

JEFFERSON COUNTY ORDINANCE # _____

**AN ORDINANCE AMENDING THE JEFFERSON COUNTY CODE OF ORDINANCES BY ADDING
CHAPTER 5-45, REGULATING THE CONSTRUCTION, EXPANSION, OPERATION, AND DECOMMISSIONING
OF DATA CENTERS WITHIN THE UNINCORPORATED AREAS OF JEFFERSON COUNTY, IOWA**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF JEFFERSON COUNTY, IOWA:

That the Jefferson County Code of Ordinances is hereby amended by adding the following new Chapter 5-45:

CHAPTER 5-45

DATA CENTERS SECTION 1. SHORT TITLE, AUTHORITY, PURPOSE, JURISDICTION, AND APPLICABILITY A.

Short Title

This Chapter shall be known and may be cited as the **"Jefferson County Data Center Ordinance."**

B. Authority

This Chapter is adopted pursuant to Article III, section 39A of the Constitution of the State of Iowa; Iowa Code sections 331.301 and 331.302; and all other applicable authority granted to Jefferson County.

This Chapter constitutes an exercise of Jefferson County's home-rule and police powers to protect and preserve the rights, privileges, and property of the County and its residents and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents.

This Chapter is not adopted as a county zoning ordinance under Iowa Code chapter 335, does not establish zoning districts, and shall not be construed as the adoption of a comprehensive county zoning system.

C. Legislative Findings and Purpose

The purpose of the Jefferson County Ordinance is to provide a clear, comprehensive, and predictable regulatory framework for the siting and operation of regulated data centers within Jefferson County. Regulated data centers are characterized by substantial long-term demands on public infrastructure, including electrical power, water supply, transportation systems, and emergency services, as well as potential impacts on surrounding land uses and environmental resources. This Ordinance is intended to ensure that such facilities are evaluated, located, and, if developed, are developed in a manner consistent with Jefferson County's best interests, and that their infrastructure and operational impacts are appropriately reviewed and mitigated; and that the County can fulfill its long-term fiscal, infrastructure, and community responsibilities.

The intent of this chapter is as follows:

1. Establish a clear, comprehensive, and predictable regulatory and permitting framework for the construction, expansion, operation, and decommissioning of regulated data centers within the unincorporated areas of Jefferson County;

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2. Require the identification, evaluation, avoidance, and reasonable mitigation of adverse impacts upon public infrastructure, natural resources, agricultural land, neighboring properties, and the health, safety, and welfare of County residents;
3. Ensure that Jefferson County has sufficient information to evaluate the anticipated electrical, water, transportation, drainage, emergency-response, environmental, and fiscal effects of a proposed regulated data center;
4. Establish minimum construction, operational, monitoring, financial-assurance, and decommissioning standards appropriate to the scale and anticipated impacts of such facilities;
5. Require, to the extent authorized by law, that costs and public-infrastructure impacts reasonably attributable to a regulated data center are borne or mitigated by the applicant, permit holder, or facility operator rather than the County and its residents; and
6. Allow the responsible development of regulated data centers when the applicant demonstrates compliance with this Chapter and that the proposed facility can be constructed, operated, expanded, and decommissioned without unreasonable adverse impacts upon Jefferson County, its residents, or its public resources.

D. Jurisdiction

Except as otherwise expressly provided by state or federal law, or separate municipal ordinance for any municipality located within Jefferson County, Iowa, this Chapter applies throughout the territory of Jefferson County, Iowa. This ordinance should not be interpreted as Jefferson County exercising any authority expressly reserved or exclusively exercised by any incorporated municipality located within Jefferson County.

E. Applicability

1. Except as otherwise expressly provided in this Chapter, its requirements apply to any person proposing to construct, install, establish, expand, materially modify, operate, or decommission a regulated data center within the unincorporated territory of Jefferson County.
2. No person shall commence ground disturbance, grading, site preparation, construction, installation, or operation associated with a regulated data center unless the permits and approvals required by this Chapter have first been obtained.
3. A data center that does not initially meet the definition of a regulated data center shall become subject to this Chapter before any expansion, modification, or increase in electrical design capacity or water use that would cause the facility to meet or exceed the applicable regulated data center threshold.
4. Compliance with this Chapter does not relieve any applicant, owner, permit holder, contractor, or operator from obtaining any permit, license, approval, easement, agreement, or authorization required by federal law, state law, another Jefferson County ordinance, or another governmental entity having lawful jurisdiction.
5. Where another applicable law, ordinance, permit, or agreement imposes a more restrictive requirement, the more restrictive lawful requirement shall control.

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SECTION 2. DEFINITIONS

For purposes of this Chapter, the following terms shall have the meanings stated herein:

1. **Applicant:** Any person that applies for a permit or approval under this Chapter, including the property owner, data-center operator, or an authorized agent acting on their behalf.
2. **Battery Energy Storage System or BESS:** Equipment and associated facilities used to capture, store, and subsequently discharge electrical energy, including batteries, enclosures, control systems, cooling systems, fire-suppression systems, and related electrical infrastructure.
3. **Cryptocurrency:** Digital or virtual currency or mechanism of exchange that is not issued by any central authority that uses cryptographic technology and a blockchain or other distributed-ledger system to verify, record, or secure transactions.
4. **Cryptocurrency mining Operation:** A facility, or portion of a facility, in which computing equipment is used to validate, secure, process, or record transactions on a blockchain or other distributed ledger; to generate, obtain, or earn cryptocurrency or other digital assets; or to conduct substantially similar computational activity. A Cryptocurrency Mining Operation constitutes a Data Center Facility for purposes of this Chapter.
5. **Data Center Campus:** One or more data center buildings or facilities developed, operated, or proposed as part of a common development plan or project, whether constructed simultaneously or in separate phases. Facilities shall be treated as a single Data Center Campus when they share common ownership or control, a common development plan, utility infrastructure, electrical interconnection, access, cooling systems, operational management, or contiguous or nearby property. Separate parcels, meters, legal entities, or construction phases, shall not prevent aggregation.
6. **Data center facility:** One or more buildings, structures, containers, or installations, whose primary purpose is to house computer, server, network, or other electronic equipment used for the storage, management, processing, generation, dissemination, or transmission of digital data. The term includes, without limitation: Cloud-computing facilities, High-performance computing facilities, artificial-intelligence computing facilities, and Cryptocurrency Mining Operations. The term does not include an ordinary office server room, telecommunications cabinet, network switching facility, or similar equipment that is incidental and subordinate to another principal use and does not meet the threshold for either power or water utilization for a regulated Data Center as otherwise used in this section.

7. **Electrical Design Capacity:** The maximum aggregate electrical **load**, expressed in megawatts, that a data center or Data Center Campus is designed or planned to draw during normal operations, **whether supplied through an electric utility, on-site generation, a microgrid, or any combination thereof.**
8. **Ground Disturbance:** Clearing, grading, excavation, trenching, filling, drilling, foundation work, road construction, utility installation, or any other activity that materially disturbs the surface or subsurface of the project property.
9. **Regulated Data Center:** A Data Center Facility or Data Center Campus either having an aggregate Electrical Design Capacity exceeding five (5) megawatts (MW). All planned or reasonably anticipated buildings, phases, structures, equipment, and facilities comprising a Data Center Campus shall be evaluated in the aggregate, regardless of whether they are constructed simultaneously or separately.
10. **Occupied Building:** A residence, accredited school, hospital, church, public library, or other building used for public gathering/assembly, that is occupied or in use when the permit application is submitted. Occupied buildings also include buildings that house livestock.
11. **Operator:** Any person responsible for the management, control, maintenance, or operation of a data center, whether or not that person owns the facility or the property upon which it is located.
12. **Permit Holder:** The person, corporation, organization, or other entity to which a permit is issued under this Chapter and includes any lawful successor or assignee approved by Jefferson County.
13. **Person:** An individual, corporation, limited liability company, partnership, association, trust, governmental entity, or any other legal or commercial entity.
14. **Places of Public Gathering/Assembly:** Buildings or facilities where people gather for civic, educational, religious, or cultural purposes, including, but not limited to retirement and nursing homes, schools, childcare homes and centers, group homes, hospitals, detention facilities, or human service facilities, not including facilities allowed as an accessory use to the principal use in question.
15. **Project Area:** All parcels, structures, utility facilities, access roads, staging areas, easements, and other property owned, leased, controlled, or proposed for use in connection with a data center or Data Center Campus.

SECTION 3. CLASSIFICATION OF DATA CENTERS

Scope and Exclusions. This Chapter is intended to regulate data centers as defined herein and shall not apply to Internet service providers, telecommunications providers, or related communications facilities

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that are not principally operated as data centers, or other information-technology businesses or facilities that do not satisfy the definition of a data center under this Chapter.

The classification of a facility shall be determined by its principal use and actual or proposed operational characteristics, rather than solely by the business classification of its owner or operator.

SECTION 4. APPLICATION AND PERMITTING PROCESS

A. Permit Required

No person or entity shall commence ground disturbance, site preparation, grading, construction, installation, expansion, or operation of a regulated data center unless a complete application has been submitted in accordance with this Section and the Jefferson County Board of Supervisors has approved and issued a Regulated Data Center Permit by resolution.

A separate permit or permit amendment shall be required for any material expansion, additional construction, or material modification not expressly described and approved as part of the original permit.

B. Application Filing and Fees

An application shall be filed with the Jefferson County Auditor or other administrative official designated by the Board of Supervisors. The application shall be accompanied by:

1. An application fee established by resolution of the Board of Supervisors; and
2. A review-cost deposit or escrow, in an amount established by the Board, from which the County may reimburse its actual and reasonable engineering, legal, hydrological, environmental, financial, planning, inspection, and other professional-review expenses during application review.

The applicant shall replenish the review-cost deposit upon written request. Any unused balance shall be returned following final action on the application or completion of the project, as applicable.

C. Required Application Information

Prior to the issuance of any permit, the applicant shall supply the following information to the Board of Supervisors:

1. Identification of Owners, controlling entities, and Interested Parties

Name and contact information for all owners, leaseholders, and interested parties, including the property owner, developer, proposed operator, proposed permit holder, and a designated representative authorized to receive notices on behalf of the applicant. Furthermore, the following entities should be identified, and contact information provided, if applicable:

- a. The applicant's parent or controlling entity;
- b. The entity responsible for construction;
- c. The proposed facility operator;

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- d. The entity responsible for decommissioning; and
- e. The applicant's registered agent for service in Iowa.

2. Applicant and Permit Holder

The legal name of the applicant and proposed permit holder, if different.

3. Property Description and Control

The legal description of all properties leased and/or owned that are identified as part of the Project Area and documentation of land ownership or legal control of the property, including applicable parcel identification numbers and copies or summaries of any leases, options, easements, or other instruments establishing the applicant's right to develop the property.

4. Project Description and Construction Schedule

The project construction timeline, location of proposed structures, parking, and approximate number of employees of the completed facility.

For a phased or multi-building Data Center Campus, the application shall identify all reasonably anticipated phases, the estimated commencement and completion date of each phase, the approximate dimensions and use of each proposed structure, and the anticipated construction and permanent workforce.

5. Site Plan, Utilities, and Regulatory Permits

Planned location of underground or overhead electric lines, grid interconnection points, project entrances, staging areas, and access roads required during construction and pre- and post-construction. Site and structure requirements, including Iowa Department of Natural Resources regulatory permits and processes.

The application shall include a site plan of sufficient detail to identify proposed structures, property boundaries, access points, utilities, drainage facilities, water facilities, setbacks, easements, staging areas, and other material features of the proposed project.

All on-site power and communication lines shall be placed underground to the extent feasible, including any new power and communication lines. At the discretion of the Board of Supervisors, lines may be placed above ground when the natural landscape or distance requires it. Any approval of above-ground lines shall be supported by a finding that underground placement is impracticable or would create unreasonable engineering, environmental, or financial burdens.

6. Proximity to Incorporated Cities

For any project proposed within two (2) miles of the corporate limits of an incorporated city, the applicant shall provide evidence that it has given written notice of the project to the city and has provided the city a reasonable opportunity to submit comments concerning roads, utilities, emergency services, water, land-use compatibility, or other municipal interests.

The applicant shall obtain any city permit, utility agreement, access approval, or other authorization independently required by law. General approval by the city shall not be required unless the project

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depends upon city-owned property, infrastructure, utilities, or services, or such approval is otherwise independently required by law.

7. Proximity to Accredited Schools

For any project proposed within two (2) miles of an accredited school, the applicant shall provide evidence that it has given written notice of the project to the school and has provided the school a reasonable opportunity to submit comments concerning traffic, noise, lighting, emergency response, student safety, or other reasonably anticipated impacts.

The applicant shall obtain any agreement or approval independently required when the project proposes to use or materially affect school-owned property, infrastructure, access, or services.

Setbacks –

- 500 feet to property lines as measured from the property boundary line of data center
- 1,800 feet to the closest outer wall of nearest structure occupied or not as measured from property boundary line of data center

8. Wetlands and Natural Areas

The location of wetlands, scenic areas, and natural areas within two thousand six hundred forty (2,640) feet of the proposed data center.

The application shall identify the information source and methodology used and shall also depict known floodplains, waterways, drainageways, and protected natural resources within that area.

9. Pre-Construction Site, Historical, and Archaeological Survey

The applicant shall submit a pre-construction survey documenting the existing condition of the Project Area and adjoining areas reasonably likely to be affected by construction. The survey shall include, as applicable:

- a. Existing structures, property boundaries, topography, drainage features, waterways, wells, utility facilities, vegetation, and other relevant site conditions;
- b. A review of available records maintained by the State Historic Preservation Office, Office of the State Archaeologist, and other reasonably available sources concerning historic properties, archaeological sites, burial sites, and culturally significant resources;
- c. An appropriate field survey, when the records review, prior land use, project location, or site conditions indicate a reasonable potential for historical or archaeological resources;
- d. Recommended measures to avoid, protect, document, or mitigate reasonably anticipated impacts; and
- e. When the assessment identifies resources or locations that may affect the cultural, historical, archaeological, or burial interests of a federally recognized tribal nation,

documentation of appropriate consultation with potentially affected tribal entities and consideration of reasonable measures recommended through that consultation.

The historical and archaeological portions of the survey shall be prepared by a qualified archaeologist, architectural historian, or other professional meeting applicable professional standards.

Sensitive site-location and tribal cultural information shall be protected as required by law. Upon discovery of human remains or previously unidentified archaeological or culturally significant materials, work within the affected area shall immediately cease pending notification of the appropriate authorities, consultation with potentially affected tribal entities when appropriate, and compliance with applicable law.

10. Waste Management Plan

A Waste Management Plan detailing how construction waste will be handled during the construction period. The plan shall include:

- a. Estimated volumes and types of materials to be generated;
- b. Identification of materials proposed for recycling, salvage, or reuse;
- c. Designated recycling and disposal facilities;
- d. Procedures for on-site material separation and storage; and
- e. Documentation requirements demonstrating final disposal or diversion.

The plan shall separately identify hazardous substances, electronic waste, batteries, fuels, oils, coolants, and other materials requiring specialized handling or disposal.

11. Power Supply and Utilization Plan

Written verification from the proposed power provider that it has verified the calculated maximum planned electrical consumption of the proposed use and that the utility supply and related electrical infrastructure are sufficient for the site's proposed use.

The verification shall address the fully developed project, including all reasonably anticipated phases of a multi-building Data Center Campus.

Applicant shall include a detailed power-utilization and mitigation plan showing where power will be sourced and identifying:

- a. The projected peak and average electrical demand;
- b. Any proposed substations, transmission facilities, distribution improvements, or other system upgrades;
- c. The anticipated responsibility for financing project-specific infrastructure and system improvements; and

- d. Measures proposed to prevent or mitigate increased electrical costs or reduced reliability for residents and existing customers in Jefferson County.

12. Backup Power Plan

A description of a backup power plan describing the fuel source and expected usage of any standby, backup, or temporary power-generation systems. The plan shall identify:

- a. The anticipated number and size of generators or other power units;
- b. Anticipated testing frequency and duration;
- c. Anticipated noise and emission-control measures;
- d. Anticipated fuel storage or delivery methods; and
- e. Compliance with all applicable local, state, and federal permitting requirements.

The plan shall also identify spill-prevention, fire-protection, fuel-containment, and emergency-shutdown measures.

13. Stormwater and Pollution Prevention

A stormwater-management and pollution-prevention plan, including an erosion and sediment-control plan applicable during construction and operation.

The plans shall identify anticipated changes in drainage patterns, impervious surface area, stormwater volume, discharge points, detention or retention facilities, and measures intended to prevent adverse impacts upon adjoining property, public drainage infrastructure, and surface waters.

14. Water Supply, Water Study, and Water Use Agreement

A Water Use Agreement between the applicant, the Jefferson County Board of Supervisors, and the governing water provider, where applicable. The applicant shall submit a Water Use Agreement to govern ongoing coordination between the applicant and the County regarding water use during operation of the facility.

The agreement shall address water-use monitoring, reporting frequency, data-sharing protocols, compliance verification, drought or water-shortage response, emergency conditions, and procedures for responding to interference with existing water users.

A closed-loop cooling system shall be required unless otherwise authorized and approved by the Board of Supervisors. The applicant shall describe anticipated makeup-water requirements, blowdown, discharge, evaporation, and other consumptive water use associated with the proposed system.

Approval for a regulated data center shall be conditioned upon the applicant demonstrating that sufficient reliable water supply exists to meet all projected water demands without undue adverse impacts upon existing users, aquifers, or watersheds.

The applicant shall submit a Water Study demonstrating, at a planning level, that sufficient water resources are available to support the proposed use without causing undue adverse impacts to existing water users, groundwater resources, or surface-water systems.

The Water Study shall include:

- a. The proposed water source or sources;
- b. Anticipated ranges of water demand;
- c. Assumptions regarding cooling technologies;
- d. Water-efficiency and reuse measures;
- e. System-reliability considerations;
- f. Contingency approaches for water-supply interruptions or emergencies;
- g. A wastewater and discharge plan identifying anticipated sanitary wastewater, cooling-system blowdown, process wastewater, stormwater interaction, treatment methods, proposed discharge or reuse locations, receiving utilities or waters, and all required permits or agreements;
- h. Private and public wells located within two (2) miles of the project area, as well as baseline water-quality information for the identified public or private wells.

The Water Study shall be prepared by a qualified hydrological or civil engineer and shall contain sufficient information to allow the County, reviewing professionals, and the public to understand and evaluate the potential water impacts of the proposed use.

The applicant shall demonstrate coordination with the Iowa Department of Natural Resources and the United States Geological Survey, if appropriate.

15. Noise Study

A noise study confirming that no operating data-center equipment produces decibel levels exceeding fifty (50) dBA as measured from the outside wall of any occupied structure on privately owned land adjacent to the data center, with the exception of initial construction.

The study shall be prepared by a qualified acoustical professional, a professional certified by the Institute of Noise Control Engineering, or a licensed professional engineer with relevant experience. It shall include a baseline acoustic evaluation and model anticipated noise at full project buildout, including cooling equipment, transformers, substations, generators, battery systems, and other material noise sources.

16. Lighting Plan

A lighting plan shall be submitted providing details of light spread and intensity diagrams, fixture specifications, and mounting-height details. Any lighting used for outdoor illumination on the property shall use full-cutoff fixtures so that light does not shine upward or adversely impact adjoining property.

The plan shall identify anticipated light levels at the property boundaries and measures to minimize glare and unnecessary nighttime illumination.

17. Road Use Agreement and Access

A Road Use Agreement approved by the Board of Supervisors upon the recommendation of the Jefferson County Engineer shall identify all state, county, and municipal roads proposed to be used for constructing, operating, maintaining, or decommissioning the regulated data center.

The applicant shall separately obtain any permit or agreement required by the Iowa Department of Transportation, a municipality, or another road authority for roads outside Jefferson County's jurisdiction.

The agreement shall document road conditions before construction. The applicant shall conduct and provide the results of a pre-construction roadway-conditions survey, in coordination with the Jefferson County Secondary Road Department, to determine baseline road conditions.

The survey shall adequately document all road, road right-of-way, bridge, culvert, and public-drainage infrastructure conditions along proposed construction routes.

The applicant shall enter into the Road Use Agreement with Jefferson County, acting through the Board of Supervisors and County Engineer. The agreement shall clearly detail responsibilities for:

- a. Ongoing road maintenance;
- b. Dust control;
- c. Traffic management;
- d. Repair of damage;
- e. Oversize and overweight loads;
- f. Construction scheduling; and
- g. Restoration of County roads and public drainage infrastructure.

The Road Use Agreement may require financial assurance in the form of an irrevocable letter of credit, bond, cash, escrow, parent guarantee, or other security acceptable to Jefferson County.

At construction completion, the applicant shall, unless otherwise provided in the Road Use Agreement, conduct and provide the results of a post-construction roadway-conditions survey in coordination with the Jefferson County Secondary Road Department. Roads and public infrastructure impacted by construction shall be restored, as far as reasonably practical, to pre-construction conditions or to the condition otherwise required by the Road Use Agreement.

The site shall be accessed by a hard-surfaced road of sufficient capacity to accommodate the traffic it will generate, with a continuous hard-surfaced connection to a county arterial or state or federal highway. Vehicular access points shall create a minimum of conflict with through traffic movement.

The applicant shall promptly report damage to County roads, rights-of-way, or public drainage infrastructure and shall be responsible for timely repair in accordance with the Road Use Agreement.

18. Emergency Response Plan

An Emergency Response Plan created in collaboration with the Jefferson County Sheriff's Office and Jefferson County Emergency Management Director, and in consultation with affected fire departments, emergency medical services, and local public safety or law enforcement entities.

The applicant shall submit the Emergency Response Plan prior to any ground disturbance at the Project Area. The plan shall detail the response actions to be taken by facility representatives in the event of an emergency. These actions are intended to minimize health risks to personnel and people in the surrounding community and to minimize adverse environmental impacts.

The plan shall include:

- a. A detailed narrative of response procedures and identification of facility representatives responsible for emergency management;
- b. Procedures addressing fire, severe weather, natural disaster, hazardous-material release, fuel spill, electrical failure, security incident, medical emergency, evacuation, and environmental contamination;
- c. Designated emergency access routes, evacuation routes, responder staging areas, emergency shutoff locations, and facility contact information; and
- d. A stand-alone section detailing emergency-response protocols specific to battery-energy storage areas, if applicable.

19. Agricultural Land and Crop Suitability

An agricultural-land report identifying the Crop Suitability Rating or Corn Suitability Rating, as applicable, for the land included in the Project Area. The report shall identify the rating of each applicable soil mapping unit and the weighted average rating for the Project Area.

Land in Jefferson County with a crop suitability rating of fifty-five (55) or greater is generally considered by Jefferson County to be best suited for agricultural use as its principal use. The crop suitability rating of land proposed for use in any data-center project will be strictly scrutinized by the Board of Supervisors when reviewing the proposal.

20. Decommissioning and Site Reclamation

A Decommissioning and Site Reclamation Plan, including a cost estimate, shall be submitted prior to any development.

The plan shall identify the anticipated useful life of the facility; the circumstances constituting abandonment; the proposed timetable for removal; the structures, foundations, equipment, utilities,

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batteries, fuels, and other materials to be removed; and the measures to restore the property to a safe, stable, and usable condition.

A bond shall be posted sufficient to satisfy the proposed cost estimate. The Board may approve another form of financial assurance, including an irrevocable letter of credit, cash escrow, parent guarantee, or other security acceptable to the County.

The cost estimate shall be prepared or reviewed by a qualified independent professional and may be periodically updated to reflect inflation, changes in facility size, and actual decommissioning costs.

Decommissioning materials shall be recycled, reused, or salvaged to the maximum extent reasonably practicable. Remaining materials shall be disposed of only at facilities lawfully authorized to receive them. No decommissioning waste may be placed in a County-owned facility without prior approval of the Board of Supervisors. Disposal of any decommissioning waste within Jefferson County shall be first approved by the Jefferson County Board of Supervisors.

21. Ice Mitigation Plan

An Ice Mitigation Plan created in collaboration with the County Engineer to establish a method of assessing and mitigating any buildup of ice on roadways due to data-center activity, including ice or reduced visibility potentially resulting from cooling-tower plumes, water vapor, drainage, or other facility operations.

22. Insurance and Indemnification

Proof of Insurance: The applicant shall agree to indemnify and hold harmless Jefferson County from claims arising from data-center activity, to the extent caused by the acts or omissions of the applicant, permit holder, operator, contractors, agents, or employees.

The applicant shall furnish a certificate of insurance evidencing coverage in an amount of not less than ten million dollars (\$10,000,000.00), which may be satisfied through a combination of primary and excess or umbrella coverage.

Jefferson County shall be named as an additional insured where commercially available. Coverage shall be maintained throughout construction, operation, and decommissioning, and the applicant shall provide updated certificates upon renewal or upon the County's reasonable request.

23. Applicant certification and continuing duty to update

The applicant and property owner shall certify that the application is true, accurate, and complete to the best of their knowledge. The applicant shall promptly supplement the application if any material information changes before construction is completed.

24. Confidentiality and public-records designation

An applicant claiming that information submitted with an application is confidential shall clearly identify each document or portion claimed to be confidential, state the legal basis for the claim under Iowa Code chapter 22, and provide a reasonably redacted public copy of the confidential document(s). The County shall determine disclosure obligations in accordance with applicable law.

D. County administrator, Completeness and Professional Review

The Board of Supervisors shall designate by resolution a County official or qualified agent to administer this Chapter, determine application completeness, coordinate professional review, conduct inspections, issue notices of violation and stop-work orders, and perform other duties assigned by the Board.

The designated County administrative official shall review the application for completeness. An application shall not be scheduled for final consideration until the applicant has supplied all information reasonably required under this Chapter.

The County may retain independent engineers, hydrologists, acoustical consultants, emergency-response specialists, financial consultants, legal counsel, or other qualified professionals to review the application and supporting studies. Reasonable costs of such review shall be paid from the applicant's review-cost deposit.

E. Notice and Public Hearing

After an application is determined to be complete, the Board of Supervisors shall schedule a public hearing. Notice shall be published as provided by law.

The applicant shall, no less than ten (10) days prior to any hearing, also provide notice of the date, location, and subject of any hearing, by first-class mail to:

1. Owners and occupants of property located within one thousand (1,000) feet of the Project Area;
2. Any incorporated city whose corporate limits are located within two (2) miles of the Project Area; and
3. Any accredited school located within two (2) miles of the Project Area.

The applicant shall provide the County with a list of persons and entities notified, a copy of the notice, and an affidavit establishing the date and manner of mailing.

Before the public hearing, the Board may require the applicant to conduct a public informational meeting at a reasonably accessible location.

F. Board Action

Following the public hearing and completion of its review, the Board of Supervisors may approve, conditionally approve, or deny the application by resolution.

The resolution shall include written findings addressing compliance with this Chapter and the anticipated effects of the project upon public health, safety, infrastructure, natural resources, agricultural land, neighboring properties, emergency services, and the general welfare of Jefferson County.

The Board shall not approve an application unless it finds, based upon the application and record, that:

1. The application is complete and materially accurate;
2. The applicant has demonstrated compliance with this Chapter;

3. Adequate water, electrical, road, drainage, emergency-response, and public infrastructure capacity exists or will be provided;
4. Anticipated noise, lighting, traffic, water, environmental, and neighboring-property impacts will be avoided or reasonably mitigated;
5. Required agreements, insurance, and financial assurance have been executed or provided; and
6. The facility can be constructed, operated, and decommissioned without an unreasonable threat to public health, safety, property, or County infrastructure.

The Board may impose reasonable conditions directly related to the project's anticipated impacts and reasonably necessary to ensure compliance with this Chapter.

Issuance of a permit under this Chapter does not replace or excuse any other permit, agreement, license, or approval required by law.

G. Phased Construction and Material Changes

An applicant shall not be required to resubmit information for a later building or phase that was expressly identified and fully evaluated in the original application, provided the scope, footprint, electrical demand, water use, and anticipated impacts of the project have not materially changed.

Any material change shall require approval of a permit amendment before the changed work begins.

SECTION 5. ECONOMIC DEVELOPMENT AGREEMENT AND COMMUNITY INVESTMENT A. Economic Development Agreement Required

Before issuance of a Regulated Data Center Permit and before commencement of any ground disturbance or construction, the applicant, property owner, proposed permit holder, and facility operator, as applicable, shall enter into an Economic Development Agreement ("EDA") with Jefferson County. The EDA shall be approved by resolution of the Board of Supervisors.

The EDA shall establish the respective obligations of the County and the applicant and shall provide for continuing cooperation during the construction, operation, expansion, and decommissioning of the regulated data center.

B. Purpose

The purposes of the EDA are to:

1. Identify any economic-development assistance, incentives, infrastructure commitments, or other benefits to be provided by the County;
2. Ensure that development of the regulated data center produces substantial and lasting economic and community benefits within Jefferson County;

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3. Address the extraordinary fiscal, infrastructure, workforce, housing, public-safety, environmental, and community demands associated with the project; and
4. Establish enforceable financial, reporting, performance, and security obligations appropriate to the scale and nature of the project.

The Board of Supervisors shall retain reasonable discretion, consistent with applicable law, to negotiate the form, timing, structure, administration, and permitted uses of the benefits required under the EDA.

C. Community Investment Commitment

The EDA shall require the applicant to provide an aggregate Community Investment Commitment equal to ten percent (10%) of the Total Construction Cost of the regulated data center and all associated phases and facilities comprising the Data Center Campus.

For purposes of this Section, “Total Construction Cost” means the actual aggregate cost of constructing the project, including:

1. Site preparation, excavation, grading, and foundations;
2. Buildings and other permanent structures;
3. Internal roads, parking, drainage, and site improvements;
4. Electrical substations, switchyards, transmission or distribution improvements, and permanently installed electrical infrastructure;
5. Cooling, water-supply, wastewater, and water-treatment systems;
6. Backup-generation and battery-energy-storage facilities;
7. Permanently installed mechanical, electrical, communications, fire-protection, and security systems; and
8. Related labor, materials, engineering, architecture, construction management, and professional services.

Total Construction Cost does not include the acquisition price of land, financing costs, interest, taxes, ordinary operating expenses, or movable servers and information-technology equipment that are not permanently incorporated into the facility.

D. Form of Community Investment

The Community Investment Commitment may be satisfied through a combination of:

1. Cash contributions to a Community Betterment Fund or other County-controlled fund or account;
2. Construction or funding of public infrastructure not required solely to serve the project;
3. Workforce-development and vocational-training programs;
4. Affordable or workforce-housing initiatives;

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5. Childcare, transportation, broadband, and other services supporting workforce participation;
6. Emergency-response equipment, facilities, training, or staffing;
7. Water-resource protection, conservation, environmental restoration, and agricultural preservation programs;
8. Local business-development, entrepreneurship, and economic-diversification initiatives; and
9. Other public or community improvements approved by the Board of Supervisors and determined to advance the long-term economic welfare of Jefferson County.

No proposed in-kind contribution shall receive credit unless its scope, value, ownership, public benefit, and completion schedule are expressly approved in the EDA.

E. Estimated Cost and Final Reconciliation

Before execution of the EDA, the applicant shall submit a certified estimate of Total Construction Cost prepared by a qualified contractor, construction manager, engineer, certified public accountant, or other professional acceptable to the County.

The applicant shall provide updated cost certifications at intervals established in the EDA. No later than one hundred eighty (180) days after substantial completion of the project, or of each phase of a phased project, the applicant shall submit a final accounting of actual Total Construction Cost.

The Community Investment Commitment shall be adjusted based upon actual costs. Any deficiency shall be paid within the time established by the EDA. Any overpayment may be credited against a later approved phase or addressed as otherwise provided in the EDA.

The County may review or audit supporting cost records at the applicant's expense when reasonably necessary to verify compliance.

F. Payment Schedule and Financial Security

The EDA shall establish a payment and performance schedule reasonably corresponding with the construction schedule. The Board may require:

1. An initial contribution before ground disturbance;
2. Periodic contributions based upon construction expenditures or project milestones;
3. Final reconciliation before commencement of commercial operation; and
4. An irrevocable letter of credit, bond, escrow, parent guarantee, or other financial security sufficient to secure unpaid obligations.

G. Community Betterment Fund

Any cash contribution shall be deposited into a separate County fund or account established and administered in accordance with Iowa law.

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Funds shall be appropriated and expended by the Board of Supervisors for approved public infrastructure, services, workforce development, environmental protection, economic diversification, or other lawful economic-development and community purposes.

Nothing in this Section commits the County to provide financial assistance to a private person without the public-purpose determination and other action required by applicable law.

H. Economic-Development Incentives

The EDA shall identify any tax incentive, rebate, infrastructure participation, grant, loan, or other economic-development assistance proposed to be provided by the County.

No provision of this Chapter shall be construed as requiring the County to provide an incentive or financial assistance. Any County assistance shall remain subject to separate legal authorization, required public-purpose findings, available appropriations, and the terms of the EDA.

Iowa Code section 15A.1 recognizes economic development as a public purpose but requires the Board to determine that a public purpose will reasonably be accomplished before County funds are used to benefit a private person.

I. Compliance With Applicable Law

The Community Investment Commitment is intended to constitute a negotiated contractual obligation supporting Jefferson County's lawful economic-development and community objectives and shall not be administered as an unauthorized tax.

If a court determines that application of the ten-percent requirement would violate state or federal law, the requirement shall be enforced to the maximum lawful extent. The Board and applicant shall negotiate an amended contribution or benefit package that most closely carries out the purposes of this Section.

SECTION 6. CONTINUING OPERATIONS AND COMPLIANCE

A. Continuing Compliance

The permit holder and operator shall continuously operate the regulated data center in compliance with this Chapter, the approved permit, all permit conditions, approved plans and agreements, and applicable federal and state law.

B. Annual Certification

On or before March 1 of each year, the permit holder shall submit a written certification confirming continued compliance and reporting:

1. Annual and peak electrical demand;
2. Annual and peak water withdrawal and consumption;
3. Material changes to facility equipment or operations;

4. Fires, spills, hazardous releases, or other significant incidents; and
5. The status of required insurance and financial assurance.

C. Monitoring and Testing

The permit holder shall conduct post-construction and periodic noise, water, and other monitoring required by the permit or approved plans. Results shall be submitted to the County upon completion.

D. Emergency and Operational Plans

Emergency response, water-use, waste-management, and other operational plans shall be reviewed annually and promptly updated following a material operational change or significant incident.

E. Incident Reporting

The operator shall immediately notify appropriate emergency authorities of any emergency and shall notify the County within twenty-four (24) hours of any fire, hazardous release, significant spill, major infrastructure failure, or event reasonably presenting a threat to public health, safety, property, or the environment.

F. Complaints and Corrective Action

The operator shall maintain a procedure for receiving and responding to complaints concerning noise, lighting, traffic, water, drainage, or other facility impacts and shall promptly undertake corrective action when a violation or substantiated adverse impact is identified.

SECTION 7. INSPECTIONS, SUSPENSION, REVOCATION, VIOLATIONS, AND ENFORCEMENT A.

Inspections

The Board of Supervisors or its designated representative may inspect the Project Area at reasonable times to determine compliance with this Chapter, the permit, and approved plans. Except in an emergency, the County shall provide reasonable advance notice and conduct inspections with the consent of the owner or operator or pursuant to lawful process.

The permit holder shall provide reasonable access to relevant facilities, records, monitoring data, and responsible personnel. Refusal of access may constitute grounds for enforcement and the County may seek an administrative or judicial warrant when authorized by law.

B. Notice of Violation and Stop-Work Order

Upon determining that a violation exists, the County may issue written notice identifying the violation, required corrective action, and a reasonable compliance deadline.

When work presents an immediate threat to public health, safety, property, or the environment, or materially departs from the approved permit, the County may issue an immediate stop-work order. Work shall not resume until authorized in writing.

C. Suspension or Revocation

The Board may suspend or revoke a permit for:

1. Material misrepresentation or omission in the application;
2. Violation of this Chapter, the permit, or an approved plan;
3. Failure to maintain required insurance or financial assurance;
4. Failure to comply with a lawful corrective order; or
5. Creation of a substantial threat to public health, safety, property, or the environment.

Except when immediate suspension is necessary to address an emergency, the permit holder shall receive written notice and a reasonable opportunity for hearing before the Board. An emergency suspension shall be followed by a hearing as soon as reasonably practicable.

D. County Infraction

A violation of this Chapter, a permit condition, or a lawful order issued under this Chapter constitutes a county infraction. Each day a violation continues constitutes a separate offense.

A violation may be punished by a civil penalty not exceeding seven hundred fifty dollars (\$750.00), or one thousand dollars (\$1,000.00) for each repeat offense, as authorized by Iowa Code sections 331.302 and 331.307.

E. Additional Remedies

In addition to civil penalties, the County may seek:

1. Injunctive or declaratory relief;
2. An order requiring cessation, correction, or abatement of the violation;
3. Authorization for the County to correct or abate the violation;
4. Recovery of inspection, enforcement, correction, abatement, and litigation costs;
5. A draw upon any bond, escrow, letter of credit, or other financial assurance; and
6. Any other remedy available at law or in equity.

The pursuit of one remedy does not preclude the County from pursuing another lawful remedy. Iowa Code section 331.307 permits a court to order cessation or abatement, authorize County correction, and assess correction costs against the responsible party or affected property.

F. Responsible Parties

The applicant, permit holder, property owner, and operator may each be held responsible for violations occurring within their respective ownership, control, or contractual responsibility. Transfer of ownership or operation does not relieve a person of liability for a violation occurring before the transfer.

SECTION 8. DECOMMISSIONING AND SITE RESTORATION

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A. Decommissioning Required

A regulated data center, or any material portion thereof, shall be decommissioned when permanently abandoned, when operation has ceased for twelve (12) consecutive months without written extension from the Board of Supervisors, or when required following permit revocation.

B. Decommissioning Plan

Decommissioning shall be completed in accordance with the approved Decommissioning and Site Reclamation Plan. Unless otherwise approved by the Board, decommissioning shall include:

1. Removal of buildings, equipment, generators, batteries, fuel tanks, foundations, utilities, and other project improvements;
2. Lawful recycling, reuse, or disposal of all materials and waste;
3. Removal and remediation of hazardous substances and contaminated soil;
4. Restoration of drainage, soil stability, vegetation, and access areas; and
5. Return of the property to a safe and reasonably usable condition.

C. Completion Period

Decommissioning and restoration shall begin within ninety (90) days after abandonment or cessation is established and shall be completed within eighteen (18) months, unless the Board approves a reasonable extension.

D. Financial Assurance

The permit holder shall continuously maintain financial assurance sufficient to cover the estimated cost of decommissioning and restoration. The amount shall be reviewed and updated at least once every five (5) years and upon any material expansion of the facility.

E. County Action Upon Default

If the responsible party fails to timely complete decommissioning, the County may draw upon the financial assurance and enter the Project Area, pursuant to lawful authority, to complete the work. The applicant, permit holder, property owner, and operator shall remain liable for costs exceeding the available financial assurance.

F. Release

Financial assurance shall not be released until the County determines that decommissioning and site restoration have been satisfactorily completed.

SECTION 9. APPEALS**A. Administrative Decisions**

A person aggrieved by a written decision, order, or determination of a County official under this Chapter may appeal to the Board of Supervisors by filing a written notice of appeal with the County Auditor within twenty (20) days after service of the decision.

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The Board shall provide notice and an opportunity to be heard and may affirm, modify, or reverse the decision.

B. Board Decisions

A decision of the Board of Supervisors approving, denying, suspending, or revoking a permit, or deciding an administrative appeal, constitutes final County action. The Board shall issue its decision in writing and state its findings and conclusions.

C. Judicial Review

A person aggrieved by final County action may seek judicial review in the Iowa District Court for Jefferson County through certiorari or any other remedy available under Iowa law.

D. No Automatic Stay

An administrative or judicial appeal does not automatically stay a stop-work order, emergency suspension, enforcement order, or other challenged decision unless the Board or a court of competent jurisdiction orders otherwise.

SECTION 10. CONFLICT AND REPEALER

All ordinances or parts of ordinances in conflict with this Chapter are hereby repealed to the extent of the conflict. Where another lawful requirement is more restrictive, the more restrictive requirement shall govern.

SECTION 11. SEVERABILITY

If any section, subsection, sentence, clause, or provision of this Chapter is adjudged invalid or unconstitutional, that judgment shall not affect the validity of the remaining provisions, which shall remain in full force and effect.

SECTION 12. SAVINGS

Except as expressly amended by this Ordinance, the Jefferson County Code of Ordinances shall remain in full force and effect. Adoption of this Ordinance shall not affect any right, obligation, proceeding, violation, or liability existing before its effective date.

SECTION 13. EFFECTIVE DATE

This Ordinance shall take effect after its final passage, approval, and publication as provided by law.