

August 11, 2026

AGENDA

YANKTON COUNTY PLANNING COMMISSION

☐ Cheri Loest
☐ Mike Welsh
☐ Don Kettering

☐ Sam Hummel
☐ Nick Huber
☐ Kelly Kneifl

☐ Tim O'Hara

7:00 P.M.

Call Meeting to Order

Roll Call

Approve Minutes from previous meetings

Items to be added to Agenda

Approval of Agenda

Conflict of Interest Declarations

7:05 P.M.

Brandt – Conditional Use Permit

Applicant is requesting a Conditional Use Permit for an addition to an accessory structure since he is over the 2400 square foot maximum in a Moderate Density Residential District per Article 7 Section 707, Article 18 Section 1805, and Article 19 Section 1905. Said property is legally described as Plank's Addition, as platted in Book S7, page 77B; AND the West 538.3 feet of the South 370.28 feet of the North 489.28 feet of the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4), lying adjacent to said Plank's Addition, Section Four (4), Township Ninety-three (93), North, Range Fifty-six (56) West of the 5th P.M., AND Lots Fifteen (15), Sixteen (16), and Seventeen (17), located in the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4), Section Four (4), Township Ninety-three (93) North, Range Fifty-six (56) West of the 5th PM, as platted in Book S4, Page 109B all in Yankton County, South Dakota. E911 address is 2605 Deer Blvd, Yankton

7:10 P.M.

Plats

Kubal - Plat of Tract 1 of Archies Addition located in the Southeast Quarter of Section 8, T94N, R57W of the 5th P.M., Yankton County, South Dakota

Kubal- Plat of Tract 1 of Mogcks Addition located in the Northeast Quarter of Section 9, T94N, R57W of the 5th P.M., Yankton County, South Dakota

Kubal - Plat of Tract 1 of North of Dan's Addition located in the Southeast Quarter of Section 5, T94N, R57W of the 5th P.M., Yankton County, South Dakota

Zimmerman - Plat of Gary Zimmerman's Addition, in the NE1/4 of the NW1/4 in Section 9, T93N, R57W of the 5th P.M., Yankton County, South Dakota

Zimmerman - Plat of Mark Zimmerman Addition, in the NW1/4 of Section 32, T94N, R56W of the 5th P.M., Yankton County, South Dakota

Nelson - Nelson Wetland Conservation Easement 2 in the NW1/4 of the SE1/4 and in the SW1/4 of the NE1/4 of Section 10, T96N, R54W of the 5th P.M., Yankton County, South Dakota

Dumont Holdings – Plat of Lots 18-29, Forest Lake Subdivision, in the NW1/4 of the NE1/4 and the NE1/4 of the NW1/4 of Section 13, T93N, R57W of the 5th P.M., Yankton County, South Dakota

7:15 P.M.

Scott Sandal Presentation on Data Centers

7:20 P.M.

Data Center Ordinance discussion

7:25 P.M.

Public Comment

MEETING (ENTITY): PLANNING COMMISSION REGULAR OR SPECIAL MEETING: Regular
DATE: 7/14/2026 TIME: 7PM LOCATION: COMMISSION CHAMBERS

STAFF ATTENDANCE: Conkling
ROLL ☒ HUBER ☐ LOEST ☒ KETTERING ☒ HUMMEL ☒ O'HARA ☒ WELSH ☐ KNEIFL
CALL:
APPROVAL OF MINUTES: MOTION BY: O'Hara SECOND BY: Huber
PLANNING: ☒ HUBER ☐ LOEST ☒ KETTERING ☒ HUMMEL ☒ O'HARA ☒ WELSH ☐ KNEIFL

APPROVAL OF AGENDA: MOTION BY: Kettering SECOND BY: Huber
PLANNING: ☒ HUBER ☐ LOEST ☒ KETTERING ☒ HUMMEL ☒ O'HARA ☒ WELSH ☐ KNEIFL
Motion to approve amended agenda adding discussion of AI/Data Centers

AGENDA ITEM: Dumont Holdings, LLC 13.013.400.010
ADDRESS/LEGAL: Plat of Lots 15, 16 and 17, Forest Lake Subdivision, in the NW1/4 of the NE1/4 of Section 13, T93N, R57W of the 5th P.M., Yankton County, South Dakota
COMMENTS: None

MOTION: Approve as presented
Passed 4-0
Huber abstained
APPROVAL: MOTION BY: _____ SECOND BY: _____
PLANNING: ☐ HUBER ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ O'HARA ☐ WELSH ☐ KNEIFL

AGENDA ITEM: Discussion on AI/Data Centers
ADDRESS/LEGAL: _____
COMMENTS: _____

MOTION: No action taken

APPROVAL: MOTION BY: _____ SECOND BY: _____
PLANNING: ☐ HUBER ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ O'HARA ☐ WELSH ☐ KNEIFL

AGENDA ITEM: Public Comment
ADDRESS/LEGAL: _____

COMMENTS: None

MOTION: **Adjourn**
Passed 5-0

APPROVAL: MOTION BY: Kettering SECOND BY: O'Hara
PLANNING: ☒ HUBER ☐ LOEST ☒ KETTERING ☒ HUMMEL ☒ O'HARA ☒ WELSH ☐ KNEIFL

AGENDA ITEM: _____
ADDRESS/LEGAL: _____
COMMENTS: _____

MOTION: _____

APPROVAL: MOTION BY: _____ SECOND BY: _____
PLANNING: ☐ HUBER ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ O'HARA ☐ WELSH ☐ KNEIFL

AGENDA ITEM: _____
ADDRESS/LEGAL: _____
COMMENTS: _____

MOTION: _____

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ADDRESS/LEGAL: _____
COMMENTS: _____

MOTION: _____

APPROVAL: MOTION BY: _____ SECOND BY: _____
PLANNING: ☐ HUBER ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ O'HARA ☐ WELSH ☐ KNEIFL

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ADDRESS/LEGAL: _____
COMMENTS:

MOTION: _____

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ADDRESS/LEGAL: _____
COMMENTS:

MOTION: _____

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ADDRESS/LEGAL: _____
COMMENTS:

MOTION: _____

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PLANNING: ☐ HUBER ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ O'HARA ☐ WELSH ☐ KNEIFL

AGENDA ITEM: _____
ADDRESS/LEGAL: _____
COMMENTS: _____

MOTION: _____

APPROVAL: **MOTION BY:** _____ **SECOND BY:** _____
PLANNING: ☐ HUBER ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ O’HARA ☐ WELSH ☐ KNEIFL

AGENDA ITEM: _____
ADDRESS/LEGAL: _____
COMMENTS: _____

MOTION: _____

APPROVAL: **MOTION BY:** _____ **SECOND BY:** _____
PLANNING: ☐ HUBER ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ O’HARA ☐ WELSH ☐ KNEIFL

AGENDA ITEM: _____
ADDRESS/LEGAL: _____
COMMENTS: _____

MOTION: _____

APPROVAL: **MOTION BY:** _____ **SECOND BY:** _____
PLANNING: ☐ HUBER ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ O’HARA ☐ WELSH ☐ KNEIFL

Yankton County Planning Commission
Yankton County Board of Adjustment

Applicant

Brandt – Conditional Use Permit

District type: ☐ AG ☐ R1-Low ☒ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

CUP needed:

☐ Section 507 ☐ Section 607 ☒ Section 707 ☐ Section 807

☒ Section 1805 ☒ Section 1905

NOTE:

Conditional Use Permit

Applicant is requesting a Conditional Use Permit for an addition to an accessory structure since he is over the 2400 square foot maximum in a Moderate Density Residential District per Article 7 Section 707, Article 18 Section 1805, and Article 19 Section 1905. Said property is legally described as Plank's Addition, as platted in Book S7, page 77B; AND the West 538.3 feet of the South 370.28 feet of the North 489.28 feet of the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4), lying adjacent to said Plank's Addition, Section Four (4), Township Ninety-three (93), North, Range Fifty-six (56) West of the 5th P.M., AND Lots Fifteen (15), Sixteen (16), and Seventeen (17), located in the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4), Section Four (4), Township Ninety-three (93) North, Range Fifty-six (56) West of the 5th PM, as platted in Book S4, Page 109B all in Yankton County, South Dakota. E911 address is 2605 Deer Blvd, Yankton.

PC: Article 18 Section 1805

BOA: Article 19 Section 1905

Planning Commission date:
8/11/2026

Board of Adjustment date:
9/1/2026

Time:

7:05

PM

Time:

6:30

PM

SECTION 4N

1 NEDVED, MARK 7

SECTION 4S

1 MARQUARDT, RALPH 8
 2 BRANDT TRUST, MERLE ETAL 11
 3 LUST TRUST, ROBERT 18
 4 SWEDLUND, JERALD ETUX 14
 5 HAMBERGER, BRIAN 8
 6 SMITH, NATHAN ETUX 6

SECTION 5S

1 BATCHELLER, JAY 8

SECTION 6N

1 TOWN OF UTICA 6

SECTION 6S

1 GILMORE, TONIA 10
 2 VAN MAANEN, TODD ETUX 11
 3 MASKA, LEANN 5
 4 KOZAK, KARLEE 5
 5 LOECKER, MARK ETUX 6
 6 BLAHA, JON ETUX 12
 7 HILL, EDWIN ETUX 12

SECTION 7N

1 BOLD PURSUITS LLC 10

SECTION 7S

1 GUITRON, MARIA ETAL 13
 2 ROBB, RUSSELL ETUX 7
 3 LIVINGSTON, CARL ETUX 10
 4 PHILIPS, TIMOTHY ETUX 5

SECTION 8N

1 CHRISTIANSON, DAVID ETUX 6
 2 HUGHES, SCOTT ETUX 13

SECTION 8S

1 FANTA, TIMOTHY ETUX 9

SECTION 9N

1 KILBURN, REX ETUX 7
 2 GILMORE TRUST, HOWARD ETUX 17

SECTION 9S

1 ROKAHR, STEVEN 6

SECTION 10S

1 HEJNA, JAMIE 5

SECTION 11S

1 BILLION, ERIKA 12
 2 HECKY TRUST, TERRANCE ETUX 11
 3 AFFORDABLE SELF STORAGE LLC 8

SECTION 12N

1 MARQUARDT FAMILY LP 6

SECTION 13N

1 COTTON, JEFFREY ETUX 8

SECTION 14S

1 YANKTON MEDICAL CLINIC PC 12

SECTION 16N

1 ANSTINE, RODNEY ETUX 7

SECTION 17N

1 SCHENKEL, DARRELL ETUX 8
 2 TACKE, WM ETUX 13

SECTION 18N

1 CAP LE, STANLEY ETAL 5
 2 CAP, ROBERT ETUX 7

SECTION 19

1 SCHENKEL, DANIEL ETUX 7

SECTION 20N

1 YANKTON CO SHARPSHOOTERS ASSN 12
 2 JOHNSON, MICHAEL ETUX 9

SECTION 21N

1 YANKTON PROTEIN LLC 12
 2 KRALICEK, FRANK ETUX 5

SECTION 21S

1 WHITE CRANE ESTATES LLC 8

SECTION 22N

1 TAGGART, WILLIAM ETUX 9
 2 NELSON TRUST, FLOYD 12

SECTION 23N

1 POSPISIL, SCOTT ETAL 7

SECTION 24

1 MARTS, LUCAS ETUX 7
 2 MARQUARDT, DOUG 13
 3 KELLER, DALLAS ETUX 10

SECTION 25

1 SLOWEY TRUST 15
 2 WOHL, TOBY ETAL 7

SECTION 26

1 BARNES, DAVID ETUX 7

SECTION 32

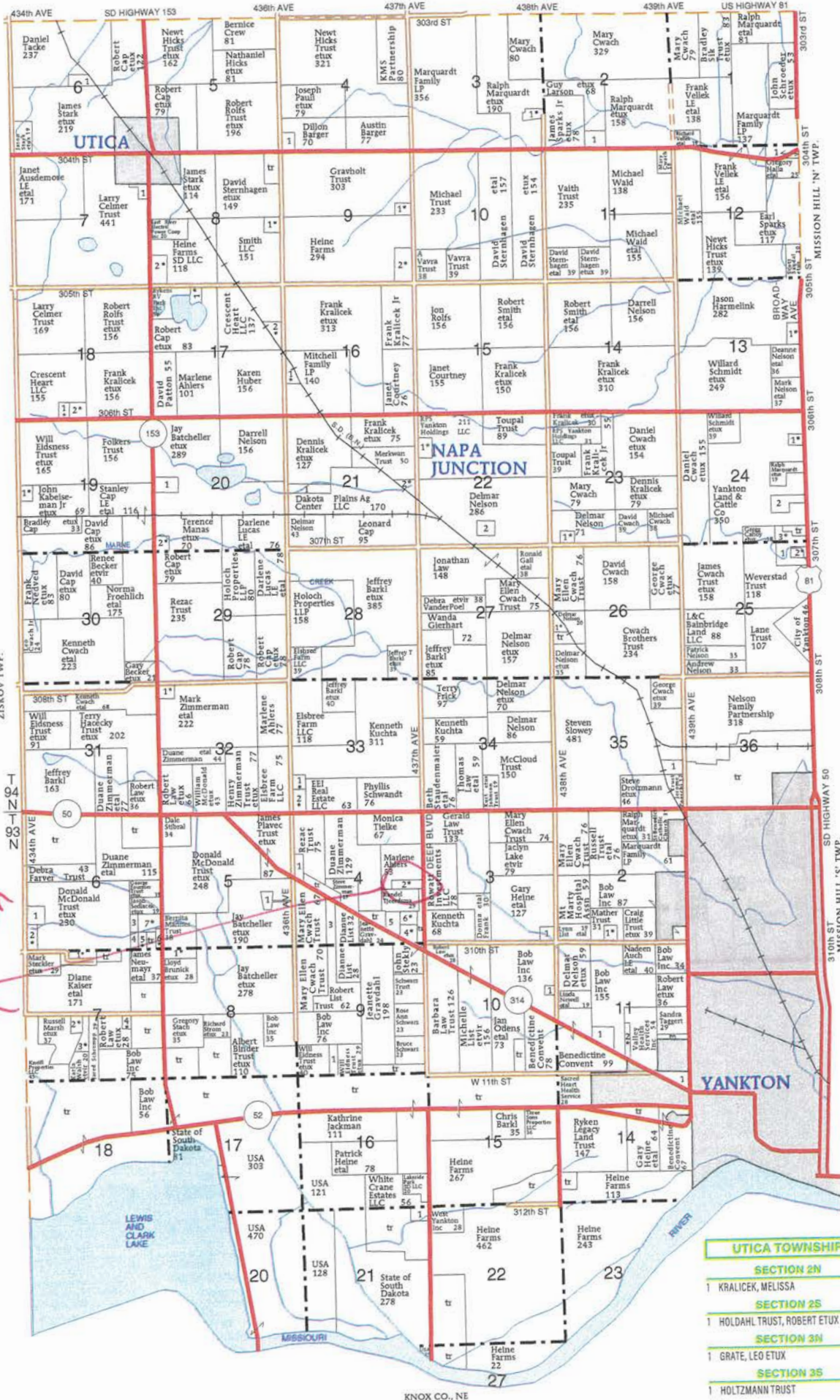
1 ZIMMERMAN TRUST, HENRY ETAL 12

SECTION 33

1 DELOZIER, DARRIK ETAL 6
 2 WADDELL, EDWARD ETUX 8

SECTION 35

1 YAGGIES INC 10



FINDINGS OF FACT – CONDITIONAL USE PERMIT

Brandt – CUP-2628

Are the requirements of Section 1723 met? (signed by owner unless there is a binding purchase agreement then signed by applicant, Variance accompanied by building permit (if applicable), site plan included with building permit,	Yes
Are the requirements of Section 1729 met? (all fees paid at time of application)	Yes
Section 1805:	
1. Did you specifically cite, in the application, the section of the Ordinance under which the conditional use is sought and state the grounds on which it is requested	Applicant is requesting a Conditional Use Permit for an addition to an accessory structure since he is over the 2400 square foot maximum in a Moderate Density Residential District per Article 7 Section 707, Article 18 Section 1805, and Article 19 Section 1905.
2. Was notice of public hearing given per Section 1803 (3-5)?	Mailed – Published –
3. Attend the public hearing	
4. Planning Commission: Make a recommendation to include: a. Granting of conditional use; b. Granting with conditions; or c. Denial of conditional use	
5. Planning Commission must make written findings certifying compliance with specific rules including: a. Ingress and Egress to proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe:	
b. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district;	
c. Refuse and service areas, with particular reference to the items in (A) and (B) above;	
d. Utilities, with reference to locations, availability, and compatibility;	
e. Screening and buffering with reference to type, dimensions, and character;	
f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect;	
g. Required yards and other open spaces; and	

h. General compatibility with adjacent properties and other property in the district and that the granting of the conditional use will not adversely affect the public interest.	
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CUP MANAGER

Submitted by: Anonymous user

Submitted time: Jul 8, 2026, 1:35:47 PM

Point

Lat: 42.900938 Lon: -97.458604



Esri Community Maps Contributors, Nebraska Game & Parks Commission, South Dakota Game Fish and Parks, © OpenStreet... Powered by [Esri](#)

Longitude

-97.45860391435754

Latitude

42.90093768542573

Permit Number

CUP2628

Parcel Number

09.004.200.175

Permit Status

Approved Active

Permit Fee

300

Total Due

300

Was fee paid?

Yes

Receipt Number

00685872

Planning Commission Action Date

Aug 11, 2026, 7:05:00 PM

Planning Commission Action Time

7:05 PM

Board Adjustment Action Date

Sep 1, 2026, 6:30:00 PM

Board_Adjustment Action Time

6:30 PM

Application Accepted By

Bill Conkling

Checked By

BILL GARY

Existing Zoning

MODERATE DENSITY RESIDENTIAL

Affected Zoning Ordinance

7-707, 18-1805, 19-1905

Is location in floodplain?

No

Applicant Name

Garner Brandt

Applicant Phone

6056613002

Applicant Address

2605 Deer Blvd. Yankton, SD 57078

Applicant Email Address

garnerbrandt@gmail.com

Owner Name

Garner Brandt

Owner Phone

6056613002

Owner Address

2605 Deer Blvd. Yankton, SD 57078

Owner Email Address

garnerbrandt@gmail.com

Property Address

2605 DEER BLVD

Reason for Request

Requesting permit to build a new building on our property

Height of Building

20 feet

Total Square Feet of Building

1,920

Legal Description

PLANK'S ADDN, W538.3' S370.28' N489.28' & LTS 15, 16 & 17 NE4 SE4

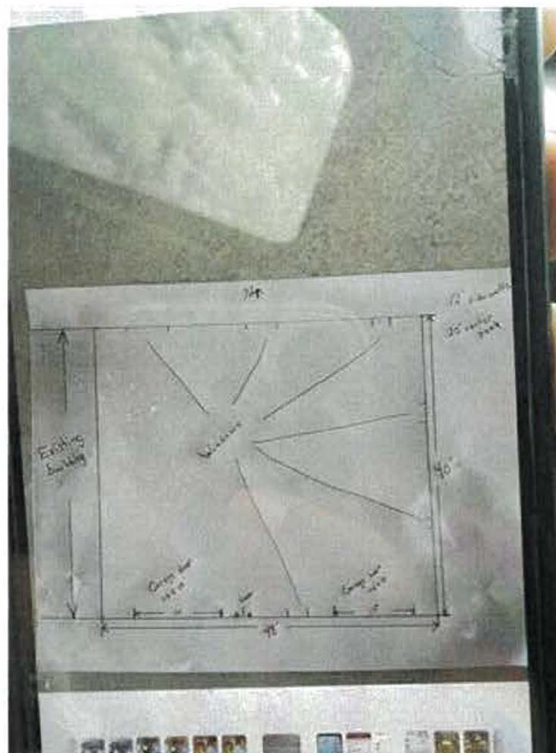
Date of Application Submission

Jul 8, 2026, 12:00:00 PM

Section Township Range

4-93-56

Attachments:



A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end.

signature-20260708133541750.jpg

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end.

signature-20260708133541767.jpg

AFFIDAVIT OF MAILING

I, Garner Brandt, hereby certify that on the 29
day of July, 20 26, I mailed by first class mail, postage
prepaid, a true and correct copy of the Notice of Public Hearing
to all owners of real property lying within a 1,320 feet radius
of the proposed project to the most recent address of the
recipient known to your Affiant.

A true and correct copy of the Notice of Public Hearing
notification letters are attached as Exhibit #1 or #2.

A true and correct copy of the mailing list for owners of real
property is attached as Exhibit #1A or #2A.

Dated the 29 day of July, 20 26.

[Signature]
(Name)

Affiant

Subscribed and sworn to before me this 29th day of
July, 20 26.

[Signature]
Notary Public - South Dakota

My commission expires: 8/5/2026

(SEAL)



NOTIFICATION

July 27, 2026

Applicant:
Garner Brandt
2605 Deer Blvd.
Yankton, SD 57078

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 1,320 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:05 P.M. on the 11th day August, 2026 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Conditional Use Permit for an addition to an accessory structure since he is over the 2400 square foot maximum in a Moderate Density Residential District per Article 7 Section 707, Article 18 Section 1805, and Article 19 Section 1905. Said property is legally described as Plank's Addition, as platted in Book S7, page 77B; AND the West 538.3 feet of the South 370.28 feet of the North 489.28 feet of the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4), lying adjacent to said Plank's Addition, Section Four (4), Township Ninety-three (93), North, Range Fifty-six (56) West of the 5th P.M., AND Lots Fifteen (15), Sixteen (16), and Seventeen (17), located in the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4), Section Four (4), Township Ninety-three (93) North, Range Fifty-six (56) West of the 5th PM, as platted in Book S4, Page 109B all in Yankton County, South Dakota. E911 address is 2605 Deer Blvd, Yankton.

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,
Garner Brandt
Petitioner

AHRENS, JOHN (D)
2709 DEER BLVD
YANKTON SD 57078

BARKL, CHRISTOPHER (D)
3009 WEST 8 ST
YANKTON SD 57078

BARKL, CHRISTOPHER CHARLES (D)
3009 WEST 8 ST
YANKTON SD 57078

BECKER, DEAN (D)
1602 CAPITOL ST
YANKTON SD 57078

BOHNET, BRAD (D)
4010 SD HWY 314
YANKTON SD 57078

BRANDT, GARNER (D)
2605 DEER BLVD
YANKTON SD 57078

BURTON, ARNIE (D)
2515 DEER BLVD
YANKTON SD 57078

BUXCEL, NEAL (D)
4300 HERMANS LOOP
YANKTON SD 57078

CROSS, MARY ELLEN (D)
4210 HERMANS LOOP
YANKTON SD 57078

DUIN, DOYLE LYNN REV TRUST (D)
2805 DEER BLVD
YANKTON SD 57078

HAMBERGER, BRIAN J (D)
4200 HERMANS LOOP
YANKTON SD 57078

HANSEN, KENNETH REVOC TRUST (D)
2311 SD HWY 50
YANKTON SD 57078

HANSON, JUDY K (D)
2809 DEER BLVD
YANKTON SD 57078

JUEDEN FAMILY PROTECTION TRUST (I)
4306 HERMANS LOOP
YANKTON SD 57078

KUCHTA, KENNETH L (D)
3501 DEER BLVD
YANKTON SD 57078

MAINS, WILLIAM LYNN REV TRUST (D)
4202 HERMANS LOOP
YANKTON SD 57078

MEYER, DALE E (LE) (D)
2411 DEER BLVD
YANKTON SD 57078

MEYER, WAYNE E (D)
2236 SANDPIPER CRT S
WEST LAFAYETTE IN 47906

ROTH, NORBERT C (LE) (D)
2511 DEER BLVD
YANKTON SD 57078

ROWATT INVESTMENTS LLC (D)
19419 ADKINS FOREST DR
SPRING TX 77379

RUZICKA, KENT W (D)
2405 DEER BLVD
YANKTON SD 57078

RYKEN, VANESSA B (D)
2415 DEER BLVD
YANKTON SD 57078

SCHAEFER, JOHN REV TRUST (D)
2503 DEER BLVD
YANKTON SD 57078

SCHLOSS, BARRY (D)
4206 HERMAN LOOP
YANKTON SD 57078

SCHURMAN, DANIEL (D)
4302 HERMANS LOOP
YANKTON SD 57078

SEDLACEK, THOMAS JR (D)
2409 DEER BLVD
YANKTON SD 57078

SIVERTSON, KEVIN K (D)
2513 DEER BLVD
YANKTON SD 57078

TJEERDSMA, RANDY FAMILY TRUST (D)
2601 DEER BLVD
YANKTON SD 57078

WILLIAMS, SANDRA (D)
2507 DEER BLVD
YANKTON SD 57078

ZIMMERMAN, DUANE G (D)
2717 DEER BLVD
YANKTON SD 57078



YANKTON DAILY PRESS & DAKOTAN

www.yankton.net/classifieds

CLASSIFIEDS

to place an ad call 605-665-7811 or email ads@yankton.net

3325 Medical

MEDICATION AIDE PART-TIME NIGHTS
Provide quality care in our private long-term care center. Prepare, administer and document medications and treatments. Certified Nursing Assistant/Medication Aide certification required. No computer charting. Includes two 8-hr shifts/very other weekend. Shift differential.
Come join us in a calm, caring work atmosphere!
Apply at Sacred Heart Monastery
www.yanktonbeneficialines.org/jobs/1005 W 8th St.
Yankton, SD 57078
(605) 668-8284

3335 Other Employment

Full Time Jailer/Disciplinary Operator
Applications are being accepted for a Full Time Jailer/Disciplinary Operator. With the recent change in Nebraska law, both male and female applicants will be considered as acceptable for these positions.
Must be 19 years of age. A High School Diploma, typing and computer knowledge, talking on telephone and radio clearly is required. Ability to work independently, multitask, remain calm in stressful situations and problem solving are absolutely essential. Applicant must work well with general public, co-employees, and guests at the jail.
Flexible work schedule will include days, nights, weekends and holidays. Applicant must be physically able to complete self defense training at Law Enforcement Training Center in Grand Island, NE.

If you have questions, please stop in the Sheriff's Office or call 402-282-4261 and talk with Chris Drobny, Head Jailer. Resumes accepted by mail: Don Henney, Sheriff, P.O. Box 142, Center, NE 68724

1435 Carpentry

We've Got DEALS For YOU!

PRESS & DAKOTAN Classifieds

In Print & Online
www.yankton.net

A Full-time Carpenter Available. Available for odd jobs. Free estimates. Lots of experience. Call Bob Edwards at 605-665-8651.

For All of Your Carpentry Needs: Custom Built Windows, Siding, Garages, Additions, Patios and More. Call Anders Carpentry at 605-661-1190.

Water Distribution/Wastewater Collection Operations Specialist

The City of Yankton is currently accepting applications for

1530 Roofing - Siding

H & H ROOFING
(605) 857-1472
We Install/Repair
Roofs of all kinds
CALL FOR A FREE
Inspection/Estimate
Licensed/Bonded/Insured
Locally Owned & Operated In
Yankton
Justin & Team have
30 Years Experience
References Available

1555 Dogs - Puppies

AKC LAB PUPPIES
ALL COLORS WHITE
YELLOW DOL RED OK CHOCOLATE BLK. HUNTING / FAMILY FULL AKC. MITCHELL SD
CALL-TEXT 605-999-7149
www.southdakotayellowlabs

1600 Other Real Estate

EQUAL HOUSING OPPORTUNITY
All real estate advertised in this newspaper is subject to the Federal Fair Housing Act, which makes it illegal to advertise any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin. In the sale, rental or financing of housing or an intention to make any such preference, limitation or discrimination. Familial status includes children under the age of 18 living with parents or legal guardians, pregnant women and people securing custody of children under the age of 18.
In addition, South Dakota State Law also prohibits discrimination based on ancestry and creed.
This paper will not knowingly accept any advertising for real estate which is in violation of the law. All persons are hereby informed that all dwellings advertised are available on an equal opportunity basis. If you believe you have been discriminated against in connection with the sale, rental or financing of housing, call the South Dakota Fair Housing ombudsman at 877-832-0161.

1605 Apartment For Rent

1-8rdm. \$575+. Scotland, SD. Free utilities. Pets Allowed. Remodeled.
605-464-0872 or 866-740-4550.

1830 Rummage Sales

Tabor
Town Rummage Sale
Saturday, 8/1
8am-12Noon

1335 Other Employment

1840 Lost and Found

Lost: Car keys at Walmart last week has 3-keys and key fobs. Call 605-660-2054.

2010 Legal and Public Notices

NOTICE OF HEARING OF THE YANKTON COUNTY COMMISSION
ADOPTION OF PROPOSED AMENDMENTS TO YANKTON COUNTY DRAINAGE ORDINANCE #19.

A public hearing will be held before the Yankton County Commission on the 4th day of August beginning at 6:30 p.m. and the 18th day of August 2026 beginning at 6:30 p.m. in the Commission Chambers 321 West Third Street, Yankton, South Dakota, to consider the recommendation to Adopt Yankton County Drainage Ordinance #19, Amendment to Yankton County Drainage Ordinance #19, per Ordinance 26-ZN-03.

The complete text of this proposed ordinance amendment referred to above is on file with the Yankton County Auditor office and Yankton County Planning and Zoning Office. The document may be inspected, reviewed, or examined by any interested party by contacting (605) 260-4417.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed amendments to Yankton County Drainage Ordinance #19. At the conclusion of the hearing, the Yankton County Commission may recommend adoption of Yankton County Ordinance No. 26-ZN-03.

Dated this 24th day of July, 2026

ATTEST: Gary Vetter Development Services Director

Published twice at a total approximate cost of \$37.22 and can be viewed free of charge at www.sd-publicnotices.com

Published July 24 & 31, 2026.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:05 P.M., on the 11th day of August, 2026 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Garmer Brandt is requesting a Conditional Use Permit for an addition to an accessory structure since he is over the 2400 square foot maximum in a Moderate Density Residential District per Article 7 Section 707, Article 18 Section 1805, and Article 19 Section 1905. Said property is legally described as Plank Addition, as platted in Book 57, page 77B; the West 538.3 feet of the South 370.28 feet of the North 489.28 feet of the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4), lying adjacent to said Plank Addition, Section Four (4), Township Ninety-three (93), Range Fifty-six (56) West of the 5th P.M., AND Lots Fifteen (15), Sixteen (16), and Seventeen (17), located in the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4), Section Four (4), Township Ninety-three (93), Range Fifty-six (56) West of the 5th P.M., as platted in Book 54, Page 109B all in Yankton County, South Dakota. E91 address is 2605 Deer Blvd. Yankton.

Published twice at the total approximate cost of \$30.74 and can be viewed free of charge at www.sd-publicnotices.com

Published July 31 & August 7, 2026.

2010 Legal and Public Notices

lizing the streets adjacent to their properties when they are not able to access through the alleys. For the safety of everyone, please obey the construction signage. Do not pass by full alley closure barricades.

Published once at the total approximate cost of \$16.84 and can be viewed free of charge at www.sd-publicnotices.com

Published July 31, 2026.

Request for Proposal For Building and Office Supplies
At
Marty Indian School

Introduction
Marty Indian School, a tribally controlled school located in Marty, South Dakota, is requesting proposals from a provider to deliver building and office supplies at Marty Indian School.

The selected provider will provide supplies for approximately 300 students and 100 employees. Services should include consistent delivery of maintenance supplies, custodial products, cleaning chemicals, paper products, and related materials required for the daily operation of Marty Indian School.

School Background
Marty Indian School was established in the 1920s by the United States Government and was managed by the Catholic Church until 1975. In 1975, the Yankton Sioux Tribe assumed control of the school and its operations.

Today, Marty Indian School operates as a tribally controlled school under Public Law 100-297 and is federally funded. The Yankton Sioux Tribe is responsible for the operation, management, and educational programming of the school.

Submission Instructions
Proposals must include:
One (1) original copy
Three (3) additional copies

All proposals must be submitted in a sealed envelope clearly marked: "OFFICE AND BUILDING SUPPLIES- RFP PROPOSAL". The envelope must include the proposing firm's name, address, and contact information.

Submission Address
Marty Indian School
Attn: Pam Augie, Business Manager
100 S. Main Street
Marty, South Dakota 57361

Deadline
Proposals must be received no later than: Tuesday, August 7, 2026, at 4:00 PM
Proposals will be reviewed and presented at the School Board meeting on: August 11, 2026.

Contact Information
For questions regarding this RFP, please contact: Pam Augie, Business Manager Phone: (605) 384-2219 or pam.augie@kl2.sd.us

Request for Proposal (RFP) Educational Services
K-12 Instructional Coaching, Reading Intervention, and Mathematics Intervention
Marty Indian School
Marty, South Dakota

Introduction
Marty Indian School, a tribally controlled school located in Marty, South Dakota, is requesting proposals from qualified educational service providers to provide K-12 instructional coaching, reading intervention, and mathematics intervention services. The selected provider will collaborate with school administrators and

2010 Legal and Public Notices

"EDUCATIONAL SERVICES" RFP PROPOSAL - K-12
Instructional Coaching/Math Interventionist/Reading Interventionist

The envelope must include the proposing firm's name, address, and contact information. Proposals received after the deadline will not be considered.

Submission Address
Marty Indian School
Attn: Pam Augie, Business Manager
100 S. Main Street
Marty, South Dakota 57361

Deadline
Proposals must be received no later than: Tuesday, August 7, 2026, at 4:00 PM
Proposals will be reviewed and presented at the School Board meeting on: August 11, 2026

Contact Information
For questions regarding this RFP, please contact:
Pam Augie, Business Manager
Phone: (605) 384-2219
Email: pam.augie@kl2.sd.us

Request for Proposal For Food Services At Marty Indian School

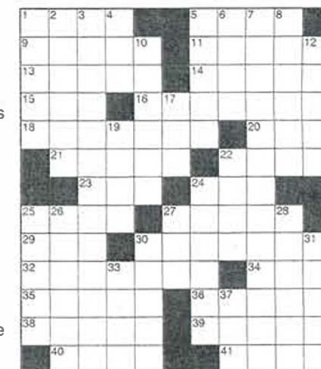
Introduction
Marty Indian School, a tribally controlled school located in Marty, South Dakota, is requesting proposals from a food service provider to deliver food for the students at Marty Indian School.

CROSSWORD

By THOMAS JOSEPH

ACROSS
36 Cheering loudly
38 National bird
39 Unfettered neighbor
40 Lusty look
41 Sound of relief

DOWN
1 Toil away
2 Middle East language
3 Monkey in kids' books
4 Subside
5 Over-charges
6 Out of the wind
7 Bear in kids' books
8 Hidden Leap
10 Out Forward leader
12 Football plays
17 Schedule C org.
19 Faithful
22 Soak up the sun
24 Fleshly
25 Carel of movies
26 Reception aid
27 Great Leap
28 Comfortable
30 Track athlete
31 Propeller type
33 Store come-on
37 Squabble



Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 7/7/2026

Applicant

Kubal #1- PLAT

District type: ☒ AG ☐ R1-Low ☐ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

Variance needed:

☐ Section 513 (4) – Existing Farmstead/Home ☐ Section 515 ☐ Section 705

☐ Section 715 ☐ Section 805

☐ Other 605

North Side/ Yard lot line: _____ feet or no closer than _____ feet to the _____ lot line.

East Side / Yard lot line: _____ feet or no closer than _____ feet to the _____ lot line.

South Side / Yard lot line: _____ feet or no closer than _____ feet to the _____ lot line.

West Side / Yard lot line _____ feet or no closer than _____ feet to the _____ lot line.

Accessory Building Size allowed:

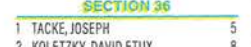
Proposed building size:

Proposed sidewall height:

Affects Section:

NOTE:

Plat of Tract 1 of Archies Addition located in the Southeast Quarter of Section 8, T94N, R57W of the 5th P.M., Yankton County, South Dakota



Located in the Southeast Quarter of Section 8, Township 94 North, Range 57 West of the 5th P.M.,
Yankton County, South Dakota



Plat of Tract 1 of Archies Addition

Located in the Southeast Quarter of Section 8, Township 94 North, Range 57 West of the 5th P.M.,
Yankton County, South Dakota

Owners Certificate

I, Daniel J. Kubal, owner of the Southeast Quarter of Section 8, Township 94 North, Range 57 West of the 5th P.M., Yankton County, South Dakota, had this Plat made at my request and under my direction for the purpose of defining and describing the property as shown by this plat and shall hereafter be known as Tract 1 of Archies Addition located in the Southeast Quarter of Section 8, Township 94 North, Range 57 West of the 5th P.M., Yankton County, South Dakota. The development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

Dated this _____ day of _____, _____.

Daniel J. Kubal

State of _____)
County of _____)

Be it remembered that on this _____ day of _____, _____ before me the undersigned, a Notary Public within and for the County and State aforesaid, personally appeared Daniel J. Kubal, known to me to be the person who is described in and who executed the within and foregoing instrument and certificate and acknowledged to me that they executed the same.

My commission expires _____

Notary Public

Approval of Highway Authority

State of South Dakota County of Yankton

The location of the existing proposed access roads abutting the County or State highway as shown hereon is hereby approved. Any change in the location of the existing or proposed access shall require additional approval.

Highway Authority

County Planning Commission Approval

Approval of the final plan of Tract 1 of Archies Addition located in the Southeast Quarter of Section 8, Township 94 North, Range 57 West of the 5th P.M., Yankton County, South Dakota, is hereby granted by the Yankton County Planning Commission on this _____ day of _____, 20____.

Chair, County Planning Commission
Yankton County, South Dakota

County Commission Approval

I hereby certify that the final plan of Tract 1 of Archies Addition located in the Southeast Quarter of Section 8, Township 94 North, Range 57 West of the 5th P.M., Yankton County, South Dakota, was duly submitted to the Yankton County Board of County Commissioners, and that after due consideration the Board approved said final plan at its meeting held on the _____ day of _____, 20____.

Chairman County Commission
Yankton County, South Dakota

Treasurer Certificate

I, Treasurer of Yankton County, South Dakota, hereby certify that all taxes which are liens upon any land shown in the above plat as shown by the records of my office, have been paid in full.

Treasurer
Yankton County, South Dakota

County Auditor Certificate

I do hereby certify that the above certificate of approval is true and correct including the signature thereon.

Dated this _____ day of _____, 20____.

County Auditor
Yankton County, South Dakota

Director of Equalization Certificate

I, the undersigned Director of Equalization of Yankton County, South Dakota, certify that I have received a copy of the foregoing plat.
Dated this _____ day of _____, _____.

Director of Equalization
Yankton County, South Dakota

Register of Deeds

Filed for record this _____ day of _____, 20____, at _____ O'clock _____ M., and recorded in book _____ of plats on page _____.

Register of Deeds
Yankton County, South Dakota

Preliminary

Date: 6/29/2026

Job Number: 26SU32

Drawn by: BB

Page: 2 of 2



PLAT PERMIT

Longitude

-97.60204569850076

Latitude

42.967486131369434

Permit Number

PLAT2668

Parcel Number

14.008.200.100

Permit Status

Approved Active

Permit Fee

100

Total Due

100

Was fee paid?

Yes

Receipt Number

9812

Application Accepted By

Bill Conkling

Site Plan Checked By

Gary Vetter

Is location in floodplain?

No

Existing Zoning

AGRICULTURE

Size of the Current Parcel

156

Current Legal Description

SE4

Applicant Name

Daniel Kubal

Applicant Phone

605-660-3393

Applicant Address

42907 304th St, Lesterville

Applicant Email Address

brian@meridianrls.com

Name of the Surveyor / Engineer

Brian Benson

Surveyor / Engineer Address

1109 Douglas Ave, Yankton

Surveyor / Engineer Phone

402-860-4332

Surveyor / Engineer Email

brian@meridianrls.com

Surveyor / Engineer Contact Person

Brian Benson

Owner Name

Daniel Kubal

Owner Phone

605-660-3393

Owner Address

42907 304th St, Lesterville

Owner Email Address

brian@meridianrls.com

Location of Property

Lat: 42.967486 Lon: -97.602046



Powered by [Esri](#)

Section Township Range

8-94-57

Tract or Lot Number

Tract 1

Number of Acres Being Platted

74

Addition Name

Archies Addition

How is the Property Currently Being Used

AG

How Will the Property Be Used

AG

Is this Property an Existing Farmstead

No

If a Farmstead, How Many Acres Surround it

0

Has the Plat Been Approved By the City of Yankton

No

Is Owner Signature Notarized

Yes

Do you have Signatures and Approval from the Road Authority

Yes

Do you have the County Treasurer's Signature

Yes

Insert Plat Here

PDF [PLAT-.pdf](#)
1.2MB

Applicant Signature

A handwritten signature in black ink, appearing to read "Alan K. [unclear]". The signature is fluid and cursive.

ApplicantSignature-.jpg

Owner Signature

A handwritten signature in black ink, appearing to read "John [unclear]". The signature is fluid and cursive.

OwnerSignature-.jpg

Date of Application Submission

Jul 7, 2026

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 7/7/2026

Applicant

Kubal #2- PLAT

District type: ☒ AG ☐ R1-Low ☐ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

Variance needed:

☐ Section 513 (4) – Existing Farmstead/Home ☐ Section 515 ☐ Section 705

☐ Section 715 ☐ Section 805

☐ Other 605

North Side/ Yard lot line: ____ feet or no closer than ____ feet to the ____ lot line.

East Side / Yard lot line: ____ feet or no closer than ____ feet to the ____ lot line.

South Side / Yard lot line: ____ feet or no closer than ____ feet to the ____ lot line.

West Side / Yard lot line ____ feet or no closer than ____ feet to the ____ lot line.

Accessory Building Size allowed:

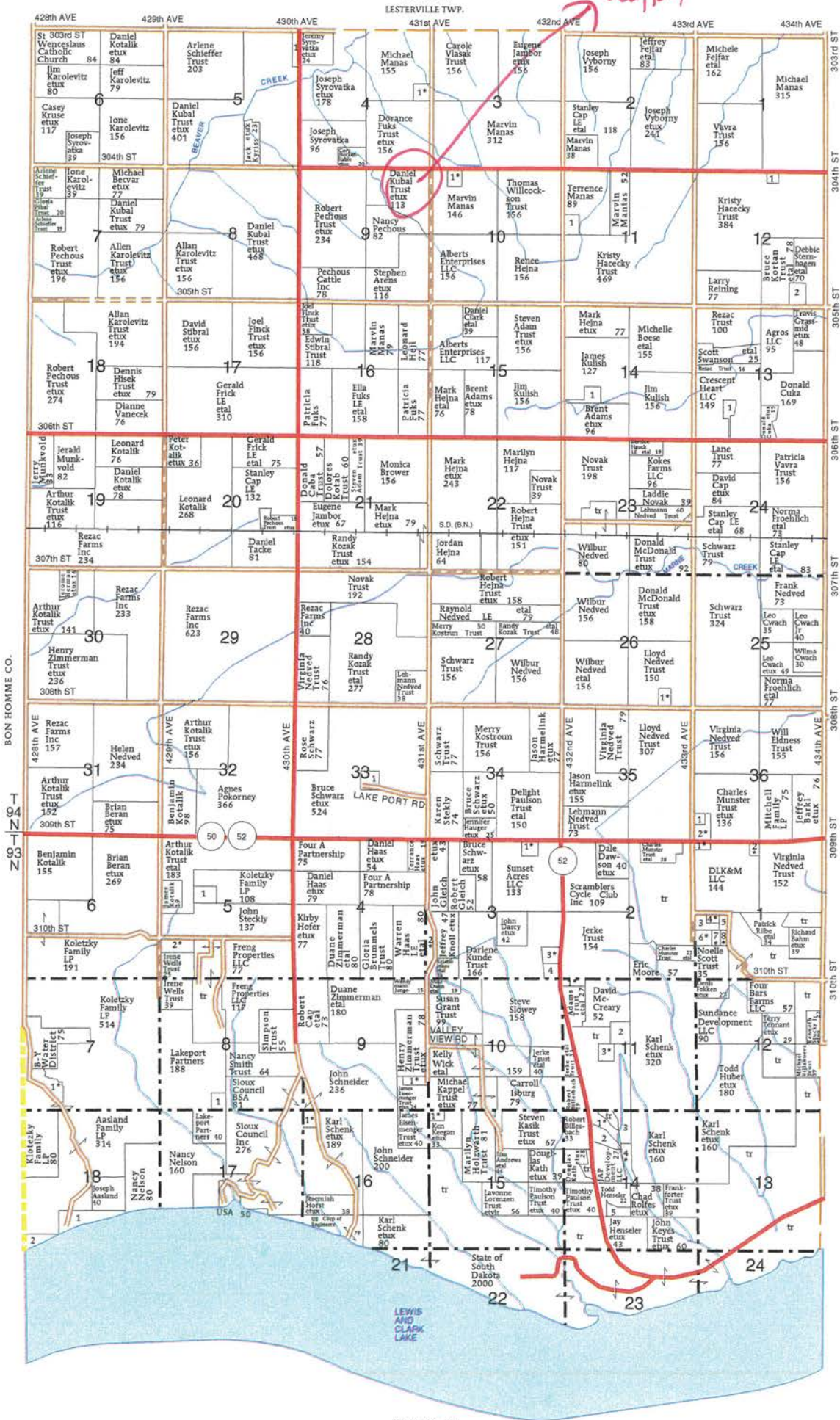
Proposed building size:

Proposed sidewall height:

Affects Section:

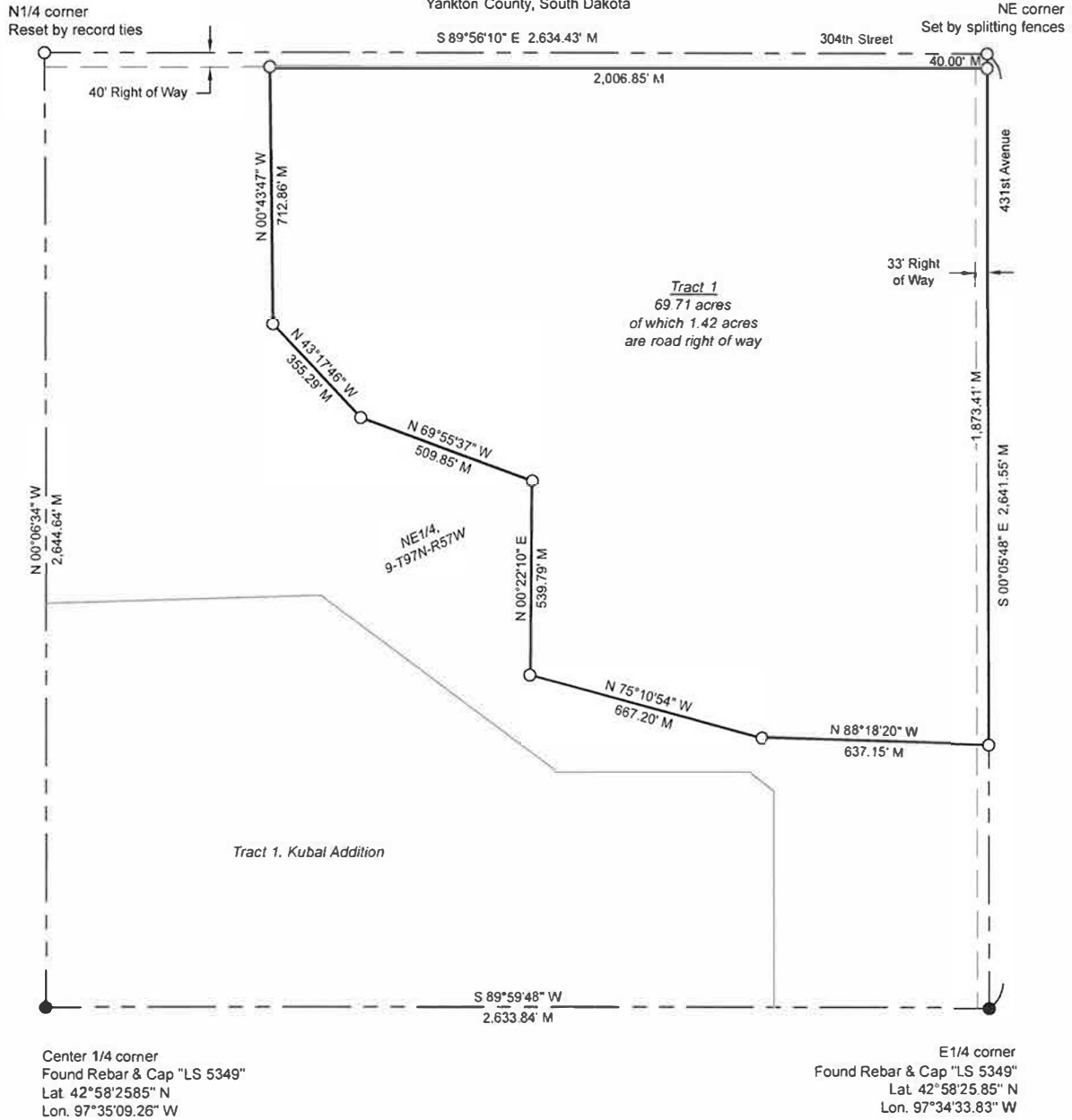
NOTE:

Plat of Tract 1 of Mogcks Addition located in the Northeast Quarter of Section 9, T94N, R57W of the 5th P.M., Yankton County, South Dakota



Plat of Tract 1 of Mogcks Addition

Located in the Northeast Quarter of Section 9, Township 94 North, Range 57 West of the 5th P.M.,
Yankton County, South Dakota



Surveyor's Statement

I, Brian J. Benson, a duly Registered Land Surveyor under the laws of the State of South Dakota, have performed a survey of the Northeast Quarter of Section 9, Township 94 North, Range 57 West of the 5th P.M., Yankton County, South Dakota, and the above survey was made by me or under my direct supervision and is true and accurate to the best of my knowledge.

Brian J. Benson, LS 11950

Date

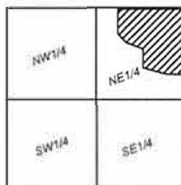
Preliminary



Legend

- Found Corner (As Noted)
- Set 1/2"x24" Rebar & Cap Stamped "LS 11950"
- M Measured Distance

Section 9, T94N, R57W



Prepared for:
Dan Kuball
42907 304th Street
Lesterville, SD 57040
Ph # 605-660-3393

Date: 6/29/2026

Job Number: 26SU32

Drawn by: BB

Page: 1 of 2

Meridian
LAND SURVEYING, LLC

Brian J. Benson
1109 Douglas Ave.
Yankton, SD 57078
402-850-4332
brian@meridianfs.com

Plat of Tract 1 of Mogcks Addition

Located in the Northeast Quarter of Section 9, Township 94 North, Range 57 West of the 5th P.M.,
Yankton County, South Dakota

Owners Certificate

I, Daniel J. Kubal, owner of the Northeast Quarter of Section 9, Township 94 North, Range 57 West of the 5th P.M., Yankton County, South Dakota, had this Plat made at my request and under my direction for the purpose of defining and describing the property as shown by this plat and shall hereafter be known as Tract 1 of Mogcks Addition located in the Northeast Quarter of Section 9, Township 94 North, Range 57 West of the 5th P.M., Yankton County, South Dakota. The development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

Dated this _____ day of _____, _____

Daniel J. Kubal

State of _____)
County of _____)

Be it remembered that on this _____ day of _____, _____ before me the undersigned, a Notary Public within and for the County and State aforesaid, personally appeared Daniel J. Kubal, known to me to be the person who is described in and who executed the within and foregoing instrument and certificate and acknowledged to me that they executed the same.

My commission expires _____

Notary Public

Approval of Highway Authority

State of South Dakota County of Yankton

The location of the existing proposed access roads abutting the County or State highway as shown hereon is hereby approved. Any change in the location of the existing or proposed access shall require additional approval.

Highway Authority

County Planning Commission Approval

Approval of the final plan of Tract 1 of Mogcks Addition located in the Northeast Quarter of Section 9, Township 94 North, Range 57 West of the 5th P.M., Yankton County, South Dakota, is hereby granted by the Yankton County Planning Commission on this _____ day of _____, 20____.

Chair, County Planning Commission
Yankton County, South Dakota

E1/4 corner

50.65' NW to nail in top of fence post
40.87' W to nail in top of fence post
57.25' SW to nail in top of fence post
At centerline of asphalt road

SE corner

61.89' SW to nail in top of fence post
89.72' NW to nail & disk in fence post
58.57' NW to nail & disk in corner fence post
40.00' W to rebar & cap "LS 11950"

N1/4 corner

47.02' NW to nail in top of brace post
49.76' NE to nail in top of brace post
40.46' S to nail in top of corner fence post
At the centerline of gravel road

S1/4 corner

34.59' S to nail in top of corner fence post
35.77' N to nail in top of gate post
50.54' NE to nail in top of brace post
In line with fence line North

County Commission Approval

I hereby certify that the final plan of Tract 1 of Mogcks Addition located in the Northeast Quarter of Section 9, Township 94 North, Range 57 West of the 5th P.M., Yankton County, South Dakota, was duly submitted to the Yankton County Board of County Commissioners, and that after due consideration the Board approved said final plan at its meeting held on the _____ day of _____, 20____.

Chairman County Commission
Yankton County, South Dakota

Treasurer Certificate

I, Treasurer of Yankton County, South Dakota, hereby certify that all taxes which are liens upon any land shown in the above plat as shown by the records of my office, have been paid in full.

Treasurer
Yankton County, South Dakota

County Auditor Certificate

I do hereby certify that the above certificate of approval is true and correct including the signature thereon.

Dated this _____ day of _____, 20____.

County Auditor
Yankton County, South Dakota

Director of Equalization Certificate

I, the undersigned Director of Equalization of Yankton County, South Dakota, certify that I have received a copy of the foregoing plat.
Dated this _____ day of _____, _____.

Director of Equalization
Yankton County, South Dakota

Register of Deeds

Filed for record this _____ day of _____, 20____, at _____ O'clock _____ M., and recorded in book _____ of plats on page _____.

Register of Deeds
Yankton County, South Dakota

Preliminary

Date: 6/29/2026

Job Number: 26SU32

Drawn by: BB

Page: 2 of 2



PLAT PERMIT

Longitude

-97.57907053009592

Latitude

42.979295863606886

Permit Number

PLAT2669

Parcel Number

14.009.100.100

Permit Status

Approved Active

Permit Fee

100

Total Due

100

Was fee paid?

Yes

Application Accepted By

Bill Conkling

Site Plan Checked By

Gary Vetter

Is location in floodplain?

No

Existing Zoning

AGRICULTURE

Size of the Current Parcel

113

Current Legal Description

NE4 EXC TRACT 1 KUBAL ADDN

Applicant Name

Daniel Kubal

Applicant Phone

605-660-3393

Applicant Address

42907 304th, Lesterville

Applicant Email Address

brian@meridianrls.com

Name of the Surveyor / Engineer

Brian Benson

Surveyor / Engineer Address

1109 Douglas Ave, Yankton

Surveyor / Engineer Phone

402-860-4332

Surveyor / Engineer Email

brian@meridianrls.com

Surveyor / Engineer Contact Person

Brian Benson

Owner Name

Daniel Kubal

Owner Phone

605-660-3393

Owner Address

42907 304th, Lesterville

Owner Email Address

brian@meridianrls.com

Location of Property

Lat: 42.979296 Lon: -97.579071



Powered by [Esri](#)

Section Township Range

9-94-57

Tract or Lot Number

Tract 1

Number of Acres Being Platted

69

Addition Name

Mogcks Addition

How is the Property Currently Being Used

AG

How Will the Property Be Used

AG

Is this Property an Existing Farmstead

No

If a Farmstead, How Many Acres Surround it

0

Has the Plat Been Approved By the City of Yankton

No

Is Owner Signature Notarized

Yes

Do you have Signatures and Approval from the Road Authority

Yes

Do you have the County Treasurer's Signature

Yes

Insert Plat Here

PDF [PLAT-.pdf](#)
1.2MB

Applicant Signature

A handwritten signature in black ink, appearing to read "Dan Kuhn". The signature is fluid and cursive, with the first name "Dan" and the last name "Kuhn" clearly distinguishable.

ApplicantSignature-.jpg

Owner Signature

A handwritten signature in black ink, appearing to be a stylized "J" followed by several loops. The signature is fluid and cursive, but the name is not clearly legible.

OwnerSignature-.jpg

Date of Application Submission

Jul 7, 2026

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 7/7/2026

Applicant

Kubal #3- PLAT

District type: ☒ AG ☐ R1-Low ☐ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

Variance needed:

☐ Section 513 (4) – Existing Farmstead/Home ☐ Section 515 ☐ Section 705

☐ Section 715 ☐ Section 805

☐ Other 605

North Side/ Yard lot line: ____ feet or no closer than ____ feet to the ____ lot line.

East Side / Yard lot line: ____ feet or no closer than ____ feet to the ____ lot line.

South Side / Yard lot line: ____ feet or no closer than ____ feet to the ____ lot line.

West Side / Yard lot line ____ feet or no closer than ____ feet to the ____ lot line.

Accessory Building Size allowed:

Proposed building size:

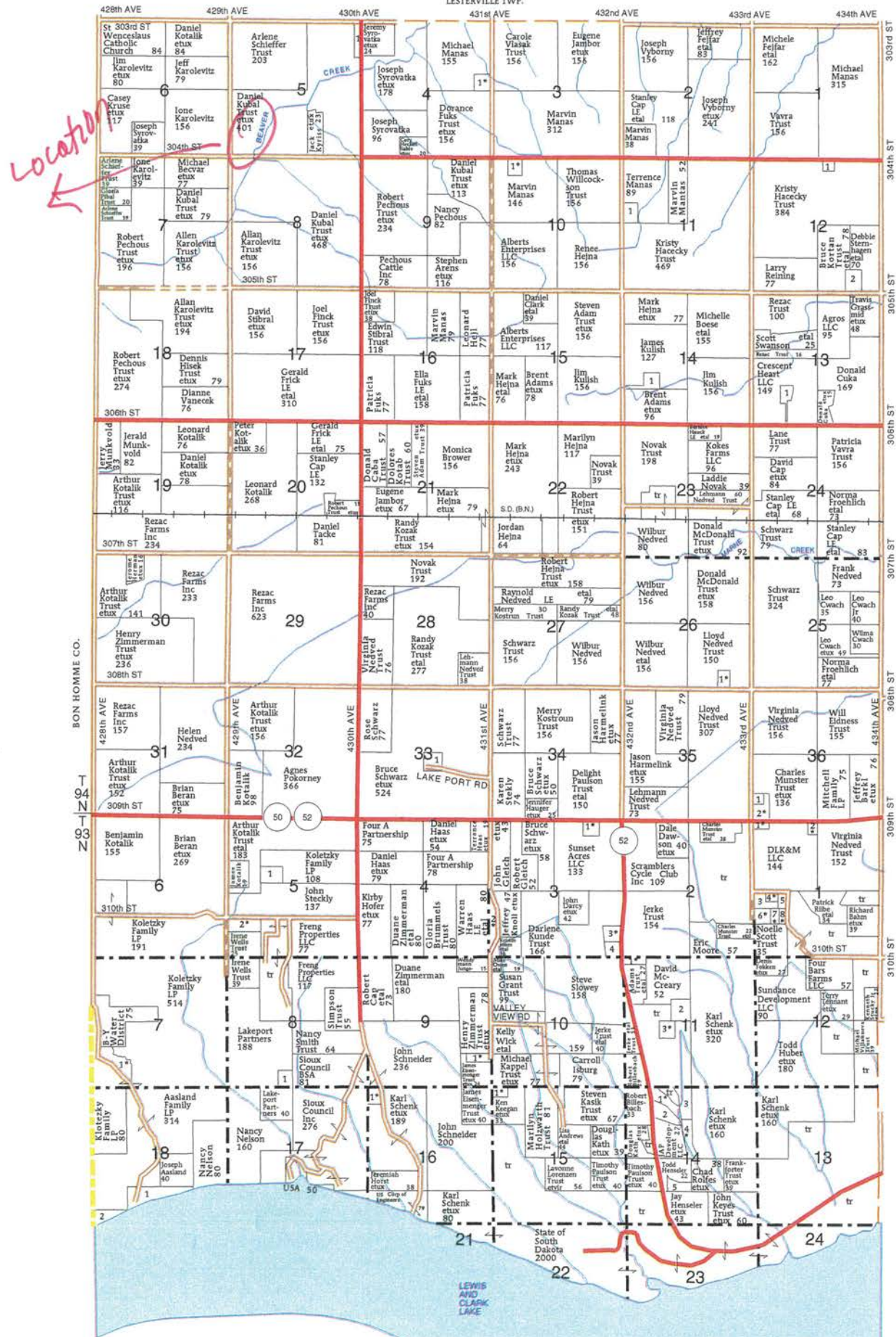
Proposed sidewall height:

Affects Section:

NOTE:

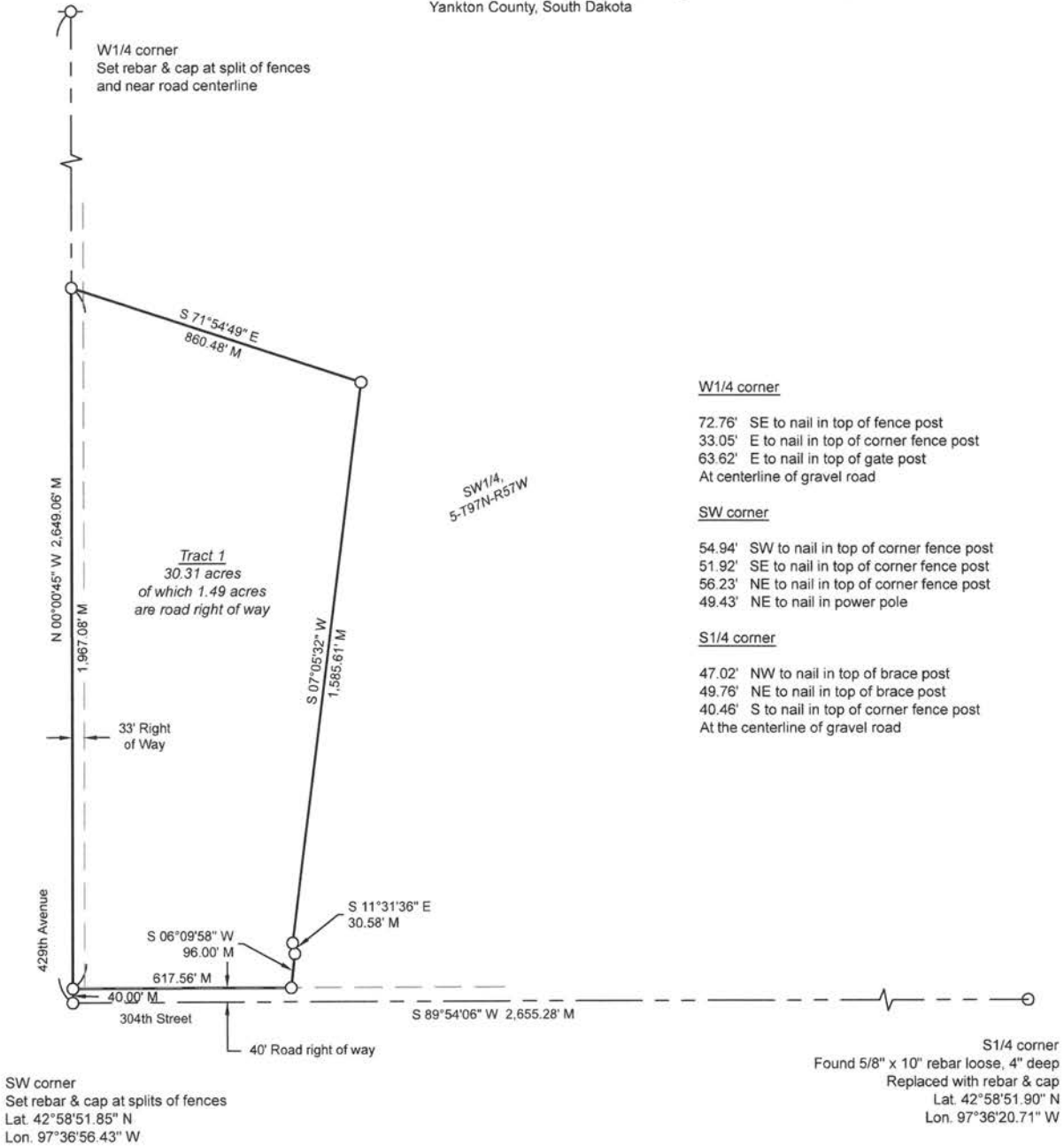
Plat of Tract 1 of North of Dan's Addition located in the Southeast Quarter of Section 5, T94N, R57W of the 5th P.M., Yankton County, South Dakota

LESTERVILLE TWP.



Plat of Tract 1 of North of Dan's Addition

Located in the Southwest Quarter of Section 5, Township 94 North, Range 57 West of the 5th P.M.,
Yankton County, South Dakota



Surveyor's Statement

I, Brian J. Benson, a duly Registered Land Surveyor under the laws of the State of South Dakota, have performed a survey of the Southwest Quarter of Section 5, Township 94 North, Range 57 West of the 5th P.M., Yankton County, South Dakota, and the above survey was made by me or under my direct supervision and is true and accurate to the best of my knowledge.

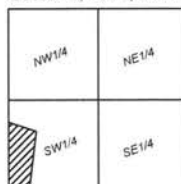
Brian J. Benson, LS 11950

Date

Legend

- Found Corner (As Noted)
- Set 1/2"x24" Rebar & Cap Stamped "LS 11950"
- M Measured Distance

Section 5, T94N, R57W



Prepared for:
Dan Kuball
42907 304th Street
Lesterville, SD 57040
Ph.# 605-660-3393

Date: 6/29/2026

Job Number: 26SU32

Drawn by: BB

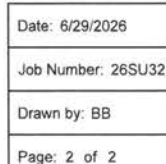
Page: 1 of 2



Meridian
LAND SURVEYING, LLC

Brian J. Benson
1109 Douglas Ave.
Yankton, SD 57078
402-860-4332
brian@meridianrls.com

Located in the Southwest Quarter of Section 5, Township 94 North, Range 57 West of the 5th P.M.,
Yankton County, South Dakota



PLAT PERMIT

Longitude

-97.61396952007809

Latitude

42.984508447301096

Permit Number

PLAT2670

Parcel Number

14.005.300.100

Permit Status

Approved Active

Permit Fee

100

Total Due

100

Was fee paid?

Yes

Receipt Number

9812

Application Accepted By

Bill Conkling

Site Plan Checked By

Gary Vetter

Is location in floodplain?

No

Existing Zoning

AGRICULTURE

Size of the Current Parcel

155

Current Legal Description

SW4

Applicant Name

Dan Kubal

Applicant Phone

605-660-3393

Applicant Address

42907 304th, Lesterville

Applicant Email Address

brian@meridianrls.com

Name of the Surveyor / Engineer

Brian Benson

Surveyor / Engineer Address

1109 Douglas Ave, Yankton

Surveyor / Engineer Phone

402-860-4332

Surveyor / Engineer Email

brian@meridianrls.com

Surveyor / Engineer Contact Person

Brian Benson

Owner Name

Dan Kubal

Owner Phone

605-660-3393

Owner Address

42907 304th, Lesterville

Owner Email Address

brian@meridianrls.com

Location of Property

Lat: 42.984508 Lon: -97.61397



Powered by [Esri](#)

Section Township Range

5-94-57

Tract or Lot Number

Tract 1

Number of Acres Being Platted

30

Addition Name

North of Dan's Addition

How is the Property Currently Being Used

AG

How Will the Property Be Used

AG

Is this Property an Existing Farmstead

No

If a Farmstead, How Many Acres Surround it

0

Has the Plat Been Approved By the City of Yankton

No

Is Owner Signature Notarized

Yes

Do you have Signatures and Approval from the Road Authority

Yes

Do you have the County Treasurer's Signature

Yes

Insert Plat Here

PDF [PLAT-.pdf](#)
1.2MB

Applicant Signature

A handwritten signature in black ink, appearing to read "Dan Kuhl". The signature is fluid and cursive, with the first name "Dan" written in a larger, more prominent script than the last name "Kuhl".

ApplicantSignature-.jpg

Owner Signature

A handwritten signature in black ink, appearing to read "Jan". The signature is fluid and cursive, with the first letter "J" being a large, stylized loop.

OwnerSignature-.jpg

Date of Application Submission

Jul 7, 2026

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 7/9/2026

Applicant

Zimmerman - PLAT

District type: ☒ AG ☐ R1-Low ☐ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

Variance needed:

☐ Section 513 (4) – Existing Farmstead/Home ☐ Section 515 ☐ Section 705

☐ Section 715 ☐ Section 805

☐ Other 605

North Side/ Yard lot line: ____ feet or no closer than ____ feet to the ____ lot line.

East Side / Yard lot line: ____ feet or no closer than ____ feet to the ____ lot line.

South Side / Yard lot line: ____ feet or no closer than ____ feet to the ____ lot line.

West Side / Yard lot line ____ feet or no closer than ____ feet to the ____ lot line.

Accessory Building Size allowed:

Proposed building size:

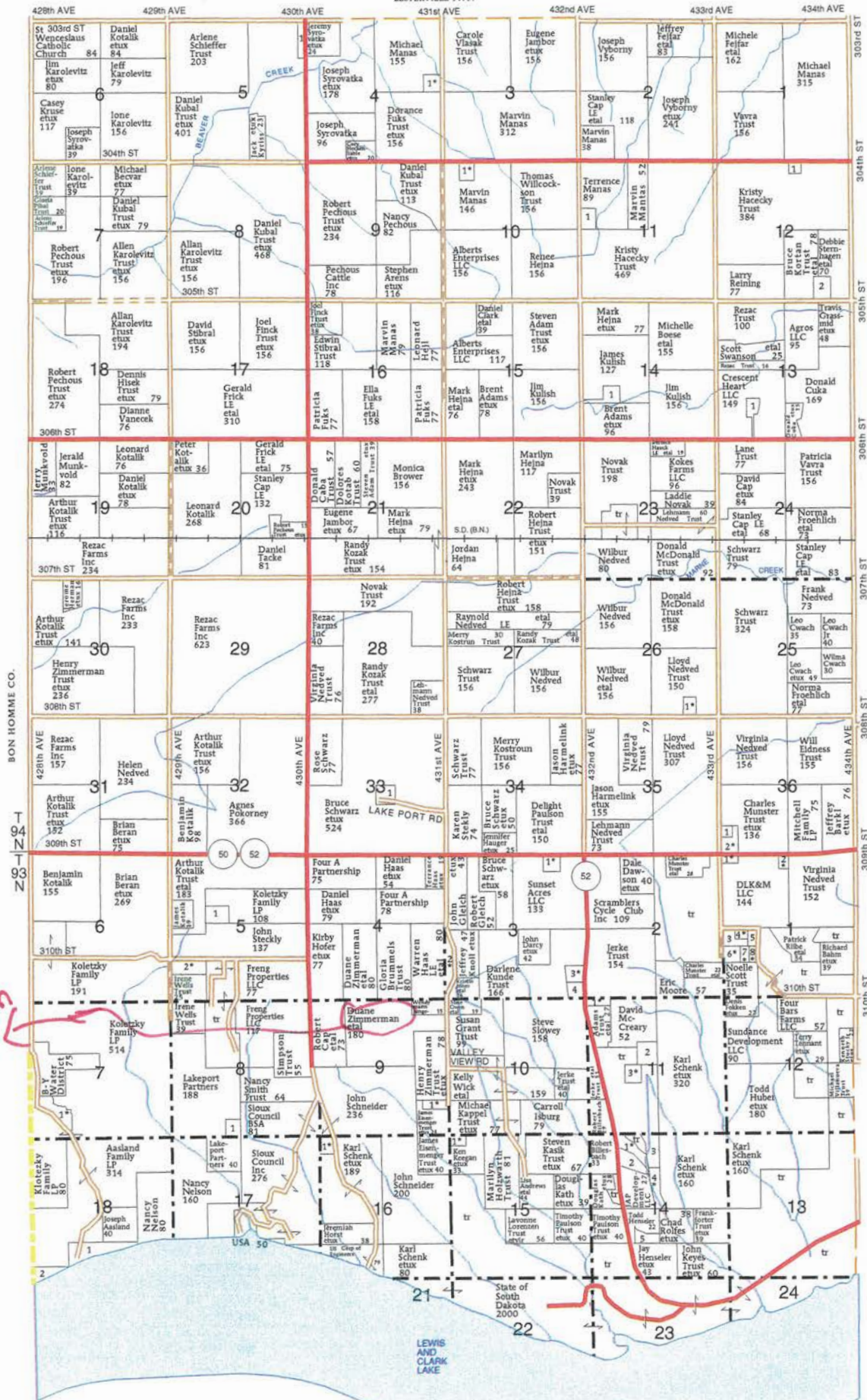
Proposed sidewall height:

Affects Section:

NOTE:

Plat of Gary Zimmerman's Addition, in the NE1/4 of the NW1/4 in Section 9, T93N, R57W of the 5th P.M., Yankton County, South Dakota

LESTERVILLE TWP.



ZISKOV TOWNSHIP

SECTION 1S

- 1 GATES, GARY ETAL 6
- 2 BAKKE, KENDRA ETUIR 6
- 3 BARTH, CHAD 9
- 4 FISCHER, KATRINA ETAL 5
- 5 GAUSE, JANEL 5
- 6 TAYLOR, LYNN ETUX 9
- 7 SCOTT, BIAYE ETUX 5
- 8 KRAMER, FRANCIS ETAL 5

SECTION 3S

- 1 AUSDEMORE, ROBERT ETAL 9
- 2 HAAS TRUST, WARREN ETUX 10
- 3 MUELLER, JAMES ETUX 8
- 4 KUNDE, DARLENE 8

SECTION 4N

- 1 HOFFMAN, RC ETUX 10

SECTION 5N

- 1 POLISH CATHOLIC CONGREGATION 9

SECTION 5S

- 1 WILLISIE, CAROL 11

SECTION 7S

- 1 SEOLACEK, KENNETH ETUX 12

SECTION 8S

- 1 KOLETZKY, IONE ETAL 17

SECTION 9S

- 1 KOSTER, JEFF 9

SECTION 10N

- 1 WOSTREL, ELDON ETUX 15

SECTION 11N

- 1 MANAS, TERENCE ETUX 10

SECTION 11S

- 1 CAP, DANIEL 11

SECTION 11S

- 1 HABERMAN, ADAM ETUX 10
- 2 KONOPASEK TRUST 10
- 3 LYONS, SEAN ETAL 10

SECTION 12N

- 1 HACECKY, KERRY ANN 6
- 2 HEJNA, MARILYN 9

SECTION 13N

- 1 MANAS, DYLAN 6

SECTION 14N

- 1 SUDBECK, CHARLENE 12

SECTION 14S

- 1 PETERSON, COREY ETAL 9
- 2 FEIMER FAMILY PROTECTION TRUST 9
- 3 COLBY, DAVID 13
- 4 VANDEKOP, DALE ETUX 10
- 5 K&M HENSELER TRUST 9

SECTION 15S

- 1 MCGARGILL, JONI ETUIR 7

SECTION 16S

- 1 FLANNERY, ROBBIE ETUX 14

SECTION 18S

- 1 STATE OF SOUTH DAKOTA 66
- 2 YONKE TRUST, MARK 5

SECTION 28

- 1 MARTIN, NATHAN ETUX 6

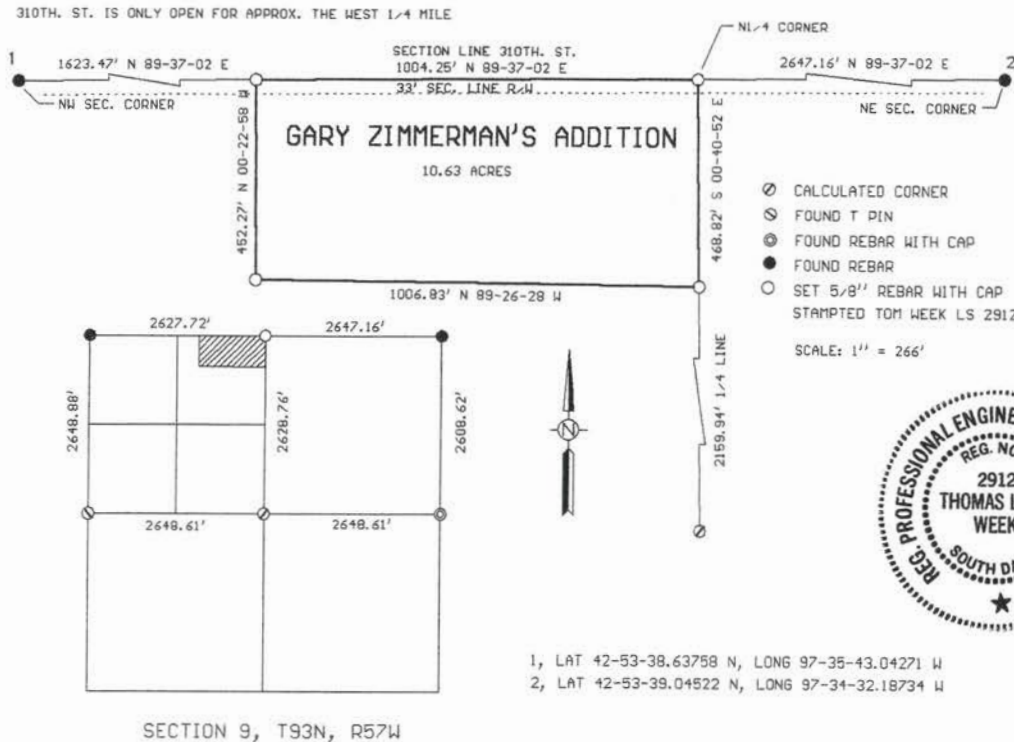
SECTION 23

- 1 ST WENCESLAUS ROMAN CATHOLIC CHURCH 10

SECTION 26

- 1 TACKE, JOSEPH 5
- 2 KOLETZKY, DAVID ETUX 8

PLAT OF GARY ZIMMERMAN'S ADDITION, IN THE NE1/4 OF THE NW1/4 IN
SECTION 9, T93N, R57W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.



SURVEYORS CERTIFICATE

I, THOMAS LYNN WEEK, REGISTERED LAND SURVEYOR IN YANKTON, SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNERS, MADE A SURVEY OF GARY ZIMMERMAN'S ADDITION, IN THE NE1/4 OF THE NW1/4 OF SECTION 9, T93N, R57W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA. I HAVE SET IRON PINS AS SHOWN, AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 8TH. DAY OF JULY, 2026.

THOMAS LYNN WEEK
REG. LAND SURVEYOR
REG. NO. 2912

RESOLUTION OF COUNTY PLANNING COMMISSION

BE IT RESOLVED BY THE YANKTON COUNTY PLANNING COMMISSION, THAT THE ABOVE PLAT REPRESENTING GARY ZIMMERMAN'S ADDITION, IN THE NE1/4 OF THE NW1/4 OF SECTION 9, T93N, R57W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA, BE AND THE SAME IS HEREBY APPROVED.

CHAIRMAN, PLANNING COMMISSION

CERTIFICATE OF STREET AUTHORITY

THERE IS ACCESS TO GARY ZIMMERMAN'S ADDITION FROM 310TH. STREET.

DATED THIS _____ DAY OF _____, _____.

SHEET 1 OF 3

TOWNSHIP/COUNTY APPROVAL

PLAT OF GARY ZIMMERMAN'S ADDITION, IN THE NE1/4 OF THE NW1/4 OF SECTION 9, T93N, R57W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.

OWNERS CERTIFICATE

WE, GARY D. ZIMMERMAN, GRACE ZIMMERMAN, DUANE G. ZIMMERMAN, NANCY ZIMMERMAN, MARK A. ZIMMERMAN, AND KRISTI ZIMMERMAN, DO HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF THE ABOVE DESCRIBED PROPERTY: GARY ZIMMERMAN'S ADDITION, IN THE NE1/4 OF THE NW1/4 OF SECTION 9, T93N, R57W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA. THAT THE ABOVE SURVEY AND PLAT WAS MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSE OF LOCATING, MARKING AND PLATTING THE SAME, AND THAT SAID PROPERTY IS FREE FROM ALL ENCUMBRANCES. THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS.

DATED THIS ____ DAY OF _____, ____.

GARY D. ZIMMERMAN

GRACE ZIMMERMAN

STATE OF _____
COUNTY OF _____

ON THIS ____ DAY OF _____, _____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED GARY D. ZIMMERMAN AND GRACE ZIMMERMAN, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.
MY COMMISSION EXPIRES _____

NOTARY PUBLIC

DATED THIS ____ DAY OF _____, ____.

DUANE G. ZIMMERMAN

NANCY ZIMMERMAN

STATE OF _____
COUNTY OF _____

ON THIS ____ DAY OF _____, _____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED DUANE G. ZIMMERMAN AND NANCY ZIMMERMAN, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.
MY COMMISSION EXPIRES _____

NOTARY PUBLIC

DATED THIS ____ DAY OF _____, ____.

MARK A. ZIMMERMAN

KRISTI ZIMMERMAN

STATE OF _____
COUNTY OF _____

ON THIS ____ DAY OF _____, _____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED MARK A. ZIMMERMAN AND KRISTI ZIMMERMAN, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.
MY COMMISSION EXPIRES _____

NOTARY PUBLIC

RESOLUTION OF APPROVAL

WHEREAS, IT APPEARS THAT THE OWNERS THEREOF HAVE CAUSED A PLAT TO BE MADE OF THE FOLLOWING REAL PROPERTY: GARY ZIMMERMAN'S ADDITION, IN THE NE1/4 OF THE NW1/4 OF SECTION 9, T93N, R57W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA, AND HAVE SUBMITTED SUCH PLAT TO THE COUNTY COMMISSION OF YANKTON COUNTY, SOUTH DAKOTA FOR APPROVAL. NOW THEREFORE BE IT RESOLVED, THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND SAME IS HEREBY APPROVED. THE COUNTY AUDITOR IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THIS RESOLUTION AND CERTIFY THE SAME.

I, _____, COUNTY AUDITOR OF YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA, ON THIS ____ DAY OF _____, _____.

COUNTY AUDITOR

CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

PLAT OF GARY ZIMMERMAN'S ADDITION, IN THE NE1/4 OF THE NW1/4 OF SECTION 9, T93N, R57W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.

DIRECTOR OF EQUALIZATION CERTIFICATE

I, _____, DIRECTOR OF EQUALIZATION, YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT I HAVE RECEIVED A COPY OF THE FOREGOING PLAT. DATED THIS ____ DAY OF _____, ____.

DIRECTOR OF EQUALIZATION, YANKTON COUNTY

TREASURER CERTIFICATE

I, _____, TREASURER OF YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT ALL TAXES WHICH ARE LIEN UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF THIS OFFICE, HAVE BEEN PAID. DATED THIS ____ DAY OF _____, ____.

TREASURER, YANKTON COUNTY

REGISTER OF DEEDS CERTIFICATE

I, _____, REGISTER OF DEEDS, YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT I HAVE RECEIVED THE ORIGINAL PLAT, FILED FOR RECORD THIS ____ DAY OF _____, _____, _____ O'CLOCK ____ .M., AND DULY RECORDED IN BOOK NO. ____, PAGE ____.

PREPARED BY: TOM WEEK
407 REGAL DRIVE
YANKTON, SOUTH DAKOTA 57078
605-665-8333

REGISTER OF DEEDS, YANKTON COUNTY, SD

PLAT PERMIT

Longitude

-97.58806474206443

Latitude

42.89355703180326

Permit Number

PLAT2671

Parcel Number

13.009.400.150

Permit Status

Approved Active

Permit Fee

100

Total Due

100

Was fee paid?

Yes

Receipt Number

2551

Application Accepted By

Bill Conkling

Site Plan Checked By

Gary Vetter

Is location in floodplain?

No

Existing Zoning

AGRICULTURE

Size of the Current Parcel

78

Current Legal Description

E2 NW4 EXC S4 RDS SE4 NW4

Applicant Name

Gary Zimmerman

Applicant Phone

6056658333

Applicant Address

31000 430 AVE

Applicant Email Address

tcweek@iw.net

Name of the Surveyor / Engineer

Tom Week

Surveyor / Engineer Address

407 Regal Dr., Yankton

Surveyor / Engineer Phone

6056658333

Surveyor / Engineer Email

tcweek@iw.net

Surveyor / Engineer Contact Person

Tom Week

Owner Name

Gary Zimmerman

Owner Phone

6056658333

Owner Address

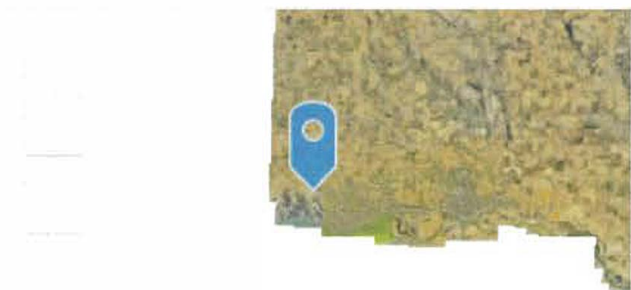
31000 430 AVE

Owner Email Address

tcweek@iw.net

Location of Property

Lat: 42.893557 Lon: -97.588065



Powered by [Esri](#)

Section Township Range

9-93-57

Tract or Lot Number

Zimmerman's Addn

Number of Acres Being Platted

10

Addition Name

Zimmerman's Addition

How is the Property Currently Being Used

AG

How Will the Property Be Used

AG

Is this Property an Existing Farmstead

Yes

If a Farmstead, How Many Acres Surround it

10

Has the Plat Been Approved By the City of Yankton

No

Is Owner Signature Notarized

Yes

Do you have Signatures and Approval from the Road Authority

Yes

Do you have the County Treasurer's Signature

Yes

Insert Plat Here

PDF [PLAT-.pdf](#)
577.3KB

Applicant Signature

A handwritten signature in black ink, appearing to read "Dan Zuercher". The signature is fluid and cursive, with the first name "Dan" and last name "Zuercher" clearly distinguishable.

ApplicantSignature-.jpg

Owner Signature

A handwritten signature in black ink, appearing to read "Dan Zuercher". The signature is fluid and cursive, with the first name "Dan" and last name "Zuercher" clearly distinguishable.

OwnerSignature-.jpg

Date of Application Submission

Jul 9, 2026

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 7/23/2026

Applicant

Mark Zimmerman Addition - PLAT

District type: ☒ AG ☐ R1-Low ☐ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

Variance needed:

☐ Section 513 (4) – Existing Farmstead/Home ☐ Section 515 ☐ Section 705

☐ Section 715 ☐ Section 805

☐ Other 605

North Side/ Yard lot line: _____ feet or no closer than _____ feet to the _____ lot line.

East Side / Yard lot line: _____ feet or no closer than _____ feet to the _____ lot line.

South Side / Yard lot line: _____ feet or no closer than _____ feet to the _____ lot line.

West Side / Yard lot line _____ feet or no closer than _____ feet to the _____ lot line.

Accessory Building Size allowed:

Proposed building size:

Proposed sidewall height:

Affects Section:

NOTE:

Plat of Mark Zimmerman Addition, in the NW1/4 of Section 32, T94N, R56W of the 5th P.M.,
Yankton County, South Dakota

(Landowners)

CENTRAL TWP.

SECTION 4N

1 NEDVED, MARK 7

SECTION 4S

1 MARQUARDT, RALPH 8
2 BRANDT TRUST, MERLE ETAL 11
3 LIST TRUST, ROBERT 18
4 SWEDLUND, JERALD ETUX 14
5 HAMBERGER, BRIAN 8
6 SMITH, NATHAN ETUX 8

SECTION 5S

1 BATCHELLER, JAY 8

SECTION 6N

1 TOWN OF UTICA 6

SECTION 6S

1 GILMORE, TONIA 10
2 VAN MAANEN, TODD ETUX 11
3 MASKA, LEANN 5
4 KOZAK, KARLEE 6
5 LOECKER, MARK ETUX 5
6 BLAHA, JON ETUX 5
7 HILL, EDWIN ETUX 12

SECTION 7N

1 BOLD PURSUITS LLC 10

SECTION 7S

1 GUITRON, MARIA ETAL 13
2 ROBB, RUSSELL ETUX 7
3 LIVINGSTON, CARL ETUX 10
4 PHILIPS, TIMOTHY ETUX 5

SECTION 8N

1 CHRISTIANSON, DAVID ETUX 6
2 HUGHES, SCOTT ETUX 13

SECTION 8S

1 FANTA, TIMOTHY ETUX 9

SECTION 9N

1 KILBURN, REX ETUX 7
2 GILMORE TRUST, HOWARD ETUX 17

SECTION 9S

1 ROKAHR, STEVEN 9

SECTION 10S

1 HEJNA, JAMIE 5

SECTION 11S

1 BILLION, ERIKA 12
2 HECKY TRUST, TERRANCE ETUX 11
3 AFFORDABLE SELF STORAGE LLC 8

SECTION 12N

1 MARQUARDT FAMILY LP 6

SECTION 13N

1 COTTON, JEFFREY ETUX 8

SECTION 14S

1 YANKTON MEDICAL CLINIC PC 12

SECTION 16N

1 ANSTINE, RODNEY ETUX 7

SECTION 17N

1 SCHENKEL, DARRELL ETUX 8
2 TACKE, WM ETUX 13

SECTION 18N

1 CAP LE, STANLEY ETAL 5
2 CAP, ROBERT ETUX 7

SECTION 19

1 SCHENKEL, DANIEL ETUX 7

SECTION 20N

1 YANKTON CO SHARPSHOOTERS ASSN 12
2 JOHNSON, MICHAEL ETUX 9

SECTION 21N

1 YANKTON PROTEIN LLC 12
2 KRALICEK, FRANK ETUX 5

SECTION 21S

1 WHITE CRANE ESTATES LLC 8
2 TAGGART, WILLIAM ETUX 9
3 NELSON TRUST, FLOYD 12

SECTION 23N

1 POSPISHIL, SCOTT ETAL 7

SECTION 24

1 MARTS, LUCAS ETUX 7
2 MARQUARDT, DOUG 13
3 KELLER, DALLAS ETUX 10

SECTION 25

1 SLOWEY TRUST 15
2 WOEH, TOBY ETAL 7

SECTION 26

1 BARNES, DAVID ETUX 7

SECTION 32

1 ZIMMERMAN TRUST, HENRY ETAL 12

SECTION 33

1 DELOZIER, DARRIK ETAL 6
2 WADDELL, EDWARD ETUX 8

SECTION 35

1 YAGGIES INC 10

UTICA TOWNSHIP

SECTION 2N

1 KRALICEK, MELISSA 11

SECTION 2S

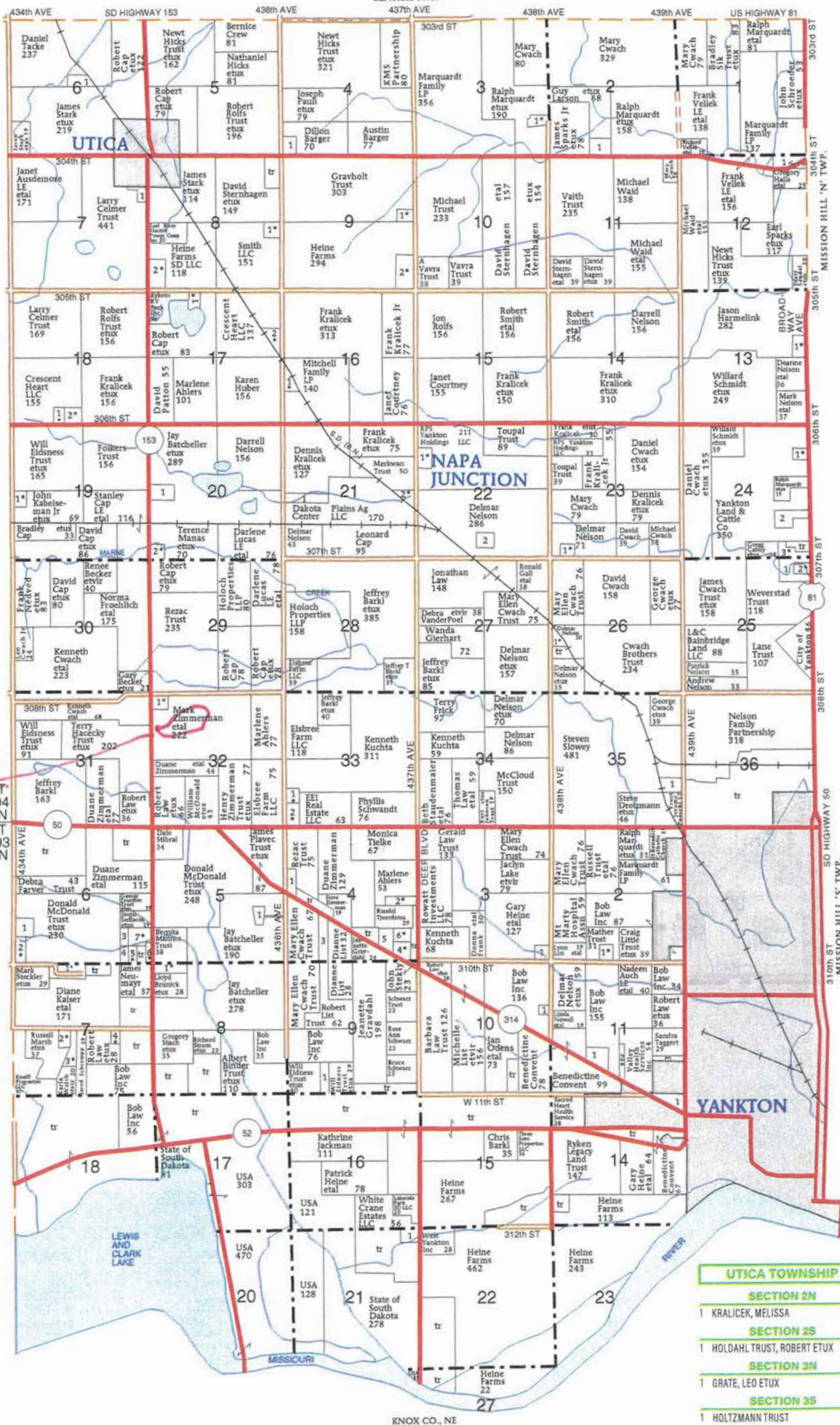
1 HOLDAHL TRUST, ROBERT ETUX 5

SECTION 3N

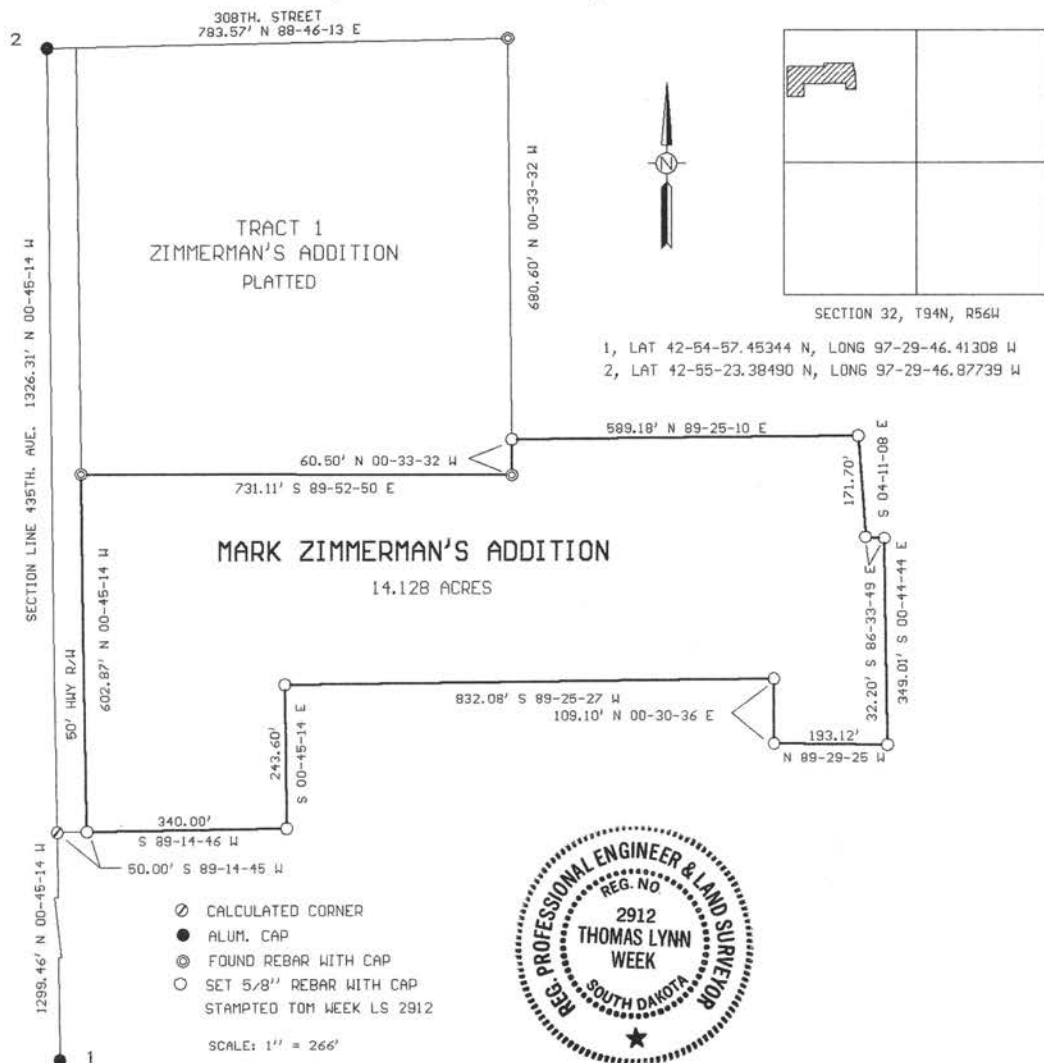
1 GRATE, LEO ETUX 11

SECTION 3S

1 HOLTZMANN TRUST 7



PLAT OF MARK ZIMMERMAN'S ADDITION, IN THE NW1/4 OF SECTION 32, T94N, R56W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.



SURVEYORS CERTIFICATE

I, THOMAS LYNN WEEK, REGISTERED LAND SURVEYOR IN YANKTON, SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNERS, MADE A SURVEY OF MARK ZIMMERMAN'S ADDITION, IN THE NW1/4 OF SECTION 32, T94N, R56W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA. I HAVE SET IRON PINS AS SHOWN, AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 23RD. DAY OF JULY, 2026.

THOMAS LYNN WEEK
 REG. LAND SURVEYOR
 REG. NO. 2912

RESOLUTION OF COUNTY PLANNING COMMISSION

BE IT RESOLVED BY THE YANKTON COUNTY PLANNING COMMISSION, THAT THE ABOVE PLAT REPRESENTING MARK ZIMMERMAN'S ADDITION, IN THE NW1/4 OF SECTION 32, T94N, R56W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA, BE AND THE SAME IS HEREBY APPROVED.

CHAIRMAN, PLANNING COMMISSION

PLAT OF MARK ZIMMERMAN'S ADDITION, IN THE NW1/4 OF SECTION 32, T94N, R56W OF THE 5TH. P.M.,
YANKTON COUNTY, SOUTH DAKOTA.

OWNERS CERTIFICATE

WE, GARY D. ZIMMERMAN, GRACE ZIMMERMAN, DUANE G. ZIMMERMAN, NANCY ZIMMERMAN, MARK A. ZIMMERMAN, AND KRISTI ZIMMERMAN, DO HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF THE ABOVE DESCRIBED PROPERTY: MARK ZIMMERMAN'S ADDITION, IN THE NW1/4 OF SECTION 32, T94N, R56W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA. THAT THE ABOVE SURVEY AND PLAT WAS MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSE OF LOCATING, MARKING AND PLATTING THE SAME, AND THAT SAID PROPERTY IS FREE FROM ALL ENCUMBRANCES. THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS.

DATED THIS ____ DAY OF _____, ____.

GARY D. ZIMMERMAN

GRACE ZIMMERMAN

STATE OF _____
COUNTY OF _____

ON THIS ____ DAY OF _____, _____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED GARY D. ZIMMERMAN AND GRACE ZIMMERMAN, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

DATED THIS ____ DAY OF _____, ____.

DUANE G. ZIMMERMAN

NANCY ZIMMERMAN

STATE OF _____
COUNTY OF _____

ON THIS ____ DAY OF _____, _____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED DUANE G. ZIMMERMAN AND NANCY ZIMMERMAN, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

DATED THIS ____ DAY OF _____, ____.

MARK A. ZIMMERMAN

KRISTI ZIMMERMAN

STATE OF _____
COUNTY OF _____

ON THIS ____ DAY OF _____, _____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED MARK A. ZIMMERMAN AND KRISTI ZIMMERMAN, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

RESOLUTION OF APPROVAL

WHEREAS, IT APPEARS THAT THE OWNERS THEREOF HAVE CAUSED A PLAT TO BE MADE OF THE FOLLOWING REAL PROPERTY: MARK ZIMMERMAN'S ADDITION, IN THE NW1/4 OF SECTION 32, T94N, R56W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA, AND HAVE SUBMITTED SUCH PLAT TO THE COUNTY COMMISSION OF YANKTON COUNTY, SOUTH DAKOTA FOR APPROVAL. NOW THEREFORE BE IT RESOLVED, THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND SAME IS HEREBY APPROVED. THE COUNTY AUDITOR IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THIS RESOLUTION AND CERTIFY THE SAME.

I, _____, COUNTY AUDITOR OF YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA, ON THIS ____ DAY OF _____.

COUNTY AUDITOR

CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

PLAT OF MARK ZIMMERMAN'S ADDITION, IN THE NW1/4 OF SECTION 32, T94N, R56W OF THE 5TH. P.M.,
YANKTON COUNTY, SOUTH DAKOTA.

CERTIFICATE OF STREET AUTHORITY

THERE IS ACCESS TO MARK ZIMMERMAN'S ADDITION FROM 435TH. AVE.

DATED THIS _____ DAY OF _____, _____.

COUNTY APPROVAL

DIRECTOR OF EQUALIZATION CERTIFICATE

I, _____, DIRECTOR OF EQUALIZATION, YANKTON COUNTY, SOUTH DAKOTA, CERTIFY
THAT I HAVE RECEIVED A COPY OF THE FOREGOING PLAT. DATED THIS _____ DAY OF _____, _____.

DIRECTOR OF EQUALIZATION, YANKTON COUNTY

TREASURER CERTIFICATE

I, _____, TREASURER OF YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT ALL TAXES
WHICH ARE LIEN UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF THIS
OFFICE, HAVE BEEN PAID. DATED THIS _____ DAY OF _____, _____.

TREASURER, YANKTON COUNTY

REGISTER OF DEEDS CERTIFICATE

I, _____, REGISTER OF DEEDS, YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT I
HAVE RECEIVED THE ORIGINAL PLAT, FILED FOR RECORD THIS _____ DAY OF _____, _____,
_____ O'CLOCK _____ M., AND DULY RECORDED IN BOOK NO. _____, PAGE _____.

PREPARED BY: TOM WEEK
407 REGAL DRIVE
YANKTON, SOUTH DAKOTA 57078
605-665-8333

REGISTER OF DEEDS, YANKTON COUNTY, SD

PLAT PERMIT

Longitude

-97.49354183084593

Latitude

42.920603240689616

Permit Number

PLAT2673

Parcel Number

10.032.100.300

Permit Status

Approved Active

Permit Fee

100

Total Due

100

Was fee paid?

Yes

Receipt Number

15860

Application Accepted By

Bill Conkling

Site Plan Checked By

Gary Vetter

Is location in floodplain?

No

Existing Zoning

AGRICULTURE

Size of the Current Parcel

222

Current Legal Description

W2 NE4 & NW4 EXC TR 1 ZIMMERMAN'S ADDN

Applicant Name

Gary Zimmerman

Applicant Phone

6056658333

Applicant Address

31000 430th, Tabor

Applicant Email Address

tcweek@iw.net

Name of the Surveyor / Engineer

Tom Week

Surveyor / Engineer Address

407 Regal Dr., Yankton

Surveyor / Engineer Phone

6056658333

Surveyor / Engineer Email

tcweek@iw.net

Surveyor / Engineer Contact Person

Tom Week

Owner Name

Gary Zimmerman

Owner Phone

6056658333

Owner Address

30826 435th

Owner Email Address

tcweek@iw.net

Location of Property

Lat: 42.920603 Lon: -97.493542



Powered by Esri

Section Township Range

32-94-56

Tract or Lot Number

Mark Zimmerman Addition

Number of Acres Being Platted

14

Addition Name

Mark Zimmerman Addition

How is the Property Currently Being Used

AG

How Will the Property Be Used

AG

Is this Property an Existing Farmstead

Yes

If a Farmstead, How Many Acres Surround it

14

Has the Plat Been Approved By the City of Yankton

No

Is Owner Signature Notarized

Yes

Do you have Signatures and Approval from the Road Authority

Yes

Do you have the County Treasurer's Signature

Yes

Insert Plat Here

PDF PLAT-.pdf
711.1KB

Applicant Signature

A handwritten signature in black ink, appearing to be 'John Doe', written in a cursive style.

ApplicantSignature-.jpg

Owner Signature

A handwritten signature in black ink, appearing to be 'John Doe', written in a cursive style.

OwnerSignature-.jpg

Date of Application Submission

Jul 23, 2026

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 7/23/2026

Applicant

Nelson Conservation Easement - PLAT

District type: ☒ AG ☐ R1-Low ☐ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

Variance needed:

☐ Section 513 (4) – Existing Farmstead/Home ☐ Section 515 ☐ Section 705

☐ Section 715 ☐ Section 805

☐ Other 605

North Side/ Yard lot line: _____ feet or no closer than _____ feet to the _____ lot line.

East Side / Yard lot line: _____ feet or no closer than _____ feet to the _____ lot line.

South Side/ Yard lot line: _____ feet or no closer than _____ feet to the _____ lot line.

West Side/ Yard lot line _____ feet or no closer than _____ feet to the _____ lot line.

Accessory Building Size allowed:

Proposed building size:

Proposed sidewall height:

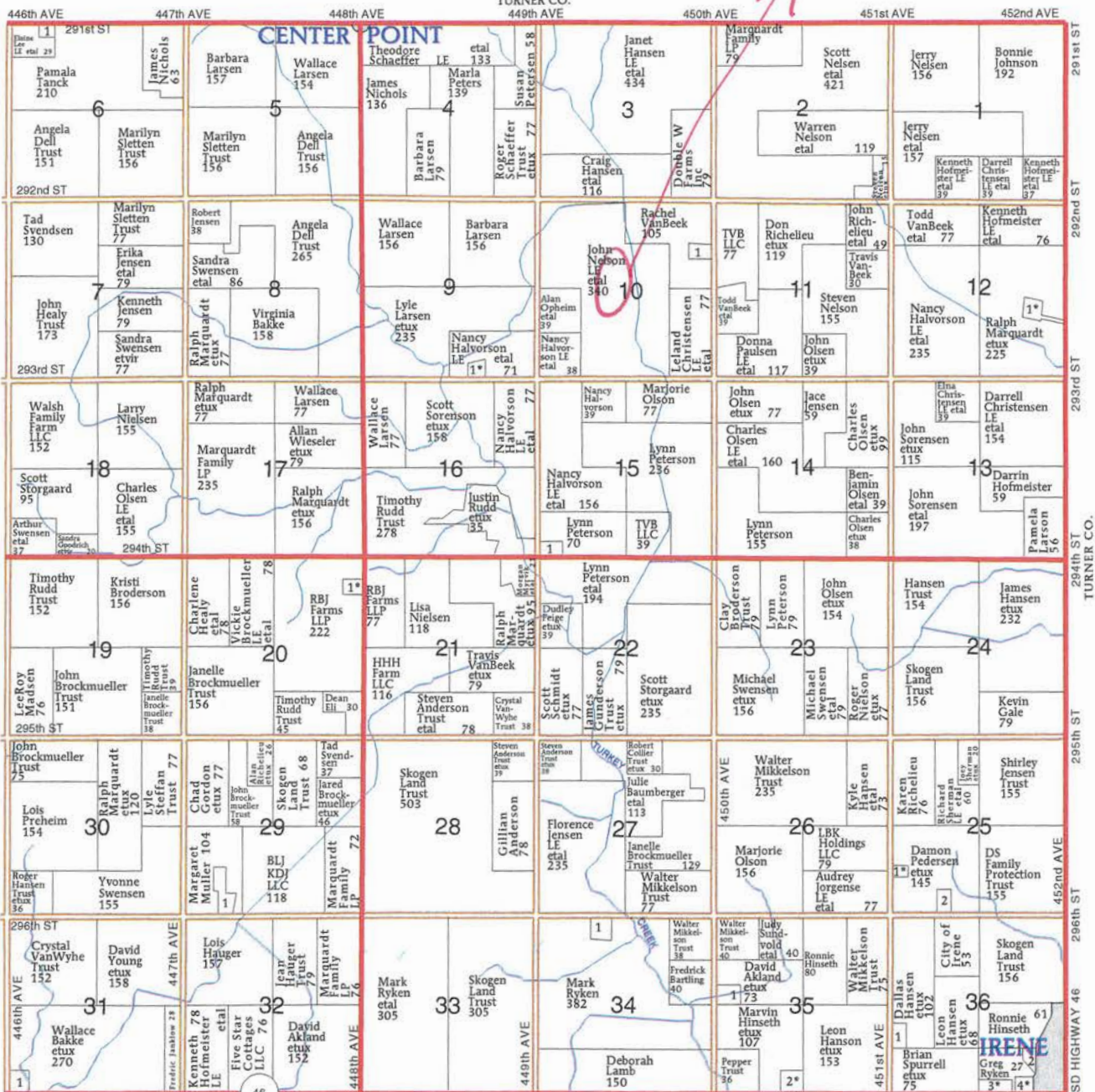
Affects Section:

NOTE:

Nelson Wetland Conservation Easement 2 in the NW1/4 of the SE1/4 and in the SW1/4 of the NE1/4 of Section 10, T96N, R54W of the 5th P.M., Yankton County, South Dakota

(Landowners)

TURNER CO.



TURKEY VALLEY TOWNSHIP

SECTION 6

1 LEE, BRENDA 6

SECTION 9

1 SATHE, DANIEL ETUX 6

SECTION 10

1 GOETZ, RETA 11

SECTION 12

1 RASMUSSEN, ROBERT ETAL 8

SECTION 15

1 RUDD, DAVID 6

SECTION 21

1 KING, KATHY ETVIR 8

SECTION 25

1 NIELSEN, SHAWN ETUX 5

2 GLENRIDGE GOLF CLUB INC 7

SECTION 28

1 NELSON, DAVID 13

SECTION 31

1 DSS EQUIPMENT & PROPERTY LLC 5

SECTION 34

1 BUCKMILLER, JANET 10

SECTION 35

1 RUDD, JACK 6

2 HINSETH, CHARLOTTE ETAL 10

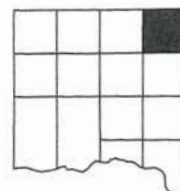
SECTION 36

1 ELI, DANIEL 10

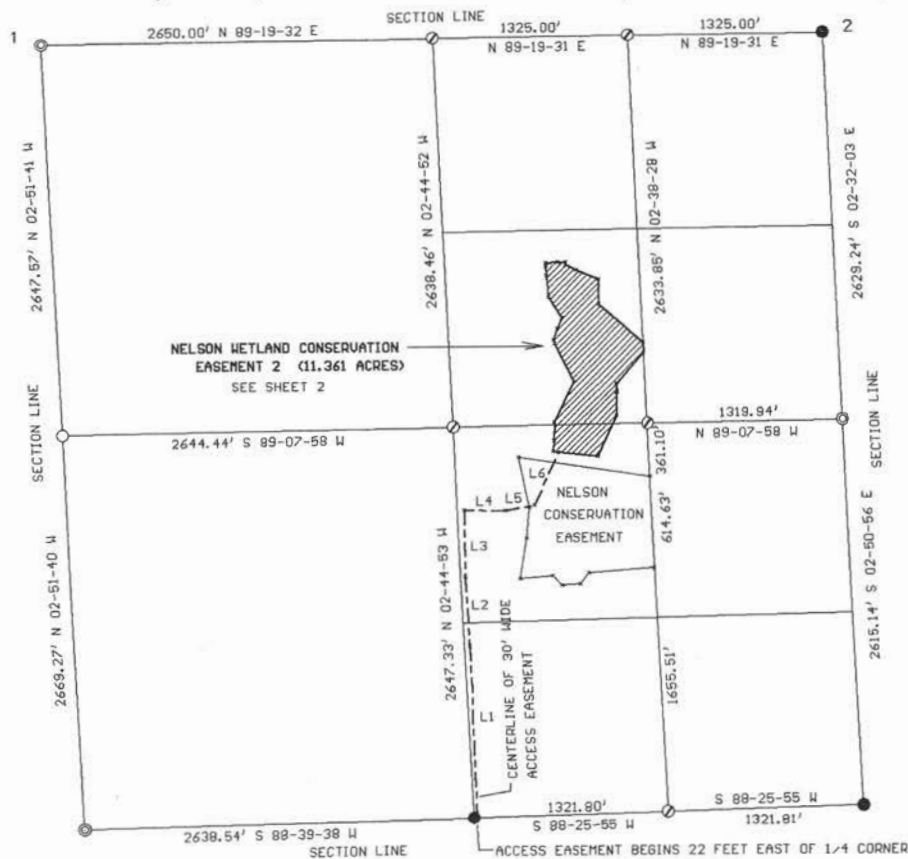
2 BARKER, DEBBIE 5

3 AGGERGAARD MEMORIAL CEMETERY 10

4 HANSEN, KYLE ETAL 6



NELSON WETLAND CONSERVATION EASEMENT 2
IN THE NW1/4 OF THE SE1/4 AND IN THE SW1/4 OF THE NE1/4 OF
SECTION 10, T96N, R54W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.



- CALCULATED CORNER
- FOUND REBAR WITH CAP
- FOUND RR SPIKE
- SET 5/8" REBAR WITH CAP
- STAMPED TOM WEEK LS 2912

SCALE: 1" = 800'

1, LAT 43-09-20.16184 N, LONG 97-13-12.39552 W
2, LAT 43-08-52.83993 N, LONG 97-12-00.68273 W

ACCESS EASEMENT ALIGNMENT

L1 = 1164.11' N 02-08-46 W
L2 = 471.20' N 03-13-17 W
L3 = 448.62' N 00-26-08 W
L4 = 274.78' S 89-02-41 E
L5 = 201.55' N 79-15-58 E
L6 = 389.28' N 25-22-27 E

SURVEYORS CERTIFICATE

I, THOMAS LYNN WEEK, REGISTERED LAND SURVEYOR IN YANKTON, SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNERS, MADE A SURVEY OF NELSON WETLAND CONSERVATION EASEMENT 2, IN THE NW1/4 OF THE SE1/4 AND IN THE SW1/4 OF THE NE1/4 OF SECTION 10, T96N, R54W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.
I HAVE SET IRON PINS AS SHOWN, AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

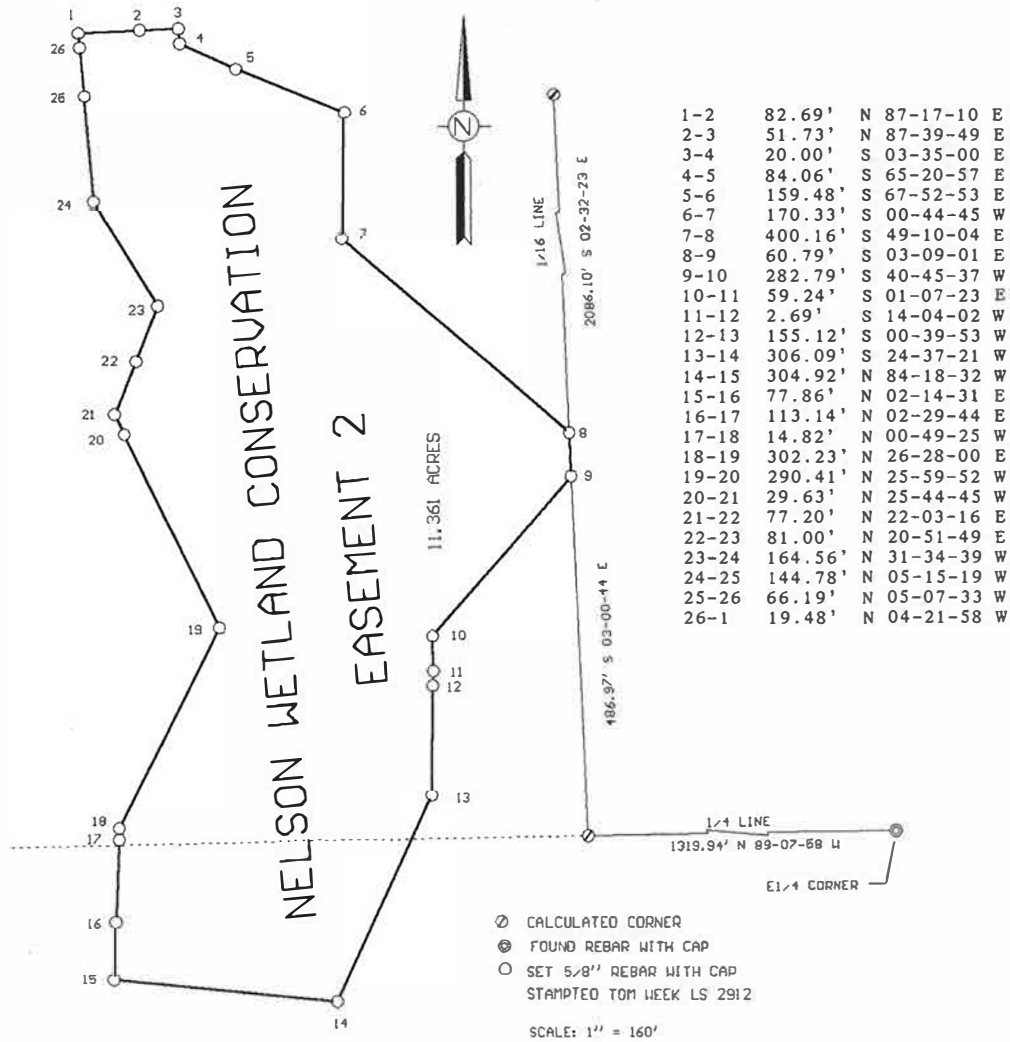
DATED THIS 21ST. DAY OF JULY, 2026.

THOMAS LYNN WEEK
REGISTERED LAND SURVEYOR
REG. NO. 2912

SHEET 1 OF 4



NELSON WETLAND CONSERVATION EASEMENT 2
 IN THE NW1/4 OF THE SE1/4 AND IN THE SW1/4 OF THE NE1/4 OF
 SECTION 10, T96N, R54W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.



NELSON WETLAND CONSERVATION EASEMENT 2 IN THE NW1/4 OF THE SE1/4 AND IN THE SW1/4 OF THE NE1/4 OF SECTION 10, T96N, R54W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.

OWNERS CERTIFICATE

WE, MICHAEL NELSON, THOMAS NELSON, JAMES NELSON AND DANIEL NELSON, DO HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF NELSON WETLAND CONSERVATION EASEMENT 2 IN THE NW1/4 OF THE SE1/4 AND IN THE SW1/4 OF THE NE1/4 OF SECTION 10, T96N, R54W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.

WE, JOHN E. NELSON AND JOAN NELSON, DO HEREBY CERTIFY THAT WE HOLD A LIFE ESTATE IN NELSON WETLAND CONSERVATION EASEMENT 2 IN THE NW1/4 OF THE SE1/4 AND IN THE SW1/4 OF THE NE1/4 OF SECTION 10, T96N, R54W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA. THAT THE ABOVE SURVEY AND PLAT WAS MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSE OF LOCATING, MARKING AND PLATTING THE SAME, AND THAT SAID PROPERTY IS FREE FROM ALL ENCUMBRANCES. THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS. ACCESS TO THIS EASEMENT WILL BE FROM OUR ADJACENT LAND.

DATED THIS _____ DAY OF _____, 2026.

JOHN E. NELSON

JOAN NELSON

STATE OF _____

COUNTY OF _____

ON THIS _____ DAY OF _____, 2026, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED JOHN E. NELSON AND JOAN NELSON, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

DATED THIS _____ DAY OF _____, 2026.

STATE OF _____

COUNTY OF _____

MICHAEL NELSON

ON THIS _____ DAY OF _____, 2026, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED MICHAEL NELSON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

DATED THIS _____ DAY OF _____, 2026.

STATE OF _____

COUNTY OF _____

THOMAS NELSON

ON THIS _____ DAY OF _____, 2026, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED THOMAS NELSON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

DATED THIS _____ DAY OF _____, 2026.

STATE OF _____

COUNTY OF _____

JAMES NELSON

ON THIS _____ DAY OF _____, 2026, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED JAMES NELSON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

DATED THIS _____ DAY OF _____, 2026.

STATE OF _____

COUNTY OF _____

DANIEL NELSON

ON THIS _____ DAY OF _____, 2026, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED DANIEL NELSON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

NELSON WETLAND CONSERVATION EASEMENT 2 IN THE NW1/4 OF THE SE1/4 AND IN THE SW1/4 OF THE NE1/4 OF SECTION 10, T96N, R54W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.

COUNTY ZONING ADMINISTRATOR'S CERTIFICATE

I, ZONING ADMINISTRATOR OF YANKTON COUNTY, DO HEREBY CERTIFY THAT THIS FINAL PLAN HAS BEEN REVIEWED BY ME OR MY AUTHORIZED AGENT AND HAS BEEN APPROVED.

APPROVED THIS ____ DAY OF ____, 2026.

ZONING ADMINISTRATOR,

COUNTY PLANNING COMMISSION APPROVAL

OF THE FINAL PLAN OF NELSON WETLAND CONSERVATION EASEMENT 2 IS HEREBY GRANTED BY THE YANKTON COUNTY PLANNING COMMISSION ON THIS ____ DAY OF ____, 2026.

CHAIRMAN, PLANNING COMMISSION

RESOLUTION OF APPROVAL

I, HEREBY CERTIFY THAT THE FINAL PLAN OF NELSON WETLAND CONSERVATION EASEMENT 2 WAS DULY SUBMITTED TO THE YANKTON COUNTY BOARD OF COUNTY COMMISSIONERS, AND THAT AFTER DUE CONSIDERATION THE BOARD APPROVED SAID FINAL PLAN AT ITS MEETING HELD ON THE ____ DAY OF ____, 2026.

CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

I DO HEREBY CERTIFY THAT THE ABOVE CERTIFICATE OF APPROVAL IS TRUE AND CORRECT INCLUDING THE SIGNATURE THEREON.
DATED THIS ____ DAY OF ____, 2026.

COUNTY AUDITOR

DIRECTOR OF EQUALIZATION CERTIFICATE

I, _____, DIRECTOR OF EQUALIZATION, YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT I HAVE RECEIVED A COPY OF THE FOREGOING PLAT. DATED THIS ____ DAY OF ____, 2026.

DIRECTOR OF EQUALIZATION

TREASURER CERTIFICATE

I, _____, TREASURER OF YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT ALL TAXES WHICH ARE LIEN UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF THIS OFFICE, HAVE BEEN PAID. DATED THIS ____ DAY OF ____, 2026.

TREASURER, YANKTON COUNTY

REGISTER OF DEEDS CERTIFICATE

I, _____, REGISTER OF DEEDS, YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT I HAVE RECEIVED THE ORIGINAL PLAT, FILED FOR RECORD THIS ____ DAY OF ____, 2026, ____ O'CLOCK ____ M., AND DULY RECORDED IN BOOK NO. ____, PAGE ____.

PREPARED BY: TOM WEEK
407 REGAL DRIVE
YANKTON, SD 57078 1-605-665-8333

REGISTER OF DEEDS, YANKTON COUNTY

PLAT PERMIT

Longitude

-97.2068892746685

Latitude

43.14894640975225

Permit Number

PLAT2672

Parcel Number

04.010.400.010

Permit Status

Approved Active

Permit Fee

100

Total Due

100

Was fee paid?

Yes

Receipt Number

2085

Application Accepted By

Bill Conkling

Site Plan Checked By

Gary Vetter

Is location in floodplain?

No

Existing Zoning

AGRICULTURE

Size of the Current Parcel

79

Current Legal Description

SW4 NE4 & NE4 NW4 EXC HIGHWAY

Applicant Name

John Nelson

Applicant Phone

6056658333

Applicant Address

44946 293 ST IRENE SD 57037

Applicant Email Address

tcweek@iw.net

Name of the Surveyor / Engineer

Tom Week

Surveyor / Engineer Address

407 nRegal Dr., Yankton

Surveyor / Engineer Phone

6056658333

Surveyor / Engineer Email

tcweek@iw.net

Surveyor / Engineer Contact Person

Tom Week

Owner Name

John Nelson

Owner Phone

6056658333

Owner Address

44946 293 ST IRENE SD 57037

Owner Email Address

tcweek@iw.net

Location of Property

Lat: 43.148946 Lon: -97.206889



Section Township Range

10-96-54

Tract or Lot Number

Conservation Easement 2

Number of Acres Being Platted

11

Addition Name

Nelson Wetland Conservation Easement

How is the Property Currently Being Used

AG

How Will the Property Be Used

AG - Conservation easement

Is this Property an Existing Farmstead

No

If a Farmstead, How Many Acres Surround it

0

Has the Plat Been Approved By the City of Yankton

No

Is Owner Signature Notarized

Yes

Do you have Signatures and Approval from the Road Authority

Yes

Do you have the County Treasurer's Signature

Yes

Insert Plat Here

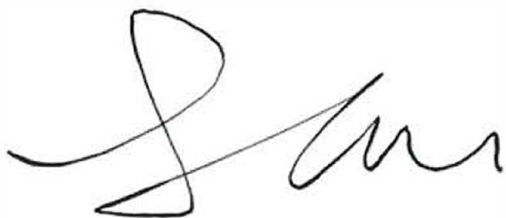
PDF PLAT-.pdf
967.3KB

Applicant Signature

A handwritten signature in black ink, appearing to read "John Miller". The signature is fluid and cursive, with the first name "John" written in a larger, more prominent script than the last name "Miller".

ApplicantSignature-.jpg

Owner Signature

A handwritten signature in black ink, appearing to read "John Miller". The signature is fluid and cursive, with the first name "John" written in a larger, more prominent script than the last name "Miller".

OwnerSignature-.jpg

Date of Application Submission

Jul 23, 2026

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 7/27/2026

Applicant

Dumont Holdings, LLC - PLAT

District type: ☐ AG ☐ R1-Low ☒ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

Variance needed:

☐ Section 513 (4) – Existing Farmstead/Home ☐ Section 515 ☐ Section 705

☐ Section 715 ☐ Section 805

☐ Other 605

North Side/ Yard lot line: ____ feet or no closer than ____ feet to the ____ lot line.

East Side / Yard lot line: ____ feet or no closer than ____ feet to the ____ lot line.

South Side / Yard lot line: ____ feet or no closer than ____ feet to the ____ lot line.

West Side / Yard lot line ____ feet or no closer than ____ feet to the ____ lot line.

Accessory Building Size allowed:

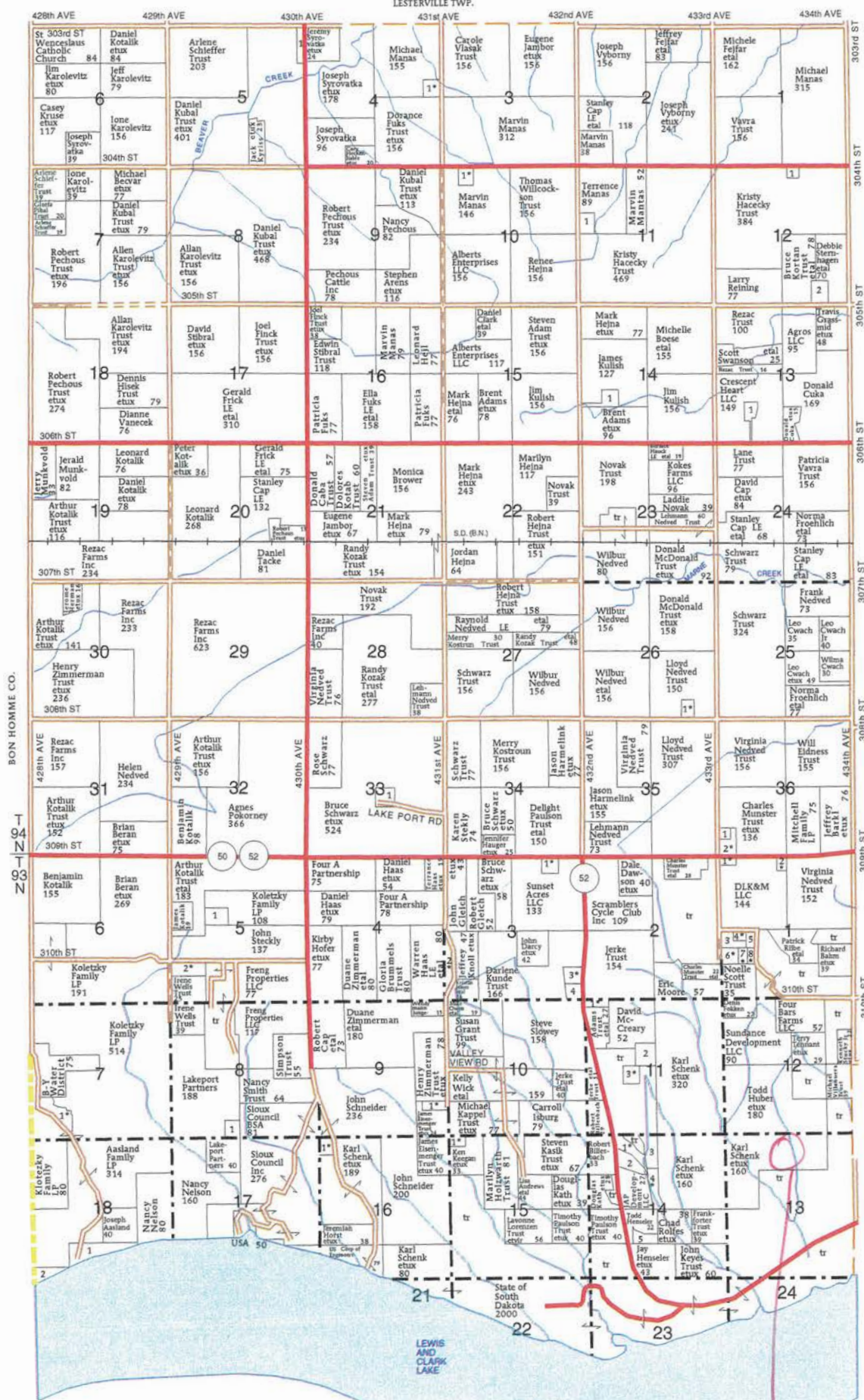
Proposed building size:

Proposed sidewall height:

Affects Section:

NOTE:

Plat of Lots 18-29, Forest Lake Subdivision, in the NW1/4 of the NE1/4 and the NE1/4 of the NW1/4, in the NW1/4 of Section 13, T96N, R56W of the 5th P.M., Yankton County, South Dakota



ZISKOV TOWNSHIP

SECTION 1S

- GATES, GARY ETAL
- BAKKE, KENDRA ETVR
- BARTH, CHAD
- FISCHER, KATRINA ETAL
- GAUSE, JANEL
- TAYLOR, LYNN ETUX
- SCOTT, BIAVE ETUX
- KRAMER, FRANCIS ETAL

SECTION 3S

- AUSDEMORE, ROBERT ETAL
- HAAS TRUST, WARREN ETUX
- MUELLER, JAMES ETUX
- KUNDE, DARLENE

SECTION 4N

- HOFFMAN, RC ETUX

SECTION 5N

- POLISH CATHOLIC CONGREGATION

SECTION 6S

- WILLIS, CAROL
- SEDLACEK, KENNETH ETUX

SECTION 7S

- KOLETZKY, IONE ETAL

SECTION 8S

- KOSTER, JEFF

SECTION 9S

- WOSTREL, ELDON ETUX

SECTION 10N

- MANAS, TERENCE ETUX

SECTION 11N

- CAP, DANIEL

SECTION 11S

- HABERMAN, ADAM ETUX
- KONOPASEK TRUST
- LYONS, SEAN ETAL

SECTION 12N

- HACECKY, KERRY ANN
- HEJNA, MARILYN

SECTION 13N

- MANAS, DYLAN

SECTION 14N

- SUDBECK, CHARLENE

SECTION 14S

- PETERSON, COREY ETAL
- FEIMER FAMILY PROTECTION TRUST
- COLBY, DAVID
- VANDEKOP, DALE ETUX
- K&M HENSELER TRUST

SECTION 15S

- MCGARGILL, JONI ETVR

SECTION 16S

- FLANNERY, ROBBIE ETUX

SECTION 18S

- STATE OF SOUTH DAKOTA GAME FISH & PARKS
- YONKE TRUST, MARK

SECTION 26

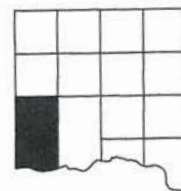
- MARTIN, NATHAN ETUX

SECTION 33

- ST WENCESLAUS ROMAN CATHOLIC CHURCH

SECTION 36

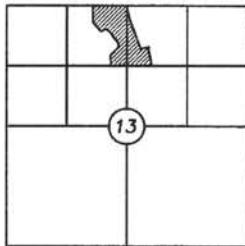
- TACKLE, JOSEPH
- KOLETZKY, DAVID ETUX



LEGEND

- SET 5/8" REBAR WITH L.S. CAP
STAMPED "SD 5349 NE 708 BRANDT"
- FOUND 5/8" REBAR WITH L.S. CAP
STAMPED "SD 5349 NE 708 BRANDT"
- ⊙ FOUND IRON PIPE
- FOUND 1/2" REBAR
- ⊗ FOUND NAIL
- ▲ FOUND PINCHED PIPE IN CONCRETE
- × CALCULATED CORNER

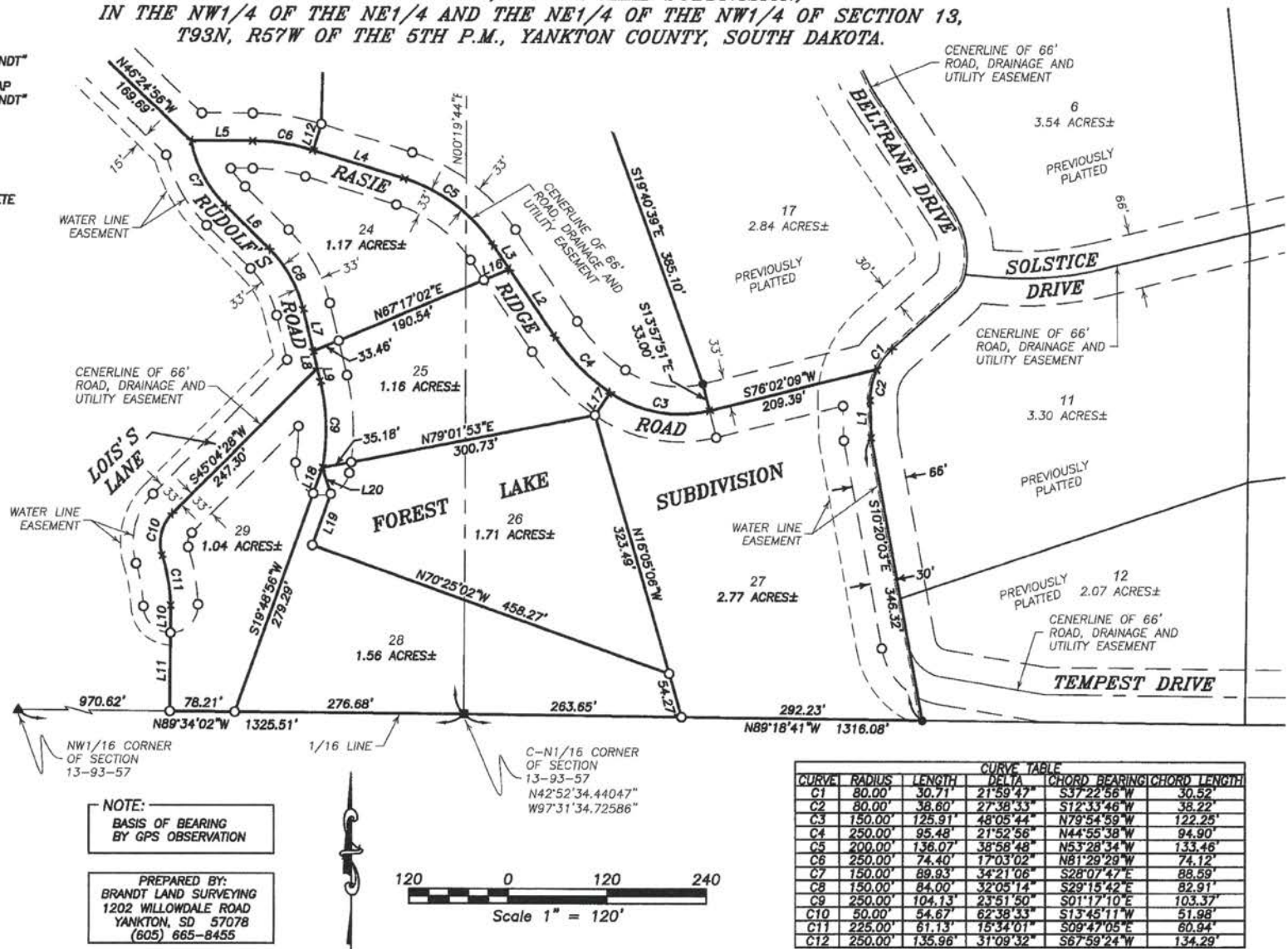
LINE	BEARING	DISTANCE
L1	S01°15'30"E	44.93'
L2	N33°59'10"W	97.44'
L3	N33°59'10"W	35.59'
L4	N72°57'58"W	114.67'
L5	S89°59'00"W	74.30'
L6	S45°18'20"E	73.94'
L7	S13°13'05"E	51.88'
L8	S13°13'05"E	21.20'
L9	S13°13'05"E	16.16'
L10	S00°25'58"W	33.00'
L11	S00°25'58"W	94.10'
L12	N17°02'02"E	33.00'
L13	N51°37'15"E	33.00'
L14	N49°40'01"W	33.00'
L15	S74°11'00"W	33.00'
L16	N67°17'02"E	33.65'
L17	N34°07'53"E	33.00'
L18	S19°48'56"W	33.00'
L19	N19°48'56"E	65.74'
L20	N17°29'23"W	33.00'



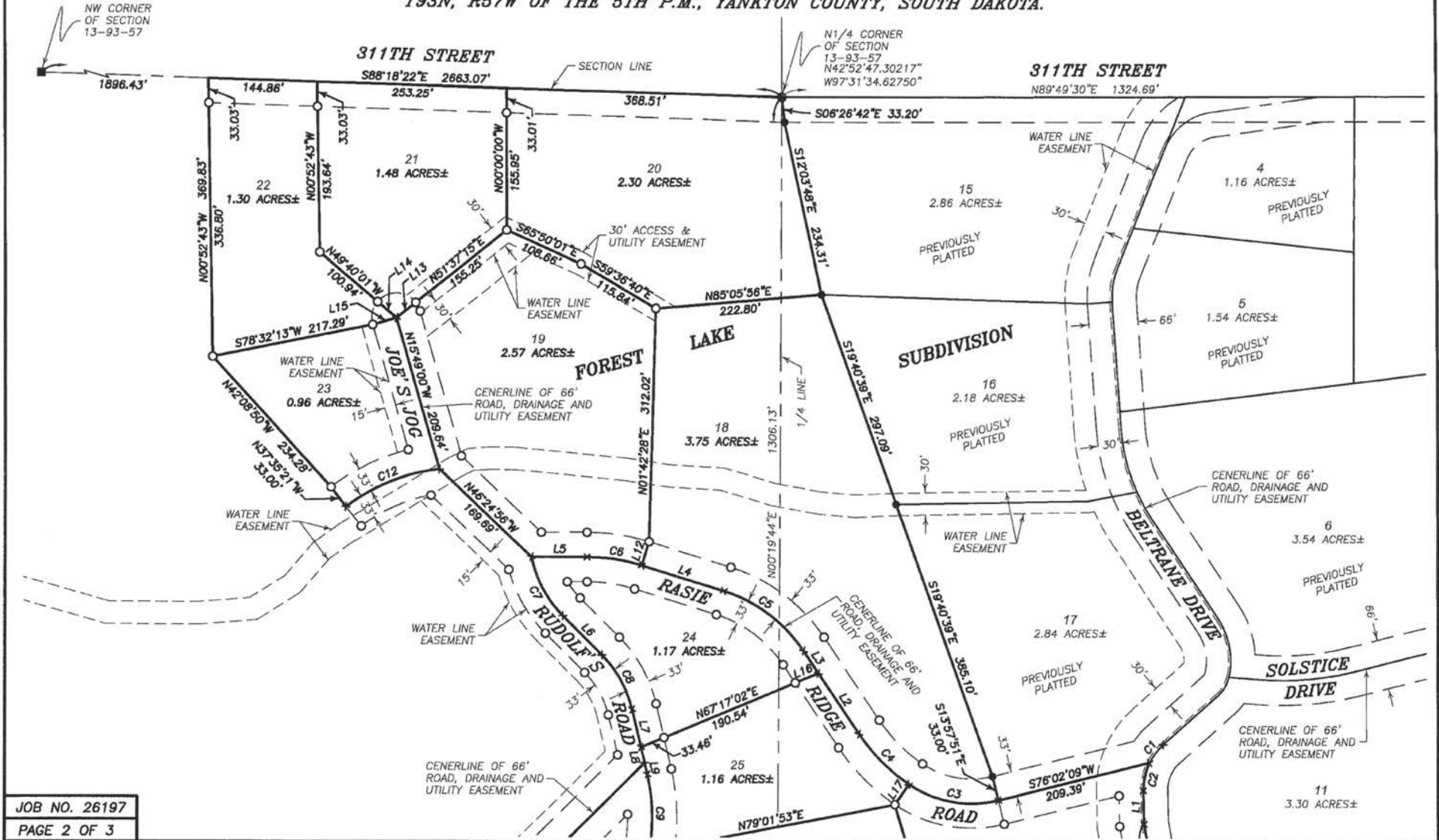
LOCATION (N.T.S.)
SECTION 13-93-57

JOB NO. 26197
PAGE 1 OF 3

PLAT OF LOTS 18-29, FOREST LAKE SUBDIVISION, IN THE NW1/4 OF THE NE1/4 AND THE NE1/4 OF THE NW1/4 OF SECTION 13, T93N, R57W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA.



**PLAT OF LOTS 18-29, FOREST LAKE SUBDIVISION,
IN THE NW1/4 OF THE NE1/4 AND THE NE1/4 OF THE NW1/4 OF SECTION 13,
T93N, R57W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA.**



**PLAT OF LOTS 18-29, FOREST LAKE SUBDIVISION,
IN THE NW1/4 OF THE NE1/4 AND THE NE1/4 OF THE NW1/4 OF SECTION 13,
T93N, R57W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA.**

SURVEYOR'S CERTIFICATE

I, JOHN L. BRANDT, A REGISTERED LAND SURVEYOR UNDER THE LAWS OF SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNER, MADE A SURVEY AND PLAT OF LOTS 18-29, FOREST LAKE SUBDIVISION, IN THE NW1/4 OF THE NE1/4 AND THE NE1/4 OF THE NW1/4 OF SECTION 13, T93N, R57W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA. I HAVE SET IRON REBAR AS SHOWN, AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 24TH DAY OF JULY, 2026.



JOHN L. BRANDT REG. NO. 5349

OWNER'S CERTIFICATE

I, ROBERT W. KLIMISCH, MEMBER OF DUMONT HOLDINGS, LLC, DO HEREBY CERTIFY THAT DUMONT HOLDINGS, LLC, IS THE OWNER OF THE ABOVE DESCRIBED REAL PROPERTY AND THAT THE ABOVE SURVEY AND PLAT WAS MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSE OF MARKING, PLATTING AND TRANSFER. I ALSO CERTIFY THAT THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS. I HEREBY DEDICATE THE 66' ROAD, DRAINAGE AND UTILITY EASEMENTS AND THE WATER LINE EASEMENTS AS SHOWN ON THIS PLAT.

DATED THIS _____ DAY OF _____, 20____.

ROBERT W. KLIMISCH, MEMBER
DUMONT HOLDINGS, LLC

STATE OF _____

COUNTY OF _____

ON THIS _____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED ROBERT W. KLIMISCH, WHO ACKNOWLEDGED HIMSELF TO BE A MEMBER OF DUMONT HOLDINGS, LLC, AND THAT HE AS MEMBER, BEING AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC _____

COUNTY PLANNING COMMISSION RESOLUTION

BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF YANKTON COUNTY, SOUTH DAKOTA, THAT THE ABOVE SURVEY AND PLAT IS APPROVED AND THE SAME BE CERTIFIED TO THE YANKTON COUNTY BOARD OF COUNTY COMMISSIONERS WITH THE RECOMMENDATION THAT SAID SURVEY AND PLAT BE APPROVED.

DATED THIS _____ DAY OF _____, 20____.

CHAIRMAN, PLANNING COMMISSION _____

COUNTY COMMISSIONER'S RESOLUTION

BE IT RESOLVED BY THE COUNTY BOARD OF COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA, THAT THE ABOVE SURVEY AND PLAT BE APPROVED AND THE COUNTY AUDITOR OF YANKTON COUNTY, SOUTH DAKOTA, IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THE RESOLUTION AND CERTIFY THE SAME.

DATED THIS _____ DAY OF _____, 20____.

CHAIRMAN, COUNTY COMMISSIONERS _____

I, THE UNDERSIGNED, COUNTY AUDITOR FOR YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF YANKTON COUNTY,

SOUTH DAKOTA, AT THE REGULAR MEETING ON THE _____ DAY OF _____, 20____.

COUNTY AUDITOR _____

APPROVAL OF HIGHWAY AUTHORITY

STATE OF SOUTH DAKOTA COUNTY OF YANKTON

ACCESS TO 311TH STREET IS APPROVED. THIS ACCESS APPROVAL DOES NOT REPLACE THE NEED FOR ANY PERMITS REQUIRED BY LAW TO ESTABLISH THE PRECISE ACCESS LOCATION, INCLUDING PERMIT REQUIREMENTS SET FORTH IN ADMINISTRATIVE RULE OF SOUTH DAKOTA 70:09:01:02.

HIGHWAY OR STREET AUTHORITY _____

COUNTY TREASURER'S CERTIFICATE

I, THE UNDERSIGNED, COUNTY TREASURER FOR YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF

MY OFFICE ON THE _____ DAY OF _____, 20____, HAVE BEEN PAID IN FULL.

COUNTY TREASURER _____

DIRECTOR OF EQUALIZATION

I, THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION FOR YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT A COPY OF THE ABOVE PLAT HAS BEEN FILED AT MY OFFICE.

DIRECTOR OF EQUALIZATION _____

REGISTER OF DEEDS

FILED FOR RECORD THIS _____ DAY OF _____, 20____,
AT _____ O'CLOCK _____ .M., AND RECORDED IN BOOK _____ OF
PLATS ON PAGE _____.

REGISTER OF DEEDS _____

PLAT PERMIT

Longitude

-97.52665557038783

Latitude

42.87842003200777

Permit Number

PLAT2674

Parcel Number

13.013.400.010

Permit Status

Approved Active

Permit Fee

100

Total Due

100

Was fee paid?

Yes

Receipt Number

2875

Application Accepted By

Bill Conkling

Site Plan Checked By

Gary Vetter

Is location in floodplain?

No

Existing Zoning

MODERATE DENSITY RESIDENTIAL

Size of the Current Parcel

128

Current Legal Description

SW4 NW4 EXC KEITH'S ADDN & NW4 NE4 EXC LTS 1-14 FOREST LAKE S/D & N2 NW4

Applicant Name

Dumont Holdings, LLC

Applicant Phone

6056658455

Applicant Address

44352 308th st, Mission Hill

Applicant Email Address

jackbrandt@vyn.midco.net

Name of the Surveyor / Engineer

John Brandt

Surveyor / Engineer Address

1202 Wilowdale Rd., Yankton

Surveyor / Engineer Phone

6056658455

Surveyor / Engineer Email

jackbrandt@vyn.midco.net

Surveyor / Engineer Contact Person

Jack Brandt

Owner Name

Dumont Holdings, LLC

Owner Phone

6056658455

Owner Address

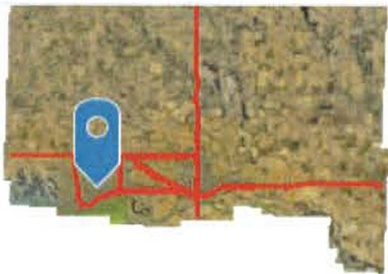
44352 308th st, Mission Hill

Owner Email Address

jackbrandt@vyn.midco.net

Location of Property

Lat: 42.87842 Lon: -97.526656



Powered by Esri

Section Township Range

13-93-57

Tract or Lot Number

Lots 18-29

Number of Acres Being Platted

24

Addition Name

Forest Lake Subdivision

How is the Property Currently Being Used

MD

How Will the Property Be Used

MD

Is this Property an Existing Farmstead

No

If a Farmstead, How Many Acres Surround it

0

Has the Plat Been Approved By the City of Yankton

No

Is Owner Signature Notarized

Yes

Do you have Signatures and Approval from the Road Authority

Yes

Do you have the County Treasuer's Signature

Yes

Insert Plat Here

PDF

PLAT-.pdf
219.3KB

Applicant Signature

A handwritten signature in black ink, appearing to read "R. L. Smith", written within a rectangular box.

ApplicantSignature-.jpg

Owner Signature

A handwritten signature in black ink, appearing to read "J. L. Smith", written within a rectangular box.

OwnerSignature-.jpg

Date of Application Submission

Jul 27, 2026



A Planning Guide Pertaining to Data Centers in Lancaster County, PA

I. Introduction

In recent months, many Lancaster Countians have received an abundance of data center information through various national and local media sources. The impacts of this emerging land use have been widely reported and have prompted some municipal leaders to update their Zoning Ordinances prior to receipt of any data center proposals within their municipal boundaries. Lancaster City leaders are already preparing for the proposed reuse of two former industrial sites as a 'Lancaster AI Hub'. Other municipalities are still seeking guidance on this issue, and this Lancaster County Planning Department (LCPD) guide is prepared in response to that specific need.

This Planning Guide intentionally avoids labeling data centers as either 'good' or 'bad'. Instead, it recognizes the growing need for such facilities, along with recent technological advancements since early data centers were initially constructed in other regions. Along with its mapping component, this guide provides general guidance for municipal leaders as they consider if such facilities could be accommodated with minimal impact to available resources and community character. Our research has been centered on Hyper-scale Data Centers, which are typically larger facilities that house 'cloud' and Artificial Intelligence (AI) data.

We begin by examining potential data center impacts, aligning our analysis with the impact-based zoning principles of LCPD's new Simplified Zoning tool. Next, we offer some suggested standards for effectively managing data center development and redevelopment via Best Practices for Data Center Ordinances.

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II. Frequently Asked Questions Regarding Data Centers and Their Impacts

What are data centers?

As those who have been following recent reporting already know, data centers are essentially physical internet hubs consisting of networked computer systems used for data storage, processing, and distribution. They include equipment such as batteries, backup power generators, and cooling devices. Each facility houses rows of servers, routers and switches, where data flows continuously through fiber optic cables.¹ This critical infrastructure plays a vital role in storing healthcare information, facilitating EMS coordination, safeguarding privacy against cyber threats, and assisting with daily banking operations. The growing digitalization of our lives virtually ensures that data centers will be part of our evolving local landscape.

Often considered as tangible representations of the ‘cloud’, Hyperscale Data Centers support large-scale IT infrastructure typically owned by a single company. They often feature tens of thousands of servers, 20 MW of power, and 100,000 sq. ft. of space.² In recent years, data center building footprints have expanded significantly due to advancements in AI. Smaller data centers typically house Central Processing Units (CPUs) which are good for general computing tasks. In contrast, Graphics Processing Units (GPUs) are specialized for parallel processing of large data sets, making them essential for AI, machine learning, and rendering. GPUs require significantly more space, power, and cooling infrastructure to support their high-performance needs.³

Why are data center developers coming to Pennsylvania?

Earlier this year, Governor Josh Shapiro introduced his ‘Lightening Plan’ to address the Commonwealth’s energy and infrastructure needs. It proposed the Pennsylvania Reliable Energy Siting and Electric Transition (RESET) Board to streamline permitting for new energy projects while providing tax incentives for those contributing elec-



Two examples of data centers located in Ashburn, Loudoun County, Virginia.

tricity to the grid. This plan tries to solidify Pennsylvania as a national energy leader.⁴ Pennsylvanians were also introduced to PA State Senate Bill 939, titled ‘An Act Providing for High Impact Data Centers’. This bill seeks to draw significant investments in data centers by streamlining regulations and offering tax incentives.⁵

In addition to its legislative framework, Pennsylvania excels in energy generation. The state ranks second in total energy production, which encompasses its status as the second-largest producer of natural gas and the third-largest producer of coal.⁶ From a geographical standpoint, 25% of the United States’ population can be reached within a 5-hour drive of the Commonwealth. Pennsylvania is also fortunate to experience very few natural disasters, a key factor when seeking a place for uninterrupted data center operations.⁷



An electrical substation in Ashburn Virginia.

How significant are data center effects on energy consumption and rates for other users?

While potential advancements in technology could eventually reduce their energy requirements, data centers currently consume significant energy due to requirements for generative AI's extensive calculations and constant climate control to prevent overheating. Power demand, much like water demand, peaks during the summer months.

In 2023, data centers accounted for approximately 4.4 % of all U.S. electric consumption, compared to 15% consumption for *all* residential uses combined. By 2028, data center consumption is projected to rise to 6.7 – 12%.⁸

As of September 2025, PPL – the electricity supplier for all of Lancaster County – reported 14.4 gigawatts of projected data center load for projects in advanced planning stages. Proposed projects will quickly add to the current peak of 7.5 gigawatts – a figure that took more than a century to reach. Over the last decade, PPL invested \$13 billion in the electrical grid, and it plans to invest another \$7 billion by 2028. This expansion will require more power lines and, in some locations, additional substations.⁹

In Pennsylvania's restructured market, electric bills have two parts: **unregulated** generation costs and **regulated** distribution costs. Price increases in the PJM marketplace – the regional power grid that serves the Commonwealth and 12 other states – are a result of supply and demand dynamics, with rising demand and falling supply causing current rate spikes.

In June 2024, PJM held a capacity auction that led to prices soaring by 833% compared to the previous year. Because a capacity charge is included in electric bills, this rise in capacity costs has translated to an increase of 10 – 20% in most recent billings.¹⁰ Monitoring Analytics, an independent oversight organization for the mid-Atlantic grid, published research revealing that 70% of the increase in electricity costs from last year was fueled by the energy demands of data centers.¹¹ To minimize such impacts, some data center developers, including those in Lancaster City, have offered to reinforce PPL's grid.

The PA House Energy Committee held an October 22, 2025, hearing on House Bill 1834 (Matzie-D-Beaver) to provide for the regulation of AI data centers by the Public Utility Commission. This legislation sought to protect ratepayers from the costs imposed by data centers, set a 25% renewable energy requirement, and provided for contributions to the Low-Income Energy Assistance program.¹²

The Pennsylvania Senate will soon propose legislation to protect residents and small businesses from energy costs linked to large data centers. Inspired by Oregon's POWER Act (HB3546), it will require high-load data centers (with a peak demand of 20 MW or more) to cover all infrastructure costs. The law will prevent cost-shifting, safeguarding residential customers from rate hikes.

Pennsylvania's proposal will also mandate Cost-Responsibility Contracts for data centers, including co-located power plants, requiring at least 10-year service agreements. It will empower the PA Public Utility Commission to set cost allocation rules, oversee compliance, and protect non-industrial customers from increased rates. Additionally, annual reporting of electricity will be required for transparency and grid planning.

How significant are data center impacts on water resources?

Data centers use water both directly and indirectly. Direct use refers to water consumed on-site, primarily for cooling data center equipment. Indirect use involves water consumed off-site during the generation of electricity needed to power these data centers. The amount of water used depends on various factors including cooling system types, building sizes, and external air temperatures. Some data centers are connected to public water supplies, while others utilize on-lot wells, and/or reclaimed wastewater. Some data center developers recognize the need for sustainable water consumption, and some are incorporating the use of captured stormwater. Rainwater from data center roofs and parking lots can be filtered, stored, and reused for data center operations.

Water consumption also varies seasonally, with significantly increased cooling demand and water usage during summer months. Some data center cooling systems consume 3 million gallons of water in July, but their usage shrinks to only 800 gallons during winter months. This seasonal variation necessitates the construction of larger facilities equipped to meet peak summer demands.¹³

Scientists at the University of California, Riverside, estimate that each 100-word AI prompt uses approximately one bottle of water.¹⁴ Cumulatively, billions of AI users around the world submit prompts to systems like ChatGPT every minute. With increased AI use, there is increased demand placed on water resources.

If a data center developer proposes use of public water, stormwater, wastewater, and/or any other reused water source, local government approval is required. In addition to municipal approval, the Susquehanna River Basin Commission (SRBC) and the Delaware River Basin Commission (DRBC) serve as the regulatory bodies for any development project requiring more than 100,000 gallons per day of ground water or surface water withdrawals over a 30-day average, or over 20,000 gallons per day for consumptive use through public water systems or treated wastewater facilities over a 30-day average. SRBC looks at a project through a water availability lens, considering natural landscape limitations and recognizing that not all areas of the Susquehanna River Basin are created equally. Ground-

water withdrawals are the most complex, requiring the establishment of test wells, aquifer testing, and approval of community plans. Findings are then compiled into aquifer test reports, and this entire process generally takes one to two years to complete. Similarly, surface water withdrawals require evaluations of stream-flow data and can take between six to nine months for process completion. In contrast, reviews of consumptive use through public water systems, treated wastewater facilities, and/or collected stormwater take approximately three months due to the availability of prior environmental impact assessments. SRBC strongly encourages pre-application meetings early in the development process.

SRBC offers permitting incentives for the use of innovative technologies such as dry and hybrid cooling systems which consume less water than traditional cooling systems. The effectiveness of these alternatives has been proven in several power plants throughout the Susquehanna River Basin. Incentives include the potential to avoid SRBC permitting along with fee reductions for data centers that operate within a lower water usage bracket or utilize lesser quality water for cooling purposes.¹⁵

As with other types of proposed development, municipal leaders should safeguard water overconsumption by assessing potential impacts on aquifers and surface

Cooling towers pump large amounts of water through data centers.



water, especially where water is to be drawn from wells. They should avoid permitting data centers in regions where water resources are limited (see provided map), and they should require data center applicants to demonstrate responsible water usage that does not adversely affect the environment.

Municipal leaders should also encourage cooling alternatives that utilize less water such as closed-loop systems that direct chilled air specifically to targeted areas (e.g. server racks) rather than the entire data center. Lancaster City's data center developers plan to install a closed-loop cooling system to minimize municipal water consumption.

Emerging cooling technologies like liquid immersion and direct-to-chip cooling can further reduce water consumption. These methods utilize dielectric fluids for direct component cooling, but they require specialized equipment. With immersion cooling, IT equipment is submerged in a non-conductive liquid other than water. This liquid effectively absorbs heat from the hardware and components, which is then cooled by a heat exchanger. Direct-to-chip cooling circulates liquid around a CPU or GPU, before passing it through a heat exchanger for cooling prior to recirculation.¹⁶

What noise impacts result from data center operations?

Noises from data center cooling systems and backup generators are often characterized as buzzing, whining, or low-pitched roaring. They can be especially prominent at night when ambient noise levels tend to be lower. Low frequency sound waves travel longer distances without much absorption, often affecting residents in quiet suburban and rural areas who experience a continuous hum that disrupts their quality of life. Traditional noise ordinances, based on dBA measurements, fail to address low frequency noise, which can cause stress and sleep disruption. Municipalities often remain unaware of these issues until complaints arise, at which point existing regulations do not provide effective solutions.¹⁷

Sometimes referenced in standard ordinances, the dBA scale represents a more curved response, designed to mimic how we **hear** sounds. In contrast the dBC scale offers a flatter perspective of noise, reflecting how we **feel**



Data centers are filled with servers that emit a consistent and loud white noise.

sounds. By using both sound measurements together, one can better understand both the heard and unheard effects of sound.

Noise pollution also has a significant impact on animals. Just as boat engines and sonar technology are known to disturb marine life, noise pollution on land can interfere with animal communication, causing wildlife to seek new migration routes.¹⁸ Exposure to unfamiliar noises and prolonged sounds can negatively affect reproductive systems. Research indicates that stressed cows, for example, eat less, produce lower milk yields, and face health issues, impacting herd well-being. Stress triggers hormonal responses, like cortisol and adrenaline, which divert energy from milk production to survival. Noise levels above 70 dB on farms are problematic and negatively affect cow welfare, increasing somatic cell counts in milk. They should ideally stay below 65 – 70 dB, and any excess sound should be limited to very brief periods.¹⁹

Ordinances should require full spectrum sound studies that address low-frequency transmission. Testing should be conducted both before and after data center development to ensure compliance at all applicable property boundaries. For proposed data centers with a projected



Plumes of diesel smoke arise from a Loudoun fossil-fuel backup generator.

noise increase, municipalities should mandate sound-proofing, vegetative buffers, and/or on-site acoustic sensors to monitor noise impacts. Testing hours for backup generators should be limited to brief daytime periods.²⁰

In a region plagued with poor air quality, will data centers exacerbate this problem?

Data centers can have an undesirable air quality impact, primarily due to pollutants emitted by power plants and backup generators necessary for their operations. Potential air pollutants emitted from generator usage include nitrogen oxides, particulate matter, carbon monoxide, volatile organic compounds and sulfur dioxide.²¹ Backup-power generators operate intermittently, with testing regulations varying by state. Data centers usually have two backup power sources tested monthly for 5 – 30 minutes. Annually, tests typically run for fewer than 100 hours in total.²²

Just like noise pollution, air pollution has detrimental effects on humans and other animals. They may suffer allergic reactions, respiratory issues, and have increased susceptibility to infections. Prolonged exposure can elevate the risk of cardiovascular and respiratory disease. To minimize these effects, emissions from diesel-powered backup generator operations should comply with all applicable environmental regulations. At the proposed Lancaster City data centers, SCR ‘scrubbers’ are likely to reduce 99.8% of Nox emissions.

Is traffic generation from data center development a legitimate concern?

Per square foot, data centers require fewer on-site employees than offices, commercial uses, and industrial uses - resulting in lower traffic volumes during peak hours. The main traffic increase occurs during data center construction periods, after which vehicular traffic decreases to minimal levels with only a small number of staff commuting daily.

Does data center development create many jobs?

Folks involved with data center planning and construction temporarily benefit from data center development, and their numbers can range from hundreds to thousands depending on facility size and complexity. In contrast, the typical number of more permanent positions is considerably lower. Many of these more permanent roles require skilled workers with IT or computer science degrees.

Job projections vary widely among some currently proposed facilities in our region. For example, a 1 million sq. ft. data center coming to East Whiteland Township, Chester County, is expected to create approximately 30 permanent jobs. In contrast, a smaller 565,000 sq. ft. project in Springdale Township, Allegheny County, is expected to generate up to 70 permanent jobs.²³ In Lancaster City, two proposed data centers could create 1,000 construction jobs, with 90% of these positions filled by local labor including small and disadvantaged businesses. Following construction of these facilities, 150 more permanent jobs are anticipated.

The data center industry often seeks to employ military veterans because they bring transferable skills such as project and crisis management, along with a strong work ethic, to the typically fast-paced data center environment. Salute Mission Critical was founded to train veterans for meaningful careers, while helping data centers find needed talent. Since 2013, they have trained thousands of veterans for careers in the data center industry.²⁴

Data center operators also collaborate with local educational institutions to cultivate future workforce talent. For example, Microsoft’s Data Center Academy in Phoenix supports students at Maricopa Community Colleges, while Virginia has similar initiatives with nearby universities. Locally, Lancaster City’s data center developers are exploring partnerships with nearby colleges and universities.

What are some other economic impacts of data centers?

Data centers generate both state and local tax revenue. State tax revenue comes from sales tax on construction materials, franchise fees on power consumption, and personal income taxes from both construction employment and permanent jobs. Some municipalities with data centers have utilized local tax revenue for Net Zero initiatives to reduce carbon emissions, along with programs related to healthcare, public education, and other essential public services. Such revenue has been utilized to improve public safety and to finance critical infrastructure projects.²⁵ Municipalities also benefit from tax revenue generated by real estate taxes on newly built or renovated properties, as well as personal property taxes on items such as computer servers.



Another data center in Ashburn, Virginia.

III. Suggested Best Practices for Data Center Ordinances

Include Specific Siting Requirements for Land Use Compatibility

When choosing potential data center locations, developers typically evaluate several factors including land availability, existing land use restrictions, a reliable/cost-effective power grid, a robust fiber optic cable network, adequate water resources for cooling, and minimal natural disaster risk. Municipalities should determine if any such locations exist within their borders for data center development or redevelopment.

Data centers require proximity to electrical substations and major transmission lines due to their energy demands. If adequate infrastructure isn't available, developers and/or utility companies must construct it. Evaluation of existing utility infrastructure and proposed data center impacts should be part of the planning and entitlement process for these proposed facilities.²⁶

At the core of data center connectivity are fiber optic cables, which are thin strands of plastic that transmit data using light signals or wavelengths, offering unparalleled speed and efficiency. Data centers transmit information across a fiber optic network. The site of a data center

should have access to fiber or have the space to run new fiber lines. Shortening the fiber-optic path improves service quality.²⁷

Data centers' demand for water can also significantly influence site selection. Areas where water is scarce or constrained should be avoided. Whenever feasible, data centers should be situated near existing water facilities, such as wastewater treatment plants.

In the recent past, most American data centers were built in rural areas to reduce development costs, but a growing demand for high-speed applications is driving both development and redevelopment closer to urban centers. Today, ideal data center sites are often located in industrial zones or technology parks that can accommodate significant utility demands while remaining separated from residential neighborhoods. Such places often include large, former industrial structures that can be adaptively reused to meet current digital demands.

Due to their continuous operation and the potential impacts noted in this guide's Section II, data centers are best suited for Industrial Zones or designated Overlay Districts. Such areas should be adequately separated from residential

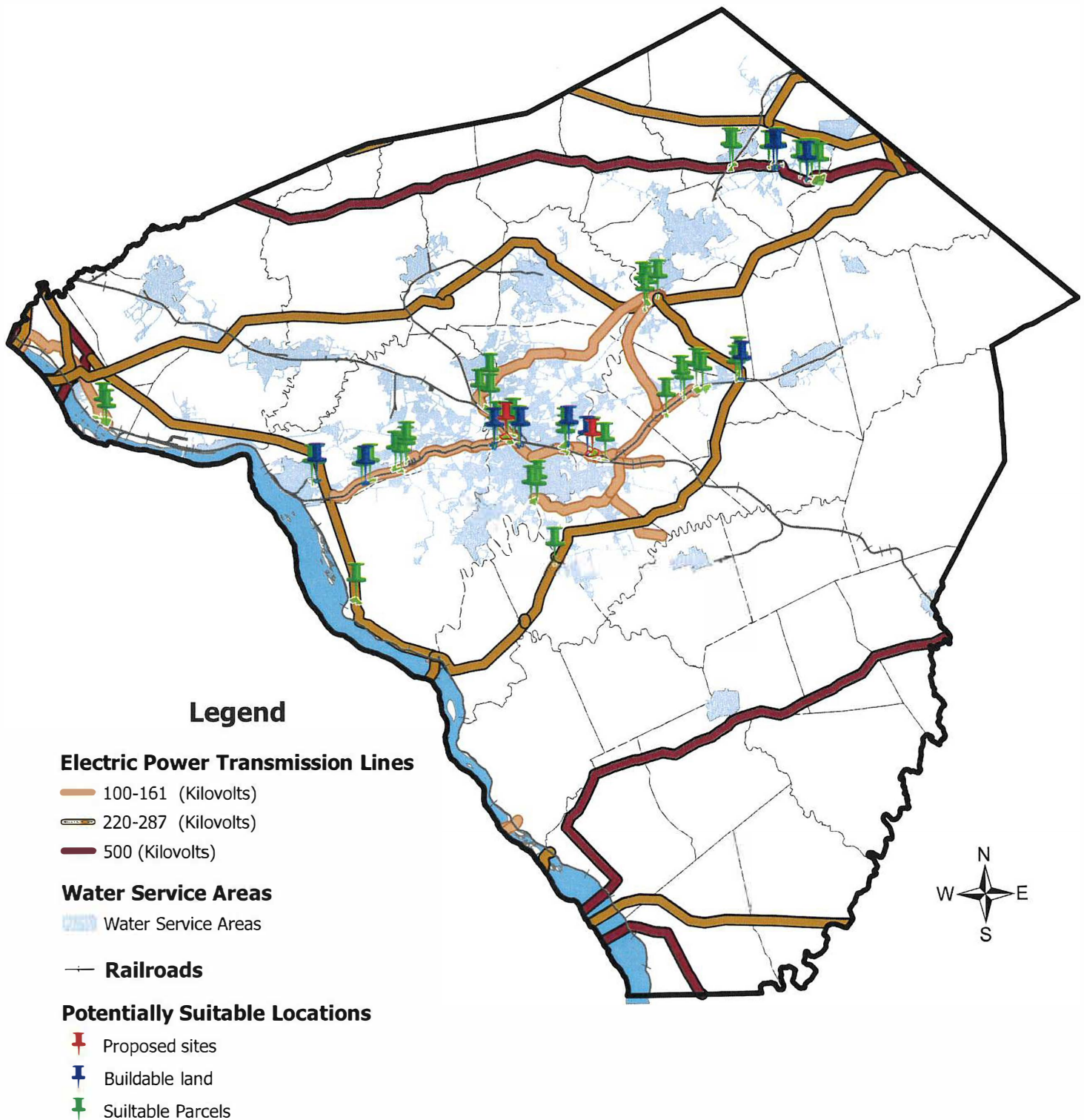


TABLE 3.1 – POTENTIALLY SUITABLE PARCELS FOR DATA CENTER IN LANCASTER COUNTY, PENNSYLVANIA*

(Industrially Zoned 10+ Acres Parcels within 300 ft. of 100+ kV Power Lines)

Municipality	All Suitable Parcels*	Parcels with Proposed Sites	Parcels with Buildable Land**	All Suitable Parcel Acres
Columbia Borough	1		1	52
Conoy Township	2			134
East Cocalico Township	11		3	359
East Lampeter Township	2	1	1	32
Lancaster City	11	5	4	364
Lancaster Township	2			83
Manheim Township	8		1	287
Manor Township	1			77
Mountville Borough	1			14
Pequea Township	1			13
Upper Leacock Township	7		1	279
West Earl Township	6			118
West Hempfield Township	7		1	161
Total Parcels	60	6	12	1,972

Source: Lancaster County Planning Department, PA

* All Suitable Parcels identified in Oct. 2025

** Buildable Land identified in 2022-2023

From a regulatory perspective, municipalities are not required to classify every type of data center. Instead, they can define data centers as either a principal use or an accessory use.²⁹ Use of clear definitions, such as the two which follow, could help to ensure regulatory consistency:

Data Center - A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances and other associated components related to digital data operations.

Data Center Accessory Use - Systems, equipment, facilities, and/or components used in the air cooling, water or liquid cooling, power supply systems, telecommunication, cloud communication, and mechanical or environmental controls when used in the support or enabling of a data center.

Promote Adaptive Reuse

Repurposing older, underutilized buildings can produce significant environmental, social, and economic benefits. These advantages include reducing embodied carbon, encouraging sustainable and innovative practices, and preserving the cultural and historical significance of older structures. Existing urban buildings are particularly appealing for technology and communications infrastructure due to their strategic locations and inherent connectivity potential. Because access to sufficient electrical power remains a key challenge, previously developed properties with agreements for substation power capacity are especially attractive to data center developers.³⁰

Generally, existing commercial offices, distribution facilities, and manufacturing sites are the most viable options for adaptive reuse. While repurposing an existing building shell aligns with sustainability goals, it still requires mechanical and electrical upgrades to adequately support IT workload demands. Examples of data center reuse projects include the Wells building in Milwaukee, Pittock Block in Portland, and Lancaster City's R.R. Donnelly Building located at the Route 30 – Greenfield Road interchange.

areas, and they should include specific site requirements and performance standards.

Any data center permitting should align with long-term municipal land use policies. Municipalities wishing to encourage such development or redevelopment could streamline approvals by permitting data centers by right. In contrast, those seeking to limit data center development - especially in environmentally sensitive areas - should require Special Exception or Conditional Use permits.²⁸ This process enables municipalities to evaluate site-specific impacts, require facility design standards, establish environmental performance metrics, and set operational requirements that are generally acceptable to the local community.

Provide a New Land Use Category and Definitions

At present, several Lancaster County municipalities are revising their Zoning Ordinances to classify data centers as a distinct land use. Others have grouped data centers with storage facilities or other commercial and industrial uses. Given their unique impacts such as high water and energy consumption and low traffic generation, LCPD believes that data centers should be set apart from other land use categories.



For California, labor benefits and community services funding are top priorities for Community Benefits Agreements.

Address Decommissioning and Future Facility Use

It's important to recognize that data centers generally have shorter lifespans than other land uses. Once data center equipment reaches its end of life, usually 10 to 20 years following deployment, the facility is often decommissioned. This process involves shutting down and dismantling the data center, removing equipment, destroying data, and cleaning up the site.

Because data centers are typically larger than big box stores and distribution warehouses, and because they include more specialized HVAC and electrical capacities, vacant data centers can be challenging to repurpose. Current regulations for reusing vacant big box stores may provide insight into how best to address any future data center vacancies.²⁹

Require a Community Benefits Agreement

A Community Benefits Agreement (CBA) is a legally binding contract between community organizations and/or municipalities and developers, outlining deliverables in exchange for project location. They originated in California during the 2001 development of the Staples Center, and they have been used throughout the country since that time. An effective CBA can maximize community benefits from data center projects while minimizing potential harm. Examples of developer obligations may include establishing apprenticeship programs for local workers, contributing to relief funds for rising utility costs, funding improved internet access for residents and schools, and funding public infrastructure.³⁰

Ensure Community Transparency and Goal Alignment

As with any planned development or redevelopment efforts that significantly impact community character, it's important to involve the community during initial planning stages to foster trust, address concerns, and set goals for mutually beneficial outcomes. Data center developers should clearly articulate their anticipated water usage, energy sources, and emissions to help communities grasp how such components will be managed. Public meetings and events are encouraged where developers and local leaders can share information and respond to inquiries.

Hyperscale Data Center development in Pennsylvania is in its infancy, and regulations can be adjusted based on assessed impacts. Municipal and Regional Comprehensive Plans should align data center regulations with community goals for economic and environmental stability, public health and safety, and modernized zoning regulations.

Provide Specific Ordinance Requirements

Design standards should be established to ensure alignment with community values, infrastructure capabilities, and environmental standards. Recommended data center requirements include the following:

Air Quality - Any emissions of exhaust, gases, and/or noxious odors should adhere to applicable State and Federal Emissions standards. Municipalities should encourage the use of Tier 4 backup generators to significantly reduce harmful particulate matter.

Buffering - A 100 ft. buffer yard should be required between a data center and any district that permits residential or agricultural uses. No buildings or parking lots should be constructed in the buffer area. Heightened buffering standards may require the buffer yard to include plantings and/or an earthen berm with a minimum height of 6 ft. and a slope not greater than 2:1. The proposed data center type and existing regulations for similar uses should guide municipalities in determining suitable buffering requirements.

Decommissioning Plan - Data center developers should outline procedures for safe removal of server infrastructure, hazardous materials, batteries, and all electronic waste if a data center ceases to operate. Municipalities should require a Decommissioning Agreement between the municipality and the party responsible for decommissioning. It should include a timeline for returning the site to a neutral state and assurance that financial resources are available to complete decommissioning efforts.

Emergency Response Plan - Data center developers should submit an Emergency Response Plan (ERP) prepared by a qualified professional. To be reviewed and accepted by the local fire department and emergency management services as part of the entitlement process, this plan should include detailed procedures for fire suppression, containment, ventilation, and evacuation along with an evaluation of access roads and hydrant locations to ensure suitable access for emergency equipment. Ensure that first responders receive adequate training specific to installed systems and include provisions for annual inspections demonstrating compliance with fire safety standards. Any data center proposing battery storage or devices capable of storing energy, whether this energy is stored for use on-site or off-site, should demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards, and must include fire suppression systems designed specifically for battery storage.³¹

Energy Use - The use of renewable energy for at least a portion of data center operations should be encouraged. For any data center connected to the electric grid, the Applicant should provide documentation that PPL will provide electrical service, and that the necessary electrical capacity is available. Any known impacts on electric rates or availability for other uses directly attributable to the data center project should also be noted. Backup generators may not be used except during utility outages, testing periods, or emergency conditions.

Environmental Impact Assessment - Applicants should be required to submit a Pre-Construction and Post-Construction Environmental Impact Assessment prepared by a professional environmental engineer.

Height - In Overlay Zones, height requirements should match the underlying zoning district's regulations. Otherwise, 50 ft. should be considered as a maximum data center building height, and this height should be calculated from the lowest adjacent grade to the top edge of the roof, excluding any mechanical or accessory equipment, facades projections, or parapets. No mechanical or accessory equipment mounted on the roof should exceed 10 ft. in height from the top edge of the roof.

Impervious Lot Coverage - Limit such coverage to 55-70% of the total site area. The higher range might be reserved for Applicants proposing use of renewable energy sources and/or sustainable water practices such as collecting rainwater for cooling purposes.

Lighting - A Photometric Plan should be provided to confirm that all exterior data center lighting is designed to produce no more than 0.25 foot-candles at any lot boundary. Exterior lighting should not be mounted higher than 35 ft., and it should be fully shielded to prevent light spillage to adjoining properties while providing adequate safety and security within property boundaries.

**TABLE 3.2 – MAXIMUM NOISE LEVELS FOR DATA CENTERS
AT THEIR PROPERTY BOUNDARIES ⁷**

<i>Affected Zoning District</i>	<i>Daytime Maximum dBA</i>	<i>Nighttime Maximum dBA</i>	<i>Daytime Maximum dBC</i>	<i>Nighttime Maximum dBC</i>
Agriculture	60	55	70	65
Residential	60	55	70	65
Commercial	65	60	75	70
Industrial	70	65	80	75

Noise - A professional acoustical engineer should conduct a preliminary Noise Study of pre-existing conditions at the time of an initial data center plan submittal. It should include both existing and anticipated noise levels while using full spectrum modeling to address low frequency sounds. Following data center construction, an As-built Noise Study should be provided by the acoustical engineer. It should include sound levels measured at all property lines during center operation, at least 1 month but no more than 12 months following Certificate of Occupancy receipt. This study should also use full spectrum modeling to address low frequency noise. Consider this guide to **Maximum Noise Levels for Data Centers at their Property Boundaries.**⁷

Screening - To provide visual screening and reduce noise levels, require full enclosure of all ground-mounted and roof-mounted equipment used for cooling, ventilating, or otherwise operating the facility, including power generation or other power supply equipment, that is located within 300 feet of a public roadway, residential or agricultural zoning districts, or the lot line of any sensitive receptor. When noise-producing equipment abuts a sensitive receptor, the equipment should be placed so the data center is between the affected lot and equipment location. Where such enclosure is not mechanically feasible, another form of effective screening should be required.³¹

Setbacks - Principal Front, Rear, and Side Yard setbacks are typically 200-500' when data centers

abut residential uses, agricultural uses, or the lot line of any property developed with a sensitive receptor. Noise-producing accessory uses such as backup generators should be set back towards the higher end of this range. Reduced 150-250' setbacks could suffice when data centers and data center accessory uses abut other land uses.

Water - For any project that will have ground and/or surface water consumption of 20,000 gallons per day (gpd) or more, or projects with water withdrawals of 100,000 gpd or more over a 30-day average from any source or combination of sources, data center developers should submit evidence of Susquehanna River Basin Commission or Delaware River Basin review and approval. Additionally, a Raw Water Needs Analysis detailing the required quantities from any private or public source should be provided. For any project that will have only public water consumption, Applicants should provide a 'will serve' letter from the applicable public utility confirming that required water quantities will be supplied. Additionally, a Water Needs Analysis should be submitted, and it should identify total intake volume and source(s), discharge volumes and destinations, cooling system type and efficiency, and compliance with any EPA Consent Decree stormwater goals.

IV. Summary

With increased demand for 'cloud' services, AI computing, and the growing digital economy comes an increased likelihood that data centers will be proposed in several Lancaster County municipalities. Local leaders must be proactive in planning for both new development and redevelopment of previously constructed facilities. As noted above, strategically located data centers can provide benefits such as job creation and increased tax revenue without the adverse traffic impacts typical of other development types. Environmental and energy challenges inherent to data centers can be addressed via thoughtful design, adherence to established environmental standards, responsiveness to infrastructure capabilities, and strict alignment with local community values.

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Lancaster County Planning Department
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www.lancastercountyplanning.org



A PLANNING GUIDE PERTAINING TO DATA CENTERS IN LANCASTER COUNTY, PENNSYLVANIA
Lancaster County, Pennsylvania

NOVEMBER 2025

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 2nd day of December, 2025:

<u>MEMBERS:</u>	<u>VOTE:</u>
Deuntay T. Diggs, Chairman	Yes
Tinesha O. Allen, Vice Chairman	Yes
Meg Bohmke	Yes
Darrell E. English	Yes
Monica L. Gary	Yes
Crystal L. Vanuch	Yes
Dr. R. Pamela Yeung	Yes

On motion of Ms. Vanuch, seconded by Ms. Bohmke, which carried by a vote of 7 to 0, the following was adopted:

AN ORDINANCE TO AMEND AND TO REORDAIN STAFFORD
COUNTY CODE SEC. 28-39, "SPECIAL REGULATIONS"
REGARDING DATA CENTERS

WHEREAS, the Board desires to amend zoning and development regulations for data center uses; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board desires to grandfather projects that have received approval of a land use application or site plan, and permit them to continue the development process as further described below; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require the adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 2nd day of December 2025, that Stafford County Code Sec. 28- 39 "Special regulations" be and it hereby is amended and reordained as follows, with all other portions remaining unchanged:

Sec. 28-39. - Special regulations.

(q) *Special provisions applicable to data centers.*

(1) Setback Standards.

- a. All primary structures shall be set back at least ~~one~~ seven hundred fifty (400750) feet from any property line abutting the Rappahannock River or Potomac River, an existing or approved school that will be owned or operated by Stafford County School Board, or a school as defined in this chapter, or from any property line abutting or across public right-of-way from a residential use or undeveloped ~~non-commercial or non-industrial zoned~~ properties that are zoned for residential use ~~for sites located within the urban services area~~, and at least ~~two~~ one hundred (200100) feet from any property line abutting or across public right-of-way from ~~non-commercial or non-industrial commercial~~ zoned properties ~~for sites located outside the urban services area~~.
- b. No accessory structure, parking area, loading area, drive aisle, outdoor storage area, refuse collection area, or substation facility may be located within three hundred (300) feet of any property line abutting or across public right-of-way from an existing or approved school that will be owned or operated by Stafford County School Board, a school as defined in this chapter, a residential use, or undeveloped properties that are zoned for residential use.
- c. No primary structure, accessory structure, parking area, loading area, drive aisle, outdoor storage area, refuse collection area, or substation facility may be located within three hundred (300) feet of any property line abutting an existing or approved assisted living facility, nursing home, park or child care center.
- d. For the purposes of implementing this subsection q(1), an approved school that will be owned or operated by Stafford County School Board, a school as defined in this chapter, assisted living facility, nursing home, park or child care center shall be considered any approved and valid site plan where such use is proposed in the area directly abutting or directly across public right-of-way from the proposed data center development.

(2) Buffering and Open Space Standards.

- a. A tree preservation plan shall be provided with any site plan submission, which shall detail the measures taken to preserve existing trees in the data center development. Existing trees of 4-inch diameter at breast height or greater within required buffer areas shall be preserved to the extent possible, except where removal is required for development of the data center project.
- b. For sites abutting or across ~~a road~~ public right-of-way from ~~non-industrial or non-commercial~~ a residential use or ~~zoned undeveloped~~

properties that are zoned for residential use, a vegetated buffer shall be required consisting of a landscaped strip at least ~~fifty-two-hundred~~ (50 200) feet wide. Any buffer required pursuant to this subsection may be located within the setback required pursuant to subsection (q)(1) directly above.

c. A minimum of forty percent (40%) open space shall be maintained for sites located outside the Urban Services Area.

(3) Required buffers and/or setbacks may be modified by the board of supervisors as part of the approval of a zoning reclassification application based on considerations specific to the site including, but not limited to, a viewshed analysis and/or noise propagation study that demonstrates that such reduction is reasonable.

~~(4) A minimum of thirty percent (30%) open space shall be maintained for sites located outside the Urban Services Area.~~

(4) Fencing.

~~(5)~~

a. The site shall be enclosed with security fencing at least ~~seven-eight~~ (78) feet in height, include an appropriate anti-climbing device, and shall be secured with gates. Security fencing shall be installed interior to any required buffer.

b. The use of chain link or barbed wire fencing shall be prohibited, except for fences surrounding electrical substations.

(5) Screening.

a. To provide visual screening and reduce noise levels, all mechanical equipment areas, including any areas for the placement of equipment necessary for cooling, ventilating, or otherwise operating the facility, including power generators, electrical substations, or other power supply equipment, must be screened from view from abutting parcels outside of the data center project and from public rights-of-way by a building, visually solid wall or fence, landscaping, or combination thereof. With the exception of electrical substations, such equipment must also be fully enclosed unless enclosure is not recommended, as evidenced by the manufacturer's specifications. The standards in this subsection q(5) shall not apply to solar panels.

b. A viewshed analysis shall be submitted demonstrating compliance with the requirements of this subsection (q)(5) with submission of a zoning reclassification and site plan application.

(6) Lighting. Lighting shall be provided in accordance with section 28-87, except as follows:

- a. Building-mounted exterior lighting shall not exceed thirty (30) feet in height.
- b. The maximum lighting level on the data center site shall be fifteen (15) foot candles.

(7) Primary and Backup Power Supply.

- a. Prior to the approval of a zoning reclassification, the developer shall provide documentation from the electric provider that specifies the load, availability and timing of power supply to serve the development.
- b. Except for generator testing or commissioning activities, generator use shall be limited to backup and emergency use only.
- c. Generator testing shall be limited to Monday to Friday between the hours of 9:00 AM and 5:00 PM. Testing shall not occur on federal or state holidays.

(8) Noise.

~~(6)~~

- a. All mechanical equipment, both on ground and roof-mounted equipment, shall be ~~attenuated through~~ include sound mitigation measures including, but not limited to, enclosures, walls, insulation, noise diffusers, or other sound muffling materials.
- b. Any noise which emanates from operation of the facility shall be limited to a maximum volume in A-weighted decibels of 55 dB(A), as measured 1.5 meters above ground at the boundary of the data center project. The limitation shall be 52 dB(A) in instances where a prominent discrete tone is present. A discrete prominent tone is present when a one-third-octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third-octave bands by:
 - 5 dB in high frequency bands (frequencies of 500 Hz and above);
 - 8 dB in middle-frequency bands (frequencies between 160 and 400 Hz);
 - 15 dB in low-frequency bands (frequencies less than or equal to 125 Hz); or
 - As these measurements are identified and updated by the latest version of ISO 1996-2:2017, "Acoustics—Description, measurement and assessment of environmental noise—Part 2: Determination of sound pressure levels," Annex K.
- c. This subsection (q)(8) shall not apply to construction activities or operations during emergencies, which shall mean any situation arising from sudden and reasonably unforeseen events beyond the control of the facility operator which requires the response of emergency vehicles

or temporary use of emergency generators.

(7)

(9) Noise Studies. A series of sound propagation studies shall be submitted for both pre-development and post-development conditions, as outlined herein.

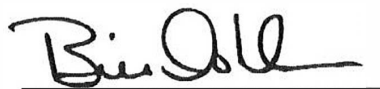
- a. The sound studies shall be specific to the proposed site layout and building type shown on the site plan, and shall include measurements of sound pressure levels and frequencies including dB(A) and dB(C).
- b. The sound study shall be prepared by an ~~environmental noise professional~~ acoustical engineer or equivalent sound expert in accordance with ISO 9613 or later standards and submitted to the County (i) prior to final site plan approval for each phase of the project and (ii) ~~if approval with the submission of a zoning reclassification application,~~ is if required, with the conditional use permit application.
- c. The sound study shall evaluate (i) the noise conditions at the site prior to project development, and (ii) model-predicted noise conditions at the site resulting from the project after project development.
- d. ~~The sound study shall include recommendations for mitigation measures, which mitigation measures may be incorporated into conditions of approval for the conditional use permit by the board of supervisors.~~ An affidavit or certificate signed by a professional engineer certified by the Institute of Noise Control Engineering shall be submitted to the Zoning Administrator stating if mitigation measures are required by the sound study, based on applicable maximum sound levels. The affidavit or certificate shall identify any necessary mitigation measures required to achieve conformance with the standards. Mitigation measures, designed in compliance with the sound study, must be shown on a site plan and generalized development plan. Each said plan shall contain a note stating whether there are noise mitigation measures being implemented with the plan and if so, such measures shall be labeled and the sound study must be referenced. Mitigation measures shall also be identified on the building permit applications, if applicable.
- e. Post-development noise conditions at the site will be evaluated and compared to local code requirements within ninety (90) days after the issuance of the occupancy permit for each phase of the project, and annually thereafter for a period of ten (10) years. Such evaluations shall be conducted by planning and zoning staff, or other appropriate staff or third party consultant, as determined by the county administrator, on a weekday at a time of peak data center cooling operations between the months of June and August. In the event that the report shows that the use emanates sound that exceeds the maximum allowable decibel levels, all legal avenues available to obtain compliance shall be pursued.

- (10) Industrial Cooling Plan. Any data center development shall submit a plan that indicates the type of industrial cooling system to be utilized for the development. Such plan shall be required prior to approval of a zoning reclassification or site plan, whichever occurs first.
- (11) Emergency Action Plan. An emergency action plan shall be developed and submitted to the department of fire, rescue and emergency services for review prior to site plan approval. At a minimum, the plan shall address emergency access, emergency response planning, and any specific emergency response issues associated with the data center.
- (12) Construction Mitigation Plan. Prior to final site plan approval for each phase of development, a construction mitigation plan will be prepared by the developer and submitted for review to the director of development services and director of capital projects. The plan shall address, at minimum, access points, dust control, construction phasing, and construction traffic control measures, including any mitigation measures to be implemented during weekday AM and PM peak travel hours along shared construction vehicle routes to and from the site.

; and

BE IT FURTHER ORDAINED that data center projects receiving reclassification or conditional use permit (CUP) approval from the Board of Supervisors or site plan approval on or before October 21, 2025, are allowed to continue with their existing and future applications and development plans directly attributable to the approved project under the data center zoning ordinance regulations in place when the project was approved, if diligently pursued, and until such time as the applications or plans expire pursuant to deadlines imposed by the Stafford County Code and State law.

A Copy, teste:



William H. Ashton, II
County Administrator

WHA:MJZ:bg

Cumberland County Planning Department

Planning for Data Centers

What are data centers?

Data centers are physical facilities that organizations use to store their computing machines and related hardware. This includes information technology (IT) systems infrastructure like servers, data storage drives, and network equipment¹. Data centers have accompanying accessory uses such as utilities, external mechanical equipment, water towers, and security facilities that may be located on the same site.

Data centers form the backbone of the digital world. They support typical everyday tasks such as internet usage, online shopping, gaming, and streaming services. Businesses need data centers for complex processes such as cloud computing, cybersecurity, ecommerce, communications, data processing, and artificial intelligence (AI) driven uses.

There are several types of data centers that provide different services for customers². Aside from building and lot size, the data center types are similar from the land use perspective as internal equipment, ownership, and operations are outside of typical zoning regulation. However, understanding the types of data centers provides context when a development proposal arises in a community.

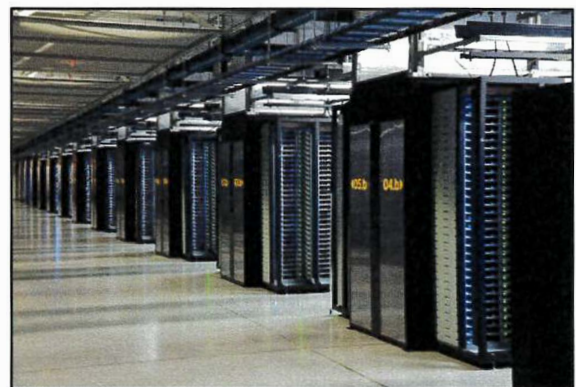
- **Enterprise data centers** are owned and operated by individual businesses and used to solely support that company's data and information technology needs.
- **Managed data centers** are third party service facilities that manage another company's computer hardware, data, and infrastructure.
- **Colocation data centers** enable businesses to rent space for their servers and other computing hardware. Aside from providing physical space, these facilities also offer a range of services including maintenance, backup power systems, and multiple network connections.
- **Cloud data centers** are third party owned facilities where hardware is run and managed by the cloud company. Customers can run websites and applications using the servers hosted in the facility.



Denver Federal Data Center, Lakewood, CO. Source: www.hga.com



Equinix NY4 Data Center, Secaucus, NJ. Source: www.datacenters.com



Data center server racks. Source: www.lifewire.com

¹ Amazon Web Services definition of a data center. <https://aws.amazon.com/what-is/data-center/>

² [5 Different Types Of Data Center \[With Examples\] - RankRed](#);

- **Edge data centers** are smaller facilities located close to the populations they serve to increase data processing speed and decrease data transmission delays. They deliver cloud computing resources and cached content to end users and typically connect to a larger central data center or multiple data centers
- **Hyperscale data centers** are massive facilities that house critical computing and network infrastructure that provides scalability and high-speed processing for large volumes of data. Consuming several hundred acres of land and including several million square feet of building space, these facilities allow big companies like Amazon, Google, and Microsoft to deliver key services to customers worldwide.

Other data centers may be an accessory use to commercial or industrial land uses. **Microdata centers** are smaller version of edge data centers that may include a single room to handle the computing needs in a specific location. **Modular data centers** are mobile pre-engineered and prefabricated buildings, complete with power and cooling infrastructure, used to house computer servers and network equipment. Modular data centers reduce the time and cost associated with deploying a new data center.

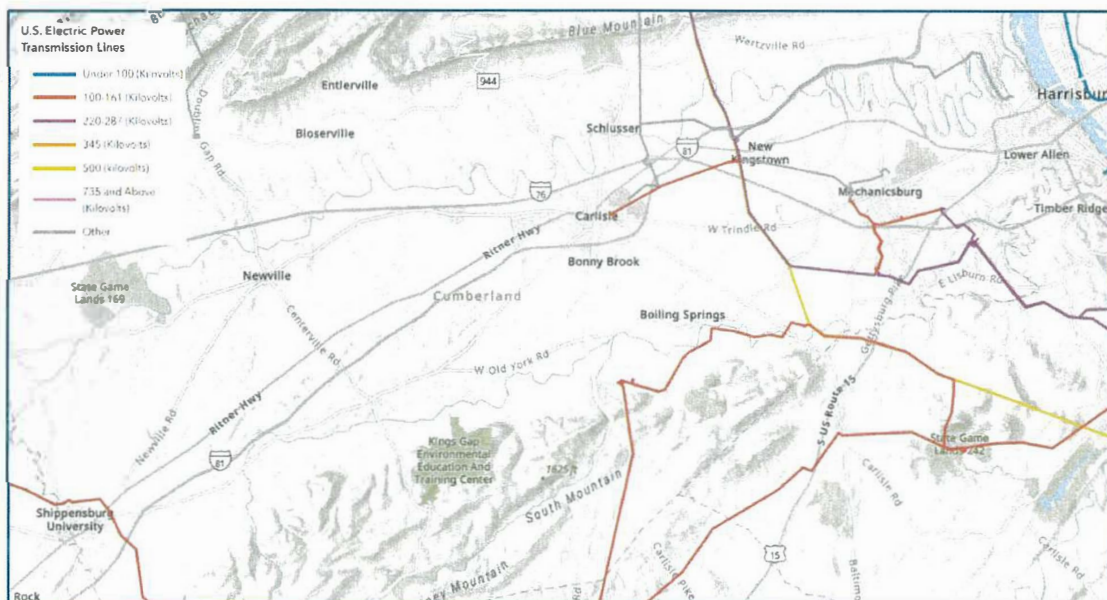


Modular data center. Source: Microsoft.

Why Are Data Centers Locating in Cumberland County?

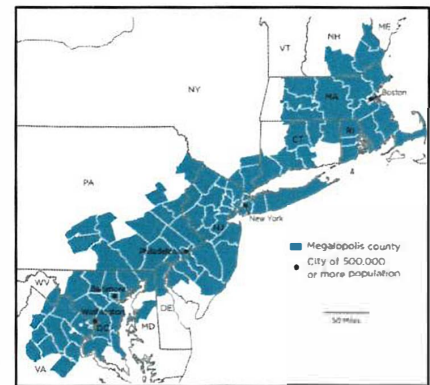
Data centers have critical locational requirements, all of which can be found in Cumberland County:

- **Energy** – Data centers require large amounts of energy to power and cool equipment. The amount of power can range from small-scale data centers needing 1-5 megawatts (MW) of power to hyperscale data centers often exceeding 100 MW and, in some cases, up to 1 gigawatt (GW). Cumberland County is home to electric transmission lines from 100 to over 500 kilovolts that can support data center developments. Locations immediately adjoining or near such energy infrastructure are priority locations for data center development, especially those larger in size. Future enhancements to the electrical grid in the county may create additional locations suitable for data center development.

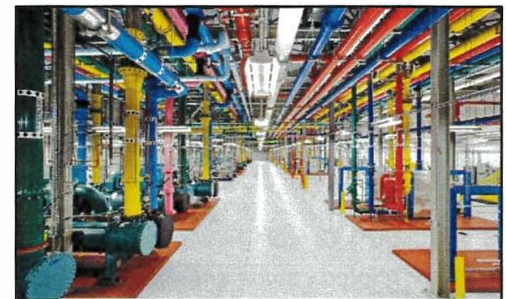


Electric power transmission lines in Cumberland County. Source: ESRI

- **Proximity to customers** – Data centers are typically located near customers to improve data processing and transmission speeds. Cumberland County is in the middle of the of Bos Wash megalopolis, the northeastern United States corridor stretching from Boston to Washington, D.C. With 5 cities of over 500,000 population and growing, the BosWash megalopolis will continue to drive data center demand that could be accommodated in the Cumberland County.
- **Safe location** –Data centers require a safe environment free from natural or manmade disasters that could threaten operations and service delivery. Cumberland County is recognized by the Federal Emergency Management Agency (FEMA) as having relatively low risk to natural and manmade hazards³. The county’s moderate climate, low susceptibility to major storms, and low crime make it an attractive location for data centers.
- **Water resources** – Data centers consume large amounts of water to cool equipment and maintain proper humidity in buildings. Water consumption varies based upon the facility size, surrounding environment, and type of cooling system. Seasonally, data centers use more water in summer when temperatures are higher and cooling needs increase. Water consumption can vary from about 20,000 gallons per day for smaller data centers to over 500,000 gallons per day for a hyperscale center⁴. Cumberland County’s abundant surface and groundwater resources can supply the water needed for all data center types.



Bos Wash Megalopolis.
Source: US Census Bureau



Google data center cooling system.
Source: Google

Community Impacts

Like any new land use, communities must evaluate the positive and negative impacts of data centers, making sure the use complements and does not conflict with the community in which they are located.

Benefits of Data Centers	Challenges of Data Centers
• Substantial property tax revenue • Limited traffic generation • High-salary jobs created • No impact to school district • Provides critical infrastructure	• Water consumption • Electric consumption • May produce noise • Limited job creation per square foot of building space • Loss of agricultural land • Compatibility with surrounding uses

³ [Map | National Risk Index](#)

⁴ [Data Center Water Usage: A Comprehensive Guide - Dgtl Infra](#)

Zoning Considerations

Data centers, while a new use that may not be provided for in many municipal ordinances, look and function like other commercial or light industrial uses already present in the community. Municipalities should evaluate data centers in comparison to other similar uses and develop new zoning regulations, as appropriate, that address the unique characteristics of data centers. In many cases, municipalities may choose to regulate data centers using existing zoning standards that apply to similar industrial or commercial uses. In doing so, the municipality regulates land uses equitably and decreases the complexity of the zoning ordinance by creating new regulations that may not be necessary.

The following zoning considerations have been developed through interviews with developers and research on data center ordinances from other jurisdictions. The considerations are broken into different topical areas with corresponding descriptions and recommended regulations. Municipalities are encouraged to review this information in the local context, determining the types of regulation that are consistent with local policy.

Data Center-Zoning Definition

From a regulatory standpoint, municipalities do not need to define every data center type (see page 1) as a separate use. Rather, municipalities can identify data centers as a specific use that can be considered a principal or accessory use. Modular and micro data centers may be an accessory use to an existing commercial or light industrial use. The other specific types of data centers are typically principal uses but may have other supporting infrastructure that should be considered and regulated as an accessory use.

Data Center: *A use involving a building/premise primarily occupied by computers and/or telecommunications and related equipment, including supporting equipment, where information is processed, transferred and/or stored⁵*

Data Center Accessory Use: *Utilities, utility lines, electrical substations, pump stations, water towers, mechanical equipment and environmental controls (air conditioning or cooling towers, fire suppression, etc.), redundant/backup power supplies, redundant data communications connections, and high security when located on the same tract or assemblage of adjacent parcels developed as a unified development for a Data Center.⁶*

Appropriate Zoning Districts

Energy and water infrastructure are primary site requirements for data centers. When determining which zoning districts to allow a data centers, municipalities should investigate where this infrastructure is located and permit data centers in those areas. Given the specific site requirements of data centers, municipalities may consider a fixed overlay zone that permits data centers in a designated, appropriate area. Municipalities could also employ a floating data center overlay zone that would permit data centers in various locations with necessary infrastructure such as fiber optic lines, water resources, and electric availability. Overlay zones can relieve the municipality of providing data centers throughout entire zoning districts where infrastructure may not exist, or other land use compatibility issues may be present.

The way data centers are permitted, by right, conditional use, or special exception should be related to municipal land use policies. Municipalities wanting to encourage data center development could permit the use by right which streamlines the approval process while not requiring additional review processes. Municipalities desiring for a more detailed review of projects, especially in areas with sensitive environmental features or land use compatibility issues, should permit data centers by special exception or conditional use. When feasible, municipalities should regulate data centers using existing zoning standards for industrial and commercial uses that could also apply to data centers.

⁵ Prince William County Virginia Zoning Ordinance Chapter 32, article I, part 100. Definition of a “Data Center”

⁶ Limerick Township Zoning Ordinance Chapter 184, article II, section 184-10. Definition of “Data Center Accessory Use”

Zoning District ⁷	Use Permitted	Considerations
Industrial, light industrial, manufacturing, etc.	By right	Water Capacity Energy availability Land availability Proximity to residential districts and uses Environmental impacts Technology hub Natural and created hazards
Commercial	By right	
Business or technology	By right	
Mixed use	By conditional use or special exception	
Agricultural ⁸	By conditional use or special exception	
Data center or technology overlay district – in proximity to high voltage transmission lines of 115kv or more	By right <or> By conditional use or special exception	

Bulk and Area Requirements⁹

Minimum lot size. 3 acres or existing minimum lot size for commercial or industrial uses.

Maximum impervious coverage. 60%-80% depending on project type, lot size, and location. Consider using existing standards for industrial or commercial uses.

Height. 80 feet and the height of the building may be increased to 100 feet provided that an additional setback of one foot is provided for every foot of building height over 80 feet. The building height requirement shall include roof mounted equipment such as cooling and ventilation systems, HVAC units or cooling towers¹⁰.

Setbacks. Use existing commercial and industrial zoning districts setbacks. Consider increased setbacks when taller structures adjoin residential uses¹¹.

Building Facades

Data centers may include multiple, large industrial buildings with long, tall walls. The facades of those buildings can be attractively designed to improve compatibility with surrounding properties and overall visual appeal in the community. Municipalities should determine if facades for other uses are regulated and if so, consider applying those existing standards to data centers to encourage consistency. Data center façade regulation should be reasonable and appropriate, ensuring that data centers are not subject to stringent regulation that other similar uses are not required to follow.

⁷ The municipality should tailor the zoning districts to match the districts on the zoning map.

⁸ Data centers can consume large amounts of land and water, two critical elements of the agriculture economy. Data center development should be considered in conjunction with the municipality's agriculture preservation goals when located in agricultural districts.

⁹ The municipality may refer to existing zoning district regulations, or incorporate separate requirements as noted herein.

¹⁰ Multistory data centers are becoming more common. Allowing increased height makes for efficient land use and centralizes the use in appropriate areas.

¹¹ Data centers have limited amounts of truck traffic and heavy vehicles. Extensive loading and heavy vehicle setbacks should be avoided.

Principal building facades¹². Any side of a building that faces a road or a zoning district that permits a residential use must incorporate at least two of the following design elements every 150 horizontal feet. If more than two sides of a building meet the façade requirements, the facades shall be consistent in terms of design and materials.

- Change in building height
- Building step-backs or recesses
- Fenestration (i.e. arrangement, design, and installation of windows and other openings in a building)
- Change in building material, pattern, texture or color
- Use of accent materials

Land Use Compatibility

Data centers may include large expansive buildings but lack high volumes of traffic, noise, and lighting that may conflict with residential uses. Data centers look and function like office/research parks and light industrial complexes. With practical land use compatibility standards, data centers can be located near residential zones and uses with minimal conflicts.

Buffering. A buffer yard of 100 feet is required between the data center and any district that permits residential uses or planned residential properties. No buildings or parking lots shall be constructed in the buffer.

Heightened buffering standards may require the buffer yard to include plantings and/or an earthen berm with a minimum height of six feet and a slope not greater than 2:1. The type of data center and level of regulation of similar uses should guide municipalities in determining the need for heightened regulation.

Screening¹³. Screening must be provided between accessory buildings including mechanical equipment and substations, and adjacent roads and properties. Screening can be accomplished using existing vegetation that will remain on the property, a newly planted vegetative screen, or a fence, screen wall, panel, parapet wall or other opaque screen as approved by the municipality. Screening is not required in those instances where the principal building serves as the visual screen between accessory buildings/equipment and the adjacent roads and properties.

Landscaping¹⁴. Plants should be provided in the required buffer area, as screening, at the main entrance of the building, in parking lots, or along the façade of the proposed data center.

Municipalities should reference existing landscaping standards where appropriate. Heightened standards may require a certain number of trees per square foot of building space. Given the large size of some projects, such standards may be impractical.

Fencing. Fencing may be considered for security purposes but is not needed for land use compatibility if appropriate screening, buffering, and landscaping are also required. Chain-link, slatted insert, and barbed wire or other visually intrusive fence should be discouraged along public streets or when adjacent to residential uses.



*Google data center cooling system.
Source: Ruppert Landscape*

¹² Prince William County Virginia Zoning Ordinance. Chapter 32, article V, part 509.4.A.

¹³ Prince William County Virginia Zoning Ordinance. Chapter 32, article V, part 509.4.B.

¹⁴ The municipality should review the existing ordinance. Are tree plantings already required? CCPD recommends removing duplications.

Noise¹⁵. The applicant should provide a noise study indicating sound generated by a data center will not exceed 57-67 decibels as measured at the property line. This requirement does not apply during a time of power outage.

Lighting. Existing lighting requirements shall apply.

Infrastructure

Electric and water infrastructure are the two primary locational requirements unique to data centers that should receive focused municipal review. The municipality's review coupled with outside agencies and infrastructure provider oversight should ensure that data center benefits are enjoyed without compromising the community's health, safety, and welfare.

Water¹⁶. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.

If the data center is to rely upon nonpublic sources of water, a water feasibility study will be provided. The purpose of the study will be to determine if there is an adequate supply of water for the proposed data center and to estimate the impact of the data center on existing wells in the vicinity. No data center shall be approved without sufficient water and/or for a use that poses adverse impact on existing wells in the vicinity. A water feasibility study shall include the following minimum information:

- Calculations of the projected water needs
- A geologic map of the area with a radius of at least one mile from the site
- The location of all existing and proposed wells within 1,000 feet of the site, with a notation of the capacity of all high-yield wells
- The location of all streams within 1,000 feet of the site and all known point sources of pollution
- Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined
- A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table
- Identification of how water will be recycled or released into surrounding water bodies
- A statement of the qualifications and the signature(s) of the person(s) preparing the study

The applicant shall provide proof of review and approval from the Susquehanna River Basin Commission (SRBC) for projects that have:

- Water withdrawals of 100,000 gallons per day (gpd) or more over a 30-day average from any source or combination of sources within the Susquehanna River Basin.
- Any consumptive water use of 20,000 gpd or more over a 30-day average from any water source

Electric. The applicant should provide an interconnection agreement from the electric service provider indicating that capacity is available, and the data center will be served. Known impacts on electric rates or availability for others uses directly attributable to the data center project should be noted.

¹⁵ Limerick Township Pennsylvania Zoning Ordinance. Chapter 184, article X, section 83.B. A range of maximum noise is provided here. Municipalities should identify a preferred maximum level. Noise requirements should be coordinated with requirements for other similar uses in the zoning ordinance. Data centers are 24-hour operations, thus regulating noise by time of day is not recommended.

¹⁶ Dickinson Township, Cumberland County Zoning Ordinance section 205-112.P and Q



MODEL DATA CENTER SITING ORDINANCE¹

Version 1.4

Introduction and Background

In response to the increasing public concern regarding the pace and scale of development of data centers in Kentucky, and the lack of readily-available tools to help guide revision of local land use planning and zoning ordinances to address the unique issues associated with large data center development and operation, the Kentucky Resources Council (KRC) has developed this Model Data Center Zoning Ordinance to assist localities in adopting provisions to regulate the siting of data centers in their communities.² KRC's Model Data Center Ordinance is based upon a review of best practices from across the United States and is tailored to meet the unique needs of Kentucky, with the twin goals of facilitating appropriate siting and responsible operation of data centers within the built and natural environment, and of protection of the correlative rights of landowners and communities to the use and enjoyment of their lands and the quality of life of their neighborhoods and communities.

Each of Kentucky's 120 counties are unique, and planning and zoning should be tailored to meet and guide current development and future planning aspirations of the county's residents. This model ordinance offers a "menu" of options in certain areas, in order to allow local officials, informed by input from county residents throughout the ordinance development process, to select and adopt the options that best meet the needs and future land use plans and visions of those communities.

Data centers and data center development have recently become a concern across the country, as the development of new "artificial intelligence" tools has multiplied the demand for computer processing power, and correlative energy, water, and other resource needs. At its base, a data center is a warehouse filled with racks of computer servers, often running all hours of the day and night. As the size of data centers have grown, so has the need for ancillary equipment and resources both on- and off-site. On-site, a data center also

¹ This ordinance was developed for consideration and use by communities in the Commonwealth by the Kentucky Resources Council, Inc. As KRC receives feedback from users, and as best practices are modified, the model ordinance will be revised and reissued. Feedback is welcome to hello@kyrc.org.

² For those communities without planning and zoning, KRC is developing a parallel ordinance relying on the home-rule authority of counties recognized under KRS 67.083.

now commonly includes large amounts of cooling equipment, such as cooling towers, fans, and chillers. In addition, they also contain significant on-site backup or "behind-the-meter" power generating equipment, such as diesel generators, gas turbines, and battery energy storage systems.

To place the energy use of a typical data center in context, a currently proposed data center in Louisville, Kentucky is planned at 525 MW. For an 85% capacity factor (proposed monthly average to qualify for a data center tariff), it would consume 3.90 TWh/year. This is only slightly less than LG&E's 2023 total residential sales of 3.92 TWh, and would be more than 25% of the LG&E total (across all classes) winter coincident peak of 2,011 MW in 2022/23, or 20% of their summer peak of 2,639. This means potentially that much backup generation capacity on-site, as well.

Common concerns of communities around data centers include:

- Noise, both from computer cooling systems and backup generation;
- Localized pollution, such as releases of contaminated cooling water to the air as vapor or to local waterways;
- Energy and water consumption, and indirect impacts of that consumption on other utility customers' bills.

The first two issues are primarily the concern of local regulation, including through planning & zoning. The last is primarily the concern of utilities and utility regulators, such as the Kentucky Public Service Commission (PSC) and local governments with municipal utilities not regulated by the PSC.

The KRC Model Ordinance requires a conditional use permit, in addition to limiting the location of data centers to industrial zones, believing that the flexibility accorded through the requirement of a conditional use permit allows the imposition of case-specific conditions as necessary to integrate the proposed use into the existing environment and to fully protect correlative rights of others.³ Some zoning ordinances in other states have allowed Data Centers as uses of right in industrial zones, and a few in commercial zones.

³ KRS 100.203(5) provides that a zoning ordinance may provide for a planning commission, rather than a board of adjustment, to hear an application for a conditional use permit in conjunction with a zoning map amendment. In counties with consolidated local governments, the imposition of binding requirements, provisions, restrictions, and conditions, and promises or agreements by an applicant can be accomplished through binding elements on approval of land development plans or subdivision plans. KRS 100.403(4). For other counties, because there is no explicit authority in KRS Chapter 100 for imposition of binding elements, in order to provide a clear path applicable to all counties, the model utilizes KRS 100.203(5) and the authority to, by conditional use permit, impose "restrictions on location, size, extent, and character of performance" of the use, KRS 100.111(6); KRS 100.237.

Since the siting of data centers and evaluation of the impact of large-scale conversion and dedication of land is a matter that is outside of the routine and typical experience of most planning commissions, this model ordinance recommends creation of a new variant of industrial land use, a requirement for obtaining a Conditional Use Permit (CUP), and inclusion of a requirement that the Conditional Use Permit (CUP) application include a fee sufficient to allow the Planning Commission to secure an independent review of the application.⁴ Such expert review serves two important functions: assuring access to expertise to assist in review of proposals to rezone and requests for conditional permits to support siting and operation of data centers in already-zoned areas, and elevating public confidence in the sufficiency and accuracy of submitted information, analyses, and plans.

The CUP process that KRC has proposed tracks closely with the site assessment review required of merchant electric generating plants under Kentucky's Electric Generation and Transmission Siting Board. This is intentional, since:

- Data centers are often conceived and designed to co-locate with generation sources that are either not grid-tied or which are not utility-owned or operated, and which propose to generate electricity for the data center operations. While such electric generating facilities have a footprint that is virtually indistinguishable from "merchant" power plants regulated under the Electric Generation and Transmission Siting Law, such power sources may fall outside of that law currently because they are not intended to generate electricity for *sale* into the wholesale market.
- Even for those data centers that do not propose a separate or independent primary source of electricity, many propose back-up generators that have potential off-site consequences akin to some merchant electric generating units, justifying a similar review and requirement for mitigation.

KRC supports the recommendation of the AI Task Force that the 2026 General Assembly should consider legislative policies for the location of data centers in Kentucky including minimum requirements for location and collaboration among local, state, and private entities.

KRC believes that any state legislative enactment establishing minimum location requirements should respect the primary role of local governments in land use regulation, and in the exercise of home rule powers to regulate commerce for the protection of public health and welfare. The addition of large-load entities such as data centers, with or without on-site generation, can dramatically impact the existing electricity grid and existing ratepayers, and integration of new large load customers raises significant issues that must be addressed comprehensively in order to protect the technical, functional, and economic integrity of the electric generation and transmission infrastructure in Kentucky. Therefore, KRC recommends that the existing statutes governing Electric Generation and Transmission

⁴ The fee amount could be set based on either a survey of typical costs or competitive request for proposals by consultants to undertake such a review.

Siting be amended to include Data Centers and all related non-utility transmission infrastructure within the purview of the siting board review process. Additionally, Data Centers with any on-site power generation that is grid-tied and capable of selling power into the grid at wholesale, be obligated to obtain a construction certificate from the Kentucky State Board on Electric Generation and Transmission Siting (whether it is currently selling such excess power or not).

What follows is the text, including footnotes, of the Model Data Center Zoning Ordinance.

AN ORDINANCE RELATING TO THE LOCATION, OPERATION, AND DECOMMISSIONING OF DATA CENTERS

Section 1. Intent

- (1) The purpose of this ordinance is to facilitate appropriate location, development, construction, installation, and decommissioning of Data Centers in [city/county] in a predictable manner that promotes and protects the safety, health, and welfare of the community.
- (2) This Ordinance and the standards and requirements established herein are intended to define and regulate Data Centers in order to minimize impact on adjacent and surrounding properties; to ensure compatibility with other adjacent and surrounding land uses; to protect environmental resources, and to assure that the correlative rights of landowners and lessors owning or leasing and hosting Data Centers are balanced with those of neighboring land and communities; and to assure that the location, construction, operation, and decommissioning of Data Centers are undertaken in a manner that integrates the use into the surrounding built and natural environment.
- (3) The appropriate location, construction, and operation of Data Centers considers, avoids to the extent possible, minimizes, and mitigates any unavoidable adverse impacts to residential properties; neighborhoods; commercial areas; community and institutional buildings; land, air, and water resources; prime and productive agricultural lands; forests and woodlands; threatened and endangered species and critical habitat; and historic, natural, and sensitive lands. Standards and planning requirements are established to ensure that the use and enjoyment of lands located adjacent to and in the proximity of the Data Centers are fully safeguarded.
- (4) The requirements of this Ordinance are intended to be supplemental to any safety, health, or environmental requirements of federal, state, or local laws, and regulations.

Section 2. Definitions

- (1) *Commission* means the _____ *Planning Commission*.
- (2) *Data* means any information, whether digital, electronic, optical or quantum, that can be collected, stored, processed, or transmitted.
- (3) *Data Center* means a facility used primarily for the storage, management, processing, or transmission of data and includes, but is not limited to, buildings designed to accommodate computer servers, storage systems, or specialized computing hardware. A Data Center includes a Data Center principal use/structure, any Data Center accessory use/structure, and Data Center energy system. Examples of these facilities and uses include (but are not limited to) crypto processing, commercial cryptocurrency mining (bitcoin mining), artificial intelligence training and/or processing, and cloud-computing.
- (4) *Data Center Principal Use/Structure* means any structure or building that is used primarily for the storage, management, processing, or transmission of data which includes, but not limited to, any building designed or used to accommodate and house computer servers, storage systems, or specialized computing hardware.
- (5) *Data Center Accessory Use/Structure* means any structure or building that supports the operation of a Data Center, is located on the same tract or assemblage of adjacent parcels and is developed either as a unified development of or in further support of a Data Center. The category includes but is not limited to administrative, logistical, fiber optic, storage, and security buildings or structures; air handlers; process water and non-contact cooling water and wastewater management and treatment facilities; water holding facilities; pump stations; water towers; environmental controls (e.g., air conditioning or cooling towers, fire suppression, and related equipment), water cooling and storage facilities, security features, and any other associated electric, gas, water, wastewater, and stormwater infrastructure to support operations at the property.
- (6) *Data Center Energy Systems* means energy generation and storage systems, including electrical generators or engines, electric substations, back-up power generators, battery energy storage systems (BESS), used or intended to be used as sources of electrical power during normal operations, or as back-up temporary power when the main source of power is interrupted; electric transmission and distribution lines; and pipelines. The category shall not include utility service facilities exempted under KRS 100.324. Information concerning such utility service facilities to be sited or extended on private property in support of a Data Center shall be provided to the Planning Administrator as part of any application.

- (7) *Farmland of Statewide Importance* means a map unit identified by the Natural Resources Conservation Service identifying soils that nearly meet the requirements for prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods.
- (8) *Noise level* means the maximum sound pressure level measured in both A-weighted decibels (dBA) and C-weighted decibels (dBC) at the property line.⁵
- (9) *Prime Farmland* means a map unit identified by the Natural Resources Conservation Service of the United States Department of Agriculture as having the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses.
- (10) *Sensitive Use* means any residential dwelling, school, preschool, daycare center, in-home daycares, long term care facilities, retirement and nursing homes, community centers place of worship, public park, public or institutional buildings or facilities, hospitals or other medical care facilities, or agricultural operations.
- (11) *Waste Heat* means heat generated as a byproduct of data center operations.

Section 3. Permitted Uses

A Data Center shall only be allowed in the Industrial Zoning District designed for such use and as a conditional use upon:

- (1) Application for a zoning map amendment to reclassify the property on which the Data Center will be located as “Industrial – Data Center” and
- (2) Issuance of a Conditional Use Permit by the Commission in conjunction with the requested map amendment.

Section 4. General Requirements Relating to Location of Data Centers

No Data Center shall be located:

- (1) On lands with slopes over 20% or which are prone to flooding, soil or geologic instability.
- (2) Where the disposal or release of any hazardous substance, pollutant, or contaminant from a Data Center could affect karst terrain.

⁵ The use of dBC accounts for low-frequency sound components, such as those generated by ventilation fans, cooling units, and similar equipment, which may add 10–20 decibels of additional perceptible noise beyond the A-weighted measurement.

- (3) Where the structure or facility will restrict the flow of a 100-year flood, reduce the temporary storage capacity of the floodplain, or be placed in a manner likely to increase flood frequency, velocity, or heights so as to pose a risk or hazard to human health, property, wildlife, or land or water resources.
- (4) In wetlands or within 50 feet of the boundary of any wetland.
- (5) On prime farmland, or farmland of state importance.
- (6) Where such facilities may cause or contribute to the taking of a threatened or endangered species or adversely affect critical habitat.

Section 5. General Requirements Applicable to Data Centers

These standards apply to all Data Centers.

A. Setbacks

Data Center principal, accessory, and energy systems structures or facilities, other than transmission and distribution powerlines, pipelines delivering electricity or natural gas to the property, and ingress/egress for road and rail traffic, shall be located:

- (1) At least 500 feet from all outer perimeter property lines of the Data Center regardless of the zoning classification of the adjacent property. These setbacks shall not apply to property lines that are interior to a Data Center site.
- (2) At least 1,500 feet from a Sensitive Use or the boundary of any Residential, Commercial, or Agricultural District.
- (3) Any emission point or exhaust stack from a data center energy system whether for primary or backup power, shall be required to be at least one thousand (1,000) feet from the property boundary of any adjacent property and two thousand (2,000) feet from any Sensitive Use or the boundary of any Residential, Commercial or Agricultural District.
- (4) Where necessary to comply with the noise limits provided in Subsection H of this Section at the exterior perimeter property boundary, due to site configuration, topography, and projected equipment noise, the Commission may require greater setback distance.
- (5) The setback distance may be reduced up to 50% where the owner of the adjoining property to which the setback applies waives, in writing, the greater setback distance, and where buffering, fencing, or other landscaping is employed such that the noise levels are not exceeded at that property boundary.

B. Structure Height, Lot Coverage, And Impervious Surface

Maximum Building Height, Lot Coverage, and Impervious Surface shall be defined by the standards applicable to the Industrial zoning classifications or under general design standards.

C. Design Standards.

A Data Center shall be designed and constructed with these considerations.

- (1) All principal and accessory structures and energy systems associated with a Data Center shall be arranged, designed, and constructed to be harmonious and compatible with the site and with the surrounding properties. In general, Data Centers that visually approximate commercial office buildings are encouraged. Data Center Accessory Use(s)/Structure(s) should be located to the side or rear of the Data Center Principal Structure.
- (2) Buildings shall be sited and oriented to minimize visual impacts of the bulk of the building when examined on a line-of-sight basis from adjacent public streets and Sensitive Uses.
- (3) Provide safe and convenient vehicular access to the site, including sufficient on-site queuing areas at security gates and delivery, loading/unloading, and staging areas.
- (4) Accommodate adequate parking at a minimum of one (1) space per employee on the largest shift and three (3) visitor spaces.
- (5) Incorporate appropriate erosion control/stormwater management practices.
- (6) House the equipment used in any Data Center in a metered, electrically grounded, and pre-engineered metal-encased structure with a fire rating designed to resist an internal electrical fire for at least thirty (30) minutes. The containment space shall contain baffles that automatically close in the event of fire, independent of a possible electric system failure.
- (7) All building façades that face existing and/or planned public roads or face property zoned for residential use shall include these design features:
 - a. A change in façade surface to include building material, pattern, texture, color, accent materials at least every 150 horizontal linear feet.

- b. Windows, doors, or similar fenestration, i.e. faux windows which shall be distributed both horizontally and vertically and comprise at least 30% of the façades.
 - c. At least one main entrance that projects or is recessed from the main building plane and is differentiated from the remainder of the building façade by a change in building material.
 - d. The main entrance of the building shall incorporate plantings a minimum of 50% of the length of the façade that must include a mix of evergreens, deciduous shrubs, grasses, or ferns. These plantings are in addition to any required buffers or landscaping requirements.
 - e. All loading and unloading areas, including overhead doors, shall be oriented towards the side or rear property lines away from public roadways. Loading docks are not permitted in the front or street side yards and shall not be oriented towards the front property line.
 - f. Varied materials, colors, and textures, particularly earthtones, are encouraged to create a high-quality and non-obtrusive design.
- (8) All buildings must be constructed to minimize glare or reflection on adjacent properties and roadways and should use appropriate textured glass, anti-reflective coating, and screening. Data Center equipment may be ground mounted or roof top mounted.
- (9) All ground mounted equipment, including generators, fuel storage tanks, and utility substations, are prohibited from the front yard. Ground mounted equipment shall be located on a side farthest from any type of residential zone use and are not permitted adjacent to any property with a Zoning District permitting residential use, an existing residential development, or residentially used property.

D. Emergency Contact Information.

Each Data Center shall provide 24-hour emergency contact signage visible at each access entrance. Signs shall include the company name (if applicable), the owner, operator, and/or representative's name, the telephone number, and the corresponding local power company's name and telephone number.

E. Lighting

- (1) For the lighting of horizontal surfaces, such as, but not limited to, parking areas, roadways, vehicular and pedestrian passage areas, loading docks, building entrances, sidewalks, bicycle paths, and site entrances, luminaires shall be aimed down, and shall meet Illuminating Engineering Society of North America (IESNA) full cut-off/fully shielded criteria.

- (2) For the lighting of non-horizontal surfaces, such as, but not limited to, facades, landscaping, and signs, luminaires shall be shielded and shall be installed and aimed to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward, or onto a public roadway.
- (3) The illumination measured line-of-sight and from any point on any external perimeter property line shall at no time exceed 0.1 footcandle.
- (4) Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily using such means as cutoff luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle, and luminaire placement.
- (5) Luminaires shall not be mounted more than 20 feet above the finished grade of the surface being illuminated. No pole-mounted lighting on the roof shall be permitted.
- (6) Lighting for parking areas and vehicular traffic ways shall be automatically extinguished nightly within ½ hour of the close of the facility. When after-hours site safety/security lighting is proposed, such lighting shall not exceed 25% of the number of fixtures required or permitted for illumination during regular business hours. Where there is reduced but continued onsite activity throughout the night that requires site-wide even illumination, the use of dimming circuitry to lower illumination levels by at least 50% after 11 PM or after regular business hours, whichever is earlier, or the use of motion sensor control, shall be permitted.

F. Buffering/Screening/Landscaping

- (1) The setback area required under Section 5 A. of this Ordinance shall serve as a buffer zone between the Data Center and the outer property boundary.
- (2) No Data Center structures or facilities may be constructed within the setback areas, provided that within the first hundred feet of the setback area measured from the outer perimeter of the Data Center at the beginning of the setback area, parking areas may be constructed and interior surface roads may be located.
- (3) Any parking or roads constructed within the setback areas shall be bermed and vegetated to shield off-site areas from glare and other visual impacts associated with the interior vehicular travel and parking. Any landscape buffer shall include an earthen berm with a minimum height of four (4) feet and a grade no steeper than 2:1.

- (4) Except as provided in subsections (2) and (3), no impervious surface is permitted within any landscape buffer except for access roads and sidewalks.
- (5) All Data Center accessory structures and buildings and Data Center Energy Systems shall be fully screened on all sides from all existing and planned public roads as well as adjoining properties, utilizing a mixture of screening materials, berms, and landscaping. Screening can be accomplished using any combination of existing vegetation, a newly planted vegetative screen, fence, screen wall, panel, parapet wall, or other opaque screen. Screening is not required where the principal building itself serves to effectively screen an accessory structure or building or energy system from adjacent roads and properties. A species of trees or shrubs shall be used that ensures visibility through the screening is blocked by at least eighty (80) percent throughout the entire year. The effective screening height of the trees or shrubs shall be at least four (4) feet in height at the time of planting. The landscape buffer shall be a minimum of twenty-five (25) feet in width and may be part of the minimum setback area.
- (6) Plantings should be provided in the setback area, as screening, at the main entrance of any Data Center primary building, in parking lots, and along the façade of the proposed Data Center.
- (7) The owner and operator of any Data Center shall have an affirmative and continuing duty to ensure that all buffering/screening standards and requirements are maintained on an ongoing basis.

G. Perimeter Security Fencing

Fencing may be considered for security purposes but is not needed for land use compatibility if appropriate and effective screening, buffering, and landscaping are provided.

- (1) Fences shall not exceed ten (10) feet in height above ground.
- (2) Chain-link, slatted-insert, and barbed or razor wire fencing is not allowed along public streets or external perimeter property lines.
- (3) Permitted fence materials include aluminum and iron.
- (4) Video and/or audio surveillance shall be restricted to within external perimeter property lines and public right-of-way adjacent to or abutting the Data Center property.

H. Noise

- (1) All Data Centers shall meet the following minimum standards:

- (2) Noise from operations, including primary and accessory structures and uses and energy systems, shall not exceed 40 dBA or 60 dBC⁶ between 10:00 p.m. and 7:00 a.m., and shall not exceed 45 dBA or 65 dBC at any other times at any external perimeter property line.⁷
 - a. In addition to the decibel limits in paragraph 1, operations shall not generate vibration, oscillation, or infrasound that causes perceptible resonance within any buildings or adverse impacts on the human body, including but not limited to dizziness, headaches, nausea, sleep disturbance, or other recognized health effects. Compliance shall be determined based on standards issued by ANSI and ISO for human exposure to whole-body and low-frequency vibration (e.g., ISO 2631 and ANSI S2.71) and shall be measured and compliance determined at any external perimeter property line.
- (3) The locations of the noise measuring equipment for the pre-construction noise analysis shall be shown on the submitted site plan. The points of measurement shall be at all external perimeter property lines at locations most susceptible to noise from applicable proposed equipment.
- (4) The maximum sound levels identified herein do not apply to emergency alerts; emergency work to provide electricity, water, or other public utilities when public health or safety is involved; snow removal; or road repair. Maximum sound levels do apply to testing or routine operation of emergency equipment for backup or primary power generation and to other situations that do not involve public health or safety.
- (5) A Noise Assessment, Monitoring, and Mitigation plan shall accompany any conditional use permit application and shall include:
 - a. Assessment of baseline ambient levels of noise before construction, measured in all directions at the external perimeter property lines on which the Data

⁶ The County recognizes that dBA measurements underrepresent low-frequency noise, which can travel long distances, penetrate walls and windows, and cause chronic disturbance even at low levels. Therefore, dBC measurements shall also be used in evaluating noise and site suitability, especially in cases involving mechanical equipment, industrial activity, or other sources known to emit low-frequency sound.

⁷ These thresholds are intended to protect against both high-frequency and low-frequency tonal noise at the point of compliance, which is any external perimeter property line. To the extent that occupational safety or health standards impose a more stringent obligation on the Data Center property, the more stringent standard shall prevail.

Center is proposed to be located and any related activity is proposed to be conducted;

- b. Assessment of all noise projected to be associated with the proposed Data Center (including all structures, facilities, and energy systems) before and after incorporation of noise minimization and abatement measures to control and minimize all exterior noise (including high, mid- and low-frequency) generated by the Data Center, including but not limited to exhaust vents, cooling equipment, chiller fans, and on-site power generation.
- c. An Acoustical Study prepared by a qualified noise consultant showing:
 - i. Expected daytime and nighttime sound levels, including generator noise and other equipment noise, indoors and outdoors at multiple distances and at the external perimeter property lines,
 - ii. Include both A-weighted (dBA) and C-weighted (dBC) measurements, with full frequency spectra to identify low-frequency and tonal components,
 - iii. Provide sound level projections and modeling for multiple distances from the facility, with measurements taken both outdoors and indoors of nearby dwellings,
 - iv. Conduct testing during nighttime and early morning hours, when cooler air and atmospheric conditions may increase sound propagation, and
 - v. Recommend specific mitigation measures (e.g., barriers, enclosures, mufflers, alternative cooling technologies) to ensure compliance with the noise standards of this Ordinance.
- d. A vibration study shall also be submitted if any mechanical equipment or cooling infrastructure is installed within 2,000 feet of a Sensitive Use.
- e. Design of Noise Monitoring, Minimization, and Mitigation Plan including real-time continuous monitoring and analysis of noise data sufficient to demonstrate compliance with the applicable standards over time and to identify patterns, trends, and potential areas of improvement; and use of frequency analysis to identify and address low-frequency tones associated with cooling fans or other equipment.
- f. Incorporation of measures sufficient to avoid off-site nuisance conditions from all frequencies of noise, at all hours of the day and night, and conform to the required limits at the property lines of the Data Center. Measures may include, but not be limited to, acoustic barriers or shrouds, higher efficiency/lower speed fans, or other noise reduction devices sufficient to assure that the noise levels measured at the perimeter property boundary for the Data Center conform to the required levels and to prevent nuisance conditions.
- g. All required noise analyses shall be designed and conducted by a certified/ licensed acoustical engineer. The points of measurement shall be on each external perimeter property line at locations selected as those most

susceptible to noise from applicable proposed equipment. Any noise analysis shall include the date, time, and duration of measurements taken and shall be taken at various times of the day and night.

- h. The County shall require the applicant to conduct post-construction during-operation compliance testing within six months of commencement of operation, using the same methodology, to verify actual sound levels and the effectiveness of mitigation measures. Where any noise analysis post-construction and during operation identifies greater than maximum permissible sound levels at any perimeter property boundary, the applicant shall be required to develop and submit for review and approval such measures, including relocation of equipment, reorientation, and other mitigation measures, as are needed to bring the modeled noise level to below acceptable limits.
- i. The County may, at any time thereafter, conduct such compliance testing, and where any noise analysis identifies greater than maximum permissible sound levels at any perimeter property boundary, may after reasonable notice and an opportunity to cure the conditions contributing to the exceedance, suspend or revoke the conditional use permit.

I. Utility And Infrastructure

An application for a conditional use permit shall contain a Utility and Infrastructure Plan, which shall include:

- (1) A Site Plan showing all structures and facilities to be used or constructed to support the Data Center operations, including all water, wastewater, electric, natural gas, and other infrastructure, and public utility service facilities.
- (2) Identification and description of any existing or proposed transmission lines and other facilities that would be required in order to connect the proposed facilities to the grid, and any permits or other approvals needed to support such construction.
- (3) Identification of any existing or proposed pipelines or gas transmission lines and other facilities that would be required in order to deliver natural gas or other gas or liquids to the facilities for use in heating or power generation.
- (4) A description of any power sources proposed to be constructed or sited and operated, including emissions profile, noise, copies of applications for any required state or federal air permits. Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, or other energy generating systems, shall not be considered part of the Data Center use. Such systems shall be considered a

separate use and shall be approved only in accordance with any zoning regulations that allow and are applicable to such use.

- (5) Information concerning any proposed grid interconnection.
- (6) Documentation, including written verification from the applicable service providers, demonstrating that:
 - a. Public utility capacity and related electrical infrastructure sufficient in size and capacity is or will be made available to ensure that the power requirements of the proposed project can safely be accommodated without adverse effect on the availability, reliability, quality, cost, or safety of the electric service to other customers;
 - b. Any system designed for cooling and operation of the facility (whether by electricity, water, or other means) will meet all applicable standards of this ordinance as well as state and federal law;
 - c. Water, stormwater, and wastewater management and treatment capacity sufficient in size and capacity is or will be made available to ensure that the requirements of the proposed project can be safely accommodated without adverse effects on the availability, reliability, quality, cost, or safety of the water, wastewater, and stormwater management and treatment services to other customers; and
 - d. Any enhancements or improvements required in order for such utility services to continue to be available without adverse effect or additional cost to existing customers will be in place before operation of the proposed project.
- (7) A description of the processes that will be used for management of all water, wastewater including equipment cooling, humidity maintenance, process, and sanitary wastewater, and stormwater run-on and run-off, in accordance with all local state, and federal requirements.
- (8) Demonstration that for any proposed battery storage or storage of any other device or group of devices capable of storing energy for supply at a later time, whether the energy is stored for use on-site or off-site, compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards, and include fire suppression systems designed specifically for battery storage.

J. Generator and Testing Requirements

- (1) Backup power generation using diesel fuel, natural gas, or Battery Energy Storage Systems are allowed for use at a Data Center. Gas or battery storage is preferred over diesel due to emissions concerns.

- (2) Backup diesel generators shall be a minimum of Tier IV (or the highest Environmental Protection Association industry standard available at the time of application) which meet all applicable local, state, and federal emission and performance standards to minimize adverse effects from the generator emissions.
- (3) Except for generator testing or commissioning activities, generator use shall be limited to backup and emergency use only when the primary source of electricity is interrupted or unavailable. Continuous generator use outside of power outages or interruptions is prohibited.
- (4) Generators shall be tested no more than once per week per unit, and only during the hours of 12 P.M. to 5 P.M. Monday through Friday.
- (5) If diesel fuel is used for a back-up generator, the application shall include information demonstrating that the fuel will be delivered during non-peak daytime hours, that storage of the fuel will conform to all applicable fire and safety standards, and that the storage vessel is equipped with secondary containment to contain any release.

K. Cooling Requirements

- (1) All liquid cooled equipment must be designed to utilize a closed-loop system.
- (2) Water used for liquid cooling systems must come from a public or semi-public water system and not from any type of private well system.
- (3) Water discharge from liquid cooling systems shall only occur after treatment (if required) and only to in accordance with all applicable local, state, and federal water pretreatment, discharge permit requirements and in conformity with state water quality standards.

L. Water Management

An application for a conditional use permit for a Data Center shall include a Water and Wastewater Management Plan, which shall include:

- (1) Projected daily and peak water demand;
- (2) The source(s) of the water supply, including certification from any public or semi-public water supplier that it will supply the daily and peak water need and that the demand can be met without adverse effect on the availability, quality of service, potability of the water, or other qualitative or quantitative impacts on existing customers;

- (3) Certification that the Data Center site is not located within a wellhead protection planning area;
- (4) Provide documentation that the Data Center design and equipment has incorporated best available technology and best practices to minimize water waste, maximize efficiency of water use, and to reclaim and recycle water to the extent possible;
- (5) Provide documentation that any improvements to the water or wastewater utility infrastructure needed to serve the proposed Data Center will be paid by the applicant;
- (6) Avoid cooling system discharge into the wastewater system and, if needed, minimize discharge and provide pretreatment as required; and
- (7) Documentation of efforts to incorporate cooling systems that do not discharge to the wastewater or stormwater systems, or which use non-chemical and non-water-based cooling.

M. Waste Heat

- (1) No person, firm, or corporation shall cause, permit, allow, or maintain any artificial or mechanical source of heat, radiant energy, or exhaust that creates a condition of thermal discomfort, hazard, or damage to persons, animals, vegetation, or property beyond the external perimeter property lines of the Data Center.
- (2) Thermal discharge, venting, or exhaust from any equipment, machinery, or operation shall not raise the ambient temperature at any external perimeter property line above naturally occurring conditions when measured at a height of 4 feet above ground level.
- (3) Outdoor equipment and energy systems must be equipped with shielding, insulation, or dispersion devices to minimize radiant heat impacts.
- (4) Exhaust from heating, ventilation, air conditioning, or industrial equipment shall be directed and diffused in such a manner as to prevent concentrated heat exposure to anywhere outside of Data Center, neighboring properties, or public rights-of-way.
- (5) Rooftop or wall-mounted heat exhaust systems shall be equipped with baffles, louvers, or dispersal devices to prevent heat plumes from causing discomfort or damage to adjacent buildings or damage to vegetation.

N. Low Impact And Energy Efficiency Considerations

Data Centers are encouraged to implement low-impact development practices in site design and energy efficiency, such as, but not limited to, the following:

- (1) Site Design. Select sites to:
 - a. Minimize land disturbance,
 - b. Maximize tree preservation,
 - c. Minimize impervious surfaces, and
 - d. Minimize potential nuisance impacts (noise, glare, vibration, etc.) on adjacent properties, public roadways, and the vicinity.
- (2) Energy/Resource Efficiency.
 - a. Orient buildings to take advantage of passive cooling and daylight opportunities
 - b. Utilize alternative energy sources (solar, wind, hydro, etc.) as much as possible
 - c. Provide an energy storage system to monitor and regulate usage of alternative energy for usage during off-peak hours
 - d. Utilize reclaimed water for cooling, if available
 - e. Encourage systems that limit the use of finite natural resources and their disposal
 - f. Incorporate water-efficient landscape materials
 - g. Utilize LED exterior/interior lighting
 - h. Implement energy management best practices and carbon reduction techniques such as, but not limited to, those promoted through the U.S. Department of Energy's Better Buildings initiative and U.S. Green Building Council's LEED Certification system.

O. Avoidance Of Nuisance Conditions

Any use or activity producing emissions, fugitive dust, smoke, glare, exhaust, heat, or humidity in any form shall be designed, located, and carried on in such a manner that it is not perceptible at or beyond the external perimeter property line and does not exceed any standards established by this ordinance or local, state, or federal law or regulation.

Section 6. Conditional Use Permit Application Requirements

The application for a conditional use permit for a Data Center shall include:

- (1) A proposed site development plan identifying:

- a. The zoning classification for all lands within 1 mile of the external perimeter property lines of the proposed Data Center site;
 - b. The legal boundaries of each separate parcel comprising the proposed site;
 - c. Proposed access route(s) and access control to the site;
 - d. The location of proposed improvements including but not limited to the Data Center Principal Structure, Data Center Accessory Use(s)/Structure(s), Data Center Energy Systems, parking, lighting, screening/buffering, perimeter fencing, and all ground-mounted equipment and utility infrastructure;
 - e. The location and use of internal roads, and any tram or railways;
 - f. Existing or proposed utilities providing electric, gas, water, and wastewater service the facility;
 - g. Evidence of compliance with all applicable setback requirements;
 - h. Location of the 100-year floodplain, wetlands, public rights-of-way, and cultural and historic resources on the proposed Data Center site and within 500 feet of the external perimeter property lines.
- (2) An evaluation of the compatibility of the facility with scenic surroundings;
 - (3) An appraisal of the potential changes in property values and land use for property owners within one (1) mile of the facility resulting from the location, construction, and operation of the proposed facility;
 - (4) A traffic study assessing the impact of the facility construction and operation on road and rail traffic to and within the facility;
 - (5) Description of potential for fire or explosion, and certification from local fire department and emergency response agencies of the capacity to address and response to any emergency situation regarding the Data Center and associated energy systems, including fuel delivery and storage;
 - (6) A Utility and Infrastructure Plan meeting the requirements of Section 5 I;
 - (7) List all other permits and authorizations needed for construction and operation of the Data Center and include copies or links to the applications;
 - (8) A Noise Assessment, Monitoring, and Mitigation Plan meeting the requirements of Section 5 H;
 - (9) Waste Management Plan which shall identify all categories of solid waste, electronic waste, hazardous materials, and other refuse generated by the facility,

including packaging, cooling system by-products, and equipment replacement materials, and shall identify the manner in which the wastes will be stored, collected, processed, recycled, and disposed;

- (10) An assessment of all anticipated emissions from the construction and operation of the facility, including transportation;
- (11) An assessment of all water usage and wastewater generation and characterization, and plans for management of wastewater and stormwater; and
- (12) A decommissioning plan, prepared by a registered professional engineer, containing the following:
 - a. The estimated decommissioning timeframe and cost of removal of all structures, foundations, conduit, equipment, and interconnection facilities, and roads;
 - b. The salvage value of any equipment in current dollars and the calculations supporting the decommissioning estimate. The estimated salvage value of the material using current, publicly available material indices and/or firm quotes from a decommissioning or recycling company experienced in the decommissioning of data centers shall be provided.
 - c. The manner in which the Data Center will be decommissioned, including provision and a timetable for the removal of all structures, foundations, conduit, equipment, and interconnection facilities and for the revegetation and restoration of the property to its original condition or preparation of the site in a condition compatible with the prior zoning of the parcel(s); and
 - d. A performance bond, letter of credit, or other financial assurance payable to the Commission, sufficient to assure that decommissioning of the site can be achieved by a third party in the event that the applicant defaults in that obligation, which financial assurance shall be provided prior to commencement of construction.

Section 7. Process and Standards for Approval of Conditional Use Permit

- (1) The Commission shall have the authority to hire a consultant to review the Conditional Use Permit Application and all Plans and to provide recommendations concerning the compliance of the proposed facility with the applicable standards and requirements associated with the siting, construction, operation, and decommissioning of the Data Center and all accessory structures and facilities. Any expenses incurred by the Commission's hiring of a consultant shall be borne by the applicant. The expenses incurred may be charged against an escrow deposit charged to the applicant at the time of filing of the application.

- (2) A conditional use permit shall be issued by the Commission only where the applicant demonstrates and the Commission affirmatively finds, based on the evidence in the record taken as a whole, and after public notice and opportunity to be heard concerning the application, that all applicable requirements of this Ordinance have been or will be met regarding the location, construction, operation, and decommissioning of the Data Center and that issuance of the conditional use permit is consistent with the public health, safety, and welfare.
- (3) The Commission may impose any conditions deemed necessary or appropriate in order to allow the proper integration of the proposed Data Center into the zone and location in which it is proposed, and deemed necessary or appropriate to protect public health, safety, and welfare. Such additional conditions may include but are not limited to further limitations on noise, hours of operation, additional visual screening and buffering, traffic mitigation, setbacks, and infrastructure upgrades.
- (4) The Commission may, in considering an application for a Conditional Use Permit, consider the extent to which low-impact development and energy efficiency considerations have been addressed and incorporated into the proposed Data Center.

[Home](#) / [Data Center Text Amendment](#)

Data Center Text Amendment



!! Official Update 07/02/26 - [Read the full statement here.](#)

On Tuesday, June 23rd, the DeKalb County Board of Commissioners voted to deny the proposed Data Center Text Amendment. Although the proposed amendment was not adopted, the research, community engagement, statewide and national collaborative effort during this process remain valuable.

While the scope of our project was unable to capture all the concerns of the community, we are proud of the work that our staff has put into researching, defining, and drafting the proposed text amendment drafts. We hope that this work serves as a foundation for future efforts to regulate data centers and provide the protection needed for DeKalb County residents.

Thank you once again, and we look forward to continuing supporting DeKalb County through our planning efforts.

Purpose of this Regulation

Throughout the Atlanta metro area, there has been a sharp increase in data center development. While data centers provide necessary infrastructure for the modern world, DeKalb County is seeking to ensure that the significant land, energy, and water consumption by these facilities does not negatively impact the community. Staff conducted extensive research into data centers and held discussions with community partners to find a balance between economic development and the welfare of the community.

This ordinance will add data centers as a use in industrial areas and regulate their location, design, and provide supplemental review standards. You can read the draft ordinance [here](#), and a summary is provided below.

Summary

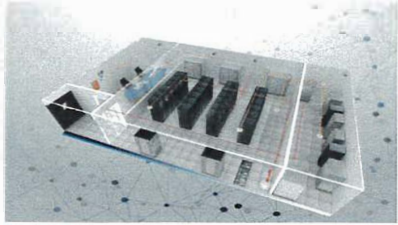
What is a data center?

A physical room, building, or facility that houses infrastructure for building, running, delivering, or transmitting technological applications and services, or for storing and managing the data associated with technological equipment, applications, systems or services.

Data Centers are broken up into 5 categories based on size and energy needs:

- **Data center, *Accessory*:** Minor data centers shall only be permitted on parcels zoned Office-Institutional (OI) and Office-Distribution (OD) as an accessory use if under 2,000 square feet.
- **Data Center, *Minor*:** A minor data center has an area of less than 20,000 square feet and does not have a substation.
- **Data Center, *Medium*:** A medium data center has an area between 20,000 square feet and 99,999 square feet and does not have a substation.
- **Data Center, *Major*:** A major data center has an area between 100,000 square feet and 499,999 square feet and has a substation.
- **Data Center, *Campus*:** Data center, campus: A data center campus is a geographically contiguous development of one or multiple buildings built across one or multiple phases with a maximum improved area not to exceed 1,000,000 square feet. [NEW]

Please see the below table for examples of the different sizes and scales:

Data Center, Accessory	Data centers classified as minor that are under 2,000 sq ft. These facilities may serve associated properties directly. Accessory data centers are quite compact and typically self-contained, with benefits to smaller businesses in commercial spaces and minimal community impact.	
Data Center, Minor	Data centers under 20,000 sq ft in size. Intended to accommodate small-scale operations with minimal community impacts and accessory uses. May be located in a shared office building.	
Data Center, Medium	Data centers between 20,000 sq ft and 100,000 sq ft. Intended to accommodate medium-scale operations under the threshold of requiring substations or transmission line impacts. May be located in limited commercial areas.	

Data Center, Major	Data centers between 100,000 sq ft and 500,000 sq ft. Data centers classified as major have greater land, power, and water requirements and are intended for industrial areas.	
Data Center, Campus	Data centers with a total disturbed area of up to 1,000,000 sq ft can have significant community impacts and therefore require a greater level of review.	

Zoning:

- **Office Institutional (OI):** Accessory data centers (permitted as an accessory use); Minor data centers with a SLUP; Medium data centers with a SLUP.
- **Office Distribution (OD):** Accessory data centers (permitted as an accessory use); Minor data centers with a SLUP; Medium data centers with a SLUP
- **Light Industrial (M):** Minor data centers (permitted), Medium data centers with a SLUP, Major data centers with a SLUP and industrial land use, Campus data centers with a SLUP and industrial land use.
- **Heavy Industrial (M-2):** Minor data centers (permitted), Medium data centers with a SLUP, Major data centers with a SLUP and industrial land use, Campus data centers with a SLUP and industrial land use.
- Major and Campus data centers will not be permitted on parcels with any Future Land Use other than Light Industrial or Industrial

Separation and Buffer Requirements

- No new data center development in a light industrial (M) or industrial (M-2) land use shall be permitted within 500 feet of the property line from any residentially zoned parcel.

- ***No data center development in M or M-2 zoning district shall be permitted within 750 feet of the property line from any DeKalb County parks and trails.*** [NEW]
- If an interstate roadway, state highway, or major arterial road borders the property line, the required distance between a development and a residentially zoned property may be reduced to 300 feet along the property line where the roadway is located.
- **Proximity to Transit:** Data centers shall not be located within a half a mile (2,640 ft) of a high-capacity transit stop.
- **Transitional Buffers:** Major and Campus data centers shall maintain a minimum transitional buffer of 100 feet along all property lines abutting any properties used for or zoned non-industrial (M or M-2).
- **Screening and Landscaping:** Major data centers and Campus data centers shall provide a 20-foot-wide landscaped buffer with a minimum 8-foot-high wall and a minimum of 1 canopy tree per every 30 feet of property frontage within 100-foot transitional buffer.

Site Layout and Design Requirements

- **Equipment Placement:** Substations, electrical yards, mechanical yards, and any other exposed equipment shall be located in the rear yard of the primary structure and where possible in the location least visible from a public street or park.
- **Building Façade:** A minimum of thirty (30) percent of the width of the front façade of the building at the ground level shall consist of fenestration.

Supplemental Standards

- All cooling and ventilation equipment shall operate on a closed-loop system or other cooling equipment shown to decrease water usage as approved by the Department of Watershed Management.
- **Sound levels shall be measured at A-weighted and C-weighted frequencies.**
- All applications for a data center shall provide the following plans and studies:
 - Noise Impact Assessment
 - Water Consumption and Sustainability Plan
 - Energy Consumption and Sustainability Plan
 - Lighting Plan

- Transmission Line Impact Assessment
- Tree Preservation and Reforestation Plan
- Stormwater Management Plan
- Sewer Plan

News feed

Questions and Comments

Data Center Text Amendment Update

02 Jul 2026



Data Center Text Amendment Update

On Tuesday, June 23rd, the DeKalb County Board of Commissioners voted to deny the proposed Data Center Text Amendment. The Data Center Text Amendment aimed to define data centers in the DeKalb County Code of Ordinances, as well as provide minimum standards for development in DeKalb County. This proposed text amendment sought to provide a framework that would minimize land, water, and energy impacts for residents if or when data center proposals were brought to the county.

The Planning & Sustainability Department would like to thank all community members for their engagement throughout the past year. To the many individuals and organizations that contributed their time, expertise, and perspectives throughout this process you are appreciated. We thank our departmental staff for their extensive research and dedication; our internal County partners for their technical guidance and collaboration; and the industry professionals and subject-matter experts who helped inform the proposed regulatory framework.

We are especially grateful to DeKalb County residents, community organizations, and advocates who attended meetings, reviewed draft language, submitted comments, and shared their concerns and recommendations. Your participation was essential to the public

process and helped broaden the County's understanding of the complex opportunities and challenges associated with data center development.

Although the proposed amendment was not adopted, the research, community engagement, statewide and national collaborative effort during this process remain valuable.

While the scope of our project was unable to capture all the concerns of the community, we are proud of the work that our staff has put into researching, defining, and drafting the proposed text amendment drafts. We hope that this work serves as a foundation for future efforts to regulate data centers and provide the protection needed for DeKalb County residents.

Thank you once again, and we look forward to continuing supporting DeKalb County through our planning efforts.

Page last updated: 02 Jul 2026, 12:34 PM

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Documents

 DRAFT 4 CLEAN TA-25-1247647 2025-0972 Data Centers 06-22-26.pdf (324 KB)
(pdf)

 2025-0972 SUBSTITUTE Data Centers AIP 06.23.26 BOC.pdf (214 KB) (pdf)

 Data Center Ordinance Update Presentation - COW 06-02-26

[More..](#)

FAQs

 What is a data center?

 How much power do data centers use?

 How much water do data centers use?

 How do data centers support economic development and what benefits do they provide for the County?

 What are some community impacts from data center development?

 Do data centers already exist within the County?

- ❓ Why is the County regulating data centers?
- ❓ Where will data centers be permitted, and will they require any special land use permits (SLUP)?
- ❓ What documents are required by Georgia Power from large load customers (loads equal or great than 100 MW)?
- ❓ Is the water in a closed-loop cooling system for data centers chemically treated?
- ❓ How is chemically treated water discharge regulated?
- ❓ How is water in a closed-loop system treated, regulated, and disposed of?
- ❓ Additional Information and Resources

Key Dates

 Community Council 5
13 October 2025

 Community Council 2
14 October 2025

 Community Council 3
08 October 2025

 [Community Council 4](#)
21 October 2025

 [Community Council 1](#)
15 October 2025

 [Planning Commission](#)
06 November 2025

 [Board of Commissioners](#)
20 November 2025

 [Board of Commissioners](#)
27 January 2026

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LUZERNE COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE OF THE LUZERNE COUNTY COUNCIL, PENNSYLVANIA, TO AMEND THE LUZERNE COUNTY ZONING ORDINANCE TO DEFINE AND ADD SPECIFIC REQUIREMENTS FOR DATA CENTERS AND DATA CENTER ACCESSORY USES WITHIN MUNICIPALITIES UNDER LUZERNE COUNTY'S ZONING ORDINANCE JURISDICTION.

WHEREAS, Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601, *et seq.*, authorizes LUZERNE COUNTY to enact, amend and repeal Zoning Ordinances within the COUNTY and

WHEREAS, the LUZERNE COUNTY COUNCIL deems it to be in the best interest and general welfare of the residents of LUZERNE COUNTY to update and amend provisions of the LUZERNE COUNTY Zoning Ordinance to provide for Data Centers and Data Center Accessory Uses; and

WHEREAS, the LUZERNE COUNTY COUNCIL of LUZERNE COUNTY desires to add provisions to the Zoning Ordinance relating to Data Centers and Data Center Accessory Uses;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the LUZERNE COUNTY COUNCIL of LUZERNE COUNTY as follows:

Section 1. Section 203 of the Luzerne County Zoning Ordinance, entitled Definitions, is amended to add the following definitions:

Data Center: A building or buildings which are occupied primarily by computers and/or telecommunications and related equipment where digital information is processed, transferred and/or stored, primarily to and from offsite locations. This use does not include computers or telecommunications related equipment that is secondary and customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building. This use shall also include cryptocurrency mining, blockchain transaction processing, and server farms. A Data Center may include Data Center Accessory Uses.

Modular Data Center: A mobile pre-engineered and/or prefabricated building, complete with power and cooling infrastructure, used to house computer servers and network equipment.

Data Center Accessory Use: Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); security features, provided such data center accessory uses/structures are located on the same tract or assemblage of adjacent

parcels developed as a unified development with a Data Center. The use shall not include energy generation systems used or intended to be used to supply power to the Data Center during normal operations.

Data Centers can fall under the four categories below:

- **Hyperscale Data Center:** Consists of a singular structure or a campus comprising of a minimum of 500,000 ft².
- **Major Data Center:** Consists of a singular structure or campus comprising a minimum of 100,000 ft² to a maximum of 499,000 ft².
- **Edge Data Center:** Consists of a singular structure up to 99,000 ft² (may include modular data centers)
-

Community Incentive Package: Programs or contributions to public safety, health, education, community amenities, or infrastructure enhancements designed to offset project impacts and promote County welfare. Must be proportional to project scope and impact, and enforceable via Developer's Agreement.

Sensitive Receptors:

- Includes residential uses, schools, preschools, daycare centers, in-home daycares, long term care facilities, retirement and nursing homes, community centers, places of worship, parks (excluding trails), recreational facilities, agricultural lands, conservation lands, campgrounds, prisons, and dormitories

Section 2. Article 5 (Standards for Specific Uses) is amended to add Section 552, Data Centers and Data Center Accessory Uses:

Data Centers and Data Center Accessory Uses

- A. Hyperscale Data Centers/Major Data Centers shall be permitted by SPECIAL EXCEPTION in the HEAVY INDUSTRIAL (HI), LIGHT INDUSTRIAL (LI) and MINING (MI) Zoning Districts when approved in compliance with the procedures, standards, and criteria contained in this section.
- B. Edge Data Centers (including Edge data centers, Microdata centers, and Modular data centers) shall be permitted by SPECIAL EXCEPTION in the GENERAL BUSINESS (GB), HIGHWAY BUSINESS (HB), HEAVY INDUSTRIAL (HI), LIGHT INDUSTRIAL (LI) and MINING (MI) Zoning Districts when approved in compliance with the procedures, standards, and criteria contained in this section.
- C. For purposes of this section, sensitive receptors shall be defined as residential uses, schools, preschools, daycare centers, in-home daycares, long term care facilities, retirement and

nursing homes, community centers, places of worship, parks (excluding trails), recreational facilities, agricultural lands, conservation lands, campgrounds, prisons, and dormitories.

D. **Dimensional/Architectural Standards.** The dimensional standards of Data Centers and Data Center Accessory Uses shall be in accordance with [SECTION 308 (EXISTING STANDARDS APPLICABLE TO RELEVANT ZONING DISTRICT)], with the following exceptions:

1. The maximum building height for a Data Center shall be [60] feet, inclusive of roof-mounted equipment such as cooling and ventilation systems, HVAC units and cooling towers.
2. The maximum height of Data Center Accessory Uses shall be no greater than the height of the principal building.
3. Data Centers and Data Center Accessory Uses shall be set back [500] feet from the boundary of [RESIDENTIAL ZONING DISTRICT(S) INCLUDING AGRICULTURAL AND CONSERVATION ZONES WITH A RESIDENCE] or the lot line of any property developed with a sensitive receptor.
4. **Landscape Buffer.** A landscape buffer is required between Data Centers and Data Center Accessory uses and any adjoining [residential zoning districts including agricultural and conservation zones with a residence], sensitive receptor, or public roadway. The landscape buffer shall comply with the following requirements:
 1. The landscape buffer shall be at least [50] feet in width and may be part of the minimum setback distance.
 2. Buffer plantings shall consist of native species planted as follows:
 - a. One (1) large evergreen tree per 25 linear feet of buffer. The size of large evergreen trees shall be a minimum of eight (8) feet in height at the time of planting.
 - b. One (1) deciduous canopy (shade) tree per 75 linear feet of buffer. Size of canopy (shade) trees shall be a minimum of 2½ inch caliper at the time of planting.
 - c. One ornamental/flowering tree per 50 linear feet of buffer. The size of ornamental/flowering trees shall be a minimum of eight (8) feet in height for multi-stemmed varieties, or 2½ inch caliper at the time of planting for single-stemmed varieties.
 - d. Five (5) shrubs per 25 linear feet of buffer. Size of shrubs shall be fully branched and minimum of three feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of 50% being evergreen.
 3. In the event that existing vegetation is adequate to meet the intent of the required buffer yard to screen the Data Center and Data Center Accessory Uses from adjoining [residential zoning districts], sensitive receptors, and public roadways, the [decision-making body], upon recommendation by the Township Engineer and Planning Commission, may determine that existing topography and/or vegetation constitutes all or part of the required buffer yard.
4. Landscape Bond

- a. The developer or landowner shall provide deposit with the County a sum of money equal to the amount necessary to cover the cost of purchasing, planting, maintaining, and replacing all vegetative materials for a period of (18) months.
 - b. Any tree or shrub planted as a part of the landscape buffer requirements within (18) months of planting or replanting is deemed, in the opinion of the County, not to have survived or to have grown in a manner uncharacteristic of its type shall be replaced. Substitutions for certain species of plants may be made only when approved by the County
- 5. In the case where berms are not feasible due to utilities, topography, or other valid constraints, the following alternative screening methods may be approved:
 - a. Decorative walls with integrated landscaping (minimum of six (6) feet in height).
 - b. Dense evergreen hedge planting (minimum of eight (8) feet in height at maturity).
 - c. Combination of existing vegetation preservation and supplemental planting.

E. Screening and Fencing

- 1. To provide visual screening and reduce noise levels, ground-mounted and roof-mounted equipment used for cooling, ventilating, or otherwise operating the facility, including power generation or other power supply equipment, that is located within [300] feet of a public roadway, [RESIDENTIAL ZONING DISTRICT(S) INCLUDING AGRICULTURAL AND CONSERVATION ZONES WITH A RESIDENCE], or the lot line of any sensitive receptor must be fully enclosed, except where not mechanically feasible based on the manufacturer's specifications. If it is not mechanically feasible to fully enclose the equipment, it must be fully screened from view using one or more of the following means:
 - a. The landscape buffer required by subsection (D) above.
 - b. By existing vegetation that will remain on the property.
 - c. By the principal Data Center building or an accessory building
 - d. A berm averaging a minimum of five (5) feet in height above the adjacent average ground level with a maximum side slope of 3:1, provided that the berm shall be covered by a well-maintained all season natural ground cover and any required screening plantings shall be arranged on the outside and top of the berm.
 - e. A visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building.
- 2. Fencing of the property is permitted, provided that fencing along public and private roadways is not chain-link, with or without slatted inserts, and does not include barbed wire or other similarly visibly intrusive deterrence device. An applicant shall not be required to comply with this requirement if fencing is fully screened from view by one

or more of the means identified in subparagraph 1 above. Fences shall be six (6) in height at a minimum (may not exceed ten (10) feet in height).

F. Noise and Vibration [Additionally, see section 808 (Environmental Impact Statement) and 808.10 (Noise)]

1. The applicant shall demonstrate through a sound study conducted by a professional acoustical expert that the sound generated by a Data Center and/or Data Center Accessory Uses during normal operations shall be limited to a maximum daytime (7:00 a.m. to 8:00 p.m. Monday-Friday) decibel level of 67 dB(A) and a maximum nighttime and weekend (8:00 p.m. to 7:00 a.m. Monday-Friday and all day Saturday and Sunday) decibel level of 57 dB(A) as measured from the property line of the use. Such sound study shall be conducted using Sound Level Meters described in ANSI S1.4-2104 and generally accepted methodology. A sound study shall be conducted at the following phases:
 - a. A preliminary study shall be conducted as part of the [conditional use/special exception/land development] process. The preliminary sound study shall include recommended sound reducing materials or systems as needed to meet the aforesaid sound limits.
 - b. An interim sound study shall be conducted during the building permit approval process based upon the proposed user or users of the Data Center and Data Center Accessory Uses depicted on the building plans. Any sound reducing materials or systems recommended by interim sound study shall be incorporated into the construction plans for the use.
 - c. An as-built sound study shall be conducted six months after issuance of the certificate of occupancy and prior to the final escrow release for any land development phase. An as-built sound study may also be required thereafter by the [municipality]. If it is determined by the as-built sound study that there is a violation of the aforesaid noise limits, it shall be considered a violation of this Ordinance.
2. Maximum decibel levels specified herein shall not apply during times of power outage, however the sound studies shall also evaluate and report anticipated decibel levels when all emergency power generation equipment is running, including backup generators.
3. The applicant shall provide a vibration study prepared by a qualified professional that demonstrates that no vibration from the Data Center, Data Center Accessory Uses, or associated equipment will be perceptible to the human sense of feeling beyond the property line.

G. Water and Sewer

1. The use may utilize a closed-loop cooling system.
 - a. The use shall deploy technologies for water conservation including, but not limited to, installing closed-loop or recirculation systems to reduce demands on the water supply.
2. If the use is served by a public water supply, the applicant shall submit documentation from the public authority certifying that the public authority will supply the water needed.

3. If the use is to rely upon non-public sources of water, the applicant shall provide a water feasibility study. The purpose of the study is to determine if there is an adequate supply of water for the proposed use and to estimate the impact of the use on all existing wells, groundwater, and surface waters in the vicinity. No Data Center shall be approved unless the water feasibility study demonstrates that the anticipated water supply yield is adequate for the project and that the proposed water withdrawals and discharges will not endanger or adversely affect the quantity or quality of groundwater supplies or surface waters in the vicinity. The water feasibility study shall include the following information at a minimum:
 - a. The projected water demands of the Data Center;
 - b. The source of water to be used;
 - c. A description of how water will be used, including the amount or proportion of water to be used for each purpose (e.g. cooling, humidity control, fire suppression, and domestic usage);
 - d. The long-term safe yield of the water source;
 - e. A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means;
 - f. A geologic map of the area with a radius of at least one mile from the site;
 - g. The location of all existing and proposed wells within 1,000 feet of the property boundary, with a notation of the capacity of all high-yield wells, including residential and commercial wells not registered with the State of Pennsylvania;
 - h. The location of all surface waters, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, within 1,000 feet of the property boundary;
 - i. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, surface waters, and the groundwater table;
 - j. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
4. The applicant shall provide proof of review and approval from the Susquehanna River Basin Commission for projects proposing:
 - a. Water withdrawals of 100,000 gallons per day (gpd) or more over a 30-day average from any source or combination of sources within the Susquehanna River Basin; or
 - b. Any consumptive water use of 20,000 gpd or more over a 30-day average from any water source.
5. The applicant shall demonstrate that adequate means of wastewater disposal, including domestic wastewater and wastewater used for cooling or industrial purposes, have been provided and approved by the Sewage Enforcement Officer and/or the Pennsylvania Department of Environmental Protection.
6. The applicant shall provide for review by the Zoning Hearing Board, Planning Commission, Engineer, and/or other appropriate entity as applicable an Environmental

Impact Statement, as outlined in Section 808, to disclose the potential environmental consequences of the proposed project.

H. Power Supply

1. If the applicant proposes to connect the Data Center to the electric grid, the applicant shall provide documentation from the applicable electric service provider certifying that the necessary capacity is available, and that the electric service provider will serve the Data Center. Known impacts on electric rates or availability for other uses directly attributable to the Data Center project shall be noted.
2. All new electric lines, both transmission and distribution, must be located underground.
3. Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, or nuclear energy generating systems, shall not be considered part of the Data Center use. Such systems shall be considered a separate use and shall be approved according to the zoning regulations applicable to such use.
4. c. All generators, whether portable or fixed/permanent, shall be equipped with functioning mufflers and enclosures to comply with the noise limits in § 902.18 and all other applicable noise restrictions contained within the Luzerne County Zoning Ordinance. Furthermore, all generators shall be Tier IV diesel certified generators.
5. i. Non-residential or non-light commercial portable or backup generators shall not be operated between 8:00 p.m. and 8:00 a.m. except during declared emergencies as ordered by Luzerne County EMA.
6. Renewable energy sources are encouraged to be utilized to offset energy consumption from offsite sources. Rooftop solar and onsite windmills can be implemented to minimize power consumption from other sources and reduce strain on the power grid. See section XXs for all solar and wind zoning regulations, dimensional standards will be regulated by data center amendment.
7. Alternative energy sources, including, but not limited to, on-site nuclear and other technologies, may require further approval standards.
8. All Bulk Fuel Storage must comply to the supplemental land use regulations detailed in Section 508.

I. Emergency Management

1. The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:
 - a. Be reviewed and accepted by the local fire department and emergency management services as part of the [conditional use/special exception/land development] process;
 - b. Include detailed procedures for fire suppression, containment, ventilation, and evacuation;
 - c. Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;
 - d. Ensure that all first responders receive adequate training specific to the installed system;

- e. Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the Data Center.
2. Any Data Center use proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.
3. No Data Center shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety and welfare.
4. A campus security plan should be prepared in consultation with police and local emergency officials.

J. Aesthetics

1. Any Data Center and Data Center Accessory Use building façade that faces a road, or existing residential use must incorporate at least two of the following design elements every 150 horizontal feet:
 - a. A change in building material, pattern, texture, or color;
 - b. A change in building height;
 - c. Building step-backs or recesses having a minimum depth of five (5) feet;
 - d. Uninterrupted blank wall façades shall be prohibited to the extent that they are visible from a public right-of-way or a residential area. Design variations on long exterior walls shall be employed in order to create visual interest. Examples of such design variations include, but are not limited to, banding, windows, scoring of building facades, color changes, texture or material changes, and a variety in building height across a single building.
 - e. Exterior walls shall incorporate elements that create patterns of façade recession, offsets, and extrusions along the entire length of the façade. For every 200 feet of building length, a recession, offset, and/or extrusion must be incorporated at a minimum of 20 feet in length and five (5) in depth.
 - f. On all four sides of each building, roof-mounted equipment shall be screened with materials that are consistent and harmonious with the building's façade and character. Such screening shall be provided in order to conceal the equipment from off-site view and to buffer sound generated by such equipment.

g.

K. Parking

1. Data Centers are to be provided with at least one parking space per 8,000 square feet of floor area designed and intended to be accessible regularly by employees, or one parking space for every one employee, based upon the maximum number of employees

on site during the largest shift, whichever is lesser. The number of ADA parking spaces is to be determined by the total number of parking spaces required for the facility.

L. Decommissioning:

1. A decommissioning plan shall be required at the time of application for all proposed data centers under the jurisdiction of this zoning ordinance that establishes detailed inventory, timelines, management and removal of physical equipment, disposal of recycling materials, and plans for future use or restoration of the site.
2. Decommissioning must begin within one (1) year of discontinuation of Data Center operations, or upon notice of abandonment by the operator, whichever occurs first. Decommissioning shall be completed within (18) months thereafter unless extended by the County in writing for good cause.
3. Standards for Decommissioning:
 - a. Hazardous materials, including, but not limited to, batteries, fuel, or refrigerants, shall be disposed of in compliance with state and federal law.
 - b. Disturbed soils shall be stabilized and revegetated.
 - c. All utility providers must be notified of the discontinuation of operations.

M. Community Incentive Package:

1. Any proposed Hyperscale or Major Data Center development under the jurisdiction of this zoning ordinance may include a community incentive package within the municipality(s) the development is located and/or localized area/vicinity of the development. The community incentive package must be provided, in writing, as part of the Developer's Agreement, if necessary

Section 3: SPECIAL EXCEPTION Review. In addition to all other requirements for Special Exception uses, the following supporting documents must be submitted as a part of the Special Exception application to the Zoning Hearing Board:

1. Site Plan of the proposed project
2. Documentation of required studies (noise, vibration, water, environmental, etc.)
3. Plans for electricity and water infrastructure
4. Emergency Response Plan
5. Decommissioning Plan
6. Developer's Agreement

Section 4: Severability. If any sentence, clause, section, or part of this Ordinance or of the Zoning Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the LUZERNE COUNTY COUNCIL that this Ordinance and the Zoning Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 5. Repealer. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

Section 6 Codification. Pursuant to the [APPLICABLE MUNICIPAL CODE] and the Pennsylvania Municipalities Planning Code, the Luzerne County Zoning Ordinance shall hereby be codified to incorporate the above-referenced amendments.

Section 7. Effective Date. This Ordinance shall take effect fifteen (15) days after its adoption.

DRAFT

[MUNICIPALITY]

ERIE COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE OF THE [GOVERNING BODY] OF [MUNICIPALITY], PENNSYLVANIA, TO AMEND THE [MUNICIPALITY] ZONING ORDINANCE TO DEFINE AND ADD SPECIFIC REQUIREMENTS FOR DATA CENTERS AND DATA CENTER ACCESSORY USES.

WHEREAS, Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601, *et seq.*, authorizes the [MUNICIPALITY] to enact, amend, and repeal Zoning Ordinances within the [TOWNSHIP/BOROUGH/CITY]; and

WHEREAS, the [GOVERNING BODY] deems it to be in the best interest and general welfare of the residents of the [TOWNSHIP/BOROUGH/CITY] to update and amend provisions of the [MUNICIPALITY] Zoning Ordinance to provide for Data Centers and Data Center Accessory Uses; and

WHEREAS, Data Centers warrant special consideration related to energy and water utilization as well as noise and air pollution; and

WHEREAS, the [GOVERNING BODY] of the [TOWNSHIP/BOROUGH/CITY] desires to add provisions to the Zoning Ordinance relating to Data Centers and Data Center Accessory Uses;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the [GOVERNING BODY] of [MUNICIPALITY] as follows:

Section 1. Section XXX of the [MUNICIPALITY] Code of Ordinances, entitled Definitions, is amended to add the following definitions:

Consumptive Use: The loss of water from a groundwater or surface water source through a manmade conveyance system, including such water that is purveyed through a public water supply system, due to transpiration by vegetation, incorporation into products during their manufacture, evaporation, diversion out of a basin or any other process to the extent that the water withdrawn is not returned to the waters of a basin.

Data Center: A facility used for the housing, operation, and/ or co-location of computers and/or telecommunications equipment for the purpose of processing, transferring, disseminating, storing, and transmitting digital information or applications. This use shall also include cryptocurrency mining, blockchain transaction processing, and server farms. A Data Center may include Data Center Accessory Uses.

Data Center Accessory Use: Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations;

water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); security features, provided such data center accessory uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center. The use shall not include energy generation systems used or intended to be used to supply power to the Data Center during normal operations.

Diversion: A transfer of water from the basin into another watershed or from the watershed of the Great Lakes into that of another by means of transfer, including but not limited to a pipeline, canal, tunnel, aqueduct, channel, modification of the direction of a water course, a tanker ship, tanker truck, or rail tanker.

Safe Yield: The amount of water that can be withdrawn from a water resource over a period of time without impairing the long-term utility of a water resource, such as dewatering of an aquifer, impairing the long-term water quality of a water resource, inducing a health threat, or causing irreparable or unmitigated impact upon reasonable and beneficial uses of a water resource. Safe yield of a particular water source is primarily to be determined based on upon the predictable rate of natural and artificial replenishment of the water resource over a reasonable period of time.

Sensitive Receptor: Residential uses, schools, preschools, daycare centers, in-home centers, long-term care facilities, retirement and nursing homes, community centers, places of worship, parks (excluding trails), campgrounds, prisons, and dormitories.

Withdrawal: The removal or taking of water from any source water resource, whether or not returned to the water source.

Section 2. Data Centers shall be added to the following zoning districts as a Special exception:
[LANGUAGE INDICATING ZONING DISTRICTS WHERE USES WILL BE PERMITTED]

Section 3. Section XXX (Standards for Specific Uses) is amended to add Section XXX, Data Centers and Data Center Accessory Uses:

XXX-XX – Data Centers and Data Center Accessory Uses

- A. Data Centers shall be permitted by [SPECIAL EXCEPTION] in the XXX Zoning District when approved in compliance with the procedures, standards, and criteria contained in this section.
- B. Additional considerations are included in the following sections when within proximity to sensitive receptors.
- C. **Dimensional Standards.** The dimensional standards of Data Centers and Data Center Accessory Uses shall be in accordance with [SECTION XXX (EXISTING STANDARDS APPLICABLE TO RELEVANT ZONING DISTRICT)], with the following exceptions:
 1. The maximum building height for a Data Center shall be **[60]** feet, inclusive of roof-mounted equipment such as cooling and ventilation systems, HVAC units, and cooling towers.

2. The maximum height of Data Center Accessory Uses shall be no greater than the height of the principal building.
 3. Data Centers and Data Center Accessory Uses shall have a setback of **[200]** feet from the boundary of [RESIDENTIAL ZONING DISTRICT(S)] or the lot line of any property developed with a sensitive receptor.
 4. The minimum front setback for a Data Center and Data Center Accessory Use shall be **[20 feet]**, the minimum rear setback shall be **[30 feet]**, and the minimum side setback shall be **[8 feet]** when the Data Center and Data Center Accessory Use is adjoining the lot line of any industrial district.
- D. **Lot Coverage.** The Data Center and Data Center Accessory Use shall not have a lot coverage exceeding **[70%]**.
- E. **Landscape Buffer.** A landscape buffer is required between Data Centers and Data Center Accessory uses and any adjoining [residential zoning district], sensitive receptor, or public roadway. The landscape buffer shall comply with the following requirements [ALTERNATIVELY, CROSS-REFERENCE EXISTING LANDSCAPE BUFFER REQUIREMENTS IN ZONING ORDINANCE OR SALDO]:
1. The landscape buffer shall be at least [20] feet in width and may be part of the minimum setback distance.
 2. Buffer plantings shall consist of native species planted as follows:
 - a. One (1) large evergreen tree per 25 linear feet of buffer. The size of large evergreen trees shall be a minimum of eight (8) feet in height at the time of planting.
 - b. One (1) deciduous canopy (shade) tree per 75 linear feet of buffer. The size of canopy (shade) trees shall be a minimum of 2½ inch caliper at the time of planting.
 - c. One ornamental/flowering tree per 50 linear feet of buffer. The size of ornamental/flowering trees shall be a minimum of eight (8) feet in height for multi-stemmed varieties, or 2½ inch caliper at the time of planting for single-stemmed varieties.
 - d. Five (5) shrubs per 20 linear feet of buffer. The size of shrubs shall be fully branched and a minimum of three feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of 50% being evergreen.
 3. In the event that existing vegetation is adequate to meet the intent of the required buffer yard to screen the Data Center and Data Center Accessory Uses from adjoining [residential zoning districts], sensitive receptors, and public roadways, the [decision-making body], upon recommendation by the Township Engineer and Planning Commission, may determine that existing topography and/or vegetation constitutes all or part of the required buffer yard.
- F. **Screening and Fencing**
1. To provide visual screening and reduce noise levels, ground-mounted and roof-mounted equipment used for cooling, ventilating, or otherwise operating the facility, including power generation or other power supply equipment, that is located within [40] feet of a public roadway, [RESIDENTIAL ZONING DISTRICT(S)], or the lot

line of any sensitive receptor must be fully enclosed, except where not mechanically feasible based on the manufacturer's specifications. If it is not mechanically feasible to fully enclose the equipment, it must be fully screened from view using one or more of the following means:

- a. The landscape buffer required by subsection (D) above.
 - b. By existing vegetation that will remain on the property.
 - c. By the principal Data Center building or an accessory building
 - d. A berm averaging a minimum of five (5) feet in height above the adjacent average ground level with a maximum side slope of 3:1, provided that the berm shall be covered by a well-maintained all-season natural ground cover and any required screening plantings shall be arranged on the outside and top of the berm.
 - e. A visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building.
2. Fencing of the property is permitted, provided that fencing along public and private roadways is not chain-link, with or without slatted inserts, and does not include barbed wire or other similarly visibly intrusive deterrence devices. An applicant shall not be required to comply with this requirement if fencing is fully screened from view by one or more of the means identified in subparagraph 1 above.

G. Noise and Vibration [ALTERNATIVELY, CROSS-REFERENCE EXISTING NOISE REQUIREMENTS]

1. The applicant shall demonstrate through a sound study conducted by a professional acoustical expert that the sound generated by a Data Center and/or Data Center Accessory Uses during normal operations shall be limited to a maximum sustained daytime (7:00 a.m. to 8:00 p.m. Monday-Friday) decibel level of [67] dB(A) and a maximum sustained nighttime and weekend (8:00 p.m. to 7:00 a.m. Monday-Friday and all day Saturday and Sunday) decibel level of [57] dB(A) as measured from the property line of the use. Such sound study shall be conducted using Sound Level Meters described in ANSI S1.4-2104 and generally accepted methodology. A sound study shall be conducted at the following phases:
 - a. A preliminary study shall be conducted as part of the special exception process. The preliminary study shall include recommended sound-reducing materials or systems as needed to meet the aforesaid sound limits.
 - b. An interim sound study shall be conducted during the building permit approval process based upon the proposed user or users of the Data Center and Data Center Accessory Uses depicted on the building plans. Any sound-reducing materials or systems recommended by the interim sound study shall be incorporated into the construction plans for use.
 - c. An as-built sound study shall be conducted six months after issuance of the certificate of occupancy and prior to the final escrow release for any land development phase. An as-built sound study may also be required thereafter by the [municipality]. If it is determined by the as-built sound study that there is a

violation of the aforesaid noise limits, it shall be considered a violation of this Ordinance.

2. Maximum decibel levels specified herein shall not apply during times of power outage, however the sound studies shall also evaluate and report anticipated decibel levels when all emergency power generation equipment is running, including backup generators.
3. The applicant shall provide a vibration study prepared by a qualified professional that demonstrates that no vibration from the Data Center, Data Center Accessory Uses, or associated equipment will be perceptible to the human sense of feeling beyond the property line.
4. Data Centers and Data Center Accessory Uses shall not exceed a maximum sustained noise level of [57] dB(A) at the boundary of [RESIDENTIAL ZONING DISTRICT(S)] or the lot line of any property developed with a sensitive receptor.

H. Stormwater, Water Supply, Water Use, and Wastewater

1. **Stormwater Management** – The applicant shall meet all provisions of the municipal stormwater management ordinance and associated requirements for post-construction stormwater management, as well as:
 - a. Identify the impacts of proposed impervious surfaces associated with the Data Center and Data Center Accessories on local groundwater recharge characteristics.
 - b. Identify the impacts of proposed changes of stormwater runoff characteristics associated with the Data Center and Data Center Accessories.
2. **Water Supply**
 - a. If the use will be supplied by a public water supply, the applicant shall submit written documentation from the public water authority certifying that the public water authority has the capacity and the capability to supply the proposed amount of water usage.
 - b. If the use is to rely upon nonpublic sources of water, the applicant shall provide a water feasibility study. The purpose of the study is to determine if there is an adequate supply of water for the proposed use and to estimate the impact of the use on existing wells, groundwater, and surface waters in the vicinity. No Data Center shall be approved unless the water feasibility study demonstrates that the anticipated water supply yield is adequate for the project and that the proposed water withdrawals and discharges will not endanger or adversely affect the quantity or quality of groundwater supplies or surface waters in the vicinity.

The water feasibility study shall include the following information at a minimum:

- i. The projected water demands of the Data Center;
- ii. The source of water to be used;
- iii. A description of how water will be used, including the amount or proportion of water to be used for each purpose (e.g., cooling, humidity control, fire suppression, and domestic usage);

- iv. The long-term safe yield of the water source;
- v. A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means;
- vi. A geologic map of the area with a radius of at least one mile from the site;
- vii. The location of all existing and proposed wells within 1,000 feet of the property boundary, with a notation of the capacity of all high-yield wells;
- viii. The location of all surface waters, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, within 1,000 feet of the property boundary;
- ix. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, surface waters, and the groundwater table;
- x. A statement of documentation of the qualifications and the signature(s) of the person(s) preparing the study.
- xi. Require documentation of conservation practices and efficiency measures that are designed to accomplish any of the following:
 - 1. Reduce the demand for water
 - 2. Improve efficiency in water use and reduce losses and waste of water;
 - 3. Improve reuse and recycling of water;
 - 4. Improve land management practices to conserve water or to preserve or increase water recharge

3. **State Water Use Regulatory Approvals** - The applicant shall apply for an application and provide confirmation of registration and/or permit approval from the Pennsylvania Department of Environmental Protection for projects proposing one or more of the following:

a. Great Lakes Basin:

- i. Any new or increased diversion.
- ii. Any new or increased consumptive use average of 5,000,000 gallons per day (gpd) or more in any 90-day period.
- iii. Any withdrawal of water of 10,000 gallons per day (gpd) or greater in any 30-day period from any source or combination of sources within the Great Lakes Basin.

b. Ohio River Basin

- i. Any withdrawal of water of 10,000 gallons per day (gpd) or greater in any 30-day period from any source or combination of sources within the Ohio River Basin.

- ii. Any water obtained through interconnection with another party in an amount that exceeds an average rate of 100,000 gallons per day (gpd) in any 30-day period.

5. Wastewater

- a. The applicant shall demonstrate that adequate means of wastewater disposal, including domestic wastewater and wastewater used for cooling or industrial purposes, have been provided and approved by the Sewage Enforcement Officer and/or the Pennsylvania Department of Environmental Protection.

6. Power Supply

- a. If the applicant proposes to connect the Data Center to the electric grid, the applicant shall provide documentation from the applicable electric service provider certifying that the necessary capacity is available and that the electric service provider will serve the Data Center. Known impacts on electric rates or availability for other uses directly attributable to the Data Center project shall be noted.
- b. Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, or nuclear energy generating systems, shall not be considered part of the Data Center use. Such systems shall be considered a separate use and shall be approved by a separate permit according to the zoning regulations and federal and state regulations applicable to such use.

7. Emergency Management

- a. The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:
 - i. Be reviewed and accepted by the local fire department and emergency management services as part of the special exception process;
 - ii. Include detailed procedures for fire suppression, containment, ventilation, and evacuation;
 - iii. Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;
 - iv. Ensure that all first responders receive adequate training specific to the installed system;
 - v. Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the Data Center.
- b. Any Data Center use proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.

- c. No Data Center shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety, and welfare.

8. Aesthetics

- a. Any Data Center and Data Center Accessory Use building façade that faces a road, or existing residential use, must incorporate at least two of the following design elements every 150 horizontal feet:
 - i. A change in building material, pattern, texture, or color;
 - 1. A change in building height;
 - ii. Building step-backs or recesses having a minimum depth of five (5) feet;

9. Parking

- a. Data Centers are to be provided with at least one parking space per 8,000 square feet of floor area designed and intended to be accessible regularly by employees, or one parking space for every one employee, based upon the maximum number of employees on site during the largest shift, whichever is lesser.
- b. Parking lot impervious surfaces shall be considered to be included in the maximum allowed lot coverage.

Section 4: Severability. If any sentence, clause, section, or part of this Ordinance or of the Zoning Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the [GOVERNING BODY] that this Ordinance and the Zoning Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

Section 5. Repealer. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

Section 6. Codification. Pursuant to the [APPLICABLE MUNICIPAL CODE] and the Pennsylvania Municipalities Planning Code, the [MUNICIPALITY] Zoning Ordinance shall hereby be codified to incorporate the above-referenced amendments.

Section 7. Effective Date. This Ordinance shall take effect five (5) days after its adoption.

ORDINANCE NO.
AN ORDINANCE OF NORTH MANHEIM TOWNSHIP, SCHUYLKILL COUNTY,
COMMONWEALTH OF PENNSYLVANIA, AMENDING THE NORTH MANHEIM
TOWNSHIP ZONING ORDINANCE TO PROVIDE REGULATIONS FOR DATA CENTER
USES.

WHEREAS, the Pennsylvania Municipalities Planning Code, act of July 31, 1968, as amended, 53 P.S. §§ 10101 et seq., enables a municipality through its zoning ordinance to regulate the use of property; and

WHEREAS, North Manheim Township seeks to promote the general health, safety, and welfare of the community by adopting and implementing an amendment to the Zoning Ordinance allowing for the proper use of Data Centers within North Manheim Township and to establish proper criteria for the regulation and development of proper and reliable standards for these uses; and

WHEREAS, the Board of Supervisors desires to plan for and accommodate the managed use and regulation of Data Centers for the needs of North Manheim Township residents and businesses; and

WHEREAS, the Board of Supervisors has identified certain provisions of North Manheim Township Zoning Ordinance which are in need of defining and/or amending;

BE IT ENACTED AND ORDAINED by the Board of Supervisors of North Manheim Township, Schuylkill County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1: North Manheim Township Zoning Ordinance Section 201.4 – Specific Terms shall be amended to add the following definitions, to be inserted in alphabetical order:

Data Center: A facility whose primary services are the storage, management, and processing of digital data for off-site users. Typical supporting equipment includes back-up batteries, power generators, cooling units, fire suppression systems, and enhanced security systems.

Closed-loop cooling system: A cooling system that circulates a single contained coolant or fluid that is not discharged to the environment as a normal part of operation (may include plate-and-frame heat exchangers, rear-door heat exchangers, immersion, or other sealed liquid cooling approaches.)

Data Center Equipment: Data Center Equipment or DCE includes any Data Center Accessory Uses which in an un-muffled state generate noise in excess of the permitted maximum dB(A)

in § 518.5 at the point of generation. DCE shall be accessory to the Data Center and be located on the same tract or assemblage of adjacent parcels developed as a unified development for a Data Center

ELECTRIC GENERATION PLANT:

A principal use devoted to the creation, conversion, distribution, or transmission of electrical energy for use at another location by means other than solar as a Principal Solar Energy System are regulated elsewhere under the zoning ordinance.

ENERGY STORAGE SYSTEM:

One or more devices capable of storing energy to supply electrical energy at a future time. The term includes a battery energy storage system, battery storage power station, battery energy grid storage or battery grid storage, all of which are types of energy storage technology that uses a group of batteries in the grid to store electrical energy.

FIBER OPTIC SWITCH FACILITY:

A building to house a generator or other equipment used in times of power outages or to improve processing speeds from data running along a backbone or right-of-way. If the use involves an antenna, then the use will be considered a commercial communication antenna or tower.

SECTION 2: North Manheim Township Zoning Ordinance shall be amended as follows:

Article IV, I-Industrial District, 408:

Existing §408.3.g (Uses Permitted by Special Exception) shall be revised to §408.3.h

Article IV, I-Industrial District, 408 shall be revised to add the following:

§408.3.g Data Centers, subject to §518

Article V, Supplementary Regulations, Parking and Truck Loading Requirements, 508:

§508.1.12 shall be revised to §508.1.13

§508.1.12 shall read: “Data Centers: One (1) space per employee on the maximum shift”

SECTION 3: North Manheim Township Zoning Ordinance Article V, Supplementary Regulations, shall be amended to add the following Section 517: Data Center Uses.

518 Data Center Uses

518.1 Minimum Yard Dimensions for Data Centers:

- a) Minimum Yard Dimensions shall follow Section 408.6 unless the buildings are in proximity to a residentially zoned district. In such case, Section 518.1.b (below) shall prevail.
- b) Data Center Buildings and associated ground-located equipment shall be at least 300' from a residentially zoned district boundary line (R-A, R-1, & R-2)

518.2 Minimum Lot Size for Data Centers:

- a) Public water and public sewer - 20,000 sq. ft.

518.3 Maximum Lot Coverage and Height:

- a) Maximum Building Height - 35'.
- b) Maximum 50% Lot Coverage

518.4 Screening

- a) In order to minimize visibility from adjacent roads and adjacent properties, ground level and roof top mechanical equipment shall be screened from arterial and collector streets and abutting residentially zoned properties. This screening may be provided by a principal building or existing vegetation that will remain on the property or is within a landscaping/buffer easement on an adjacent property. Mechanical equipment not screened by a principal building or existing vegetation shall be screened by a visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building. Notwithstanding the requirements of this section, mechanical equipment located in a manner found to have no adverse impact on adjacent roads and adjacent properties, as determined by the North Manheim Township Planning Commission, shall not be required to be screened.

518.5 Noise Control

- a. For Data Center uses, it shall be demonstrated through a sound study conducted by a professional acoustical expert that the installation of one or more sound reducing

materials or systems, approved by the Township, will effectively reduce the sound generated by the Data Center and associated DCE during normal operations and testing and maintenance operations (i.e. all standby emergency equipment, including but not limited to generators running) to a maximum daytime (7:00 AM to 8:00 PM Monday-Friday) decibel level of 70 dB(A) and a maximum nighttime (8:00 PM to 7:00 AM Monday-Friday and all day Saturday and all day Sunday) decibel level of 60 dB(A) as measured from the property line of the Data Center use. Such sound study or studies shall be conducted using Sound Level Meters described in ANSI S1.4-2014 and using generally accepted criteria. Maximum decibel level specified herein is exempt during a time of power outage conditioned that the sound study shall also evaluate and report anticipated decibel levels when all DCE is running. A sound study shall be conducted at the following phases:

- i. A preliminary sound study for the Data Center and associated DCE shall be conducted as part of the Special Exception process. The preliminary sound study shall recommend the sound reducing materials or systems to meet the aforesaid sound limits.
 - ii. An interim sound study shall be conducted during the building permit process based upon the proposed user or users of the Data Center and associated DCE depicted on the building plans. The sound reducing materials or systems recommended by the interim sound study shall be incorporated into the construction plans for the Data Center.
 - iii. An as-built sound study shall be conducted six months after issuance of the certificate of occupancy for any Data Center and associated DCE prior to the final escrow release for any Data Center land development phase. An as-built sound study may also be required thereafter by the Township upon request. If it is determined by the as-built sound study that there is a violation of the aforesaid sound limits, then the owner or occupant of the Data Center shall promptly remediate the violation into compliance with the aforesaid sound limits.
- b. Low-frequency noise and tonal components shall be addressed separately where applicable, in accordance with applicable acoustical standards.

518.6 Vibration

The applicant shall provide a vibration study prepared by a qualified professional that demonstrates that no vibration from the Data Center, Data Center Accessory Uses, or associated equipment will be perceptible to the human sense of feeling beyond the property line.

518.7 Sewer and Water

- a. Public water and public sewer facilities shall be provided. The applicant shall submit documentation from the public authority certifying that the public authority will supply the water needed.

518.8 Fencing

- a. Fencing along the property line is permitted, provided that fencing along public or private streets is not chain-link, with or without slatted inserts, and does not include barbed wire or other similarly visibly intrusive deterrence device. Chain-link fencing or barbed wire fencing are prohibited along public or private street frontages. Fence heights shall comply with §501.2.

518.9 Design Standards

- a. Principal building facades. All building facades must include:
 - i. A change in the façade surface for every 150 horizontal feet of at least one of the following: building material, pattern, texture, color or accent material; and
 - ii. Windows, doors or similar fenestration design features such as faux windows, must be distributed horizontally and vertically across the façade and comprise a minimum of 30 percent of the individual façade.
 - iii. A data center building must be designed to minimize adverse visual impacts on surrounding development as demonstrated by the submission of elevations, architectural sketches, or sight line studies. The building should have a high-quality design as evidenced by use of materials, color, and texture. If the building is located less than 200 feet from a Residential District or a property developed with a residential use, it shall include changes in building height or other design techniques to provide variation in building mass as viewed from the nearby residential district or property.

518.10 Electricity Capacity

- a. If the applicant proposes to connect the Data Center to the electric grid, the

applicant shall provide documentation from the applicable electric service provider certifying that the necessary capacity is available and that electric service provider will serve the Data Center. Known impacts on electric rates or availability for other uses directly attributable to the Data Center project shall be noted and any costs to residential customers within the Township will be offset, that is, paid by the data center owner.

- b. Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, or nuclear energy generating systems, shall not be considered part of the Data Center use. Such systems shall be considered a separate use and shall be approved according to the zoning regulations applicable to such use.

518.11 Emergency Response Plan (ERP)

- a. Any proposed Data Center shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:
 - i. Require review and acceptance by the local Fire Marshal and Emergency Management Agency as part of the special exception process.
 - ii. Include detailed procedures for fire suppression, containment, ventilation and evacuation.
 - iii. Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site.
 - iv. Ensure that all first responders receive adequate training in installing the fire suppression system.
 - v. Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the Data Center.
 - vi. Include a detailed map of hazardous material storage, a 24/7 emergency contact hotline, and a description of a “Public Alert System” used to notify residential properties with a 1,000’ radius of an onsite emergency that poses a potential off-site impact.

518.12 Mandatory Cooling System Requirements

- a. Closed-Loop Required. All new data centers and qualifying expansions must employ closed-loop cooling for server racks and IT equipment. The applicant must supply a sworn engineering statement and O&M manual explaining how the system will avoid routine discharge; the Township reserves the right to require third-party validation. Use of open, evaporative cooling towers for facility heat rejection is prohibited unless an applicant demonstrates by clear and convincing evidence that closed-loop technology is infeasible for the specific project and the applicant obtains conditional exemption from the Zoning Hearing Board under this Section while seeking special exception approval.
- b. Conditional Exemption. An exemption may be granted by the Zoning Hearing Board upon a written request made at the time of special exemption application and must include:
 - i. Detailed engineering documentation prepared by a licensed professional engineer demonstrating that closed-loop technology is infeasible for the specific project.
 - ii. Proposed alternative technologies such as geothermal, air-cooled, direct-to-chip liquid cooling, or waste-heat recovery systems so long as they meet water-use, noise, and environmental standards set forth herein.
 - iii. The Zoning Hearing Board may impose reasonable conditions on any exemption.

518.13 Environmental and Community Impact Analysis

Prior to the commencement of the special exception hearing, the applicant shall provide an environmental and community impact analysis. The environmental and community impact analysis shall include:

- (1) A narrative description of the nature of the on-site activities and operations, including the market area served by the facility, the hours of operation of the facility, the total number of employees on each shift, the times, frequencies, and types of vehicle trips generated, the types of materials stored and the duration period of storage of materials.
- (2) A site plan of the property indicating the location of proposed improvements, flood plains, wetlands, waters of the Commonwealth and cultural and historic resources on the property and within 500 feet of the

- boundaries of the property.
- (3) Evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.
- (4) An evaluation of the potential impacts of the proposed use, both positive and negative, upon:
 - a. Emergency services and fire protection,
 - b. Water supply,
 - c. Sewage disposal,
 - d. Solid waste disposal,
 - e. School facilities and school district budget, and
 - f. Municipal revenues and expenses.
- 5. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, heat islands, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances.

518.14 Green Building Techniques

Data Centers are encouraged to implement low-impact development practices in site design and energy efficiency, such as, but not limited to, the following:

- (1) Site Design.
 - a. Select sites that avoid sensitive lands such as wetlands, floodplains, and steep slopes
 - b. Minimize land disturbance
 - c. Maximize tree preservation
 - d. Minimize impervious surfaces
 - e. Minimize potential nuisance impacts (noise, glare, vibration, etc.) on adjacent properties, public roadways, and the vicinity.
- (2) Energy/Resource Efficiency
 - a. Orient buildings to take advantage of passive cooling and daylight opportunities
 - b. Utilize alternative energy sources (solar, wind, hydro, etc.) as much as possible
 - c. Provide an energy storage system to monitor and regulate usage of alternative energy for usage during off-peak hours
 - d. Utilize reclaimed water for cooling, if available
 - e. Encourage systems that limit the use of finite natural resources and their disposal
 - f. Encourage fuel storage that limits impacts on the environment from potential spills
 - g. Install water-efficient landscape materials

- h. Utilize LED exterior/interior lighting
- i. Implement energy management best practices and carbon reduction techniques such as, but not limited to, those promoted through the U.S. Department of Energy's Better Buildings initiative and U.S. Green Building Council's LEED Certification system.

518.15 Electric Generation Plant

- A. All principal and accessory buildings shall be a minimum of 300 feet from any property line and public road right-of-way.
- B. The minimum lot size shall be 5 acres.
- C. The height of structures, except for electric distribution and transmission poles, shall not exceed a height of 35 feet as measured from the natural grade of the property beneath the structure.
- D. The plant shall be completely enclosed by a fence not less than eight feet in height. Signs shall be posted on the fence in conspicuous places warning the public of any potential hazards and providing 24-hour emergency contact information, including a reach-back phone number.
- E. The plant may not generate a maximum sound of more than 70 average hourly decibels as measured at the nearest property line. Decibel modeling shall use the A-weighted scale designed by the American National Standards Institute. The applicant shall provide a sounds study as part of the conditional use application.
- F. An emergency response plan (ERP) shall be required at the time of special exception application as described in Section 518.11. The ERP shall identify contingencies that would constitute a safety or security emergency; provide emergency response measures; and identify community notification procedures. The applicant shall provide evidence of consultation or a good faith effort to consult with local first emergency responders and county emergency coordinators to ensure that the ERP is in alignment with acceptable operating procedures, capabilities, and resources at the time of the special exception hearing.
- G. The plan submitted for the project with the special exception application shall meet the requirements of a preliminary plan under the North Manheim Township Subdivision and Land Development Ordinance, including a lighting plan to evidence that all outdoor lighting will be directed away from public right of ways and adjoining properties so that the lighting does not present a hazard to drivers or pedestrians by impairing their ability to safely traverse (disabling glare), and so as not to create a nuisance by projecting or reflecting objectionable light onto neighboring uses or properties (nuisance glare).

518.16 Energy Storage Systems and Fiber Optic Switch Facilities

- A. Outdoor lighting shall be shielded and downcast from view of neighboring properties with dark sky-friendly lighting solutions.
- B. The facility shall be a minimum of 100 feet from any property line and

public road right-of-way; and 300 feet from an occupied dwelling unit on an adjacent property.

- C. The height of the structures, except for electric distribution and transmission poles, shall not exceed a height of 20 feet as measured from the natural grade of the property beneath the structure. Stacking of battery storage system components is prohibited.
- D. The facility shall be completely enclosed by an eight (8') foot high fence.
- E. The facility may not generate a maximum sound of more than 70 average hourly decibels as measured at the property line of an adjacent property. Decibel modeling shall use the A-weighted scale designed by the American National Standards Institute. The applicant shall provide a sounds study as part of the special exception application.
- F. An emergency response plan (ERP) shall be required at the time of special exception application as described in Section 518.11. The ERP shall identify contingencies that would constitute a safety or security emergency; provide emergency response measures; and identify community notification procedures. The applicant shall provide evidence of consultation or a good faith effort to consult with local first emergency responders and county emergency coordinators to ensure that the ERP is in alignment with acceptable operating procedures, capabilities, and resources at the time of the special exception hearing.
- G. Signs shall be posted at the facility as part of any conditional use approval concerning information on the system type and technology, special hazards, fire suppression system and 24-hour emergency contact information, including reach-back phone number. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

518.17 Decommissioning Plan

- A. A decommissioning plan is required at the time of special exception application. The decommissioning plan shall include:
 - 1. The anticipated manner of decommissioning, including a description of which above-grade and below-grade improvements will be removed, retained (e.g., access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. Pursuant to this requirement, the decommissioning plan shall be required to include that any structures up to forty-eight (48) inches below grade shall be removed for disposal.
 - 2. The projected decommissioning costs shall reflect the actual cost of decommissioning the project. Salvage value shall not be included in the cost to decommission the project.
 - 3. The method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond, irrevocable letter of credit, or cash deposit). A review of the

amount of the surety bond, based on inflation, and current removal costs shall be completed every five years, for the life of the project, and approved by the Township Board of Supervisors. The facility owner may at any time:

- i. Proceed with the decommissioning plan approved by the Township, and remove the system as indicated in the most recent approved plan; or
- ii. Amend the decommissioning plan with Township Board of Supervisors' approval and proceed according to the revised plan.

Decommissioning must commence when the soil is dry to prevent soil compaction and must be completed within six months after abandonment. A facility that has not operated for 12 consecutive months shall commence decommissioning. Restoration shall include bringing soil and topography of the land to their pre-development composition to ensure permitted use upon restoration. Soil tests shall be required as part of the decommissioning plan both before development and prior to the decommissioning.

SECTION 4: Interpretation. The provisions of this chapter, so far as they are the same as those of ordinances and regulations in force immediately before the enactment of these amendments to this chapter, are intended as a continuation of those earlier ordinances and regulations and not as new enactments. Nothing in this chapter shall affect any act done or liability incurred, or any suit or prosecution pending or to be instituted under any of those repealed or superseded ordinances or regulations.

SECTION 5: Repealer. The remaining provisions of the Code of North Manheim Township, and the Ordinances as codified therein, as enforced immediately before the enactment of this Ordinance, are intended to be continued, and to the extent not inconsistent herewith, are hereby reenacted and re-ordained.

SECTION 6: Severability. If any sentence, clause, section or part of this Ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impact any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of North Manheim Township that this Ordinance shall have been adopted as though such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included herein.

SECTION 7:Effective Date. This Ordinance shall become effective immediately upon enactment hereof, or as otherwise provided by applicable law.

ORDAINED AND ENACTED into law by North Manheim Township, Board of Supervisors, this _____ day of _____, 2026.

ATTEST:

**NORTH MANHEIM TOWNSHIP
BOARD OF SUPERVISORS**

Tami Stump
Secretary / Treasurer of North Manheim Township

Chairman

Supervisor

Supervisor

CERTIFICATE

I, the undersigned, Secretary of North Manheim Township, Schuylkill County, Pennsylvania (the "Township"), certify that: the foregoing is a true and correct copy of an Ordinance which duly was enacted by affirmative vote of a majority of all members of the Board of Supervisors of the Township, in accordance with law, at a meeting duly held on _____, at which meeting a quorum was present; said Ordinance has been certified and recorded by me, as Secretary of the Township, in the book provided for the purpose of such recording; said Ordinance, upon enactment, as aforesaid, was assigned Ordinance No. _____; the total number of members of the Board of Supervisors of the Township is three (3); the vote of the members of the Board of Supervisors of the Township, upon enactment of said Ordinance, the yeas and nays having been called, duly was recorded by me, as Secretary, as follows:

Wayne Bowen	-
William Webber, Jr.	-
Ralph Thomas, Jr.	- ;

said Ordinance has been advertised, as required by law, in a newspaper of general circulation in the Township; and said Ordinance has not been amended, altered or repealed as of the date of this

Certificate.

I further certify that the Board of Supervisors of the Township met the advance notice and public comment requirements of the Sunshine Act, 65 Pa.C.S. Ch.7, by advertising said meeting, by posting prominently a notice of said meeting at the principal office of the Township or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting, all in accordance with such Act.

IN WITNESS WHEREOF, I set my hand and affix this official seal of the Township, this _____ day of _____, 2026

Township Secretary
(SEAL)

MONTOUR COUNTY, PENNSYLVANIA
ORDINANCE NO. _____

AN ORDINANCE OF MONTOUR COUNTY, PENNSYLVANIA, TO
AMEND ITS ZONING ORDINANCE TO DEFINE AND ADD SPECIFIC
REQUIREMENTS FOR DATA CENTERS AND DATA CENTER
ACCESSORY USES.

WHEREAS, Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. §10601, *et seq.*, authorizes Montour County to enact, amend, and repeal its Zoning Ordinance within Montour County;

WHEREAS, Article I, Section 27 of the Pennsylvania Constitution, also known as the Pennsylvania Green Amendment, recognizes and protects the environmental rights of all people of the Commonwealth, including future generations. The same provides: “The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and aesthetic values of the environment. Pennsylvania's public natural resources are the most common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people” and

WHEREAS, Montour County deems it to be in the best interest and general welfare of the residents of Montour County to update and amend provisions of its Zoning Ordinance to provide for Data Centers and Data Center Accessory Uses.

LEGISLATIVE FINDINGS AND INTENT:

The Board of Commissioners of Montour County hereby makes the following findings:

1. Data Centers and related high-intensity technology and infrastructure uses may involve substantial impacts related to land use compatibility, water consumption, energy demand, noise, lighting, traffic, environmental resources, and emergency services.
2. Montour County contains significant agricultural lands, rural residential communities, environmentally sensitive areas, aquifer recharge zones, and public natural resources that require protection for the health, safety, and welfare of present and future residents.
3. The Pennsylvania Municipalities Planning Code authorizes municipalities to regulate land uses through zoning ordinances to prevent harm to public resources, ensure compatibility of uses, and promote orderly development.

4. The purpose of this Ordinance is not to prohibit Data Centers, but to ensure that any such use is carefully reviewed, appropriately sited, and conditioned to avoid adverse impacts on surrounding communities, infrastructure, and natural resources.
5. Data Centers are unique structures with the improvements and any equipment therein being interconnected and essential to each other.
6. This Ordinance is intended to provide clear, objective, and enforceable standards that allow the County to evaluate proposed Data Centers on a case-by-case basis through the Conditional Use process.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Commissioners of Montour County as follows:

Section 1.

TITLE: This Ordinance may be cited as the "Data Center Land Use Ordinance", the same being an Amendment to the Montour County Zoning Ordinance.

The Definitions section of Montour County Zoning Ordinance is hereby amended to add the following definitions:

Data Center: A building or buildings which are occupied primarily by computers and/or telecommunications and related equipment where digital information is processed, transferred, and/or stored, primarily to and from offsite locations. This use does not include computers or telecommunications related equipment that is secondary and customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building. This use shall also include cryptocurrency mining, blockchain transaction processing, hyperscaler, artificial intelligence, supercomputers, data center campuses, and server farms. A Data Center may include Data Center Accessory Uses.

Data Center Accessory Use: Ancillary uses or structures secondary and incidental to a Data Center Use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related

equipment); battery storage system; security features, provided such data center accessory uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center. The Use shall not include energy generation systems used or intended to be used to supply power to the Data Center during normal operations.

Sensitive Receptor: Schools, preschools, daycare centers, in-home daycares, health facilities such as hospitals, long term care facilities, retirement and nursing homes, community centers, places of worship, playgrounds, parks, campgrounds, prisons, dormitories, and any residence where such residence is not located on a parcel with an existing industrial, commercial, or unpermitted use as determined by the zoning officer, and any parcel where a residential use is a use permitted as a matter of right. This definition is based upon use, regardless of property ownership.

Section 2.

Data Centers shall be permitted by CONDITIONAL USE in the Industrial Zoning District when approved in compliance with the procedures, standards, and criteria contained in this Ordinance.

Section 3.

The Applicant shall demonstrate compliance with all applicable provisions of the County Zoning Ordinance, the County Subdivision and Land Development Ordinance (SALDO), and the Specific and General Criteria contained in this Ordinance. The Applicant shall also comply with all local, state, and federal rules and regulations.

The Applicant shall also demonstrate consistency with the goals, policies, and recommendations of the Montour County Comprehensive Plan, including but not limited to provisions addressing agricultural preservation, rural character, environmental protection, water resources, and infrastructure capacity. When a proposed Data Center conflicts with the Comprehensive Plan, the Applicant shall identify specific mitigation measures to offset such conflict. The County may deny or condition approval where the Applicant fails to demonstrate that the proposal adequately advances or mitigates impacts to Comprehensive Plan objectives.

The County may attach reasonable conditions to any approvals granted under this Ordinance.

Section 4. Specific Criteria

A. Building Placement and Orientation

1. All principal and accessory structures associated with a Data Center shall be arranged, designed, and constructed to be harmonious and compatible with the site and with the surrounding properties. In general, Data Centers that visually approximate commercial office buildings are encouraged.
2. Buildings shall be sited and oriented to:
 - a. Minimize visual impacts of the bulk of the building when examined on a line-of-sight basis from adjacent public streets and Sensitive Receptor property lines.
 - b. Provide safe and convenient vehicular access to the site, including sufficient on-site queuing areas at security gates.
 - c. Accommodate adequate parking.
 - d. Minimize impacts to natural resources.
 - e. Incorporate appropriate stormwater management practices.
3. Data Center(s) containing more than one building are encouraged to provide a variety in building size, massing, siting, and appearance by transitioning from smaller or lower buildings along street frontages to larger and taller structures on the interior of the site. Consideration of topography shall be given to avoid placement of larger, taller, or more massive buildings in a prominent location on the property or along a public street.

B. Maximum Height

The maximum building height for Data Centers or Data Center Accessory Uses shall be 80 feet, inclusive of equipment on roof.

C. Setback

1. All Data Centers and Data Center Accessory Uses shall be set back at as follows:
 - a. front setback – 250 feet from center of road;
 - b. side and rear setback – 150 feet from all property lines;
 - c. Notwithstanding the above, all Data Centers and Data Center Accessory Use(s) shall be setback 500 feet from a Sensitive Receptor property line.

D. Noise

1. The Applicant shall demonstrate through a sound study conducted by a professional acoustical expert that the sound generated by a Data Center and/or Data Center

Accessory Uses during normal operations shall be limited to a maximum daytime (7:00 a.m. to 8:00 p.m. Monday – Friday) decibel level of 60 dB(A) and a maximum nighttime and weekend (8:00 p.m. to 7:00 a.m. Monday – Friday and all day Saturday and Sunday) decibel level of 55 dB(A) as measured from the property line of the Use. Provided, however, the noise level shall not exceed 45dB(A)s at nighttime at the property line of any Sensitive Receptor not included as part of the site property. Such sound study shall be conducted using Sound Level Meters described in ANSI S1.4-2014, or the most up to date industry standard, and generally accepted technology. Additionally, since traditional measurements of noise in dBA is not fully capable of capturing low frequency noise, and meaningful limits using measurement techniques have not been well established, Data Center applicants shall incorporate the latest technology into the equipment/facility design and in the operating procedures, to limit low frequency noise emission beyond the site property line. A sound study shall be conducted at the following phases:

- a. A preliminary study shall be conducted as part of the Conditional Use process. The preliminary sound study shall include recommended sound reducing materials or systems as needed to meet the aforesaid sound limits.
 - b. An interim sound study shall be conducted during the building permit approval process based upon the proposed user or users of the Data Center and Data Center Accessory Uses depicted on the building plans. Any sound reducing materials or systems recommended by interim sound study shall be incorporated into the construction plans for the Use.
 - c. An as-built sound study shall be conducted six months after issuance of the certificate of occupancy and prior to the final escrow release for any land development phase. An as-built sound study may also be required thereafter by the Montour County Commissioners. If it is determined by the as-built sound study that there is a violation of the aforesaid noise limits, it shall be considered a violation of this Ordinance.
2. Maximum decibel levels specified herein shall apply during times of power outage. The sound studies shall also evaluate, and report anticipated decibel levels when all emergency power generation equipment is running, including emergency backup

generators. Emergency generator testing as required by industry standards is permitted.

3. In the event of any complaints of noise, Applicant or Occupant shall undertake timely corrective actions. The County Commissioners, in its discretion, shall determine the timeframe for any corrective actions and what actions to take. Should the County hire an independent noise expert to evaluate the noise, and should it be determined that Applicant or Occupant is in violation of the noise provisions of this Ordinance, Applicant or Occupant shall reimburse the County for the full costs of the same.

E. Negative Impacts

1. Any Use or activity producing air, dust, smoke, glare, exhaust, heat, or humidity in any form shall be carried on in such a manner that it is not perceptible at or beyond the property line.
2. The emission of any smoke, odorous gases or other odorous matter or steam in quantities that are offensive or have an extremely offensive smell at any point along the boundary with an adjacent zoning district, residential property or Sensitive Receptor property line shall be prohibited.
3. The Applicant shall provide a vibration study prepared by a qualified professional that demonstrates that no vibration from the Data Center, Data Center Accessory Uses, or associated equipment will be perceptible to the human sense of feeling beyond the property line.

F. Safety

1. The equipment used in any Data Center operation shall be housed in a metered, electrically grounded, and pre-engineered metal-encased structure with a fire rating designed to resist an internal electrical fire for at least 30 minutes. The containment space shall contain baffles that automatically close in the event of fire, independent of a possible electric system failure.
2. Any Data Center Use proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of

Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.

G. Emergency Management

1. The Applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional.

The ERP shall:

- a. Be reviewed and accepted by the local fire department and emergency management services as part of the [conditional use//land development] process;
 - b. Include detailed procedures for fire suppression, containment, ventilation, and evacuation;
 - c. Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;
 - d. Ensure that all first responders receive adequate training specific to the installed system. Applicant shall bear the costs of any specialized training needed;
 - e. The Applicant shall coordinate with the Montour County 911 Coordinator to ensure there is adequate radio coverage for emergency responders within the building based upon the existing coverage levels of the County Public Safety Radio Communications System at the exterior of the building and shall install enhancement systems as needed to meet compliance. A 911 address shall be obtained. It shall be confirmed that the local emergency departments have the proper chemicals/supplies in the event of a fire emergency. The Applicant shall submit an ERP to the Montour County Department of Emergency Services and to the local fire department(s) having jurisdiction.
2. No Data Center shall be approved unless the Applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety, and welfare.
 3. Data Centers shall provide a 24-hour emergency contact signage visible at the access entrance. Signs shall include company name, if applicable, owner/representative name and telephone number and corresponding power provider and telephone number.

H. Energy System/Supply

1. Applicant is encouraged to supply its own power generation system not to exceed noise levels provided for Data Centers set forth in Section D above.
2. Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel (gas or oil), or nuclear energy generating systems, shall not be considered part of the Data Center Use. Such systems shall be considered a separate use and shall be approved according to the zoning regulations applicable to such use and shall not exceed the levels set forth in Section D during energy production.
3. If the Applicant proposes to connect the Data Center to the electric grid, the Applicant shall provide documentation from the applicable electric service provider certifying the following:
 - a. Applicant shall provide an interconnection agreement with the applicable electric service provider.
 - b. Adequate capacity is available on the applicable service lines and substation to ensure that capacity is available to serve the proposed Use together with the other needs of the service area and is consistent with the normal projected load growth envisioned by the provider;
 - c. Utility supply equipment and related electrical infrastructure are sufficiently sized and will safely accommodate the proposed Use;
 - d. The Use will not cause electrical interference or fluctuations in line voltage on and off the operating premises.
 - e. Applicant shall demonstrate that there is sufficient capacity, interconnection, power quality, reliability, and that the existing local and regional infrastructure is sufficient to accommodate the proposed Data Center and Data Center Accessory Uses. Applicant or Developer shall be solely responsible to pay for the full costs of any infrastructure upgrades needed because of the proposed use.
4. Prior to approval of the certification of completion or occupancy, the Applicant shall provide the zoning officer with written verification that the electrical work has passed a third-party inspection.

5. On-site or behind the meter generation using natural gas, renewable fuels, or other clean sources when used to improve reliability, efficiency, or sustainability is permissible. All systems shall meet environmental, safety, and utility interconnection standards. The Applicant shall use Tier 4 or greater generators that are subject to stringent emission standards aimed at reducing pollutants and improving air quality and that operate at the lowest dBA levels.

I. Nuclear

1. The Applicant shall submit a preliminary Radiological Land Survey conducted by a qualified professional of the entire site with its application. The Radiological Land Survey must show measurements at external perimeter points of the property which must include measurements taken at perimeter points within 400 feet of residential, Sensitive Receptor property line, or commercial activity. The Radiological Land Survey must make recommendations as to how to contain and minimize the release, dispersion, movement, emission and spread of radiation from the Property. The County may have a Radiological Land Survey generated on its behalf at any time thereafter, by an entity selected by the County at the expense of the Applicant.
2. An as-built Radiological Land Survey shall be conducted six (6) months after issuance of the certificate of occupancy for any Data Center and associated Data Center Accessory Use prior to the final escrow release for any Data Center Land Development phase. The County may have a Radiological Land Survey generated on its behalf at any time thereafter, by an entity selected by the County at the expense of the Applicant or Developer.
3. If it is determined that there is a violation of the prescribed radiation limits, then the issued Zoning Permit is rescinded until the Applicant or Developer provides a Radiological Land Survey showing that the radiation does not exceed the prescribed radiation limits. The County may select an entity to conduct a Radiological Land Survey to verify that the radiation does not exceed the prescribed radiation limits and the costs of the Survey shall be borne by the Applicant or the Developer. Upon verification that the radiation does not exceed the limits established by this Ordinance, the Zoning Permit shall be reinstated.

4. In the event of a failure of a property owner or occupant to remediate a radiation violation, the County may revoke any zoning permits previously issued for the Data Center.
5. Applicant or Developer shall comply with all regulations of the Nuclear Regulatory Commission (NRC).

J. Water Infrastructure:

1. The Applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quality and quantity of water required. If the source is from a municipal system; the Applicant shall submit documentation that the public authority will supply the water needed.
2. If the Data Center is to rely upon nonpublic sources of water, a water feasibility study will be provided at the sole cost of Applicant. The purpose of the study will be to determine if there is an adequate supply of water for the proposed Data Center and to estimate the impact of the Data Center on existing wells, ground water, and surface water in the vicinity. To ensure objectivity, the County may retain an independent hydrologist to review and verify the Applicant's study. No Data Center shall be approved without sufficient water and/or for a use that poses adverse impact on existing wells in the vicinity. A water feasibility study shall include the following minimum information:
 - a. Calculations of the projected water needs and sources of water to be used.
 - b. A geological map of the area with a radius of at least two miles from the site property line.
 - c. The location of all existing and proposed wells within two miles of the site property line, with a notation of the capacity of all high-yield wells
 - d. The location of all surface waters, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, within two miles of the site property line and all known point sources of pollution.
 - e. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.

- f. A determination of the effects of the proposed water supply system on the quantity and quality of the water in nearby wells, streams, and the groundwater table
 - g. Identification of how water will be recycled or released into surrounding water bodies
 - h. A statement of the qualifications and the signature(s) of the person(s) preparing the study
 - i. Applicant shall submit the study to the applicable Municipal Authority for comment and recommendation.
- 3. The Applicant shall provide proof of review and approval from the Susquehanna River Basin Commission (SRBC) for projects that have:
 - a. Water withdrawals of one hundred thousand (100,000 gpd) gallons per day or more over a 30-day average from any water source or combination of sources within the Susquehanna River Basin
 - b. Any consumptive water use of twenty thousand (20,000 gpd) gallons per day or more over a 30-day average from any water source
- 4. The Applicant shall demonstrate through a qualified expert that the surrounding water supplies will not be negatively impacted or dewater surrounding properties.
- 5. Applicant must exhaust all reasonable efforts to utilize existing public or private waterlines for site water needs before proposing withdrawals from local aquifers or surface waters. Documentation of these efforts shall be submitted with the Application.
- 6. The Applicant shall demonstrate the use of the best available technology closed loop heating and cooling systems to the extent feasible.
- 7. The Applicant shall demonstrate that adequate means and volume of waste disposal, including domestic wastewater and wastewater discharge from cooling or industrial uses (used for cooling or industrial purposes including but not limited to refrigerants), have been provided and approved by the Sewage Enforcement Officer, Municipal Authority, Susquehanna River Basin Commission, and/or Pennsylvania Department of Environmental Protection (DEP).
- 8. Applicant shall comply with all local, state, and federal rules and regulations related to water quality.

K. Environmental and Community Impact

Environmental and community impact studies shall be conducted to determine whether the proposed data center serves the public interest and to prevent undue burdens on municipal services. A qualified, independent scientist (including but not limited to geologist/hydrogeologist) shall be allowed to participate in and review all field studies/drilling events (well/logging/soils samples) on behalf of the County.

1. A traffic impact study shall be provided by the Applicant. A traffic impact analysis meeting the following standards of this section shall apply:
 - a. A professional traffic engineer shall prepare the analysis.
 - b. Potential traffic hazards and/or congestion identified by the analysis shall be avoided and/or mitigated in compliance with accepted traffic engineering principles, subject to approval by the County, upon recommendation of the County's Engineer and Planning Commission.
 - c. The traffic impact analysis shall provide an analysis during both construction and operation and include the following elements:
 - i. Traffic impact on all roadways, intersections, bridges, and interchanges within a one-half-mile radius of the site property line.
 - ii. Description of traffic characteristics of the proposed development.
 - iii. Traffic volumes for average daily traffic at peak hours, before and after proposed development.
 - iv. Source of trip generation rates used.
 - v. Origin and destination analysis of projected traffic.
 - vi. Documentation of on-site and off-site improvements proposed to mitigate any adverse impacts.
 - vii. All other information, findings, conclusions and recommendations necessary to produce a complete analysis in compliance with accepted traffic engineering principles and practice.
2. Applicant shall submit an economic community impact study from a licensed real estate agent that the proposed Data Center and accessories will not negatively impact the surrounding real estate property values.

3. Applicant shall submit an Environmental impact study to show that the Data Center and its accessories will not impact on environmental features or wildlife.
 - a. PNDI- A Pennsylvania Natural Heritage Program Study (PNDI) dated within two years of the submission of an application for conditional use as well as any state agency clearance letters required thereby, shall be provided to the County.
 - b. Compliance. The Applicant shall comply with all measures directed by clearance letters to avoid, minimize, or mitigate impacts to endangered, threatened, and special concern species and their habitat.
4. The Applicant shall provide an Environmental and Community Impact Analysis. The same shall include:
 - a. A narrative description of the nature of the on-site activities and operations, including the market areas served by the facility, the hours of operation of the facility, the total number of employees on each shift, the times, frequencies, and types of vehicle trips generated, the types of material stored and the duration period of storage of materials.
 - b. A site plan of the property indicating the location of proposed improvements, flood plains, wetlands, waters of the Commonwealth on the property and within 500 feet of the boundaries of the property.
 - c. Historic and Cultural Resource Assessment.
 - i. Identify and map all known or potential historic, cultural, and archeological resources on the property and within 500 feet of the property boundary, using:
 - (a) The Pennsylvania State Historic Preservation Office (SHPO) CRGIS database;
 - (b) Historical maps, aerial photographs, and local records;
 - (c) Consultation with local historical societies when applicable.
 - ii. Evaluate potential direct and indirect impacts of the proposed Data Center and Data Center Accessory Uses on identified historic or cultural resources.
 - iii. Include recommended avoidance, minimization, or mitigation measures if impacts are identified.

- iv. Demonstrate consultation with the SHPO where the Assessment indicates the presence or high likelihood of significant historic or archaeological resources.
 - v. No Data Center shall be approved unless the Applicant demonstrates that historic and cultural resources will not be adversely impacted or that appropriate mitigation has been proposed and accepted by the County.
- d. Evidence that the disposal of materials will be accomplished in a manner that complies with local, state, and federal regulations.
- e. An evaluation of the potential impact of the proposed use, both positive and negative, upon:
 - i. Emergency and fire protection;
 - ii. Water Supply;
 - iii. Sewage Disposal/Wastewater/Industrial Effluent Disposal;
 - iv. Solid waste disposal;
 - v. School facilities and school district budget, and
 - vi. Municipal revenue and expenses.
- f. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, heat islands, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and the specific measures employed to mitigate or eliminate any negative impacts. The Applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances.
- g. An Environmental Impact Assessment shall be performed. The assessment shall be prepared by a professional engineer, ecologist, environmental planner, or other qualified individual. An assessment shall include a description of the proposed use, including location, relationship to other projects or proposals, with adequate data and detail for the County to assess the environmental impact. The assessment shall also include a comprehensive description of the existing environment and probable future effects of the proposal. The description shall focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships. At a minimum, the assessment shall include an analysis of the items listed

below regarding the impact of the proposed use and the mitigation of any such impacts. The assessment shall also include a detailed examination of public resources most likely impacted by the development plan and include the following focus areas.

- i. Air pollution impacts emissions from vehicle operations, including from truck engines during idle time. The Applicant shall identify all stationary and mobile sources of fine particulate matter (PM_{2.5}), volatile organic compounds, and nitrogen oxides at the site. The Applicant shall specify best management practices for preventing and reducing the concentration of air-polluting emissions at the site. The owner or operator of the facility shall have anti-idling signs prominently posted in areas where 15 or more trucks may park or congregate.
- ii. The potential for public nuisance to residents resulting from operations and truck traffic, including noise, glare, light, and visual obstacles, exists.
- iii. A stormwater management plan will be required.
- iv. An assessment of any adverse impact of the proposed color and design of the Data Center and Data Center Accessory Uses on wildlife.
- v. Consistency with the municipal and county comprehensive plan. The Applicant shall submit an assessment report of the impact of the proposed use on the goals of the respective plans. Where the proposed use conflicts with the comprehensive plan, the assessment report shall identify mitigation measures that may be undertaken to offset any degradation, diminution, or depletion of public natural resources.
- vi. Additional considerations. The following shall also be addressed:
 - (a) Alternative analysis. A description of alternatives to the impacts.
 - (b) Adverse impacts. A statement of any adverse impacts that cannot be avoided.
 - (c) Impact minimization. Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction, including design considerations.

- (d) Mitigation steps. A listing of steps/structural controls proposed to minimize damage to the site before and after construction.
- vii. Critical impact areas. In addition to the above, plans should include any area, condition, or feature that is environmentally sensitive or that, if disturbed during construction, would have an adverse impact on the environment.
 - (a) Critical impact areas include, but are not limited to, karst features, floodplains, riparian buffers, streams, wetlands, slopes greater than 15%, highly acid or highly erodible soils, prime farmland soils, hydric soils, hydrologic soil group D, A/D, B/D, or C/D (USDA NRCS, 2009, or as amended) areas of high-water table, and mature stands of native vegetation and aquifer recharge and discharge areas.
 - (b) A statement of impact upon critical areas and of adverse impacts that cannot be avoided.
 - (c) Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction.
- viii. Any use or activity producing air, dust, smoke, glare, exhaust, heat, or humidity in any form shall be carried on in such a manner that it is not perceptible at or beyond the property line.
- h. The County reserves the right to require the Applicant to perform any additional well testing; or Phase I or Phase II environmental site assessments prior to SALDO approval based upon the presentation of the Conditional Use Application.

L. Screening and Buffering.

- 1. Data Centers shall be screened and buffered in accordance with the following standards.
 - a. Vegetative buffering shall be installed around the entire perimeter of the Data Center site, except where the Commissioners determine that the retention of existing trees within the vegetative buffering area may constitute the required

- vegetative buffer or where the Commissioners determine that the Data Center cannot be viewed from a public roadway or Sensitive Receptor property line.
- b. The vegetative buffering shall be installed along the exterior side of the fencing. All required vegetative buffering shall be located within fifty (50) feet of the required fencing.
 - c. Vegetative buffering should be designed to emulate the mix of native species and appearance of existing tree lines, hedge rows, and wooded areas already in existence within the landscape of where the Data Center is proposed. The Applicant shall assess the species mix and characteristics found in the existing tree lines, hedge rows, and wooded areas surrounding the Data Center and document that the vegetative buffering is designed to emulate these characteristics. Arborvitae may be used as a vegetative buffer.
 - d. No less than 20% of the vegetative buffering plantings shall be pollinator friendly species.
 - e. Vegetative buffering shall be selected to provide year around buffering and shall be of sufficient height, density, and maturity to screen the facility from visibility to the maximum extent possible within thirty-six months of installation of the Data Center.
 - f. A combination of Natural topography and vegetation can serve as a buffer provided that the Data Center will not be visible from the property line of Sensitive Receptors. Earthen berms may be created to serve as a buffer wherein they are constructed to emulate or be in harmony with surrounding topography.
 - g. The Applicant or Occupant shall replace any dead or diseased trees in the buffer. All screening shall be properly maintained throughout the life of the project.
 - h. The buffering requirements of this section shall supersede the provisions of the Montour County Zoning Ordinance and Subdivision and Land Development Ordinance as they may pertain to Data Centers.

M. Fences. Fences shall not exceed eight (8) feet in height above ground and shall be of such design and materials approved by the County.

N. Lighting. The Data Center site shall be dark sky compliant under the most up to date industry standard, fully shielded, and there shall be no spillover of Lighting beyond the property line.

O. Cumulative Impact Analysis

1. In evaluating a Conditional Use application, the County shall consider the cumulative impacts of the proposed Data Center in combination with:
 - a. Existing Data Centers, power generation facilities, substations, or other high-intensity industrial uses within a five (5) mile radius;
 - b. Other pending or approved projects under common ownership or control; and
 - c. Phased development or future expansion reasonably foreseeable based on property ownership, infrastructure capacity, or submitted plans.
2. The County may require additional studies or deny approval where cumulative impacts pose a risk to water supply, energy reliability, environmental resources, transportation systems, or community character.

P. Expansion, Intensification, and Change of Use

Any expansion, intensification, change in operational capacity, change in cooling technology, increase in water or energy demand, or addition of accessory infrastructure beyond what is approved shall require a new Conditional Use approval. Approval of a Data Center shall not create a vested right to expand or modify the use beyond the scope expressly authorized by the County.

Q. Voluntary Development Agreements

As part of the Conditional Use process, the County may consider voluntary development agreements addressing infrastructure improvements, emergency services support, environmental mitigation, or community benefits. Nothing in this Ordinance shall be construed to require a payment in lieu of taxes or community benefit contribution as a condition of approval, except where authorized by law.

R. Decommissioning

1. The Applicant shall submit a decommissioning plan that ensures the return of all participating properties to a useful condition, including removal of above-surface facilities and infrastructure that have no ongoing purpose. Applicant shall have the burden of demonstrating which facilities and infrastructure has an ongoing purpose and the same shall be reviewed during the Conditional Use/Land Development process and during the five-year updates as is set forth below.
2. The Facility Owner or Operator is required to notify the County immediately upon cessation or abandonment of the use. The use shall be presumed to be discontinued or abandoned if the Data Center is not operated for a continuous period of twelve (12) months.
3. The Facility Owner or Operator shall then have six (6) months in which to dismantle and remove the Data Center and Data Center accessory equipment. The Facility Owner or Operator shall also restore the land to its original pre-construction condition consistent with paragraph a above. If the Facility Owner or Operator fails to dismantle or remove the Data Center and restore the land within the six (6) month time period, the County may, but shall not be required to, complete the decommissioning and land restoration at the Owner's expense.
4. At the time of the issuance of the permit for the construction of the Data Center, the Facility Owner or Operator shall provide financial security to the County to secure the expense of dismantling and removing the Data Center, including accessory equipment, and restoration of the land to its original condition consistent with paragraph a above. The financial security shall be in the amount of one hundred ten (110%) percent of the cost of decommissioning. The decommissioning funds shall be posted and maintained during the life of the project in the form of a Performance Bond, Irrevocable Letter of Credit or other financial form of security acceptable to the County. The same shall be with a financial institution acceptable to the County. The Bond shall be posted prior to SALDO approval.
5. An independent and certified professional engineer shall be retained by the County at the Facility Owner or Operator's expense to estimate the total cost of decommissioning of the Data Center. Thereafter, the Facility Owner or Operator shall retain an engineer to provide the County with cost estimates of decommissioning after the first year of

operation and every fifth year thereafter. The financial security shall be updated every five (5) years throughout the life of the project.

6. Applicant shall provide a decommissioning plan as part of the Conditional Use Application and any land development submission and shall show how the site will be returned to a neutral state, being a condition that is easily adapted to similar uses, and the handling and removal of any Electronic Waste (also known as "E-Waste") and/or any other hazardous material, including but not limited to contaminated water, that may be present on the site.
7. The Decommissioning Plan shall include but is not limited to:
 - (a) Identification of all above-ground structures, equipment, and facilities that have no ongoing purpose which shall be removed;
 - (b) Hazardous materials, including batteries, fuel, or refrigerants shall be disposed of in compliance with all local, state, and federal regulations;
 - (c) Disturbed soil shall be stabilized and re-vegetated;
 - (d) Any utility connections shall be safely disconnected and capped.
 - (e) The site shall be restored to a condition compatible with surrounding land uses or consistent with the most restrictive adjacent zoning district.

Section 5. Conditional Use Process

A. Procedure

Applications for any Conditional Use permitted by this Ordinance shall be made to the Zoning Officer. Within 60 days of the date of an applicant's request for a Conditional Use, the Commissioners shall advertise (pursuant to Public Notice) and hold a public hearing on the proposal. (The burden of proof for presentation of the Conditional Use request at the hearing shall rest entirely with the applicant.)

In addition, upon acceptance of a Conditional Use application, the Commissioners, or the Zoning Officer on their behalf, shall forward a copy of the application to the Montour County Planning Commission and the governing body of the municipality which the requested Conditional Use is located for their review and recommendation. The Planning Commission and the governing body of the municipality shall conduct its review and make its recommendations within 45 days of receipt of such request.

The Commissioners shall render a decision or, when no decision is called for; make written findings on the Conditional Use application within 45 days after the date of the last hearing on the application. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons, therefore. Conclusions based on any provisions of the PA Municipalities Planning Code, this Ordinance, or other ordinance, rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.

B. Written Statement Required

All applications for Conditional Uses shall include a written statement describing the tract of land and its intended use. Such statement shall include the following information:

1. the location of the tract of land, including the municipality or municipalities which it is located in;
2. the present use of the tract for which the conditional use is requested;
3. the present use of adjoining tracts;
4. the type of conditional use for which the application is made;
5. a brief description of the type and extent of the proposed activities;
6. an estimate of the total development cost of the conditional use; and,
7. the names of the applicant, the owner of the tract, the developer of the conditional use and the person or organization who will operate the conditional use.

C. Site Plan Requirement

All applications for Conditional Uses shall include a site plan of the proposed development as set forth below.

The site plan shall be drawn to a scale not more than 50 feet to the inch and shall be on a sheet no smaller than 18" x 24" and no larger than 24" x 36". If the site plan is drawn in two (2) or more sections, a key map showing the locations of the sections shall be placed on each sheet. The site plan shall include:

1. title block containing the name of the developer or landowner, date, scale, north arrow and the name and profession of the preparer of the plan;
2. tract boundaries showing bearings and distances;
3. existing significant natural or man-made features of the site;

4. existing and proposed streets, rights-of way, easements, means of access and setback lines;
5. existing buildings, sewers, water mains, culverts, transmission lines, and fire hydrants on or adjacent to the site;
6. existing contours at vertical intervals of five (5) feet or less and the datum to which the elevations refer;
7. proposed grading and drainage plans;
8. proposed plan of any landscaping of the tract showing all paved and planted areas, screens or fences and erosion control measures;
9. plans of any proposed sanitary sewer or storm sewer systems and water supply systems;
10. the location, size and floor plan of all proposed buildings or structures and the proposed use of all buildings or structures and open or unenclosed areas of the tract; and
11. Any additional information required by this Ordinance.

In cases where little site improvement or development is required or proposed for a conditional use, the Commissioners may waive the requirement for submittal of certain information that they deem unnecessary for their review of the application. The Zoning Officer shall however visit the site of each proposed conditional use and shall report his findings to the Commissioners before such a determination is made. In all cases, the information submitted by the applicant shall be adequate for review of the conditional use request.

D. Additional Written Submission Checklist

For clarification purposes, to ensure that the Application for Conditional Use is a complete submission, the Applicant shall submit the following:

1. Completed Zoning Application and payment of fee;
2. Written Statement set forth in Subsection B above;
3. Site Plan set forth in Subsection C above;
4. Narrative of how the project complies with the requirements of this Ordinance;
5. Narrative of how the project complies with the Criteria for Conditional Uses set forth in Subsection D below;
6. Narrative of the Consistency with the Comprehensive Plan and any mitigation efforts to mitigate any conflicts with the Plan.

7. Studies and Assessments required by this Ordinance including but not limited to:
- a. Noise Study;
 - b. Negative Impact Assessment;
 - c. Emergency Response Plan;
 - d. Energy System Assessment/Studies;
 - e. Water Assessment/Studies;
 - f. Traffic Impact Study;
 - g. Real Estate Impact Study;
 - h. PNDI Study;
 - i. Environmental and Community Impact Analysis;
 - j. Historic and Cultural Resource Assessment;
 - k. Decommissioning Plan;
 - l. Screening and Buffering Plan; and
 - m. Any other studies or Assessments required by this Ordinance;

The County, or its Zoning Officer, may amend this checklist from time to time by resolution. Applicant shall ensure that they obtain the most recent checklist from the Zoning Officer prior to submission to ensure that there is a complete submission.

E. Criteria for Conditional Uses

The Commissioners shall, in making decisions on applications for Conditional Uses, consider the following general criteria, in addition to the special criteria established elsewhere in this Ordinance:

- 1. the purpose of the zone in which the requested conditional use is to be located and the compatibility of the requested conditional use with existing and potential land uses on adjacent tracts of ground;
- 2. whether the specific site is an appropriate location for the use, structure or condition;
- 3. whether the use developed will adversely affect the neighborhood;
- 4. whether the use will create undue nuisance or serious hazard to vehicles or pedestrians;

5. whether adequate and appropriate facilities and services will be provided to ensure the proper operation of the proposed use;
6. the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district; and,
7. whether satisfactory provision and arrangement has been made concerning the following:
 - a. ingress and egress to the property and structure thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, control and access in case of fire or other emergency;
 - b. off-street parking and loading areas;
 - c. waste collection, storage and disposal;
 - d. utilities, with reference to location, availability and compatibility;
 - e. screening and buffering with reference to type, dimensions and character
 - f. signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; and,
 - g. required yards and open spaces.
 - h. the Commissioners may consider and grant any requested waivers for any requirements of the Ordinance, where they deem them to be not applicable to the intent of the Ordinance.

F. Decisions

As set forth in Sub-Section A above, Commissioners shall render a decision or, when no decision is called for, make written findings on the Conditional Use application within 45 days after their last hearing on the application. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

G. Failure to Hold Required Hearing or Render Decision

Where the Board of Commissioners fails to hold the required hearing or fails to render a decision within the time periods specified in Sub Section A above, the decision shall be deemed to

have been rendered in favor of the applicant, unless the applicant has agreed in writing to an extension of the required time periods. If a decision has been rendered in favor of the applicant because of violation of the prescribed time periods, the Board of Commissioners shall give public notice (in the same manner as is done for the public hearing) of the decision within ten (10) days from the last day it could have met to render a timely decision. If the Commissioners shall fail to provide such notice, the applicant may do so.

H. Expiration of Decision

Unless otherwise specified by the Commissioners at the time of their action, a conditional use authorization shall expire if the applicant fails to obtain a necessary Building/Zoning Permit or comply with the conditions of said authorization within six (6) months from the date of authorization. The Commissioners may extend this period upon written request of the Applicant. Approval of an extension request shall not unreasonably be withheld.

Section 6. Severability

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity, shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts thereof. It is expressly declared as the intent of Montour County that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

Section 7. Repealer. All provisions of Montour County Ordinance which are contrary to this Ordinance are expressly repealed.

Section 8. Effective Date. This Ordinance shall be in full force and effect from and after its passage or the first day allowed by law thereafter.

ENACTED AND ORDAINED by the Board of Commissioners of Montour County this _____ day of _____, 2026.

ATTEST:

MONTOUR COUNTY BOARD OF COMMISSIONERS

Chief Clerk

Chairman

Vice-Chairman

North Dakota Model Data Center Zoning Ordinance

This document is the result of a collaborative effort designed to assist North Dakota cities, counties and townships in addressing the requests for data centers to be located in their communities and to help provide certainty to data center businesses looking to locate in North Dakota. The content was developed by a diverse work group representing local government and industry stakeholders, including:

- North Dakota Association of Counties,
- North Dakota Planning Association,
- North Dakota Township Officers Association,
- North Dakota League of Cities,
- Greater North Dakota Chamber, and
- Tech ND.

A. Purpose and Implementation

This document is intended to serve as a starting place for cities, counties, and townships. It is not a "plug-and-play" ordinance but rather a foundational framework.

To utilize this model effectively, adopting political subdivisions must:

1. **Reformat the text** to align with the specific style, numbering system, and structure of their existing zoning code.
2. **Insert internal references** to ensure this section integrates seamlessly with existing definitions, procedural requirements, and general provisions within their local code.

B. Scope of Regulation

Please note that this version of the model ordinance addresses data centers generally. The work group recognizes that more work needs to be done to structure regulations that are appropriate for smaller facilities but prioritized getting a resource available for political subdivisions that addresses data centers generally.

C. Future Resources

The work group remains active and is currently parsing out specific regulatory recommendations for smaller data centers. The work group aims to release these additional resources, tailored to the unique footprint and requirements of smaller facilities, late in Spring 2026.

North Dakota
Model Data Center Zoning Ordinance

Data Center. A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, servers, and other equipment, appliances, and components related to digital data storage and operations.

Permissible District. A Data Center is a permitted use in zoning districts classified as industrial. A Data Center will be permitted only through a [special use permit/conditional use permit] in zoning districts classified as agricultural.¹

Section _____. Data Centers

A. Purpose

The purpose of this Section is to establish standards and regulations for the development and operation of Data Centers in accordance with the purposes stated in Section _____.²

B. Development Permit Requirements

In addition to standard Development Permit requirements, the following materials or entitlements that shall be required to effectuate a Data Center:

1. Identification of the owner/operator of the Data Center.
2. A narrative describing the proposed project, including cooling method, anticipated design life, estimated daily trips during construction and operation, including heavy trucks and passenger vehicles, and general construction phasing plan, description of wastewater the facility will create and approach to managing discharges (if applicable).
3. Prior to approval, the applicant shall submit an Acoustic Impact Report prepared and signed by a licensed professional engineer with demonstrated acoustical engineering expertise. The report shall:
 - a. Identify all major sound-emitting source points (e.g., chillers, generators, cooling units, substations) and list the predicted sound pressure level produced by each major sound-emitting source type;
 - b. quantify the cumulative predicted sound pressure levels from the project (of the

¹ Jurisdictions need to match zoning district language with their current zoning codes.

² This section should refer to the jurisdiction's general zoning purposes provision.

specific project phase under review), accounting for concurrent operation of sources not including operation of backup sources;

- c. report the existing measured ambient cumulative sound pressure levels at the lease or owned project land boundaries; and

TWO OPTIONS FOR REPORTING REQUIREMENTS – JURISDICTIONS NEED TO PICK ONE PROVISION³

Option 1

- d. model and report the existing and predicted cumulative sound pressure levels for each Lot within one-half mile of the source point(s) as measured to the nearest point on a Lot Line ("Receptor Site").

Option 2

- d. model and report the predicted cumulative sound pressure levels based on known components out until equal to, or less than, levels established in _____, for normal operation, as measured to the nearest point on a Lot Line ("Receptor Site").⁴

Results shall be expressed in A-weighted decibels (dBA) as sound pressure levels with notation of any prominent tonality or impulsive events, and be supported by a description of operating scenarios, Receptor Sites, terrain/ground absorption, shielding, and meteorological assumptions. The report shall also include a map referencing all project structures, a summary table comparing predicted levels to applicable requirements, and recommended mitigation, if any, needed to achieve compliance. Penalties to the requirements shall be applied per ANSI S12.9 for identified tonal or impulsive sound sources or events.

- 4. A site plan conforming with _____.⁵
- 5. A map of the project area showing all of the following Uses and Receptor Sites within one-half of a mile of the exterior boundaries of the property where the Data Center will be located:
 - a. All existing Buildings currently occupied;
 - b. Campgrounds;

³ Option 1 is intended for urban areas that have more development, generally industrial zoned areas.
Option 2 is intended for more rural areas that are generally zoned agricultural.

⁴ Jurisdiction should refer to its own noise ordinance.

⁵ Jurisdiction should refer to jurisdiction's code that defines the requirements of a site plan. If jurisdiction does not have a provision on site plans, there is a list of potential items to require in the appendix.

- c. Manufactured Home or RV Parks; and
 - d. Parks or recreational areas.
6. Applicant to develop, in coordination with local jurisdiction, a list of agencies necessary for project compliance with all applicable State and Federal laws, statutes, rules, and regulatory standards, and an anticipated schedule for necessary approvals.
 7. Written verification from the electrical provider that sufficient capacity will be available to meet anticipated needs for electrical power.
 8. Written verification from the water utility that sufficient capacity will be available to meet anticipated needs for water.
 9. Prior to the issuance of Development Permits, the applicant shall enter into a Development Agreement if required by the local permitting jurisdiction.
 10. Any other relevant studies, reports, certifications, or approvals as may be required by local permitting jurisdiction to ensure compliance with this Section and this Ordinance.

C. Use Standards

1. Noise perceived from Receptor Site(s), as measured from any source point(s), shall not exceed the sound pressure levels provided in _____ for normal operation. If necessary, noise mitigation shall be required to achieve compliance. Noise mitigation may include, but is not limited to, the use of low-noise fans, earthen berms, sound walls, or enclosures.⁶
2. The sound pressure levels stated above may be temporarily exceeded during emergency operations due to power grid interruptions.⁷
3. Testing and maintenance operations for emergency generators shall only occur between the hours of 7 AM and 9 PM. Only one generator may be tested at a time at the site.
4. A landscaped buffer yard shall be installed in accordance with _____ of this Ordinance.⁸
5. All-weather access will be maintained by the owner/operator unless the access is dedicated and accepted by the local permitting jurisdiction.
6. All data processing and storage is contained within a permanent structure or structures constructed in compliance with the locally-adopted version of the International Building Code and the International Fire Code.

⁶ Jurisdiction should reference its own noise ordinance.

⁷ Only include provision if it is not addressed in noise ordinance.

⁸ Refer to your own section if you have requirements, otherwise delete provision.

Appendix

Items jurisdiction might want to include in site plan requirements if it does not have established guidelines:

- a. Scaled exhibit(s) providing property boundary linework;
- b. Existing and proposed topographic data/linework;
- c. Outline of all existing structures;
- d. Location of all major proposed equipment and enclosures (examples may include generators, exterior cooling system components, etc.);
- e. Location and layout of power generation systems;
- f. Location of existing and proposed utility lines and major infrastructure (water lines, electrical lines, oil and gas pipelines, etc.);
- g. Existing easements (should include easement width and recorded document numbers, either as a label or in a notes table);
- h. An erosion control plan, if development disturbs an area of one acre or more;
- i. Existing watercourses and Flood Hazard Zones;
- j. Location of septic system;
- k. Stormwater management components (such as retention areas, channels, etc.);
- l. Wastewater discharge outlets, reservoirs and treatment facilities;
- m. Above ground and below ground tanks;
- n. Location of permanent parking area(s);
- o. Outline of construction staging area(s);
- p. Setback distances, in feet, between project components and the property boundary;
- q. Fence locations with a note as to type and height; swing gate dimensions, if swing gates will be used;
- r. Location of hard surfaces, gravel surfaces, and any otherwise improved surfaces;
- s. Location of contiguous fire break;
- t. Existing and proposed access points;
- u. Location and specifications proposed for fences, walls, or light fixtures/poles;
- v. Landscaping buffers and/or visual screening; and
- w. Any additional information as requested by local permitting jurisdiction necessary for site plan approval.

Jurisdiction	Air Quality	Buffering/Setbacks	Decommissioning	Emergency Response Plan	Energy Use	Environmental Impact Assessment	Height	Lot Coverage	Noise	Screening	Water	Notes
Chap Co SD 500m		Landscape Buffer, Setback 75' for structures								X	Require detailed report of annual usage of water capacity, potable or recycled.	No Screening for Industrial Area. Screening for Mechanical Areas.
Brown Co SD									Noise reduction walls 4' higher than generator; 55 dbA day 45' dbA night	X	Require detailed report of annual usage of water capacity, potable or recycled.	4' Fencing. Water for sensitive properties with 1 mile.
McPherson Co SD		Setback 1 mile from residence, church, school.	X Required 1 yr., completed within 3yr. months	Require		Require			Noise reduction walls 4' higher than generator; 55 dbA day 45' dbA night		Require detailed report of annual usage of water capacity, potable or recycled.	6' Fencing. Water for sensitive properties with 1 mile.
Lancaster Co PA	Must meet State and Federal Emission Specs.	Buffer 1000'; Setbacks 200-500'	X Required 10-20 expected life span	Require	Require report	Require			Ideally no higher than 65-70db; Require pre-existing and as-built study	X	Require detailed report of annual usage of water capacity, potable or recycled.	
Lewistown Co PA 200m		Tree Buffer based on Local PD	X Required 1 yr., completed within 15 mo.	Require	Require	Require	50' max		65dbA weekdays; 57dbA nights and weekends	X	Require detailed report of annual usage of water capacity, potable or recycled.	6-10' Fencing
Monmouth Co PA 200m		Setbacks 250' front, 150' side and rear, 500' from Schools, etc.	X Required 1 yr., completed within 6 months	Require	Require report	Require report	80' max		60dbA weekdays; 45dbA nights and weekends	X	Require detailed report of annual usage of water capacity, potable or recycled.	8' Fencing
Louisiana Co VA		Near Residential own or in the future, require a 500' setback; 1,000' ideal		Require	Require specific utility max. power requested	Require info			Max 50dBA	X	Require detailed report of annual usage of water capacity, potable or recycled.	Purified wastewater. Air cooling open loop or close looped system
Stafford Co VA		Buffer 200' Landscapes, 400' open space, 4 inch diameter trees, 500' setback		Require	Require	Require			Requires Sound Study	X	Require detailed report of annual usage of water capacity, potable or recycled.	8' Fencing

Union, Coddington and Lincoln just starting discussions