

ORDINANCE NO. ____

DATA CENTER SITING AND DEVELOPMENT ORDINANCE

AN ORDINANCE OF THE COUNTY OF CRAWFORD, IOWA, ESTABLISHING STANDARDS FOR THE DEVELOPMENT AND OPERATION OF DATA CENTERS WITHIN THE COUNTY

WHEREAS, Crawford County has adopted zoning regulations pursuant to Chapters 331 and 335 of the Code of Iowa; and

WHEREAS, the County recognizes the growing economic importance of data center facilities and desires to provide clear, predictable standards for their development; and

WHEREAS, the County seeks to balance economic development with the protection of public health, safety, and welfare; and

WHEREAS, this ordinance is intended as a special-purpose zoning ordinance establishing siting, development, and operational standards for Data Centers within Crawford County;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CRAWFORD COUNTY, IOWA, THAT THE FOLLOWING ORDINANCE IS ADOPTED:

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DATA CENTER SITING AND DEVELOPMENT ORDINANCE

SECTION I – Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

1. **ACCESSORY EQUIPMENT** – Equipment necessary for data center operations, including but not limited to backup generators, cooling systems, transformers, switchgear, battery energy storage systems (BESS), and security structures.
2. **DATA CENTER** – Facility consisting of one or more buildings (whether constructed simultaneously or in separate phases) used primarily for the storage, management, processing, and transmission of digital data, which houses computers or network equipment, systems, servers, appliances, and other associated components related to digital data storage and operations. Data center includes commercial cryptocurrency mining operations and processing.
3. **DATA CENTER USE AREA** – All land utilized in association with a Data Center, including, but not limited to, the furthest extent of buildings, structures, fences, substations, electrical infrastructure, generators, cooling equipment, battery energy storage systems, stormwater infrastructure, parking and loading areas, internal access roads, landscaping, screening, and other improvements or areas used in association with the Data Center. The Data Center Use Area shall be the basis for determining the scope and extent of the approved Data Center use.
4. **DATA CENTER – SCALE**
 - a. **Small-Scale Data Center:**
 - i. An Electrical Design Capacity of twenty-five (25) MW or less; and
 - ii. Annualized water usage of less than twenty (20) gallons per minute.
 - b. **Medium-Scale Data Center.**
 - i. An Electrical Design Capacity greater than twenty-five (25) MW but not exceeding eighty (80) MW; or
 - ii. Annualized water usage between twenty (20) and fifty (50) gallons per minute
 - c. **Large-Scale Data Center.**
 - i. An Electrical Design Capacity greater than eighty (80) MW; or
 - ii. Annualized water usage greater than fifty (50) gallons per minute.

Classification. A Data Center shall be classified according to the highest classification triggered by either its Electrical Design Capacity or annualized water usage.

5. DEVELOPMENT – Any man-made change to improved or unimproved real estate, including but not limited to construction of buildings, grading, paving, installation of utilities, or placement of equipment.
6. SCREENING – Landscaping, fencing, berms, or architectural features used to visually buffer the facility from adjacent properties or public rights-of-way.

SECTION II – Statutory Authority, Findings of Fact, and Purpose

1. This ordinance is adopted pursuant to the zoning and land use authority granted to counties under Iowa law, including but not limited to Iowa Code Chapters 331 and 335.
2. Findings of Fact
 - a. Data centers represent a significant economic development opportunity.
 - b. Clear standards are necessary to ensure compatibility with surrounding land uses.
 - c. A predictable regulatory environment is essential to attracting investment.
3. Statement of Purpose – The purpose of this ordinance is to establish reasonable siting, development, and operational standards for Data Centers while maintaining the County's commitment to public health, safety, and welfare.

SECTION III – General Provisions

1. This ordinance applies to all Data Centers within unincorporated Crawford County.
2. No data center shall be constructed, expanded, or operated without compliance with this ordinance.
3. This ordinance does not supersede other applicable county, state, or federal regulations.

SECTION IV – Administration

1. Application – Applications for approval of a Data Center shall be submitted to the Crawford County Zoning Administrator on forms prescribed by the County together with all information required by this Ordinance.
2. Administrative Review – The Zoning Administrator shall review the application to determine whether it is complete and whether the application complies with the requirements of this Ordinance. If additional information is required, the applicant shall be notified and provided an opportunity to supplement the application.

3. Board of Supervisors Review – Upon completion of the administrative review, an application that satisfies all requirements of this Ordinance shall be submitted directly to the Board of Supervisors for consideration. If the Zoning Administrator determines that an application does not satisfy one or more requirements of this Ordinance, the application shall be referred to the Planning and Zoning Commission for review and recommendation before consideration by the Board of Supervisors. The Board of Supervisors shall conduct a public hearing if required by law or deemed appropriate and shall approve, approve with conditions, or deny the application.
4. Approval Criteria – The Board of Supervisors shall consider the following standards during the approval process, including but not limited to:
 - a. The proposed Data Center complies with this Ordinance;
 - b. Adequate electrical infrastructure exists or will be provided;
 - c. Adequate water infrastructure exists or will be provided;
 - d. Adequate wastewater infrastructure exists or will be provided;
 - e. Adequate transportation infrastructure exists or will be provided;
 - f. Additionally, the application shall be reviewed and decided in accordance with the applicable requirements of Iowa Code Chapters 331 and 335.
5. Decision – The Board of Supervisors shall issue written findings approving, approving with conditions, or denying the application. Any conditions imposed shall be reasonably related to the standards and purposes of this Ordinance and be supported by the record developed during the application process. No Data Center may be established, constructed, expanded, or operated without a Data Center Development Permit approved by the Crawford County Board of Supervisors pursuant to this Article.

SECTION V – Establishment of Zoning Districts Where Permitted

1. Eligible Zoning Districts – Subject to approval of a Data Center Development Permit by the Board of Supervisors, Data Centers of any scale may be approved only within the following zoning districts:
 - a. General Industrial
 - b. Limited Industrial
 - c. Business/Technology Park (BP), if established
 - d. Agricultural (A)
 - e. Rural Residential

SECTION VI – Site Development Standards

1. Building
 - a. Multi-building campuses are permitted.

- b. Buildings, phases, and associated improvements expressly identified and approved as part of the Data Center Development Permit shall not require additional approval by the Board of Supervisors solely because construction occurs in separate phases.
- 2. Setbacks – Standard zoning district setbacks apply
- 3. Height – Maximum height per underlying zoning district
- 4. Lighting – All outdoor lighting on the property must consist of full-cutoff fixtures to ensure illumination does not project upward or negatively affect adjacent properties.

SECTION VII – Operational Standards

- 1. Noise
 - a. No operating data center equipment shall produce decibel levels exceeding any of the following limitations, with the exception of initial construction and routine maintenance. Adequate setbacks and effective sound mitigation equipment shall be used to comply with these limitations.
 - b. The average hourly noise generated from the facility, components and equipment shall not exceed seventy decibels (70 dBA) as measured from the outer wall of any occupied structure within residentially zoned property adjacent to the proposed development.
 - c. For property adjacent to the proposed development that is not residentially zoned, the average hourly noise level shall not exceed seventy-five decibels (75 dBA) as measured from the outer wall of any occupied structure on the adjacent property.
 - d. The average decibel limit is specific to source of the sound and does not count against cumulative ambient decibel levels as established in a baseline acoustic evaluation.
 - e. Upon a complaint by an adjacent property owner or other complainant, or upon reasonable cause, the County may require acoustical testing by a qualified acoustical professional utilizing industry-standard sound measurement practices and equipment. The complainant shall initially pay the cost of testing. If the testing establishes a violation of this Ordinance, the Data Center owner or operator shall pay the testing cost and reimburse the complainant for the amount paid. If no violation is established, the complainant shall remain responsible for the testing cost.
 - f. The owner(s) of adjacent property may voluntarily agree, by written and recorded waiver, to a higher average hourly decibel level than those allowed within this subsection.

2. Backup generator testing – Testing backup generator operation is allowed only between 6:00 AM and 8:00 PM. Emergency operations and utility curtailment are exempt from these timeframes.
3. Traffic – Construction-related traffic associated with the data center shall utilize County-designated haul routes, and the developer shall prepare and submit a construction traffic management plan outlining anticipated volumes, timing, and mitigation measures. Once operational, all traffic generated by the facility shall comply with the standard zoning and roadway requirements applicable within Crawford County.

SECTION VIII – Infrastructure and Utility Requirements

For the purposes of determining compliance with power and water usage thresholds in this ordinance, all data center buildings that are part of a phased or multi-building campus shall be evaluated in the aggregate regardless of whether such buildings are constructed simultaneously or in separate phases.

1. Electrical Service – Applicant must provide written confirmation from the local power provider that the applicant has verified the utility supply, and the utility can safely accommodate the proposed use during the power provider's peak consumption hours-with existing or coordinated planned infrastructure.
2. Water Usage
 - a. Air-cooled systems are permitted without additional review.
 - b. Water-cooled systems require: Applicant must provide written confirmation from the local utility provider that the applicant has verified the utility supply, and the utility can safely accommodate the proposed water usage-with existing or coordinated planned infrastructure.
3. Wastewater Infrastructure
 - a. Facilities utilizing water-cooled systems shall provide:
 - i. Estimated average and peak wastewater discharge volumes, including cooling tower blowdown and other process wastewater streams;
 - ii. Description of the proposed wastewater disposal method;
 - iii. Identification of the receiving wastewater utility, treatment facility, or permitted discharge location; and
 - iv. Written confirmation from the receiving wastewater utility or treatment provider that existing or planned infrastructure can reasonably accommodate the proposed use.

4. Stormwater – All facilities must comply with Crawford County stormwater regulations.
5. Battery Energy Storage Systems (BESS) – When a data center includes a Battery Energy Storage System, the installation shall comply with the requirements of NFPA 855, and the developer shall provide detailed fire-suppression and emergency-access plans to ensure safe operation and adequate protection for emergency responders.

SECTION IX – Safety and Emergency Requirements

The applicant shall submit an emergency response plan prior to any ground disturbance at the project site detailing the planned response actions that will be taken by facility representatives in the event of an emergency. These actions are intended to minimize health risk to personnel and people in the surrounding community, as well as minimize adverse impacts to the environment.

The plan shall include, but is not limited to, detailed narrative of response procedures and the facility representatives responsible for the management of the following plausible contingencies that could occur at the facility: natural disaster, fire, and security incident(s). It shall include procedures for site evacuation, designated egress routes and emergency staging areas.

Notwithstanding anything in this section to the contrary, the applicant may redact confidential or proprietary information from any submission hereunder.

Facilities must comply with the Iowa State Building Code.

Facilities must comply with applicable NFPA standards.

Emergency contact information must be provided to County Emergency Management.

SECTION X – Non-Conforming Uses

Existing data center facilities that do not conform to this ordinance may continue as non-conforming uses, subject to the non-conforming use provisions of the Crawford County Zoning Ordinance.

SECTION XI – Penalties for Violations

Violations of this ordinance shall be subject to the penalties established in the Crawford County Zoning Ordinance and any applicable provisions of the Iowa Code.

SECTION XII – Confidentiality and Open Record Compliance

If an applicant submits information it believes to be a trade secret or otherwise confidential under Iowa Code Section 22.7, the applicant shall clearly identify such information at the time of submittal and provide the County with a written basis under Iowa Code Section 22.7 of why the information provided to the County is marked confidential. The County will treat such information in accordance with the Iowa Open Records Act, including the exemptions provided under Iowa Code Section 22.7, as amended.

The County may disclose such information to staff or contracted reviewers solely for the purpose of evaluating compliance with this ordinance, subject to applicable confidentiality obligations.

Notwithstanding this subsection, applicant acknowledges and understands that the County may only legally keep information confidential pursuant to Iowa Code Section 22.7.

SECTION XIII – Five-year Operational Review

1. Every five (5) years following commencement of operations, Data Centers shall submit:
 - a. Current peak electrical demand information;
 - b. Annual water use information, if applicable;
 - c. Summary of emergency incidents;
 - d. Updated emergency contact information; and
 - e. Certification of continued compliance with applicable conditions.
2. The purpose of the review shall be informational in nature. This review shall not impose new conditions.
3. If substantial impacts inconsistent with approved plans or conditions are identified, the County may pursue enforcement remedies authorized by this ordinance or other applicable law.

SECTION XIV – Decommissioning

1. A decommissioning plan shall be submitted for Medium-Scale and Large-Scale Data Centers. The decommissioning plan shall include:
 - a. General removal procedures;
 - b. Site restoration procedures;
 - c. Disposal procedures, including specific plans for removal of any toxic/hazardous materials; and

- d. Estimated decommissioning costs.
2. The Board of Supervisors may require reasonable financial assurance when necessary to ensure performance of any approved decommissioning plan.
3. A Data Center shall be considered discontinued after twenty-four (24) consecutive months of inactivity.
4. Upon discontinuance, the County may require implementation of the approved decommissioning plan.

SECTION XV – Economic Development Agreement

Prior to or contemporaneous with any approval of a data center, the applicant, regardless of scale size, shall enter into an Economic Development Agreement (“EDA”) with the County, approved by the Board of Supervisors.

The EDA is intended to constitute a negotiated contractual obligation supporting Crawford County’s lawful economic-development and community objectives and shall not be administered as an unauthorized tax.

SECTION XVI – Severability

If any provision of this ordinance shall be held or made invalid by a court decision, statute or rule, or shall be otherwise rendered invalid, the remainder of this ordinance shall not be affected thereby.

SECTION XVII – Savings

Except as expressly amended by this Ordinance, the Crawford County Code of Ordinances shall remain in full force and effect. Adoption of this Ordinance shall not affect any right, obligation, proceeding, violation, or liability existing before its effective date.

SECTION XVIII – Conflict and Repealer

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of the conflict. Where another lawful requirement is more restrictive, the more restrictive requirement shall govern.

SECTION XIX – Amendments

This ordinance may be amended in the same manner as other zoning ordinances, pursuant to Chapter 335 of the Code of Iowa.

SECTION XX – Effective Date

This ordinance shall take effect following adoption by the Crawford County Board of Supervisors and publication as provided by law.

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