

**Data Center Ordinance Advisory Group**  
**December 18, 2024**  
**Development Services 107 A/B – Teams (Virtual)**

**Team Check-in**

Wade: Shared three key highlights from the Dec 17<sup>th</sup> Planning presentation to the Board of County Supervisors on the Data Center Overlay District.

- The Board agreed with the recommendation to remove nine specific parcels from the Overlay. The removal of these parcels was recommended in the Stantec Report and supported by the Planning Office staff.
- The Chair confirmed the current scope of work on the Overlay District, per the Chair's Directive, is to focus on analyzing the district boundaries and identifying additional parcels for removal. Supervisor Angry commented that he felt the review should include an assessment of areas to be added to the Overlay; however, the Chair reiterated that was not part of the Directive.
- The Board discussed the need for an active engagement with the public to obtain feedback on any proposed changes to the boundary. The Board specifically mentioned the DCOAG in this process but did not re-direct staff to have the DCOAG directly involved in the review and development of the recommendations. The DCOAG will be one of the key stakeholder groups that will review and comment on the proposed changes.
- DCOAG will have the opportunity to meet with planning and provide feedback on the draft proposal for the Overlay District.

Kathy K.: Suggested the need for a more collaborative effort between planning and DCOAG to have a more beneficial approach to siting issues.

- Address concerns that by-right data center use should not be allowed.
- The review of siting should be part of the DCOAG and Moseley effort
- Wants the JMT recommendation to remove the Overlay District included in the staff report.

Mandi S: Amanda Fink will be the Acting Deputy Director for Development Services and will be attending the DCOAG meetings in place of Mandi while she is out of the office.

Kevin- Attended a meeting with Prince Georges Co. Council Chair Jolene Ivy and shared some highlights with the team, He suggested the need for a briefing event to provide education on the data centers to the residents. Most people are not aware of the scale of these projects.

Bill Wright - The County trust needs to be restored with the residents, and this would be a good way to start.

- Clarification from the BOCS about the siting purview of the DCOAG.
- JMT recommendations about removing the overlay district should not be suppressed.
- NDA- Why did the county not ask about utility usage on the applications?

Dale Browne: Suggested recording the DCOAG meetings for transparency

- Amazon meeting on Monday, Dec 16 to review a Sound study done by Amazon, this presentation was based on the current 35-year-old Noise Ordinance which shows they are compliant. He was not satisfied with the meeting
- Expressed the amount of money AWS has made within the past year (over \$10B in profit) and still is unable to fix the problem Great Oak residents are experiencing.
- He shared some recommendations with Amazon on how they should compensate residents.

Ray: Data centers have brought toxicity with them. Power is an issue that will define data centers. The use of the Zoning Ordinance for establishing and enforcing our regulations will be the most effective approach. He stressed siting should be under the purview of the DCOAG. He also mentioned that legislative changes are necessary to implement additional legal authorities for enforcement.

#### **JMT Presents the Noise Ordinance Draft**

- County Staff will need to be trained, and this would be beneficial for providing data during court.
  - Staff Training will include how to measure the noise and be able to determine the type of source (variable, constant, and impulse).
- Discussed having a 30-day 24-hour monitoring for Data Centers already in violation – Would the County bear the expense of monitoring? This should be measured at a lower level. This would help to gather data to regulate the noise levels, although it may not work for all the data centers.
- To enforce a 30-day monitoring a Judge will need to order the owner to comply
- Suggestions to have the applicants pay for the monitoring instead of the county.
- 10 minutes of noise measurement, if noise levels are in violation a citation can be issued. David indicated this is an acceptable time for enforcement, although longer measurement periods are better.
- A baseline noise study to help understand the impact of the data centers
  - suggests baseline data for the Great Oak Community be conducted.

#### **Feedback**

- Recommendations to create an enforcement plan to relieve the Prince William Police Department and have county staff assist.
  - Wade will follow up with what is needed to enforce
- “The intolerable condition clause” being surrounded by Data Centers and not knowing where the noise is coming from. Would like to see the recommendations JMT proposed VS what the legal team is not comfortable with adding to the ordinance.
- A clarification of continuous noise level would like to know what the appropriate level should be.
  - David reiterated the fact the draft Ordinance addresses continuous noise via the L50 measurements.
- Do we need language now in the Noise Ordinance, how can it be used to regulate a facility that is already operating?
- How is the County going to enforce the noise when there are multiple noise sources?

- Question to JMT – Were they constrained in the materials they could recommend?
  - JMT responded that there were some legal constraints, JMT also stated they feel the draft noise criterion is on target.
  - Ask County staff to request a legal opinion on the 10 minute noise testing (hold up in court?)
  
- **Check out**
- Discussed using the January noise testing to compare against the draft Noise Ordinance.
- Jan Meetings – Will follow up
- JMT deliverables by the end of the year include a Noise Testing framework.