

Meeting Minutes
Jefferson County Planning Commission
September 10, 2024

The Jefferson County Planning Commission met on September 10, 2024 at 7:00 pm with the following Planning Commission members present: Aaron Howell, Vice President; Wade Louthan, Secretary; Jack Hefestay, Cara Keys, Tim Smith, Donnie Fisher, and Steve Stolipher, County Commission Liaison were present in person. J Ware was present via ZOOM.

Mike Shepp, President, was absent with notification.

Staff members present included Jennifer Brockman, Chief County Planner, Luke Seigfried, County Planner; Jonathan Saunders, County Engineer; Alexandra Beaulieu, Deputy Director & Zoning Administrator; Nathan Cochran, Prosecuting Attorney; and Jennilee Hartman, Zoning Clerk.

Mr. Howell presided over the meeting in Mr. Shepp's absence. Mr. Howell called the meeting to order at 7:00 pm and confirmed a quorum was present.

1. Approval of Meeting Minutes: August 13, 2024

Mr. Howell stated the minutes stand approved as presented with no objection.

2. Request for postponement. None.

The following items are open for public comment.

3. Public Workshop: Solar Energy Facility Concept Plan for the Franklinton Farm Solar Project.

The proposal consists of constructing an 80-megawatt solar energy facility on 502 acres. The project consists of rows of solar modules, a new substation to connect the solar facility to the existing overhead electrical transmission line, and a 20MW Battery Energy Storage System (BESS). The Project also includes internal access roads, commercial entrance(s), security fencing, a buffer screen, and stormwater management. (File #24-2-SP).

Applicant: Franklinton Farm, LLC / Attn: Ashley Smith, P.E., Enel North America, Inc

Parcel Info: Mark D. Stolipher, Property Owner

2998 Withers Larue Rd, Summit Point, WV 25446

Parcel ID: 06001900080004; Parcel/Project Size: 146.84 ac; Zoning District: Rural

Parcel Info: Mark D. Stolipher, Property Owner

322 & 288 Scooter Ln, Charles Town, WV 25414

Parcel ID: 06001900160000; Parcel/Project Size: 50 ac; Zoning District: Rural

Parcel Info: Mark D. Stolipher, Property Owner

261 Berry Hill Farm Ln, Summit Point, WV 25446

Parcel ID: 06001900070000; Parcel/Project Size: 150.31 ac; Zoning District: Rural

Parcel Info: Michael Paul Chapman, Trustees, Property Owner

651 & 653 Franklinton Rd, Summit Point, WV 25446

Parcel ID: 06001900060000; Parcel/Project Size: 154.16 ac; Zoning District: Rural

Mr. Stolipher recused himself from this Item due to a conflict of interest.

Ms. Brockman explained the purpose of the Concept Plan Public Workshop process and the Planning Commission's role in evaluating the concept plan.

Ms. Brockman provided an overview of the staff report. Ms. Brockman explained that because the subject project is located entirely outside of the Urban Growth Area that the applicant was required to obtain a Conditional Use Permit from the Board of Zoning Appeals. Ms. Brockman confirmed

that the Board of Zoning Appeals approved the Franklinton Farm Solar Project Conditional Use Permit on August 22, 2024 [File #24-4-CUP]. Ms. Brockman noted that should the Planning Commission find the Concept Plan complete, the next step would be the submission of a stormwater management report or plan to the office, which would be administratively reviewed. The applicant would also be required to obtain an approved zoning certificate and building permit prior to the commencement of the project.

Ashley Smith with Enel North America, on behalf of Franklinton Farm LLC, Joe Knechtel with Potesta & Associates, and Paul Raco with P.J. Raco Consulting, LLC, Mr. Ryan Spray with Exponent, and Peter Berthelson with Conservation Blueprint, were present to address the Planning Commission. Ms. Smith and Mr. Raco provided an overview of the proposed land use and presented a PowerPoint presentation that outlined the scope of the project. A copy of the presentation was submitted for the record. Ms. Smith highlighted the fact that the proposed setbacks and landscape buffers exceed the setback and buffer requirements outlined in the Zoning Ordinance as they are measured from the fencing and not the panels. Ms. Smith noted that they would conduct ground penetrating radar (GPR) around the Locust Grove Cemetery prior to construction. The applicant referenced the following studies that were included in the Planning Commission's packet: Franklinton Farm Solar Project Glare Analysis, Franklinton Farm Solar Project Pre-Construction Acoustical Assessment, Franklinton Farm Solar Project Vegetation Management Plan, and an Appraisal Report from Kirkland Appraisals, LLC. A copy of these studies were included in the project file. Ms. Smith and Mr. Raco addressed questions from the Planning Commission.

Mr. Howell opened the public workshop. The following members of the public provided testimony:

Jacquelyn Milliron, Judy Wiles, Sharon Cogle, Barbara Milleson, Tammy Sokel, Mike Chapman, Susan Snyder, Jeffrey Albert, Richard Zigler, Laurice Berry, Karen Bailey, Rebecca Thompson, Rebecca Chason, Sarah Burdick, Bob Thompson, Christy Wimer, Billie Garde, and Marc Caminit.

Mr. Howell closed the public workshop.

Addressing the public's concerns regarding health and safety, Mr. Spray, a chemist who specializes in battery and electric chemistry, addressed the public's concerns regarding the potential hazards of fire safety as it relates to the battery units. Ms. Smith stated that they would develop an emergency response plan that would be shared with local first responders and that training would be provided to ensure the plan is implemented effectively. Mr. Berthelson provided a summary of the Vegetation Management Plan that was included in the packet. Ms. Smith addressed the Planning Commission's questions regarding the existing slope and grading for the project and landscaping installation/management.

The Planning Commission discussed the impacts of the proposed project. Mr. Cochran advised the Planning Commission of their role as it relates to the concept plan process.

Mr. Fisher moved to accept the Concept Plan as presented and to direct preparation of a stormwater management plan and zoning certificate to include the proffers made by the applicant. Mr. Smith seconded the motion, which carried six (6) in support and one in opposition (1) Hefestay.

Mr. Stolipher returned to the meeting room for the duration of the meeting.

- 4. Public Hearing:** Waiver from Section 24.118 of the Subdivision Regulations to extend the timeframe to bond and record the final plat for Phase 2 of the Rocky Ridge Subdivision to December 31, 2024. Applicant/Property Owners: Townhome Rentals LLC. Property Location:

Vacant Lot - Hospice Lane, Kearneysville, WV. Parcel ID: 070001001A0RES; Sizes: 7.6 acres; Zoning District: Residential-Light Industrial-Commercial (File #24-25-PCW).

Ms. Brockman provided an overview of the staff report.

Mr. Paul Raco with P.J. Raco Consulting, LLC, consultant, explained the nature of the request.

The Planning Commission members asked clarifying questions.

Mr. Howell opened the public hearing. No members of the public were signed up to speak.

Mr. Howell closed the public hearing.

Mr. Fisher moved to approve the request as presented. Mr. Louthan seconded the motion, which carried unanimously.

There is no public comment for the following items.

5. Review and Approval: Draft Planning Commission Submission Deadline Policy.

Mr. Seigfried explained the purpose of the proposed draft Policy. Ms. Brockman stated that the policy would apply only to applications related to the Subdivision Regulations and not related to the Zoning Ordinance, because the Board of Zoning Appeals sets their own policies and timelines for zoning applications. The Planning Commission members asked clarifying questions.

Ms. Keys moved to approve the request as presented. Mr. Louthan seconded the motion, which carried unanimously.

6. Reports from Legal Counsel. None.

7. Planner's Memo

Ms. Brockman and Mr. Seigfried provided an overview of the upcoming dates as they relate to the draft 2045 Comprehensive Plan. Staff confirmed that the Planning Commission's next meeting is scheduled for September 17, 2024 at 7:00 pm to review the public comments received. Ms.

Brockman noted that an additional meeting may need to be scheduled in the future depending on the extent of revisions requested at the September 17th meeting.

8. President's Report. None.

9. Actionable Correspondence. None.

10. Non-Actionable Correspondence. None.

Mr. Hefestay moved to adjourn the meeting at 9:24 pm. Mr. Stolipher seconded the motion, which carried unanimously.

These minutes were prepared by Jennilee Hartman, Zoning Clerk.