

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Article 1 of Chapter 22 of Title 15.2 a section numbered*  
3 *15.2-2209.4, relating to siting of data centers; site assessment; high energy use facility.*

4 [H 1601]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding in Article 1 of Chapter 22 of Title 15.2 a section**  
8 **numbered 15.2-2209.4 as follows:**9 **§ 15.2-2209.4. Siting of data centers; site assessment.**10 *A. As used in this section, "high energy use facility" or "HEUF" means a facility that an applicant*  
11 *reasonably anticipates at the time of filing a rezoning application, special exception application, or special*  
12 *use permit application will require 100 megawatts or more of electrical power from an electric utility*  
13 *providing retail service to the facility.*14 *B. Prior to any approval of a rezoning application, special exception, or special use permit for the siting*  
15 *of a new HEUF, a locality shall require that an applicant perform and submit a site assessment to examine,*  
16 *to the extent practicable and within the timeline provided by subdivision A 7 of § 15.2-2286, the sound profile*  
17 *of the HEUF on residential units and schools located within 500 feet of the HEUF property boundary. A*  
18 *locality may also require that a site assessment examine, to the extent practicable and within the timeline*  
19 *provided by subdivision A 7 of § 15.2-2286, the effect of the proposed facility on (i) ground and surface water*  
20 *resources, (ii) agricultural resources, (iii) parks, (iv) registered historic sites, and (v) forestland on the*  
21 *HEUF site or immediately contiguous land.*22 *C. Prior to any approval of a rezoning application, special exception, or special use permit for the siting*  
23 *of a new HEUF, a locality shall require that the electric utility providing retail service to the new HEUF, to*  
24 *the extent known and practicable and within the timeline provided by subdivision A 7 of § 15.2-2286, submit*  
25 *to the locality a form describing (i) any new or existing substations that will be used to serve the HEUF and*  
26 *(ii) the anticipated transmission voltage required to serve the HEUF.*27 *D. Site assessments submitted to a locality under subsections B and C shall be used by the locality to*  
28 *assess consistency with the policies of the locality's comprehensive plan, if any, and compliance with the*  
29 *locality's adopted noise ordinances, zoning ordinance provisions, and other applicable laws and regulations,*  
30 *if any.*31 *E. A locality's site assessment regarding an HEUF shall not be construed to change, replace, or impact*  
32 *any authority or jurisdiction of the State Corporation Commission, or otherwise delegate any of the State*  
33 *Corporation Commission's authority or jurisdiction to any locality.*34 *F. This section shall not apply to a site with an existing legislative or administrative approval where an*  
35 *applicant is seeking an expansion or modification of an already existing or approved facility and such*  
36 *expansion does not exceed an additional 100 megawatts or more of electrical power.*37 *G. Nothing in this section shall be construed to prohibit, limit, or otherwise supersede existing local*  
38 *zoning authority.*

ENROLLED

HB1601ER