

Data Center Ordinance Advisory Group

Meeting Notes

Wednesday, August 2, 2023

Meeting Location: Development Services Building, Room 107

1. Team Check-in

- a. Dale stated that we need to work through the documents more quickly so that we can hire the consultant ASAP. Starting with the bid document instead of the impacts list, may be more beneficial.
- b. Josh indicated that given the need to move expeditiously, we should consider starting with the bid document so that we can bring on a consultant quickly rather than spend so much time initially on the impacts list and other items on the meeting agenda, which will likely need to be discussed/rediscussed once a consultant is retained.
- c. Wade noted that our goal is to work through the impacts list today, so that we know what we need to ask of the consultant and see if we want to split the team's efforts going forward to get the work done more quickly.
- d. Kathy noted that the meeting time is inconvenient for most residents and feels we need to revisit that
- e. The group acknowledges that not all items on the impact list will be for our group to address, but this list of impacts should be a master list of issues to address going forward.

2. Finish the Data Center Impacts document (with Wade's edits)

- a. Items to keep in mind moving forward as we develop regulations:
 - i. We need to inquire about the legal issues of regulatory noise levels for any industrial buildings (hospitals, grocery stores, etc.). What is the legality of not singling out one particular industry a state regulation?
 - ii. Impact on noise changes for schools (rooftop equipment)
 - iii. The ordinance should focus should not be on the noise itself, but on the duration of the noise
 - iv. What regulatory authorities does the jurisdiction have and what are the applicable regulations (i.e. permits that are required, etc.)? What can the County regulate in the DCSM and Zoning ordinance for data center developers?
 - v. What is the impact on vulnerable populations (children, elderly, lower income)? Are the County and the developers looking at this from a public health standpoint? Is it possible to have the proffers address different requirements of the developer in relation to this?
 - vi. How much noise is making it through school windows/walls from any industrial facilities, not just data centers

- vii. Is there a way to regulate a frequency that would focus on the data center industry and not other industries?
 - viii. Cannot cumulatively say that all data centers generate the same revenue. They have to be done on each individual site.
 - ix. Any new infrastructure is not supported by existing customers – it is paid for by development (for water and sewer).
 - x. Service Authority has sufficient water capacity through 2045 based on the old comprehensive plan. If there is a need for additional capacity, they can get that water from Fairfax Water and it would be paid for by the new growth, would not be supported by current customers.
- 3. Discuss the need to finish the document “Data Center Impacts to Study – Reorganized”**
 - a. The group agreed that we do not need to finish this document
 - 4. Review and Discuss Kathy’s Stakeholder Recommendations document**
 - a. Did not get a chance to work on this due to the brainstorming exercise on the impacts. This will be the first item on the agenda for our next meeting
 - 5. Discuss splitting the team’s effort into two parts, with a focus on the Noise Ordinance and a focus on the Zoning Ordinance and DCSM (this decision will impact the Draft bid document)**
 - a. A subgroup will work together before the next meeting to flush out the rest of the brainstorming document and they will bring it to the group at our next meeting. The subgroup will be comprised of 1 member of County staff, 2 residents, and 2 industry representatives (David McGettigan, Josh Levi, Kevin Hughes, Kevin Coyle and Dale Browne). Dave will setup the virtual meeting for next week. Amanda will send the working document to the group.
 - 6. Discuss drafting the bid document**
 - a. The plan is to focus on this document at our next meeting on August 16