

Meeting Minutes
Jefferson County Planning Commission
September 28, 2021

The Jefferson County Planning Commission met on September 28, 2021 at 7:00 p.m. with the following Commission members present via ZOOM: Mike Shepp, President; Donnie Fisher, Vice President; Wade Louthan*, Secretary; Jack Hefestay, Ron Thomas, and Matt Knott.

The following Commission members were absent without notice: J Ware, Shane Roper, and Steve Stolipher, County Commission Liaison.

**Mr. Louthan joined the meeting at 7:07 PM, after the meeting had been called to order and was not present during the roll call.*

Staff members present included Jennifer Brockman, County Planner; Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, County Attorney; and Will Rohrbaugh, County's legal representative.

By order of the President, the Special Called Planning Commission meeting was held virtually via ZOOM. Virtual meeting access information was made available on the agenda, which was posted to the County website.

Mr. Shepp called the meeting to order at 7:01. Mr. Shepp reviewed meeting protocol. Ms. Brockman conducted a roll call.

Mr. Cochran noted that both the Planning Commission and the County Commission had previously found that the previous solar text amendment as drafted (*ZTA19-03*) was consistent with the Comprehensive Plan and to the extent that it was inconsistent, if any, that there had been changes of an economic, social, or other nature within the meaning of WV Code 8A-7-8 and met the requirements of WV Code 8A-7-8. Mr. Cochran noted that the previous findings from both the Planning Commission and the County Commission had not changed. Mr. Cochran stated that the JCC determined to request that the PC consider an amendment to the Comp Plan since there seems to be some confusion to the public regarding compatibility with the Comp Plan. Mr. Cochran referred to the letter from the County Commission, which provided direction to the Planning Commission, and was the purpose for the meeting.

1. ***Envision Jefferson 2035 Comprehensive Plan*** (approved 1/14/15)

- a. Overview of "Economic Development, Employment and Infrastructure Element" with particular focus on the Alternative Energy subsection under Infrastructure.

Ms. Brockman provided an overview of the purpose behind the meeting and the timeframe of the amendment process. Ms. Brockman reviewed excerpts from the *Envision Jefferson 2035 Comprehensive Plan (2035 Plan)*, noting that the Plan had been in effect for about six years.

2. **Round Table/Public Workshop**

Mr. Shepp stated that the County Commission had instructed the Planning Commission to consider revising the Comprehensive Plan to permit solar farms in the rural and the residential growth districts. He stated that the purpose of the meeting was to receive public input about this requested amendment to the *2035 Plan*. Mr. Shepp opened up the meeting to receive public input. Ms. Beaulieu read the names of individuals who had signed up to speak in the order they were listed.

1. Mr. Doug Rockwell, Charles Town, WV. Mr. Rockwell referred to WV Code 8A-3-1 and 8A-3-2 regarding the Comprehensive Plan amendment process. Mr. Rockwell stated he objected to the format of the meeting notice and the limitation to three minutes for public comment. Mr. Rockwell provided an overview of various sections of the *2035 Plan*, emphasizing the Plan's various goals and objectives regarding protection of the County's rural character and viewsheds. Mr. Rockwell suggested a combination of processes to include permitted uses and conditional

use permits, similar to special event facilities.

[Mr. Rockwell had also submitted a copy of the PAS Memo-2019-09-10 “Planning for Utility Scale Solar Energy Facilities” which was included in the 9/28/21 PC packet.]

2. Chris Sternhagen, Minneapolis, Minnesota, Director for Development with EDF Renewables and acting as the Principal Developer for the proposed Wild Hill Solar Facility sited in Jefferson County. Mr. Sternhagen offered various points to consider solar energy facilities as compatible with agricultural uses and also to be considered a variant of traditional agricultural land uses. Mr. Sternhagen stated that solar facilities help preserve productive soil for future agricultural use. He also noted that solar farms do not require the installation of new utility infrastructure or roads typical to traditional commercial development. Mr. Sternhagen provided an overview of the siting process for solar facilities and noted two limiting factors: 1) Access to available transmission capacity; and 2) Topology and access to land suitable for installation and operation of a solar farm. Mr. Sternhagen concluded with a request to the Planning Commission to consider an amendment that would allow solar facilities as a principal permitted use.
3. Julie Philabaum, Charles Town, WV. Ms. Philabaum stated that she was speaking as a concerned citizen and not as a representative of any group or organization she had been appointed or elected to. Mrs. Philabaum stated that the proposal to allow solar as a permitted use was not consistent with the *2035 Plan*. She stated that the text amendment as drafted would allow more than 80% of the County to be used for solar facilities without significant safeguards. Ms. Philabaum referred to various goals in the *2035 Plan* which include protecting the rural character of the County and implementation of the urban tree canopy plan. Ms. Philabaum concluded by recommending that solar facilities require a Conditional Use Permit and that there be a limitation to the percentage of land that could be used for solar in the County.
4. Anastasya Tabb, Shepherdstown, WV. Ms. Tabb stated that the agenda description was not as direct as it could have been. She stated that she was not opposed to renewable energy but argued that the amendment should be drafted in a way that is compatible with the community.
5. Christine Marshall, Shepherdstown, WV. Ms. Marshall urged the Planning Commission to conduct a study of the impact of utility scale solar on the County, including environmental and economic impact. She stated that following a thorough study, then the County could propose changes to the concept [sic] plan. Ms. Marshall stated that the County should also study the best siting locations for utility scale solar and consider financial incentive for siting on brownfields and landfills.

[Ms. Marshall also submitted an e-mail and copy of the PAS Memo-2019-09-10 “Planning for Utility Scale Solar Energy Facilities” which was included in the 9/28/21 PC packet.]

Ms. Beaulieu confirmed that there were no other members of the public signed up to speak. Mr. Shepp closed public comment.

3. Next Steps

Planning Commission Work Session: October 5, 2021 to finalize proposed language

Planning Commission Public Hearing (tentative): November 16, 2021

4. **Review and Discuss:** Planning Commission discussion and direction to staff regarding proposed Comprehensive Plan text amendment

Mr. Shepp moved to instruct staff to prepare a draft revision of the *Envision Jefferson 2035 Comprehensive Plan* to permit large scale solar facilities in the rural and residential growth districts. Mr. Hefestay seconded the motion, which carried unanimously. Mr. Shepp requested to have the draft by the October 5, 2021 meeting for review and consideration.

Mr. Cochran requested confirmation that the public could continue to submit written comments and information for the Planning Commission's consideration. Mr. Shepp stated that would be acceptable through the public hearing.

Mr. Hefestay motioned to adjourn at 7:27 p.m. Mr. Fisher seconded the motion, which carried unanimously.

These minutes were prepared by Alexandra Beaulieu, Zoning Administrator.