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HOUSE BILL NO. 1601

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Local Government
on February 10, 2025)

(Patron Prior to Substitute—Delegate Thomas)

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

Be it enacted by the General Assembly of Virginia:

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

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

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

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

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

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

E. Nothing in this section shall be construed to prohibit, limit, or otherwise supersede existing local zoning authority.

SENATE SUBSTITUTE

HB1601S1