From: Teena Halbig
To: Haberman, Joseph
Subject: please add these FFEA comments to government re: data centers
Date: Monday, July 6, 2026 4:38:30 PM
Attachments: FFEA data center comments to LMG 7-4-26.docx
Data Centers Courier 7-3-26.pdf

Hello Mr. Joe Haberman,

I submitted online via the portal a couple of days ago but couldn't add the *Courier-Journal* articles of 7-3-26.

The Karst information (in the one article in *USA Today*) conveyed by the geotechnical man is extremely pertinent and necessary information which needs to be known.

While the FFEA letter is attached, you don't have to download it but I am not sure how you get the *Courier* article stapled to the comments if you don't have the article to attach the Courier articles which were sent as ONE attachment below.

Sorry for the trouble but the 2 *Courier* articles are important sent in the one attachment and germane to data centers - thus, please do make sure to add into the record.

Your help is greatly appreciated.

Sincerely,
Teena Halbig
Floyds Fork Environmental Association (FFEA), Co-Founder 1991
6505 Echo Trail
Louisville, KY 40299
[redacted]

> Attached is the FFEA letter and also the Courier-Journal articles of 7-3-23

Floyds Fork Environmental Association
Founded 1991

To: Louisville Metro Government (LMG)
From: Floyds Fork Environmental Association
Teena Halbig, Co-Founder, 1991, Chair Clean Water
6505 Echo Trail
Louisville, KY 40299
[redacted]
Date: 7-4-26

Re: 25-LDC-0014 DATA CENTER COMMENTS

Floyds Fork Environmental Association, FFEA, MISSION is to protect, conserve and preserve Floyds Fork Creek and its Watershed.

Comments on data centers will begin with the request that any data centers be in INDUSTRIAL areas and NOT in RESIDENTIAL areas. Additionally, all data centers of any size (small to large) are to be located ONLY in INDUSTRIAL zoning and not in any other zoning categories. Again, FFEA does not agree to the location of any data centers in residential areas since there are so many intrusive issues. Any decision to do this could be considered arbitrary and capricious and not in the best interests of the residents in Jefferson County – as well as the granting of WAIVERS to standards/regulations.

FFEA is in STRONG OPPOSITION to the Planning Director or his/her designee make all the decisions and review of data centers of any size.

And, FFEA wants a mandated PUBLIC SIGN, PUBLIC NOTICE {to neighbors, neighborhood organizations (including FFEA)} so that PUBLIC MEETINGS and a PUBLIC HEARING before the Planning Commission with a CUP (Conditional Use Permit) – but should go to BOZA (Board of Zoning Adjustment) with adequate public notice and public meeting(s) and public hearing. Additionally, Metro Council must be able to vote after offering the public an opportunity to comment before making any decisions on any and all data centers.

FFEA does not want to see vague, "Accessory Uses" regarding data centers – please remove this terminology and any reference due to oodles of wiggle-room to the possible detriment of the public.

While familiar with the sound of a house generator, it is quite obnoxious! Imagine larger generators or multiple generators. Even one film showed a neighbor who killed another neighbor over the generator use being so close and loud. Also some reports by neighbors of temperatures increasing up to 12 degrees close to data centers due to waste heat – so please do more research. There should be no temperature increases to adjacent uses.

Already we know neighbors and land trust and parklands are being approached by Texas Gas Pipeline in the Floyds Fork Watershed to ask for easements. While Texas Gas touts they will not invoke eminent domain, they will and they can when their land acquisitions show the need for personal properties with a few blocking the extension. And there are explosions (about 26 reported) since these 42 inch pipelines can be dangerous.

Other outdoor equipment is intrusive and includes possible *dangerous chemicals* which are not needed in the watershed to cause pollution of ground and underground aquifer water and surface water flowing into Floyds Fork tributaries and/or Floyds Fork Creek.

And, since people need and like to eat, farmland should never be used for data centers; instead, keep the land to INDUSTRIAL zoning areas. Likewise, our park's lands should never be used for data centers; instead, keep them to INDUSTRIAL zoning only.

Gas turbines create the need for Texas Gas Pipelines intrusion into farmland, parks, homes, etc. and will bring noise, emissions, etc. Diesel fuel on site is a big danger to water resources. Parking lots will get drippings of auto or tankers and delivery vehicles, too. What is the estimated number of trips per day?

Emissions: For air pollution, there does not appear to be a standard for Particulate Matter (P.M.) which will surely be generated by any data center. What is the P.M. reading at the property line? Retention of trees for carbon storage is necessary; additional trees are necessary to do this due to exhaust and emissions of data centers and because trees help significantly with particulate matter with surface deposition on leaves, branches and bark.

Night Noise: The World Health Organization suggests outdoor nighttime averages stay below **40 dB** to prevent adverse health and sleep disruption.

Daytime Noise should only be a tad more dB (40 to 45 dB) so do not use 65 dB.

Noise: *Infrasound vibrations* must be accounted for – and protection in place for the public. Additionally, cooling fans generate noise as well as generators; these must have acoustic sounds addressed. ***How will the acoustic sounds be addressed***; acoustic sound is mechanical *wave energy* that travels through a physical medium like air, water, or solids, and ***can be perceived by human or animal hearing.*** Therefore, a minimum distance from a residence should be *600 feet* and **not** 100 – 200 feet. And for more intensive uses like day care centers, churches, residences,

hospitals, pet businesses, schools and colleges, 2,000 feet; however, a lot of thought should be taken to add to this list. Special treatments are necessary to absorb noises and vibrations which might include acoustic foam and other treatments to control echoes and absorb sound that should be included in regulations. What will be required in regulations?

Water: should not use from Floyds Fork Creek or its tributaries or underground aquifers which would threaten biodiversity of flora, fauna or fowl. Costs of water should not be passed on to customers but the data center is to pay. Do not use springs or wells, either.

Deforestation: Do not remove forested areas because trees hold CARBON and reduce temperatures and help reduce noise and dust and help the ecology as well as serve as wind breaks and provide canopy.

Karst: The attached *Courier-Journal* article of 7-3-26, ***Mounting Skepticism: Proposed gas pipeline in KY sparks concerns*** comments by Mr. Vandevelde near the end of the article under "*Trouble on 'holey' ground*": His points are exacting because FFEA works over the years with Karst, KGS, USGS, KDOW, etc. - the limestone is acidic and dissolvable; there are numerous and large sinkholes in Jefferson County and the Floyds Fork Watershed (and in Bullitt). Pipelines are vulnerable in karst terrain. Note: MSD recently (latter part of June, 2026) had a cracked pipe at the Seatonville Pump Station with about 10 vehicles showing up for 2-3 days to work on this. Also on radio, the Potomac River was polluted due to a cracked sewer pipe where it was discovered to be due to the GASES in the SEWAGE line plus the WEIGHT on top of the line. And as Mr. Jerry Vandevelde, a geotechnical engineer, knew, surface collapses in karst territory can crack pipelines, this can also happen with an underground collapse which can be caused by erosion of soil by underground streams. This leads to leakage and pollution into underground aquifers and on to streams. There is increased danger as surface changes occur to re-route water above and below ground. Mapping already exists for the watershed which should be included in the Planning Appendix and noted in the data center regulations and available to all data centers *before* any consideration to locate – even in an industrial park problems exist. Will the karst mapping be included?

Costs: Must not be passed on to customers in the form of fees and rate increases because government can have the data centers pay instead.

Design: Must be aesthetically pleasing by blending in architecturally with the surrounding area.

It is best to not allow data centers or uses in the Floyds Fork Watershed due to environmental constraints.

In the watershed there is the federally endangered Indiana Bat (*Myodis sodalis*) which the females need the loose bark of mature trees to have their young. There is the Kentucky endangered Glade Cress in the watershed. Also Running buffalo clover (*Trifolium stoloniferum*) which is currently delisted from the federal Endangered Species Act, but *remains protected under state laws*.

A decommission of how to remove a data center must be outlined as well as BOND fee put in place. Will it be taken down to the concrete floor? Or totally removed?

MOUNTING SKEPTICISM

Proposed gas pipeline in KY sparks concerns

Ruby Grisin
Louisville Courier Journal
USA TODAY NETWORK

FINCHVILLE – Inside the expansive Finchville Ruritan Club, audience members leaned forward on their squeaky folding chairs to hear Texas Gas Transmission representatives through a tinny microphone.

They were speaking about a new pipeline the company wants to run through the area. As they responded to questions submitted on postcards, some in the audience scoffed after each unsure answer.

Denise Vandevelde of Shelby County was among those at the June 23 meeting. She said she received a letter from Texas Gas in April asking for permission to survey her property, but when she contacted her public officials for more information, she said she was told they knew nothing about it.

See PIPELINE, Page 11A

LG&E has an easement, shown here, on the property of Steve Henry, founder of Floyds Fork conservation organization Future Fund. Henry owns roughly 2,000 acres in the Parklands of Floyds Fork for conservation use in glade cress (an endangered flower) habitat. Henry has received a letter from Texas Gas Transmission requesting a survey of his land for a proposed gas pipeline. MICHAEL CLEVENGER/COURIER JOURNAL

INSIDE: DETAILS ABOUT THE PROPOSED GAS PIPELINE, 6A

Pipeline

Continued from Page 1A

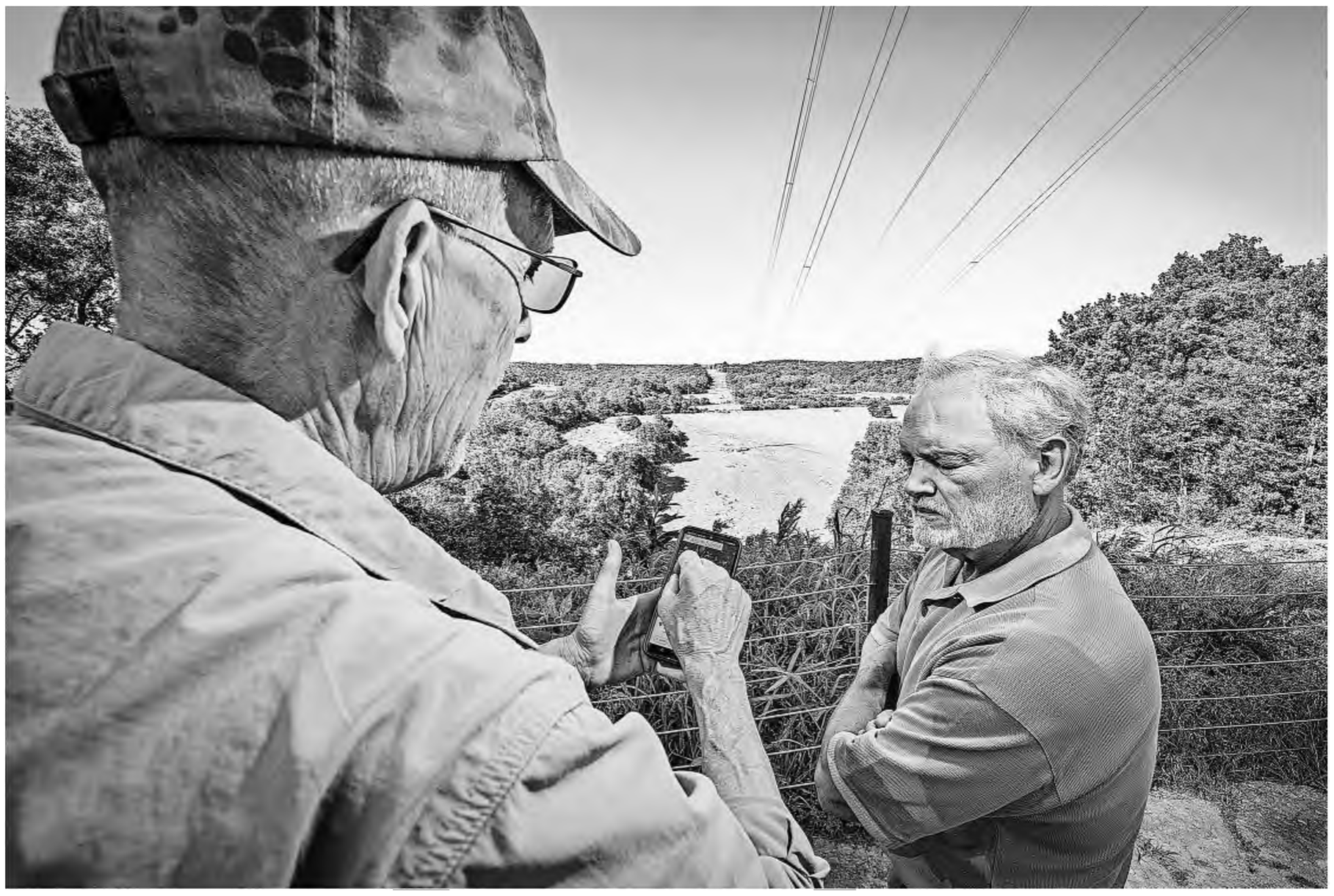
Vandevelde created a Facebook group May 15 where residents could come together to share knowledge and concerns about the pipeline. A month later, she founded an inter-county organization, Kentucky Counties United, with three other Shelby County residents. Serving as its president, Vandevelde is now working to inform her neighbors about the dangers she believes are right around the corner due to a 465-mile pipeline that could cut through three states, including a small portion of Jefferson County, as it makes its way toward her and her neighbors.

The Borealis Project, a proposed natural gas pipeline overseen by Owensboro-based Texas Gas and owned by Boardwalk Pipelines, part of the New York City-based Loews Corporation, is "designed to meet the region's ever-increasing energy demands" while moderating costs, officials say. While not directly supplying homes and businesses, it will "fuel ... power plants and other large industrial users" and "indirectly benefit local residents served by those utilities ."

At one point during the Q&A period, outbursts erupted after listeners were confused by Texas Gas' responses and wanted to ask follow-ups. As the moderator urged the audience to remain civil, one man sprung up from his chair.

"I thought this was a meeting to oppose these people, and I have been misinformed, so I'm leaving. I've heard enough of you people," he said. "They're not telling you the truth. They're going through Shelby County because they don't want to pay to go through Lake Forest and [Jeffersontown]. Why don't you just admit it?"

The audience applauded in response before he was escorted out by security.



Steve Henry, right, who founded Future Fund and is an environmental advocate in Louisville, discusses a proposed Texas Gas pipeline bordering Louisville with Jeff Frank, a Friends of Floyds Fork advocate, on June 2. The pipeline could possibly go through Henry's property in the Parklands of Floyds Fork. MICHAEL CLEVENGER/COURIER JOURNAL

`It's scary': Public grapples with transparency and infor ation gaps

Landowners surrounding Louisville who spoke with The Courier Journal showed letters they received from Texas Gas in April requesting permission to survey their properties for a natural gas pipeline. Many said they were confused, as it was their first time hearing of a new pipeline at all.

Trimble County resident Jennifer Seay Pineda said she contacted multiple county officials about the letter, but like Vandevelde, she said she was told they had no information. In one case, she said an official at Trimble County Planning and Zoning told her to discard the letter because it "sounds like a scam:'

"It's scary that nobody at the county level knows anything: Pineda said during a May 28 interview.

At the start, Vandevelde agreed communication seemed ineffective, but since the issue was raised at a May 5 Shelby County fiscal court meeting, she said her magistrates have been doing an excellent job with communication, even backing her coalition against the pipeline.

At a June 1 Trimble County fiscal court meeting, Judge-Executive John Ogburn Jr. explained the difficulty he and other county officials have had getting their own questions answered by Texas Gas about the pipeline.

Texas Gas officials said the company hosted introductory meetings about the Borealis Project with state and federal lawmakers in late 2025 and engaged with county officials along the proposed route in early 2026. Information is planned to be shared as it becomes available, but several factors, including the pipeline's route, have not yet been finalized.

"We know our projects cross land that people live on, work on and care deeply about. That's why we seek to treat our neighbors as partners and are transparent about how our projects may affect their property," the company said in a statement to The Courier Journal.

A law student, Pineda is also concerned about how Texas Gas might use its right to eminent domain - a power granted to the government where it may obtain private property for public use without the landowner's consent - to seize parts of her and her neighbors' properties later down the line.

When asked how they might use eminent domain for the Borealis Project, company officials said it would be "a last resort option that is rarely utilized:' If Texas Gas is unable to reach an agreement through private negotiations with landowners, the company can request eminent domain, allowing a court to decide if the easement is granted and how much compensation the landowner receives.

Many of those contacted by Texas Gas are also worried about pipeline explosion risks.

A 2019 natural gas pipeline explosion near Danville left one dead, six injured and 75 displaced from their homes, according to a report from the U.S. National Transportation Safety Board. An investigation revealed the explosion was caused by a manufacturing defect that degraded the line's exterior coating and insufficient corrosion prevention, causing the outer surface of the pipeline to crack. The report also found the impact radius of the pipeline's rupture was incorrectly calculated.

Since 2006, 29 civil administrative enforcement actions have been brought against Texas Gas by the Pipeline and Hazardous Materials Safety Administration, many of which are related to corrosion, design and maintenance. The company does not have any reported explosions or injury-causing incidents, but a January 2026 pipeline failure in DeBerry, Texas, prompted PHMSA to issue a Corrective Action Order.

While many residents already have smaller pipelines running through their properties, Vandevelde worries the new line will come with unprecedented risks due to its magnitude.

"This pipeline is a 42-inch, high pressurized natural gas pipeline. It's not just another pipeline," she said. "A small person could walk through this thing. It's basically a bomb."

Concerns for a protected species

The Texas Gas pipeline's current proposed route also cuts through critical habitat for the Kentucky glade cress, a rare, endangered flower that only grows on ridge-edge benches in extreme southeastern Jefferson County and northeastern Bullitt County.

Steve Henry, founder of Floyds Fork conservation organization Future Fund, owns roughly 2,000 acres in the Parklands of Floyds Fork for conservation use in glade cress habitat. After he received the same April letter requesting to survey his land, Henry said he scheduled a meeting between his organization and Texas Gas' environmental consultants, who abruptly cancelled and have yet to reschedule.

LG&E has long possessed an easement in the Parklands for its utilities similar to the one Texas Gas might obtain. During the installation process, Henry said the company damaged the existing glade cress habitat and paid to have it replanted. Henry is worried a similar habitat destruction could follow the Texas Gas pipeline.

"If they want to be good citizens ... it would be our hope that they would make accommodations with other parcels that we could replant: he said.

Texas Gas representatives said their goal is to avoid sensitive habitats whenever possible. In cases where it is not possible to avoid them, the company will coordinate with both federal and state Departments of Fish & Wildlife to find a solution.

It is currently unclear if the Floyds Fork Development Review Overlay, which determines guidelines for development in a 13,000-acre area around the waterway, will apply to the Texas Gas pipeline. Louisville Metro Government spokesperson Emily Martin said the Office of Planning has not yet received the pipeline project for review.

Regardless of the exact location of the pipeline, Friends of Floyds Fork advocate Jeff Frank said excavating for a pipeline of 42 inches in diameter would disrupt the hydrology that allows glade cress to thrive. Future Fund does not have any special legal leverage as a conservation organization, meaning the same risk of eminent domain looms for them as it does for residential landowners.

"The hope is that we negotiate in good faith and that there are thoughtful people on the other side of the aisle," Frank said.

Trouble on 'holey' ground

Vandevelde, the Shelby County resident, and her husband, Jerry, a geotechnical engineer for almost 50 years, doubt the viability of a new pipeline in a terrain that is known to produce sinkholes.

Karst terrain, which is largely made up of bedrock like limestone, is soluble in slightly acidic water and poses significant challenges to pipeline developers. As rock dissolves gradually from weathering, underground voids grow until the surface above them collapses, creating a sinkhole.

"When you want to put a 42-inch, high pressurized natural gas pipeline in terrain like this and a sinkhole opens up under it, then that pipeline no longer has the stability that it needs to hold together," Denise Vandevelde said.

Both are also concerned about how a pipeline in a karst region might pollute surrounding groundwater.

At a public meeting, Texas Gas officials said they have been operating in karst terrain for 70 years and have "not had a single pipeline failure: but landowners are still skeptical.

In her June 23 presentation, Denise Vandevelde questioned why, despite all the challenges and inconvenienced landowners, Texas Gas aims to pass through north-central Kentucky. Her conclusion: because the land is cheaper.

"Our community should not be expected to bear the risk simply because it's more convenient and more profitable to someone else: she said. "We should not be forced to accept a risk that can become a disaster waiting to happen:'

Contact reporter Ruby Grisin at rgrisin@usatodayco. corn.

Landowners not happy about pipeline

Proposed project would go through parts of Jefferson County, surrounding area

Ruby Grisin
Louisville Courier Journal
USA TODAY NETWORK

A proposed natural gas pipeline in the greater Louisville area has sparked backlash from landowners, prompting discussions around transparency and safety.

In late April, residents and business owners in parts of Jefferson County and its surrounding area received letters from Texas Gas Transmission requesting permission to survey their property. The surveys, officials said, would help route engineers determine an ideal path for their new 42-inch high pressure natural gas pipeline passing through Kentucky.

Many letter recipients are concerned about pipeline safety, property ownership and unanswered questions as Texas Gas remains in its preliminary planning stages. With opposition building, Texas Gas officials say they want to be transparent about their intentions and approval processes.

Here's what we know about the project so far:

What is the Texas Gas Borealis Project?

The Borealis Project is a proposed natural gas pipeline stretching a total of about 465 miles through Ohio, Indiana and Kentucky. It is overseen by Owensboro, Kentucky-based Texas Gas Transmission, LLC, which is owned by Boardwalk Pipelines, a part of the New York City-based Loews Corporation.

Texas Gas officials said the pipeline is meant to address increasing energy demands in the region. According to the U.S. Energy Information Administration, gas demand is expected to increase by nearly 60% in the next 20 years. While it will not directly supply homes and businesses, the proposed pipeline would fuel power plants and other large industrial users, from which Kentucky residents will "indirectly" benefit if served by those utilities.

"Expanding access to supply can help moderate energy costs over time, while construction and ongoing operations bring new jobs and economic activity to the area," officials said in a statement. "Pipeline infrastructure also contributes long-term property tax revenue, helping support schools, roads and other essential community services."

The project has two main components, a Borealis mainline pipeline and a Borealis supply leg pipeline. The mainline will consist of about 265 miles of a 42-inch natural gas pipeline stretching from Ohio to Kentucky. Around 80% of the mainline route is proposed to be constructed along existing utility corridors, and it will involve additional compression at an existing compressor station in Indiana.

The supply leg pipeline will require about 200 miles of a 42-inch pipeline in Ohio.

What is the ti eline for the Texas Gas pipeline?

To move forward with construction, Texas Gas must first obtain certification from the Federal Energy Regulatory Commission. A preliminary timeline on Boardwalk's website indicates the company is currently in its "Public Engagement and Early Planning" phase, which allows stakeholders to voice opinions as the route is refined during land surveying.

"These activities help us determine a viable route based upon on-the ground inspections and feedback from local officials and landowners," Texas Gas officials said.

A formal application is planned to be submitted to FERC in late 2027.

If the project is approved, FERC will grant Texas Gas a Certificate of Public Convenience and Necessity, and construction would likely take place in 2028 and 2029. At this point, landowners directly impacted by the project would be contacted by land agents to discuss property specific details like schedules and access. Landowners who previously denied permission to survey may be contacted again at this point, officials said at a public meeting June 23.

According to the preliminary timeline, the project would begin service in the second half of 2029.

"As we do with all our projects, we are following the FERC process and plan to host open houses this fall in communities along the pipeline route," a Texas Gas spokesperson said. "Once the dates and locations are set, we will be notifying local officials, landowners and other interested parties so that they can choose to participate and learn more."

Where will the Texas Gas pipeline go?

Route engineers are currently working to ensure viability, depending on conversations with residents and businesses along the proposed pipeline path. From these conversations, Texas Gas intends to map a specific, finalized route and conduct more outreach.

"The route is under development and subject to change, which is why we have only shared the broader regional maps," officials said. "Later, we plan to make a mapping tool available on the website that will allow users to see more specific information about the proposed pipeline in relation to their property."

Based on the landowners who received land survey requests and preliminary maps from the developer, it is expected the pipeline would pass through parts of far southeastern Jefferson County, as well as Oldham, Hardin, Shelby, Trimble, Bullitt and Spencer counties.

Why does Texas Gas want to survey property?

At the June 23 public meeting, Texas Gas representatives said route engineers survey land during the first stage of planning in order to pin down an exact path that avoids obstructions and potential risks like homes, portions of the watershed and existing septic systems. While landowners are not required to grant permission for Texas Gas to survey their property, it is possible land agents will return and ask again further along in the process.

If route engineers determine a particular property is necessary to the route, they may seek eminent domain, which allows the government to seize ownership of private property for public use so long as it provides "fair compensation" to the owner.

Officials said the survey process results in "very little ground disturbance" in most cases, but some repairs and reforestation may need to be factored into the agreed upon easement compensation in certain cases. When surveying, the land agents typically focus on an area that is approximately 300 feet wide to determine the best location for the permanent 50-foot right-of-way easement.

"Once we've assessed the property and determined the route, we work directly with each landowner to agree on a right-of-way easement and fair compensation for both the temporary and permanent use of their property," Texas Gas representatives said.

Reporter Ruby Grisin can be reached at rgrisin@usatodayco. corn.

From: Davis, Brian
To: Haberman, Joseph
Subject: FW: Data Centers
Date: Tuesday, July 7, 2026 5:19:08 PM

Brian Davis, AICP
Director
Office of Planning
Louisville Metro Government
444 S. Fifth St. #300, Louisville, KY 40202

O: 502-574-5160| C: 502-528-8956

Find us: Website | Facebook

-----Original Message-----
From: Mary Dennis Kannapell <[redacted]>
Sent: Tuesday, July 7, 2026 4:58 PM
To: Davis, Brian <Brian.Davis@louisvilleky.gov>
Subject: Data Centers

This is a huge commitment of public land and resources.
Please think long and hard about this.

The ramifications are huge and, at this point, I do not see advantages for us, just for AI companies.

Sincerely,
Mary Dennis Kannapell

From: O"Brien, Jeff
To: Haberman, Joseph; Davis, Brian
Subject: FW: Data Centers
Date: Wednesday, July 8, 2026 1:31:44 PM

Please include in the public comments if not already there.

Jeff

Jeff O'Brien
Executive Director
Cabinet of Economic Development
Louisville Metro Government
502.574.1354

From: Miller, Pat <pat.miller@louisvilleky.gov>
Sent: Wednesday, July 8, 2026 1:19 PM
To: O'Brien, Jeff <Jeff.OBrien@louisvilleky.gov>
Subject: FW: Data Centers

From: Craig Greenberg <Craig.Greenberg@louisvilleky.gov>
Sent: Tuesday, July 7, 2026 2:57 PM
To: Miller, Pat <pat.miller@louisvilleky.gov>
Subject: FW: Data Centers

From: [redacted] <[redacted]>
Date: Tuesday, July 7, 2026 at 2:35 PM
To: Craig Greenberg <Craig.Greenberg@louisvilleky.gov>
Subject: FW: Data Centers

To: Mayor Craig Greenburg

From: Sheron Lear
4309 Winter Garden Court

Louisville, KY 40218
[redacted]

Re: 25-LDC-0014

Date 7.6.26
Restrictions prior to land purchase for the purpose of Data Center and/or Data Center.

1. Data Centers of any size to be allowed ONLY in Industrial Zoning, not agricultural, residential, farming**,** parks, or livestock.
2. Land must be zoned as Industrial for a minimum of 5 years prior to purchase for a Data Center.
3. A minimum of 10 million dollars must be placed in a Bond or secure account in the state or community in the event the property needs to be decommissioned by the state or community. [No brownfield left behind]
4. City, town, state needs a Master Plan, 10 years or longer, that includes permitting or not permitting Data Centers.
5. City or town must have an insurance policy sufficient to cover all potential damage to area and residents.
6. The government may NOT, under any circumstances, use the Data Centers to track the citizens. [No tracking anything including; coffee pot, microwave, entertainment centers, TV, security alarms, radios, phones, land lines and cellular, voting, stations, etc.]
7. Data Center must provide its own power, water, etc. and not be using power or water off the same grid as residential or commercial properties in the area.
8. Data centers may Not take water from the aquafers and leave insufficient water for residents, agricultural, livestock and commercial use.
9. All water used by Data Centers must be recycled for their own use and not keep taking water from aquafers, residential and commercial use. [No brown or contaminated water, possible toxins, released back into to environment.]
10. We need reassurance that NO water from a Data Center will be taken from, nor discarded into Floyds Fork Creek, **and/or its tributaries** at any time. Floyds Fork Creek flows through Henry, Oldham, Shelby, Jefferson, Bullitt counties and tributaries in Spencer County.
11. No increase in costs for residents or businesses anywhere. [There is an incident where a woman went on vacation, unplugged all appliances, turned off everything so no electricity was used, her electric bill was extremely high during this time. She sued, the judge asked the utility company why this person had the outrageous bill when the electricity was not in use. The utility company responded they provided

Grid Readiness; she could have used power at any time. The judge threw it out as unjustified. We, the people, need a guarantee this will Never happen.**]**

12. No clear-cut land around Data Center. No trees may be removed for a Data Center. Ground must be planted and maintained in native trees, shrubs, grasses to help regulate the temperatures and provide oxygen. Trees, shrubs, grasses are the lungs of the environment and provide oxygen in exchange for carbon dioxide.
13. Diesel fuel for diesel engines is a danger to water resources.
14. Noise pollution of 50-60 decibels is unacceptable for humans, livestock, even the insects which are pollinators to our crops **whereas 40 decibels at night and 45 decibels daytime should be used.**
15. Diesel generators emit gases and fine particles (soot), including PM 2.5, NOx, VOCs, CO. Particulate matter 2.5 and below are small enough to easily be inhaled into lungs and also the bloodstream of **human beings to cause decreased lung function, asthma attacks, irregular heartbeats, and an increased risk of heart attacks and strokes, larger particles fall outside the breathing area.**
16. Vibrations [interruptions in life; human, fauna, insects, pollinators, birds] **are also referred to as 'infrasound' and affect human beings. See this:**

Spiked Cortisol Levels: Research published by the National Institutes of Health shows that brief exposure to inaudible infrasound significantly elevates salivary cortisol. For individuals with PTSD—who already struggle with cortisol regulation—this sudden physiological stress response can trigger anxiety or panic. [1, 2, 3, 4, 5]

17. The heat equaling 43 nukes daily can form a heat well about Data Centers., that is equal to 23 atomic bombs a day. This can raise the temperatures 16 degrees Fahrenheit or more.
18. The land the Data Center sits on may not be elevated greater than surrounding area. This is to prevent flooding or run-off to areas adjacent to data center.
19. Public needs assurances that this will not affect the health of children, elderly, all humans, animals, livestock, etc. [We were told that a small amount of lead was ok and would not be harmful but now that is not the case. Even a small amount of lead is harmful when ingested.]
20. Absolutely NO Data Centers on Public Lands.
21. Absolutely NO tax breaks of any kind, local, state, federal.
22. Profits from the Data Centers must be shared with the local and state government and the community; **state and/or local** need to share the profits.
23. Local government, Planning and Zoning, must post signs large enough to be seen and read, at the proposed site, post on all social media, the local **newspaper and TV** stations, and reach out to all residents in the area, **and neighborhood associations signed up - with** adequate time to respond.

24. No representative of the Planning and Zoning, city, state or federal, will profit from, be awarded in any way, compensated for permitting/allowing a Data Center. **And all data centers must go through the zoning process as a change in land use so that there is a sign posted, public meetings and public hearing, then on to Louisville Metro Council for a vote - instead of ONLY the Planning Director or designee making all the review and decision.**
25. **A minimum or a two-year moratorium prior to approval of any new data centers and an immediate moratorium on all data centers that have been approved.**

From:	Davis, Brian
To:	Haberman, Joseph
Subject:	FW: Contact Councilman Scott Reed - Catherine Mekus
Date:	Tuesday, July 7, 2026 11:25:39 AM
Attachments:	image002.png image003.png image004.png image005.png image006.png image007.png

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Brian Davis, AICP
Director
Office of Planning
Louisville Metro Government
444 S. Fifth St. #300, Louisville, KY 40202

O: 502-574-5160| **C:** 502-528-8956

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PLANNING

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From: Townes, Jared <Jared.Townes@louisvilleky.gov>
Sent: Tuesday, July 7, 2026 11:22 AM
To: [redacted]; Davis, Brian <Brian.Davis@louisvilleky.gov>
Cc: Reed, Scott <Scott.Reed@louisvilleky.gov>
Subject: FW: Contact Councilman Scott Reed - Catherine Mekus

Catherine,

Thank you for your message regarding data centers. Upon Councilman Reed's request I am connecting your message to Brian Davis with Louisville's Planning Department and asking that he add your comments to the official record for Data Center Zoning.

Brian,

Would you be able to add Catherine's message to the comment record for Data Center Zoning?

Regards,

Jared Townes
Assistant to Councilman Scott Reed
Louisville Metro Council
502-574-3461
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Louisville Metro Council District 16
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From: Reed, Scott <Scott.Reed@louisvilleky.gov>
Sent: Thursday, July 2, 2026 11:37 AM
To: cath0522@yahoo.com
Cc: Townes, Jared <Jared.Townes@louisvilleky.gov>
Subject: Re: Contact Councilman Scott Reed - Catherine Mekus

Thanks for your note, Catherine. I wound strongly suggest that you submit them to Planning/Design during the open comment period.

Scott

> On Jul 2, 2026, at 11:25 AM, Catherine Mekus <noreply@formresponse.com> wrote:
>
> **CAUTION: This email came from outside of Louisville Metro. Do not click links, open attachments, or give away private information unless you recognize the sender's email address and know the content is safe.**

Contact Councilman Scott Reed

Name	Catherine Mekus
Address	7902 Machupe Ct, Louisville, KY, 40241

Phone Number	[redacted]
Email	[redacted]
Comments	I am writing today because I am a concerned citizen, a technophile, and am seriously concerned with the draft ordinance for regulating Data Centers in Metro Louisville. The final ordinance will impact my voting decision this fall in the mayoral race, and would imp My first concern is with the plethora of loopholes in the draft ordinance. We need an ordinance that is clear and loophole free. It must define a zoning code for Data Centers, which must include the opportunity for public input, and for a public hearing and review of the proposal for a Data Center before Metro Council. This is our city, and we deserve a voice in decisions of this magnitude. My second concern is for our family pocketbooks. Data Centers across the nation are notorious for driving utility rates through the roof because of their enormous demands for water, sewer and electrical power. ANY group that proposes to build a Data Center here must agree to FULLY pay for any

infrastructure increases required for water, sewer or electrical power companies. We the People should never be asked to subsidize a profit center, just so that they can make more money. These are not businesses that bring mass employment to an area; they simply consume resources and so must pay for the inputs for their businesses.

The bottom line for me, though, is that I think our area is already too late trying to jump on this bandwagon, and if we pursue Data Centers, we will simply be left with another empty building and oversized utilities that we do not need but which will drain cash from our city and our people. I think the boom has already happened, and all that's left now is to be part of the bust for this industry.

From:	Roxanne Sturtevant
To:	Haberman, Joseph
Subject:	Key Fitzgerald recomendations re:data center regs.
Date:	Tuesday, July 7, 2026 3:59:05 PM
Attachments:	KRC-Model-Data-Center-Zoning-Ordinance-Version-1.3-1.pdf KRC Recommendations re. LMG Data Center Ordinance 2026-06-22.pdf Analysis of LMG Ordinance 6 21 2026 (1).pdf Indivisible Environment Action Circle_Data center zoning regulations (1).pdf

Hello Mr. Haberman,

First, let me thank you and the Office of Planning for your work in producing a set of data center regulations for our community. I am sure this required many hours of study, discussion and collaboration.

I am writing to send you the work of Atty Tom Fitzgerald who is retired from the Kentucky Resources Council and a set of comments from the Indivisible Energy and Environment Action Circle, a coalition of several community groups including Sierra Club, LCAN, St. Williams Church and the Renewable Energy Alliance of Louisville among others.

I ask you to pass these resources to others in the Office of Planning and to the Planning Commission for their consideration.

I have made my personal comments through the public comment portal that you have provided to the community.

Again, thank you,
Roxanne Sturtevant
3712 Trail Ridge Rd 40241
[redacted]

Kentucky Resources Council

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SIDE-BY-SIDE COMPARISON OF LOUISVILLE METRO GOVERNMENT DRAFT AND KRC MODEL ORDINANCE ON DATA CENTERS [1]

This document reviews and compares the Louisville Metro Government ("LMG") Draft Data Center Amendments (Case No. 25-LDC-0014, June 9, 2026 Draft) against the Model Data Center Siting Ordinance (Version 1.4) developed by the Kentucky Resources Council ("KRC Ordinance" or "KRC") for use by communities with planning and zoning powers, in addressing the unique challenges presented in planning and zoning for the new generation of data centers. A separate document containing the recommendations of the Kentucky Resources Council regarding the LMG draft ordinance amendments will be published and available at www.kyrc.org.

Introduction

The Kentucky Resources Council's Model Data Center Siting Ordinance (Version 1.4) provides a comprehensive framework for the location, operation, and decommissioning of all data centers, requiring both a zoning map amendment to a new industrial classification and conditional use permit issued by a planning commission for every facility and imposing detailed siting prohibitions, operational standards, application requirements, and enforcement mechanisms.

LMG's draft text amendment to the Land Development Code (25-LDC-0014, dated June 9, 2026) takes a size-tiered approach: it prohibits data centers exceeding 500,000 square feet,[2] requires a conditional use permit for facilities between 250,001 and 500,000 square feet (M-3 district), and treats smaller

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[1] Analysis prepared by Tom FitzGerald, *of counsel,* Kentucky Resources Council, for public use.

[2] KRC has significant concern that a prohibition on an otherwise lawful use of land simply because of square-footage and not based on criteria associated with the operation of the facility, is not rationally related to any governmental purpose and would invite legal challenge. Further, with no limit on the number of data centers that would be allowed on a tract or adjoining tracts of property, the unintended consequence of such an arbitrarily area-based limitation would be to invite more data centers of slightly smaller size consuming more area because of setback requirements, than one larger center.

facilities as permitted uses with special standards in various industrial districts, subject only to registration with the Office of Planning and review by the Planning Director or designee.

It also creates separate categories for telecommunications data centers (allowed in the C-3 commercial district and all other zones that data centers are allowed) and accessory data centers.

Structural Differences in Approach and Applicability

The two documents differ fundamentally in both in approach and in substantive requirements.

The KRC model requires **every** data center to obtain a zoning-map amendment to a new "Industrial – Data Center" classification plus a conditional use permit issued by the Planning Commission (rather than a Board of Zoning Adjustment), with public notice, a hearing, and affirmative written findings (KRC §§3, 7).

Requiring a rezoning to the new industrial classification allows the Planning Commission to consider and issue a Conditional Use Permit (rather than the Board of Zoning Adjustment) in conjunction with the rezoning, and limits the scope of activities that can be conducted under the new zoning classification to data centers of various types.

LMG's draft does not create a new zoning classification or require rezoning but instead allows data centers of between 250,001 and 500,000 sq. ft. floor area in industrial zones with a CUP. Data centers of 50,000 sq ft or less meeting a list of special standards are permitted uses subject only to registration with the Office of Planning and review by the Director or designee, and with no CUP. Data centers between 50,001 and 250,000 sq ft likewise are permitted uses subject only to registration and meeting a list of special standards.

If a less than 250,000 sq ft data center does not meet the standards of either 4.3.35 or 4.3.36, it may seek a waiver from the standard. Otherwise, it must get a CUP.

For any facilities of less than 250,000 sq ft of floor area meeting the applicable "special standards" only registration and review by the Planning Director or designee is required and there is no public notice, landowner notice, or opportunity for hearing. A CUP with opportunity for hearing before the Board

of Zoning Adjustment occurs only for facilities of 250,001–500,000 square feet (§4.2.69) or smaller facilities seeking relief from the CUP for waiving special standards (§4.2.68).Section 4.2.68 allows the Board to waive nearly any special standard (other than the district and form district restrictions) for facilities under 250,000 square feet, provided the applicant offers written justification.

LMG's draft does contain provisions absent from the KRC model: an outright prohibition on facilities above 500,000 square feet (which KRC believes is vulnerable to challenge and may have unintended consequences), prevailing wage and local-hire requirements (which KRC would support but believes are outside of the lawful scope of a zoning ordinance), and sworn ownership and primary user disclosure.

Concerns with Tiering Approach

As noted above, the KRC Model Ordinance applies to all data centers. The LMG draft proposes to classify and regulate data centers via two somewhat arbitrarily drawn tiers:

> First, based on square-footage of floor area, with 250,000 square-feet of floor area being the divide, and over 500,000 square-feet being prohibited.
>
> Second, by creating separate categories for "telecommunication data centers" and for data centers as an "accessory use."

Before addressing the distinctions in terms of process and obligations for the various categories of data centers in the LMG draft, two threshold questions arise concerning the LMG draft, which different tiers of data centers based on the square-footage of floor area, and prohibits data centers over a certain square-footage:

> First, KRC questions by what legal authority a flat prohibition on data centers of over a certain square-footage of floor area, can be adopted as a planning and zoning matter. The prohibition imposed as a matter of planning and zoning is certain to provoke legal challenge.
>
> Second, and related to the first, KRC questions the correlation does square footage of floor area with the potential for a data center to have off-site impacts that could adversely affect private or public land uses.

A categorization based on a factor that is not necessarily related to the potential concerns of that land use, such as waste heat, water usage, electric consumption, air emissions, hazardous chemical storage, fire or explosion potential, and noise, is of questionable legality. The impacts of data centers are primarily a function of the intensity of the use, not the square-footage of floor area of the buildings.

Additionally, the floor area (square-footage) does not represent the footprint of a data center, which can and typically does include exterior areas for generators, waste management, storage of hazardous chemicals, and other exterior structures and activities.

Finally, nowhere is consideration given in the tiering, to the intensity of the use, the presence or absence of generators and other activities, or the location relative to sensitive land uses.

KRC believes the same standards and process should apply to all data centers subject to regulation, since those standards are self-differentiating and self-adjusting depending on the size, nature and intensity of the use.

The LMG draft provides performance standards for each of the categories of data centers except for data center accessory uses, defined as "Data Center, Accessory."

The LMG Draft is written in a very cumbersome manner, since with a very few exceptions (noted below), the substantive standards for each and all of the categories of data center (other than accessory) are the same and could be consolidated into <u>one</u> set of requirements applicable to all data centers that would be referenced (with any changes) for each tier of data center.

Definitions

There are a number of definitions in the KRC Model Ordinance that are *not* in the LMG draft, including definitions for *Sensitive Use, Data Center Energy Systems, Prime Farmland* and *Farmland of Statewide Importance, Noise Level (expressed both as dBA and dBC),* and *Waste Heat.*

The LMG draft contains several definitions that are not in the model ordinance, such as "prevailing wage" and "construction work," that are used in conjunction with requirements for hiring and wages associated with data

center projects. However positive the intent, as noted below, KRC has reservations that the requirements to pay prevailing wage to construction workers or to use hiring practices to favor local residents, can lawfully be imposed as a condition for a zoning map amendment or conditional use permit.

There is a particularly problematic definition of "data center accessory use" that defines such data centers in a manner that invites wholesale avoidance of the standards and requirements that otherwise apply to data centers under the LMG draft, as explained below.

Tiering

Below is a summary of what is required for each category of data center and how those requirements do or do not differ. In shorthand, the LMG draft ordinance provides that:

- If a facility has 250K or less sq. ft. of floor area and does not meet all of the special standards, it can only be approved with a Conditional Use Permit (CUP). Some standards cannot be waived or adjusted through the CUP process, including the zoning-district requirements. If a site does not have the appropriate zoning, the developer would also need to request a zoning change.
- 250K to 500K sq. ft. of floor area – allowed in a M3 zone, with a CUP required.
- 50K to 250K sq. ft. of floor area – allowed in EZ-1, M-2, PEC, and M-3 zone, as a permitted use with special standards, subject only to filing a registration. CUP required if special standards are not met and not waived.
- 50K or less sq. ft. of floor area – are allowed in C-M, M-1, PRO, EZ-1, M-2, M-3, and PEC as a permitted use with special standards, subject only to filing a registration. A CUP required only if special standards are not met and are not given a waiver.
- Additional allowance for a telecommunication data center in C-3 as well as all zones data centers are allowed in.
- Separate category for "accessory" data centers, which may be located in other zoning districts and are subject to almost none of the size limits or standards of other data centers. This category is very problematic and susceptible to misuse.

Data Centers of 250,001 – 500,000 sq. ft. of floor area

- Is limited to M-3 district with a Conditional Use Permit (CUP)
- May be located in Campus, Regional Center, Suburban Workplace, or Traditional Workplace
- Any generator outside of a building used as part of a back-up energy system is limited to propane, natural gas, bi-fuel (gas and diesel), hydrogen fuel cell or battery and met EPA Tier IV emission standards. Testing would be limited to once a week, between 8am and 5PM; alternatives would be allowed based on demonstration of no adverse effect to neighboring properties.
- Lighting must meet general standards for lighting in 4.1.3 of LDC.
- Noise would be limited to 65 dBA at property line, and generators must be in a courtyard or walls with noise attenuation.
- Fire-suppression systems have to meet applicable requirements.
- Closed loop water system encouraged for cooling; private wells may not be used.
- Waste heat and ventilation systems must be designed not to result in waste heat "adversely impacting adjacent properties."
- Landscape buffering must meet general Chapter 10 standards.
- No data-center building, generator or utility substation would be allowed in an area with environmental constraint under Section 4D
- Electricity – requires transmission study request be made to LGE and executed service agreement.
- A 200-foot setback from abutting properties zoned as residential; if generators or a utility substation were present, it must be at least 200-feet from a dwelling unit, childcare center, or school in existence at the time of CUP approval.
- Public Utility capacity to serve without adverse effect to cost of service to other customers must be demonstrated.
- Low-impact design practices listed are mandated.
- Energy-efficiency measures listed are mandated.
- Emergency-contact information and signage required.

- Identification of parties of interest required, including persons or entities owning the real estate, and the primary user of the data center.
- Developer must make good faith effort to hire local residents for 30% of workforce.
- Construction workers must be classified by work performed and be paid prevailing wage.

Data Centers of 250,000 sq. ft. of floor area or less

- Data centers of less than 250,000 sq ft meeting the requirements of either 4.3.35 and 4.3.36 (depending on floor area) are a permitted use "with special standards" and don't need a CUP. They need on to register with the Office of Planning and are reviewed by the Planning Director or designee.
- If the data center does **not** meet the requirements of those sections, it must get a CUP and is limited to C-M, EZ-1, M-1, M-2, M-3, PEC, PRO all with a Conditional Use Permit.

Data Centers of less than 50,000 sq. ft. of floor area

Are allowed as permitted uses with special standards provided that they meet the standards of 4.3.35.

- Can be located in C-M, EZ-1, M-1, M-2, M-3, PEC, and PRO without a CUP if they meet the standards
- Limited to Campus, Regional Center, Suburban Workplace, Traditional Workplace form district
- 25-foot setback from residential property in addition to any setback required under Chapter 5
- Generator and utility substation must be 25 feet away from existing dwelling unit, childcare center, or school
- Same requirements as over 250,000 sq ft for generators, outdoor lighting, noise, fire suppression, landscape buffering, environmental constraints, electricity consumption, water and wastewater, public utility capacity, low impact design, energy efficiency, disclosure of property owner and primary user, and hiring requirements.

- Only standards **not** included here are regarding waste heat and closed loop water cooling systems and prohibition on private wells.
- Data centers meeting these requirements are required only to register with the Office of Planning and the Planning Director or designee will determine compliance. No BOZA or Planning Commission review, no public notice, no hearing opportunity, unless a party challenged the administrative decision to deny or approve a registration, by filing an administrative appeal and that would result in a hearing.

  However, the appeal would be limited to a review of staff's decision and application of the code. It would not be the same as a conditional use permit hearing.
- A smaller data center that is subject only to registration, might also request a variance, waiver, or development plan approval, so that associated request might require notice and/or a hearing. However, those reviews would be limited to the request at hand and would not necessarily be a review of the use itself.

Data Centers of 50,001 to 250,000 sq. ft. of floor area

Are allowed as permitted uses with special standards subject to only 4.3.36

- Are limited to EZ-1, M-2, M-3, or PEC.
- May be located in Campus, Regional Center, Suburban 100 f
- Workplace, or Traditional Workplace Form District
- 100-foot setback from residentially zoned property in addition to any Chapter 5 setback.
- Generator and utility substation must be 100 feet away from existing dwelling unit, childcare center, or school
- Subject to same requirements as over 250,000 sq ft floor area with respect to generators, outdoor lighting, noise, fire suppression, water and wastewater, waste heat and ventilation, landscape buffering, environmental constraints, electric consumption, public utility capacity, low impact design energy efficiency, emergency contact, ownership and primary user disclosure, and hiring.
- Data centers meeting these requirements are required only to register with the Office of Planning and the Planning Director or

designee will determine compliance. No BOZA or Planning Commission review, no public notice, no hearing opportunity, unless a party challenged the administrative decision to deny or approve a registration, by filing an administrative appeal and that would result in a hearing.

However, the appeal would be limited to a review of staff's decision and application of the code. It would not be the same as a conditional use permit hearing.

- A smaller data center that is subject only to registration, might also request a variance, waiver, or development plan approval, so that associated request might require notice and/or a hearing. However, those reviews would be limited to the request at hand and would not necessarily be a review of the use itself.

Telecommunication Data Centers

- Allowed in C-3 District with a CUP and in all districts a data center is allowed.
- Must be associated with a telecommunications facility or serve exclusively a telecommunication provider serving LMG
- Can be no more than 50,000 sq ft floor area
- Limited to Campus, Downtown, Regional Center, Suburban Workplace, Traditional Market Corridor, Traditional Workplace, or Urban Center Neighborhood Form Districts
- Generator or utility substation must be 25-feet from dwelling unit, school, or childcare center in existence. No setback for residential property line.
- Same generator requirements as for 250,001-500,000 sq ft.
- Same requirements for lighting, noise, landscape buffering, environmental constraints, electricity consumption, water usage, wastewater/stormwater, public utility capacity, low-impact design.
- Similar requirements for fire suppression.
- For telecommunications data centers located in Downtown, Traditional Marketplace Corridor, Urban Center Neighborhood, data center use can't be on the ground level along public street facing facades.

Data Centers of over 500,000 sq. ft. of floor area

Over 500,000 sq-ft floor area for data center use is prohibited. As noted above, this restriction is of dubious legality and questionable outcome since the result may be multiple buildings on adjoining lots using more space to achieve the same purpose.

Accessory Data Centers

A category of data centers termed "Data Center, Accessory" is created, and subject to much less rigorous standards. The use appears to be allowed in any zone, and is not subject to any standards other than being accessory to a "principal use."

There is no size limit, no zoning classification limit, and no standards other than the generator standards that apply to the other classes of data centers.

It does not define what principal uses an accessory data center can be accessory to, but states that it can "only provide data services…to the business, institution, or organization "associated with the principal use only."

The definition of "Data Center, Accessory" itself is extremely broad and vague, defining an accessory data center as:

- Serving a principal use on the same lot
- Subordinate in purpose to other on-site activities of the principal use
- Allowing the accessory data center to serve not only the operation of the on-site principal use but also supporting "the enterprise functions of the business, institution, or organization associated with the on-site principal use," which "may include data services associated with off-site users directly affiliated with the on-site principal use."

The definition of accessory data center and the category is so vague as to create a glaring loophole in the regulation of data centers. A company could site a local branch to a national or international business and use the "accessory data center" to serve all the national and international customers of that company.

Provisions LMG Incorporated from the KRC Model

The LMG draft contains numerous provisions adopted from the KRC Model Ordinance, including:

Low Impact Site Design. LMG's four-item list (minimize land disturbance, maximize tree preservation, minimize impervious surfaces, minimize nuisance impacts) tracks nearly word-for-word the KRC Ordinance KRC §5.N(1). LMG made it mandatory ("shall implement") where the KRC model encourages it.

Energy Efficiency. LMG's eight-item list (passive cooling and daylight orientation, alternative energy sources, energy storage for off-peak usage, reclaimed water for cooling, limiting finite resources, water-efficient landscaping, LED lighting, DOE Better Buildings/LEED practices) mirrors KRC §5.N(2) item by item, again as "shall" rather than "encouraged."

Emergency Contact Signage. 24-hour contact signage at each access entrance, including company name, operator representative's name and telephone number, and the power company's number (KRC §5.D); LMG names LG&E specifically.

The LMG draft substantively adopted, with modifications, a number of KRC Model Ordinance provisions:

Generator standards. Tier IV diesel as the minimum EPA standard (KRC §5.J(2)), preference for gas and battery alternatives, and testing limited to once per week during daytime hours. LMG broadened the testing window (8 AM–5 PM, without KRC's weekday-only limit of noon–5 PM) and added battery switchover language.

Cooling and water restrictions. No private well water for cooling (KRC §5.K(2), with LMG adding a geothermal exception) and closed-loop cooling systems—though LMG downgraded KRC's "must" to "encouraged." The less than 50,000 sq ft data center standards do not include this section of the KRC Ordinance.

Public utility capacity. Documentation that utility capacity "is or will be made available" without "adverse effect on the cost of service to other customers" tracks KRC §5.I(6)(a), though KRC's version also covers availability, reliability, quality, and safety.

Waste heat. LMG adopts KRC's definition of waste heat and the concept of directing exhaust away from adjacent properties (KRC §5.M), but only as

advisory "should" language without KRC's measurable and enforceable property-line temperature standard. For the less than 50,000 sq ft data centers, this provision is not included.

Industrial-zone limitation and CUP framework. The core concept of KRC's Ordinance that data centers belong in industrial districts and that facilities should require a conditional use permit with a public hearing is only partially kept. LMG limits the requirement for a CUP only above 250,000 square-feet (or smaller for proposed data centers that fail to meet the special standards). It allows the CUP to be issued by the Board of Zoning Adjustment rather than the one circumstance in which a Planning Commission can consider CUP requests, i.e., when in conjunction with a zoning change.

In short, by requiring a change to a new industrial classification, the KRC Ordinance assured Planning Commission review both of the rezoning and CUP, and full notice, public hearing, and legislative review of approvals. That protection is missing from the LMG draft.

Utility service verification. "Will Serve letters" from the water and wastewater utilities parallel KRC §§5.I(6) and 5.L(2) in a less demanding form.

Key Gaps: What the LMG Draft Omits or Weakens

LMG borrowed heavily from KRC's encouraged-practices and application-documentation provisions, while adopting much-weakened versions of the enforceable operational standards in the KRC Ordinance (noise, setbacks, cooling, waste heat) and omitting the compliance and enforcement mechanisms.

No decommissioning plan and financial assurance. Entirely absent. No engineer-prepared plan, cost estimate, salvage valuation, restoration requirement, or bond/letter of credit (KRC §6(12)). This gap is significant, since without a requirement for a decommissioning plan, the abandonment risk falls on the public and particularly on nearby landowners.

No Independent expert review at applicant expense. No equivalent of KRC §7(1) (Commission-hired consultant funded by applicant escrow). Review rests on planning staff with no funding mechanism for data center expertise. Allowing CUP issuance by BOZA further weakens the level of scrutiny, since such complex issues are usually outside of the scope of BOZA considerations.

No meaningful noise protections. LMG's standard is a flat 65 dBA at all hours. Missing are key protections against the full range of anticipated noise impacts: nighttime limits (KRC: 40 dBA night/45 dBA day); any C-weighted (dBC) limit addressing the low-frequency cooling-fan hum that drives most data center complaints and that dBA understates; vibration and infrasound standards (ISO 2631/ANSI S2.71); baseline ambient noise assessment; pre-construction acoustical study by a licensed engineer; continuous real-time monitoring; post-construction compliance testing; and any enforcement mechanism (KRC allows CUP suspension or revocation). Generator enclosure is reduced to only "should."

Insufficiently protective setbacks. LMG requires 25/100/200 feet (depending on the tier) from residentially zoned property and structure-to-structure separations of 25/100/200 feet from dwellings, childcare centers, and schools.

KRC requires 500 feet from all perimeter property lines, 1,500 feet from any Sensitive Use or a Residential-, Commercial-, or Agricultural-district boundary, and 1,000 feet to 2,000 feet for any emission point or exhaust stack (no exhaust-stack provision exists in the LMG draft).

LMG's separations protect only structures existing at the time of approval, and its protected-use list omits most of KRC's Sensitive Uses: nursing and long-term care facilities, hospitals, places of worship, parks, community centers, and agricultural operations. Reliance only on setbacks from existing features or structures on other properties, and limiting property line setbacks to residentially zoned properties, fails to fully protect the range of uses for adjoining properties and effects an involuntary restriction on land uses of adjoining lands.

Insufficient environmental siting prohibitions. KRC bars siting on slopes over 20%, karst-affected terrain, floodplains, wetlands plus a 50-foot buffer, prime farmland and farmland of statewide importance, and where threatened or endangered species or critical habitat would be affected (KRC §4). LMG does not prohibit placing buildings, generators, and substations on portions of a site mapped as environmental constraints under LDC 4.6.2.A. Instead, LDC 4.6.2.A imposes more strict development and mitigation requirements, and constrains placement within a site rather than excluding unsuitable sites. It does not regard prime or important farmland as subject to restrictions, nor T&E species habitat.

On-site and primary power generation. LMG regulates only generators "used as part of an energy backup system" and is silent on behind-the-meter primary generation (gas turbines, co-located plants)—a central

concern of the KRC model, which prohibits continuous generator use, treats primary on-site generation as a separate use requiring its own zoning approval, and requires emissions profiles and air permit applications. LMG also omits diesel fuel delivery timing, secondary containment, and NFPA 855 compliance for battery storage.

Water protections. Closed-loop cooling is "encouraged" (KRC: required). No Water and Wastewater Management Plan, no projected daily/peak demand disclosure, no wellhead protection area prohibition, no best-available-technology water efficiency requirement, and no cooling discharge or pretreatment provisions. "Will Serve letters" confirm capacity but do not address impacts on existing customers' water availability, quality, or rates.

Application studies. LMG requires none of the following prudent elements: traffic study, property value appraisal (one mile), scenic compatibility evaluation, fire/explosion risk assessment with fire department capacity certification, waste management plan (solid waste, e-waste, hazardous materials, cooling byproducts), or assessment of construction and operational emissions (KRC §6).

Enforceable waste heat standard. LMG's provision is purely advisory ("should be designed"). KRC prohibits any ambient temperature increase at the property line and requires shielding and dispersal devices—measurable and enforceable.

Design, lighting, and fencing standards. LMG defers to general LDC provisions (lighting §4.1.3, buffering Chapter 10). Missing KRC specifics: 0.1 footcandle maximum at the property line, 20-foot luminaire height limit, lighting curfews and dimming, façade articulation and 30% fenestration, loading dock orientation, ground-equipment placement restrictions, fencing material limits (no chain-link or razor wire), 80% year-round opacity screening, berms, and a continuing maintenance duty.

Utility cost protection timing. KRC requires written verification from providers covering availability, reliability, quality, cost, and safety, with applicant-funded upgrades in place before operation. LMG requires a transmission study request and documentation of no adverse cost effect—but §4.2.68.F lets applicants substitute a self-prepared "consumption model" for the transmission study via relief, and nothing requires upgrades to be completed before operation.

Nuisance and definitional gaps. No general nuisance-avoidance standard (KRC §5.O). LMG's Data Center definition does not expressly capture cryptocurrency mining. The Accessory Data Center category (§4.4.14) has

no apparent size cap and no noise, setback, separation, or utility standards—only generator rules—creating a potential loophole for large facilities nominally serving an on-site principal use.

Failure to require plans demonstrating compliance

A key aspect of the Model Ordinance missing from the LMG draft, is Section 6, outlining the requirements for an application for a CUP, and requiring the applicant submit plans as part of the application, demonstrating how each of the substantive standards (noise, lighting, waste heat, water use, waste management) will be met in the construction and operation of the data center. Particularly where smaller data centers are involved that are permitted uses subject to special standards, the absence of a requirement that plans be submitted demonstrating compliance is a significant weakness of the draft. Further, the lack of monitoring during construction and operation to validate the planning and mitigation projections and to demonstrate compliance, is a significant problem.

Failure to identify standards for review and approval

Another key aspect of the Model Ordinance that is wholly missing from the LMG draft is Section 7 of the Model Ordinance, establishing the process and specific standards for approval or denial of a data center CUP. The lack of such process and standards is a significant problem since without such standards, predictable and defensive outcomes in permit review and issuance become more unlikely, as does the assurance that permits will not be issued without sufficient findings of fact to support the decision.

Provisions in LMG's Draft Without a KRC Counterpart

Size cap. Outright prohibition of data centers exceeding 500,000 square feet; tiered standards at 50,000 and 250,000 square feet.

Labor standards. Prevailing wage for construction work, contractor licensing, and a good-faith goal of 30% of workforce hours by Louisville Metro residents.

Transparency. Sworn ownership disclosure (parties in interest, under penalty of perjury) and disclosure of the primary user of the facility.

Separate telecommunications data center and accessory data center categories.

INDIVISIBLE

Louisville Energy and Environment Action

Dear friends,

WE NEED YOUR VOICES!

In 2025, the Louisville Metro Council asked the Louisville Metro Office of Planning to create recommendations on zoning regulations for data centers. This followed alarm and public outrage over the approval of the Campground Road hyperscale data center with no land development codes in place to regulate data center's construction or impacts on the community.

On June 9, 2026, the Louisville Metro Office of Planning released a draft of zoning regulations governing data centers. While it does take into consideration some concerns, such as lighting and utility rate increases, careful analysis by experts has shown several deficiencies. The draft was found to be seriously lacking regulations that will keep Louisville residents safe and healthy for decades to come. For more information please see the Kentucky Resources Council's Model Ordinance and Recommendations.

TAKE ACTION!

We need your help to let the Louisville Metro Office of Planning know that the draft is not good enough. For your convenience, we have created some sample comments below for you to post online directly to the Office of Planning. Please share this with your other contacts so that they may also send comments.

COMMENTS NEEDED NOW! Follow the steps below:

- Go to the Office of Planning website and open the comment form.
- You may copy one or more of the comments below and paste into the web form. We have put the ones that we consider most important at the beginning, but feel free to choose which ones express your deepest concerns.

- Please modify the comments slightly with your own words, leaving the key points intact. When planners see repetitive "copied" text, it has less impact. Changing a few words here and there makes a big difference. Please avoid using any profanities as these comments will get tossed out. Have fun with it!
- Submit the web form. That's it! You're finished!

Sample Comments:

As a resident of Louisville, I am asking the Office of Planning to strengthen the ordinance on data centers, Case Number 26-LDC-0014, before adoption.

A new **Industrial Data Center Zone** should be created, and **Conditional Use Permits** should be required for all data center applicants. This will ensure public notification and provide for public input when any data center is proposed. Rules should apply to all data centers regardless of square footage. Intensity of use is the correct metric to protect the public. This considers water usage, hazardous waste, noise, light pollution, and exhaust. This means elimination of the draft's proposed "data center accessory" and "telecommunications hotel" classifications. These are potential loopholes which bypass the Conditional Use Permit.

Regarding **noise** levels, these facilities run cooling fans continuously and the hum, vibration, and low frequency sounds can be damaging to human hearing and health. I want mandatory limits, not suggestions, backed by a pre-construction acoustic study, post-construction testing and real-time ongoing monitoring. Backup generator testing should be limited to the weekdays between noon to 5 PM.

Knowing that data centers are huge **power** consumers, regulations should require verification that any new data center can be operated without impact on the availability, reliability, quality, or safety of electrical service to other customers and that electricity bills for other customers will not increase. Additional rules must be created to address on-site, off-the-meter, primary electrical generation. The current proposal addresses only back-up electrical generation. Continuous generator operation as a primary power source should be prohibited. Primary, on-site power plants for electrical generation should be considered a separate use, requiring their own zoning change. Better yet, I suggest that data center users be

required to provide a significant percentage of their power from renewable sources.

Considering that data centers are huge **water** consumers for cooling their equipment, I suggest that closed -loop cooling systems be required outright, so that water is conserved and reused for cooling purposes. Please protect our river, drinking water quality, sewage systems and rate payers from water bill increases.

Knowing that the data center's cooling of water causes **heat** exhaust, ambient heat increases beyond the property line should be prohibited. Regulations for monitoring and enforcement need to be required.

Setbacks need to be larger than proposed. They should be 500 feet from property lines, 1,500 feet from homes, schools, daycares, nursing homes, churches, medical facilities, and commercial or agricultural areas. All sensitive areas should be at least 1,000 to 2,000 feet from exhaust stacks or emission points.

Regarding the **language** throughout the document, the words "encouraged" or "may" are used where the terms "required" or "shall" should be. These terms are inconsistent with regulations and standards and need to be changed.

Maintain **accountability** throughout the process. Require applicants to show concretely how they will meet every standard. The Planning Commission must hire an independent expert, to review each data center application. This review is to be paid for by the applicant. The review should be made public before the hearing. In addition, clear approval standards must be written so the county isn't vulnerable to legal challenges in the future.

While we agree with the **transparency** agreement in the draft that requires the entity making the proposal be transparent and disclose the company that would own and/ or use the property, public notification of changes of ownership or usership should also be required.

The draft has no **decommissioning plan** and no financial assurance mechanism, meaning that if the facility shuts down or is abandoned, the clean-up risk and costs fall on the public rather than the company that built it. This needs to be addressed.

From:	Ashley Wilmes
To:	Haberman, Joseph; Ackerson, Brent; MetroCouncilClerk
Cc:	KY RESOURCES COUNCIL
Subject:	KRC Comments RE: LMG Draft Data Center Land Development Code Text Amendment (Case No. 25-LDC-0014)
Date:	Friday, July 10, 2026 4:37:59 PM
Attachments:	KRC Cover Comments LMG data center ordinance 25-LDC-0014.pdf KRC Recommendations re. LMG Data Center Ordinance 2026-07-10.pdf Model Data Center Zoning Ordinance Version 1.4.pdf

Dear Mr. Haberman and Metro Council President Ackerson,

Attached please find the comments of Kentucky Resources Council concerning the proposed Louisville Metro Government ("LMG") Draft Data Center Land Development Code Text Amendment (Case No. 25-LDC-0014, June 9, 2026, Draft). Our comments include 3 documents, which are attached to this email:

1) KRC's Cover Letter re. our comments and recommendations
2) KRC's Recommended Revisions to Louisville Metro Draft Data Center Text Amendments, which presents recommendations
3) KRC's Model Data Center Siting Ordinance Version 1.4

Thank you in advance for your consideration of these comments, and please contact me if you have any questions.

--
Ashley Wilmes | Executive Director (*she/her*)

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July 10, 2026

Joseph Haberman, AICP
Planning & Design Manager
Office of Planning
Louisville Metro Government
444 S. Fifth St. #300, Louisville, KY 40202

Re: 25 LDC 0014 Text Amendment to Land Development Code
For Data Centers Louisville Metro

Dear Mr. Haberman:

Please find attached the comments of the Kentucky Resources Council, Inc. (KRC) regarding the proposed text amendment to the Land Development Code (LDC) for data centers.

KRC appreciates the invitation for the public to comment on the proposed revisions to the Land Development Code to address the unique land use, energy, and compatibility challenges posed by data centers to built and natural communities. KRC authored a Model Data Center Zoning Ordinance, a copy of which is attached, drawing on the best practices from communities across the nation with certain basic and overriding principles – that the dedication of land and utility resources to supporting data centers must be undertaken in a manner that (a) fully addresses and mitigates off-site adverse effects on the use and enjoyment of other properties, (b) does not adversely affect the availability, cost, or reliability of essential utility services to existing ratepayers and communities, and (c) assures robust involvement by the public in the decision of whether and under what conditions proposed data centers can be integrated into the built and natural communities.

While KRC appreciates the time and effort that has been expended by staff in development of the proposed Text Amendments, we find that the proposal as crafted falls short of what is necessary to achieve these goals. KRC recommends a complete overhaul of the proposed structure of the Text Amendment, which at one end provides too little public involvement and scrutiny of proposed data centers, at the other end proposes a categorical ban on any data center exceeding 500,000 square feet, (which we are

concerned does not have a clearly-stated legal basis), and throughout draws distinctions in the level of scrutiny based on a criterion (square-footage of floor area) that is not directly related to the potential for the proposed land use to adversely affect off-site land uses and utility services.

Instead, KRC proposes a framework more in line with our model ordinance and which sets clear standards, requires a demonstration that such standards will be achieved, and includes a new zoning classification coupled with a conditional use permit to maximize public involvement. We believe our proposed framework provides a more defensible ordinance grounded in full mitigation of anticipated off-site impacts with monitoring post-approval to assure compliance, and which is scaled so that at any size the full ambit of potential off-site impacts are identified, studied, and demonstrated to be prevented and mitigated as needed to assure compatibility.

Attached please find two documents which are submitted for consideration and inclusion in the record for consideration by the Planning Commission:

1. **Recommended Revisions to Louisville Metro Draft Data Center Text Amendments**, which presents recommendations concerning the proposed Louisville Metro Government ("LMG") Draft Data Center Land Development Code Text Amendment (Case No. 25-LDC-0014, June 9, 2026, Draft).

2. **Model Data Center Siting Ordinance Version 1.4 (KRC)**

Thank you in advance for your consideration of these comments, and please contact me if there are any questions.

Sincerely,

Ashley Wilmes
Executive Director and Attorney
Kentucky Resources Council

Tom FitzGerald
Of Counsel
Kentucky Resources Council

Kentucky Resources Council

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Recommended Revisions to Louisville Metro Draft Data Center Text Amendments [1]

This document presents recommendations concerning the proposed Louisville Metro Government ("LMG") Draft Data Center Land Development Code Text Amendment (Case No. 25-LDC-0014, June 9, 2026, Draft). Those proposed regulations and public comment form are available at: https://louisvilleky.gov/government/office-planning/data-centers.

Introduction

These recommendations are intended to ensure public notice and input, as well as a comprehensive and meaningful framework for regulating the location, operation, and decommissioning of all data centers. The recommendations suggest inclusion of many of the provisions in the Kentucky Resources Council (KRC) Model Data Center Zoning Ordinance, with respect to strengthening the review process, the quality of information submitted in applications, and the standards of performance for data center construction and operation.

Recommendations

1. **Eliminate tiered approach to data center regulation.**

   The LMG text amendment takes a size-tiered approach, prohibiting data centers exceeding 500,000 square feet, requiring a conditional use permit for facilities between 250,001 and 500,000 square feet and treating smaller facilities as permitted uses with special standards in various industrial districts, subject only to registration with the Office of Planning and review by the Planning Director or designee.

   With few exceptions, the LMG text amendment proposes the same standards and requirements for all tiers of data centers. The same standards and process should apply to all data centers that are subject to

[1] This analysis was prepared by Tom FitzGerald, *of counsel,* Kentucky Resources Council, for public use. KRC thanks Louisville Climate Action Network and others for their review and feedback.

regulation, since those standards are self-differentiating and self-adjusting depending on the size, nature and intensity of the use.

2. **Remove the distinction and the prohibition on some data centers based on square-footage of floor area.**

   The differentiation among data centers based on square-footage of floor area is arbitrary, and results in inadequate review of data centers with smaller floor area for which only a "registration" is required. There is no necessary correlation between the square-footage of floor area and the potential for a data center to have off-site adverse impacts on private or public land uses. Instead, the impacts of data centers are primarily a function of the intensity of the use – factors such as whether there are on-site generators, back-up power, waste heat, water usage, electric consumption, air emissions, hazardous chemical storage, fire or explosion potential, and noise. Additionally, the floor area square-footage does not represent the total footprint of a data center, which can and typically does include exterior areas for generators, waste management, storage of hazardous chemicals, and other exterior structures and activities.

   Finally, the flat prohibition on data centers of over 500,000 square-footage of floor area is of questionable legality, is arbitrary, and will provoke litigation. If the standards of performance are sufficiently protective of other land uses, and undergo careful scrutiny, there is no need for a size cap, particularly one unrelated to the intensity of the land use. Such a cap may result in multiple structures on the same lot serving the same function as would a single, better designed and controlled facility.

3. **Eliminate "registration" approvals without public scrutiny. Instead, in all cases create a new industrial category for data centers, require a rezoning, and require a conditional use permit issued by the Planning Commission.**

   The LMG Draft Text Amendment allows data centers of up to 250,000 square-feet in floor area to be approved without public notice or an opportunity for the public to be heard. Rather than making such uses a conditional use in all cases, they are given "permitted use with 'special standards'," required only to register and be reviewed by the Planning Director or designee.

A new "Industrial–Data Center" classification should be created; applicants should be required to seek rezoning and apply for a conditional use permit from the Planning Commission with public notice, a hearing, and affirmative written findings. The new zoning classification would not apply to computers or telecommunications related equipment that is secondary and customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building.

Requiring a rezoning to the new industrial classification would (a) allow the Planning Commission to consider a Conditional Use Permit in conjunction with the rezoning, and (b) limit the scope of activities that can be conducted under the new industrial zoning classification to data centers of various types.[2]

4. Revise definitions to broaden protected "sensitive uses" and express "Noise level" more broadly. Eliminate definitions of "prevailing wage," "construction work," and "data center, accessory."

The LMG draft text amendment lacks several definitions that are key to a meaningful ordinance, including a sufficiently protective definition of "S*ensitive Uses"* in need of particular consideration in the siting of data centers*, "Data Center Energy Systems"* to recognize the energy systems often associated with data centers and a particular source of air emissions and noise, *"Prime Farmland* and *Farmland of Statewide Importance"* both of which should be considered and avoided in siting Data Centers, and *Noise Level,* which should be expressed to cover all potential nuisance noises. The Kentucky Resources Council (KRC) Model Data Center Ordinance provides definitions for each of these that should be adopted.

The definitions for "prevailing wage" and "construction work," should be removed. While KRC supports the intent, requiring as conditions of zoning approval that an applicant pay prevailing wage to construction workers and use hiring practices to favor local residents are of doubtful legality.

[2] Typically, under KRS Chapter 100, a Conditional Use Permit (CUP) is issued by the Board of Zoning Adjustment, which hears applications for waivers and variances and for "conditional uses" allowed in certain zoning districts conditionally. A planning commission can hear and issue a conditional use permit as part of a zoning change.

Finally, the definition of "data center accessory use" is so broad and vague as to wholesale avoidance of the standards and requirements that otherwise apply to data centers under the LMG draft and should be removed.

5. Eliminate Category of "Data Center, Accessory"

The category of data centers termed "Data Center, Accessory" is subject to much less rigorous standards. The use appears to be allowed in any zone and is not subject to any standards other than being accessory to a "principal use." There is no size limit, no zoning classification limit, and no standards other than the generator standards that apply to the other classes of data centers.

It does not define, to what principal uses an accessory data center can be accessory, yet states it can "only provide data services … to the business, institution, or organization associated with the principal use only."

The definition of "Data Center, Accessory" creates a loophole in the regulation of data centers. It appears a company could site a local branch to a national or international business and use the "accessory" data center to serve all of the company's national and international customers.

6. **Eliminate separate category for telecommunications data center.**

Regardless of the nature of the data services they provide, all data centers should be regulated as data centers without unnecessary differentiations not keyed to the intensity of the land use and potential for adverse off-site consequences.

7. **Strengthen performance standards for data centers.**

The following standards of performance for data centers need to be strengthened substantially to protect against off-site impacts and nuisance conditions:

- **Low Impact Site Design.** LMG's four-item list (minimize land disturbance, maximize tree preservation, minimize impervious surfaces, and minimize nuisance impacts) should remain mandatory for all data centers as proposed by LMG.
- **Energy Efficiency.** LMG's eight-item list (passive cooling and daylight orientation, alternative energy sources, energy storage for

off-peak usage, reclaimed water for cooling, limiting finite resources, water-efficient landscaping, LED lighting, and DOE Better Buildings and LEED practices) should remain mandatory for all data centers as proposed by LMG.

- **Emergency Contact Signage.** 24-hour contact signage at each access entrance, including company name, operator representative's name and telephone number, and the power company's number, should remain mandatory for all data centers as proposed by LMG.
- **Generator standards.** The LMG proposal for generator standards should narrow the testing window to weekdays, from noon–5 PM.
- **Cooling and water restrictions.** The use of closed-loop cooling systems should be required rather than merely encouraged.
- **Decommissioning plan and financial assurance.** A plan for decommissioning the data center, prepared by an engineer, with cost estimates and salvage valuation, and backed by a bond or letter of credit is needed. Without a requirement for a decommissioning plan, the abandonment risk falls on the public and particularly on nearby landowners.
- **Meaningful noise protections.** LMG's proposed single noise standard of 65 dBA at all hours is inadequate to protect off-site land users against the full range of anticipated noise impacts. Standards to protect off-site neighbors must include:
    - Nighttime limits of 40 dBA night/45 dBA day
    - A C-weighted (dBC) limit addressing the low-frequency, cooling-fan hum that generates most data center complaints and that only using dBA measurement understates.
    - Vibration and infrasound control standards (ISO 2631/ANSI S2.71)
    - A baseline ambient noise assessment
    - A pre-construction acoustical study by a licensed engineer
    - Continuous real-time monitoring
    - Post-construction compliance testing
- **Enforceable waste heat standard.** LMG's ordinance should contain measurable and enforceable standards to prohibit any ambient temperature increase at the property line and require shielding and dispersal devices.

- **Design, lighting, and fencing standards.** Specific lighting and fencing standards should be adopted, including a 0.1 foot-candle maximum at the property line, 20-foot luminaire height limit, lighting curfews and dimming, façade articulation and at least 30% fenestration, loading dock orientation, ground-equipment placement restrictions, fencing material limits (no chain-link or razor wire), 80% year-round opacity screening, and berms.
- **Utility cost protection.** Written verification from providers of utility services should include assurance that serving the data center will not have current or future adverse effects on other customers, including service availability, reliability, quality, cost, and safety. Applicant-funded upgrades should be required to be in place before operation. The LMG requirement for a transmission study request should not let applicants substitute a self-prepared "consumption model" for the transmission study.
- **Nuisance-avoidance standard should be adopted.** A general nuisance-avoidance standard should be adopted to provide backup for the individual standards required of a facility.
- **Setbacks must be strengthened to protect sensitive uses and to protect all uses of adjoining lands, not merely existing uses.** LMG requires only a setback of 25/100/200 feet (depending on the tier) from residentially zoned property and structure-to-structure separations of 25/100/200 feet from dwellings, childcare centers, and schools.

  Setbacks should be significantly strengthened to require 500 feet from all perimeter property lines, 1,500 feet from any Sensitive Use or any Residential-, Commercial-, or Agricultural-district boundary, and 1,000 feet to 2,000 feet for any emission point or exhaust stack.

  LMG's separations protect only structures *existing* at the time of approval, and its protected-use list omits many Sensitive Uses: nursing and long-term care facilities, hospitals, places of worship, parks, community centers, and agricultural operations. Reliance only on setbacks from existing features or structures on other properties, and limiting property line setbacks to residentially zoned properties, fails to fully protect the range of uses for adjoining properties and effects an involuntary restriction on land uses of adjoining lands.

- **Strengthen Environmental Siting Prohibitions.** Development should not occur on slopes over 20%, karst-affected terrain, in floodplains, wetlands (and a 50-foot buffer), on prime farmland and farmland of statewide importance, or where threatened or endangered species or critical habitat would be affected. LMG does not prohibit placing buildings, generators, and substations on portions of a site mapped as environmental constraints under LDC 4.6.2.A, but instead, it merely imposes more strict development and mitigation requirements.
- **Addressing on-site and primary power generation**. LMG regulates only generators "used as part of an energy backup system" and is silent on behind-the-meter primary generation (gas turbines, co-located plants). Continuous generator use should be prohibited. Primary, on-site generation should not be allowed under a "data center" zoning or CUP, and instead should be considered as a separate use, requiring its own zoning approval. LMG should also require emissions profiles and air permit applications, and consider diesel fuel delivery timing, secondary containment, and NFPA 855 compliance for battery storage.
- **Water protections should be strengthened**. Closed-loop cooling should be mandated and not just "encouraged." A Water and Wastewater Management Plan should be required with projected daily/peak demand disclosure. Siting within a wellhead protection area should be prohibited. LMG should include a best-available-technology water efficiency requirement, plus cooling discharge and pretreatment provisions. "Will Serve letters" from public utilities should confirm not just capacity, but also address pretreatment requirements and impacts on existing customers' water availability, quality, and rates.
- **Transparency.** The sworn ownership disclosure (parties in interest, under penalty of perjury) and disclosure of the primary user of the facility, should be retained from the LMG draft.

8. Application for a conditional use permit should require plans demonstrating how each of the substantive standards will be met during construction and operation, and how that compliance will be measured and monitored.

A key aspect missing from the LMG draft is any outline of the requirements for an application for a CUP. The applicant should be required to submit

plans as part of the application, demonstrating how each of the substantive standards (noise, lighting, waste heat, water use, and waste management) will be met in the construction and operation of the data center.

Additionally, the lack of monitoring during construction and operation to validate the planning and mitigation projections and to demonstrate compliance, is a significant problem that should be addressed by requiring compliance demonstration monitoring and sampling.

9. Application for a conditional use permit should require studies and assessments to demonstrate compliance with standards.

LMG requires none of the following elements—a traffic study, one-mile property value appraisal, scenic compatibility evaluation, fire and explosion risks assessment with fire department capacity certification, a waste management plan (solid waste, e-waste, hazardous materials and cooling byproducts), and assessment of construction and operational emissions. All of these components should be required.

10. Failure to identify standards for review and approval.

Another key aspect wholly missing from the LMG draft is specific standards for approval or denial of a data center CUP. The lack of such standards is problematic. Without them, predictable and defensive outcomes in permit review and issuance become more unlikely, as does the assurance that permits will not be issued without adequate and sufficient findings of fact to support the decision to issue.

11. Independent expert review should be commissioned at applicant expense.

Provision should be made for the Planning Commission to retain a consultant to assist in Commission review of the application—at the applicant's expense. The study should be available for public review prior to the public comment/hearing.

Kentucky Resources Council

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Recommended Revisions to Louisville Metro Draft Data Center Text Amendments

This document presents recommendations by Kentucky Resources Council concerning the proposed Louisville Metro Government ("LMG") Draft Data Center Land Development Code Text Amendment (Case No. 25-LDC-0014, June 9, 2026, Draft).

Introduction

These recommendations are intended to ensure public notice and input, as well as a comprehensive and meaningful framework for regulating the location, operation, and decommissioning of all data centers. The recommendations suggest inclusion of many of the provisions in the Kentucky Resources Council (KRC) Model Data Center Zoning Ordinance, with respect to strengthening the review process, the quality of information submitted in applications, and the standards of performance for data center construction and operation.

Recommendations

1. **Eliminate tiered approach to data center regulation.**

   The LMG text amendment takes a size-tiered approach, prohibiting data centers exceeding 500,000 square feet, requiring a conditional use permit for facilities between 250,001 and 500,000 square feet and treating smaller facilities as permitted uses with special standards in various industrial districts, subject only to registration with the Office of Planning and review by the Planning Director or designee.

   With few exceptions, the LMG text amendment proposes the same standards and requirements for all tiers of data centers. Yet for data center proposals below 250,000 square feet, the review process is abridged and public notice and comment eliminated in almost all instances. KRC believes that the same standards and review process, including robust public involvement, should apply to all data centers that are subject to regulation,

since those standards are self-differentiating and self-adjusting depending on the size, nature and intensity of the use.

2. **Remove the distinction and the prohibition on some data centers based on square-footage of floor area.**

   The differentiation among data centers based on square-footage of floor area is arbitrary, and results in inadequate review of data centers with smaller floor area for which only a "registration" is required. There is no necessary correlation between the square-footage of floor area and the potential for a data center to have off-site adverse impacts on private or public land uses. Instead, the impacts of data centers are primarily a function of the intensity of the use – factors such as whether there are on-site generators, back-up power, waste heat, water usage, electric consumption, air emissions, hazardous chemical storage, fire or explosion potential, and noise. Additionally, the floor area square-footage does not represent the total footprint of a data center, which can and typically does include exterior areas for generators, waste management, storage of hazardous chemicals, and other exterior structures and activities.

   Finally, the flat prohibition on data centers of over 500,000 square-footage of floor area is of questionable legality, is arbitrary, and may provoke litigation. If the standards of performance are sufficiently protective of other land uses, and undergo careful scrutiny, there is no need for a size cap based on square footage, which is unrelated to the intensity of the land use, the quantity of energy or water used, or the type and amount of noise or other pollution generated. Such a cap may result in a clustering of multiple structures on the same or adjoining lots serving the same function but with more impacts than would a single, better-designed and better-controlled facility.

3. **Eliminate "registration" approvals without public scrutiny. Instead, in all cases create a new industrial category for data centers, require a rezoning, and require a conditional use permit issued by the Planning Commission.**

   The LMG Draft Text Amendment allows data centers of up to 250,000 square-feet in floor area to be approved without public notice or an opportunity for the public to be heard. Rather than making such uses a conditional use in all cases, they are given "permitted use with 'special

standards'," required only to register and be reviewed by the Planning Director or designee.

A new "Industrial–Data Center" classification should be created; applicants should be required to seek rezoning and apply for a conditional use permit from the Planning Commission with public notice, a hearing, and affirmative written findings. The new zoning classification would not apply to computers or telecommunications related equipment that is secondary and customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building.

Requiring a rezoning to the new industrial classification would (a) allow the Planning Commission to consider a Conditional Use Permit in conjunction with the rezoning, and (b) limit the scope of activities that can be conducted under the new industrial zoning classification to data centers of various types.[1]

4. Revise definitions to broaden protected "sensitive uses" and express "Noise level" more broadly. Eliminate definitions of "prevailing wage," "construction work," and "data center, accessory."

The LMG draft text amendment lacks several definitions that are key to a meaningful ordinance, including a sufficiently protective definition of "S*ensitive Uses"* in need of particular consideration in the siting of data centers*, "Data Center Energy Systems"* to recognize the energy systems often associated with data centers and a particular source of air emissions and noise, *"Prime Farmland* and *Farmland of Statewide Importance"* both of which should be considered and avoided in siting Data Centers, and *Noise Level,* which should be expressed to cover all potential nuisance noises. The Kentucky Resources Council (KRC) Model Data Center Ordinance provides definitions for each of these that should be adopted.

The definitions for "prevailing wage" and "construction work," should be removed. While KRC supports the intent, requiring as conditions of zoning

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approval that an applicant pay prevailing wage to construction workers and use hiring practices to favor local residents are of doubtful legality.

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The category of data centers termed "Data Center, Accessory" is subject to much less rigorous standards. The use appears to be allowed in any zone and is not subject to any standards other than being accessory to a "principal use." There is no size limit, no zoning classification limit, and no standards other than the generator standards that apply to the other classes of data centers.

It does not define, to what principal uses an accessory data center can be accessory, yet states it can "only provide data services … to the business, institution, or organization associated with the principal use only."

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surfaces, and minimize nuisance impacts) should remain mandatory for all data centers as proposed by LMG.

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    - A C-weighted (dBC) limit addressing the low-frequency, cooling-fan hum that generates most data center complaints and that only using dBA measurement understates.
    - Vibration and infrasound control standards (ISO 2631/ANSI S2.71)
    - A baseline ambient noise assessment
    - A pre-construction acoustical study by a licensed engineer
    - Continuous real-time monitoring
    - Post-construction compliance testing

- **Enforceable waste heat standard.** LMG's ordinance should contain measurable and enforceable standards to prohibit any ambient temperature increase at the property line and require shielding and dispersal devices.
- **Design, lighting, and fencing standards.** Specific lighting and fencing standards should be adopted, including a 0.1 foot-candle maximum at the property line, 20-foot luminaire height limit, lighting curfews and dimming, façade articulation and at least 30% fenestration, loading dock orientation, ground-equipment placement restrictions, fencing material limits (no chain-link or razor wire), 80% year-round opacity screening, and berms.
- **Utility cost protection.** Written verification from providers of utility services should include assurance that serving the data center will not have current or future adverse effects on other customers, including service availability, reliability, quality, cost, and safety. Applicant-funded upgrades should be required to be in place before operation. The LMG requirement for a transmission study request should not let applicants substitute a self-prepared "consumption model" for the transmission study.
- **Nuisance-avoidance standard should be adopted.** A general nuisance-avoidance standard should be adopted to provide backup for the individual standards required of a facility.
- **Setbacks must be strengthened to protect sensitive uses and to protect all uses of adjoining lands, not merely existing uses.** LMG requires only a setback of 25/100/200 feet (depending on the tier) from residentially zoned property and structure-to-structure separations of 25/100/200 feet from dwellings, childcare centers, and schools.

  Setbacks should be significantly strengthened to require 500 feet from all perimeter property lines, 1,500 feet from any Sensitive Use or any Residential-, Commercial-, or Agricultural-district boundary, and 1,000 feet to 2,000 feet for any emission point or exhaust stack.

  LMG's separations protect only structures *existing* at the time of approval, and its protected-use list omits many Sensitive Uses: nursing and long-term care facilities, hospitals, places of worship, parks, community centers, and agricultural operations. Reliance only on setbacks from existing features or structures on other properties,

and limiting property line setbacks to residentially zoned properties, fails to fully protect the range of uses for adjoining properties and effects an involuntary restriction on land uses of adjoining lands.

- **Strengthen Environmental Siting Prohibitions.** Development should not occur on slopes over 20%, karst-affected terrain, in floodplains, wetlands (and a 50-foot buffer), on prime farmland and farmland of statewide importance, or where threatened or endangered species or critical habitat would be affected. LMG does not prohibit placing buildings, generators, and substations on portions of a site mapped as environmental constraints under LDC 4.6.2.A, but instead, it merely imposes more strict development and mitigation requirements.
- **Addressing on-site and primary power generation**. LMG regulates only generators "used as part of an energy backup system" and is silent on behind-the-meter primary generation (gas turbines, co-located plants). Continuous generator use should be prohibited. Primary, on-site generation should not be allowed under a "data center" zoning or CUP, and instead should be considered as a separate use, requiring its own zoning approval. LMG should also require emissions profiles and air permit applications, and consider diesel fuel delivery timing, secondary containment, and NFPA 855 compliance for battery storage.
- **Water protections should be strengthened**. Closed-loop cooling should be mandated and not just "encouraged." A Water and Wastewater Management Plan should be required with projected daily/peak demand disclosure. Siting within a wellhead protection area should be prohibited. LMG should include a best-available-technology water efficiency requirement, plus cooling discharge and pretreatment provisions. "Will Serve letters" from public utilities should confirm not just capacity, but also address pretreatment requirements and impacts on existing customers' water availability, quality, and rates.
- **Transparency.** The sworn ownership disclosure (parties in interest, under penalty of perjury) and disclosure of the primary user of the facility, should be retained from the LMG draft.

8. Application for a conditional use permit should require plans demonstrating how each of the substantive standards will be met

during construction and operation, and how that compliance will be measured and monitored.

A key aspect missing from the LMG draft is any outline of the requirements for an application for a CUP. The applicant should be required to submit plans as part of the application, demonstrating how each of the substantive standards (noise, lighting, waste heat, water use, and waste management) will be met in the construction and operation of the data center.

Additionally, the lack of monitoring during construction and operation to validate the planning and mitigation projections and to demonstrate compliance, is a significant problem that should be addressed by requiring compliance demonstration monitoring and sampling.

9. Application for a conditional use permit should require studies and assessments to demonstrate compliance with standards.

LMG requires none of the following elements—a traffic study, one-mile property value appraisal, scenic compatibility evaluation, fire and explosion risks assessment with fire department capacity certification, a waste management plan (solid waste, e-waste, hazardous materials and cooling byproducts), and assessment of construction and operational emissions. All of these components should be required.

10. Failure to identify standards for review and approval.

Another key aspect wholly missing from the LMG draft is specific standards for approval or denial of a data center CUP. The lack of such standards is problematic. Without them, predictable and defensive outcomes in permit review and issuance become more unlikely, as does the assurance that permits will not be issued without adequate and sufficient findings of fact to support the decision to issue.

11. Independent expert review should be commissioned at applicant expense.

Provision should be made for the Planning Commission to retain a consultant to assist in Commission review of the application—at the applicant's expense. The study should be available for public review prior to the public comment/hearing.

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Recommended Revisions to Louisville Metro Draft Data Center Text Amendments [1]

This document presents recommendations concerning the proposed Louisville Metro Government ("LMG") Draft Data Center Land Development Code Text Amendment (Case No. 25-LDC-0014, June 9, 2026, Draft). Those proposed regulations and public comment form are available at: https://louisvilleky.gov/government/office-planning/data-centers.

Introduction

These recommendations are intended to ensure public notice and input, as well as a comprehensive and meaningful framework for regulating the location, operation, and decommissioning of all data centers. The recommendations suggest inclusion of many of the provisions in the Kentucky Resources Council (KRC) Model Data Center Zoning Ordinance, with respect to strengthening the review process, the quality of information submitted in applications, and the standards of performance for data center construction and operation.

Recommendations

1. **Eliminate tiered approach to data center regulation.**

   The LMG text amendment takes a size-tiered approach, prohibiting data centers exceeding 500,000 square feet, requiring a conditional use permit for facilities between 250,001 and 500,000 square feet and treating smaller facilities as permitted uses with special standards in various industrial districts, subject only to registration with the Office of Planning and review by the Planning Director or designee.

   With few exceptions, the LMG text amendment proposes the same standards and requirements for all tiers of data centers. The same standards and process should apply to all data centers that are subject to

[1] This analysis was prepared by Tom FitzGerald, *of counsel,* Kentucky Resources Council, for public use. KRC thanks Louisville Climate Action Network and others for their review and feedback.

regulation, since those standards are self-differentiating and self-adjusting depending on the size, nature and intensity of the use.

2. **Remove the distinction and the prohibition on some data centers based on square-footage of floor area.**

   The differentiation among data centers based on square-footage of floor area is arbitrary, and results in inadequate review of data centers with smaller floor area for which only a "registration" is required. There is no necessary correlation between the square-footage of floor area and the potential for a data center to have off-site adverse impacts on private or public land uses. Instead, the impacts of data centers are primarily a function of the intensity of the use – factors such as whether there are on-site generators, back-up power, waste heat, water usage, electric consumption, air emissions, hazardous chemical storage, fire or explosion potential, and noise. Additionally, the floor area square-footage does not represent the total footprint of a data center, which can and typically does include exterior areas for generators, waste management, storage of hazardous chemicals, and other exterior structures and activities.

   Finally, the flat prohibition on data centers of over 500,000 square-footage of floor area is of questionable legality, is arbitrary, and will provoke litigation. If the standards of performance are sufficiently protective of other land uses, and undergo careful scrutiny, there is no need for a size cap, particularly one unrelated to the intensity of the land use. Such a cap may result in multiple structures on the same lot serving the same function as would a single, better designed and controlled facility.

3. **Eliminate "registration" approvals without public scrutiny. Instead, in all cases create a new industrial category for data centers, require a rezoning, and require a conditional use permit issued by the Planning Commission.**

   The LMG Draft Text Amendment allows data centers of up to 250,000 square-feet in floor area to be approved without public notice or an opportunity for the public to be heard. Rather than making such uses a conditional use in all cases, they are given "permitted use with 'special standards'," required only to register and be reviewed by the Planning Director or designee.

A new "Industrial–Data Center" classification should be created; applicants should be required to seek rezoning and apply for a conditional use permit from the Planning Commission with public notice, a hearing, and affirmative written findings. The new zoning classification would not apply to computers or telecommunications related equipment that is secondary and customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building.

Requiring a rezoning to the new industrial classification would (a) allow the Planning Commission to consider a Conditional Use Permit in conjunction with the rezoning, and (b) limit the scope of activities that can be conducted under the new industrial zoning classification to data centers of various types.[2]

4. Revise definitions to broaden protected "sensitive uses" and express "Noise level" more broadly. Eliminate definitions of "prevailing wage," "construction work," and "data center, accessory."

The LMG draft text amendment lacks several definitions that are key to a meaningful ordinance, including a sufficiently protective definition of "S*ensitive Uses"* in need of particular consideration in the siting of data centers*, "Data Center Energy Systems"* to recognize the energy systems often associated with data centers and a particular source of air emissions and noise, *"Prime Farmland* and *Farmland of Statewide Importance"* both of which should be considered and avoided in siting Data Centers, and *Noise Level,* which should be expressed to cover all potential nuisance noises. The Kentucky Resources Council (KRC) Model Data Center Ordinance provides definitions for each of these that should be adopted.

The definitions for "prevailing wage" and "construction work," should be removed. While KRC supports the intent, requiring as conditions of zoning approval that an applicant pay prevailing wage to construction workers and use hiring practices to favor local residents are of doubtful legality.

[2] Typically, under KRS Chapter 100, a Conditional Use Permit (CUP) is issued by the Board of Zoning Adjustment, which hears applications for waivers and variances and for "conditional uses" allowed in certain zoning districts conditionally. A planning commission can hear and issue a conditional use permit as part of a zoning change.

Finally, the definition of "data center accessory use" is so broad and vague as to wholesale avoidance of the standards and requirements that otherwise apply to data centers under the LMG draft and should be removed.

5. Eliminate Category of "Data Center, Accessory"

The category of data centers termed "Data Center, Accessory" is subject to much less rigorous standards. The use appears to be allowed in any zone and is not subject to any standards other than being accessory to a "principal use." There is no size limit, no zoning classification limit, and no standards other than the generator standards that apply to the other classes of data centers.

It does not define, to what principal uses an accessory data center can be accessory, yet states it can "only provide data services … to the business, institution, or organization associated with the principal use only."

The definition of "Data Center, Accessory" creates a loophole in the regulation of data centers. It appears a company could site a local branch to a national or international business and use the "accessory" data center to serve all of the company's national and international customers.

6. **Eliminate separate category for telecommunications data center.**

Regardless of the nature of the data services they provide, all data centers should be regulated as data centers without unnecessary differentiations not keyed to the intensity of the land use and potential for adverse off-site consequences.

7. **Strengthen performance standards for data centers.**

The following standards of performance for data centers need to be strengthened substantially to protect against off-site impacts and nuisance conditions:

- **Low Impact Site Design.** LMG's four-item list (minimize land disturbance, maximize tree preservation, minimize impervious surfaces, and minimize nuisance impacts) should remain mandatory for all data centers as proposed by LMG.
- **Energy Efficiency.** LMG's eight-item list (passive cooling and daylight orientation, alternative energy sources, energy storage for

off-peak usage, reclaimed water for cooling, limiting finite resources, water-efficient landscaping, LED lighting, and DOE Better Buildings and LEED practices) should remain mandatory for all data centers as proposed by LMG.

- **Emergency Contact Signage.** 24-hour contact signage at each access entrance, including company name, operator representative's name and telephone number, and the power company's number, should remain mandatory for all data centers as proposed by LMG.
- **Generator standards.** The LMG proposal for generator standards should narrow the testing window to weekdays, from noon–5 PM.
- **Cooling and water restrictions.** The use of closed-loop cooling systems should be required rather than merely encouraged.
- **Decommissioning plan and financial assurance.** A plan for decommissioning the data center, prepared by an engineer, with cost estimates and salvage valuation, and backed by a bond or letter of credit is needed. Without a requirement for a decommissioning plan, the abandonment risk falls on the public and particularly on nearby landowners.
- **Meaningful noise protections.** LMG's proposed single noise standard of 65 dBA at all hours is inadequate to protect off-site land users against the full range of anticipated noise impacts. Standards to protect off-site neighbors must include:
    - Nighttime limits of 40 dBA night/45 dBA day
    - A C-weighted (dBC) limit addressing the low-frequency, cooling-fan hum that generates most data center complaints and that only using dBA measurement understates.
    - Vibration and infrasound control standards (ISO 2631/ANSI S2.71)
    - A baseline ambient noise assessment
    - A pre-construction acoustical study by a licensed engineer
    - Continuous real-time monitoring
    - Post-construction compliance testing
- **Enforceable waste heat standard.** LMG's ordinance should contain measurable and enforceable standards to prohibit any ambient temperature increase at the property line and require shielding and dispersal devices.

- **Design, lighting, and fencing standards.** Specific lighting and fencing standards should be adopted, including a 0.1 foot-candle maximum at the property line, 20-foot luminaire height limit, lighting curfews and dimming, façade articulation and at least 30% fenestration, loading dock orientation, ground-equipment placement restrictions, fencing material limits (no chain-link or razor wire), 80% year-round opacity screening, and berms.
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