COUNTY COMMISSIONERS
Association of Pennsylvania

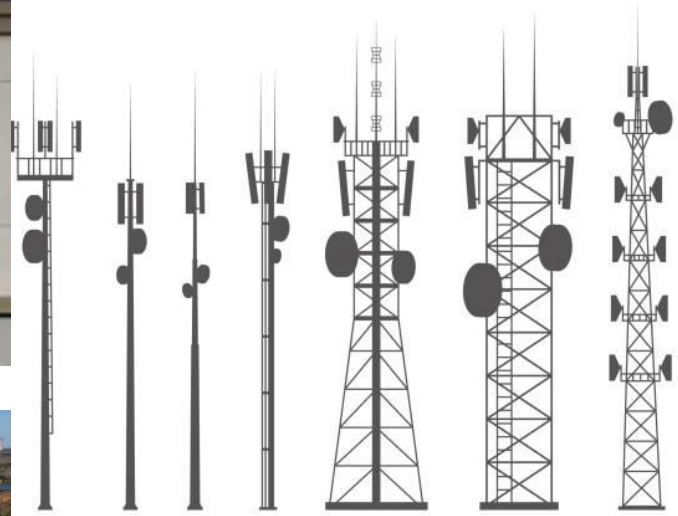
Data Centers

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Land Use Trends











What are they?





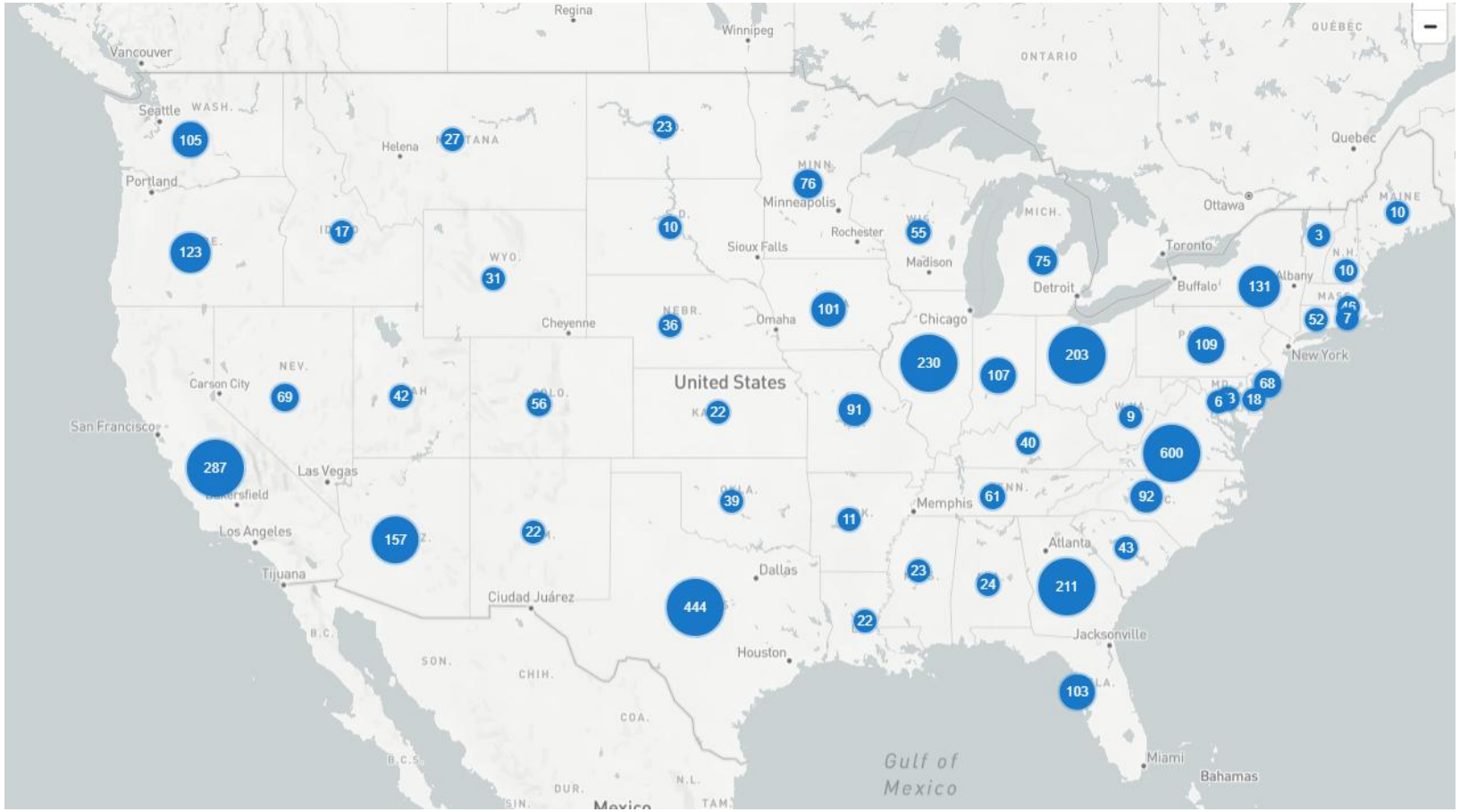
Why are data centers becoming increasingly important?

Our Reliance:

- Increase in personal computing devices
- Advancements in Artificial Intelligence (AI)



Where are data centers?



Maps courtesy of *Data Maps USA*

Why Pennsylvania?

Attractive to developers

- Internet exchange points (VA, NJ)
- Cooler climate
- Near energy sources
  - Pa largest exporter of power in the country; 2nd largest supplier
- Educated and educatable workforce
- Large areas of open land
- Computer Data Center Sales & Use Tax Exemption Program (expanded 2021)

Negatives & Traditional Nuisances

- Noise
- Height
- Lighting
- Power
- Water



Benefits

Employment & skilled job creation

Relatively limited “nuisances,” including traffic

No new students

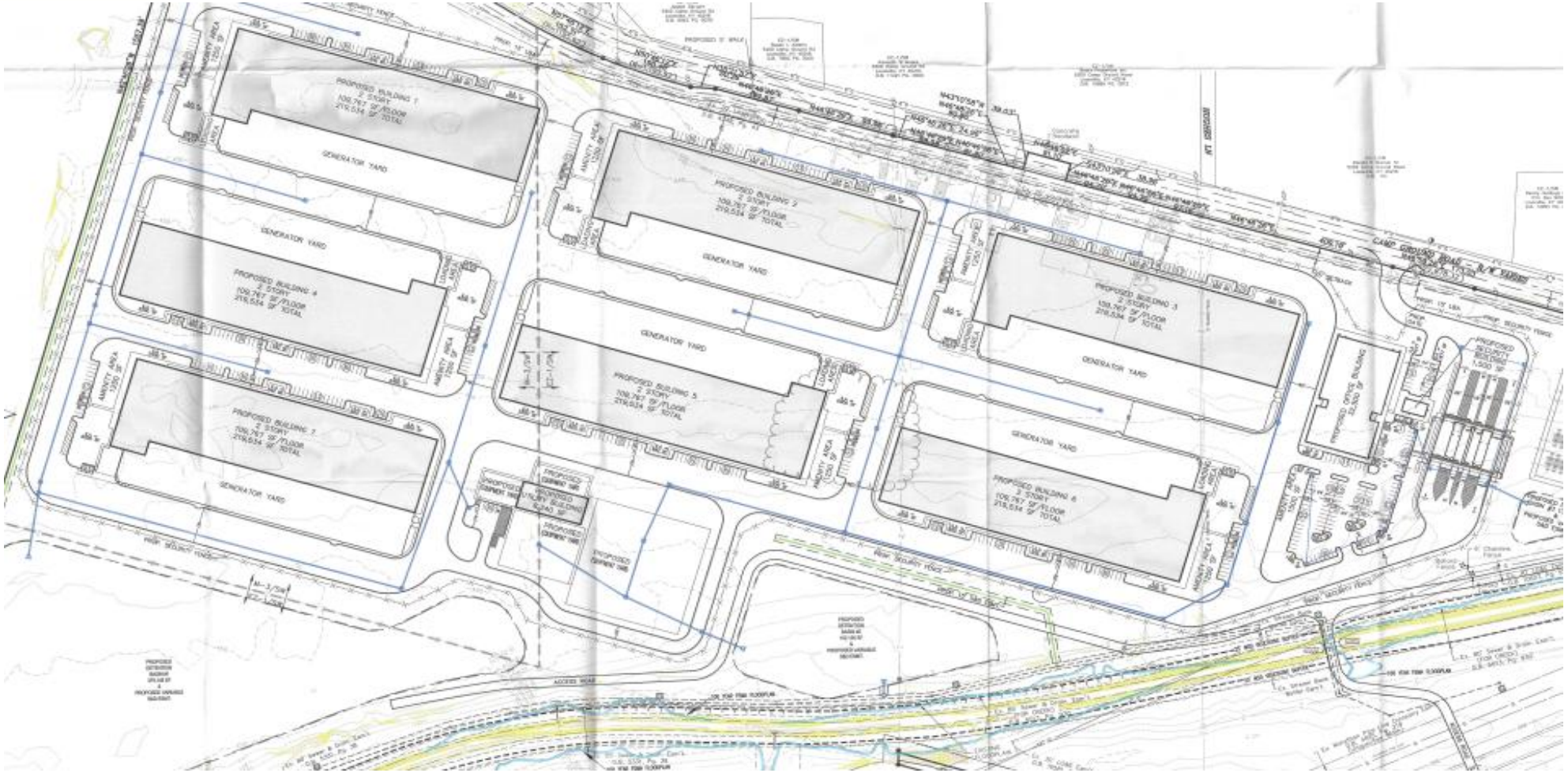
Significant increased tax revenue to schools, municipality, and county

*How can this be used?

Community benefits agreements



Data Center Development



Data Center Development

- **Do you want it?**
- **What do data center developers want?**
  - **Certainty, collaboration, speed**
- **Define the Terms**
- **Consider Location**
  - Size set by power availability; prefers flat land
  - Low risk of environmental and natural hazards (i.e. flood zones, wetlands)
  - Proximity to electrical infrastructure/power sources and fiber optics
- **Permit By…**
  - Right, conditional use, ~~special exception~~
- **Regulations**

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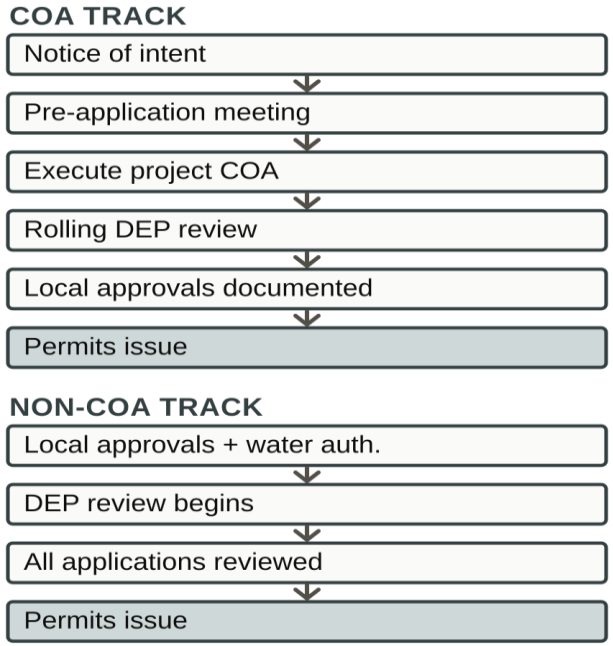
Politics

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Executive Order 2026-05 & the GRID Consent Order and Agreement

Protecting Pennsylvania Consumers from Data Center Impacts — signed 08/18/2026, effective immediately

- **Scope.** DEP permit or authorization applications filed after 08/18/2026 for data centers over 25 MW peak demand.
- **Two DEP tracks.** A tradeoff.
- **Template COA.** Build, bring, or buy incremental capacity and energy; Clean Firm Energy at 10% (2027), 14.5% (2030), and 32% (2035) or alternative compliance payment; pay interconnection and grid costs; added public meetings; offer a CBA to host municipalities and counties; hiring plan (200 construction, 50 permanent jobs); Tier 4-equivalent backup generation and public air monitors.
- **Enforcement.** Stipulated penalties; part of permit approvals; waiver of appeal; obligations flow down to tenants, owners, and transferees.
- **Local approval is now the state critical path.**
  - Expect applicants without DEP permits
  - Comprehensive plan consistency is a new pressure point
  - NDA ban covers state agencies, not municipalities or counties





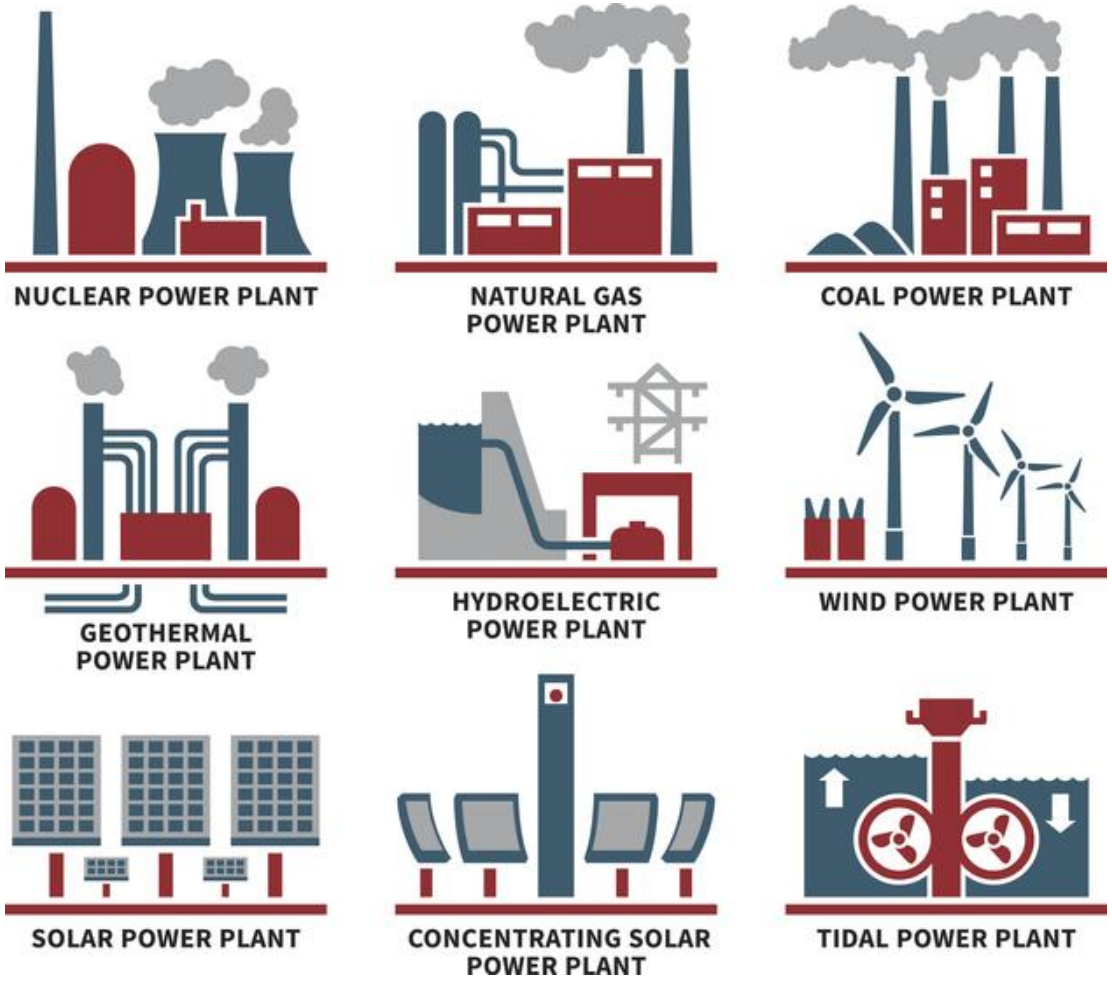
Community Benefits Agreements in the Data Center Context

Contracts for commitments beyond what zoning can require

- **What they are.** A contract between the developer and the host municipality and/or community groups, negotiated before or during approval, for commitments beyond legal requirements.
- **COA/GRID link.** COA developers must *offer* a CBA to host municipalities and counties. Executed CBA terms are submitted as proposed DEP permit conditions, which the developer may not challenge.
- **Legal guardrails.**
  - The MPC does not address CBAs. Do not codify them in the ordinance or condition zoning approval on one.
  - Keep negotiation separate from conditional use and ZHB adjudication.
  - Plan for Sunshine Act and RTKL exposure.
- **Examples:**
  - City of Lancaster City. Only adopted data center CBA in Pennsylvania.
  - PAX-1
  - Highlands East & West
  - Hazlenut
- **Negotiating and $**
  - Compare Apples to Apples
    - Consider megawatts, building size, real estate taxes or tax relief, etc.

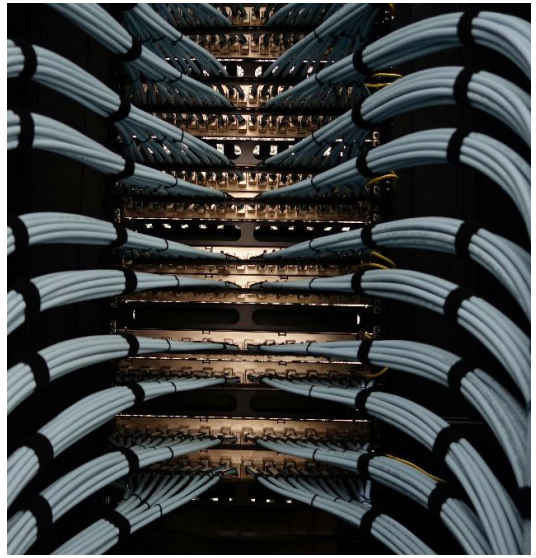


What's Next


NUCLEAR POWER PLANT
NATURAL GAS POWER PLANT
COAL POWER PLANT
GEOTHERMAL POWER PLANT
HYDROELECTRIC POWER PLANT
WIND POWER PLANT
SOLAR POWER PLANT
CONCENTRATING SOLAR POWER PLANT
TIDAL POWER PLANT

In conclusion





- Data Centers will impact zoning across Pennsylvania
- Can be prepared by updating ordinances to establish use regulations and design standards
- Expressly define and permit the uses
- Look to other ordinances for guidance, but realize this is not one size fits all
- Address additional concerns through CBAs, reasonable conditions, and developers agreements



Questions?

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