

**FLOOR AMENDMENT NO. 6 TO
SUBSTITUTE NO. 2 TO ORDINANCE NO. 25-101**

1 Substitute No. 2 to Ordinance No. 25-101 is hereby amended at line numbers 212-263
2 (Section N. *Abandonment*, Section O. *Financial assurance*, and Section P. *Annual Report*.) by
3 deleting the material there appearing in its entirety.
4

5 **N. *Abandonment*.**

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7 1. ~~The operator or property owner shall provide written notice to the Department~~
8 ~~whenever the Data Center is out of active operation for more than six (6)~~
9 ~~months. Any Data Center that ceases to operate for one (1) year or longer is~~
10 ~~considered abandoned.~~

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12 2. ~~The operator or property owner shall either recommence operation and~~
13 ~~schedule a site inspection with the Department to verify that all use~~
14 ~~requirements are still intact or shall remove all equipment and systems within~~
15 ~~six (6) months of being considered abandoned.~~

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17 3. ~~Within two (2) years of being considered abandoned, the Data Center site~~
18 ~~shall be either restored to its predevelopment condition and inspected by the~~
19 ~~Department, or the property owner shall submit a land use application~~
20 ~~consistent with this Chapter to establish a new use for the site. Failure to~~
21 ~~comply with the requirements of this section shall authorize, but not require,~~
22 ~~the County to remove the Data Center and, when abandoned, restore the site~~
23 ~~to its predevelopment condition and charge the property owner as set forth~~
24 ~~in Subsection O. below.~~

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26 **O. *Financial assurance*.** ~~Prior to issuance of a building permit, the operator or~~
27 ~~property owner shall provide a bond, surety, letter of credit, or other financial~~
28 ~~assurance in a form and amount acceptable to the Department to secure~~
29 ~~payment of one hundred (100) percent of the anticipated cost of removal of all~~
30 ~~associated site improvements and restoration of the site to its predevelopment~~
31 ~~condition when the Data Center has been abandoned. Financial assurances for~~
32 ~~Data Centers are subject to the following:~~

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34 1. ~~The applicant shall provide a decommissioning report that includes the~~
35 ~~following components:~~

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37 a. ~~An inventory of components installed on the site.~~

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39 b. ~~Expected lifetime of the facility.~~

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41 c. ~~Decommissioning sequence.~~

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43 d. ~~Decommissioning cost estimate based on RSMeans or other software or~~
44 ~~methodology approved by the Department.~~

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46 2. ~~The financial assurance shall remain in full force and effect while the Data~~
47 ~~Center remains in place and operating, and shall be renewed every five (5)~~
48 ~~years and revised as necessary to adjust for inflation and any change in the~~
49 ~~cost for decommissioning.~~

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51 P. ~~Annual Report, Enforcement and Compliance. The operator of the Data Center~~
52 ~~shall supply an annual report, as found in Appendix 9, to the Department~~
53 ~~indicating compliance with all applicable local, state and federal regulations. The~~
54 ~~Department shall reserve the right to request additional information and establish~~
55 ~~and update procedures for inspections, monitoring, and enforcement of~~
56 ~~compliance with this section. Non-compliant facilities will be subject to Division~~
57 ~~40.31.900 or any other remedy available.~~

SYNOPSIS: This floor amendment proposes that the language currently appearing at line numbers 212-263 (Section N. *Abandonment*, Section O. *Financial assurance*, and Section P. *Annual Report*) be stricken in its entirety.