

093104604

**HOUSE BILL NO. 2165**

Offered January 14, 2009

Prefiled January 14, 2009

*A BILL to amend the Code of Virginia by adding a section numbered 15.2-2288.01, relating to zoning; on-farm production of biofuels.*

Patrons—Lohr, Landes and Pollard

Referred to Committee on Counties, Cities and Towns

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 15.2-2288.01 as follows:**

*§ 15.2-2288.01. Localities shall not require a special use permit for certain small-scale conversion of biomass to alternative fuel.*

*A zoning ordinance shall not require that a special exception or special use permit be obtained for the small-scale conversion of biomass. For the purposes of this section, "small-scale conversion of biomass" means the conversion of any renewable biomass into heat, power, or biofuels when (i) at least 50 percent of the feedstock is produced on site; (ii) any structure used for the processing of the feedstock into energy occupies less than 5,000 square feet; and (iii) the owner of the farm notifies the administrative head of the locality in which the processing occurs. Localities may adopt setback requirements, minimum area requirements, and other requirements that apply to land used for agriculture or silviculture activity within the locality that is zoned as an agricultural district or classification.*

INTRODUCED

HB2165