

Data Center Ordinance Advisory Group Meeting Notes

Wednesday, October 11, 2023

Meeting Location: Development Services Building, Room 107

1. Team check in
 - a. Dale – Noise levels remain somewhat low. The next Amazon meeting is October 20.
 - b. Dr. Lyver – Would like to see the group go over the bidding process for the SOW and discuss how the technical review for the bidding process will be done.

2. Landscaping/Buffers/Berms Interim Standards Discussion
 - a. Ben led the discussion
 - b. The purpose of the subgroup was to come up with a standard that is a defensible and identifiable as an interim standard. We are looking at the highest, most reasonable standards already in place that we can use in the interim until the consultant can go back and research. The final caveat to the process was that we needed staff, industry and the residents to agree on the standards being increased.
 - c. Why is there a focus on vegetation in the buffer area, other than visual aspect?
 - i. The vegetation is intended to provide some distance for the setback, but we don't know how it would affect noise. It could also vary, depending on the type of vegetation.
 - d. Buffers are currently not intended to be used for noise mitigation, so we are not sure if they are effective for that.
 - e. In this proposed interim standard, can we add in that from X date forward, any site plan that has already been approved is grandfathered in, but for anything after they must meet more rigorous buffers?
 - i. State code is what triggers grandfathering protection. Once the site plan has been submitted, that's when their regulatory clock freezes. However, if they end up having to submit a new site plan during the revision process, then they would be required to follow the newly added regulations.
 - f. Can there be requirements for the height of vegetation in the buffers?
 - i. This is something we can look into as part of the Phase 2 effort with the consultant. We can look into changing certain requirements for that in the DCSM for planting (faster growing, evergreens vs deciduous) and preserving the trees that are planted.

- g. Would industry voluntarily meet some of the adopted standards, even though they're not required on projects that have already been submitted?
 - i. Kevin Hughes stated that his company, as well as many other companies, often do more than the minimum required standards.
 - h. Is mixed use defined?
 - i. No, it is not. The zoning ordinance looks at mixed use as any type of mixture of use.
 - i. Motion by Dr. Lyver to move this forward
 - i. Unanimous vote by the group to move this forward (with changes to the chart and the understanding that there will be a phase 2)
 - j. Explanation of the process for next steps:
 - i. Bring this to the BOCS to initiative a change to the ordinance - December 5
 - ii. DORAC - November
 - iii. Planning Commission (public hearing required) – January 10
 - iv. Back to the BOCS for approval (public hearing required) – February 6
- 3. Consultant update**
- a. Keishla led the discussion
 - b. The County has 6 companies on contract for engineering services, who largely do noise studies for Transportation. However, they may also have some expertise in our Noise SOW. Hourly rates are already negotiated, and the County will negotiate the cost based on the task order.
 - i. Keishla reached out to the 6 companies for our Noise SOW and heard back from 4 companies.
 - 1. 1 was not interested, 1 felt there was a conflict of interest, so they declined, 1 expressed potential interest, but will get back to us, 1 expressed definite interest (ATCS). The 2 other companies have not responded.
 - 2. If the group feels that none of the interested companies are a good fit, we always have the option to bid it out. However, putting it out to bid is about a 3-month process.
 - c. If additional research or modeling is needed, is the contractor able to hire a subcontractor?
 - i. Yes, as long as they provide qualifications, and the County approves.
 - d. Keishla will ask the companies to have their questions to her by October 18, which gives the group time to consolidate our questions for them and provide answers before October 25. At the October 25 meeting, the group will come up with some questions for them to answer at the bidders conference.
 - i. Please email any potential questions to Amanda so that we can have a document to work with as a group at the October 25 meeting.

- e. The group agreed to have the Bidders Conference on Friday, November 3 from 9:30am – 11:00am.
4. Discuss changes to the November meeting schedule
- a. The group agreed to cancel the November 8 meeting (due to the Planning Commission meeting) and cancel the November 22 meeting (due to the Thanksgiving holiday)
 - b. The group agreed to add a meeting on Friday, November 3 at 9:30am for the bidders conference
 - c. The group agreed to add a meeting on Wednesday, November 15. This meeting will replace the cancelled meetings on November 8 and 22.
5. Meeting adjourned