

RESOLUTION NO. 2023-08-15-03

**A RESOLUTION, AMENDING ARTICLE 2, ARTICLE 4, AND ARTICLE 8 TO PROVIDE REGULATIONS FOR DATA CENTERS IN ADAMS COUNTY; PROVIDING FOR REPEAL OF CONFLICTING SECTIONS; AND PROVIDING FOR EFFECTIVE DATE.**

WHEREAS, pursuant to Neb. Rev. Stat. Section 23-174.10, as amended, any county which has adopted a county zoning regulation may make such regulations as may be necessary or expedient to promote the public health, safety, and welfare; and

AND WHEREAS, the Adams County has adopted zoning regulations and the Adams County Board of Commissioners desires to adopt regulations for Data Centers within Adams County; and

AND WHEREAS, the Adams County Planning and Zoning Commission conducted a public hearing on the following regulations on August 7, 2023;

AND WHEREAS, the Adams County Board of Commissioners conducted a public hearing on said regulations on August 15, 2023.

NOW, THEREFORE, BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF COMMISSIONERS OF ADAMS COUNTY, NEBRASKA, THAT:

SECTION 2.03. ARTICLE 2 of the Adams County Zoning Regulations of Adams County, Nebraska, shall be amended to read as follows:

**DATA CENTER** shall mean a centralized repository for the storage, management, processing, conversion, data mining, and dissemination of data and information which may also house equipment that supports communications network infrastructure without actually being part of the physical network. A data center may house equipment that includes, but is not limited to, computers, servers, data storage devices, and related equipment. A data center may include, but shall not be limited to, accessory uses that include offices for data center staff and accessory structures that include water storage tanks, cooling towers, network systems, fuel storage tanks, guardhouses and security offices, storage, chillers, electrical transformers, and engine generators. Accessory uses shall not include retail sales, telephone call centers, or customer service operations. Typical uses include data processing centers and server farms.

SECTION 4.12.03. ARTICLE 4 of the Adams County Zoning Regulations of Adams County, Nebraska, shall be amended to read as follows:

11. Data Centers per Section 8.13

SECTION 4.13.03. ARTICLE 4 of the Adams County Zoning Regulations of Adams County, Nebraska, shall be amended to read as follows:

- 14 Data Centers per Section 8.13

SECTION 8.13. ARTICLE 8 of the Adams County Zoning Regulations of Adams County, Nebraska, shall be amended to read as follows:

Section 8.13 Data Centers

Data Centers and their accessory structures are allowed by conditional use permits in the I-1 and I-2 Industrial Districts with the following criteria:

1. Compliance with Section 8.11, Performance Standards for Industrial Uses
2. Compliance with 4.20.05, Criteria for Appearance:
3. Holder of the approved CUP shall submit an annual report to the County Zoning office detailing compliance with the standards and criteria listed in 1 and 2 above based upon a minimum of semiannual measurements of noise, liquid waste, heat, and light.
4. Consideration of available infrastructure capacity and impacts on the infrastructure.
5. Consideration of employment density with available land zoned industrial in the county.
6. The premise shall always be maintained in a neat and orderly condition. The area is to be fenced and always secured. The buildings and/or containers on the site will always be maintained in a clean and orderly condition.
7. Noxious weeds on the premises shall be controlled pursuant to state and local laws and regulations.
8. Noise level cannot exceed more than 20 decibels above the normal ambient noise level at ¼ mile from the data center. Maximum decibel levels shall be limited to a maximum on-hour limit of 55 dba from the property line of any existing dwelling, platted residential area, public park, recreational area, church cemetery, religious area, school, or historical site within ½ mile of the data center.
9. Any change of ownership of the structures, data mining operation, or land requires notification to the Adams County Zoning Department.
10. In the event the data mining center discontinues operation for a period of more than twelve consecutive months, all equipment shall be removed, and the property shall be restored to its original condition at the owner's expense.
11. Data Center shall not be within one half mile from an existing residential structure, public park, cemetery, house of worship, or hospital without obtaining an impact easement from said owner of the entity.

**NOW, THEREFORE BE IT RESOLVED**, by the County Board of Commissioners of Adams County, Nebraska that the regulations pertaining to Data Centers are hereby approved.

**FURTHER IT BE RESOLVED**, that this Resolution shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law and all other resolutions and sections in conflict are hereby repealed.

Motion by: Neumann

Second by: Reams

Vote: Aye 7 Nay 0

Passed and approved this 19 day of September 2023.

ATTEST:

Samuel Pruma  
County Clerk

Adams County Board of Commissioners

Lee Hogan  
Board Chairman

