SPONSOR: Sen. Hansen & Rep. Snyder-Hall & Rep. Burns
Sens. Cruce, Hoffner, Lockman, Paradee, Pinkney, Poore, Seigfried, Sokola, Sturgeon, Townsend, Walsh; Reps. Gorman, Harris, K. Johnson, Lambert, Lynn, S. Moore, Morrison, Neal, Ortega, Osienski, Phillips, Romer, Ross Levin, Wilson-Anton

DELAWARE STATE SENATE
153rd GENERAL ASSEMBLY

SENATE BILL NO. 159

AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO PUBLIC UTILITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Amend Subchapter I, Chapter 9, Title 26 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 910. Conditional use permit for electrical substations.

(a) No county shall deny a conditional use permit to any electrical substation, along with any directly related project infrastructure, proposed to be located on unincorporated land within such county where the following conditions apply:

(1) The substation is being proposed to support the operation of a proposed renewable energy generation project of 250 MW or greater;

(2) The proposed substation would be located in a heavy industrial zone;

(3) An electrical substation is an allowed conditional use within the proposed zone; and

(4) The specific zoning district in which the proposed substation would be located already has an electric substation located in such zone with a rating of 230kv or greater as of August 8, 2023.

Section 2. This Act shall have retroactive effect and any previous application to a county, on or after August 8, 2023, for approval of an electrical substation prior to the enactment of this Act that complies with the provisions of this Act shall be deemed to be approved, notwithstanding any adverse action which a county may have already taken with respect to such application prior to the enactment of this Act. Further, any action on the part of a county to alter the underlying zoning classification applicable to a previously filed application for a conditional use for an electrical substation or otherwise render an application unqualifying by any means, including changing the underlying zoning or zoning code, is prohibited.

SYNOPSIS

This Act requires the permitting of an electric substation as an allowed conditional use in a heavy industrial zone under certain conditions set forth in the Act, including that the electrical substation is being constructed to support the operation of a proposed renewable energy generation project of 250 MW or greater.

This Act is being given retroactive effect such that, if a county has previously denied an application for an electrical substation that would meet the requirements of this Act, then the application shall be deemed granted provided that the electrical substation meets the requirements of this Act.

Author: Senator Hansen