Community Planning & Permitting
Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306
303-441-3930 • www.BoulderCounty.gov

Staff Recommendation for Docket DC-26-0003

BOULDER COUNTY BOARD OF COUNTY COMMISSIONERS PUBLIC HEARING

November 10, 2026, at 1 p.m.

All Commissioner's public hearings and meetings will be offered in a hybrid format where attendees can join through **Zoom** or **in-person** at the Boulder County Courthouse, 3rd floor, 1325 Pearl St., Boulder. The Commissioners retain the right to switch all hearings and meetings to in-person only instead of hybrid if technical issues arise.

PUBLIC HEARING with PUBLIC TESTIMONY

Staff: Ethan Abner, Senior Planner

Docket DC-26-0003: Text Amendments to the Land Use Code related to Data Centers
Text amendments to the Land Use Code to define data centers as specific uses and identify the places and scale at which they may or may not be permitted in unincorporated Boulder County.

Action Requested: Approval

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INTRODUCTION

The Boulder County Board of County Commissioners (BOCC) expressed concerns regarding the potential land use impacts of data centers at a work session on May 26, 2026. The Boulder County Land Use Code (the "Code") does not define data centers as specific uses, identify the scale at which these uses may or may not be appropriate, or identify zoning districts in which these uses may or may not occur. On June 2, 2026, the BOCC authorized Community Planning and Permitting (CPP) staff to pursue text amendments to the Code related to data centers. The BOCC also enacted a temporary moratorium on applications for these land uses effective from June 2, 2026, to December 2, 2026, unless ended early or otherwise extended. At the moratorium hearing on July 2, the Commissioners and members of the public expressed support for prohibiting these uses.

DISCUSSION AND PROPOSED TEXT

The Code was enacted to promote the health, safety, and general welfare of the present and future inhabitants of Boulder County and to guide the future growth, development, and distribution of land uses within the county. The Code does not currently define data centers, which are essentially facilities housing servers that perform computing functions. There are a variety of data center types with different scales and potential impacts. The National League of Cities (2025) provides a helpful summary of some main types of data centers, which can vary in size and scale, and thus potential land use impacts.

Data centers can use a lot of electricity and water to power servers and cool equipment, and many communities throughout the country are facing challenges related to data centers' power and water usage. The United States Data Center Energy Usage Report by Berkeley Lab (Shehabi et al., 2024) estimates that data centers used 176 tera-watt hours of energy in 2023, enough to power 16 million homes for an entire year. The same report estimates direct water consumption at 66 billion liters—enough water for 160,000 households in a year—and indirect consumption at 800 billion liters, enough water for almost 2 million households in a year. The direct consumption of water is often related to the on-site cooling of servers, while indirect consumption is related to the off-site cooling of equipment that generates electricity. The amount of water consumed to cool and power data centers is concerning given the decreasing availability of water in Colorado. There are other impacts to consider, like noise (Yanez-Barnuevo, 2026) and emissions from air compressors, backup generators, or HVAC systems supporting the cooling of servers and other equipment. Some noises may carry farther in rural areas depending on the amount of buffering and other natural or manmade features. Data centers also tend to have security and safety features like security gates, fences, or bright outdoor security lighting. Finally, data centers typically have fewer employees per square foot than similar sized commercial, professional, or light industrial buildings (American Planning Association, 2022).

At the same time, data centers support cloud computing and are necessary to power large language artificial intelligence (AI) models, which are being increasingly incorporated into technology throughout the county and in society at large. In light of these considerations, the initial draft text released to the public and referred to referral agencies included two options for consideration. After further review and consideration of the referred draft text, staff determined that establishing a limited data center use is more in line with the goals of the update, is clearer, and better aligns with the way the Code currently functions.

Proposed Draft Text

The Land Use Code outlines which uses are allowed in the county, where such uses are allowed, and what level of review is required for those uses. If something is not in the Code, the use is not allowed. If data centers are not a specifically defined use, they could fall under existing General or Light Industrial use definitions, which may not be protective enough to appropriately regulate the land use impacts with which the county and community are concerned (e.g., water usage, noise, light, size, etc.). Staff's intention by adding a data center use definition is to ensure that data centers cannot be developed under the currently defined General Industrial and Light Industrial uses. Defining data centers as a specific use in the Code also helps delineate between infrastructure that is a principal use (i.e., a stand-alone data center) with significant land use impacts, and smaller subordinate or accessory uses like server rooms, which are used by many small businesses and organizations. Staff have proposed using power usage as a proxy to control the land use impacts associated with data centers above a certain level. Although a server room might consist of high-density computing equipment and specialized environmental control features, the proposed definition establishes a scale for data centers that when exceeded may result in significant land use impacts.

The proposed draft text defines a data center as a general industrial use and allows them up to 75-kilowatts (kW) of information technology (IT) energy in the light industrial and general industrial zoning districts, through Limited Impact Special Review. Data centers over 75 kW of IT energy would not be permitted in the unincorporated county. The underlined language below would be added to 4-506, Industrial Uses.

X. Data Center
   1. Definition: A facility designed or primarily used for the centralized storage, management, processing, or transmission of digital data, often characterized by high-density computing equipment, specialized electrical and cooling systems, a dedicated uninterruptible power supply or some other form of back-up power, and an information technology (IT) energy load less than or equal to 75 kilowatts (kW). This use does not include data centers larger than 75 kW, which are not permitted under this Code.
   2. Districts Permitted: By Limited Impact Special Review in LI and GI.
   3. Parking Requirements: None.
   4. Loading Requirements: None.
   5. Additional Provisions:

a. This use does not include server rooms or information technology infrastructure incidental or subordinate to the main structure and principal use.

When drafting the use definition, staff considered how other communities have defined data centers. Generally, definitions focus on the management of data (storage, processing, etc.) and the specialized environmental systems that support data center operations. The use definition above also includes a limitation on the maximum amount of power the facility can draw, though other communities have used higher limitations (megawatts or gigawatts rather than kilowatts) and often consider peak demand, rather than IT energy demand. Staff have proposed a 75-kW limitation on IT energy for a few reasons:

- 75 kW is a small amount of power when considering data centers, which is in line with the expressed desire to limit these uses and potential impacts. For reference, the average home uses approximately 30 kilowatt-hours (kWh) of power in a day. In one day, a 75-kW data center would consume as much energy as 50 to 60 average sized homes over the same time period.
- There is no well-defined power level at which a server room becomes a data center. However, staff considered EnergyStar's definition of a data center, which suggests server rooms or other IT infrastructure start resembling data centers when they are drawing 75 kW or more of constant power.
- EnergyStar also establishes methods for measuring data center power draw as it relates to IT energy. IT energy is the energy used to power servers and networking equipment (not cooling equipment, lighting, etc.). EnergyStar notes that there are four possible locations where IT energy may be measured over time:
    - Uninterruptible power supply output;
    - Power distribution unit input;
    - PDU output; and
    - Server/equipment input.

This use would be limited to the Light Industrial and General Industrial zoning districts and approved through Limited Impact Special Review. This type of approval requires a hearing with the BOCC and would allow staff or the Commissioners to condition certain requirements related to development. Some communities include additional provisions in their land use codes related to visual impact screening, sustainable power supplies, cooling system requirements, limitations on generator usage or noise, and more. However, concerns related to these impacts are likely mitigated by the limitation on the use's size. If this is not the case, and concerns are identified during an application review, impacts can be mitigated through Limited Impact Special Review. Finally, staff included an additional provision noting that this use is not intended to apply to IT infrastructure (e.g., an on-site server room) that is incidental or subordinate to a lawfully existing main structure and principal use.

Under this proposal, data centers would not be allowed at an intensity greater than 75 kW. This is primarily due to the land use impacts mentioned above, as well as feedback from

the Commissioners and the public at the moratorium hearing, where the Commissioners and most members of the public expressed support for prohibiting data centers in unincorporated Boulder County. Larger, resource-intensive data centers are not appropriate in the unincorporated county as they rely on levels of service that may not exist in rural, unincorporated places. Nor are they appropriate in the residential areas of the unincorporated county. However, the county and members of the community increasingly utilize services (e.g., cloud-computing) provided by data centers, and the county is currently refining its policies related to AI in the workplace. While these facilities may not be appropriate in the unincorporated county, prohibiting them at a greater intensity may inadvertently transfer the associated burdens of the facilities to other communities.

REFERRAL FEEDBACK, PUBLIC COMMENT, AND PLANNING COMMISSION

This docket was sent to referral agencies throughout the county, including other departments or agencies, community interest groups, municipalities, fire protection agencies, adjacent counties, water and sanitation districts, utilities, school districts, and homeowners associations. If an agency does not respond to a referral, staff regard it as a response of "no conflict" per 3-204.C of the Code. Staff finalized the packet for the Board of County Commissioner's hearing on November 2, 2026. Any comments received after November 2 will be shared with the Board of County Commissioners before the public hearing on November 10. Referral comments received by November 2 are summarized below and included in Attachment B.

- City of Boulder: This response highlights relevant Boulder Valley Comprehensive Plan policies related to planning area and urban development, industrial land and economic vitality, and recommends consideration of additional standards related to potential impacts.
- Response of No Conflict: Little Thompson Water District, Town of Erie, Longmont Fire, United Power, Boulder County Conservation Easement Program, Xcel

Information regarding the proposed text amendment was sent to the Boulder County Land Use Code amendments listserv, an e-mail subscription list that members of the public may opt into to receive updates about ongoing work related to the Code. Staff received eight public comments which are summarized below. Public comments received by November 2, 2026, can be found in Attachment C.

- Three expressed support for prohibiting data center uses, with one providing recommendations for changes to the proposed draft text.
- Two expressed support for prohibiting or limiting these uses unless they meet certain requirements.
- Two expressed concerns that 75 kW was too small, with one suggesting that data centers be considered similarly to other industrial uses.

- One offering a nonproprietary technical concept relevant to the docket.

Staff presented Docket DC-26-0003: Text Amendments to the Land Use Code Related to Data Centers to the Planning Commission on October 21, 2026. The Planning Commission voted 6-0 to recommend that the BOCC deny the docket and recommended a joint working session of the Planning Commission and BOCC to explore best practices related to the regulation of data centers and discuss further detailed amendments to the Code, with the intention of establishing a sustainable and growth-sensitive definition of data centers and data storage. A recording of the Planning Commission public hearing is available online. The Planning Commissioners' discussion mostly focused on:

- Whether the 75-kW limitation on IT energy proposed by staff is appropriate.
- Whether it would be better for the county to draft more comprehensive regulations that might allow for a greater intensity of use, while mitigating impacts that still may affect the community even though the use does not occur here (e.g., climate change impacts).
- Expressing interest in additional, detailed information about potential land use impacts, how other communities are addressing this issue, and comparative information related to data centers and other permitted or existing industrial uses.

Staff identified the potential land use impacts of data centers earlier in this packet and believe that including a limitation on power usage is an effective proxy for mitigating other land use impacts. More power means more resource consumption (both water and electricity), more generators (which may mean more noise or emissions), and larger structures. Many communities working to establish regulations on data centers include limitations related to power usage, with some communities choosing to differentiate between the largest users (i.e., hyperscale) and smaller facilities. If the Commissioners are interested in allowing this use at greater intensities, staff would need to conduct additional research and public outreach to better understand what level of impact (and mitigation of those impacts) the community might support. To date, most public comments related to this topic have been supportive of prohibiting these uses.

REVIEW CRITERIA

Article 16 of the Code contains criteria for amending its text. For the reasons outlined above, staff find the proposed text amendments meet the following criteria:

1) The existing text is in need of amendment.
    a. The Code does not currently define the data center use, an appropriate intensity for that use, or locations in which this use may or may not occur. The proposed text defines data centers, identifies an appropriate scale of use, and identifies where the use may occur.

2) The amendment is not contrary to the intent and purpose of this Code.
    a. The proposed amendment is not contrary to the purpose and intent of this Code, which guides development in the unincorporated county and identifies appropriate locations and intensities for uses to occur. Based on the potential land use impacts of data centers, staff propose that these uses be limited in intensity, reviewed through Limited Impact Special Review, and allowed in Light and General Industrial zoning districts.
3) The amendment is in accordance with the Boulder County Comprehensive Plan.
    a. The Comprehensive Plan seeks to guide denser and more intense development to the municipalities, while preserving the rural unincorporated lands for agricultural activities, low-density residential development, and other activities consistent with the rural character of the county. The proposed amendment allows data centers in a limited capacity, while protecting the natural resources, environmental resources, and rural areas of the unincorporated county.

RECOMMENDATION

Staff recommend that the Board of County Commissioners **approve Docket DC-26-0003: Text Amendments to the Land Use Code Related to Data Centers.**

Attachment A : Proposed Text for Data Center

The underlined language below would be added to 4-506.

X. Data Center
   1. Definition: A facility designed or primarily used for the centralized storage, management, processing, or transmission of digital data, often characterized by high-density computing equipment, specialized electrical and cooling systems, a dedicated uninterruptible power supply or some other form of back-up power, and an information technology (IT) energy load less than or equal to 75 kilowatts (kW). This use does not include data centers larger than 75 kW, which are not permitted under this Code.
   2. Districts Permitted: By Limited Impact Special Review in LI and GI.
   3. Parking Requirements: None.
   4. Loading Requirements: None.
   5. Additional Provisions:
      a. This use does not include server rooms or information technology infrastructure incidental or subordinate to the main structure and principal use.

From:	Catie Bartone
To:	Abner, Ethan
Subject:	[EXTERNAL] DC-26-003 Text Amendments to the Land Use Code related to Data Centers
Date:	Wednesday, September 30, 2026 12:55:17 PM
Attachments:	image.png image.png

Hello Ethan,

LTWD has no comments on this referral.

Thank you,

Catie Bartone
Civil Engineer II

Little Thompson Water District
835 E State Highway 56
Berthoud, CO 80513
Direct: 970-344-6375

cbartone@ltwd.org | www.littlethompsonwd.gov

Book time to meet with me

Referral Memo: Text Amendments to the Land Use Code Related to Data Centers

MEMO TO: Referral Agencies, Stakeholders, and Interested Parties
FROM: Ethan Abner, Long Range Planner II
DATE: September 21, 2026
RE: Docket DC-26-0003

Docket DC-26-0003, Text Amendments to the Land Use Code Related to Data Centers

Dear Referral Agency, Stakeholder, or Interested Party:

One June 2, 2026, the Boulder County Board of County Commissioners authorized Community Planning and Permitting staff to pursue text amendments to the Boulder County Land Use Code (the "Code") related to data centers. The Board of County Commissioners expressed concerns about the potential land use impacts of data centers. The primary concerns were that the Code does not currently define data centers as a specific use, identify the scale at which they may or may not be appropriate in the unincorporated county, or identify zoning districts in which the use may or may not occur. Staff have drafted two options for consideration, both of which allow data centers up to 75 kW of IT energy (equivalent to the average daily energy use of 2.5 homes).

Option 1 defines a data center and establishes it as a general industrial use permitted by Limited Impact Special Review in the Light Industrial and General Industrial. Under this definition only data centers up to 75 kW of IT energy would be allowed. Data centers over 75 kW of IT energy are not allowed.

Electronic Attachment:

- Attachment A, Option 1: Proposed Text for Data Center

Option 2 defines a data center in Article 18 Definitions and does not allow any data center over 75 kW of IT energy in the unincorporated county by amending the General Industrial use definition.

Electronic Attachment:

- Attachment B, Option 2: Proposed Text for Data Center

The draft text amendments are being referred to agencies and members of the public so that feedback can be provided to staff. Staff will make necessary changes to the drafts before they are recommended for adoption through the public hearing process.

You may also view the proposed text amendments and future revisions online at: https://www.boco.org/dc-26-0003.

The docket review process for the proposed text amendments to the Code will include a public hearing before the Boulder County Planning Commission and the Board of County Commissioners. Public comment will be taken at both hearings. Confirmation of hearing dates and times will be published online at the link above and in local newspapers.

Community Planning & Permitting staff, Planning Commission, and the Board of County Commissioners value comments from members of the public and referral agencies. Please check the appropriate response below or send a letter to the Community Planning & Permitting Department at P.O. Box 471, Boulder, Colorado, 80306 or via email to longrange@bouldercounty.gov. All comments will be made part of the public record. You are welcome to call the Community Planning & Permitting Department at 303-441-3930 or email longrange@bouldercounty.gov to request more information. If you have any questions regarding these drafts, please contact us.

If you would like your responses considered and included in the staff packet for Planning Commission, please return them **no later than Monday, October 12, 2026**. Responses received after this deadline will be shared with the Planning Commission and incorporated into the staff packet for the BOCC hearing.

X We have reviewed the proposal and have no conflicts.

_____ Letter is enclosed.

Signed: Josh Campbell Printed Name: Josh Campbell

Agency or Address: Town of Erie - Planning and Development

Date: September 30, 2026

Community Planning & Permitting
Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306
303-441-3930 • www.BoulderCounty.gov

City of Longmont - Fire Services Division
Attn: Marc Sampson, Assistant Fire Marshal
225 Kimbark St.
Longmont CO 80501

Referral Memo: Text Amendments to the Land Use Code Related to Data Centers

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Option 1 defines a data center and establishes it as a general industrial use permitted by Limited Impact Special Review in the Light Industrial and General Industrial. Under this definition only data centers up to 75 KW of IT energy would be allowed. Data centers over 75 KW of IT energy are not allowed.

Claire Levy ***County Commissioner*** Marta Loachamin ***County Commissioner*** Ashley Stolzmann ***County Commissioner***

Electronic Attachment:

- Attachment A, Option 1: Proposed Text for Data Center

Option 2 defines a data center in Article 18 Definitions and does not allow any data center over 75 KW of IT energy in the unincorporated county by amending the General Industrial use definition.

Electronic Attachment:

- Attachment B, Option 2: Proposed Text for Data Center

The draft text amendments are being referred to agencies and members of the public so that feedback can be provided to staff. Staff will make necessary changes to the drafts before they are recommended for adoption through the public hearing process.

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X We have reviewed the proposal and have no conflicts.

____ Letter is enclosed.

Signed: Marc Sampson Printed Name: MARC SAMPSON

Agency or Address: LONGMONT FIRE DEPARTMENT

Date: 10-2-2026

Referral Memo: Text Amendments to the Land Use Code Related to Data Centers

MEMO TO: Referral Agencies, Stakeholders, and Interested Parties
FROM: Ethan Abner, Long Range Planner II
DATE: September 21, 2026
RE: Docket DC-26-0003

Docket DC-26-0003, Text Amendments to the Land Use Code Related to Data Centers

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- Attachment A, Option 1: Proposed Text for Data Center

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X We have reviewed the proposal and have no conflicts.

_____ Letter is enclosed.

Signed: Emily Wood Printed Name: Emily Wood

Agency or Address: United Power, Inc

Date: 10/5/2026

October 6, 2026

TO: Ethan Abner, Long Range Senior Planner; Community Planning & Permitting

FROM: Anita Riley, Principal Planner; Community Planning & Permitting, Development Review Team – Access & Engineering

SUBJECT: Docket # DC-26-0003: Text Amendments to the Land Use Code Related to Data Center

The Development Review Team – Access & Engineering have reviewed the above referenced docket and find no conflicts with the proposed language.

This concludes our comments at this time.

Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: 303.285.6612
violeta.ciocanu@xcelenergy.com

October 7, 2026

Boulder County Community Planning and Permitting
PO Box 471 | Courthouse Annex – 2045 13th St., Boulder, CO 80302
Boulder, CO 80306

Attn: Ethan Abner

Re: Text Amendments to the Land Use Code related to Data Centers, Case # DC-26-0003

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the above-mentioned request and currently has **no apparent conflict**.

Violeta Ciocanu (Chokanu)
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy

Although "branded" as Xcel Energy, the legal owner and operator of the utility facilities in Colorado is Public Service Company of Colorado. All utility facilities and related land rights, including fee property, easements, permits, etc., are owned by, operated by and held in the name of Public Service Company of Colorado, a Colorado Corporation.

CITY OF BOULDER

Referral Docket DC-26-0003
Text Amendments to the Land Use Code
Related to Data Centers
Date: September 28, 2026

To: Ethan Abner, Boulder County Community Planning & Permitting
From: Chris Ranglos, Senior City Planner, City of Boulder Planning and Development Services, Comprehensive Planning Division

---

Thank you for the opportunity to comment on the proposed text amendments to the Boulder County Land Use Code related to data centers. The City of Boulder recognizes the importance of establishing clear land use regulations for emerging uses such as data centers and appreciates the opportunity to coordinate with the County on issues that may have cross-jurisdictional impacts.

Boulder Valley Comprehensive Plan
The Boulder Valley Comprehensive Plan (Comprehensive Plan) is a jointly adopted plan that establishes a shared framework for urban growth, rural preservation, economic vitality and environmental sustainability within the Boulder Valley. The Comprehensive Plan emphasizes continued City-County collaboration to implement shared goals and address cross-jurisdictional impacts. The City supports the County's effort to establish a clear regulatory framework for data centers.

The City encourages the County to consider the following as it refines the proposed amendments:

Planning Area and Urban Development Considerations

- The Comprehensive Plan establishes distinct Planning Areas and directs the City and County to focus new urban development within Area 1-Urban Lands. Policy 6 provides that new urban development may only occur in Area 1-Urban Lands when adequate facilities and services are available or anticipated. Policy 7 in the Comprehensive Plan states that new urban development is not supported in Area 2-Urban Edge and that annexation and a change to Area 1-Urban Lands are required prior to or concurrent with approval of new urban development. Policy 8 similarly provides that over-intensive rural development and new urban development are not supported in Area 3-Rural Preservation or Area 3-Planning

Reserve.

- The City encourages the County to ensure that the proposed data center regulations are implemented consistently with the Planning Area framework, particularly where data center development could involve urban-scale facilities, infrastructure or services in the Boulder Valley Planning Area.
- The City also encourages the County to consider the potential environmental and infrastructure impacts associated with data centers, including electricity demand, cooling systems, water use, backup power systems, noise, lighting and other infrastructure requirements. These considerations are consistent with the Comprehensive Plan's direction to reduce greenhouse gas emissions, improve energy and resource efficiency, and support for on-going water supply for agricultural purposes including Policies 43, 49 and 52.

Industrial Land and Economic Vitality

- The Comprehensive Plan recognizes the value of existing industrial areas as places for innovation, services, creativity and employment (Policy 86). The city currently includes three designated Creating Helpful Incentives for Producing Semiconductors (CHIPS) zones, enabling local semiconductor manufacturers and other eligible businesses to access state and federal tax incentives. These zones include areas in Gunbarrel, East Boulder and Central Boulder, with proximity to the Light Industrial (LI) and General Industrial (GI) zone districts in unincorporated Boulder County where data centers may be allowed per the proposed land use amendments. Data centers may support local needs and economic activity of these zones. Please see the Boulder CHIPS Zone website for more information.
- In October 2023, the U.S. Economic Development Administration designated Colorado as a Regional Technology and Innovation Hub (Tech Hub) focused on the advancement of the quantum computing industry. Quantum research and computing is an important component of the local economy that may benefit from the presence of local data centers.
- The City recommends the County evaluate if and how the proposed definition may affect the presence of existing local businesses near and within the GI and LI zones.
- The City encourages the County to consider whether the proposed regulations appropriately balance opportunities for technology-related economic activity with other potential impacts.

Compatibility and Potential Impacts

The City encourages the County to consider additional standards, as appropriate, to address potential compatibility issues associated with data centers. This could include consideration of:

- **Open space and natural resources:** Some industrial areas in the county are located near city-owned open space, conservation areas and other lands with important natural resource values. Potential impacts to these areas should be considered when evaluating appropriate locations and development standards.
- **Noise and lighting:** Cooling equipment, backup power systems and other

infrastructure may generate noise and lighting impacts. Appropriate standards could help address compatibility with nearby residential, agricultural, open space and other sensitive land uses.

- **Water and water rights:** The County should consider water demands associated with cooling systems and how those demands may affect agricultural water resources and water availability.
- **Infrastructure and cumulative impacts:** The County should consider whether multiple facilities operating at or below the proposed threshold could collectively result in significant demands on electrical, water or other infrastructure.
- **Landscape and screening:** The County should consider appropriate landscape and screening standards to minimize visual and site compatibility impacts associated with data centers.

The City appreciates the County's consideration of these comments and looks forward to continued coordination on land use regulations that implement the shared goals of the Boulder Valley Comprehensive Plan.

From: Jaimie Epstein
To: !LongRange
Subject: [EXTERNAL] data centers
Date: Friday, October 9, 2026 1:40:45 PM

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hi!

data centers do not belong in boulder county—we do not have water to spare, we do not have power to share, we do not want to bear the burden of noise, of higher energy bills, of pollution … so that the rich tech bros can get even richer.

the rush to build data centers is going to produce the same kind of bubble (AI already is!) that resulted in the 2008 financial crisis.

not to mention that we do not need data centers to run/process AI—just watch this video: https://substack.com/@butterman/note/c-350708309?r=5nmfh&utm_medium=ios&utm_source=notes-share-action

another issue i have with these data center builds is that, as rep kyle brown shared in a recent town hall, regardless of what guardrails we might put on them we don't have the resources to hold abusers/offenders accountable. big biz of any kind will happily pay a fine rather than actually honor rules & regulations, which see the mess the oil industry has left for colo to clean up.

cheers,
jaimie epstein

jaimie epstein
writing, editing, vedic counseling!
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www.blissninny.com
"When the mind and the heart are stretched together in expanding self-awareness, I assure you, there is instantaneous self-transcendence and, therefore, limitless freedom." —Swami Nirmalananda

From: Jeremiah Kaplan
To: !LongRange
Subject: [EXTERNAL] Data centers
Date: Friday, October 9, 2026 12:26:48 PM

The county should not allow construction of any data centers which do not run entirely on renewable energy. There should be no fossil fuel powered electricity generation or backup generators. The county should not allow any data centers which do not have a completely closed cooling system, which do not demand more water in our drought-stricken state. Data centers should not increase light pollution or noise pollution for any resident in the county.

This new technology will not benefit Boulder County residents. It simply serves to further enrich billionaires. Thus there should be no drain on natural resources and no nuisance to the residents of Boulder County.

Thanks,

Jeremiah Kaplan, MD
2101 Bluebell Ave.
Boulder, CO 80302
Sent from my iPhone

From: Nick Wilson
To: !LongRange
Subject: [EXTERNAL] Comments on DC-26-0003
Date: Friday, October 9, 2026 4:05:53 PM

Hi,
I'm the founder and principal engineer behind Ayva Networks, a locally owned ISP that serves Boulder County.

I recently learned about the intent to classify & restrict "datacenters" at 75kw. We believe this limit is far too restrictive. We by no means host a datacenter but we do have to use in-house IT assets and power-intensive routers, power backup hardware, and compute nodes in order to run our network. Imposing such a requirement would force us to not be able to host our own equipment at our network edges, and would push it into 3rd party datacenters at a much higher cost, raising rates for our subscribers and increasing latency, while also introducing new, complex failure modes that could result in more network outages and the reliance on additional third-party services.

75kw of power is minuscule in the scope of compute & networking operations, a single modern 6u compute node/server in a 48u rack (1/6th of a standard rack/cabinet) can consume upwards of 16kw-20kw, plus we have battery backups that have extremely high power draw during an recovery after a power outage. Please consider raising this limit; it is currently scoped in a way that impacts small businesses & their own, in-house infrastructure, not datacenters. We support datacenter legislation, but it should not come close to regulating facilities & small businesses that own and operate a single 48u compute rack for their own purposes & needs.

Thank you and best regards,
Nick Wilson
Founder, Ayva Networks
https://ayva.network

From: Adrian D"Angelo
To: !LongRange
Subject: [EXTERNAL] Data centers
Date: Sunday, October 11, 2026 1:56:38 PM

Hi, I would like to comment on data centers in unincorporated Boulder County. I understand this will be reviewed in Oct. I don't feel there should ever be a data center on unincorporated land. Currently the county doesn't have funds to maintain rural roads. My subdivision is voting on the Summerlin public improvement district to increase our taxes so we can maintain our road.
There are areas in the county that have outdated utilities and no real infrastructure for use of things like fiber or cell service.
We can't support the energy needs of a small data center. Please don't allow them.

Best,

Adrian D'Angelo

From: Justin Ram
To: !LongRange
Subject: [EXTERNAL] No data centers in boulder
Date: Sunday, October 11, 2026 8:33:53 PM

There is zero reason to have them in our community.

The only acceptable way would be if they pay for the electricity usage of every non commercial person in the county including their own. They must bring an immediate net benefit along with net residuals in the form of taking on residential electricity costs.

From: Dave Thompson
To: !LongRange
Subject: [EXTERNAL] Re: Data Center Land Use
Date: Sunday, October 11, 2026 8:58:00 AM

I'd also add that the 75kw cut-off is far too low. That would exclude normal commercial non-datacenter computing use for many types of offices and and businesses today, and potentially even restrict residences with future computing needs.

> On Oct 9, 2026, at 11:05 AM, Dave Thompson <dthomp325@gmail.com> wrote:
>
> Hi,
>
> My comment on the Data Center Land Use specification is that data center land use should be regulated the same as any other industrial land use is in the county. Data centers should be covered by the county's regulations on electricity use, water use, sewer use, emissions, etc for industrial facilities, but shouldn't be explicitly banned and don't need separate land use regulations that apply only to data centers.
>
> -Dave Thompson, Superior

My name is Nancy E. Hall & I reside in unincorporated Boulder County at 12892 Sheramdi St.

Whereas

1. the impetus for the Strategic Growth Element being added to the BCCP comes from the SB 24-174[1], which is all about housing and water - not growth of business, but accommodating a growing population, which needs housing and water,

2. The Colorado Statewide Strategic Growth Report[2] defines strategic growth as *A fiscally and environmentally sustainable approach to land use planning, housing, community well-being, and infrastructure that promotes the development or redevelopment of vacant and underutilized infill parcels, and mitigates the need for extensions of infrastructure and public services into natural and agricultural lands.*

3. there is abundant evidence that data centers consume land, energy and water, produce light and noise, and that their energy consumption drives up the cost of utilities for residential use,

4. water resources are a matter of grave concern in Colorado,

5. the state and Boulder County economies rely heavily on preservation of environmental resources and reducing or mitigating the impacts of climate change,

6. consistent with the state-directed goals of such a Strategic Growth element in the BCCP,, data centers are an inappropriate use of land in Boulder County,

7. to allow data centers here would be contrary to just about every goal for every element of the Boulder County Comprehensive Plan even as it now reads,

8. there is no existing law requiring Boulder County to accept even the most minimal development of data centers (such as exists with split estate law concerning mineral and oil and gas development),

9. allowing the development of any data centers on undeveloped or “underutilized” land in Boulder County would violate the spirit of C.R.S. 29-20-104.2[3], which clearly puts priority on residential use where there is competition for resources,

I propose that the BCCP amendments for strategic growth contain somewhere the following language:

> *Boulder County has determined that the use of land for data centers of any size would be contrary to its policies for strategic growth.*

---

1 https://content.leg.colorado.gov/sites/default/files/2024a_174_signed.pdf
2 https://drive.google.com/file/d/1xmVwIr024Z1Og3eauCVoI_dG4QF8fjhr/view
3 https://colorado.public.law/statutes/crs_29-20-104.2 (anti-anti-growth law)

This would require a definition of “data center” to be added to an appropriate section[4] and might be worded as follows:

> *Data center : a facility designed for or primarily used for the storage, management, creation, processing, or transmission of digital data, instructions, software, models, currency or anything else stored or manipulated in digital form. It may, but need not, contain computing equipment, electrical and cooling systems, uninterruptible power supplies, and data distribution equipment.*

In future updates of the BCCP, I propose that the following language be inserted into the sustainability element or the environmental resources element (this language is paraphrased from the sidebar on page EC-3 of the BCCP):

> *Boulder County’s economy is not reliant upon the existence or development of data centers, nor are data centers likely to generate economic impacts of any benefit. Any potential economic benefits are outweighed by the associated potentially detrimental impacts of such development and operations. Such detrimental impacts may be to, among other things, environment, water resources, sustainability, climate, economy – whether tax base or affordability. In addition, Boulder County residents place high value on sustainability and protection of the environment and the County’s economy reflects and relies on those values. The introduction of data centers with the potential to cause these harms would be detrimental to Boulder County’s economic and sustainability models.*

I attach my comments regarding the proposed text amendments to the Land Use Code.

4 The staff memo’s attached Draft Strategic Growth does not include a definitions section.

My name is Nancy E. Hall & I reside in unincorporated Boulder County at 12892 Sheramdi St.

First I will argue that Boulder County should not allow data centers (DCs) of any size, that the arbitrary limit of 75 kW IT energy load should be reduced to 0 kW total energy load, regardless of renewable energy use. Allowing DCs of any size is inconsistent with Boulder County Comprehensive Plan, viz the overall goals and the goals of just about every element of the plan. It also flies in the face of Colorado's climate action plans and sustainability goals, as well as Colorado's efforts to address its housing crisis and looming water crisis.

Consider the staff e-mail's comparison with 50-60 homes' energy consumption: federal data (https://www.eia.gov/tools/faqs/faq.php?id=97&t=3) give the continuous energy load of an average US household to be 1250 kW. But because Boulder County has adopted green building codes that require a HERS rating of 50 or less (down to zero) for new buildings and renovations, it is not unreasonable to say that the 1250 kW number for Boulder County homes should be halved (and that does not account for renewable energy use). Thus allowing a single data center of 75kW negates the ability to add 60 -120 or more new residences or residents to the county if we were to try to maintain homeostasis of our GHG impact (*wouldn't we rather reduce it?)*.

Second, should the County choose to allow small data centers anyway, I find problems with the two recently proposed text amendments to the land use code.

1. The definition of a DC itself should not be limited to those centers with IT energy loads >75 kW. The definition should contain no such limit. That way the code can refer to data centers with energy loads (IT or total) with energy loads of X. As it reads in Option 1, "data centers larger than 75kW" is an oxymoron.
2. Option 1, 5. Additional Provisions, a: it is not clear where this language is intended to be inserted. Is it only under the GI district? Or does it apply to the definition of a data center, and if the latter, why is it not also included in Option 2? Also, the wording is ambiguous. Which of the following two does it mean?
   a) This use does not include server rooms nor does it include IT infrastructure incidental or subordinate to the main structure and principal use.
   b) This use does not include IT infrastructure (including server rooms) incidental or subordinate to the main structure and principle use?

   In either case, one would think that IT infrastructure would cover server rooms. More importantly, why is there no such language for Option 2? And in the following scenario, is the IT infrastructure subordinate to the principal purpose of the building? Scenario: applicant is a company with purpose to build (train) models for clients' narrow and specific purposes (e.g., reading radiology imaging), with 30 employees who work in an office that applicant seeks to build, with expandable IT infrastructure to located in the same building, with the purpose to support the company's principal function. IT infrastructure energy load > 75 kW. Is this subordinate? An attorney for the applicant would argue that it is, and using Webster's or American Heritage's definition, might succeed. This language is difficult to correct.
3. Using an energy load limit that applies only to IT gives me pause. This renders the comparison with 50-60 average homes' energy load inappropriate, as a DC might consume considerably more energy for cooling or other needs, which, while **we** might

consider that to be part of the IT load, a strict interpretation of IT would not include energy expenditures for lighting, distribution and cooling unless it is a part of the computing equipment itself, as in the case of 20th-century supercomputers. (See https://podtechdatacenter.com/modular-vs-traditional-data-center-a-complete-2026-comparison/)

4. The definition does not address modular (or prefabricated) DCs. While the proposed textual changes appear in the zoning descriptions, one *might* assume that a "facility" includes a modular facility. But the zoning language contains language specific to manufactured homes and personal storage facilities (think: PODs). I assume the County deemed such specific language to be necessary, Then why not language re: modular DCs, which can have energy loads of 300kW or more *per rack* and are moveable. The argument for modular centers is scalability without commitment at the time of building the initial facility. This is something the land use code needs to address. (See again: https://podtechdatacenter.com/modular-vs-traditional-data-center-a-complete-2026-comparison/)
5. Since the definition of a data center does not address ownership, what is to stop a company from building a set of distributed data centers that together exceed the 75 kW limit, potentially by significant factors? What is to prevent a company from converting existing server rooms in vacant office buildings (e.g., IBM) to distributed data centers (of any size)? One could assume that the requirements for electricity usage for remodels would cover this but not if the prior use of the building had a high energy load. The proposed code in fact does not address cumulative impacts at all. The BCCP explicitly directs consideration of cumulative impacts in the context of oil and gas development, transportation, and other areas. Clearly everything that is distributed (e.g., non-point pollution) has the potential for huge cumulative impacts and the land use code as well as the BCCP should explicitly address cumulative impacts of technology such as data centers. It is not sufficient to assume that in the context of Special Reviews such cumulative impacts will be sufficiently addressed. Once company A is allowed to build its DC, every company after that will claim it has the same right. There is no good solution but to ban DCs altogether.
6. With the rapid development of so-called edge computing (small or micro-data centers at distributed locations, albeit presently primarily for the purpose of avoiding communications delays), I can envision a time when in order to support the so-called "compute" needs of AI, companies resort to renting space in houses, in the same way that solar companies have rented rooftop space. A lot of distributed micro-data centers add up to a very large data center. While this might be a financial benefit to a homeowner, the climate implications of such a program are deleterious. I'm not sure how the code should address this but it's worth considering.
7. We don't want entities such as Amazon Web Services to bypass the spirit of the code by claiming (with success) to be quasi-public entities, calling web services a service to the public. The code should probably define "quasi-public".
8. Finally, if the County chooses (with either option) to allow data centers with energy loads <= 75 kW, the very least it could do is require that such centers operate on a net-zero basis for fossil-fuel consumption and that they consume no water whatsoever. If the applicant needs a restroom or kitchen, that can be in an accessory structure.

You might dismiss me as being pettifogging or captious, but there is no better time to consider what large corporations might do when faced with massive pushback from communities across the country, given their massive investment in AI. It is not unreasonable to expect companies heavily invested in AI to hire banks of lawyers to find ways to meet their "compute" needs by any means and argue that said means are legal. And we need to think of the largely-distributed nature of crypto mining and its impact on climate change. I grant that the county is a very small part of the picture but we need to set an example for other governments.

In summary, I respectfully request that the size limit for data centers be reduced to <*x*> kW where <x> is preferably 0 and barring that, much smaller than 75. If small DCs are to be allowed, the proposed code changes

1. need some word-smithing re: the definition (option 1),
2. should be amended to allow centers with **total** energy loads > <x> kW because the definitions do not include cooling, heating, lighting, distribution demands,
3. should address cumulative impacts,
4. should address the re-purposing existing buildings in such a way to avoid bypassing the intended restriction of <x> kW, since option 1 appears to exclude server rooms, and "subordinate" is not defined,
5. should address micro-DCs, edge DCs, modular DCs,
6. should address water use or renewable energy requirements, light and noise, etc., and preferably require net zero fossil-fuel consumption and no water consumption,
7. perhaps should explicitly address upgrading of existing facilities,
8. should define "quasi-public".

From: jack coates
To: Abner, Ethan
Subject: [EXTERNAL] Boulder County DC-26-0003 — community-first reserve capacity and water reuse
Date: Sunday, November 1, 2026 10:34:14 PM

To Boulder County Community Planning & Permitting:

Trinity Continuum is offering a nonproprietary technical concept relevant to docket DC-26-0003 and its land-use review of data centers. We respect the county's authority to restrict or prohibit data centers and are not seeking an exemption from proposed land-use or environmental protections.

Our proposed Community-First Emergency Utility Reserve Doctrine asks whether a developer should evaluate financing engineered reserve water and electrical capacity as part of a new data-center project, rather than relying entirely on local utilities. An illustrative 1.5x or 2x capacity-planning scenario could be studied, with only independently qualified, contractually committed capacity designated for community emergency use. In an emergency, a participating facility could curtail nonessential computing loads while utility and emergency officials determine dispatch priorities for eligible critical community services.

Trinity Continuum is developing modular water/power/thermal systems emphasizing recirculation and makeup-water accounting, qualified treatment and reuse of suitable alternative water sources, on-site generation and thermal recovery. Mobile utility deployment may be possible with advance engineering and approved fuel, water and electrical interfaces. These are proposed capabilities, not certified or proven emergency-response services. Actual capacity, emissions, costs, water consumption and grid interconnection require independent testing, permits and site-specific studies.

For consideration in your technical record, we suggest separately reporting gross water circulation, makeup water, freshwater withdrawals, and consumptive losses; evaluating qualified reclaimed-water sources; and assessing whether enforceable emergency reserve commitments could benefit residents without shifting costs or risks to ratepayers.

We welcome questions or an opportunity to discuss the concept with staff or stakeholders. Information and contact details are at https://trinitycontinuum.com/ and https://trinitycontinuum.com/grid-water-resilience.html.

Trinity Continuum

Attachment D: Citations

ENERGY STAR Portfolio Manager. (n.d.). *Glossary: Data Center*. https://portfoliomanager.energystar.gov/pm/glossary#DataCenter

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