

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 15.2-2316.7 and 15.2-2316.9 of the Code of Virginia and to amend the Code*
 3 *of Virginia by adding in Article 7.3 of Chapter 22 of Title 15.2 a section numbered 15.2-2316.10, relating*
 4 *to siting of battery energy storage projects; commercial solar photovoltaic generation facilities; permitted*
 5 *accessory use.*

6 [S 443]

7 Approved

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

9 **1. That §§ 15.2-2316.7 and 15.2-2316.9 of the Code of Virginia are amended and reenacted and that the**
 10 **Code of Virginia is amended by adding in Article 7.3 of Chapter 22 of Title 15.2 a section numbered**
 11 **15.2-2316.10 as follows:**

12 **§ 15.2-2316.7. Negotiations; siting agreement.**

13 A. Any applicant for a solar project or an energy storage project shall give to the host locality written
 14 notice of the applicant's intent to locate in such locality and request a meeting. Such applicant shall meet,
 15 discuss, and negotiate a siting agreement with such locality.

16 B. The siting agreement may include terms and conditions, including (i) mitigation of any impacts of such
 17 solar project or energy storage project; (ii) financial compensation to the host locality to address capital needs
 18 set out in the (a) capital improvement plan adopted by the host locality, (b) current fiscal budget of the host
 19 locality, or (c) fiscal fund balance policy adopted by the host locality; or (iii) assistance by the applicant in
 20 the deployment of broadband, as defined in § 56-585.1:9, in such locality.

21 *C. The provisions of this section shall not apply to a battery energy storage project permitted under*
 22 *§ 15.2-2316.10.*

23 **§ 15.2-2316.9. Effect of executed siting agreement; land use approval.**

24 A. ~~Nothing~~ *Except as provided in § 15.2-2316.10, nothing* in this article shall be construed to exempt an
 25 applicant from any other applicable requirements to obtain approvals and permits under federal, state, or local
 26 ordinances and regulations. An applicant may file for appropriate land use approvals for the solar project or
 27 energy storage project, as applicable, under the regulations and ordinances of the host locality at or after the
 28 time the applicant submits its notice of intent to site a solar project or energy storage project as set forth in
 29 subsection A of § 15.2-2316.7.

30 B. Nothing in this article shall affect the authority of the host locality to enforce its ordinances and
 31 regulations to the extent that they are not inconsistent with the terms and conditions of the siting agreement.

32 C. Approval of a siting agreement by the local governing body in accordance with subsection B of
 33 § 15.2-2316.8 shall deem the solar project or energy storage project to be substantially in accord with the
 34 comprehensive plan of the host locality, thereby satisfying the requirements of § 15.2-2232.

35 D. The failure of an applicant and the governing body to enter into a siting agreement may be a factor in
 36 the decision of the governing body in the consideration of any land use approvals for a solar project or energy
 37 storage project, but shall not be the sole reason for a denial of such land use approvals.

38 **§ 15.2-2316.10. Battery energy storage projects as permitted accessory use to approved solar projects.**

39 A. *As used in this section, "special exception" means any special exception or special use permit,*
 40 *conditional use permit, or any other similar approval issued for a solar facility.*

41 B. 1. *A battery energy storage project shall be deemed as a permitted accessory use in all zoning districts*
 42 *on any parcel of land that is subject to an approved special exception for a solar facility, if the battery energy*
 43 *storage project is located within the boundaries of the parcel covered by the existing special exception.*

44 2. *Such battery energy storage project shall not require a special exception or be subject to any other*
 45 *local land use approval. The addition of the battery energy storage project pursuant to this section shall not*
 46 *alter, reduce, or otherwise affect any (i) payment obligations, financial commitments, or other terms*
 47 *contained in the existing special exception associated with the siting agreement for the approved solar*
 48 *project or (ii) state and local tax exemption from which the approved solar project benefits. Nothing in this*
 49 *subdivision shall be construed to affect or alter the state and local tax provisions under § 58.1-3660.*

50 C. *A battery energy storage project shall comply with all applicable federal, state, and local safety or fire*
 51 *codes and environmental regulations.*

52 D. *Any payment obligations, financial commitments, or other terms contained in the special exception or*
 53 *any associated siting agreement for the approved solar project shall relate and apply only to the approved*
 54 *solar project and shall not affect any battery energy storage project added pursuant to this section.*

55 E. *Nothing in this section shall be construed to (i) limit the authority of a host locality to enforce*
 56 *compliance with applicable codes or to ensure the safe operation of the battery energy storage project or (ii)*

57 *preclude the developer of a battery energy storage project from negotiating a siting agreement with the host*
58 *locality.*

59 **2. That any battery energy storage project for which an initial interconnection request has been filed**
60 **with an electric utility or a regional transmission organization prior to July 1, 2030, and is constructed**
61 **pursuant to § 15.2-2316.10 of the Code of Virginia, as created by this act, shall be subject to the**
62 **applicable local ordinance and regulation in effect on July 1, 2026, except as modified under**
63 **§ 15.2-2316.10 of the Code of Virginia, as created by this act.**