

Siting Subcommittee
Recommendations
(1-18-24 R2)

The following recommendations are being put forth for consideration and further development by appropriate County staff, and are offered in no particular order or priority. Each recommendation is followed by a short explanation of the reasoning behind the same.

The existing CDI Ordinance was found to be well thought out and comprehensive in nature. We recommend the existing ordinance be amended to include those new siting recommendations forthcoming from the DCWG and which are adopted by the County Council. Further, upon adoption, any new applicants, including site plan approvals, be required to conform to the updated CDI Ordinance. At time of site plan application, the CDI ordinance in effect at that time applies.

It should be noted that wherever possible we tried to be non-prescriptive in our recommendations such that we have attempted to set standards and metrics to be met by the industry, without necessarily dictating *how* they will be met. This was done for a number of reasons, including: (a) We lack specific technical expertise, and (b) Technology and solutions can and will change over time.

The Siting Subcommittee would like to point out that we do not consider these recommendations static, meaning they should be reviewed over time as the County gains more direct first-hand knowledge and experience with data center development as it occurs, and the County should consider adjusting any recommendations adopted, as well as adding new recommendations.

Recommendations

- 1) Data centers should only be considered for areas meeting the following Basic Criteria:
 - a) To minimize the need for construction of new high-voltage power lines, data centers should be sited within close proximity to existing or currently planned High Voltage Transmission Lines (hereafter “HVTL”) needed to serve a data center. (HVTL = 138kV or greater?)
 - b) Any “feeder lines” from the HVTL should, to the extent practical, be buried. (“Feeder line” = 69kV or less?)

Reason: Minimize the need for new, additional HVTL and “feeder line” transmission towers and paths, which have a negative impact on the rural view-shed, property values, and property rights, at a minimum.

- c) For those Data Centers intending to use water for cooling, non-potable water systems for cooling must be included in the site plan and built into the facility. Non-potable water can be from municipal treatment facilities or an alternative source. Potable water can be used for backup or augmentation in the non-potable system, should non-potable water not be available.

Reason: Data centers should NOT be allowed to access water resources via on-site wells, nor discharge into anything other than a municipal, or an equivalent on-site, treatment plant.

- d) Within access to current or planned fiber infrastructure.

Reason: We understand this is an attribute the industry needs, as well as serving to limit *initial* data center development to southern Frederick County, thereby allowing the industry to proceed in Frederick County while simultaneously allowing Frederick County government time to gain valuable experience on the impacts of this industry before considering a larger geographic area for consideration.

- e) Be in a municipality or a county designated growth area, as delineated in the Livable Frederick Master Plan and subsequent comprehensive plan elements.

Reason: Designated growth areas are targeted and planned for development, including required access to municipal water and sewer services.

- f) Be in areas with a comprehensive land use designation for general (GI) or limited (LI) industrial use.

- 2) Upon meeting the Basic Criteria delineated in # 1 above, the following additional siting criteria are recommended:

- a) Data center development is not allowed on the following land designation areas:

- Rural Legacy
- Priority Preservation
- Agricultural Preservation
- Those portions of properties with Green Infrastructure
- Those portions of properties with Natural Resource Lands
- Treasured Landscape Management

- b) Efforts should be made to avoid development on land that has a high percentage of Prime Soil Classes I – III.

Reason: Serves to protect Frederick County's rural and agricultural heritage, particularly those areas where the State/County have financially invested in and targeted.

- 3) Zoning. We recommend a CDI Floating Zone, only applicable to land designated General Industrial (GI) or Limited Industrial (LI).

Reason: Floating zones are applicant driven, and *must meet the criteria and standards for siting* as established by the County through the existing CDI ordinance, an amended CDI ordinance, or a replacement CDI ordinance. Further, requires public notice, public hearings at the Planning Commission level, and public hearings and approval by the County Council for each applicant prior to granting a CDI Floating Zone designation.

- 4) Changes to the Existing CDI Ordinance: The siting sub-committee recommends the following changes to the existing CDI Ordinance:

- a) Amend the setback requirements to be 100 feet
- b) Amend to the vegetative screening requirements (both building and sub-station) the requirement to replace any plantings which fail within ninety (90) days of failure or notification of failure.
- c) Amend exterior lighting to adhere to the Five Principles for Responsible Outdoor Lighting published by the Dark Sky and the Illuminating Engineering Society

- 5) Other. In addition to the standards and criteria delineated above, in approving any new areas for data center development, the County should consider the impact on the following:

- a) Impact to the viewshed
- b) Impact to recreational areas, including municipal, County, State, and National parks
- c) Impact to nearby fragile ecosystems/watersheds
- d) Proximity to schools, daycare centers, health care facilities, and residential development
- e) Environmental justice (consideration of housing that has been previously impacted by industrial or other environmental issues, and avoid compounding of these issues)