

## Supervisors vote to deny Piney River solar facility

50-megawatt project sought near Amherst-Nelson border on Virginia 151 evokes many community views for, against

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### **E**NERGIX RENEWABLES

AMHERST — The largest utility-scale solar farm project proposed to date in Amherst County on Virginia 151 just next to the Nelson County border received the county board of supervisors' unanimous denial Tuesday.

The board voted to affirm the Amherst County Planning Commission's previous decision that the Piney River Solar Project, a proposed 50-megawatt facility on about 180 acres of a much larger tract is not substantially in accord with the county's comprehensive plan for growth and development. After a public hearing that drew nearly 20 speakers, about half in support and the other half opposed, the board voted unanimously to deny a special exception permit for the solar farm.

Energix Renewables, an Alexandria-based company that has 14 operational solar projects in Virginia and one in Pennsylvania, proposed the project on a property of more than 300 acres in the Piney River area of Amherst County. Shawn Hershberger, project manager for Piney River Solar, said the company has 90-plus employees in Virginia, has invested more than \$1 billion in utility infrastructure in the United States and is committed to buying American-made solar products in delivering clean energy.

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After an initial denial from the commission for a special use permit on Agricultural Residential, A-1, zoned land in March 2023, the company modified its proposal based on community members' input and reduced the project size, increased setbacks, planned more vegetative screening and buffering, and proposed more direct community benefits, Hershberger said. The commission late last year voted a second time to recommend denial of the revised project.

A major source of opposition some residents and commissioners voiced centered on the effects on the viewshed along the Virginia 151 corridor and nearby properties. Hershberger said the company diligently worked to address those concerns and the project makes good use of a site used as tailing ponds connected with a former titanium ore and apatite mine that operated from 1931 to 1971 in nearby Nelson County.

The Amherst County property is a brownfield site, a term for properties geared toward redevelopment after previous environmental issues, and the Virginia Department of Environmental Quality (DEQ) and the federal Environmental Protection Agency lists renewable energy projects as a best practice on such sites, Hershberger said.

"One of the key features of solar, especially on a site like this, you're not going to see it, you're not going to hear it, it produces no pollution," Hershberger said. "After construction, you're not going to even know it's there. Over the lifespan of the project, it will produce roughly \$10 million in revenue for Amherst County, including a \$2.4 million up front siting agreement payment."

The company also proposed a \$30,000 per year benefit fund for county nonprofits, according to Hershberger. More than 80% of the site is shielded by existing dense tree cover and setbacks exceed county standards of 150 feet or more, he said.

An elevation change and natural berm effectively makes the panels impossible to see from the nearby Blue Ridge Railway Trail, Hershberger said.

Amherst County stood to collect a 25-times increase in revenue over its current land use that produces \$8,762 per year, according to the presentation. The solar use would make that tax revenue yield roughly \$167,000 per year and generate 200 jobs during the construction phase with an emphasis on hiring local, Hershberger said.

The tens of thousands of panels would have been on a fixed-tilt system with technology that Energix representatives said is a tested and well-established technology.

Energix appealed the commission's finding the solar project is not in line with the comprehensive plan. Scott Foster, an attorney for the company, told supervisors his opinion is it does not pose a risk to the Piney River or general project area and the comprehensive plan specifically identifies brownfield sites as opportunities for development.

"That's exactly what this project presents. It's an excellent project compared to some we're working on," Foster said, adding: "Solar is actually a really good neighbor to other rural land uses ... nor once it's constructed is it going to emit any noise, sound, light, etc."

Foster said the project also doesn't put demands on county services and is "neatly arranged within a single parcel, which is rare in solar development."

### **Voices in favor**

Skyler Zunk, of Energy Right, a nonprofit that works to bring a conservative voice to clean energy development in rural Virginia, said about 30 letters of support were given to county officials and Energix also presented about 100 letters in support.

Zunk said the board sent the right message to Richmond lawmakers in recently voicing opposition to a proposed state bill from Sen. Creigh Deeds, D-Charlottesville, that proposed to shift oversight of 50-megawatt solar projects away from localities and to the state. That legislation, Senate Bill 567, was carried over into 2025.

While the nonprofit agrees regulating solar should be a local decision, Zunk said new ways to empower the economy must be found.

"... And solar is an environmentally sound and cost-cautious way to do so," Zunk said.

Noel Giles, a county resident, said he worked at the former Piney River plant from 1960 to 1971 and the area felt the economic blow when it closed. He supported the project receiving county approval.

Cheryl Mares, a county resident, said she was "skeptical but neutral" when she toured the site and was impressed by the company's plans.

"I do think there's a lot of benefit to Amherst County residents here. It's an economic investment and it's a well-thought-out project," Mares said, adding she feels solar is the way to go.

Sadb Field, a farmer and county resident of nine years who lives near the site, said she sees the solar project as a way to make the overall energy system more resilient.

"There is a constant attack upon our grid at this point. We are more vulnerable than we've ever been. People are shooting at our transformers, taking down substations and constantly trying to hack the power plants," Field said. "We in Amherst want resilience; we want to bring power generation back into Virginia because right now we import the majority of our power from outside of this state through long-distance powerlines ..."

Field said she wants to see more resilience in a power grid she feels is vulnerable and too dependent on other states. People also want to breathe clean air and drinking water, she added.

"This place is not going to be a danger to any of that. They have a remediation plan in place," Field said to supervisors. "You, on this board, what are you personally going to be doing to remediate this brownfield site if this project isn't approved?"

Nelson County resident Dick Whitehead, who lives five miles from the site, said he thinks the impact on the watershed is "minuscule" compared to a stretch on U.S. 29 Business in Madison Heights where a major new residential development is taking shape.

Bill Kershner, a town of Amherst resident, said he is convinced the project would benefit the county.

"I believe that it is good to have diverse sources of energy," Kershner said.

Wayne Massie, who lives near the site and recalls seeing fish kills in the Piney River from the nearby titanium plant, said the project includes management strategies he believes better protects the river and overall environment.

"I believe it is your responsibility to make the decision for this to happen, so we don't have to look at fish kills again," Massie told supervisors.

Mike Dietrich, a county resident who visited the site multiple times, said he fully supports it and doesn't believe views will negatively be affected.

"I love the project, I love the people," Dietrich said of Piney River Solar. "I think they are doing the right thing."

### **Those in opposition**

Amherst resident Leslie Gamble, a member of the county planning commission, raised concerns with previous DEQ violations the company has received in other counties.

Derin Foor, the commission's chair, also opposed the project as a citizen during the hearing.

"I am not anti-solar, I don't think anyone on our commission is anti-solar, but I am pro-Amherst County," Foor said.

He said he is concerned about disturbing soil on site given its history and he doesn't want the county to be the next one subject to state violations and fines from the company.

"We are destroying the viewshed if put this project in and we are not following the comprehensive plan," Foor said. "The electricity will get shipped out of the county and there is no direct benefit to county residents."

Foor also described the company's tax revenue outlook as "a bribe."

"If this is such a great thing for the county they wouldn't have to dangle that carrot," Foor said.

Sam Bryant, a county resident, said he recalls the fish kill in the river and it concerns him it may happen again.

"We have one chance to get this right with our environment," Bryant told the board. "It's absolutely the wrong site. If you want to think about energy in the future, you need to think about small nuclear reactors because that's where it is going — it's not going with solar."

Geri Dokos, a Piney River resident, said there would be no way not to see the panels from her property despite anything Energix officials have said to the contrary. She hosts an Airbnb on her land and wants to hold weddings there. A third of the property would be unusable if solar panels are nearby and she feels they are dangerous, according to her comments to supervisors.

"I'm very concerned about my business and my property because I spent a fortune for it so I could live in this beautiful, rural area," Doko said.

Terry Jamerson, of Appomattox County, lives 10 miles from a solar farm the company implemented in the Pamplin area and said it has been source to lots of problems, adding "we would be here a long time" if she went into full detail.

"I think all of this is indicative of the lack of the responsibility Energix had to Appomattox County and our environment," Jamerson said.

Jim Thompson, an Elon resident who also serves on the commission, said he moved to the Tobacco Row Mountain area because of its beauty and the county is trying to do what's best for Amherst and its decision-making on the project.

"I would be opposed to this site if it was next to my property," Thompson said.

### **The final word**

Hershberger said in addressing violations the company received from DEQ that effects of multiple 100-year storms were addressed, remediated and resulted in no environmental issues and a "contractor sequencing error," for which Energix takes full responsibility for, also was dealt with properly. The company confirmed during the meeting the fines totaled about \$200,000 across the state while noting that figure should be compared to its \$1 billion investment in solar.

"Part of the process is learning," Hershberger said, adding the company would be a good neighbor for a 45-year period if given the chance.

Supervisor Tom Martin said the debate isn't on the merits of solar, noting the board approved two previous projects not exceeding 10 megawatts within the past few years.

"I'll say this to the developer, you've tried really hard," Martin said.

He said equal protection, which means a person or entity should be able to use a property to the same benefit as a person next door, is why the county has a special exception and public hearing process. The intent of the A-1 district, Martin added, is

to preserve farming and agriculture and he praised the work of the commission who "live and breathe" the comprehensive plan.

"This is not a use permitted by right, it is a special exception," Martin said of the project. "I think our planning commission got it right — not once but twice."

Supervisor Claudia Tucker said she heard from probably more than 100 people who were concerned about the project's effect on their farmland. She commended the company for its efforts.

"It just wasn't the right spot," Tucker said.

Hershberger said after the meeting the company is disappointed and surprised by the denial, noting other localities are clamoring for such a site uniquely situated in its ability to be invisible and suitable topography.

"Everyone is saying this is the perfect type of redevelopment to go on a site like this," he said.

A solar farm would have closed the book on "an extremely troubled" site, he said. Despite the outcome, he said the relationships the company built with county residents and stakeholders "are second to none." The company wants to work with localities to maximize benefits to the community, he said.

"I think we did that here," Hershberger said. "In an ideal world, these are the types of projects that get approved."

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