
Data Center Ordinance Advisory Group Update

From Shorter, Christopher <CShorter@pwcgov.org>

Date Tue 11/12/2024 10:54 AM

To BOCS <BOCS@pwcgov.org>

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Good morning, Board Members-

Please see below, an update on the efforts of the Data Center Ordinance Advisory Group (DCOAG), consistent with the previous April 2024 email update to the Board:

As a reminder, the DCOAG was formed in the summer of 2023 for the purpose of advising the County on the development of recommended changes to the County's Noise Ordinance, Zoning Ordinance, Design and Construction Standards Manual (DCSM). The regulatory changes are aimed at addressing the impacts (i.e. noise, aesthetics, etc.) associated with data center development.

Background

The group started by participating in a brainstorming exercise to identify all the possible impacts (pros and cons) associated with data center development. The group then developed a Scope of Work (SOW) for hiring a Noise Consultant to assist the County with revising the current Noise Ordinance. The County hired JMT as the County's noise consultant. Due to the technical nature of developing a Noise Ordinance and our lack of in-house expertise in Acoustics, the County hired Nelson Acoustics to serve in a quality control role.

The DCOAG also created a SOW for hiring a consultant to assist the County with identifying changes to the Zoning Ordinance and Design and Construction Standards Manual (DCSM). The County had a contract with Mosley Architects, so they were hired to serve as the County's consultant for Zoning and DCSM changes.

Current Status – Noise Ordinance

The DCOAG is currently meeting with JMT and Nelson Acoustics on the development of a draft Noise Ordinance. The consultants are also working to develop a list of proposed State legislative changes to bolster locality's ability to address noise issues. The proposed legislative changes will be included in a report to the Board. Finally, the DCOAG will advise staff on the development of a Noise model that can be used to assess the cumulative noise impacts of developing data centers in various areas of the County.

The County is truly on the cutting edge in terms of developing a Noise Ordinance to address the noise issues (pitch and frequency) created by certain types of data center cooling systems. For this reason, the process has taken a little longer than originally planned. The DCOAG is scheduled to review a revised draft Noise Ordinance on November 20th, 2024. As an advisory group, the DCOAG will provide comments to staff to consider in finalizing the draft Ordinance. Staff is planning a community meeting to review the draft Ordinance, a work session with the Board and ultimately a public hearing to consider adoption of the Noise Ordinance. Based on this timeline, staff plans to have the draft Noise Ordinance ready for the Board to adopt in early May 2025. We will need to extend the Noise Ordinance sunset

clause on rooftop equipment for another 90 days. The sunset clause is set to expire at the end of February 2025.

Current Status – Zoning Ordinance and DCSM

There are currently three efforts focused on updating the Zoning Ordinance.

1. Entire Zoning Ordinance Update - As part of the FY25 budget process, the Board budgeted \$500K to update the entire Ordinance to address inconsistencies with the Comprehensive Plan and to further other County priorities such as housing and make overall enhancements to the Ordinance. A consultant will need to be hired to assist with this effort. The Zoning Ordinance update will take a minimum of 2 years to complete due to the volume of changes.
2. Data Center Overlay District – The Board issued a directive to review the existing Stantec report and make recommendations for the removal of parcels from the Overlay District.
3. DCOAG Efforts - The DCOAG is working with Mosley Architects to develop recommended changes to the Zoning Ordinance to address the impacts of data center development. The DCOAG plans to have the draft changes ready for Board adoption in December 2025.

While there are three separate efforts to update the Zoning ordinance, these efforts all tie together. The Overlay District focuses on the areas for data center development. The Zoning Ordinance updates being worked on by the DCOAG will establish the requirements (setbacks, buffers, berms, etc.) for locating a data center within the Overlay district. If adopted by the Board, the Zoning Ordinance updates for data center development will be folded into the consultant's work to update the entire Zoning Ordinance.

As a reminder, the DCOAG consists of the following members:

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- Community Members/Organizations
 - Michelle Trenum – Silver Leaf
 - Bill Wright – Gainesville
 - Dale Browne – Great Oak
 - Kathryn Kulick – HOA Roundtable
 - Kevin Coyle – Heritage Hunt
 - Ray Kowalski – Heritage Hunt
 - Donna Gallant – Amberleigh Station
 - Kyle Hart - National Parks Conservation Association
- Industry Members
 - Kate Smiley – Data Center Coalition
 - Kevin Hughes – Co-location Data Center representative (Stack)
 - Jonelle Cameron - CDC
 - Mike Kitchen - NAIOP
 - Truett Young - NVBIA
 - Bob Sweeney – PW Chamber of Commerce
- Utilities
 - Samer Beidas – PW Water
 - Renee Barr – NOVEC
 - Yolanda Green – Dominion
- County Staff
 - Alex Stanley – Development Services
 - Ben Eib – Public Works
 - Kevin Hughart - Police
 - Giulia Manno – Office of Sustainability
 - David McGettigan – Planning Office

- Keishla Perez – Procurement
- Dave Beavers – PWC Schools
- Melody Aguilera – Executive Management
- Mandi Spina – Development Services
- Christina Winn – Economic Development
- Reza Ramyar – Planning Office
- Wade Hugh – Executive Management

Please let Wade or I know if you have any questions.

Thanks,
Chris



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From: Shorter, Christopher <CShorter@pwcgov.org>

Sent: Monday, April 15, 2024 9:31 AM

To: BOCS <BOCS@pwcgov.org>

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Subject: Data Center Ordinance Advisory Group Update

Good Morning, Board Members-

For your general awareness, I'm providing an update on the efforts of the Data Center Ordinance Advisory Group (DCOAG).

As many of you know, the Board directed staff to convene a group of stakeholders to assist the County with the development of recommended changes to the County's Noise Ordinance, Zoning Ordinance, and Design and Construction Standards Manual (DCSM) during the winter of 2023. The DCOAG was convened in the summer of 2023 and DCXO Wade Hugh has been working diligently to keep the group moving along productively.

The DCOAG meets every two weeks and has met 20 times since being organized. The group started by participating in a brainstorming exercise to identify all the possible impacts (pros and cons) associated with data center development. The group then developed a Scope of Work (SOW) for hiring a Noise Consultant to assist the County with revising the current Noise Ordinance. After developing the SOW, the group interviewed two consultants and ultimately selected JMT as the recommended consultant. The Board approved the necessary funding (\$270,000) on February 20, 2024, and JMT was issued a Purchase Order and commenced work. The work is estimated to take about a year to complete, which will be February 2025.

The DCOAG also created a SOW for hiring a consultant to assist the County with identifying changes to the Zoning Ordinance and Design and Construction Standards Manual (DCSM) as it relates to data center impacts. The County currently has a contract with Mosley Architects, so they were provided the SOW and asked to provide a Task Order estimate. The estimated cost associated with the research, public outreach, development of regulatory language, and assisting staff with presentations is \$600,000. The DCOAG recommended the CXO include this funding as part of the proposed FY25 budget. If the funding is approved by the Board and available on July 1, 2024, the project is estimated to take about 16 months to complete, which will be December 2025.

In addition to the bi-weekly meetings, the DCOAG received a very thorough presentation from Mr. Dale Browne regarding the unresolved noise impacts the Great Oak community is experiencing as a result of nearby data center development. JMT consultants will also be touring the neighborhood and taking some noise readings as part of their research efforts.

The DCOAG consists of the following members:

- Community Members/Organizations
 - Dan Card – Silver Leaf
 - Dr. John Lyver – Gainesville
 - Dale Browne – Great Oak
 - Kathryn Kulick – HOA Roundtable
 - Kevin Coyle – Heritage Hunt
 - Ray Kowalski – Heritage Hunt
 - Donna Gallant – Amberleigh Station
 - Kyle Hart - National Parks Conservation Association
- Industry Members
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 - Kevin Hughes – Co-location Data Center representative (Stack)
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- Utilities
 - Samer Beidas – PWC Service Authority
 - Renee Barr – NOVEC

- Yolanda Green – Dominion
- County Staff
 - Alex Stanley – Development Services
 - Ben Eib – Public Works
 - Kevin Hughart - Police
 - Giulia Manno – Office of Sustainability
 - David McGettigan – Planning Office
 - Keishla Perez – Procurement
 - Dave Beavers – PWC Schools
 - Amanda Fink – Development Services
 - Mandi Spina – Development Services
 - Christina Winn – Economic Development
 - Emilie Wolfson – Planning Office
 - Wade Hugh – Executive Management

The DCOAG is scheduled to meet with the Virginia Joint Legislative Audit and Review Commission (JLARC) at the end of May to share information about the County's efforts to address the impacts of data center development. The group will also hear an update from JLARC and their efforts to educate lawmakers on data center development impacts.

The DCOAG efforts will hopefully culminate with the Board's adoption of a revised Noise Ordinance, Zoning Ordinance, and DCSM all of which will establish new and/or modified requirements to ensure a responsible approach to data center development. Based on the expertise of our consultants and the DCOAG efforts, we believe the County will be a model that other localities aim to emulate when developing their regulatory requirements.

Please let me or Wade Hugh know if you have any questions.

Sincerely,
Chris



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