

CLARK COALITION

PO Box 596 | Winchester, KY 40392

In re: Next Steps in Solar Determination Process

December 4th, 2020

To our fellow citizen-stakeholders,

We write this letter on behalf of the Clark Coalition, an organization dedicated to promoting smart-growth, sustainable economic development, and government transparency in Winchester-Clark County.

At its meeting on Tuesday, December 2nd, Planning Commissioners unanimously voted to form a “committee-of-the-whole”– comprised only of its own membership – with the purpose of drafting an industrial solar ordinance for Clark County *without* any input from public.

This decision is alarming, and shockingly disregards sound land-use planning practices and good government.

Through its actions, the Planning Commission is sabotaging the public’s right to determine whether or not industrial solar is even appropriate here in Winchester-Clark County.

By committing to the creation of an ordinance, the Commission has summarily determined that we will have industrial solar in our community. A decision that was made without updating our Comprehensive Plan, which is our legal guidepost for managing new land uses today and in the future; without conducting a public hearing; and without openly reviewing objective research about the short and long-term effects of solar factories on our environment, our economy, and our quality of life.

Moreover, the Commission aims to conduct three meetings to draft this ordinance within the span of a single week (December 14th, 16th and 21st) without allowing citizen comment or involvement.

In September, more than 300 citizens attended a public meeting to make their voices heard, only to be turned away; hundreds have written letters to our elected officials and nearly 3,000 have signed a petition expressing their opposition to industrial solar in Clark County’s rural area.

That a Commission entrusted with the interests of Clark Countians should so explicitly deny public participation in answering fundamental growth questions affecting our future, and then drafting related laws is unacceptable.

Why the need for such urgency? So that a few special interests can benefit from solar factories, while our irreplaceable Bluegrass landscape, cultural brand, and economic currency hang in the balance? Such action comes at the very real expense of undermining the public’s trust in our representative government.

Winchester-Clark County deserves better.

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As a solution, we strongly recommend that the Clark County Fiscal Court and Winchester City Commission adopt a moratorium on solar development and the creation of solar ordinance(s) for a period of 1 year.

A moratorium through 2021 will enable the question of industrial solar to be considered under the purview of the Comprehensive Plan, which is scheduled to be initiated and funded in 2022.

The Comprehensive Plan process is the appropriate legal forum to consider complex changes to our community's land-use policy, because of its statutory standing and intentional due diligence and extensive planning and public input processes.

In addition, there is considerable precedent across the U.S. for enacting moratoriums on solar development—as hundreds of communities have used them to study the significant effects industrial solar facilities have on economic growth, job creation, tourism, property values, quality of life, natural resources, and signature industries.

Finally, a moratorium allows our community the necessary time to overcome COVID-19, and the express challenges the pandemic presents to public assembly and participation that democracy requires.

Hastily-arranged, and technologically challenging “public” hearings via Zoom are inadequate and legally problematic. There is no substitute for in-person meetings, especially on matters of county-wide consequence such as industrial solar facilities.

The issue of whether or not to permit industrial solar is of monumental importance. The process to determine its appropriateness should not be short-changed, or made without the widespread involvement of Clark Countians...so that a few can profit at the expense of the many.

Clark Coalition champions the interests of the citizens of our community. We remain committed to ensuring a transparent process that represents the will of the public.

Sincerely,

L. Edwin Gilkison
Chair, Clark Coalition

Mark Mayer
Director, Clark Coalition

Deborah Garrison
Director, Clark Coalition

Will Mayer
Executive Director, Clark Coalition

CLARK COALITION

cc: Mayor Ed Burtner
Judge Executive Chris Pace
Winchester City Commission
Clark County Fiscal Court
William Dykeman, Winchester City Attorney
William Elkins, Clark County Attorney
Dwain Wheeler, Chair of Planning Commission