



VIRGINIA SOLAR LAND USE NEWS OF NOTE
January 16, 2024

PROPOSED SOLAR MORATORIUM | Greenville County

On January 2, the Board of Supervisors voted 3-0 to adopt Resolution 24-55, which directs the Planning Commission to begin the process of removing utility-scale solar as a permitted use, with or without a special use permit, from the County's Zoning Ordinance and Comprehensive Plan. The resolution specifically exempts Dominion's County Line Solar project from any change to the ordinance that would prevent it from continuing to seek a special use permit.

Strata Clean Energy is attempting to secure approval for its Rosalind Solar project by downsizing the facility from 1,950 acres to 992 acres, with 460 disrupted acres. The Planning Commission received a 60-day extension on reviewing the new proposal from the Board at the January meeting. [Read more here.](#)

Solar | Buckingham County

On December 18, the Planning Commission approved a special use permit for the Mount Pine Arvonias projects, two 80-MW facilities developed by Hodson Energy, after agreeing to some changes to the site plan, including increasing the setbacks from the fence to 75 feet. The Board of Supervisors will likely consider the project at its February meeting. [Read more here.](#)

Solar Ordinance | Clarke County

On January 16, the Board of Supervisors will hold a public hearing on the amendments to the county's solar ordinance approved by the Planning Commission last month, which require any new solar facilities to be located adjacent to and within one mile of either of two pre-existing substations in the county. The new requirement essentially prohibits any additional solar development in the county, a situation sometimes referred to as "quasi-moratorium."

Additionally, the Planning Commission has again deferred consideration of the Horus Virginia I solar project, a 50 MW project that was initially proposed that summer, pending receipt and review of additional information from the applicant. The Commission plans to consider the application at its February 2 meeting. [Read more here.](#)

Comprehensive Plan | Nelson County

On January 31, the Planning Commission will hold its first public hearing on the new 2042 Comprehensive Plan draft, which is on track to be adopted by April of this year. The current draft includes several provisions that encourage responsible solar development in the county. [Read more here.](#)



Solar | New Kent County

On December 18, the Planning Commission voted 7-1 to approve a 2 MW solar project developed by New Leaf Energy (formerly Borrego). The project was rejected by the BOS in 2022 when it proposed a 3 MW facility, and the resized application was resubmitted in October 2023. New Leaf requested and was granted a deferral of the Board of Supervisors public hearing until their February meeting. [Read more here.](#)

Solar | Prince Edward County

On December 19, the Planning Commission voted not to recommend approval of New Leaf Solar's 3 MW Old Ridge Road project, after more than a dozen residents voiced concerns about the project during the public hearing. The Board of Supervisors was scheduled to consider the project at its January meeting, but New Leaf requested the application be put on hold so that they can address some of the issues raised in December. [Read more here.](#)

Solar | Richmond County

On December 14, the Board of Supervisors approved extensions to the special use permits for three projects being developed by New Energy Equity and Summit Energy. The developer cited utility study and supply chain delays as the reason these projects are not ready to proceed to construction in time. The extensions give New Energy Equity until 2027 for the Self IV and V projects and 2025 for the Selv I project to begin construction. [Read more here.](#)

Solar | Suffolk

On December 19, the Planning Commission denied a conditional use permit for Switchgrass Solar, a 49 MW project developed by RWE Clean Energy. The company argued the project was essentially an extension of its nearby Pleasant Hill facility, but the Commissioners were unconvinced that the project would be a proper use of land within a suburban district. The CUP request goes before the Suffolk City Council on January 17. [Read more here.](#)

Solar Ordinance | Tazewell County

On January 23, the Board of Supervisors and Planning Commission will hold a joint public hearing on a newly proposed solar ordinance. The proposed ordinance is in response to Energix's proposed large-scale solar project near Cavitt's Creek Park. A siting agreement for that project will also be considered at the meeting. [Read more here.](#)



VA General Assembly - 2024 Legislative Session

The kickoff of the Virginia General Assembly's 2024 Legislative Session brought the introduction of several bills aimed at changing the renewable energy development landscape in Virginia.

HB 636 (Sponsor: Richard C. Sullivan, D – House District 6)

This bill establishes a procedure for a developer of a commercial solar, wind, or energy storage facility to obtain approval for a certificate from the State Corporation Commission ("SCC") for siting the facility rather than from the host locality. The new process would apply to solar and storage projects of 50 MW or more, as well as large wind projects. Essentially, it allows a developer to apply directly to the SCC for siting approval if the host locality fails to timely approve or deny a special use permit ("SUP") application, denies an SUP application that otherwise complies with the statutory development requirements, or amends its zoning ordinance to be more restrictive after an SUP application was submitted. An applicant that is issued a SCC certificate is exempt from obtaining any local land use approvals.

HB 1236 (Sponsor: Daniel W. Marshall, III, R – House District 49)

This bill proposes several changes to local land use approval processes, including the "Comprehensive Plan" review process that applies to solar facilities (the so-called "2232 review") that is performed by a locality's Planning Commission). It prohibits localities from denying a project at the 2232 review stage if it complies with any state or local siting requirements. It also prohibits incorporating Comprehensive Plan provisions into the local ordinances by reference, thereby preserving the Plan's status as an advisory document without legal force.

HB 397 (Sponsor: Tim Griffin, R – House District 53)

This bill attempts to repeal several key sections of the Virginia Clean Economy Act. It repeals Code § 56-585.5 (the Renewable Portfolio Standard program) in its entirety and removes the code sections providing for public interest findings and development requirements for solar and energy storage (but leaves offshore wind in place), while adding a public interest finding for nuclear systems. It also removes the prohibition on building new carbon emitting resources and the Air Pollution Board's authority to mandate CO2 emission reductions.

*Have a tip to share? Want to explore community meetings, siting agreements, 2232 determinations and state trends?
Contact us. Jared Burden, jburden@greenehurlocker.com*