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SENATE BILL NO. 1190

Offered January 8, 2025

Prefiled January 8, 2025

A BILL to amend and reenact §§ 15.2-2223 and 15.2-2288.7 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 15.2-2314.1 and 15.2-4209.1 and by adding in Chapter 17 of Title 45.2 an article numbered 10, consisting of sections numbered 45.2-1735 through 45.2-1741, and an article numbered 11, consisting of sections numbered 45.2-1742 and 45.2-1743, relating to Virginia Energy Facility Review Board established; localities; comprehensive plan and local ordinances related to siting of critical interconnection projects; planning district commissions; regional energy plans; Virginia Clean Energy Technical Assistance Center established.

Patron—Deeds

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-2223 and 15.2-2288.7 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 15.2-2314.1 and 15.2-4209.1 and by adding in Chapter 17 of Title 45.2 an article numbered 10, consisting of sections numbered 45.2-1735 through 45.2-1741, and an article numbered 11, consisting of sections numbered 45.2-1742 and 45.2-1743, as follows:

§ 15.2-2223. Comprehensive plan to be prepared and adopted; scope and purpose.

A. The local planning commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction and every governing body shall adopt a comprehensive plan for the territory under its jurisdiction.

In the preparation of a comprehensive plan, the commission shall make careful and comprehensive surveys and studies of the existing conditions and trends of growth, and of the probable future requirements of its territory and inhabitants. The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants, including the elderly and persons with disabilities.

The comprehensive plan shall be general in nature, in that it shall designate the general or approximate location, character, and extent of each feature, including any road improvement and any transportation improvement, shown on the plan and shall indicate where existing lands or facilities are proposed to be extended, widened, removed, relocated, vacated, narrowed, abandoned, or changed in use as the case may be.

B. 1. As part of the comprehensive plan, each locality shall develop a transportation plan that designates a system of transportation infrastructure needs and recommendations that include the designation of new and expanded transportation facilities and that support the planned development of the territory covered by the plan and shall include, as appropriate, but not be limited to, roadways, bicycle accommodations, pedestrian accommodations, railways, bridges, waterways, airports, ports, freight corridors, and public transportation facilities. The plan shall recognize and differentiate among a hierarchy of roads such as expressways, arterials, and collectors. In developing the plan, the locality shall take into consideration how to align transportation infrastructure and facilities with affordable, accessible housing and community services that are located within the territory in order to facilitate community integration of the elderly and persons with disabilities. The Virginia Department of Transportation shall, upon request, provide localities with technical assistance in preparing such transportation plan.

2. The transportation plan shall include a map that shall show road and transportation improvements, including the cost estimates of such road and transportation improvements from the Virginia Department of Transportation, taking into account the current and future needs of residents in the locality while considering the current and future needs of the planning district within which the locality is situated.

3. The transportation plan, and any amendment thereto pursuant to § 15.2-2229, shall be consistent with the Commonwealth Transportation Board's Statewide Transportation Plan developed pursuant to § 33.2-353, the Six-Year Improvement Program adopted pursuant to subsection B of § 33.2-214, and the location of routes to be followed by roads comprising systems of state highways pursuant to subsection A of § 33.2-208. The locality shall consult with the Virginia Department of Transportation to assure such consistency is achieved. The transportation plan need reflect only those changes in the annual update of the Six-Year Improvement Program that are deemed to be significant new, expanded, or relocated roadways.

4. Prior to the adoption of the transportation plan or any amendment to the transportation plan, the locality

59 shall submit such plan or amendment to the Department for review and comment. The Department shall
 60 conduct its review and provide written comments to the locality on the consistency of the transportation plan
 61 or any amendment to the provisions of subdivision 1. The Department shall provide such written comments
 62 to the locality within 90 days of receipt of the plan or amendment, or such other shorter period of time as may
 63 be otherwise agreed upon by the Department and the locality.

64 5. The locality shall submit a copy of the adopted transportation plan or any amendment to the
 65 transportation plan to the Department for informational purposes. If the Department determines that the
 66 transportation plan or amendment is not consistent with the provisions of subdivision 1, the Department shall
 67 notify the Commonwealth Transportation Board so that the Board may take appropriate action in accordance
 68 with subsection F of § 33.2-214.

69 6. If the adopted transportation plan designates corridors planned to be served by mass transit, as defined
 70 in § 33.2-100, a portion of its allocation from (i) the Northern Virginia Transportation Authority distribution
 71 specified in subdivision B 1 of § 33.2-2510, (ii) the commercial and industrial real property tax revenue
 72 specified in § 58.1-3221.3, and (iii) the secondary system road construction program, as described in Article
 73 5 (§ 33.2-351 et seq.) of Chapter 3 of Title 33.2, may be used for the purpose of utility undergrounding in the
 74 planned corridor, if the locality matches 100 percent of the state allocation.

75 7. Each locality's amendments or updates to its transportation plan as required by subdivisions 2 through 5
 76 shall be made on or before its ongoing scheduled date for updating its transportation plan.

77 C. The comprehensive plan, with the accompanying maps, plats, charts, and descriptive matter, shall show
 78 the locality's long-range recommendations for the general development of the territory covered by the plan. It
 79 may include, but need not be limited to:

80 1. The designation of areas for various types of public and private development and use, such as different
 81 kinds of residential, including age-restricted, housing; business; industrial; agricultural; mineral resources;
 82 conservation; active and passive recreation; public service; flood plain and drainage; and other areas;

83 2. The designation of a system of community service facilities such as parks, sports playing fields, forests,
 84 schools, playgrounds, public buildings and institutions, hospitals, nursing homes, assisted living facilities,
 85 community centers, waterworks, sewage disposal or waste disposal areas, and the like;

86 3. The designation of historical areas and areas for urban renewal or other treatment;

87 4. The designation of areas for the implementation of reasonable measures to provide for the continued
 88 availability, quality, and sustainability of groundwater and surface water;

89 5. A capital improvements program, a subdivision ordinance, a zoning ordinance and zoning district maps,
 90 mineral resource district maps and agricultural and forestal district maps, where applicable;

91 6. The location of existing or proposed recycling centers;

92 7. The location of military bases, military installations, and military airports and their adjacent safety
 93 areas; and

94 8. The designation of corridors or routes for electric transmission lines of 150 kilovolts or more.

95 D. The comprehensive plan shall include the designation of areas and implementation of measures for the
 96 construction, rehabilitation and maintenance of affordable housing, which is sufficient to meet the current and
 97 future needs of residents of all levels of income in the locality while considering the current and future needs
 98 of the planning district within which the locality is situated.

99 E. The comprehensive plan shall consider strategies to provide broadband infrastructure that is sufficient
 100 to meet the current and future needs of residents and businesses in the locality. To this end, local planning
 101 commissions may consult with and receive technical assistance from the Center for Innovative Technology,
 102 among other resources.

103 F. The comprehensive plan is encouraged to consider strategies to address resilience. As used in this
 104 subsection, "resilience" means the capability to anticipate, prepare for, respond to, and recover from
 105 significant multi-hazard threats with minimum damage to social well-being, health, the economy, and the
 106 environment.

107 *G. By July 1, 2028, each locality, in consultation with the planning district commission for the locality's*
 108 *planning district, shall update its comprehensive plan to include provisions making it consistent with the*
 109 *regional energy plan adopted by such planning district commission pursuant to § 15.2-4209.1 and the*
 110 *Commonwealth Clean Energy Policy established in § 45.2-1706.1 and that take into account forecasted*
 111 *energy demand growth. Such update shall identify any previously developed project site locations that may*
 112 *be suitable for renewable energy development. The locality shall submit a copy of the adopted energy plan by*
 113 *January 1, 2028, and any subsequent amendment to the energy plan to the Virginia Energy Facility Review*
 114 *Board.*

115 **§ 15.2-2288.7. Local regulation of solar facilities and critical interconnection projects.**

116 A. An owner of a residential dwelling unit may install a solar facility on the roof of such dwelling to serve
 117 the electricity or thermal needs of that dwelling, provided that such installation is (i) in compliance with any
 118 height and setback requirements in the zoning district where such property is located and (ii) in compliance
 119 with any provisions pertaining to any local historic, architectural preservation, or corridor protection district

120 adopted pursuant to § 15.2-2306 where such property is located. Unless a local ordinance provides otherwise,
 121 a ground-mounted solar energy generation facility to be located on property zoned residential shall be
 122 permitted, provided that such installation is (a) in compliance with any height and setback requirements in the
 123 zoning district where such property is located and (b) in compliance with any provisions pertaining to any
 124 local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where
 125 such property is located. Except as provided herein, any other solar facility proposed on property zoned
 126 residential, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of
 127 any property other than the property where such facilities are located, shall be subject to any applicable
 128 zoning regulations of the locality.

129 B. An owner of real property zoned agricultural may install a solar facility on the roof of a residential
 130 dwelling on such property, or on the roof of another building or structure on such property, to serve the
 131 electricity or thermal needs of that property upon which such facilities are located, provided that such
 132 installation is (i) in compliance with any height and setback requirements in the zoning district where such
 133 property is located and (ii) in compliance with any provisions pertaining to any local historic, architectural
 134 preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located.
 135 Unless a local ordinance provides otherwise, a ground-mounted solar energy generation facility to be located
 136 on property zoned agricultural and to be operated under § 56-594 or 56-594.2 shall be permitted, provided
 137 that such installation is (a) in compliance with any height and setback requirements in the zoning district
 138 where such property is located and (b) in compliance with any provisions pertaining to any local historic,
 139 architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property
 140 is located. Except as otherwise provided herein, any other solar facility proposed on property zoned
 141 agricultural, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of
 142 any property other than the property where such facilities are located, shall be subject to any applicable
 143 zoning regulations of the locality.

144 C. An owner of real property zoned commercial, industrial, or institutional may install a solar facility on
 145 the roof of one or more buildings located on such property to serve the electricity or thermal needs of that
 146 property upon which such facilities are located, provided that such installation is (i) in compliance with any
 147 height and setback requirements in the zoning district where such property is located and (ii) in compliance
 148 with any provisions pertaining to any local historic, architectural preservation, or corridor protection district
 149 adopted pursuant to § 15.2-2306 where such property is located. Unless a local ordinance provides otherwise,
 150 a ground-mounted solar energy generation facility to be located on property zoned commercial, industrial, or
 151 institutional shall be permitted, provided that such installation is (a) in compliance with any height and
 152 setback requirements in the zoning district where such property is located and (b) in compliance with any
 153 provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted
 154 pursuant to § 15.2-2306 where such property is located. Except as otherwise provided herein, any other solar
 155 facility proposed on property zoned commercial, industrial, or institutional, including any solar facility that is
 156 designed to serve, or serves, the electricity or thermal needs of any property other than the property where
 157 such facilities are located, shall be subject to any applicable zoning regulations of the locality.

158 D. An owner of real property zoned mixed-use may install a solar facility on the roof of one or more
 159 buildings located on such property to serve the electricity or thermal needs of that property upon which such
 160 facilities are located, provided that such installation is (i) in compliance with any height and setback
 161 requirements in the zoning district where such property is located and (ii) in compliance with any provisions
 162 pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to §
 163 15.2-2306 where such property is located. Unless a local ordinance provides otherwise, a ground-mounted
 164 solar energy generation facility to be located on property zoned mixed-use shall be permitted, provided that
 165 such installation is (a) in compliance with any height and setback requirements in the zoning district where
 166 such property is located and (b) in compliance with any provisions pertaining to any local historic,
 167 architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property
 168 is located. Except as provided herein, any other solar facility proposed on property zoned mixed-use,
 169 including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property
 170 other than the property where such facilities are located, shall be subject to any applicable zoning regulations
 171 of the locality.

172 E. Nothing in this section shall be construed to supersede or limit contracts or agreements between or
 173 among individuals or private entities related to the use of real property, including recorded declarations and
 174 covenants, the provisions of condominium instruments of a condominium created pursuant to the Virginia
 175 Condominium Act (§ 55.1-1900 et seq.), the declaration of a common interest community as defined in §
 176 54.1-2345, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate
 177 Cooperative Act (§ 55.1-2100 et seq.), or any declaration of a property owners' association created pursuant
 178 to the Property Owners' Association Act (§ 55.1-1800 et seq.).

179 F. A locality, by ordinance, may provide by-right authority for installation of solar facilities in any zoning
 180 classification in addition to that provided in this section. A locality may also, by ordinance, require a property

181 owner or an applicant for a permit pursuant to the Uniform Statewide Building Code (§ 36-97 et seq.) who
 182 removes solar panels to dispose of such panels in accordance with such ordinance in addition to other
 183 applicable laws and regulations affecting such disposal.

184 *G. By July 1, 2026, each locality shall adopt an ordinance for the permitting of solar energy facilities and*
 185 *energy storage facilities that is consistent with the Commonwealth Clean Energy Policy established in §*
 186 *45.2-1706.1 and the model local ordinance adopted by the Virginia Energy Facility Review Board in*
 187 *accordance with § 45.2-1740. The locality shall submit a copy of the local ordinance to the Virginia Energy*
 188 *Facility Review Board by July 1, 2026, and after any substantive change is adopted by the locality.*

189 *H. No local ordinance shall include (i) any unreasonable restriction, as defined in § 45.2-1735, on the*
 190 *installation of a critical interconnection project or the building of structures that facilitate the installation of*
 191 *critical interconnection projects or (ii) any prohibitions on the use of solar panels that comply with generally*
 192 *accepted national environmental protection and product safety standards such as those set forth in*
 193 *subdivision A 13 of § 15.2-2286, provided that such installation is in compliance with any provision of a*
 194 *local ordinance that establishes criteria and requirements for siting.*

195 *I. No locality shall adopt stormwater or erosion sediment control standards that are more stringent than*
 196 *state regulations unless such standards are adopted pursuant to applicable state law governing local*
 197 *programs.*

198 **§ 15.2-2314.1. Critical interconnection project decisions; appeals.**

199 *A. A locality shall make its final decision regarding any zoning change, variance, or the issuance of a*
 200 *special exemption, special use permit, or conditional use permit related to a critical interconnection project,*
 201 *as defined in § 45.2-1735, no later than 180 days after receiving a critical interconnection opinion issued by*
 202 *the Virginia Energy Facility Review Board (the Review Board) pursuant to § 45.2-1739. For any such final*
 203 *decision that diverges from the Review Board's opinion, a locality shall include a written determination*
 204 *approved by the locality setting forth all facts and conclusions reached by the locality that support its final*
 205 *decision. A locality's failure to make its final decision within the 180-day period shall constitute a granting of*
 206 *the zoning change, variance, special exemption, special use permit, or conditional use permit related to a*
 207 *critical interconnection project.*

208 *B. Any appeal of a locality's decision related to a critical interconnection project shall be filed in the*
 209 *circuit court of such locality. Notwithstanding any other provision of law, general or special:*

210 *1. Such appeal shall be brought only by the aggrieved applicant or the owner of the property subject to a*
 211 *special exception pursuant to subsection F of § 15.2-2285, and no other person shall have standing to file*
 212 *such appeal or seek judicial review. In any such appeal, there shall be a rebuttable presumption that the*
 213 *opinion of the Review Board is correct as it relates to the factors enumerated in subsection A of § 45.2-1739.*
 214 *Such presumption may be overcome by a preponderance of the evidence that the locality's decision to grant*
 215 *or deny a project or to include the challenged conditions was consistent with provisions in the locality's*
 216 *ordinance that are not unreasonable restrictions as defined in § 45.2-1735.*

217 *2. Any such appeal shall be given precedence on the docket and decided by the circuit court no later than*
 218 *90 days from the date of service on all parties. All notices of such appeal shall be filed within five days. Any*
 219 *appeal of the decision by the circuit court to the Court of Appeals or the Supreme Court of Virginia shall be*
 220 *given precedence on the docket and decided no later than 90 days after the petition for appeal is filed.*

221 **§ 15.2-4209.1. Regional energy plan.**

222 *By July 1, 2027, and every three years thereafter, each planning district commission shall adopt a*
 223 *regional energy plan to address energy generation, storage, and use that demonstrates a meaningful*
 224 *contribution to the Commonwealth's energy goals as determined by the regional energy report issued by the*
 225 *Virginia Energy Facility Review Board and takes into account forecasted energy demand growth. Such*
 226 *regional energy plan shall be consistent with such regional energy report and the goals of the*
 227 *Commonwealth's Clean Energy Policy set out in § 45.2-1706.1. The planning district commission shall*
 228 *submit a copy of the adopted regional energy plan or any amendment to the regional energy plan to the*
 229 *Virginia Energy Facility Review Board.*

230 **Article 10.**

231 **Virginia Energy Facility Review Board.**

232 **§ 45.2-1735. Definitions.**

233 *As used in this article, unless the context requires a different meaning:*

234 *"Critical interconnection project" means any solar energy project or energy storage project (i) with a*
 235 *rated capacity of at least 20 megawatts or with a rated capacity of at least two megawatts if it is located on*
 236 *previously disturbed land such as a brownfield, landfill, abandoned mine, or parking lot or any facility that*
 237 *meets the requirements of a shared solar program pursuant to § 56-594.3 or 56-594.4; (ii) that is within*
 238 *three miles of its point of interconnection; and (iii) that otherwise requires the approval of a zoning change,*
 239 *variance, or the issuance of a special exemption, special use permit, or conditional use permit from a*
 240 *locality.*

241 *"Developer" means any private developer of a solar energy project or an energy storage project.*

242 *"Energy storage facility" means energy storage equipment or technology that is capable of absorbing*

243 energy, storing such energy for a period of time, and redelivering such energy after it has been stored.

244 "Energy storage project" means an energy storage facility located within the Commonwealth and includes
245 interests in land, improvements, and ancillary facilities.

246 "Project of statewide significance" means any critical interconnection project that (i) is consistent with
247 and advances the goals of the Commonwealth Clean Energy Policy; (ii) has a positive economic impact on
248 the region in which the critical interconnection project is located; (iii) is not in the 100-year floodplain, (iv)
249 is not on slopes greater than 20 percent, (v) is consistent with the goals of § 2.2-235; (vi) contributes to the
250 Commonwealth meeting its statutory clean energy targets and projected generation needs; (vii) does not
251 materially contribute to the Commonwealth's greenhouse gas emissions; (viii) has no material adverse effect
252 upon the reliability of electric service; and (ix) does not violate tribal treaties, executive orders, judicial
253 decisions, and other agreements that recognize tribal sovereignty authority.

254 "Review Board" means the Virginia Energy Facility Review Board established pursuant to this article.

255 "Solar energy facility" means a commercial solar photovoltaic generation facility.

256 "Solar energy project" means a solar energy facility located within the Commonwealth and includes
257 interests in land, improvements, and ancillary facilities.

258 "Unreasonable restriction" means any (i) prohibition on solar energy facilities or energy storage facilities
259 ; (ii) provision or condition that has the effect of limiting the amount of land available for solar energy
260 facilities or energy storage facilities to less than five percent of any zoning district; (iii) provision or
261 condition that is more stringent than or in addition to those listed in the model local ordinance adopted by
262 the Review Board pursuant to § 45.2-1740; or (iv) provision or condition on solar energy facilities or energy
263 storage facilities that limits the total amount, density, or size of such facilities in a manner that would prevent
264 the locality from achieving its meaningful contribution to clean energy.

265 **§ 45.2-1736. Virginia Energy Facility Review Board established; purpose.**

266 The Virginia Energy Facility Review Board is established as a political subdivision of the
267 Commonwealth. The purpose of the Review Board is to conduct critical interconnection reviews; conduct
268 analysis and study policy options; review regional energy plans, local comprehensive plans, and local solar
269 and storage ordinances; and to facilitate the responsible siting of critical interconnection projects in the
270 Commonwealth. The Review Board may consult with state agencies, localities, planning district commissions,
271 research institutions, businesses, nonprofit organizations, and stakeholders as the Review Board deems
272 appropriate. The Review Board shall have only those powers enumerated in this article.

273 **§ 45.2-1737. Membership; terms; expenses; executive director.**

274 A. The Review Board shall have a total membership of nine members that shall consist of two
275 nonlegislative citizen members and seven ex officio members as follows:

276 1. The Director of the Department or his designee. Any such designee shall be employed within the
277 Department's Division of Renewable Energy and Energy Efficiency;

278 2. The Director of the Department of Environmental Quality or his designee. Any such designee shall be
279 employed within the Department of Environmental Quality's Air Division or Land and Waste Division;

280 3. The Attorney General or his designee. Any such designee shall be an attorney employed within the
281 Department of Law's Division of Consumer Counsel;

282 4. The State Forester or his designee;

283 5. The Director of the Department of Conservation and Recreation or his designee;

284 6. The Chief Executive Officer of the Virginia Economic Development Partnership Authority or his
285 designee;

286 7. The executive director of the Virginia Clean Energy Technical Assistance Center;

287 8. An individual with expertise in solar energy and energy storage technology and development, to be
288 appointed by the Speaker of the House of Delegates; and

289 9. An individual with expertise in energy economics, grid reliability, and ratepayer impacts, to be
290 appointed by the Senate Committee on Rules.

291 Additionally, for any critical interconnection project review conducted pursuant to § 45.2-1739, the
292 governing body of the relevant locality shall appoint two ad hoc members to serve with voting privileges on
293 the Review Board for such critical interconnection project review.

294 B. The Review Board shall appoint from its membership a chairman and a vice-chairman, each of whom
295 shall serve in such capacity at the pleasure of the Review Board. The chairman, or in his absence the vice-
296 chairman, shall preside at each meeting of the Review Board. The meetings of the Review Board shall be held
297 on the call of the chairman or whenever a majority of the members so request. A majority of members of the
298 Review Board serving at any one time shall constitute a quorum for the transaction of business.

299 C. Members shall serve without compensation. However, all members may be reimbursed for all
300 reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813
301 and 2.2-2825. Such expenses shall be paid from funds appropriated to the Review Board by the General
302 Assembly.

303 D. Members of the Review Board shall be subject to the standards of conduct set forth in the State and

304 *Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) and may be removed from office for*
305 *misfeasance, malfeasance, nonfeasance, neglect of duty, or misconduct in the manner set forth therein.*

306 *E. Except as otherwise provided in this article, members of the Review Board shall be subject to the*
307 *provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).*

308 *F. The Review Board shall appoint an executive director who shall serve at the pleasure of the Review*
309 *Board and carry out such powers and duties conferred upon him by the Review Board.*

310 **§ 45.2-1738. Powers and duties of the Review Board.**

311 *In addition to other powers and duties established under this article, the Review Board shall have the*
312 *power and duty to:*

313 *1. Issue opinions necessary to fulfill its obligations;*

314 *2. Review local and regional energy policies, ordinances, and plans for consistency with state energy*
315 *policies;*

316 *3. Enter into agreements with state agencies, departments, or consultants as needed to fulfill its*
317 *obligations;*

318 *4. Employ, in its discretion, consultants, attorneys, architects, engineers, accountants, financial experts,*
319 *academics, investment bankers, superintendents, managers, and any other employees and agents necessary*
320 *and fix their compensation to be payable from funds made available to the Review Board;*

321 *5. Receive and accept from any federal or private agency, foundation, corporation, association, or person*
322 *grants, donations of money, or real or personal property for the benefit of the Review Board, and receive and*
323 *accept from the Commonwealth or any other state, from any municipality, county, or other political*
324 *subdivision thereof, or from any other source, aid or contributions of either money, property, or other things*
325 *of value, to be held, used, and applied for the purposes for which such grants and contributions may be*
326 *made;*

327 *6. Do any lawful act necessary or appropriate to carry out the powers granted or reasonably implied in*
328 *this article; and*

329 *7. Fix, alter, charge, and collect fees from developers that apply for critical interconnection project o*
330 *rders at a reasonable rate for the purpose of providing for the payment of the expenses of the Review Board.*
331 *Such fees shall be in an amount sufficient to cover the costs of the Review Board.*

332 **§ 45.2-1739. Critical interconnection project review.**

333 *A. Any developer planning to construct a critical interconnection project shall file a critical*
334 *interconnection project review application with the Review Board and shall comply with the provisions of*
335 *this article. The Review Board shall review each such application to determine if the critical interconnection*
336 *project (i) qualifies as a project of statewide significance and (ii) complies with the ordinance in each locality*
337 *in which the proposed critical interconnection project would be located. In making the determination of*
338 *whether a project qualifies as a project of statewide significance, the Review Board shall consider the*
339 *Commonwealth Clean Energy Policy, regulations adopted by the State Air Pollution Control Board pursuant*
340 *to subsection E of § 10.1-1308, the requirements of § 56-585.5, and any other information it deems relevant.*
341 *In making the determination of whether the project complies with a locality's ordinance for the permitting of*
342 *a solar energy facility or energy storage facility, the Review Board shall have the discretion to disregard any*
343 *unreasonable restriction in the local ordinance on the installation of the critical interconnection project or*
344 *the building of structures that facilitate the installation of the critical interconnection project. In addition, the*
345 *Review Board may consider any regional energy plan developed by the relevant planning district*
346 *commission.*

347 *B. A critical interconnection project review application shall set forth and explain how the critical*
348 *interconnection project (i) is a project of statewide significance and (ii) complies with the ordinance in each*
349 *locality in which the proposed critical interconnection project would be located. Upon receipt of a critical*
350 *interconnection project review application, the Review Board shall verify the developer has complied with*
351 *the provisions of subsection C.*

352 *C. Not less than 80 days prior to filing a critical interconnection project review application, a developer*
353 *shall file a notice of intent to file with every locality in which the proposed critical interconnection project or*
354 *any portion of the proposed critical interconnection project shall be located. Such notice shall reasonably*
355 *describe the nature of the project, the design of the project, the location of the project, and a brief description*
356 *of the application information required by subsection B.*

357 *D. Within 20 days of receipt of any critical interconnection project review application, the Review Board*
358 *shall (i) require that the developer provide notice to all adjacent landowners and publish notice in a paper of*
359 *general circulation for all impacted localities, (ii) hold a public meeting on the critical interconnection*
360 *project review application in each locality in which the critical interconnection project would be located, and*
361 *(iii) accept written public comments for no less than 30 days following the public meeting.*

362 *E. No later than 90 days following the receipt of the critical interconnection project review application,*
363 *the Review Board shall issue its critical interconnection project opinion and explain the basis for such*
364 *opinion based on the criteria in this article. Such critical interconnection project opinion may recommend*

365 reasonable conditions the Review Board deems necessary for a proposed critical interconnection project to
 366 meet the objectives of this article, the Commonwealth Clean Energy Policy, and the provisions of § 15.2-
 367 2316.7.

368 **§ 45.2-1740. Regional energy report and model local ordinance.**

369 A. By January 1, 2026, and every three years thereafter, the Review Board, in collaboration with the
 370 Virginia Clean Energy Technical Assistance Center, shall issue a regional energy report that models each
 371 planning district's meaningful annual contribution to clean energy generation, energy efficiency measures,
 372 and energy storage such that the requirements of § 56-585.5 regarding the renewable energy portfolio
 373 standard program and the deployment of zero-carbon electricity generating capacity and energy storage
 374 resources, the requirements of any regulations adopted by the Air Pollution Control Board in accordance
 375 with subsection E of § 10.1-1308, and the goals of the Commonwealth's Clean Energy Policy set out in §
 376 45.2-1706.1 are met. The Department and any electric utility, as defined in § 56-576, shall, upon request,
 377 assist the Review Board in its development of such report.

378 B. By January 1, 2026, the Review Board, in collaboration with the Virginia Clean Energy Technical
 379 Assistance Center, shall establish a model local ordinance for siting, permitting, and zoning of critical
 380 interconnection projects and all other ground-mounted front-of-meter solar energy projects and energy
 381 storage projects. The model ordinance shall (i) address siting of solar energy facilities and energy storage
 382 facilities in agricultural zones as well as residential, industrial, and other zoning areas, including addressing
 383 project siting on previously developed project sites, on rooftops, and through the practice of dual-use
 384 agricultural facilities; (ii) offer guidance to facilitate variances including modified parameters; (iii) facilitate
 385 the robust deployment of solar energy facilities and energy storage facilities consistent with state energy
 386 goals and load growth forecasts; and (iv) allow for localities to make unique decisions per their regional
 387 goals, within a set range of values, on the following issues: setback requirements, fencing, project height,
 388 visual impacts, lighting, vegetation, wildlife, workforce, cultural and historic resources, and
 389 decommissioning. In developing the model local ordinance, the Review Board shall convene a work group
 390 that includes representatives from the Department of Environmental Quality, the Department, organizations
 391 representing local governments and planning district commissions, the solar and storage industries,
 392 conservation groups representing land and water interests, climate advocacy groups, landowner advocacy
 393 groups, ratepayer advocates, and other interested stakeholders.

394 **§ 45.2-1741. Review of regional energy plans, comprehensive plan updates, and local ordinances.**

395 A. The Review Board shall review regional energy plans adopted pursuant to § 15.2-4209.1, updates to
 396 comprehensive plans adopted pursuant to subsection G of § 15.2-2223, and local ordinances adopted
 397 pursuant to subsection G of § 15.2-2288.7, and may provide recommendations or alternative regional energy
 398 plans, comprehensive plans, or local ordinances to the planning district commission or locality.

399 B. The Review Board shall determine if a regional energy plan is compliant with the provisions of § 15.2-
 400 4209.1 and this article within 60 days of receipt of such plan. If the Review Board determines that the
 401 regional energy plan is not in compliance, the relevant planning district commission shall have 60 days to
 402 adopt a compliant regional energy plan. If the relevant planning district commission fails to adopt a
 403 compliant regional energy plan within the 60 days, the Review Board, within 90 days of such failure, shall
 404 issue an alternative regional energy plan that, notwithstanding any other provision of law, shall be in effect
 405 for such region.

406 C. The Review Board shall determine if a local ordinance is compliant with the provisions of § 15.2-
 407 2288.7 and this article within 60 days of receipt of such local ordinance. If the Review Board determines that
 408 the local ordinance is not in compliance, the locality shall have 60 days to adopt a compliant local
 409 ordinance. Notwithstanding any other provision of law, general or special, if the locality fails to adopt a
 410 compliant local ordinance within the 60 days, the model local ordinance established by the Review Board
 411 pursuant to § 45.2-1740 shall be in effect for such locality.

412 D. A locality or a planning district commission may appeal a Review Board determination made pursuant
 413 to this section to the Court of Appeals and may appeal the decision of the Court of Appeals to the Supreme
 414 Court of Virginia. Any such appeal shall be given precedence on the docket and decided no later than 90
 415 days after the petition for appeal is filed.

416 **Article 11.**

417 *Virginia Clean Energy Technical Assistance Center.*

418 **§ 45.2-1742. Virginia Clean Energy Technical Assistance Center established; board of directors.**

419 A. The Virginia Clean Energy Technical Assistance Center (the Center) is hereby established to include
 420 Christopher Newport University, George Mason University, James Madison University, Longwood
 421 University, the University of Mary Washington, Norfolk State University, Old Dominion University, Radford
 422 University, the University of Virginia, Virginia Commonwealth University, Virginia Military Institute,
 423 Virginia Polytechnic Institute and State University, Virginia State University, and The College of William
 424 and Mary in Virginia, and is to be located at the University of Virginia.

425 B. The Center shall be governed by a board of directors (the board), which shall consist of 15 voting

426 *members as follows: the executive director of the board or his designee, the president of Christopher*
427 *Newport University or his designee, the president of George Mason University or his designee, the president*
428 *of James Madison University or his designee, the president of Longwood University or his designee, the*
429 *president of the University of Mary Washington or his designee, the president of Norfolk State University or*
430 *his designee, the president of Old Dominion University or his designee, the president of Radford University*
431 *or his designee, the president of the University of Virginia or his designee, the president of Virginia*
432 *Commonwealth University or his designee, the Superintendent of Virginia Military Institute or his designee,*
433 *the president of Virginia Polytechnic Institute and State University or his designee, the president of Virginia*
434 *State University or his designee, and the president of The College of William and Mary in Virginia or his*
435 *designee.*

436 *C. The board shall appoint an executive director to serve as the principal administrative officer of the*
437 *Center. The executive director shall report to the board and be under its supervision. The executive director*
438 *shall employ such personnel and secure such services as may be required to carry out the purposes of the*
439 *Center, expend appropriated funds, and accept moneys from federal or private sources for carrying out the*
440 *purposes of the Center.*

441 **§ 45.2-1743. Functions, powers, and duties of the Center.**

442 *A. The Center shall serve as an interdisciplinary study, research, and information resource and shall*
443 *provide technical assistance to state agencies, planning district commissions, localities, the Virginia Energy*
444 *Facility Review Board, other public bodies, and private entities in matters related to critical interconnection*
445 *projects, as defined in § 45.2-1735. The Center shall conduct research and analysis relating to critical*
446 *interconnection projects, including siting, permitting, development, financing, energy efficiency, economic*
447 *development impact analysis, supply chain and manufacturing, and innovation, and any other topics deemed*
448 *necessary to advance the clean energy goals of the Commonwealth.*

449 *B. The Center shall collaborate with the Virginia Energy Facility Review Board to issue the regional*
450 *energy report and to establish a model local ordinance related to critical interconnection projects as*
451 *required by the provisions of § 45.2-1740.*

452 *C. The Center shall, upon request, provide technical assistance to any planning district commission*
453 *developing its regional energy plan pursuant to § 15.2-4209.1 or to any locality in developing an energy plan*
454 *as part of its comprehensive plan pursuant to subsection G of § 15.2-2223 or in adopting a local ordinance*
455 *related to solar energy facilities and energy storage facilities pursuant to subsection G of § 15.2-2288.7.*

456 *D. The Center shall collaborate with the Department, the Department of Environmental Quality, or other*
457 *state agencies or public institutions of higher education to provide technical assistance or engagement and*
458 *planning for renewable energy facility siting, permitting, or project development through state or federally*
459 *funded programs established at any such agency or institution.*

460 **2. That the Supreme Court of Virginia shall promulgate rules governing appeals (i) of a critical**
461 **interconnection project that are consistent with the provisions of § 15.2-2314.1 of the Code of Virginia,**
462 **as created by this act, and (ii) of a determination made by the Virginia Energy Facility Review Board**
463 **pursuant to § 45.2-1741 of the Code of Virginia, as created by this act, that are consistent with the**
464 **provisions of § 45.2-1741 of the Code of Virginia, as created by this act.**