

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF RAPPAHANNOCK COUNTY,
VIRGINIA, AMENDING CHAPTER 170, ZONING, OF THE RAPPAHANNOCK COUNTY
CODE TO ADD THE USE OF, AND SPECIAL STANDARDS FOR,
ELECTRICAL SUBSTATIONS**

WHEREAS the Planning Commission and Board of Supervisors of Rappahannock County, Virginia, pursuant to Rappahannock County Code (RCC) § 170-134 and the Code of Virginia § 15.2-2286.A(7) prepared, reviewed, and considered zoning ordinance amendments to add electrical substations as a distinctly defined use and create associated required special standards for the new use, which may be permitted by Special Exception; and,

WHEREAS, the Planning Commission authorized the Zoning Administrator to advertise a public hearings to be held before the Planning Commission in accordance with Code of Virginia § 15.2-2204 to receive community input on the proposed amendments; and,

WHEREAS, after having been properly advertised, the Planning Commission held a public hearing on February 18, 2026, and following the public hearing, the Planning Commission voted (_ - _) to recommend _____ to the Board of Supervisors regarding the proposed ordinance amendments; and,

WHEREAS, having received the Planning Commission's recommendation, a public hearing by the Board of Supervisors on the proposed amendment was duly advertised pursuant to Code of Virginia 15.2-2204 and set for March 2, 2026 at the regular monthly meeting of the Board of Supervisors; and,

WHEREAS, the Board of Supervisors, having conducted the said public hearing on March 2, 2026, as advertised, and having considered the recommendation of the Planning Commission, and finding that the public necessity, convenience, general welfare, and good zoning practice require the proposed amendments, desires to adopt an ordinance amending Chapter 170, Zoning, of the Rappahannock County Ordinance.

NOW THEREFORE BE IT ORDAINED AND ENACTED, by roll-call vote of the Rappahannock County Board of Supervisors this second day of March, 2026, that Chapter 170, Zoning, of the Rappahannock County Code is by this ordinance amended to read as follows with changes identified as such: *italicized and underlined* language is language to be added. Language that is ~~stricken through~~ is to be deleted. For clarity, sections not shown have no changes.

**Chapter 170
Zoning**

ARTICLE II

Definitions and Word Usage

§ 170-8. Definitions. [Amended 4-6-1987; 8-1-1988; 9-19-1988; 2-4-1991; 7-6-1994; 9-4-1996; 8-4-1997; 11-6-2000; 1-8-2003; 1-3-2007; 6-2-2008; 7-7-2010; 2-2-2015; 4-2-2018; 2-1-2021; 7-7-2021; 5-5-2025]

A. The following definitions shall be used in the interpretation and administration of this chapter. The definition of various terms as presented herein does not necessarily represent the same definitions as may be found for the same terms in other chapters of the Code.

11 B. As used in this chapter, the following terms shall have the meanings indicated:

12 **ELECTRICAL GENERATING PLANT AND FACILITIES** — Any plant or facility that generates
13 electricity and is regulated by the Virginia Electric Utility Act (Code of Virginia Title 56, Chapter 23).
14 This use specifically excludes plants and facilities meeting the definition of "electrical generating plant
15 and facilities, renewable energy, small" and "electrical generating plant and facilities, renewable
16 energy, utility." Notwithstanding the use regulations included in § 170-38, due to the potential public
17 health and safety impacts, including distraction, the minimum yard requirement, as defined in § 170-8,
18 "yard," for this use shall be 1,000 feet from all lot lines and any road(s).

19 **ELECTRICAL GENERATING PLANT AND FACILITIES, RENEWABLE ENERGY,**
20 **SMALL** — Any electrical generating plant and facility for which the source of energy used to
21 create electricity is derived directly from the wind or the sun and which facility provides electricity
22 primarily for uses located on the same parcel or adjacent parcel under common ownership. This use
23 specifically includes uses identified by Code of Virginia § 15.2-2288.7. The fact that the facilities
24 are interconnected with a public utility distribution and transmission system for the purpose of net
25 metering as regulated by the Virginia Administrative Code 20 VAC 5-315 shall not disqualify it from
26 being categorized as this use. Equipment and materials comprising this use are considered accessory to
27 the principal use for the purposes of determining applicable use regulations, including, but not limited
28 to, height and placement within defined yards.

29 **ELECTRICAL GENERATING PLANT AND FACILITIES, RENEWABLE ENERGY,**
30 **UTILITY** — Any electrical generating plant and facility for which the source of energy used to create
31 electricity is derived directly from the wind or the sun and which facility provides electricity primarily
32 for uses not located on the same parcel or adjacent parcel under common ownership.

33 **ELECTRICAL SUBSTATION** — *An assemblage of equipment, structures, and enclosing fences for*
34 *purposes other than generation or utilization, through which electric energy is passed for the purposes*
35 *of switching, voltage transformation, or modifying its characteristics to meet the needs of the general*
36 *public or one or more dedicated users. For the purposes of this Chapter, this definition includes all*
37 *associated control buildings and generally excludes Battery Energy Storage Systems (BESS) unless*
38 *strictly accessory to the substation function.*

39 **ELECTROMAGNETIC RADIATION** — Electromagnetic waves utilized in applications for radio,
40 microwave, radar, television and other means of communication. The term shall not include light, X-ray
41 or radioactive emissions.

42 ARTICLE IV

43 District Regulations

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45 § 170-36. Permitted uses, special uses and special permits. [Amended 4-6-1987; 7-6-1987; 9-2-
46 1987; 8-1-1988; 9-19-1988; 11-7-1988; 1-4-1989; 11-6-1989; 7-6-1994; 9-7-1994; 8-6-1995; 9-6-
47 1995; 11-6-1995; 9-4-1996; 8-4-1997; 12-6-1999; 1-5-2000; 7-3-2000; 11-6-2000; 1-8-2003; 4-7-
48 2003; 1-3-2007; 7-2-2007; 8-6-2007; 12-2-2013; 4-2-2018; 2-1-2021; 7-7-2021; 6-6-2022; 5-1-2023;
49 5-5-2025]

50 The following uses are permitted as indicated in the following charts. All uses require a zoning permit.
51 [See § 170-38A(3).]

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Public and Quasi-Public Type Uses	Zoning District										
	C	A	RR-5	R-2	RV	CV	CG	HC	I	MHP	Site Plan
Telecommunication facility or radio, television and microwave antenna and/or transmitting facility	SE	SE	SE	SE	SE	SE	SE	SE	SE		X
Electrical generating plant and facilities	SE	SE	SE	SE	SE	SE	SE	SE	SE		X
Electrical generating plant and facilities, renewable energy, small	P	P	P	P	P	P	P	P	P		
Electrical generating plant and facilities, renewable energy, utility	SE	SE	SE	SE	SE	SE	SE	SE	SE		X
<u>Electrical Substation</u>		<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>		<u>X</u>
Utility transmission facility greater than 34.5 kilovolts not for local distribution	SE	SE	SE	SE	SE	SE	SE	SE	SE		X
Parking facility (public or private)	SE	SE	SE	SE	SE	SE	SE	SE	SE		X
Animal shelter	SE	SE	SE	SE	SE	SE	SE	SE	SE		

ARTICLE VI

Special Permits and Special Exceptions

§ 170-64. Category 3: Public and Quasi-Public Uses.

Category 3, Public and Quasi-Public Uses, shall be regulated as follows:

- A. Additional submission requirements. In addition to the submission requirements set forth in § 170-57 above, all applications for Category 3 public uses shall be accompanied by a statement from an official of the organization, who shall be present, giving the exact reasons for selecting the particular site as the location for the proposed facility, including any alternatives considered.
- B. Additional standards for all Category 3 uses.
 - (1) For public uses, it shall be concluded that the proposed location of the special permit/ special exception use is necessary for the rendering of efficient government services to residents of properties within the general area of the location.
 - (2) In or abutting the resource preservation and residential zoning districts, all open off-street parking and loading areas shall be no closer than 25 feet from any lot line and shall be effectively screened.
- C. Additional standards for penal/correctional facilities.
 - (1) The minimum lot size requirement shall be 100 acres.
 - (2) The facility shall have direct access to a road designated as a primary (or higher).
 - (3) No structure used for or in conjunction with the use shall be located within 200 feet of any adjoining property which is in a residential or RR District, nor within 100 feet of such property in a resource preservation district.
- D. Additional standards for arenas/stadiums. In addition to the general standards set forth in § 170-52 above, the following standards shall apply:
 - (1) The minimum lot size requirement shall be 100 acres.
 - (2) The road frontage requirement shall be 300 feet on a designated primary highway.

- 89 E. Additional standards for libraries and public safety facilities. The facility shall have direct access
90 to a road designated as a primary (or higher) or be within the corporation limits of Washington.
- 91 F. Additional standards for fairgrounds.
- 92 (1) The minimum lot size requirement shall be 10 acres.
- 93 (2) The road frontage requirement shall be 300 feet on a road designated as primary (or higher).
- 94 (3) No structure used for or in conjunction with the use shall be located within 100 feet of any
95 adjoining property in a district permitting residential uses.
- 96 G. Additional standards for conference centers. Such facilities shall in no event provide overnight
97 accommodations. In Resource Preservation Zones, such uses shall provide facilities for
98 groups within the following sliding scale: **[Added 9-6-1995]**
- 99 (1) One to 100 persons: 10 acre minimum
- 100 (2) One hundred one to 250 persons: 20 acre minimum.
- 101 H. Additional standards for sewage treatment or water purification facility (public or private).
102 **[Added 12-5-2005]**
- 103 (1) Private sewage treatment facilities shall be allowed only when, in the opinion of the Board,
104 the public interest is best served by the approval of a central sewerage facility, rather than
105 through installation of individual private systems, or connection to an existing public central
106 sewerage system. **[Amended 7-7-2010]**
- 107 (2) Private sewage treatment plants for new subdivisions shall obtain all approvals as required by
108 the Chapter 147, Subdivision of Land, of the Rappahannock County Code, as well as a special
109 exception as required under this chapter.
- 110 I. Additional standards for electrical generating plant and facilities, renewable energy, utility.
111 **[Added 7-7-2021]**
- 112 (1) The use shall be allowed only when plants and facilities, including means of interconnection
113 to the utility grid, do not detract from the agricultural or rural character of the County or its
114 tourist economy or damage scenic vistas of the County as set forth in the Comprehensive Plan,
115 with particular attention to the Goals, Principles, and Policies incorporated as Chapter 6, as
116 well as the Future Land Use Plan, Renewable Energy Operations section incorporated within
117 Chapter 7.
- 118 (2) In approving an application for this use, the Board shall take into account maximum height,
119 size, and location of requested renewable energy generating facilities in relation to existing
120 electric transmission lines, and shall include measures designed to screen or otherwise mitigate
121 the visibility of proposed facilities from sensitive features identified in the Comprehensive
122 Plan, including VDOT rights-of-way including scenic byways, the Shenandoah National Park,
123 and/or historic resources (including but not limited to sites designated in the Virginia
124 Landmarks Register and the National Register of Historic Places). The Board shall also take
125 into account the protection of wetlands, floodplains, steep slopes, and areas of prime
126 agricultural soils as designated in the Comprehensive Plan. The views of and vistas from these
127 locations and adjoining properties must be protected and not be impaired or diminished by the
128 placement of renewable energy facilities. In determining whether or not to approve or deny an
129 application, the Board shall analyze the potential impacts from vantage points in the area,
130 including those at higher elevations, to determine whether or not the proposed site of such
131 facilities provides the best opportunity to minimize its visual impact on, and distraction to,
132 people and the environment within its viewshed.
- 133 (3) The use is considered a principal use and, notwithstanding the use regulations included in §
134 170-38, on a case-by-case basis, the Board shall impose more stringent yard requirements,
135 height restrictions, and screening and buffering requirements as it deems necessary and
136 appropriate to mitigate the visual impact of, and distraction from, the proposed facilities as
137 necessary to protect the public health, welfare, and safety consistent with the Commonwealth

Energy Policy or other applicable federal, state and local codes, laws, regulations, and ordinances:

- (a) In no case shall the minimum yard requirement be less than 500 feet from all lot lines and any road(s).
 - (b) In no case shall the parcel size be less than 500 acres.
 - (c) The installed facilities (solar panels, wind generation equipment, ancillary equipment, etc.) must be contained within a 100-acre contiguous area.
 - (d) The use shall not be located on prime agricultural soils on slopes less than 15%, which areas are depicted on Map No. 8 of the Comprehensive Plan.
 - (e) The use shall be on a parcel with at least 200 feet of frontage along a state-maintained road that has a minimum paved width of 20 feet along the entire length of travel to the nearest state-maintained primary road. If the use of interconnecting state-maintained roads is necessary to connect with a primary road, those roads must also have a minimum paved width of 20 feet.
- (4) In addition to the requirements of Article XIV (Site Plans), the following documents and information must be provided for review:
- (a) A narrative identifying the applicant, owner, and operator, and describing the proposed renewable energy project, including: an overview of the project and its location, approximate rated capacity of the renewable energy project, the approximate number, representative types and expected footprint of equipment to be constructed, and a description of ancillary facilities, including a visual rendering of equipment and ancillary facilities.
 - (b) Project site development and landscape plans demonstrating that the project minimizes impacts on the visual character of, and distraction to, adjoining land and viewsheds as stipulated herein.
 - (c) Potential impact on wildlife, especially endangered or threatened species, on the site and in any biologically significant area surrounding the site.
 - (d) Potential hazards to adjacent properties, public roadways, communities, and aviation, etc., and responses to such hazards.
 - (e) A site plan including the following information and details in addition to the requirements of Article XIV:
 - [1] The location and types of off-site electric utility infrastructure upgrades needed to support the use, including the location and route of off-site electrical cabling required from the use to the point of interconnection with existing electrical utility cabling and the locations and routes of existing electrical utility cabling that must be upgraded to support the use.
 - [2] The location of fencing and other methods of ensuring public health safety. The complete perimeter of the use shall be fenced (not within the required yard), which fence shall be a minimum of eight feet tall and be designed to preclude unauthorized entry.
 - [3] Depiction of required screening and buffering in scaled plan and elevation perspectives. Required screening and buffering may be placed within the established yards. The Board may accept an existing vegetation protection easement in lieu of new screening and buffering, in which case the vegetation protection easement must be provided in a form acceptable to the County Attorney and the area must be clearly shown on the site plan and a plat attached to the easement.
 - [4] Representative diagrams, aerial photo superposition maps, ground photographs, and other similar renderings showing the current and proposed conditions from adjacent properties, including the critical locations identified in § 170-64I(2).
 - [5] Proposed location and content of warning signage. Warning signage shall be placed on solar equipment and facilities to the extent appropriate. Solar equipment shall not be used for the display of advertising, except for reasonable identification of the

190 photovoltaic equipment manufacturer or operator of the solar energy facility. All
191 signs, flags, streamers, or similar items, both temporary and permanent, are
192 prohibited on facilities and fencing except as follows: a) manufacturer's or installer's
193 identification; b) warning signs and placards; c) signs that may be required by a
194 federal agency; and d) signs that provide a twenty-four-hour emergency contact
195 phone number and warn of any danger. Educational signs providing information
196 about the project and the benefits of renewable energy may be allowed if a depiction
197 of the location and content are submitted and approved as part of the site plan.

- 198 (5) A decommissioning plan identifying the process through which the site will be returned to land
199 cover present before the renewable energy plant and facility was built shall be prepared and
200 submitted with an application. The decommissioning plan shall include the following: 1) the
201 anticipated life of the project; 2) the estimated decommissioning cost in current dollars; 3) how
202 said estimate was determined; 4) the manner in which the project will be decommissioned; 5)
203 a surety, in a form acceptable to the County Attorney, sufficient to cover the cost of
204 decommissioning the renewable energy facility; 6) a detailed inventory of the land cover
205 present before the permit is granted (preexisting conditions); and 7) detailed implementation
206 procedures and timelines to remove equipment and return the site to preexisting conditions.
207 The complete decommissioning plan shall be submitted for review concurrent with the site plan
208 and shall be re-reviewed by the Planning Commission not less frequently than once every five
209 years after initial approval. In addition:

- 210 (a) The decommissioning surety shall be posted prior to obtaining a land disturbance permit
211 (LDP) for the project; or in the case of a multiphase project, a separate decommissioning
212 surety may be submitted prior to land disturbance permitting for each individual phase of
213 the project.

- 214 (b) The surety shall provide for the regular inspection and certification of facilities to ensure
215 their compliance with all applicable federal, state, and local codes, laws, regulations, and
216 ordinances as well as the decommissioning plan.

- 217 [1] A required condition of any permit granted for this use shall be the establishment of
218 a surety in an amount determined by the Board, to secure the decommissioning of
219 any approved facilities and the restoration of the site upon the termination of the
220 permit, or once a facility has reached the end of its useful life, becomes obsolete, or
221 is abandoned for a period of more than one year, whichever is earlier. Surety
222 provisions shall be applied to the permit to the maximum extent permitted by Code
223 of Virginia § 15.2-2241.2.

- 224 [2] The decommissioning of the facilities shall be guaranteed by surety that may include
225 certified funds, cash escrow, bond, letter of credit, or parent guarantee, in a form
226 acceptable to the County Attorney and in an amount determined adequate by the
227 Board based upon an estimate of a professional engineer licensed in the
228 Commonwealth of Virginia. The decommissioning plan must include a provision
229 requiring the periodic review by the Zoning Administrator (not less often than
230 annually) of the amount of such surety to ensure the amount thereof is adequate,
231 and/or specify an automatic adjustment formula.

- 232 [3] The surety shall be sufficient to indemnify the County if it incurs costs to rectify any
233 violations of applicable codes, or to remove obsolete or abandoned renewable energy
234 facilities in the event the applicant, its successors or assigns, fails to comply with
235 any condition of the permit, which the County may undertake to do if the applicant,
236 its successors or assigns fail to do so within 90 days of notice from the Zoning
237 Administrator of a violation of any provision of this chapter or any of the permit
238 conditions imposed by the Board.

- 239 [4] Failure of the applicant, its successors or assigns to keep the surety in force and
240 effect shall be a violation of the permit that renders it susceptible to revocation and
241 enforcement proceedings as provided elsewhere in this chapter.

(6) The maximum term for any permit issued by the Board shall be 20 years.

J. Additional standards for electrical substation.

(1) In approving an application for this use, the Board shall take into account maximum height, size, and location of the electrical substation in relation to interconnecting electric transmission lines, and shall include measures designed to screen or otherwise mitigate the visibility of proposed facilities from sensitive features identified in the Comprehensive Plan, including VDOT rights-of-way including scenic byways, the Shenandoah National Park, and/or historic resources (including but not limited to sites designated in the Virginia Landmarks Register and the National Register of Historic Places). The Board shall also take into account the protection of wetlands, floodplains, steep slopes, and areas of prime agricultural soils as designated in the Comprehensive Plan. The views of and vistas from these locations and adjoining properties must be protected and not be impaired or diminished by the placement of the electrical substation. In determining whether or not to approve or deny an application, the Board shall analyze the potential impacts from vantage points in the area, including those at higher elevations, to determine whether or not the proposed site of such facilities provides the best opportunity to minimize its visual impact on, and distraction to, people and the environment within its viewshed.

(2) The use is considered a principal use and, notwithstanding the use regulations included in § 170-38, on a case-by-case basis, the Board shall impose more stringent yard requirements, height restrictions, noise restrictions, and screening and buffering requirements as it deems necessary and appropriate to mitigate the visual impact of, and distraction from, the proposed facilities as necessary to protect the public health, welfare, and safety:

(a) In no case shall the minimum yard requirement be less than 100 feet from all lot lines and any road(s) or right(s)-of-way. The Board may waive this requirement for applications seeking to expand existing electrical substations.

(b) The use shall be on a parcel with frontage along a state-maintained road that has a minimum paved width of 20 feet along the entire length of travel to the nearest state-maintained primary road. If the use of interconnecting state-maintained roads is necessary to connect with a primary road, those roads must also have a minimum paved width of 20 feet.

(c) Low-Frequency Noise Limit: In addition to standard dBA limits included in § 170-117, noise emissions from the electrical substation shall not exceed 60 dB(C) (C-weighted decibels) as measured at the property line of any adjacent Residential District. This standard is specifically adopted to minimize low-frequency vibration and indoor annoyance caused by transformers and cooling fans.

(3) In addition to the requirements of Article XIV (Site Plans), the following documents and information must be provided for review:

(a) A narrative identifying the applicant, owner, and operator, and describing the proposed project including: an overview of the project and its location, approximate rated capacity, description of ancillary facilities, and a visual rendering of equipment and ancillary facilities.

(b) Project site development and landscape plans demonstrating that the project minimizes impacts on the visual character of, and distraction to, adjoining land and viewsheds as stipulated herein.

(c) Potential hazards to adjacent properties, public roadways, communities, and aviation, etc., and responses to such hazards.

(e) A site plan including the following information and details in addition to the requirements of Article XIV:

[1] The location and types of off-site electric utility infrastructure upgrades needed to support the use, including the location and route of off-site electrical cabling required from the use to the point of interconnection with existing electrical utility

cabling and the locations and routes of existing electrical utility cabling that must be upgraded to support the use.

[2] The location of fencing and other methods of ensuring public health safety. The complete perimeter of the use shall be fenced (not within the required yard), which fence shall be a minimum of eight feet tall and be designed to preclude unauthorized entry.

[3] Depiction of required screening and buffering in scaled plan and elevation perspectives. Required screening and buffering may be placed within the established yards. The Board may accept an existing vegetation protection easement in lieu of new screening and buffering, in which case the vegetation protection easement must be provided in a form acceptable to the County Attorney and the area must be clearly shown on the site plan and a plat attached to the easement.

[4] Representative diagrams, aerial photo superposition maps, ground photographs, and other similar renderings showing the current and proposed conditions from adjacent properties, including the critical locations identified in § 170-64J(1).

The foregoing Ordinance was adopted by the Board of Supervisors of Rappahannock County, Virginia, on March 2, 2026 at its regular monthly public meeting held at the Rappahannock County Courthouse, 250 Gay Street, Washington, Virginia, after having advertised that it proposed to do so in accordance with § 15.2-2204 of the Code of Virginia, and after holding a public hearing. The roll-call vote of the Board of Supervisors on a motion to adopt the Ordinance was as follows:

	MOTION	SECOND	ABSENT/ ABSTAIN	AYE	NAY
Debbie P. Donehey					
Keir A. Whitson					
Donna D. Comer					
John N. Genho					
Gary T. Settle					

I certify the foregoing accurately reflects the actions of the Rappahannock County Board of Supervisors taken at the time and place stated above.

Debbie P. Donehey
Chair, Board of Supervisors

Garrey W. Curry, Jr.
Clerk for the Board of Supervisors