

Zoning

From: Sam Gulland <sgulland@torchcleanenergy.com>
Sent: Tuesday, February 2, 2021 6:54 PM
To: JCCInfo
Cc: Zoning
Subject: Comment regarding ZTA19-03 (Solar Energy Facilities)

Jefferson County Planning Commission:

The Zoning Text Amendment establishes a setback for “accessory components” of 25 feet from property lines and easements of state roads. One possible component of a project is an underground power line that connects portions of a project and crosses a field that will continue to be farmed or used.

An underground line is not visible to the neighbor and is not disturbed during the operation of the project. Installing a line close to the property line would be more efficient to a landowner who wants to keep farming his land, or may have a different use for it in the future.

I request that a third category for “setbacks” be added to the Zoning Text Amendment:

“c. Underground Power Lines. No setback shall be required for underground power lines.”

Thank you again to the Planning Commission and Staff for their work on this.

Respectfully,

Sam Gulland
Development Manager
Torch Clean Energy
Email: sgulland@torchcleanenergy.com
Phone: (703) 999-4280

Planning Department

From: Barbara Spicher <bspicher@frontiernet.net>
Sent: Friday, February 5, 2021 6:50 PM
To: Planning Department
Subject: Solar Text Amendment

Dear Planning Department,

As you are amending the zoning for future sites of EWGs, I strongly ask that these sites be considered on an individual basis, rather than a blanket approval for “anything goes” over 80% of our county. You do not need to approve future solar energy farms at this point, and Wild Hill Solar Project with its 795 acres, is quite enough for now.

Please be respectful to our rural landscape.

Thank you,
Barbara Spicher
1328 Terrapin Neck Rd.
Shepherdstown, WV 25443

Planning Department

From: Planning Department
Sent: Monday, February 8, 2021 4:05 PM
To: 'bernard demartini'
Subject: RE: solar EWGs

Good afternoon,

This email is to confirm the submission of your email. Please note that as your comment has come in after the deadline, your comments will be forwarded to the Commissioners just prior to the meeting.

Thank you and a nice day.

Sincerely,

Jennilee Hartman, Zoning Clerk
Office of Planning and Zoning
304-728-3228

From: bernard demartini <bdemartini2@email.com>
Sent: Monday, February 8, 2021 3:58 PM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Subject: solar EWGs

as a Jefferson county resident, I have come to value the scenic character of our county. Berkeley county is industrial; Jefferson county is scenic and agricultural. the Jefferson County Commission has an important role in protecting the valuable qualities of the county.

the proposed zoning ordinance that would open 80% of county land to industrial solar installations will harm our county. the eligible acres covered by the ordinance should be reduced from 80% to 15%. industrial development in general should be kept to an absolute minimum.

industrial activity should be located in Berkeley county, not Jefferson county.

thanks,
Bernard DeMartini

Planning Department

From: Planning Department
Sent: Monday, February 8, 2021 9:16 AM
To: 'Bill and Carole Telfair'
Cc: Chrissy Wimer; Darah Kehnemuyi
Subject: RE: Solar Energy Facilities Zoning Ordinance #ZTA19-03

Good morning,

This email is to confirm the submission of your email. Please note that as your comment has come in after the deadline, your comments will be forwarded to the Commissioners just prior to the meeting.

Thank you and a nice day.

Sincerely,

Jennilee Hartman, Zoning Clerk
Office of Planning and Zoning
304-728-3228

From: Bill and Carole Telfair <wbchtelfair@sbcglobal.net>
Sent: Friday, February 5, 2021 9:46 PM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Cc: Chrissy Wimer <clwimer1@yahoo.com>; Darah Kehnemuyi <darahk1@yahoo.com>
Subject: Solar Energy Facilities Zoning Ordinance #ZTA19-03

Dear Zoning commissioner,

The Solar Energy Facility Zoning Ordinance proposed is needed to allow large solar power arrays to be built in Jefferson county. However, it should be approved on a "conditional use" basis - NOT the "by-Right" basis. This will allow review of each facility being proposed, since the facilities are very large and complex. Again since they are large there will not be too many of them to review, so the burden on you will not be excessive. And you will want to be sure that they are safe and beneficial to the county and its residents - NOT just for the power companies.

Also the decommissioning and clean-up (as well as maintenance) of the facility MUST be the responsibility of the corporation that builds and uses the facility - NOT the farmer who is renting the land for its use.

In addition to the solar panels on individual houses and this huge solar array usage for large power companies, we (the citizens, small business owners, county school owners and larger business owners) need to have PPA's (Power Purchase Agreements) approved and zoned. This will not only increase the local business activity, but will allow local businesses to use local medium sized solar arrays to generate their own power on a much more distributed basis. It will also facilitate the construction of solar arrays on schools, parking lots and other spaces that are currently not being taken advantage of instead of using good farm land. This will generate much more local power where it is used and needed. All this will benefit Jefferson county rather than benefitting the power

company. You should plan ahead for this solar power usage in combination to the huge arrays being considered in the current amendment.

Respectfully yours,
William B. Telfair PhD, resident of Jefferson County, WV

PS I have a PhD in Physics and have installed PV solar panels on both of my houses since 2005. In addition my father was a Physics professor teaching the principles of both active and passive solar design for small, medium and large-scale solar arrays. In 1978 he modified his house with both active and passive solar designs.

Planning Department

From: Planning Department
Sent: Monday, February 8, 2021 9:17 AM
To: 'Christina Melocik'
Subject: RE: Solar Energy Zoning Amendment

Good morning,

This email is to confirm the submission of your email. Please note that as your comment has come in after the deadline, your comments will be forwarded to the Commissioners just prior to the meeting.

Thank you and a nice day.

Sincerely,

Jennilee Hartman, Zoning Clerk
Office of Planning and Zoning
304-728-3228

From: Christina Melocik <chris.tiny@comcast.net>
Sent: Saturday, February 6, 2021 11:22 PM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Subject: Solar Energy Zoning Amendment

To Jefferson County Planning Commission:

While increased use of renewable energy is in all of our best interests, there should not be an amendment to allow Solar Exempt Wholesale Generators (EWGs) to be located in **80%** of our County's land "by-right". EWGs should go through a Conditional Use Permit process, which would allow for hearings and public comment for each project. Sustainable development can be achieved but it also needs to be balanced with other needs in the community.

Thank you,
Christina Melocik

Planning Department

From: Planning Department
Sent: Monday, February 8, 2021 9:08 AM
To: 'Cynthia Feeser'
Subject: RE: Solar zones

Good morning,

This email is to confirm the submission of your email. Please note that as your comment has come in after the deadline, your comments will be forwarded to the Commissioners just prior to the meeting.

Thank you and a nice day.

Sincerely,

Jennilee Hartman, Zoning Clerk
Office of Planning and Zoning
304-728-3228

From: Cynthia Feeser <cjfeeser@gmail.com>
Sent: Friday, February 5, 2021 5:38 PM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Subject: Solar zones

Jefferson county should use a balance of renewable energy sources. EWGs should go through a Conditional Use Permit process, which would allow for hearings and public comment for each project, unlike the by-right process. Agriculture is important and decreasing these uses on rural land should be kept to a minimum.

Cindy Feeser
Shepherdstown

Planning Department

From: Planning Department
Sent: Monday, February 8, 2021 9:16 AM
To: 'Danielle'
Subject: RE: Solar Energy Zoning

Good morning,

This email is to confirm the submission of your email. Please note that as your comment has come in after the deadline, your comments will be forwarded to the Commissioners just prior to the meeting.

Thank you and a nice day.

Sincerely,

Jennilee Hartman, Zoning Clerk
Office of Planning and Zoning
304-728-3228

From: Danielle <danie_n0329@yahoo.com>
Sent: Saturday, February 6, 2021 10:45 AM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Subject: Solar Energy Zoning

Dear Planning Commission,

As a life long Jefferson County resident, I personally believe that Jefferson County should have a healthy a balance of renewable energy sources. I do believe that anything taking up that much land should have to go through a Conditional Use Permit process, which would allow for hearings and public comment for each project, unlike the by-right process. We keep saying we don't want to effect our farms because we love our county and our current way of life here, yet we keep approving things that will eventually put all farms in our county out of business. Many local farmers depend on the open land to lease or plant crops that are required for other aspects of their business Agriculture is important and decreasing these uses on rural land should be kept to a minimum.

Thank you for considering my comments!

Respectfully,
Danielle Patterson
Kearneysville

Sent from my iPhone

Planning Department

From: Planning Department
Sent: Monday, February 8, 2021 9:09 AM
To: 'Dilly Jackson'
Subject: RE: Solar Panels in Jefferson County

Good morning,

This email is to confirm the submission of your email. Please note that as your comment has come in after the deadline, your comments will be forwarded to the Commissioners just prior to the meeting.

Thank you and a nice day.

Sincerely,

Jennilee Hartman, Zoning Clerk
Office of Planning and Zoning
304-728-3228

From: Dilly Jackson <mandrakefarm@gmail.com>
Sent: Friday, February 5, 2021 6:22 PM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Subject: Solar Panels in Jefferson County

To Whom it May Concern:

I would like to voice my opposition to solar panel "farms" in Jefferson County. In addition to being an major eyesore, I believe it would be harmful to our wildlife as well as cause devaluation of properties nearby.

Respectfully,

Carolyn Jackson

Jefferson County Resident

Zoning

From: Carol Rockwell <cdrockwell@hotmail.com>
Sent: Monday, February 8, 2021 9:54 AM
To: Zoning
Subject: ZTA19-03

Alex, the Wild Hill Solar, LLC facility is to locate in the Rural District on land w/i and w/o of the UGB. This issue can be handled in Section 8.20.A.2 which will require a rewrite anyway for CUP in the RD. The following or similar words could be used: "If a solar energy facility is to locate on lands which are both within and without of the Urban Growth Boundary then it will proceed to the Conditional Use process but ONLY as to the part of the facility located outside of the Urban Growth Boundary." Doug

Planning Department

From: Planning Department
Sent: Monday, February 8, 2021 9:10 AM
To: 'Edmond Uzan'
Subject: RE: Solar Farm

Good morning,

This email is to confirm the submission of your email. Please note that as your comment has come in after the deadline, your comments will be forwarded to the Commissioners just prior to the meeting.

Thank you and a nice day.

Sincerely,

Jennilee Hartman, Zoning Clerk
Office of Planning and Zoning
304-728-3228

From: Edmond Uzan <euzan65@gmail.com>
Sent: Friday, February 5, 2021 7:52 PM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Subject: Solar Farm

Unless the Panels are constructed in the USA and assembled in the USA I
vote NO!

--

Edmond Uzan
(304) 261-4063

Planning Department

From: j4shock@frontiernet.net
Sent: Friday, February 5, 2021 5:31 PM
To: Planning Department
Subject: Solar amendment

As a resident of jefferson County I love the idea of solar energy and our county contributing to that effort. HOWEVER, I do not think it is ok to allow any type of commercial or industrial business by right in most of the county. Businesses should need to show how they can contribute to our county and be built in appropriate areas. Permits to build solar array should be given after hearing and with conditional use permit. We need to protect and properly manage the future development of our county. Sincerely, Elizabeth Shockley

Sent from Yahoo Mail on Android

<https://go.onelink.me/107872968?pid=InProduct&c=Global_Internal_YGrowth_AndroidEmailSig__AndroidUsers&af_wl=ym&af_sub1=Internal&af_sub2=Global_YGrowth&af_sub3=EmailSignature>

Planning Department

From: Gavin Perry <gavarch@gmail.com>
Sent: Sunday, February 7, 2021 5:32 PM
To: Planning Department
Cc: Gavin Perry
Subject: Solar Farms in JC, zoning amendment

Dear Planning Commission,

I am an architect and LEED Accredited Professional. I obviously strongly support solar and renewable energy projects. I am also on the JC Farmland Protection Board and strongly support farmland, farmers and local food production

I am strongly opposed to the proposed zoning amendment which would allow solar projects to be built on productive farmland.

Common sense tells us that they should be built on impervious surfaces, such as the roof of large buildings, factories, warehouses, parking garages, hard land surfaces and non farmland. We need farmland to provide us with food. Energy projects should be built on land that does not provide us with food.

The Planning Commission would better service the local community, economy and the environment by rejecting the current zoning amendment and replace it with the requirement to place solar panels on the above mentioned impervious surfaces.

Thank you for your consideration.
G.A. Perry, Architect, LEED AP

Gavin

Planning Department

From: Planning Department
Sent: Monday, February 8, 2021 9:09 AM
To: 'ksmgregoryk'
Subject: RE: Solar Farms

Good morning,

This email is to confirm the submission of your email. Please note that as your comment has come in after the deadline, your comments will be forwarded to the Commissioners just prior to the meeting.

Thank you and a nice day.

Sincerely,

Jennilee Hartman, Zoning Clerk
Office of Planning and Zoning
304-728-3228

From: ksmgregoryk <ksmgregoryk@aol.com>
Sent: Friday, February 5, 2021 5:42 PM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Subject: Solar Farms

Why is this area of West Virginia continually being targeted to hook up existing power lines to benefit other areas of the country? In 2009 citizens fought PATH, now this.
How is this going to effect residents living near the Power lines?

Gregoryk

[Sent from the all new Aol app for iOS](#)

Planning Department

From: Planning Department
Sent: Monday, February 8, 2021 9:17 AM
To: 'Joanne Bario'
Subject: RE: The Proposed Solar Panels for Industry

Good morning,

This email is to confirm the submission of your email. Please note that as your comment has come in after the deadline, your comments will be forwarded to the Commissioners just prior to the meeting.

Thank you and a nice day.

Sincerely,

Jennilee Hartman, Zoning Clerk
Office of Planning and Zoning
304-728-3228

From: Joanne Bario <joannebario@gmail.com>
Sent: Sunday, February 7, 2021 3:14 PM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Subject: The Proposed Solar Panels for Industry

Dear Planning Department,

Though I approve of solar when it is used discreetly or on private home, I strongly oppose the use of vast amounts of our county land to support a project that will ruin the beauty of our county and support only industries that needn't be in our rural county in the first place. Jefferson County is a beautiful natural area. Please don't destroy it for dollar signs.

Sincerely,

Joanne Bario
64 Sage Place
Shepherdstown, WV 25443

Planning Department

From: Planning Department
Sent: Monday, February 8, 2021 9:16 AM
To: 'KH'
Subject: RE: Solar farms vs food and livestock

Good morning,

This email is to confirm the submission of your email. Please note that as your comment has come in after the deadline, your comments will be forwarded to the Commissioners just prior to the meeting.

Thank you and a nice day.

Sincerely,

Jennilee Hartman, Zoning Clerk
Office of Planning and Zoning
304-728-3228

-----Original Message-----

From: KH <henrykaren44@yahoo.com>
Sent: Saturday, February 6, 2021 11:52 AM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Subject: Solar farms vs food and livestock

Dear planning department,
Renewable energy is ABSOLUTELY the direction to go however, wholesale approval of projects is not.
Please approve conditional use versus by-right land use.

Thank you
Karen Henry

Planning Department

From: Planning Department
Sent: Monday, February 8, 2021 9:11 AM
To: 'lovejoy444@aol.com'
Subject: RE: Solar Energy Zoning Amendment

Good morning,

This email is to confirm the submission of your email. Please note that as your comment has come in after the deadline, your comments will be forwarded to the Commissioners just prior to the meeting.

Thank you and a nice day.

Sincerely,

Jennilee Hartman, Zoning Clerk
Office of Planning and Zoning
304-728-3228

From: lovejoy444@aol.com <lovejoy444@aol.com>
Sent: Friday, February 5, 2021 8:40 PM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Subject: Solar Energy Zoning Amendment

I DO NOT support industrial solar facilities having access to pretty much all of our green spaces outside of city limits! While I do absolutely support alternative energy, there has to be a better way than just plowing under our natural spaces. Further, we need to have conditional use permitting rather than by-right. We need to be able to evaluate each proposed use individually.

Thank you.

Best Regards,
Laurie Allen
Charles Town

Planning Department

From: Planning Department
Sent: Monday, February 8, 2021 3:37 PM
To: 'Mary Vandevander'
Subject: RE: Solar power

Good afternoon,

This email is to confirm the submission of your email. Please note that as your comment has come in after the deadline, your comments will be forwarded to the Commissioners just prior to the meeting.

Thank you and a nice day.

Sincerely,

Jennilee Hartman, Zoning Clerk
Office of Planning and Zoning
304-728-3228

-----Original Message-----

From: Mary Vandevander <srv5004@yahoo.com>
Sent: Monday, February 8, 2021 2:20 PM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Subject: Solar power

I am very much in favor of clean energy. I hope you will encourage solar power compAnies to locate here as soon as possible. We must get away from using fossil fuels because of climate change and damage to our water supply. The details of how you get this to happen are best decided by you who have the knowledge of how this business will be monitored. We can't worry about "not in my backyard", I trust this commission to do what is right for our future.

Sent from my iPhone

Planning Department

From: Melissa Howell <mhowelljp@yahoo.com>
Sent: Friday, February 5, 2021 7:43 PM
To: Planning Department
Subject: Solar energy zoning amendment

Dear Planning Commission,

I am all for bettering Jefferson County and the planet however to use 80% of our land is unacceptable! We need balance! Yes solar is a great thing for our community but lets keep it in balance and not use all of our farm land!

The citizens of Jefferson County need to be informed and be involved in the decision making process in this major matter that involves every citizen in our county.

Sincerely,
Melissa Howell
[Sent from Yahoo Mail on Android](#)

Planning Department

From: Planning Department
Sent: Monday, February 8, 2021 9:18 AM
To: 'Nance Briscoe'
Subject: RE: ZTA19-03 Solar Text Amendment Comment

Good morning,

This email is to confirm the submission of your email. Please note that as your comment has come in after the deadline, your comments will be forwarded to the Commissioners just prior to the meeting.

Thank you and a nice day.

Sincerely,

Jennilee Hartman, Zoning Clerk
Office of Planning and Zoning
304-728-3228

-----Original Message-----

From: Nance Briscoe <nancebriscoe@comcast.net>
Sent: Sunday, February 7, 2021 5:52 PM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Cc: Vinemont.farm@gmail.com
Subject: ZTA19-03 Solar Text Amendment Comment

Dear Jefferson County Planning Department Solar Amendment Drafters,

I firmly believe our farm owners should have the right to do with their land as they so choose. I firmly believe in farm to table.

However, I disagree rezoning does not require a conditional use permit (CUP). Property that involves zoning, rezoning and/or construction requires permits. It also requires public comment. This is clearly evident with past meeting minutes of Planning, Zoning and County Commissions over the years. Transparency is good business and benefits all.

The Solar Facilities title for the amendment is a misnomer. It really is an amendment for Exempt Wholesale Generators (EWG) as defined with the Federal Energy Regulatory Commission. Please reconsider the title for this important amendment.

Individual owner's property rights must be respected. The current ordinance makes every effort to trespass by measurement from an individual's residence to the other land owner's property for placement of one or more solar panels or buffer. The residence is in error. The measurement should be the property line and easement as outlined on plats of ownership surveyed by licensed land surveyors.

Respecting the survey does not provide authority to any company to measure from an unrelated residence into the adjoining property to place a solar panel. That distance is relative only to the land where the EWGs will be located. The placement of solar panels have no relevancy to anyone else's private property.

Thank you for providing an opportunity to comment at this time.

Regards,

Nance Briscoe
22 Cloverdale Place
Charles Town, WV 25414
(304) 728-2201
nancebriscoe@comcast.net

CC: Jane Tabb, JCC President

Planning Department

From: Planning Department
Sent: Monday, February 8, 2021 3:39 PM
To: 'nicola bastian'
Subject: RE: Solar Installations

Good afternoon,

This email is to confirm the submission of your email. Please note that as your comment has come in after the deadline, your comments will be forwarded to the Commissioners just prior to the meeting.

Thank you and a nice day.

Sincerely,

Jennilee Hartman, Zoning Clerk
Office of Planning and Zoning
304-728-3228

From: nicola bastian <nicolabastian@yahoo.de>
Sent: Monday, February 8, 2021 3:26 PM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>; Editor <editor@spiritofjefferson.com>
Subject: Solar Installations

Planning Commissioners,
below two statements I compos3ed
The first: To the PSC
The second: at the JC Planning Commision.
Please enter them into the record for tomorrows hearing.
Be assured we are proponents of solar energy . We simply are taking a longer view -
are taking time to ancipate possible problems down the road we can avoid before they happen.
We are sincerely bent to aid you in your decision making process unless it is all about the now,
money now! The issues facing us are of an ever increasing complicated make up that we think a couple of more heads
put together in study is a positive thing.
Don't you?
Thank you
in a most sincere cooperative spirit
nicola bastian
304 5356907

Editor:

From
Nicola Bastian
Millville WV 25432
nicolabastian@yahoo.de
304 535 6907

To whom it may concern,

I am writing today to urge our Jefferson County officials and residents to consider addressing following questions/ issues regarding Solar Farm Installations before committing to re-zone and permit big size solar installations. .

1) re DECOMMISSIONING

- a) Is there appropriate bonding issued so the companies can be held responsible for any clean-up/ environmental damage?
 - b) If panels are to break due to acts of God and men , where will they be disposed of ? Broken panels cannot be recycled are considered ,hazardous waste‘ (cadmium – a cancer agent, and lead, both used in welding connections.
 - c) Collection sites for broken and recyclable panels need to be planned ahead of time.
- 2) For determining BEST LOCATION:
- a) Establish data of ground testings and use most polluted fields . It will make the most sense to help them ,recover‘ by taking them out of farming for a while.
 - b) Reconsider whether it would not be more fair to place solar installations near areas devastated by a shrinking coal industry and give people there the opportunity to get into the solar business. Rather than in a county that was mostly unaffected by that change.

3) Re: WATER

- a) Cleansing of panels necessary – with water and/or chemicals?
- b) Rain water runoff regulation with large size installations?
- c) Water/soil pollution via lead and cadmium leaks from broken panels (quick responsible removal of broken panels needs to be pre-regulated and violations promptly addressed)

4) Re: WEST VIRGINIA UNDER OUTSIDE ECONOMIC CONTROL

- a) If we anticipate a future with increased solar participation in the energy production portfolio, why not consider seriously to produce solar panels in Jefferson County. The Rockwool site would lend itself perfectly and would truly be of benefit to our county in terms of employment and expandability ,self reliance, recycling panels, and control what goes into the making of it. Important especially in times of insecurity in China trade relationships.
- b) By the time that business would be flourishing , WV laws regulating use of solar energy will have tipped in favor of localities using their own solar produced energy. Then we can say, these installations truly benefit our county in important ways.

I support whole heartedly to have alternatives for farmers to make a living , . That is an issue we all should seriously address before we commit to further reduce land available for food production, especially in times when it seems more important then ever to have food grown close to to urban centers like DC and Baltimore.

I pray this matter will be tabled until the questions can be fully answered and the impact understood.
Or at least until WV favors local solar power use, i. e. passes the Power Purchase Agreement !
Frederick , Md has a solar installation that powers many of its local government buildings.

Thank you for your consideration.

Questions?

Please contact

nicolabastian@yahoo.de

• include in tonights meeting , public comments 2

Yahoo/Sent ★



• **nicola bastian** <nicolabastian@yahoo.de>
To: info@jeffersoncountyww.org

🖨 Thu, Jul 16 at 4:59 PM ★

Caretakers of beloved Jefferson County,
I have emailed a comment to above address a few days ago.
Below an addendum to

Nicola Bastian's comment, as i am looking for answers posed in my previous mail.
Some of them i found in German literature. As they have dealt with the plus and minus
of solar installations longer then we have and they have a strong non profit
" in defense of things natural" who have laid down certain principle that Solar industries
have agreed to.

1) The disposal is an increasing problem. German science computed :
250.000 metric tons of panels to be disposed of.
The contain lead and cadmium as the primary problems.
If panels get destroyed (as most did in the storm in Puerto Rico and in the "Desert Sunlight
Installation in California due to a tornado) even more cadmium and lead will seep into the groundwater,
and the remains have become "hazardous waste" to be deposited where?
Some recycling is possible. Question remains : labor intensive dismantling plus recycling may drive the cost of aluminum higher then the market price.

2) Firms need to be held responsible to pay for complete cleanup.
8 firms since 2016 in the US have gone bankrupt.

3) land used should be land like poisoned land, brownfields, od industrial, military , or best on bare mountaintops.

4) water runoff in such dimensions needs to be completely clear before giving go ahead.

thank you for considering my questions and comment

and please send the whole thing back to Planning- until more facts are in.

Eg in production of panels the chemicals used are quite different- we need to know who produces these panels and what the reputaion of the company is who installs.

nicola bastian
304 535 6907



• **nicola bastian** <nicolabastian@yahoo.de>
To: info@jeffersoncountyww.org, gls@jeffersoncountyww.org

🖨 Thu, Jul 16 at 5:03 PM ★

the mail to the "info" address came back
hope you received my previous one
i added the contact given in the internet

and now i may be too late

> [Show original message](#)

Planning Department

From: Planning Department
Sent: Monday, February 8, 2021 10:13 AM
To: 'Robyn Schneiderman'
Subject: RE: I support expanded solar

Good morning,

This email is to confirm the submission of your email. Please note that as your comment has come in after the deadline, your comments will be forwarded to the Commissioners just prior to the meeting.

Thank you and a nice day.

Sincerely,

Jennilee Hartman, Zoning Clerk
Office of Planning and Zoning
304-728-3228

From: Robyn Schneiderman <robyschneiderman@yahoo.com>
Sent: Monday, February 8, 2021 10:03 AM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Subject: I support expanded solar

As a more than 20 year resident and homeowner in Jefferson County, I support expanding solar and renewable energy options in this region and throughout all of West Virginia.

Please help us usher in a new kind of energy economy in our state.

Sincerely,

Robyn Schneiderman, Shepherdstown

Planning Department

From: Planning Department
Sent: Monday, February 8, 2021 9:10 AM
To: 'Roxanne Quade'
Subject: RE: Conditional use

Good morning,

This email is to confirm the submission of your email. Please note that as your comment has come in after the deadline, your comments will be forwarded to the Commissioners just prior to the meeting.

Thank you and a nice day.

Sincerely,

Jennilee Hartman, Zoning Clerk
Office of Planning and Zoning
304-728-3228

From: Roxanne Quade <roxyplu@yahoo.com>
Sent: Friday, February 5, 2021 6:35 PM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Subject: Conditional use

I am requesting conditional use versus by- right solar panel use

Sent from my iPhone

Subject: ZTA19-03

Alex,

To make the rewrite of the Amendment easier, add the following as a new section.

Rural District

- A. A solar energy facility may locate as:
 - 1. A Principal Permitted Use on lands within the Urban Growth Boundary.
 - 2. Conditional Use outside of the Urban Growth Boundary on any parcel of land which existed before July 1, 2020 and is within 500 feet of an existing electric transmission line with a capacity of at least 138 K.V. The conditional use shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.
- B. Site Size - A solar energy facility in the Rural District outside of the Urban Growth Boundary may only be located on a tract or parcel of land which existed before July 1, 2020 and shall occupy no more than 50% of the said tract or parcel notwithstanding the size of the parcel of land. Transfer or assignment of development rights between parcels or tracts of land is prohibited unless the parcels or tracts are owned by the same individual or entity and have a shared boundary.

On Appendix C - PP & CU Table -Under R-insert PC and in the last column reference this new section.

Thanks, Doug Rockwell



RECEIVED
February 9, 2021
Jefferson County, WV
Office of Planning & Zoning

EDF Renewables North America
10 2nd Street NE #400
Minneapolis, MN 55413

February 9, 2021

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Matt Knott
Jefferson County Planning Commission
P.O. Box 716
Charles Town, WV 25414

Re: Solar Text Amendment

Dear Commissioners:

This letter is submitted on behalf of Wild Hill Solar, LLC, a subsidiary of EDF, an established solar power generator with a proven national record of responsible development in rural areas. Our counsel, Jackson Kelly, has previously prepared a “white paper” entitled “History of Solar Text Amendment” which explains both the history of the original solar text amendment and why it is consistent with Jefferson County’s Comprehensive Plan. A copy of that paper is attached. This letter supplements that paper to address more recent and specific claims of opponents of the original text amendment that it is inconsistent with the Comprehensive Plan.



Both State and County land use laws recognize three ways of authorizing new development. First, some proposed land uses may be authorized as principal permitted uses without the need for further zoning approval so long as they meet whatever criteria are established in the zoning ordinance. Second, uses may be permitted as “conditional uses” which may only advance if they obtain a “conditional use permit” from the Board of Zoning Appeals. And, finally, some uses are exempted from zoning controls altogether.

In early 2020, the Planning Commission (“PC”) appointed a subcommittee to work with staff to draft an amendment to the County zoning ordinance which authorized solar development as a “principal permitted use” (“PPU”) rather than requiring a conditional use permit (“CUP”). The Subcommittee prepared the draft amendment after listening to developers and farmers about their respective needs. They learned that solar facility developers generally needed to be located near existing electrical infrastructure (high-power lines and substations) to make their projects viable.

The Subcommittee learned also that many farmers in the region are looking for less labor-intensive land uses that yield additional income streams which will allow them to stay on their farms and which do not permanently convert the land to non-agricultural uses. To accommodate those goals, the Subcommittee drafted a text amendment to the zoning ordinance authorizing solar facilities as a PPU (“PPU Amendment”), but with protections (setbacks and buffers) to protect aesthetics and a requirement for a bonded decommissioning plan to restore the capability of the land to support agricultural uses.

The PC then recommended the PPU Amendment be approved by the County Commission after finding that it was consistent with the County’s Comprehensive Plan. State land use law requires that the County Commission must, with the advice of the PC, either find that a zoning ordinance amendment is “consistent with the adopted comprehensive plan” or, if it is inconsistent, that there have been major unanticipated economic, physical or social changes in the area that have substantially altered the characteristics of the area. W.Va. Code § 8A-7-8. The determination of consistency is not a high bar.

While zoning ordinances are law, comprehensive plans are not; they are merely guidelines. *See Singer v Davenport*, 264 S.E. 2d 627, 640 (W.Va. 1980). The State Supreme Court has previously counseled that zoning authorities may not pluck individual statements from the Jefferson County Comprehensive Plan as a means of preserving agricultural uses to the exclusion of other uses. *See Corliss v. Jefferson City Board of Zoning Appeals*, 591 S.E. 2d 93, 105 (2003) (farmland preservation but “one of multiple many goals identified in either the Ordinance or the [Comprehensive] Plan.”).

Now, though, a small group comprised primarily of non-farmers, opposes the use of a PPU amendment to authorize solar facilities. These opponents argue that such an amendment is inconsistent with the Comprehensive Plan, and that solar development should only advance under an amendment which forces landowners and developers into a lengthy and unpredictable CUP process. They have plucked a few phrases from the hundreds of pages of the Comprehensive Plan and rely on them as hardened expressions of law that prohibit a PPU-based ordinance.



In particular they cite a “recommendation” in the Plan that the County Commission amend the County’s zoning ordinance to allow approval of non-agricultural uses in rural areas with a CUP approach:

5. Amend the Zoning and Land Development Ordinance to permit additional non-residential rurally compatible uses.

b. Amend local land use regulations to permit non-agriculturally related commercial uses by the Conditional Use Permit (CUP) process in the Rural zone if the use is agriculturally and rurally compatible ...and if the use helps to preserve farmland and open space and continue agricultural operations.

Comprehensive Plan, pp. 77. But this recommendation does not render the the use of a PPU Amendment to authorize solar facilities inconsistent with the Plan.

First, it is not clear that solar facilities fall within the non-agricultural “commercial” uses subject to the recommendations in Section 5. Indeed elsewhere, the Plan recommends that renewable generation facilities be encouraged and does not restrict their development to the CUP process. *See* Comprehensive Plan, p. 93, Recommendation 8.a. And, the County’s zoning ordinance broadly defines “essential utility equipment” to include “local serving [or] nonlocal [generation] or transmission” and then exempts it from the zoning ordinance altogether. Zoning Ordinance, §§ 2,1 & 4.6.

Second the Plan’s recommendation in paragraph 5.b to allow non-agricultural “commercial” uses by the CUP process is not the “goal” of the Plan; it is, instead, just a recommended means of achieving a larger goal. The paramount objective of the Plan in rural areas is to provide farmers with the flexibility to engage in other activities which are compatible with area uses and which allow farmers to generate income sufficient to stay on their farms. Thus, the larger goals or priorities recognized by the Plan include:

“the desire [by farmers]to have more flexibility in the types of uses and activities that take place on their properties. While there has been an increase in the number of farms in Jefferson County in recent years, many of the farms provide a limited income from farming activities.”

Continuing, the Plan notes that:

“By having additional flexibility in uses and operations, farm operators might be able to continue to have a viable business while devoting more time and resources to on-site needs, instead of having to work off-site to pay for the farm.

Comprehensive Plan, p. 38. If these objectives can be achieved by the use of a PPU ordinance for solar development rather than a CUP process, then the PPU Amendment is consistent with the Plan.



Here, as the PC well knows, the PPU Amendment itself has been carefully crafted to balance the interests in preserving the nature of the area while providing farmers with additional revenue from a use that does not permanently convert the land to non-agricultural uses. In that respect, solar facilities and the solar amendment are unique: they address a non-agricultural use that is noiseless, non-polluting, does not increase non-construction traffic, does not intrude significantly into the vertical viewscape and will be removed at the end of its useful life via a plan requiring restoration of the land. Thus, while commercial uses may require a CUP process to achieve the goals of the Plan, a solar use does not. Indeed, to the extent that the Plan also encourages the use of renewables (as noted in earlier memos from staff), adding the layer of a CUP requirement to the proposed PPU Amendment is itself arguably inconsistent with the Comprehensive Plan.

Finally, in the six to seven years since the Comprehensive Plan was drafted, much has changed that was never contemplated by the current Plan. The costs of solar production have dropped; the demand for fossil fuels has declined precipitously; the demand for renewables, especially solar, has soared in the region while the rate of employment in Jefferson County has dropped and remained lower compared to surrounding counties. *See Work Force West Virginia 1/26/21.* And, the West Virginia Legislature has, since the Plan was approved, established an expedited process favoring the siting of renewable power generation. All of these facts favor the use of a PPU amendment to authorize solar facilities rather than to impede their development with a lengthy CUP process. We encourage the Planning Commission to approve the PPU Amendment as consistent with the Comprehensive Plan.

Very truly yours,

A handwritten signature in cursive script that reads "emily dalager".

Emily Dalager
Project Development Manager

History of Solar Text Amendment

Planning Commission Review:

- 11/18/19: Mr. Stanley Dunn, dairy farmer, requests Planning Commission (PC) to amend zoning ordinance to allow solar farms in rural districts.
- 12/10/19: PC unanimously approves motion to consider a solar text amendment in its work plan. *See* PC Minutes 12/10/19, ¶6; Memo of 5/27/20 from Zoning Administrator to PC.
- 2/11/20: PC appointed subcommittee to work with staff and interested parties to “draft a text amendment to allow solar facilities as a Principal Permitted Use.” *See* Memo of 5/27/20 from Zoning Administrator to PC.
- 5/5/20: Staff presented draft text amendment allowing solar facilities as a principal permitted use to Planning Commission. *See* PC Meeting Minutes, 5/5/20, ¶ 9. The PC approved a motion to schedule a public hearing on 6/2/20.
- 6/2/20: PC meeting. Staff provided overview of proposed text amendment recognizing solar energy production as a principal permitted use in rural and other zoning districts. PC Minutes, 6/2/20. Amendment included buffering, setbacks and a decommissioning obligation. Public comments were accepted at the meeting and comment period was extended 10 more days.
- 6/23/20: PC met to review proposed amendment and Staff’s compilation of public comments received through 6/16/20. *See* Public Comment Matrix available on PC webpage. PC revised the draft amendment in response to public comment to include decommissioning and bonding requirements as well as to add solar facilities as principal permitted uses in “residential growth districts.” The PC then voted 8-1 to forward the draft amendment to the County Commission with a finding that the text amendment is consistent with the Comprehensive Plan. PC Minutes, 6/23/20, ¶ 3.

County Commission Review:

- 7/16/20: Staff provided overview of solar facilities text amendment and discussed scheduling a public hearing. Motion by Ms. Tabb to send amendment back to PC for further edits failed 2-3. Motion by Ms. Noland for County Commission (CC) to hold public workshop passed unanimously.
- 8/6/20: Staff Workshop on proposed solar text amendment. Consensus of CC to hold another workshop on 8/20/20 and to hold a public hearing on 9/11/20. CC Minutes 8/6/20, ¶ 7.

- 8/20/20: CC conducted a 2nd workshop on the solar facilities text amendment. *See* PowerPoint presentations at <http://www.jeffersoncountywv.org/county-government/departments/engineering-planning-and-zoning/office-of-planning-and-zoning/solar-facilities>
- 9/11/20: CC public hearing to accept public comment on solar text amendment; CC extended period to file written comments for 2 weeks and noted that it planned to take action on 10/1/20. CC Minutes 9/11/20.
- 10/1/20: CC approves text amendment by 3-2 vote to allow solar facilities as a principal permitted use in various zoning districts, including rural residential growth districts, after declaring the text consistent with the County's Comprehensive Plan. Amendment to take effect in 45 days. Also approved amendment to ordinance to increase required setbacks from 100' to 200'. *See* CC Minutes 10/1/20, ¶ 10.

Lawsuit:

- 11/2/20: Lawsuit filed challenging ordinance on grounds that the ordinance is not consistent with Comprehensive Plan. *See Aitcheson et al v. County Commission*, Civil Action No. CC-19-2020-C-125. Complaint cited provisions of Comprehensive Plan that note one goal of the Plan “is to to preserve the rural character of the County and the agricultural community.”
- Court issued temporary restraining order (without first providing a hearing to the County or the public) pending a preliminary injunction hearing.
- 12/10/20: Prior to preliminary injunction hearing, Plaintiffs and CC settle the lawsuit. CC votes 3-2 to vacate existing amendment “to return the Text Amendment to the [PC] for further review, consideration and public hearing, if required by law.”

The Text Amendment is Consistent with the Comprehensive Plan:

- State law and the County zoning ordinance require that before the CC amends a zoning ordinance, “with the advice of the planning commission, [it] must find that the amendment is consistent with the adopted comprehensive plan.” *See* W.Va. Code § 8A-7-8. County zoning authorities are entitled to significant deference in making that determination.
- **Staff earlier noted that portions of Comprehensive Plans encourage the development of renewable energy:**
 - *See* May 27, 2020 memo from County Zoning Administrator to Planning Commission with highlighted excerpts from Comprehensive Plan encouraging development of renewable energy) (citing Comp. Plan, pp. 89-90 & 93).

- (pp. 89-90: noting the need to reduce use of finite resources, citing WV Legislative enactment requiring investor owned utilities to supply 25% of retail sales from renewable sources, and noting the benefits of solar energy production & p. 93, ¶8.a: listing among “Infrastructure and Technology Recommendations” the “[e]ncourage[ment of] public entities to utilize ... renewable energy sources....” and “[e]nabl[ing] the construction of renewable energy generation facilities by residents and businesses.”)
- **The Comprehensive Plan recognizes the need for flexibility in the use of agricultural properties:** Under the heading “Rural Land Use Planning,” the Plan observes:

Prevalent in discussions with Jefferson County’s agricultural communities was *the desire to have more flexibility in the types of uses and activities that take place on their properties*. While there has been an increase in the number of farms in Jefferson County in recent years, *many of the farms provide a limited income from farming activities*.

As a result, many farm operators are in the position of working the equivalent of multiple full time jobs (the job that pays for the farm, as well as the work needed to continue operations of the farm). *By having additional flexibility in uses and operations, farm operators might be able to continue to have a viable business* while devoting more time and resources to on-site needs, instead of having to work off-site to pay for the farm.

Comprehensive Plan, p. 38. This is consistent with the comments of several farmers who supported the solar amendment.

- **The Comprehensive Plan rejects preservation of farms without farmers:**
 - Under the heading “Agriculture and the Rural Economy,” the Plan notes that “[i]t is important that this decision *not be framed by the concept of preservation but of creating opportunities for farms to be economically viable*. *** *There must be a viable rural economy to maintain the rural landscape*.” Comp. Plan, p. 72 (emphasis supplied).
- **The Amendment preserves future use of land for farming:**
 - The amendment requires a “decommissioning plan” to restore land to pre-solar condition after power production ceases and a bond to cover the costs of the decommissioning. No such requirement exists for the conversion of farmland to residential or other uses that permanently convert the land to non-agricultural uses.
- **Amendment encourages co-location of facilities with existing exempted electrical infrastructure:**

- Commercial or utility scale solar development is impracticable unless sited close to existing electric infrastructure such as substations and transmission lines, which are already exempted from zoning restrictions as “essential utilities and equipment” under state and county law. W.Va. Code §§8A-1-2(f) (defining essential utilities) & 8A-7-3(e) (providing essential utilities are “a permitted use in any zoning district); JC Zoning Ordinance § 4.7(exempting essential utility equipment from zoning ordinance)
- By authorizing solar development near infrastructure that is already exempted from zoning restrictions the amendment minimizes aesthetic impacts. Suggestions by opponents that solar development be restricted to Urban Growth Areas and Preferred Growth Areas ignore that they are not necessarily located near existing electrical infrastructure.
- **The Amendment also includes screening, buffering and setback requirements to minimize the aesthetic impacts of solar facilities.**

February 9, 2021

Alexandra Beaulieu
Zoning Administrator
Jefferson County, WV

Re: ZTA19-03, Solar Energy Facilities

Following are comments for the Jefferson County Planning Commission Hearing 2.9.2021

1. The revision for the set back from 100 ft to 200 ft approved by the Jefferson County Commission should remain in the ordinance to mitigate impact on adjacent properties.
2. The Jefferson County Planning Commission excerpts provided from Envision Jefferson 2035 Comprehensive Plan to support their submittal only include excerpts from Sections 1.A and 2.A, Urban Level Development Area and Economic Development and Employment.
There is no representation from the Comprehensive Plan from Sections 1.B and 2.B regarding Rural Land Use Planning and Agricultural and Rural Economy.
All applicable sections of the Comprehensive Plan should be evaluated regarding the change in zoning and siting of these facilities.
3. If the County adopts the zoning change to allow these facilities it should be with a Conditional Use Permit and not by right (see page 77 of the Comprehensive Plan) to address the uniqueness of each property under consideration as well as impact to surrounding conditions unique to that particular site.
4. It is common knowledge in the County that other developers of these facilities are actively talking to landowners looking for potential development sites.
5. Has the Planning Commission evaluated the potential of number of acres that could be removed from agricultural to commercial use in the County with the zoning change allowing Solar Energy Facilities?
6. The AEP 138 kv transmission line used to send the wholesale energy North is outdated and the structures are old. If upgrade is required due to energy increase through the lines the rate payers will pay for upgrades and EMF levels could increase.
7. Dalager's statement in the February 3rd – February 9th Spirit of Jefferson article about the acreage covered by the panels is misleading. The statement that the panels would cover 318 acres does not include the negative space required in the layout of the panels, ie the rows between the panels making it sound like the installation covers less acreage.
8. Dalager's statement in the February 3rd – February 9th Spirit of Jefferson article that the facility will be generating 218 kilowatts of electrical power annually that would be

consumed by Jefferson County residents is misleading. This is a wholesale energy facility that is sending energy out of state. It is not dedicated for Jefferson County and what power may transfer will not be at wholesale rates.

9. Dalager also states that this project will pose no negative impact on wildlife which is also repeated in the mailing that they sent out to landowners. There is no mitigation for loss of habitat and no corridors for wildlife that would normally move through or get caught in the encapsulated 795 acres.
10. Decommissioning of the Facility may involve mitigation of metals and other contaminants on the land. A zoning change should provide provisions for a decommissioning plan to include surety requirements.
11. There should be no exemption to storm water management. Storm water management and runoff into the local streams and Shenandoah River is an ever growing impact to the health of our natural waterways in the County.
12. I believe there is a conflict of interest on the new County Commission Board.
13. I believe the Jefferson County Planning Commission and County Commission are in office to represent all citizens of the County making every effort to reach a best compromise solution from all concerns heard.

Thank you,

Robin Huyett Thomas
534 S. Samuel St./165 Sesame St.
Charles Town, WV

Planning Department

From: Planning Department
Sent: Tuesday, February 9, 2021 4:09 PM
To: 'o6redleg@aol.com'
Subject: RE: Solar Energy Zoning Amendment at the Planning Commission Hearing on Tuesday, February 9th

Good afternoon,

This email is to confirm the submission of your email. Please note that as your comment has come in after the deadline, your comments will be forwarded to the Commissioners just prior to the meeting.

Thank you and a nice day.

Sincerely,

Jennilee Hartman, Zoning Clerk
Office of Planning and Zoning
304-728-3228

From: o6redleg@aol.com <o6redleg@aol.com>
Sent: Tuesday, February 9, 2021 3:55 PM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Subject: Solar Energy Zoning Amendment at the Planning Commission Hearing on Tuesday, February 9th

Please see my attached comments concerning the Hearing this evening.

Any questions please contact me at o6redleg@aol.com

Thank you,

Robin Huyett Thomas

Planning Department

From: Planning Department
Sent: Tuesday, February 9, 2021 12:41 PM
To: 'Robin Moore'
Subject: RE: NO to Zoning Amendment

Good afternoon,

This email is to confirm the submission of your email. Please note that as your comment has come in after the deadline, your comments will be forwarded to the Commissioners just prior to the meeting.

Thank you and a nice day.

Sincerely,

Jennilee Hartman, Zoning Clerk
Office of Planning and Zoning
304-728-3228

From: Robin Moore <robinlbmoore@hotmail.com>
Sent: Tuesday, February 9, 2021 12:31 PM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Subject: NO to Zoning Amendment

Greetings,

Prior to your meeting this evening, I would just like to ask you to deny the zoning amendment which would allow essentially unlimited development of solar farms. Jefferson County is known for its beauty and history. We CANNOT sell out to companies and allow our scenic vistas and quality of life to be destroyed. I would certainly support solar farms that are carefully and thoughtfully planned and developed. The view that brought me to Jefferson County 18 years ago is in danger of the Wild Hill solar project. From where I sit, I am looking right at the proposed project site which is between my home and the gorgeous Blue Ridge. Certainly there are locations for these projects that would not be in direct view of homes.

Thank you for your consideration and for looking out for our county's best interests.

Robin Moore
96 Stephen Court
Charles Town (Cloverdale Heights)

Planning Department

From: Zac Curry <zcurryarmy@hotmail.com>
Sent: Tuesday, February 9, 2021 5:22 PM
To: Planning Department
Subject: Solar Panels

To Whom It May Concern,

I am a decade long resident of Jefferson County. I am a military veteran and coach one of the largest sports leagues in this county with over 100 Jefferson County families trusting me with their children, clearly I am dedicated to the future of our land. We moved to this county because of its scenic beauty and natural offerings. We are disgusted by the Planning Commissions activities concerning these panels and with their putting profit (sometimes personal) over the good of the county. Please do the right thing and vote down "by right" usage and vote for conditional use!

Thank you!

Very Respectfully,

Zac Curry

Planning Department

From: Planning Department
Sent: Wednesday, February 10, 2021 10:49 AM
To: 'Stacy'
Subject: RE: Public Comment #ZTA19-03

Good morning Ms. Tabb,

Thank you for submitting your comments to our office. We will include this email in the file.

Have a nice day.

Sincerely,

Jennilee Hartman, Zoning Clerk
Office of Planning and Zoning
304-728-3228

From: Stacy <sevanisko@hotmail.com>
Sent: Tuesday, February 9, 2021 8:42 PM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Subject: Public Comment #ZTA19-03

Planning Commission,

For the record, this is my public comment given today 2/9/21 at the public hearing.

Today, with the realized negative effects of traditional energy sources, it's expected that alternative, renewable energy would be explored. However, with what we are discussing here, there is no direct mechanism in effect in West Virginia for our homes nor small businesses to purchase the electricity to be generated, this is wholesale, in a regulated state.

When you read through Envision 2035, it lays out the desired infrastructure for what this County anticipated to develop. Now as renewables are gaining ground the task comes to you to design the terms and conditions according to the Comprehensive Plan framework. And, to do so in coordination with the JCDA, who recommended establishing guardrails for solar facilities including "only as a conditional use in appropriate zoning categories." Clearly there were inaccuracies with the proposed ordinance before and we find ourselves here again to address the requirements.

I am participating in this process because I am requesting appropriate change and growth. I respect the beauty of what we are made of here, and don't want to see it rapidly change in a way that deteriorates the identity.

What the applicant, Mr. Dunn requested and what has been proposed in Ordinance #ZTA19-03 are inconsistent. As currently written, the ordinance does not offer enough – such as the decommissioning, bonding and stormwater – to mitigate potential negative impacts. Allowing unconditional permitted solar projects almost anywhere in the County could transform hundreds if not thousands of acres. That's the potential size of each project. No other development in our County currently consumes that much space besides clusters of farms, homes and public lands.

We have the opportunity available now to evaluate proper land use in scale and intensity for solar projects and site the best-fit projects per location.

Opposition grows, not because people want to stunt growth, but because it is not being done in a complementary manner. Too often the interests of those of us who are tax paying residents, aren't seen as long-term community stakeholders, or given the opportunity to provide valued input. We DO participate in the creation of the Comprehensive Plan, and I am asking you to reevaluate those guidelines and modify the proposal to align with the Plan.

If facilities will be built, follow the Conditional Use Process, allow each project to be evaluated on its own merits and whether it's compatible with the surroundings. Give consideration to the adjacent landowners who know the lay of the land and how these large installations would directly affect them.

You are defining these allowed uses within our County, so I hope we get it right the second time. Thank You.

Anastasya Tabb

248 Willowdale Dr.

Shepherdstown, WV 25443