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SENATE BILL NO. 1390

Offered January 11, 2023

Prefiled January 11, 2023

A BILL to amend the Code of Virginia by adding a section numbered 15.2-2209.1:2, relating to extension of land use approvals for solar photovoltaic projects.

Patron—Lewis

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2209.1:2 as follows:

§ 15.2-2209.1:2. Extension of land use approvals for solar photovoltaic projects.

A. Notwithstanding any time limits for validity set out in § 15.2-2260 or 15.2-2261, any subdivision plat for a solar photovoltaic project valid under § 15.2-2260 and outstanding as of July 1, 2023, and any recorded plat or final site plan for a solar photovoltaic project valid under § 15.2-2261 and outstanding as of July 1, 2023, shall remain valid until July 1, 2026, or such later date as may be provided for by the terms of the locality's approval, local ordinance, resolution, or regulation.

B. Notwithstanding any other provision of this chapter, for any valid special exception, special use permit, or conditional use permit, or any modifications thereto, for a solar photovoltaic project outstanding as of July 1, 2023, any deadline in the exception permit, or in the local zoning ordinance that requires the landowner or developer to commence the project within a certain time, is extended until July 1, 2026, or such longer period as may be agreed to by the locality.

C. Notwithstanding any other provision of this chapter, for any rezoning approved for a solar photovoltaic project pursuant to § 15.2-2297, 15.2-2298, or 15.2-2303, and valid and outstanding as of July 1, 2023, any proffered condition that requires the landowner or developer to incur significant expenses upon the occurrence of an event related to a stage or level of development is extended until July 1, 2026, or longer as may be agreed to by the locality. However, the extensions in this subsection do not apply (i) to proffered dedications of land or rights-of-way pursuant to § 15.2-2297, 15.2-2298, or 15.2-2303 or (ii) when completion of the event related to the stage or level of development has already occurred.

D. The extension of validity provided in subsection A and the extension of deadlines as provided in subsection B shall be effective only if any unreleased performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force.

INTRODUCED

SB1390