

SENATE BILL NO. 288

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Local Government

on _____)

(Patron Prior to Substitute--Senator Roem)

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 high electrical demand facilities; notice requirement; Joint Legislative Audit and Review Commission study; report.

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. High electrical demand facilities; notice requirement.

A. Notwithstanding any other provision of law, general or special, any local government land use application required for the siting of a high electrical demand facility shall be approved only in accordance with the notice provisions of this section. For purposes of this section, "high electrical demand facility" means an operation or facility with a dedicated substation connected to a transmission line of at least 69 kilovolts that (i) physically houses information technology equipment, such as servers, switches, routers, data storage devices, or related equipment, and (ii) manages and processes digital data and information to provide application services or management for data processing, such as web hosting, Internet, intranet, telecommunication, and information technology.

B. In addition to any notice required by § 15.2-2204, the high electrical demand facility operator or property owner shall notify residents within a quarter-mile radius of the parcel, including any property owners' association operating within the quarter-mile radius, that the property owner intends to build and operate a high electrical demand facility on the property. The notice required in this section shall be mailed to all postal addresses and property owners' association addresses contained within a quarter-mile radius extending from the property line where the proposed high electrical demand facility will be built.

27 The high electrical demand facility operator shall schedule and attend two neighborhood meetings
28 with residents to describe the project and the proposed sound-mitigation aspects of the project design.
29 Notice of the neighborhood meetings shall be mailed to all residents and property owners' associations
30 within a quarter-mile radius of the parcel. A representative of the developer or owner with decision-
31 making authority on the design of the high electrical demand facility shall attend the neighborhood
32 meetings. The high electrical demand facility operator or property owner shall also post a sign on the
33 subject property at least 15 days before each neighborhood meeting. The sign shall be located in a high-
34 visibility location as reasonably determined by the zoning administrator. The content of the sign shall be
35 consistent with the locality's generally applicable sign guidelines, if any, for posting signs for notification
36 of neighborhood meetings and shall be reviewed and approved by the zoning administrator before
37 installation.

38 **2. That the Joint Legislative Audit and Review Commission be directed to study the noise impacts**
39 **of high electrical demand facilities and how such facilities can be designed and built to incorporate**
40 **sound mitigation methods sufficient to prevent the sound levels emanating from the facilities from**
41 **exceeding acceptable levels. All agencies of the Commonwealth shall provide assistance to the Joint**
42 **Legislative Audit and Review Commission for this study, upon request. The Joint Legislative Audit**
43 **and Review Commission shall complete its meetings by November 30, 2024, and the chairman shall**
44 **submit to the Division of Legislative Automated Systems an executive summary of its findings and**
45 **recommendations no later than the first day of the 2025 Regular Session of the General Assembly.**
46 **The executive summary shall state whether the Joint Legislative Audit and Review Commission**
47 **intends to submit to the General Assembly and the Governor a report of its findings and**
48 **recommendations for publication as a House or Senate document. The executive summary and**
49 **report shall be submitted as provided in the procedures of the Division of Legislative Automated**
50 **Systems for the processing of legislative documents and reports and shall be posted on the General**
51 **Assembly's website.**

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