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The Honorable Abigail Spanberger
Attention: Policy Office (Bill Review)
Office of the Governor
Patrick Henry Building
1111 East Broad Street, 3rd Floor
Richmond, Virginia 23219

February 18, 2026

Dear Governor Spanberger:

On behalf of the Virginia Association of Counties (VACo), I respectfully urge you to veto Senate Bill 443, patroned by Senator Jeremy McPike.

Senate Bill 443 would make utility-scale Battery Energy Storage Systems (BESS) a by-right use on any parcel previously approved for utility-scale solar development and subject to an approved special use permit. The legislation further exempts such installations from the requirement that applicants provide written notice to the locality of their intent to locate there and request a meeting to negotiate a host siting agreement pursuant to [Virginia law on the Siting of Solar Projects and Energy Storage Projects](#).

This legislation would permit the installation of battery storage infrastructure on land associated with hundreds of locally approved utility-scale solar sites across the Commonwealth—without the consent of the counties and citizens they represent. Moreover, it would remove these installations from the host site agreement requirements that have proven highly successful in facilitating cooperative, locally negotiated approvals for both solar and BESS projects.

The [Weldon Cooper UVA BESS Database](#) demonstrates that Virginia localities have approved 45 utility-scale battery storage projects totaling 2,269 megawatts of storage capacity, while denying only four projects—an approval rate of 94 percent. This data clearly reflects that local governments are already responsibly reviewing and approving battery storage projects under the current framework. Senate Bill 443 is therefore unnecessary and undermines longstanding principles of local land use authority and collaboration.

VACo strongly supports Virginia's continued energy development and storage innovation. However, such progress must remain balanced with meaningful local oversight and community engagement. Senate Bill 443 disrupts that balance.

If you or your staff have any questions, please feel free to contact me at dlynch@vaco.org. We would also welcome the opportunity to provide input should any amendments be considered.

Thank you for your thoughtful consideration of this matter.

Sincerely,

Dean A. Lynch, CAE
Executive Director
Virginia Association of Counties

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Copy: The Honorable Katie H. Frazier, Secretary of Agriculture and Forestry
The Honorable Carrie H. Chenery, Secretary of Commerce and Trade
The Honorable David L. Bulova, Secretary of Natural and Historic Resources