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HOUSE BILL NO. 172

Offered January 12, 2022

Prefiled January 10, 2022

A BILL to amend and reenact §§ 15.2-2316.7 and 15.2-2316.8 of the Code of Virginia, relating to solar projects and energy storage projects; siting agreements with host localities.

Patron—Marshall

Referred to Committee on Commerce and Energy

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-2316.7 and 15.2-2316.8 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-2316.7. Negotiations; siting agreement.

A. Any applicant for a solar project or an energy storage project shall give to the host locality written notice of the applicant's intent to locate in such locality and request a meeting. Such applicant shall meet, discuss, and negotiate a siting agreement with such locality.

B. The siting agreement may include terms and conditions, including (i) mitigation of any impacts of such solar project or energy storage project; (ii) financial compensation to the host locality to address capital needs set out in the (a) capital improvement plan adopted by the host locality, (b) current fiscal budget of the host locality, or (c) fiscal fund balance policy adopted by the host locality; ~~or~~ (iii) assistance by the applicant in the deployment of broadband, as defined in § 56-585.1:9, in such locality; *or (iv) requirements regarding the visibility of such solar project or an energy storage project, as described in § 15.2-2316.8.*

§ 15.2-2316.8. Powers of host localities.

A. The governing body of a host locality shall have the power to:

1. Hire and pay consultants and other experts on behalf of the host locality in matters pertaining to the siting of a solar project or energy storage project;

2. Meet, discuss, and negotiate a siting agreement with an applicant; ~~and~~

3. *Require through a siting agreement that an applicant or a developer of a solar project or energy storage project ensure that the solar project or energy storage project shall not be visible from public secondary roads in order to maintain the view of the surrounding community; and*

4. Enter into a siting agreement with an applicant that is binding upon the governing body of the host locality and enforceable against it and future governing bodies of the host locality in any court of competent jurisdiction by signing a siting agreement pursuant to this article. Such contract may be assignable at the parties' option.

B. If the parties to the siting agreement agree upon the terms and conditions of a siting agreement, the host locality shall schedule a public hearing, pursuant to subsection A of § 15.2-2204, for the purpose of consideration of such siting agreement. If a majority of a quorum of the members of the governing body present at such public hearing approve of such siting agreement, the siting agreement shall be executed by the signatures of (i) the chief executive officer of the host locality and (ii) the applicant or the applicant's authorized agent. The siting agreement shall continue in effect until it is amended, revoked, or suspended.

INTRODUCED

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