

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 [S 94]

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

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