

26110278D

SENATE BILL NO. 443
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Governor
on April 12, 2026)
(Patron Prior to Substitute—Senator McPike)

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

Be it enacted by the General Assembly of Virginia:

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

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

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

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

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

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

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

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

B. 1. A battery energy storage project shall be deemed as a permitted accessory use in all zoning districts on any parcel of land that is subject to an approved special exception for a solar facility if the battery energy storage project is located within the boundaries of the parcel covered by the existing special exception and has a rated storage capacity that does not exceed 100 percent of the nameplate generating capacity of the associated solar energy facility.

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

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

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

E. Nothing in this section shall be construed to (i) limit the authority of a host locality to enforce compliance with applicable codes or to ensure the safe operation of the battery energy storage project or (ii) preclude the developer or host locality of a battery energy storage project from negotiating a siting agreement.

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

SENATE SUBSTITUTE

SB443S1

4/14/26 13:49