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[00:00:05] Good morning. I will call the Land Use Policy Committee meeting to order. The first thing on the agenda is looking at the meeting summary. Are there any corrections or additions to the meeting summary? Okay, seeing none, we will move on.

[00:00:23] We have one item on the agenda today, and you'll see that staff also passed out hard copies of maps with the industrial district, so we have those. And so you all have had the data center report for a little while.

[00:00:39] There's a lot of stuff in it. But in working with staff, I know the board wants to move forward with something that we can have action on. And so this presentation is really focused on what we can do with the standards, because we can get to that in a pretty straightforward timeline.

[00:00:56] And so we'll be working on that. Let me see. So we'll start with this work. We'll talk about the standards. There could be other work that we want to do in the future, but this is really focused on beginning steps, and we will have time to talk and discuss other things we want to do as we move forward in the future.

[00:01:18] And I know that part of this, the slides in here at the beginning are really to inform people where we have standards, what we have in place already, so there's clarity about that. So I am going to turn

it over to Tracy. Thank you. Thank you, Chairman Smith.

[00:01:36] Chairman of the committee's office, Chairman Smith. I am Tracy Strunk, the Director of the Department of Planning and Development, and I think I have more of a voice than the last time I saw you all a few weeks ago, so hopefully that will stick. We have the presentation up now, and as Chairman Smith said, this presentation is a follow-up to the presentation that we came to you last fall with some research about data centers and also the report that came out in January.

[00:02:02] So just to kind of go back through that history a little bit, in May of last year, the board did put out a board matter and directed staff to look at the issues surrounding data centers, potential recommendations, potential things that could be done to the zoning ordinance and the comprehensive plan to address the issue and strengthen some of our regulations.

[00:02:22] So in response to that, we did develop an interagency staff work group. We conducted a lot of research. We had a lot of community meetings and met with a whole lot of different stakeholders and produced the data center report, which was eventually issued on January 9th of this year.

[00:02:37] If you've read that staff report, you know that it covers a large number of topics. Some of those topics, and it discusses the guidelines that could be considered. Some of the topics are relatively straightforward and simple, if anything is simple, and some were less so.

[00:02:55] And some of the topics actually, frankly, are really kind of emerging areas of study that we're sort of learning as we go. And so, as mentioned by Chairman Smith, staff was asked to bring to this presentation some possible approaches that the board could choose to look at, but really to focus on near-term enhancements that could be made to our existing data center regulations that we have.

[00:03:16] I will not spend a lot of time here, but pictures are good. And I did just want to, the presentation from October is actually still up on the website if you want to look back at a lot of the research and topics. But I did just want to mention that in the review of that and what we're talking about, we're really focusing here on buildings where all or most of the structure is really used for the data center.

[00:03:38] This is not just about the closet in the back of your building. And so in talking with Supervisor Smith, we did want to review some of the current permissions in the zoning ordinance so people really understand what we have and where we're coming from.

[00:03:54] And so the table you see up there, it's a little bit small on the screen, but the table you see up there is a clip from our zoning ordinance that shows the different areas how we address data centers. Currently, our zoning ordinance allows a data center by right in the C3 and C4 office districts up to 40,000 square feet.

[00:04:14] We're in an existing building, if it's larger. They're permitted in the I-2 and I-3 districts up to 80,000 square feet. And in all four of those districts, a larger size can be approved by special exception. The zoning ordinance also allows data centers by right in the I-4, I-5, and I-6 districts and in certain planned districts if it's shown on an approved development plan.

[00:04:41] In addition to the specific permissions, which are those additional standards that I was just talking about and I'll show you again in a moment, any use obviously still has to meet all the rest of the zoning ordinance regulations. So this slide does show you some of the bulk regulations so you can see everything in one place for the districts where data centers are permitted.

[00:05:00] You can see the industrial districts generally have a height limit of 75 feet and there is a permission for a special exception to go above that height in those districts. Other regulations that apply, because of course, and I want to make this point, by right does not mean anything goes.

[00:05:20] Any use that comes into the county still has to meet all of the rest of the zoning ordinance regulations that we have and the other regulations of the county. So transitional screening and barrier requirements apply, landscaping and open space, all of the site plan regulations that we have for any use that comes through.

[00:05:35] the noise ordinance, all of those things apply to those districts. So this is just some of the bulk information that you have. And just so you can see it, this is actually what the additional use standards, the existing use standards in our zoning ordinance look like today. This is hopefully quoted verbatim.

[00:05:54] And you can see in here one of the standards does address noise by requiring that HVAC and generators be enclosed in the C districts that are permitted in the I-2 and the I-3. That standard does not apply in the I-4, 5, or 6.

[00:06:10] One thing I want to point out here is the structure that we have in those subsections 2 and 3 up there, where there is a size limit that is set in certain districts, and then it's permitted to be exceeded by special exception. And that really helps guide any kind of by-right use, a data center in this case, to the districts where we think they would be appropriate, by allowing things in an appropriate size and in appropriate districts, but then allowing the flexibility of the special exception process.

[00:06:43] If someone wants to exceed or modify the standard. So my favorite example is if you happen to be up against Dulles Airport, even though Dulles Airport is technically zoned to the R1 district, it obviously does not have the same sensitivity that a normal R1 district would have.

[00:06:59] So there are sites where additional flexibility is appropriate, And that's what the special exception really allows you to do in those cases. So with all of the what we have today in mind, as I noted, staff was asked to review the recommendations from the data center report that could be implemented in the near term to really look at how we could enhance the county's current standards on data centers.

[00:07:23] So that's what we've gotten to here. And these would be added to those use standards or could potentially be added to those use standards that I had talked about a few slides ago. There's not specific numbers here. These are topics. If assuming that the board directs staff to go forward with the zoning ordinance amendment, we would do additional research to really look at the Fairfax County context, what we have approved here, what works in different districts to make sure that the numbers in terms of size and distance and things are appropriate for Fairfax's particular context.

[00:07:55] So these, just to go through these relatively quickly, obviously a maximum by right size could be added to the I-4 through I-6 districts. As I said, there's not currently a maximum limit on size in the by right context for those. And a minimum distance from residential, which in our opinion would include sort of the generators and the entire facility, the building itself, and also the equipment that goes with it.

[00:08:19] That could be added. And both of those, similar to the other things, the ordinance could be set up to allow modifications to those by special exception. Design standards, building design standards we have here, we can put objective design standards in our ordinance.

[00:08:37] We have a few of those, I think, for mini-storage in particular. They do have to be objective. They can be specific, but they have to be objective. So you could have an ordinance requirement that says every certain number of feet, the building facade has to have some variance, so it's not a big blank wall.

[00:08:56] You couldn't write, or our attorneys would not support if we wrote an ordinance that said it has to look nice. So that's the thing. They can be specific, but they have to be objective. In closing, the equipment, the fourth bullet that you see there, that's really a driver for noise in particular.

[00:09:15] And like the size and the distance, that is something that if you had that context, like my up against Dulles Airport example, where it really was not a concern, you could potentially allow modification of that by special exception if the board desired to put that flexibility in.

[00:09:33] And the requiring a noise study, that's one that might actually not land with the use standards because we have submission standards for site plans in other places, but we have confirmed with our county attorneys that we could require a noise study to be submitted with a site plan when some were building at the appropriate time to ensure up front that we really are building a facility that will meet the standards in our noise ordinance. Just as a reminder before I leave this slide, the focus of this was really what could we look at from that data center report that we could implement in the near term. So there are a lot of things that we talked about in that

[00:10:09] report that the board might choose to look at in the future but are either things that are not appropriate for a zoning ordinance standard because they're too subjective because the technology is evolving because we don't have you know enabling legislation and there are also some things like potentially the noise ordinance or some stormwater management things that we really think shouldn't apply necessarily just to data centers but might apply to any use that that has those characteristics, and those could be addressed through those other standards.

[00:10:45] And so, although that's probably the most interest, I did want to go back again because it was a big conversation in the data center report and look a little bit at the comprehensive plan as well. And to start with, I wanted to talk about when the comprehensive plan applies and what's in the plan that we have today.

[00:11:08] So, the plan is a guide for development, as you all know. It includes broad policy directions. It also includes some specifics that can really be applied when someone is approving a specific use, when they're requesting something that goes beyond a buy right.

[00:11:24] So that would be, as you see up here, if someone was requesting a rezoning or an amendment to an existing zoning, that would be reviewed for conformance with a comprehensive plan. And a special exception for a use or to allow flexibility, as I said, the additional height is reviewed for harmony with the comprehensive plan.

[00:11:41] We have a lot of policies right now in our comprehensive plan and other county policies that obviously would apply. We have certainly, our zoning evaluation folks have certainly negotiated a number of data center cases over the last several years that using the existing comprehensive plan, but they're unconsolidated.

[00:12:00] So we have plans, we have text in places about green buildings, we have text in other places about stormwater. So the only thing that's really specific to data centers is, as is shown up here, Appendix 12 of the land use element, and that was really developed to, for certain industrial uses that have very low

traffic generation. It actually came out of mini storage, and then data centers was included, but to look at allowing additional floor area for those uses without, without having to amend the comprehensive plan. So it's not, it's not a great tool. I mean, it does talk about

[00:12:36] context and impacts and things like that but it's not necessarily it's not it wasn't targeted that so it's not necessarily the best and so potential updates that we could make to that that's that that's really the first one is kind of consolidating guidance for data centers we do think it would be useful for both staff for the board for the public for the data center industry frankly to have sort of a one-stop-shop place to look in the comprehensive plan these are the kinds of things that we would like you to look at if you are coming through and proposing a data center in the county.

[00:13:12] And then obviously any of those additional topics that were included in the data center report are things that could be looked at in the context of the comprehensive plan and those contexts as well, especially topics that are really evolving. I mean, the plan text can be sort of aspirational and talk about highest and best technology and things like that, which of course is going to change over time, But that gives us kind of some guidance for folks to use.

[00:13:43] So with that, we did put together a timeline here. Assuming in March there's direction from the board to begin working on some sort of amendment, our proposal would be that in March and May we start doing preparation of text and outreach.

[00:13:59] We really do think that because of all of the work that was done and the outreach that was done with the data center report was sort of one step ahead and could really move directly to putting together some text and getting it out there for comment. We would do outreach, obviously, to the community and the industry. I would say that this schedule does assume that people will sort of come to our meetings and not that we would go out and shop around every meeting to every land use committee that we have out there.

[00:14:23] We would obviously do outreach to all of those folks and let them know what the different opportunities were so they could come and join in. It's certainly not meant to leave anyone out, but really on a relatively tight timeframe, we think that would be the most efficient to take forward of that.

[00:14:40] Planning Commission meetings in June and this this would the schedule would get us to a board public hearing before the August recess So that's that's tight. That's obviously Dependent upon what you all want to see in terms of outreach and other things like that and other discussions But we think it is possible and and not just possible, but actually would work pretty well and My last slide here is is the feedback that we're really looking for today's is guidance as I said I fully expect we'll have some sort of board guidance to move forward with something.

[00:15:17] And we would like to hear if you have thoughts on some of those proposed standards that I had on page slide 7, I think, which I can put back up if you want. And really these next points. Do we keep data centers by right in certain districts with the intention to drive our data centers to those areas that we think are really appropriate with additional standards?

[00:15:40] We obviously think that there are additional standards that should be, could be, and should be included and strengthened in that. Data centers by special exception, that is an option that it could be a use that would need to be looked at by special exception in all areas. And really that last bullet is a point I wanted to make, which is, you know, it doesn't have to be all or nothing.

[00:16:00] We certainly have a number of places in our ordinance where in a lower intensity district perhaps we require a special exception for use, but in a higher intensity where it's really like we're really looking at like uses so similar uses you know the other i5 uses and i6 uses and how those compare to data centers and if with the right standards do you keep that as a buy right option for those so that was a little bit of a fire hose i know but with that i'm happy to take questions or let you all talk amongst yourselves thank you tracy thank you that was a lot of information but in a quick time frame

[00:16:39] I would like to be able to do a board matter at the March 19th meeting to get staff forward on this work But there is one topic that I had talked about with staff that wasn't in the presentation So I think it could be outside of this but whether we would require an se for substations I think that could be something that could be helpful I don't know enough about it to know if it would be substations of a certain size My understanding is that we already have an SE for substations in residential areas.

[00:17:11] Did I say that right, Leslie? Yes. And so that's something we are able to do. But, you know, if the board agrees with that, I would like to kind of task staff to get some information about that and then bring that back to us at the right time.

[00:17:27] I do believe that strengthening the standards helps us keep some of them by right. And if they miss those additional standards we're bringing in, they could have the option of an SE, especially when we're in the industrial district. So I am going to turn to the chairman.

[00:17:44] Thank you. Thank you very much, and thank you for the presentation. Going back to when I did the original board matter that started this, that started the study that got us to where we are today, this is exactly why I did it.

[00:17:59] I think it's pretty clear that with the data center development that's happening in jurisdictions around us, that in a lot of ways they have old, out-of-date elements of their zoning ordinance and comp plan in some cases that they're trying to correct now, but a lot of the damage has already been done.

[00:18:20] And we know how fast technology changes, and so the idea behind this was to get ahead in Fairfax County on what we know is a growing industry. And so I appreciate all the staff work that's done to get us to this point, because I think a lot of good thought has been given here.

[00:18:36] I have opinions about some of these I'll share in a moment, but just one question for you. When I was looking at our neighbors in Loudoun and Prince William, a lot of their intensity, so to speak, is measured by FAR, and ours is just measured by square footage.

[00:18:53] And I'm just wondering if there's a, you know, an idea behind which is better and why. I think that's a good point. And we've been talking a little bit about that, that if we were to look at this, we might go back and see.

[00:19:11] I think we wanted to limit, by putting a size limit in there, we're limiting, you know, the building footprint, if you will, which can have an impact. So, you know, the question, you could have, you know, four or five lots and each lot could have an 80,000 square foot building or a 250,000 square foot building.

[00:19:32] But I think, and you'd still have to meet all the FAR requirements. So I think from our perspective, this was a little bit, especially in the lower I districts and the commercial districts, it was to give data centers a path forward in those districts, but kind of put some parameters based on size.

[00:19:50] So I think, but I think it could probably use a little bit of work, you know, to make it clearer on what we're intending, and maybe we look at the different sizes. But I think that's what we, our intent was behind that.

[00:20:05] I don't know, Carmen, if you had anything you wanted to add on that. Yeah, I just pointed out, because it's a different way of measuring, and, you know, maybe we need to do a couple comparisons just to make sure that, you know, that's throughout we want to go down. I will just say a couple things. First, I do absolutely support the timeline that's in here, and I appreciate how fast staff has worked on this, but time is of the essence here.

[00:20:29] And so for the zoning ordinance piece of this, absolutely support the timeline that's there. I do think there needs to be a layer in the comprehensive plan that consolidates, as you mentioned, some of the standards for these moving forward. But I'm also cognizant of the fact that that's probably going to take longer as the planning commission is looking at the policy plan and the environmental elements of the overall plan.

[00:20:55] It may take longer for us to get the comprehensive plan piece of this done. But we know the zoning ordinance is the teeth that is the most important part. And so I do think we need to move forward with the zoning ordinance scheduled the way that it is.

[00:21:09] In terms of by right, I will just say I do think there are some districts where this has to be by right to alleviate the pressure on some of the districts where it shouldn't be by right, because what will end up happening here if you have no districts that are by right, including some of the most intense commercial and industrial zones in the county, you're going to put a lot more pressure on those lower intensity zones that are likely to be a lot closer to neighborhoods.

[00:21:35] And so I do think there has to be a balance there. I do think the, you know, the size is the right trigger for an SE in some of these zoning districts. I'm not sure, you know, I-4 is a little aggressive for me. You know, I think, you know, when I look at the I-4 district across the county and I look at where some of those locations are, they're awfully close to some neighborhoods.

[00:21:57] And so I'm not sure that, you know, I'm feeling like we're doing enough in some of those zoning districts in terms of a trigger for an SE, because obviously community input is going to be absolutely critical on those. And so I think we're on the right track here for sure.

[00:22:15] I do think we need to advertise and get the zoning ordinance elements out there, and we need to adhere to this July, getting to the Board of Supervisors in July, because while we know that there are by-right opportunities out there now that might go away with these changes, We don't want to spend a lot of time here.

[00:22:36] If we're going to create great standards and a great new consolidated way to handle these to address all the issues that we've heard of from the community, there's no reason to wait longer to do that than necessary. And I do think the quicker we can get the zoning ordinance pieces done, the better.

[00:22:53] The last thing I will say, the piece of this I think that probably gives me the most concern is the environmental piece. and I say that because environmental technology is the one thing that's constantly evolving and changing. When you think about FAR and you think about setbacks and things of that nature that are technical engineering issues that are not subjective, when you think about the environmental

impact, sometimes there's a level of subjectivity, but sometimes there's a level of technology that couldn't have been anticipated at the time you write your standard. And so if that is a major

[00:23:29] concern of yours, one way to address those, at least in the most intense examples where you have high-density data centers being proposed, is through an SE process because that's where we can have a conversation with the applicant about what makes environmental sense. I know there are shortcomings to putting some of those elements in the zoning ordinance and certainly in the comp plan because they would be more precise than potentially down the road give somebody an opening that was unanticipated by the board at the time and so the environmental piece I think is the thing that most concerns me and makes me want to look very critically at where we're

[00:24:08] allowing these by right because once that happens I don't I don't know that the conversation about environmental technology and protections is nearly as robust as it would be as going through a public process. And so I think that's my one, you know, lingering concern on this that I'm going to have to work through as we move forward with this. But absolutely appreciate the staff work that's done, and this is absolutely, in my mind, the direction we need to go in to make sure we're steering these into only the most appropriate areas in the county. And if they're coming into areas that are lower intensity, that we have tools on the table that we can use to help the community deal

[00:24:47] with them, so I appreciate that. Thank you. Supervisor Walkinshaw, and then. Thank you, Madam Chair. Agree with the comments that have been made. Obviously, we have twin challenges here, competing challenges here. We want to get it right, but we also need to get it done, so I appreciate the timeline that we're on, and I'm hopeful that we can stick to it and get the community engagement that we need to make sure we get it right.

[00:25:15] A couple of questions all related to the environmental issues, which, as Chairman said, I think do color the decision as to where an SE needs to be required, at least for me.

[00:25:30] And this was in the data center report, and I raised it in a recent case that we had. Since 2021, data centers in Virginia are required to meet an updated ASHRAE energy efficiency standard, 98.4 or something of the sort.

[00:25:52] I really would like to understand the delta, if there is one, between that standard and the efficiency it creates, and the data center lead silver standard, for example. And I know in the report you referenced the PUE standard, and I'm wondering if there's a way to quantify the ASHRAE standard will lead to a PUE level of X, whereas a data center

[00:26:23] lead silver standard in most cases will lead to a PUE standard of X minus Y. And perhaps it's more complex than that. But I'd like to understand that because I think that's kind of the delta between what we get in a buy-right scenario under existing Virginia law and what we could achieve with comp plan language.

[00:26:48] Similarly, on wastewater discharge and water quality, in the recent case we had, Supervisor Smith did an incredible job of achieving what I feel like was a very high standard of monitoring of the wastewater discharge and commitment to treatment to meet any standard that UOSA or our staff determine is necessary now or in the future. What is the difference between that and existing wastewater regulations, right?

[00:27:26] What is the delta? Obviously, there are existing standards that apply to any use. And how far apart is that from the kind of standards that we could, in some cases, achieve with ComPlan language?

[00:27:43] And then final question, someone can get back to me. The data center report also points out that the Commonwealth of Virginia requires data centers to report to the Commonwealth of Virginia on their energy usage. And it suggests that perhaps we could require reporting directly to Fairfax County. Just a question, don't answer it now. Could that be achieved through the zoning ordinance or would have to go through a comp plan process to get that level of reporting? So those are my questions. I don't think any of which probably can be answered at the table today, but I'd like to know as we move forward in this

[00:28:21] process. Thank you. Thank you. Supervisor Alcorn and Harrod. Thank you, Madam Chair. One question and then a couple of requests. So, Tracy, remind us, before ZMOD, how were these data centers regulated under the zoning ordinance? Or maybe it's a Carmen or Leslie question. Leslie Johnson Zoning Administration, we regulated them as telecommunication facilities, which were permitted by right in most commercial and industrial districts.

[00:28:55] So they were permitted by right, but they would have been subject to the 2232 process in many cases anyway, right? I don't think so. No, they would not. No, because they're just a general type of a telecommunication facility. You could have a monopole. We just globally called them that by interpretation.

[00:29:12] So they were effectively by right across zoning districts until ZMOD. Is that correct? Except for in the residential district, so the commercial and industrial district. Or C&I, then they were. Correct. Yeah, I thought there was.

[00:29:30] It was typically by SE in a residential district. Okay, so it was SE in all residential and then by right in all C&I districts previously. Yeah, I thought ZMOD was going in that direction. It was my memory as well.

[00:29:47] I guess to build on one of the things Chairman McKay said, Certainly, if we're going to have any of these by right, I would want to make sure that environmental issues, I mean, whether it's setback or other, you know, barrier and screening, other environmental considerations be included.

[00:30:12] And I would want to make sure, and this is true, I think, overall, that whenever we get to the point of advertising the change to the zoning ordinance, that it provides the planning commission and others to have a nice menu of options to choose from, that we would want to have a good set of considerations.

[00:30:36] So, because that is a concern of mine, too, on the environmental side. Great idea about the substations and incorporating that. I know the other big hit with some data centers is transmission lines.

[00:30:52] Now, those are, I believe, those would be under the 2232 process, correct? Or are those not regulated or regulatable under our zoning ordinance? I just don't know. I'm not going to admit that I know a lot about them, but I do know that they go to the state through the SCC regulation, so Dominion.

[00:31:18] I think they typically advertise some different routes, but then it goes through a state process that takes a number of months as part of that. But they're not subject to the zoning ordinance. That's what I thought, yeah, as they would be outside. The substations would be, but not the KV line.

[00:31:35] Right. Okay. That's good to know. And I think, I guess there's no way around that in Arizona ordinance, so that is what it is, in Virginia anyway. So my only other request would be, and I don't know if there would be a role in this or not, I'm looking at some of the land in the Hunter Mill District.

[00:31:57] Much of that land that's zoned industrial is in our TSAs, transit station areas. And Hunter Mill, we already have seven data centers in Hunter Mill. and a couple of them are very much in our TSAs.

[00:32:13] From a planning perspective, I'm not sure that's the most desirable approach, certainly consistent with our, you know, long-term goals and our comprehensive plan. But I would ask that you look at as one possible consideration if we are going to go, you know, keep any of the industrial lands by right, whether it's in a TSA or maybe proximity to rail transit, at least, is one consideration.

[00:32:46] I know we don't normally do that in our zoning ordinance, but there might be something relating to TSAs. But again, that's only if we go down the road of having these by right in any industrial district. So, thank you. I have Supervisor Herity, then Bierman, then Jimenez.

[00:33:03] So, you know, clearly data centers are the environmental issue of our decade, I think, from their energy use to water use to the environmental and visual impacts. I think your slide sevens hit on most of the big concerns, the noise, the distance from residents, the design standards, and the environmental piece.

[00:33:26] Kind of the elephant in the room that wasn't on this slide, you covered it, I think, in the conclusion is where it's going to be bright and where it's not. I think I'm going to lean with the chairman. I'm not so sure I-4 works for by right, certainly not C-3 and C-4, which isn't listed here, but needs to be.

[00:33:44] So I think, and that's where, you know, to go to Supervisor Walkinshaw's point on the environmental concerns, when they have to go through the SE, that's where you can hit that, like was done in Sully. My big concern also, which would be a reason to lean towards SE, is the height, depending on where it is.

[00:34:02] You know, the Sully case, the height was the thing that bothered me more than anything else. And I wish we could put them all out by Dulles Airport. That would be nice. But I don't think we can do that. But anyway, I don't think there's enough room for all the ones that are needed out by Dulles Airport.

[00:34:21] But those are generally my comments. I think timing is important, but I think getting it right is important, too. And your point on a broad range, I think that's going to be important. as well. And that is something we have right now, the 75-foot height. And so if they want to go higher, that does trigger the SE. Okay, I have Supervisor Bierman and Jimenez. Thank you, Madam Chairwoman. A quick question. On slide six, you talk about 80,000 square foot data centers and

[00:34:58] 40,000 square foot data centers. A lot of these data centers are a lot bigger than both of those. Our last data center, the one in Chantilly, was 400,000 square feet, if I remember correctly. A lot of the data center report and recommendations also talked a lot about things in the context of those much larger data centers.

[00:35:18] How many data centers do we have right now that are 80,000 square foot data centers or 40,000 square foot data centers? And what percentage are they of our, I think we have 7 million square feet of data centers either planned or in completion?

[00:35:33] I would also have to say, as part of that, I think we were, you know, we were doing this as part of ZMOD, which was in, you know, 2018, 2019, when those kind of standards were put forward.

[00:36:00] And, you know, we recognized that before we had seen this proliferation of larger data centers, you know, there were office buildings. You know, AOL would have data centers within their office buildings. And so I think those numbers of 40,000 square feet and 80,000 square feet were kind of coming from that model, which I think, as we all recognize, has started to change.

[00:36:24] And I don't know if we have that information or not. We do have that information. We don't have many, to be honest, that are in the 40,000 and 80,000 square foot range. I probably have to confess that I don't recall the specific research that led to those numbers.

[00:36:43] it's been a few years, um, but, uh, and I think also the, the, the larger the data center has resulted in, um, more concerns, um, so that's why the report focused on the larger ones. Um, I think that any additional research could include relooking at appropriate sizes or FARs, um, and just see what makes sense for Fairfax. Um, there are a lot of different, uh, models and, of data centers and they are continually changing so something you probably read

[00:37:18] about are like the edge data centers and those are smaller and integrated into more urban areas so really depending on how they're designed can make a big difference whether they fit into that location in the community so while the report focused on the larger ones that of late have captured the attention of you know, I just want to say that they're not all the same. And so that's what maybe presents the challenge in writing regulations that do fit for all of them. But that's what we're here to do.

[00:37:57] Yeah. So I recognize that. I think, you know, I share a lot of the concerns that have already been mentioned about the environment, about the environmental impact of data centers. I had written down, you know, before Supervisor Walkinshaw said I'd written down, you know, questions about water testing because that had been a huge part of our last data center was what are we going to do about water testing?

[00:38:22] And I don't even know if you can necessarily address water testing in a by-right zoning ordinance. We also, you know, had talked about generator type. Can we put that into what our by-right rules would be? I share the goal, the overall, I think it was either Chairman McKay or Madam Chairwoman Smith of this committee who said, or maybe it was actually Ms. Strunk, predictability and understanding, standardizing things.

[00:38:56] I want to make it so that we are approaching this in a way that makes more sense from an efficiency, predictability standpoint. But I also want to make sure we have really strong guardrails. And I also think that you said something really important earlier.

[00:39:13] Buy right does not mean my right to do anything. Buy right means my right to do a bunch of different things that are, you know, we've put in place a lot of different requirements. So I just want to make sure, I think the word that was used by Supervisor Alcorn was a menu of options, that we have a menu of options to try and strengthen these rules while still providing predictability. And the reason why I asked about, you know, 40,000 square feet or 80,000 square feet is that when we make those choices, I also want to know how it relates to some of the

[00:39:50] environmental questions that we're asking. And by the way, it could operate in both directions. It could be that with economies of scale, with something that's smaller, I guess it's the opposite of

economies of scale, with something that's smaller, it doesn't have as big an environmental impact because of X, Y, and Z reasons.

[00:40:09] It could be that even if it's small, the impacts are the same or identical, and we need to continue to be worried about those things. I just want to make sure that when we make the decision, we are putting in place guardrails that make sense and that protect us for the future.

[00:40:28] There is a -- I would note, there is a table at the back of the data center report that has the 16 data centers, and of those, we've got three that are under 75,000 -- that are under 80,000 square feet, and then there are two more that are about 95,000 square feet.

[00:40:48] So that's five under 100,000. Okay. Thank you. Supervisor Herity had a question on that last discussion, and then we'll go to Supervisor Jimenez, Lusk, and then Pelton. And Supervisor Beerman started to hit on what I actually had as a question and forgot to ask.

[00:41:07] What are the trends in heights of data centers? Are they trending? Because I think I hadn't seen a three-story one until we saw the one in Sully. But your comments about looking at the different trends, it might be useful for the board to get some information on what those are looking like so that we can try to get ahead of what's coming because we don't want to be sitting here next year dealing with a six-story data center or something like that if we can deal with it today.

[00:41:40] Supervisor Jimenez, please. I want to thank you, Chairwoman Smith, on holding this important and timely meeting on this important issue. Two things real quick. One, I'd like to thank the Bren Point HOA president, Tyler Ray, for coming along with residents here.

[00:41:59] It's great to see you here. Two, technology moves too fast sometimes and oftentimes, as Supervisor Walkinshaw mentioned, not fast enough when it comes to environmental issues. This is a tough issue.

[00:42:15] One, because we have a responsibility to our residents and where they live, their quality of life. But we also need to make sure that part of that is bringing in revenue to the county, which is bringing data centers to Fairfax County.

[00:42:31] The question is, how do we do that? How do we do that where the communities feel that their quality of life isn't fading, is staying? How can we make sure that we are putting forward enhanced standards, but that those enhanced standards aren't leaving by tomorrow's board, right?

[00:42:54] By that, I mean what we put as standards today with evolving technology tomorrow, now it's old. And how do we keep up with that pace? I think that, Chairwoman, I think that looking at this timeline, that's a great first step. I think that we continue and need to have the input of our residents.

[00:43:15] We need to make sure that we are finding ways to not only make sure that their quality of life continues, but that we're putting data centers in a place that makes sense in our county. And putting in some of those standards, such as enclosing HVACs and putting minimum distance for residential neighborhoods is critical.

[00:43:35] So there can be a way for us to bring in the revenue, but making sure that it's done in the right way and that our residents feel that we are looking after their best interest. Thank you. Thank you. Supervisor Lusk, Palchuk, and then Walkinshaw.

[00:43:50] Thank you very much, Madam Chairman. I want to align myself with the comments of my colleagues here at the board in saying that I do appreciate these proposed enhancements And we'll acknowledge, though, my agreement with Chairman McKay and Supervisor Herity on the I-4 designation, because when I look at my own district, it is a significant number of acres that are designated in that I-4 category, and there are close to many residential communities.

[00:44:21] So I want to be sensitive to ensuring that that consideration be met. Additionally, I appreciate the minimum distance from residents, and then on the design standards, I'll make the point that it would be great if we can soften the look of these facilities.

[00:44:38] To me, they're just so hard, and when you see them, they're just basically concrete boxes. And I know that most of the residents, when they're driving through their community, are going to probably say, given the choice, I would prefer something that looks more like maybe an office building or something that's less institutional.

[00:44:57] So I think where we can make progress there is going to be significant. On the issue around enclosing the generators and the HVACs, I support that, but I just want to be clear that that can be done in all instances because it says here, enclose HVACs and generators in all the districts.

[00:45:16] So just as a question, I don't know the answer to this, can we actually enclose every single generator and every single HVAC system? That's the question. And then second, the issue is really around noise mitigation and attenuation.

[00:45:32] So if we can address, if we can't enclose it, if there's another way that we can address the mitigation of the noise, then we're, I think, addressing the issue as it stands. Again, agree with the timeline, agree with the need to engage.

[00:45:48] We definitely got to engage the community and make sure we're getting feedback and input before we make a final decision. But I just appreciate the suggestions that have been brought forward and appreciate that we're going to be able to do this as expeditiously as possible because this is an issue that is very, very timely from the standpoint of concerns from the community and others.

[00:46:13] So with that, thank you very much, Madam Chairman. Thank you. I am going to do a Supervisor Palchuk and then Stork and then go to Walkinshaw. Thank you. Thank you, Madam Chair, and thank you so much to staff for this report. The only thing I want to add, and I think a lot was said, and I think that you clearly have created a very comprehensive view at this, is that, number one, we're moving swiftly but thoughtfully and comprehensively because, as we see, especially here, each district is a little bit different, and which type of industrial districts and what's existing and what we're looking at are a little bit different.

[00:46:51] The one thing I would add, I think this was brought up, and it is still sort of an area that can cause confusion both here and in the public, and I think any way that you can help present that when we go to the public and to us is I don't want to overstep our authority, right?

[00:47:08] Being clear about what we are looking at because that's where we have the authority and the local authority, and those are the options we can look at. But if there's a way to have on there sort of a better understanding of what are the state authorities or federal authorities, what are other existing guards or things that we're unable to impact that also can provide some additional protection or challenges.

[00:47:35] I think that's the area where we are a local government, and we want to make sure we understand what our authority is. Thank you. Supervisor Stork, then welcome. Thank you, Madam Chair. And I appreciate my colleagues' comments and questions, and I obviously strongly support the environmental standards.

[00:47:54] I think those are an essential part of whatever we do, and it doesn't matter to me whether it's BiRIDER or SE, those environmental standards need to be top in our minds. And frankly, I wouldn't support something that doesn't have that level of protection for the environment in the future.

[00:48:12] And obviously, the efficiency part of that is one of the challenges, and we're always looking for it because I'm confident that the data center operators are looking for the same thing because of the cost of the energy cost for them are a huge part of that. The number one question I have, because as a business person, I recognize that speed to getting something done and predictability, reliability is a huge part of where and how I make my investments.

[00:48:40] And I want to make that process easier, even while I make it stringent in terms of their ability to move something forward. So for me, I'm open to bi-right as long as it has those environmental and those other standards that we've been discussing here today.

[00:48:58] And I'm open to SE, particularly where in like an I-4 area where it's closer, and clearly in the commercial side of that, I have concerns about that, and I think those are SE appropriate. Can you give me some idea of the different time to kind of operation that would be from a buy right versus an SE?

[00:49:18] Any sense of what the additional time expectation would be that an organization or a business might incur by moving in one type of zoning area versus another that has that?

[00:49:37] Thank you, Supervisor Stork. The additional time would be needing to go through the entitlement process. So a special exception, our normal guide for a special exception is eight to nine months is normally what we say. I would say that a number of, you know, if it's a site that already has a proffered plan on it, like the buildings down on Loisdale Road that came through, it's coming through that process anyway.

[00:50:02] So in that case, it's not whatever the board does next, they're already coming through that process. So, basically, it could be around a year if an SC were required because of the type of property.

[00:50:19] And it depends on what's involved with that particular property. It does. I would also say there are, we do have provisions in our ordinance that would allow site plan and the special exception process to overlap. You will sometimes see that with concurrent processing. And so, that is a good way that once any case coming through a process, an entitlement process, is at a place where they're relatively certain they can start doing the hard engineering for the site plan.

[00:50:43] we can actually marry up those processes and save some of that time. First off, I like where we're going. I like the speed with which we're going to finish this process, which I expect to be no later than July. And I like and appreciate the focus that we've had on standards that I think are going to be some of the highest in the area, but hopefully looking for ways to expedite that process when organizations meet those standards.

[00:51:10] Thank you. Thank you. Supervisor Walkinshaw. Thank you, Madam Chair. Just on the height issue, and Supervisor Herity raised this, and I just want to clarify, right now in I-3, 4, 5, 6, the height limit

is 75 feet.

[00:51:29] So if you want to build a 100-foot data center, you have to go through the SE process right now, and I don't hear us talking about changing that. So I think that's important to clarify. That's the status quo. And certainly for me, and I don't think I hear folks enthusiastic about making any change to that. I do think it's important. If we're going to talk about height, if a community is concerned about a 110-foot tall data center because of the imposing nature of it, presumably they would also be concerned about a 110-foot tall warehouse in an I-4 or I-5 district.

[00:52:08] I don't think height is a situation where it makes sense to have a separate standard for data centers. So if any of us are uncomfortable with a 75-foot height limit in an I district for a data center, then presumably you're uncomfortable with a 75-foot height limit for a warehouse in an I district.

[00:52:31] So we just need to be consistent in some of these areas. But just to clarify, we're not talking about any changes to the height limit. 75 feet or over, or over 75 feet, rather, is an SE, and that's our intention moving forward. That's certainly the way it is today.

[00:52:46] That was our recommendation. We did not make any recommendations to change, to allow additional height by right. We would propose maintaining the existing industrial. Got it. Okay, thanks. Supervisor Harrity, quickly, and then Chairman McKay.

[00:53:04] The height on an office building looks different than a height on a warehouse or a data center. You know, go to Supervisor Lust Point, and they're built that way because they have to be built that way, but they're very ugly buildings, and when you get above the tree line with a very ugly building, certainly the 75, no, but in the C districts, when you get above that height, I think it's different looking at an office building than it is looking at a data center.

[00:53:33] I mean, so, yeah, height is important to me when it comes to data centers in the C districts when you're doing something that tall. Chairman McKay. Yeah, thank you. And I appreciate the point that was made on the height because it is 75 feet.

[00:53:53] And if we're uncomfortable above 75 feet and it's an SE, we can vote against it. So that's not part of this is not changing. And so I appreciate that. But, you know, one thing that strikes me always about any time we amend the zoning ordinance is our enforcement agents' ability to enforce.

[00:54:14] And so I would just ask that when we're looking at these standards that we cross-check with code enforcement, we have some of these in the county now. I mean, obviously, things like building height are easy to enforce, set back through the site plan process. But things like adherence to our noise ordinance can sometimes be a lot harder.

[00:54:33] And so let's just make sure whatever we put in here in the real world can be enforced. And I know we've had some challenges. It took us years to redo our noise ordinance. We have some industrial uses right up against residential uses that are way louder than these are.

[00:54:52] And that was what prompted the conversation about the noise ordinance before. So let's just make sure that we have a conversation with them and whatever we put in place is enforceable. And then I'm just going to close by saying, in terms of the timeline, I've heard a lot of people say speed is important, but it's also important to get this right.

[00:55:10] Right now, I'm sensing a majority of the board, if not everyone, is uncomfortable with the fact that there are some zoning categories that allow these by right today. And so let's not wait on perfect zoning ordinance if we know one of the high-level things we want to fix is that.

[00:55:28] And so that's why this schedule is important to me. We can always go back and fix some elements of this if we need to later, but if you're out there in the community and you're near one of these zoning districts right now where we allow this buy-right, where we are saying we will not allow this buy-right in the future, that alone is a reason to try to come as close to adhering to this schedule as possible.

[00:55:52] And so let's just make sure that we do that. And so in terms of the community outreach, we want to get a lot of community outreach. We know we're sitting here saying in March next Tuesday, two Tuesdays from now, we're going to be doing our board matter to, you know, move this forward.

[00:56:10] We know that we have outreach and preparation from March and May. That's a pretty tight period of time. So the other thing I would say is rely on our offices as well to get the word out about the outreach. I agree with you. This is something that we're going to have to have people come to.

[00:56:27] We need to get, you know, message out to us to get people to come to that and participate in it. Because what I don't want to be doing is sitting here in July saying, oh, now with the recess and we didn't get comments back in time and now we're starting to talk about the fall and winter, that's not going to work.

[00:56:43] And so I do think it's inherent upon all of us to stick to this timeline. And so I appreciate the aggressiveness of it and the work that's been done to get us to this point. so um just a couple things to sum up it was a great discussion a lot of issues brought up one of the reasons we're focusing on the standards is because we can meet this timeline some of our discussion points are going to be more involved so we're not going to let those stop this timeline to move forward and i think another thing is important is that what tracy was talking about

[00:57:18] staff needs to do these public meetings more central and we have the the opportunity to have virtual meetings. And if we're not going to do that, we're not going to meet this timeline. And so I think that's important for all of us to publicize those meetings. I would imagine maybe some will be in person, maybe they'll all be virtual, but those are good opportunities for the public to be involved. My issue about the substation, if people agree, I think that might have to be separate from what we're doing with this. It would be a separate issue whether a substation should be SE. I don't want that work to hold up this work because to me the standards are the most important thing that we need to do.

[00:57:59] So with that said, I think we are done. I appreciate it. I know staff spent a lot of time on this. They will be spending more time on this, but I really appreciate all your work and this meeting is adjourned.

[00:58:15] Thank you.



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