction development. A surety Bond lasting more than 10 years shall have a new sealed Opinion of Probable Cost

(OPC) from the operators licensed engineer for an estimate of the cost for completion of the Decommission Plan.

Methods of Posting Surety Instrument: The following methods of surety will be acceptable:

1. An irrevocable letter of credit (LOC) in favor of Jefferson County from a bank or other financial institution. The bank or other financial institution issuing the letter of credit shall be insured by the FDIC or NCUSIF (National Credit Union Share Insurance Fund). The bank or other financial institution shall allow the letter of credit to be presented for collection at a place physically located within the boundaries of Jefferson County or those counties which are contiguous. The original Surety documents shall be held in both the office of the Jefferson County Mayor and County Attorney. The County Mayor will notify the County Attorney of the notice of expiration. The Letter of Expiration from the County Attorney shall be sent by certified mail a minimum of 2 months prior to expiration with replacement no less than one week prior to expiration. If a new LOC is not received one week prior to the date of expiration the County Mayor and County Attorney will initiate the process to call the full amount of the posted LOC.

2. A surety bond, insurance bond or performance bond from the o the County in the full amount meeting the following criteria:

(i) The performance bond shall contain a provision stating the bond may not be revoked except upon written notice by certified letter to the County Attorney, and the expiration date, if revoked, shall be at least thirty (30) days after receipt of written notice by the County Attorney. It shall be understood and agreed, however, that the maker of the performance bond will be liable for any and all unpaid bills up to the amount of the performance bond accruing up to the expiration date, and a provision stating such shall be set forth in the performance bond.

(ii) All performance bonds shall be drafted so that the only requirement for the County to draw upon such bond is to notify the financial institution that the applicant/developer/owner has failed to complete construction of their project in accordance with the Decommission Plan and the rules and regulations governing the Site Plan approval Zoning process by Jefferson County, Tennessee. The County shall have the right, at its discretion and upon seven (7) days notice to the subdivider, to draw any amount necessary to complete the project up to the remaining balance. The amount drawn, which may be more than required to complete the project, will be held in a segregated bank account until the work can be bid competitively and the bid awarded and paid for or until the contract for the work is otherwise let and paid for. In no instance shall the County incur any liability for repayment of these funds. Any excess over the cost of completing the work will be returned to the grantor. Release of the funds will be made only with the prior written consent of the Mayor and County Attorney.

(iii) The company issuing the performance bond shall be qualified to do business in the State of Tennessee and shall maintain an office within the State of Tennessee. All performance bonds shall provide a location within Jefferson County or an adjoining

County where such bond(s) may be drawn upon. Bonds must be rated A/AA+15 by A.M. Best. The County reserves the right to reject any company that does not comply with this section.

(iv) The performance bond shall contain a provision that requires, in the event of change to the bond, thirty (30) days prior written notice to be sent by registered mail to the County Attorney.

BE IT FURTHER RESOLVED that these regulations shall take effect immediately upon passage, the public welfare requiring it.

BE IT FURTHER RESOLVED, if any provision of this resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application and to that end the provisions of this resolution are declared to be severable.

Date Considered by Jefferson County Regional Planning Commission: _06/23/2026__

Approve __X__ Denied ____

Date Considered by Town of Dandridge Regional Planning Commission: _______

Approved ____ Denied ____

Date Considered by Town of Jefferson City Regional Planning Commission: _______

Approved ____ Denied ____

Date Considered by Town of White Pine Regional Planning Commission: _______

Approved ____ Denied ____

Date of Public Hearing- Jefferson County Board of Commissioners: _________

Date of Voting Meeting Jefferson County Board of Commissioners: _________

Ayes: _____ Nays: ____ - Passed: ____ Failed: ____

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Chairman Jefferson County Board of Commissioners

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Jefferson County Clerk