



Thursday, September 24, 2026
Plan Commission Meeting at 6:30 PM

PLAN COMMISSION MEETING AGENDA

<https://us02web.zoom.us/j/87657939325>

1. Meeting Opening

- A. Call to Order
- B. Roll Call

2. Consent Agenda

- A. Approval of Minutes

3. Staff Reports

4. Discussion

- A. Discussion on BESS, Data Centers, and comp plan amendments for both.

5. Adjourn

The City of Sterling in compliance with the Americans with Disabilities Act, requests that persons with disabilities who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of this meeting or facilities, contact the ADA Coordinator at (815) 632-6630 to allow the City of Sterling to make reasonable accommodations for these persons.

Meeting Opening

Chair Carol Corwell called the Sterling Plan Commission to order at 6:50 PM on Thursday, July 23, 2026.

Present: Commissioner Carol Corwell, Commissioner Gordon Harris, Commissioner Brian Carradus, Commissioner Andy Elston.

Absent: Commissioner Jamie Schwingle.

City Manager Scott Shumard, City Attorney Tim Zollinger, Superintendent of Building and Zoning Amanda Schmidt, and City Clerk Teri Sathoff were also present.

Consent Agenda

Commissioner Elston made a motion to approve the Minutes as presented; Seconded by Commissioner Harris. Voting: Ayes – Carol Corwell, Gordon Harris, Brian Carradus, Andy Elston. Nays – None.

Staff Reports

Superintendent of Building and Zoning, Amanda Schmidt, advised the Boss subdivide passed the Council. The annexation and rezone of Temple Shalom will be presented to Council in August, and the petition to subdivide a parcel and combine properties along 17th Avenue and East 5th Street passed the Council as well.

Business Items

6:54 p.m. Chair Corwell opened the public hearing.

Jason Larson, Director of Prehospital Services, provided an overview of the proposed development. The property will be used as an ambulance garage with office space and a bunk area. He explained that emergency vehicles will exit the garage and proceed to Miller Road, with only minimal traffic traveling on First Avenue as vehicles leave the property.

City Planner Dustin Wolff stated that the proposal requires an amendment to the Comprehensive Plan and noted that potential noise impacts should be discussed. Mr. Larson explained that ambulance sirens would not be activated until they reached the intersection of Miller Road and Locust Street. Fire Chief David Northcutt added that sirens may not be used

during nighttime responses.

Alderman Retha Elston asked how many ambulances would be housed at the facility. Mr. Larson responded that the building will accommodate two staffed ambulances, one backup ambulance, and one supervisor vehicle.

Gordon Harris asked about the anticipated timeline for the project. Mr. Larson stated that the goal is to have the facility completed by early 2027.

Chair Corwell inquired about the site plans, parking, and vehicle idling. Mr. Larson stated that employee parking will be located in the CGH parking lot and that ambulances will not idle while stationed at the facility. Instead, they will be connected to shoreline power. He also noted that CGH has a meeting scheduled with Winter Construction the following week.

Chair Corwell asked about the loss of residential housing. Robert Lehman explained that the apartments are not rented to the general public but are used for short-term housing for CGH students, physicians, and nurses. He added that CGH is exploring options to develop replacement housing.

Chair Corwell asked whether this was the best location for the proposed facility. Mr. Larson responded that the site is centrally located within the EMS response district, making it the most effective location.

Andy Elston asked about pedestrian traffic and safety. Mr. Larson stated that most pedestrian traffic in the area consists of CGH employees and noted that flashing pedestrian warning lights could be installed if needed.

Brian Carradus questioned whether rezoning should be approved before final construction plans are submitted. City Attorney Tim Zollinger explained that the project would still be subject to plan review, stormwater management requirements, and Building Department approval. Mr. Wolff added that he had no concerns that CGH would comply with all applicable requirements.

Chair Corwell asked about the possibility that the project might not proceed after the property is rezoned. Mr. Larson stated that, if the necessary approvals are obtained, the project will move forward.

Chair Corwell closed the public hearing.

Commissioner Harris made a motion to recommend approval to the City Council to change the comprehensive plan map 3.3; Seconded by Commissioner Elston. Voting: Ayes – Carol Corwell, Gordon Harris, Brian Carradus, Andy Elston. Nays – None.

Commissioner Elston made a motion to recommend approval to the City Council to rezone from

MR6 to Community Business with Special Use for the operation of an EMS facility; Seconded by Commissioner Harris. Voting: Ayes – Carol Corwell, Gordon Harris, Brian Carradus, Andy Elston. Nays – None.

Discussion

Dustin Wolff advised the Commission that data centers are specialized facilities used for the storage, management, processing, and transmission of digital data. Equipment such as servers, networks, and other similar computer-based components is utilized to maintain operations. Data centers are organized into multiple types with varying needs and operators.

Data centers and battery storage facilities are not currently allowed within the City limits of Sterling. Wolff presented a sample of a draft ordinance that could be adopted by the City.

The draft ordinance includes the following requirements.

1. Data centers shall be permitted only as a Special Use in those zoning districts where such use is authorized by Sec. 102-317.
2. In addition to the standards otherwise applicable to Special Uses, the City Council may impose conditions necessary to ensure compatibility with surrounding properties and compliance with this chapter.
3. Conditions of approval may include, but shall not be limited to:
 - Increased setbacks
 - Enhanced screening
 - Noise mitigation
 - Traffic management
 - Utility coordination
 - Limitations on generator testing
 - Architectural modifications
 - Phasing requirements
 - Emergency access improvements
 - Post-construction compliance verification

Wolff explained that data centers differ from traditional industrial uses such as warehouses and factories in several key ways. After construction, they generate little truck traffic, no odors, and employ relatively few people. They typically require enhanced security, including controlled access and continuous surveillance, and are often taller than other industrial buildings. While they need fewer parking spaces and plumbing fixtures, data centers require extensive electrical and mechanical infrastructure, including transmission lines, transformers, power distribution equipment, and backup generators, to ensure a continuous and reliable power supply.

Wolff stated that data center developers are increasingly repurposing vacant industrial, retail,

and commercial buildings instead of constructing new facilities. Adaptive reuse can reduce construction costs, provide easier access to available land and electrical infrastructure, and place data centers closer to users, reducing data transmission delays (latency). One example is the Patmos AI Campus in Kansas City, which was converted from a former printing press.

Communities considering data centers often raise concerns about noise, appearance, sustainability, lighting, construction impacts, and eventual decommissioning.

Noise: Electrical equipment and backup generators can be loud, so communities often require screening, landscaping, sound barriers, equipment enclosures, or noise limits.

Appearance: Data centers are typically large buildings that may not blend with their surroundings. Design standards and buffer areas can help reduce visual impacts.

Sustainability: Data centers require significant amounts of electricity and cooling. Many use closed-loop water cooling systems, but their high energy demands still require a reliable mix of power sources.

Lighting: Exterior lighting can contribute to light pollution, particularly in rural areas. Dark-sky-compliant lighting and lighting regulations can help minimize impacts.

Construction: Building a data center can create temporary disruptions, including increased truck traffic, construction noise, and pressure on local housing, businesses, and public services due to an influx of workers.

Decommissioning: Because data centers contain specialized equipment and are difficult to repurpose, communities are increasingly requiring decommissioning agreements to ensure facilities and related infrastructure are removed when they are no longer in use.

Communities have adopted different zoning strategies to regulate. Some, like Port Washington, Wisconsin, created a dedicated zoning district with specific standards for building height, setbacks, and lot size. Elk Grove Village, Illinois, established an Innovation and Technology Center zoning district with increased height limits, reduced parking requirements, and greater site design flexibility to encourage development. Mesa, Arizona chose an overlay district approach, allowing data centers in existing industrial zones with City Council approval. These examples demonstrate that municipalities can regulate data centers through dedicated districts, overlay districts, or tailored development standards.

Battery Energy Storage Systems (BESS) store and release electricity from the power grid, most commonly using lithium-ion batteries. These facilities vary widely in size and can be developed in many locations. The primary concern associated with BESS is the risk of fire, which has led to the adoption of strict fire safety codes and standards.

Key community considerations include:

Visual impacts: BESS facilities typically consist of containerized units 8–12 feet tall and are enclosed by security fencing that can also serve as screening.

Noise: Cooling equipment generates noise ranging from approximately 60–80 decibels, which can be reduced through setbacks and screening.

Odor: BESS facilities do not produce odors during normal operation; odors are only a concern in the event of a fire.

Environmental impacts: Properly operating facilities do not leak chemicals or contaminate water sources. However, a fire could pose a risk of environmental contamination if runoff reaches nearby waterways.

The Plan Commission reviewed a draft amendment to the City's Zoning Code establishing definitions, zoning regulations, and development standards for data centers. The draft ordinance classifies different types and sizes of data centers, identifies the zoning districts where they may be permitted by Special Use, and establishes application requirements, design standards, setbacks, screening, noise, lighting, landscaping, utility coordination, operational standards, and decommissioning requirements. The proposal also includes requirements for development agreements, construction impact management plans, and financial assurances to address potential impacts on the community.

Adjourn

The meeting adjourned at 8:11 pm.

Teri Sathoff

City Clerk

Sec. 102-115. Definitions.

Data center. A building or group of buildings used primarily for the storage, processing, management, transmission, or distribution of digital data, including servers, data storage equipment, networking equipment, cooling systems, electrical infrastructure, backup power systems, and related accessory equipment and uses.

Data center, enterprise. A data center operated primarily by a single business, institution, governmental entity, or organization for its own internal use. An enterprise data center typically has a power capacity of 1-10 MW and a building footprint of 50,000-150,000 SF.

Data center, colocation or wholesale. A data center in which server space, digital infrastructure, power, cooling, network access, or related services are leased, licensed, or otherwise provided to one or more customers or tenants. A colocation data center typically has a power capacity of 5-50 MW. Building footprint is variable based on the number of tenants served.

Data center, telecom. A data center is used by telecommunications providers to store, process, manage, and transmit digital data and signals. Unlike enterprise data centers, telecom data centers act as vital hubs in the broader network, serving multiple clients and carriers. Telecom data centers typically have a power capacity of less than 5 MW and a building footprint of less than 50,000 SF.

Data center, hyperscale. A data center designed to operate at large scale, typically supporting thousands of servers and extensive digital infrastructure to meet the demands of cloud providers or large enterprises. Hyperscale data centers are characterized by high levels of automation, efficiency, and scalability, allowing rapid expansion and optimized resource utilization. Typically, hyperscale data centers have a power capacity of great than 50 MW, a building(s) footprint of greater than 500,000 SF, or a campus style development requiring greater than 100 acres.

Maximum Designed Electrical Capacity. The maximum electrical load (in megawatts (MW)) a facility is designed to draw at full build-out, including all phases of development and supporting infrastructure.

Mechanical yard. An outdoor area containing mechanical, electrical, cooling, generator, transformer, utility, or similar equipment accessory to a principal use.

Backup power system. Equipment used to provide temporary or emergency electrical power during interruption of normal utility service, including generators, battery energy storage systems, fuel cells, switchgear, transformers, fuel tanks, and related equipment.

Brownfield. A site that was previously developed for another use, repurposing existing buildings or infrastructure. Such projects may need renovation or remediation, unlike greenfield sites, which are undeveloped land.

Greenfield. An undeveloped site or parcel of land that has not been previously used for any purpose. Greenfield projects typically involve new construction on untouched land, as opposed to brownfield sites, which are repurposed or redeveloped from prior uses.

Major Data Center. A data center which features greater than 250,000 SF of building space or consumes more than 25 MW of power. A Major Data Center is subject to all of the requirements defined in this code.

Minor Data Center. A data center which features under 250,000 SF of building space and consumes less than 25 MW of power. A Minor Data Center is subject to a less stringent set of requirements than a Major Data Center.

Battery Energy Storage System (BESS). An arrangement of batteries and associated electrical equipment designed to store electrical energy for later use. The system can include batteries, control systems, switchgear, and other components necessary for safe and efficient energy management.



Data Centers within the Matrix of Land Uses

	Residential							Business					Industrial			Spec.	Overlay	
Use	RH	SR-4	SR-6	SR-8	TR-6	MR-6	MR-10	NB	CB	RB	DB	BP	LM	GM	HM	MU	PIO	TBO
Data Center, Small / Telecom / Edge												P	P	P	P			
Data Center, Enterprise												S	S	S	S			
Data Center, Colocation (retail/Wholesale)													S	S	S			
Data Center, Hyperscale													S	S	S			
Data Center Hyperscale Campus (Advanced / Emerging)													S	S	S			

Sec. 102-445. Data centers.

A. Purpose.

The purpose of this section is to establish standards for the location, design, construction, and operation of data centers in order to protect the public health, safety, and welfare; minimize adverse impacts on adjacent properties; ensure adequate public facilities and utilities; and promote compatibility with surrounding land uses.

B. Applicability.

- (1) No data center shall be established, constructed, enlarged, expanded, or operated except in accordance with this section and all other applicable provisions of this chapter.
- (2) A data center shall require approval as a Special Use where authorized by Sec. 102-317, Matrix of land uses.
- (3) A data center shall comply with the applicable bulk regulations, parking standards, loading standards, exterior lighting standards, stormwater management requirements, building regulations, and other applicable provisions of the Sterling City Code.
- (4) A data center shall be categorized as a Major or Minor Data Center and be subject to all or some of the provisions of this chapter.
 1. Major Data Center. Categorized as a data center that meets all or part of these requirements:
 1. Has greater than 250,000 SF in building area
 2. Consumes greater than 25 megawatts of power
 2. Minor Data Center. Categorized as a data center that:
 1. Has less than 250,000 SF in building area
 2. Consumes less than 25 megawatts of power

(5) Data Center Classification by MW Scale

Category	MW Range (Max Designed Capacity)	Typical SF Range	Typical Acreage	Operational Model
Small / Telecom / Edge	< 5 MW	< 50,000 SF	< 5 acres	Network switching, edge computing, telecom hubs
Enterprise	5 – < 10 MW	50,000 – 150,000 SF	5 – 15 acres	Single-user (corporate, institutional)
Colocation (Retail/Wholesale)	10 – < 50 MW	100,000 – 500,000 SF	10 – 50 acres	Multi-tenant leased space; phased expansion common

Category	MW Range (Max Designed Capacity)	Typical SF Range	Typical Acreage	Operational Model
Hyperscale	≥ 50 MW	500,000+ SF (or multi-building campus)	50 – 200+ acres	Cloud providers (AWS, Google, Microsoft); large-scale computing
Hyperscale Campus (Advanced / Emerging)	100 – 500+ MW (up to 1 GW+)	1M+ SF across multiple buildings	100 – 1,000+ acres	Multi-phase regional/cloud campuses; AI and high-density computing

(6) Where the provisions of this section conflict with another provision of this chapter, the more restrictive provision shall apply.

C. Special Use required.

- (1) Data centers shall be permitted only as a Special Use in those zoning districts where such use is authorized by Sec. 102-317.
- (2) In addition to the standards otherwise applicable to Special Uses, the City Council may impose conditions necessary to ensure compatibility with surrounding properties and compliance with this chapter.
- (3) Conditions of approval may include, but shall not be limited to:
 1. Increased setbacks
 2. Enhanced screening
 3. Noise mitigation
 4. Traffic management
 5. Utility coordination
 6. Limitations on generator testing
 7. Architectural modifications
 8. Phasing requirements
 9. Emergency access improvements
 10. Post-construction compliance verification.

D. Application requirements.

In addition to any information otherwise required for Special Use approval, site plan review, zoning approval, or building permit approval, an application for a data center shall include the following:

- (1) **Project narrative.** A written description of the proposed use, including the type of data center, total building area, number of buildings, proposed phasing, anticipated number of employees, hours of operation, and general operational characteristics.

- (2) **Site plan.** A scaled site plan showing all buildings, driveways, parking areas, loading areas, outdoor equipment, mechanical yards, generator areas, substations, transformers, utility infrastructure, fencing, security features, landscaping, screening, stormwater facilities, and points of access.
- (3) **Utility demand statement.** A statement describing anticipated electric, water, sanitary sewer, stormwater, and telecommunications demand, together with evidence of coordination with applicable utility providers.
- (4) **Noise analysis.** A noise analysis prepared by a qualified professional identifying anticipated noise from mechanical equipment, cooling equipment, generators, transformers, loading areas, and other operational sources.
- (5) **Backup power plan.** A plan identifying the type, number, location, fuel source, capacity, and testing schedule for generators or other backup power systems.
- (6) **Traffic and access statement.** A traffic impact assessment (TIA) describing anticipated construction traffic, operational traffic, delivery routes, employee parking, truck circulation, and access for emergency service providers.
- (7) **Landscape and screening plan.** A plan showing proposed landscaping, fencing, walls, berms, plantings, and other screening methods for buildings, equipment yards, utility areas, loading areas, and outdoor appurtenances.
- (8) **Exterior lighting plan.** A photometric plan demonstrating compliance with applicable exterior lighting requirements of this chapter.
- (9) **Stormwater management plan.** A plan demonstrating compliance with applicable stormwater management and erosion control requirements.
- (10) **Emergency response information.** Information identifying emergency access points, fire protection measures, hazardous materials or fuel storage, spill prevention measures, and emergency contact information.

E. Development Agreement

- (1) As a condition of approval for any Data Center, the applicant shall enter into a Development Agreement with the City prior to the issuance of any building permit, grading permit, site development permit, or other authorization for construction.
- (2) The Development Agreement shall be approved by the City Council and recorded against the subject property.
- (3) The Development Agreement shall be binding upon the property owner, all successors, assigns, and operators of the facility.
- (4) The City may withhold permits, occupancy approvals, utility connections, or other approvals until the Development Agreement has been executed and all required financial assurances have been provided.
- (5) Minimum Required Provisions.

The Development Agreement shall address, at a minimum, the following:

- a. Construction phasing and development schedules.
- b. Public infrastructure improvements, including roadway, utility, drainage, telecommunications, and traffic-related improvements required to serve the development.
- c. Construction traffic management, haul routes, roadway protection measures, and repair responsibilities for public facilities damaged as a result of construction activities.
- d. Water supply, wastewater service, stormwater management, and utility demand management measures.
- e. Landscaping, buffering, screening, lighting, and architectural commitments.
- f. Noise mitigation measures and compliance monitoring requirements.
- g. Emergency response coordination and access requirements.
- h. Operational performance standards and monitoring requirements.
- i. Community impact mitigation measures deemed necessary by the City based upon the scale of the development.
- j. Compliance reporting and inspection procedures.
- k. Decommissioning obligations and associated financial assurance requirements.
- l. Any other condition reasonably necessary to mitigate impacts or ensure compliance with this Chapter.

(6) Financial Assurances.

The City may require the applicant to provide one or more financial guarantees, including but not limited to:

- a. Performance bonds.
- b. Letters of credit.
- c. Escrow accounts.
- d. Cash deposits.
- e. Other forms of security determined acceptable by the City Attorney and City Engineer.

Financial assurances may be required to guarantee:

- a. Completion of public improvements.
- b. Repair of public infrastructure damage.
- c. Landscaping and buffering installation.
- d. Environmental remediation obligations.
- e. Decommissioning and site restoration requirements.
- f. Any other obligation contained within the Development Agreement.

(7) Annual Compliance Review.

The Development Agreement may require periodic reporting demonstrating compliance with approved development plans, operational standards, utility usage limitations, noise standards, maintenance obligations, emergency response requirements, and other applicable provisions of this Chapter.

The City may require annual certification by the property owner or operator that the facility remains in compliance with all applicable approvals and Development Agreement requirements.

(8) Violation.

Failure to comply with any provision of an approved Development Agreement shall constitute a violation of this Chapter and may result in permit suspension, revocation of approvals, enforcement actions, forfeitures, or any other remedy authorized by law.

Setbacks.

- (1) Data centers shall comply with the minimum setback requirements of the underlying zoning district.
- (2) In addition to the setback requirements of the underlying zoning district, the following minimum setbacks shall apply:

Facility	Setback Requirement
Principal data center building	200 feet from residential zoning district
Mechanical yard	300 feet from residential zoning district
Backup generator	300 feet from residential zoning district
Substation or major electrical equipment	300 feet from residential zoning district
Outdoor mechanical or utility equipment	100 feet from public right-of-way

- (3) The City Council may require increased setbacks as a condition of Special Use approval where necessary to protect adjacent properties or public rights-of-way.

F. Building design.

- (1) Data center buildings shall comply with the requirements of Section 102-501. Nonresidential design guidelines and regulations.
- (2) In addition to complying with Sec. 102-501, data center buildings shall be designed to avoid long, uninterrupted blank walls on elevations visible from public streets, public rights-of-way, residential zoning districts, parks, schools, or other sensitive land uses.
- (3) Building elevations visible from a public street or residential zoning district shall incorporate architectural variation through one or more of the following: variation in wall plane, variation in building materials or colors, architectural panels, windows or spandrel glass, vertical or horizontal articulation, parapets, roofline variation, decorative masonry, or landscaping adjacent to the building façade.

- (4) The City Council may require additional architectural treatment as a condition of Special Use approval.

G. Mechanical yards and outdoor equipment.

- (1) All outdoor mechanical, electrical, cooling, generator, transformer, battery, utility, and similar equipment shall be located within a mechanical yard or otherwise screened from view.
- (2) Mechanical yards shall be screened from public streets, public rights-of-way, residential zoning districts, and adjacent properties by a wall, fence, berm, landscaping, building-integrated screening, or combination thereof.
- (3) Screening shall be of sufficient height, opacity, and design to substantially obscure equipment from ground-level view.
- (4) Outdoor storage shall be prohibited, except for equipment, materials, or temporary storage specifically approved as part of the Special Use.

H. Noise.

- (1) Data center operations shall comply with all applicable noise regulations of the Sterling City Code.
- (2) Noise generated by mechanical equipment, cooling equipment, transformers, generators, or similar operational equipment shall not exceed the following levels when measured at the property line of a residential use or residential zoning district:

Time	Noise Level
7:00 a.m. to 8:00 p.m.	67 dBA
8:00 p.m. to 7:00 a.m.	67 dBA

- (3) Operation of backup power systems during an actual power outage, utility emergency, emergency response event, or other emergency condition shall be exempt from the limits of this subsection.
- (4) The City may require pre-construction and post-construction noise testing to verify compliance with this section and any conditions of Special Use approval.

I. Backup generators and standby power equipment.

- (1) Backup generators and standby power equipment shall comply with all applicable federal, state, and local requirements.
- (2) Routine testing of backup generators shall be conducted only between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, unless otherwise approved by the City or required by law, utility coordination, manufacturer specifications, or emergency conditions.
- (3) Routine testing shall not occur on Saturdays, Sundays, or federal holidays unless specifically approved as part of the Special Use.

- (4) Generators, fuel tanks, and related equipment shall be screened, secured, and located to minimize impacts on adjacent properties.
- (5) Fuel storage shall comply with all applicable fire, building, environmental, and safety requirements.

J. Lighting.

- (1) Exterior lighting shall be shielded, downward directed, and designed to prevent glare onto adjacent properties and public rights-of-way.
- (2) Security lighting shall be designed to provide safe illumination while minimizing light trespass.
- (3) Flashing, blinking, moving, or animated lighting shall be prohibited, except as required for emergency, safety, security, or aviation purposes.
- (4) All data centers must comply with the maximum horizontal foot-candle (HFC) level at the property/row line, as defined in Table 6.3: Lighting Levels at Property/Right-of-Way Lines in Sec. 102-606. Exterior lighting standards.

K. Landscaping and screening.

- (1) Landscaping shall be provided along public street frontages and adjacent to residential zoning districts or residential uses in accordance with Section 102-520.
- (2) Where a data center abuts or is located across a street from a residential zoning district, public park, school, or other sensitive use, enhanced buffering may be required.
 1. Enhanced buffering may include increased landscape yard depth, evergreen plantings, berms, masonry walls, decorative fencing, additional setbacks, or other measures approved by the City.
- (3) Landscaping is mandatory for all data centers, irrespective of their size, and must adhere to the guidelines outlined in Section 102-250 B. Landscape Requirements. Particular emphasis should be placed on Section 102-250 B (c). Bufferyard Screening.
- (4) As a requirement of the Special Use Permit, the City may require enhanced landscaping and screening beyond what is required by Section 102-250 B. Landscape Requirements.
- (5) All required landscaping and screening shall be maintained in good condition for the life of the use.

L. Parking, loading, and circulation.

- (1) Parking shall be provided based on the demonstrated operational needs of the facility, including employees, visitors, vendors, service personnel, maintenance personnel, and security personnel.
- (2) The City Council may approve a reduced parking supply where the applicant demonstrates that the proposed number of spaces is adequate for the use.
- (3) Loading, service, and delivery areas shall be located to minimize visibility from public streets and impacts on adjacent properties.

- (4) The site shall provide adequate circulation for emergency vehicles, service vehicles, utility providers, and delivery vehicles.

M. Utilities.

- (1) The applicant shall demonstrate that adequate public and private utilities are available to serve the proposed use.
- (2) Utility infrastructure shall be coordinated with applicable service providers.
- (3) New utility lines shall be placed underground where feasible, except for substations, transformers, transmission facilities, or other infrastructure that cannot reasonably be placed underground.
- (4) The City may require documentation of utility availability prior to issuance of a building permit.

N. Stormwater and drainage.

- (1) Data centers shall comply with all applicable stormwater management and erosion control requirements.
- (2) Stormwater facilities shall be designed to accommodate the intensity of the proposed development, including buildings, parking areas, driveways, equipment yards, and other impervious surfaces.
- (3) Stormwater facilities shall be maintained in good working order for the life of the use.

O. Security.

- (1) Security fencing, gates, cameras, guard stations, and similar features shall be designed to be compatible with the surrounding area to the greatest extent practicable.
- (2) Barbed wire, razor wire, concertina wire, or similar security materials shall be prohibited where visible from a public street, public right-of-way, residential zoning district, or residential use unless specifically approved by the City Council as part of the Special Use.

P. Operational standards.

- (1) The use shall be operated in substantial compliance with the approved Special Use, approved site plan, and all conditions of approval.
- (2) All buildings, fencing, screening, landscaping, stormwater facilities, mechanical equipment, and site improvements shall be maintained in good condition.
- (3) Routine deliveries, service activities, and maintenance activities shall occur during daytime hours unless otherwise approved.
- (4) Any substantial expansion of building area, mechanical equipment, generator capacity, electrical capacity, site area, or operational intensity shall require review and approval by the City.

Q. Decommissioning

(1) Purpose

The purpose of this Section is to ensure that data centers and associated facilities are safely decommissioned at the end of their useful life, that obsolete or abandoned facilities do not become a public nuisance or financial burden to the City, and that sites are restored to a safe, stable, and environmentally sound condition.

(2) Decommissioning Plan Required

Prior to issuance of a special use permit, the owner or operator shall submit a decommissioning plan for review and approval by the City. The decommissioning plan shall, at a minimum, include the following:

a. Facility Description.

A description of the data center facility and all principal and accessory improvements subject to decommissioning, including buildings, equipment yards, generators, substations, fuel storage areas, battery systems, cooling infrastructure, stormwater facilities, access drives, fencing, lighting, and other related improvements.

b. Inventory of Regulated Materials.

An inventory of materials, equipment, and systems that may require special handling, removal, recycling, or disposal, including but not limited to batteries, refrigerants, diesel fuel, fuel tanks, transformers, hazardous materials, electronic waste, and other regulated materials.

c. Equipment Removal.

Procedures for the removal, salvage, recycling, or lawful disposal of servers, racks, wiring, networking equipment, power distribution equipment, mechanical equipment, and other technology-related infrastructure.

d. Hazardous Materials and Environmental Compliance.

Procedures for the removal, disposal, remediation, or closure of all hazardous materials, regulated substances, fuel tanks, batteries, refrigerants, and other materials requiring special handling in accordance with applicable federal, state, and local laws.

e. Utility Disconnection and Infrastructure Removal.

Procedures for disconnection, removal, abandonment, or transfer of utility infrastructure, including electric, water, sanitary sewer, storm sewer, fiber optic, telecommunications, gas, and other utility systems, subject to approval by the City and applicable utility providers.

f. Building Demolition or Reuse.

A description of whether buildings and structures will be demolished, secured for future reuse, or converted to another lawful use. If buildings are proposed to

remain, the plan shall identify measures to ensure that such buildings are safe, maintained, code-compliant, and suitable for reuse.

g. **Site Restoration.**

Procedures for restoring the site to a safe and stable condition, including removal of obsolete improvements, grading, stabilization of disturbed areas, erosion control, landscaping restoration, stormwater management, and repair of public or private infrastructure damaged during decommissioning.

h. **Schedule.**

A proposed schedule for commencement and completion of decommissioning activities following abandonment or permanent cessation of operations.

i. **Responsible Parties.**

The name, address, telephone number, and email address of the owner, operator, property manager, and any other party responsible for implementing the decommissioning plan.

j. **Documentation and Reporting.**

Procedures for documenting decommissioning activities, including manifests, disposal records, recycling certificates, hazardous material disposal documentation, data destruction certifications where applicable, inspection reports, and final certification of completion.

(3) Financial Assurance Required

a. **Requirement.**

Prior to issuance of a special use permit, the owner shall provide financial assurance in a form acceptable to the City to guarantee completion of decommissioning and site restoration.

b. **Acceptable Forms.**



Financial assurance may be provided in the form of a performance bond, surety bond, irrevocable letter of credit, escrow account, cash deposit, or other form approved by the City.

c. **Amount.**

The amount of financial assurance shall be sufficient to cover one hundred ten percent (110%) of the estimated cost of decommissioning and site restoration, as determined by the City based on the approved decommissioning plan and cost estimate.

d. **Salvage Value Excluded.**

The estimated salvage, resale, or recycling value of equipment, materials, or building components shall not be deducted from the required financial assurance amount unless expressly approved by the City.

e. **Review and Adjustment.**

The decommissioning cost estimate and required financial assurance shall be reviewed and updated at least once every five (5) years, or more frequently if required by the City. The owner shall increase the amount of financial assurance as necessary to account for inflation, changes in site conditions, changes in facility design, or changes in decommissioning costs.

f. **Maintenance of Financial Assurance.**

Financial assurance shall remain in effect for the life of the data center facility and until the City determines that decommissioning and site restoration have been completed in accordance with the approved decommissioning plan.

(4) Abandonment or Cessation of Operations

a. **Abandonment Defined.**

A data center shall be considered abandoned if any of the following occur:

- i. The facility ceases active data processing, computing, colocation, or related operations for a period of twelve (12) consecutive months;
- ii. Utility service necessary for operation of the facility is disconnected for a period of twelve (12) consecutive months, unless such disconnection is temporary and approved by the City;
- iii. The owner or operator provides written notice that the facility has permanently ceased operations;
- iv. The facility is not maintained in a safe, secure, and code-compliant condition; or
- v. The City determines, based on substantial evidence, that the facility has been permanently discontinued or abandoned.

b. **Temporary Suspension.**

Temporary interruptions in operations due to maintenance, upgrades, equipment replacement, casualty loss, supply chain delays, utility interruptions, or other circumstances beyond the control of the owner shall not constitute abandonment if the owner provides written notice to the City and demonstrates a good-faith intent to resume operations.

c. **Notice of Abandonment.**

Upon determining that a data center may be abandoned, the City shall provide written notice to the owner of record and operator, if known. The owner shall have thirty (30) days from the date of notice to provide evidence that the facility has not been abandoned or to submit a schedule for decommissioning.

(5) Commencement and Completion of Decommissioning

a. **Commencement.**

Decommissioning shall commence within one hundred eighty (180) days after abandonment, permanent cessation of operations, or written notice from the City requiring decommissioning, whichever occurs first.

b. **Completion.**

Decommissioning and site restoration shall be completed within twelve (12) months after commencement unless the City approves an extension for good cause.

c. **Extensions.**

The City may grant one or more extensions if the owner demonstrates that decommissioning is proceeding in good faith and that delays are due to circumstances beyond the owner's reasonable control.

(6) Minimum Decommissioning Requirements

Unless otherwise approved by the City, decommissioning shall include the following:

- a. Removal of servers, racks, storage media, networking equipment, wiring, and other technology-related equipment no longer intended for reuse at the site;
- b. Removal, recycling, or lawful disposal of electronic waste in accordance with applicable law;
- c. Removal or lawful closure of backup generators, fuel tanks, battery systems, transformers, switchgear, cooling systems, and related mechanical and electrical equipment not intended for continued lawful use;
- d. Recovery and lawful disposal of refrigerants, fuels, oils, coolants, batteries, and other regulated materials;
- e. Removal or lawful abandonment of utility infrastructure no longer needed for a lawful use of the site, subject to approval by the City and applicable utility providers;
- f. Demolition, securing, or lawful reuse of buildings and structures, subject to applicable building, zoning, fire, property maintenance, and environmental codes;
- g. Removal of obsolete fencing, lighting, signage, equipment pads, foundations, access drives, and other site improvements where required by the City;
- h. Stabilization of disturbed areas with grading, erosion control, vegetation, landscaping, or other measures approved by the City;
- i. Restoration or repair of public streets, sidewalks, utilities, drainage facilities, or other public improvements damaged during decommissioning; and
- j. Submission of documentation demonstrating proper disposal, recycling, remediation, and completion of all required decommissioning activities.

(7) Environmental Assessment and Remediation

The City may require the owner to submit an environmental assessment prepared by a qualified environmental professional prior to, during, or after decommissioning. If contamination, hazardous materials, or regulated substances are identified, the owner shall complete all required remediation in accordance with applicable federal, state, and local laws prior to release of financial assurance.

(8) Data Security and Electronic Waste Documentation

Where storage media, servers, or other equipment containing electronic data are removed from the facility, the owner shall ensure that such equipment is handled in accordance with applicable data security, privacy, and electronic waste disposal requirements. The City may require documentation of certified data destruction, chain of custody, recycling, or disposal where necessary to verify compliance with the approved decommissioning plan.

(9) Final Inspection and Release of Financial Assurance

a. Final Report.

Upon completion of decommissioning, the owner shall submit a final decommissioning report to the City. The report shall include documentation of work completed, disposal and recycling records, environmental remediation records, photographs of the restored site, and certification by a qualified professional that decommissioning was completed in accordance with the approved plan.

b. Inspection.

The City may inspect the site to verify completion of decommissioning and site restoration.

c. Release.

Financial assurance shall not be released until the City determines, in writing, that all required decommissioning, remediation, and site restoration activities have been satisfactorily completed.

d. Partial Release.

The City may authorize partial release of financial assurance upon completion of discrete phases of decommissioning, provided that sufficient financial assurance remains to complete all remaining work.

(10) Failure to Decommission

- a. If the owner fails to decommission the facility in accordance with this Section, the approved decommissioning plan, or any applicable approval condition, the City may take one or more of the following actions:

- I. Draw upon the financial assurance to complete decommissioning and site restoration;
- II. Enter the property, after providing such notice as may be required by law, to perform or cause the performance of decommissioning and site restoration activities;
- III. Recover all costs incurred by the City, including administrative, legal, engineering, inspection, environmental, demolition, restoration, and enforcement costs;
- IV. Place unpaid costs as a lien or special charge against the property to the extent authorized by law;
- V. Suspend, revoke, or withhold permits or approvals related to the property; and
- VI. Pursue any other remedy available at law or equity.

(11) Transfer of Ownership

The obligations of this Section shall run with the land and shall be binding upon the owner, operator, successors, assigns, and any party acquiring an ownership or leasehold interest in the property. No transfer of ownership or operation shall release the prior owner or operator from responsibility unless the City approves replacement financial assurance and written assumption of decommissioning obligations by the successor owner or operator.

(12) Recording of Decommissioning Obligations

As a condition of approval, the City may require the owner to record, against the property, a memorandum of decommissioning obligations, development agreement, restrictive covenant, or other instrument acceptable to the City identifying the decommissioning requirements applicable to the site.

(13) Continuing Maintenance Obligations

Until decommissioning is completed, the owner shall maintain the data center facility, buildings, grounds, security fencing, landscaping, stormwater facilities, lighting, and other site improvements in a safe, secure, and code-compliant condition. Vacant or partially vacant buildings shall comply with all applicable building, fire, zoning, and property maintenance codes.

(14) Conflict with Other Laws

Compliance with this Section shall not relieve the owner or operator from complying with any other applicable federal, state, county, municipal, or utility requirement, including but not limited to environmental, building, fire, electrical, stormwater, hazardous materials, solid waste, electronic waste, and occupational safety regulations.

R. Construction Impact Management Plan

a. Plan Required.

Prior to issuance of any grading permit, building permit, or land disturbance permit for a Data Center, the applicant shall submit a Construction Impact Management Plan (CIMP) for review and approval by the City.

b. Purpose.

The CIMP shall demonstrate how construction activities will avoid, minimize, and mitigate adverse impacts on public infrastructure, neighboring properties, and community services.

c. Required Components.

The CIMP shall include, at a minimum:

i. Construction Traffic Management.

1. Designated truck routes and site access points.
2. Estimated daily construction traffic volumes.
3. Measures to avoid impacts on residential streets, schools, emergency response routes, and peak traffic periods.
4. Procedures for traffic control and roadway safety.

ii. Roadway Protection.

1. Documentation of pre-construction roadway conditions when required by the City.
2. Identification of roads anticipated to be used by construction vehicles.
3. Repair or reimbursement for damage attributable to construction activities.
4. Financial assurances as determined necessary by the City.

iii. Construction Hours.

1. Construction activities shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday, unless otherwise approved by the City.
2. No construction activities shall occur on Sundays or legal holidays, except for emergencies.



iv. Noise Mitigation.

1. Measures to reduce noise from construction equipment and activities.
2. Temporary noise barriers when determined necessary by the City.
3. Prohibition of unnecessary vehicle idling and equipment operation.

v. Dust and Air Quality Control.

1. Dust suppression measures including watering, stabilization, street sweeping, and covering of haul vehicles.
- vi. Worker Parking and Staging.
 1. Identification of construction worker parking areas.
 2. Measures to prevent parking within adjacent residential neighborhoods or public rights-of-way.
 3. Location of material storage, equipment staging, and temporary facilities.
- vii. Erosion and Stormwater Control.
 1. Compliance with all applicable erosion, sedimentation, and stormwater management regulations.
 2. Measures to protect adjacent properties, waterways, and environmentally sensitive features.
- viii. Construction Lighting.
 1. Temporary lighting shall be directed downward and shielded from adjoining properties and public roadways.
 2. Lighting shall be limited to the minimum necessary for safety and security.
- ix. Public Communication.
 1. Designation of a community contact representative.
 2. Establishment of a process for receiving and responding to complaints.
 3. Advance notice of significant traffic disruptions, roadway closures, blasting, or other extraordinary construction activities.
- x. Emergency Access.
 1. Demonstration that construction activities will not impede emergency vehicle access to adjoining properties or public roadways.
- d. Compliance.

Failure to comply with an approved Construction Impact Management Plan shall constitute a violation of this Ordinance and may result in permit suspension, stop-work orders, penalties, or other enforcement actions authorized by law.

S. Land Evaluation and Site Assessment (LESA) Requirement

- (1) A Land Evaluation and Site Assessment (LESA) shall be required for all proposed data center developments located on land currently zoned for agricultural use or identified as prime farmland, farmland of statewide importance, or locally significant agricultural land.

- (2) The LESA requirement is intended to:
- a. Evaluate the relative agricultural value of the subject property;
 - b. Assess potential impacts of the proposed development on agricultural resources;
and
 - c. Inform decision-making regarding the conversion of agricultural land to non-agricultural uses.
- (3) The applicant shall submit a LESA report prepared in accordance with the methodology established by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), or an equivalent methodology approved by the City. The LESA report shall include:
1. A Land Evaluation (LE) component that rates the soil productivity and agricultural capability of the site;
 2. A Site Assessment (SA) component that evaluates factors such as surrounding land use, infrastructure availability, parcel size, proximity to urban services, and development pressures;
 3. A composite LESA score indicating the overall suitability of the site for agricultural preservation versus development; and
 4. Supporting maps, soil data, and narrative analysis sufficient to document the methodology and conclusions.
- (4) Review and Thresholds
1. The reviewing authority shall consider the LESA score as part of the special use or conditional use review process.
 2. Sites receiving a LESA score above a threshold established by the Plan Commission shall be presumed to have high agricultural value and may be subject to additional scrutiny, conditions, or denial.
 3. The Plan Commission may require mitigation measures for impacts to high-value agricultural land, including but not limited to clustering, reduced site disturbance, or preservation of a portion of the property.
- (5) The LESA requirement may be waived by the Plan Commission upon a finding that:
1. The property is not actively used for agricultural purposes;
 2. The property is fully surrounded by urban or non-agricultural development; or
 3. The preparation of a LESA would not materially inform the review of the proposed development.

NOTES:

- Should BESS sites be subject to same restrictions?
- Should BESS be in the same section or a section of its own?

- Fire department should have larger role in review and approval of BESS sites

DATA CENTERS – BULK STANDARDS

Standards apply to all data center developments, including principal buildings and accessory structures.



BULK STANDARDS		
STANDARD	REQUIREMENT	
A SETBACKS (MINIMUM)	Front Yard	50 ft
	Side Yard	30 ft
	Rear Yard	50 ft
B BUILDING HEIGHT (MAXIMUM)		60 ft
C LOT COVERAGE (MAXIMUM)		60% of lot area
D LANDSCAPED BUFFER (MINIMUM)		20 ft See screening standards
E ACCESSORY STRUCTURES HEIGHT (MAXIMUM)		25 ft

Note: Mechanical equipment located on rooftops shall be fully screened from view from adjacent properties and public rights-of-way.



No portion of a building or structure may be located within the required setbacks.



Maximum building height is measured from finished grade to the highest point of the roof.



Total lot coverage by all buildings and structures shall not exceed 60% of the lot area.



A landscaped buffer and screening is required along all property lines as shown.



Maximum height of accessory structures is 25 feet.

These standards are in addition to all other applicable requirements of this Code.

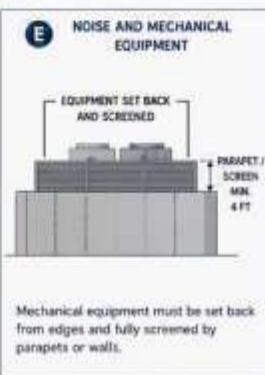
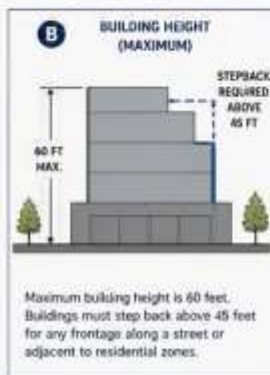
DATA CENTERS – URBAN CONTEXT STANDARDS

Standards apply to all data center developments in the Urban Context District and other mixed-use, transit-rich areas.



URBAN CONTEXT STANDARDS		
STANDARD	REQUIREMENT	
A STREET SETBACK / BUILD-TO ZONE (MINIMUM)	Primary Street (Build-To Zone)	0-10 ft
	Side Street (Build-To Zone)	0-10 ft
	Rear Street Setback (Minimum)	15 ft
B BUILDING HEIGHT (MAXIMUM)	60 ft (See setback requirements below)	
C ACTIVE STREET FRONTAGE (MINIMUM)	60% of ground floor façade along primary street	
D SCREENING AND LOADING	Loading, service, and utility areas must be located to the side or rear and fully screened from all public rights-of-way and adjacent residential uses.	
E NOISE AND MECHANICAL EQUIPMENT	Mechanical equipment must be screened on all sides by parapets or walls. Noise at property line must not exceed 60 dBA day / 50 dBA night.	
F STREETScape AND BUFFERS (MINIMUM)	Street trees at 30 ft o.c. (average) 8 ft minimum sidewalk clear zone 6 ft minimum landscape / furnishing zone 10 ft buffer required where adjacent to residential uses.	

Note: Standards are minimums unless otherwise noted. See Code for additional requirements and exceptions.



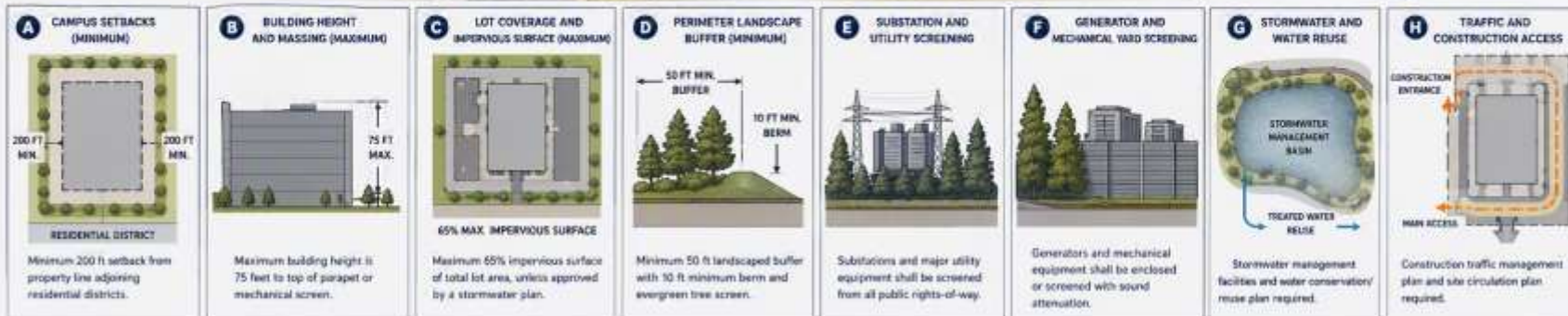
These standards are in addition to all other applicable requirements of this Code.

DATA CENTERS - HYPERSCALE CAMPUS STANDARDS

Standards apply to all hyperscale data center campus developments, including buildings, site improvements, and accessory uses.



HYPERSCALE CAMPUS STANDARDS	
STANDARD	REQUIREMENT
A CAMPUS SETBACKS (MINIMUM)	200 ft from perimeter property line adjoining residential districts.
B BUILDING HEIGHT (MAXIMUM)	75 ft to top of parapet or mechanical screen.
C LOT COVERAGE AND IMPERVIOUS SURFACE (MAXIMUM)	65% maximum impervious surface of total lot area, unless approved by a stormwater management plan.
D PERIMETER LANDSCAPE BUFFER (MINIMUM)	50 ft wide landscaped buffer with minimum 10 ft berm and evergreen tree screen.
E SUBSTATION AND UTILITY SCREENING	Electrical substations and major utility equipment shall be screened from all public rights-of-way.
F GENERATOR AND MECHANICAL YARD SCREENING	Generators and mechanical equipment shall be fully enclosed or screened and provide sound attenuation meeting Code standards.
G STORMWATER AND WATER REUSE	Stormwater management plan and water conservation/reuse plan required.
H TRAFFIC AND CONSTRUCTION ACCESS	Construction traffic management plan and site circulation plan required.



These standards are in addition to all other applicable requirements of this Code.

Sec. 102-115. Definitions.

Battery Energy Storage System (BESS). An arrangement of batteries and associated electrical equipment designed to store electrical energy for later use. The system can include batteries, control systems, switchgear, and other components necessary for safe and efficient energy management.

Maximum Designed Electrical Capacity. The maximum electrical load (in megawatts (MW)) a facility is designed to draw at full build-out, including all phases of development and supporting infrastructure.

Mechanical yard. An outdoor area containing mechanical, electrical, cooling, generator, transformer, utility, or similar equipment accessory to a principal use.

Backup power system. Equipment used to provide temporary or emergency electrical power during interruption of normal utility service, including generators, battery energy storage systems, fuel cells, switchgear, transformers, fuel tanks, and related equipment.

Brownfield. A site that was previously developed for another use, repurposing existing buildings or infrastructure. Such projects may need renovation or remediation, unlike greenfield sites, which are undeveloped land.

Greenfield. An undeveloped site or parcel of land that has not been previously used for any purpose. Greenfield projects typically involve new construction on untouched land, as opposed to brownfield sites, which are repurposed or redeveloped from prior uses.



BESS within the Matrix of Land Uses

	Residential							Business					Industrial			Spec.	Overlay	
Use	RH	SR-4	SR-6	SR-8	TR-6	MR-6	MR-10	NB	CB	RB	DB	BP	LM	GM	HM	MU	PIO	TBO
Battery Energy Storage Systems (BESS)												S	S	S	S			

Sec. 102-446. Battery Energy Storage Systems (BESS).

A. Purpose.

The purpose of this section is to establish standards for the location, design, construction, and operation of Battery Energy Storage Systems (BESS) in order to protect the public health, safety, and

welfare; minimize adverse impacts on adjacent properties; ensure adequate public facilities and utilities; and promote compatibility with surrounding land uses.

B. Applicability.

- (1) No BESS shall be established, constructed, enlarged, expanded, or operated except in accordance with this section and all other applicable provisions of this chapter.
- (2) A BESS shall require approval as a Special Use where authorized by Sec. 102-317, Matrix of land uses.
- (3) A BESS shall comply with the applicable bulk regulations, parking standards, loading standards, exterior lighting standards, stormwater management requirements, building regulations, and other applicable provisions of the Sterling City Code.
- (4) Where the provisions of this section conflict with another provision of this chapter, the more restrictive provision shall apply.

C. Special Use required.

- (1) BESS shall be permitted only as a Special Use in those zoning districts where such use is authorized by Sec. 102-317.
- (2) In addition to the standards otherwise applicable to Special Uses, the City Council may impose conditions necessary to ensure compatibility with surrounding properties and compliance with this chapter.
- (3) Conditions of approval may include, but shall not be limited to:
 1. Increased setbacks
 2. Enhanced screening
 3. Noise mitigation
 4. Utility coordination
 5. Limitations on generator testing
 6. Emergency access improvements
 7. Post-construction compliance verification.

D. Application requirements.

In addition to any information otherwise required for Special Use approval, site plan review, zoning approval, or building permit approval, an application for a BESS shall include the following:

- (1) **Project narrative.** A written description of the proposed use, including the type of BESS, total building area, number of buildings, proposed phasing, anticipated number of employees, hours of operation, and general operational characteristics.
- (2) **Site plan.** A scaled site plan showing all buildings, driveways, parking areas, loading areas, outdoor equipment, mechanical yards, generator areas, substations, transformers, utility infrastructure, fencing, security features, landscaping, screening, stormwater facilities, and points of access.

- (3) **Utility demand statement.** A statement describing anticipated electric, water, sanitary sewer, stormwater, and telecommunications demand, together with evidence of coordination with applicable utility providers.
- (4) **Backup power plan.** A plan identifying the type, number, location, fuel source, capacity, and testing schedule for generators or other backup power systems.
- (5) **Landscape and screening plan.** A plan showing proposed landscaping, fencing, walls, berms, plantings, and other screening methods for buildings, equipment yards, utility areas, loading areas, and outdoor appurtenances.
- (6) **Exterior lighting plan.** A photometric plan demonstrating compliance with applicable exterior lighting requirements of this chapter.
- (7) **Stormwater management plan.** A plan demonstrating compliance with applicable stormwater management and erosion control requirements.
- (8) **Emergency response information.** Information identifying emergency access points, fire protection measures, hazardous materials or fuel storage, spill prevention measures, and emergency contact information.

Setbacks.

- (1) BESSs shall comply with the minimum setback requirements of the underlying zoning district.
- (2) In addition to the setback requirements of the underlying zoning district, the following minimum setbacks shall apply:

Facility	Setback Requirement
Principal buildings or structures	50 feet from all property lines, 100 feet from residential zoning district
Substation or major electrical equipment	50 feet from all property lines, 100 feet from residential zoning district

- (3) The City Council may require increased setbacks as a condition of Special Use approval where necessary to protect adjacent properties or public rights-of-way.

G. Mechanical yards and outdoor equipment.

- (1) All outdoor mechanical, electrical, cooling, generator, transformer, battery, utility, and similar equipment shall be located within a mechanical yard or otherwise screened from view.
- (2) Mechanical yards shall be screened from public streets, public rights-of-way, residential zoning districts, and adjacent properties by a wall, fence, berm, landscaping, building-integrated screening, or combination thereof.

- (3) Screening shall be of sufficient height, opacity, and design to substantially obscure equipment from ground-level view.
- (4) Outdoor storage shall be prohibited, except for equipment, materials, or temporary storage specifically approved as part of the Special Use.

H. Noise.

- (1) BESS operations shall comply with all applicable noise regulations of the Sterling City Code.
- (2) Noise generated by mechanical equipment, cooling equipment, transformers, generators, or similar operational equipment shall not exceed the following levels when measured at the property line of a residential use or residential zoning district:

Time	Noise Level
7:00 a.m. to 8:00 p.m.	67 dBA
8:00 p.m. to 7:00 a.m.	67 dBA

- (3) Operation of backup power systems during an actual power outage, utility emergency, emergency response event, or other emergency condition shall be exempt from the limits of this subsection.
- (4) The City may require pre-construction and post-construction noise testing to verify compliance with this section and any conditions of Special Use approval.

I. Backup generators and standby power equipment.

- (1) Backup generators and standby power equipment shall comply with all applicable federal, state, and local requirements.
- (2) Routine testing of backup generators shall be conducted only between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, unless otherwise approved by the City or required by law, utility coordination, manufacturer specifications, or emergency conditions.
- (3) Routine testing shall not occur on Saturdays, Sundays, or federal holidays unless specifically approved as part of the Special Use.
- (4) Generators, fuel tanks, and related equipment shall be screened, secured, and located to minimize impacts on adjacent properties.
- (5) Fuel storage shall comply with all applicable fire, building, environmental, and safety requirements.

J. Lighting.

- (1) Exterior lighting shall be shielded, downward directed, and designed to prevent glare onto adjacent properties and public rights-of-way.
- (2) Security lighting shall be designed to provide safe illumination while minimizing light trespass.
- (3) Flashing, blinking, moving, or animated lighting shall be prohibited, except as required for emergency, safety, security, or aviation purposes.

- (4) All BESS sites must comply with the maximum horizontal foot-candle (HFC) level at the property/row line, as defined in Table 6.3: Lighting Levels at Property/Right-of-Way Lines in Sec. 102-606. Exterior lighting standards.

K. Landscaping and screening.

- (1) Landscaping shall be provided along public street frontages and adjacent to residential zoning districts or residential uses in accordance with Section 102-520. 
- (2) Where a BESS abuts or is located across a street from a residential zoning district, public park, school, or other sensitive use, enhanced buffering may be required.
 1. Enhanced buffering may include increased landscape yard depth, evergreen plantings, berms, masonry walls, decorative fencing, additional setbacks, or other measures approved by the City.
- (3) Landscaping is mandatory for all BESS sites and must adhere to the guidelines outlined in Section 102-250 B. Landscape Requirements. Particular emphasis should be placed on Section 102-250 B (c). Bufferyard Screening.
- (4) As a requirement of the Special Use Permit, the City may require enhanced landscaping and screening beyond what is required by Section 102-250 B. Landscape Requirements.
- (5) All required landscaping and screening shall be maintained in good condition for the life of the use.

L. Parking, loading, and circulation.

- (1) Parking shall be provided based on the demonstrated operational needs of the facility, including employees, visitors, vendors, service personnel, maintenance personnel, and security personnel.
- (2) The City Council may approve a reduced parking supply where the applicant demonstrates that the proposed number of spaces is adequate for the use.
- (3) Loading, service, and delivery areas shall be located to minimize visibility from public streets and impacts on adjacent properties.
- (4) The site shall provide adequate circulation for emergency vehicles, service vehicles, utility providers, and delivery vehicles.

M. Utilities.

- (1) The applicant shall demonstrate that adequate public and private utilities are available to serve the proposed use.
- (2) Utility infrastructure shall be coordinated with applicable service providers.
- (3) New utility lines shall be placed underground where feasible, except for substations, transformers, transmission facilities, or other infrastructure that cannot reasonably be placed underground.
- (4) The City may require documentation of utility availability prior to issuance of a building permit.

N. Stormwater and drainage.

- (1) BESS sites shall comply with all applicable stormwater management and erosion control requirements.
- (2) Stormwater facilities shall be designed to accommodate the intensity of the proposed development, including buildings, parking areas, driveways, equipment yards, and other impervious surfaces.
- (3) Stormwater facilities shall be maintained in good working order for the life of the use.

O. Security.

- (1) Security fencing, gates, cameras, guard stations, and similar features shall be designed to be compatible with the surrounding area to the greatest extent practicable.
- (2) Barbed wire, razor wire, concertina wire, or similar security materials shall be prohibited where visible from a public street, public right-of-way, residential zoning district, or residential use unless specifically approved by the City Council as part of the Special Use.

P. Operational standards.

- (1) The use shall be operated in substantial compliance with the approved Special Use, approved site plan, and all conditions of approval.
- (2) All buildings, fencing, screening, landscaping, stormwater facilities, mechanical equipment, and site improvements shall be maintained in good condition.
- (3) Service and maintenance activities shall occur during daytime hours unless otherwise approved.
- (4) Any substantial expansion of building area, mechanical equipment, generator capacity, electrical capacity, site area, or operational intensity shall require review and approval by the City.

Q. Decommissioning**(1) Purpose**

The purpose of this Section is to ensure that BESS sites and associated facilities are safely decommissioned at the end of their useful life, that obsolete or abandoned facilities do not become a public nuisance or financial burden to the City, and that sites are restored to a safe, stable, and environmentally sound condition.

(2) Decommissioning Plan Required

Prior to issuance of a special use permit, the owner or operator shall submit a decommissioning plan for review and approval by the City. The decommissioning plan shall, at a minimum, include the following:

a. Facility Description.

A description of the BESS facility and all principal and accessory improvements subject to decommissioning, including buildings, equipment yards, generators, substations, fuel storage areas, battery systems, cooling infrastructure,

stormwater facilities, access drives, fencing, lighting, and other related improvements.

b. **Inventory of Regulated Materials.**

An inventory of materials, equipment, and systems that may require special handling, removal, recycling, or disposal, including but not limited to batteries, refrigerants, diesel fuel, fuel tanks, transformers, hazardous materials, electronic waste, and other regulated materials.

c. **Equipment Removal.**

Procedures for the removal, salvage, recycling, or lawful disposal of servers, racks, wiring, networking equipment, power distribution equipment, mechanical equipment, and other technology-related infrastructure.

d. **Hazardous Materials and Environmental Compliance.**

Procedures for the removal, disposal, remediation, or closure of all hazardous materials, regulated substances, fuel tanks, batteries, refrigerants, and other materials requiring special handling in accordance with applicable federal, state, and local laws.

e. **Utility Disconnection and Infrastructure Removal.**

Procedures for disconnection, removal, abandonment, or transfer of utility infrastructure, including electric, water, sanitary sewer, storm sewer, fiber optic, telecommunications, gas, and other utility systems, subject to approval by the City and applicable utility providers.

f. **Building Demolition or Reuse.**

A description of whether buildings and structures will be demolished, secured for future reuse, or converted to another lawful use. If buildings are proposed to remain, the plan shall identify measures to ensure that such buildings are safe, maintained, code-compliant, and suitable for reuse.

g. **Site Restoration.**

Procedures for restoring the site to a safe and stable condition, including removal of obsolete improvements, grading, stabilization of disturbed areas, erosion control, landscaping restoration, stormwater management, and repair of public or private infrastructure damaged during decommissioning.

h. **Schedule.**

A proposed schedule for commencement and completion of decommissioning activities following abandonment or permanent cessation of operations.

i. **Responsible Parties.**

The name, address, telephone number, and email address of the owner,

operator, property manager, and any other party responsible for implementing the decommissioning plan.

j. **Documentation and Reporting.**

Procedures for documenting decommissioning activities, including manifests, disposal records, recycling certificates, hazardous material disposal documentation, data destruction certifications where applicable, inspection reports, and final certification of completion.

(3) Commencement and Completion of Decommissioning

a. **Commencement.**

Decommissioning shall commence within one hundred eighty (180) days after abandonment, permanent cessation of operations, or written notice from the City requiring decommissioning, whichever occurs first.

b. **Completion.**

Decommissioning and site restoration shall be completed within twelve (12) months after commencement unless the City approves an extension for good cause.

c. **Extensions.**

The City may grant one or more extensions if the owner demonstrates that decommissioning is proceeding in good faith and that delays are due to circumstances beyond the owner's reasonable control.

(4) Environmental Assessment and Remediation

The City may require the owner to submit an environmental assessment prepared by a qualified environmental professional prior to, during, or after decommissioning. If contamination, hazardous materials, or regulated substances are identified, the owner shall complete all required remediation in accordance with applicable federal, state, and local laws prior to release of financial assurance.

(5) Final Inspection

a. **Final Report.**

Upon completion of decommissioning, the owner shall submit a final decommissioning report to the City. The report shall include documentation of work completed, disposal and recycling records, environmental remediation records, photographs of the restored site, and certification by a qualified professional that decommissioning was completed in accordance with the approved plan.

b. **Inspection.**

The City may inspect the site to verify completion of decommissioning and site restoration.

(6) Transfer of Ownership

The obligations of this Section shall run with the land and shall be binding upon the owner, operator, successors, assigns, and any party acquiring an ownership or leasehold interest in the property. No transfer of ownership or operation shall release the prior owner or operator from responsibility unless the City approves replacement financial assurance and written assumption of decommissioning obligations by the successor owner or operator.

(7) Recording of Decommissioning Obligations

As a condition of approval, the City may require the owner to record, against the property, a memorandum of decommissioning obligations, development agreement, restrictive covenant, or other instrument acceptable to the City identifying the decommissioning requirements applicable to the site.

(8) Continuing Maintenance Obligations

Until decommissioning is completed, the owner shall maintain the BESS facility, buildings, grounds, security fencing, landscaping, stormwater facilities, lighting, and other site improvements in a safe, secure, and code-compliant condition. Vacant or partially vacant buildings shall comply with all applicable building, fire, zoning, and property maintenance codes.

(9) Conflict with Other Laws

Compliance with this Section shall not relieve the owner or operator from complying with any other applicable federal, state, county, municipal, or utility requirement, including but not limited to environmental, building, fire, electrical, stormwater, hazardous materials, solid waste, electronic waste, and occupational safety regulations.

S. Land Evaluation and Site Assessment (LESA) Requirement

- (1) A Land Evaluation and Site Assessment (LESA) shall be required for all proposed BESS developments located on land currently zoned for agricultural use or identified as prime farmland, farmland of statewide importance, or locally significant agricultural land.
- (2) The LESA requirement is intended to:
 - a. Evaluate the relative agricultural value of the subject property;
 - b. Assess potential impacts of the proposed development on agricultural resources; and
 - c. Inform decision-making regarding the conversion of agricultural land to non-agricultural uses.
- (3) The applicant shall submit a LESA report prepared in accordance with the methodology established by the United States Department of Agriculture (USDA) Natural Resources

Conservation Service (NRCS), or an equivalent methodology approved by the City. The LESA report shall include:

1. A Land Evaluation (LE) component that rates the soil productivity and agricultural capability of the site;
2. A Site Assessment (SA) component that evaluates factors such as surrounding land use, infrastructure availability, parcel size, proximity to urban services, and development pressures;
3. A composite LESA score indicating the overall suitability of the site for agricultural preservation versus development; and
4. Supporting maps, soil data, and narrative analysis sufficient to document the methodology and conclusions.

(4) Review and Thresholds

1. The reviewing authority shall consider the LESA score as part of the special use or conditional use review process.
2. Sites receiving a LESA score above a threshold established by the Plan Commission shall be presumed to have high agricultural value and may be subject to additional scrutiny, conditions, or denial.
3. The Plan Commission may require mitigation measures for impacts to high-value agricultural land, including but not limited to clustering, reduced site disturbance, or preservation of a portion of the property.

(5) The LESA requirement may be waived by the Plan Commission upon a finding that:

1. The property is not actively used for agricultural purposes;
2. The property is fully surrounded by urban or non-agricultural development; or
3. The preparation of a LESA would not materially inform the review of the proposed development.

BATTERY ENERGY STORAGE SYSTEMS (BESS) – BULK STANDARDS

Standards apply to all BESS installations, including principal equipment enclosures and accessory structures.



BULK STANDARDS	
STANDARD	REQUIREMENT
A SETBACKS (MINIMUM)	Front Yard 50 ft Side Yard 25 ft Rear Yard 50 ft
B BUILDING HEIGHT (MAXIMUM)	20 ft
C LOT COVERAGE (MAXIMUM)	40% of lot area
D LANDSCAPED BUFFER (MINIMUM)	20 ft See screening standards
E ACCESSORY STRUCTURES HEIGHT (MAXIMUM)	25 ft

Note: Mechanical and electrical equipment located on rooftops (if any) shall be fully screened from view from adjacent properties and public rights-of-way.



No portion of BESS equipment, enclosures, or accessory structures may be located within the required setbacks.



Maximum height of principal equipment enclosures is measured from finished grade to the highest point of the enclosure (including rooftop equipment).



Total lot coverage by all BESS equipment and structures shall not exceed 40% of the lot area.



A landscaped buffer and screening is required along all property lines as shown.



Maximum height of accessory structures is 25 feet.

These standards are in addition to all other applicable requirements of this Code.