

Proposed Voluntary Conditions Conditional Rezoning Petition

Project Iron Spur

Applicant: The Drox Group

Project Management: Montrose, LLC

Engineer of Record: Thomas & Hutton

The following voluntary conditions are proposed by the applicant in connection with the conditional rezoning petition for the property identified herein. These conditions are offered pursuant to N.C.G.S. § 160D-703 and, upon approval, shall be binding upon the applicant, property owner, and all successors, assigns, tenants, and operators for the duration of the approved use. All conditions shall run with the land.

Section 1. Noise

- (a) All operations on the site shall comply with the Forsyth County noise ordinance at all property boundaries during both daytime and nighttime hours. In no event shall sound levels attributable to the data center use exceed 60 decibels at any point along the property line.
- (b) A pre-construction ambient noise study shall be conducted by a qualified third-party acoustical engineer and submitted to the Planning Department prior to the issuance of any building permit. The study shall document existing ambient sound levels at representative measurement points along all property boundaries, to establish a baseline for post-construction comparison.
- (c) All mechanical equipment, including cooling systems, transformers, and generators, shall be located in the interior of the site and oriented in a manner that mitigates sound traveling toward the residential properties closest in proximity to the site.
- (d) Acoustical barrier walls and/or sound attenuation enclosures shall be installed around all major noise-generating equipment, including generators and cooling systems. The design and specifications of such barriers shall be included in the building permit submittal.
- (e) Emergency generator testing shall be restricted to daytime hours only, Monday through Saturday, between the hours of 7:00 AM and 7:00 PM. No generator testing shall occur on Sundays or federal holidays.
- (f) Permanent noise monitoring devices shall be installed at representative locations along the east, west, and south property boundaries prior to the commencement of data center operations. The monitoring devices shall be capable of measuring and recording decibel levels on a continuous basis. Noise monitoring reports summarizing operational sound levels recorded at each monitoring location shall be prepared and submitted to the Planning Department on a bi-annual basis.

Section 2. Generators

- (a) Scheduled maintenance testing of generators shall be limited in duration and frequency to the minimum necessary to comply with manufacturer warranty requirements, applicable fire code, and insurance requirements. Testing shall comply with the time-of-day restrictions set forth in Section 1(e).

- (b) The applicant shall submit for all required air quality permit permits to Forsyth County OEAP documentation of the generator make, model, and classification, together with required emission specifications.

Section 3. Lighting

- (a) All exterior lighting on the property shall be full-cutoff, fully shielded, night-sky-compliant fixtures designed and installed to prevent direct light emission above the horizontal plane.
- (b) A photometric study prepared by a qualified lighting engineer shall be submitted to the Planning Department prior to the issuance of any building permit. The study shall demonstrate that illumination levels at all property boundaries do not exceed 0.5 foot-candles on any adjacent residential property or public roadway. The study shall account for the reflectivity of building materials and the elevation differential between building pads and adjacent properties.
- (c) Exterior lighting along property boundaries adjacent to residential properties shall utilize pedestrian-scale fixtures where the light source does not exceed twelve (12) feet in height and shall be oriented inward toward the facility rather than outward toward adjacent properties.
- (d) No unshielded or upward-facing lighting, including decorative, promotional, or accent lighting, shall be permitted on the exterior of any building or structure on the property.

Section 4. Buffers, Screening, and Vegetation Maintenance

- (a) An undisturbed vegetated buffer or combination of earthen berms, planted buffers, and preserved existing vegetation shall be maintained along all property boundaries adjacent to residential uses or residentially zoned properties. Where existing vegetation is insufficient to provide a year-round visual screen, supplemental evergreen plantings shall be installed at a density and specification sufficient to achieve opacity within five (5) years of planting.
- (b) All buffers, berms, landscaping, and vegetative screening installed or preserved as a condition of this rezoning shall be maintained in perpetuity by the property owner, operator, or their designated agent. Maintenance obligations shall include, but not be limited to, the replacement of dead, diseased, or damaged plantings within one (1) growing season of failure; the regular removal of fallen limbs, debris, and dead vegetation from buffer areas; and the maintenance of all vegetation along the property boundary, including trees that overhang or encroach upon adjacent residential properties, in a manner that does not create a nuisance or hazard to neighboring property owners.
- (c) Perimeter fencing along property boundaries adjacent to residential properties or public roadways shall consist of black aluminum or steel anti-climb fencing with a minimum height of eight (8) feet, such as the Ameristar Palisade fencing or equivalent alternative. No chain-link fencing shall be installed in any location visible from the view of the traveling public or from an existing residential dwelling.
- (d) In the event that any berm or buffer installation requires the removal of existing mature trees, the applicant shall submit a tree preservation and replacement plan with the civil site development plan submittal to the Planning Department for review and approval prior to commencement of grading. The plan shall identify all trees to be removed, their species and caliper, and the proposed replacement plantings and timeline.

Section 5. Water Usage

- (a) The data center shall connect to the public water supply system for all operational water needs. With the exception of landscape irrigation, the use of private wells for any operational purpose, including cooling, is prohibited.
- (b) A water usage plan shall be submitted to the Planning Department and the serving utility provider prior to the issuance of any building permit. The plan shall document projected daily and annual water consumption under normal and peak demand scenarios, identify the cooling technology to be employed, and demonstrate that adequate system capacity exists to serve the proposed use without adverse impact to existing residential service levels, including fire flow requirements.
- (c) No open-loop cooling system shall be installed or operated on the property at any time. For purposes of this condition, an open-loop cooling system is defined as any system that draws water from a supply source, passes it through or over a heat exchanger in a single pass, and discharges it without recirculation.
- (d) The initial filling of any cooling system shall be coordinated with the serving utility provider to ensure that the rate of draw does not reduce system pressure and flow below the minimum required for fire suppression service.

Section 6. Stormwater and Environmental Protections

- (a) Engineered stormwater control measures shall be designed, constructed, and maintained in accordance with all applicable NCDEQ standards. Stormwater systems shall be designed to prevent increased downstream flooding and to maintain or improve pre-development discharge rates. The grading and erosion control plan shall clearly delineate disturbed and undisturbed areas and impervious versus pervious surfaces.
- (b) The combined impervious area of each building and its associated equipment yard shall be accounted for as a total allowed built-upon area for the purposes of stormwater calculations, impervious surface limits, and site plan compliance. The building footprint may be expanded into the area designated for the equipment yard on the approved site plan if necessary, provided that the total combined built-upon area of the building and equipment yard does not exceed the combined impervious area depicted on the approved site plan.
- (c) In the event that Duke Energy power study requires the relocation of the proposed substation from its depicted location on the rezoning plan, the substation may replace a proposed building or equipment yard shown on the rezoning site plan without requiring a new or amended conditional rezoning application, provided that the total combined built-upon area of the site does not increase beyond what is depicted on the approved site plan and all other conditions of this rezoning approval, including noise, buffer, and setback requirements, remain satisfied.
- (d) A threatened and endangered species study shall be completed and submitted to the Planning Department prior to final site plan approval.
- (e) A wetland delineation, including field verification of all jurisdictional intermittent and perennial streams, shall be completed and submitted to the U.S. Army Corps of Engineers prior to final site plan approval. Any development activity that permanently impacts a jurisdictional feature shall be subject to all applicable federal and state permits.

Section 7. Traffic and Transportation

- (a) A traffic impact analysis (TIA) shall be completed by a qualified traffic engineer and submitted to the Planning Department and the North Carolina Department of Transportation (NCDOT) prior to final construction document approval. A temporary certificate of occupancy may be

issued prior to completion of TIA-recommended improvements, provided that a performance guarantee acceptable to the county is posted for the remaining work.

- (b) The primary site entrance shall be located on the property frontage opposite Town Hall. A secondary access point at the terminus of Glade Street shall be gated and used exclusively for emergency access. No routine construction, delivery, or employee traffic shall utilize the Glade Street access.
- (c) Construction and delivery vehicle traffic shall be restricted to the hours of 7:00 AM to 7:00 PM, Monday through Saturday unless mission-critical work is required outside these hours, such as continuous concrete pours or other time-sensitive operations. Designated construction truck routes shall be established in coordination with NCDOT and the Town of Rural Hall prior to the commencement of site work to minimize impacts to public roads.

Section 8. Fire Safety and Emergency Services

- (a) An emergency access and evacuation route plan shall be developed in coordination with the local fire department and emergency management services and submitted for review and approval prior to the issuance of a certificate of occupancy.
- (b) Fire protection infrastructure, including fire hydrant placement, fire access lanes, and water flow capacity, shall meet or exceed the requirements of the local fire marshal and the North Carolina Fire Prevention Code. No certificate of occupancy shall be issued until the fire marshal has confirmed compliance with all fire protection requirements.

Section 9. Elevations and Aesthetics

- (a) Representative architectural elevations shall be submitted with the rezoning application. Building elevations visible from public roadways or adjacent residential properties shall incorporate articulation, varied materials, or other design features to reduce the perceived visual mass of the structures. Elevations shall depict all rooftop equipment, screening walls, and dunnage.
- (b) The maximum overall structure height of the easternmost building, including all rooftop mechanical equipment, dunnage, screening walls, and parapets, shall not exceed the heights shown in the elevations.
- (c) All rooftop mechanical equipment shall be screened from view from adjacent residential properties and public roadways by parapet walls, screening enclosures, or other architectural features that are integrated into the building design.

Section 10. E-Waste and Decommissioning

- (a) The operator shall draft a technology equipment lifecycle management plan. The plan shall describe how servers, batteries, cooling components, and other electronic equipment will be disposed of, recycled, or refurbished in accordance with all applicable state and federal e-waste regulations, including the North Carolina Solid Waste Management Act (N.C.G.S. § 130A-290 et seq.).
- (b) A decommissioning plan shall be submitted to the Planning Department prior to the issuance of a certificate of occupancy. The plan shall outline the process for site restoration in the event the data center ceases operations.

Section 11. Community and Intergovernmental Coordination

- (a) The applicant shall maintain ongoing communication with the Town of Rural Hall regarding project development, construction milestones, and operational matters of community interest.
- (b) The property owner or operator shall establish and maintain a designated point of contact available to receive and respond to concerns. The contact shall serve as the point of communication following construction document approval. Contact information for the community liaison shall be provided to the Planning Department and the Town of Rural Hall.

Section 12. Conditions Running with the Land

- (a) All conditions set forth herein are voluntarily offered by the applicant and property owner pursuant to N.C.G.S. § 160D-703 and shall be binding upon the applicant, property owner, and all successors, assigns, tenants, operators, and any other party with a legal or equitable interest in the property for the duration of the data center use or any use authorized under this conditional rezoning approval.
- (b) No modification, amendment, or removal of any condition set forth herein shall be effective unless approved through a new or amended conditional rezoning application subject to the full public review process as required by law, including public hearings before the Planning Board and the governing body.
- (c) In the event of a violation of any condition set forth herein, the county shall have the authority to pursue all remedies available under law, including but not limited to the issuance of notices of violation, civil penalties, injunctive relief, and the revocation of certificates of occupancy or building permits. The existence of these remedies shall not preclude the exercise of any other enforcement authority available to the county under the UDO, state law, or any other applicable legal authority.
- (d) The approved site plan, including all designated built upon area locations, setbacks, buffer areas, and access points depicted thereon, shall constitute a condition of this rezoning approval. Any material deviation from the approved site plan shall require a new or amended conditional rezoning application, except for minor administrative modifications as defined and authorized under the UDO. For purposes of this condition, administrative modifications shall include only those changes that reduce built upon area, increase setbacks from property lines, or otherwise lessen the intensity or impact of the approved development.

Section 13. Public Recreational Area/Additional Use

- (a) The development team is exploring the dedication of the southwest corner of the project site for a public recreational area, which may include indoor or outdoor facilities for community use. This dedication is contingent upon the Town of Rural Hall granting public access through its currently owned adjacent parcel to provide road frontage to the recreational area, and the Town accepting responsibility for the ongoing maintenance of any areas dedicated for public use. The scope, design, and terms of any such dedication are to be determined through further coordination with the Town.