BARRON COUNTY
BOARD OF SUPERVISORS

Monday, August 31, 2026 - 1:00 p.m.

Barron County Government Center — Veterans Memorial Auditorium
335 East Monroe Avenue — Barron, Wisconsin 54812

Link to View Meeting: http://youtube.com/e/BarronCountyMeetings
Live streaming of the meeting will begin at 1:00 p.m.

AGENDA

1. Call to Order
2. Roll Call- Public Notification
3. Invocation and Pledge of Allegiance
4. Special Matters and Announcements (Non-Action Items)
5. Approve Agenda
6. Convene as Committee of the Whole for Discussion on Possible AI Data Center Moratorium
   a. Committee of the Whole Chair – County Administrator Jeffrey French
   b. Recorder for Committee of the Whole – County Clerk Jessica Hodek
   c. Presenters: Wisconsin Counties Association President and CEO Mark O'Connell & Attolles Law, S.C. Attorney Rebecca Roeker
   d. Questions from Board Members
   e. Motion to Rise and Report (Possible Action Item)
7. Reconvene to Full County Board Session
   a. Report of Committee of the Whole – Motion to Rise and Report
   b. Motion to Adopt, Modify or Reject the Recommendation from the Committee
8. Adjournment

Public Notice: *There will not be Public Comment at this meeting. If you wish to share information, questions or comments with the County Board, please contact the County Board Supervisors directly or County Administrator Jeff French prior to the meeting.*

PLEASE CALL 715-537-6200 IF YOU ARE UNABLE TO ATTEND.

Any person who has a qualifying disability under the Americans with Disabilities Act and requires the meeting or materials at the meeting to be in an accessible format must contact the County Clerk's office at 715-537-6200 at least 24 hours prior to the meeting so that arrangements can be made to accommodate your request.

Draft
07/22/26

ORDINANCE NO. _____

TEMPORARY MORATORIUM ON DATA CENTER DEVELOPMENT

WHEREAS, the Barron County Board of Supervisors ("County Board") has the authority to enact zoning regulations and adopt interim measures to protect the public health, safety, and general welfare pursuant to Wis. Stat. § 59.03, Wis. Stat. § 59.69(4), and other applicable provisions of Wisconsin law; and

WHEREAS, recent technological advancements have significantly increased the demand for large-scale data centers and associated infrastructure supporting cloud computing, artificial intelligence, digital communications, electronic commerce, financial services, governmental operations, scientific research, and other data processing activities; and

WHEREAS, modern data centers are substantially different from traditional commercial, industrial, and other manufacturing buildings because data centers often require extensive and unique electrical infrastructure, high-capacity transmission facilities, substations, backup generation systems, battery energy storage systems, cooling equipment, fiber optic infrastructure, specialized water supply systems and wastewater facilities, and other specialized improvements necessary for continuous operation; and

WHEREAS, construction and operation of a data center in Barron County may require substantial public and private infrastructure improvements, including roadway improvements, utility extensions, electrical substations, transmission lines, telecommunications facilities, and emergency service capabilities that are not currently addressed by the existing Code of Ordinances of Barron County ("County Ordinances"); and

WHEREAS, data centers may create general land use impacts but, due to the particular nature of a proposed data center, may also create unique impacts that are not addressed in the County Ordinances, including unique impacts involving noise from mechanical cooling equipment and emergency generators, exterior lighting, visual impacts, construction traffic, water consumption, wastewater generation, stormwater management, emergency response planning, hazardous materials, fire suppression systems, and compatibility with neighboring residential, agricultural, commercial, and industrial properties; and

WHEREAS, associated infrastructure serving a data center may extend well beyond the principal building and may include electrical substations, transmission facilities, battery energy storage systems, cooling towers, water storage facilities, wastewater treatment equipment, fuel storage, fiber optic infrastructure, security improvements, and other accessory structures necessary for operation of a data center; and

WHEREAS, the County Ordinances, including Chapter 17 – Land Use and Development Ordinance ("County Development Ordinance"), presently contain no specific definition of a Data Center (as defined herein) and do not establish zoning districts, permitting procedures, development standards, setback requirements, landscaping standards, noise limitations, buffering requirements, decommissioning requirements, financial assurance requirements, or other regulations specifically applicable to data centers, and the unique impacts of use that may result from a data center within Barron County; and

WHEREAS, allowing applications for data centers to proceed before comprehensive zoning regulations are considered and adopted could result in inconsistent land use decisions, insufficient development standards, conflicts with surrounding land uses, increased demands on public infrastructure, and impacts to the health, safety, and general welfare of Barron County's residents, natural resources, property, businesses and visitors; and

WHEREAS, the County Board has discussed whether it is in the public interest to temporarily preserve existing conditions and use in Barron County while Barron County: (a) researches the land use, environmental, health, and other impacts of data centers; (b) consults with other counties and municipalities, utilities, emergency responders, property owners, planning professionals, environmental agencies, and other stakeholders regarding the potential impacts of data centers in Barron County; (c) determines whether any certain areas should be designated for a data center if a data center is determined to require special regulations; and (d) prepares any required amendment to the Barron County Comprehensive Plan and prepares comprehensive zoning regulations addressing the location, construction, operation, expansion, maintenance, and decommissioning of data centers within Barron County; and

WHEREAS, the County Board intends that this temporary moratorium shall not prohibit future data centers in Barron County, but rather provide sufficient time to develop objective, reasonable, and legally defensible land use regulations that provide certainty to both the public and prospective applicants while protecting the public health, safety, and general welfare from the potential impacts of a data center in Barron County; and

WHEREAS, the County Board has discussed the appropriate timeframe for a temporary moratorium, and whether a nine (9) month temporary moratorium is in the best interest of the public health, safety, and general welfare, during which there will be a moratorium upon the consideration of any application to develop, construct or operate a data center and/or issuance of any permits or approvals for data centers; and

WHEREAS, the County Board has discussed whether a sixteen (16) month, 12-31-2027, temporary moratorium is reasonably necessary to allow adequate time for research, ordinance preparation, public review, town board recommendations, the County Planning and Zoning Committee consideration, legal counsel review, County Board consideration and action, and implementation of comprehensive regulations governing data centers.

NOW, THEREFORE, the Board of Supervisors of Barron County does ordain as follows:

SECTION 1. RECITALS

The Recitals set forth above are true and accurate, and are therefore incorporated into the Moratorium Ordinance as findings of fact and shall be used not just for reference.

SECTION 2. DECLARATION OF MORATORIUM

There is hereby imposed a temporary moratorium on the acceptance of any application to construct or operate any Data Center (as defined herein), and consideration and/or issuance of any zoning permit, building permit, conditional use permit, or zoning approval for a Data Center under any part of the County Ordinances or any other provision of applicable law. The temporary moratorium set forth in this Section 2 shall be referred to herein as the "Moratorium Ordinance".

For purposes of this Moratorium Ordinance, the following definition shall apply:

"Data Center" means a building, campus, or group of buildings used for the primary purpose of cloud computing, artificial intelligence computing, digital storage, networking, internet hosting, colocation services, cryptocurrency processing, high-performance computing, or other electronic data processing activities, together with all associated infrastructure necessary for operation. Associated infrastructure includes any building, facility, equipment or improvement (temporary or permanent) that is reasonably necessary for the construction, operation, maintenance, expansion, or decommissioning of a Data Center, including but not limited to: server buildings and supporting structures; electrical substations; electrical transmission and distribution facilities; battery energy storage systems (BESS); emergency backup generators; fuel storage facilities; cooling equipment and cooling towers; chilled water systems; water supply and storage facilities; wastewater collection and treatment facilities; fiber optic infrastructure; telecommunications equipment; security buildings and fencing; parking, loading, and access roads; and any other infrastructure constructed primarily to support the operation of a Data Center.

This Moratorium Ordinance shall not apply to:

1. Routine maintenance or repair of existing legally established facilities.
2. Server rooms or computer equipment accessory to an existing principal use that does not meet the definition of a Data Center.
3. Public safety communication facilities owned or operated by a governmental entity.
4. Utility facilities, energy generation facilities, and energy storage facilities that are not constructed solely or primarily to serve a proposed Data Center.

Nothing contained herein shall be construed to authorize any use otherwise prohibited under the County Ordinances.

SECTION 3. PURPOSE

The purpose of this Moratorium Ordinance is to preserve existing conditions while Barron County researches, evaluates, and develops comprehensive plans and zoning regulations governing the siting, construction, operation, expansion, maintenance, and decommissioning of Data Centers in order to preserve and protect public health, safety and general welfare.

SECTION 4. AUTHORITY

This Moratorium Ordinance is adopted pursuant to the authority granted to counties under Wis. Stat. § 59.03, Wis. Stat. § 59.69(4), and any other applicable provisions of Wisconsin law authorizing counties to regulate land use and adopt temporary moratoriums to preserve the public health, safety, and general welfare.

The County Board finds that adoption of this temporary Moratorium Ordinance constitutes a reasonable exercise of its police powers and zoning authority for the preservation and protection of the public health, safety and general welfare of Barron County's residents, natural resources, property, businesses and visitors.

SECTION 5. DURATION OF MORATORIUM

The temporary moratorium set forth in this Moratorium Ordinance shall become effective upon adoption and publication as required by law, and shall remain in effect for a period of **nine (9) months**, unless sooner repealed, modified, superseded, or replaced by action of the County Board.

The temporary moratorium set forth in this Moratorium Ordinance shall automatically terminate upon the effective date of an ordinance establishing permanent zoning regulations governing Data Centers regardless of whether the full nine-month period has elapsed, unless otherwise determined by the County Board.

The County Board reserves the right to amend this Moratorium Ordinance as permitted by Wisconsin law if it determines such amendment is necessary to protect the public health, safety, and general welfare or to facilitate implementation of permanent zoning regulations.

SECTION 6. DIRECTION TO DEVELOP DATA CENTER ORDINANCES

During the period of this Moratorium Ordinance, the Barron County Planning and Zoning Committee ("Zoning Committee"), and the Barron County Zoning Administrator (the "Zoning Administrator"), or the Zoning Administrator's delegate(s), are directed to research and draft an ordinance, to be presented to the County Board, providing comprehensive and appropriate regulations of Data Centers to protect the health, safety and general welfare of Barron County's residents, natural resources, property, businesses, visitors and the public from the potential impacts of Data Center construction and operation in Barron County. It is the intention of the County Board to amend the Barron County Comprehensive Plan and the County Land Use and Development Ordinance by adopting an amendment to the existing County Comprehensive Plan and County Development Ordinance to address the siting and regulations for the development and use of Data Centers, before the expiration of the moratorium set forth in this Moratorium Ordinance.

SECTION 7. SUBJECTS FOR CONSIDERATION

In preparing an amendment to the existing County Comprehensive Plan and County Development Ordinance, the Zoning Committee and the Zoning Administrator shall review the possible impacts that Data Centers may have on the health, safety and general welfare of the residents, natural resources, property, businesses and visitors of Barron County. The Zoning Administrator may, in his or her discretion, consult with other counties and municipalities, review and research appropriate studies and information pertaining to data centers, associated infrastructure, siting impacts, land use impacts, and other impacts, and then report back to the Zoning Committee. The Zoning Administrator may also, in his or her discretion, consult with any professionals, experts or scholars with knowledge about the possible impacts of these systems, including but not limited to engineers, lawyers, law enforcement officers, fire fighters and those with specialized knowledge in the fields of data storage facilities' potential impacts on the human environment, geology, soils, water quality and conservation, emergency response, or other public health or environmental protection issues, and then report back to the Zoning Committee. The Zoning Committee shall provide opportunities for public participation in its review process, and consider the public health, safety and general welfare of Barron County's residents, natural resources, property, businesses and visitors throughout the process.

SECTION 8. SEVERABILITY

If a section, subsection, paragraph, sentence, clause, or phrase of this Moratorium Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Moratorium Ordinance.

SECTION 9. CONSTRUCTION

If the provisions of this Moratorium Ordinance are found to be inconsistent with other provisions of the County Ordinances, this Moratorium Ordinance is deemed to control.

Town of Dovre residents,

The Town has placed a temporary moratorium on the siting, construction, and operation of high-intensity industrial facilities and data centers within the Town. As we consider how to move forward to protect the Town's interests, we are looking at several options including joining county zoning.

During our September meeting, we will be joined by Ben Cole, Barron County Zoning administrator, to give us information and answer your questions.

Dovre Town Hall
304 25 ½ Street, Chetek
Tuesday, September 8th, 2026
6:00 pm

Please join us as we seek information and input to make the best decision for your Town. If you are unable to attend but have a question or comment, please email or call Chairperson Vaughn at townofdovre1@gmail.com or 715-642-2706.

Dovre Town Hall
304 25 ½ Street
Chetek, WI 54728

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PERMIT No. 2000

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BARRON COUNTY
335 E MONROE AVE
BARRON WI 54812-1479

T1 P1

RESOLUTION 2026-03
Town of Lakeland, Barron County, Wisconsin

"A Resolution Petitioning Barron County Zoning and the Barron County Board of Supervisors to Enact a Moratorium on the Permitting and Construction of Large-Scale Data Centers, Artificial Intelligence (AI) Data Centers, and Renewable Energy Developments"

WHEREAS, A "data center" is defined as one or more facilities or an array of connected facilities, whose principal use is for the storage, management, processing, and transmission of digital data, which houses computer or network equipment systems, servers, appliances and other associated components related to digital data operations. The facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at the data center. Data centers may also contain accessory office uses necessary to monitor and manage sustained operations at the data center; and

WHEREAS, A "large-scale data center" is defined as the use of a data center as a principal and primary use, when it has a floor area greater than 10,000 square feet contained within a single building or collection of buildings or exceed 5 MW of electric power demand; and

WHEREAS, "utility-scale solar," "large-scale solar," and "solar projects" are different terms that describe a solar power facility that generates enough electricity to serve many customers, as opposed to a single home or business, facilities that are typically located on open land and near an existing substation or electric transmission infrastructure, and may involve the following major components within such projects: PV panels, power conversion units (which include an inverter and transformer), new underground collector circuits, collector substation, and new transmission tie-lines; and

WHEREAS, a wind farm is a cluster of wind turbines that generates electricity in bulk to serve many customers, as opposed to a single business or farm, of which sizes can vary greatly, are typically located on open land and close to a point of interconnection with the electric transmission system, and may involve temporary ground disturbance impacts during construction of the project, long-term operational facilities, and the following major components within such projects: wind turbines, underground collector circuits, collector substation, meteorological towers, aircraft detection lighting system tower, access roads, and operation and maintenance buildings; and

WHEREAS, the Town of Lakeland (the "Town") is under the jurisdiction of Barron County; and

WHEREAS, the Town Board has significant concerns regarding the potential impacts of Data Centers and Large Scale Data Centers on the health, safety, and welfare of residents, including but not limited to:

- Water Resources: The massive consumption of groundwater for cooling systems, which may deplete local aquifers and impact private residential and agricultural wells.
- Infrastructure Strain: The extreme demand on the local electrical grid, potentially leading to increased costs for residential ratepayers and the need for new, intrusive high-voltage transmission lines.
- Public Services: Overburdening of Town roads during construction and increased demands on local fire and emergency services for specialized industrial facilities.

RESOLUTION 2026-03
Town of Lakeland, Barron County, Wisconsin

"A Resolution Petitioning Barron County Zoning and the Barron County Board of Supervisors to Enact a Moratorium on the Permitting and Construction of Large-Scale Data Centers, Artificial Intelligence (AI) Data Centers, and Renewable Energy Developments"

- Community Character: The incompatibility of massive, industrial-scale buildings and noise-generating cooling fans with the rural, agricultural nature of Lakeland; and

WHEREAS, the current Baron County Zoning Code may not sufficiently define or provide adequate regulatory standards specifically tailored to the unique, high-impact nature of Data Centers, Large-scale Data Centers, and Renewable Energy Developments; and

WHEREAS, the Town Board has significant concerns regarding the potential impacts of Renewable Energy Developments on the environment, wildlife, agriculture, as well as health, safety, and welfare of residents; and

WHEREAS, a temporary moratorium would allow Barron County time to conduct essential research on the environmental, economic, and infrastructure impacts of these facilities and to establish robust zoning standards; and

WHEREAS, a temporary moratorium would allow Barron County time to conduct a thorough review and necessary updates to the County Comprehensive Plan, pursuant to Wis. Stat. 66.1001, and to foster public participation, including open discussion, communication programs, information services, and public meetings for which advance notice has been provided, in the preparation of a comprehensive plan update, which would include protection and preservation strategies to agricultural, natural, and cultural resources while promoting the stabilization, retention or expansion, of the economic base and quality employment opportunities, and addressing utilities, including power-generating plants and transmission lines, in Barron County;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors for the Town of Lakeland, by this resolution, formally petitions the Barron County Board of Supervisors to:

1. Enact a Moratorium: Immediately adopt an interim control ordinance placing a moratorium (minimum 12 months) on the acceptance of applications and the granting of permits for new Data Centers and Large-Scale Data Centers, as well as bulk-electricity generating renewable energy developments.

2. Conduct Impact Studies: Commission comprehensive studies on the cumulative impact of data centers on the county's water supply, wastewater treatment, discharge of contaminants, electrical grid capacity, and taxpayer-funded infrastructure, as well as comprehensive studies on bulk-electricity generating renewable energy developments, specifically solar and wind farms.

3. Update Zoning Standards to adequately encompass newer technology and facilities into code, after careful assessment of the environmental and human health impacts, and after offering opportunities for public input:

RESOLUTION 2026-03
Town of Lakeland, Barron County, Wisconsin

"A Resolution Petitioning Barron County Zoning and the Barron County Board of Supervisors to Enact a Moratorium on the Permitting and Construction of Large-Scale Data Centers, Artificial Intelligence (AI) Data Centers, and Renewable Energy Developments"

- Develop specific zoning and regulatory standards that require transparency (banning non-disclosure agreements)
- mandate closed-loop cooling to protect water
- enact regulations regarding wastewater treatment and discharge of contaminants
- ensure developers—not residents—pay for all utility upgrades
- regulate frequencies, including but not limited to continuous low-frequency sound waves, infrasound, audible broadband sound, low-level electromagnetic fields, and acoustic and physical vibrations being emitted from such facilities
- require members of each governing body and staffed agency with authority over such permits to visit comparable developments to that of each proposed project, at the developers expense, to accurately assess comparable facilities in operation and witness first-hand the scale and scope of the proposal while being considered and prior to any approvals, conditional or otherwise.

BE IT FURTHER RESOLVED that the Town Clerk is directed to forward a copy of this resolution to the Barron County Clerk and the County Board Chair within 5 days of adoption.

RESOLVED and ADOPTED this 13th day of August, 2026.

Signed: _____
Jeneene Rydberg, Town Chair

Signed: _____
Rick Schill, Town Supervisor

Signed: _____
Brian Bertelsen, Town Supervisor

Attest: _____
Danielle E. Maxwell-Parker, Town Clerk

Published/Posted: 08/14/2026

JEFF

RESOLUTION 2026-02
Town of Maple Plain, Barron County, Wisconsin

"A Resolution Petitioning Barron County Zoning and the Barron County Board of Supervisors to Enact a Moratorium on the Permitting and Construction of Large-Scale Data Centers, Artificial Intelligence (AI) Data Centers, and Renewable Energy Developments"

WHEREAS, A "data center" is defined as one or more facilities or an array of connected facilities, whose principal use is for the storage, management, processing, and transmission of digital data, which houses computer or network equipment systems, servers, appliances and other associated components related to digital data operations. The facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at the data center. Data centers may also contain accessory office uses necessary to monitor and manage sustained operations at the data center; and

WHEREAS, A "large-scale data center" is defined as the use of a data center as a principal and primary use, when it has a floor area greater than 10,000 square feet contained within a single building or collection of buildings or exceed 5 MW of electric power demand; and

WHEREAS, "utility-scale solar," "large-scale solar," and "solar projects" are different terms that describe a solar power facility that generates enough electricity to serve many customers, as opposed to a single home or business, facilities that are typically located on open land and near an existing substation or electric transmission infrastructure, and may involve the following major components within such projects: PV panels, power conversion units (which include an inverter and transformer), new underground collector circuits, collector substation, and new transmission tie-lines; and

WHEREAS, a wind farm is a cluster of wind turbines that generates electricity in bulk to serve many customers, as opposed to a single business or farm, of which sizes can vary greatly, are typically located on open land and close to a point of interconnection with the electric transmission system, and may involve temporary ground disturbance impacts during construction of the project, long-term operational facilities, and the following major components within such projects: wind turbines, underground collector circuits, collector substation, meteorological towers, aircraft detection lighting system tower, access roads, and operation and maintenance buildings; and

WHEREAS, the Town of Maple Plain (the "Town") is under the jurisdiction of Barron County; and

WHEREAS, the Town Board has significant concerns regarding the potential impacts of Data Centers and Large Scale Data Centers on the health, safety, and welfare of residents, including but not limited to:

- Water Resources: The massive consumption of groundwater for cooling systems, which may deplete local aquifers and impact private residential and agricultural wells.
- Infrastructure Strain: The extreme demand on the local electrical grid, potentially leading to increased costs for residential ratepayers and the need for new, intrusive high-voltage transmission lines.

RESOLUTION 2026-02
Town of Maple Plain, Barron County, Wisconsin

"A Resolution Petitioning Barron County Zoning and the Barron County Board of Supervisors to Enact a Moratorium on the Permitting and Construction of Large-Scale Data Centers, Artificial Intelligence (AI) Data Centers, and Renewable Energy Developments"

- Public Services: Overburdening of Town roads during construction and increased demands on local fire and emergency services for specialized industrial facilities.

- Community Character: The incompatibility of massive, industrial-scale buildings and noise-generating cooling fans with the rural, agricultural nature of Maple Plain; and

WHEREAS, the current Baron County Zoning Code may not sufficiently define or provide adequate regulatory standards specifically tailored to the unique, high-impact nature of Data Centers, Large-scale Data Centers, and Renewable Energy Developments; and

WHEREAS, the Town Board has significant concerns regarding the potential impacts of Renewable Energy Developments on the environment, wildlife, agriculture, as well as health, safety, and welfare of residents; and

WHEREAS, a temporary moratorium would allow Barron County time to conduct essential research on the environmental, economic, and infrastructure impacts of these facilities and to establish robust zoning standards; and

WHEREAS, a temporary moratorium would allow Barron County time to conduct a thorough review and necessary updates to the County Comprehensive Plan, pursuant to Wis. Stat. 66.1001, and to foster public participation, including open discussion, communication programs, information services, and public meetings for which advance notice has been provided, in the preparation of a comprehensive plan update, which would include protection and preservation strategies to agricultural, natural, and cultural resources while promoting the stabilization, retention or expansion, of the economic base and quality employment opportunities, and addressing utilities, including power-generating plants and transmission lines, in Barron County;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors for the Town of Maple Plain, by this resolution, formally petitions the Barron County Board of Supervisors to:

1. Enact a Moratorium: Immediately adopt an interim control ordinance placing a moratorium (minimum 12 months) on the acceptance of applications and the granting of permits for new Data Centers and Large-Scale Data Centers, as well as bulk-electricity generating renewable energy developments.

2. Conduct Impact Studies: Commission comprehensive studies on the cumulative impact of data centers on the county's water supply, wastewater treatment, discharge of contaminants, electrical grid capacity, and taxpayer-funded infrastructure, as well as comprehensive studies on bulk-electricity generating renewable energy developments, specifically solar and wind farms.

RESOLUTION 2026-02
Town of Maple Plain, Barron County, Wisconsin

"A Resolution Petitioning Barron County Zoning and the Barron County Board of Supervisors to Enact a Moratorium on the Permitting and Construction of Large-Scale Data Centers, Artificial Intelligence (AI) Data Centers, and Renewable Energy Developments"

3. Update Zoning Standards to adequately encompass newer technology and facilities into code, after careful assessment of the environmental and human health impacts, and after offering opportunities for public input:

- Develop specific zoning and regulatory standards that require transparency (banning non-disclosure agreements)
- mandate closed-loop cooling to protect water
- enact regulations regarding wastewater treatment and discharge of contaminants
- ensure developers—not residents—pay for all utility upgrades
- regulate frequencies, including but not limited to continuous low-frequency sound waves, infrasound, audible broadband sound, low-level electromagnetic fields, and acoustic and physical vibrations being emitted from such facilities
- require members of each governing body and staffed agency with authority over such permits to visit comparable developments to that of each proposed project, at the developers expense, to accurately assess comparable facilities in operation and witness first-hand the scale and scope of the proposal while being considered and prior to any approvals, conditional or otherwise.

BE IT FURTHER RESOLVED that the Town Clerk is directed to forward a copy of this resolution to the Barron County Clerk and the County Board Chair within two days of adoption.

RESOLVED and ADOPTED this 5th day of August, 2026.

Signed: _____
Dennis Jenkins, Town Chair

Signed: _____
Kally Wagner, Town Supervisor

Signed: _____
Ben Heinecke, Town Supervisor

Attest: _____
Danielle E. Maxwell-Parker, Town Clerk

Published/Posted: 08/06/2026

Polk County, Wisconsin
www.polkcountywi.gov
"Gift of the Glaciers"

100 Polk County Plaza, STE 110
Balsam Lake, WI 54810
PH: (715) 485-9209 | FAX: (715) 500-6503
Email: countyclerk@polkcountywi.gov

AMENDED Notice of Meeting and Agenda
Polk County Board of Supervisors

Performing Arts Center- Unity High School
1908 150th St. Balsam Lake, WI 54810
Tuesday, July 21, 2026
6:00 p.m. - Regular Business Meeting

Amendments: [1]Matters Added, Revised or Struck by Initial Amended Notice of Meeting

Due to the venue change to accommodate the expected public attendance at this meeting, there may not be a virtual option to watch the meeting live. The meeting will be recorded and uploaded to our website at a later date.

*Join Teams Meeting via Link: County Board of Supervisors Teams Meeting
*Join Teams Meeting by Phone: **1-715-900-2020**
*Meeting ID: **255 421 152 493**

Order of Business: *The Board may take up any subject matter noticed herein at any time during the meeting regardless of the location of such subject matter on the meeting notice at the time of issuance.*

1. Call to Order
2. Receipt of Evidence and Opinion on Proper Notice
3. Roll Call
4. Pledge of Allegiance
5. Approval of agenda
6. Approval of Minutes from the June 16th, 2026 County Board of Supervisors Meeting
7. Public Comments –3 minutes per person –not to exceed 30 minutes total

Public Comments may be made in person at the Polk County Government Center or submitted in writing a minimum of 24 hours in advance via mail or email at public.comment@polkcountywi.gov

8. Committee of the Whole
    a. Discussion Regarding Direction to the Environmental Services Committee on Shoreland Ordinance Options
9. Proposed Resolutions, Ordinances & Other Board Action
    a. ~~[1]Possible Action Regarding Direction to the Environmental Services Committee on Shoreland Ordinance Options~~
    b. **Resolution 28-26:** Zoning District Change to Amend Zoning District Map for Town of Alden
    c. **Resolution 29-26:** Resolution Creating Polk County Code Ch. 42-41, Enacting a Temporary Moratorium on Data Centers
10. Confirmation of Appointments- Lake Districts
    a. Appointment of Mark Pautsch to the Balsam Lake District
    b. Appointment of Supervisor Gilbertson to the Pipe Lake District in Replacement of Supervisor Olson
11. Confirmation of appointments made by County Board Chairperson
12. Confirmation of appointments made by County Administrator
    a. Reappointment of Tim Laux to the Board of Adjustment

Items on the agenda not necessarily presented in the order listed. This meeting is open to the public according to Wisconsin State Statute 19.83. Persons with disabilities wishing to attend and/or participate are asked to notify the County Clerk's office (715-485-9209) at least 24 hours in advance of the scheduled meeting time so all reasonable accommodations can be made. Requests are confidential.

b. Reappointment of Willam Alleva to Health and Human Services
c. Appointment of Gretchen Sampson to replace Gae Magnafici on Health and Human Services

13. County Board Chairperson's Report
14. County Administrator's Report
15. Announcements & Supervisor's reports from meetings attended
16. Adjourn

Resolution No. 29-26

RESOLUTION CREATING POLK COUNTY CODE CH. 42-41, ENACTING A TEMPORARY MORATORIUM ON DATA CENTERS

NOW, THEREFORE, BE IT RESOLVED, the Polk County Board of Supervisors does ordain as follows:

Polk County Code Section 42-41 is created to read as follows:

42-41 Moratorium

(1) For the purposes of Section 42-41, "Data Center" is defined as any facility housed in one or more structures that primarily contain computing and networking equipment, along with storage and management systems, to support the storage, processing, retrieval, management, transmission, and distribution of digital data and applications

(2) Pursuant to Wis. Stat § 59.69(4), Polk County hereby enacts the following moratorium: Notwithstanding any other provision in Chapter 42, there shall be a moratorium on the receipt of applications and granting of all permits or approvals for the placement or construction of data centers. The purpose of the moratorium is to allow Polk County time to research the possible environmental, economic, public health, safety, and general welfare effects of data centers and establish consistent zoning and regulatory standards to be applied to data centers in Polk County and to allow the Environmental Services Committee to conduct hearings and make recommendations to the County Board regarding amendments to this or other county ordinances. The moratorium shall be in effect for a period of twelve months from the date this ordinance is published (*i.e.* its effective date) or until the County Board adopts amendments to this ordinance or rescinds this moratorium, or both. The moratorium enacted in this subsection (42-41) is not intended to be, and does not, constitute a "development moratorium" as that term is defined in Wis. Stat. § 66.1002(1)(b).

(3) This moratorium may be extended for up to six additional months by a resolution passed by a simple majority vote of the Polk County Board of Supervisors if necessary to complete any necessary work or enact and necessary ordinance amendments.

BE IT FURTHER RESOLVED, that this ordinance shall be effective upon passage and publication as provided in Wis Stat. § 59.14;

BE IT FURTHER RESOLVED, that this ordinance shall not be codified;

Resolution No. 29-26

RESOLUTION CREATING POLK COUNTY CODE CH. 42-41, ENACTING A TEMPORARY MORATORIUM ON DATA CENTERS

RESOLUTION SPONSOR(S):

Supervisor: L. A. O'Connell

Supervisor: _____

Supervisor: _____

Administrator: _____
Emil Norby, Administrator

Resolution Staff/Department Request:

COMMITTEE(S) REVIEW & RECOMMENDATION

Committee 1: Environmental Services
X Recommended
☐ Not Recommended
☐ Neutral

Notes from Committee:
Unanimous voice vote.

Signature of Committee Chair: L. A. O'Connell

Committee 2: Select a Committee

Certification:
The above is a true and correct copy of a resolution that was adopted on the____day of _____, 2026 by the Polk County Board of Supervisors.

Signed: _____
Russell Arcand, County Board Chair

Attest: _____
Shabana Lundeen, Polk County Clerk

VOTE BY ROLL CALL

Board Members	Aye	Nay	Excu.
Olson			
Route			
Bethke			
Garvey			
Gilbertson			
Jarchow			
Kelly			
Hall			
O'Connell			
Moris			
Luke (2nd Vice Chair)			
Duncanson			
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BOARD ACTION

Vote Required: _____

Motion to Approve Adopted ☐
1st _____ Defeated ☐
2nd _____

Yes: _____ No: _____ Excu: _____

☐ Approved by unanimous voice vote
☐ Approved by majority voice vote
☐ Defeated by lack of majority voice vote

RESOLUTION REVIEW COMPLETED BY:

X Joseph H. Loso
Joseph H. Loso, Corporation Counsel

X Emil Norby
Emil Norby, Administrator

X Don
Donald W. Wortham, General Government Division Director

Fiscal & Legal Impact(s):

No Fiscal Impact.
No Legal Impact.

Cuyahoga County Ohio Data Center Policy

Cuyahoga County's data center policy operates on two distinct levels: how the county government manages its **internal data operations**, and how it advises its **59 local municipalities** to manage the massive influx of commercial, AI-driven data centers.

Signal Cleveland

A breakdown of both policies highlights what they mean for the region:

1. Municipal Guidance Policy (Commercial Growth)

The rapid expansion of artificial intelligence and cloud computing has made Ohio a major hub for data centers, leading to local pushback (such as Cleveland's rejection of a major data center in Slavic Village and proposed statewide size restrictions).

Cleveland Magazine

To help local communities navigate this boom, Cuyahoga County's Department of Sustainability issued a **"middle way" data center guidance policy** for its 59 municipalities. Because local towns are often unprepared for the massive utility footprint of these facilities, the county's guidelines recommend:

Signal Cleveland

- **Grid Infrastructure Protections:** Forcing developers to pay for 100% of the electrical grid upgrades, transmission fees, and interconnection costs so that residential utility ratepayers do not subsidize the facility.
- **Water Impact Appraisals:** Requiring a strict evaluation of a data center's water use, prioritizing "closed-loop" chilled water cooling systems over open systems that drain millions of gallons of local water daily.
- **Adaptive Reuse:** Encouraging developers to take over vacant commercial structures or industrial brownfields rather than placing massive "hyperscale" footprints near residential neighborhoods.

2. Internal IT & Infrastructure Policy (County Operations)

For its own internal data needs—like property appraisals, the county website, and law enforcement applications—Cuyahoga County utilizes a hybrid infrastructure model heavily governed by security and public transparency laws:

- **Colocation Infrastructure:** Rather than building massive standalone county facilities, Cuyahoga County houses its physical servers inside secure, third-party commercial data

centers (such as the BlueBridge carrier hotel in downtown Cleveland) to offload the steep costs of dedicated cooling, fire suppression, and industrial security.
Signal Cleveland

- **Public Records & Monitoring:** Under County Ordinance `02020-0003`, any electronic equipment, communication, or data processed through county-leased data center networks is legally considered a **public record** subject to disclosure. Employees and contractors have zero expectation of privacy, and the Department of IT retains full auditing rights.
- **Federal Compliance Standards:** All hardware and mobile routing connecting to the county data center network must rigidly comply with **NIST 800-53 Federal Standards** for access control and privilege management.

The Regional Debate: The policy environment is fluid. While regional business groups like the *Greater Cleveland Partnership* oppose outright data center bans to keep Northeast Ohio competitive in AI technology, the county's policy strictly focuses on shifting infrastructure costs away from taxpayers and onto the tech companies themselves.

Want to look closer at Cleveland's recent data center restrictions and moratoriums? Yes

What data center moratoriums or restrictions are currently being debated or enacted by the Cleveland City Council?

Cleveland City Council is actively locked in a high-stakes, time-sensitive debate over how to curb unregulated data center growth. This legislative pushback was triggered by a massive, $1.6 billion, 150-megawatt data center proposed for the city's residential Slavic Village neighborhood, which city planners abruptly rejected due to a lack of deep environmental and resource planning.

The council is attacking the problem from two legislative angles:

1. The One-Year Permitting Moratorium

Cleveland City Council is mulling **Ordinance 556-2026**, a blanket, one-year temporary moratorium on the review and issuance of all new data center zoning permits, certificates of occupancy, and public utility licenses.

The explicit goal of the moratorium is to freeze the pipeline so the city can overhaul its severely outdated zoning code. The council's filed legislation explicitly notes "reasonable concerns" that incoming hyperscale facilities will:

- Artificially spike electricity and utility bills for everyday residential consumers.
- Cause severe, unchecked environmental and noise impacts on local communities.

2. Targeted Zoning & "East Side" Exclusions

Rather than waiting for the full moratorium to clear, the city's Planning Department and Council are executing micro-targeted zoning restrictions.

Most notably, the city added strict amendments to a sweeping 1,500-acre East Side housing and investment plan that **completely prohibits the construction of data centers** within historically disinvested neighborhoods, including **St. Clair-Superior, Hough, and Central**. Local council members are prioritizing these land tracts for affordable housing and small businesses rather than energy-guzzling server warehouses.

The Battle Lines

- **The Proponents (City Hall & Residents):** Mayor Justin Bibb has taken a aggressive stance, publicly stating that standalone, hyperscale data centers "have no future" in dense city neighborhoods and must not be snuck into communities without massive environmental and cost transparency.
- **The Opposition (Business & Labor):** The *Greater Cleveland Partnership* (the region's chamber of commerce) and the *Cleveland Building and Construction Trades Council* are

actively lobbying against the city council's moratorium, arguing that outright bans send a "not open for business" signal that will cause Cleveland to lose out on the broader AI economic boom to surrounding states.

At the exact same time, this local fight is playing out against massive broader context: grassroots groups are gathering signatures to push a statewide size cap (25-megawatt limit) onto the Ohio ballot, and the state legislature is fast-tracking an omnibus bill to slash data center tax breaks in half.

g:\google\googledocs\Data Centers\Gemini Search - Cuyahoga County Data Center Policies.docx

Provide me with local ordinances that control data centers

Local ordinances governing data centers have become a major regulatory battleground. Because the AI boom has dramatically escalated the demand for processing power, local governments are quickly updating their municipal codes. They are shifting away from treating data centers as basic "warehouse" space and instead regulating them as high-impact industrial operations.

Ramboll+ 1

If you are looking at how cities and counties structure these laws, local ordinances generally target five critical pillars:

1. Zoning & Siting (Where They Can Go)

Historically, data centers were quietly lumped into generic industrial or commercial zones. Today, local codes are tightening restrictions to isolate them from communities.

North Star Data Center Policy Toolkit - AI Now Institute

- **Overlay Districts:** Many jurisdictions now use "Digital Infrastructure Overlay Zones" to explicitly restrict data center footprints to isolated pockets of a county (e.g., Frederick County, Maryland).
  Smart Growth America
- **Permit Escalation:** Cities are removing data centers from "permitted by right" lists. In places like Anchorage, Alaska, developers must go through a **Conditional Use Permit (CUP)** process, which mandates public notification, neighborhood hearings, and individual project approval.
  Encino Environmental Services+ 1
- **Buffer Setbacks:** Because data center equipment is massive, updated ordinances frequently mandate property setbacks of **200 to 500 feet** from any residential boundary line, often requiring heavy tree and landscape screening.
  National Association of Counties

2. Noise & Low-Frequency Vibration

The continuous hum of industrial cooling fans and the testing of emergency backup diesel generators are top targets for local noise ordinances.

National Association of Counties

- **Strict Decibel Caps:** Modern ordinances generally limit continuous noise to a maximum of **55–65 dBA** at the property line during the day, dropping to **45–50 dBA at night** (e.g.,

Divide County, North Dakota).
National Association of Counties

- **A-Weighted vs. C-Weighted Metrics:** Advanced ordinances require testing for both high-pitched fan noise (A-weighting) and low-frequency structural vibrations from heavy machinery (C-weighting).
  National Association of Counties
- **Tonal Penalties:** Some model codes (like those drafted by the Sierra Club) apply a "5 dBA penalty"—meaning if the data center emits a repetitive, annoying whine or tone, its allowable noise limit is automatically lowered by 5 decibels.
  Sierra Club
- **Generator Testing Restrictions:** Ordinances frequently restrict the routine testing of backup diesel generators to specific daylight hours on weekdays to minimize community disruption.
  National Association of Counties

3. Water Resource Management

Data centers can consume millions of gallons of water daily for evaporative cooling. Localities—especially in drought-prone areas—are passing strict conservation laws.

North Star Data Center Policy Toolkit - AI Now Institute

- **Closed-Loop Mandates:** Ordinances are increasingly banning "open-loop" or evaporative cooling towers. Instead, they require **closed-loop liquid cooling** or immersion cooling systems that recycle water internally.
  Sierra Club+ 1
- **Water Impact Studies & Protections:** Some local ordinances require a data center developer to submit a hydrogeologic study and test all residential wells within a specific radius (e.g., 3,000 feet) to ensure local aquifers aren't depleted.
  Sierra Club

4. Grid Reliability & Power Quality

Because a single hyperscale data center can pull as much power as a small city, local governments and municipal utilities are stepping in to protect residential grid stability.

- **Load Shedding Agreements:** Ordinances and local utility rules increasingly require data centers to have a "Reliability and Load Management Plan," legally binding them to curtail or "shed" their power use during peak grid emergencies.
  Sierra Club
- **Harmonic Distortion Limits:** To keep the massive electrical pull from degrading local power lines, codes often enforce strict limits (typically under 5%) on Total Voltage

Harmonic Distortion (VTHD).
Sierra Club

5. Aesthetics & Design Standards

To prevent data centers from looking like windowless, monolithic concrete blocks, municipalities enforce architectural design guidelines.

National Association of Counties

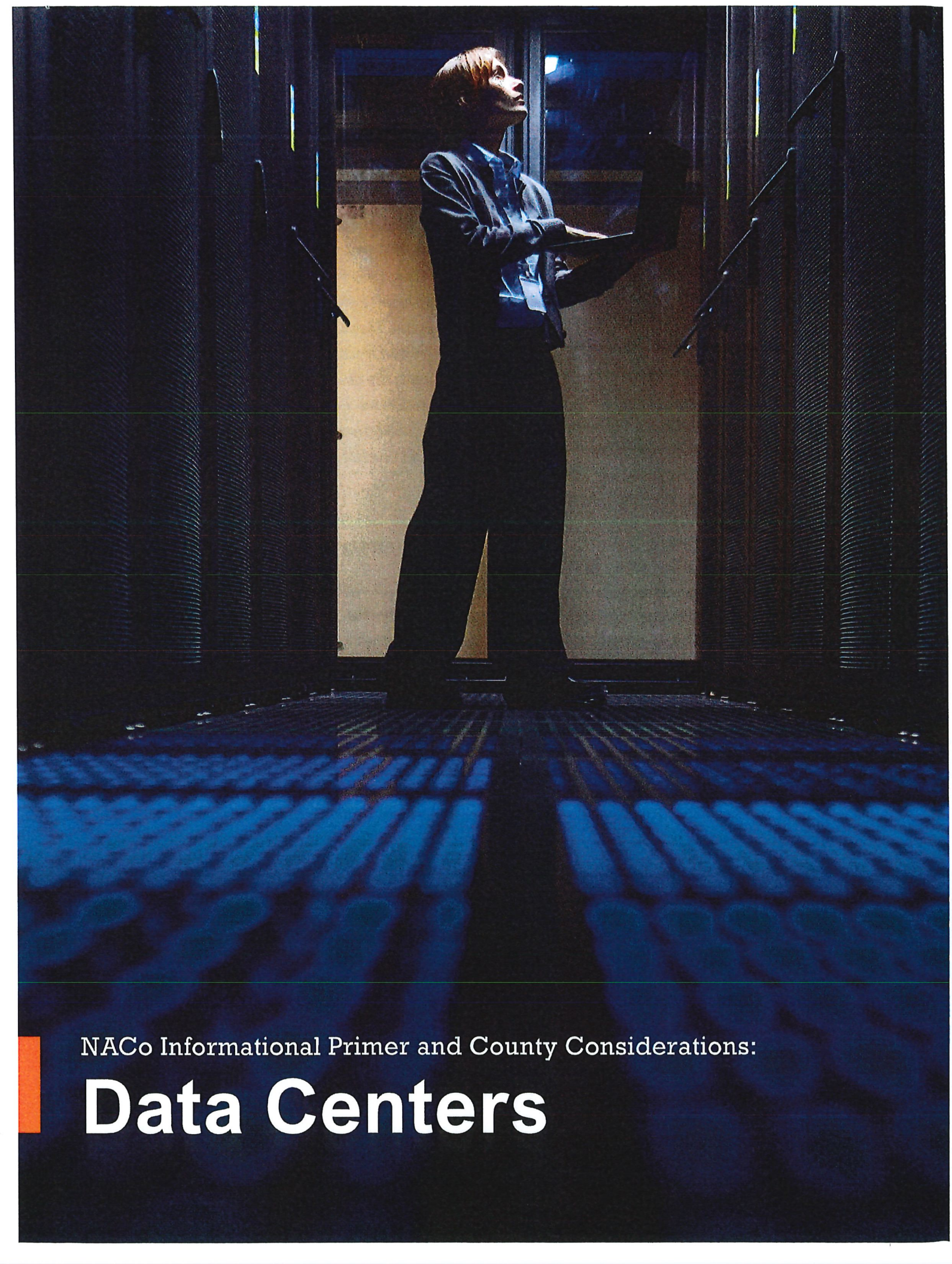
- **Office-Like Facades:** Codes often mandate the use of anti-reflective materials, varied building heights, and the installation of faux windows and doors to make the building blend in with standard commercial corporate parks.
  National Association of Counties
- **Massing Breaks:** Regulations may require the building's exterior walls to "step back" or change materials every 150 feet to break up the visual scale of a massive facility.
  Sierra Club

Current Regulatory Trend: Moratoriums

If a local government feels its existing zoning code is unprepared for a data center application, it is becoming incredibly common to pass a **temporary moratorium** (a freeze on new developments lasting 6 to 12 months). Localities use this "breathing room" to draft the exact ordinance updates outlined above before allowing new construction to proceed.

North Star Data Center Policy Toolkit - AI Now Institute

Are you looking to draft an ordinance or analyze a specific local market?
Yes



NACo Informational Primer and County Considerations:

Data Centers

Introduction

The rapid growth of artificial intelligence and high-capacity cloud computing is accelerating data center development nationwide. AI ready data center capacity is expected to grow about 33 percent annually from 2025 to 2030, driving a surge in local data center proposals.[1] In preparation, county officials are making urgent decisions about land use, energy and water needs and documenting if, where and how these facilities can be sited through local ordinances. Even without express zoning authority, county leaders play a central role in contextualizing proposals and ensuring development balances projected economic benefits with community priorities and long-term community well-being. Understanding local impacts is essential for evaluating new projects, managing existing facilities and planning for long-term infrastructure needs.

Data centers differ from traditional industrial developments in market pace, scale and economic structure. Recognizing these differences helps county leaders set realistic expectations and communicate clearly with departments, residents and private partners.

This resource provides county elected officials, administrators and planning leaders with a high-level framework to evaluate, permit and oversee data center development. Instead of focusing on technical details, it highlights key challenges across the project lifecycle and offers guidance for steering development toward long-term economic and environmental goals.

DATA CENTERS

Data centers are specialized facilities designed to store, process and transmit digital information. Data centers warehouse servers, storage systems, networking equipment and supporting infrastructure under relatively high security. While data centers have existed for decades, a new class of 'hyperscale' facilities designed for generative AI and cloud computing has grown significantly. Modern data centers differ from traditional enterprise data centers in size and resource intensity and require specialized power and cooling infrastructure that may impact local utility grids and water resources.

WHAT TO EXPECT FROM DATA CENTER DEVELOPMENT

- **High capital investment and tax revenue potential,** significant construction and modest high quality permanent jobs
- **Ongoing tax-base growth** from continuous equipment reinvestment
- **Significant power demand** and potential need for infrastructure upgrades
- **Fast development timelines and demand,** which counties can leverage to negotiate \community benefits

Is your county prepared for data center development? Use the County Consideration Checklist at the end of this brief to assess readiness and assign responsibilities across departments.

County Considerations

Local Land Use and Zoning Authorities

County governments are often charged with considering the zoning and land use requests that permit the siting and construction of data centers, while ensuring that increased energy and water demands do not negatively impact the community.

Counties typically implement these considerations through zoning ordinances and land use designations, conditional or special use permits that establish site-specific requirements, and site plan review or development agreements that address infrastructure impacts and long-term operational commitments. Depending on the authority within a particular state, a county's land use and zoning authority related to the siting and construction of data centers may be limited or shared, shaping the county's role in local development decisions.

BEST PRACTICES FOR DATA CENTER DEVELOPMENT

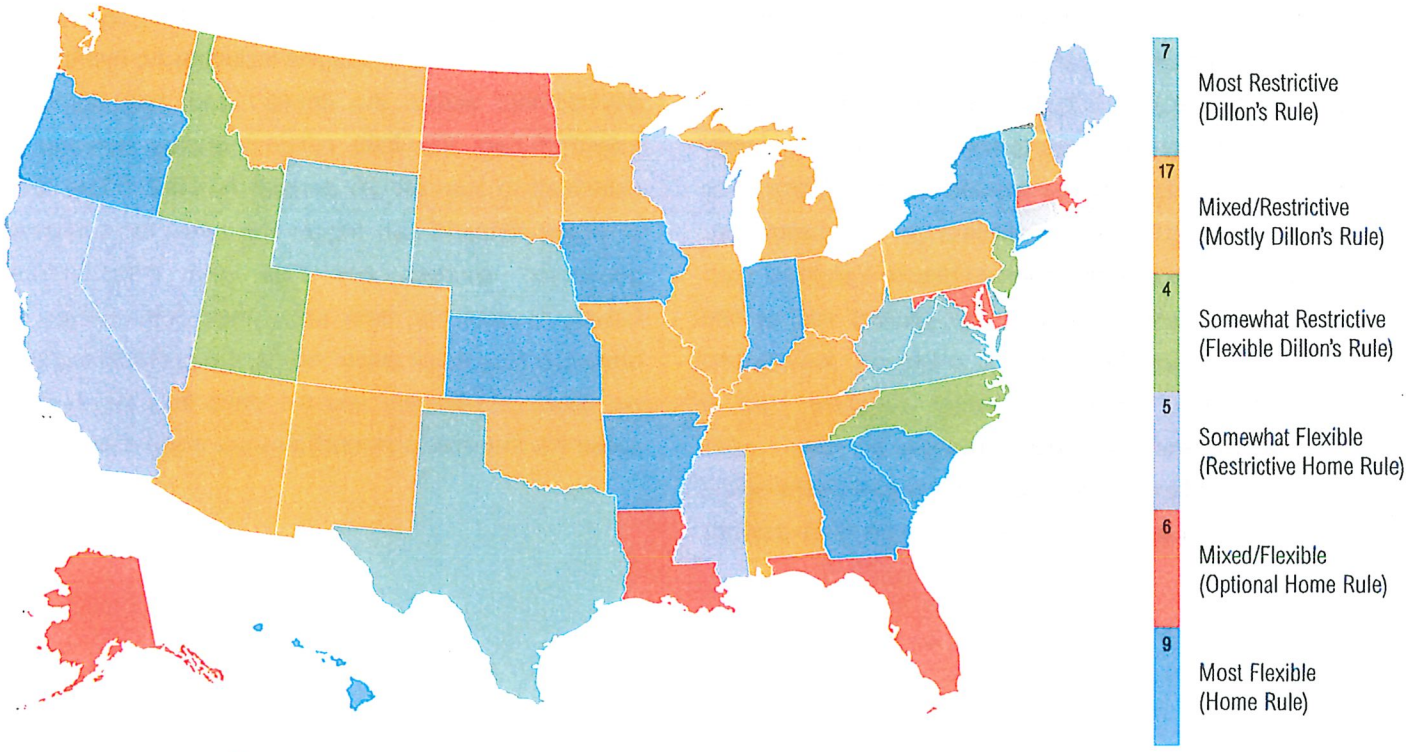
Alignment with County Goals: Ensure data center development supports long-term economic and land use objectives

Infrastructure Readiness: Confirm availability and timing of power, water, wastewater and transportation capacity before approvals

Clear Development Conditions: Establish enforceable requirements tied to permits, zoning ordinances or development agreements, such as water balance studies, setbacks, noise limits and architectural standards

Transparent Communication: Provide clear timelines, responsibilities and decision points to residents and stakeholders

COUNTY AUTHORITY PROFILES



Source: NACo research, 2022

Zoning

Setbacks

While data centers often look indistinguishable from office buildings, their operations and infrastructure requirements more closely match those of a factory. Because of this, jurisdictions have begun establishing considerably larger setback requirements for data centers than for standard buildings. Typical building setback requirements from property lines range from 200 feet to up to 500 feet from a residential property or zoning district. In areas where 'smart growth' is a priority, such as near transit stations, these setbacks can be extended much further to ensure prime land is reserved for high-density housing and retail. However, when data centers are grouped within a dedicated 'overlay district,' these requirements can be reduced between the centers themselves by more efficiently sharing power and fiber infrastructure.

Noise

Data centers require large cooling systems to function, and these systems emit a steady hum that can disturb nearby residents. To address this, local governments are setting noise limits, often 65 decibels at the property line and 55 decibels in quieter or residential areas. How these limits are met is up to the data center designer, but common approaches include sound-absorbing or sound-blocking structures, berms or increased setbacks. Ordinances are also beginning to require testing for both A-weighting, which captures high-pitched sounds like fans, and C-weighting, which measures low-pitched vibrations from heavy machinery. Because backup generators used during power outages are often louder than cooling fans, ordinances can establish permissible testing schedules that limit routine testing to daylight hours.

Architecture

Large data centers can require large buildings that, without clear design requirements, may clash with the community aesthetic. To address this, local governments have begun requiring developers to incorporate architectural features that resemble typical office buildings. These requirements often include variations in building height and depth to break up the building mass and reduce visual scale, along with the addition of real or faux windows and doors to create a more human-scale appearance. Additionally, modern ordinances may forbid the use of overly reflective or industrial-looking materials, helping the facility to fit its surroundings, especially when located near residential areas.

Power

Large data centers can span hundreds of acres and can have unique power and water infrastructure needs. Data centers can require large amounts of power similar to a medium-sized city, accounting for nearly 4.4 percent of U.S. annual electricity in 2023.[1] In response to transformations in technologies including AI, hyperscale development across the country and new domestic manufacturing, the total national energy demand is estimated to increase 20 percent by 2030.[2] This level of power demand can trigger the need for additional generation sources and new grid infrastructure. County leaders can best serve their communities by understanding these power needs, the potential impacts on rates and reliability, and the steps they can take to better insulate their communities from those effects.

Water

Data centers require significant levels of cooling for operation. This cooling, especially when utilizing evaporative cooling systems, can require large quantities of water. Water use associated with data center cooling can range from minimal to substantial depending on facility design and local conditions. In some cases, facilities may rely on reclaimed water and generate wastewater that affects the capacity of local wastewater treatment systems. County leaders can ensure these water needs are met without negatively impacting the host community by including the following requirements as part of the permitting process: water balance studies, discharge water quality standards and long-term monitoring programs with defined curtailment plan triggers.

DEVELOPMENT AGREEMENTS

Counties may use tools such as development agreements or community benefit agreements to help align data center development with local priorities, including infrastructure improvements, workforce development or other community needs. These agreements can be used to identify short-term costs associated with large scale facilities such as construction phase economic impacts, cost sharing and offsetting early costs. Long-term impacts to be considered in these agreements include infrastructure improvements that benefit residents and businesses and workforce development. When used alongside local permitting and land use processes, such tools can support coordination between counties and developers as projects move from planning to construction to operation, particularly in communities where local codes lack specific provisions for data centers. Considerations for community input can include construction traffic, road wear, traffic routing and duration of activity as well as provisions for repowering, reuse or decommissioning and emergency preparedness.



Data center being constructed in Sterling, Loudoun County, Va.

County Considerations Checklist

Category	Key Actions
Infrastructure Capacity	❑ Plan for power and substation upgrades ❑ Evaluate water and wastewater systems under peak demand ❑ Define responsibility for infrastructure upgrades and maintenance ❑ Explore water reuse and energy-shifting strategies
Governance & Economic Impacts	❑ Clarify how data centers fit within county development goals ❑ Balance local impacts with community benefits ❑ Sequence approvals with confirmed utility capacity ❑ Establish enforceable conditions tied to permits or agreements
Land Use & Zoning	❑ Update codes for building height, setbacks, buffers and screening ❑ Define noise and lighting standards ❑ Require traffic routing and construction management plans ❑ Include provisions for repowering, reuse or decommissioning

Get Involved!

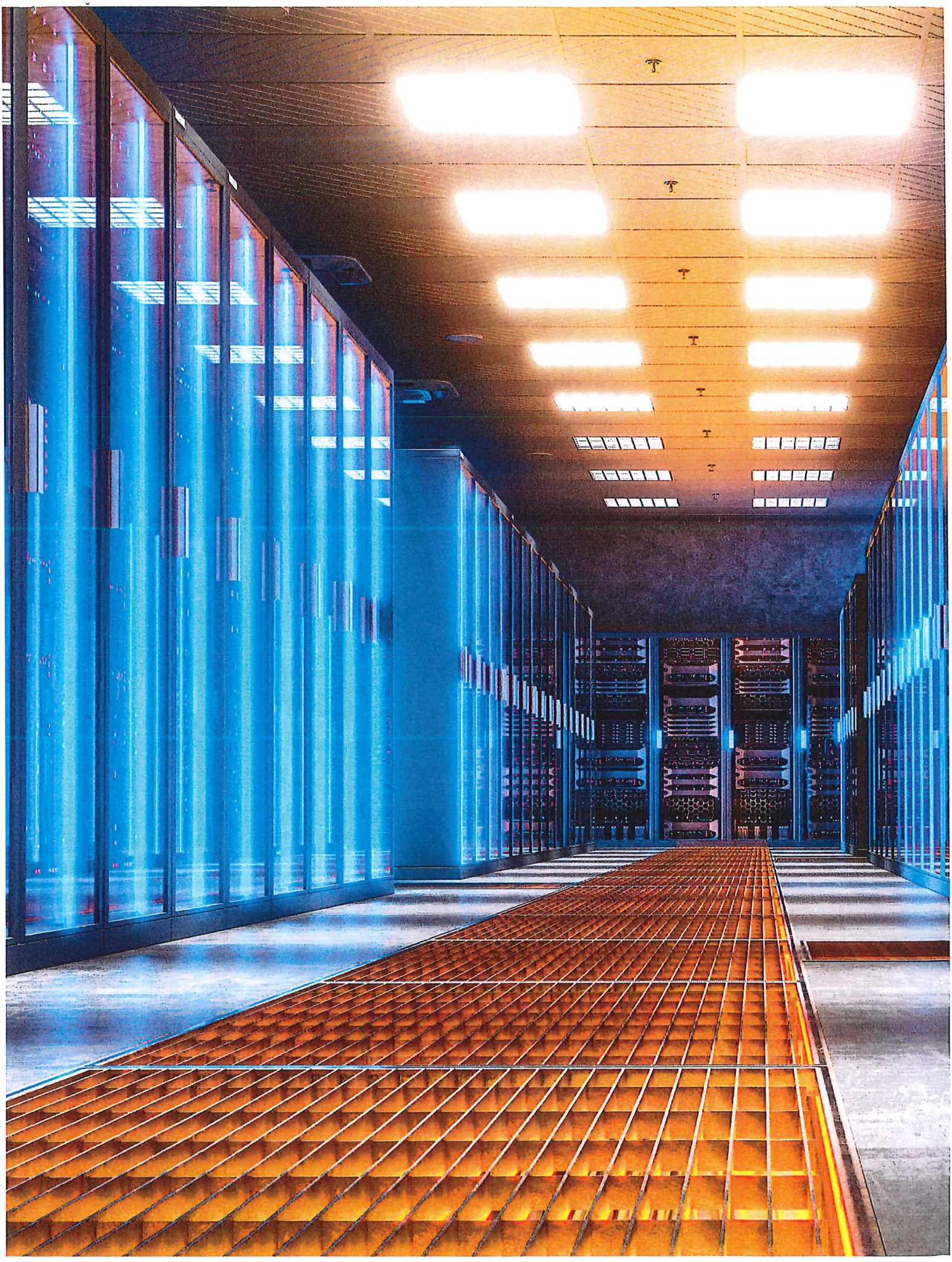
Join **Energy Counties Exchange** to see local zoning ordinances related to data centers and crowd source information from fellow county leaders

Visit **NACo's Energizing Counties Resource Hub** for more considerations on this and more energy related projects

Visit **NACo's Rural Energy Academy** program page for more ways to get involved

[1] *A. Shehabi et al., 2024 United States Data Center Energy Usage Report, Lawrence Berkeley National Laboratory (LBNL), LBNL-2001637, December 2024, p. 5.*

[2] *United States Department of Energy. Clean Energy Resources to Meet Data Center Electricity Demand. Energy.gov Available at: https://www.energy.gov/gdo/clean-energy-resources-meet-data-center-electricity-demand. (Accessed: February 17, 2026.)*



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February 2026

NATIONAL ASSOCIATION of COUNTIES NACo

/ NEWS

FERC orders regional grid operators to reform rules for large load grid connections

JUL 13, 2026 Share

AUTHOR



Charlotte Mitchell Duyshart

Associate Legislative Director, Environment, Energy & Land Use | Gulf Coast Regional Forum

UPCOMING EVENTS

RELATED NEWS



Key Takeaways

- On June 18, FERC issued show cause orders directing the six regional grid operators to justify or reform their rules that govern how data centers, manufacturing facilities, and other large energy users connect to the electric grid
- This announcement reflects that in FERC's view the most efficient solution for integrating large, energy-intensive loads onto the nation's electric grid is not a one-size-fits-all solution
- Counties should contact their state utility regulator to learn how changes to the grid operator tariffs in their region could affect energy prices

NACo encourages counties to contact their state utility regulator to discuss how changes to grid operations in their region could impact energy prices

Background

On June 18, the Federal Energy Regulatory Commission (FERC) issued show cause orders directing six regional grid operators to justify or reform their rules that govern how large energy users such as data centers and manufacturing facilities connect to the electric grid. The purpose of these orders is to modernize the nation's electric markets as the demand for energy increases across the country.

FERC has identified five categories of reform that grid operators should address in their responses:

- Develop efficient transmission service applications and study processes, including consideration of alternative transmission technologies
- Prevent cost shifting and requiring transparency into transmission costs
- Accommodate co-location agreements and behind-the-meter generation
- Provide new transmission services for flexible large loads
- Develop a process to study generating facilities that serve electrically proximate large loads and co-located loads

This action was taken in response to an October 23, 2025 letter to FERC from Department of Energy (DOE) Secretary Chris Wright. In the letter, Sec. Wright urged FERC to initiate rulemaking procedures to accelerate large load interconnections for entities such as data centers to the grid. This letter marked a significant shift in the relationship between the two agencies. While FERC exists within DOE it is an independent agency and has historically not exerted jurisdiction over large interconnections.

What comes next?

The regional grid operators must submit a resource adequacy report detailing how the grid will ensure power for new large loads by July 20. The regional grid operators have until August 17 to justify their current rules or change them to address the reform categories that FERC identified in show cause orders.

The six grid operators subject to the show cause orders are:

- PJM Interconnection, LLC (PJM)
- Midcontinent Independent System Operator, Inc. (MISO)
- Southwest Power Pool, Inc. (SPP)
- California Independent System Operator Corporation (CAISO)
- ISO New England Inc. (ISO-NE)
- New York Independent System Operator, Inc. (NYISO)

What does this mean for counties?

Members of Congress have hailed this action as a great first step towards modernizing the nation's electric grid while also respecting state's regulatory authority and regional differences.

NACo will continue to monitor developments as FERC receives show cause justifications from the six regional grid operators.

NACO encourages counties to contact their state utility regulator to discuss how changes to the grid operator in their region could affect energy prices.

FERC Fact Sheet

NARUC Members Here

TAGGED IN: ENVIRONMENT, ENERGY & LAND USE

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Fact Sheet | FERC Takes Action to Supercharge America's Grid for Efficiency, Reliability, and a Bold Energy Future

June 18, 2026

News Release | Infographic | Presentation | Items E-7, E-8, E-9, E-10, E-11, E-12

FERC today issues tailored show cause orders under Section 206 of the Federal Power Act to each of the six regional grid operators under its jurisdiction. These groundbreaking proceedings represent historic action by the Commission to push our country's electric markets and economy into the future by speeding the integration of large energy users, like data centers and manufacturing operations, onto the electric grid. These actions are designed to ensure that consumers nationwide continue to enjoy reliable, affordable power, as demand soars and technology leaps forward.

These orders also advance the goals of the Secretary of Energy's advance notice of proposed rulemaking (ANOPR) to expedite the integration of large loads onto the transmission system, providing the speed to power that is critical to supporting the innovation economy, lead the global AI race, and reshore manufacturing jobs to the United States.

Key Details:

- The six U.S. regional grid operators and their transmission owners must provide justification within 60 days on why their current tariffs remain just and reasonable in the absence of clear and consistent provisions for large load customers—or alternatively to propose changes.
- The orders respect the region-specific market rules that are already in place, anticipate differences in responses due to regional variability, and propose five categories of further reforms that grid operators should address:
  1. Developing efficient transmission service application and study processes, including consideration of alternative transmission technologies
  2. Preventing cost shifting and requiring transparency into transmission costs
  3. Accommodating co-location arrangements and behind the meter generation
  4. Providing new transmission services for flexible large loads

5. Developing a process to study generating facilities serving electrically proximate large loads and large co-located loads

Importantly, nothing in today's orders intrudes either on the authority of states to select, site, and permit generating resources or on the authority of state public utility commissions to set the rates, terms and conditions of retail sales of electricity. The orders also make clear that the Commission acts today to guard against cost shifting among transmission customers but leaves to the states the responsibility to ensure that there is no cost shifting among retail customers.

In addition, today's orders are not intended to disrupt existing agreements that large loads have negotiated, or are in the process of negotiating, for the provision of transmission service. These orders provide that the RTOs/ISOs should allow a reasonable amount of time to finalize agreements that are nearing completion when any tariff revisions are filed with the Commission.

In addition, the RTOs/ ISOs and their transmission owner must, within 30 days, submit a detailed information report on how each RTO/ISO intends to ensure that adequate generation will be available to serve existing and new large loads.

- The reports should include the following:
  - any proposals under consideration in its stakeholder process to address the issue of resource adequacy to serve new large loads;
  - a detailed schedule of key milestones, such as stakeholder or board votes, that includes the estimated date on which they expect to file any such proposal with FERC; and any ongoing stakeholder processes that aim to increase the pace of adding generating capacity in the region.

The RTOs and ISOs include PJM Interconnection, LLC (PJM); Midcontinent Independent System Operator, Inc. (MISO); Southwest Power Pool, Inc. (SPP); California Independent System Operator Corporation (CAISO); ISO New England Inc. (ISO-NE); and New York Independent System Operator, Inc. (NYISO). FERC has also included the transmission owners in each RTO and ISO.

Context: Regional Differences at a Glance

The Commission recognizes that regional differences exist in the procedures and strategies implemented by grid operators to date and will continue to shape future proposals. The orders have been designed to reflect these variations. The following highlights several significant distinctions:

- The RTOs and ISOs and their transmission owners have **different existing processes for studying transmission service requests on behalf of large loads**, with some already

pursuing stakeholder efforts to address the proliferation of large loads in their footprints.

- **SPP** stands out with its High Impact Large Load and High Impact Large Load Generation Assessment processes, which are expedited frameworks created to reliably serve massive new power demand from large loads such as data centers.
- FERC addresses co-located loads in PJM in a separate proceeding, in which it takes the next step with the issuance of item E-2 on this morning's agenda.
- **Transmission service models differ**, including in CAISO, which does not offer traditional Order No. 888 transmission services.
- **Roles and responsibilities** for transmission planning are split differently among RTOs and ISOs and transmission owners across the regions.
- The orders leave room for each RTO and ISO to define large loads and to create operational requirements for those large loads that are particular to their region.
- The orders also account for regional differences on topics such as cost transparency, study processes, and network upgrades.

1 of 1 | Automatic Zoom

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Contact Information

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This page was last updated on June 18, 2026

Data Center Qualification Questions

(Prepared by Dave Armstrong B/C EDC Director)

1. **Type of data center.**
    a. **Enterprise:** Built and run by one single company for its own private use.
    b. **Colocation** (condo): Shared buildings where different companies rent floor space, cooling, and power for their own servers.
    c. **Cloud:** Virtual or off-site networks run by third-party providers that offer on-demand computing services.
    d. **Hyper scale:** Massive industrial facilities run by tech giants (like Google or Amazon) to support huge cloud and AI workloads.
    e. **Edge:** Small facilities placed close to local users to speed up response times for mobile or internet data. Bitcoin data mining data centers can be placed in this category

2. **Power Usage**
    a. Behind the meter generation?
    b. In front of the meter (grid)
    c. Estimated usage.

Power Mix by Data Center Type

Data Center Type	Primary Power Source	Behind the Meter (BTM) Profile	In Front of the Meter (FTM) Profile
Enterprise	**FTM (Grid)**	Limited to diesel backup generators and small emergency battery UPS systems.	Relies entirely on standard commercial utility contracts.
Colocation	**FTM (Grid)**	Massive industrial backup diesel generators and heavy-duty battery arrays to meet strict uptime guarantees.	Procures bulk power from local grids, often utilizing green energy certificates.
Managed Services	**FTM (Grid)**	Standard diesel generators and utility-scale UPS backups managed by the provider.	Relies completely on local utility infrastructure.
Cloud	**Hybrid (FTM + BTM)**	Integrates significant backup systems alongside emerging on-site solar, wind, or fuel cell projects.	Uses massive grid feeds backed by Power Purchase Agreements (PPAs) for renewable energy.
Hyperscale	**Hybrid (FTM + BTM)**	Leading the shift toward microgrids, on-site fuel cells, nuclear (SMRs), and massive dedicated battery storage.	Draws enormous capacity directly from high-voltage transmission grids, heavily tied to regional green energy.
Edge	**FTM (Grid)**	Minimal footprint; relies on compact batteries (Lithium-ion) and small local generators.	Placed directly on standard local utility grids, often in urban areas, cell towers or with electrical substations..

Key Differences in Data Center Power

- **In Front of the Meter (FTM - The Grid):** This is the **primary baseline power** for all data center types. Because data centers require a continuous, massive supply of electricity, they plug directly into regional power grids. Hyperscalers often negotiate directly with power companies to build dedicated substations. [1]
- **Behind the Meter (BTM - Self-Generated):** Traditionally, BTM power in data centers was **strictly for emergencies**, consisting of diesel generators and Uninterruptible Power Supplies (UPS) to keep servers running during grid blackouts. [1]**. Recently, these are becoming more popular.**
- **The Hyperscale Shift:** Modern Hyperscale and Cloud data centers are evolving. To meet sustainability goals and protect against grid instability, they are building **on-site microgrids**. These include BTM hydrogen fuel cells, large-scale battery storage, solar arrays, natural gas generation, and investments in small modular nuclear reactors (SMRs) located right at the facility. [1, 2]

3. Water usage
    a. Closed loop system?
    b. Evaporative cooling?
    c. Estimated annual water usage

Typical On-Site Water Usage by Facility Type

Data Center Type	Typical On-Site Water Usage	Primary Cooling Setup & Drivers
Enterprise	**300,000 to 500,000 GPD**	Mostly older or medium-sized legacy layouts. They lean heavily on municipal water systems for traditional evaporative cooling towers.
Colocation	**100,000 to 400,000 GPD**	Highly dependent on tenant needs. Providers balance water-intensive evaporative systems with chilled-water loops to lower costs for multi-tenant spaces.
Managed Services	**100,000 to 300,000 GPD**	Similar to smaller colocation or enterprise layouts. Scale is constrained by the specific servers handled for clients.
Cloud	**500,000 to 1.5 Million GPD**	Large multi-facility regional campuses. They frequently mix air-cooling and evaporative systems based on local climate and seasonal humidity.
Hyperscale	**1 Million to 5 Million GPD**	Massive, specialized tech-giant campuses. Heavy computational density (especially for AI workloads) drives massive peak water consumption on hot days.
Edge	**Near Zero (0 GPD)**	Small, local nodes. They rely completely on closed-loop direct expansion (DX) air conditioning or simple ambient air ventilation, skipping water entirely.

The Two Ways Data Centers Use Water

- **Direct Consumption (On-Site):** Water is physically piped into the building to humidify the air and run evaporative cooling towers. This water is evaporated into the atmosphere to pull heat away from the servers, meaning it is "consumed" and not directly returned to the local pipe system. [1, 2, 3, 4, 5]

- **Indirect Consumption (Off-Site):** This is the water used by **regional power plants** to generate the massive amount of electricity the data center draws from the grid. Off-site power generation often accounts for up to **75% of a data center's total true water footprint**. [1, 2]
- **The Technology Trade-Off: Water vs. Power**

A data center's water footprint is defined by a design choice: [1, 2, 3]

- **Evaporative Cooling:** Uses massive amounts of water but keeps electricity bills significantly lower. [1, 2]
- **Chilled Air / Closed-Loop:** Drops on-site water consumption to near zero, but requires far more electrical power to keep heavy mechanical fans and compressors running constantly. [1, 2]
- **Next-Gen Liquid Cooling:** To counter intense heat from modern AI chips, newer facilities are shifting to **direct-to-chip liquid cooling** or **immersion cooling**. These closed-loop systems reuse the exact same water or dielectric fluid repeatedly, requiring minimal fresh water top-offs. [1, 2, 4, 5]

Closed-loop cooling systems are typically deployed in **water-scarce or arid regions** (like the US Southwest, parts of Spain, and South Africa), in **high-density AI data centers** utilizing high-heat GPUs, and in **urban environments** with tight municipal water restrictions. [1, 2]

Because they act like a car radiator—sealing the fluid inside pipes and continuously recirculating it—their ongoing, day-to-day on-site water usage is **effectively zero gallons**. [1, 2]

Where Closed-Loop Systems Are Typically Used

- **Arid and Water-Scarce Regions:** Operators in desert climates (such as Phoenix, Arizona) face strict local environmental regulations and permitting hurdles. Closed-loop systems eliminate reliance on local watersheds and wet-bulb humidity conditions. [1, 2, 3, 4]
- **Next-Gen AI Clusters:** Modern AI chips (like NVIDIA H100s or AMD MI300Xs) generate intense, concentrated heat that traditional air conditioning cannot dissipate. Operators use closed-loop **direct-to-chip** liquid cooling, running coolant straight over cold plates mounted on the processors. [1, 2, 3, 4, 5]
- **New Hyperscale Builds:** Tech giants like Microsoft and Oracle have made closed-loop designs the baseline standard for all new data center builds to meet strict corporate water-positive sustainability goals. [1, 2]
- **Urban Edge & Colocation Retrofits:** Facilities in dense metropolitan areas use closed-loop systems to bypass the heavy plumbing, architectural footprint, and maintenance demands of massive external open cooling towers. [1, 2, 3]
- **Estimated Water Usage**

When analyzing closed-loop water usage, the industry measures performance using **Water Usage Effectiveness (WUE)**, which calculates liters of water consumed per kilowatt-hour (L/kWh) of IT energy. [1, 2]

- **On-Site Operational Consumption: Near Zero (0 to 0.05 L/kWh)**. Once the system is commissioned, the fluid (usually water or a water-glycol mixture) is sealed. There is no evaporation or continuous "makeup water" required.
- **The Initial Fill:** Water is only consumed as a one-time deployment event. A facility is filled via water tankers or municipal lines during construction, and that exact same water is reused for years.

- **Maintenance & Leaks: 2% to 5% of standard withdrawal.** Minor top-offs are only needed during infrequent maintenance cycles, system flushes, or to fix a leak.
- **Facility Domestic Use:** The only steady on-site water consumption comes from standard office needs (restrooms, kitchens, and facility landscaping), matching a standard office building. [, 2, 3, 4, 5]

4. **Willingness to sign a developers agreement and CBA (Community Benefit Agreement)**
    a. Yes
    b. No
    c. Explain

5. **Asks from the community**
    a. TID assistance
    b. Zoning assistance
    c. Any other requests