

1 SENATE BILL NO. 1449  
2 AMENDMENT IN THE NATURE OF A SUBSTITUTE  
3 (Proposed by the Senate Committee on Local Government  
4 on \_\_\_\_\_)  
5 (Patron Prior to Substitute—Senator Ebbin)

6 *A BILL to amend the Code of Virginia by adding in Article 1 of Chapter 22 of Title 15.2 a section numbered*  
7 *15.2-2209.4, relating to siting of data centers; site assessment; high energy use facility.*

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

9 **1. That the Code of Virginia is amended by adding in Article 1 of Chapter 22 of Title 15.2 a section**  
10 **numbered 15.2-2209.4 as follows:**

11 *§ 15.2-2209.4. Siting of data centers; site assessment.*

12 *A. As used in this section, "high energy use facility" or "HEUF" means a facility an applicant reasonably*  
13 *anticipates at the time of filing an application will require 100 megawatts or more of electrical power from*  
14 *an electric utility providing retail service to the facility.*

15 *B. Prior to any approval of a rezoning application, special exception, or special use permit for the siting*  
16 *of a new HEUF, a locality shall require that an applicant perform and submit a site assessment to examine,*  
17 *to the extent practicable and within the timeline provided by subdivision A 7 of § 15.2-2286, the sound profile*  
18 *of the HEUF on residential units and schools located within 500 feet of the HEUF property boundary. A*  
19 *locality may also require that a site assessment examine, to the extent practicable and within the timeline*  
20 *provided by subdivision A 7 of § 15.2-2286, the effect of the proposed facility on (i) ground and surface water*  
21 *resources, (ii) agricultural resources, (iii) parks, (iv) registered historic sites, or (v) forestland on the HEUF*  
22 *site or immediately contiguous land.*

23 *C. Site assessments submitted to a locality under subsection B shall be used by the locality to assess*  
24 *consistency with the policies of the locality's comprehensive plan, if any, and compliance with the locality's*  
25 *adopted noise ordinances, zoning ordinance provisions, and other applicable laws and regulations, if any.*

26 *D. This section shall not apply to any property with an existing legislative or administrative approval*  
27 *where an applicant is seeking an expansion or modification of an already existing or approved facility and*  
28 *such expansion does not exceed an additional 100 megawatts or more of electrical power.*