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Dean A. Lynch, CAE

The Honorable Abigail Spanberger
Attention: Policy Office (Bill Review)
Office of the Governor
Patrick Henry Building
1111 East Broad Street, 3rd Floor
Richmond, Virginia 23219

Re: House Bill 711/Senate Bill 347 (Solar facilities; local regulation, special exceptions)

Dear Governor Spanberger,

On behalf of the Virginia Association of Counties (VACo), I urge you to veto House Bill 711, patroned by Delegate Charniele Herring, and Senate Bill 347, patroned by Senator Schuyler VanValkenburg.

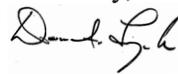
The bills require that, unless otherwise permitted “by right,” a locality shall require and review any “special exception” (aka special use permit) for any application of a solar project one megawatt or more in generating capacity in all zoning districts classified as agricultural, commercial, industrial, and institutional. The legislation then mandates specific criteria to be applied to such applications, and they be adopted in local zoning ordinances.

VACo notes that while there is no mandate to approve such applications, the legislation does require localities to review all such applications, regardless of whether the location of the proposed facility is contrary to local comprehensive plans and land use ordinances, and ... *furnish the State Corporation Commission a record of special exception decisions reached pursuant to this section not more than 60 days after such decision is made. The record shall include (i) the reason for any adverse decision, (ii) any finding of nonconformity with the local comprehensive plan, and (iii) the date of the last revision to the comprehensive plan.*

VACo supports maintaining local authority to address all impacts and all choices associated with utility-scale installations of solar power. Noting that projects can vary in size and potential impacts to agriculture, forest and local waterways, Virginia’s counties have responsibly reviewed and approved such applications with the input of all relevant stakeholders. According to the [UVA Weldon Cooper Virginia Solar Dashboard](#), since 2013 Virginia localities, in working with developers to address all stakeholder concerns, have approved 397 utility-scale solar projects with total of 16,996 megawatts of rated capacity for an application approval rate of 77.8 percent.

If you or your staff have any questions, please contact me at dlynch@vaco.org. We would also appreciate the opportunity to provide input should any amendments be considered.

Sincerely,



Dean Lynch
VACo Executive Director

Copy: The Honorable Katie H. Frazier, Secretary of Agriculture and Forestry
The Honorable Carrie H. Chenery, Secretary of Commerce and Trade
The Honorable David L. Bulova, Secretary of Natural and Historic Resources

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