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SENATE BILL NO. 862

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Commerce and Labor
on January 31, 2011)

(Patron Prior to Substitute—Senator Wagner)

A BILL to amend the Code of Virginia by adding in Chapter 1 of Title 67 a section numbered 67-103, relating to the Commonwealth Energy Policy; local renewable energy facility siting ordinances.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 1 of Title 67 a section numbered 67-103 as follows:

§ 67-103. Role of local governments in achieving objectives of the Commonwealth Energy Policy.

In the development of any local ordinance addressing the siting of the renewable energy projects to generate electricity from wind or solar resources, the ordinance shall:

1. Be consistent with the provisions of the Commonwealth Energy Policy pursuant to subsection C of § 67-102;

2. Provide reasonable criteria to be addressed in the siting of any renewable energy project to generate electricity from wind and solar resources. The criteria shall provide for the protection of the locality in a manner consistent with the goals of the Commonwealth to promote the generation of energy from wind and solar resources; and

3. Include provisions (i) for wind projects establishing reasonable requirements limiting noise, requiring buffer areas and setbacks, protecting scenic viewsheds, limiting shadow flicker, and addressing generation facility decommissioning, and (ii) for solar projects establishing buffer areas and setbacks, addressing spacing of solar panels, limiting noise, and addressing generation facility decommissioning.

Any measures required by the ordinance shall be consistent with the locality's existing ordinances.