

Maine Data Center Advisory Council – Economic and Community Development Pre-Read

August 13, 2026, 9:30am-12:00pm

Location: Virtual via Zoom

Registration link: https://cbi-org.zoom.us/webinar/register/WN_qVtu0t31SYy0jkXFI3N1rA#/registration

About the Council

The [Maine Data Center Advisory Council](#) was established by Executive Order of Governor Janet Mills to evaluate issues related to large-scale data center development in Maine and make recommendations to protect ratepayers, maintain electric grid reliability, minimize environmental impacts, and enable responsible economic development.

Council meetings will be open to the public. Additional meetings will be held throughout 2026, with a final report due to the Governor and Legislature by January 29, 2027. Meetings will be recorded and posted along with slides and summaries on the [Council webpage](#).

Meeting Pre-Read

To help inform the discussion, the Council Co-Chairs are providing the following background information related to economic and community development considerations associated with large data centers in Maine. This information will be presented and discussed during the August 13 meeting, with information provided in advance for those who are interested in delving deeper into the scientific and regulatory topics that the Council will discuss.

At the Kickoff meeting on June 3, DOER Acting Commissioner Celina Cunningham presented initial core areas of focus related to economic and community development, and current safeguards and processes in place. Core areas of focus include the following:

- Local decision-making
- Brownfield and industrial redevelopment
- Economic and community benefits
- Public services
- Impacts to existing industries

A meeting summary containing key points raised by Council members during the June 3 meeting can be found online at maine.gov/energy/datacentercouncil. The August 13 meeting will include a detailed discussion of data center economic and community development considerations and perspectives. The August 13 meeting agenda can also be found at the link above.

To inform the discussion, the following information is included as a pre-read for Council Members and the public. Appendices begin on page 3 of this document.

Attachment 1. Economic and Community Development References

- This is a list of some of the agencies, programs, and statutes that will be discussed during the meeting. This is not an exhaustive list of agencies, programs, and statutes that may apply to data center development and operations in Maine. Applicability depends on site and project-specific details.

Attachment 2. Data Center Typologies and Connectivity Considerations

- This overview, created by Maine Connectivity Authority, examines design requirements and connectivity needs associated with data center development.

Attachment 3: Data Centers: Considerations for Maine Municipalities

- This document, created by Greater Portland Council of Governments (GPCOG), is intended to help GPCOG member municipalities understand common data center issues and identify questions that may be appropriate during local planning, zoning, site plan, or development review.

Attachment 1. Economic and Community Development References

State of Maine Department/Agency	Subject	Citation
Department of Economic and Community Development (DECD)	State economic development, business attraction, community development	5 M.R.S. Ch. 383
Maine Connectivity Authority (MCA)	Broadband access and deployment, digital infrastructure	35-A M.R.S. Ch. 94-A §9404
Maine Office of Community Affairs (MOCA)	Municipal planning assistance and community development	5 M.R.S. Ch. 310-B
Maine Councils of Government (COGs)	Regional planning commissions, interlocal resource planning and cooperation	30-A M.R.S. Ch. 119 §2301-2342
State of Maine Program/Statute	Subject	Citation
Business Equipment Tax Exemption (BETE)	Property tax exemption for eligible business equipment	36 M.R.S. §§691–699
Dirigo Business Incentives Program	Capital investment incentives for eligible businesses	36 M.R.S. §5219-AAA
Growth Management Act	Comprehensive planning and growth management, land use regulation	30-A M.R.S. Ch. 187, Subchapter 2
Home Rule Authority	Municipal authority to regulate local affairs	30-A M.R.S. Ch. 111 ME Const. Art. VIII, Part II, § I-II
Municipal Planning Assistance Program (MPAP)	State capital investments and growth management	5 M.R.S. §3233
Municipal Tax Increment Financing (TIF)	Municipal development districts and TIFs	30-A M.R.S. §§5221–5235
Ordinances	Construction, municipal authority, adoption and amendment	30-A M.R.S. Ch. 141

Data Center Types and Connectivity Considerations

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A useful way to think about data centers is not by their size alone, but by the role they play in the digital ecosystem. Additionally, there are design requirements that influence where facilities can be located and what communications infrastructure is needed. A breakdown of facility types and connectivity needs is below. This is not an exhaustive list of all potential types of data centers.

Data Center Types and Connectivity Needs

Data Center Type	Typical Size	Primary Purpose	Connectivity Requirements
Enterprise Data Center	Physical size: • Small 1,000 sq ft - 10,000 sq ft • Medium 10,000 - 50,000 sq ft • Large 100,000+ sq ft Power requirements: • 1-5 MW for small facilities • 20-60 MW for large facilities	Supports a single organization (e.g., hospital, university, government, financial institution) by providing reliable compute and reduced latency.	• Dual fiber entrances • Diverse pathways to Internet Providers • Secure connections to cloud providers • Strong cybersecurity
Colocation (Colo) Data Center	Physical size: • Generally 2,000-20,000 sq ft • Can reach 100,000+ sq ft Power requirements: • 5-100 MW	A shared data center facility where customers lease space to host their own servers and IT equipment. These facilities can serve dozens or hundreds of customers, acting as local or regional IT assets.	• Multiple telecommunications carriers • Carrier-neutral meet-me rooms • Diverse fiber entrances • Dark fiber availability • Direct cloud interconnections • High-capacity connectivity to major internet exchanges • Proximity to end users

Data Center Types and Connectivity Considerations

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Data Center Type	Typical Size	Primary Purpose	Connectivity Requirements
Hyperscale Cloud Data Center	Physical size: - Generally 100,000+ sq ft - Several hundred thousand to millions of sq ft for large sites Power requirements: 15-200+ MW	Provide broad, general-purpose cloud services including storage, networking, databases, and compute.	- Several physically diverse long-haul fiber routes - Hundreds to thousands of fiber strands - Multiple Points of Entry - Direct connections to interstate and international backbone networks - Continuous capacity expansion
Hyperscale Data Centers	Physical size: - Generally 100,000+ sq ft - Several hundred thousand to millions of sq ft for large sites Power requirements: 100 MW - 5,000 MW and growing	Very large facilities that can be specialized to provide artificial intelligence (AI model training or inference), and other high-performance compute. Provides groups of computing systems that perform simultaneous, complex calculations across numerous data points.	- Enormous traffic between GPU clusters within the facility - Very low internal latency requirements - Massive optical transport systems - High resiliency - May require investment in new regional fiber corridors
Edge Data Center	Physical size: 100s-10,000 sq ft Power requirements: 0.5–2 MW	An emerging type of distributed facility that provides compute in proximity to the end use, with potential applications in telecom, telehealth, industrial automation and optimization, and virtual/augmented reality.	Regional fiber connectivity, moderate redundancy, access to local networks

Data Center Types and Connectivity Considerations

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Connectivity Infrastructure Needed Across All Data Center Types

Infrastructure Component	Why It Matters
Long-haul fiber	Connects facilities to major Internet hubs and cloud regions
Middle-mile networks	Regional transport between communities and long-haul routes
Carrier diversity	Reduces costs and improves resilience through competition
Route diversity	Prevents a single fiber cut from disrupting operations
Internet exchange and peering	Improves performance and reduces latency
Conduit access and rights-of-way	Allows future expansion without major reconstruction
Pole attachment and permitting	Accelerates deployment of new communications infrastructure
Cybersecurity and network resilience	Protects critical infrastructure and supports reliable operations



DATA CENTERS

Considerations for Maine Municipalities

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UNDERSTANDING DATA CENTERS

This document is intended to help GPCOG member municipalities understand common data center issues and identify questions that may be appropriate during local planning, zoning, site plan, or development review. It is not intended to recommend approval or denial of any particular project. Because data centers vary widely in size, design, electric demand, water use, cooling technology, backup power, and community impact, municipalities should review each proposal based on site-specific information.

What is a data center?

A data center is a room, building, facility, or campus that houses computer servers, data-storage systems, networking equipment, and related information technology infrastructure. Data centers are used to store, process, manage, and transmit digital information. They also typically include supporting systems such as electric service, backup power, cooling equipment, fire suppression, security, telecommunications connections, and environmental controls. [1] [2]

For municipal planning purposes, a data center should be understood as specialized infrastructure, not simply an office or warehouse with computers. Depending on the scale and design of the facility, a data center may require significant electric capacity, backup generation, utility upgrades, cooling systems, security infrastructure, emergency access, and water or wastewater capacity. These impacts can vary substantially from one project to another, so municipalities should request project-specific information rather than relying on general assumptions. [2] [3] [4] [15]

What are data centers used for?

Data centers support many ordinary and essential digital services, including email, websites, cloud storage, business software, financial transactions, health care records, online commerce, public-sector services, video calls, artificial intelligence (AI), machine learning, and data backup. [1] [2] [5]

Common types of data centers

Enterprise data centers: Facilities owned or operated by a single company or institution, usually to serve that organization’s internal technology needs. [1]

Artificial intelligence (AI) data centers: A relatively new type of data center that uses high-performance computing equipment, including graphics processing units, to train, deploy, and run artificial intelligence applications. These facilities may require more power, cooling, networking capacity, and floor area than traditional enterprise data centers. [6]

Colocation data centers: Facilities where multiple customers rent space for servers and related equipment within a shared building or campus. The building owner typically provides power, cooling, bandwidth, security, and building systems. [1] [5]

Cloud or hyperscale data centers: Large-scale facilities that support cloud computing platforms and very large digital workloads. Major cloud providers include Amazon Web Services, Microsoft Azure, and Google Cloud. [1] [5]

Edge data centers: Smaller, decentralized facilities located closer to users or devices to reduce latency and support real-time applications. [1] [5]



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Typical scale and square footage

There is no single typical size for a data center. The term can apply to a small server room inside another building, a 30,000-square foot colocation facility, a 100,000-plus-square foot AI or cloud facility, or a multi-building hyperscale campus. This is one reason the land use definition should focus on the principal use and then use separate performance standards or review thresholds for the project’s actual impacts. [1] [15]

Example	Publicly reported scale	Planning takeaway
FirstLight, Brunswick, Maine	32,000-square feet in a repurposed secure facility at the former Brunswick Naval Air Station.	Maine already has smaller colocation/managed-service facilities. These are different from very large AI or hyperscale campuses. [20]
LiquidCool Loring, Limestone, Maine	115,000-square feet within a former Loring Air Force Base building. Data Center Map lists it as planned and describes an initial 5-6 megawatt phase with potential scaling. [20]	Large AI-oriented projects may begin in existing industrial or military buildings but still raise utility, cooling, and operational questions. [21]
Sentinel Maine / Jay proposal	The project was described as a proposed reuse of roughly one million square feet across two floors at the former International Paper mill. Data Center Map listed the project as canceled on June 12, 2026.	Large project announcements can change quickly. Local review should verify status, power demand, water demand, tax impacts, and jobs before treating claims as settled facts. [22]
National hyperscale campuses	WRI reports that the average data center site in 2024 covered about 224 acres, and that the largest campuses can exceed 1,000 acres. These figures describe site area, not just building square footage.	Large campuses are a land use issue as much as a building use issue. They can affect rural land, farmland, utility corridors, and local infrastructure planning. [15]

POTENTIAL BENEFITS & DRAWBACKS

Maine does not appear to be a national data center hub, but data centers are no longer just a faraway issue. Data Center Map, an online global directory of data centers, listed 11 data centers in 8 Maine municipalities as of July 1, 2026, including Portland, Brunswick, Millinocket, Caribou, Lewiston, Bangor, Northern Maine, and Farmington. [19]

That number should be used carefully. Data Center Map is a useful starting point, but it is not an official municipal permit inventory. Its national count, as cited by WRI, includes operational, planned, land-banked, and under-construction data centers. In Maine, some entries are existing smaller facilities, while others are planned, proposed, or canceled projects. [15] [19] [22] [23]

The most practical Maine takeaway is this: municipalities should assume data center interest may show up in communities with fiber, power, water, industrial land, former mills, former military facilities, or large redevelopment sites. They should not assume that all proposals are the same. Smaller colocation facilities, AI data centers, hyperscale campuses, and adaptive reuse projects can have very different impacts. [9] [19] [20] [21] [22]

Potential benefits

Economic benefits

Data centers can generate economic benefits, especially during construction. The Brookings Institution found that counties receiving their first large data center experienced a 4% to 5% increase in total private employment over five to six years, with larger gains in construction and information sector employment. The same research found wage increases of approximately 3% to 4%, although the benefits vary by facility type, local labor market, and scale of investment. *GPCOG staff note: These statistics are emerging and should be cited with caution.* [7]

National examples should be used carefully. Loudoun County, Virginia, is one of the most concentrated data center markets in the United States and reports substantial local revenue from data centers. This demonstrates the potential fiscal upside of data center development, though it cannot be assumed that Maine would see the same result given the variety in size, utility use and infrastructure conditions between projects.[8]

GPCOG Staff Note: Public costs and incentives require scrutiny. Communities should compare projected tax revenue against potential public costs, including utility upgrades, substations, transmission infrastructure, water and wastewater capacity, road impacts, emergency response capacity, and any requested tax increment financing, tax exemptions, or other incentives. WRI recommends stronger transparency, cost recovery, and community review as data centers expand. [15]

Adaptive reuse

Data centers may present adaptive reuse opportunities for large industrial sites with existing electric, water, transportation, or transmission infrastructure. In Maine, that is part of the reason former mill and former military sites are being discussed. However, projected benefits such as jobs, tax revenue, water use, and power demand should be independently verified during local review rather than accepted solely from developer estimates. [9] [14] [15] [21] [22]

Essential services

Data centers can provide important digital infrastructure for businesses, governments, institutions, and residents. They support cloud-based services that many organizations now rely on for daily operations, cybersecurity, communications, records management, and data backup. [1] [2] [5]

Potential drawbacks

Electricity demand

The largest public concern is often electricity demand. The U.S. Department of Energy reported that data centers consumed approximately 4.4% of total U.S. electricity in 2023 and could consume approximately 6.7% to 12% by 2028. The International Energy Agency has also identified data centers and AI as major drivers of future electricity demand. [3] [4]

Large data center loads can force utilities and regulators to consider grid planning and cost allocation questions. In June 2026, the Federal Energy Regulatory Commission ordered regional grid operators to justify or reform their rules for connecting data centers and other large energy users, with the stated goal of speeding large-load integration while protecting ratepayers. [10]

Utility coordination

For Maine municipalities, early coordination with the electric utility is important. Municipal review should distinguish between the developer’s preferred power strategy and the utility’s capacity to provide service, including when service can be provided, what upgrades are required, who will pay for them, and whether any off-site infrastructure will be needed. Municipalities may also want to ask whether the project proposes on-site generation, battery storage, backup generators, or other power arrangements in addition to standard utility service. [10] [15]

Land use and scale

Very large data centers can also compete for land. WRI reports that the average data center site in 2024 covered about 224 acres and that some hyperscale campuses exceed 1,000 acres. That does not mean every proposal will be that large. It does mean that municipalities should treat major data centers as a distinct land use and should evaluate site area, building area, phased expansion, utility corridors, and effects on rural or agricultural land. [15]

Water consumption

Water use varies significantly by design. Some data centers use relatively little water, especially where closed-loop or air-cooling systems are used. Other facilities may use substantial water for evaporative cooling. The Environmental and Energy Study Institute reports that a medium-sized data center can consume up to roughly 110 million gallons of water per year for cooling, while larger facilities may consume up to 1.8 billion gallons per year. For context, the 11 communities (about 200,000 residents) that get their water from the Sebago Lake watershed use about 7.5 billion gallons of water per year. [11] [24] [25]

Air quality and backup power

Data centers can affect air quality because they often include backup diesel generators, stationary engines, turbines, or other power equipment. The EPA identifies stationary combustion turbines and stationary engines as common sources of primary or backup power for data centers, and these sources may be subject to Clean Air Act requirements. [12]

Noise and neighborhood compatibility

There are also noise and neighborhood compatibility issues. Data centers may include generators, transformers, substations, cooling equipment, air handlers, chillers, and other mechanical systems that operate continuously or periodically. Fairfax County, Virginia updated its zoning ordinance in 2024 to address data center concerns such as noise, building design, setbacks, screening, equipment location, proximity to residential areas, and pre- and post-construction noise studies. [13]

Costs and post-construction employment

Permanent employment benefits may be more limited than temporary construction-related jobs. Brookings found positive local employment effects but cautioned that local benefits vary, and that communities should focus on evaluating job quality, duration, and attainability for residents. WRI similarly notes that even large facilities may have a limited number of permanent jobs compared with their infrastructure needs. [7] [14] [15]

THE MAINE POLICY LANDSCAPE

In 2026, Maine considered LD 307, “An Act to Establish the Maine Data Center Coordination Council and Place a Temporary Limitation on Certain Data Centers.” The bill would have temporarily limited approvals for data centers with a load of 20 megawatts or more through November 1, 2027, and created a state Data Center Coordination Council. [16]

Governor Janet Mills vetoed LD 307 on April 24, 2026. In her veto message, she stated that she supported a temporary moratorium but would have signed the bill only if it had included an exemption process for the proposed data center project at the former Androscoggin Mill in Jay. [17]

After the veto, Governor Mills issued an executive order establishing a 15-member Maine Data Center Advisory Council. The Council is expected to deliver recommendations to the Governor and Legislature by January 29, 2027. The order also directs state energy officials, in coordination with the Public Utilities Commission, to identify and implement ways to protect ratepayers from new or increased energy costs resulting from data centers to the extent permitted by law. [18]

GPCOG staff notes from a Metro Regional Coalition meeting identify several municipal concerns relevant to Maine communities, including power supply, utility rates, water supply, environmental impacts, noise, air quality, water pollution, and general cultural pushback against AI. [9]

What should municipalities ask for during review?

Municipal review should require enough information to evaluate the actual local impact of a proposed facility. The following information requests may be useful for planning boards, code officers, municipal staff, and elected officials. Not every request will apply to every project, but larger or more complex proposals should generally require more detailed information.

- Projected peak electric demand, including phased demand if the project will be built over time.
- Confirmation and coordination from the electric utility regarding available capacity, required upgrades, cost responsibility, and timeline.
- Description of backup power systems, including generators, batteries, fuel storage, testing schedule, and applicable air permits.
- Estimated water demand, including peak daily demand, annual demand, source of water, cooling technology, and whether potable, non-potable, reclaimed, or closed-loop systems will be used.
- Wastewater, stormwater, and thermal discharge impacts.

- Noise study addressing generators, cooling equipment, transformers, substations, chillers, air handlers, and other mechanical systems.
- Air quality analysis and documentation of applicable Clean Air Act requirements.
- Site design, setbacks, screening, lighting, emergency access, fire suppression, and security measures.
- Fiscal impact analysis comparing projected tax revenue against public infrastructure costs, utility costs, emergency service needs, and requested incentives. Pair this with independent review.
- Public disclosure plan, including what information will be available to the public and whether any non-disclosure agreements are being requested.
- Decommissioning or adaptive reuse plan if the facility is abandoned, partially built, or no longer used as a data center.

This type of review is consistent with current federal concerns about large-load interconnection, EPA guidance on air permitting, WRI governance recommendations, and zoning approaches used in communities such as Fairfax County. [10] [12] [13] [15]

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THE BOTTOM LINE FOR MUNICIPALITIES

Data centers can provide important digital infrastructure and may create local fiscal or redevelopment opportunities, but they can also raise significant concerns. Municipalities do not need to resolve every statewide policy question before acting locally. A practical first step is to define data centers clearly and require enough information to evaluate site-specific impacts.



Photo credit: Hugh Kenny, The Piedmont Environmental Council

LAND USE LANGUAGE & CONSIDERATIONS

This section includes some optional land use language and review considerations for GPCOG member municipalities. It is intended as a starting point for local discussion, not a model ordinance. Municipalities should consult municipal counsel before adopting or amending ordinance language.

Recommended base definitions Optional classifications

Data Center

A facility, building, portion of a building, structure, or campus whose principal use is to house computer servers, data-storage systems, networking equipment, or other electronic equipment used to store, process, manage, or transmit digital information. A data center includes related and accessory equipment and facilities necessary to support its operation, including electrical rooms, substations, transformers, battery systems, uninterruptible power supplies, backup generators, fuel storage, cooling equipment, chillers, cooling towers, air handlers, liquid-cooling systems, water treatment or storage systems, fire-suppression systems, security facilities, network connections, and offices or maintenance areas that are incidental to the data-center use.

Recommended exclusion

Data Center does not include a server room, telecommunications closet, computer equipment room, or similar accessory space that is customarily incidental to another principal use, such as an office, school, municipal building, hospital, research facility, financial institution, industrial facility, or retail business, where the primary use of the property is not the storage, processing, management, or transmission of digital information for third parties or large-scale internal operations.

GPCOG Staff Note: If a municipality uses square footage as a trigger, it should still require electric load, water demand, generator, and utility information. Building size alone does not tell the whole story. A smaller high-density AI facility may have greater power or cooling impacts than a larger, less intensive facility. [6] [15]

Large-Scale Data Center

A data center with planned, approved, or reasonably anticipated peak electric demand of 20 megawatts or more.

GPCOG Staff Note: The 20-megawatt threshold is not the only possible threshold, but it is defensible for Maine ordinance work because it was the threshold used in LD 307. [16]

Major Data Center Campus

A data center consisting of two or more principal buildings, or a data center proposed as a phased campus, or a data center with a principal building area of 100,000 square feet or more. This is optional language. The 100,000-square foot threshold is not from Maine law; it is a local policy choice that may help distinguish a smaller colocation or enterprise facility from a larger campus-scale use. Publicly reported Maine examples range from a 32,000-square foot facility in Brunswick to a planned 115,000-square foot facility at Loring, while the canceled Jay proposal was described as roughly one million square feet. [20] [21] [22]

Why use the umbrella term “data center”?

The term “data center” is technology-neutral. It covers traditional enterprise data centers, cloud data centers, colocation facilities, hyperscale facilities, AI data centers, and future computing uses without requiring the ordinance to be rewritten every time the technology changes. It also separates the basic land use definition from performance standards, which is important because impacts such as electric load, water demand, noise, generator emissions, and visual effects can vary significantly by project. [1] [5] [6] [15]

For ordinance drafting, GPCOG municipalities may want to pair the definition with separate performance standards for electric load disclosure, utility confirmation, water demand, cooling systems, backup generators, air permits, sound studies, setbacks from residential uses, screening, emergency access, fiscal impact review, public information, and decommissioning. [10] [12] [13] [15]

Where should they be allowed?

This is a local policy decision. Generally, a municipality may want to distinguish between smaller data centers and large-scale or campus-style data centers. A smaller data center may fit in some commercial, office, business park, or industrial districts if it meets performance standards. A large-scale data center may be more appropriate only in industrial, planned development, or contract zoning areas where electric service, utility upgrades, road access, screening, emergency response, and separation from residential uses can be evaluated directly.

Municipalities should be careful about allowing large-scale data centers by right without project-specific review. WRI notes that very large data centers can affect energy systems, water systems, land use, air quality, noise, and public costs. Fairfax County is one example of a local government that moved toward more specific data center standards, including equipment screening, residential setbacks, noise studies, and building design requirements. [13] [15]



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POSSIBLE APPLICATION REQUIREMENTS OR PERFORMANCE STANDARDS

Municipalities may consider requiring some or all of the following information as part of a site plan, conditional use, contract zoning, or development review:

Use and scale: Description of the proposed data center type, building area, site area, phases, rack density if available, expected users, and whether the facility is enterprise, colocation, cloud, hyperscale, AI, edge, or another form of data center.

Electric demand: Projected peak electric demand and phased demand, including the expected date each phase will require service.

Utility confirmation: Written utility confirmation of available capacity, required upgrades, off-site infrastructure, cost responsibility, interconnection timeline, and whether service can be provided without shifting costs to other ratepayers to the extent that can be determined locally.

Power strategy: Description of utility service, on-site generation, battery storage, microgrids, backup generators, fuel storage, and any proposed clean energy or demand-management commitments.

Water demand and cooling: Estimated peak daily and annual water demand, source of water, cooling technology, use of potable, non-potable, reclaimed, or closed-loop systems, and any drought or conservation measures.

Wastewater and stormwater: Wastewater, stormwater, and thermal discharge information, including any pretreatment, water storage, or discharge permits.

Air quality: Air quality documentation, including applicable state or federal permitting requirements for stationary engines, combustion turbines, generators, or other power equipment.

Setbacks and buffering: Setbacks from residential districts or uses, screening, landscaping, equipment enclosure, lighting controls, and visual impact mitigation.

Noise: Pre-construction noise study and, for larger projects, post-construction verification addressing generators, cooling systems, transformers, substations, chillers, air handlers, and other mechanical equipment.

Building design and site layout: Building placement, facade treatment, roof and wall-mounted equipment, fencing, security features, access drives, truck movements, snow storage, and relationship to nearby public ways or neighborhoods.

Emergency response: Fire suppression, hazardous materials, fuel storage, emergency access, mutual aid needs, and coordination with the fire department and emergency management staff.

Fiscal impact and incentives: Fiscal impact analysis comparing projected tax revenue with public infrastructure costs, utility costs, emergency service needs, and requested incentives. Larger proposals should include independent review.

Public information: Public disclosure of resource demands and community impacts. If a developer requests confidentiality or a non-disclosure agreement, the municipality should identify what information must remain public for meaningful review.

Community benefits: For large-scale projects, municipalities may consider whether community benefits, workforce commitments, local hiring, infrastructure contributions, or cost-recovery agreements are appropriate.

Decommissioning or adaptive reuse: A plan for decommissioning or adaptive reuse if the facility is abandoned, partially built, downsized, or no longer used as a data center.

SAMPLE LANGUAGE

The following is not model ordinance language, but may be useful as a starting point:



Optional review trigger

A data center shall require conditional use approval, special exception, or site plan review if it has a planned, approved, or reasonably anticipated peak electric demand of 5 megawatts or more; contains 25,000-square feet or more of principal data center floor area; includes exterior generators, substations, cooling towers, chillers, or similar mechanical equipment; is proposed within 500 feet of a residential district or residential use; or is proposed as a phased development that may expand beyond the initial building or phase.



Performance standard concept

A data center shall be designed, constructed, and operated so that electric service, water demand, wastewater, stormwater, air emissions, noise, traffic, emergency access, lighting, screening, and public infrastructure impacts are identified and mitigated to the satisfaction of the reviewing authority. The reviewing authority may require independent technical review at the applicant's expense where the scale or complexity of the project exceeds municipal staff capacity.

GPCOG Staff Note: These thresholds are policy choices, not legal requirements. A municipality that wants a simpler approach could use only the 20-megawatt large-scale data center threshold from LD 307. A municipality that wants more local control could use lower thresholds for conditional use or site plan review while reserving the 20-megawatt threshold for large-scale projects. [16]

BOTTOM LINE FOR ORDINANCE WORK

The first step is to define the use clearly. The second step is to make sure the review process captures the actual impacts. A short definition by itself will not answer the questions municipalities are likely to face: How much power? How much water? What backup power? What noise? What public cost? What happens if the project changes, pauses, or never gets finished? Those questions belong in performance standards, application requirements, and review procedures.

Citations

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