

**Zoning Ordinance Amendment
Data Centers**

MOTION TO APPROVE

Mr. Chairman, I have a single motion with multiple parts ...

I move that the Board of Supervisors adopt the proposed Zoning Ordinance

Amendment for Data Centers as set forth in the Staff Report dated May 17, 2024.

Where options are presented, I move that Option 1 be adopted, except for the following:

- the proposed standard for screening of equipment in subsection 4102.6.A(1) be revised to read:

To provide visual screening and reduce noise levels, any equipment necessary for cooling, ventilating, or otherwise operating the facility, including power generators or other power supply equipment, must be fully enclosed, except where determined by the Director not to be mechanically feasible based on the manufacturer specifications. If the Director determines it is not mechanically feasible to fully enclose the equipment, it must be screened by a wall or similar barrier. In addition, any equipment as referenced above that is located on the ground and any accessory electrical substation must be screened from view from abutting lots and from rights-of-way by a visually solid wall or a building. This standard does not apply to solar panels.

- the proposed standard for a minimum distance from residential in subsection 4102.6.A(4) be revised to read:

(4) Minimum Distance from Residential

- (a)** Any data center building must be located at least 200 feet from the lot line of an R district or a property developed with a residential use.
- (b)** If located on the ground, any equipment for cooling, ventilating, or otherwise operating the facility, including any power generator or other power supply equipment, must be either:
 1. Located at least 300 feet from the lot line of an R district or a property developed with a residential use; or
 2. Separated from the lot line of an R district or a property developed with a residential use by the principal data center building.
- (c)** Lesser distances may be allowed with special exception approval in accordance with subsection 8100.3.
- (d)** For the purpose of this provision, an R district does not include an area within a public street right-of-way.

- and in the proposed standard for a minimum distance from a Metro station in subsection 4102.6.A(5) “one-half mile” is changed to “one mile”

I move that the amendment, to Chapters 112.1 and 112.2 of the County Code, take effect at 12:01 a.m. on September 11, 2024.

And I further move that Appendix 1, Provisions Relating to Previous Approvals, subsection 2.B., be updated to include the following language for the Data Centers Zoning Ordinance Amendment:

Data Centers

(a) Any site plan for a data center accepted for review on or before July 16, 2024, will be reviewed based on the provisions of the Zoning Ordinance in effect on July 16, 2024, if:

1. The site plan is approved by July 16, 2025;
2. The approval remains valid; and
3. The uses, features, and structures are established or constructed in accordance with approved plans and permits.

An approved plan may be revised notwithstanding this amendment if it does not aggravate conflicts with the amendment. Building permits and other related subsequent plan and permit submissions may be accepted and new approvals may be granted, consistent with the approved site plan. The applicant/owner may elect to have the above applications reviewed in their entirety under the provisions of this amendment.

(b) For all applications for rezonings and related development plans, special exceptions, site plans, or building permits that include a data center approved on or before July 16, 2024, the applicant/owner may continue under their previous approval. Subsequent plan and permit submissions may be accepted and new approvals may be granted, consistent with those prior approvals. Revisions to such prior approvals may be approved if they do not aggravate conflicts with this amendment.

FOLLOW-ON MOTION

This Zoning Ordinance amendment is a step forward in regulating data centers, but there is remaining work to be done. My follow-on motion includes several parts to direct staff’s next steps in the consideration of approaches to address the impacts of data centers.

As we know, energy demand and transmission are regulated by the state and are major topics for data centers. The state’s Joint Legislative Audit and Review Commission (JLARC) has been directed to study data centers and they will be providing their report by the end of the year. That study will include, among other items, an assessment of the

impacts of the data center industry on energy demand in Virginia, including the state's ability to transition from fossil fuels to renewable energy sources. The study will also review how zoning and regulatory restrictions can affect data center development. At the County level, we also want to continue to review the energy efficiency of data centers.

Regarding water quality, concentrated salts from evaporative cooling systems discharged from data centers and other facilities are a concern within the service area of the Upper Occoquan Service Authority (UOSA), as the wastewater is discharged to UOSA's treatment plant which discharges the treated water to the Bull Run River upstream of the Occoquan Reservoir, a major drinking water source for Northern Virginia. A salinization study of the Occoquan watershed is underway through the Occoquan Watershed Monitoring Lab (OWML) with results expected in 2025. The County's wastewater ordinance provides sufficient authority to require pre-treatment and monitoring of industrial wastewater discharges, should that be advised by the research and required by UOSA.

The initial phase of community outreach for the Policy Plan Amendment to the Comprehensive Plan is complete, with the second phase of community outreach and topic-specific research underway. This Plan Amendment includes the opportunity to review and update the Land Use and Environment Elements of the Policy Plan. This effort will likely include important considerations for additional guidelines for data center applications subject to rezoning or special exception approval. This review should include an evaluation of the measures that industry is implementing to address energy demand and other environmental issues. Staff anticipates public hearings for this Plan Amendment in the Fall of 2025.

The need to review the County permissions and standards for substations has been previously identified by the Board, including as part of a joint Board Matter with myself, Chairman McKay, and Supervisor Jimenez in March. As a result, the consideration of Zoning Ordinance revisions for electrical substations has been included as a Priority 1 item on the Zoning Ordinance Work Program.

Therefore, I move that the Board direct:

- (a) The Department of Planning and Development (DPD) to review the energy efficiency commitments of data centers that are approved by right and by rezoning or special exception, including data centers approved before and after the effective date of the amendment. The review should include an assessment of commitments to LEED or other green building certifications for data centers across the county and report back to the Board within 12 months of the effective date of the amendment.
- (b) DPD to consider additional guidelines within the Land Use and Environment Elements of the Policy Plan to address land use and environmental issues related

to data centers, including water demand, water quality, air quality, noise, and other topics in conjunction with the ongoing Policy Plan update.

- (c) Department of Public Works and Environmental Services to monitor the wastewater issues and concerns identified collaboratively by Fairfax Water and the Upper Occoquan Service Authority and to report back to the Board with any findings and recommendations from the salinization study, as it becomes available.
- (d) DPD to present information to the Board's Land Use Policy Committee this fall on potential changes to permissions and use standards for electrical substations.
- (e) DPD, in coordination with the Department of Land Development Services, to report back to the Board in 12 months on the absorption of industrially zoned properties by data centers.