

DCOAG - DCSM/Zoning Ordinance Consultant Scope of Work Data Center Ordinance Advisory Group

Purpose of the Request

Pursuant to the Prince William County (hereinafter "County") Purchasing Regulations, the County requests sealed written proposals from qualified Consultants to address the potential impacts of data center uses on the County's Design and Construction Standards Manual (DCSM) and Zoning Ordinance.

County staff has asked for the winning consultant to propose changes to the DCSM/Zoning Ordinance as appropriate, state statute, or other governing documents, based on the review of best practices from other jurisdictions, and feedback from the staff and Advisory Groups (see Background) using professional judgment to tailor ordinances that are appropriate for the scale and needs of Prince William County, including its residents and industry partners.

Best Practices in the context of this Scope of Work are defined as follows:

- Working standards, guidelines or ideas that will provide the most efficient or prudent course of action with respect to the potential impacts of data center uses on the County's Design Construction Standards Manual (DCSM) and the Zoning Ordinance.
- Best practices will serve as a roadmap for the County to revise, manage, and enforce the DCSM and the Zoning Ordinance.
- Best practices can be identified by researching the data center industry including development, architectural, and sustainability standards and researching local, national, and international governing authorities with regard to how they manage data center facilities with nearby other uses.
- Best practices, in this context, also include gaining an understanding of data center technology and engineering designs that impact the surrounding community or environment. They are not concerned with internal, potentially proprietary, technologies and designs.

The Advisory Group mentioned above, developed a set of data center impacts or areas of concern which is attached to this SOW in Attachment 1. Attachment 1 is for information only and shall not be construed as being verified, complete, or comprehensive.

Background

During July 12, 2022, Board of County Supervisors meeting the Board issued Directive 22-28 Noise Ordinance Update in which staff was directed to comprehensively review the noise ordinance and propose appropriate amendments to consider. Following the issuance of the Board directive, the County Executive's Office and County Attorney's Office convened a Noise Ordinance Steering Committee comprised of County departmental representatives (hereinafter "Steering Committee") to review the Noise Ordinance and to determine what options are available for the Board to consider.

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On January 23, 2023, staff recommended removing the Noise Ordinance exemption of commercial HVAC at night, thereby exempting only residential dwellings, with a sunset clause of one year. This was proposed to allow time to engage with the community and industry to determine the full impact of the change to the ordinance. The sunset clause is currently set to expire on 28 Feb 2024.

Additionally, as part of that effort staff recommended the creation of the Data Center Ordinance Advisory Group (hereinafter "Advisory Group"), made up of County residents who live near data centers, as well as data center industry representatives, other stakeholders, and County staff to work together to review the impact of the exemption change to the Noise Ordinance and report back to the Board with any recommendations regarding the sunset clause and any other appropriate amendments.

Concurrently, an amendment to the Design Construction Standards Manual (DCSM) and the Zoning Ordinance was initiated to work with stakeholders to address other potential data center impacts. Co-leading agencies of the group will be the Department of Development Services, Public Works Department, Police Department, Planning Office, Office of Sustainability, and Economic Development Department.

The focus of this contract will be this later objective of revising the Design Construction Standards Manual (DCSM) and the Zoning Ordinance.

The resulting Resolution No. 23-111, unanimously approved by the Board of County Supervisors, the following direction was issued.

NOW, THEREFORE, BE IT RESOLVED that the Prince William Board of County Supervisors hereby initiates an amendment(s) to the Design and Construction Standards Manual and the Prince William County Zoning Ordinance, Chapter 32 of the County Code, to address the potential impacts of data center uses, including, but not limited to, total noise, impacts from backup generators, height impacts, light pollution, energy supply, noise walls, and other noise mitigation, noise study(s), (including, but not limited to, before construction has begun and once each phase of the operation(s) has commenced), buffering, berms, setbacks, landscaping, screening, fencing, building design and height, environmental impacts, and land disturbance.

Scope of Work

The term "Consultant" or "Offeror" shall include any respondent to this RFP with verifiable professional experience working with the public sector. The Consultant's proposal must clearly identify the area(s) of expertise it proposes to provide (with or without subcontractors).

The Consultant must have expertise in applying skill(s) to the issues facing a county with a diversity of development patterns, demographics, and geography. Per the approved resolution, the Consultant must provide evidence of expert-level understanding of land use factors

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presented by data center development near residential, public, and other industrial uses along with a full understanding of county-level ordinance development to include review for revision and/or the development of new or targeted code provisions and Dillion Rule governance. The proposal must provide specific examples of similar work completed for the specific area of expertise in question with references. A Consultant's response to this RFP shall exhibit a thorough knowledge and understanding of the County and/or similar jurisdictions.

ONGOING: Project Management and Quality Assurance and Quality Control

Duration / Elapsed	Deliverables
Ongoing through the full project.	<ul style="list-style-type: none"> • Development of content for project website managed by County staff which is accessible to county, industry, and residential stakeholders participating in the Advisory Group. This includes the preparation of an FAQ to be posted on the project website and updated periodically throughout the project as new updates become available. • Submitting action items and meeting minutes within 3 working days of each meeting (other than public hearings). • Preparing meeting agendas, attending, and managing bi-weekly check-in meetings with key county staff (both in-person and virtual). • Providing monthly progress reports via e-mail to County staff. • Supporting staff with preparing for upcoming community meetings. • Supporting staff in responding to citizen inquiries related to this project.

The Consultant is expected to undertake a variety of general management tasks throughout the engagement, including project planning, schedule management, coordination with sub-consultants (if applicable), quality assurance, and quality control for all work conducted including senior-level review of all deliverables, and coordination with the group. The Consultant will serve as recording secretary at all meetings (other than public hearings) of the Consultant, County, citizens, and property owners. The Consultant shall complete clear projections and allocations of work for all staff to ensure project deadlines are met or exceeded in conjunction with other project work.

For efficiency purposes, deliverables associated with this SOW shall be developed iteratively and evolve as each item progresses from initial development, through review, discussion, and comment cycles to a final product. Wherever possible, the creation of wholly new deliverables for any given task shall be avoided.

The Consultant shall attend and prepare for project planning meetings with key county staff at key project intervals, likely every two weeks, and/or before any Advisory Group and/or

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community engagement meetings. Meetings are preferred to be in-person but may include virtual participation. The first project planning meeting will include discussing the kick-off meeting as well as discussing the scope of work, fees, and schedule.

In addition, the Consultant, in consultation with County staff, will be expected to prepare and provide responses to FAQs which will be posted on the project website, as well as preparing any other additional materials and information for the project website, including information on community meetings. The Consultant will also support staff with public communications such as preparing press/media releases, postcards (or similar methods of reaching out to the public).

In addition, the Consultant shall interact with other consultants who may be onboarded as part of the Advisory Group's work and goals.

TASK 1: Project Kick-off with Advisory Group

Duration / Elapsed	Deliverables
4 weeks Deliver an overview by the end of week 3 of this task. Completed within 4 weeks of award.	<ul style="list-style-type: none"> • Memo including a detailed approach to project tasks, suggested approach to discussions at the Kick-off meeting, and a set of talking points and questions to be utilized in County conversations with group members. • Overview of the proposed approach to best practices, current trends, and draft list of communities experiencing data center impacts.

One week prior to the Project Kick-off with the Advisory Group meeting, the Consultant will prepare and deliver an overview of the proposed approach to best practices, and current trends, and draft Peer Communities (reference list of similar communities) that demonstrate the range of success stories and lessons learned. This summary will also incorporate a more detailed approach to the remaining project tasks and a set of talking points and questions to be utilized in County conversations with Advisory Group members. This deliverable may be the presentation which will be reviewed at the Advisory Group Meeting.

At the Project Kick-off with the Advisory Group meeting, the Consultant will present the project plan, and their approach to project tasks, and review questions for the County and Advisory Committee. The Consultant will also present their proposed approach to the identification of best practices (Task 3 - Best Practices Review), current trends, and the draft peer review communities. This meeting would include a discussion of the Advisory Group's goals and objectives for possible changes to the ordinance.

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TASK 2. County Ordinance and State Statutory Framework Review

Duration / Elapsed	Deliverables
6 weeks, in parallel with Task 3. Completed within 10 weeks of award.	<ul style="list-style-type: none"> Memo providing an overview of relevant County ordinances and applicable State Statutory Framework and initial suggestions/opportunities for change.

The Consultant shall review the County Zoning Ordinance (Chapter 32) and Design & Construction Standards Manual (DCSM) with special emphasis on data center impacts, characteristics, and associated complaints. The Contractor shall also review any proposed changes to the County Noise Ordinance (Chapter 14), and Sections 300 & 600 of the Design & Construction Standards Manual (DCSM) to understand the overall County code context. Additionally, the consultant shall review a limited number of condition rezoning proffers and/or special use permit conditions, provided by the County. The Noise Ordinance review, the review of Sections 300 & 600 of the Design & Construction Standards Manual (DCSM), and the review of select proffers and conditions are not intended to be exhaustive legal reviews, but rather a broad overview so that the Consultant can better understand the work and proposed changes pre-existing consultants are proposing to address general land use, development, and noise impacts and negotiated condition and proffers intended to mitigate impacts.

The consultant shall also review the applicable Virginia statutory framework and understand Dillion Rule governance and limitations.

Tasks 2 & 3 should be accomplished simultaneously.

TASK 3. Best Practices Review

Duration / Elapsed	Deliverables
6 weeks, in parallel with Task 2. Completed within 10 weeks of award.	<ul style="list-style-type: none"> Report with draft best practices global literature review and related information for all areas noted in this task.

The Consultant shall research, and review examples of ordinances aimed at industrial and commercial development standards, policy changes, and/or specific methods or criteria for addressing data center impacts on incompatible uses. The Consultant shall prepare a literature review of best practices globally that address needs most relevant to Prince William County and fit within the context of the County's regulatory system.

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Key elements of this review will include identifying what, if any, unique and distinct impacts that data centers create. Impacts can be based on individual impacts or cumulative impacts. It should also include impacts related to power substation construction and operations when sited adjacent to or within data center campuses.

Tasks 2 & 3 should be accomplished simultaneously.

Task 4. Prepare Outline Version of Potential Additions or Changes to DCSM/Zoning Ordinance

Duration / Elapsed	Deliverables
6 weeks Completed within 16 weeks of award.	<ul style="list-style-type: none"> • Outline of potential DCSM and Zoning Ordinance changes. • Review noise ordinance changes and whether additional changes to the DCSM and ZO need to occur. • Presentation of the outline to the Advisory Group • Draft the First Community Engagement Meeting Presentation.

Based on the research and feedback from the above tasks, the Consultant shall prepare an “Outline” version of the potential DCSM/Zoning Ordinance changes for presentation to the Advisory Group. This detailed outline will be written in plain English rather than legal language and will list the basic structure of the ordinance sections (new or to be changed) and proposals for key ordinance features. The consultant shall identify areas of the potential DCSM/Zoning Ordinance that the County has the authority to adopt and identify those items that would require Virginia legislative changes for the Board of County Supervisors to implement. Special emphasis shall be on data center compatibility with dissimilar uses, primarily focused on residential and public uses, but not to exclude non-residential uses. The Contractor shall identify impacts and unintended consequences that the proposed DCSM/Zoning Ordinance Changes might have on other uses.

The purpose of this step is for the group to get a basic understanding of the DCSM/Zoning Ordinance structure and approach before time is invested in the preparation of full ordinance revisions.

The presentation of this outline by the Consultant shall also specifically address the following:

- Context/Justification – background and supporting research for any change.
- Impacts – how will a proposed change affect data centers, residents, other industrial and commercial uses, and County administration including enforcement?
- Risk – what risks are foreseen (government, industry, residential) with adding, removing, or modifying any element of the DCSM/Zoning Ordinance or related policy?
- Ordinance Specifics and Trade-offs – DCSM/Zoning Ordinance regulations and standards.

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The Outline will be shared with County staff for the purpose of providing feedback to the Consultant on the fundamental ordinance elements and choices. This outline version will be presented to the Steering Committee and Advisory Group.

Task 5. First Community Engagement Meeting

Duration / Elapsed	Deliverables
5 weeks Revised outline delivered by the end of week 2 of this task to allow for feedback. Completed within 21 weeks of award.	<ul style="list-style-type: none"> • Revised outline of potential DCSM and Zoning Ordinance changes. • Community Engagement Presentation. • Presentation graphics and materials for the First Community Engagement Meeting, as needed.

The first community engagement meeting will present the revised “Outline” of the potential DCSM/Zoning Ordinance changes following Task 4 feedback. The Consultant shall prepare the required materials and shall partner with staff to facilitate the event, presentations, and collection of community feedback.

The Community Engagement Meetings will not exceed three (3) hours. These Community Engagement Meetings shall include no more than 3 events and will be located in different locations to increase public access and attendance, with the ability for residents to participate virtually. All presentation material should be the same to avoid concerns from the public about missing important information.

After the meeting, the Consultant shall prepare a summary of community engagement feedback and develop/update an FAQ responsive to community inquiries. These will be delivered in conjunction with Task 6. Efforts for these deliverables shall be managed in this task.

Task 6. Initial Draft DCSM and Zoning Ordinance

Duration / Elapsed	Deliverables
8 weeks Initial draft delivered at 26 weeks for 2-week County Quality Control review.	<ul style="list-style-type: none"> • Summary of community engagement feedback from the meeting. • FAQ responsive to community inquiries. • Initial draft of DCSM and Zoning Ordinance. • Presentation to Staff and the Advisory Group.

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Completed within 29 weeks of award with revised Initial Draft Noise Ordinance.	
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The Consultant shall provide the initial draft of the DCSM/Zoning Ordinance changes tailored to the County’s unique needs and context and incorporate community engagement feedback. The Consultant shall present the revised draft DCSM/Zoning Ordinance changes to the Advisory Group.

Task 7. Second Community Engagement Meeting(s)

Duration / Elapsed	Deliverables
6 weeks Presentation delivered by the end of week 2 of this task for a 2-week County review and feedback. Completed within 35 weeks of award.	<ul style="list-style-type: none"> • Draft Second Community Engagement Meeting Presentation • Presentation for Second Community Engagement Meeting. • Presentation graphics and materials for a Second set of Community Engagement Meetings.

The Consultant shall provide the Draft Second Community Engagement Meeting Presentation for County feedback prior to the end of week 2 of this task. The County expects this to be an updated presentation from Task 5 which reflects work in this task.

The second set of community engagement meetings will present the draft changes to the Zoning Ordinance and DCSM. The Consultant shall prepare the required materials and shall partner with staff to facilitate the event, presentations, and collection of community feedback.

The Community Engagement meeting(s) will not exceed Three (3) hours. This Community Engagement Meeting(s) may be scheduled as a single event or multiple events (maximum of 3) as needed, delivered from different geographic areas throughout the County, with the ability for residents to participate virtually.

After the meeting, the Consultant shall prepare a summary of community engagement feedback and develop/update the FAQ responsive to community inquiries. These will be delivered in conjunction with Task 8. Efforts for these deliverables shall be managed in this task.

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Task 8. Prepare Staff Materials and present to DCSM/Zoning Ordinance Advisory Committee (DORAC) and Commercial Development Committee (CDC)

Duration / Elapsed	Deliverables
4 weeks Completed within 39 weeks of award.	<ul style="list-style-type: none"> • Summary of community engagement feedback from the meeting. • Executive Summary of changes • Draft Presentation for DORAC/CDC.

The consultant will take feedback from the Community Engagement Meeting(s) and prepare staff materials for meetings with DORAC and CDC. The Consultant will update and deliver the materials as used in the second community engagement meeting along with the comments from the public.

The Consultant will provide the same version of the draft changes to the DCSM and Zoning Ordinance provided as part of Task 8.

Task 9. Prepare Staff Materials for the Planning Commission Work Session

Duration / Elapsed	Deliverables
2 weeks Completed within 41 weeks of award.	<ul style="list-style-type: none"> • Executive Summary of changes • Proposed Draft of DCSM and Zoning Ordinance • Draft Presentation for Planning Commission Work Session which includes community engagement, DORAC, and CDC meeting feedback.

The consultant will take feedback from the Community Engagement Meeting(s), DORAC, CDC Meetings and prepare staff materials for a work session for the Planning Commission. The Consultant will update and deliver the materials as used in the second community engagement meeting along with the comments from the public.

The Consultant will deliver the Proposed changes to the DCSM and Zoning Ordinance and Draft Presentation. This will provide for mandatory reviews by the County Attorney and County Executive.

Task 10: Planning Commission Work Session

Duration / Elapsed	Deliverables
4 weeks The Board Meeting shall be held by the	<ul style="list-style-type: none"> • Planning Commission Work Session on Proposed changes to the DCSM and Zoning Ordinance • Summary and notes of suggestions from the Planning Commission Work Session.

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end of week 3 of this task. Completed within 45 weeks of award.	
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The Consultant shall prepare for a work session for the Board of County Supervisors. The Consultant may present the reviewed materials delivered through Task 10. The work session is estimated not to exceed 4 hours.

Task 11: Prepare for Planning Commission Public Hearing for Final DCSM/Zoning Ordinance

Duration / Elapsed	Deliverables
6 weeks DCSM/Zoning Ordinance and Presentation delivered by the end of week 3 of this task for 2-week County review and feedback. Completed within 51 weeks of award.	<ul style="list-style-type: none"> • Summary of changes based on DORAC/CDC and PC work sessions. • Update the FAQ responsive to community inquiries. • Proposed Final Draft Noise Ordinance • Draft Presentation for Planning Commission Public Hearing which includes community engagement meeting feedback.

The consultant will take feedback from all previous meetings and prepare staff materials for a public hearing for the Board of County Supervisors. The Consultant will update and deliver the materials as used in the Planning Commission Work Session along with the comments from the Commission and the public.

The Consultant will deliver the revised text and presentation midway through this task for the purposes of staff review.

Task 12: Planning Commission Public Hearing for Final DCSM/Zoning Ordinance

Duration / Elapsed	Deliverables
3 weeks Completed within 54 weeks of award.	<ul style="list-style-type: none"> • Presentations for Board of County Supervisors Public Hearing.

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The Consultant shall attend and may present the proposed final DCSM/Zoning Ordinance at the Board of County Supervisors Public Hearing that includes feedback from the Planning Commission Work Session.

Task 13: Prepare Staff Materials for the Board of County Supervisors Work Session

Duration / Elapsed	Deliverables
<p>6 weeks</p> <p>DCSM/Zoning Ordinance and Presentation delivered by the end of week 3 of this task for 2-week County review and feedback.</p> <p>Completed within 60 weeks of award.</p>	<ul style="list-style-type: none"> • Summary of changes based on PC Public Hearing. • Updated Draft DCSM/Zoning Ordinance • Draft Presentation for Board of County Supervisors Work Session which includes community engagement meeting feedback.

The consultant will take feedback from the Community Engagement Meeting(s) and prepare staff materials for a work session for the Board of County Supervisors. The Consultant will update and deliver the materials as used in the Planning Commission Public Hearing and incorporate comments and recommendations from the Commission.

The Consultant will deliver the revised text and presentation midway through this task for the purposes of staff review.

Task 14: Board of County Supervisors Work Session

Duration / Elapsed	Deliverables
<p>4 weeks</p> <p>The Board Meeting shall be held by the end of week 3 of this task.</p> <p>Completed within 64 weeks of award.</p>	<ul style="list-style-type: none"> • Board of County Supervisors Work Session on DCSM/Zoning Ordinance changes. • Presentations for Board of County Supervisors Work Session which includes feedback from the complete public engagement process. • Summary and notes of suggestions from the Board of County Supervisors Work Session.

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The Consultant shall prepare for a work session for the Board of County Supervisors. The Consultant may present the reviewed materials delivered through Task 14. The work session is estimated not to exceed 4 hours.

Task 15: Final Recommendation for the Board of County Supervisors and Public Hearing Preparation.

Duration / Elapsed	Deliverables
4 weeks Completed within 68 weeks of award.	<ul style="list-style-type: none"> • Report summarizing recommendations and prior steps. • Final Proposed DCSM/Zoning Ordinance Changes.

The Consultant will take into consideration feedback/recommendations from the Board of County Supervisors work session, deliver a summary report, and work with County staff to produce a Final Proposed DCSM/Zoning Ordinance Changes.

Task 16: Board of County Supervisors Public Hearing for Final DCSM/Zoning Ordinance

Duration / Elapsed	Deliverables
4 weeks Completed within 72 weeks of award.	<ul style="list-style-type: none"> • Final Board of County Supervisors Proposed DCSM/Zoning Ordinance. • Presentations for Board of County Supervisors Public Hearing.

The Consultant shall attend and may present the finalized DCSM/Zoning Ordinance Changes at the Board of County Supervisors Public Hearing that includes feedback from the Board of County Supervisors Work Session.

Task 17: Project Completion

Duration / Elapsed	Deliverables
2 weeks Completed within 74 weeks of award.	<ul style="list-style-type: none"> • Project Closure Report

The Consultant will work with the County staff to complete and close out and final deliverable updates. The Consultant shall prepare a final Project Closure Report delineating project achievements as well as recommendations for any post-project actions that the County should consider.

Attachment 1 – Potential Impacts Suggested by Members of the DCOAG

1. Health – Hypertension, stress, psychological, respiratory, etc.

- a. Volume, frequency and duration of noise from equipment, generators, other industrial activities
- b. Dust generated from construction activity
- c. Air pollution from generators
- d. Drinking water- heavy metal, fuel, other toxic spills, pathogens going into reservoir
- e. Electromagnetic radiation from power lines and infrastructure
- f. Vulnerable populations (children, elderly, lower-income)
- g. Light pollution

2. Real estate value

- a. Residential property (noise, aesthetics, viewshed, etc.)
- b. Residential damage
 - i. Vibration (from blasting)
 - ii. Dust
- c. Noise sensitive uses (e.g., shopping centers, movie theatres)

3. Compounding from concentration

4. Public facilities

- a. Schools
- b. Churches
- c. Fire Stations
- d. Parks and Recreation facilities
- e. Hospitals
- f. Police Stations

5. County tax revenue and expenditures

- a. Methodology to arrive at the equation
- b. Residential tax burden

6. Traffic and comparison to other uses

- a. Construction

Attachment 1 – Potential Impacts Suggested by Members of the DCOAG

- b. New roads
- c. Concentration
- d. Relative vehicle trips per day

7. Plant species and wildlife species

- a. Survivability
- b. Economic component
- c. Develop an assessment methodology on threatened and endangered species at Federal and State level

8. Water availability and quality

- a. Usage of water for cooling
- b. Usage of groundwater vs public potable water
- c. Stormwater runoff

9. Economic growth

- a. Ancillary businesses
- b. Supply chain
- c. Jobs (construction and operation)
- d. Tourism

10. County Government Services

- a. Fire and Rescue
- b. Police
- c. Health Department
- d. County Administration
- e. Public Schools

11. Local Power

- a. Reliability
- b. Availability

12. Decommissioning/Recommissioning

- a. Storage Tanks

Attachment 1 – Potential Impacts Suggested by Members of the DCOAG

- b. Clean up
- c. Site stabilization
- d. Refurbishment
- e. Adaptive reuse

13. Cultural Resources

- a. Cemeteries/Graves
- b. Historic structures
- c. Historic landscapes

