No. 2025/2026 -

ORDINANCE AMENDING MANITOWOC COUNTY CODE CH. 8 ADDING S. 8.175
(Data Centers)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, pursuant to Wis. Stat. § 59.69, Manitowoc County is authorized to regulate the use of land and the location, design, construction, alteration, and use of structures within its jurisdiction to protect the public health, safety, and general welfare; and

WHEREAS, Manitowoc County has adopted a comprehensive plan and county-wide zoning regulations intended to guide the appropriate location and development of land uses in a manner that is consistent with established land-use policies, infrastructure capabilities, and the character and intended development of the community; and

WHEREAS, data centers, including associated computing, telecommunications, electrical, mechanical, cooling, power (including backup power), security, and utility infrastructure, constitute a distinct land use that may differ materially in building scale, site characteristics, utility demands, operational characteristics, and potential off-site impacts from other uses currently classified within the Manitowoc County zoning ordinance; and

WHEREAS, potential land-use impacts associated with data centers, include building and site scale; noise and vibration; lighting and glare; visual impacts; traffic and access; stormwater management; water usage; utility and infrastructure demands; emergency access and response; post data center land use; and air quality impacts; and

WHEREAS, Manitowoc County finds that appropriate classification and regulation of data centers is necessary to provide reasonable and predictable standards for their siting, development, expansion, and continued operation while preserving flexibility for appropriate development; and

WHEREAS, Manitowoc County intends to ensure that data centers be located where their scale, intensity, infrastructure requirements, and operational characteristics can be appropriately accommodated, and that the development review process provides a reasonable mechanism for addressing site-specific impacts; and

WHEREAS, Manitowoc County finds that establishing clear definitions, use classifications, development standards, and review procedures for data centers will promote consistent administration of the zoning ordinance, provide notice to property owners and applicants, reduce uncertainty in the development-review process, and facilitate the uniform application of land-use standards; and

WHEREAS, Manitowoc County finds that the adoption of reasonable, generally applicable, and appropriately tailored zoning regulations governing data centers will further the orderly development of land, protect neighboring properties and existing land uses from reasonably

foreseeable land-use impacts, facilitate appropriate infrastructure planning, and promote the public health, safety, and general welfare;

NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain as follows:

Manitowoc County Code Chapter 8 (General Zoning and Land Use Regulation) is hereby amended to create s. 8.175 (Data Centers) to read as follows:

8.175 Data Center (DC).

(1) Purpose. Data centers require access to public infrastructure, including water, sewer, highways, and emergency services. This s. 8.175 is intended to ensure that data centers are evaluated, located, and developed in a manner consistent with the county's adopted Comprehensive Plan; that the infrastructure and operational impacts of a proposed data center are appropriately reviewed and mitigated; and that the county can appropriately promote the public health, safety, convenience, and general welfare, planned and orderly land development, and the careful planning and efficient maintenance of highway systems.

(2) Definitions.

(a) "Data center" means one or more buildings, structures, and associated facilities owned, leased, or operated by the same person or entity, or by one or more affiliates of such person or entity, that are primarily used for the housing, operation, processing, storage, management, retrieval, transmission, communication, or dissemination of data or information through computing and networking equipment. A data center includes all accessory structures, equipment, and facilities serving or supporting the computing and networking operations, including, but not limited to, electrical substations, transformers, power-generating facilities, backup generators, battery storage systems, cooling systems, mechanical equipment, and other utility or infrastructure facilities, whether located within or outside a principal building. For purposes of this definition, a facility shall be considered a data center only if it meets all of the following criteria:

1. Building area: The facility includes one or more principal buildings with an aggregate gross floor area of 50,000 square feet or more;

2. Land area: The facility occupies a single contiguous tract of land, which may consist of one or more parcels, containing 10 acres or more; and

3. Server capacity: The facility contains or is designed to contain 1,000 or more servers.

For purposes of determining whether a facility meets these thresholds, all buildings, structures, equipment, and land that are owned, leased, or operated by the same person or entity, or by affiliates of such person or entity, and that function as part of a common data-processing operation shall be considered together, regardless of whether they are located in separate buildings or on separate parcels within the same contiguous tract of land.

(3) Principal Uses. The following uses are allowed in the DC district:

(a) Open space areas.

(b) Undeveloped natural resource areas.

(c) Essential services that are required or authorized to be located in a specific place under state or federal law.

(d) Infrastructure that is compatible with the district.

(e) Large wind energy systems, provided that the large wind energy system complies with the requirements of Wis. Admin. Code ch. PSC 128 and any ordinance adopted pursuant to Wis. Admin. Code § PSC 128.10, subject to the authority granted by Wis. Stat. § 66.0401(f) to political subdivisions to deny an application if the proposed site of the wind energy system is in an area primarily designated for future residential or commercial development.

(f) Other uses that are authorized or required to be located in a specific place by state or federal law.

(4) Accessory Uses.

(a) Small wind energy systems.

(b) Accessory structures and uses both necessary and incidental to the principal use or to a permitted conditional use, subject to any applicable provisions contained in this s. 8.175.

(5) Conditional Uses. The following uses may be allowed in the DC district upon the Issuance of a conditional use permit:

(a) Data centers.

(b) Agricultural uses.

(c) Dwelling units for caretakers or guards.

(6) Nondisclosure Agreement Prohibited. No county employee or official shall enter into, request, require, or otherwise agree to any nondisclosure agreement, confidentiality agreement, or other arrangement that restricts the disclosure of information concerning a proposed or potential data center development.

(7) Application Requirements. In addition to any other submittals required as part of an application for a: (a) petition to rezone to the DC district; (b) conditional use permit for a data center; or (c) land use permit for a data center, an applicant for a data center must submit, or otherwise have on file, a current Site Development Plan. The Site Development Plan shall include the following information, plans, studies, and supporting documentation, prepared, and certified by appropriately licensed or qualified professionals:

(a) General Site Development Plan. A scaled site plan identifying the property boundaries, individual parcels comprising the site, existing and proposed buildings and structures, setbacks, building dimensions and heights, parking and loading areas, internal roads, driveways, sidewalks, pedestrian facilities, landscaping, screening, fencing, lighting, signage, stormwater facilities, utilities, easements, rights-of-way, and all other existing and proposed improvements.

(b) Development Phasing Plan. A detailed phasing plan identifying all proposed phases of development and the anticipated timing of construction, including each principal data-center building, electrical substation, power-generation facility, backup power equipment, cooling facilities, utility infrastructure, access improvements, and other accessory structures or facilities. The plan shall identify the maximum development contemplated for the site, whether or not all phases are proposed for immediate construction.

(c) Building and Equipment Plan. For each proposed building or structure, the gross floor area, footprint, height, number of floors, principal use, anticipated number and type of servers, anticipated electrical load, cooling capacity, and location of mechanical, electrical, and other major equipment shall be provided. The plan shall identify all equipment located outside of principal buildings, including generators, transformers, substations, chillers, cooling towers, fuel-storage facilities, battery-storage systems, and similar infrastructure.

(d) Power Infrastructure Plan. A detailed plan showing the existing and proposed electrical infrastructure serving the facility, including utility connections, transmission and distribution lines (both underground and

overhead), substations, transformers, switchyards, generators, battery-storage systems, and other electrical equipment. The plan shall identify the anticipated peak electrical demand of each phase and the maximum anticipated electrical demand for the completed development.

(e) Backup Power and Emergency Generation. A detailed description and site plan for all backup and emergency power systems, including the number, type, capacity, location, operating characteristics, fuel source, fuel-storage capacity, refueling facilities, emergency operating procedures, and anticipated testing schedule for generators and other backup power equipment.

(f) Water Supply and Water-Use Plan. A detailed water-use plan identifying all proposed sources of water, anticipated average and maximum daily water demand, water uses by category, proposed cooling systems, and wastewater generation. The plan shall specifically identify water used for cooling, including any make-up water, blowdown, evaporation, or other consumptive uses, and shall demonstrate compliance with the closed-loop cooling requirements of this ordinance.

(g) Wastewater Plan. A plan identifying the source, quantity, characteristics, treatment, conveyance, and discharge or disposal method for all wastewater and other liquid discharges generated by the development, including sanitary wastewater, cooling-system discharges, and process wastewater.

(h) Stormwater Management Plan. A detailed drainage and stormwater-management plan addressing existing and proposed drainage patterns, impervious surfaces, detention and retention facilities, infiltration facilities, discharge points, water-quality controls, erosion and sediment control, and the effects of the development on downstream properties and water resources.

(i) Pre-Construction Noise Study and Mitigation Plan. A Pre-Construction Noise Analysis and Sound Mitigation Plan identifying the existing ambient sound levels and modeling the anticipated sound levels generated by the completed development, including continuous and intermittent sources such as cooling equipment, generators, transformers, substations, and other mechanical or electrical equipment. The study shall identify the proposed measures to ensure compliance with the noise standards specified in s. 8.175(9)(g).

(j) Air Quality Management Plan. An Air Quality Management Plan containing the information specified in s. 8.175(9)(h). The plan shall identify the proposed measures to ensure compliance with the standards specified in s. 8.175(9)(h).

(k) Traffic and Transportation Plan. A traffic impact analysis identifying anticipated construction and operational traffic, including employee vehicles, deliveries, equipment transport, fuel deliveries, waste removal, and other heavy-vehicle traffic. The analysis shall identify proposed access points, internal circulation, roadway improvements, intersection improvements, traffic-control measures, and anticipated peak traffic volumes.

(l) Road Use Agreement. A Road Use Agreement that contains the information and conditions specified in s. 8.175(9)(c).

(m) Construction Management Plan. A construction-management plan describing the anticipated construction schedule, hours of construction activity, construction traffic routes, staging and laydown areas, worker parking, material storage, dust and debris control, erosion and sediment control, noise mitigation, lighting, delivery procedures, and measures to minimize impacts on surrounding properties and public infrastructure.

(n) Emergency Response Plan. Emergency Response Plan. An Emergency Response Plan containing the information specified in s. 8.175(9)(d). The plan shall identify the proposed measures to ensure compliance with the standards specified in s. 8.175(9)(d).

(o) Hazardous Materials and Fuel Storage. An inventory and site plan identifying all fuels, oils, chemicals, refrigerants, batteries, and other regulated or potentially hazardous materials proposed to be stored or used on the site, including quantities, storage locations, containment measures, spill-prevention measures, and applicable emergency-response procedures.

(p) Lighting Plan. A lighting plan that meets the requirements of s. 8.175(9)(e) identifying all proposed exterior lighting, including fixture locations, mounting heights, illumination levels, hours of operation, shielding, and measures to prevent glare and light trespass onto adjacent properties or public rights-of-way.

(q) Landscaping, Screening, and Visual Impact Plan. A detailed landscaping and screening plan identifying existing vegetation to be preserved and proposed vegetation, berms, walls, fences, or other screening measures. The plan shall address screening of buildings, substations, generators, cooling equipment, utility infrastructure, parking, loading areas, and other substantial improvements visible from adjoining properties and public rights-of-way.

(r) Environmental and Natural Resources Assessment. An assessment identifying wetlands, surface waters, floodplains, drainageways, woodlands, environmentally sensitive areas, steep slopes, wildlife habitat, and other natural resources located on or adjacent to the site, together with proposed measures to avoid, minimize, or mitigate impacts.

(s) Utility Capacity Analysis. Documentation from the applicable utility providers demonstrating the availability and anticipated capacity of electric, water, wastewater, telecommunications, natural gas, and other necessary utilities to serve the proposed development, including any on-site or off-site improvements required to provide such service.

(t) Decommissioning Plan. A decommissioning plan meeting the requirements of and demonstrating compliance with s. 8.175(10) addressing the removal of buildings, structures, electrical and mechanical equipment, generators, substations, fuel-storage facilities, utility infrastructure, and other improvements associated with the data center, together with site restoration and financial assurance requirements specified in s. 8.175(10).

(u) Operations and Maintenance Plan. A general description of the proposed operating characteristics of the facility, including anticipated staffing, hours of operation, routine maintenance activities, equipment testing, deliveries, fuel deliveries, waste removal, water use, wastewater generation, and other activities reasonably necessary to evaluate the ongoing impacts of the facility.

(v) Other Necessary Permits List. A list of all other necessary federal, state, and local permits that must be obtained in connection with the data center.

(w) Completeness and Material Changes. The county may require additional plans, studies, calculations, or technical information reasonably necessary to determine whether the proposed data center complies with this ordinance or to evaluate potential impacts on public health, safety, welfare, infrastructure, natural resources, or neighboring properties. No material change to an approved Site Development Plan, including any increase in building area, electrical demand, water demand, server capacity, generator capacity, fuel-storage capacity, or other material operational characteristic identified in the approved plan, shall be permitted except in accordance with the amendment procedures established by ordinance.

(8) Development Agreement and Final Plans. Prior to the issuance of any land use permit or other permit authorizing construction of a data center, the owner or operator shall enter into a written Development Agreement with the county. The Development Agreement shall be negotiated by the department and approved and executed by the owner or operator and the County Board of Supervisors.

The Development Agreement shall incorporate or reference the final Site Development Plan and all other plans, studies, specifications, conditions, mitigation measures, operational requirements, and other materials approved as part of any data center approval. The Development Agreement may be used to:

(a) memorialize agreements, representations, commitments, and conditions agreed to by the owner or operator and the county, including, contracts with neighboring residences for replacement of wells if needed and agreement for the owner or operator to contribute certain sums to go towards public county infrastructure as a result of the impacts cause by the data center;

(b) identify and incorporate refinements, clarifications, or final details to plans previously approved by the county, provided that such refinements do not materially alter the approved use or increase the impacts of the data center beyond those evaluated and approved by the county;

(c) establish specific measures and performance standards necessary to demonstrate compliance with this ordinance and the conditions of approval;

(d) establish requirements for the construction, operation, maintenance, monitoring, inspection, reporting, and decommissioning of the data center;

(e) establish the timing and responsibility for completion of required on-site and off-site improvements, utility improvements, road improvements, landscaping, screening, stormwater facilities, and other improvements associated with the development; and

(f) establish any financial assurance, security, indemnification, inspection, reporting, or other obligations required by this ordinance or imposed as a condition of approval.

The Development Agreement, together with the approved final plans and conditions of approval, shall constitute the final development requirements applicable to the data center and shall remain binding upon the owner or operator and their successors and assigns for so long as the data center is operated on the property.

(9) Dimensional Requirements. The following requirements apply to the DC district:

(a) The minimum lot size is 10 acres, exclusive of road right of way. The maximum lot size is 500 acres. However, no more than 100 acres may be converted from agricultural use to a data center. For purposes of this par. (a), "agricultural use" shall mean the occurrence of any agricultural use activity as defined in s. 8.07 within the last seven (7) years.

(b) The minimum lot width is 150 feet.

(c) The minimum setback from any property line is 200 feet.

(d) The maximum height of any structure is 60 feet. However, all structures are subject to the requirements of M.C.C. ch 11 (Airport Ordinance).

(10) Development Standards. The development standards contained in this section are minimum standards and must be met by any data center use established after the effective date of this ordinance or any applicable amendment and by any prior nonconforming use that is added to, altered, expanded, extended, or modified after the effective date of this ordinance or any applicable amendment.

(a) Driving Surfaces. All driveways, parking areas, and roads must be paved and maintained in a durable and dustless condition.

(b) Parking. The parking requirements set forth in sec. 8.17(7) shall apply to the DC District, but only with respect to the office portion of the building.

(c) Street Access and Public Infrastructure. Data centers shall avoid and mitigate their impact upon roadways and other public infrastructure by complying with the following, which shall be documented in a Road Use Agreement:

1. Road Plan. A data center shall have physical access to a public road capable of providing safe and adequate access for the data center. Access to a data center facility shall be a minimum of 35 feet wide at the driving surface. Vehicular access points between the public road and the data center shall be located to minimize conflict with through traffic movement. Applicants shall identify all roads planned to be used for the purpose of transporting equipment for construction, operation, or maintenance of the data center. The owner or operator is responsible for obtaining applicable weight and size permits from the applicable agencies prior to commencing construction.

2. Existing Road Conditions. Applicants shall conduct a preconstruction roadway conditions survey, which shall be in coordination with the Manitowoc County Highway Department to determine baseline road conditions. The preconstruction roadway conditions survey shall adequately document the preconstruction conditions of all road, road right of way, and public drainage infrastructure that the applicant intends to use during any phase of

construction. The preconstruction roadway conditions survey shall be attached or otherwise incorporated into the Road Use Agreement.

3. Transportation Impact Analysis. Applicants shall have a professional engineer licensed in the state of Wisconsin conduct a transportation impact analysis detailing how the proposed data center will impact the surrounding road and highway network during and after construction. The transportation impact analysis shall include all roads or highways reasonably expected to experience material impacts. The transportation impact analysis shall address, at a minimum, capacity, delay, safety impacts, site access design, internal circulation, multimodal accommodations, and anticipated trip generation based on industry-standard methodologies. The transportation impact analysis shall recommend reasonably necessary mitigation measures proportionate to the impacts attributable to the proposed development such as turn lanes, signal installation or timing adjustments, or roadway upgrades to ensure the road and highway network can safely and efficiently accommodate the added demand. The analysis shall detail the timeline of improvements needed based on construction activities and anticipated full-time traffic volumes at the end of construction. The transportation impact analysis shall be attached or otherwise incorporated into the Road Use Agreement.

4. Damage to Public Infrastructure. The owner or operator of a data center shall be responsible for damage to public infrastructure stemming from construction, operation, or maintenance of a data center. The manner in which the owner or operator shall be responsible shall be addressed in the Road Use Agreement.

(d) Emergency Response Plan. An emergency response plan addressing emergencies associated with the proposed data center shall be required. The emergency response plan shall be developed in coordination with local first responders and the county. The applicant may redact confidential or proprietary information from the emergency response plan it submits in connection with its application. The emergency response plan shall be reviewed at least once every two years and may be modified as necessary. Any modifications shall be developed in coordination with local first responders and the county. The county shall review and approve any modifications prior to any modifications taking effect. The emergency response plan shall include at a minimum the following:

1. A detailed narrative of response procedures and the data center facility representatives responsible for management of the following reasonably foreseeable emergencies that could occur at the facility:

natural disaster/severe weather; fire; security incident; electrical system failure; environmental, chemical, pipeline (if applicable), sustained drought or water supply shortages; and medical. The narrative of response procedures shall include procedures for a site evacuation, designated egress routes, emergency staging areas, and a plan to coordinate with emergency responders if such responders are necessary.

2. If the data center contains a battery energy storage system, the emergency response plan shall include detailed emergency response protocols specific to the battery energy storage systems, which shall comply with NFPA 855 (Standards for Installation of Stationary Energy Solar Systems) (2026).

(e) Lighting.

1. No exterior lighting fixture shall be installed, operated, or maintained in a manner that causes light to trespass onto adjoining property or public rights-of-way in excess of the limits established in this s. 8.175.

2. Illumination measured at the property line shall not exceed 0.1 foot-candle at any point along the property line. Illumination shall be measured with a calibrated light meter held approximately five (5) feet above grade, with measurements taken at representative points along the property line where light from the subject property is reasonably expected to be detectable. Lighting that exceeds the applicable property-line illumination standard shall be considered noncompliant regardless of whether the lighting was intended to illuminate areas outside the property.

3. No lighting shall be permitted to shine directly onto an adjoining property, into a dwelling or structure on adjoining property, or into the normal line of sight of motorists or pedestrians in a manner that creates unreasonable glare.

4. Exterior lighting shall not exceed 10 feet in height.

5. All exterior lighting fixtures shall be fully shielded, such that no light is emitted above the horizontal plane of the fixture.

6. Fixtures shall be installed and oriented so that the light source, including the lamp or LED elements, is not directly visible from adjoining properties or public rights-of-way.

7. Floodlights, spotlights, and similar fixtures shall be prohibited.

8. Up-lighting is prohibited.

9. Outdoor lighting shall have a correlated color temperature (CCT) of no greater than 2,700 Kelvin (K). Lighting with a CCT greater than 2,700 K shall not be permitted for exterior illumination.

10. Outdoor lighting shall use the lowest illumination level reasonably necessary to serve its intended purpose.

11. Lighting shall not be operated continuously throughout the night when such operation is not necessary for public safety or security.

12. Lighting shall be reduced, dimmed, or extinguished when the property is closed to the public, except for lighting necessary for security, emergency access, or public safety.

13. Motion sensors, timers, dimmers, or other automatic controls are encouraged and may be required where necessary to prevent unnecessary nighttime illumination.

14. All exterior lighting shall be designed and maintained consistent with recognized dark-sky principles.

15. The department may require the installation of shielding, relocation, or reorientation of fixtures, reduction in illumination levels, replacement of fixtures, adjustment of operating hours, or installation of automatic controls when necessary to achieve compliance with this section.

(f) Buffers and Landscaping. A buffer area shall be provided unless the data center site is already separated from the abutting property by a natural feature that functions as an effective visual, sound, and physical barrier and meets the requirements in this par. (f) as determined by the department. Examples of potential natural features include a substantial wooded area or similar natural landform.

1. The buffer area shall be a minimum of 50 feet wide measured from the property line.

2. The buffer area shall be landscaped or walled with minimum 10 foot high visual and noise reducing barriers, consisting of either berms or sound walls.

a. Berms shall be a minimum of 10 feet tall and planted with native species. Berms shall not exceed a slope of 3:1.

b. Sound walls shall not be less than 10 feet high nor shall they exceed 24 feet in height. Sound walls shall be masonry or decorative concrete in nature.

3. Vegetative screening shall consist of vegetation that grows to a minimum 10 feet tall and shall be planted double row eight (8) feet apart with staggered plantings no more than six (6) feet apart. Vegetation shall be established no later than two years after the issuance of a land use permit for a data center. Vegetation used for noise screening and noise reduction shall be coniferous in nature and a minimum of four (4) feet high when planted.

4. All equipment for cooling, ventilation, or otherwise operating a data center facility, including electrical substations and other power supply equipment, not located on a roof, shall be fully enclosed, except when determined by a certified engineer not to be mechanically feasible. When certified by a licensed engineer that full enclosure is not mechanically feasible any such equipment shall be fully screened from adjacent properties and public streets by a wall or similar barrier that meets the requirements of this par. (f).

5. All roof-mounted equipment, including solar panels, shall be screened on all four sides of the building. Screening of solar panels shall be designed and located to minimize visual impacts while not obstructing, reducing, or otherwise interfering with the panels' access to direct sunlight or their intended function.

6. Combustion equipment, generator compounds, fuel-storage areas, and associated utility equipment shall be fully screened from adjoining properties in accordance with this par. (f).

a. Where appropriate, the county may require enhanced year-round vegetative screening, berming, fencing, or other physical buffering based upon the location and scale of equipment.

b. Screening shall not interfere with required exhaust dispersion, equipment ventilation, fire access, or emergency response.

7. Buffer areas may include drainage swales, stormwater retention ponds, infiltration areas, or other stormwater management areas in

accordance with an approved stormwater management plan only if landscaping and visual screening requirements are also met.

8. Security fencing shall be located on the interior side of all landscaping and sound walls, as applicable, such that the fencing is fully screened from view and not visible from any adjoining property.

9. Buffer areas shall be kept free of litter, debris, refuse, noxious weeds, and species of plants identified by the Wisconsin Department of Natural Resources as exotic or invasive.

10. All landscaping shown on an approved site plan must be established and maintained in a healthy condition. Landscaping materials must be replaced when necessary.

(g) Sound Mitigation.

1. A data center shall not exceed the ambient sound level at any point along the property line of the property on which the data center is located.

2. For purposes of this par. (g), the ambient sound level means the existing sound level at the property line, measured in the absence of the sound generated by the use, activity, equipment, machinery, or facility being evaluated. The ambient sound level shall be determined before any land disturbing activity begins.

3. Sound levels shall be measured using a properly calibrated sound-level meter or other instrument appropriate for measuring environmental sound. Measurements shall be conducted in accordance with generally accepted sound-measurement practices. The person conducting the measurement shall document the date, time, measurement location, weather conditions, instrument used, calibration, ambient sound level, and sound level measured during operation of the regulated use or activity.

4. If a data center does not comply with this par. (g), the owner or operator shall take necessary measures to reduce the sound level, including modifying, enclosing, relocating, limiting the hours of operation of, or installing sound-control measures for the source of the sound, so that the sound level at the property line does not exceed the ambient sound level.

5. Data center sites shall maintain an ongoing acoustic monitoring program to evaluate and document compliance with the requirements of this par. (g). The monitoring program shall include continuous monitoring at two locations along each outside property line. The county shall establish the required monitoring locations, frequency, duration, equipment, and methodology based on the characteristics of the proposed facility and the recommendations of qualified technical professionals. The county may modify the monitoring requirements as reasonably necessary to account for changes in facility operations, site conditions, or other relevant circumstances. The owner or operator of the data center shall maintain records of all monitoring results and shall submit an annual report to the county summarizing the monitoring activities, results, instances of noncompliance, and any corrective measures taken during the preceding year.

(h) Air Quality and Combustion Equipment.

1. Applicability. This par. (h) applies to:

   a. All data centers located within the DC zoning district;

   b. All stationary combustion equipment associated with a data center, including emergency generators, non-emergency generators, turbines, boilers, engines, and similar equipment;

   c. Any expansion, modification, replacement, or addition that materially increases the potential air emissions of an existing data center; and

   d. All building, site, and operational plan applications involving equipment described in this s. 8.175.

2. Air Quality Management Plan. Prior to approval of a Site Development Plan for a data center that contains stationary combustion equipment, the applicant shall submit an Air Quality Management Plan ("AQMP") to the county. The AQMP shall contain, at a minimum:

   a. A complete inventory of all stationary combustion sources proposed for the data center.

   b. The manufacturer, model, rated capacity, fuel type, and intended function of each combustion unit.

c. The proposed location, height, diameter, and configuration of each exhaust stack.

d. The maximum potential operating hours for each unit.

e. The anticipated annual and maximum short-term emissions of applicable regulated pollutants, including, where applicable:

(i) nitrogen oxides (NOx);

(ii) particulate matter;

(iii) PM_{10};

(iv) $PM_{2.5}$;

(v) carbon monoxide;

(vi) sulfur dioxide;

(vii) volatile organic compounds; and

(viii) hazardous air pollutants.

f. A description of generator testing and maintenance procedures and anticipated testing schedules.

g. Identification of all applicable federal, state, and local air-quality permits and approvals.

h. Identification of existing and proposed residential properties, schools, parks, health-care facilities, and other sensitive receptors within an area determined by the county to be relevant to the proposed equipment.

i. A description of measures proposed to minimize air-quality impacts.

j. A description of the proposed air-quality monitoring and reporting program.

k. A cumulative emissions inventory covering all existing and proposed combustion equipment located on the data center property.

3. Air Dispersion Analysis. For any application involving a new or materially expanded combustion source, the applicant shall submit an air-dispersion analysis prepared by a qualified professional. The analysis shall use modeling methods and assumptions reasonably consistent with applicable Wisconsin Department of Natural Resources and federal requirements and shall evaluate potential impacts at:

a. the property boundary;

b. existing residential properties;

c. schools and child-care facilities;

d. parks and recreational areas; and

e. other sensitive receptors identified by the county.

The county may require an independent technical review of the analysis. The reasonable cost of such review shall be paid by the applicant.

4. Combustion-Equipment Location and Setbacks. Stationary combustion equipment shall be located and designed to minimize potential impacts on adjoining properties. The department may establish increased setbacks for combustion equipment when supported by engineering analysis, dispersion modeling, site characteristics, proximity to sensitive receptors, equipment capacity, or cumulative emissions. For purposes of this subd. 4., the relevant setback shall be measured from the nearest combustion-equipment exhaust point or stack, as determined by the county, rather than solely from the principal building. Where multiple combustion units are grouped together, the county may evaluate the group as a single emission source for purposes of determining appropriate site-design measures.

5. Generator Operating Limitations. Emergency generators shall not be used for routine commercial electricity generation, peak shaving, demand-response activities, or other non-emergency purposes. The applicant shall provide the county with the operating limitations applicable to each generator and shall identify the circumstances

under which testing, maintenance, emergency operation, or other operation is permitted. Such limitations shall be incorporated into any approved Site Development Plan.

6. Air-Quality Monitoring. Data center sites containing stationary combustion equipment shall comply with an air-quality monitoring program to evaluate compliance with approved zoning conditions or potential impacts on adjoining properties. The monitoring program may include boundary monitoring; monitoring near identified sensitive receptors; monitoring during generator testing; and periodic reporting of monitoring results. The county shall identify the pollutants, locations, frequency, duration, and methodology required for any monitoring program based upon the characteristics of the proposed facility and recommendations of qualified technical professionals.

7. Reporting. A data center subject to an approved Air Quality Management Plan shall submit an annual report to the county summarizing:

   a. total generator operating hours;

   b. generator testing and maintenance hours;

   c. emergency operating hours;

   d. applicable reported emissions;

   e. material equipment failures;

   f. air-quality monitoring results, if applicable;

   g. violations or deviations reported to the Wisconsin Department of Natural Resources or other regulatory agency; and

   h. corrective actions taken.

8. Cumulative Impact Review. Any expansion or material modification of a data center shall require an updated cumulative emissions analysis. The analysis shall include, as applicable:

   a. existing campus combustion equipment;

   b. previously approved but not yet constructed equipment;

c. proposed new equipment;

d. material changes in operating hours; and

e. other emission sources on the campus under common ownership or control.

9. Compliance With State and Federal Requirements. Nothing in this ordinance shall be interpreted to establish an emission limit that conflicts with a requirement of the Wisconsin Department of Natural Resources or federal law.

10. Independent Technical Review. The county may retain qualified independent consultants to review an applicant's:

a. Air Quality Management Plan;

b. Emissions calculations;

c. Dispersion modeling;

d. Monitoring program;

e. Generator operating plan; or

f. Cumulative emissions analysis.

The applicant shall reimburse the county for reasonable and documented costs of such review.

(i) Closed-Loop Water System.

1. All data centers subject to this ordinance shall be designed, constructed, and operated using a closed-loop water system for cooling and heat-rejection purposes. The closed-loop water system shall recirculate water or other cooling fluid within the data center's cooling system and shall not rely on a continuous or routine supply of potable water, municipal water, groundwater, surface water, or other fresh water for cooling or heat-rejection purposes.

2. Except as expressly authorized by this ordinance, a data center shall not use potable water, municipal water, groundwater, or surface water for once-through cooling, evaporative cooling, cooling-tower

make-up water, or any other cooling process that results in the routine consumption or discharge of water.

3. A data center shall be designed and operated so that water losses from the closed-loop system are minimized and limited to those reasonably necessary for system maintenance, treatment, repair, or other operational requirements. Any water used to replenish losses from the closed-loop system shall be separately metered and recorded.

4. The applicant shall submit, as part of the Site Development Plan, a detailed description of the proposed cooling system demonstrating compliance with this section, including the source and estimated quantity of any water required for initial system filling, system maintenance, emergency purposes, or other non-routine uses. The applicant shall demonstrate that the proposed system is capable of operating without a continuous or routine withdrawal of fresh water for cooling purposes.

5. The data center owner or operator shall maintain records sufficient to demonstrate compliance with this section and shall make such records available to the county upon reasonable request.

(11) Discontinuance and Decommissioning.

(a) Decommissioning Plan. The owner or operator shall have a "Decommissioning Plan." The Decommissioning Plan shall be reviewed by the owner or operator at least every five years. Any changes to the Decommissioning Plan shall be submitted to the department and referred to the planning and park commission, which shall consider such changes pursuant to the standards in this sub. (10). The Decommissioning Plan shall include the following:

1. A description of the anticipated operational life of the data center and the general approach to decommissioning, repurposing, or reuse of the site.

2. An estimate of the cost of decommissioning the data center, after deducting salvage or recycling value, as calculated by a third party with expertise in decommissioning, hired by the owner or operator.

(b) Changes to the Decommissioning Plan.

1. An owner or operator may amend an approved Decommissioning Plan only with the prior written approval of the planning and park

commission. The owner or operator shall have the burden of establishing, by substantial evidence in the record, that the proposed amendment is necessary and feasible and that the amendment will not materially impair the purposes, standards, or requirements of this ordinance.

2. The owner or operator shall submit a written request for amendment identifying each proposed change and providing supporting documentation sufficient to establish the necessity and feasibility of the change. The planning and park commission shall consider the request at a properly noticed public meeting and shall base its decision solely upon the evidence contained in the record.

3. The planning and park commission may approve the proposed amendment only upon making written findings that: (1) the amendment is reasonably necessary due to changed circumstances, conditions, technology, regulatory requirements, or other circumstances not reasonably foreseeable when the Decommissioning Plan was approved; (2) the amended plan remains reasonably capable of being implemented and fully decommissioning the facility in accordance with this ordinance; and (3) the amendment does not materially reduce or compromise the owner or operator's obligations to decommission the facility, restore the site, or provide for the costs of decommissioning. The planning and park commission may approve the amendment, approve the amendment subject to reasonable conditions, or deny the request.

4. No amendment to an approved Decommissioning Plan shall become effective unless and until approved in writing by the planning and park commission.

5. Minor administrative or non-substantive changes may be approved by the department and do not require planning and park commission approval.

(c) Decommissioning.

1. The owner or operator shall decommission the data center pursuant to the Decommissioning Plan. The decommissioning obligations shall be triggered when the owner or operator ceases the use of the data center for a period of 12 consecutive months. A continuous period of non-operation greater than 12 months shall be considered evidence that the owner or operator has ceased the use of the data center, triggering the decommissioning obligations. The 12-month

period shall exclude periods of maintenance, repair, upgrades, force majeure, or tenant transitions.

2. Decommissioning activities, shall be initiated within 180 days following the trigger event and pursued with due diligence in accordance with the approved decommissioning plan. Decommissioning may be completed on a phased or building-by-building basis, and the owner shall have discretion to determine the sequencing and timing of such phases, so long as such work is consistent with the approved decommissioning plan.

3. The owner shall provide written notice to the county upon permanent discontinuance of operations triggering decommissioning.

(d) Financial Assurance.

1. The applicant shall provide financial assurance to secure the decommissioning obligations in this sub. 10. The financial assurance shall be set at the maximum reasonable estimated cost of achieving site reclamation consistent with the decommissioning plan.

2. The financial assurance may be made, at the option of the applicant, in the form of a surety bond, an irrevocable letter of credit, or cash. If, as a result of updates to the decommissioning plan, including the calculation of the cost of decommissioning, the decommissioning cost increase, the owner shall provide such increased financial assurance to the county. The owner shall provide 100% of the required financial assurance to the county prior to the commencement of operations at the data center.

3. The financial assurance shall remain in effect as long as the obligations secured by the assurance remain applicable. Upon transfer of ownership of the facility, the new owner shall assume the decommissioning obligations and provide replacement assurance to the county. The county shall release the previously held assurance only upon receipt and acceptance of the newly held assurance, unless the obligations secured by the assurance have otherwise been satisfied.

4. Upon completion of decommissioning obligations, removal of equipment, or other circumstances that reduce the reasonable costs of decommissioning, the owner or operator may provide substantial evidence to the county regarding the current decommissioning cost

and may request a reduction in financial assurance from the county. The county shall review the request and, if the county finds that the request is supported by substantial evidence, it shall accept the changed decommissioning cost.

5. If decommissioning obligations are triggered, and the owner does not perform the appropriate decommissioning obligations after written notice from the county which provides at least 90 days notice to commence decommissioning obligations, the county may draw upon the financial assurance to the extent authorized by the financial assurance instrument and applicable law. The county shall use the financial assurance exclusively for decommissioning obligations related to that financial assurance.

6. Upon completion of the decommissioning obligations secured by the financial assurance, the county shall release the financial assurance corresponding to the obligation satisfied.

(12) Conditions. In approving a rezone to the DC district or a conditional use permit related to a data center, the county may impose conditions of approval deemed necessary to further the intent and purposes of this s. 8.175. Conditions may address any factor considered by the county in the decision-making process and shall be based on substantial evidence, as such term is defined in Wis. Stat. § 59.69(5e). Such conditions may impose standards beyond the minimum requirements in this s. 8.175, and may relate to, but are not limited to:

(a) lighting;

(b) setbacks;

(c) street access;

(d) parking;

(e) buffers and landscaping;

(f) impact to public infrastructure;

(g) cooling systems;

(h) power delivery;

(i) noise;

(j) emergency response plan.

and

BE IT FURTHER ORDAINED that if applicable, the table of contents shall be updated to reflect this amendment; and

BE IT FURTHER ORDAINED that this ordinance shall be effective upon publication.

Dated this 15th day of December 2026.

Respectfully submitted by the
Planning and Park Commission

_____
Donald Zimmer, Chair

FISCAL IMPACT: None.

FISCAL NOTE: Reviewed and approved by Finance Director. _____

LEGAL NOTE: Reviewed and approved as to form by Corporation Counsel. _____

COUNTERSIGNED: _____ _____
Matthew Phipps, County Board Chair Date

APPROVED: _____ _____
Tyler Martell, County Executive Date