Draft - Data Centers in Montgomery County
County Executive Legislative and Policy Recommendations

1. **Establish a data center overlay zone that requires clean energy and energy efficiency measures, such as:**[1]
   - Maximize installation of solar arrays on site, including buildings, parking lots, and ground area, to offset some of the new demand on the electric grid and reduce on-site emissions.
   - Require all data centers to meet their energy needs via at least 10% more clean energy as defined under the State's Renewable Portfolio Standard (RPS), than the RPS clean energy requirement applicable to energy suppliers.
   - Restrict the use of diesel backup generators to reduce or eliminate the pollution associated with diesel backup generators. If combustion generators are allowed, require decibel limitations, pollution capture technologies, and restricted hours for generator testing. Require use of EPA Tier IV generators for any diesel generators allowed.
   - Require long duration energy storage so that diesel backup generators would not be needed for short duration outages.
   - Monitor and report on energy efficiency and emissions data on a periodic basis (e.g., quarterly).
   - **Other zoning option:**[2]
     - Establish a preferred data center location via zoning.

2. **Require all data centers to undertake the conditional use process**[3]
   - This measure can prompt developers to respond to a more site- and application-specific review of potential impacts and mitigation strategies.

3. **Require a sustainable operations plan for conditional use approval.**[4]

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[1] Sources: Georgetown Climate Center, Prince George's County Qualified Data Center Taskforce, Urban Land Institute

[2] Source: Urban Land Institute

[3] Source: Prince George's County Qualified Data Center Taskforce

[4] Source: Prince George's County Qualified Data Center Taskforce, Frederick County Data Centers Workgroup

- An operational sustainability plan should include detailed strategies to regulate energy and water use, water discharge temperatures, integrate stormwater management, mitigate tree impacts, optimize utility infrastructure, and identify a program officer charged with the plan's administration and monitoring.

4. **Amend the noise ordinance to regulate/take into account data center generators**[5]

   Relevant examples:

   - Frederick County recommends creating a framework for testing, monitoring, and reporting on sound from data center sites. They suggest the framework should include:
     → Baseline testing to determine ambient sound levels prior to construction
     → Specified reporting intervals.
     → A process and procedures to require additional testing and reporting based on complaints.
     → Consideration should be given to the creation of a noise abatement fund
     → Sound levels at property boundaries should not exceed 55 dBA.
     → Sensitive facilities such as schools, healthcare facilities, houses of worship, etc. should be located in such a way as to minimize likelihood of data center sound traveling to those facilities.
     → An overall approach to noise abatement should be required as part of planning applications.
     → The County should plan for staff training or third-party verification to conduct sound monitoring efforts, especially for complaint investigations.

   - Prince George's County recommends amending the noise ordinance to account for data centers and cites a model of ensuring compliance demonstrated in Loudoun and Fairfax Counties, which both now require a three-step process:
     → An existing noise survey
     → Modeling of new noise conditions
     → Testing of equipment once active

[5] Sources: Prince George's County Qualified Data Center Taskforce, Frederick County Data Centers Workgroup

5. **Increase setbacks and screening requirements for data centers near residential areas**[6]
    - The County should require stronger screening and larger setbacks for data centers and equipment enclosures when they are located next to residential properties or neighborhoods. This should include enhanced natural buffers and noise mitigation that feature natural, four-season visual screening through tree and shrub planting or a combination of berms and vegetation.
    - Frederick County suggests to:
        - Increase setback requirements to 100 feet, or double building height, whichever is greater.
    - Prince George's County suggests:
        → Increasing their current setback distance (300 feet from any residential use distance) to 400 feet, this could be reduced to a minimum of 300 feet if certain performance criteria are incorporated into the site design like:
            - Siting the primary data center building between the residential use and the data center's equipment and mechanical enclosure to mitigate potential noise concerns.
            - Providing enhanced natural buffers that feature natural, four-season visual screening through tree and shrub planting or a combination of berms and vegetation.

6. **Require data centers to "Bring Your Own Generation" (BYOG) and maximize clean energy**[7]
    - Require data centers to supply 100% (or a high % like 80–100%) of annual electricity demand from on-site generation or contracted, dedicated off-site resources. Requirements should maximize the use of clean energy for this generation and clean energy should be defined consistent with Eligible Renewable Sources under the State's Renewable Portfolio Standard.

7. **Adopt green design standards for data centers**[8]
    - Varying design standards can create more variety in buildings and sites, as opposed to the typical formulaic appearance of data centers. Through the

[6] Sources: Prince George's County Qualified Data Center Taskforce, Frederick County Data Centers Workgroup
[7] Source: Environmental Law and Policy Center, RMI
[8] Source: Prince George's County Qualified Data Center Taskforce

conditional use process, this could allow public input and give developers flexibility.

- In Prince George's County green design policy recommendations were to:
  - → Amend the County landscape manual to introduce specific landscape standards for data center sites (including Rural and Agricultural Zones) focused particularly on creating natural, vegetated buffers through plantings and the use of green walls, roofs, and other natural screening strategies in the site design.
  - → Amend the zoning ordinance to allow flexibility on the maximum building height when additional height is required to accommodate energy efficient cooling and energy generation infrastructure.
  - → Adopt less prescriptive architectural and landscape design guidelines (e.g., leveraging ratios and percentages rather than explicit numbers) to produce more diverse building and site design outcomes.

8. **Tighten data center restrictions in non-industrial zones and restrict data center development in designated areas that are environmentally sensitive**[9]
   - Explicitly limit data centers outside industrial zones.
   - Identify environmentally sensitive areas to protect from data center development.
   - Restrict data centers in designated cold and cool watersheds due to high water temperature discharge concerns.

[9] Source: Prince George's County Qualified Data Center Taskforce; Data Centers and Water Article