

1. Agenda Document

Documents:

01-15-26 JT CC-PC WKSP AGENDA.PDF  
COMBINEDCOVEREXHIBITS.011526.REV.PDF

**AGENDA**  
**WORKSHOP – JOINT CITY COUNCIL & PLANNING COMMISSION**  
**Thursday, January 15, 2026 – 4:45 p.m.**  
**Mississippi Room, Monticello Community Center**

City Councilmembers: Mayor Lloyd Hilgart, Kip Christianson, Charlotte Gabler,  
Tracy Hinz, Lee Martie

Commissioners: Chair Andrew Tapper, Vice-Chair Melissa Robeck,  
Rick Kothenbeutel, Teri Lehner, Rob Stark

Staff: Rachel Leonard, Angela Schumann, Steve Grittman, Matt Leonard,  
Bob Ferguson, Tyler Bevier

**1. General Business**

- A. Call to Order
- B. Roll Call
- C. Data Center Land Use & Ordinance Discussion

**2. Adjournment**

To: Monticello City Council  
Monticello Planning Commission

From: Rachel Leonard, City Administrator  
Angela Schumann, Community Development Director

Date: January 14, 2026

A joint workshop has been scheduled for January 15, 2026. The intent of the workshop is for the Planning Commission and City Council to provide clear direction on the Data Center Planned Unit Development (DCPUD) land use and ordinance. This direction will be used to prepare for the policy decisions intended to come before each body in February.

**Staff believe a thorough, candid discussion among policymakers is the most valuable use of the time allotted to the workshop. Rather than a presentation to lay the foundation of the discussion, we respectfully request that you thoroughly review the supporting data information included with this memo in advance of the meeting.**

The supporting data includes:

- A site visit summary from a recent trip to 7 data center sites in central Iowa. The tour group included Mayor Lloyd Hilgart, Planning Commissioner Rick Kothenbeutel, and members of city staff. The site visits provided an opportunity to see operational hyperscale facilities and better understand the land use and site development characteristics.
- Resource information about property values in the direct vicinity of the tour locations in Iowa.
- Information about Minnesota's water and power context for data center development.
- The most recent version of the draft DCPUD ordinance from December 2025.
- Related information from Xcel Energy.

In addition to the supporting data, please take time to review the data center process and project development occurring in communities in Minnesota and the greater Midwest. Communities that are developing or have developed data center facilities provide examples of actual development in comparatively similar settings. They may also provide context for additional regulations for the draft ordinance.

Provided below are community and project websites for more information on Minnesota data center proposals.

Data Center Locations and information:

[Data Center Locations: Top Cities, States, Countries and Regions](#)  
datacenters.com

### **Pine Island**

[Project Skyway - Pine Island, MN](#)

Process for review: PUD

[PowerPoint Presentation](#)

### **Cannon Falls**

[The Cannon Falls Technology Park](#)

Process for review: CUP for PUD

[Ordinance 410 Data Centers.docx](#)

[Presentation Title Goes Here](#)

### **Hermantown**

[Project - City of Hermantown](#)

Process for review: Special Use Permit

### **Rosemount**

[Development in Rosemount | Rosemount, MN - Official Website](#) – Click on “Job Creation”

Process for review: PUD

### **SUPPORTING DATA**

Site Visit Summary & Workshop Discussion Overview

Central Iowa Data Center Site Aerials

Xcel Energy Interconnection Information

Draft DCPUD Ordinance (December, 2025)

Suggested Additional DCPUD Ordinance Revisions

[December 2, 2025](#) Planning Commission Agenda

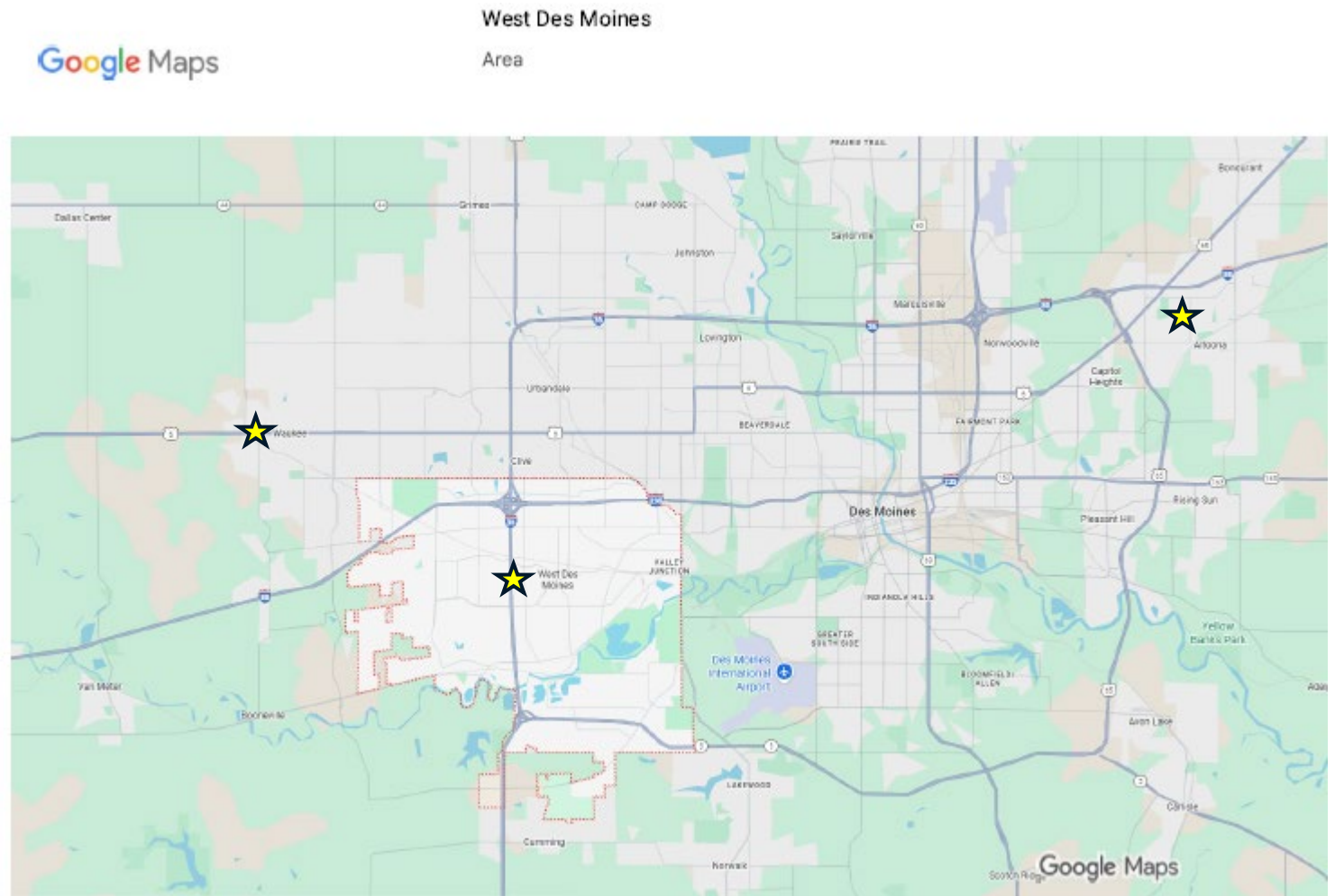


Data Center  
Discussion  
January 15, 2026

Joint Planning Commission & City Council Workshop

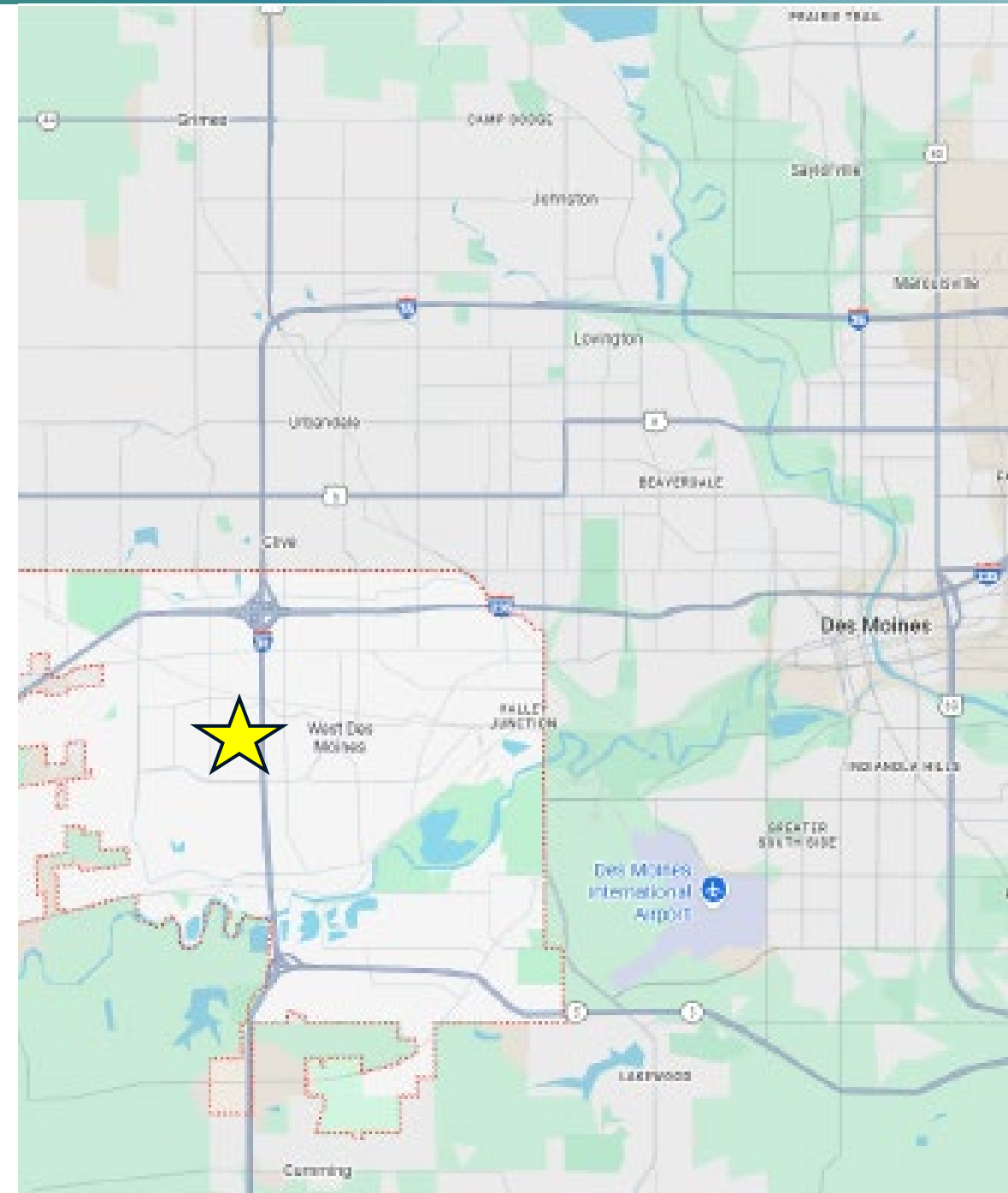
# Site Visits | Central Iowa

- Goal: Develop a greater understanding of data center land uses and site development characteristics for ordinance development
- City representatives visited 7 data center sites in central Iowa (Jan. 2026)
  - West Des Moines: Microsoft (5 facilities)
  - Waukee: Apple
  - Altoona: Meta
- Met with local city staff in West Des Moines and Waukee; call with Altoona city staff
- Context: Presence of available and sustainable power sources and state incentives made Iowa an attractive location for data centers beginning in early 2000's



# West Des Moines

- **Population:** 73,959
- **Microsoft presence:** 5 data center campuses on approximately 600 acres
- **First data center:** Built in 2009
- **Expansion:** Sixth data center proposed for construction on 100+ recently acquired acres
- **Size:** Average 245,000 sq. ft. building; 4-6 buildings per campus



# West Des Moines



**Water Supply:** Provided via regional water/sewer utility with a 5 MGD limit across all campuses. City indicated use is much less than limit.



**Cooling:** Evaporative; Proposed to move toward closed-loop system with underground containment.



**Power:** Power provided by MidAmerican Energy; no brownouts reported; no rate increase since 2015. Provider requires study and load commitment agreements.



**Noise:** No complaints; site visit noted no generator or mechanical equipment noise. Temperature was cool at time of site visit.

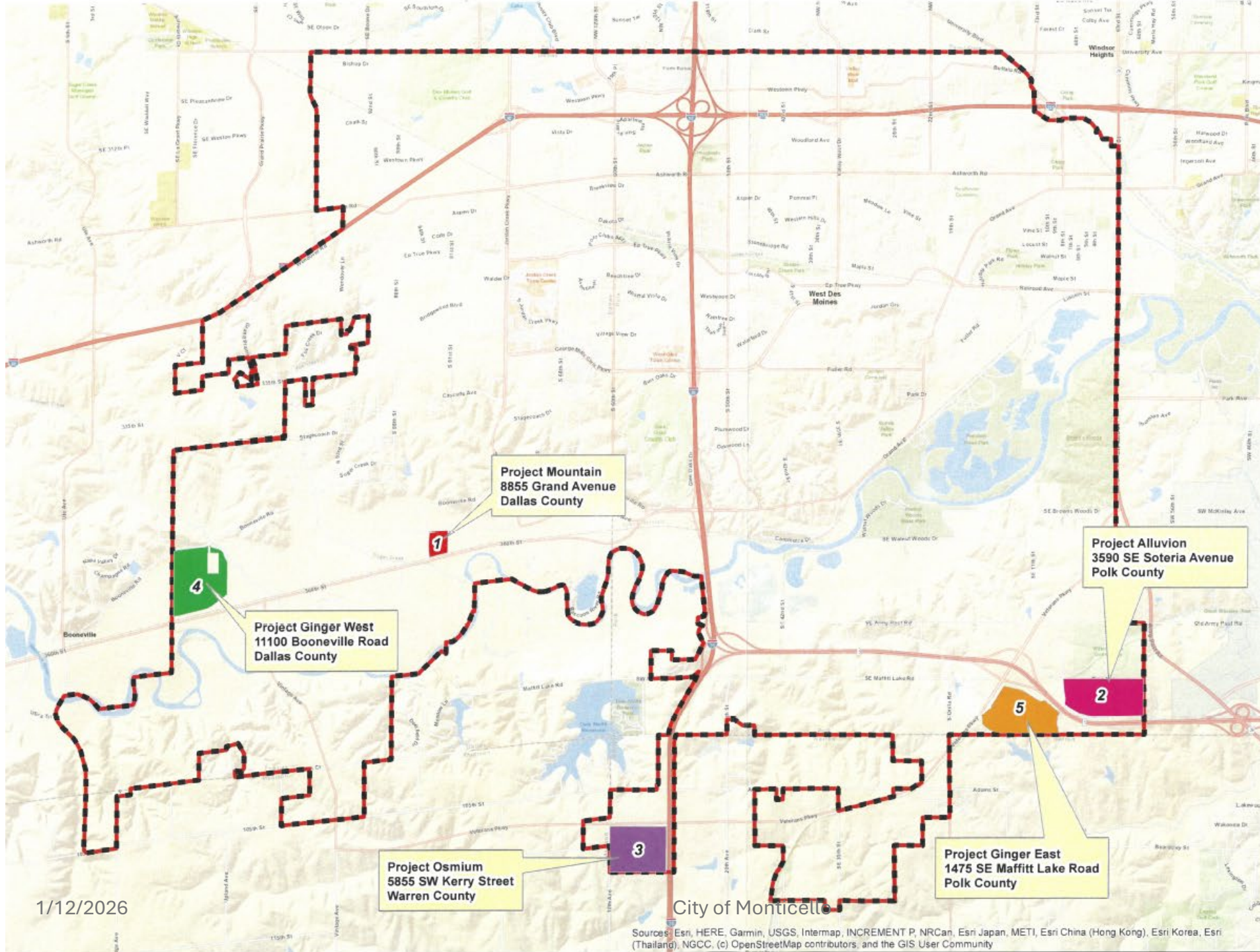


**City Requirements:** Increase and improvement in buffering for new sites.

# West Des Moines

- **Microsoft Property Taxes (FY 2024-25):** \$21 million for fully completed campuses; additional for those under construction
- **Financing:** TIF districts funded infrastructure to data center sites.
  - \$285M in resulting increment to-date for infrastructure benefitting the city
  - Supported an 8.5-mile extension of Veterans Parkway and Grand Prairie Parkway improvements
  - Funded approximately \$26 M in water system improvements
  - Funding for municipal park improvements
- **City Growth:** The new infrastructure has opened about 4,500 acres for new residential, commercial and industrial development. Annexation agreements have enabled city expansion
- **Jobs:** Created approximately 600 permanent jobs in total, plus thousands of construction jobs
- **Continued Reinvestment:** 3 of 5 existing sites with active construction

# Microsoft Data Center Locations



1/12/2026

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



NOT TO SCALE



8855 Grand Ave





1/12/2025

City of Monticello



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Regional Accolades

<b>#3 Most Livable Metro</b> RentCafe, 2024 & Des Moines Register	<b>#10 Best Place for Business and Careers</b> Forbes, 2024	<b>#8 Best City for Financial Independence</b> chooseFI, 2024	<b>#7 Safest City to Live in the U.S.</b> U.S. News & World Report, 2024
<b>#4 Most Neighborly City in America</b> Neighbor.com, 2024	<b>#10 Best Metro for Millennials</b> CommercialCafe, 2024	<b>#8 Most Affordable U.S. Metro Area</b> Clever Real Estate, 2024	<b>Top 10 Cleanest City in America</b> Lawstarter, 2024
<b>#1 Most Diverse suburb in Iowa</b> Niche, 2024	<b>#1 Best City in Iowa to Live</b> Money, 2024	<b>#1 Location for Young Professionals</b> Forbes, 2024	<b>#3 Best City to Retire in USA</b> Money, 2024

WDM Accolades

The City of West Des Moines continues to solidify its position as a leading destination for business growth, community development, and financial stability.

For the 27th consecutive year, West Des Moines has been recognized as the Business Record's **Best Community Most Conducive for Doing Business**.



- AAA Bond Rating -

In addition to its business-friendly reputation, West Des Moines boasts an impressive **AAA bond rating from both Moody's and Standard & Poor's**.

This prestigious rating reflects the city's strong financial health and prudent fiscal management, ensuring continued investment in key public services and infrastructure projects that benefit the community as a whole.



DEI Municipal Index Score

West Des Moines has also made significant strides in promoting diversity, equity, and inclusion, earning a **perfect 100 out of 100 DEI Municipal Index score**.

This recognition highlights the city's ongoing efforts to foster an inclusive environment where all residents, businesses, and visitors can thrive.



FACT SHEET - PROJECT OSMIUM

<b>Project Area:</b>	200 acres
<b>Project Description:</b>	Regional four-phase data center
<b>Total Project Capital Investment:</b>	\$1.5 - \$2 billion (Phases 1 - 4) Phase 1 of 4 will generate a capital investment of over \$417 million
<b>Minimum Property Tax Assessment:</b>	\$307 million for Phases 1 - 4 (total may increase pending final project scope and size)
<b>Total Estimated Property Taxes:</b>	\$12.3 million (once all phases are completed)
<b>Total Building Construction:</b>	1.7 million square feet
<b>Total Employment:</b>	133 (Phases 1 - 4)
<b>Estimated Completion Date:</b>	Phases 1 - 4 by May 2022
<b>High Quality Jobs Program (HQJP) Funding:</b>	Estimated sales tax rebate of \$4.7 million for Phase 1
<b>Potential Microsoft Incentives:</b>	<ul style="list-style-type: none"> <li>• Reimbursements and cash incentives for site development</li> <li>• No property tax abatement is being offered</li> </ul>
<b>Potential Infrastructure Improvements:</b>	<ul style="list-style-type: none"> <li>• Construct approximately 6 miles of Veterans Parkway from Maffitt Lake Road to Grand Prairie Parkway</li> <li>• Build a bridge that will cross the Raccoon River and allow Grand Prairie Parkway to be extended north across the river up to Raccoon River Drive</li> <li>• Realign and pave SW 60<sup>th</sup> Street from Cummings city limit to Adams Street</li> <li>• Pave SE 50<sup>th</sup> Street from Veterans Parkway to just past the Polk/Warren county line</li> <li>• Pave Adams Street from SE 50<sup>th</sup> Street to SW 60<sup>th</sup> Street</li> <li>• Construct sanitary sewer from SE 35<sup>th</sup> Street to project site</li> <li>• Extend water lines with roadway improvements</li> <li>• Extension of MidAmerican power lines along SE 50<sup>th</sup> Street and SW 60<sup>th</sup> Street as well as along Veterans Parkway</li> </ul>

# Des Moines Housing | Microsoft (Alluvion) Data Center



## 5796 Pine Ave (1962)

Sq Ft.	1,609
Bed/Bath	3bd/2.5ba
Distance from Data Center	775 ft

### Assessment

2025	\$237,760
2023	\$205,320
2021	\$165,780
2019	\$146,910
2017	\$140,330

## 5788 Pine Ave (2006)

Sq Ft.	2,486
Bed/Bath	3bd/2.5ba
Distance from Data Center	1,008ft <1/5 mile

### Assessment

2025	\$596,100
2023	\$508,800
2021	\$416,700
2019	\$368,400
2017	\$349,800

## 7415 SW 60th St (1880)

Sq Ft.	1,448
Bed/Bath	3bd/1ba
Distance from Data Center	720 ft

### Assessment (house + 51 acres)

2025	\$195,090
2023	\$161,600
2021	\$125,630
2019	\$114,240
2017	\$129,210

## Des Moines, IA market summary

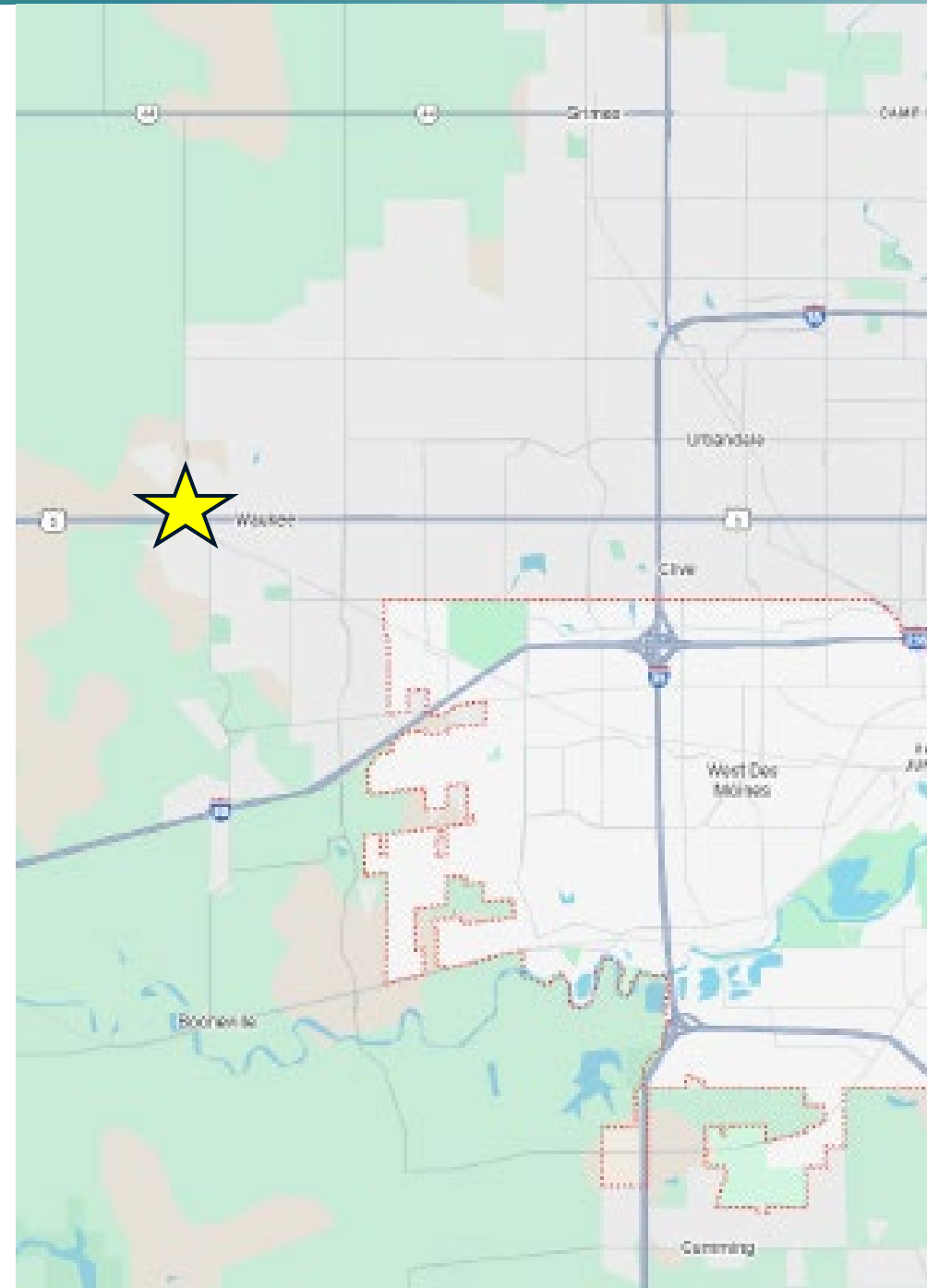
Reporting period: October 2025

Metric	Citywide	1Y Change	3Y Change
Median home \$	\$225,000	-2.18%	11.11%
\$ per sq ft	\$198/sq ft	-1.01%	8.08%
Active listings	1,399	22.22%	33.26%
Avg days on market	60 days	23.33%	31.67%
Rental properties	399	19.50%	10.69%
Median rent	\$1,200/mo	6.25%	5%

Source: [realtor.com/local/market/iowa/polk-county/des-moines](https://realtor.com/local/market/iowa/polk-county/des-moines)

# Waukee

- **Population:** 31,823
- **Apple campus:** Owns approximately 2000 acres
- **Infrastructure:** Developed major infrastructure on site first; approximately \$100 million investment in on-site infrastructure
- **Current facility:** One 316,000+ sq. ft. building (built 2022); second building in design; capacity for 6 buildings on first phase area (600+ acres)



# Waukee



**Power:** Power provided by MidAmerican Energy; Data center substation and city-service substation on site; no brownouts reported.



**Cooling:** Closed-loop water system and proprietary cooling design; few generators on-site.



**Utilities:** Regional water/sewer utility system; agreement to extend utilities through the site as phases are constructed.



**Noise:** No noise complaints reported to-date.



**Growth:** Residential subdivisions continue to move toward facility.

# Waukee

- City bonded to fund infrastructure extensions/improvements
  - Cost recovery through utility service/impact fees
- Approximately \$1.3 M/year generated in tax revenue
- Separate agreement for \$500,000/year contribution to Public Improvement fund over 20 years; estimated to generate a total of \$100 million over the life of the agreement
- Economic development incentive agreement includes a 20-year tax abatement for property taxes on the buildings only

# Waukee Housing



 3205 W Hickman Rd (2012)

 27677 South Ave (1920)

 28309 280<sup>th</sup> St (1900)

Sq Ft. 1,590

Sq Ft. 1,963

Sq Ft. 2,266

Bed/Bath 3bd/1.5ba

Bed/Bath 2bd/1.5ba

Bed/Bath 3bd/1ba

Distance from Data Center  3,188 ft  
0.6 miles

Distance from Data Center  1.23 miles

Distance from Data Center 0.85 miles

## Assessment

## Assessment

## Assessment

2025 \$398,710

2025 \$439,310

2025 \$313,060

2024 \$382,410

2024 \$421,730

2024 \$299,410

2023 \$382,410

2023 \$421,730

2023 \$299,410

2022 \$323,960

2022 \$361,020

2022 \$253,010

2021 \$278,140

2021 \$315,080

2021 \$231,670



## Waukee, IA market summary

Reporting period: October 2025

Metric	Citywide	1Y Change	3Y Change
Median home \$	\$364,900	5.46%	2.71%
\$ per sq ft	\$254/sq ft	-0.79%	3.15%
Active listings	749	-11.28%	23.33%
Avg days on market	64 days	-123.44%	-4.69%
Rental properties	126	-19.05%	0%
Median rent	\$1,900/mo	-13.16%	7.89%

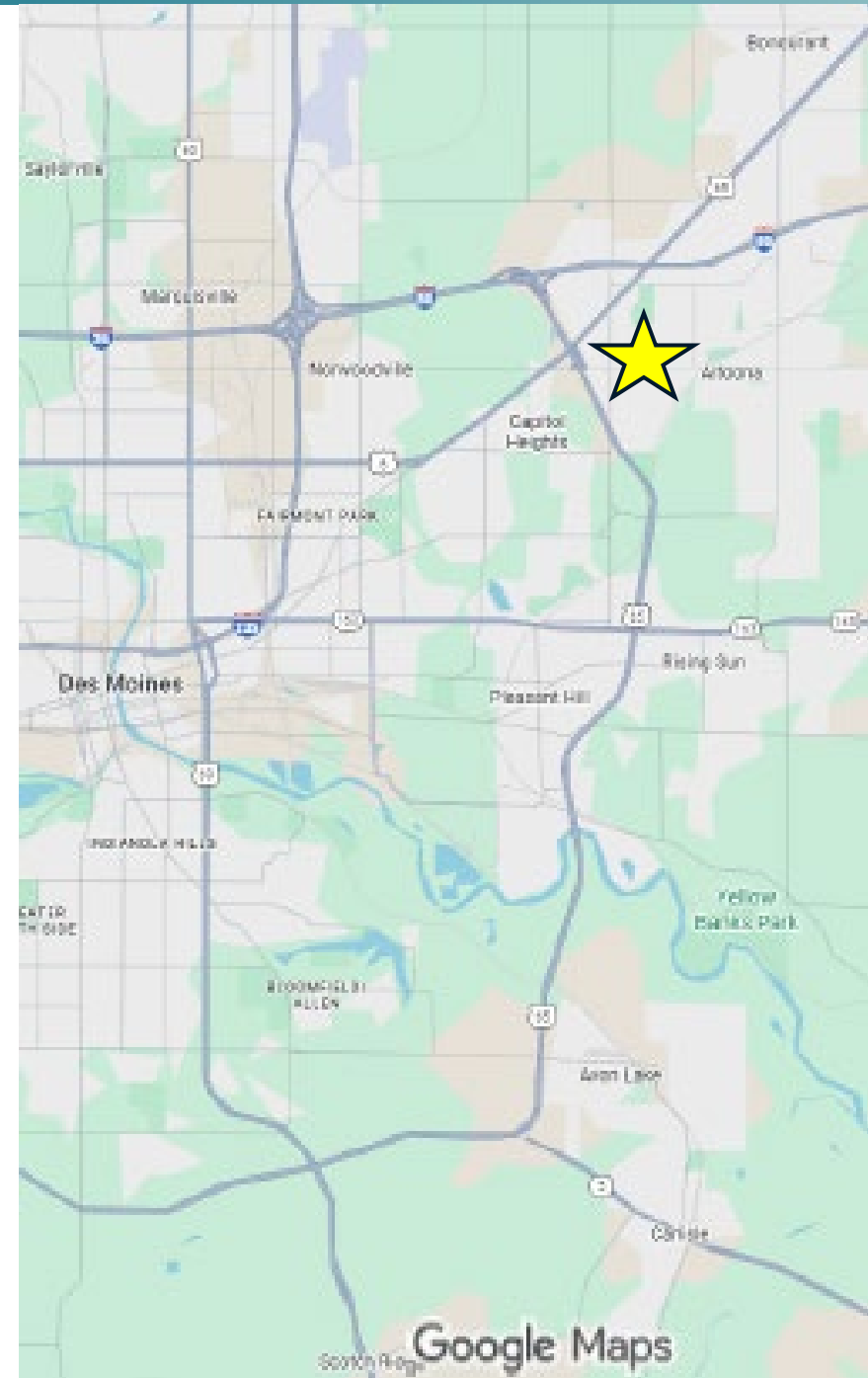
Source: [realtor.com/local/market/iowa/dallas-county/waukee](https://realtor.com/local/market/iowa/dallas-county/waukee)





# Altoona

- **Population:** 19,576
- **Meta campus facility:** 5 million sq. ft. of constructed space over approximately 500-acre campus, continued reinvestment in site
- **Taxable value:** Approximately \$1.1 billion in 2024
- **Financing:** Tax abatement used; Meta agreed to pay the City of Altoona a fixed annual amount of approximately \$3 million per year for 20 years in lieu
- **Jobs:** estimated 400
- **Other:** 2 additional data centers have acquired land for future construction



# Altoona



**Power:** Power provided by MidAmerican Energy; substation located adjacent; no recent rate increases reported. Provider requires study and load commitment agreements.



**Cooling:** Frequently updated for efficiency and sustainability; Evaporative system.



**Utilities:** City water system with aquifer impact review by state; operates under maximum allowance set; Regional sewer utility system.



**Noise:** No noise complaints reported to-date. One lighting complaint during construction.



**Growth:** Spurred additional industrial development near facility.



1/12/2026



City of Monticello

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# Altoona Housing





 6152 NE 46<sup>th</sup> St (1972)

 5980 NE 46<sup>th</sup> St (1981)

 4592 NE 62<sup>nd</sup> Ave (1975)

Sq Ft.	1,653
Bed/Bath	2bd/2ba
Distance from Data Center 	1,108 ft

Sq Ft.	1,692
Bed/Bath	2bd/1.5ba
Distance from Data Center 	1,231 ft

Sq Ft.	1,820
Bed/Bath	2bd/3ba
Distance from Data Center 	1,189 ft

## Assessment

## Assessment

## Assessment

2025	\$499,850
2023	\$435,310
2021	\$336,360
2019	\$311,640
2017	\$320,720

2025	\$281,200
2023	\$253,900
2021	\$206,600
2019	\$188,500
2017	\$168,000

2025	\$447,200
2023	\$402,700
2021	\$323,200
2019	\$214,600
2017	\$191,300



**West Des Moines, IA market summary** ⓘ  
Reporting period: October 2025

Metric	Citywide	1Y Change	3Y Change
Median home \$	\$349,000	-8.88%	7.05%
\$ per sq ft	\$225/sq ft	-0.89%	8.44%
Active listings	640	24.82%	34.56%
Avg days on market	74 days	29.73%	39.19%
Rental properties	122	3.13%	9.38%
Median rent	\$1,802/mo	5.66%	8.44%

# Lessons Learned | Iowa Sites

- Overall, Waukee, West Des Moines and Altoona staff indicated overwhelmingly positive results for their community with minimal nuisance or property impact issues
  - Berming and buffering improvements lessen visual impact
  - No reduced power impact reported
  - No adverse water impacts reported, proactive resource protection steps by some
  - Continued reinvestment in technology for efficiency and on the sites/buildings
- Impacts similar to other light industrial users
  - Substations have greatest visual impact
- Construction on site is on-going and has the potential to generate the most significant impacts to surrounding land uses, while creating direct, indirect and induced job creation
  - Ordinance should address noise, light, operational hours, traffic and storage staging during construction

# Iowa Sites | Economic Summary Information

- The three companies own over 3,100 acres in Polk, Dallas, Madison and Warren counties.
- In 2025, the total assessed valuation of the nine properties owned by Apple, Meta and Microsoft in the four counties totaled just over \$3.5 billion.
- The adjusted valuation of the nine properties totals just over \$1.1 billion.
- The property tax bill for the nine properties in 2024-25 totaled \$30.7 million.

*Source: City of West Des Moines and the Business Record April 30, 2025, Kathy Bolton; (Accessed 1/12/26)*  
[What's the valuation of data center properties in Central Iowa? More than \\$3.75 billion, review shows - Business Record](#)

# Monticello | Estimated Tax Valuation

- Tax base generation and overall tax base stabilization and diversification have been cited by the City as considerations for further evaluating data center land uses within the community.
- The following is a tax estimation and revenue example for an example data center project had one previously been constructed and was included in the city's tax base in 2025.
- **Assumptions:**
  - Based on 2025 property values and property tax levies
  - Valuation of an example data center property is estimated based on \$85/square foot, comparable to other industrial warehousing facilities in the area
  - Does not reflect assumed construction value and investment, which would be higher than taxable market value

# Monticello | Industrial Building Development

## Single-Phase Build

- **Industrial building value:** \$85/sq. ft.
- **Conceptual building size:** 250,000 sq. ft.
- **Total estimated market value:** \$21,250,000
- **Estimated 2025 property taxes:** \$366,406
  - City of Monticello: \$158,153
  - Wright County: \$150,651
  - Monticello ISD #882: \$57,602

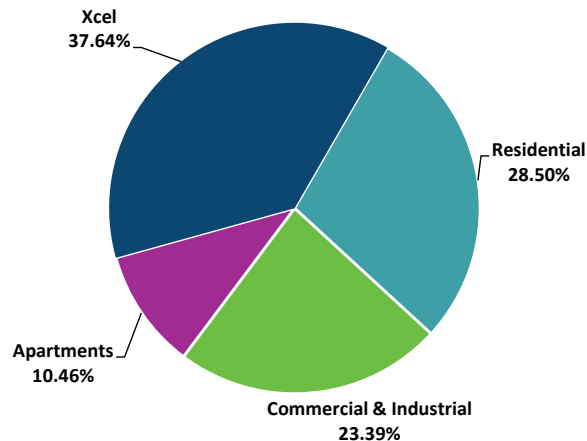
# Monticello | Industrial Building Development Multi-Phase Build

- **Industrial building value:** \$85/sq. ft.
- **Conceptual building size:** 3,000,000 sq. ft.
- **Total estimated market value:** \$255,000,000
- **Estimated 2025 property taxes:** \$4,136,426
  - City of Monticello: \$1,692,028
  - Wright County: \$1,781,290
  - Monticello ISD #882: \$663,108

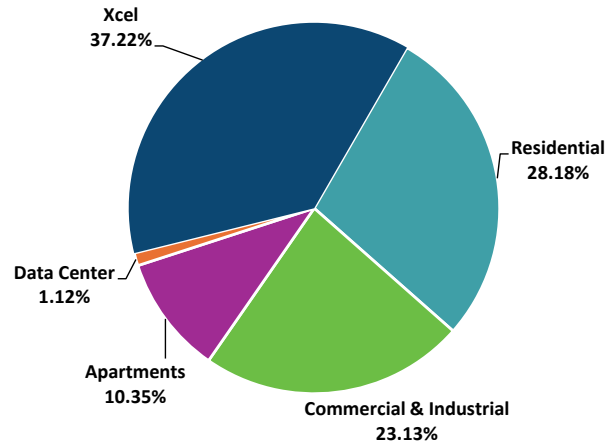
# What does that mean for Monticello's tax base?

- Development's total annual property tax as a percentage of the 2025 city levy would have been:
  - 250,000 SF: 1.1%
  - 3,000,000 SF: 12.0%

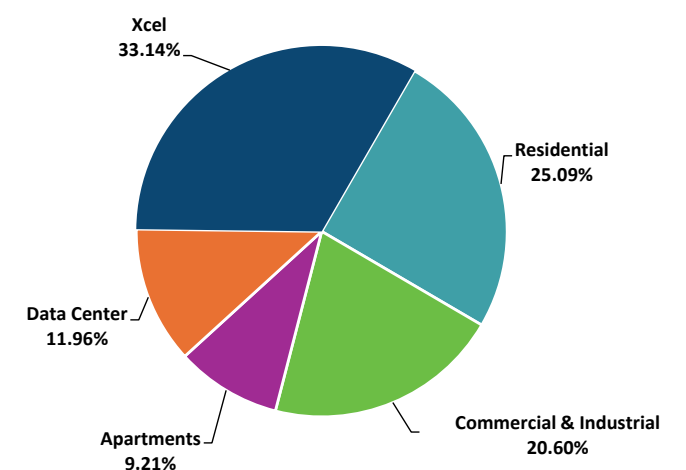
2025 (Actual)



2025 (if 250,000 sq.ft.)



2025 (if 3,000,000 sq.ft.)



# What does that mean for the Monticello taxpayers?

- The resulting impact on 2025 city property taxes for other example properties would have been:
  - 250,000 SF
    - Residential property values at \$400,000: Reduction of \$16
    - Commercial property valued at \$3,844,000: Reduction of \$322
    - Apartment property values at \$4,908,300: Reduction of \$259
  - 3,000,000 SF
    - Residential property values at \$400,000: Reduction of \$176/year
    - Commercial property valued at \$3,844,000: Reduction of \$3,440/year
    - Apartment property values at \$4,908,300: Reduction of \$2,772/year

# Monticello | Fiscal Diversification Goals

- Non-incentivized new development spreads the tax levy over a larger pool of payers, which has a positive impact on existing taxpayers.
- However, that is one component of a vital broader financial strategy.
- Diversification facilitates
  - Resiliency in the local economy and in the community
  - Necessary planning, investment, and reinvestment in infrastructure, facilities, etc. to benefit the community
  - Flexibility to adapt to economic changes, insulate from volatility outside of the City's direct control

# Water Consumption

- Minn. Stat. 103G.265, subd. 5, now allows the DNR to ask the proposed data center project owner and/or consultant for information that will help determine whether the potential source of water could sustainably provide for the project and other uses prior to the submission of a water permit application. This only applies to proposed projects that would use more than 100 million gallons of water per year.
- Minn. Stat. 103G.271 subd. 5b, now requires the DNR to add permit conditions to existing or new water appropriation permits for data center projects where use would exceed more than 100 million gallons of water per year.
  - Conditions applied to a permit may require that water conservation and efficiency practices are implemented, that the proposed use is sustainable, and that any concerns related to public health, safety and welfare are addressed.
  - The DNR also may require an applicant to conduct an aquifer test to determine if the planned area of construction has an adequate water supply for the proposed usage.

# Monticello Power Requirements

- Xcel Energy
  - Detailed 2-step power study at developer's expense
    - System Impact Study - planning level document for capacity and demand
    - Facilities Study - detailed infrastructure, including costs and timelines
  - Vertically integrated company controlling power generation, transmission and infrastructure
- Under Minn Stat. 216B.1622:
  - The Public Utilities Commission (PUC) approves, modifies, or rejects tariff or electric service agreements proposed between a public utility and a very large customer (as defined by the PUC)
  - PUC establishes the terms and conditions under which the utility will provide electric service to the customer. PUC must consider how best to achieve the following required outcomes:
    - All costs attributable to the utility's very large customers
    - That the electricity to be provided by the utility to a very large customer achieves each quantitative benchmark of the state's electricity standards
    - The tariff or agreement contains protections necessary to ensure that other customers of the public utility are not placed at risk for paying stranded costs associated with the utility serving the very large customer
    - Any other outcome deemed important by the commission to ensure the tariff or agreement is in the public interest.



# 100 Share Way NW

Meta Campus - 1,440,000 square feet/580 acres



Imagery ©2026 Airbus, Maxar Technologies, USDA/FPAC/GEO, CNES / Airbus, Map data ©2026 500 ft



## 100 Share Way NW

Building



Directions



Save



Nearby



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Share



100 Share Way NW, Altoona, IA 50009

## Photos



12 Photos

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1475 SE Maffitt Lake Ct

Site #5 = Project Ginger East



Imagery ©2026 Airbus, Maxar Technologies, USDA/FPAC/GEO, Map data ©2026 Google 200 ft



1475 SE Maffitt Lake Ct

West Des Moines, IA 50265



Directions



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G78G+J4 West Des Moines, Iowa

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2995 W Hickman Rd

Apple Data Center - 300,000 + sf currently/2000 acres



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2995 W Hickman Rd

Building



Directions



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2995 W Hickman Rd, Waukee, IA 50263

3590 SE Soteria Ave

Site #2 - Project Alluvion



Imagery ©2026 Airbus, Maxar Technologies, USDA/FPAC/GEO, Map data ©2026 Google 200 ft



3590 SE Soteria Ave



Directions



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3590 SE Soteria Ave, West Des Moines, IA 50265



G7CQ+26 West Des Moines, Iowa

## Photos



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3590 SE Soteria Ave

Sites #2 and 5 - Project Alluvion and Project Ginger East



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3590 SE Soteria Ave



Directions



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3590 SE Soteria Ave, West Des Moines, IA 50265



G7CQ+26 West Des Moines, Iowa

## Photos



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5855 SW Kerry St

Site #3 - Project Osmium



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5855 SW Kerry St



Directions



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5855 SW Kerry St, West Des Moines, IA 50273



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## 5855 SW Kerry St



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5855 SW Kerry St, West Des Moines, IA 50273



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## 8555 Grand Ave



Directions



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8555 Grand Ave, West Des Moines, IA 50266



### Confirm or fix this location

The location shown is not precise

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## 8555 Grand Ave



Directions



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8555 Grand Ave, West Des Moines, IA 50266



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## 11100 Booneville Rd

Building



Directions



Save



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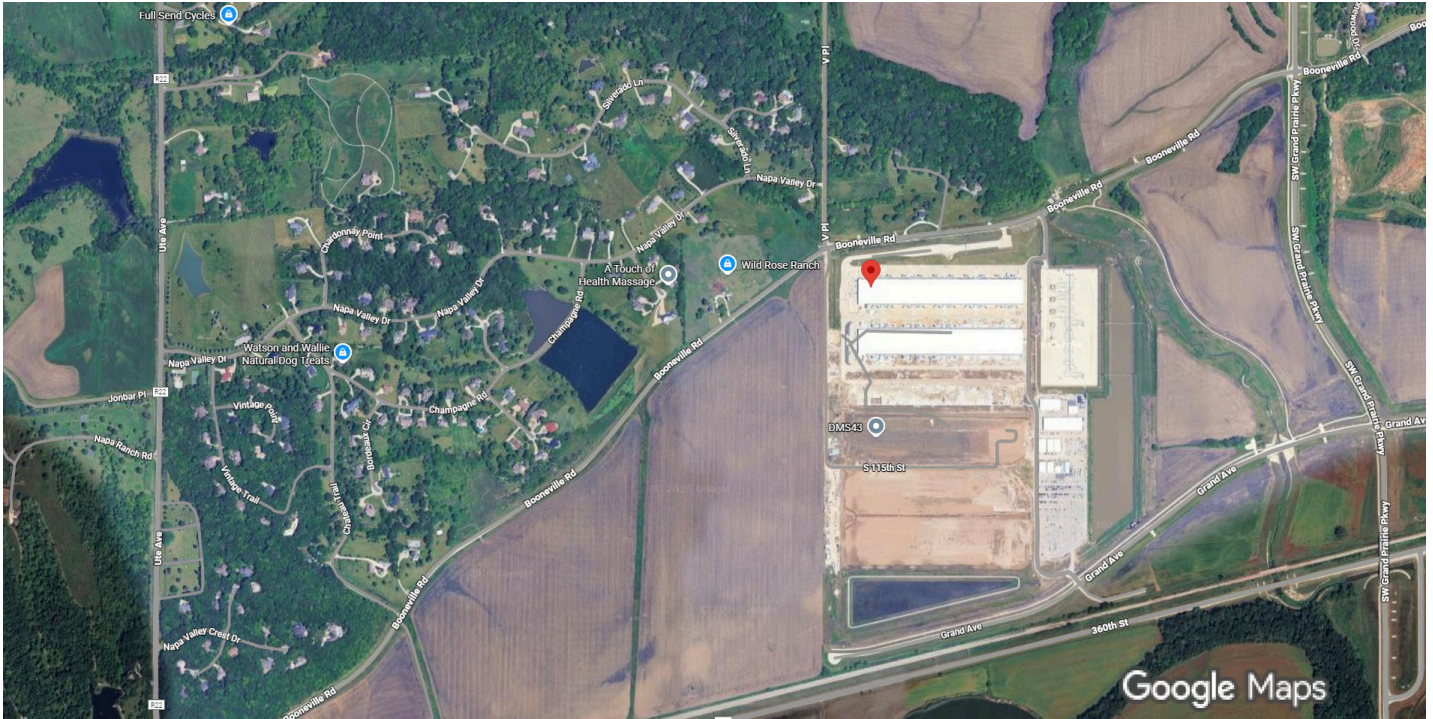


11100 Booneville Rd, West Des Moines, IA 50266



11100 Booneville Rd

Site #4 - Project Ginger



Imagery ©2026 Airbus, Maxar Technologies, USDA/FPAC/GEO, Map data ©2026 500 ft



11100 Booneville Rd

Building



Directions



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Nearby



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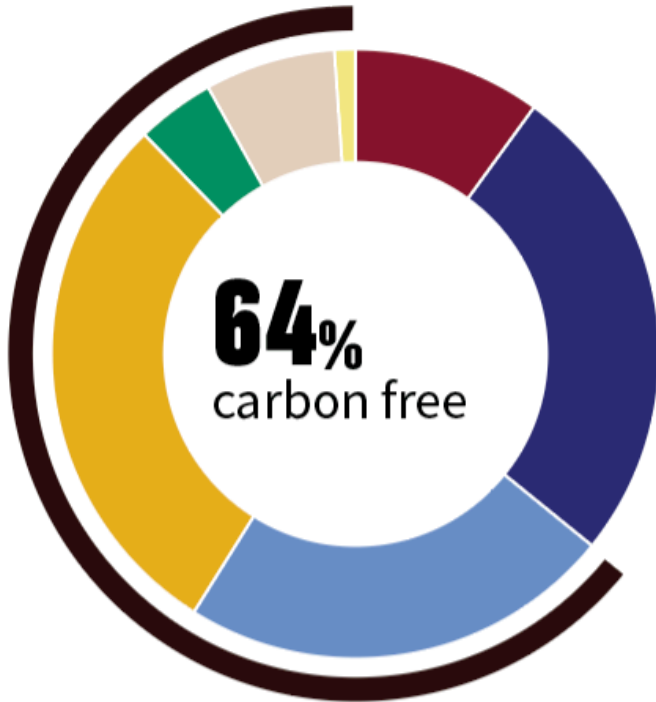
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11100 Booneville Rd, West Des Moines, IA 50266

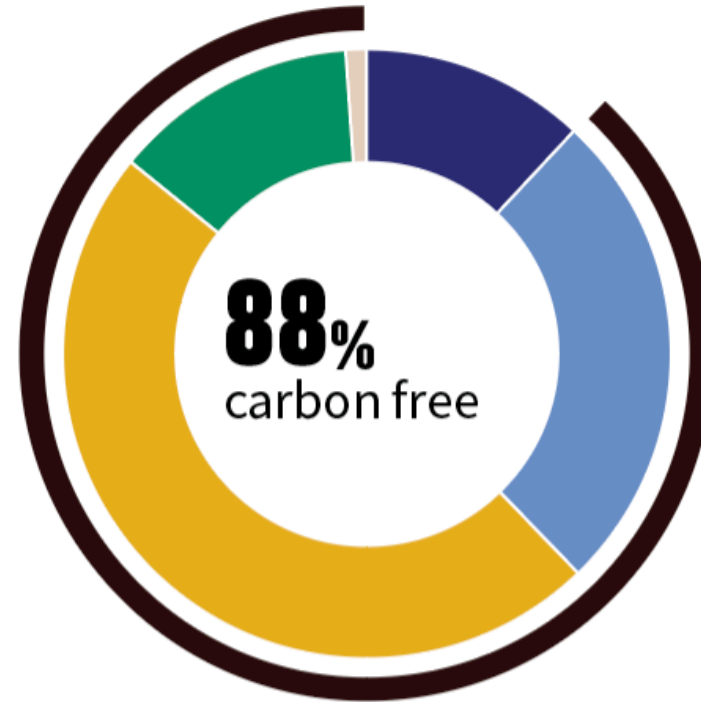
# LEADING THE CLEAN ENERGY TRANSITION

## 2024 Energy Mix – Minnesota



Coal	10%
Natural Gas	26%
Nuclear	23%
Wind	29%
Solar	4%
Other Renewable	7%
Other	1%

## 2030 Projected Energy Mix



Natural Gas	12%
Nuclear	26%
Wind	48%
Solar	13%
Other Renewable	1%

2030 projected energy mix values are based on a dispatch model that considers the regulatory cost of carbon.

XCEL ENERGY

# TRANSMISSION PLANNING & PERMITTING PROCESS



## 1. Interconnection Request Submission

Initiates the formal process and requires demonstration of site control.

Key submission details include:

- Voltage level and load characteristics
- Ramp rate and system impact potential
- Substation ownership and geographic location

## 2. System Impact Study (SIS)

**Timeline:** ~3-4months | **Cost:** Payment required

- Provides a planning-level assessment of grid upgrades needed to accommodate the project.
- Includes preliminary cost estimates and identifies potential constraints.

## 3. Facility Study

**Timeline:** ~4 months | **Cost:** Payment required

- Delivers refined estimates ( $\pm 30\%$ ) for upgrade costs and project timelines.
- Supports more accurate budgeting and scheduling decisions.

## 4. Post-Study Requirements

- ✓ **Engineering & Procurement (E&P) Agreement** Provides capital to cover from studies completion until ESA/IA are done. This unlocks equipment procurement and permitting efforts.
- ✓ **Transmission Line Permitting:** State permitting process (~14-24 months) required for new transmission extensions.
- ✓ **Interconnection Agreement / Electric Service Agreement:** Formal contract outlining financial responsibilities and delivery commitments between the project and Xcel.



MINNESOTA

# NEW DATA CENTER REGULATIONS

Across the country, utilities are grappling with how to manage the surge in energy demand from data centers while **maintaining reliability and meeting clean energy goals**

Minnesota has taken significant steps to establish a more transparent and robust framework for data center development.

In June 2025, the state legislature passed several requirements for data centers and for electric utilities that will shape their construction, finances, and regulatory permitting process.

## PUC Directive for Rate Class

*DOCKET NO. 082/CN23-212, Order Point 32*

- Ensure that all incremental costs attributable to super-large customers are assigned to the super-large class or sub-class.
- Provide electricity to the super-large class or sub-class that achieves each benchmark of the state's electricity standards under Minn. Stat. § 216B.1691.
- Include provisions to ensure that super-large customers financially commit to purchasing a certain level of electricity to protect non-super-large customers from the risk of stranded costs.
- Include provisions to ensure that all super-large customer-related incremental costs will be recovered over the life of the service agreement.
- Include provisions to ensure that, if the super-large customer ceases operations for any reason, all remaining financial commitments will still be paid.

# OUR NEW RATE CLASS FOR SUPER-LARGE CUSTOMERS

## What Does this Mean for Xcel Energy?

- Xcel Energy must file by July 16, 2025  
*DOCKET NO. E0025289*
- Applies to data centers & other large load customers
- Goals: Clean energy compliance, no harm to existing customers, ensure system benefit

## Xcel's Proposed Terms

- Customer is responsible for all direct interconnection costs
- Agreements require a minimum commitment of 15 years
- Customers must commit to 75% minimum demand obligation
- Exit fees apply if the customer leaves before the contract ends
- Monthly bills are secured to ensure payment



XCEL ENERGY  
**FUTURE**  
CONSIDERATIONS



### Positive Rate Impacts

Adding large customers with proper safeguards helps spread fixed cost, potentially benefiting all customers.



### Clean Energy Options

Working with the state and large load customers to advance and implement clean energy initiatives.



### Infrastructure That Benefits

Data centers are required to fund their interconnection, should system upgrades be required, there may be a benefit to the broader system

**ORDINANCE NO.**

**CITY OF MONTICELLO  
WRIGHT COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING TITLE XV, CHAPTER 153 OF THE MONTICELLO CITY CODE, KNOWN  
AS THE ZONING ORDINANCE, ESTABLISHING A DATA CENTER PLANNED UNIT DEVELOPMENT**

***THE CITY COUNCIL OF THE CITY OF MONTICELLO HEREBY ORDAINS:***

**Section 1.** Section §153.012, Definitions, is hereby amended to add or amend the following:

***Data center, accessory.*** A use which is incidental and subordinate in both area and extent to a principal use of property and which serves the principal use for the purpose of storage, management, processing, and transmission of digital data, which houses computer or network equipment. Such accessory use shall not include any mechanical equipment not fully shielded by building walls and shall not include any external power generation equipment.

***Data center.*** A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, services, appliances, and other associated components related to digital data storage and operations, together with its accessory and appurtenant facilities, which may also include offices, air handlers, back-up power generators, water cooling systems and water storage facilities, utility substations, and other associated infrastructure necessary to support sustained operations at a data center. The term Data Center shall not include digital data computing facilities which are not the principal use of a property in extent or area but which perform similar functions. The term Data Center shall not include data mining as defined by this ordinance.

***Data center campus.*** A Data Center that occupies more than one building, but is otherwise interconnected by power supply, communication systems, power generation or other operational systems to form a unified Data Center facility. This definition may include, but shall not be limited to, “Technology Campus”, “Cloud Computing Center”, “Information Technology Campus”, and similar phrases and terms. May include data management or storage buildings, offices, and ancillary support buildings and structures including secure and controlled entrances, and perimeter fencing.

***Data center floor area ratio (DCFAR).*** The floor area ratio for a data center facility shall be defined as the ratio obtained by dividing the total gross floor area of the principal and accessory data center building(s) by the total gross land area of the proposed Data Center Planned Unit Development, less the square footage

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of stormwater ponding or public waters (measured from ordinary high water level), wetlands (measured from the delineation line), easements necessary for public improvements, right of way required to be platted for any purpose, and land area for required setbacks and perimeter buffer yards established per this ordinance. All measurements shall be to the nearest 1/10<sup>th</sup> of an acre.

**Data mining.** A temporary or portable structure used primarily for the storage, management, processing, and transmission of digital data which houses computer or network equipment, systems, services, appliances, and other associated components related to digital data storage and operations. Such facilities are less than 5,000 square feet individually or when assembled in multiple temporary or portable structures and are not constructed of customary industrial building materials such as concrete panels, masonry block, brick or other similar materials. These facilities include no permanent employment on-site.

**Section 2.** Section §153.045, Industrial Base Zoning Districts, is hereby amended to add the following:

**(F) Data Center Planned Unit Development (DCPUD) Zoning District**

(1) *Purpose.* The City Council finds that data center uses are highly variable in size, scope, impact, and potential issues, and all such variables may have differential impacts on existing and future land uses, or on the City's land use plans and regulations. The purpose of the Data Center Planned Unit Development (DCPUD) Zoning District is to provide for, and regulate, Data Center development in appropriate locations, specifically within areas that are otherwise designated for Light Industrial Park land use in the Monticello Comprehensive Plan (2040 Vision + Plan), as it may be amended. It is the intent of this ordinance that all costs of development and infrastructure attributable to data center development, if approved, shall be borne by the data center developers, owners, and/or operators, and that approvals, if granted, shall provide for financial guarantees in this regard as a condition of any such approvals. There shall be no inherent right to rezoning to DCPUD, nor to any of the approvals necessary to develop a data center in the City.

(2) *Approval Criteria.* No land shall be zoned as DCPUD unless the planned unit development is found consistent with all of the following factors, or if inconsistent, where the City Council specifically finds that the design of the facility has mitigated any inconsistent factor.

- (a) Land is guided as Light Industrial Park in the City's applicable Comprehensive Plan.

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- (b) Land is zoned I-1 (Light Industrial District) in the City's applicable zoning ordinance if currently annexed to the City of Monticello.
- (c) The DCPUD will be served by City sanitary sewer and water supplies for specified data center demands and is able to demonstrate to the satisfaction of the City that the DCPUD will not create shortages in the capacity of the City's sanitary sewer and water supplies or create an inability to provide adequate utility service in other existing or planned areas of the City, including the Monticello Orderly Annexation Area.
- (d) The DCPUD will provide financial guarantees for the installation of all municipal utilities, transportation, and any other public infrastructure deemed necessary by the City to support the DCPUD and for any infrastructure improvements or mitigation for the expected public infrastructure impact or capacity increase created or required by the DCPUD and will identify a timeline satisfactory to the City for the submission of payments and securities for such infrastructure.
- (e) The DCPUD, if developed in phases, will provide the necessary financial guarantees to avoid the stranding or incomplete extension of municipal infrastructure resources to the furthest extent of the PUD. Except where expressly approved by the City Council, all public rights of way or easements shall be dedicated and/or extended to limits of the property zoned DCPUD to facilitate extension to adjoining property as a part of first-phase of development.
- (f) The DCPUD will be adequately served with electricity supplies for the specified data center demands from the local electric power supplier as required by phase if applicable and demonstrates power supply capacity to existing property owners in the City and planned areas of the City, including the Monticello Orderly Annexation Area.
- (g) The DCPUD will provide adequate vehicular and non-vehicular transportation facilities, such as roadways, pathways, sidewalks or similar, to serve the project and will adequately extend such facilities to serve adjoining future development areas.
- (h) The DCPUD will not displace other land uses the City deems important for the stable, long-term growth of the community, including other industrial lands or lands critical to the achievement of the City's long-range development goals, and the City determines that absorption of land area for data center development is appropriate based on the City's industrial

## ORDINANCE NO.

and other long-range land use development goals as described in the Monticello 2040 Plan and other adopted City planning documents.

- (i) The DCPUD will provide identified public benefits, including the creation and maintenance of tax base, and will avoid negative impacts such as those identified in this section, over the long term.
  - (j) The DCPUD identifies and demonstrates adequate compliance with the provisions of this section and State law for exterior impacts perceptible from the boundaries of the facility, including but not limited to those for noise and lighting impacts.
  - (k) The DCPUD will demonstrate compliance with all other applicable sections of this chapter.
  - (l) All applicable State Pollution Control Agency, Department of Natural Resources, Department of Health, and Department of Transportation requirements are met to the City's satisfaction.
  - (m) The DCPUD will not conflict with other elements of the City's Comprehensive Plan.
- (3) *Permitted uses.* Uses allowed in the DCPUD are as follows, subject to the procedural and performance standards of this District, and all generally applicable standards of the Monticello Zoning Ordinance:
- (a) Data Center.
  - (b) Data Center Campus.
  - (c) Accessory buildings and uses as expressly provided for by this section.
- (4) *Accessory uses.* The following accessory uses are allowed in the DCPUD:
- (a) Offices.
  - (b) Appurtenances, or support facilities such as outdoor generators, mechanical or electrical equipment including substations and transmission structures, or similar elements.
  - (c) Off-Street Parking, subject to the requirements of the Monticello Zoning Ordinance Section §153.067 per Parking Schedule #2.
  - (d) Signs, Fencing, Off-Street Loading, and Grading, Drainage Erosion Control and Stormwater Management and Erosion Control subject to the provisions of this chapter, except as otherwise prohibited or regulated by this section.
  - (e) Roof-mounted solar-energy systems or green-roof installations.

## ORDINANCE NO.

- (f) EV charging stations.
  - (g) Any other use that is subordinate to and serving the principal use and customarily incidental to the principal use. Such use must be depicted in DCPUD Development and Final Stage plans and be specifically authorized by the adopted DCPUD ordinance.
- (5) *Prohibited uses.* The following uses are specifically prohibited in the DCPUD:
- (a) The use of cargo containers, railroad cars, semi-trailer containers, and other similar storage containers, or any building that does not meet the building standards of this section.
  - (b) Commercial wind energy systems.
  - (c) Commercial telecommunication towers as defined by this chapter.
  - (d) Ground-mounted solar energy systems.
  - (e) Outdoor storage as defined by the chapter.
  - (f) Data mining as defined by this ordinance.
- (6) *Environmental Review.* If an EAW, EIS or AUAR is applicable for the proposed DCPUD project under State or law, such review must be completed prior to application. Such review may commence after a concept submission as outlined by this section. Individual components of a DCPUD development which may require separate environmental review may be completed after application. Such review is subject to the applicable provisions of this chapter.
- (7) *District performance standards.* Any application for amendment to the zoning map to rezone land to DCPUD under this Section shall be considered incomplete if it does not address each of the performance standards in such a way as to provide the City with sufficient information to properly evaluate each element in this Section. Any deviation from these standards requires approval of a variance, which shall be reviewed in accordance with §153.028.
- (a) Any application for DCPUD shall be accompanied by a proposed Preliminary Plat subject to the application and procedural requirements of Chapter §152: Subdivisions and shall only be developed on land subject to said Plat.
  - (b) The minimum data center floor area ratio (DCFAR) for the DCPUD and any individual phase of the DCPUD shall be .25. At no time shall any individual developed phase of the of the DCPUD be constructed at an FAR of less than 25%.

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(c) The minimum setback for all principal, accessory and appurtenant structures shall be as follows.

Table X-X					
Structure	Setback from DCPUD Property Line (Setbacks applicable for parcels adjacent but for intervening street easement or ROW)				
	Parcels used for principal agricultural uses only	Parcels used, guided or zoned for residential, civic/institutional or mixed-uses	Delineated wetland, public parkland, or public recreational property	Parcels guided or zoned commercial	Parcels guided or zoned industrial
Principal building structure(s) when any equipment (including generators) is fully screened by principal building(s) or located within a principal building(s), or is located to the interior of the site's principal structure(s) and ground mounted	100'	200'	200'	100'	100'
Principal building structure(s) when mechanical equipment (including generators) is oriented to any exterior portion of the structure(s) and/or non-ground mounted	200'	300'	300'	200'	200'
Off-Street Parking	100'	150'	150'	50'	50'
Off-Street Loading Facilities	100'	150'	150'	100'	100'

**ORDINANCE NO.**

Fences or Walls	May be placed at any location between the property line and principal structure(s), except such fences or walls may not be located within a drainage and utility easement or designated wetland buffer area, and perimeter buffer landscaping materials must be planted on the exterior of the fence or wall.				
Other Accessory or Appurtenant Structures (exceptions: lighting)	100'	300'	300'	100'	100'

(d) The maximum height for principal and accessory structures shall be 50'.

- i. Appurtenant structures may exceed the height of the principal or accessory structure by a maximum of 15'. Private communication antenna within the DCPUD may exceed this height up to a maximum of 100' as specifically identified and approved in the Final Stage PUD. Substation equipment within the DCPUD are exempt from this height requirement.

(e) Principal building exterior finishes shall consist of materials compatible in grade and quality to the following:

- i. Decorative rock face block.
- ii. Glass.
- iii. Cast in place concrete or pre-cast concrete panels.
- iv. Brick.

(f) Accessory building exterior finishes shall consist of materials compatible in grade and quality to the following:

- i. Decorative rock face block.
- ii. Glass.
- iii. Cast in place concrete or pre-cast concrete panels.
- iv. Brick.

- v. Exterior insulated finish systems.

(g) Noise emanating from the facility, or from any appurtenant or accessory use or element of the facility, shall be in compliance with and regulated by the State of Minnesota pollution control standards and rules. Mitigation strategies are required to be implemented to provide assurance of conformity with these regulations.

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- i. Monitoring equipment must be installed and maintained over the operational life of the DCPUD. Monitoring stations must be placed at each DCPUD boundary property corner and every 1000' along the DCPUD property line when abutting residential property.
  - ii. Monthly inspection of monitoring stations for operational sufficiency and monthly noise monitoring reports meeting State of Minnesota pollution control guidelines for measurement must be provided by a third-party monitoring and inspection service over the operational life of the DCPUD. The service provider shall be subject to the review and consent of the City. The monitoring service shall prepare a monthly report to the City of Monticello on the facility's noise performance. The operational cost of monitoring shall be at the owner(s) expense and a security for such monitoring shall be specified as part of the required site improvement plan agreement.
- (h) Back-up power generators within the DCPUD may only be used for back-up power generation purposes for uses within the DCPUD.
- i. Testing of generators may only occur between the hours of 8 AM and 4 PM, Monday through Friday. A testing schedule must be filed annually with the City.
  - (i) All lighting fixtures and illumination levels must meet the requirements of §153.063. Lighting, except that illumination must be 0.0 footcandles at the property line abutting properties used, zoned or guided for residential, civic or institutional, recreational, or parkland uses. No external light source shall be located closer than 50' from any property line of a parcel used, zoned or guided for residential, parkland or recreational uses.
  - (j) Any outdoor facilities or equipment such as back-up generators, parking and private circulation areas, other mechanical equipment regardless of location, security or chain link fencing, or any other similar outdoor facilities shall be fully screened to 100% opacity when viewed at comparable grade from abutting property used, zoned, or guided for residential or recreational uses, and from the public right of way.
    - i. Landscaping materials used for screening may be counted toward the minimum site landscaping requirements of this chapter.
    - ii. Landscaping utilized for screening must be designed by a qualified landscape architect to meet the opacity requirements within 3 years of planting.

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- iii. Screening may be accomplished through individual or combination use of fencing or walls meeting the materials requirements of this section, landscaping, and/or berming.
  - iv. Landscaping materials and berming used for screening may be located within the required structure setback; fences and walls are subject to the structure setback above.
  - v. Fences or walls used for screening purposes must install the required perimeter buffer landscaping materials on the exterior side of the wall.
  - vi. Chain link fence with slats shall not be used for screening purposes.
- (k) All trash enclosures and storage must be located within a structure and identified on DCPUD plans.
- (l) Rooftop mechanical equipment shall be fully screened when viewed from the adjoining property lines via screening walls or parapets which match the building materials of the building on which they are located.
- (m) Site landscaping shall meet the required minimum site landscaping standards of this chapter, with the additional requirements or exceptions follows:
- i. The DCPUD shall provide for established sodding in all ground cover areas not otherwise used for tree or shrub plantings except as exempted for approved native plantings.
  - ii. The DCPUD shall provide irrigation systems for all landscaped areas except as exempted for approved native plantings.
  - iii. The DCPUD shall not be required to install island delineation landscaping as required by this Chapter.
- (n) A perimeter buffer shall be installed around the entire perimeter of the DCPUD and maintained for the duration of DCPUD facility operation per the requirements of this chapter, subject to the following additional requirements or exceptions:
- i. Installation of such buffer shall be required regardless of any intervening or abutting roadway or public right of way.
  - ii. Such buffer must include a 25% minimum evergreen species requirement, to be spaced throughout the buffer.

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- iii. The required perimeter buffer for the full DCPUD area shall be installed and completed with the first phase of development.
  - iv. The perimeter buffer landscaping material may be located within the applicable structure setback and shall be located at the exterior side of any screening or perimeter buffer wall.
  - v. The perimeter buffer shall not be required where the DCPUD property boundary directly abuts a property used for industrial uses but shall be required when adjacent to or abutting all other property uses, including public right of way or public street easement.
- (o) Fencing or walls shall be constructed of maintenance-free vinyl fencing or brick, stone, masonry or decorative stamped and colored concrete which mimic brick, stone or masonry.
- (p) Chain link fencing may be used for security purposes and shall be black or black coated vinyl and shall not include slats. Linear barbed wire is permitted on the top of such fenceline. In such case, screening to 100% opacity must be placed between the security fence and property line.
- (q) The facility shall provide parking for employees or service personnel at a rate per §153.067, Parking Schedule #2.
- (r) Substations within the DCPUD shall be subject to the following:
- i. Must be located within the DCPUD.
  - ii. Must comply with the accessory setbacks as established herein.
  - iii. Must comply with the lighting standards established herein.
  - iv. Must comply with the perimeter buffer requirements for landscaping materials per §153.060.
  - v. Electrical transmission lines extended to the substation are not subject to §153.065 Underground Utilities.
  - vi. Substation equipment is not subject to the height requirements of this section or this chapter.
  - vii. The number of substations serving a data center or data center campus are limited to those necessary for operating the data center or data center campus exclusively.
- (s) In addition to the standards of this section, all other provisions of the City's ordinance, including zoning and subdivision regulations, shall apply to the facility, unless otherwise exempted. With regard to specific zoning

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district standards, the requirements of the DCPUD zoning district shall apply. Except for regulations of applicable zoning overlay districts, where the terms of this section vary from the zoning and subdivision regulations, the requirements of this section shall apply.

- (8) *DCPUD Initiation of Proceedings.* Requests for DCPUD concept stage, development stage permit, rezoning to DCPUD, and DCPUD final stage permit shall be initiated by application of the property owner or other person having authority to file an application pursuant to § [153.027](#)(B), Authority to File Applications.
- (9) *DCPUD Application.*
- (a) Applications for rezoning to DCPUD shall be subject to this section and shall not be subject to the Specific Review Procedures and Requirements of this chapter for rezoning to Planned Unit Development.
  - (b) Submission of a DCPUD Concept Stage Submittal shall be in accordance with this Section and are not subject to the Specific Review Procedures and Requirements of this Chapter for Planned Unit Development.
  - (c) Applications for DCPUD Development Stage Permit and DCPUD Final Stage Permit shall be in accordance with this section and are not subject to the Specific Review Procedures and Requirements of this chapter for Planned Unit Development. The application for DCPUD Development Stage Permit and DCPUD Final Stage Permit shall not run concurrently.
  - (d) Applications for Preliminary and Final Plat as required by this section shall be submitted in accordance with § 152: Subdivisions.
  - (e) Rezoning to DCPUD does not revoke, rescind or otherwise render as not applicable the requirements of this ordinance for any applicable overlay district effective at the time of annexation and as required by State law.
  - (f) All other requirements or provisions not specifically provided for by this section or otherwise exempted shall be as per City Code.
- (10) *DCPUD Concept Stage Submittal.* Prior to submitting applications for development stage PUD, preliminary plat, and rezoning for the proposed DCPUD, the applicant is encouraged, at its option, to prepare an informal concept and present it to the Planning Commission and City Council at a concurrent workshop, as scheduled by the Community Development Department. The purpose of the concept stage submittal is to:
- (a) Provide preliminary feedback on the concept in collaboration between the applicant, City staff, Planning Commission, and City Council.

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- (b) Provide a forum for public information on the DCPUD prior to a requirement for extensive engineering and other plans.
- (c) Provide a forum to identify potential issues and benefits of the proposal which can be addressed at succeeding stages of PUD design and review.

(11) *DCPUD Concept Stage Submittal Requirements.* Proposals for a DCPUD Concept Stage Submittal shall include at least the information below to be considered complete (except as exempted by the Community Development Department based on a written request submitted by the proposer).

- (a) A listing of contact information including name(s), address(es), email(s) and phone number(s) of: the owner of record, authorized agents or representatives, engineer, surveyor, and any other relevant associates.
- (b) A listing of the following site data: Address, current land use guidance, current zoning, parcel size in gross acres and square feet, and current legal description(s).
- (c) A narrative explaining the applicant's proposed objectives for the DCPUD, and public values that the concept submitter believes may be achieved by the project.
- (d) A narrative description of proposed DCPUD use, including anticipated or known accessory or appurtenant uses.
- (e) A narrative description of the public infrastructure requirements of the DCPUD as known.
- (f) Conceptual information on proposed power transmission routing within the city and to the boundary of the DCPUD, if known.
- (g) Calculation of the proposed DCPUD FAR.
- (h) Outline a conceptual development schedule indicating the approximate date when construction of the project, or stages of the same, can be expected to begin and be completed (including the proposed phasing of construction of public improvements and recreational and common space areas).
- (i) A concept PUD proposal illustrating:
  - i. Proposed DCPUD boundary.
  - ii. Layout of proposed lots and proposed uses. Denote outlots planned for public dedication and/or open space (schools, parks, etc.).

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- iii. General location of wetlands and/or watercourses over the property and within 200 feet of the perimeter of the subdivision parcel.
- iv. Location of existing and proposed streets within and immediately adjacent to the subdivision parcel.
- v. Proposed sidewalks and trails.
- vi. Proposed location of any electrical substation(s).
- vii. General location of wooded areas or significant features (environmental, historical, cultural) of the parcel.
- viii. Location of utility systems and connection points that will serve the property including the proposing routing to demonstrate service to the furthest extent or boundary of the DCPUD.
- ix. Location of access points to public right of way.

(12) *DCPUD Concept Stage Submission Review.* Upon receiving a PUD concept plan proposal, the Community Development Department shall:

- (a) Schedule a joint workshop of the Planning Commission and City Council and shall provide notice of the meeting to all property owners within 350 feet of the property boundary of the proposal. During the joint workshop, the Planning Commission and City Council may make comment on the merit, needed changes, and suggested conditions which may assist the proposer in future application for proposed rezoning and PUD development plan.
- (b) The Planning Commission and City Council will also take comment from the public as part of the joint workshop. The comment is explicitly not a public hearing on the concept and the public comments are intended to represent preliminary feedback related to the DCPUD concept information.
- (c) The Council and Planning Commission shall make no formal decision as part of the consideration. The City Council and Planning Commission's comments are explicitly not an approval or decision on the project and are intended to represent preliminary feedback on the DCPUD concept information and its relationship to the comprehensive plan and this DCPUD ordinance.

(13) *DCPUD Development Stage Permit, Preliminary Plat and Rezoning Application Submittal Requirements.* Proposals for a DCPUD Development Stage Permit and Rezoning to DCPUD shall include at least the information below to be

## ORDINANCE NO.

considered complete (except as exempted by the Community Development Department based on a written request submitted by the proposer). All costs of application and preparation of submission materials, including required studies, are borne by the applicant.

(a) Project narrative, including:

- i. Existing zoning district(s) and comprehensive plan land use designation of subject DCPUD property area and all adjacent lands within 350' of the subject DCPUD property boundary.
  - ii. Statement explaining the applicant's proposed objectives for the DCPUD, and public values that will be achieved by the project including general projections for tax base, building valuation, employment creation or other community benefit.
  - iii. Statement of how the project will meet each of the Approval Criteria and District Performance Standards as required by this section
  - iv. A narrative description of proposed DCPUD uses and operations, including anticipated or known accessory or appurtenant uses, such description shall include any information on transmission line corridors or routes within the city.
  - v. Proposed phasing of full DCPUD site development, including number of phases, development timeline for each phase and for the full DCPUD.
  - vi. Calculation table detailing the gross area calculation of the full DCUD, the area calculation of each exception to the DCFAR, and resulting FAR for each phase of the DCPUD and full DCPUD.
  - vii. Maximum building height for any proposed principal structure on site and maximum height of any additional appurtenant or accessory structure on site.
  - viii. Description of proposed building materials for all principal and accessory buildings meeting the requirements of this ordinance.
- i. Estimated square footage calculation of full usable/buildable area within the DCPUD.
  - ii. Maximum building coverage within the DCPUD site improvement boundary.
  - iii. Estimated building square footage within the DCPUD site improvement boundary by phase.

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- (b) Total maximum impervious surface coverage within the DCPUD.
- (c) Proof of title in a form approved by the City Attorney.
- (d) Legal description of the property for which the DCPUD is requested.
- (e) All information required for Preliminary Plat as provided in § 152.040, including dedication.
- (f) Certificate of survey for the full DCPUD property boundary signed by a registered land surveyor and current within three months of plat application to include legal description, all public utilities including pipe size, material type, depths, location, and detail of private utilities and easements, rights of way, and any other easements of record.
- (g) DCPUD site improvement plan(s), including:
  - i. Citation of the proposed name of the project, contact information for the developer and individual preparing the plan, signature of the surveyor and civil engineer certifying the document, date of plan preparation or revision, and a graphic scale and true north arrow.
  - ii. Minimum setback requirements as required by this section.
  - iii. Layout of proposed lots with future lot and block numbers.
  - iv. Area calculations for each parcel within the DCPUD property boundary.
  - v. Outlots planned for public dedication and/or open space.
  - vi. Easements and rights-of-way within or adjacent to the subject DCPUD property boundary, including detail on ingress and egress from the subject site to abutting or adjacent public right of way.
  - vii. Location of all electrical substations and transmission equipment located within the DCPUD, including area in acreage and applicable setback for substation and general height information.
  - viii. Location, width, and names of existing and proposed streets and rights of way within and immediately adjacent to the subject DCPUD property boundary and all connection points to public right of way.
  - ix. Proposed sidewalks and trail connection points to public rights of way and any planned public sidewalk and pathways.
  - x. Area calculations for gross land area, wetland areas, wetland buffers, right-of-way dedications, conservation areas, and proposed public parks.

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- (h) Graphic depiction of site development phasing plan by acreage over the full DCPUD property, including proposed public utility easement corridors and/or rights of way.
- (i) Delineation and functional assessment of wetlands and/or watercourses over the DCPUD property and within 200 feet of the perimeter of the subdivision parcel dated within the last year.
- (j) Delineation of the ordinary high-water levels of all water bodies.
- (k) Conceptual grading, drainage and erosion control plan prepared by a registered professional engineer providing for stormwater management planning based on the maximum impervious surface area of the site. Contours must extend a minimum of 200 feet beyond the boundary of the parcel(s) in question.
- (l) If an environmental review was required for the DCPUD development proposal, the final approved mitigation plan shall be provided with a detailed narrative on how the proposed DCPUD Development Stage submissions address components of the mitigation plan and timeline for implementation or completion of each mitigation plan requirement, including detail on the financial participation of the applicant.
- (m) Noise study meeting MPCA measurement standards detailing existing ambient noise levels measured at 1000' foot interval points of the DCPUD boundary and current within 6 months of the date of application.
- (n) Traffic study which shall include adjacent local roadways where access is provided and nearest collector roadways, as well as the collector roadways intersections with the nearest arterial roadway, evaluating:
  - i. Average Daily Traffic and Peak Hour traffic volumes for passenger vehicles during normal operations.
  - ii. Average Daily Traffic and Peak Hour traffic volumes and routes for construction traffic during each phase of site development.
  - iii. Project volume, routes and frequency for commercial vehicles supporting routine operations.
  - iv. Proposed location of right of way and pathway connections, including sidewalks and trails, through or along the site perimeter to ensure system connectivity to the furthest extent of the DCPUD boundary.
  - v. Any insufficient street or intersection design pursuant to project construction, projected by phase.

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- vi. Proposed improvements to mitigate insufficient design, including an analysis of the projected cost of any public infrastructure necessary to adequately serve the project as identified above, by phase.
  - vii. Sufficient information regarding the applicant's financial capacity to support the required improvements and system upgrades.
- (o) A study that identifies both City and private utility supply and demand on the relevant system. Such study shall evaluate and quantify demand by proposed phase and timeline for construction and include water, wastewater, and stormwater system information, and shall demonstrate to the satisfaction of the City that the proposed facility can both (1) be adequately served by the existing or planned capacity of the utility, and (2) will not impede access or limit service capacity to those utilities by other future users in the City's planning and service territory; (3) is designed to provide adequate service to the furthest extent of the DCPUD, and (4) that the applicant has provided sufficient information regarding the financial capacity and ability to secure performance to support the required improvements or system upgrades. Such study shall include:
- i. Provide a specific utility phasing plan which demonstrates alignment with the proposed development phasing and timing.
  - ii. Provide preliminary plans for extension of all public facilities, including utilities, roadways, pedestrian facilities, and other such public infrastructure to the furthest extent of the DCPUD boundary as determined by the City Engineer and approved by City Council.
  - iii. Include an analysis of impacts to surrounding private utility systems and required mitigation.
  - iv. Identify deficiencies in the public system pursuant to the project and provide a mitigation plan for identified deficiencies.
  - v. Updates or additional system plans or studies for public utilities reflecting the impact of increased demands and infrastructure required by the DCPUD; to be prepared to the specification of the City Engineer.
  - vi. Include an analysis of the projected cost of any public infrastructure necessary to adequately serve the project as identified above by phase, and to ensure that the infrastructure required by this section is adequately accounted for.

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- vii. Sufficient information regarding the applicant's financial capacity to support the required system studies, public improvements and system upgrades.
  - viii. For capacity and demand greater than that anticipated for light industrial uses, a companion review study to verify above shall be provided.
  - ix. The applicant may request that the City complete such utility studies, at the applicant's cost.
  - (p) Landscaping and perimeter buffer plan illustrating:
    - i. Location and proposed elements (walls, berming, landscaping) for site screening as required by this section.
    - ii. Location and proposed elements (walls, landscaping) for perimeter buffer as required by this chapter.
  - (q) Listing of all required federal and state permitting and current status of permitting.
  - (r) A fiscal summary statement for purposes of preparing the Site Improvement Plan Agreement, including:
    - i. An analysis of the projected cost of any public infrastructure necessary to adequately serve the project as identified above by phase.
    - ii. Statement identifying the applicant's proposed contribution to provide such public service demand.
  - (s) Statement, study, or permit provided by the electric utility provider which demonstrates adequate capacity for the DCPUD, provides a summary of the proposed routing plan and required electrical infrastructure improvements, and which details any expected impact to local or regional power supply.
  - (t) Statement of telecommunication provider(s) information detailing sufficient system improvements as to avoid any local service interruption during normal operations.
  - (u) Any other information as directed by the Community Development Department required to evaluate the specific DCPUD proposal.
- (14) *DCPUD Development Stage Permit and DCPUD Rezoning Review.*

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- (a) The application for rezoning to DCPUD shall be reviewed in accordance with § [153.028](#)(B), Zoning Ordinance Text and Zoning Map Amendments.
- (b) The application for Preliminary Plat shall be reviewed in accordance with City Code 152.026, Preliminary Plat Procedure.
- (c) As part of the review process for the DCPUD applications, the Community Development Department shall generate an analysis of the proposal against the Approval Criteria of this section to formulate a recommendation regarding the rezoning to the Planning Commission and City Council.
- (d) As part of the review process for the DCPUD Development Stage Permit, a Site Improvement Plan Agreement (SIPA) shall be prepared by the City following the complete application submittal, which details and controls the terms and conditions of the approval given by the Council, including but not limited to the development phasing, required public improvements, minimum performance standards, and the fiscal requirements, guarantees, and securities necessary for the construction of all required public improvements. Such draft agreement shall be included for the City Council's review of the Development Stage Permit. The SIPA shall include a requirement that until the time of approval of a final stage permit and the applicant has met each of the conditions of approval required by the City Council, in addition to other requirements including publication, the rezoning ordinance for DCPUD will not be effective and no development may occur within the DCPUD.
- (e) The Planning Commission shall hold a public hearing on the DCPUD applications and consider the applications' consistency with the intent and purpose of the DCPUD and comprehensive plan goals. The hearing for rezoning and Preliminary Plat may run concurrently with the hearing for the DCPUD Development Stage permit. The Planning Commission shall make recommendations to the City Council on the merit, needed changes, and suggested conditions of the proposed rezoning, Preliminary Plat and DCPUD development plan. The Community Development Department may forward an application to the City Council without a recommendation from the Planning Commission only if it is deemed necessary to ensure compliance with state mandated deadlines for application review.
- (f) Development Stage DCPUD approval shall occur by adoption of a rezoning ordinance for the subject property specifying the uses,

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standards, and other requirements of said DCPUD zoning district. Such ordinance shall include an effective date clause which delays the effective date of the ordinance until the time of approval of a final stage permit, approval of the Site Improvement Plan Agreement, and the applicant has met each of the conditions of approval required by the City Council, in addition to other requirements including publication. No permits for development within the PUD may be issued until the ordinance takes effect. If the final stage DCPUD is not approved by the City Council, or the applicant fails to meet the conditions as described, the ordinance shall not take effect, will not be published, and the subject property shall retain its previous zoning designation.

- (g) The City Council may hold a public hearing on the request for DCPUD on the request for DCPUD Development Stage Permit, preliminary plat, and DC PUD rezoning if they deem such necessary.
- (h) After consideration of the Planning Commission recommendation and/or hearing, if applicable, the City Council may approve the Development Stage DCPUD permit or any part thereof in such form as it deems advisable. The City Council's decision will include the required conditions of the proposed rezoning, preliminary plat and DCPUD development stage permit. Approval of the amendment to rezone to DCPUD shall require the approval of the majority of all the members of the City Council, except as may be exempted by state statute.
- (i) After consideration of the Planning Commission recommendation and/or hearing, if applicable, the City Council may, in its sole discretion, deny the Development Stage DCPUD permit, the DCPUD Preliminary and/or Final Plat, or any part thereof. Such denial shall be based on findings of fact that specify the conditions where the application fails to meet the required terms of the DCPUD zoning process, standards, or other requirements therein. The City shall be under no obligation to approve any DCPUD rezoning, plat, or permit, and no DCPUD applicant shall have any expectation or right of approval of any such rezoning, plat, or permit.

(15) *Final Stage Permit Application and Final Plat Submittal Requirements.* An application for final stage permit and final plat that conforms with the approved development stage permit and preliminary plat and associated PUD rezoning ordinance shall be submitted no later than 60 days following the date of the development stage permit approval for review. One extension to this timeline may be granted by the City Council for such submittal for a maximum of an additional six months, and the applicant shall request waivers for any statutory

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time limits as necessary. The applicant shall submit such extension request no later than 14 days prior to the deadline for the application submission. Applications which fail to meet this deadline shall be deemed void and shall require review and re-application according to the development stage process of this chapter.

Proposals for a DCPUD Final Stage Submittal shall include at least the information below to be considered complete (except as exempted by the Community Development Department based on a written request submitted by the proposer).

- (a) All revised DCPUD Development Stage Application submittal requirements as identified above shall be updated and resubmitted with the Final Stage DCPUD Permit application to incorporate all changes required by the DCPUD Development Stage permit approval and Preliminary Plat.
- (b) Transportation and utility extension and connection plans meeting the requirements of the City Engineer.
- (c) All information required for Final Plat as provided in § 152.041.
- (d) Up-to-date title evidence dated within the last 3 months for the subject property in a form acceptable to the City shall be provided as part of the application for the DCPUD Final Plat.
- (e) The developer shall provide warranty deeds for property being dedicated to the city for all parks, outlots, etc., free from all liens and encumbrances except as otherwise waived by the City Council.
- (f) Developer shall provide all easement dedication documents for easements not shown on the Final Plat including those for public and private utilities, trails, ingress/egress, etc., together with all necessary consents to the easement by existing encumbrancers of the property.
- (g) Private covenant documents or easements necessary to implement and maintain the DCPUD as approved by the city.
- (h) The applicant shall execute the final Site Improvement Plan Agreement which references all terms and conditions of the DCPUD, including but not limited to site improvement plans and performance standards, required phasing, required public improvements, completion dates for improvements and related fiscal requirements, guarantees and securities, the required letters of credit, all required development fees

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and securities, escrows, and warranties, and their timing of submission and any other information deemed necessary by the city;

(16) *PUD Final Stage and Final Plat review.*

- (a) The application for Final Plat shall be reviewed in accordance with City Code §152.027, Final Plat Procedure.
- (b) The application for PUD Final Stage DCPUD Permit and Final Plat shall be considered by the City Council at a public meeting, following a review and report by the Community Development Department. Approval of the PUD Final Stage and Final Plat shall be by majority vote of all members of the City Council, except where State law may specifically require a super majority.
- (c) The City shall, upon approval of the DCPUD Final Stage permit and satisfaction of all conditions of DCPUD approval, publish the DCPUD ordinance. Such ordinance shall create a zoning district that is specific to the property for which the PUD was applied and shall be designated in such a way as to be able to mark the official zoning map to identify the DCPUD ordinance. The DCPUD ordinance shall also designate that such property is thereby rezoned to the DCPUD district as adopted. Such ordinance shall include an effective date clause which may delay the effective date of the ordinance until such time as the applicant has met each of the conditions of approval required by the City Council, in addition to other requirements including publication. No approvals are valid, and no permits may be issued, until the ordinance takes effect. If the final stage DCPUD is not approved by the City Council, or the applicant fails to meet the conditions as described, the ordinance shall not take effect, and the subject property shall retain its previous zoning designation.

(17) *Site Improvement Plan Agreement.*

- (a) An approved DCPUD shall be governed by the approved Site Improvement Agreement and shall be binding on all successors, heirs, and assigns.
- (b) The agreement shall include, at a minimum, reference to the approved DCPUD site improvement plans and performance standards, adopted ordinance, required public improvements and completion dates for improvements and related fiscal requirements, guarantees and securities, the required letters of credit, all required development fees and

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payments and/or securities, escrows, and warranties, and their timing of submission, and any other information deemed necessary by the city.

- (c) The agreement shall identify the financial requirements for the installation of all municipal utilities, transportation, and any other infrastructure deemed by the City as necessary to support the DCPUD and to mitigate the expected infrastructure impact or capacity increase created or required by the DCPUD, and a timeline satisfactory to the City for the submission of payments and securities for such infrastructure.
- (d) The agreement shall require on-going compliance with approved landscaping and screening plans for the full extent and operation of the effective DCPUD.
- (e) The agreement shall provide for securities necessary to review and verify compliance with the noise requirements of this section.
- (f) The agreement shall stipulate any extension authorized by the City Council for timeline of recording of the final plat or timeline for the final platting of outlots within the plat.
- (g) The agreement shall require that the recording of the final plat, rezoning proceedings, SIPA, and any applicable deeds, common area maintenance agreements, or other City agreements specific to the subject DCPUD occur prior to any development, including grading, within the DCPUD boundary.
- (h) For any DCPUD which includes subdivision of parcels which have no direct frontage on a public street, the site improvement agreement shall require common maintenance and easement agreement.

(18) *Site Plan review.* Following approval of the DCPUD, development within the DCPUD shall be subject to the Site Plan review process of this chapter. Site plans shall be consistent with the approved DCPUD ordinance and all other applicable provisions of this chapter. A liaison from the Planning Commission and City Council shall participate in the Site Plan review process.

(19) *Timeline for performance.*

- (a) Upon DCPUD approval, the applicant is required to record the Final Plat within 365 days of the Council's approval of Final Stage and Final Plat. One extension from this requirement may be granted by the Council upon request for extension by a person having authority to file an application. An extension shall be requested in writing and filed with the city at least 14 days before the voidance of the approved Final Plat and

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Final Stage PUD. The request for extension shall specify the desired timeline of extension and shall state facts showing a good faith attempt was made to meet the final plat submission requirement. Such request shall be presented to the City Council for a decision. The City Council may deny or modify the extension timeline at its sole discretion and there shall be no inherent right to extension.

- (b) A building permit for a principal structure within the first phase of development on site shall be filed within 1 year of the filing of the Final Plat. One extension from this requirement may be granted by the Council upon request for extension by a person having authority to file an application. An extension shall be requested in writing and filed with the city at least 14 days before the date of one year date, based on the date of recording of the final plat with the Wright County recorder. The request for extension shall specify the desired timeline of extension and shall state facts showing a good faith attempt was made to meet the building permit submission requirement. Such request shall be presented to the Council for a decision. The City Council may deny or modify the extension timeline at its sole discretion and there shall be no inherent right to extension. The City Council may act after the 1-year period to revoke the DCPUD, revoke the governing Final Stage PUD approval, revoke the SIPA, and rezone the land to any other zoning district, following a public hearing to be held by the City Council.
- (c) If there is a lapse of more than 3 years between completion of any individual phase and proceeding to any subsequent and successive phase of development as approved by the SIPA, notwithstanding on-going construction within an active phase of development as approved by the SIPA. One extension from this requirement for each phase may be granted by the Council upon request for extension by a person having authority to file an application. An extension shall be requested in writing and filed with the city at least 14 days before the date of one year date, based on the date of recording of the final plat with the Wright County recorder. The request for extension shall specify the desired timeline of extension and shall state facts showing a good faith attempt was made to meet the building permit submission requirement. Such request shall be presented to the Council for a decision. The City Council may deny or modify the extension timeline at its sole discretion and there shall be no inherent right to extension. The City Council may act after the 3 year period to revoke the DCPUD, revoke the governing Final Stage PUD

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approval, revoke the SIPA, and rezone the land to any other zoning district, following a public hearing to be held by the City Council.

(20) *Amendment to DCPUD.* Approved PUDs may be amended upon request by those who have authority to submit an application per this section. At such time, the applicant shall make an application to the city for a DCPUD amendment which shall follow the same process as defined in this section for Development and Final Stage Permit, which applications shall not run concurrently. Such amendment shall not:

1. Introduce any other principal use inconsistent with this section. In such case, the application shall request revocation of the DCPUD for that portion of the land proposed for the amended principal use(s) and shall be subject to the application requirements of this chapter, as applicable.
2. Eliminate, diminish, or vary from the minimum performance standards of this section.
3. Eliminate, diminish, or vary from the standards established by the DCPUD ordinance.
4. Amend any Final Stage site improvement plan element required by the approved DCPUD.
5. Exceed any maximum or minimum established in the DCPUD Final Stage narrative.
6. Create non-compliance with any condition attached to the approval of the DCPUD Final Stage plan.
7. Create non-compliance with any term or condition of the approved Site Plan Improvement Agreement.

(21) *Revocation.* If at any time the facility is in violation of the conditions of approval, including terms of the Site Improvement Plan Agreement, the City Council may revoke the DCPUD, revoke the governing Final Stage PUD approval, revoke the SIPA, and rezone the land to any other zoning district, following a public hearing to be held by the City Council.

**Section 3.** Section §153.090, Use Table – Base Zoning Districts, Industrial Uses, is hereby amended as follows:

- (1) Insert Data center/Data center campus.
- (2) Data center/Data center campus shall be Permitted in DCPUD only and shall be prohibited in all other zoning districts.

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(3) Additional Requirements: §153.045.

**Section 4.** Section §153.092, Accessory Use Standards, Table 5-4, is hereby amended as follows:

- (1) Insert Data center, accessory.
- (2) Data center, accessory shall be Conditionally permitted in I-1 and I-2 districts only.
- (3) Additional Requirements: May be allowed within approved Planned Unit Development Districts by amendment to PUD.

**Section 5.** The City Clerk is hereby directed to make the changes required by this Ordinance as part of the Official Monticello City Code, Title XV, Zoning Ordinance, and to renumber the tables and chapters accordingly as necessary to provide the intended effect of this Ordinance. The City Clerk is further directed to make necessary corrections to any internal citations that result from said renumbering process, provided that such changes retain the purpose and intent of the Zoning Ordinance as has been adopted.

**Section 7.** This Ordinance shall take effect and be in full force from and after its passage and publication. The ordinance in its entirety and map shall be posted on the City website after publication. Copies of the complete Ordinance and map are available online and at Monticello City Hall for examination upon request.

***ADOPTED BY*** the Monticello City Council this \_\_\_th day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Lloyd Hilgart, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Schreiber, City Clerk

AYES:

NAYS:

## DCPUD ORDINANCE | PROPOSED FEBRUARY ORDINANCE

City staff have outlined potential revisions to the current draft DCPUD ordinance (December) based on continued review and recent research. These revisions would be included in the February Planning Commission consideration of the ordinance and may include the following items. Planning Commission and City Council questions on the existing ordinance and additional feedback on revisions to the ordinance are encouraged during the January workshop.

- Additional regulation for construction activity on-site, including:
  - Hours of operation
  - Staging area specification on site plan
  - Lighting requirements and hours
  - Specification and approval process for haul routes
- Revisions to noise requirements based on the recommendation of the City Attorney (see attached ordinance excerpt from the City of Brainerd's data center ordinance)
- Clarifications on use of external generators to specify that use for curtailment of power supply or voluntary shutdown operation are not considered as power outage for allowable use of generators (see attached ordinance excerpt from the City of Brainerd's data center ordinance)
- Minor clarifications to FAR calculations to exempt site grading limits for future phases or infrastructure for purposes of FAR calculation by phase
- Clarification that principal use setbacks would not apply to delineated wetlands, which are instead subject to the setbacks in the Wetland Overlay district
- Clarification on substation exemptions and requirements
- Discussion for revision to screening and perimeter buffer standards as related to berming and majority evergreen planting when adjacent to any non-commercial/industrial uses (including roadways)
- Requirement for payment of land use application fees and escrows
- PUD revocation section revisions based on the feedback of the City Attorney
- Minor clerical changes/corrections

**ORDINANCE  
NO. 1581**

**AN ORDINANCE AMENDING SECTIONS 515-6-2 RULES AND DEFINITIONS, 515-3 APPENDIX A TABLE OF USES, AND 515-3 ALLOWED USES OF THE ZONING CODE, RELATING TO DATA CENTERS**

WHEREAS, a public hearing was held by the Planning Commission as required by the Zoning Code, on April 16, 2025

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Brainerd, Minnesota, as follows:

SECTION ONE: Purpose

The purpose of this ordinance is to create land use regulations and provide a definition for data centers to protect the public health, safety, and welfare and avoid unintended impacts on resources and adjacent uses.

SECTION TWO: Section 515-6-2.C Definitions of Use, Standards and Terms are hereby amended as indicated, with the following added language underlined:

**Data Center:** A facility or portion of a facility housing networked computer systems and telecommunications equipment used for remote storage, processing, and distribution of data. Data centers include commercial cryptocurrency mining facilities, AI centers, cloud storage, and other similar uses.

SECTION THREE: Section 515-3 Appendix A Table of Uses (Industrial and Utility Uses) is hereby amended with the following new underlined language added to the table:

ZONING DISTRICT	Section Reference	RL-1	RL-2	GL	CN-1	CN-2	TN-1	TN-2	TN-3	GC	CC	TC	MS	ME	GI	PSP	P
<u>Data centers, AI centers, cloud storage, and other similar uses.</u>	<u>515-3-XX</u>														<u>C</u>		

SECTION FOUR: Section 515-3 Allowed Uses is hereby amended with the following new language underlined and shall be added to Section 515-3 in alphabetical order with all other required numerical sections to change in descending order:

- A. Data Centers are not permitted to operate in the City of Brainerd unless explicitly approved by a Conditional Use Permit. Data Centers that are ancillary to another primary use are permitted if they:
  1. Occupy no more than ten percent of the building footprint.

2. Are used to serve the enterprise functions of the on-site property owner and are not used to lease data storage and processing services to third parties.
3. Are not housed in a separate stand-alone structure on the parcel.

**B. Noise.** Commercial grade mechanical equipment and similar noise sources, including but not limited to generators and air heating or cooling equipment, shall comply with the requirements of MPCA noise rules (Minn. Rules Ch. 7030).

1. The Data Center shall be designed and built to incorporate sound mitigation methods to reduce sound levels emanating from the Data Center to adjacent residential structures within 1000 feet of the facility.
2. Prior to approval, a noise study shall be submitted by a third-party engineer demonstrating to the City that the operation of the data center will comply with MPCA noise rules.
  - a. The operator shall conduct a sound study performed by a third-party acoustic engineer to document baseline sound levels in the area of the proposed Data Center, including noise levels measured at the property line of the nearest property to the Data Center property that is planned or zoned for residential land uses, or other noise sensitive use as reasonably determined by the Zoning Administrator.
3. Upon operation of the Data Center, the operator must conduct an additional noise study, as measured at the property line of the nearest property to the Data Center or other noise sensitive use as reasonably determined by the Zoning Administrator.
4. The City may order an additional sound study once per year during peak operation of the Data Center mechanical equipment. The Data Center operator must provide the results of the noise study, conducted by a third-party engineer, to the City within 30 days of the request by the City or show proof that they have contracted with a third-party engineer and the results will be available in a reasonable amount of time.
5. Unless backup generators are supplying backup electrical supply during a power outage, backup generators may operate between the hours of 9:00 am and 5:00 pm, Monday through Friday, excluding holidays.
  - a. Curtailment of power supply or voluntary shutdown of power is not considered to be a power outage.
6. Upon request by City staff after issuance of a certificate of occupancy and commencement of the operation of the Data Center, the operator of a Data Center must provide a liaison between the hours of 8:00 am and 10:00 pm CST each day to respond to complaints about noise emanating from the Data Center.
  - a. Contact information shall be posted on the City of Brainerd website.
  - b. Upon operation of the Data Center, the City shall notify and provide contact information for the facility liaison to property owners within 500 feet of the facility.

**C. Hazardous Waste Plan.** Prior to operating, the operator shall submit a hazardous waste plan for review by the Community Development Department, Public Works Department, Public Utilities Department, and Fire Department.

- a. Verification must be provided that all electronic waste generated by the operation will be handled by a licensed electronic waste recycling firm.
- b. Changes to the operation of the facility that affects hazardous waste material must be approved by the City.

D. **Water and Wastewater Plan.** Prior to approval, the developer shall apply for a sewer extension permit with the MPCA and submit a water and wastewater plan for review by the Public Works Department and Public Utilities Department.

E. **Screening.** Outdoor equipment that serves the data center, including but not limited to mechanical equipment and generators, must not be located closer to a property line along a public street than the principal building and must be fully screened from view of adjacent public rights-of-way and properties.

F. **Energy Plan.** Prior to approval, loads over one megawatt in capacity will be responsible for having a system impact study completed by the appropriate power transmission owner operator in the area.

SECTION FIVE: This ordinance shall take effect and be in full force one week from and after its publication.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2025

\_\_\_\_\_  
MIKE O'DAY  
President of the Council

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2025

\_\_\_\_\_  
DAVE BADEAUX  
Mayor

ATTEST: \_\_\_\_\_  
NICHOLAS W. BROYLES  
City Administrator

Published: One Time – \_\_\_\_\_