

Data Center Ordinance Advisory Group Meeting Notes

Wednesday, December 6, 2023

Meeting Location: Development Services Building, Room 107

1. Team check-in

- a. Dale - For the last 3 weeks, the noise from Amazon has increased since temperatures outside have gone down. Amazon stated they would have an engineer look at it, but they have not responded for 3 weeks. The fans are being run more and they are at only 4DB less than what they were at their peak. Wade – Staff will request the Board to extend the Noise Ordinance sunset clause. Board action is required prior to the end of February.
- b. Kathy – Wants to introduce a new meeting time for the group because the residents work and it is hard to make these meetings in the middle of the day
- c. John Lyver – Would like to discuss at a future meeting how the County plans to do enforcement for the noise. In the Devin rezoning application, Truett introduced DBZ. How will we be able to differentiate the noise from various data centers that are in close proximity to one another, when dealing with noise complaints? It may be beneficial to have some sort of “fingerprint” on each data center.
- d. Donna – Agreed with Kathy’s comment about the meeting time being moved to the late afternoon. Her community will soon be faced with the same issues that Dale’s neighborhood already has. Would like to have the allowed construction times changed, as they are currently 6am – 10pm. This is not conducive to being next to a residential area. We need to look at the tonal and the duration of the noise.

2. Consultant update

- a. Discussions with JMT and establishment of a task order for the revised Noise Ordinance – Wade
 - i. JMT was informed they were selected and are currently working on the cost estimate for the task order. The task order can be modified and updated as needed throughout the process.
 - ii. JMT is able to meet with the group on December 20
 - iii. Wade will send the proposed task order to the group as soon as he receives it from JMT

3. Subgroup update on consultant SOW for Zoning and DCSM updates – Ben provided the update in Alex’s absence

- a. The subgroup met Monday at 10am

- b. They started out using the SOW for Noise as a baseline and tried to gauge the duration of each task. They need to work through the duration of the timeline, but a lot of tasks can happen concurrently.
 - c. Alex will finish the initial draft by beginning of next week, so we can start working on the technical parts. The hope is to discuss at the December 20 meeting
 - d. Ray mentioned we should include the stakeholder recommendations and the Impact document
 - e. This will have to formally go out to bid
 - f. The SOW would ideally need to be finalized by the first few weeks in January , and we are looking to award the contract awarded by beginning of May
4. Update on Interim Buffer Standards – Wade
- a. Had conversation with NVBIA and we will have to meet with a broader group. This won't just be data and residential, so we will need to reach out to other industry members to come to an agreement on these standards.
 - b. Staff could bring this forward to the Board even if industry cannot agree
 - c. The timeline should be about 60-90 days if we can get everyone to agree on an interim standard.
 - d. It was suggested by the group that we should include the Chamber on this discussion
5. Discussion of December 20 meeting
- a. Proposed having a smaller subgroup meet with JMT
 - b. At least half the team is able to attend on December 20, even if virtually
 - c. The plan is to meet with JMT for 45 minutes of the meeting and then discuss the new draft Zoning/DCSM SOW for the second 45 minutes
6. Discussion of changing the meeting day/time
- a. Kathy and Donna proposed having the meeting later in the afternoon and later in the week, to accommodate residents work schedules and/or travel time to meetings
 - b. Wade will work with staff to offer some new potential dates/times and bring something back to the group in the next few weeks
7. Additional noise ordinance discussion
- a. We should check with other localities (Loudoun) regarding enforcement on noise from data centers
 - b. What capabilities does PWC have to measure noise?
 - i. As JMT works through their research, they may be able to look at some other areas who have the capability to enforce this. If other equipment is used, it may need to shift it to another agency/department, other than the Police, to handle.

- c. Kevin Hughart (Police) state that when a police officer investigates a noise violation, they are looking at an individual responsible for the violation. Since these violations are related to equipment from a business/building, it would be more of a Zoning issue. We need more enforcement options with a broader reach to have the business comply with new ordinance/laws.
- d. Until we get far enough down the line with the ordinance, there will be a little gap with approval for new equipment, training, etc.
- e. Identifying factors will likely be needed for each data center to differentiate where the noise is coming from
- f. They could potentially put monitors on the corners of the fence to collect the noise data for the County to observe.

8. Meeting adjourned