

**TOWN OF EDEN
IOWA COUNTY, WISCONSIN**

ORDINANCE NO. 2026-5

AN ORDINANCE REGULATING DATA CENTERS

The Town Board of the Town of Eden, Iowa County, Wisconsin, does ordain as follows:

Section 1. Authority and Purpose

This Ordinance is adopted pursuant to the Town’s authority under Wis. Stat. §§ 60.10, 60.22, 60.23, and its general police powers to protect public health, safety, and welfare. This Ordinance is a licensing and performance-standards measure. It does not purport to regulate the siting of electric generation or transmission facilities that are within the exclusive jurisdiction of the Public Service Commission of Wisconsin.

This Ordinance is consistent with and implements the goals and policies of the Town of Eden Comprehensive Plan (adopted 2005), which prioritizes protection and preservation of the small community and rural character of the Town, preservation of agricultural lands and natural resources, maintenance of separation distances between incompatible land uses, and ensuring that new development is harmonious with the surrounding rural landscape and does not negatively impact quality of life or create conflicts with residential or agricultural uses.

The Town of Eden is subject to Iowa County zoning, including agricultural and farmland-preservation districts. A license under this Ordinance is in addition to, and does not replace, any County land-use, building, sanitary, or driveway approval. A Town license does not rezone land and does not authorize a use that Iowa County zoning prohibits.

The purpose of this Ordinance is to regulate the siting, construction, operation, maintenance, and decommissioning of Data Centers in order to:

- Protect the health, safety, and welfare of Town residents and the public;
- Minimize adverse impacts on neighboring properties, agricultural land, natural resources, water supplies, and local roads and infrastructure;
- Ensure compatibility with surrounding land uses and the rural character of the Town as set forth in the Comprehensive Plan;
- Require adequate financial assurances for decommissioning, road repair, and emergency response; and
- Provide clear, administrable standards for review and permitting consistent with the Town’s Comprehensive Plan and applicable county zoning.

Section 2. Findings

The Town Board makes the following findings based on available acoustic engineering reports, industry analyses, government reviews, documented community impacts, and the conditions that exist in the Town of Eden:

A. Continuous Operational Noise.

Continuous noise generated by cooling fans, chillers, transformers, and related mechanical systems commonly measures in the range of approximately 45 to 80 dBA at or near the property line. Low-frequency tonal components (often a continuous “hum” or “drone,” including transformer tones near 100 Hz / 120 Hz) are frequently reported as intrusive even when overall A-weighted levels remain within conventional numerical limits. Reviews of complaint sites, including analysis associated with the Virginia Joint Legislative Audit and Review Commission (JLARC), have recorded sound levels in the approximate range of 40 to 59 dBA at affected residences. Low-frequency energy is often perceived as vibration in building elements.

Sound pressure level typically decreases by approximately 6 dB with each doubling of distance under free-field conditions. Low-frequency energy below roughly 200 Hz experiences little atmospheric absorption and can remain audible at 1,500 feet to more than one-half mile under quiet rural nighttime conditions. Rural nighttime background levels in the Town are characteristically low (typically less than 30 to 35 dBA).

B. Generator Noise.

Backup generators operating at full or near-full load during testing or emergency conditions are the dominant intermittent source. Even with silencers and enclosures, such equipment commonly produces 85 to 105 dBA near the source. Load tests of approximately 95 to 100 dBA near the source have been documented as remaining audible at 4,000 to 5,000 feet under still nighttime conditions. Restricting routine testing to weekday midday hours reduces conflict with quiet evening and nighttime residential use.

C. Scale of Current Facilities.

Facilities proposed or under construction in Wisconsin commonly range from approximately 100 MW to 1,000 MW or greater, with multi-building campuses occupying hundreds of acres, employing large construction workforces, and requiring high-capacity interconnection and substantial access and staging area. Construction traffic on Town roads is a separate and significant impact from operational noise.

D. Nature of the Residential Setback Formula.

The Town adopts a residential setback of 100 feet per megawatt of Peak Electrical Demand where no generators are used, and 150 feet per megawatt where generators are used, subject to the minimum distances stated in Section 6. The formula is a conservative planning and siting standard. It increases required separation as source inventory, generator capacity, fuel storage, fire load, construction activity, and supporting infrastructure increase with electrical demand. It is not a predicted 45 dBA sound contour and is not offered as an acoustic propagation equation. Sound attenuation with distance is approximately logarithmic. The linear foot-per-megawatt rule is a policy choice for administrability and for providing a growing buffer as intensity increases.

The 45 dBA (residence) and 50 dBA (lot line) limits in Section 7, including the tonal penalty, vibration standard, and full-load generator testing, are the enforceable performance standards for sound and vibration. The setback is a siting presumption intended to make compliance

reasonably likely under rural nighttime conditions and to address fire-product travel, volunteer response time, and infrastructure effects that are not fully captured by a single dBA number.

E. Intensity, Rural Character, and Super-Scale and Hyperscale Facilities.

The Town of Eden is a rural agricultural community served by volunteer fire protection, limited town-road capacity, private wells in karst-influenced Driftless terrain, and few large level sites. Super-Scale and Hyperscale facilities, as currently proposed elsewhere in Wisconsin, require land, electrical interconnection, construction traffic, and emergency-response capacity on a scale that the Town finds generally incompatible with the rural character, Comprehensive Plan goals, and public-service capacity of the Town. The setback formula at those intensities will, on many sites, exceed the distance from a proposed facility to the Town boundary. That result is intended. It implements the finding of incompatibility; it is not an accidental arithmetic outcome. This Ordinance does not declare Super-Scale or Hyperscale uses unlawful in the abstract. It requires that any such proposal meet the performance standards of this Ordinance and either the applicable setback or a modification granted under Section 6.G upon written findings.

F. Independent Standards.

Height limits, closed-loop cooling, well-interference analysis, drinking-water and waterway setbacks, soil and groundwater testing, wildlife protections, screening, lighting, construction and road controls, and security requirements are independent of the foot-per-megawatt formula.

Section 3. Definitions

For purposes of this Ordinance:

Data Center means a facility used primarily for the centralized storage, management, processing, transmission, or hosting of digital data, including high-density servers, information technology equipment, networking gear, specialized mechanical cooling systems, backup power generation, and related infrastructure. The term includes enterprise, colocation, cloud-computing, and server-farm facilities, and accessory structures supporting sustained operation. It does not include small-scale on-premises IT rooms accessory to a primary non-data-center use that consume less than 1 MW and occupy less than 5,000 square feet.

Peak Electrical Demand means the greatest of: (1) nameplate electrical capacity; (2) peak interconnection request or utility load letter; or (3) the approved ultimate electrical demand of a phased or multi-building campus under common ownership or control. Classification and setbacks shall be based on Peak Electrical Demand, not the first phase alone.

Small-Scale Data Center means a Data Center with a Peak Electrical Demand of less than 10 MW and a building footprint of less than 50,000 square feet.

Large-Scale Data Center means a Data Center with a Peak Electrical Demand of 10 MW or greater but less than 100 MW, or a building footprint of 50,000 square feet or greater where Peak Electrical Demand is less than 100 MW.

Super-Scale Data Center means a Data Center with a Peak Electrical Demand of 100 MW or greater and not more than 1,000 MW (1 GW), including any phased or multi-building campus whose approved ultimate demand falls within that range.

Hyperscale Data Center means a Data Center with a Peak Electrical Demand greater than 1,000 MW (1 GW), including any phased or multi-building campus whose approved ultimate demand exceeds 1,000 MW.

Generators means any on-site backup, emergency, or standby power generation equipment capable of supplying power to the Data Center or its cooling systems.

Operator means the owner, lessee, or entity responsible for day-to-day operation and compliance.

Participating Property means real property that is either (1) the host parcel of the Data Center, or (2) the subject of a written agreement recorded in the Iowa County Register of Deeds that (a) identifies the Data Center, (b) provides consideration to the landowner, (c) expressly waives identified setback, noise, or vibration protections of this Ordinance as to that property, and (d) binds successors and assigns. An option, letter of intent, or unrecorded promise does not create a Participating Property.

Participating Residence means a residence located on Participating Property.

Non-Participating Property and **Non-Participating Residence** mean property and residences that are not Participating.

Substantial Expansion means any increase of 10 percent or more in Peak Electrical Demand or building footprint; the addition of Generators where none were licensed; or any change that would alter classification or required setbacks.

Town Zoning Administrator means the Town Chair, or such other officer as the Town Board designates by resolution, for purposes of administrative review under this Ordinance.

Other terms not defined herein shall have their ordinary meanings or those set forth in the Iowa County Zoning Ordinance, whichever is more protective.

Section 4. Applicability, County Zoning, and Permit Required

A. No person shall construct, expand, operate, or maintain a Data Center within the Town without first obtaining a Data Center License from the Town.

B. Small-Scale review. Small-Scale Data Centers require Town Board approval after public hearing. The Town Zoning Administrator shall receive the application, determine completeness, and provide mailed notice of a complete application to owners of record of parcels any portion of which lies within the applicable residential setback. The Administrator shall place the application on a Town Board agenda for public hearing and decision. The Administrator may recommend approval, approval with conditions, or denial, but shall not issue or deny a license.

C. Large-Scale, Super-Scale, and Hyperscale. These classifications require Town Board approval after public hearing. For Super-Scale and Hyperscale applications, notice shall be given

as a Class 2 notice under Wis. Stat. ch. 985 and by mail to all owners of record of parcels any portion of which lies within the applicable residential setback (or, if a modification is requested, within the unmodified setback).

D. Iowa County zoning. This Ordinance applies in addition to Iowa County Zoning, Wisconsin Public Service Commission requirements, DNR permits, Town driveway regulations, and other state or federal law. A Town license is not a County zoning permit and does not rezone land. Where this Ordinance and another lawful requirement both apply, the more restrictive land-use or performance standard controls. This Ordinance does not regulate electric generation or transmission siting that is within the exclusive jurisdiction of the Public Service Commission.

E. Existing lawfully operating facilities as of the effective date are nonconforming and may continue, but any Substantial Expansion or change in use requires compliance with this Ordinance.

F. Aggregation. If two or more Data Centers are located or proposed such that any single property, whether Participating or Non-Participating, would fall within the applicable setback of more than one facility, those Data Centers shall be treated as a single facility for classification, setbacks, noise and vibration compliance, planning, and all other requirements. Peak Electrical Demand shall be added together.

G. Public process; no confidential siting. No Town officer or employee shall negotiate, accept, or consider a Data Center proposal under a confidentiality agreement that withholds the proposal from the Town Board or the public. Any proposal presented to a Town officer shall be placed on a Town Board agenda. This subsection does not require disclosure of trade secrets that are lawfully withheld from an application file after the existence and location of the proposal have been made public.

H. Utility aid. Nothing in this Ordinance limits the Town's separate authority concerning state utility aid, shared revenue, or related resolutions.

Section 5. Application Requirements

An application for a Data Center License shall include, at minimum:

1. Site plan showing all buildings, equipment, setbacks, screening, access (including a second emergency access), stormwater facilities, fuel storage, wells, karst or sinkhole features if known, and neighboring uses.
2. Peak Electrical Demand (nameplate MW, interconnection request, load profile, and ultimate phased demand), water demand and source, noise and vibration sources including generators, and cooling technology.
3. Written confirmation from the electric utility regarding capacity and interconnection.
4. Noise and vibration study by a qualified acoustical engineer demonstrating compliance with Section 7.
5. Well-interference and groundwater assessment addressing private wells, karst vulnerability, and any proposed high-capacity well.

6. Emergency Response Plan coordinated with local fire, EMS, and County Emergency Management, including procedures for notification and relocation of residents and livestock on neighboring farms in the event of fire, toxic smoke, spill, or other incident.
7. Security Plan addressing physical security, cybersecurity, unauthorized access, and protection against terrorist attacks or other intentional acts of sabotage or violence.
8. Construction traffic plan, proposed haul routes, pre-construction road inventory, and draft road-use and repair agreement.
9. Decommissioning Plan with net cost estimate prepared by a qualified engineer.
10. Proof of insurance and proposed financial assurance.
11. Copies of any Participating Property agreements proposed to be recorded.
12. Evidence of Iowa County zoning status and any County applications filed or required.
13. If a setback modification under Section 6.G is requested, the reduced distances sought and evidence addressing each criterion in Section 6.G.
14. Application fee as set by Town Board resolution and a reimbursement agreement for Town engineering, legal, and third-party review costs.
15. Any other information reasonably required by the Town.

Section 6. Locational and Dimensional Standards

A. Minimum Lot Size. 5 acres for Small-Scale; 10 acres for Large-Scale; 40 acres for Super-Scale; 80 acres for Hyperscale (or county zoning, whichever is greater).

B. Setbacks — Measurement and Purpose. Setbacks are measured from the nearest Data Center equipment, building wall, or generator to the nearest wall of a Non-Participating Residence or the nearest point of a Non-Participating lot line, as applicable. Residential and lot-line setbacks are siting standards intended to support compliance with Section 7 and to address fire-product travel, volunteer response time, and infrastructure effects. They are not a substitute for the noise and vibration limits.

Residential setback formula. The minimum setback from any Non-Participating Residence shall be 100 feet per megawatt of Peak Electrical Demand if no Generators are used, and 150 feet per megawatt if Generators are used, but not less than the following floors:

- Small-Scale: 2,000 feet without Generators; 3,000 feet with Generators.
- Large-Scale: 3,000 feet without Generators; 5,000 feet with Generators.
- Super-Scale: 10,000 feet without Generators; 15,000 feet with Generators.
- Hyperscale: 100,000 feet without Generators; 150,000 feet with Generators.

Property-line setback. The minimum setback from any Non-Participating lot line shall be 500 feet less than the applicable residential setback, but not less than 1,500 feet.

Additional setbacks (not calculated per megawatt):

- 1,000 feet from any drinking water system or source;
- 500 feet from any waterway or waterbody;
- All county floodplain, wetland, and shoreland setbacks.

C. Height. Maximum building and equipment height shall not exceed 45 feet, except for transmission poles or towers necessary for electrical interconnection. Height is independent of the setback formula.

D. Screening and Landscaping. Continuous opaque screening (berm, fence, and/or evergreen landscaping) along all public roads and residential interfaces. Fencing minimum 7 feet.

E. Lighting. Fully shielded, downward-directed, dark-sky compliant; no spillover onto adjacent properties.

F. Prohibited in the 100-year floodplain or designated wetlands except as permitted by DNR.

G. Limited Modification of the Linear Residential Setback. The Town Board may, after public hearing, modify the foot-per-megawatt portion of the residential and lot-line setbacks upon written findings that all of the following are met:

1. The proposed facility will comply with the noise and vibration limits of Section 7, including the tonal penalty and full-load generator testing, as demonstrated by a site-specific study that accounts for low-frequency content and local nighttime ambient levels;
2. Closed-loop cooling is used and a well-interference analysis shows no adverse impact on neighboring wells;
3. The Cobb-Eden Fire District or its successor has reviewed the Emergency Response Plan and the Board finds that fire, smoke, and hazardous-materials risks can be managed with available or funded response capacity, including a second emergency access;
4. Required access, interconnection, staging, and stormwater facilities can be accommodated primarily on the project parcel so that Non-Participating lands are not required to accept road widening, new intersections, or utility extensions as a condition of the project; and
5. The modification does not reduce any setback below the applicable floor in Section 6.B.

A modification under this subsection does not waive height, closed-loop cooling, drinking-water or waterway setbacks, soil testing, security, wildlife, insurance, road-repair, or decommissioning requirements. The Board shall state the modified distances in the license.

Section 7. Performance Standards

A. Noise. Continuous operational sound shall not exceed **45 dBA** at any Non-Participating Residence and **50 dBA** at any Non-Participating lot line, at all times. These limits apply with all generators operating at full capacity if generators are present. Compliance with a setback does not excuse exceedance of these limits.

Tonal Noise Penalty. If a study or measurement identifies one or more prominent tones by narrow-band analysis in accordance with ISO/TS 20065 or an equivalent accepted method, a **5 dB penalty** shall be added to the measured or predicted A-weighted level for compliance purposes.

Vibration. Operational vibration, including low-frequency energy perceived as vibration, shall not exceed 0.1 inch per second peak particle velocity at the outside wall of any Non-Participating

Residence, or such stricter limit as a site-specific study shows is necessary to avoid perceptible indoor vibration under quiet nighttime conditions.

Noise and vibration testing:

- Pre-construction baseline study by a qualified acoustical engineer.
- Post-construction study within 60 days of commercial operation and upon Significant Expansion, including full-load generator measurements if generators are installed.
- Methodology, calibration, meteorology, measurement locations, and narrow-band tonal analysis shall be submitted.
- The Town may require additional testing at the Operator's expense upon complaint or reasonable belief that limits are exceeded.

Generator testing hours. Routine maintenance or readiness testing of Generators is allowed only Monday through Friday between 9:00 a.m. and 3:00 p.m., and only as reasonably necessary. The Operator shall give the Town Clerk and all Non-Participating Residences within the applicable residential setback at least 72 hours' written or mailed notice before scheduled testing. Emergency operation during a utility outage is not restricted by this paragraph. Fossil-fueled backup generation shall not be used as a substitute for firm utility service.

B. Water Use and Karst. All cooling systems shall be closed-loop. Open-loop or once-through systems are prohibited. The Operator shall report projected and actual water consumption annually. No high-capacity well serving the facility shall be constructed or used unless a well-interference analysis prepared by a qualified hydrogeologist demonstrates no adverse impact on neighboring private wells or on the aquifer, with particular attention to karst features of the Driftless Region. This standard is independent of the setback formula.

C. Emergency Power and Fuel Storage. Backup generators shall comply with air-quality standards. Fuel storage shall be limited, secondary-contained, and compliant with applicable law.

- If on-site fuel tanks are present, baseline soil and groundwater testing prior to operation and periodic testing thereafter on a Town-approved schedule.
- After any emergency, spill, fire, or other incident in which contamination may have occurred, prompt testing at Town-approved locations and remediation to applicable standards at the Operator's expense. Results within 30 days.

D. Safety, Access, and Monitoring. Compliance with applicable codes. 24/7 remote monitoring. Operator shall fund initial and annual training for local first responders. The site shall have a second emergency access suitable for fire apparatus, independent of the primary driveway to the extent practicable.

Livestock and Occupant Relocation. In the event of a fire, release of smoke or other combustion products, fuel or chemical spill, or any other incident at the Data Center that reasonably requires the temporary relocation of persons or livestock from any property (Participating or Non-Participating) for health, safety, or animal-welfare reasons, the Operator shall, at the Operator's sole expense and without any cap, ceiling, per-incident limit, or other limitation on amount, pay all costs of transportation and lodging for displaced persons and all costs of transportation, temporary boarding, feed, and veterinary care for displaced livestock until it is safe to return or until a longer period ordered by the Town, local fire chief, or County

Emergency Management. Insurance, escrow, or other security required by this Ordinance is additional assurance only and does not limit or cap this obligation. The Operator shall include this uncapped obligation in the Emergency Response Plan. This obligation is in addition to any other liability of the Operator under law.

E. Security. The Operator shall maintain a Security Plan addressing physical security, access control, cybersecurity, unauthorized entry, and protection against terrorist attacks or other intentional acts of sabotage or violence, and shall provide the plan to the Town and local emergency responders.

F. Stormwater, Environmental, and Wildlife Protection. Full compliance with DNR and county stormwater and erosion-control requirements, including fire-suppression runoff containment. The Operator shall take reasonable measures to minimize adverse impacts on wildlife and wildlife habitat, including compliance with applicable wildlife-protection laws and avoidance of known sensitive habitats where practicable.

G. Construction, Traffic, Roads, and Driveways. The following apply in addition to operational standards:

- Construction activity generating noise audible at a Non-Participating Residence is limited to Monday through Friday, 7:00 a.m. to 6:00 p.m., unless the Town Board authorizes other hours in writing for a defined period.
- Before land disturbance, the Operator shall complete a pre-construction inventory of Town roads on the approved haul route, enter a road-use and repair agreement with the Town, and post a bond or other security in an amount set by the Town sufficient to repair construction damage. The Operator shall repair damage caused by construction traffic promptly and shall restore inventoried roads at the end of construction.
- All access onto Town roads shall comply with the Town of Eden driveway ordinance. Construction traffic shall use only routes approved in the license.

Section 8. Financial Assurance, Insurance, Fees, and Decommissioning

A. Insurance. Commercial general liability (\$2,000,000 aggregate minimum; \$5,000,000 Super-Scale; \$10,000,000 Hyperscale), umbrella (\$10,000,000; \$25,000,000 for Super-Scale and Hyperscale), pollution liability, and workers' compensation, with the Town named as additional insured.

B. Decommissioning Assurance. Prior to construction, a bond, irrevocable letter of credit, or other form acceptable to the Town in the estimated net decommissioning cost, updated every 5 years. Restoration to pre-construction or agricultural-ready condition within 12 months of cessation.

C. Fees. Application, review, inspection, and annual license fees shall be set by Town Board resolution and may be amended without amending this Ordinance. The Operator shall reimburse reasonable Town costs of engineering, legal, and third-party review.

D. Tax Revenue Protection. If the facility results in a mutually verified net loss of local tax revenue relative to pre-project conditions, the Operator shall make voluntary payments to offset such loss unless a state utility-aid or equivalent mechanism is in place.

Section 9. License Term, Inspection, Operation, and Reporting

A. Term. A license expires if substantial construction has not begun within two (2) years after issuance, unless the Town Board grants one extension of up to one year for good cause.

B. Abandonment. If commercial operation ceases for twelve (12) consecutive months, the facility is abandoned and the Operator shall decommission under Section 8.B unless the Town Board finds that operation will resume within a stated period not exceeding six additional months.

C. Inspection. The Town and its designated consultants may inspect the facility during business hours on reasonable notice, and at any time in an emergency, to verify compliance.

D. Reporting and transfer. The Operator shall maintain the facility, submit annual reports (noise, vibration, water, incidents, security status, actual Peak Electrical Demand, and generator-testing log), and notify the Town of any material change in ownership, operations, or electrical demand within 30 days. A Substantial Expansion requires a new or amended license before it occurs. A new owner shall assume all obligations in writing before transfer.

Section 10. Appeals

A. Administrative Appeal. Any person aggrieved by a decision of the Town Board or the Town Zoning Administrator under this Ordinance may appeal by filing a written notice with the Town Clerk within thirty (30) days after the written decision, stating the grounds and the relief requested. An appeal of an Administrator decision shall be heard by the Town Board.

B. Hearing. The Town Board shall hold a public hearing within sixty (60) days unless the appellant agrees to a later date. Notice shall be given to the appellant and published as a Class 1 notice under Wis. Stat. § 985.07 at least ten (10) days before the hearing. The Board may affirm, reverse, or modify the decision and shall issue a written decision within thirty (30) days after the hearing.

C. Judicial Review. A person aggrieved by a final Town Board decision may seek certiorari review in Iowa County Circuit Court under Wis. Stat. § 68.13 or other applicable law, commenced within thirty (30) days after the written decision or such other time as statute provides.

D. Stay. An appeal or action for judicial review does not stay enforcement unless the Town Board or a court orders a stay.

Section 11. Enforcement, Violations, and Penalties

Violations are subject to citation, stop-work orders, license revocation after notice and hearing, and penalties under Wis. Stat. § 66.0113 or Town citation ordinance. Each day of continuing violation is a separate offense. The Town may seek injunctive relief.

Section 12. Severability, Interpretation, and Effective Date

If any provision is held invalid, the remainder shall continue in full force. If the foot-per-megawatt formula is held invalid, the floor distances in Section 6.B shall remain enforceable. This Ordinance shall be liberally construed to effectuate its purposes and shall take effect upon passage and publication or posting as provided by law.

Adopted this 14th day of September, 2026

Rick Zembala
Town Chair

Cheryl Kelly
Town Clerk

TOWN OF EDEN
IOWA COUNTY, WISCONSIN
MEMORANDUM

Technical and Policy Basis for the Data Center Ordinance — including plain-language explanations

Purpose

This memorandum supports the Data Center Ordinance for the Board packet. It explains why the standards exist and what the technical words mean. A resident who finished high school should be able to read the ordinance and this memo and know what each requirement does.

Part I. Plain-language guide to the terms

Megawatt (MW) and gigawatt (GW)

A megawatt is a measure of electrical power. One megawatt will run about 400 to 800 typical homes at once, depending on the season. Ten megawatts is a small data center under this ordinance. One hundred megawatts is Super-Scale. One gigawatt is 1,000 megawatts — enough power for a small city — and anything larger than that is Hyperscale. The ordinance uses these numbers because they describe how much electricity the building will pull off the grid, which drives generators, cooling fans, truck traffic, and fire load.

Peak Electrical Demand

This is the most power the project is allowed to use, not the first building they put up. It is the greatest of three figures: the nameplate rating on the equipment, the load the utility is asked to serve, or the approved final size of a multi-year campus. Classification and setbacks use that largest number so a developer cannot permit a 9 MW first phase and later grow to 200 MW under Small-Scale rules.

Nameplate

The rated capacity printed on the equipment or in the utility interconnection papers. Think of it as the size stamped on the machine, not how hard it happens to be running on a given afternoon.

Setback

A required empty distance between the data center (building, equipment, or generator) and a house or property line that did not sign a waiver. It is a buffer, like a farm setback from a neighbor's well or a hog barn from a house.

Floor (minimum setback)

The shortest distance the Town will accept for that size class, even if the feet-per-megawatt math would give a smaller number. Example: a 5 MW site with no generators is $100 \times 5 = 500$ feet by the formula, but the Small-Scale floor is 2,000 feet, so 2,000 feet controls.

100 feet per megawatt / 150 feet per megawatt

A planning rule, not a sound-meter reading. For every megawatt of demand, the Town requires 100 feet of separation from a non-participating house if there are no generators, and 150 feet if there are generators. Bigger plants sit farther away. Sound does not actually fall off in a straight line; it falls off by about half (6 dB) each time you double the distance. The Board chose a straight-line rule because it is simple to administer and because fire, trucks, and wells also get worse as the plant gets larger.

Acoustic contour

A map line showing where a computer model says the sound will drop to a certain number, such as 45 dBA. The ordinance does not use that map as the setback. The setback is a policy buffer. The sound limit of 45 / 50 dBA is a separate test that must still be met.

dBA (A-weighted decibel)

A common way to measure sound the way a human ear hears it. Rough comparisons in the country at night: a quiet bedroom is often under 30 dBA; a refrigerator across the room is about 40; normal conversation is about 60; a diesel generator close-up can be 90 to 105. The ordinance cap is 45 dBA at a neighbor's house and 50 dBA at the lot line, day and night, with generators running full-out if the site has them. Forty-five dBA is still clearly audible in a quiet farmyard.

Tonal noise and the 5 dB penalty

A tone is a single pitch that stands out — the hum of a transformer or the whine of a fan — rather than mixed noise like wind in trees. People find a tone more annoying than the same loudness of mixed sound. If a test finds a prominent tone, the measured number is treated as 5 dB louder for compliance. A reading of 43 dBA with a tone is treated as 48 dBA and fails the 45 dBA house limit.

Low-frequency sound

Sound below about 200 cycles per second. It is the rumble or drone you feel in a window or chest as much as you hear it. It travels farther than sharp high-pitched sound and is only weakly reduced by air. That is why a setback and a vibration limit both appear in the ordinance.

Vibration / 0.1 inch per second PPV

PPV means peak particle velocity: how fast the ground or a wall shakes. One-tenth of an inch per second at the outside wall of a neighbor's house is a tight limit meant to keep dishes and sleep from being disturbed. It is a separate test from the dBA sound limit.

Participating and Non-Participating property

Participating land is either the project's own parcel or a neighbor who signed a written waiver, took payment, and recorded that paper at the Register of Deeds so later buyers are bound. A handshake, an option, or a letter that is not recorded does not count. Everyone else is Non-Participating and keeps the full setback, noise, and vibration protection.

Aggregation

If two data centers are close enough that the same farm or house sits inside both setbacks, the Town treats them as one plant. Their megawatts are added. A company cannot dodge Super-Scale rules by putting two "Large-Scale" buildings on adjoining lots.

Closed-loop cooling

The cooling water stays in pipes and tanks and is reused. It is not sprayed into the air or dumped into a creek after one pass. Open-loop or once-through cooling is banned because it can use farm-scale volumes of water every day. Closed-loop still needs some makeup water, but far less.

High-capacity well and well-interference

In Wisconsin a high-capacity well is generally one that can pump 100,000 gallons a day or more. Well-interference means that pumping can lower the water in a neighbor's well so the pump sucks air or the well goes dry. The ordinance requires a hydrogeologist — a groundwater scientist — to show that will not happen before such a well is used.

Karst and the Driftless Area

Karst is limestone or dolomite bedrock that water has eaten into cracks, channels, and sometimes sinkholes. Water does not seep slowly through clay. It can run underground the way it would through tile lines. A spill or a slug of fire-fighting foam can reach a well in hours or days instead of years.

Iowa County is in the Driftless Area. The last glaciers did not cover this ground, so there is little glacial clay sitting on the rock. Soils are often thin. Almost every house and farm in the Town drinks from a private well in that rock. That is why the ordinance treats wells and spills as their own standard, not something the megawatt setback takes care of. The Southwest Wisconsin Groundwater and Geology Study (Grant, Iowa, and Lafayette Counties) found private wells here are vulnerable where soil is thin and rock is fractured.

Class 1 and Class 2 notice

Wisconsin newspaper-notice rules. Class 1 is published once. Class 2 is published two weeks in a row. Super-Scale and Hyperscale also require a letter to every owner of land inside the setback.

Public Service Commission (PSC)

The state agency that regulates electric utilities and large power-line and power-plant siting. This Town ordinance licenses the data-center land use and its noise, water, roads, and emergency rules. It does not pretend to site a transmission line or a power plant that only the PSC can approve.

Iowa County zoning and A-1 / farmland preservation

The Town does not have its own zoning map. Iowa County does. A-1 is the exclusive-agricultural district used to keep land in farming and to qualify for farmland-preservation tax credit. A Town license is an extra local permit. It does not rezone the land and it cannot allow a use the County forbids.

Utility aid / Resolution 2026-F

State shared-revenue money that can flow when a large utility installation is in a town. It is a separate Town action. The ordinance only points to it so a data-center review does not quietly replace that discussion.

Decommissioning bond

Money posted up front (bond, letter of credit, or similar) so that if the company leaves, the Town can tear the plant down and put the ground back to farmable condition without taxing the neighbors.

Second emergency access

A second driveway or road that a fire truck can use if the main entrance is blocked by fire, wrecked vehicles, or snow. Volunteer departments need two ways in.

Uncapped emergency relocation costs

If fire, smoke, or a spill forces people or livestock off a farm, the company pays every dollar of hauling, lodging, boarding, feed, and vet bills until it is safe to come home, or longer if the Town or fire chief so orders. There is no dollar ceiling. Insurance is extra backup, not a cap.

Part II. Why the standards are written this way

1. Classifications

Small-Scale: under 10 MW and under 50,000 square feet. Large-Scale: 10 MW to under 100 MW. Super-Scale: 100 MW through 1,000 MW. Hyperscale: over 1,000 MW. Those last two sizes match plants now being proposed elsewhere in Wisconsin. They need land, power lines, construction traffic, and fire capacity that a town of Eden's size does not have.

2. Setback formula and legal framing

The 100 / 150 feet-per-megawatt rule is a conservative planning standard. Sound drops about 6 dB each time distance doubles; the formula is not a 45 dBA contour. Super-Scale and Hyperscale distances implement an express finding that those sizes are generally incompatible with rural character, volunteer fire service, private wells, town roads, and Driftless terrain. On many sites the formula will reach past the Town line. That result is intended. It is not an arithmetic accident. The ordinance does not ban those uses in the abstract. An applicant must still meet the noise and vibration limits and either the setback or a modification under Section 6.G. No modification may go below the floors. If a court struck only the feet-per-megawatt increment, the floors would still stand.

A Town license does not rezone land or override Iowa County zoning. It does not site generation or transmission reserved to the PSC.

3. Noise, vibration, and generator testing

Limits remain 45 dBA at a Non-Participating house and 50 dBA at the lot line at all hours, generators at full load if present, plus the 5 dB tone penalty. Vibration at the house wall is limited to 0.1 inch per second. Routine generator tests are Monday through Friday, 9:00 a.m. to 3:00 p.m., with 72 hours' notice, so a load-bank roar is not run at 2:00 a.m. Emergency outage use is unrestricted.

4. Fire, volunteer response, and livestock

A data-center fire can throw toxic smoke from plastics and batteries, threaten a diesel fuel yard, and throw heat onto dry grass. Cobb-Eden is a volunteer department. First apparatus is often several to more than ten minutes out. A second access is required. If people or livestock must leave, the Operator pays all relocation costs with no cap.

5. Construction, roads, and driveways

Building a campus can last 18 to 36 months. Noisy work is limited to weekdays 7:00 a.m. to 6:00 p.m. The company must inventory Town roads before hauling, sign a repair agreement, post

security, use only approved haul routes, and obey the Town driveway ordinance. Neighbors should not have to rebuild their own approaches so a construction fleet can get in.

6. Water, karst, and closed-loop cooling

Closed-loop cooling is required because Eden's drinking water is private wells in karst-influenced Driftless rock. A high-capacity well needs a well-interference study before it is drilled or used. Soil and groundwater must be tested if fuel tanks are on site and again after any spill or fire. Those rules stand even if the setback is met. Karst does not give the Town a second chance once contamination is in the rock.

7. Process, fees, term, and public meetings

Every class, including Small-Scale, needs Town Board approval after a public hearing. The Zoning Administrator (the Chair unless the Board names someone else) only checks the file, mails notice, and recommends. Town officers may not sit on a confidential proposal that is kept from the Board and the public. Fees are set by resolution so the Board can change dollar amounts without rewriting the ordinance. A license dies if construction has not started in two years. Twelve months without operation is abandonment. The Town may inspect on reasonable notice.

Part III. Record for adoption

- Place this memorandum in the Board packet.
- Take public comment and adopt the Section 2 findings by motion with or before the ordinance.
- Record the vote.
- Advise Iowa County Planning and Development of the license standards and confirm how County A-1 / farmland-preservation zoning treats the use.

The floors rest on cooling and generator audibility, fire-product travel, and volunteer response. The linear increment is a planning buffer. Super-Scale and Hyperscale distances implement an incompatibility finding, subject to a limited modification that cannot undercut the floors or the 45 / 50 dBA and vibration limits.