

ORDINANCE 2022-01B

AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND ARTICLE II “DEFINITIONS”, ARTICLE XI “ZONING DISTRICTS, AND ARTICLE XII “GENERAL REQUIREMENTS, ADOPTED BY ORDINANCE 2004-01, AS AMENDED, OF THE ZONING ORDINANCE OF GRANT COUNTY.

BE IT ORDAINED by the Board of County Commissioners of Grant County, South Dakota: that ARTICLE II “Definitions” adopted by Ordinance 2004-01, as amended, of the Zoning Ordinance of the Grant County be amended by amended and adding language in bold and underline:

Section 229a. Data Processing Center: A building, dedicated space within a building, or group of structures used to house a and maintain electronic hardware, computer systems and associated components, such as telecommunications and data processing systems, to be used for the remote storage, management, processing, or distribution of electronic data. Examples of such data include, but are not limited to, computationally-intensive applications such as blockchain technology, cryptocurrency mining, weather modeling, genome sequencing, etc. Such facilities may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support operations.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Grant County, South Dakota: that ARTICLE XI “Zoning Districts” Section 1101.03 Agriculture District “Conditional Uses” adopted by Ordinance 2004-01, as amended, of the Zoning Ordinance of the Grant County be amended by adding language in bold and underline:

19. Data Processing Center

BE IT FURTHER ORDAINED by the Board of County Commissioners of Grant County, South Dakota: that that Article XII, “GENERAL REGULATIONS” adopted by Ordinance 2004-01, as amended, of the Zoning Ordinance of Grant County be amended by adding the following Section in bold and underline font:

Section 1220. Data Processing Center Performance Standards

Section 1220.01. Siting Requirements

1. Data processing centers shall comply with the following requirements:

- a. **Fencing: A six (6) foot sight obscuring fence shall be required along the entire perimeter of the facility. Such fence shall comply with all other requirements of Grant County Zoning Ordinance.**
- b. **All electrical generators shall be enclosed behind a solid wall made of concrete or another equivalent sound absorbing material a minimum of four (4) feet higher than the highest point on the generator. This requirement may be reduced or eliminated if a noise mitigation plan is submitted in accordance with all other requirements of Grant County Zoning Ordinance demonstrating that peak sound levels do not exceed those allowed in this Section.**

- c. Yard requirements: The entire perimeter of the facility shall be screened from adjoining properties by a buffer yard. The side and rear buffer yards shall be a minimum of fifty (50) feet and the minimum front buffer yard shall be one-hundred fifty (50) feet.
2. All equipment and structures shall be a minimum of fifty feet from the property boundary of the facility as delineated on the site plan, and/or one-quarter mile (1,320 feet) from any church, school, or residence ~~and/or one mile (5,280) feet from any concentrated animal feeding operation with a county-issued permit.~~

Section 1220.02. Utility Notification

~~No grid-connected data processing center shall be installed until evidence has been provided by the operator that installation of the system has been approved by the electrical utility provider. Off-grid systems shall be exempt from this requirement.~~

1. No grid-connected data processing center shall be issued a permit until evidence has been provided by the operator that installation of the system has been approved by the electrical utility provider. Off-grid systems shall be exempt from this requirement. Written verification from the Electric Utility provider shall state the following:
 - a. Adequate capacity is available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the planning area is consistent with the normal projected load growth envisioned by the data center.
 - b. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use.
 - c. The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises.

Section 1220.03. Noise.

1. All proposed data centers that are within one-quarter mile (1,320 feet) of a residence, church, or school shall submit a noise mitigation plan in accordance with the following:
 - a. Name and qualifications of the person who measured the decibel levels.
 - b. Equipment used.
 - c. Location of the noise measurements depicted on a scaled site plan. The points of measurement shall be at all property lines and other noise receptors (residences, etc.).
 - d. A list of all sound sources that contribute to the overall sound emissions from the site and the following for each source;
 - i. Peak sound levels, in decibels, emitted by each source; and,

- ii. Sound levels, in decibels, for sound continuously emitted by each source for a duration exceeding thirty (30) minutes; and,
- iii. The frequencies of the sound emissions from each source;
- iv. A site diagram showing the location of each sound source.
- e. A description of any and all methods, systems, devices or structures intended to be used to mitigate sound emissions, including technical specifications, descriptions of materials and/or engineering specifications.
- f. A certification, signed by the preparer of the document, certifying the accuracy of the materials contained within the noise mitigation plan and that the plan will effectively reduce sound emissions to levels required by Grant County.
- g. The county reserves the right to require independent verification of noise measurements and/or to request additional measurements at different points on the property.
- ~~h. The maximum sound level allowed in a noise mitigation plan is eighty (80) dBA at the site boundary.~~
- i. The maximum sound level allowed from the physical structure of a ~~residence~~ receiving structure is fifty-five (55) dBA after any applicable adjustments provided for herein are applied.
 - i. Between the hours of 10:00 p.m. and 7:00 a.m. the noise limitations above shall be reduced by 10 dBA for receiving ~~property~~ structure.
 - ii. At any hour of the day or night the applicable noise limitations in (h) and (i) above may be exceeded for any receiving property by no more than:
 - 1) 5 dBA for a total of 15 minutes in any one-hour period; or
 - 2) 10 dBA for a total of 5 minutes in any one-hour period; or
 - 3) 15 dBA for a total of 1.5 minutes in any one-hour period.

Section 1220.04. Signage.

- 1. No signage shall be permitted on the perimeter fence, with the exception of one (1) sign not to exceed thirty-two (32) square feet that displays the name, address and emergency contact information of the facility as well as appropriate warning signs.

Section 1220.05. Structural Requirements.

- 1. The facility shall meet all requirements of the most current edition of the International Building Code (IBC). Any electric wiring shall be located underground, except where wiring is brought together for interconnection to system components and/or the local utility power grid.

2. The use of cargo containers, railroad cars, semi-truck trailers and other similar storage containers for any component of the operation is strictly prohibited.

Section 1220.06. Access.

1. All roads shall be of sufficient width to accommodate emergency vehicle access as determined by the Grant County Emergency Management Director.

Section 1220.07. Submittal Requirements.

1. A narrative describing the proposed data processing facility including an overview of the project;
2. A site plan showing the proposed location and dimensions of all equipment, existing and proposed structures, screening, fencing, property lines, access roads, turnout locations, ancillary equipment, and the location of any church, school, or residence within one-quarter mile (1,320 feet) of the perimeter of the facility;
3. A study prepared by an acoustical engineer that describes the anticipated noise level of the facility and any proposed mitigation efforts such as sound walls, baffles, ventilation silencers, additional separation from surrounding uses, etc.;
4. Other relevant studies, reports, certifications, and approvals as may be reasonably requested by Grant County to ensure compliance with this Article; and
5. Signature of the property owner(s) and the owner/operator of the facility (if different than the property owner)

Passed and adopted this ___ day of December, 2022.

Chairperson
Grant County, SD

Auditor
Grant County, SD