



A G E N D A

MEETING - Industrial Development Standards Task Force

Wednesday, October 14, 2026
6:00 PM

Meeting Format

This meeting will be conducted in person and via remote video and teleconference pursuant to 1 MRSA §403-A. Members of the public may join the meeting by phone by dialing 1 (929) 205-6099 using the meeting ID and password provided on the calendar on the City's website or by using the link provided on the calendar.

This is a work session of the Industrial Development Standards Task Force and not a business meeting of the City Council. The meeting is open to the public but is not a public hearing. The City Manager shall conduct the work session with the Task Force Members and will not call upon the public in attendance for either questions or to obtain input and information. All work products will be developed by consensus and forwarded as advisory to the City Council for any matter warranting legislative action by the City Council at a business meeting so posted and assembled.

26-323-01 Agenda and Call to Order

Work Session

26-324-01 Meeting # 4 Summary - Data Centers

26-325-01 Where We Are in the Task Force Process

26-326-01 Regulatory Approach: Regulate the Impact

26-327-01 Biosolids Thermal Processing Facilities - Draft 2

26-328-01 Data Centers - Draft 2

26-329-01 Final Conditional Use Standards — Task Force Recommendation

26-330-01 Planning Board and City Council Review Process

26-331-01 Closing Discussion / Task Force Completion

Adjourn

26-332-01 Adjournment

Memo



Number: 26-323-01
To: Industrial Development Standards Task Force
From: Lorisa Ricketts, Executive Administrator
Date: 2026-10-14
Subject: Agenda and Call to Order

RECOMMENDATION

Background Information:

Legal Review Status:

Administrative or Department Review:

Financial Impact or Review:

ATTACHMENT(S):

[IDS Task Force Agenda 10-14-26.pdf](#)
[Meeting #5 Meeting Outline.pdf](#)



Industrial Development Standards Task Force

Wednesday, October 14, 2026

Meeting #5

Agenda

Meeting Purpose

Complete Task Force review of the proposed Conditional Use Standards for Biosolids Thermal Processing Facilities and Data Centers by addressing the limited policy matters remaining in each Draft Conditional Use Ordinance and determining whether the completed standards are ready to advance to the Planning Board for public hearing, review, and recommendation to the City Council.

1. Call to Order

2. Meeting #4 Summary – Data Centers

Review the conclusions and standards retained from the Task Force's September 10, 2026 review of Data Center Facilities.

Supporting Material:

Meeting #4 Summary

3. Where We Are in the Task Force Process

Overview of work to date and next steps.

4. Regulatory Approach — Regulate the Impact

Brief discussion of the regulatory principles underlying the Task Force's work and intended direction for regulation.

5. Biosolids Thermal Processing Facilities – Review of Draft 2

Complete Task Force policy direction necessary to finalize proposed § 280-13-5(G), Biosolids Thermal Processing Facilities.

Supporting Material:

5A – Memorandum on Biosolids Thermal Processing Conditional Use Standards Development

5B – Biosolids Thermal Processing Conditional Use Standards – Draft 2

5C – Biosolids Outstanding Policy Matters Worksheet

6. Data Center Regulatory Review & Conditional Use Working Matrix

Complete Task Force policy direction necessary to finalize proposed § 280-13-5(H), Data Centers.

Supporting Material:

6A – Memorandum on Data Center Conditional Use Standards Development and Review Summary

6B – Data Center Conditional Use Standards Draft 2

6C – Data Center Outstanding Policy Matters Worksheet

7. Final Conditional Use Standards — Task Force Recommendation

Following resolution of outstanding matters, confirm whether the Task Force’s substantive review is complete and whether Task Force recommends advancing the completed ordinance package to the Planning Board for public hearing, review, and recommendation.

8. Planning Board and City Council Review Process

Overview of the process by which ordinance revisions are reviewed at the Planning Board and City Council levels.

9. Closing Discussion

Confirm any outstanding staff assignments and anticipated timing of Planning Board review, and discuss whether an additional IDS Task Force meeting is necessary.

10. Adjourn

CITY OF SANFORD

INDUSTRIAL DEVELOPMENT STANDARDS TASK FORCE

Meeting #5 — Agenda and Meeting Outline

Date: October 14th, 2026

Time: 6:00PM

Location: Suite 301 City Hall Annex and by Zoom

Meeting Purpose

Complete Task Force review of the proposed Conditional Use Standards for **Biosolids Thermal Processing Facilities** and **Data Centers** by addressing the limited policy matters remaining in each Draft Conditional Use Ordinance and determining whether the completed standards are ready to advance to the Planning Board for public hearing, review, and recommendation to the City Council.

1. Call to Order

- Welcome and introductions, if necessary
- Review of Meeting #5 purpose and intended outcome

2. Approval of Meeting #4 Summary- attachment

- Review and approval of Meeting #4 notes/summary

3. Where We Are in the Task Force Process – no attachment

Brief Staff Overview and Update

The Task Force has now completed the principal phases of its assigned work:

- identification of community concerns associated with Biosolids Thermal Processing Facilities and Data Centers;
- review of existing Federal, State and local regulatory requirements;
- identification of potential gaps appropriate for municipal land-use regulation;
- development of preliminary Conditional Use frameworks;
- preparation of Draft 1 standards;
- Planning/Codes review of the proposed standards; and
- preparation of revised **Draft 2 Conditional Use Standards**.

4. Regulatory Approach — Regulate the Impact – no attachment

Brief discussion of the regulatory principle underlying the Task Force's work:

- Industrial uses may present legitimate impacts and risks.
- The existence of risk does not necessarily require categorical prohibition.
- Federal, State and local permitting systems exist to identify, regulate and mitigate those impacts.
- Sanford's Conditional Use standards are intended to supplement—not unnecessarily duplicate—existing regulatory programs.
- Applicants must demonstrate compliance with applicable standards and conditions.
- Conditional Use eligibility does not guarantee approval.
- A proposal unable to satisfy the applicable standards may not receive the required approval.

Intended Direction: Evaluate the proposed standards according to whether they adequately address identified impacts rather than whether the Task Force favors or disfavors an industry by name.

5. Biosolids Thermal Processing Facilities — Draft 2 – attachment A, B & C Focus on Draft 2 and Memorandum

A. Draft Development

Brief review of:

- Task Force policy direction;
- Draft 1;
- Planning/Codes review;
- revisions incorporated into Draft 2; and
- matters already resolved through ordinance drafting.

B. Outstanding Policy Matters

Task Force review and direction on the limited matters remaining for final resolution:

1. Financial assurance;
2. Pre-application/scoping review;
3. PFAS disclosure, pathway analysis and verification of technology claims;
4. Noise study and verification requirements;
5. Wastewater-treatment exclusion and definition;
6. Zoning districts and companion zoning-table amendments; and
7. City enforcement, modification and suspension authority.

C. Task Force Direction

For each outstanding matter:

- Accept Draft 2 as written;
- Amend Draft 2; or
- Identify a specific matter requiring additional legal or technical confirmation.

Requested Outcome: Complete Task Force policy direction necessary to finalize proposed § 280-13-5(G), Biosolids Thermal Processing Facilities.

6. Data Centers — Draft 2 – attachment A, B & C

Focus on Draft 2 and Memorandum

A. Draft Development

Brief review of:

- Task Force policy direction;
- Draft 1;
- Planning/Codes review;
- revisions incorporated into Draft 2; and
- matters already resolved through ordinance drafting.

B. Outstanding Policy Matters

Task Force review and direction on the limited matters remaining for final resolution:

1. Zoning districts and companion use-table amendments;
2. Low-frequency, tonal and infrasound noise;
3. Heat rejection and thermal impacts;
4. Water use and cooling technology;
5. Financial assurance and decommissioning;
6. Building scale, buffers and site compatibility; and
7. Community benefits and whether they belong within the Conditional Use ordinance or a separate municipal process.

C. Task Force Direction

For each outstanding matter:

- Accept Draft 2 as written;
- Amend Draft 2; or
- Identify a specific matter requiring additional legal or technical confirmation.

Requested Outcome: Complete Task Force policy direction necessary to finalize proposed § 280-13-5(H), Data Centers.

7. Final Conditional Use Standards — Task Force Recommendation – no attachment

Following resolution of the outstanding matters:

- Confirm final revisions directed by the Task Force;
- Authorize staff to incorporate those revisions into the completed ordinance drafts;
- Confirm whether the Task Force's substantive review is complete; and
- Determine whether the completed Biosolids Thermal Processing Facility and Data Center Conditional Use Standards are ready to advance to the Planning Board.

Requested Outcome: Task Force recommendation to advance the completed ordinance package to the Planning Board for public hearing, review, and recommendation to the City Council.

8. Planning Board and City Council Review Process – no attachment

Next Phase

Subject to completion of the Task Force's work:

- Staff prepares final ordinance language and companion Chapter 280 amendments.
- Proposed amendments advance to the **Planning Board in November**.
- Planning Board conducts its required review and public hearing.
- Planning Board makes its recommendation concerning the proposed Chapter 280 amendments.
- Proposed ordinance amendments and Planning Board recommendation are forwarded to the City Council.
- City Council conducts the subsequent legislative review and takes final action on the proposed ordinance amendments.

9. Closing Discussion / Task Force Completion – no attachment

- Confirm any remaining staff assignments.
- Identify any matter requiring Counsel or technical confirmation before Planning Board submission.
- Confirm anticipated Planning Board schedule.
- Discuss whether an additional Task Force meeting is necessary or whether Meeting #5 completes the Task Force's substantive ordinance-development work.

10. Adjournment

Meeting #5 Intended Outcome

By the conclusion of Meeting #5, the Task Force should have provided sufficient policy direction to complete the proposed Conditional Use Standards for **Biosolids Thermal Processing Facilities and Data Centers**, allowing the ordinance package to move from Task Force development into the formal Planning Board and City Council ordinance-review process.

Memo



Number: 26-324-01
To: Industrial Development Standards Task Force
From: Lorisa Ricketts, Executive Administrator
Date: 2026-10-14
Subject: Meeting # 4 Summary - Data Centers

RECOMMENDATION

Review and approve Meeting #4 Summary.

Background Information:

See attached summary of Meeting #4.

Legal Review Status:

Administrative or Department Review:

Financial Impact or Review:

ATTACHMENT(S):

[Attachment 2 IDS Task Force #4 Meeting Summary.pdf](#)

IDS Task Force #4

Quick recap

The meeting focused on discussing industrial development regulations, specifically addressing outstanding issues including noise ordinances, cumulative impacts, PFAS emissions, and financial insurance requirements for industrial projects in Sanford. The participants extensively discussed bonding requirements for development projects, with Jamie explaining how reclamation bonds work for mineral extraction and solar projects, covering costs to stabilize and reclaim sites to safe conditions rather than returning them to original state. The group also examined water usage concerns for potential data center developments, analyzing consumption levels ranging from 13,000 to 180,000 gallons per day depending on cooling technology used, and discussed how such usage would impact the municipal water system and ratepayers. The discussion covered various cooling technologies, water source options including high manganese wells, and potential impacts on both water supply and sewer treatment systems, with participants agreeing that current site plan review processes would adequately address water-related concerns through capacity letters and pre-treatment requirements.

Summary

Industrial Development Task Force Overview

City provided an overview of host tools and meeting procedures for an upcoming Industrial Development Task Force work session. They explained that the SME will be conducted in person or remotely, with public access available via phone or video link. City clarified that this work session is not a public hearing and will be conducted by consensus, with any advisory recommendations forwarded to City Council for potential legislative action.

Development Project Bonding Requirements

The meeting focused on discussing bonding requirements for development projects, particularly for solar installations and other industrial uses. Jamie explained that Sanford's reclamation bonds are more restrictive than state requirements, requiring coverage of additional costs while allowing both state and local governments to be payees on the same bond. The discussion explored how bonding amounts are determined based on current costs with inflation adjustments, and considered whether similar requirements should be applied to building construction projects, though concerns were raised about potential costs making

development unfeasible. The group also noted that Sanford already has vacant property licensing requirements in place as an additional safeguard.

Data Center Threshold Definitions

The discussion focused on establishing appropriate thresholds for defining large-scale data centers, with participants debating whether to use square footage or electrical consumption as the measuring criteria. The group agreed that the impact of data centers should be the primary concern rather than just their physical size, as a small facility could still cause significant environmental or noise issues if poorly designed. They noted that while exemptions already exist for municipal facilities, the Data Center Advisory Council will meet next Wednesday to further discuss how to set specific parameters for what constitutes a large-scale or hyperscale data center.

Utility Usage Standards for Developments

The discussion focused on establishing thresholds and standards for utility usage, particularly water and electricity, in large-scale developments like data centers. City explained that while water capacity is currently constrained by the Munson River, there is sufficient supply for industrial users up to 300,000-500,000 gallons per day, with potential to expand through additional wells or reclaimed water systems. The conversation included detailed analysis of a hypothetical 20-megawatt data center's water usage, comparing it to other commercial operations like hospitals and car washes, with the data center projected to use approximately 89,000 gallons per day with hybrid cooling systems.

Commercial Water Usage Impact Analysis

The discussion focused on water usage by major commercial customers, with Polyvantis identified as the largest user at approximately 25% of its previous consumption levels due to efficiency improvements and outsourcing their raw product sourcing. The conversation explored how a new large customer using 200,000 gallons per day would impact other ratepayers, with clarification that it would stabilize rates rather than increase them and would not affect water quality for other residents. The discussion also covered water quality concerns related to system flushing and sediment management, with the team noting that consistent water usage would help maintain better water quality than sudden flow changes.

High Manganese Water Utilization Plan

The discussion focused on potential challenges and solutions for utilizing high manganese water from an unused well for a proposed data center. City explained that while the high manganese water could be problematic for sewer treatment due to tight copper discharge limits, it could

be pre-treated at the source or at the well before entering the system. The group explored using existing lagoon infrastructure as a heat sink and discussed how the water consumption would primarily be evaporative through cooling systems rather than going to the sewage treatment plant. City clarified that while the new water source would help stabilize rates for future users, it would not reduce current rate increases and any necessary infrastructure upgrades would be paid for by the data center developer.

Water and Noise Management Discussion

The discussion focused on water management and noise concerns for a large-scale development project. City explained that current water regulations cover temperature and discharge requirements, with the city serving as one of 11-13 pre-treatment communities in Maine, and developers typically engage in pre-application meetings before submission. The group discussed challenges with low-frequency noise from cooling equipment, particularly in condensers and other coolant systems, with City noting that this issue will become more widespread as the nation transitions to all-electric systems. The participants explored potential mitigation strategies including setbacks, buffering with vegetation, and using earth as a noise sink, while acknowledging that noise standards will likely need to be based on best available commercial technology.

Data Center Noise Standards Discussion

The discussion focused on addressing noise and vibration concerns related to data center development, particularly regarding low-frequency sound that isn't captured by traditional decibel measurements. The participants explored existing standards from other projects like the Sanford Airport solar project and discussed the need for specialized noise measurement methods, potentially involving outside experts similar to how the DEP handled wind turbine noise issues. The conversation also touched on the need for buffer zones and conditional use standards that would apply to all industrial development, while considering how to prevent overly restrictive standards that might impact smaller businesses like car washes.

Data Center Light Pollution Regulations

The discussion focused on light pollution concerns from large-scale data center construction, particularly the impact of 18-36 month construction periods with night work affecting Texas night skies for up to two years. The group acknowledged that while downward-shielded lighting is required for permanent site lighting, construction lighting is not currently regulated and represents a significant gap in existing ordinances. The conversation also covered electrical grid impacts, with discussion of regulation responsibilities between PUC, utilities, and state

agencies, and consideration of requiring data centers over certain sizes to provide their own power through net metering rather than on-site generation.

Data Center Regulatory Requirements

The discussion focused on regulatory requirements for data centers, particularly regarding federal and state exemptions, with specific mention of Executive Order 14318. The participants discussed voltage spike protection solutions, including the use of superconductors on server racks, though they were uncertain about whether this could be reasonably mandated. The conversation also covered site development processes under SLODA, water supply and consumption requirements, and wastewater regulations, with participants noting that while current processes exist for reviewing water use and discharge, specific regulations would depend on how the data center chooses to source its water.

Data Center Regulatory Compliance Requirements

The discussion focused on regulatory considerations for data center development, particularly around discharge characteristics, stormwater management, and noise mitigation. The participants discussed how data centers would need to work with the sewer department to provide water profiles and samples for discharge analysis, similar to other industrial users. They also addressed stormwater requirements, noting that projects in certain watersheds would need to meet phosphorus standards and require third-party inspection for compliance. The group identified noise as a significant concern requiring external consultant expertise, though no current standards were found in existing municipal ordinances.

City Development and Zoning Standards

The city representative explained that the city currently has limited capacity to maintain existing streets and cannot accept new street miles, accepting only major connectors or bypasses. The discussion covered building requirements, with the representative noting that while there's no specific maximum square footage limit, building height is restricted by current fire department equipment capacity to about 85 feet. The group discussed the need for additional standards regarding thermal impacts and heat rejection, particularly for data centers, and agreed to review existing zoning ordinances before the next meeting on October 15th.

Memo



Number: 26-325-01
To: Industrial Development Standards Task Force
From: Lorisa Ricketts, Executive Administrator
Date: 2026-10-14
Subject: Where We Are in the Task Force Process

RECOMMENDATION

Background Information:

The Task Force has now completed the principal phases of its assigned work:

- identification of community concerns associated with Biosolids Thermal Processing Facilities and Data Centers;
- review of existing Federal, State and local regulatory requirements;
- identification of potential gaps appropriate for municipal land-use regulation;
- development of preliminary Conditional Use frameworks;
- preparation of Draft 1 standards;
- Planning/Codes review of the proposed standards; and
- preparation of revised Draft 2 Conditional Use Standards.

Legal Review Status:

Administrative or Department Review:

Financial Impact or Review:

Memo



Number: 26-326-01
To: Industrial Development Standards Task Force
From: Lorisa Ricketts, Executive Administrator
Date: 2026-10-14
Subject: Regulatory Approach: Regulate the Impact

RECOMMENDATION

Background Information:

Brief discussion of the regulatory principle underlying the Task Force's work:

- Industrial uses may present legitimate impacts and risks.
- The existence of risk does not necessarily require categorical prohibition.
- Federal, State and local permitting systems exist to identify, regulate and mitigate those impacts.
- Sanford's Conditional Use standards are intended to supplement—not unnecessarily duplicate—existing regulatory programs.
- Applicants must demonstrate compliance with applicable standards and conditions.
- Conditional Use eligibility does not guarantee approval.
- A proposal unable to satisfy the applicable standards may not receive the required approval.

Intended Direction: Evaluate the proposed standards according to whether they adequately address identified impacts rather than whether the Task Force favors or disfavors an industry by name.

Legal Review Status:

Administrative or Department Review:

Financial Impact or Review:



Memo

Number: 26-327-01
To: Industrial Development Standards Task Force
From: Lorisa Ricketts, Executive Administrator
Date: 2026-10-14
Subject: Biosolids Thermal Processing Facilities - Draft 2

RECOMMENDATION

Focus on Draft 2 and Memorandum

Background Information:

A. Draft Development

Brief review of:

- Task Force policy direction;
- Draft 1;
- Planning/Codes review;
- revisions incorporated into Draft 2; and
- matters already resolved through ordinance drafting.

B. Outstanding Policy Matters

Task Force review and direction on the limited matters remaining for final resolution:

1. Financial assurance;
2. Pre-application/scoping review;
3. PFAS disclosure, pathway analysis and verification of technology claims;
4. Noise study and verification requirements;
5. Wastewater-treatment exclusion and definition;
6. Zoning districts and companion zoning-table amendments; and
7. City enforcement, modification and suspension authority.

C. Task Force Direction

For each outstanding matter:

- Accept Draft 2 as written;
- Amend Draft 2; or
- Identify a specific matter requiring additional legal or technical confirmation.

Requested Outcome: Complete Task Force policy direction necessary to finalize proposed § 280-13-5(G), Biosolids Thermal Processing Facilities.

Legal Review Status:

Administrative or Department Review:

Financial Impact or Review:

ATTACHMENT(S):

[Attachment 5 A - MEMORANDUM Biosolids Thermal Processing Conditional Use Standards Development 10-5-2026.pdf](#)

[Attachment 5 B - Biosolids Thermal Processing Conditional Use Standards Draft 2 10-5-2026.pdf](#)

[Attachment 5 C - IDSTF Meeting #5 Biosolids Outstanding Policy Matters Worksheet.pdf](#)

MEMORANDUM

To: Industrial Development Standards Task Force

From: City Manager

Re: Biosolids Thermal Processing Conditional Use Standards – Development of Draft 2 and Remaining Policy/Legal Decisions

Date: October 5, 2026

Purpose

The purpose of this memorandum is to summarize the development of the proposed **Biosolids Thermal Processing Facility Conditional Use Standards**, explain the internal Planning and Codes review conducted following Draft 1, and identify the limited number of remaining matters requiring Task Force policy direction and/or targeted legal review before preparation of a final recommended ordinance.

Draft 2 does not represent a new regulatory approach. It represents the continued translation of the Task Force's prior policy work into a Conditional Use framework that can be practically administered by the Planning Board and subsequently enforced by City staff.

Foundation and Development of Draft 1

The Task Force began its work by identifying the potential impacts associated with Biosolids Thermal Processing Facilities and then reviewing the Federal, State and existing local regulatory framework applicable to those impacts.

Through the Biosolids Thermal Processing Working Matrix, the Task Force considered air emissions, PFAS, feedstock, traffic, noise, odor, residuals, water and wastewater, stormwater, emergency response, monitoring, financial assurance, closure and other potential impacts. An important purpose of that work was to distinguish matters already addressed through established Federal or State regulatory programs from legitimate local land-use issues or potential regulatory gaps.

That work established the foundational principles used to prepare Draft 1:

- **Conditional Use rather than prohibition.** A Biosolids Thermal Processing Facility would be evaluated based upon the actual facility, technology, location, operating characteristics and impacts presented by an application.
- **Reliance upon established Federal and State regulation.** Applicable Federal and State environmental permits would remain the primary technical regulatory framework for matters within their jurisdiction.
- **Avoidance of duplicative municipal environmental regulation.** Sanford would not recreate DEP or EPA technical permitting requirements merely to establish a second municipal version of an existing regulatory program.
- **Focus on legitimate local land-use impacts.** The Conditional Use standards would address matters appropriately within municipal land-use authority, including site

compatibility, traffic, noise, odor, buffering, emergency response, infrastructure, operational changes, monitoring and closure.

- **Identification of regulatory gaps.** Where an issue relevant to a lawful municipal approval criterion is not addressed by an applicable Federal or State standard, the City may require sufficient information or technical review to determine whether the applicable local standard has been satisfied.
- **Continuing compliance.** Applicable Federal and State permits and the conditions and operating parameters established through local approval would remain applicable throughout operation.
- **Technology-neutral regulation.** The standards regulate the materials, processes and impacts associated with the use rather than a particular company, proprietary technology or trade name.

Draft 1 therefore established the basic regulatory architecture for the proposed Conditional Use and the intended relationship between Sanford's land-use authority and the broader Federal and State environmental regulatory framework.

Planning and Codes Implementation Review

Following Draft 1, Planning and Codes reviewed the proposed ordinance from a different perspective.

Rather than reconsidering the Task Force's underlying policy decisions, staff examined the ordinance as though an applicant were preparing to begin Planning Board review.

The practical question was:

If an application were submitted under these standards, would the Planning Board know what information must be provided, what findings must be made, what becomes an enforceable requirement of approval, and how subsequent compliance or operational changes would be administered?

The internal review concluded that the underlying regulatory framework was sound but identified areas where additional procedural and administrative precision would strengthen implementation.

The review particularly emphasized the need to clearly establish what constitutes compliance, who makes particular determinations, when requirements must be satisfied, and what obligations become enforceable following approval. This implementation concern was central to the Codes review of Draft 1.

Development of Draft 2

Draft 2 was prepared in response to that implementation review while preserving the regulatory philosophy established by the Task Force.

Among the principal improvements are:

Formal Preliminary Scoping. The preliminary process is clarified as an early scoping review intended to identify regulatory jurisdictions, application requirements, local land-use issues, unresolved questions and potential regulatory gaps rather than functioning as preliminary project approval.

Regulatory Jurisdiction and Local Findings. The application more clearly identifies which Federal, State or other regulatory programs address particular issues and what findings remain for Sanford's Planning Board.

Permit and Approval Milestones. Where outside permits remain pending, the ordinance more clearly distinguishes requirements applicable before construction, commissioning or trial operation, feedstock receipt and regular operation.

Approved Operating Parameters. Important applicant representations are converted into identifiable operating parameters, such as authorized feedstocks, processing and storage capacity, hours, truck activity, technology, environmental-control systems and other characteristics material to the Board's approval.

Material Operational Changes. Draft 2 provides a clearer mechanism for determining whether subsequent changes remain within the approved operating envelope or require additional administrative or Planning Board review.

Monitoring and Reporting. Reporting responsibilities, incident notification and compliance documentation are strengthened so that the City has identifiable information against which continuing compliance can be evaluated.

Residual and Utility Contingencies. Residual management and wastewater provisions are strengthened to consider not merely projected capacity but the actual ability to manage residuals and wastewater throughout operation.

Closure and Financial Assurance. Closure and decommissioning requirements are strengthened, including consideration of State-required financial security and whether it adequately protects the City's identified interests.

These changes primarily concern **administration and enforceability**. They do not materially alter the Task Force's previous determination that Sanford should regulate legitimate local land-use impacts while relying upon Federal and State agencies for technical environmental regulation within their respective jurisdictions.

Seven Matters Remaining for Final Policy and Legal Review

Most of the implementation issues identified by Planning and Codes have therefore been incorporated into Draft 2 and do not require the Task Force to reopen the underlying policy discussion.

Seven matters remain sufficiently important, however, to warrant additional Task Force consideration, targeted legal review, technical confirmation, or a combination thereof.

1. City-Initiated Modification or Suspension

Draft 2 should principally rely upon clearly established conditions of approval and enforcement of those conditions. Applicant-proposed changes would proceed through the applicable amendment process.

A separate question remains whether Sanford should establish a narrowly defined procedure allowing the City itself to initiate modification or suspension of an existing Conditional Use approval following specified events or repeated failure to satisfy an established performance requirement.

This issue warrants targeted legal review, particularly considering the Maine Law Court's decision in *Newfield Sand v. Town of Newfield*. The objective should not be to create an unrestricted ability to reopen an approval, but to determine whether a carefully defined procedure with objective triggers, notice, findings and appropriate procedural protections is legally supportable.

2. Financial Assurance

Draft 1 allowed the Planning Board discretion to require financial assurance. Draft 2 moves toward stronger protection of the City's closure and restoration interests.

The policy question is whether financial assurance should be **mandatory for every Biosolids Thermal Processing Facility**, while allowing State-required financial security to satisfy all or part of the municipal requirement where the State instrument demonstrably provides equivalent protection.

The recommended approach is mandatory assurance with appropriate credit for equivalent State security, avoiding unnecessary duplication while ensuring that the City's identified closure obligations are financially protected.

3. Preliminary Review

The Planning and Codes review identified uncertainty regarding what it means to “complete” Preliminary Major Site Plan Review.

Draft 2 therefore converts this concept into a formal **preliminary scoping review**, intended to identify required submissions, regulatory jurisdictions, unresolved issues and matters requiring further review without granting preliminary project approval.

The Task Force should confirm that this accurately reflects its intended purpose for early Planning Board involvement. The final ordinance should then be reconciled with existing Site Plan and Conditional Use procedures and applicable review timelines.

4. PFAS

PFAS has been an important component of the Task Force's biosolids review.

Draft 2 strengthens the requirement to disclose and evaluate relevant PFAS pathways, including incoming feedstock, air emissions, wastewater and process residuals, and provides for appropriate technical review of material technology claims.

The recommended policy remains that Sanford **not establish its own PFAS emissions limit, destruction percentage or “zero PFAS” standard** unless a separate technically and legally supported municipal standard is deliberately developed.

The Conditional Use should instead require disclosure, pathway analysis, compliance with applicable Federal and State requirements, and targeted technical review where necessary to make an existing lawful municipal finding.

5. Noise

Draft 2 strengthens the requirement for acoustic information, identification of significant noise sources, and appropriate verification.

The remaining question concerns low-frequency, tonal and infrasound impacts associated with certain industrial equipment.

Rather than establishing a numerical noise standard applicable only to Biosolids Thermal Processing Facilities, the recommended approach is to continue the City's separate examination of an appropriate **industrial noise standard** that could apply consistently to relevant industrial uses, including Biosolids Thermal Processing Facilities and Data Centers.

This would avoid creating different acoustic standards based solely upon the industrial use producing the sound.

6. Wastewater-Treatment Exclusion

The definition of Biosolids Thermal Processing Facility is intentionally broad enough to prevent a covered facility from avoiding Conditional Use review merely through its business description or proprietary process terminology.

The Planning and Codes review correctly identified, however, the need to ensure that the definition does not unintentionally capture routine or conventional wastewater-treatment processes.

Additional technical confirmation should therefore establish the intended treatment of such processes as digestion, pasteurization, sludge drying, accessory thermal treatment, treatment of material generated on site, pilot processes and similar wastewater-treatment activities.

The Sanford Sewerage District should assist in defining this boundary before the definition is finalized.

7. Zoning Districts and Use Classification

Draft 2 establishes the standards applicable to a Biosolids Thermal Processing Facility but does not, by itself, determine where that Conditional Use should be permitted.

A companion amendment to Sanford's land-use table and applicable classification provisions should expressly identify the zoning district or districts in which the use may be considered.

This should be treated as a deliberate Task Force land-use policy decision rather than being indirectly determined through the technical Conditional Use standards contained in §280-13-5(G).

Path to Finalization

The ordinance-development process has now proceeded through several deliberate stages:

Task Force issue identification and regulatory review → Biosolids Working Matrix and gap analysis → Draft 1 → Planning and Codes implementation review → Draft 2 → resolution of the seven remaining policy/legal matters → Final Draft.

This sequence reinforces the role of the Task Force in developing the ordinance.

Draft 2 is not being presented simply as a staff-generated ordinance for approval. The fundamental regulatory framework originated from the Task Force's review of the issues, existing regulations and potential regulatory gaps. Planning and Codes subsequently tested that framework from the standpoint of actual Planning Board implementation and municipal enforcement. Draft 2 incorporates the resulting administrative improvements.

The next phase should therefore remain focused.

The Task Force does **not** need to reopen every issue addressed through Draft 2. Instead, it should consider the seven remaining matters where additional policy direction, technical confirmation or targeted legal review is warranted.

Once those matters are resolved, staff can incorporate that direction into the final ordinance language for Task Force review and recommendation through the City's formal ordinance process.

The intended outcome remains a **focused, defensible and durable Conditional Use framework** that addresses demonstrated local land-use impacts, works alongside rather than unnecessarily duplicates Federal and State environmental regulation, provides clear standards for Planning Board review and municipal enforcement, protects surrounding properties and the community, and remains capable of accommodating changing industrial technologies.

Chapter 280-13-5 (G) New Section - DRAFT 2

October 5, 2026

G. Biosolids Thermal Processing Facilities.

In addition to the requirements of this section and all other applicable provisions of this Chapter, a Biosolids Thermal Processing Facility shall be permitted only as a Conditional Use in those zoning districts in which the use is expressly authorized and shall comply with the following standards. Where a proposal meets the definition of a Biosolids Thermal Processing Facility, these use-specific standards shall apply notwithstanding that the proposal may also fall within another use classification. Any necessary amendment to the applicable land-use table shall be adopted as a companion amendment to this subsection.

(1) Applicability and Definition.

(a) For purposes of this Chapter, a Biosolids Thermal Processing Facility means a facility, establishment, or use of land or structures that receives, stores, handles, dries, treats, processes, converts, reduces, destroys, or otherwise manages biosolids, sewage sludge, or materials substantially derived from biosolids or sewage sludge through the intentional application or generation of heat as a principal part of a thermal treatment or conversion process.

(b) Such processes include, but are not limited to, gasification, pyrolysis, combustion, incineration, thermal oxidation, thermal drying when conducted as an integral part of a thermal conversion or treatment process, or other thermal, thermochemical, or substantially similar processes, regardless of proprietary technology or trade name.

(c) The term includes associated receipt and storage of feedstock; preprocessing and drying; air-pollution-control systems; treatment or combustion of process gases; heat or electricity recovery; and the storage, characterization, reuse, transportation, or disposal of ash, biochar, char, or other residuals.

(d) Classification shall be based upon the actual materials received and processes employed and shall not depend upon whether the facility is otherwise described as waste treatment, resource recovery, renewable energy, biochar production, manufacturing, or another commercial activity.

(e) Conventional wastewater or sewage-sludge treatment activities that do not employ a thermal treatment or conversion process described in subsection (b) are not Biosolids Thermal Processing Facilities. The treatment-process boundary, including the treatment of stand-alone drying, heated digestion, pasteurization, accessory treatment equipment, pilot projects, treatment of material generated on site, and imported biosolids, shall be further defined prior to final adoption after consultation with the Sanford Sewerage District and appropriate technical staff. An exclusion shall be based upon the nature of the treatment activity and not solely upon public or private ownership.

(2) Mandatory Pre-Application and Preliminary Major Site Plan Scoping Review.

(a) Prior to submission of a formal application for Conditional Use approval, an applicant proposing a Biosolids Thermal Processing Facility shall complete a formal Preliminary Major Site Plan Scoping Review before the Planning Board in coordination with the procedures of Article XVI.

(b) The applicant shall submit sufficient preliminary information to identify the proposed technology and process; anticipated feedstocks and sources; applicable Federal and State environmental permits and approvals; air emissions and air-pollution-control systems; water and wastewater requirements; stormwater and spill controls; residuals and byproducts; transportation and truck routing; noise and odor controls; emergency-response requirements; utilities; buffering and site compatibility; proposed monitoring; financial assurance; and closure and decommissioning.

(c) The purpose of the scoping review is to identify applicable regulatory jurisdictions; required application materials; potential local land-use impacts; matters requiring coordination with Federal, State, utility, or other permitting authorities; matters requiring additional technical information; and any environmental or land-use matter for which no applicable Federal or State regulatory standard has been identified.

(d) Completion of the scoping review shall be documented by a written Preliminary Review Memorandum prepared by or under the direction of the Planning Director identifying: [1] required final application submissions; [2] identified Federal, State, local, and utility regulatory jurisdictions; [3] anticipated municipal review issues; [4] additional technical information reasonably required; [5] potential regulatory gaps identified at that stage; and [6] matters expressly remaining undecided for final review.

(e) Completion of preliminary scoping review shall not constitute approval of the project, approval of any particular technology or impact, or a determination that the final application satisfies any Conditional Use or Site Plan standard. Preliminary comments shall not bind the Planning Board in its review of the final application.

(f) The preliminary process shall be administered so that it does not commence or impair an otherwise applicable final Conditional Use decision period until a formal application requiring such decision has been submitted in accordance with this Chapter.

(3) Supplemental Application Requirements.

In addition to all materials otherwise required for Conditional Use and Major Site Plan Review, the applicant shall address each of the following submission requirements. If the applicant contends that an item is not applicable, the application shall state the basis for nonapplicability. The Planning Director shall determine completeness in accordance with this Chapter; waiver of a supporting submission, where otherwise authorized, shall not waive an applicable approval standard.

(a) A detailed description of the proposed facility, process, technology, equipment, operating capacity, hours of operation, anticipated useful life, commissioning activities, and proposed commencement of regular operation;

(b) A process-flow description identifying receipt, storage, preprocessing, thermal processing, emissions controls, residual handling, water use, wastewater generation, and other principal operations;

(c) Identification of anticipated feedstocks, sources, volumes, acceptance criteria, prohibited materials, and procedures for verifying compliance with applicable feedstock requirements;

(d) An inventory of anticipated air emissions and copies of applicable Federal and State air-emissions applications, technical submissions, modeling, proposed monitoring plans, and permits available at the applicable stage of review;

(e) A PFAS pathway assessment identifying, to the extent relevant and supported by available information, PFAS characterization or testing of incoming material; potential air, wastewater, and residual pathways; applicable Federal or State requirements; available monitoring or control information; and the technical basis and known limitations of any material claim concerning PFAS destruction, removal, containment, or disposition;

(f) A residual-management plan addressing ash, biochar, char, spent sorbents, and other process residuals, including anticipated characterization, quantities, maximum on-site accumulation, storage, transportation, authorized disposal or beneficial-use destinations, evidence of anticipated acceptance where reasonably available, and contingency measures if a primary destination becomes unavailable;

(g) A water-demand and wastewater analysis identifying potable and process-water requirements, peak and annual demand, wastewater flow and anticipated pollutant loading, utility capacity, pretreatment or discharge requirements, conservation or reuse measures, and necessary infrastructure improvements;

(h) Applicable stormwater, spill-prevention, contaminant-management, and emergency-response plans;

(i) A noise assessment identifying significant equipment and continuous, tonal, impulsive, and low-frequency noise sources; applicable standards; sensitive receptor locations; expected operating scenarios; available manufacturer specifications; predictive acoustic information; and proposed verification methods;

- (j) An odor-management plan identifying receiving, unloading, storage, processing, air-handling, startup, shutdown, equipment failure, prolonged storage, and other potential odor conditions and the operational and engineering controls proposed to prevent unreasonable off-site odor impacts;
- (k) A traffic and truck-routing plan identifying anticipated and maximum truck volumes where applicable, delivery schedules, proposed routes, site access, detour procedures, and measures to avoid unnecessary use of local residential streets;
- (l) A facility-specific emergency-response and hazard-mitigation plan prepared in coordination with City Fire/EMS and other appropriate public-safety officials;
- (m) A landscaping, buffering, screening, and site-compatibility plan;
- (n) A preliminary closure and decommissioning plan and independently supportable estimated cost of closure, removal, stabilization, and site restoration;
- (o) A Regulatory Jurisdiction and Local Findings Matrix prepared in accordance with subsection (4);
- (p) A proposed Approved Operating Parameters Schedule prepared in accordance with subsection (5); and
- (q) Such other information reasonably necessary for the Planning Board to make the findings required by this Article.

(4) Federal and State Environmental Permits; Regulatory Jurisdiction; and Local Findings.

- (a) A Biosolids Thermal Processing Facility shall obtain and maintain all Federal and State licenses, permits, approvals, and authorizations legally applicable to its construction, commissioning, feedstock receipt, and operation.
- (b) Applicable Federal and State environmental permits and regulatory programs shall constitute the primary technical regulatory framework for matters within their jurisdiction. Such matters may include air emissions and air-pollution controls; PFAS; solid-waste processing and management; feedstock acceptance; ash, biochar and other residuals; water withdrawal and use; wastewater; stormwater; spill prevention and response; hazardous materials; environmental monitoring; testing; recordkeeping; reporting; closure; and other regulated environmental impacts.
- (c) The applicant shall submit and maintain a Regulatory Jurisdiction and Local Findings Matrix identifying for each material environmental or operational issue: [1] the responsible regulatory authority; [2] the applicable permit, approval, or regulatory requirement; [3] the application, study, permit provision, or other evidence addressing the issue; [4] the municipal approval criterion to which the information is relevant; and [5] any question or local land-use finding remaining for Planning Board determination.
- (d) Agency permits, findings, technical studies, and compliance determinations may constitute evidence supporting a local finding. The Planning Board shall nevertheless make each finding required by this Chapter and shall identify in its decision the evidence upon which material findings are based. Existing agency technical work may be relied upon without requiring unnecessary duplication.
- (e) Final issuance of every applicable Federal or State permit need not precede Conditional Use or Site Plan approval where the record already contains sufficient evidence for the Planning Board to make every required local finding. A matter material to a required local finding shall be resolved before final local approval if the absence of the outside authorization or associated technical determination prevents the Board from making that finding.
- (f) Where an outside authorization remains pending at local approval, the written decision shall identify the authorization, the activity or project stage it controls, the deadline or milestone for receipt, and the City official responsible for verification. No local approval or condition authorizes an activity before receipt of a permit or authorization legally required for that activity.
- (g) The approval shall distinguish, as applicable, clearing or site preparation, construction, equipment installation, commissioning or trial operation, feedstock receipt, and regular commercial operation. Required permits and approvals shall be assigned to the applicable milestone.

(h) Before commencement of an activity dependent upon a subsequently issued outside permit, the Planning Director shall compare the final agency-approved design and operating requirements with the locally approved plans and conditions. A material difference shall be reviewed under subsection (15) before the affected work or operation proceeds.

(i) Compliance with all applicable Federal and State environmental licenses, permits, standards, monitoring requirements, reporting requirements, corrective-action requirements, and conditions shall be a continuing condition of Conditional Use approval.

(j) Where an applicable Federal or State environmental permit establishes a technical standard, emission limit, testing protocol, monitoring requirement, operational control, or other environmental protection requirement, the facility shall comply with that requirement without the necessity of reproducing the technical requirement within this Chapter.

(k) Nothing in this subsection prevents the City from requiring information or imposing otherwise lawful conditions addressing demonstrated local land-use impacts or an identified regulatory gap relevant to an existing municipal approval criterion. Identification of a regulatory gap may support additional information or technical review necessary to evaluate an applicable municipal standard, but shall not, standing alone, authorize creation of a new substantive environmental standard not otherwise authorized by law or this Chapter.

(5) Approved Operating Parameters and Feedstock Acceptance.

(a) The Planning Board approval shall include, or incorporate by reference, an Approved Operating Parameters Schedule establishing the controlling operational limits and required controls material to the Board's findings. The Schedule shall identify, as applicable: [1] authorized feedstock categories; [2] maximum feedstock receipt, processing, and storage quantities, including units and applicable averaging or measurement periods; [3] maximum residual storage quantities; [4] approved operating, delivery, and receiving hours; [5] approved or maximum truck activity where material to the approval; [6] the principal thermal-processing technology and material process characteristics; [7] required environmental-control systems; [8] approved residual-management methods; [9] material water and wastewater parameters; and [10] other operating characteristics or mitigation measures material to the findings.

(b) Expected or anticipated activity levels shall be distinguished from enforceable maximum limits. Quantities shall identify the measurement basis, including wet or dry weight where material, and whether the limit is instantaneous, hourly, daily, monthly, annual, or otherwise defined.

(c) Feedstocks accepted by the facility shall be limited to materials authorized by applicable Federal and State permits and the Conditional Use approval. The operator shall implement the approved feedstock acceptance and verification procedures and maintain records sufficient to document feedstock categories, sources, and quantities.

(d) Material expansion of feedstock categories, capacity, storage, operating characteristics, or other parameters beyond the approved Schedule shall be subject to subsection (15).

(e) Summary feedstock information shall be provided to the City through the annual compliance reporting required by subsection (13).

(6) Air Emissions and PFAS.

(a) The facility shall obtain and maintain all air-emissions licenses and approvals required by the Maine Department of Environmental Protection and the United States Environmental Protection Agency.

(b) Air emissions, including particulate matter, regulated gaseous pollutants, hazardous air pollutants, PFAS where regulated, and other pollutants subject to Federal or State jurisdiction, shall comply with all legally applicable permit limits, control-technology requirements, testing requirements, monitoring requirements, and operating conditions.

(c) The applicant shall provide the City with the final applicable air-emissions license and material amendments thereto, together with monitoring or compliance information required under subsection (13).

- (d) Applicable current and future Federal and State PFAS requirements legally applicable to the facility shall constitute continuing requirements of the Conditional Use approval according to their applicable compliance dates, without the necessity of reproducing those technical requirements in this Chapter.
- (e) The applicant shall disclose and evaluate PFAS information through relevant facility pathways, including incoming material, air emissions, wastewater, and residuals, to the extent necessary to evaluate applicable municipal approval criteria. Material claims concerning PFAS destruction, removal, containment, or disposition shall identify the supporting evidence, verification method where available, and material data limitations.
- (f) Where PFAS air emissions or another material air-emissions concern identified during review is not subject to an applicable Federal or State regulatory standard or permit requirement, the Planning Board may require applicant-funded independent technical review pursuant to subsection (13), limited to obtaining evidence necessary to evaluate an applicable municipal approval criterion and the significance of the identified regulatory gap.
- (g) Nothing herein requires duplicative municipal technical review of matters adequately evidenced by review and regulation of the Maine Department of Environmental Protection or the United States Environmental Protection Agency. Whether existing agency work supplies sufficient evidence for a particular municipal finding shall be determined through the record and findings required by subsection (4).

(7) Residuals, Ash, Biochar and Other Byproducts.

- (a) Ash, biochar, char, spent sorbents, and other process residuals shall be characterized, stored, managed, transported, reused, and disposed of in accordance with applicable Federal and State requirements and the approved residual-management plan.
- (b) Before regular operation, the operator shall document authorized and reasonably available residual-management arrangements based upon anticipated material characterization. Where agency authorization or receiving-facility acceptance is required, the applicable authorization or evidence of acceptance shall be provided before reliance upon that destination.
- (c) The approved plan shall establish maximum authorized on-site accumulation and contingency measures for loss of a primary disposal or beneficial-use destination. The operator shall reduce or cease feedstock acceptance as necessary to prevent residual accumulation beyond authorized storage limits.
- (d) No beneficial use or alternative disposition of a regulated residual shall occur unless authorized by the agency having jurisdiction where such authorization is required. Any claimed exemption from an otherwise applicable authorization shall be documented.
- (e) Material changes in residual character, quantity, storage, disposal, or beneficial use shall be reported and reviewed in accordance with subsections (13) and (15).

(8) Water, Wastewater, Stormwater and Spill Prevention.

- (a) The applicant shall demonstrate that adequate water supply, wastewater capacity, stormwater infrastructure, and other necessary utilities are available to serve the proposed facility without unreasonably burdening municipal or utility systems.
- (b) Where wastewater is proposed for discharge to a public or private receiving utility, the applicant shall obtain a written determination from the receiving utility, at the stage necessary to establish project feasibility, addressing anticipated flow, pollutant loading, available treatment capacity, pretreatment requirements, necessary discharge authorization, and project-driven infrastructure improvements.
- (c) The applicant shall be responsible for project-driven infrastructure improvements determined necessary through Site Plan and Conditional Use review. Conditions shall identify the improvement, its relationship to project impacts, responsibility for payment, and the required completion milestone.
- (d) Stormwater management and spill prevention, containment, and response shall comply with applicable City, State, and Federal requirements.

(e) Feedstock receiving, storage, residual handling, chemical storage, and process areas shall be designed and operated to prevent uncontrolled releases to soil, groundwater, surface water, stormwater systems, or public infrastructure.

(f) Significant spills, releases, or other reportable environmental events shall be reported to the City in accordance with subsection (13), in addition to any other legally required notification.

(9) Odor and Noise.

(a) The facility shall be designed and operated to prevent unreasonable adverse noise and odor impacts upon surrounding properties, considering the applicable standards of this Chapter and Chapter 178.

(b) Feedstock receiving, unloading, storage, processing, residual handling, startup, shutdown, and reasonably foreseeable equipment outages shall employ the operational and engineering controls approved as necessary to control off-site odors.

(c) The facility shall implement and maintain the approved Odor Management Plan. The plan shall establish complaint intake and investigation procedures; investigation deadlines; documentation of facility operations and relevant weather conditions; evaluation of frequency, duration, intensity, location, and attribution; maintenance and inspection records; corrective actions; and verification of corrective-action effectiveness. Compliance with complaint-handling procedures alone shall not establish compliance with the applicable odor-impact standard.

(d) Noise-producing equipment and operations shall comply with applicable City and State noise standards. Required acoustic analysis shall identify the standards used, receptor locations, representative operating conditions, background sound treatment, measurement or prediction methods, and the treatment of tonal and low-frequency sound where material.

(e) The Planning Board may require post-construction noise verification where warranted by the nature of the equipment, predicted sound levels, proximity of sensitive receptors, or conditions of approval. The approval shall identify the verification conditions, locations, methods, and corrective process applicable to the project.

(f) Any separate industrial-noise standards subsequently adopted by the City shall apply only to the extent lawfully applicable to the facility. This subsection does not defer a finding required for present approval in anticipation of a future ordinance.

(10) Transportation and Truck Routing.

(a) The facility shall operate in accordance with an approved Truck Routing and Operations Plan containing a route map, delivery and receiving limits, carrier instructions, recordkeeping requirements, and defined exceptions for emergencies, road closures, or other approved detours.

(b) To the greatest extent reasonably practicable, approved truck routes shall utilize State highways, major arterials, designated truck routes, and direct connections to the Maine Turnpike or other appropriate major transportation facilities.

(c) Truck routing shall avoid local residential streets, school areas, and other sensitive local routes where an approved reasonable alternative exists.

(d) The Planning Board may establish conditions governing routes, access, delivery schedules, hours, construction traffic, signage, or other transportation measures necessary to satisfy applicable approval standards and prevent unreasonable impacts upon neighborhoods or the public transportation system. Restrictions involving roads not under City control shall be coordinated with the authority having jurisdiction.

(e) The operator shall provide approved routing requirements and applicable operating restrictions to feedstock suppliers, carriers, and transportation contractors and shall maintain reasonable records of compliance. Repeated carrier noncompliance attributable to facility operations shall be investigated and corrected by the operator.

(11) Emergency Response and Fire Protection.

- (a) The applicant shall develop and maintain a facility-specific emergency-response and hazard-mitigation plan in coordination with Sanford Fire/EMS and other appropriate City departments.
- (b) The plan shall identify hazardous or combustible materials, fuels, chemicals, process hazards, emergency shutdown procedures, utility controls, responder access, facility contacts, and other information reasonably required for emergency response.
- (c) Prior to commissioning or another milestone specified by the approval, Sanford Fire/EMS shall verify compliance with the emergency-response conditions assigned to it, including responder access, secure emergency building access where required, required information, and project-specific readiness measures.
- (d) The operator shall participate in facility walkthroughs, training, plan review, or emergency exercises at the intervals or upon the triggers established as conditions of approval or reasonably required to maintain an approved emergency-response plan.
- (e) Material changes in processes, chemical storage, facility configuration, or hazards affecting emergency response shall be communicated promptly to City Fire/EMS and reviewed under subsection (15) where applicable. The emergency plan shall be updated within the period specified by the approval or Fire/EMS for the affected condition.

(12) Landscaping, Buffers and Site Compatibility.

- (a) The facility shall comply with all otherwise applicable minimum setback, landscaping, screening, and buffering requirements of this Chapter. Nothing in this subsection authorizes waiver of an otherwise mandatory minimum requirement except through a procedure expressly authorized elsewhere in this Chapter.
- (b) The Planning Board may require enhanced setbacks, vegetated buffers, berms, fencing, screening, or combinations thereof where reasonably necessary to mitigate demonstrated visual, noise, odor, traffic, or operational impacts upon adjoining properties or sensitive receptors and where supported by the findings required by this Chapter.
- (c) Loading and unloading areas, feedstock storage, residual-storage areas, significant mechanical equipment, and similar operational areas shall be screened as required by applicable provisions of this Chapter and by any additional mitigation imposed under subsection (b).
- (d) Existing natural buffers and vegetation shall be preserved where practicable and compatible with applicable safety, utility, aviation, environmental, and site-development requirements.
- (e) Any additional buffering or mitigation beyond otherwise applicable minimum requirements shall be based upon site-specific impacts, surrounding land uses, topography, existing vegetation, facility design, and other relevant conditions. The approved plan shall identify dimensions, planting or screening specifications, maintenance, replacement obligations, and responsibility for continuing compliance.

(13) Monitoring, Reporting, Independent Verification and Oversight.

- (a) Federal and State permit-required monitoring and testing shall constitute the primary environmental compliance monitoring for matters within those regulatory programs where the resulting information adequately supplies evidence relevant to the municipal approval. The City retains authority to obtain information necessary to enforce its own approval standards and conditions as provided by this subsection and applicable law.
- (b) The facility shall provide the Planning Director with the following material compliance information: [1] final Federal and State environmental permits and material permit modifications; [2] required monitoring or compliance reports relevant to the Conditional Use approval; [3] notices of violation, administrative orders, consent agreements, or other formal environmental enforcement actions; [4] required corrective-action plans and documentation of completion; [5] significant spills, releases, fires, emergency events, or

other reportable incidents materially related to the Conditional Use approval; and [6] other information specifically required as a condition of approval.

(c) Unless a shorter period is required by another applicable law, permit, or emergency procedure: [1] an emergency affecting public safety shall be reported immediately to the appropriate emergency authority; [2] a significant environmental or operational incident materially related to the Conditional Use approval shall be reported to the appropriate City official as soon as practicable, with an initial written report within 24 hours after discovery and a supplemental report within five business days; and [3] a material agency enforcement notice or relevant permit modification shall be provided to the Planning Director within five business days after receipt.

(d) On or before March 1 of each year, the facility shall submit an Annual Conditional Use Compliance Report for the preceding calendar year, signed by an authorized representative, summarizing: [1] status of applicable Federal, State, and local permits; [2] material monitoring and compliance results; [3] notices of violation or enforcement actions and their disposition; [4] corrective actions undertaken; [5] feedstock sources and quantities; [6] residual quantities and destinations; [7] significant environmental or emergency incidents; [8] material operational or process changes; and [9] certification that the facility remains in compliance with its Conditional Use approval, except for specifically disclosed noncompliance.

(e) The annual report is intended to consolidate information necessary for municipal oversight and shall not require routine duplication of complete technical reports already available to the City. The operator shall retain underlying records relevant to the Conditional Use approval for at least five years, or longer where required by applicable law or permit, and shall provide underlying records where reasonably necessary to evaluate compliance with an enforceable municipal requirement.

(f) Applicant- or operator-funded independent technical review, sampling, audit, or verification may be required where: [1] an environmental or land-use impact material to an applicable municipal approval criterion is not addressed by an applicable Federal or State regulatory standard; [2] a material change creates an impact not evaluated during original approval; [3] monitoring identifies an exceedance or potential violation requiring specialized evaluation; [4] documented complaints or observed conditions provide an objective basis to question compliance with an applicable approval standard or condition, including a qualitative nuisance standard; or [5] specialized technical review is expressly required by a condition of approval.

(g) Independent review shall be limited to the identified issue and shall not unnecessarily duplicate technical review already performed by an agency having jurisdiction. The City shall select or approve the qualified reviewer and scope of work. The Planning Director may authorize review within the scope expressly established by this subsection or a condition of approval; testing or review beyond that scope shall require the authority otherwise provided by this Chapter or applicable law.

(h) The applicant or operator shall fund reasonable, documented costs of authorized independent review and post-approval technical oversight through a cost-recovery mechanism established by the City. The final ordinance shall be coordinated with the City's applicable fee and escrow provisions so that authority, billing, unused balances, and dispute procedures are expressly established.

(14) Financial Assurance, Shutdown, Closure and Decommissioning.

(a) The applicant shall submit and maintain an approved closure and decommissioning plan addressing cessation of operations, temporary shutdown, removal or stabilization of feedstocks and residuals, removal of equipment and structures where required by the approval, environmental stabilization, and restoration of the site.

(b) The applicant shall provide an independently supportable estimate of the reasonable third-party cost of completing the closure, stabilization, decommissioning, and restoration obligations established by the approval. The estimate shall be updated at intervals established by the Planning Board and whenever a material facility change substantially affects closure cost.

(c) Financial assurance shall be required in a form acceptable to the City, including a bond, letter of credit, escrow, or other legally acceptable security, sufficient to cover the municipal closure and restoration obligations established by the approval.

(d) In determining the amount and form of municipal financial assurance, the Planning Board shall consider financial assurance required by the Maine Department of Environmental Protection or another governmental agency. State-required financial assurance may satisfy all or a portion of the City requirement only to the extent the Planning Board determines, after appropriate staff or legal review, that the amount, form, duration, beneficiary rights, draw conditions, and permitted uses of the State-required security provide substantially equivalent protection for the City's identified closure and restoration interests.

(e) Nothing herein requires duplicative financial security for the same obligation where existing governmental assurance demonstrably protects the City's identified interests. Where legally and administratively acceptable, a single financial-assurance instrument naming the applicable State agency and the City as beneficiaries or payees may be accepted.

(f) Financial assurance shall remain continuously effective until release is authorized following verified completion of the secured obligations. Replacement security acceptable to the City shall be provided before expiration, cancellation, or material reduction of an existing instrument. The final form of the ordinance and security instrument shall establish legally supportable draw, default, and release procedures.

(g) The closure plan shall establish procedures for temporary shutdown and permanent closure, including immediate stabilization and safe management of feedstocks, residuals, chemicals, and environmental controls throughout any period of inactivity. The approval shall establish the applicable preservation-plan, closure-review, and completion milestones, coordinated with the abandonment provisions of this Chapter.

(h) Periodic review and adjustment of financial assurance may be required to reflect inflation, facility changes, revised closure requirements, or updated restoration costs.

(15) Material Changes to Operations; Amendments; and Enforcement.

(a) Conditional Use approval shall apply to the facility, processes, feedstocks, Approved Operating Parameters Schedule, site plans, environmental controls, mitigation measures, permit milestones, and other material representations and conditions approved by the Planning Board.

(b) The operator shall obtain a written classification from the Planning Director before implementing a proposed operational or facility change that may affect the scope of the approval. Notice of a proposed change does not authorize implementation of a change requiring additional approval.

(c) Changes shall be administered in the following categories, subject to other applicable provisions of this Chapter: [1] Routine Replacement - replacement or maintenance with substantially equivalent equipment that does not increase approved capacity, change feedstock categories, materially alter environmental controls, or increase impacts beyond approved limits; [2] Administrative Modification - a change remaining within the approved operating envelope that requires documented administrative review but does not materially affect the findings upon which approval was based; and [3] Material Modification - a change that may materially affect the findings or approved operating envelope, including changes in principal thermal-processing technology, feedstock categories, approved processing or storage capacity, air-pollution-control systems, residual-management methods, water or wastewater demand, truck volumes or routing, structures or site layout, environmental controls, emergency-response conditions, or other characteristics material to the approval.

(d) A Material Modification shall be reviewed by the Planning Board under the amendment, Site Plan, or Conditional Use procedures applicable to the nature and extent of the proposed change. Any expansion in area or function requiring a new Conditional Use approval under § 280-13-8 shall be reviewed accordingly and shall not be administratively approved under this subsection.

- (e) In classifying a proposed change, the Planning Director shall consider the cumulative effect of related or successive changes and shall not treat a series of individually minor modifications as exempt where their combined effect materially changes the approved operation.
- (f) Modifications necessary to comply with a Federal or State regulatory requirement shall be reported to the City and shall remain subject to applicable local Site Plan and Conditional Use requirements. Nothing in this provision creates a general exemption from local review. Immediate protective work necessary to respond to a genuine emergency may proceed to the extent authorized by law, provided required notification is made and any continuing or permanent modification is thereafter reviewed as applicable.
- (g) Existing approval conditions and standards shall be enforced through the enforcement authority otherwise provided by this Chapter and applicable law. Monitoring, reporting, or the identification of a new concern does not, by itself, authorize the Planning Board to impose new substantive operating restrictions upon a final approval unless authority for such modification is otherwise expressly provided by ordinance and law.
- (h) Prior to final adoption, municipal counsel shall review whether and to what extent the City should establish a narrowly defined City-initiated modification, suspension, or corrective-action proceeding based upon objective triggers, notice, opportunity to respond, required findings, permissible remedies, and appeal rights. Any such authority shall be separately and expressly stated and shall not be implied from the monitoring provisions of this subsection.

CITY OF SANFORD
INDUSTRIAL DEVELOPMENT STANDARDS TASK FORCE
Meeting #5 Working Document
Biosolids Thermal Processing Facilities
Outstanding Policy Matters — Draft 2 Review

Purpose. This worksheet is intended to capture Task Force discussion and final policy direction on the limited matters remaining for resolution in Draft 2 of the proposed Biosolids Thermal Processing Facility Conditional Use Standards. The completed worksheet will serve as the working record for preparation of the final ordinance draft.

Meeting Method. For each issue, review the current Draft 2 approach, discuss the policy question and key considerations, record member comments, and conclude with a clear Task Force direction. The final field should translate that direction into an ordinance drafting instruction, including “No change to Draft 2” where appropriate.

Outstanding Policy Matters

1. Financial assurance
2. Pre-application / scoping review
3. PFAS disclosure, pathway analysis and verification of technology claims
4. Noise study and verification requirements
5. Wastewater-treatment exclusion and definition
6. Zoning districts and companion zoning-table amendments
7. City enforcement, modification and suspension authority

1. Financial Assurance

Draft 2 — Current Approach

Draft 2 uses a mandatory financial-assurance framework for identified decommissioning, closure, stabilization, environmental, or other obligations that could present a material financial risk to the City or surrounding properties. Equivalent State or other enforceable security may be credited to the extent it protects the same municipal interests.

Policy Question for the Task Force

Confirm whether financial assurance should remain mandatory under the Draft 2 risk framework and whether equivalent State or other security should receive credit.

Key Considerations

- Identify the municipal obligation being secured rather than requiring duplicative security for the same risk.
- Assurance should be tied to a reasonable, supportable cost estimate and periodically updated where appropriate.
- Any credit for outside security should depend upon whether Sanford can actually rely upon that security for the same closure or stabilization obligation.

Task Force Discussion / Comments

Final Task Force Direction

Drafting Instruction for Final Ordinance

☐ No change to Draft 2 ☐ Amend Draft 2 ☐ Additional legal/technical confirmation required

Drafting instruction / follow-up:

2. Pre-Application / Scoping Review

Draft 2 — Current Approach

Draft 2 treats early Planning Board review as a formal scoping process intended to identify jurisdictions, required studies, regulatory gaps, specialized review needs, and application materials before formal Conditional Use review. It is not preliminary project approval and does not bind the Planning Board on the merits.

Policy Question for the Task Force

Confirm the formal, nonbinding scoping-review approach and whether any additional procedural requirements are needed before formal application.

Key Considerations

- Scoping should improve application completeness without creating a second approval process.
- The process should identify technical information needed for later findings, not prejudge whether the project will be approved.
- Formal application-review deadlines should begin under the normal Chapter 280 process, not merely because scoping has occurred.

Task Force Discussion / Comments

Final Task Force Direction

Drafting Instruction for Final Ordinance

☐ No change to Draft 2 ☐ Amend Draft 2 ☐ Additional legal/technical confirmation required

Drafting instruction / follow-up:

3. PFAS Disclosure, Pathway Analysis and Verification of Technology Claims

Draft 2 — Current Approach

Draft 2 strengthens disclosure of PFAS-related feedstock information, potential environmental pathways, applicable State/Federal regulation, and verification of material technology or performance claims. It does not create a separate municipal PFAS destruction-efficiency, emission, or concentration standard where that technical subject is regulated by State or Federal agencies.

Policy Question for the Task Force

Confirm whether Draft 2 appropriately addresses PFAS through disclosure, pathway analysis, outside permitting, and verification rather than establishing a separate municipal PFAS technical standard.

Key Considerations

- Require enough information for the Planning Board to understand potential local pathways and land-use implications.
- Distinguish verification of an applicant's claimed technology/performance from creation of a new municipal emissions or destruction standard.
- Continue to rely upon applicable DEP/EPA technical standards and permit requirements for matters within their jurisdiction.

Task Force Discussion / Comments

Final Task Force Direction

Drafting Instruction for Final Ordinance

☐ No change to Draft 2 ☐ Amend Draft 2 ☐ Additional legal/technical confirmation required

Drafting instruction / follow-up:

4. Noise Study and Verification Requirements

Draft 2 — Current Approach

Draft 2 strengthens professional acoustic analysis, identification of significant sound sources and receptors, mitigation, independent review where warranted, and post-construction verification of measurable approval standards or conditions. A comprehensive numerical low-frequency/tonal industrial-noise standard is not created solely within the Biosolids provision.

Policy Question for the Task Force

Confirm whether the strengthened study, mitigation, and verification requirements are sufficient for this use while broader low-frequency/tonal standards are considered, if desired, as a general industrial-noise matter.

Key Considerations

- Conditions should be tied to identifiable standards, measurement methods, locations, and operating conditions.
- Post-construction testing can verify compliance with established standards and mitigation commitments.
- A use-specific provision should not inadvertently create an unsupported technical numerical standard that would be more appropriately considered City-wide.

Task Force Discussion / Comments

Final Task Force Direction

Drafting Instruction for Final Ordinance

☐ No change to Draft 2 ☐ Amend Draft 2 ☐ Additional legal/technical confirmation required

Drafting instruction / follow-up:

5. Wastewater-Treatment Exclusion and Definition

Draft 2 — Current Approach

Draft 2 distinguishes a Biosolids Thermal Processing Facility from wastewater-treatment processes that are integral to and conducted as part of an authorized wastewater-treatment operation. The precise boundary of that exclusion should be clear enough to avoid unintentionally capturing ordinary wastewater-treatment functions.

Policy Question for the Task Force

Confirm the intended wastewater-treatment exclusion and whether the final definition should be reviewed with the Sanford Sewerage District before adoption.

Key Considerations

- The definition should capture the industrial use the Task Force intends to regulate without unintentionally regulating normal treatment-plant processes.
- Treatment processes that are integral to an authorized wastewater-treatment facility may warrant different treatment from a stand-alone thermal-processing facility.
- Technical confirmation from the Sewerage District may be useful before final ordinance language is advanced.

Task Force Discussion / Comments

Final Task Force Direction

Drafting Instruction for Final Ordinance

☐ No change to Draft 2 ☐ Amend Draft 2 ☐ Additional legal/technical confirmation required

Drafting instruction / follow-up:

6. Zoning Districts and Companion Zoning-Table Amendments

Draft 2 — Current Approach

Draft 2 establishes the substantive Conditional Use standards but requires companion Chapter 280 use-table amendments identifying the zoning districts in which a Biosolids Thermal Processing Facility may be considered as a Conditional Use.

Policy Question for the Task Force

Identify the zoning district or districts in which the use should be eligible for Conditional Use consideration and confirm that it should not be permitted outside those expressly designated districts.

Key Considerations

- Conditional Use eligibility does not guarantee project approval; an applicant must still satisfy the full standards.
- District selection should consider the industrial character, surrounding uses, infrastructure, transportation access, and compatibility of potential locations.
- The final ordinance package should align the substantive Conditional Use provision with the applicable Chapter 280 use tables and cross-references.

Task Force Discussion / Comments

Final Task Force Direction

Drafting Instruction for Final Ordinance

☐ No change to Draft 2 ☐ Amend Draft 2 ☐ Additional legal/technical confirmation required

Drafting instruction / follow-up:

7. City Enforcement, Modification and Suspension Authority

Draft 2 — Current Approach

Draft 2 takes a conservative approach: the City may enforce established ordinance requirements and conditions of approval, but the approval should not be reopened or substantively modified merely because circumstances, community concerns, or preferred standards later change. Any broader modification, suspension, or reopening authority must rest upon express ordinance authority and applicable law.

Policy Question for the Task Force

Confirm the distinction between enforcement of established conditions and broader City-initiated modification or suspension of an approved Conditional Use, and determine whether any additional authority should be referred to Counsel before final drafting.

Key Considerations

- Existing measurable standards and conditions must remain enforceable.
- Post-approval monitoring or complaints should not themselves create new substantive standards.
- Any broader reopening, modification, or suspension mechanism should have clear grounds, procedures, notice, findings, and appeal rights and should be confirmed for legal authority.

Task Force Discussion / Comments

Final Task Force Direction

Drafting Instruction for Final Ordinance

☐ No change to Draft 2 ☐ Amend Draft 2 ☐ Additional legal/technical confirmation required

Drafting instruction / follow-up:



Memo

Number: 26-328-01
To: Industrial Development Standards Task Force
From: Lorisa Ricketts, Executive Administrator
Date: 2026-10-14
Subject: Data Centers - Draft 2

RECOMMENDATION

Focus on Draft 2 and Memorandum

Background Information:

A. Draft Development

Brief review of:

- Task Force policy direction;
- Draft 1;
- Planning/Codes review;
- revisions incorporated into Draft 2; and
- matters already resolved through ordinance drafting.

B. Outstanding Policy Matters

Task Force review and direction on the limited matters remaining for final resolution:

1. Zoning districts and companion use-table amendments;
2. Low-frequency, tonal and infrasound noise;
3. Heat rejection and thermal impacts;
4. Water use and cooling technology;
5. Financial assurance and decommissioning;
6. Building scale, buffers and site compatibility; and
7. Community benefits and whether they belong within the Conditional Use ordinance or a separate municipal process.

C. Task Force Direction

For each outstanding matter:

- Accept Draft 2 as written;
- Amend Draft 2; or
- Identify a specific matter requiring additional legal or technical confirmation.

Requested Outcome: Complete Task Force policy direction necessary to finalize proposed § 280-13-5(H), Data Centers.

Legal Review Status:

Administrative or Department Review:

Financial Impact or Review:

ATTACHMENT(S):

[Attachment 6 A - MEMORANDUM Data Center Conditional Use Standards Development and Review Summary 10-5-2026.pdf](#)

[Attachment 6 B - Sanford Data Center Conditional Use Standards Draft 2.pdf](#)

[Attachment 6 C - IDSTF Meeting #5 Data Center Outstanding Policy Matters Worksheet.pdf](#)

MEMORANDUM

TO: Industrial Development Standards Task Force

FROM: City Manager / Staff

RE: Data Center Conditional Use Standards — Draft 2

SUBJECT: Development of Draft 2 and Remaining Task Force Policy Review

Purpose

The Task Force has completed its initial review of potential Data Center impacts, existing Federal, State, utility, and municipal regulatory requirements, and areas where additional local Conditional Use standards may be appropriate.

That work was converted into **Draft 1 of proposed § 280-13-5(H), Data Centers**, organized into 18 substantive sections. Draft 1 was subsequently reviewed from the perspective of Planning, Codes, Planning Board administration, and enforceability.

That review identified a number of drafting, procedural, and implementation issues. Those comments have now been evaluated and incorporated, where appropriate, into **Draft 2**.

Importantly, the Planning/Codes review identified approximately 20 individual comments or concerns. Those should **not** be understood as 20 unresolved policy matters for the Task Force. Most were technical drafting issues that could be addressed without changing the Task Force's policy direction.

Draft 2 therefore incorporates those administrative and enforceability improvements while preserving the fundamental regulatory framework developed by the Task Force.

Regulatory Approach Retained in Draft 2

Draft 2 continues to reflect the Task Force's underlying approach:

- Major Data Centers are subject to Conditional Use review.
- Electrical demand, rather than building square footage alone, is the principal basis for classification.
- Facilities below 1 MW are distinguished from Small Data Centers of 1 MW to less than 10 MW, while facilities of 10 MW or greater, individually or cumulatively as part of a Data Center Campus, constitute Major Data Centers.
- Federal, State, utility, ISO New England, Maine Public Utilities Commission, environmental, water, wastewater, fire/life-safety, and other technical regulatory programs remain the primary regulators of matters within their respective jurisdictions.
- Sanford does not attempt to duplicate those technical regulatory systems through its zoning ordinance.
- The City's Conditional Use standards instead focus upon demonstrated **local land-use impacts**, regulatory gaps, compatibility with surrounding properties, required mitigation, and enforceable conditions of approval.

- Applicants remain responsible for demonstrating compliance with applicable outside regulatory requirements and for providing sufficient information for the Planning Board to make the City's required land-use findings.
- Conditions imposed through Conditional Use approval must be sufficiently clear and measurable to allow subsequent administration and enforcement.

This remains the central premise of Draft 2.

Principal Improvements Incorporated into Draft 2

The Planning/Codes review resulted in substantial strengthening of Draft 1 without fundamentally changing that regulatory approach.

Draft 2 now:

- closes the classification gap for stand-alone facilities below 1 MW;
- establishes a more objective method for determining Maximum Electrical Demand;
- improves the Data Center Campus and aggregation provisions;
- converts preliminary review into a clearly defined **pre-application scoping process** rather than preliminary project approval;
- establishes clearer regulatory-approval milestones;
- distinguishes matters reviewed by utilities and outside regulators from local Planning Board findings;
- strengthens documentation for electrical service, water, wastewater, generation, and phased development;
- strengthens acoustic analysis and post-construction verification;
- provides clearer criteria for evaluating heat-rejection impacts;
- strengthens Fire/EMS coordination and operational readiness;
- makes approved construction, transportation, lighting, and mitigation plans more readily enforceable;
- establishes annual compliance reporting for Major Data Centers;
- provides clearer procedures for material operational changes and expansions;
- strengthens closure, decommissioning, and financial-assurance provisions; and
- distinguishes enforcement of an established Conditional Use approval from later reopening or modification of that approval.

Accordingly, these matters do **not** need to return to the Task Force as separate policy questions merely because they appeared among the Planning/Codes comments.

Remaining Task Force Policy Review

Following incorporation of the Planning/Codes review, the remaining issues requiring Task Force direction can be reduced to the following focused areas.

1. Zoning Districts and Companion Use-Table Amendments

Draft 2 provides that a Major Data Center may be permitted only as a Conditional Use in a zoning district where the use is expressly authorized.

The Task Force must therefore determine **where Major Data Centers should be eligible for Conditional Use consideration.**

This is a companion zoning decision rather than a deficiency in the substantive Conditional Use standards.

The final ordinance package should identify:

- zoning districts in which Major Data Centers may be considered as a Conditional Use;
- treatment of Limited and Small Data Centers within the applicable use tables; and
- any necessary conforming amendments to Chapter 280.

Task Force Decision: Identify the zoning districts in which each Data Center classification will be permitted, prohibited, or conditionally permitted.

2. Noise — Low-Frequency, Tonal and Infrasound Standards

Draft 2 substantially strengthens the acoustic-review requirements. Major Data Centers must evaluate conventional sound, continuous sound, tonal characteristics, low-frequency sound, simultaneous equipment operation, sensitive receptors, and representative operating conditions.

Draft 2 also provides for independent technical review, engineered mitigation, post-construction verification, corrective action, and retesting where required.

What Draft 2 intentionally does **not** do is create a new numerical municipal low-frequency, tonal, or infrasound standard where Sanford has not otherwise adopted one.

This remains a broader industrial-noise policy question and should not be resolved by inserting an unsupported numerical limit solely into the Data Center ordinance.

Task Force Decision: Determine whether the current study, mitigation, and verification requirements are sufficient for the Data Center Conditional Use standard, with development of any comprehensive low-frequency/tonal/infrasound numerical standard proceeding separately as part of the City's broader industrial-noise standards.

3. Heat Rejection and Thermal Impacts

Draft 2 requires a professional Heat Rejection and Thermal Impact Analysis and establishes factors for Planning Board consideration, including magnitude, geographic extent, duration, frequency, surrounding uses, sensitive receptors, background conditions, applicable technical standards, and mitigation.

It separately recognizes atmospheric heat rejection, visible/moisture plumes, and regulated wastewater-temperature impacts.

Draft 2 does not establish an independent numerical ambient-temperature limit.

The remaining policy question is whether the Task Force believes the performance-based standard and professional analysis are sufficient or whether Sanford should undertake additional technical work to establish a specific numerical thermal-impact criterion.

Task Force Decision: Retain the performance-based standard in Draft 2 or direct additional technical research before establishing a numerical thermal-impact standard.

4. Water Use and Cooling Technology

Draft 2 requires disclosure and analysis of average, peak, and annual water demand; consumptive use; evaporative loss; blowdown; wastewater; water-source capacity; conservation; reuse; and cooling technology.

It also requires applicable utility or regulatory confirmation of water availability.

Draft 2 deliberately does **not** mandate dry cooling, closed-loop cooling, hybrid cooling, reclaimed water, or another particular technology. Instead, the applicant must demonstrate that its proposed system can satisfy applicable capacity and land-use requirements.

This reflects the significant variation in water consumption among Data Center cooling technologies and avoids making a particular technology obsolete or mandatory through zoning.

Task Force Decision: Confirm the technology-neutral approach in Draft 2 or determine whether Sanford should establish an additional municipal water-consumption limitation or preferred/prohibited cooling technology.

5. Financial Assurance for Decommissioning

Draft 2 substantially strengthens decommissioning requirements and the mechanics of any financial-assurance instrument.

It presently requires financial assurance where the Planning Board determines that permanent cessation or abandonment could leave specialized equipment, regulated materials, environmental conditions, or other closure obligations presenting a material financial risk to the City or surrounding properties.

This remains different from automatically requiring a decommissioning bond for every Major Data Center.

The Task Force previously recognized the concern that requiring financial assurance for the removal of otherwise reusable large industrial buildings could unnecessarily affect project feasibility.

Task Force Decision: Determine whether financial assurance should remain **risk-based**, as provided in Draft 2, or become mandatory for every Major Data Center, with the amount limited to specifically identified decommissioning and stabilization obligations and credit provided for equivalent outside security.

6. Building Scale, Buffers and Site Compatibility

Draft 2 strengthens the Planning Board's authority to address building massing, equipment location, visual impacts, screening, buffers, setbacks, acoustic barriers, landscaping, and other site-specific mitigation.

It intentionally does not establish a separate Data Center maximum building size, maximum height, or universal enhanced setback beyond otherwise applicable zoning requirements.

This allows the Planning Board to respond to the actual site, surrounding zoning, sensitive receptors, equipment locations, topography, vegetation, and demonstrated impacts.

The Task Force should determine whether this site-specific approach is sufficient or whether Data Centers warrant a fixed dimensional standard beyond the City's existing zoning requirements.

Task Force Decision: Retain the site-specific performance approach or establish a Data Center-specific minimum setback, buffer, height, or other dimensional requirement.

7. Community Benefits — Zoning Standard or Separate Policy Matter

Community Benefit Agreements and related community-benefit concepts were identified during the Task Force's earlier Data Center work.

They have not been incorporated into Draft 2 because the relationship between a negotiated community benefit and the land-use findings necessary for Conditional Use approval is fundamentally different from standards governing noise, water, traffic, emergency response, buffering, or other physical land-use impacts.

If the City wishes to pursue community benefits associated with a Major Data Center, the Task Force should determine whether that subject properly belongs within the zoning ordinance or should instead be addressed through a separate development agreement, economic-development process, tax-increment-financing agreement, or other lawful mechanism.

Task Force Decision: Determine whether community benefits should remain outside the Conditional Use standards or whether further legal and policy review should be undertaken concerning an appropriate municipal mechanism.

Matters Not Recommended for Reopening

Unless the Task Force wishes to change previously established policy direction, staff does **not** recommend reopening the following matters merely because they were addressed during Planning/Codes review:

- the 10 MW threshold for Major Data Center Conditional Use review;
- use of aggregate Maximum Electrical Demand for a Data Center Campus;
- reliance upon utilities, ISO New England, the PUC, DEP, and other agencies for matters within their technical jurisdiction;
- the pre-application scoping-review concept;
- regulatory-approval milestones;
- generation and BESS disclosure requirements;
- wastewater and stormwater regulatory coordination;
- transportation and construction-management requirements;
- Fire/EMS planning and readiness;
- annual compliance reporting;
- post-construction verification of established approval requirements;
- material-change review;
- phased-development requirements; and
- the distinction between enforcement of established approval conditions and subsequent modification of an approved permit.

These matters have been strengthened through Draft 2 and are now principally ordinance-drafting and administration provisions rather than unresolved Task Force policy questions.

Recommended Next Step

The Task Force should review Draft 2 with its discussion focused upon the **seven remaining policy areas identified above** rather than conducting another section-by-section reconsideration of all 18 subsections.

For each outstanding issue, the Task Force should determine whether:

- (1) Draft 2 adequately reflects the Task Force's intended policy;
- (2) a specific amendment should be made; or
- (3) additional technical or legal review is required before final recommendation.

Once those limited policy decisions are completed, staff can incorporate the Task Force's direction into a final draft of § 280-13-5(H), prepare the necessary companion zoning amendments, and advance the complete regulatory package for Planning Board and City Council consideration.

Intended Outcome

The objective remains the same as established throughout the Task Force's work: not to create the greatest number of new regulations, but to establish a **focused, defensible, enforceable, and durable Conditional Use framework** that addresses demonstrated local land-use impacts, works alongside existing Federal, State, utility, and other regulatory systems, protects surrounding properties and the community, and remains capable of accommodating changing Data Center technologies.

Data Center Conditional Use Standards – Draft 2

§ 280-13-5(H), Data Centers

H. Data Centers.

In addition to the requirements of this section and all other applicable provisions of this Chapter, Data Centers meeting the applicability thresholds established herein shall comply with the following standards.

(1) Applicability, Definitions and Classification.

(a) Data Center. For purposes of this Chapter, a Data Center means a building, facility, portion of a building, or group of buildings whose principal use is the housing and operation of computer servers, data-storage systems, networking equipment, artificial-intelligence computing systems, or other electronic equipment used principally for the processing, storage, management, transmission, or exchange of digital data. Telecommunications equipment that is incidental to another principal telecommunications use shall not constitute a Data Center solely by reason of such equipment.

(b) Accessory Data Facility. A data-processing, server, telecommunications, or similar facility that is incidental and subordinate to another principal use and has a Maximum Electrical Demand of less than one (1) megawatt (MW) shall be considered an Accessory Data Facility and shall not constitute a Data Center subject to this subsection.

An accessory facility having a Maximum Electrical Demand of one (1) MW or greater shall be classified according to its Maximum Electrical Demand under paragraphs (d) or (e), notwithstanding its relationship to another principal use.

(c) Limited Data Center. A stand-alone Data Center having a Maximum Electrical Demand of less than one (1) MW shall constitute a Limited Data Center. A Limited Data Center shall be subject to otherwise applicable zoning, Site Plan Review, performance standards, building, fire, noise, lighting, and other requirements of this Chapter, but shall not require Conditional Use approval under this subsection solely by reason of being a Data Center.

(d) Small Data Center. A Data Center having a Maximum Electrical Demand of at least one (1) MW but less than ten (10) MW shall constitute a Small Data Center. A Small Data Center shall be subject to otherwise applicable zoning, Site Plan Review, performance standards, building, fire, noise, lighting, and other requirements of this Chapter but shall not require Conditional Use approval under this subsection solely by reason of being a Data Center.

(e) Major Data Center. A Data Center having a Maximum Electrical Demand of ten (10) MW or greater, individually or cumulatively as part of a Data Center Campus, shall constitute a Major Data Center and shall be permitted only as a Conditional Use in a zoning district where such use is expressly authorized.

(f) Data Center Campus. A Data Center Campus means two or more Data Center buildings, facilities, development phases, or related parcels that have a geographic and operational relationship through coordinated development, integrated operations, shared electrical or other material infrastructure, common site access, or other functional integration demonstrating that the facilities comprise a single development or operating complex. Common ownership or service by the same utility, standing alone, shall not establish a Data Center Campus.

(g) Maximum Electrical Demand. Maximum Electrical Demand means the maximum aggregate electrical demand, expressed in megawatts (MW), approved for the Data Center or Data Center Campus at full buildout. It shall include the electrical demand associated with servers and other information-technology equipment together with cooling systems, pumps, fans, lighting, mechanical systems, electrical losses, and other facility loads necessary for operation.

Maximum Electrical Demand shall represent total facility electrical demand without regard to whether electricity is supplied from the electric grid, on-site generation, or another source. Emergency or standby generation that does not operate concurrently with the normal electrical supply except during testing, maintenance, emergency conditions, or transition between sources need not be counted as additional simultaneous demand.

(h) The applicant shall submit a load schedule prepared or certified by a qualified electrical professional identifying the Maximum Electrical Demand at initial operation and full buildout and the principal assumptions used in its calculation. Utility service requests, interconnection applications, electrical plans, equipment specifications, engineering studies, utility-capacity studies, and other reliable documentation may be used to substantiate the calculation.

The Planning Director shall make the initial determination of classification for application and review purposes. A disputed classification or a classification material to a Conditional Use application may be determined by the Planning Board as part of its review.

(i) Multiple buildings, phases, parcels, or facilities constituting a Data Center Campus shall be considered cumulatively when determining Maximum Electrical Demand and the applicable classification. Qualifying facilities shall be aggregated based upon their geographic and operational relationship without requiring proof that a particular project structure was created for the purpose of avoiding classification.

Where a Campus contains multiple owners, operators, or tenants, the application shall identify the person or entity responsible for maintaining Campus-wide records necessary to demonstrate compliance with the approved aggregate Maximum Electrical Demand and other Campus-wide conditions.

(2) Mandatory Pre-Application Scoping Review.

(a) Prior to submission of a formal application for Conditional Use approval, an applicant proposing a Major Data Center shall complete a formal pre-application scoping review with the Planning Board.

(b) The applicant shall provide sufficient conceptual information for the Planning Board and reviewing City departments to understand, to the extent then known:

- [1] Maximum Electrical Demand at initial operation and full buildout;
- [2] Proposed development phases;
- [3] Utility service and electrical-interconnection requirements;
- [4] Proposed substations, transmission facilities, transformers, switchyards, and other electrical infrastructure;
- [5] On-site and emergency electrical generation;
- [6] Battery-energy-storage systems;
- [7] Cooling technology and anticipated heat rejection;
- [8] Peak and annual water requirements;
- [9] Wastewater generation and characteristics;
- [10] Stormwater management;
- [11] Principal noise sources and proposed mitigation;
- [12] Building massing and mechanical-equipment locations;
- [13] Transportation and construction impacts;
- [14] Emergency-response and fire-protection requirements;
- [15] Exterior and construction lighting;
- [16] Buffers, screening, and surrounding land uses;
- [17] Applicable Federal, State, utility, and other regulatory approvals;
- [18] Monitoring and reporting requirements; and
- [19] Closure and decommissioning considerations.

(c) The purpose of scoping review is to identify applicable regulatory jurisdictions, required application materials, utility and infrastructure requirements, potential local land-use impacts, matters requiring specialized technical review, and any material issue for which an applicable Federal, State, utility, or local regulatory standard has not been identified.

(d) At the conclusion of scoping review, the Planning Board shall identify the supplemental studies, plans, professional analyses, independent reviews, and other materials reasonably necessary for formal review under this subsection.

(e) Scoping review is informational and procedural and shall not constitute preliminary project approval, approval of any particular design or technology, a determination that applicable Conditional Use standards have been satisfied, or a binding determination upon the Planning Board concerning the merits of a subsequent application.

(f) Completion of scoping review occurs when the Planning Board determines that the project has been sufficiently described to identify the materials reasonably necessary for formal application review. Completion shall not require resolution of the substantive merits of the proposal.

(g) Formal review periods applicable to a Conditional Use application shall commence as otherwise provided by this Chapter and shall not commence solely by reason of participation in the scoping review.

(3) Supplemental Application Requirements.

In addition to all materials otherwise required for Conditional Use and Major Site Plan Review, an application for a Major Data Center shall include, to the extent applicable:

(a) A detailed project description identifying the proposed use, computing operations, buildings, equipment, operating characteristics, hours of operation, Maximum Electrical Demand, anticipated development phases, and full-buildout conditions;

(b) The certified electrical load schedule required by Subsection (1);

(c) An electrical-infrastructure plan identifying projected electrical demand, utility connections, substations, transmission or distribution improvements, transformers, switchgear, on-site generation, emergency generators, battery-energy-storage systems, and other major electrical infrastructure, including ownership or control of such infrastructure where relevant to proposed mitigation or compliance;

(d) Copies or summaries, as appropriate, of applicable utility studies, interconnection studies, system-impact studies, capacity determinations, ISO New England studies or determinations, Maine Public Utilities Commission approvals or proceedings, and other utility or regulatory documentation relevant to the proposed electrical demand;

(e) A regulatory-approval schedule identifying applicable Federal, State, utility, regional, and other approvals; the responsible reviewing entity; current status; anticipated project milestone for issuance or satisfaction; and documentation proposed to demonstrate compliance;

(f) A cooling-system description identifying proposed cooling technology, equipment, anticipated heat rejection, water requirements, wastewater generation, and principal operating characteristics;

(g) A water-demand analysis identifying peak-day, average-day, and annual water requirements, consumptive use, process and potable-water requirements, conservation measures, reuse opportunities, alternative water sources, and required infrastructure improvements;

(h) A wastewater analysis identifying anticipated average and peak flows, temperatures, chemical characteristics, pretreatment requirements, and required infrastructure improvements;

(i) Applicable stormwater, erosion-control, spill-prevention, fuel-storage, chemical-storage, and environmental-resource information;

(j) A professional acoustic analysis meeting Subsection (9);

(k) A Heat Rejection and Thermal Impact Analysis meeting Subsection (10);

(l) A transportation and construction-management plan addressing construction duration, workforce traffic, truck traffic, oversized equipment deliveries, construction access, staging, construction hours, and anticipated impacts upon public roads;

(m) A facility-specific fire, life-safety, emergency-response, and hazard-management plan developed in coordination with Sanford Fire/EMS and other appropriate public-safety officials;

- (n) A site-compatibility plan identifying building massing, mechanical and electrical equipment, substations, generators, cooling equipment, lighting, security features, landscaping, screening, setbacks, and buffers;
- (o) A construction and permanent exterior-lighting plan;
- (p) A preliminary closure and decommissioning plan;
- (q) A phasing plan identifying infrastructure requirements, electrical demand, water and wastewater requirements, emergency-response requirements, applicable regulatory milestones, and anticipated construction and occupancy schedule for each phase; and
- (r) Such other information reasonably necessary for the Planning Board to make the findings required by this Article and identified through the scoping review.

Where an applicant determines that an identified supplemental requirement is not applicable, the application shall briefly state the basis for that determination. The Planning Director may determine application completeness in accordance with otherwise applicable provisions of this Chapter.

(4) Federal, State, Utility and Other Regulatory Approvals.

- (a) A Major Data Center shall obtain and maintain all Federal, State, utility, and other licenses, permits, approvals, authorizations, and interconnection agreements applicable to its construction and operation.
 - (b) Applicable Federal, State, utility, and regional regulatory programs shall constitute the primary technical regulatory framework for matters within their jurisdiction, including electric-grid capacity and reliability; utility interconnection; transmission and distribution improvements; electrical-system protection and power quality; air emissions from emergency or on-site generation; water supply and withdrawal; wastewater discharge and pretreatment; stormwater; wetlands and protected natural resources; fuel and chemical storage; environmental monitoring; and other regulated environmental or utility impacts.
 - (c) The applicant shall identify the governmental agencies, utilities, and other regulatory entities having jurisdiction and the matters addressed through those regulatory processes.
 - (d) Final issuance of all applicable outside approvals need not precede Conditional Use or Site Plan approval where the Planning Board determines that sufficient information exists to make the findings required for local land-use approval. The Planning Board shall identify in its approval those outside authorizations that must be obtained before construction, utility connection, operation, issuance of a Certificate of Occupancy, commencement of a particular development phase, or another applicable project milestone.
 - (e) Before the applicable milestone, the applicant shall provide documentation demonstrating issuance or satisfaction of the required outside authorization. Verification that the required approval has been issued shall not require the City to independently administer or reinterpret the technical requirements of the issuing agency or utility.
 - (f) Where an outside regulatory determination requires a material change to the project as approved by the Planning Board, the change shall be reviewed under Subsection (18) before implementation.
 - (g) Compliance with applicable Federal, State, utility, and other regulatory approvals specifically applicable to the construction or operation of the facility shall remain the responsibility of the facility operator.
 - (h) Where an applicable regulatory program establishes a technical standard, system requirement, testing protocol, monitoring requirement, operating limitation, or other technical requirement within its jurisdiction, this subsection shall not require the City to reproduce or independently administer that technical requirement.
 - (i) Nothing herein shall prevent the City from applying otherwise lawful municipal standards or imposing lawful conditions addressing demonstrated local land-use impacts or regulatory gaps not adequately addressed through another applicable regulatory program.

(5) Electrical Demand, Grid Interconnection and Utility Infrastructure.

(a) The applicant shall demonstrate through documentation from the serving electric utility and other applicable regulatory entities that the proposed Maximum Electrical Demand has been evaluated through applicable utility and regulatory processes and shall identify the conditions necessary to provide electrical service to each proposed development phase.

(b) The applicant shall provide copies or summaries, as appropriate, of applicable utility-capacity studies, interconnection studies, system-impact studies, ISO New England studies or determinations, Maine Public Utilities Commission approvals or proceedings, and other documentation establishing requirements necessary to serve the proposed facility.

(c) The Planning Board shall not independently determine electric-grid capacity, regional grid reliability, utility engineering requirements, allocation of system costs, or other matters within the jurisdiction of the serving utility, ISO New England, Maine Public Utilities Commission, or another regulatory entity having jurisdiction.

(d) Required electrical-system improvements attributable to the development shall be identified as part of the application. Prior to operation of an affected phase, the applicant shall provide documentation from the applicable utility or regulatory entity demonstrating that conditions required by that entity to serve the phase have been satisfied or will be satisfied in accordance with an enforceable authorization permitting operation.

(e) To the extent permitted by law, the City may review the local land-use impacts of electrical infrastructure associated with the facility, including location and screening of substations, transformers, electrical-equipment yards, access roads, lighting, noise-producing equipment, and other associated improvements. Where infrastructure is owned or controlled by another entity, the applicant shall identify such ownership or control and demonstrate its legal ability to implement any mitigation upon which the local approval depends.

(f) Conditional Use approval shall establish an approved Maximum Electrical Demand. Ordinary operating fluctuations within that approved maximum shall not constitute an amendment. An increase in the approved Maximum Electrical Demand shall be reviewed under Subsection (18).

(6) On-Site and Emergency Power Generation.

(a) The applicant shall identify all proposed on-site electrical-generation and energy-storage equipment, including emergency generators, standby generators, prime-power generation, cogeneration, fuel cells, and battery-energy-storage systems.

(b) For generation equipment, the application shall identify generating capacity, fuel or energy source, operating purpose, anticipated operating hours, maximum anticipated simultaneous operation, testing and maintenance schedule, air-emissions permitting requirements, fuel-storage requirements, noise characteristics, and associated safety systems. The operating-purpose description shall distinguish, as applicable, emergency operation, routine testing and maintenance, temporary generation, demand-response operation, peak shaving, economic dispatch, prime-power operation, and other reasonably anticipated operating modes.

(c) Battery-energy-storage systems shall be separately identified by power capacity, stored-energy capacity, battery chemistry where known, location, safety systems, and intended operating function.

(d) All on-site generation shall obtain and maintain applicable Federal and State air-emissions permits and other regulatory approvals.

(e) The City may establish conditions addressing demonstrated local land-use impacts of generation equipment, including equipment location, noise, vibration, screening, lighting, fuel storage, emergency access, fire protection, and hours of routine testing.

(f) Routine testing of emergency generators shall occur during hours approved by the Planning Board where reasonably necessary to minimize impacts upon surrounding properties, except where testing outside those hours is required by law, permit, utility requirement, manufacturer requirement, or an actual emergency condition.

(g) A change in the approved operating purpose of generation equipment, including commencement of temporary generation, demand-response operation, peak shaving, economic dispatch, prime-

power operation, or another materially different operating mode not evaluated in the approval, shall be reviewed under Subsection (18).

(7) Water Supply, Consumption and Cooling Systems.

(a) The applicant shall demonstrate that water supply adequate for the proposed operating conditions is available without creating an unreasonable adverse impact upon the applicable water-supply system or lawful existing water uses.

(b) The water-demand analysis shall identify average-day, peak-day, and annual water demand at initial operation and full buildout and shall distinguish among potable, process, cooling, irrigation, fire-protection, and other material uses.

(c) The applicant shall identify the proposed cooling technology and quantify anticipated consumptive water use, evaporative loss, blowdown, wastewater generation, and other significant water flows associated with the cooling system under the operating conditions used for facility design.

(d) Where public water service is proposed, the applicant shall obtain written capacity or service-availability documentation from the applicable water utility addressing the proposed operating demand and any improvements or operating conditions required for service. Where a private water source is proposed, the applicant shall provide the hydrogeologic, permitting, capacity, or other information otherwise required by applicable City, State, or Federal law sufficient to demonstrate the availability and lawfulness of the proposed supply.

(e) Project-driven water-system improvements determined necessary by the applicable utility or through Site Plan Review shall be completed as required before operation of the affected phase, except as otherwise established by agreement or enforceable authorization from the entity having jurisdiction.

(f) Water conservation, reuse, reclaimed-water use, closed-loop cooling, dry cooling, hybrid cooling, or other conservation technologies may be considered in determining the adequacy and compatibility of the proposed facility.

(g) This subsection shall not require a particular cooling technology where the applicant demonstrates that the proposed system satisfies applicable utility requirements and the performance standards governing the project.

(h) Where water availability is subject to material seasonal, drought, or other supply limitations identified by the applicable water supplier or regulatory authority, the application shall identify applicable operating procedures or restrictions.

(i) Material changes in cooling technology, approved water demand, source of supply, or other water-use characteristics material to the Planning Board's findings shall be reviewed under Subsection (18).

(8) Wastewater, Stormwater and Environmental Resources.

(a) The applicant shall demonstrate adequate wastewater capacity for the proposed operating conditions and shall identify anticipated average and peak wastewater volume, temperature, chemical characteristics, and pretreatment requirements.

(b) Industrial wastewater shall comply with all applicable Sewerage District, City, State, and Federal pretreatment, discharge, and permitting requirements.

(c) Where connection to a public wastewater system is proposed, the applicant shall provide applicable written capacity or service documentation from the receiving Sewerage District or utility. Where pretreatment or other improvements are necessary to accept wastewater from the facility, the applicant shall demonstrate that such improvements or requirements will be satisfied prior to discharge.

(d) Stormwater management shall comply with applicable City and Maine Department of Environmental Protection requirements.

(e) The applicant shall obtain all applicable Federal, State, and local approvals relating to wetlands, significant wildlife habitat, water resources, stormwater, erosion control, and other protected natural resources.

(f) Fuel, coolant, treatment chemicals, batteries, and other materials having the potential to contaminate soil, groundwater, surface water, or stormwater shall be stored and managed in accordance with applicable regulations and approved spill-prevention and containment measures.

(g) A significant spill, release, fire, or environmental event that materially affects local emergency response, surrounding property, or compliance with the Conditional Use approval shall be reported promptly to the appropriate City emergency-response authority. Where such an event is reportable to another governmental agency, documentation of the report shall be provided to the City upon request where materially relevant to the Conditional Use approval.

(h) A material change in wastewater volume, temperature, chemistry, treatment process, discharge method, or other wastewater characteristic material to the approval shall be reviewed under Subsection (18).

(9) Noise, Tonal and Low-Frequency Sound.

(a) A Major Data Center shall comply with all applicable City and State noise standards and shall be designed, constructed, and operated to prevent unreasonable adverse noise impacts upon surrounding properties and sensitive receptors. For purposes of this subsection, a sensitive receptor means an existing residence, residential district, school, licensed health-care or residential-care facility, or other land use for which quiet use and enjoyment is a material characteristic of the use.

(b) The applicant shall submit an acoustic analysis prepared by a qualified acoustical professional or professional engineer with demonstrated experience evaluating industrial or Data Center sound.

(c) The acoustic analysis shall evaluate, as applicable: existing ambient sound conditions; cooling towers, chillers, condensers, dry coolers, fans, pumps, compressors, and ventilation systems; transformers, substations, switchgear, and electrical equipment; emergency and on-site generators; building openings, louvers, and mechanical exhaust; simultaneous operation of multiple equipment sources; daytime and nighttime operating conditions; continuous sound; tonal sound; low-frequency sound; sensitive receptors and adjoining land uses; predicted sound conditions at property lines and sensitive receptors; and proposed mitigation measures.

(d) The analysis shall identify the applicable City and State noise standards, measurement locations, measurement or modeling methodology, operating assumptions, and other criteria used to demonstrate compliance.

(e) The applicant shall provide an engineered noise-mitigation plan demonstrating how the facility will comply with applicable noise standards and any additional measurable noise-related conditions established through the Conditional Use approval.

(f) The applicant shall be responsible for determining the engineering means and methods necessary to achieve compliance. Mitigation may include equipment selection, equipment placement, setbacks, enclosures, acoustic walls, silencers, berms, building orientation, operational controls, or other engineered measures.

(g) The Planning Board may require applicant-funded independent review of the acoustic analysis where warranted by facility scale, proximity to sensitive receptors, unusual sound characteristics, or technical complexity.

(h) Where warranted by facility scale, predicted sound levels, proximity to sensitive receptors, or the need to verify an engineered mitigation plan, the Planning Board may require post-construction acoustic testing as an express condition of approval. Any required testing condition shall identify the applicable standard, required operating condition or representative operating scenario, general measurement locations or methodology, timing of testing, and reporting requirement sufficient to permit objective verification.

(i) Where required testing demonstrates noncompliance with an applicable approval standard or condition, the operator shall implement corrective mitigation and complete retesting within the period established by the approval or applicable enforcement process.

(j) Nothing in this subsection creates an independent numerical standard for tonal or low-frequency sound where no such applicable City or State standard has been adopted. Tonal and low-frequency

characteristics shall nevertheless be evaluated as part of the required acoustic analysis and may inform lawful mitigation necessary to demonstrate compliance with applicable standards and Conditional Use findings.

(10) Heat Rejection and Thermal Impacts.

(a) Cooling, ventilation, electrical, and mechanical systems shall be designed, located, and operated so that heat rejection does not create an unreasonable adverse land-use impact upon adjoining properties, public spaces, or sensitive receptors.

(b) The applicant shall submit a Heat Rejection and Thermal Impact Analysis prepared by a qualified professional identifying principal sources of heat rejection; maximum anticipated heat rejection under design operating conditions; equipment locations and discharge characteristics; predicted off-site thermal effects; potential impacts upon adjoining properties and sensitive receptors; and proposed design or operational measures intended to mitigate identified impacts.

(c) The analysis shall separately identify, where applicable, material effects associated with atmospheric heat discharge, visible or moisture plumes, and wastewater-temperature discharge.

(d) Wastewater-temperature effects regulated by a Sewerage District or Federal or State permit shall comply with the applicable requirements of that regulatory authority and need not be independently regulated under this subsection except to the extent necessary to evaluate a distinct local land-use impact.

(e) In determining whether an unreasonable adverse local land-use impact has been demonstrated, the Planning Board shall consider the magnitude, geographic extent, duration and frequency of the predicted off-site effect; existing land uses and sensitive receptors; background conditions; applicable technical or regulatory standards; and proposed mitigation.

(f) The Planning Board may require independent technical review where warranted by facility scale, cooling technology, proximity to sensitive receptors, or predicted off-site effects.

(g) The applicant shall be responsible for determining the engineering means and methods necessary to satisfy this subsection.

(h) Nothing in this subsection establishes a numerical ambient-temperature standard in the absence of an otherwise applicable adopted standard.

(i) Material changes to cooling systems or other equipment that materially increase or alter heat rejection shall be reviewed under Subsection (18).

(11) Transportation and Construction Management.

(a) The applicant shall submit a transportation and construction-management plan addressing impacts associated with construction and operation of the facility.

(b) The plan shall identify, as applicable: anticipated construction duration and phases; construction workforce traffic; truck volumes; oversized or overweight equipment deliveries; proposed truck and construction routes; site access and staging; road or intersection improvements; construction hours; and measures to protect adjoining properties and the public transportation system.

(c) Construction and truck traffic shall utilize State highways, major arterials, designated truck routes, and other appropriate major transportation facilities to the greatest extent reasonably practicable.

(d) Local residential streets and other sensitive local routes shall be avoided where a reasonable alternative exists.

(e) Project-driven road, access, intersection, or traffic improvements determined necessary through applicable review shall be the responsibility of the applicant except as otherwise established by agreement.

(f) The transportation and construction-management plan, as approved or expressly conditioned by the Planning Board, shall constitute an enforceable component of the approval. The owner or operator shall be responsible for reasonable measures necessary to obtain contractor compliance with approved construction routes, staging areas, hours, and other applicable plan requirements.

(12) Fire, Life Safety and Emergency Response.

(a) The applicant shall develop and maintain a facility-specific fire, life-safety, emergency-response, and hazard-management plan in coordination with Sanford Fire/EMS and other appropriate City departments and in accordance with applicable adopted fire, building, electrical, and life-safety codes.

(b) The plan shall identify, as applicable: battery-energy-storage and uninterruptible-power-supply systems, including chemistry and stored-energy capacity; generators and fuel storage; transformers and electrical equipment; cooling systems and coolants; hazardous or combustible materials; fire-suppression systems; emergency shutdown and isolation of multiple electrical or other energy sources; emergency-responder access; utility-control locations; facility contacts; emergency and fire-protection water-supply requirements; and other facility-specific hazards relevant to emergency response.

(c) The facility shall provide adequate emergency access, fire lanes, water supply, fire-protection systems, emergency shutdown capabilities, and secure emergency building access as required through applicable Fire Code and Fire/EMS review.

(d) Prior to issuance of a Certificate of Occupancy or operation of each applicable phase, the applicant shall provide documentation reasonably required by the Code Enforcement Officer demonstrating completion of applicable Fire/EMS and code requirements for that phase.

(e) The operator shall maintain current emergency contact information and participate in facility walkthroughs, emergency planning, training, or exercises reasonably determined necessary by Fire/EMS based upon facility-specific hazards.

(f) Planned material changes in equipment, electrical systems, battery systems, fuels, cooling technology, building configuration, or other conditions materially affecting emergency response shall be provided to Fire/EMS before implementation and shall also be subject to Subsection (18) where applicable. Actual emergency events shall be reported in accordance with applicable emergency-reporting requirements.

(g) An applicant claiming that particular security or infrastructure information is protected from public disclosure shall separately identify the information and claimed legal basis for protection. Where practicable, the applicant shall provide a public version sufficient to describe material project impacts and support required Planning Board findings. Nothing herein shall independently determine whether a record is confidential or exempt from disclosure. Records shall be maintained and disclosed in accordance with applicable law while remaining available to authorized City personnel and consultants to the extent permitted or required by law.

(13) Building, Equipment and Site Compatibility.

(a) Buildings and site improvements shall comply with otherwise applicable dimensional, architectural, Site Plan, and performance standards of this Chapter.

(b) Facility design shall address the scale and massing of buildings in relation to surrounding development, public ways, topography, vegetation, and adjoining land uses.

(c) Mechanical yards, cooling equipment, generators, transformers, substations, utility equipment, loading areas, and other significant operational components shall be located and designed to minimize unreasonable visual, noise, lighting, and other off-site impacts and to comply with applicable performance standards.

(d) Rooftop and ground-mounted mechanical and electrical equipment shall be screened from public ways and adjoining non-industrial properties where reasonably practicable. Where full screening is demonstrated to be impracticable because of operational, safety, utility, ventilation, security, or other material engineering requirements, the applicant shall identify the limitation and provide reasonable alternative mitigation where necessary to address the resulting off-site impact.

(e) The Planning Board may require building orientation, architectural treatment, landscaping, screening, berms, equipment relocation, or other site-design measures where supported by the record and reasonably necessary to satisfy an applicable standard or mitigate a demonstrated local land-use impact identified through Conditional Use review.

(f) Nothing in this subsection establishes a separate maximum building size or height beyond otherwise applicable zoning requirements. Any Data Center-specific building-size or height limitation shall be established expressly elsewhere in this Chapter.

(14) Buffers, Setbacks and Screening.

(a) A Major Data Center shall comply with all otherwise applicable setbacks, landscaping, screening, and buffering requirements.

(b) In addition, the Planning Board may require enhanced setbacks, buffers, berms, landscaping, walls, acoustic barriers, equipment separation, or combinations thereof where supported by the record and reasonably necessary to satisfy an applicable performance standard or mitigate a demonstrated local land-use impact upon adjoining properties or sensitive receptors.

(c) The extent and design of additional buffering or separation shall consider adjacent zoning and existing land uses; residential properties and other sensitive receptors; building scale and orientation; mechanical and cooling-equipment locations; generator and electrical-equipment locations; predicted noise, including identified tonal or low-frequency characteristics; visual impacts; lighting; topography; existing vegetation; and engineered mitigation incorporated into the project.

(d) The applicant shall demonstrate through appropriate professional engineering, acoustic, landscape, or site-design analysis that the proposed combination of setbacks, equipment placement, screening, buffering, and engineered controls will achieve compliance with applicable standards.

(e) The applicant shall be responsible for selecting the means and methods of compliance. The Planning Board may require additional or alternative mitigation where the evidence demonstrates that proposed measures are insufficient to satisfy an applicable standard or required Conditional Use finding.

(f) Existing natural buffers and vegetation shall be preserved where reasonably practicable and compatible with safety, utility, security, environmental, and site-development requirements.

(15) Exterior and Construction Lighting.

(a) Permanent exterior lighting shall comply with applicable City lighting standards and shall be designed to minimize glare, light trespass, and unnecessary illumination of adjoining properties.

(b) Major electrical, mechanical, parking, circulation, and routine security areas shall use shielded and directed lighting consistent with applicable City standards. A deviation necessary for a specific life-safety, emergency-response, or legally required security purpose shall be limited to the extent reasonably necessary for that purpose and shall not relieve the applicant from providing feasible shielding, orientation, controls, or other mitigation.

(c) An applicant anticipating nighttime construction shall submit a temporary Construction Lighting Plan identifying areas requiring nighttime illumination; types and locations of temporary lighting; anticipated duration and hours of nighttime construction; adjacent residential properties and other sensitive receptors; and shielding, orientation, dimming, scheduling, or other measures proposed to minimize off-site impacts.

(d) Temporary construction lighting shall be directed and shielded to the greatest extent reasonably practicable to minimize glare and illumination upon adjoining properties and public ways.

(e) The Planning Board may establish reasonable conditions concerning location, intensity, orientation, and hours of temporary construction lighting where necessary to satisfy applicable City standards or prevent a demonstrated unreasonable impact upon surrounding properties.

(f) The approved Construction Lighting Plan and applicable lighting conditions shall constitute enforceable components of the approval, and the owner or operator shall be responsible for reasonable measures necessary to obtain contractor compliance.

(g) Temporary emergency lighting required in response to an actual emergency shall not be prohibited by this subsection.

(16) Monitoring, Reporting and Independent Verification.

(a) Federal, State, utility, and other regulatory monitoring and reporting shall constitute the primary technical compliance monitoring for matters adequately addressed through those programs.

(b) The operator of a Major Data Center shall maintain records reasonably sufficient to demonstrate compliance with measurable operating limitations and reporting requirements expressly established by the Conditional Use approval.

(c) The operator shall provide the Planning Director and Code Enforcement Officer with copies or summaries, as appropriate to the information involved, of final permits and material permit modifications affecting the approved project; material changes to utility or interconnection approvals; a proposed increase in approved Maximum Electrical Demand; required environmental compliance reports expressly incorporated into or material to a local approval condition; notices of violation, administrative orders, or other formal enforcement actions materially related to the Conditional Use; corrective-action plans materially related to the Conditional Use; significant spills, fires, releases, or emergency events materially affecting local emergency response or compliance with the Conditional Use; and other information expressly required by the Conditional Use approval. Unless another period is established by an applicable approval condition or emergency-reporting requirement, documentation of non-emergency matters shall be provided within thirty (30) days after receipt or issuance where materially relevant to the Conditional Use.

(d) A Major Data Center shall submit an Annual Conditional Use Compliance Report to the Planning Director and Code Enforcement Officer summarizing status of applicable permits and approvals identified as material to the Conditional Use; approved Maximum Electrical Demand and whether any increase to that approved maximum is proposed; water consumption where material to the approval; material environmental monitoring or compliance matters relevant to local conditions; notices of violation or enforcement actions materially related to the Conditional Use and their disposition; corrective actions; significant emergency or environmental incidents; material operational or process changes; and certification by the owner, operator, or authorized representative that the facility remains in compliance with its Conditional Use approval except for specifically disclosed matters.

(e) Where actual electrical demand is relevant to an express condition of approval, the Planning Board may require reasonable metering records or utility-demand information sufficient to verify compliance with that condition. Actual operating fluctuations within the approved Maximum Electrical Demand shall not constitute a violation solely because they differ from projected average demand.

(f) Applicant- or operator-funded independent technical review, testing, monitoring, or verification may be required as an express condition of approval where reasonably necessary to verify compliance with a measurable approval standard or mitigation measure. Following approval, independent verification may be required pursuant to an applicable approval condition or lawful enforcement process where objective evidence provides a reasonable basis to determine that specialized technical evaluation is necessary to establish compliance with an existing standard or condition.

(g) Independent review shall be limited to the identified issue and shall not unnecessarily duplicate technical review already performed by an agency, utility, or other regulatory entity having jurisdiction.

(h) Nothing in this subsection authorizes the Planning Board or another City official to establish a new substantive approval standard after final approval solely through monitoring, reporting, independent review, or a complaint. Enforcement shall be directed to standards and conditions lawfully applicable to the facility.

(17) Decommissioning and Financial Assurance.

(a) The applicant shall submit a preliminary closure and decommissioning plan addressing cessation of Data Center operations and safe stabilization of the property. A final plan consistent with the Conditional Use approval shall be submitted prior to issuance of the first Certificate of Occupancy unless another milestone is established by the Planning Board.

(b) The plan shall identify, as applicable: batteries and uninterruptible-power-supply systems; generators and stored fuels; coolants and treatment chemicals; transformers and electrical equipment; specialized mechanical equipment; hazardous or regulated materials; utility disconnection or stabilization; removal, reuse, recycling, or lawful disposal of materials and equipment;

environmental stabilization; site security; responsibility of the property owner and facility operator; and reasonably foreseeable measures necessary to leave the property in a safe and stable condition.

(c) The decommissioning plan shall address permanent cessation of the entire facility, permanent cessation of a material phase or portion of a Campus, and abandonment of incomplete construction where specialized equipment, hazardous or regulated materials, or unstable site conditions remain. Temporary shutdowns, maintenance outages, utility interruptions, or other temporary cessation undertaken with a demonstrated intent and reasonable ability to resume lawful operations shall not by themselves constitute permanent cessation.

(d) Decommissioning shall not require restoration of the property to its original undeveloped condition or demolition of buildings suitable for lawful reuse unless reasonably necessary to address a demonstrated public health, safety, environmental, or site-stabilization concern.

(e) Where the Planning Board determines that permanent cessation or abandonment could leave specialized equipment, hazardous or regulated materials, environmental conditions, or other closure obligations presenting a material financial risk to the City or surrounding properties, financial assurance shall be required as a condition of approval.

(f) Financial assurance may include a bond, irrevocable letter of credit, escrow, or other legally acceptable security and shall be limited to the reasonable estimated cost of closure, removal, stabilization, and restoration activities identified as necessary through the approval.

(g) The amount shall be supported by an applicant-provided cost estimate subject to City review or independent professional review at the applicant's expense where warranted. The financial-assurance instrument shall, as applicable, identify the City as beneficiary or otherwise provide the City legally enforceable access to funds for the municipal interests being secured; provide reasonable notice before cancellation or nonrenewal; require timely replacement of expiring or cancelled security; establish conditions for lawful draw; and provide for release when the secured obligations have been satisfactorily completed.

(h) Security required by another governmental agency, utility, development agreement, or other enforceable mechanism shall be credited against the City's required financial assurance to the extent that the existing instrument legally and practically secures the same closure obligations and municipal interests. Security benefiting another entity shall not be considered duplicative merely because it concerns the same facility.

(i) The Planning Board may require periodic review and adjustment of the decommissioning plan, cost estimate, and financial assurance at intervals established as part of the original approval to account for changes in facility conditions, equipment, closure requirements, inflation, or estimated costs. Such adjustment shall implement the financial-assurance requirement established by the approval and shall not constitute creation of a new substantive land-use standard.

(j) Closure and decommissioning obligations shall remain the responsibility of the property owner and facility operator as established through the approval and applicable law and shall not be avoided solely by termination of a lease or change in facility operator.

(18) Material Changes, Expansion and Phased Development.

(a) Conditional Use approval shall apply to the facility, approved Maximum Electrical Demand, development phases, buildings, equipment, utility infrastructure, cooling systems, generation systems, mitigation measures, plans, and other material representations upon which the Planning Board's findings and approval were based.

(b) Ordinary maintenance, equipment replacement with substantially equivalent equipment, operating fluctuations within approved limits, and other changes that do not materially alter an approved characteristic or applicable finding may be administratively determined to remain within the scope of the existing approval.

(c) Prior to implementing a proposed change that may materially affect an approved characteristic or finding, the facility operator shall submit sufficient information to the Planning Director to determine the applicable review procedure. Potential material changes include changes in approved Maximum

Electrical Demand; number or size of Data Center buildings; development phases or full-buildout configuration; cooling technology; approved water demand or source; wastewater generation, temperature, chemistry, treatment, or discharge characteristics; on-site or emergency-generation purpose or capacity; battery-energy-storage systems; substations, transformers, or other major electrical infrastructure; noise-producing equipment or approved noise mitigation; heat rejection; building or major equipment location; traffic or construction conditions; environmental controls; emergency-response conditions; or other operational characteristics material to findings upon which Conditional Use approval was based.

(d) The Planning Director shall issue a written determination whether the proposed change remains within the scope of the existing approval and may proceed administratively; requires review or amendment under an applicable Site Plan or other provision of this Chapter; or constitutes an expansion in area or function requiring a new Conditional Use approval under § 280-13-8 or another applicable provision. The determination shall be subject to otherwise applicable appeal provisions of this Chapter.

(e) A change determined to require additional approval shall not be implemented until the required approval has been obtained. Multiple incremental changes may be considered cumulatively when determining whether the approved project has been materially changed.

(f) An increase in the approved Maximum Electrical Demand shall be reviewed before implementation. Ordinary electrical-demand fluctuations within the approved Maximum Electrical Demand shall not constitute a material change.

(g) A Limited or Small Data Center proposing an expansion that would result in a Maximum Electrical Demand of ten (10) MW or greater, individually or cumulatively as part of a Data Center Campus, shall obtain Conditional Use approval as a Major Data Center before such expansion.

(h) Each development phase shall demonstrate, prior to operation, that utility service, infrastructure improvements, emergency-response provisions, and Federal, State, utility, and other approvals identified by the Planning Board as prerequisites to that phase are in place or otherwise satisfied.

(i) Approval of a phased Data Center Campus shall identify the phases included within the approval and shall remain subject to otherwise applicable commencement, completion, expiration, extension, and abandonment provisions of this Chapter. Commencement or occupancy of one phase shall not automatically extend an otherwise applicable deadline for a separate future phase unless expressly provided in the approval or authorized under an applicable extension provision.

(j) Multiple buildings, phases, parcels, utility services, ownership entities, or other components meeting the definition of a Data Center Campus shall be considered cumulatively in determining Maximum Electrical Demand and classification, regardless of the organizational structure used for development or operation.

(k) Nothing in this subsection authorizes reopening or modification of a final Conditional Use approval solely because circumstances, community concerns, or subsequently preferred standards have changed. Existing approval standards and conditions may be enforced in accordance with this Chapter. Any amendment or modification of an approval shall occur only pursuant to authority and procedures otherwise provided by this Chapter and applicable law.

CITY OF SANFORD
INDUSTRIAL DEVELOPMENT STANDARDS TASK FORCE
Meeting #5 Working Document
Data Centers
Outstanding Policy Matters — Draft 2 Review

Purpose. This worksheet is intended to capture Task Force discussion and final policy direction on the limited matters remaining for resolution in Draft 2 of the proposed Data Center Conditional Use Standards. The completed worksheet will serve as the working record for preparation of the final ordinance draft.

Meeting Method. For each issue, review the current Draft 2 approach, discuss the policy question and key considerations, record member comments, and conclude with a clear Task Force direction. The final field should translate that direction into an ordinance drafting instruction, including “No change to Draft 2” where appropriate.

Outstanding Policy Matters

1. Zoning districts and companion use-table amendments
2. Low-frequency, tonal and infrasound noise
3. Heat rejection and thermal impacts
4. Water use and cooling technology
5. Financial assurance and decommissioning
6. Building scale, buffers and site compatibility
7. Community benefits and whether they belong within the Conditional Use ordinance or a separate municipal process

1. Zoning Districts and Companion Use-Table Amendments

Draft 2 — Current Approach

Draft 2 establishes the substantive Conditional Use standards and classification framework for Data Centers, including Limited, Small, and Major Data Centers. A Major Data Center of 10 MW or greater, individually or cumulatively as part of a Data Center Campus, may be permitted only as a Conditional Use in a zoning district where the use is expressly authorized. Companion Chapter 280 use-table amendments are therefore required to identify where each classification is permitted, prohibited, or conditionally permitted.

Policy Question for the Task Force

Identify the zoning district or districts in which each Data Center classification should be eligible and confirm the companion Chapter 280 use-table amendments necessary to implement the Draft 2 framework.

Key Considerations

- Conditional Use eligibility does not guarantee approval; a Major Data Center must still satisfy the complete Conditional Use and Site Plan standards.
- District selection may consider existing industrial character, surrounding land uses, utility infrastructure, transportation access, building scale, and compatibility.
- The final ordinance package should align the substantive Data Center standards with all applicable Chapter 280 use tables and cross-references.

Task Force Discussion / Comments

Final Task Force Direction

Drafting Instruction for Final Ordinance

☐ No change to Draft 2 ☐ Amend Draft 2 ☐ Additional legal/technical confirmation required

Drafting instruction / follow-up:

2. Low-Frequency, Tonal and Infrasound Noise

Draft 2 — Current Approach

Draft 2 requires a professional acoustic analysis addressing conventional sound, continuous sound, tonal characteristics, low-frequency sound, simultaneous equipment operation, sensitive receptors, mitigation, and representative operating conditions. It provides for independent review and post-construction verification where warranted. Draft 2 does not create a new numerical tonal, low-frequency, or infrasound standard where Sanford or the State has not otherwise adopted one.

Policy Question for the Task Force

Determine whether the Draft 2 study, mitigation, and verification requirements are sufficient for Data Centers or whether Sanford should undertake additional work toward a specific numerical low-frequency, tonal, or infrasound standard.

Key Considerations

- Data Center equipment may create continuous and tonal sound characteristics that warrant explicit technical evaluation even where existing numerical standards are not frequency-specific.
- Any post-construction testing condition should identify the applicable standard, operating scenario, methodology, locations, timing, and corrective process.
- A comprehensive numerical low-frequency or tonal standard could potentially apply to industrial uses more broadly rather than being created solely for Data Centers.

Task Force Discussion / Comments

Final Task Force Direction

Drafting Instruction for Final Ordinance

☐ No change to Draft 2 ☐ Amend Draft 2 ☐ Additional legal/technical confirmation required

Drafting instruction / follow-up:

3. Heat Rejection and Thermal Impacts

Draft 2 — Current Approach

Draft 2 requires a professional Heat Rejection and Thermal Impact Analysis addressing principal heat sources, maximum anticipated heat rejection, equipment locations, discharge characteristics, predicted off-site effects, sensitive receptors, and mitigation. It separately identifies atmospheric heat discharge, visible or moisture plumes, and wastewater-temperature effects. It does not establish a new numerical ambient-temperature standard where one has not otherwise been adopted.

Policy Question for the Task Force

Determine whether the performance-based standard and professional analysis in Draft 2 are sufficient or whether additional technical research should be undertaken to establish a specific numerical thermal-impact criterion.

Key Considerations

- Potential effects may differ substantially depending upon cooling technology, facility scale, equipment location, weather conditions, and surrounding land uses.
- Wastewater-temperature impacts regulated by another authority should not be unnecessarily duplicated through local zoning.
- Any additional numerical standard should have a technically supportable measurement method, location, duration, operating condition, and compliance threshold.

Task Force Discussion / Comments

Final Task Force Direction

Drafting Instruction for Final Ordinance

☐ No change to Draft 2 ☐ Amend Draft 2 ☐ Additional legal/technical confirmation required

Drafting instruction / follow-up:

4. Water Use and Cooling Technology

Draft 2 — Current Approach

Draft 2 requires disclosure and analysis of average-day, peak-day, and annual water demand; consumptive use; evaporative loss; blowdown; wastewater generation; water-source capacity; conservation measures; reuse opportunities; and cooling technology. It requires applicable utility or regulatory documentation of water availability but does not mandate dry cooling, closed-loop cooling, hybrid cooling, reclaimed water, or another specific technology.

Policy Question for the Task Force

Confirm the technology-neutral approach in Draft 2 or determine whether Sanford should establish an additional municipal water-consumption limitation or preferred/prohibited cooling technology.

Key Considerations

- Water demand can vary substantially among Data Center designs and cooling technologies.
- Utility capacity and lawful water availability should be demonstrated for the proposed operating conditions and full buildout.
- Technology-specific mandates may reduce water demand but may also create other energy, noise, heat, cost, or operational tradeoffs and may become outdated as technology changes.

Task Force Discussion / Comments

Final Task Force Direction

Drafting Instruction for Final Ordinance

☐ No change to Draft 2 ☐ Amend Draft 2 ☐ Additional legal/technical confirmation required

Drafting instruction / follow-up:

5. Financial Assurance and Decommissioning

Draft 2 — Current Approach

Draft 2 requires a decommissioning plan addressing full closure, partial Campus closure, cessation of a material phase, and abandoned construction. Financial assurance is required where the Planning Board determines that permanent cessation or abandonment could leave specialized equipment, hazardous or regulated materials, environmental conditions, or other closure obligations presenting a material financial risk to the City or surrounding properties. Draft 2 does not automatically require security for demolition of otherwise reusable buildings.

Policy Question for the Task Force

Determine whether financial assurance should remain risk-based as provided in Draft 2 or become mandatory for every Major Data Center, and confirm the scope of costs that should be secured.

Key Considerations

- Security can be limited to identifiable closure, removal, stabilization, environmental, or site-safety obligations rather than automatically funding demolition of reusable structures.
- Any required assurance should be supported by a reasonable cost estimate and include appropriate renewal, replacement, draw, adjustment, and release provisions.
- Equivalent outside security should receive credit only to the extent it protects the same municipal interests and is practically available for the secured obligation.

Task Force Discussion / Comments

Final Task Force Direction

Drafting Instruction for Final Ordinance

☐ No change to Draft 2 ☐ Amend Draft 2 ☐ Additional legal/technical confirmation required

Drafting instruction / follow-up:

6. Building Scale, Buffers and Site Compatibility

Draft 2 — Current Approach

Draft 2 applies otherwise applicable dimensional and Site Plan requirements and authorizes site-specific mitigation addressing building massing, equipment location, visual impacts, screening, setbacks, buffers, acoustic barriers, landscaping, lighting, and adjoining sensitive uses. It intentionally does not establish a separate Data Center maximum building size, maximum height, or universal enhanced setback beyond otherwise applicable zoning requirements.

Policy Question for the Task Force

Determine whether the site-specific performance approach in Draft 2 is sufficient or whether Data Centers should be subject to a fixed minimum setback, buffer, height, building-size, or other dimensional requirement beyond existing zoning standards.

Key Considerations

- Data Center configurations vary substantially in building form, equipment layout, cooling systems, electrical infrastructure, topography, and surrounding land uses.
- Fixed dimensional standards provide predictability but may not correspond directly to the actual off-site impact requiring mitigation.
- Site-specific standards allow mitigation to respond to the record but should remain tied to objective performance standards, required findings, and demonstrated impacts.

Task Force Discussion / Comments

Final Task Force Direction

Drafting Instruction for Final Ordinance

☐ No change to Draft 2 ☐ Amend Draft 2 ☐ Additional legal/technical confirmation required

Drafting instruction / follow-up:

7. Community Benefits — Conditional Use Standard or Separate Municipal Process

Draft 2 — Current Approach

Community Benefit Agreements and related community-benefit concepts were identified during the Task Force's earlier Data Center work but are not incorporated into Draft 2. Draft 2 focuses the Conditional Use ordinance on land-use impacts and standards necessary for Planning Board findings. Community benefits may involve broader economic-development, fiscal, infrastructure, workforce, or community considerations that do not necessarily correspond to a land-use impact.

Policy Question for the Task Force

Determine whether community benefits should remain outside the Conditional Use standards or whether additional legal and policy review should be undertaken to identify an appropriate municipal mechanism.

Key Considerations

- A Conditional Use condition should have a clear relationship to lawful land-use review and required Planning Board findings.
- Community benefits could potentially be addressed through a separate development agreement, economic-development process, tax-increment-financing arrangement, or another lawful municipal mechanism.
- Separating broader negotiated benefits from zoning standards may help distinguish mitigation of land-use impacts from economic or community-development negotiations.

Task Force Discussion / Comments

Final Task Force Direction

Drafting Instruction for Final Ordinance

☐ No change to Draft 2 ☐ Amend Draft 2 ☐ Additional legal/technical confirmation required

Drafting instruction / follow-up:

Memo



Number: 26-329-01
To: Industrial Development Standards Task Force
From: Lorisa Ricketts, Executive Administrator
Date: 2026-10-14
Subject: Final Conditional Use Standards — Task Force Recommendation

RECOMMENDATION

Background Information:

Following resolution of the outstanding matters:

- Confirm final revisions directed by the Task Force;
- Authorize staff to incorporate those revisions into the completed ordinance drafts;
- Confirm whether the Task Force's substantive review is complete; and
- Determine whether the completed Biosolids Thermal Processing Facility and Data Center Conditional Use Standards are ready to advance to the Planning Board.

Requested Outcome: Task Force recommendation to advance the completed ordinance package to the Planning Board for public hearing, review, and recommendation to the City Council.

Legal Review Status:

Administrative or Department Review:

Financial Impact or Review:



Memo

Number: 26-330-01
To: Industrial Development Standards Task Force
From: Lorisa Ricketts, Executive Administrator
Date: 2026-10-14
Subject: Planning Board and City Council Review Process

RECOMMENDATION

Background Information:

Next Phase

Subject to completion of the Task Force's work:

- Staff prepares final ordinance language and companion Chapter 280 amendments.
- Proposed amendments advance to the Planning Board in November.
- Planning Board conducts its required review and public hearing.
- Planning Board makes its recommendation concerning the proposed Chapter 280 amendments.
- Proposed ordinance amendments and Planning Board recommendation are forwarded to the City Council.
- City Council conducts the subsequent legislative review and takes final action on the proposed ordinance amendments.

Legal Review Status:

Administrative or Department Review:

Financial Impact or Review:

Memo



Number: 26-331-01
To: Industrial Development Standards Task Force
From: Lorisa Ricketts, Executive Administrator
Date: 2026-10-14
Subject: Closing Discussion / Task Force Completion

RECOMMENDATION

Background Information:

- Confirm any remaining staff assignments.
- Identify any matter requiring Counsel or technical confirmation before Planning Board submission.
- Confirm anticipated Planning Board schedule.
- Discuss whether an additional Task Force meeting is necessary or whether Meeting #5 completes the Task Force's substantive ordinance-development work.

Legal Review Status:

Administrative or Department Review:

Financial Impact or Review:

Memo



Number: 26-332-01
To: Industrial Development Standards Task Force
From: Lorisa Ricketts, Executive Administrator
Date: 2026-10-14
Subject: Adjournment

RECOMMENDATION

Background Information:

Meeting #5 Intended Outcome:

By the conclusion of Meeting #5, the Task Force should have provided sufficient policy direction to complete the proposed Conditional Use Standards for Biosolids Thermal Processing Facilities and Data Centers, allowing the ordinance package to move from Task Force development into the formal Planning Board and City Council ordinance-review process.

Legal Review Status:

Administrative or Department Review:

Financial Impact or Review: