O25-29(R)

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:

MEMBERS:	VOTE:
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 (~~100~~750) 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 (~~200~~ 100) 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 (~~7~~8) 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