

HOUSE BILL NO. 153

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Counties, Cities and Towns

on _____)

(Patrons Prior to Substitute—Delegates Thomas and McAuliff [HB 511])

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 that an applicant reasonably anticipates at the time of filing a rezoning application, special exception application, or special use permit 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. 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 the electric utility providing retail service to the new HEUF, to the extent known and practicable and within the timeline provided by subdivision A 7 of § 15.2-2286, submit to the locality a form describing (i) any new or existing substations that will be used to serve the HEUF and (ii) the anticipated transmission voltage required to serve the HEUF.

D. Site assessments submitted to a locality under subsections B and C 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.

33 *E. A locality's site assessment regarding an HEUF shall not be construed to change, replace, or impact*
34 *any authority or jurisdiction of the State Corporation Commission, or otherwise delegate any of the State*
35 *Corporation Commission's authority or jurisdiction to any locality.*

36 *F. This section shall not apply to a site with an existing legislative or administrative approval where an*
37 *applicant is seeking an expansion or modification of an already existing or approved facility and such*
38 *expansion does not exceed an additional 100 megawatts or more of electrical power.*

39 *G. Nothing in this section shall be construed to prohibit, limit, or otherwise supersede existing local*
40 *zoning authority.*