VIRGINIA SOLAR LAND USE NEWS OF NOTE

May 5, 2023

Amherst County

The Board of Supervisors will have a public hearing on May 16 to discuss Piney River Solar, a 50 MW, 400 acre facility developed by Energix. In preparation for this public hearing, Energix is placing 15 foot flags on the site as a visual to indicate where the solar panel arrays will go. Shawn Hershberger of Energix said "This is an opportunity to display the furthest extents of the solar array and create an accurate demonstration of how the natural topography of the land and existing vegetation will help to maintain viewshed." As reported in our March 24 Newsletter, the Planning Commission voted against recommending a special use permit ("SUP") on March 16. Read more here.

Dinwiddie County

Lilly Pond Solar, the 80 MW, 500 acre facility developed by Energix, will go before the Board of Supervisors on May 16 for an SUP. This will be Lilly Pond Solar's second time before the Board of Supervisors, having been rejected previously. The revised proposal decreases the amount of prime farmland used by the project and doubles the setbacks. The Planning Commission recommended to the Board Lilly Pond Solar to receive an SUP on March 8. Read more about the project here.

Isle of Wight County

Four pending conditional use permit applications have been received by the county over a four-week period in March and April. These projects include: (1) a 3 MW, 18 acre project developed by New Leaf Energy; (2) a 3 MW, 94 acre project developed by Pivot Energy; (3) a 3 MW, 288 acre project developed by Dawood; and (4) Sycamore Cross, a 240 MW, 1,960 acre project developed by AES. Notably, the county is considering changes to its solar ordinance that would impose a near-moratorium on solar development. However, any project submitted prior to the adoption of the ordinance changes would be grandfathered in. Read more here.

Perspectives:

Could Reinstated Solar Panel Tariffs Quiet Opposition in County Land Use Hearings? But at What Cost?

On Friday, April 29, the House of Representatives voted to end a pause on tariffs for solar panel imports from Thailand, Vietnam, Malaysia, and Cambodia. On Wednesday, May 3, the Senate voted for the same. The tariffs were originally proposed in March of 2022, based on Commerce Department fears that those southeast Asian countries were skirting U.S. anti-dumping laws that limit solar imports from China. President Biden halted the tariffs before they ever went into place, saying that the two-year pause was necessary to satisfy the demand for clean energy and to provide certainty for jobs and investments in the solar supply chain.

With the Senate vote, Congress has now voted to reinstate the tariffs, citing concerns about unfair competition from China. The measure will next be sent to the White House for signature. President Biden vowed to veto the measure if it reaches his desk but has also made clear that he does not intend to extend the tariff suspension past its expiration in 2024.

In Virginia, anti-solar activists cite the Chinese derivation of panels as a key reason for opposing special use permits at the county level. Social media groups surrounding the "Not in My Backyard" movement often contain posts from citizens concerned with developers using Chinese products in their facilities.

Could Congress's efforts to block or slow the importing of Chinese panels in the US ultimately prove beneficial in public perception of solar in Virginia county proceedings? It is difficult to yet say. But the near-term ramifications could cause more harm to the industry than the potential long-term benefits. Gregory Wetstone, president and CEO of the American Council on Renewable Energy, said that if reinstated, the tariff "would have a devastating impact on U.S. solar deployment." A global shortage of solar panels has already caused delays in new solar projects nationally. Though the American Council on Renewable Energy is working to increase U.S. manufacturing of solar modules, it says the industry needs more time to scale up.

Though the tariff would have long term benefits, including bolstering American solar panel production and, potentially, satisfying concerns of anti-solar citizens, the near-term effects may be more detrimental to the industry.