

Supervisors require planners to hold hearing on project

MONTEREY — Highland New Wind Development applied for a review of its proposed turbine site recently, and Tuesday, supervisors voted to require Highland planners to hold a public hearing on the application.

County attorney Melissa Dowd explained the developer had applied for the special review under a section of the Code of Virginia that requires utility plans to be assessed for how they fit a locality's comprehensive plan.

Planners have 60 days to look at HNWD's project from that perspective — until April 20 — and while the law does not require a public hearing for such reviews, Dowd urged county officials to err on the side of more public input rather than less.

Supervisors quickly agreed without comment, and voted to require the commission to hold a hearing.

The comprehensive plan review means planners must look at the company's proposal to see whether it lies "in substantial accordance with" Highland's comprehensive plan.

As Dowd told the board, "This is one of the allegations made in the lawsuit filed against the county — that this review was required before any conditional use permit can be granted. You (the board) made the permit contingent on this review, so the question for the court, in my opinion, is, does it have to come before any authority you grant? There is case law out there," she said.

"This is a very narrow review," Dowd added. "It's not, do we like wind energy? ... It's a narrow planning section, not a zoning section."

Zoning official Jim Whitelaw will submit a report on the issue to planners at their March 23 meeting.

If the commission finds, after a public hearing, that the project is in accord with the comprehensive plan, nothing changes and the matter is not taken up by supervisors following that decision.

If the commission finds it's not, HNWD can appeal to the county board, which has the authority to overrule the planners' decision.

— *Anne Adams*