

ARTICLE 17 HIGH-INTENSITY TECHNOLOGICAL INFRASTRUCTURE (HITI) ORDINANCE

17.0 PREFACE

This Article is presented in **draft form** for review and consideration by the Barren County Joint City-County Planning Commission, affected stakeholders, technical advisors, public officials, and members of the public.

The provisions contained herein are intended to facilitate discussion regarding the siting, construction, operation, expansion, modification, and decommissioning of High Intensity Technological Infrastructure (HITI) developments within Barren County.

17.0.1 ARTICLE 17 DRAFT STATUS

The draft provisions contained within this Article remain subject to review, revision, legal evaluation, technical evaluation, and public comment prior to adoption.

References throughout this Article to the County, Planning Commission, Fiscal Court, or other governmental entities are intended solely for drafting purposes during ordinance development.

Final assignment of administrative authority, enforcement authority, financial-assurance authority, agreement authority, and implementation responsibilities shall be determined prior to ordinance adoption in consultation with legal counsel and applicable governmental entities.

Authority assignments, procedural responsibilities, appendices, exhibits, submission schedules, reporting frameworks, and implementation procedures remain under development and may be modified prior to final adoption.

This draft shall not be construed as representing the final ordinance proposed for adoption. The Commission reserves the right to revise, supplement, modify, or remove any provision following review of technical comments, public input, legal review, and recommendations of the Commission.

17.1 PURPOSE, AUTHORITY, FINDINGS, AND APPLICABILITY

17.1.1 AUTHORITY

This Article is adopted pursuant to the authority granted under KRS Chapter 100, including KRS 100.203 and related statutes governing planning, zoning, land development regulation, and conditional uses.

Nothing within this Article shall diminish the authority of any federal, state, regional, or local governmental entity possessing jurisdiction over activities regulated herein.

17.1.2 PURPOSE

The purpose of this Article is to establish uniform procedures, review standards, performance standards, monitoring requirements, and operational requirements applicable to High Intensity Technological Infrastructure developments.

The provisions of this Article are intended to:

- A. Promote informed land use decision-making;
- B. Provide transparency regarding infrastructure demands and community impacts;

- C. Facilitate review of utility, transportation, environmental, public service, and community considerations;
- D. Establish objective performance standards;
- E. Promote compatibility with existing and planned land uses;
- F. Establish long-term monitoring and accountability mechanisms;
- G. Facilitate responsible infrastructure planning; and
- H. Establish requirements for facility closure, decommissioning, and post-operational restoration.

17.1.3 FINDINGS

The Commission finds that certain infrastructure-intensive developments may possess operational characteristics and resource demands that differ substantially from conventional industrial development.

The Commission further finds that such developments may require enhanced review due to potential demands upon:

- A. Electrical infrastructure;
- B. Water infrastructure and water resources;
- C. Telecommunications infrastructure;
- D. Transportation infrastructure;
- E. Public safety resources;
- F. Emergency response capabilities;
- G. Environmental resources; and
- H. Community facilities and services.
- I. Lifecycle Regulatory Approach

The Commission finds that High Intensity Technological Infrastructure developments often possess planning, engineering, environmental, utility, operational, economic, and decommissioning considerations extending throughout the lifecycle of a facility. Accordingly, the provisions of this Article are intended to evaluate and manage such considerations from initial project conception through final closure and site restoration

J. Performance-Based Regulatory Approach

The Commission finds that technologies regulated by this Article are rapidly evolving and that performance-based standards, disclosure requirements, technically supported analyses, and project-specific review mechanisms generally provide greater long-term effectiveness than rigid technology-specific requirements.

Accordingly, project-specific review through the Conditional Use Permit process is determined to provide an appropriate mechanism through which the Commission may evaluate impacts and establish reasonable conditions where warranted.

17.1.4 APPLICABILITY

This Article shall apply to any High Intensity Technological Infrastructure development proposed within Barren County.

The requirements of this Article shall apply regardless of whether a proposal consists of:

- A. New construction;
- B. Expansion of an existing facility;
- C. Redevelopment of an existing industrial facility;
- D. Adaptive reuse of an existing structure;
- E. Phased development; or
- F. A combination thereof.

17.1.4(A) APPLICABILITY THRESHOLD

This Article shall apply to any proposed development meeting one (1) or more of the following criteria:

- A. Anticipated peak electrical demand equal to or greater than **ten (10) megawatts**;
- B. Construction of a dedicated electrical substation or primary utility infrastructure specifically intended to serve the development;
- C. Aggregate building floor area exceeding 100,000 square feet and intended primarily for technological processing, digital infrastructure, computational operations, artificial intelligence operations, cloud services, colocation services, digital asset processing, or similar activities;
- D. A determination by the Planning Commission that the proposed facility possesses operational characteristics substantially similar to those regulated by this Article;
- E. Any phased development reasonably anticipated to exceed the thresholds established herein at full buildout.

17.1.4(B) Future Threshold Activation

Any facility initially developed below the thresholds established herein that subsequently expands, modifies, or increases utility demand such that the facility exceeds the applicability thresholds of this Article shall be subject to review pursuant to Section 17.12.

The Planning Commission may require submission of a Conditional Use Permit application and compliance with applicable provisions of this Article prior to implementation of such expansion.

17.1.5 CONDITIONAL USE PERMIT REQUIREMENT

High Intensity Technological Infrastructure shall be permitted only as a Conditional Use within zoning districts expressly identified by the Barren County Joint City-County Zoning Ordinance.

No HITI development shall commence construction, operation, expansion, or material modification without obtaining the approvals required by:

- A. KRS Chapter 100;
- B. The Barren County Joint City-County Zoning Ordinance;
- C. Approved Conditional Use Permit conditions; and
- D. This Article.

Approval of a zoning map amendment shall not eliminate the requirement for Conditional Use Permit review.

Rezoning proceedings shall address district appropriateness and land use compatibility.

Conditional Use Permit proceedings shall address project-specific impacts, operational commitments, mitigation measures, and performance requirements.

17.1.6 INDEPENDENT TECHNICAL REVIEW

The Commission may retain independent technical consultants to review any application submitted pursuant to this Article.

Consultants retained under this section may include, but shall not be limited to:

- A. Professional Engineers;
- B. Professional Geologists;
- C. Hydrogeologists;
- D. Acoustical Engineers;
- E. Utility Infrastructure Specialists;
- F. Environmental Scientists;
- G. Traffic Engineers;
- H. Economic Analysts;
- I. Community Planning Specialists; and
- J. Other qualified experts as determined necessary by the Commission.

17.1.7 ESCROW REQUIREMENT

As a condition of application completeness, the applicant shall establish and maintain an applicant-funded escrow account for independent review.

The initial escrow amount shall be determined by the Commission based upon:

- A. Anticipated peak electrical demand;
- B. Water demand;
- C. Project acreage;
- D. Construction value;
- E. Number of proposed buildings;
- F. Utility infrastructure requirements;
- G. Anticipated technical complexity; and
- H. Any other factors relevant to the anticipated review effort.

The Commission may require replenishment of escrow funds when remaining balances are insufficient to complete technical review activities.

Any unused escrow funds shall be returned to the applicant upon completion of review activities.

17.1.8 SUPPLEMENTAL NATURE

The requirements of this Article shall be supplemental to all otherwise applicable federal, state, regional, and local requirements.

Compliance with any permit, authorization, exemption, approval, certification, or regulatory determination issued by another governmental entity shall not relieve an applicant of compliance with this Article.

Changes to federal or state regulations occurring after adoption of this Article shall not automatically modify the provisions contained herein unless amended through applicable legislative procedures.

17.1.9 TECHNICAL COMPLIANCE VARIANCE MEMORANDUM

An applicant may submit a Technical Compliance Variance Memorandum (TCVM) requesting alternative compliance with a specific requirement of this Article.

The memorandum shall:

- A. Identify the specific requirement;
- B. Explain the basis for the request;
- C. Demonstrate why compliance is impracticable;
- D. Provide supporting technical documentation;
- E. Propose alternative protective measures; and
- F. Be prepared under the responsible charge of an appropriately qualified Kentucky-licensed professional.

Submission of a TCVM shall not create any presumption of approval.

The Commission may approve, conditionally approve, or deny any request.

17.1.10 TECHNOLOGICAL EVOLUTION

The Planning Commission recognizes that High Intensity Technological Infrastructure technologies, operational practices, utility requirements, regulatory frameworks, and industry standards continue to evolve.

Accordingly, the Commission may periodically review, amend, supplement, repeal, or otherwise update this Article through applicable legislative procedures to reflect technological advancements, changing community needs, revised professional standards, regulatory developments, and lessons learned through implementation.

Approval of a development pursuant to this Article shall not automatically exempt future applicants from subsequently adopted ordinance requirements.

17.1.11 INTERIM PERFORMANCE STANDARDS SUBJECT TO COMMISSION REVIEW

The numerical standards contained within Article 17 represent current policy judgments, available technical information, industry practices, and stakeholder concerns. These values remain subject to refinement through technical review, legal review, Commission deliberation, operational experience, and future ordinance amendments.

17.2 DEFINITIONS

17.2.1 HIGH INTENSITY TECHNOLOGICAL INFRASTRUCTURE (HITI)

High Intensity Technological Infrastructure (HITI) means any facility, campus, installation, complex, or collection of facilities characterized by extraordinary consumption of electrical power, water, telecommunications capacity, cooling resources, computing resources, utility infrastructure, or public infrastructure and which, due to its scale, operational intensity, utility demand, or community impacts, requires enhanced review pursuant to this Article.

HITI includes, but is not limited to:

- A. Hyperscale Data Centers;
- B. Artificial Intelligence Computing Facilities;

- C. Cloud Computing Facilities;
- D. High Performance Computing Facilities;
- E. Colocation Facilities;
- F. Digital Asset Processing Facilities;
- G. Cryptocurrency Mining Facilities;
- H. Quantum Computing Facilities;
- I. Advanced Computing Campuses;
- J. Edge Computing Facilities meeting applicability thresholds;
- K. Internet Exchange Facilities;
- L. Large Scale Telecommunication Processing Facilities; and
- M. Similar facilities as determined by the Commission.

17.2.2 DATA CENTER

A centralized facility used primarily or substantially for the storage, management, processing, transmission, dissemination, analysis, hosting, or computing of digital information utilizing servers, networking equipment, computing systems, storage systems, cooling infrastructure, and associated support facilities.

17.2.3 HYPERSCALE DATA CENTER

A data center campus exceeding ten (10) megawatts of anticipated peak electrical demand or otherwise possessing infrastructure characteristics typically associated with large-scale cloud computing, artificial intelligence, high-performance computing, or similar operations.

17.2.4 COMMUNITY IMPACT REPORT (CIR)

A comprehensive technical document required by this Article evaluating the anticipated impacts of a proposed development upon infrastructure, utilities, environmental resources, public services, transportation systems, emergency response capabilities, fiscal conditions, and community resources.

17.2.5 COMMUNITY BENEFITS ANALYSIS (CBA)

A structured evaluation of the economic, educational, workforce, agricultural, environmental, infrastructure, public service, and community benefits proposed by an applicant.

17.2.6 COMMUNITY BENEFITS AGREEMENT

A written agreement memorializing community benefits commitments made by an applicant and incorporated into approved conditions associated with a Conditional Use Permit.

17.2.7 SITE REVIEW PLAN (SRP)

A detailed engineering and planning package submitted pursuant to this Article demonstrating compliance with approved Community Impact Report findings and ordinance requirements.

17.2.8 SCADA

Supervisory Control and Data Acquisition System, including associated hardware,

software, instrumentation, communications infrastructure, controls, alarms, and monitoring systems utilized for continuous operational monitoring and management.

17.2.9 MATERIAL CHANGE

Any modification, expansion, alteration, operational change, utility demand increase, equipment change, site change, ownership action, or other activity meeting thresholds established under Section 17.12 of this Article.

17.2.10 FULL BUILDOUT

The maximum reasonably foreseeable development scenario associated with a HITI facility, including all planned phases, future expansion areas, approved growth assumptions, and contingency growth factors evaluated pursuant to this Article.

SECTION 17.3 – CONDITIONAL USE PERMIT APPLICATION, REVIEW, AND APPROVAL PROCEDURES

17.3.1 INTENT

This Section establishes the procedural requirements applicable to all High Intensity Technological Infrastructure (HITI) developments subject to this Article.

The procedures established herein are intended to ensure that proposed HITI developments are reviewed in a transparent, technically informed, and consistent manner prior to approval, construction, operation, expansion, or modification.

17.3.2 CONDITIONAL USE CLASSIFICATION

High Intensity Technological Infrastructure shall be considered a Conditional Use only within zoning districts specifically identified by the Barren County Joint City-County Zoning Ordinance.

Nothing in this Article shall be construed as authorizing HITI development within a zoning district where such use is not otherwise permitted as a Conditional Use.

17.3.3 RELATIONSHIP TO REZONING PROCEEDINGS

Where a proposed HITI development is located upon property not zoned within an eligible zoning district, the applicant shall first obtain approval of a zoning map amendment in accordance with KRS Chapter 100.

Approval of a zoning map amendment shall not constitute authorization to develop or operate a HITI facility.

Following approval of a zoning map amendment, the applicant shall separately obtain approval of a Conditional Use Permit pursuant to this Article.

Rezoning proceedings shall address land use compatibility, district appropriateness, and consistency with applicable plans and policies.

Conditional Use Permit proceedings shall address project-specific impacts, infrastructure needs, operational commitments, mitigation measures, monitoring requirements, and compliance obligations.

17.3.4 PRE-APPLICATION CONFERENCE

Prior to submission of any Conditional Use Permit application, the applicant shall participate in a pre-application conference with Planning Commission staff.

The purpose of the conference shall be to:

A. Review ordinance requirements;

- B. Identify anticipated studies and reports;
- C. Establish preliminary review schedules;
- D. Identify required agency coordination;
- E. Discuss utility infrastructure requirements;
- F. Discuss water sourcing requirements;
- G. Discuss public participation expectations; and
- H. Identify any site-specific considerations.

Nothing discussed during a pre-application conference shall be construed as formal approval of any proposal.

17.3.5 APPLICATION COMPONENTS

At minimum, a complete Conditional Use Permit application shall include:

- A. Application forms required by the Planning Commission;
- B. Applicable filing fees;
- C. Required escrow deposits;
- D. Community Impact Report (CIR);
- E. Site Review Plan (SRP);
- F. Community Benefits Analysis (CBA);
- G. Existing Conditions Report (ECR);
- H. Utility Service Feasibility and Infrastructure Statements;
- I. Water Resource Assessment;
- J. All required technical memoranda;
- K. Draft Community Benefits Agreement;
- L. Required affidavits and certifications; and
- M. Any additional information reasonably requested by the Planning Commission.
- N. All technical reports required by this Article shall be prepared under the responsible charge of appropriately qualified Kentucky-licensed professionals and shall be signed, sealed, or certified where required by applicable law.

17.3.5(A) APPLICATION CERTIFICATION

The applicant shall certify under penalty of perjury that all information submitted pursuant to this Article is materially accurate, complete, and not knowingly misleading.

17.3.6 EXISTING CONDITIONS REPORT (ECR)

Prior to CUP approval, the applicant shall prepare and submit an Existing Conditions Report documenting baseline site and surrounding area conditions.

At minimum, the Existing Conditions Report shall include:

- A. Existing aerial imagery;
- B. Existing topographic mapping;
- C. Existing utility infrastructure;
- D. Existing roadway conditions;

- E. Existing drainage conditions;
 - F. Existing land uses;
 - G. Existing environmental features;
 - H. Existing vegetation and tree cover;
 - I. Existing noise conditions;
 - J. Existing groundwater conditions where applicable;
 - K. Existing surface water conditions where applicable; and
 - L. Photographic documentation sufficient to establish pre-development conditions.
- The Existing Conditions Report shall serve as the primary reference document for future monitoring, restoration, and decommissioning activities required by this Article.

17.3.7 APPLICATION COMPLETENESS REVIEW

Upon receipt of an application, Planning Commission staff shall conduct an initial completeness review.

An application shall not proceed to public hearing unless Planning Commission staff determine that all required submittals have been provided.

The Commission may engage independent consultants to assist in evaluating application completeness.

Determination of completeness shall not constitute endorsement, approval, or acceptance of any information submitted by the applicant.

17.3.8 INDEPENDENT TECHNICAL REVIEW

Following completeness determination, the Commission may initiate independent technical review of any application materials.

Independent review may address:

- A. Utility infrastructure;
- B. Electrical engineering;
- C. Hydrogeology;
- D. Water resources;
- E. Traffic engineering;
- F. Acoustics;
- G. Environmental impacts;
- H. Fiscal impacts;
- I. Community benefits analyses;
- J. Decommissioning plans; and
- K. Other matters reasonably related to the application.

All reasonable review costs shall be borne by the applicant through escrow.

17.3.9 PUBLIC NOTICE

Public notice shall be provided in accordance with KRS Chapter 100 and any additional requirements established by the Planning Commission.

In addition to statutory notice requirements, mailed notice shall be provided to property

owners located within one (1) mile of the external boundary of the proposed HITI development unless a different notification distance is established by ordinance.

Notice shall include:

- A. Project name;
- B. Project location;
- C. Applicant information;
- D. Hearing dates and locations;
- E. Availability of application materials; and
- F. Methods for submitting public comments.

17.3.10 PUBLIC HEARING REQUIREMENTS

At least **one** public hearing shall be conducted prior to issuance of any Conditional Use Permit.

The Commission may conduct additional hearings where warranted due to:

- A. Project scale;
- B. Project complexity;
- C. Significant public interest;
- D. New technical information;
- E. Material modifications during review; or
- F. Other circumstances deemed appropriate by the Commission.

Public hearings shall provide opportunities for:

- Applicant presentations;
- Technical consultant presentations;
- Agency comments;
- Public testimony;
- Commission questions; and
- Rebuttal where appropriate.

17.3.11 REVIEW CRITERIA

In evaluating a proposed HITI development, the Commission shall consider:

- A. Consistency with the Comprehensive Plan;
- B. Compatibility with surrounding land uses;
- C. Utility infrastructure capacity;
- D. Water resource sustainability;
- E. Transportation impacts;
- F. Emergency services impacts;
- G. Environmental impacts;
- H. Public infrastructure impacts;
- I. Agricultural impacts;

- J. Community benefits;
- K. Long-term operational commitments;
- L. Decommissioning requirements;
- M. Technical review findings; and
- N. Public comments received during review.

17.3.12 BURDEN OF DEMONSTRATION

The applicant shall bear the burden of demonstrating, through competent technical evidence, that the proposed development can comply with:

- A. This Article;
- B. Approved permit conditions;
- C. Applicable local ordinances;
- D. State and federal permits; and
- E. Applicable professional standards referenced herein.

Where uncertainty exists regarding projected impacts, the Commission may require additional analysis, monitoring, mitigation measures, or independent review.

17.3.13 COMMISSION ACTION

Following completion of review, the Commission may:

- A. Approve the application;
- B. Approve the application with conditions;
- C. Table the application pending submission of additional information;
- D. Deny the application; or
- E. Take such other action as authorized by law.

Conditions imposed by the Commission shall be reasonably related to impacts identified during review and shall be incorporated into the approved Conditional Use Permit.

17.3.14 EFFECT OF APPROVAL

Approval of a Conditional Use Permit authorizes only those activities specifically identified within approved plans, studies, commitments, representations, and conditions.

No approval shall be construed as authorization for:

- A. Future expansions not expressly approved;
- B. Increased utility consumption beyond approved limits;
- C. Increased water withdrawals beyond approved limits;
- D. Additional buildings not specifically approved; or
- E. Material operational changes not specifically approved.

Such actions shall be governed by Section 17.12 (Facility Expansion, Modification, and Change Control).

SECTION 17.4 – COMMUNITY IMPACT REPORT (CIR)

17.4.1 PURPOSE

The Community Impact Report (CIR) shall serve as the principal technical disclosure document for all High Intensity Technological Infrastructure (HITI) developments subject to this Article.

The purpose of the CIR is to provide the Planning Commission, public officials, technical reviewers, stakeholders, and members of the public with sufficient information to evaluate the potentially beneficial, adverse, direct, indirect, cumulative, and long-term impacts of a proposed HITI development.

The CIR shall establish the baseline assumptions, operational commitments, design criteria, impact analyses, mitigation measures, and monitoring obligations associated with the proposed development.

Information presented within the CIR may be incorporated into Conditional Use Permit conditions, Community Benefits Agreements, monitoring programs, operational requirements, and future compliance reviews.

17.4.2 SUBMISSION REQUIREMENT

A Community Impact Report shall be required for all HITI developments subject to this Article.

The CIR shall be prepared under the responsible charge of appropriately qualified professionals possessing expertise relevant to the subject matter addressed.

Individual technical sections shall be prepared, signed, sealed, or certified by Kentucky-licensed professionals where applicable.

The applicant shall certify that all information contained within the CIR is true and correct to the best of their knowledge at the time of submission.

Where future conditions remain uncertain, the applicant may provide reasonable ranges, assumptions, contingencies, sensitivity analyses, and phased-development scenarios, provided that the basis for such assumptions is clearly disclosed.

17.4.3 EXECUTIVE SUMMARY

The CIR shall contain an Executive Summary not exceeding ten (10) pages unless otherwise approved by the Planning Commission.

The Executive Summary shall identify:

- A. Project name;
- B. Applicant name;
- C. Property owner;
- D. Project location;
- E. Acreage;
- F. Existing zoning classification;
- G. Proposed zoning classification, if applicable;
- H. Proposed HITI classification;
- I. Anticipated electrical demand;
- J. Anticipated water demand;
- K. Total anticipated capital investment;

- L. Proposed project phases;
- M. Anticipated workforce requirements;
- N. Principal community impacts; and
- O. Proposed mitigation measures.

17.4.4 PROJECT DESCRIPTION

The CIR shall contain a comprehensive description of the proposed development.

At minimum, the description shall include:

- A. Site location;
- B. Existing land uses;
- C. Proposed land uses;
- D. Building areas;
- E. Campus layout;
- F. Electrical infrastructure;
- G. Water infrastructure;
- H. Telecommunications infrastructure;
- I. Cooling systems;
- J. Energy storage systems;
- K. Backup generation systems;
- L. Operational processes;
- M. Proposed construction schedule;
- N. Project phasing; and
- O. Ultimate buildout assumptions.
- P. Maximum reasonably foreseeable computational capacity, electrical demand, cooling capacity, water demand, telecommunications capacity, utility infrastructure requirements, and operational intensity anticipated at full buildout.

All analyses within the CIR shall evaluate:

- Initial operations;
- Approved future phases;
- Full buildout conditions; and
- Reasonably foreseeable expansion scenarios.

17.4.5 ALTERNATIVES ANALYSIS

The CIR shall evaluate no fewer than three (3) practicable development alternatives.

At minimum, alternatives shall include:

- A. Applicant preferred alternative;
- B. Modified layout alternative;
- C. Reduced intensity alternative; and
- D. No-build alternative.

Alternative evaluations shall consider:

Infrastructure impacts;
Environmental impacts;
Utility requirements;
Transportation impacts;
Community impacts;
Agricultural impacts;
Water resource impacts; and
Operational considerations.

17.4.6 INFRASTRUCTURE CAPACITY AND COMMUNITY IMPACT EVALUATION

The CIR shall evaluate potential impacts upon:

- A. Electrical infrastructure;
- B. Water infrastructure;
- C. Telecommunications infrastructure;
- D. Transportation infrastructure;
- E. Public roadways;
- F. Emergency services;
- G. Public utilities;
- H. Public schools;
- I. Public health services;
- J. Housing markets;
- K. Local businesses;
- L. Agricultural operations;
- M. Economic development resources; and
- N. Other public facilities reasonably expected to be affected.

Each analysis shall identify:

Existing capacity;
Anticipated project demand;
Available surplus capacity;
Required improvements;
Responsible funding parties;
Anticipated construction schedules;
Anticipated long-term obligations.

17.4.7 UTILITY SERVICE FEASIBILITY AND INFRASTRUCTURE STATEMENT

The CIR shall include certifications, letters, studies, analyses, or other documentation prepared by serving utilities as applicable.

Utility documentation shall identify:

- A. Existing system capacity;
- B. Projected facility demand;
- C. Required upgrades;
- D. Upgrade ownership;
- E. Cost responsibility;
- F. Construction sequencing;
- G. Reliability considerations; and
- H. Any known constraints affecting service.

The Planning Commission may require supplemental review by independent utility consultants retained through escrow.

17.4.8 ELECTRICAL INFRASTRUCTURE AND RATEPAYER IMPACT ASSESSMENT

The CIR shall include an Electrical Infrastructure and Ratepayer Impact Assessment.

The assessment shall evaluate:

- A. Existing electric service capability;
- B. Required transmission upgrades;
- C. Required distribution upgrades;
- D. Required substations;
- E. Backup power infrastructure;
- F. Energy storage systems;
- G. On-site power generation;
- H. Reliability assumptions;
- I. Full-buildout electrical demand;
- J. Phased load ramp schedules; and
- K. Potential impacts to existing electrical customers.

To the extent available, the applicant shall provide information describing measures intended to minimize disproportionate transfer of project-related electrical infrastructure costs onto existing customers.

17.4.9 WATER RESOURCE ASSESSMENT

The CIR shall include a comprehensive Water Resource Assessment.

The assessment shall evaluate all proposed water sources including:

- A. Municipal water systems;
- B. Surface water sources;
- C. Groundwater sources;
- D. Alternative or reclaimed water sources; and
- E. Future contingency sources.

The applicant shall identify the preferred source and provide justification for its selection.

Analyses shall evaluate:

Initial operation;

Full buildout;
Drought conditions;
Reasonably foreseeable future expansion;
Emergency operating scenarios;
Seasonal demand variability.

The assessment shall identify:

- a. Daily demand;
- b. Peak demand;
- c. Annual demand;
- d. Water use efficiency measures;
- e. Infrastructure requirements;
- f. Potential impacts on existing users.

17.4.10 AGRICULTURAL RESOURCE ASSESSMENT

Where a proposed development is located upon or adjacent to agricultural property, the CIR shall evaluate:

- A. Agricultural land conversion;
- B. Agricultural infrastructure impacts;
- C. Effects on farming operations;
- D. Effects on agricultural water use;
- E. Effects on agricultural access;
- F. Opportunities for agricultural partnerships;
- G. Opportunities for agricultural preservation initiatives.

17.4.11 PUBLIC SAFETY AND EMERGENCY SERVICES ASSESSMENT

The CIR shall evaluate anticipated impacts upon:

- A. Fire protection services;
- B. Emergency medical services;
- C. Law enforcement;
- D. Hazardous materials response capabilities;
- E. Utility emergency response requirements;
- F. Natural disasters;
- G. Severe weather resilience;
- H. Operational continuity planning.

17.4.12 COMMUNITY ENGAGEMENT AND STAKEHOLDER OUTREACH

The CIR shall document all applicant-led engagement activities conducted prior to CUP approval.

Documentation shall identify:

- A. Public meetings;

- B. Stakeholder meetings;
- C. Written comments received;
- D. Responses provided;
- E. Continuing engagement plans.

17.4.13 MITIGATION AND MONITORING PLAN

The CIR shall contain a project-wide Mitigation and Monitoring Plan.

The Plan shall identify:

- A. Anticipated impacts;
- B. Mitigation measures;
- C. Performance standards;
- D. Monitoring requirements;
- E. Corrective action triggers;
- F. Responsible parties;
- G. Reporting schedules.

The Plan shall remain in effect throughout construction, operation, expansion, closure, and decommissioning activities unless otherwise modified through approved procedures established by this Article.

17.4.14 EXISTING CONDITIONS CONSISTENCY REQUIREMENT

All analyses, projections, assumptions, impact determinations, and mitigation measures contained within the CIR shall be measured against the Existing Conditions Report required by Section 17.3.

Where conditions change materially following CIR approval, the Planning Commission may require updated analyses or supplemental submissions.

17.4.15 COMMUNITY BENEFITS INTERFACE

The CIR shall summarize the anticipated public benefits associated with the proposed development.

Detailed evaluation of community benefits shall be addressed separately through:

- A. Community Benefits Analysis;
- B. Community Benefits Agreement;
- C. Workforce Development Commitments;
- D. Local Procurement Strategies.

Integration of those documents into the CUP process shall occur pursuant to Section 17.13 of this Article.

17.4.16 FINANCIAL ASSURANCE DISCLOSURES

The CIR shall disclose proposed financial assurance mechanisms associated with:

- A. Environmental remediation;
- B. Decommissioning;
- C. Site restoration;

D. Infrastructure obligations;

E. Community Benefit commitments where applicable.

The Planning Commission may require additional financial assurances based upon project complexity, size, or anticipated lifecycle risks.

17.4.17 COMPLETENESS STANDARD

A CIR shall not be considered complete until:

A. All required sections have been submitted;

B. Required technical certifications have been provided;

C. Required escrow deposits have been funded;

D. Required supporting studies have been submitted; and

E. Independent review activities necessary to determine completeness have been concluded.

SECTION 17.5 – SITE REVIEW PLAN (SRP)

17.5.1 PURPOSE

The Site Review Plan (SRP) shall serve as the principal engineering and design submittal supporting a proposed High Intensity Technological Infrastructure (HITI) development.

The SRP shall demonstrate how the facility is intended to comply with:

A. This Article;

B. Applicable Conditional Use Permit conditions;

C. Representations contained within the Community Impact Report (CIR);

D. Applicable federal, state, and local requirements;

E. Applicable industry standards and professional practice requirements.

The SRP shall provide sufficient detail for the Planning Commission, reviewers, stakeholders, and retained technical consultants to evaluate the feasibility, constructability, safety, functionality, and long-term operational performance of the proposed development.

17.5.2 Submission Requirement

A complete Site Review Plan shall be submitted as part of the Conditional Use Permit review process.

The SRP shall be prepared under the responsible charge of appropriately qualified Kentucky-licensed professionals.

All plans, calculations, technical memoranda, reports, and supporting documents shall be signed and sealed where required by applicable Kentucky law.

The Commission may require revisions, supplements, or additional documentation where necessary to adequately evaluate project impacts.

17.5.3 DESIGN DEVELOPMENT THRESHOLD

The SRP shall represent a minimum conceptual engineering design sufficient to evaluate:

A. Site layout;

B. Utility requirements;

- C. Access and circulation;
- D. Drainage systems;
- E. Environmental protection systems;
- F. Water infrastructure;
- G. Electrical infrastructure;
- H. Cooling infrastructure;
- I. Energy storage infrastructure;
- J. Emergency response infrastructure;
- K. Construction sequencing.

Unless otherwise approved by the Commission, the SRP shall reasonably correspond to an approximately AACE Class 3 design level or equivalent design maturity suitable for permitting and technical review purposes.

17.5.4 GENERAL PROJECT INFORMATION

The SRP shall include:

- A. Project name;
- B. Owner information;
- C. Operator information, if known;
- D. Parcel identification information;
- E. Acreage;
- F. Existing zoning;
- G. Proposed zoning changes, if applicable;
- H. Existing and proposed easements;
- I. Adjacent land uses;
- J. North arrow;
- K. Scale;
- L. Vicinity map.

17.5.5 EXISTING CONDITIONS PLAN

The SRP shall include an Existing Conditions Plan depicting:

- A. Existing topography;
- B. Existing utilities;
- C. Existing structures;
- D. Existing drainage features;
- E. Existing water features;
- F. Existing sinkholes;
- G. Existing springs;
- H. Existing wetlands;
- I. Existing tree cover;

- J. Existing environmental constraints;
- K. Existing rights-of-way;
- L. Existing easements.

All information shall be consistent with the Existing Conditions Report (ECR).

17.5.6 SITE LAYOUT PLAN

The Site Layout Plan shall depict:

- A. Buildings;
- B. Data halls, where applicable;
- C. Electrical substations;
- D. Utility yards;
- E. Cooling infrastructure;
- F. Energy storage systems;
- G. Backup generation systems;
- H. Fuel storage systems;
- I. Parking areas;
- J. Roadways;
- K. Staging areas;
- L. Security infrastructure;
- M. Buffer areas;
- N. Open space areas;
- O. Future expansion areas.

The Site Layout Plan shall identify all proposed phases of development.

17.5.7 GRADING, EARTHWORK, AND DRAINAGE PLAN

The SRP shall include grading and drainage plans showing:

- A. Existing contours;
- B. Proposed contours;
- C. Earthwork quantities;
- D. Drainage patterns;
- E. Stormwater infrastructure;
- F. Erosion control measures;
- G. Temporary construction controls;
- H. Permanent drainage controls;
- I. Sinkhole protection measures where applicable;
- J. Karst protection measures where applicable.

Earthwork plans shall demonstrate protection of adjoining properties and public infrastructure.

17.5.8 UTILITY INFRASTRUCTURE PLANS

The SRP shall include utility plans depicting:

- A. Water infrastructure;
- B. Sanitary sewer infrastructure;
- C. Industrial wastewater infrastructure;
- D. Stormwater infrastructure;
- E. Electric infrastructure;
- F. Communications infrastructure;
- G. Natural gas infrastructure;
- H. Fuel infrastructure.

Utility plans shall identify:

Points of connection;

Capacities;

Design assumptions;

Ownership responsibilities;

Proposed future expansion provisions.

17.5.9 WATER RESOURCE INFRASTRUCTURE PLAN

The SRP shall include detailed plans addressing all proposed water systems.

The plans shall identify:

- A. Water source infrastructure;
- B. Water treatment systems;
- C. Cooling water systems;
- D. Storage systems;
- E. Emergency water systems;
- F. Reclaimed water systems, where applicable;
- G. Monitoring systems;
- H. Discharge infrastructure.

For facilities proposing groundwater withdrawals, plans shall identify all monitoring wells, observation wells, pumping locations, test locations, recharge assessments, and hydrogeologic monitoring infrastructure.

For facilities proposing municipal water service, documentation shall identify necessary improvements, system capacities, and cost responsibilities.

For facilities proposing surface water withdrawals, plans shall identify intake infrastructure, treatment systems, environmental protection measures, and permitting pathways.

17.5.10 ELECTRICAL INFRASTRUCTURE PLAN

The SRP shall include a comprehensive Electrical Infrastructure Plan.

At minimum, the plan shall identify:

- A. Utility interconnection facilities;
- B. Transmission infrastructure;
- C. Distribution infrastructure;
- D. Substations;
- E. Transformers;
- F. Switchgear;
- G. Backup generation systems;
- H. Battery energy storage systems;
- I. SCADA integration systems;
- J. Redundancy strategies;
- K. Future expansion provisions.

The plan shall include conceptual one-line diagrams sufficient to evaluate system configuration and operational assumptions.

The plan shall be consistent with the utility certifications and analyses submitted pursuant to the CIR.

17.5.11 EMERGENCY RESPONSE AND PUBLIC SAFETY PLAN

The SRP shall include an Emergency Response and Public Safety Plan addressing:

- A. Fire protection systems;
- B. Fire water systems;
- C. Emergency access routes;
- D. Emergency responder staging locations;
- E. Battery energy storage incidents;
- F. Generator incidents;
- G. Hazardous material incidents;
- H. Severe weather events;
- I. Utility failures;
- J. Emergency communication systems.

The applicant shall coordinate with appropriate emergency response agencies during preparation of this section.

17.5.12 ENVIRONMENTAL PROTECTION PLAN

The SRP shall include an Environmental Protection Plan identifying:

- A. Sensitive environmental features;
- B. Wetlands;
- C. Streams;
- D. Sinkholes;
- E. Recharge areas;
- F. Flood-prone areas;
- G. Protected habitats, where applicable;

- H. Spill prevention measures;
- I. Monitoring infrastructure;
- J. Construction protection measures.

Environmental protection measures shall remain consistent with all assumptions and commitments contained within the CIR.

17.5.13 NOISE, LIGHT, AND VISUAL MITIGATION PLAN

The SRP shall include plans addressing:

- A. Noise-producing equipment locations;
- B. Acoustic mitigation measures;
- C. Noise monitoring locations;
- D. Lighting locations;
- E. Photometric analyses;
- F. Visual screening features;
- G. Berms;
- H. Vegetative buffers;
- I. Other mitigation measures proposed by the applicant.

The locations depicted herein shall establish future compliance monitoring locations unless otherwise modified through approved procedures.

17.5.14 LANDSCAPING, SCREENING, AND BUFFER PLAN

A Landscaping, Screening, and Buffer Plan shall identify:

- A. Existing vegetation to remain;
- B. Tree preservation areas;
- C. New landscape installations;
- D. Buffer widths;
- E. Fence locations;
- F. Screening measures;
- G. Maintenance requirements.

The Commission may consider existing vegetation and natural features when evaluating compliance with buffer requirements.

17.5.15 ADAPTIVE REUSE PROJECTS

Where an applicant proposes adaptive reuse or conversion of an existing building, warehouse, industrial facility, or similar structure, the requirements of this Article shall remain applicable.

The applicant shall additionally identify:

- A. Existing building conditions;
- B. Existing utility infrastructure;
- C. Existing environmental conditions;
- D. Proposed modifications;

- E. Proposed equipment installations;
- F. Changes in utility demand;
- G. Changes in traffic generation;
- H. Changes in environmental impacts.

Adaptive reuse projects shall not be exempt from CIR, SRP, Community Benefits, monitoring, decommissioning, or operational requirements solely because existing buildings are utilized.

17.5.16 TECHNICAL MEMORANDA

The SRP shall include discipline-specific technical memoranda addressing:

- A. Water Systems Basis of Design;
- B. Utility Infrastructure Basis of Design;
- C. Cooling Systems Basis of Design;
- D. Electrical Reliability Strategy;
- E. Noise Mitigation Strategy;
- F. Stormwater Strategy;
- G. Emergency Response Strategy;
- H. Decommissioning Strategy.

Each memorandum shall demonstrate consistency with assumptions and commitments presented within the CIR.

17.5.17 CONSTRUCTION MANAGEMENT PLAN

The SRP shall include a Construction Management Plan addressing:

- A. Construction phasing;
- B. Construction access routes;
- C. Temporary utility requirements;
- D. Erosion controls;
- E. Dust control measures;
- F. Noise control measures;
- G. Material staging areas;
- H. Temporary environmental protections;
- I. Road protection measures;
- J. Restoration measures.

17.5.17(A) CONSTRUCTION ACTIVITY HOURS

Unless otherwise approved by the Commission:

- A. Construction activities generating substantial noise shall occur only between:

7:00 AM and 7:00 PM Monday through Friday;

8:00 AM and 5:00 PM Saturday;

- B. Routine construction activities shall not occur on Sundays or nationally recognized holidays except for:

Emergency response activities;
Public safety activities;
Utility-related activities requiring continuous operations;
Other activities approved by the Commission.

17.5.18 ROADWAY CONDITION DOCUMENTATION

Prior to commencement of construction activities, the applicant shall prepare documentation of roadways reasonably expected to experience construction-related traffic associated with the proposed development.

Documentation may include:

- A. Photographs;
- B. Video documentation;
- C. Pavement condition surveys;
- D. Bridge condition documentation;
- E. Professional engineering assessments.

The Commission may require roadway repair agreements or financial assurances where warranted by anticipated traffic impacts.

17.5.19 INDEPENDENT REVIEW

The Commission may retain independent consultants to evaluate any portion of the Site Review Plan.

Review costs shall be borne by the applicant through the escrow provisions established by this Article.

17.5.20 AS-BUILT REQUIREMENTS

Within ninety (90) days following substantial completion of each approved phase, the applicant shall submit certified as-built documentation identifying material deviations from approved plans.

Material deviations may trigger review pursuant to Section 17.12 of this Article.

17.5.21 COMPLIANCE CERTIFICATION

Prior to commencement of operations, the applicant shall submit a Compliance Certification prepared by appropriately qualified professionals confirming, to the best of their knowledge, that the completed facility substantially conforms to approved plans and applicable permit conditions.

SECTION 17.6 – ELECTRICAL INFRASTRUCTURE, POWER SYSTEMS, AND GRID RELIABILITY

17.6.1 PURPOSE

The purpose of this Section is to establish requirements governing electrical infrastructure, power supply, reliability, utility coordination, energy storage systems, backup generation systems, and associated facilities utilized by High Intensity Technological Infrastructure (HITI) developments.

The provisions of this Section are intended to:

- A. Provide transparency regarding electrical infrastructure requirements;
- B. Facilitate evaluation of potential impacts upon utility systems;

- C. Promote reliable service to HITI facilities and existing utility customers;
- D. Ensure appropriate disclosure of infrastructure requirements and costs;
- E. Establish performance expectations for electrical facilities associated with HITI developments;
- F. Promote coordination between applicants, utilities, regulators, and local stakeholders.

17.6.2 ELECTRICAL INFRASTRUCTURE ASSESSMENT

The Community Impact Report shall include an Electrical Infrastructure Assessment prepared under the responsible charge of a qualified Professional Engineer experienced in electrical power systems.

The Assessment shall evaluate:

- A. Existing utility infrastructure;
- B. Existing available capacity;
- C. Anticipated facility demand;
- D. Full-buildout demand;
- E. Infrastructure upgrade requirements;
- F. Reliability objectives;
- G. Energy storage requirements;
- H. Backup generation requirements;
- I. System redundancy assumptions;
- J. Construction sequencing considerations.

All analyses shall be based upon:

- Initial operations;
- All proposed phases;
- Full buildout conditions;
- Reasonably foreseeable future expansion.

17.6.3 UTILITY SERVICE FEASIBILITY AND INFRASTRUCTURE STATEMENT

Applicants shall obtain documentation from each applicable serving utility identifying:

- A. Available capacity;
- B. Existing system constraints;
- C. Proposed points of interconnection;
- D. Required upgrades;
- E. Estimated upgrade schedules;
- F. Anticipated construction sequencing;
- G. Operational assumptions associated with system service.

Utility Service Feasibility and Infrastructure Statements shall remain materially consistent with assumptions utilized throughout the CIR and SRP.

Material changes to utility assumptions may require supplemental review.

17.6.3(A) LOAD CHARACTERISTICS AND GRID INTERACTION ANALYSIS

The applicant shall provide a Load Characteristics and Grid Interaction Analysis describing anticipated electrical behavior during initial operations and full buildout.

The Analysis shall identify, where reasonably available:

- A. Peak MW demand;
- B. Peak MVA demand;
- C. Load factor assumptions;
- D. Power-factor characteristics;
- E. Reactive power requirements;
- F. Anticipated ramp rates;
- G. Major load-addition events;
- H. Major load-shedding events;
- I. Planned restoration sequencing following outages;
- J. Harmonic characteristics;
- K. Voltage fluctuation and flicker characteristics;
- L. Applicable utility power-quality requirements.

Where applicable, analyses shall evaluate compliance with IEEE 519 and other standards required by the serving utility.

17.6.3(B) UTILITY STUDY STATUS DISCLOSURE

The applicant shall disclose the status of applicable utility, transmission-provider, interconnection, or reliability studies including all known assumptions, limitations, contingencies, and development phasing relied upon by such studies.

17.6.4 ELECTRICAL SYSTEM IMPACT STUDIES

The Commission may require submission of one or more electrical system studies addressing:

- A. Load Flow Analysis;
- B. Short Circuit Analysis;
- C. Stability Assessment;
- D. Contingency Analysis;
- E. Distribution System Evaluation;
- F. Transmission System Evaluation;
- G. Reliability Assessment.
- H. Power Quality Evaluation
- I. Harmonic Impact Evaluation
- J. Reactive Power Evaluation

Where applicable, studies shall be prepared utilizing methodologies consistent with accepted utility-industry practices and applicable reliability standards.

The Commission may retain independent reviewers through escrow to evaluate submitted analyses.

17.6.5 UTILITY DEMAND DISCLOSURE

The applicant shall disclose:

- A. Anticipated peak demand;
- B. Average demand;
- C. Projected annual energy consumption;
- D. Phased demand schedules;
- E. Ultimate buildout demand;
- F. Capacity reservation assumptions;
- G. Demand growth assumptions.
- H. Maximum reasonably foreseeable electrical demand associated with all approved buildings and future development areas at full buildout.

The applicant shall additionally disclose any reasonably anticipated future increase in demand associated with planned campus expansion.

17.6.6 UTILITY INFRASTRUCTURE UPGRADE DISCLOSURE

The applicant shall disclose all reasonably anticipated infrastructure improvements associated with the project including:

- A. Transmission facilities;
- B. Distribution facilities;
- C. Substations;
- D. Switching stations;
- E. Telecommunications infrastructure;
- F. Natural gas infrastructure;
- G. Water infrastructure;
- H. Other supporting utility systems.

The disclosure shall identify:

- Ownership responsibilities;
- Construction responsibilities;
- Cost allocations where known;
- Long-term maintenance responsibilities.

17.6.7 ELECTRICAL RATEPAYER TRANSPARENCY STATEMENT

The applicant shall provide a narrative describing available information regarding:

- A. Infrastructure investments associated with the project;
- B. Allocation methodologies associated with project-related infrastructure;
- C. Anticipated funding mechanisms;

D. Measures intended to minimize disproportionate cost burdens upon existing utility customers where such information is available.

Nothing contained herein shall be construed as authorizing the Planning Commission to regulate utility rates or matters otherwise reserved to state or federal regulatory authorities.

The purpose of this section is solely to facilitate transparency and informed review.

17.6.8 RELIABILITY AND RESILIENCY PLAN

The applicant shall prepare a Reliability and Resiliency Plan describing how electrical reliability objectives will be achieved.

At minimum, the Plan shall address:

- A. Utility redundancy;
- B. Internal distribution redundancy;
- C. Emergency operating procedures;
- D. Equipment replacement strategies;
- E. Critical equipment inventory strategies;
- F. Operational continuity planning;
- G. Extreme weather events;
- H. Cybersecurity coordination measures where appropriate.

Reliability objectives shall be described by the applicant and shall not be interpreted as creating mandatory County design requirements regarding redundancy architecture.

The Reliability and Resiliency Plan shall identify the design basis utilized in developing proposed reliability objectives.

17.6.9 ELECTRICAL REDUNDANCY STANDARDS

The applicant shall identify the proposed redundancy strategy for major electrical infrastructure.

Examples may include:

- A. N+1 configurations;
- B. 2N configurations;
- C. Distributed redundancy approaches;
- D. Equivalent reliability methodologies.

The Planning Commission shall not require any specific redundancy configuration but may consider proposed reliability approaches during review.

17.6.10 BACKUP GENERATION SYSTEMS

All backup generation systems shall be disclosed within the CIR and SRP.

Submittals shall identify:

- A. Generator type;
- B. Fuel source;
- C. Installed capacity;
- D. Runtime assumptions;

- E. Fuel storage requirements;
- F. Emissions characteristics;
- G. Water requirements, if any;
- H. Emergency operating procedures.

Backup generation systems shall comply with all applicable federal, state, and local requirements.

17.6.10(A) BACKUP GENERATOR EMISSIONS

Backup generation units installed after the effective date of this Article shall comply with applicable federal emissions requirements and shall utilize EPA-certified Tier 4 emission control technologies where commercially available and applicable to the proposed equipment category.

17.6.10(B) BACKUP GENERATOR TESTING HOURS

Routine non-emergency generator testing shall occur only:

- A. Monday through Friday;
- B. Between 8:00 AM and 6:00 PM;

unless otherwise approved by the Commission.

17.6.11 BACKUP GENERATION FUEL MANAGEMENT

The applicant shall disclose:

- A. Fuel sourcing strategies;
- B. Fuel storage quantities;
- C. Refueling procedures;
- D. Emergency fuel supply contingencies;
- E. Fuel spill prevention measures.

Fuel storage systems shall be integrated with the environmental protection requirements established elsewhere in this Article.

17.6.12 ON-SITE POWER GENERATION

Where on-site generation is proposed, the applicant shall submit a Power Generation Technical Memorandum describing:

- A. Technology type;
- B. Installed capacity;
- C. Operational profile;
- D. Fuel source;
- E. Emissions;
- F. Water consumption;
- G. Cooling requirements;
- H. Reliability assumptions;
- I. Expansion assumptions.

This provision shall apply to:

Combustion turbines;

Reciprocating engines;

Fuel cells;

Combined heat and power facilities;

Other generation technologies proposed by the applicant.

17.6.13 BATTERY ENERGY STORAGE SYSTEMS (BESS)

Battery Energy Storage Systems shall be disclosed within the CIR and SRP.

The applicant shall provide:

- A. Technology type;
- B. Total energy storage capacity;
- C. Total power output;
- D. Thermal management strategy;
- E. Fire suppression strategy;
- F. Equipment layouts;
- G. Monitoring systems;
- H. Emergency shutdown procedures.

Battery Energy Storage Systems shall be designed and installed in accordance with applicable editions of NFPA 855, UL 9540, UL 9540A, applicable building and fire codes, and requirements of the Authority Having Jurisdiction.

The Commission may require review by qualified fire protection, electrical, or public safety consultants.

17.6.14 ENERGY STORAGE SAFETY ANALYSIS

Facilities utilizing BESS technologies shall provide an Energy Storage Safety Analysis assessing:

- A. Thermal runaway risks;
- B. Fire suppression systems;
- C. Fire department coordination;
- D. Emergency response procedures;
- E. Incident isolation procedures;
- F. Hazard mitigation measures;
- G. Public safety considerations.

The analysis shall identify applicable codes, standards, and manufacturer recommendations utilized in design.

17.6.15 SCADA AND OPERATIONAL MONITORING

Electrical infrastructure associated with HITI developments shall be monitored through SCADA or functionally equivalent monitoring systems.

At minimum, monitoring systems shall be capable of providing:

- A. Equipment status;
- B. Alarm notifications;
- C. Load monitoring;
- D. Operational event logging;
- E. Remote monitoring capabilities;
- F. Historical operational records.

The Commission shall not receive direct operational control of facility systems.

17.6.16 OPERATIONAL REPORTING

Beginning within ninety (90) days following commencement of operations, the operator shall submit an annual Electrical Infrastructure Summary Report.

At minimum, the Report shall identify:

- A. Peak demand;
- B. Average demand;
- C. Annual energy consumption;
- D. Major infrastructure additions;
- E. Major outages;
- F. Significant operational incidents;
- G. Material deviations from approved assumptions.

The Planning Commission may determine that certain infrastructure-sensitive information shall be treated as confidential to the extent permitted by law.

17.6.17 EXPANSION AND LOAD GROWTH

Any increase in electrical demand exceeding thresholds established under Section 17.12 (Facility Expansion, Modification, and Change Control) shall require review.

Applications for increased electrical demand shall evaluate:

- A. Utility capacity implications;
- B. Infrastructure implications;
- C. Reliability implications;
- D. Community impacts;
- E. Environmental impacts.

17.6.18 INDEPENDENT TECHNICAL REVIEW

The Commission may retain qualified electrical engineering consultants to review:

- A. Electrical Infrastructure Assessments;
- B. Reliability Plans;
- C. Energy Storage Analyses;
- D. Generation Proposals;
- E. Utility Certifications;
- F. Expansion Requests.

Review costs shall be borne by the applicant through escrow.

SECTION 17.7 – WATER RESOURCES, HYDROGEOLOGY, KARST PROTECTION, AND WATER SUSTAINABILITY

17.7.1 PURPOSE

The purpose of this Section is to establish requirements governing water sourcing, water demand, water sustainability, hydrogeologic characterization, groundwater protection, surface-water protection, karst resource protection, monitoring, and long-term stewardship associated with High Intensity Technological Infrastructure (HITI) developments.

The provisions of this Section are intended to:

- A. Promote sustainable water-resource management;
- B. Provide transparency regarding water demand and sourcing;
- C. Protect groundwater resources;
- D. Protect surface-water resources;
- E. Protect sensitive karst features and hydrogeologic systems;
- F. Promote long-term monitoring and accountability;
- G. Facilitate informed review of cumulative water-resource impacts.

17.7.2 WATER RESOURCE ASSESSMENT REQUIREMENT

The applicant shall submit a Water Resource Assessment as part of the Community Impact Report.

The Assessment shall evaluate:

- A. Existing water-resource conditions;
- B. Proposed water sources;
- C. Water demand;
- D. Water use efficiency;
- E. Water treatment requirements;
- F. Water reuse opportunities;
- G. Wastewater generation;
- H. Long-term sustainability considerations.

All analyses shall evaluate:

- Initial operations;
- Full buildout conditions;
- Reasonably foreseeable future expansion;
- Drought conditions;
- Emergency operating conditions.

17.7.3 WATER SOURCE EVALUATION

The applicant shall evaluate all reasonably available water sources including:

- A. Municipal water systems;

- B. Surface-water sources;
- C. Groundwater sources;
- D. Reclaimed or recycled water sources;
- E. Other lawful water sources.

The applicant shall identify the preferred source and provide justification for its selection.

Where multiple sources are proposed, the applicant shall identify:

- Primary source;
- Secondary source;
- Emergency source;
- Future expansion source.

The Assessment shall analyze impacts associated with each proposed source.

17.7.4 WATER DEMAND ANALYSIS

The applicant shall provide a detailed Water Demand Analysis identifying:

- A. Average daily demand;
- B. Peak daily demand;
- C. Annual demand;
- D. Cooling-system demand;
- E. Domestic demand;
- F. Fire protection demand;
- G. Future expansion demand.

The Analysis shall evaluate:

- Initial operations;
- Full buildout conditions;
- Buildout plus twenty-five percent (25%) contingency growth.

17.7.5 MUNICIPAL WATER SUPPLY EVALUATIONS

Where municipal water service is proposed, the applicant shall provide documentation from the applicable water utility identifying:

- A. Existing system capacity;
- B. Available excess capacity;
- C. Required infrastructure improvements;
- D. Upgrade funding responsibilities;

- E. Operational constraints;
- F. Emergency supply considerations.

The applicant shall disclose whether any proposed infrastructure improvements are anticipated to be funded, in whole or in part, by existing utility customers.

17.7.6 SURFACE WATER SOURCE EVALUATIONS

Where surface water withdrawal is proposed, the applicant shall provide an assessment addressing:

- A. Existing flow conditions;
- B. Seasonal variability;
- C. Drought conditions;
- D. Withdrawal requirements;
- E. Intake infrastructure requirements;
- F. Aquatic-resource considerations;
- G. Water-quality conditions;
- H. Potential cumulative impacts.

The Assessment shall identify applicable permitting requirements and anticipated operational constraints.

17.7.7 GROUNDWATER WITHDRAWAL EVALUATIONS

Where groundwater withdrawal is proposed, the applicant shall submit a Hydrogeologic Impact Assessment prepared under the responsible charge of a Kentucky licensed Professional Geologist or Professional Engineer experienced in hydrogeology.

The Assessment shall evaluate:

- A. Aquifer characteristics;
- B. Recharge conditions;
- C. Groundwater flow directions;
- D. Existing groundwater users;
- E. Existing springs;
- F. Existing sinkholes;
- G. Existing wells;
- H. Existing domestic, municipal, agricultural, industrial, and commercial groundwater users within an area of influence determined appropriate by the preparer.

I. Potential impacts to existing groundwater users;

J. Long-term sustainability.

K. Identification and characterization of existing domestic, municipal, agricultural, industrial, and commercial groundwater users reasonably capable of being affected by the proposed withdrawal.

L. Evaluation of reasonably foreseeable withdrawal impacts upon identified groundwater users.

The Assessment shall evaluate:

Existing conditions;

Average operating conditions;

Peak operating conditions;

Full buildout conditions;

Full buildout plus contingency growth;

Drought conditions.

17.7.7(A) AQUIFER STRESS EVALUATION

Where groundwater withdrawal is proposed, the Hydrogeologic Impact Assessment shall evaluate:

A. Historical groundwater-level conditions;

B. Seasonal groundwater variability;

C. Drought-related vulnerability;

D. Recharge characteristics;

E. Evidence of existing aquifer stress or declining groundwater levels;

F. Long-term sustainability of the proposed withdrawal.

17.7.8 GROUNDWATER MODELING REQUIREMENTS

Groundwater withdrawal proposals shall include numerical groundwater modeling.

Modeling methodologies may include:

A. MODFLOW;

B. MODPATH;

C. MT3DMS;

D. Visual MODFLOW;

E. Other Commission-approved methodologies.

Modeling shall evaluate:

Drawdown;

Capture zones;

Recharge impacts;

Groundwater-flow alterations;

Spring-flow impacts;

Existing-user impacts;

Long-term sustainability.

F. Groundwater modeling reports shall include potentiometric surface mapping, drawdown mapping, model assumptions, sensitivity analyses, and supporting interpretations sufficient for independent review.

The Commission may retain independent hydrogeologic reviewers through escrow.

17.7.9 KARST RESOURCE ASSESSMENT

Where karst conditions are present or reasonably anticipated, the applicant shall submit a Karst Resource Assessment.

Karst investigations shall utilize methodologies generally consistent with applicable ASTM standards including ASTM D6235, ASTM D5730, ASTM D6431, and other professionally recognized methodologies appropriate for site conditions.

The Assessment shall identify:

A. Sinkholes;

B. Springs;

C. Losing streams;

D. Fracture systems;

E. Conduits;

F. Cave-related features;

G. Recharge features.

Field investigations may include:

Dye tracing;

Geophysical investigations;

Electrical resistivity surveys;

Exploratory drilling;

Aquifer testing;

Other accepted hydrogeologic methodologies.

The Assessment shall identify risks associated with contaminant migration and groundwater connectivity.

17.7.10 REGIONAL HYDROGEOLOGIC SYSTEM EVALUATION

Projects located within, adjacent to, or reasonably capable of influencing regionally significant hydrogeologic systems shall evaluate:

- A. Groundwater-flow systems;
- B. Regional recharge systems;
- C. Connected spring systems;
- D. Surface-water interactions;
- E. Subsurface flow pathways.

The Commission may require supplemental analysis where hydrogeologic connectivity is uncertain.

17.7.11 GROUNDWATER MONITORING NETWORK

A Groundwater Monitoring Plan shall be required where:

- A. Groundwater withdrawal is proposed;
- B. Fuel storage is proposed;
- C. Hazardous materials are stored;
- D. Hydrogeologic conditions warrant monitoring;
- E. The Commission determines monitoring is appropriate.

Monitoring systems may include:

- Observation wells;
- Sentinel wells;
- Upgradient wells;
- Downgradient wells.

The final monitoring network shall be based upon site-specific hydrogeologic conditions.

17.7.12 BASELINE MONITORING PROGRAM

Baseline groundwater monitoring shall occur prior to commencement of construction activities.

Unless otherwise approved by the Commission, baseline monitoring shall be conducted for a minimum period of twelve (12) months.

The Commission may require longer monitoring periods where warranted by site conditions.

Monitoring shall evaluate:

- A. Water levels;
- B. Temperature;
- C. pH;
- D. Conductivity;
- E. Background chemistry;
- F. Other parameters identified by the hydrogeologic investigation.

17.7.13 OPERATIONAL MONITORING PROGRAM

Groundwater monitoring shall continue during:

- A. Construction;
- B. Operations;
- C. Expansion activities;
- D. Closure activities;
- E. Decommissioning activities.

Sampling frequency shall be established based upon:

- Site-specific risk;
- Hydrogeologic conditions;
- Operational activities;
- Monitoring results.

Monitoring frequency may be adjusted over time based upon demonstrated performance and Commission approval.

17.7.13(A) ADAPTIVE GROUNDWATER MONITORING REQUIREMENTS

Where groundwater withdrawal is proposed:

A. Groundwater elevations shall be monitored at frequencies sufficient to characterize baseline conditions.

B. Baseline monitoring shall generally include not less than twelve (12) months of data collection unless otherwise approved.

C. During initial withdrawal operations, monitoring frequencies may include continuous, daily, weekly, or other intervals necessary to evaluate aquifer response.

D. Monitoring frequency may be reduced following demonstration of stable conditions supported by technical documentation.

E. Monitoring frequency shall be increased where monitoring results indicate material deviations from established baseline conditions, unexpected aquifer response, drought conditions, operational changes, or other conditions warranting additional evaluation.

F. Monitoring protocols shall support adaptive management throughout facility operations.

17.7.14 WATER USE EFFICIENCY PLAN

The applicant shall submit a Water Use Efficiency Plan addressing:

- A. Water conservation measures;
- B. Reuse opportunities;
- C. Recycling opportunities;
- D. Cooling-system efficiency;
- E. Leak detection systems;
- F. Drought contingency measures.

The applicant shall identify anticipated Water Use Effectiveness (WUE) metrics where applicable.

17.7.15 WATER QUALITY PROTECTION MEASURES

The applicant shall identify measures intended to protect groundwater and surface water resources including:

- A. Secondary containment systems;
- B. Leak detection systems;
- C. Pipeline monitoring systems;
- D. Spill prevention systems;
- E. Groundwater monitoring systems;
- F. Emergency response measures.

17.7.16 SPILL AND RELEASE RESPONSE

Any release capable of impacting groundwater or surface water resources shall be reported in accordance with applicable state and federal requirements.

The operator shall additionally provide written notification to the County as soon as reasonably practicable upon confirmation of a release requiring regulatory notification.

The notification shall identify:

- A. Nature of the release;
- B. Affected media;
- C. Estimated quantities;
- D. Response actions;
- E. Corrective measures.

17.7.17 WATER RESOURCE REPORTING

Beginning within ninety (90) days following commencement of operations, the operator shall submit an annual Water Resources Summary Report.

The Report shall identify:

- A. Water withdrawals;
- B. Water consumption;
- C. Water reuse;
- D. Monitoring results;
- E. Significant incidents;
- F. Operational changes;
- G. Corrective actions.

The Commission may require supplemental reports when warranted by monitoring results.

17.7.18 INDEPENDENT HYDROGEOLOGIC REVIEW

The Commission may retain independent hydrogeologists, geologists, engineers, or other technical specialists to evaluate:

- A. Water Resource Assessments;
- B. Hydrogeologic Assessments;
- C. Groundwater models;
- D. Karst assessments;
- E. Monitoring programs;
- F. Expansion proposals.

Review costs shall be borne by the applicant through escrow.

17.7.18(A) EXISTING WATER USER PROTECTION EVALUATION

Where groundwater withdrawal is proposed, the applicant shall evaluate potential

impacts to existing groundwater users and identify proposed mitigation measures where material impacts are reasonably foreseeable.

SECTION 17.8 – COOLING SYSTEMS, PROCESS WATER MANAGEMENT, WASTEWATER MANAGEMENT, AND THERMAL PERFORMANCE

17.8.1 PURPOSE

The purpose of this Section is to establish requirements governing cooling infrastructure, process-water management, wastewater generation, water-efficiency measures, thermal management, discharge controls, and related monitoring requirements associated with High Intensity Technological Infrastructure (HITI) developments.

The provisions of this Section are intended to:

- A. Promote efficient water use;
- B. Minimize unnecessary water consumption;
- C. Protect groundwater resources;
- D. Protect surface-water resources;
- E. Promote operational reliability;
- F. Reduce risks associated with cooling-system failures;
- G. Establish transparent monitoring and reporting requirements.

17.8.2 COOLING SYSTEM ASSESSMENT

The Community Impact Report shall include a Cooling System Assessment.

The Assessment shall identify:

- A. Proposed cooling technology;
- B. Cooling-water requirements;
- C. Cooling efficiency assumptions;
- D. Water reuse opportunities;
- E. Wastewater generation;
- F. Thermal management strategies;
- G. Redundancy strategies;
- H. Emergency operating procedures.

The Assessment shall evaluate:

Initial operations;

Full buildout conditions;

Future expansion conditions;

Extreme weather operating conditions.

17.8.3 COOLING TECHNOLOGY DISCLOSURE

The applicant shall identify and describe all proposed cooling technologies.

Examples include:

- A. Air-cooled systems;
- B. Closed-loop liquid cooling systems;
- C. Direct-to-chip cooling systems;
- D. Immersion cooling systems;
- E. Hybrid cooling systems;
- F. Other cooling technologies proposed by the applicant.

The applicant shall identify the basis for selection of the proposed technology and compare reasonably available alternatives considered during project development.

17.8.4 PREFERRED COOLING DESIGN STANDARD

Applicants shall demonstrate that the selected cooling technology minimizes water consumption to the maximum extent reasonably practicable while maintaining facility reliability and operational requirements.

Closed-loop cooling systems, direct-to-chip systems, immersion cooling systems, reclaimed-water systems, and other high-efficiency cooling technologies shall be evaluated prior to the selection of water-intensive cooling technologies.

Where evaporative or other water-intensive cooling technologies are proposed, the applicant shall provide a technical justification describing:

- A. Alternatives evaluated;
- B. Relative water demand;
- C. Operational considerations;
- D. Cost considerations;
- E. Reliability considerations;
- F. Reasons the selected alternative was determined appropriate.

17.8.5 COOLING SYSTEM RELIABILITY

The applicant shall design cooling infrastructure sufficient to protect critical equipment and maintain operational continuity under reasonably foreseeable operating conditions.

The Cooling System Assessment shall identify:

- A. Redundancy strategies;
- B. Backup cooling capacity;
- C. Equipment failure scenarios;
- D. Emergency operating procedures;
- E. Critical component replacement strategies.

17.8.6 PROCESS WATER MANAGEMENT PLAN

The applicant shall submit a Process Water Management Plan describing:

- A. Sources of process water;
- B. Water treatment requirements;
- C. Water-quality monitoring;
- D. Water reuse systems;
- E. Water recycling systems;
- F. Blowdown management strategies;
- G. Wastewater generation estimates.

The Plan shall identify all expected process-water streams generated by facility operations.

17.8.7 PROCESS WATER QUALITY MANAGEMENT

The operator shall monitor process-water systems in accordance with manufacturer requirements, industry standards, and approved operations plans.

The applicant shall identify:

- A. Intended water-quality parameters;
- B. Corrosion-control strategies;
- C. Scaling-control strategies;
- D. Biological-control strategies;
- E. Monitoring frequencies;
- F. Corrective-action triggers.

The purpose of this section is to promote system reliability and reduce the likelihood of releases, failures, excessive blowdown, or premature equipment degradation.

17.8.8 WATER REUSE AND RECYCLING EVALUATION

The applicant shall evaluate opportunities for:

- A. Water reuse;
- B. Water recycling;
- C. Reclaimed water utilization;
- D. Rainwater harvesting;
- E. Alternative water sourcing strategies.

Where such measures are not proposed, the applicant shall provide justification.

17.8.9 WATER USE EFFICIENCY

The applicant shall identify anticipated Water Use Effectiveness (WUE) metrics where applicable.

The applicant shall describe:

- A. Baseline design assumptions;
- B. Efficiency targets;
- C. Improvement opportunities;
- D. Reporting methodologies.

The Commission may require periodic reporting of facility water-use efficiency performance.

17.8.10 WASTEWATER CHARACTERIZATION

The applicant shall identify all anticipated wastewater streams generated by facility operations.

The characterization shall identify:

- A. Process wastewater;
- B. Cooling-system blowdown;
- C. Sanitary wastewater;
- D. Equipment maintenance wastewater;
- E. Stormwater-related wastewater streams;
- F. Other wastewater streams reasonably anticipated during operations.

The applicant shall identify the anticipated composition of such streams based upon

facility design and operations.

17.8.11 WASTEWATER TREATMENT EVALUATION

The applicant shall describe all treatment systems proposed prior to discharge, reuse, recycling, or disposal.

The evaluation shall identify:

- A. Treatment technologies;
- B. Design capacities;
- C. Performance assumptions;
- D. Residual waste streams;
- E. Monitoring systems;
- F. Operational contingencies.

G. Cooling Water Characterization

The applicant shall characterize anticipated cooling-water treatment chemicals, additives, corrosion inhibitors, biocides, anti-scaling agents, and other process chemicals reasonably expected to be utilized.

H. Blowdown Management Evaluation

The applicant shall identify:

- i. Estimated blowdown volumes;
- ii. Blowdown quality assumptions;
- iii. Treatment requirements;
- iv. Proposed discharge pathways;
- v. Monitoring requirements;
- vi. Alternative disposal or reuse options evaluated.

The applicant shall identify anticipated treatment limitations and operational risks.

17.8.12 DISCHARGE EVALUATION

Where discharge is proposed, the applicant shall identify:

- A. Discharge locations;
- B. Receiving systems;
- C. Applicable permits;
- D. Monitoring requirements;
- E. Design assumptions;
- F. Discharge volumes.

Discharge evaluations shall be consistent with all applicable state and federal permitting requirements.

17.8.12(A) DISCHARGE ALTERNATIVES ANALYSIS

Where cooling-system discharge, blowdown discharge, land application, groundwater recharge, infiltration, or other disposal methods are proposed, the applicant shall evaluate available alternatives and identify the basis for selecting the preferred option.

17.8.13 THERMAL IMPACT ASSESSMENT

The applicant shall provide a Thermal Impact Assessment evaluating:

- A. Heat rejection systems;
- B. Ambient thermal effects;
- C. Building heat emissions;
- D. Waste heat generation;
- E. Thermal discharge impacts where applicable.

The Assessment shall evaluate:

Average operations;

Peak operations;

Extreme weather conditions;

Full buildout scenarios.

17.8.14 WASTE HEAT RECOVERY EVALUATION

The applicant shall evaluate opportunities for beneficial utilization of waste heat.

Examples may include:

- A. Industrial partnerships;
- B. District-heating applications;
- C. Agricultural applications;
- D. Greenhouse applications;
- E. Other beneficial uses.

Where such opportunities are determined to be impracticable, the applicant shall describe the basis for that determination.

17.8.15 THERMAL MONITORING SYSTEMS

Facilities shall implement monitoring systems sufficient to evaluate:

- A. Cooling-system performance;
- B. Water consumption;
- C. Process-water flows;
- D. Thermal discharge parameters where applicable;
- E. Significant operational anomalies.

Monitoring systems may be integrated through SCADA or equivalent facility-management systems.

17.8.16 WASTEWATER MONITORING PROGRAM

The operator shall develop a monitoring program appropriate to the wastewater streams generated by facility operations.

The program shall identify:

- A. Parameters monitored;
- B. Sampling frequencies;
- C. Analytical methods;
- D. Corrective-action thresholds;
- E. Reporting procedures.

Monitoring requirements may be modified over time based upon demonstrated performance and regulatory requirements.

17.8.17 EMERGENCY COOLING EVENTS

The applicant shall establish procedures governing emergency cooling-system failures or emergency releases.

The procedures shall identify:

- A. Emergency response actions;
- B. Containment measures;
- C. Notification procedures;
- D. Recovery measures;
- E. Corrective-action processes.

17.8.18 ANNUAL WATER AND THERMAL PERFORMANCE REPORT

Beginning within ninety (90) days following commencement of operations, the operator shall submit an Annual Water and Thermal Performance Report identifying:

- A. Water withdrawals;
- B. Water consumption;
- C. Water reuse volumes;
- D. Water recycling volumes;
- E. Significant cooling-system incidents;
- F. Significant wastewater incidents;
- G. Water-use efficiency metrics;
- H. Corrective actions implemented.

The Commission may require additional reporting where operational conditions warrant.

17.8.19 INDEPENDENT TECHNICAL REVIEW

The Commission may retain independent consultants to evaluate:

- A. Cooling-system assessments;
- B. Water-efficiency plans;
- C. Thermal analyses;
- D. Wastewater evaluations;

E. Operational monitoring programs.

Review costs shall be borne by the applicant through escrow.

SECTION 17.9 – ENVIRONMENTAL PROTECTION, STORMWATER MANAGEMENT, HAZARDOUS MATERIALS MANAGEMENT, AND ENVIRONMENTAL MONITORING

17.9.1 PURPOSE

The purpose of this Section is to establish requirements governing environmental protection, hazardous materials management, spill prevention, stormwater management, groundwater protection, environmental monitoring, reporting, and corrective actions associated with High Intensity Technological Infrastructure (HITI) developments.

The provisions of this Section are intended to:

- A. Protect environmental resources;
- B. Protect groundwater resources;
- C. Protect surface-water resources;
- D. Reduce environmental risks associated with facility construction and operation;
- E. Promote accountability through monitoring and reporting;
- F. Facilitate timely response to environmental incidents.

17.9.2 ENVIRONMENTAL PROTECTION PLAN

The applicant shall prepare and submit an Environmental Protection Plan (EPP).

The EPP shall identify:

- A. Existing environmental resources;
- B. Sensitive environmental features;
- C. Potential environmental risks;
- D. Proposed mitigation measures;
- E. Monitoring procedures;
- F. Incident response procedures;
- G. Responsible personnel;
- H. Applicable permits and approvals.

The EPP shall remain subject to update throughout the operational life of the facility.

17.9.3 BASELINE ENVIRONMENTAL CONDITIONS

Baseline environmental conditions shall be documented prior to commencement of construction activities.

Baseline documentation shall include, where applicable:

- A. Surface-water conditions;
- B. Groundwater conditions;
- C. Wetland conditions;
- D. Existing vegetation;
- E. Existing wildlife habitat;
- F. Existing drainage features;

- G. Existing noise conditions;
- H. Existing ambient light conditions;
- I. Existing roadway conditions;
- J. Existing soil conditions;
- K. Existing geologic and hydrogeologic conditions.

Baseline conditions shall serve as the reference standard for future monitoring, compliance evaluations, corrective actions, restoration activities, and decommissioning requirements.

17.9.4 HAZARDOUS MATERIALS INVENTORY

The applicant shall prepare and maintain a Hazardous Materials Inventory.

The Inventory shall identify:

- A. Fuels;
- B. Lubricants;
- C. Coolants;
- D. Cleaning agents;
- E. Water treatment chemicals;
- F. Battery system components;
- G. Fire suppression agents;
- H. Other hazardous materials reasonably anticipated during construction or operation.

The Inventory shall be updated as material changes occur.

17.9.5 HAZARDOUS MATERIALS MANAGEMENT PLAN

The applicant shall develop a Hazardous Materials Management Plan addressing:

- A. Storage procedures;
- B. Handling procedures;
- C. Transfer procedures;
- D. Spill prevention measures;
- E. Employee training requirements;
- F. Inspection procedures;
- G. Waste management practices.

The Plan shall identify measures intended to minimize risk to workers, property, groundwater resources, and surface-water resources.

17.9.6 SECONDARY CONTAINMENT REQUIREMENTS

Storage systems containing fuels, oils, coolants, treatment chemicals, hazardous liquids, or other potentially harmful materials shall incorporate secondary containment measures.

Secondary containment systems shall be designed to:

- A. Prevent migration of released materials;
- B. Facilitate inspection and maintenance;
- C. Support emergency response activities;

D. Protect groundwater and surface-water resources.

All containment systems shall be designed by qualified professionals using accepted engineering practices appropriate for the materials stored.

17.9.7 FUEL STORAGE FACILITIES

Fuel storage facilities shall be identified within the CIR and SRP.

The applicant shall disclose:

- A. Storage quantities;
- B. Storage locations;
- C. Tank types;
- D. Monitoring systems;
- E. Inspection procedures;
- F. Spill response procedures;
- G. Closure procedures.

Fuel storage facilities shall comply with all applicable federal and state requirements.

17.9.8 SPILL PREVENTION AND RESPONSE PLAN

The applicant shall prepare a Spill Prevention and Response Plan (SPRP).

The SPRP shall identify:

- A. Potential release scenarios;
- B. Spill response procedures;
- C. Notification procedures;
- D. Containment measures;
- E. Recovery procedures;
- F. Incident documentation procedures;
- G. Corrective action procedures.

The Plan shall remain current throughout construction and operation.

17.9.9 ENVIRONMENTAL INCIDENT NOTIFICATION

Where an environmental incident requires notification to a regulatory agency under applicable law, the operator shall provide written notice to the County as soon as reasonably practicable following such notification.

The notification shall identify:

- A. Nature of incident;
- B. Location;
- C. Affected media;
- D. Estimated quantities;
- E. Corrective actions undertaken;
- F. Planned remediation activities.

17.9.10 STORMWATER MANAGEMENT PLAN

The applicant shall prepare and submit a Stormwater Management Plan.

The Plan shall identify:

- A. Existing drainage conditions;
- B. Proposed drainage conditions;
- C. Stormwater detention facilities;
- D. Stormwater retention facilities;
- E. Water-quality treatment measures;
- F. Erosion-control measures;
- G. Maintenance procedures.

The Plan shall evaluate stormwater impacts for all approved development phases and full buildout conditions.

17.9.11 STORMWATER DESIGN EVALUATION

Stormwater analyses shall evaluate:

- A. Existing conditions;
- B. Post-development conditions;
- C. Construction conditions;
- D. Full buildout conditions;
- E. Future expansion assumptions;
- F. Applicable design storms.

The analyses shall identify anticipated changes in:

Peak flows;

Runoff volumes;

Water quality;

Drainage patterns.

17.9.12 EROSION AND SEDIMENT CONTROL PLAN

The applicant shall submit an Erosion and Sediment Control Plan addressing:

- A. Construction sequencing;
- B. Disturbed areas;
- C. Stabilization measures;
- D. Temporary controls;
- E. Permanent controls;
- F. Inspection procedures.

The Plan shall remain active throughout construction activities.

17.9.13 GROUNDWATER PROTECTION MEASURES

Where site conditions present a potential groundwater risk, the applicant shall identify groundwater protection measures including:

- A. Secondary containment;
- B. Impermeable barriers;
- C. Monitoring wells;
- D. Leak detection systems;
- E. Spill response measures;
- F. Operational monitoring procedures.

The measures proposed shall be consistent with site-specific hydrogeologic conditions.

17.9.14 ENVIRONMENTAL MONITORING PROGRAM

The operator shall develop an Environmental Monitoring Program.

The Program shall identify:

- A. Parameters monitored;
- B. Monitoring locations;
- C. Sampling frequencies;
- D. Data management procedures;
- E. Corrective-action thresholds;
- F. Reporting procedures.

The Program may include monitoring of:

Groundwater;
 Surface water;
 Stormwater;
 Noise;
 Air quality;
 Thermal conditions;
 Other environmental media as appropriate.

17.9.15 CONSTRUCTION ENVIRONMENTAL COMPLIANCE

The applicant shall implement procedures intended to minimize environmental impacts during construction activities.

Procedures may include:

- A. Dust suppression;
- B. Sediment controls;
- C. Equipment maintenance requirements;
- D. Spill prevention procedures;
- E. Temporary stabilization measures;
- F. Site housekeeping requirements.

17.9.16 ENVIRONMENTAL AUDITS

The Planning Commission may require periodic environmental compliance audits.

Audits may evaluate:

- A. Monitoring results;
- B. Spill-response readiness;
- C. Hazardous-materials management;
- D. Stormwater management;
- E. Groundwater protection measures;
- F. Corrective-action implementation.

The Commission may require third-party audits where warranted by project complexity or prior compliance history.

17.9.17 ANNUAL ENVIRONMENTAL PERFORMANCE REPORT

Beginning within ninety (90) days following commencement of operations, the operator shall submit an Annual Environmental Performance Report.

The Report shall summarize:

- A. Monitoring activities;
- B. Monitoring results;
- C. Environmental incidents;
- D. Corrective actions;
- E. Permit compliance status;
- F. Operational environmental improvements;
- G. Planned environmental initiatives.

The Report shall become part of the facility compliance record maintained by the County.

17.9.18 CORRECTIVE ACTION REQUIREMENTS

Where monitoring identifies operational conditions inconsistent with approved plans, permit conditions, or performance standards, the Commission may require submission of a Corrective Action Plan.

The Plan shall identify:

- A. Cause of the issue;
- B. Proposed corrective measures;
- C. Implementation schedule;
- D. Verification procedures.

17.9.19 INDEPENDENT ENVIRONMENTAL REVIEW

The Commission may retain independent environmental consultants to review:

- A. Environmental Protection Plans;
- B. Hazardous Materials Plans;
- C. Stormwater Management Plans;
- D. Monitoring Programs;
- E. Audit Reports;
- F. Corrective Action Plans.

Review costs shall be borne by the applicant through escrow.

SECTION 17.10 – NOISE, VIBRATION, LIGHTING, VISUAL CHARACTER, SCREENING, AND OPERATIONAL IMPACT MITIGATION

17.10.1 PURPOSE

The purpose of this Section is to establish requirements governing operational noise, vibration, lighting, visual impacts, thermal emissions, screening, buffering, and associated monitoring obligations associated with High Intensity Technological Infrastructure (HITI) developments.

The provisions of this Section are intended to:

- A. Promote compatibility between HITI developments and surrounding land uses;
- B. Provide objective performance standards;
- C. Minimize unnecessary off-site impacts;
- D. Establish monitoring and accountability mechanisms;
- E. Facilitate informed evaluation of operational impacts.

17.10.2 BASELINE CONDITIONS ASSESSMENT

Prior to approval of a Conditional Use Permit, the applicant shall document existing baseline conditions associated with:

- A. Ambient noise;
- B. Ambient lighting;
- C. Existing visual conditions;
- D. Existing thermal conditions where appropriate.

The Baseline Conditions Assessment shall become part of the Existing Conditions Report (ECR).

Post-construction compliance evaluations shall reference baseline conditions where applicable.

17.10.3 NOISE ASSESSMENT REQUIREMENT

The applicant shall submit a Noise Assessment prepared under the responsible charge of a qualified acoustical professional.

The Assessment shall evaluate:

- A. Existing ambient conditions;
- B. Construction activities;
- C. Operational activities;
- D. Backup generation systems;
- E. Cooling infrastructure;
- F. Mechanical systems;
- G. Energy storage systems;
- H. Other significant noise-producing equipment.

The assessment shall evaluate:

Initial operations;

Full buildout operations;

Emergency operating scenarios;

Future expansion scenarios.

17.10.4 NOISE PERFORMANCE STANDARDS

Noise generated by facility operations shall not create unreasonable adverse impacts upon surrounding properties.

The Noise Assessment shall identify:

- A. Predicted property-line noise levels;
- B. Sensitive-use noise levels;
- C. Daytime conditions;
- D. Nighttime conditions;
- E. Tonal characteristics;
- F. Low-frequency noise characteristics.

The Commission may establish project-specific noise limits during CUP review based upon:

- Existing ambient conditions;
- Surrounding land uses;
- Sensitive-use locations;
- Technical review findings.

17.10.4(A) OPERATIONAL NOISE LIMITS

Unless otherwise approved by the Commission through CUP conditions supported by a site-specific acoustical analysis:

- A. Noise attributable to normal facility operations shall not exceed **fifty-five (55) dBA** Leq during daytime hours measured at any occupied residential property line;
- B. Noise attributable to normal facility operations shall not exceed **forty-five (45) dBA** Leq during nighttime hours measured at any occupied residential property line;
- C. Emergency operations including backup generator testing and emergency power generation shall be exempt when conducted in accordance with applicable permits and approved operating procedures.

Where residential density, environmental sensitivity, existing ambient conditions, topographic conditions, or site-specific circumstances warrant additional protection, the Commission may establish lower project-specific limits supported by technical analysis.

17.10.5 VIBRATION ASSESSMENT

Where large rotating equipment, generators, cooling equipment, process equipment, or similar infrastructure is proposed, the applicant shall evaluate potential vibration impacts.

The assessment shall identify:

- A. Potential vibration sources;
- B. Transmission pathways;
- C. Mitigation measures;
- D. Monitoring approaches.

The assessment shall evaluate potential effects upon:

- Adjacent structures;
- Utility infrastructure;
- Occupied spaces;
- Other sensitive receptors.

17.10.6 NOISE MITIGATION PLAN

The applicant shall submit a Noise Mitigation Plan addressing:

- A. Equipment selection;
- B. Equipment placement;
- C. Acoustic barriers;
- D. Building attenuation;
- E. Berms;
- F. Vegetative screening;
- G. Operational controls;
- H. Future monitoring.

The Plan shall identify contingency measures available if monitoring indicates operational exceedances.

17.10.7 OPERATIONAL NOISE MONITORING

Where required by CUP condition or technical review findings, the operator shall implement operational noise monitoring.

Monitoring programs may include:

- A. Permanent monitoring stations;
- B. Periodic professional surveys;
- C. Complaint-response monitoring;
- D. Temporary monitoring associated with operational changes.

The Commission may require additional monitoring following significant facility expansion or modification.

17.10.7(B) ENHANCED NOISE MONITORING

The Commission may require permanently installed noise-monitoring equipment capable of continuous data collection where:

- A. Predicted operational noise approaches approved limits;
- B. Repeated complaints are documented;
- C. Prior exceedances are identified;
- D. Sensitive receptors are located nearby;
- E. Site-specific conditions warrant enhanced monitoring.

Monitoring systems may be integrated into existing SCADA, facility-management, or equivalent monitoring platforms.

17.10.7(C) NOISE EXCEEDANCE RESPONSE

Where monitoring demonstrates exceedance of approved noise limits, the operator shall investigate the source of the exceedance, identify corrective measures, and submit a written response to the Planning Commission within a period established by the Commission.

17.10.8 LIGHTING IMPACT ASSESSMENT

The applicant shall submit a Lighting Impact Assessment.

The Assessment shall identify:

- A. Lighting fixtures;
- B. Fixture locations;
- C. Fixture heights;
- D. Lighting controls;
- E. Photometric analyses;
- F. Predicted light trespass.

The Assessment shall evaluate:

Property boundaries;
Adjacent roadways;
Adjacent residences;
Sensitive uses;
Environmentally sensitive areas where applicable.

17.10.9 LIGHTING PERFORMANCE STANDARDS

Exterior lighting shall be designed to:

- A. Maintain site safety;
- B. Support facility security;
- C. Minimize unnecessary off-site light trespass;
- D. Reduce skyglow where practicable.

Lighting systems shall utilize:

Full cutoff fixtures where practicable;
Directional lighting where practicable;
Shielding measures where appropriate;
Automated controls where appropriate.

Lighting required by federal or state law shall be exempt.

17.10.10 LIGHTING MONITORING AND VERIFICATION

The Commission may require post-construction photometric verification where warranted by:

- A. Project size;
- B. Sensitive receptor proximity;
- C. Public concerns;

D. Technical review recommendations.

Monitoring results shall be compared to approved lighting plans.

17.10.11 VISUAL IMPACT ASSESSMENT

The applicant shall submit a Visual Impact Assessment evaluating:

- A. Facility visibility;
- B. Equipment visibility;
- C. Utility infrastructure visibility;
- D. Screening opportunities;
- E. Existing vegetation;
- F. Existing topography.

The Assessment shall identify viewpoints reasonably anticipated to experience substantial visual exposure.

17.10.11(A) HITI STRUCTURE(S) HEIGHT REVIEW

Buildings exceeding **sixty (60) feet** in height shall require supplemental review.

The supplemental review shall include:

- A. Visual simulations depicting reasonably representative viewpoints;
- B. Enhanced Visual Impact Analysis;
- C. Evaluation of alternative building configurations where practicable;
- D. Additional screening and buffering evaluations;
- E. Assessment of impacts upon adjacent properties, public roadways, and prominent public viewpoints.

The Planning Commission may establish additional screening, buffering, landscaping, architectural treatment, or design conditions where warranted by project-specific circumstances.

17.10.12 SCREENING AND BUFFER PLAN

The applicant shall submit a Screening and Buffer Plan addressing:

- A. Existing vegetation preservation;
- B. Tree preservation opportunities;
- C. Buffer areas;
- D. Berms;
- E. Fencing;
- F. Visual barriers;
- G. Infrastructure screening.

Existing vegetation and natural features may be utilized to satisfy screening requirements where determined acceptable by the Commission.

17.10.12(A) MINIMUM VISUAL BUFFER

Unless otherwise approved by the Commission pursuant to a site-specific analysis, a minimum **one hundred (100) foot** vegetated buffer shall be maintained adjacent to

residentially occupied property.

Existing vegetation may be credited toward satisfaction of this requirement.

17.10.13 EXISTING VEGETATION PRESERVATION

Applicants shall identify opportunities to preserve existing vegetation along site boundaries and within environmentally sensitive areas.

The Commission may consider preservation of existing vegetation as a preferred alternative to extensive replacement plantings.

Where vegetation removal is necessary, the applicant shall identify restoration or replacement strategies.

17.10.14 FENCING AND SECURITY INFRASTRUCTURE

Security fencing, walls, surveillance systems, gates, and related infrastructure shall be identified within the SRP.

The applicant shall demonstrate that security infrastructure:

- A. Meets operational requirements;
- B. Supports emergency access;
- C. Supports maintenance activities;
- D. Minimizes unnecessary visual impacts where practicable.

17.10.15 THERMAL IMPACT ASSESSMENT

The CIR shall include a Thermal Impact Assessment evaluating:

- A. Building heat emissions;
- B. Equipment heat emissions;
- C. Waste heat generation;
- D. Cooling-system heat rejection;
- E. Heat-recovery opportunities.

The applicant shall identify any reasonably anticipated off-site thermal impacts.

17.10.16 HEAT MITIGATION EVALUATION

The applicant shall evaluate opportunities to reduce off-site thermal impacts through:

- A. Building design;
- B. Equipment placement;
- C. Landscape strategies;
- D. Heat recovery technologies;
- E. Operational controls.

Evaluation shall not require implementation of a particular technology but shall document alternatives considered.

17.10.17 OPERATIONAL IMPACT COMPLAINT PROCEDURE

The operator shall maintain procedures for documenting, investigating, and responding to complaints related to:

- A. Noise;

- B. Lighting;
- C. Vibration;
- D. Thermal impacts;
- E. Other operational concerns.

Complaint records shall be retained and provided to the Commission upon reasonable request.

17.10.18 POST-CONSTRUCTION VERIFICATION

The Commission may require post-construction verification of:

- A. Noise conditions;
- B. Lighting conditions;
- C. Screening implementation;
- D. Visual mitigation measures;
- E. Thermal mitigation measures.

Verification may be performed by qualified third-party professionals.

17.10.19 INDEPENDENT TECHNICAL REVIEW

The Commission may retain independent acoustical consultants, lighting consultants, planners, engineers, architects, landscape architects, or other qualified professionals to evaluate:

- A. Noise Assessments;
- B. Lighting Assessments;
- C. Visual Impact Assessments;
- D. Screening Plans;
- E. Thermal Impact Assessments.

Review costs shall be borne by the applicant through escrow.

17.10.20 ANNUAL OPERATIONAL IMPACT SUMMARY

Beginning within ninety (90) days following commencement of operations, the operator shall include within its annual compliance reporting:

- A. Noise monitoring activities;
- B. Lighting-related corrective actions;
- C. Operational complaints;
- D. Mitigation measures implemented;
- E. Significant operational events affecting nearby properties.

SECTION 17.12 – FACILITY EXPANSION, MODIFICATION, CHANGE CONTROL, TRANSFER OF OWNERSHIP, AND ADAPTIVE REUSE

17.12.1 PURPOSE

The purpose of this Section is to establish procedures governing facility expansion, operational modifications, infrastructure upgrades, ownership transfers, adaptive reuse projects, change-control requirements, and continued compliance throughout the operational life of a High Intensity Technological Infrastructure (HITI) facility.

The provisions of this Section are intended to:

- A. Maintain transparency regarding facility changes;
- B. Ensure continued compliance with approved Conditional Use Permit conditions;
- C. Prevent incremental expansion from circumventing review requirements;
- D. Facilitate evaluation of cumulative impacts;
- E. Preserve the integrity of the original approval process.

17.12.2 APPLICABILITY

This Section shall apply to:

- A. Facilities under construction;
- B. Operational facilities;
- C. Facilities undergoing expansion;
- D. Adaptive reuse facilities;
- E. Facilities subject to ownership transfer;
- F. Facilities undergoing substantial equipment replacement.

The requirements of this Section shall remain applicable throughout the life of the facility until final decommissioning closure has been approved by the County.

17.12.3 GENERAL REQUIREMENT

No material change shall occur without prior review and approval as required by this Section.

The operator shall provide written notice to the Planning Commission of any proposed material change prior to implementation.

Approval of a Conditional Use Permit shall apply only to the specific development, infrastructure, operational assumptions, and conditions reviewed and approved by the Commission.

17.12.4 MATERIAL CHANGE DEFINITION

For purposes of this Article, a Material Change shall include any modification reasonably capable of altering:

- A. Water demand;
- B. Electrical demand;
- C. Wastewater generation;
- D. Noise emissions;
- E. Thermal emissions;
- F. Traffic generation;
- G. Stormwater characteristics;
- H. Emergency-response requirements;
- I. Environmental risks;
- J. Community impacts;
- K. Approved Community Benefits commitments.

The determination of whether a change constitutes a Material Change shall be made by the Planning Commission, based upon information submitted by the applicant.

17.12.5 PRESUMPTIVE MATERIAL CHANGES

The following shall be presumed to constitute Material Changes unless determined otherwise by the Commission:

A. Water Infrastructure Changes

- Changes in water source;
- New withdrawal locations;
- Increases in approved water demand exceeding approved operating assumptions;
- New groundwater withdrawals;
- Significant modifications to treatment infrastructure.

B. Electrical Infrastructure Changes

- Increases in electrical demand;
- New substations;
- Additional utility interconnections;
- Significant BESS additions;
- New generation facilities;
- Significant increases in backup generation capacity.

C. Building and Site Changes

- Additional principal structures;
- Additional data halls;
- Additional processing facilities;
- Additional utility yards;
- Expansion beyond approved disturbance limits.

D. Operational Changes

- New cooling technologies;
- New industrial processes;
- New waste streams;
- New hazardous materials inventories;
- Significant increases in operational intensity.

E. Environmental Changes

- New discharge locations;
- Increased discharge volumes;
- Changes in discharge characteristics;
- Changes affecting groundwater-protection assumptions;
- Changes affecting approved mitigation measures.

17.12.6 MINOR MODIFICATIONS

The Planning Commission may administratively approve Minor Modifications.

Minor Modifications shall be limited to changes that:

- A. Do not alter approved impact assumptions;
- B. Do not increase utility demand materially;
- C. Do not increase environmental impacts materially;
- D. Do not alter Community Benefits commitments materially;
- E. Do not require substantial revision of approved plans.

The Commission may require supporting documentation prior to determination.

17.12.7 MAJOR MODIFICATIONS

Major Modifications shall require review by the Planning Commission.

The Commission may require:

- A. Updated CIR sections;
- B. Updated SRP sections;
- C. Additional technical analyses;
- D. Additional public notice;
- E. Public hearings;
- F. Additional escrow deposits;
- G. Supplemental Community Benefits evaluations.

17.12.8 EXPANSION REVIEW CRITERIA

When reviewing expansions or modifications, the Commission shall consider:

- A. Consistency with existing approvals;
- B. Utility impacts;
- C. Water-resource impacts;
- D. Environmental impacts;
- E. Public-service impacts;
- F. Community impacts;
- G. Technical-review findings;
- H. Public comments.

The Commission may approve, deny, or condition requested changes.

17.12.9 FUTURE DEVELOPMENT AREAS

Applicants may identify future development areas during original CUP review.

Identification of future development areas shall not constitute authorization for future development.

Future phases may still require review under this Section.

17.12.10 ADAPTIVE REUSE PROJECTS

Conversion of an existing warehouse, manufacturing facility, industrial facility, commercial facility, or other existing structure into a HITI facility shall remain subject to all provisions of Article 17.

Adaptive reuse projects shall include:

- A. Existing-building assessments;
- B. Existing-utility assessments;
- C. Environmental-condition evaluations;
- D. Structural evaluations where appropriate;
- E. Utility-demand comparisons.

The existence of a previously developed site shall not exempt a project from CIR, SRP, monitoring, Community Benefits, decommissioning, or operational requirements.

17.12.11 OWNERSHIP TRANSFERS

The operator shall notify the Planning Commission of any proposed transfer of ownership, operational control, or long-term leasehold interest affecting the facility.

The notification shall identify:

- A. Existing owner;
- B. New owner;
- C. Existing operator;
- D. New operator;
- E. Transfer date;
- F. Assumption of obligations.

The new owner or operator shall assume all obligations established under:

The Conditional Use Permit;

This Article;

Community Benefits Agreements;

Monitoring requirements;

Financial assurance instruments.

17.12.12 ASSIGNMENT OF OBLIGATIONS

No ownership transfer shall relieve any party of obligations that accrued prior to transfer.

The County may require written documentation demonstrating assumption of all applicable obligations by successor entities.

17.12.13 COMMUNITY BENEFITS CONTINUITY

Any Community Benefits Agreement approved pursuant to this Article shall remain in effect following ownership transfer unless formally amended with County approval.

Transfers shall not automatically terminate Community Benefits obligations.

17.12.14 EXISTING CONDITIONS CONSISTENCY

All modifications and expansions shall be evaluated relative to:

- A. Existing Conditions Report (ECR);
- B. Approved Community Impact Report (CIR);
- C. Approved Site Review Plan (SRP);
- D. Approved Community Benefits Agreement;
- E. Prior modification approvals.

The applicant shall identify all deviations from previous assumptions and commitments.

17.12.15 MODIFICATION IMPACT ASSESSMENT

Applications involving Material Changes shall include a Modification Impact Assessment (MIA).

The MIA shall identify:

- A. Existing approved conditions;
- B. Proposed changes;
- C. New impacts;
- D. Revised utility demands;
- E. Revised water demands;
- F. Revised environmental impacts;
- G. Revised community impacts.

The MIA shall include a redlined summary identifying changes from the previously approved condition.

17.12.16 EMERGENCY REPAIRS

Emergency repairs necessary to:

- A. Protect life;
- B. Protect public safety;
- C. Prevent environmental harm;
- D. Prevent substantial property damage;

may occur prior to formal approval where immediate action is required.

The operator shall notify the County as soon as reasonably practicable and submit documentation describing:

Nature of emergency;

Actions taken;

Permanent corrective measures proposed.

17.12.17 COMPLIANCE AUDITS

The Commission may require compliance audits when:

- A. Significant modifications occur;
- B. Ownership transfers occur;
- C. Substantial compliance concerns arise;
- D. Significant operational incidents occur.

Audit costs may be borne by the operator.

17.12.18 INDEPENDENT TECHNICAL REVIEW

The Commission may retain independent consultants to evaluate:

- A. Modification requests;
- B. Expansion proposals;
- C. Ownership transfers;
- D. Adaptive reuse proposals;
- E. Compliance audits.

Review costs shall be borne by the applicant or operator through escrow.

17.12.19 ENFORCEMENT

Implementation of a Material Change without required approval may constitute a violation of:

- A. The Conditional Use Permit;
- B. This Article;
- C. Applicable County regulations.

The Commission may pursue any remedies authorized by law.

SECTION 17.13 – COMMUNITY BENEFITS ANALYSIS, COMMUNITY BENEFITS AGREEMENTS, WORKFORCE DEVELOPMENT, LOCAL PROCUREMENT, AND COMMUNITY INVESTMENT

17.13.1 PURPOSE

The purpose of this Section is to establish procedures governing Community Benefits Analyses, Community Benefits Agreements, workforce development initiatives, educational partnerships, agricultural partnerships, local procurement strategies, infrastructure investments, and community-investment commitments associated with High Intensity Technological Infrastructure (HITI) developments.

The provisions of this Section are intended to:

- A. Promote transparency regarding anticipated public benefits;
- B. Facilitate informed decision-making;
- C. Encourage meaningful community investment;
- D. Promote workforce development opportunities;
- E. Support educational advancement;
- F. Support local economic development;
- G. Promote long-term accountability for community commitments.

17.13.2 COMMUNITY BENEFITS ANALYSIS REQUIREMENT

The applicant shall prepare and submit a Community Benefits Analysis (CBA) as part of the Community Impact Report.

The Community Benefits Analysis shall evaluate the anticipated positive economic, educational, workforce, agricultural, infrastructure, environmental, and community impacts associated with the proposed development.

The Analysis shall identify both:

Direct benefits; and

Indirect benefits.

The applicant shall provide sufficient information to allow the Planning Commission and stakeholders to understand the scale and nature of anticipated benefits associated with the project.

17.13.3 COMMUNITY BENEFITS ANALYSIS CONTENT

At minimum, the Community Benefits Analysis shall evaluate:

A. Economic Benefits

Capital investment;
Property-tax revenues;
Occupational-tax revenues where applicable;
Utility-related revenues;
Construction-related expenditures;
Operational expenditures;
Indirect economic activity.

B. Workforce Benefits

Construction employment;
Permanent employment;
Skilled-trades opportunities;
Apprenticeship opportunities;
Workforce-training opportunities.

C. Educational Benefits

School partnerships;
Scholarship opportunities;
Technical-training opportunities;
Internship opportunities;
Career-development programs.

D. Agricultural Benefits

Agricultural partnerships;
Farm-support opportunities;
Agricultural-preservation initiatives;
Agricultural-technology collaboration opportunities.

E. Infrastructure Benefits

Roadway improvements;
Utility improvements;
Emergency-response improvements;
Telecommunications improvements;

Other public infrastructure investments.

F. Environmental Benefits

Conservation initiatives;
Restoration initiatives;
Water-resource initiatives;
Forest-management initiatives;
Environmental-education initiatives.

G. Quality-of-Life Benefits

Parks and recreation;
Libraries;
Community facilities;
Public-health initiatives;
Cultural initiatives.

17.13.3(A) COMMUNITY NEEDS ASSESSMENT

The Community Benefits Analysis shall identify community priorities and needs identified through stakeholder engagement, local planning initiatives, public outreach, infrastructure evaluations, educational institutions, workforce organizations, agricultural stakeholders, emergency-response agencies, and other relevant parties.

The applicant shall describe how proposed community benefits respond to identified community priorities where reasonably practicable.

17.13.4 DEMONSTRATED COMMUNITY INVESTMENT EXPERIENCE

The applicant shall identify previous projects where community-benefit commitments were implemented.

The applicant shall provide:

- A. Project name;
- B. Project location;
- C. Type of benefit provided;
- D. Responsible organization;
- E. Publicly available documentation where available.

The purpose of this section is to provide context regarding the applicant's prior experience with community-investment initiatives.

This section does not create a pass-fail requirement.

17.13.5 WORKFORCE DEVELOPMENT PLAN

The applicant shall prepare a Workforce Development Plan.

The Plan shall identify:

- A. Anticipated workforce needs;
- B. Skills likely to be required;
- C. Anticipated construction workforce requirements;

- D. Anticipated permanent workforce requirements;
- E. Workforce-training opportunities;
- F. Apprenticeship opportunities;
- G. Educational partnerships.

The Plan shall identify opportunities to maximize participation by qualified Kentucky workers whenever practicable.

17.13.6 LOCAL PROCUREMENT AND BUSINESS PARTICIPATION PLAN

The applicant shall prepare a Local Procurement and Business Participation Plan.

The Plan shall identify:

- A. Procurement categories reasonably anticipated during construction;
- B. Procurement categories reasonably anticipated during operations;
- C. Outreach efforts directed toward local businesses;
- D. Opportunities for local subcontractors;
- E. Opportunities for Kentucky-based suppliers.

The applicant shall document good-faith efforts to inform and engage local and regional businesses regarding procurement opportunities.

17.13.7 EDUCATIONAL PARTNERSHIPS AND TRAINING OPPORTUNITIES

The applicant shall evaluate opportunities to support:

- A. Public school systems;
- B. Career and technical education programs;
- C. Community and technical colleges;
- D. Apprenticeship programs;
- E. Internship programs;
- F. Trades education programs;
- G. Workforce-development organizations.

Examples may include:

Scholarships;

Training facilities;

Equipment donations;

Instructor support;

Workforce-program sponsorships.

The applicant shall identify opportunities determined to be reasonably practicable.

17.13.8 AGRICULTURAL AND RURAL COMMUNITY PARTNERSHIPS

Where HITI development is proposed upon or adjacent to agricultural land, the applicant shall evaluate opportunities to support:

- A. Local farmers;
- B. Agricultural education;

- C. Agricultural infrastructure;
- D. Farmland-preservation initiatives;
- E. Agricultural workforce programs;
- F. Rural economic-development initiatives.

The Planning Commission may consider such commitments during review of Community Benefits Agreements.

17.13.9 COMMUNITY BENEFITS AGREEMENT REQUIREMENT

Prior to issuance of a Conditional Use Permit, the applicant shall negotiate a Community Benefits Agreement (CBAg) with the County unless waived by the Planning Commission.

The Community Benefits Agreement shall identify:

- A. Community-investment commitments;
- B. Workforce commitments;
- C. Educational commitments;
- D. Infrastructure commitments;
- E. Environmental commitments;
- F. Reporting requirements;
- G. Performance schedules.

The Community Benefits Agreement may be incorporated into CUP conditions.

17.13.10 COMMUNITY BENEFITS CATEGORIES

Community Benefits Agreements may include, but are not limited to:

- A. Education
 - Scholarships;
 - Career and technical education support;
 - Workforce-training facilities;
 - School-system investments.
- B. Emergency Services
 - Fire department support;
 - EMS support;
 - Emergency-management support;
 - Specialized-response equipment.
- C. Infrastructure
 - County roads;
 - Bridges;
 - Utility infrastructure;
 - Broadband infrastructure.
- D. Environmental Stewardship
 - Water-resource projects;

Habitat restoration;
Conservation efforts;
Environmental monitoring initiatives.

E. Community Facilities

Parks;
Recreational facilities;
Libraries;
Community centers.

F. Agriculture

Farm-support programs;
Agricultural education;
Farmland-preservation initiatives;
Rural economic-development initiatives.

17.13.11 COMMUNITY BENEFITS EVALUATION FACTORS

When evaluating the adequacy of proposed community benefits, the Planning Commission may consider:

- A. Project scale;
- B. Utility demand;
- C. Water demand;
- D. Infrastructure impacts;
- E. Environmental impacts;
- F. Public-service impacts;
- G. Workforce impacts;
- H. Community priorities identified during public engagement.

The Commission shall not be required to utilize a fixed formula or percentage of capital investment.

17.13.12 COMMUNITY BENEFITS REPORTING

Beginning within ninety (90) days following commencement of operations, the operator shall submit an Annual Community Benefits Report.

The Report shall summarize:

- A. Community-investment activities;
- B. Workforce-development activities;
- C. Scholarship programs;
- D. Educational partnerships;
- E. Local procurement efforts;
- F. Agricultural initiatives;
- G. Community Benefits Agreement performance.

The Report shall become part of the facility compliance record maintained by the County.

17.13.13 MODIFICATION OF COMMUNITY BENEFITS AGREEMENTS

Community Benefits Agreements may be amended by mutual agreement of the County and operator.

Any amendment shall:

- A. Be documented in writing;
- B. Identify reasons for modification;
- C. Maintain substantial public benefit;
- D. Be reviewed by the Planning Commission where required.

17.13.14 COMMUNITY BENEFITS CONTINUITY DURING OWNERSHIP TRANSFER

Community Benefits obligations established pursuant to this Article shall continue following transfer of ownership unless otherwise approved by the County.

Successor owners shall assume obligations incorporated into approved agreements and permit conditions.

17.13.15 COMMUNITY BENEFITS NOTIFICATION DURING FACILITY CLOSURE

Where a facility intends to cease operations, the operator shall provide written notice to Community Benefits recipients as soon as reasonably practicable following confirmation of anticipated closure.

The notice shall identify:

- A. Anticipated closure schedule;
- B. Anticipated duration of remaining commitments;
- C. Expected changes in benefit programs.

The purpose of this subsection is to reduce disruption to organizations and programs relying upon facility-supported initiatives.

17.13.16 INDEPENDENT REVIEW

The Planning Commission may retain economists, planners, workforce-development specialists, financial analysts, educators, agricultural specialists, or other qualified professionals to evaluate:

- A. Community Benefits Analyses;
- B. Community Benefits Agreements;
- C. Workforce Development Plans;
- D. Procurement Plans;
- E. Annual Community Benefits Reports.

Review costs shall be borne by the applicant through escrow.

SECTION 17.14 – OPERATIONAL MONITORING, REPORTING, COMPLIANCE AUDITS, RECORD RETENTION, PUBLIC TRANSPARENCY, AND ANNUAL COMPLIANCE CERTIFICATION

17.14.1 PURPOSE

The purpose of this Section is to establish requirements governing operational monitoring, compliance reporting, record retention, audit procedures, compliance certification, public transparency, and long-term accountability associated with High

Intensity Technological Infrastructure (HITI) developments.

The provisions of this Section are intended to:

- A. Promote transparency;
- B. Facilitate compliance verification;
- C. Support informed decision-making;
- D. Establish long-term accountability;
- E. Provide a mechanism for evaluating operational performance;
- F. Facilitate identification and correction of compliance issues.

17.14.2 OPERATIONAL MONITORING REQUIREMENT

The operator shall implement monitoring programs sufficient to evaluate compliance with:

- A. Approved Conditional Use Permit conditions;
- B. Approved Community Benefits Agreements;
- C. Approved monitoring plans;
- D. Applicable provisions of this Article;
- E. Other applicable approvals incorporated into the CUP.

Monitoring programs shall be consistent with the assumptions and commitments identified within the CIR and SRP.

17.14.3 FACILITY COMPLIANCE FILE

The operator shall maintain a Facility Compliance File throughout the operational life of the facility.

The Compliance File shall include:

- A. Approved CUP documents;
- B. Approved CIR documents;
- C. Approved SRP documents;
- D. Modification approvals;
- E. Monitoring reports;
- F. Compliance certifications;
- G. Community Benefits reports;
- H. Environmental reports;
- I. Incident reports;
- J. Audit reports.

The Compliance File may be maintained electronically.

17.14.4 MONITORING DATA MANAGEMENT

The operator shall maintain monitoring records sufficient to document operational performance.

Data management procedures shall identify:

- A. Data collection methodologies;

- B. Data storage methodologies;
- C. Data retention periods;
- D. Quality-control procedures;
- E. Data-access procedures.

Monitoring records shall be maintained in a format capable of independent review.

17.14.5 RECORD RETENTION

Unless a longer period is required by law or permit condition, records required by this Article shall be retained for a minimum period of ten (10) years.

Records supporting decommissioning obligations, environmental remediation obligations, or financial assurance obligations shall be retained until final closure of those obligations.

17.14.6 ANNUAL COMPLIANCE CERTIFICATION

Beginning within one (1) year following commencement of operations, and annually thereafter, the operator shall submit an Annual Compliance Certification.

The Certification shall be executed by an authorized representative of the operator and shall identify:

- A. Compliance status;
- B. Significant operational changes;
- C. Significant incidents;
- D. Material deviations from approved assumptions;
- E. Corrective actions undertaken;
- F. Outstanding compliance issues.

The Certification may reference supporting reports submitted pursuant to this Article.

17.14.7 ANNUAL OPERATIONAL SUMMARY REPORT

The operator shall submit an Annual Operational Summary Report.

The Report shall summarize:

- A. Facility operations;
- B. Operational performance;
- C. Utility usage;
- D. Water usage;
- E. Major maintenance activities;
- F. Significant incidents;
- G. Expansion activities;
- H. Material facility changes.

The purpose of this subsection is to provide a comprehensive overview of facility activities during the preceding reporting period.

17.14.8 ANNUAL ENVIRONMENTAL PERFORMANCE SUMMARY

The operator shall submit environmental information required by Sections 17.7 through 17.10.

The Annual Environmental Performance Summary shall consolidate:

- A. Environmental monitoring results;
- B. Groundwater monitoring results;
- C. Surface-water monitoring results;
- D. Stormwater monitoring activities;
- E. Corrective actions;
- F. Environmental incidents;
- G. Environmental improvements implemented.

17.14.9 ANNUAL UTILITY AND RESOURCE UTILIZATION SUMMARY

The operator shall submit a Utility and Resource Utilization Summary identifying:

- A. Annual electrical consumption;
- B. Peak electrical demand;
- C. Annual water withdrawals;
- D. Water reuse volumes;
- E. Water recycling volumes;
- F. Major utility modifications.

The Summary shall be presented in a manner generally consistent with operational assumptions identified during CUP review.

17.14.10 WATER USE EFFECTIVENESS AND RESOURCE EFFICIENCY REPORTING

Where applicable, operators shall report operational resource-efficiency metrics utilized by the facility.

Examples may include:

- A. Water Use Effectiveness (WUE);
- B. Power Usage Effectiveness (PUE);
- C. Other resource-efficiency metrics utilized by the operator.

If such metrics are reported, the operator shall identify:

Methodology used;

Reporting period;

Significant changes from prior reporting periods.

17.14.11 COMMUNITY BENEFITS REPORTING

Reports submitted pursuant to Section 17.13 shall be incorporated into the annual compliance record.

Community Benefits reporting shall identify:

- A. Commitments made;
- B. Commitments fulfilled;
- C. Ongoing commitments;
- D. Modifications approved;

E. Unresolved obligations.

17.14.12 INCIDENT REPORTING

The operator shall maintain documentation of significant incidents occurring during construction or operations.

Examples include:

- A. Reportable environmental incidents;
- B. Major utility interruptions;
- C. Significant emergency-response incidents;
- D. Material operational failures;
- E. Major corrective actions.

The operator shall make incident records available to the County upon reasonable request.

17.14.13 COMPLIANCE AUDITS

The Planning Commission may require compliance audits when warranted by:

- A. Facility size;
- B. Operational complexity;
- C. Compliance history;
- D. Expansion activities;
- E. Transfers of ownership;
- F. Material incidents.

Audits may be performed by qualified independent professionals retained by the County.

17.14.14 AUDIT SCOPE

Compliance audits may evaluate:

- A. Utility infrastructure compliance;
- B. Water-resource compliance;
- C. Environmental compliance;
- D. Community Benefits compliance;
- E. Monitoring-program compliance;
- F. Decommissioning-financial-assurance compliance;
- G. Other obligations established under this Article.

17.14.15 CORRECTIVE ACTION PLANS

Where audits, reports, monitoring activities, or investigations identify deficiencies, the Commission may require submission of a Corrective Action Plan.

The Corrective Action Plan shall identify:

- A. Deficiency identified;
- B. Cause of deficiency;
- C. Corrective measures;

- D. Implementation schedule;
- E. Verification procedures.

17.14.16 PUBLIC TRANSPARENCY

Except where protected by law, confidential business information, critical-infrastructure security considerations, or other legally protected exemptions, reports submitted pursuant to this Article shall be considered public records.

The Commission may establish a public reporting portal or other reporting mechanisms to improve access to non-confidential information.

17.14.17 CONFIDENTIAL INFORMATION

Nothing within this Article shall require public disclosure of information protected under applicable law.

The operator may request confidential treatment of information relating to:

- A. Critical infrastructure security;
- B. Cybersecurity systems;
- C. Trade secrets;
- D. Protected proprietary information.

Such requests shall be reviewed in accordance with applicable law.

17.14.18 INDEPENDENT TECHNICAL REVIEW

The Commission may retain independent consultants to evaluate:

- A. Compliance reports;
- B. Audit reports;
- C. Monitoring data;
- D. Corrective Action Plans;
- E. Annual certifications.

Review costs may be borne by the operator through applicable escrow provisions or other approved funding mechanisms.

17.14.19 FAILURE TO REPORT

Failure to submit reports required by this Article may constitute a violation of CUP conditions.

The Commission may require corrective actions or pursue other remedies authorized by law.

SECTION 17.15 – FINANCIAL ASSURANCE, DECOMMISSIONING, FACILITY CLOSURE, SITE RESTORATION, POST-CLOSURE OBLIGATIONS, AND ABANDONMENT

17.15.1 PURPOSE

The purpose of this Section is to establish requirements governing facility closure, decommissioning, site restoration, post-closure monitoring, abandonment prevention, financial assurance, and long-term accountability associated with High Intensity Technological Infrastructure (HITI) developments.

The provisions of this Section are intended to:

- A. Protect taxpayers from unfunded closure obligations;
- B. Promote responsible lifecycle planning;
- C. Establish clear closure procedures;
- D. Ensure restoration of affected properties;
- E. Preserve public health, safety, and welfare;
- F. Facilitate long-term environmental stewardship.

17.15.2 DECOMMISSIONING PLAN REQUIREMENT

Prior to issuance of a Conditional Use Permit, the applicant shall submit a Preliminary Decommissioning Plan.

The Plan shall describe the procedures, sequence, assumptions, and anticipated costs associated with closure, dismantling, removal, restoration, and post-closure activities.

The Plan shall evaluate:

- A. Initial facility configuration;
- B. Full buildout conditions;
- C. Future expansion assumptions;
- D. All associated infrastructure.

The Decommissioning Plan shall remain subject to revision throughout the life of the facility.

17.15.3 EXISTING CONDITIONS BENCHMARK

The Existing Conditions Report (ECR) required by Section 17.3 shall serve as the principal benchmark document for evaluating restoration obligations.

The ECR shall establish:

- A. Existing land uses;
- B. Existing topography;
- C. Existing vegetation;
- D. Existing environmental conditions;
- E. Existing drainage conditions;
- F. Existing infrastructure;
- G. Existing roadway conditions;
- H. Existing groundwater conditions;
- I. Existing surface-water conditions.

The ECR shall be maintained for the life of the facility.

17.15.4 DECOMMISSIONING TRIGGER EVENTS

A facility shall be considered subject to decommissioning review upon occurrence of any of the following:

- A. Permanent cessation of operations;
- B. Facility abandonment;
- C. Revocation of required approvals;

- D. Failure to resume operations within a timeframe established by the Commission;
- E. Voluntary closure by the owner or operator.

The Commission may require submission of updated closure documentation upon occurrence of any trigger event.

17.15.5 DECOMMISSIONING NOTICE REQUIREMENTS

The owner or operator shall provide written notice to the County as soon as reasonably practicable following a determination that closure is anticipated.

Where closure can reasonably be anticipated in advance, notice should be provided as early as practicable.

The notice shall identify:

- A. Anticipated closure schedule;
- B. Planned decommissioning activities;
- C. Updated contact information;
- D. Anticipated restoration schedule.

17.15.6 COMMUNITY BENEFITS RECIPIENT NOTIFICATION

Where Community Benefits Agreements are in effect, the owner or operator shall provide written notice to affected program recipients regarding anticipated facility closure.

Notice shall identify:

- A. Anticipated closure date;
- B. Anticipated expiration of benefit commitments;
- C. Planned transition measures, if any.

17.15.7 UPDATED DECOMMISSIONING COST ESTIMATE

The operator shall update the decommissioning cost estimate no less than once every five (5) years.

Additional updates may be required following:

- A. Material expansion;
- B. Major facility modification;
- C. Significant inflationary conditions;
- D. Ownership transfer;
- E. Other circumstances determined appropriate by the Planning Commission.

Updated estimates shall remain consistent with approved facility conditions and anticipated closure obligations.

17.15.8 INDEPENDENT COST ESTIMATE

The Commission may require decommissioning cost estimates to be prepared or verified by an independent qualified professional.

The estimate shall identify:

- A. Demolition costs;
- B. Disposal costs;

- C. Environmental remediation costs;
- D. Site-restoration costs;
- E. Infrastructure-removal costs;
- F. Monitoring obligations;
- G. Salvage assumptions.

17.15.9 FINANCIAL ASSURANCE REQUIREMENT

The Commission may require financial assurance sufficient to address anticipated decommissioning obligations.

Acceptable financial assurance instruments may include:

- A. Surety bonds;
- B. Letters of credit;
- C. Escrow accounts;
- D. Trust agreements;
- E. Other financial instruments acceptable to the County.

The required amount shall be based upon the approved decommissioning cost estimate.

17.15.10 FINANCIAL ASSURANCE REVIEWS

Financial assurance instruments shall remain active throughout the operational life of the facility.

The operator shall notify the County of:

- A. Cancellation;
- B. Expiration;
- C. Non-renewal;
- D. Material modification.

Replacement instruments shall be provided prior to expiration of existing instruments.

17.15.11 DECOMMISSIONING ACTIVITIES

Unless otherwise approved by the County, decommissioning activities shall include evaluation and removal of:

- A. Buildings;
- B. Foundations;
- C. Equipment;
- D. Cooling infrastructure;
- E. Electrical infrastructure;
- F. Fuel-storage systems;
- G. Energy-storage systems;
- H. Monitoring infrastructure;
- I. Ancillary structures.

The final removal scope shall be determined based on post-closure land-use objectives and applicable regulatory requirements.

17.15.12 SITE RESTORATION

Following decommissioning, the site shall be restored to a substantially similar and environmentally stable condition suitable for approved post-closure land uses.

Restoration may include:

- A. Regrading;
- B. Revegetation;
- C. Drainage restoration;
- D. Soil stabilization;
- E. Environmental remediation;
- F. Infrastructure removal.

Restoration shall be evaluated relative to:

Existing Conditions Report;
Approved Decommissioning Plan;
Site-specific conditions.

17.15.13 ENVIRONMENTAL CLOSURE EVALUATION

Prior to closure certification, the operator shall provide documentation demonstrating that:

- A. Environmental obligations have been satisfied;
- B. Required remediation activities have been completed;
- C. Monitoring obligations have been addressed;
- D. Hazardous materials have been removed or properly managed.

17.15.14 POST-CLOSURE MONITORING

The Commission may require post-closure monitoring where warranted by:

- A. Site conditions;
- B. Groundwater conditions;
- C. Environmental-remediation activities;
- D. Hazardous-material history;
- E. Hydrogeologic conditions.

Monitoring duration shall be determined based upon site-specific conditions.

17.15.15 ABANDONMENT

Facilities shall not be abandoned without compliance with this Section.

Failure to reasonably maintain a facility, meet permit obligations, or respond to County notices may be considered evidence of abandonment.

The Commission may initiate enforcement procedures authorized by law.

17.15.16 OWNERSHIP TRANSFER DURING CLOSURE

Transfer of ownership shall not relieve any party of accrued decommissioning obligations.

The County may require written documentation demonstrating assumption of closure obligations by successor entities.

17.15.17 CLOSURE CERTIFICATION

Following completion of decommissioning and restoration activities, the owner or operator may request final closure certification.

The request shall include:

- A. Final restoration documentation;
- B. Monitoring results;
- C. Professional certifications where applicable;
- D. Documentation demonstrating compliance with approved closure requirements.

The Commission may require independent verification prior to issuing final closure certification.

17.15.18 INDEPENDENT TECHNICAL REVIEW

The Commission may retain engineers, geologists, environmental scientists, financial analysts, restoration specialists, or other qualified professionals to evaluate:

- A. Decommissioning Plans;
- B. Cost estimates;
- C. Restoration plans;
- D. Closure requests;
- E. Post-closure monitoring results.

Review costs may be borne by the operator through applicable financial-assurance mechanisms, escrow provisions, or other approved funding mechanisms.

17.15.19 FAILURE TO DECOMMISSION

Failure to perform required decommissioning activities may constitute a violation of this Article and may result in enforcement actions authorized by law.

The County may pursue recovery of costs utilizing available financial-assurance mechanisms where legally permissible.

SECTION 17.16 – ENFORCEMENT, VIOLATIONS, REMEDIES, APPEALS, SEVERABILITY, AND EFFECTIVE DATE

17.16.1 PURPOSE

The purpose of this Section is to establish procedures governing enforcement, compliance verification, violations, corrective actions, appeals, severability, and implementation of this Article.

The provisions of this Section are intended to:

- A. Promote compliance;
- B. Facilitate consistent administration;
- C. Establish clear enforcement mechanisms;
- D. Protect the integrity of the Conditional Use Permit process;
- E. Preserve the enforceability of this Article.

17.16.2 CONTINUING APPLICABILITY

All provisions of this Article shall remain applicable throughout:

- A. Construction;
- B. Operations;
- C. Modification activities;
- D. Expansion activities;
- E. Ownership transfers;
- F. Closure activities;
- G. Decommissioning activities.

Compliance with this Article shall not terminate until all applicable closure obligations have been satisfied and final closure certification has been issued.

17.16.3 RESPONSIBLE PARTIES

Responsibility for compliance with this Article shall extend to:

- A. Property owners;
- B. Facility owners;
- C. Facility operators;
- D. Successor entities assuming obligations pursuant to Section 17.12;
- E. Other entities expressly accepting obligations established under approved permits or agreements.

Where multiple parties possess responsibility, obligations may be considered joint and several to the extent permitted by law.

17.16.4 VIOLATIONS

It shall constitute a violation of this Article to:

- A. Construct or operate a HITI facility without required approvals;
- B. Fail to comply with approved CUP conditions;
- C. Fail to submit required reports;
- D. Fail to maintain required financial assurances;
- E. Implement Material Changes without required approval;
- F. Submit materially false or misleading information;
- G. Fail to comply with approved monitoring requirements;
- H. Fail to satisfy approved decommissioning obligations;
- I. Violate any other applicable provision of this Article.

17.16.5 NOTICE OF VIOLATION

Where the Planning Commission determines that a violation may exist, the Commission may issue a written Notice of Violation.

The Notice shall identify:

- A. The nature of the alleged violation;
- B. Applicable ordinance provisions;

- C. Required corrective actions;
- D. Applicable response deadlines;
- E. Additional information reasonably necessary to address the issue.

17.16.6 CORRECTIVE ACTION PROCEDURES

Following issuance of a Notice of Violation, the Commission may require submission of a Corrective Action Plan.

The Corrective Action Plan shall identify:

- A. Cause of the violation;
- B. Corrective measures proposed;
- C. Implementation schedule;
- D. Verification procedures.

The Commission may approve, modify, or reject proposed corrective actions.

17.16.7 SUSPENSION OF APPROVALS

Where warranted by substantial noncompliance, the Commission may initiate procedures authorized by law to:

- A. Suspend approvals;
- B. Modify approvals;
- C. Revoke approvals;
- D. Refer matters to appropriate enforcement authorities.

Such actions shall be undertaken in accordance with applicable legal procedures and due-process requirements.

17.16.8 STOP-WORK AUTHORITY

Where construction activities are occurring in violation of approved plans, permit conditions, or applicable requirements, the appropriate enforcement authority may issue stop-work directives consistent with applicable law.

The issuance of a stop-work directive shall not relieve the operator of any obligations established by this Article.

17.16.9 INJUNCTIVE AND OTHER REMEDIES

Nothing within this Article shall limit the ability of the County or other authorized governmental entities to pursue:

- A. Injunctive relief;
- B. Civil remedies;
- C. Administrative remedies;
- D. Other remedies authorized by law.

Remedies under this Article shall be cumulative unless otherwise prohibited by law.

17.16.10 EMERGENCY CONDITIONS

Where conditions reasonably threaten:

- A. Public health;

- B. Public safety;
- C. Critical infrastructure;
- D. Environmental resources;
- E. Emergency-response capabilities;

the County may pursue emergency measures authorized by law.

Emergency actions shall be limited to those reasonably necessary to address the circumstances presented.

17.16.11 APPEALS

Appeals of determinations made pursuant to this Article shall be governed by applicable provisions of:

- A. KRS Chapter 100;
- B. The Barren County Joint City-County Zoning Ordinance;
- C. Other applicable laws.

Nothing within this Article shall modify or eliminate statutory appeal rights.

17.16.12 ADMINISTRATIVE INTERPRETATION

The Planning Commission may issue administrative interpretations necessary to facilitate implementation of this Article.

Interpretations shall be:

- A. Consistent with the intent of the Article;
- B. Consistent with approved CUP conditions;
- C. Consistent with applicable law.

Administrative interpretations shall not create new regulatory requirements not otherwise authorized herein.

17.16.13 INDEPENDENT TECHNICAL REVIEWS AND INVESTIGATIONS

The Commission may retain qualified technical consultants to investigate:

- A. Alleged violations;
- B. Compliance concerns;
- C. Monitoring anomalies;
- D. Expansion activities;
- E. Decommissioning obligations;
- F. Corrective-action implementation.

Where authorized by approved agreements or permit conditions, the costs of such review may be borne by the operator.

17.16.14 NO WAIVER

Failure by the County, Commission, or any applicable governmental entity to enforce a provision of this Article shall not constitute a waiver of the right to later enforce that provision or any other provision of this Article.

17.16.15 SEVERABILITY

Should any section, subsection, sentence, clause, phrase, table, exhibit, or provision of this Article be determined by a court of competent jurisdiction to be invalid or unenforceable, such determination shall not affect the validity of the remaining portions of this Article.

The provisions of this Article are declared to be severable.

17.16.16 CONFLICTS

Where a conflict exists between this Article and another provision of the Barren County Joint City-County Zoning Ordinance, the more specific provision shall govern.

Nothing within this Article shall relieve an applicant from compliance with any otherwise applicable federal, state, or local requirement.

17.16.17 EFFECTIVE DATE

This Article shall become effective upon adoption in accordance with applicable legal procedures.

All HITI developments submitted after the effective date shall comply with the requirements established herein unless otherwise exempted by law.

17.17 APPENDICES

APPENDIX A DEFINITIONS AND ACRONYMS

This Appendix will consolidate defined terms, technical terminology, acronyms, and interpretive guidance utilized throughout Article 17.

The purpose of this Appendix is to improve consistency, administrative implementation, and stakeholder understanding.

This Appendix remains under development.

APPENDIX B REFERENCE STANDARDS MATRIX

This Appendix will identify applicable industry standards, codes, guidance documents, engineering references, and regulatory frameworks referenced by Article 17.

Examples may include ASHRAE, IEEE, NFPA, UL, ASTM, ISO, ANSI, NERC, EPA, KDOW, KYTC, and related standards.

This Appendix remains under development.

APPENDIX C APPLICATION SUBMITTAL CHECKLIST

This Appendix will provide a consolidated checklist of application documents, reports, studies, plans, certifications, analyses, and supporting information required during review.

This Appendix remains under development.

APPENDIX D ANNUAL REPORTING CHECKLIST

This Appendix will provide a consolidated checklist of operational reporting requirements

applicable throughout the life of a HITI facility.

This Appendix remains under development.

APPENDIX E COMMUNITY BENEFITS ANALYSIS FRAMEWORK

This Appendix will provide guidance regarding preparation of Community Benefits Analyses and evaluation of potential community investment opportunities.

This Appendix remains under development.

APPENDIX F COMMUNITY BENEFITS AGREEMENT FRAMEWORK

This Appendix will provide a model structure for Community Benefits Agreements and associated reporting mechanisms.

This Appendix remains under development.

APPENDIX G DEVELOPMENT REVIEW PROCESS FLOW DIAGRAM

This Appendix will graphically depict the application, technical review, public hearing, approval, denial, modification, and appeal procedures associated with Article 17.

This Appendix remains under development.

APPENDIX H OPERATIONAL COMPLIANCE FLOW DIAGRAM

This Appendix will graphically depict operational monitoring, reporting, auditing, compliance verification, incident response, modification review, and annual compliance procedures.

This Appendix remains under development.

APPENDIX I DECOMMISSIONING AND CLOSURE FLOW DIAGRAM

This Appendix will graphically depict facility closure, notification, financial assurance, restoration, post-closure monitoring, and final closure certification procedures.

This Appendix remains under development.