JACKSON COUNTY
DATA CENTER PROTECTION PACKAGE

Citizen Petition + Proposed Permanent Data Center Protection Ordinance

Prepared for presentation to the Jackson County Fiscal Court

McKee, Kentucky • August 2026

WHAT THIS PACKAGE DOES

It gives county officials a permanent, adoption-ready framework requiring a special County permit before a covered data center may be constructed or operated. It requires notice before a developer or affiliate obtains control of land, prohibits county-assisted condemnation, protects taxpayers from subsidies and shifted infrastructure costs, requires meaningful public review, and places the developer—not local families—at financial risk.

IMPORTANT LEGAL STATUS

This is a citizen-drafted proposal, not current law and not a private contract. Signing a support page shows support for introduction or adoption; the ordinance becomes law only after the Fiscal Court follows Kentucky's required ordinance procedure, including separate readings, vote, publication, and certification. The Jackson County Attorney should review the final introduced text.

CORE PROMISE

No secret deal. No taxpayer bailout. No county-assisted taking of private land. No approval before the facts are public and independently tested.

Prepared by / presented by: ____

How to Use This Package

1. Deliver a copy to each magistrate, the County Judge/Executive, County Attorney, and County Clerk.
2. Ask a magistrate to sponsor and introduce the proposed ordinance at a properly noticed Fiscal Court meeting.
3. Ask the County Attorney to mark only the changes required by Kentucky law, while preserving the protections and stated policy.
4. Request the first reading, a public workshop, a second reading and vote, publication, and filing in the county ordinance book.
5. Keep a stamped copy showing the date received and request the ordinance number, meeting minutes, roll-call vote, and publication proof.

What an official's signature means

A signature on the support page is a public commitment to introduce, review, or vote for the proposal. It does not bypass a public meeting or create law by itself. The adoption page at the end is the formal signature and attestation page used only after lawful passage.

Permanent legal effect sought

- A permanent requirement that no Covered Data Center Project may be constructed, expanded, or operated without a Data Center Development Permit issued only after every disclosure, independent review, public hearing, protection, and payment requirement is satisfied.
- A sworn public notice of intent before the developer or an affiliate signs an option, purchase, lease, easement, or other agreement to control a proposed site; failure to give notice bars discretionary County action and prevents any claim of vested rights.
- A binding county policy against using Jackson County's own condemnation authority, funds, staff, property, roads, agreements, or influence to acquire private property for a private data-center project.
- A direction to create permanent land-use, cost-recovery, public-disclosure, environmental, infrastructure, emergency-response, and decommissioning rules before county support may resume.

What this cannot legally do by itself

A county ordinance cannot cancel powers that Kentucky law grants exclusively to the Commonwealth, a state-regulated utility, or another independent public body. It also cannot replace state permits or the Kentucky Public Service Commission's authority. The ordinance therefore controls Jackson County's own actions, requires county opposition and public notice if another condemning authority acts, and directs pursuit of every lawful intervention or condition available.

Citizen Petition and Request for Immediate Action

TO: The Jackson County Fiscal Court, each Magistrate, the County Judge/Executive, the County Attorney, and the County Clerk

We, the undersigned residents, landowners, taxpayers, and interested persons, respectfully request that the Jackson County Fiscal Court introduce, review, and adopt the attached Proposed Permanent Data Center Protection Ordinance.

We ask for this action because a large data center can create permanent demands on land, roads, water, wastewater systems, electricity infrastructure, emergency services, and public finances before residents understand the project or its true cost. Jackson County should establish enforceable rules before negotiating, endorsing, subsidizing, or assisting any such project.

We specifically request:

- No county-assisted eminent domain or condemnation for a privately owned data center or its private benefit.
- No nondisclosure agreement, secret negotiation, support letter, incentive, land transfer, bond financing, tax expenditure, or public infrastructure promise before disclosure and public review.
- No new local tax burden, utility-system cost, road cost, emergency-service cost, cleanup cost, or stranded infrastructure cost shifted to Jackson County residents.
- Developer-funded independent studies of power, water, wastewater, roads, noise, air emissions, fire and emergency response, property impacts, fiscal impacts, and decommissioning.
- At least two public hearings, complete online and paper records, mailed notice to nearby property owners, and time for residents to study the proposal before any final vote.
- Permanent siting and operating protections modeled on Kentucky-specific best practices, including setbacks, low-frequency noise limits, closed-loop cooling, infrastructure guarantees, monitoring, enforcement, and financial security for removal and restoration.

REQUESTED MOTION

"I move that the Fiscal Court direct the County Attorney to review the attached proposal without weakening its core protections, assign an ordinance number, place it on the next lawful agenda for first reading, and schedule a public workshop before final action."

Petition signatures

#	Printed name	Signature	Residence / property address	Date
1				
2				
3				
4				
5				
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7				

#	Printed name	Signature	Residence / property address	Date
8				
9				
10				
11				
12				

PROPOSED ORDINANCE NO. 2026-____

AN ORDINANCE REQUIRING A DATA CENTER DEVELOPMENT PERMIT AND ADVANCE LAND-ACQUISITION NOTICE; PROHIBITING COUNTY-ASSISTED CONDEMNATION FOR PRIVATE DATA-CENTER DEVELOPMENT; PREVENTING UNREIMBURSED PUBLIC COSTS; REQUIRING APPLICANT-FUNDED, COUNTY-CONTROLLED INDEPENDENT REVIEW; AND ESTABLISHING PERMANENT PUBLIC PROTECTIONS

WHEREAS, Kentucky counties possess home-rule authority to protect public health, safety, welfare, natural resources, roads, utilities, land use, and fiscal integrity to the extent consistent with state law; and

WHEREAS, data centers may operate continuously and require unusually large electric loads, cooling systems, backup generation, water or wastewater capacity, road improvements, emergency-response capability, and long-lived public infrastructure; and

WHEREAS, Jackson County residents are entitled to timely notice, accessible records, independent analysis, and a meaningful opportunity to be heard before the County commits property, money, credit, services, permits, agreements, endorsements, or infrastructure; and

WHEREAS, private economic development must not transfer private land through county condemnation for a private beneficiary, nor transfer construction, operation, utility, emergency-response, decommissioning, or cleanup costs to local taxpayers; and

WHEREAS, permanent rules must apply before a developer quietly assembles land, seeks utility commitments, incurs costs, or claims that County review came too late; and the County should neither spend scarce public funds nor allow an Applicant to control the experts who evaluate its proposal; now, therefore:

BE IT ORDAINED BY THE FISCAL COURT OF JACKSON COUNTY, KENTUCKY:

Section 1. Title, purpose, and construction.

This ordinance may be cited as the “Jackson County Permanent Data Center Protection Ordinance.” Its purposes are to require early disclosure and a County permit before a Covered Data Center Project may be constructed, expanded, or operated; safeguard residents, landowners, public finances, roads, water, power reliability, emergency services, and natural resources; prevent county assistance for involuntary acquisition of private property for a private project; and ensure that every Applicant bears the full cost and risk created by its proposal. This ordinance shall be construed to the maximum extent permitted by Kentucky law and shall not be read to exercise authority reserved exclusively to the Commonwealth or a state-regulated entity.

Section 2. Authority.

This ordinance is adopted under the county’s home-rule and police powers, including KRS 67.083; the county-ordinance procedure in KRS 67.077; the county’s authority concerning roads, public property, contracts, economic development, public services, and, if established and applicable, planning and zoning under KRS Chapter 100; and all other applicable law. Any permanent zoning regulation shall be adopted only through the procedures required by KRS Chapter 100.

Section 3. Definitions.

For this ordinance:

Applicant means every owner, option holder, developer, operator, affiliate, parent, subsidiary, contractor, utility partner, or person acting jointly to propose or support a Covered Data Center Project.

County action means any discretionary permit, approval, recommendation, support letter, contract, development agreement, incentive, grant, loan, bond, tax expenditure, appropriation, county-property transaction, right-of-way consent, county-road access or improvement, county utility extension, condemnation action, or expenditure of county staff time or funds. It does not include receipt of documents, emergency action, law enforcement, ministerial records work, or an act the County is legally compelled to perform.

Covered Data Center Project means land, buildings, equipment, or a unified development used primarily for commercial storage, management, processing, mining, training, inference, or transmission of digital data, including artificial intelligence, cloud computing, high-performance computing, cryptocurrency, server farms, accessory cooling, backup or behind-the-meter generation, batteries, substations, fiber, water systems, and related infrastructure. It excludes an accessory server room occupying less than 2,000 square feet and less than ten percent of a principal hospital, school, public-safety, office, retail, agricultural, or industrial use, unless multiple phases or affiliated parcels are used to evade coverage.

Data Center Development Permit means the project-specific authorization adopted by ordinance of the Fiscal Court only after the Applicant satisfies every applicable requirement, funds independent County-controlled review, completes public notice and hearings, and executes all required agreements and financial security. It is separate from any state, federal, utility, building-code, or other approval.

Public cost means any direct, indirect, contingent, future, replacement, operating, maintenance, financing, rate, tax, road, utility, public-safety, environmental, closure, or stranded-asset cost borne by the County, a county entity, local taxpayers, or existing local customers.

Sensitive use means a dwelling, school, preschool, daycare, long-term-care facility, place of worship, public park, community facility, hospital or clinic, or active agricultural operation.

Section 4. Permanent permit requirement; no approval by silence.

A. To the fullest extent permitted by Kentucky law, no person shall begin site clearing, grading, construction, installation, material expansion, or commercial operation of a Covered Data Center Project in Jackson County without a final Data Center Development Permit adopted by project-specific ordinance of the Fiscal Court after full compliance with this ordinance. Receipt of a state or federal permit does not replace this separate County requirement where County authority applies.

B. No County officer, employee, agency, board, authority, corporation, or instrumentality shall take or promise a County action that authorizes, facilitates, subsidizes, endorses, or commits County resources to a Covered Data Center Project before the final permit ordinance becomes effective and all required agreements and financial security are executed.

C. No preliminary conversation, land expenditure, option, lease, purchase, concept review, utility discussion, support letter, incomplete filing, or County inaction creates approval, estoppel, vested rights, or a right to complete the project. An application is denied unless affirmatively approved; no deadline or silence shall cause automatic approval except where controlling state law expressly requires otherwise.

D. This requirement applies to new projects and to material expansion, phasing, amendment, change of operator, change of control, or renewed request concerning an existing proposal, to the extent legally permissible.

E. If any County action is legally mandatory or ministerial, the responsible official shall place in the public file a written explanation identifying the legal duty and limits of County discretion before acting, unless disclosure is prohibited by law.

Section 5. Notice before acquiring or controlling a proposed site.

A. Before an Applicant or any affiliate, nominee, agent, option holder, land aggregator, contractor, utility partner, or person acting in concert signs or records an option, purchase contract, lease, easement, right of first refusal, development agreement, or other instrument intended to obtain ownership or control of land for a Covered Data Center Project, the Applicant shall file a sworn Notice of Intent with the County Clerk and County Judge/Executive.

B. The notice shall identify every known participant and beneficial owner; each parcel and current owner; the acreage and proposed use; all contemplated phases; expected square footage; average and peak electric demand; average and peak water demand; cooling method; backup or on-site generation; anticipated roads, transmission, pipelines, fiber, water and wastewater facilities; requested public assistance; and the name and contact information of the person responsible for the filing.

C. Within five business days after filing, the County shall post the notice online and at the courthouse and mail it to each magistrate, owners and occupants within two miles, affected fire and emergency agencies, utilities, school districts, and nearby local governments. The Applicant shall prepay all notice costs.

D. A private conveyance made without the notice is not declared void by this ordinance. However, to the fullest extent permitted by law, failure to provide complete and timely notice bars all discretionary County action, prevents any claim that later County requirements are unfair or untimely, and requires a new public-notice period before an application may be accepted. No County official may waive this section through conversation, letter, resolution, or private agreement.

Section 6. Protection against county-assisted eminent domain.

A. To the fullest extent permitted by law, Jackson County shall not initiate, fund, join, support, request, recommend, negotiate, threaten, or assist condemnation or involuntary acquisition of private property primarily to locate, construct, serve, expand, or benefit a privately owned Covered Data Center Project, including private access roads, transmission corridors, pipelines, fiber routes, substations, water lines, wastewater lines, or related facilities.

B. The County shall not condition a County service, road action, agreement, benefit, or approval on a landowner's sale or grant of an easement to a Covered Data Center Project.

C. No County-owned land, easement, road, right-of-way, option, or facility shall be transferred, leased, encumbered, vacated, or dedicated for a Covered Data Center Project except through the project-specific permit ordinance after all requirements of this ordinance are satisfied and a written finding establishes fair value and no uncompensated Public Cost.

D. If another entity asserts condemnation authority related to such a project, the County shall, to the extent lawful: promptly publish the known proposal and affected parcels; notify affected owners; request the condemnor's asserted statutory authority and public-use findings; place all nonexempt records in a public file; adopt a public position after hearing affected owners; and authorize the County Attorney to evaluate intervention, comment, or other lawful opposition. Nothing in this section purports to nullify authority granted by state law to an entity independent of the County.

Section 7. No taxpayer subsidy; applicant pays full public cost.

A. The County shall not approve or promise a tax rebate, abatement, credit, grant, loan, bond, guaranty, below-market land transaction, public infrastructure contribution, free or discounted county service, fee waiver, or other subsidy for a Covered Data Center Project before full compliance and a separate project-specific ordinance.

B. Before the County begins substantive review, the Applicant shall execute an enforceable cost-recovery and indemnity agreement and deposit the amount estimated by the County into a County-controlled escrow. The deposit shall pay all reasonable costs of notice, administration, legal analysis, independent engineering and technical review, fiscal analysis, inspections, monitoring, emergency planning, road and infrastructure review, enforcement, closure, and restoration attributable to the project. Jackson County shall not advance or guarantee these costs. Review stops whenever the deposit falls below the amount reasonably required; the Applicant shall replenish it before review resumes. The County shall provide itemized accounting and refund any unused balance after all obligations are satisfied.

C. Before any subsidy or public financial participation may be considered, the County shall publish an independent life-cycle fiscal impact analysis identifying all benefits, requested incentives, direct and indirect costs, debt or rate exposure, replacement and operating costs, risk allocation, assumptions, and a worst-case scenario. Approval requires a separate ordinance, two public hearings, a recorded roll-call vote, and a written finding that existing taxpayers and customers will not bear a Public Cost.

D. No developer agreement may guarantee approval, surrender legislative or police powers, bind a future Fiscal Court beyond lawful authority, waive open-record or open-meeting duties, or prevent enforcement of later health-and-safety requirements.

Section 8. County-controlled independent review.

A. The Applicant shall fund the review but shall not select, employ, contract with, supervise, direct, remove, compensate, or privately communicate with any independent reviewer. The County shall publicly solicit qualifications or proposals, select each reviewer, define the scope and methodology, hold the contract, approve invoices, receive the work product, and pay invoices solely from the Applicant-funded escrow.

B. Each reviewer shall sign a conflict-of-interest and independence affidavit disclosing work during the preceding five years for the Applicant, affiliates, proposed utilities, landowners, competitors, or project opponents. A material financial relationship disqualifies the reviewer unless publicly disclosed and expressly accepted by the Fiscal Court after finding no reasonable alternative and imposing safeguards.

C. Substantive communications between the Applicant and a reviewer must include the designated County official and be preserved in the public project file, except information lawfully exempt from disclosure. The Applicant may correct factual errors in writing but has no veto over methods, assumptions, findings, conclusions, or publication.

D. The County may obtain a peer review or supplemental testing whenever the first report is incomplete, disputed, based materially on Applicant assumptions, or contradicted by credible evidence. Those costs are also paid from the Applicant-funded escrow. All final reports belong to the County and shall be published before hearings.

Section 9. Transparency and public participation.

A. County officials shall not enter a confidentiality or nondisclosure agreement concerning the existence, location, ownership, scale, incentives, public costs, water or power demand, road needs, or environmental and community impacts of a Covered Data Center Project. Records may be withheld only when a specific Kentucky statute lawfully permits withholding; nonexempt portions shall be separated and disclosed.

B. Before final County action, the County shall require at least: (1) a complete application posted online and available in paper form; (2) mailed notice to owners and occupants within two miles, affected utilities, fire and emergency agencies, school districts, nearby local governments, and known neighborhood or watershed organizations; (3) newspaper and website notice; (4) at least 30 days for public review before the first hearing; (5) at least two evening public hearings on different dates; (6) at least 30 days after the final independent report is published before a final vote; and (7) written responses to material public comments.

C. A final vote shall not occur at the same meeting as the last required hearing. Materially revised plans restart the notice and review period. Notices must identify parcel numbers, acreage, project phases, proposed square footage, average and peak megawatts, average and peak daily water use, cooling method, backup generation, requested public support, hearing details, and where records may be inspected.

D. All meetings and deliberations shall comply with the Kentucky Open Meetings Act, and records shall be managed under the Kentucky Open Records Act.

Section 10. Required application and County findings.

No permit application is complete until the Applicant submits every disclosure, plan, certification, agreement, deposit, and financial assurance required by this ordinance. County staff may use existing information and Applicant-funded experts; no County-funded general study is required. Before approval, the Fiscal Court must make written, evidence-based findings addressing:

6. Whether the project complies with every siting, setback, water, power, noise, road, emergency, environmental, financial, and decommissioning requirement.
7. Whether all necessary infrastructure exists or will be constructed, maintained, replaced, and removed entirely at Applicant expense without reducing service or increasing cost to existing residents and customers.
8. Whether independent evidence demonstrates that the project will not create unreasonable risk to public health, safety, welfare, property, agriculture, water, electric reliability, roads, emergency services, or County finances.
9. Whether every requested incentive, agreement, utility commitment, land transaction, and public cost has been disclosed and the Applicant has supplied enforceable payment, indemnity, insurance, and financial-security instruments.
10. Whether the public received all required notice, records, hearing opportunities, and written responses, and whether any material project change requires renewed review.

Section 11. Mandatory approval standards.

Every Covered Data Center Project shall satisfy the following. The County Attorney may propose an equally protective lawful substitute only after identifying a specific legal barrier in a public written opinion:

Siting and separation: Industrial-only classification and conditional approval; no site on slopes over 20 percent, flood-prone or unstable land, wetlands or within 50 feet of wetlands, prime farmland or farmland of statewide importance, or where hazardous releases could affect karst; at least 500 feet from the project perimeter and 1,500 feet from a Sensitive Use, with at least 2,000 feet between generator exhaust and a Sensitive Use.

Complete project identity: Disclosure of beneficial owners, affiliates, financing entities, operators, land options, utility partners, contractors, phases, anticipated life, square footage, average and peak load, and all accessory infrastructure; affiliated parcels and phases treated as one project.

Independent review: Experts chosen and directed by the County, paid from the Applicant's advance deposit, with no prior financial relationship that creates a conflict. Review shall cover engineering, acoustics, water, wastewater, electric-system impacts, traffic, fire, air emissions, property values, fiscal effects, legal compliance, and decommissioning.

Electricity and ratepayer protection: Written verification from the serving utility and, where applicable, Public Service Commission filings showing capacity, required generation and transmission, interconnection, reliability, rate and cost-allocation effects, and that upgrades and risks are not shifted to existing customers. On-site generation is reviewed as a separate use and must obtain all permits.

Water and wastewater: Average and peak demand, drought plan, source capacity, wastewater characterization, stormwater controls, chemical use, spill prevention, and proof that existing customers and waters will not be harmed. Liquid cooling must use a closed-loop system; private wells may not supply cooling; best available conservation and reuse are required; all project-driven improvements are Applicant-funded.

Noise and vibration: Baseline and predictive acoustical study, continuous monitoring, and enforceable limits at the external property line of 40 dBA/60 dBC from 10 p.m. to 7 a.m. and 45 dBA/65 dBC at other times, including tonal and low-frequency sound, vibration, and infrasound; post-construction testing within six months and corrective action.

Air, generators, batteries, and fuel: Inventory and modeling of normal and emergency emissions; highest available EPA-tier backup generators; routine testing only during limited weekday daytime hours; emergency-only use except lawful commissioning; secondary containment; fire-code and NFPA-compliant battery design; emergency isolation and incident reporting.

Roads and traffic: Construction and operating traffic study, designated routes, preconstruction road survey, road-use agreement, weight and timing controls, Applicant-funded upgrades and repairs, performance security, and restoration verified by an independent engineer.

Emergency services: Fire/explosion and hazardous-material analysis; 24-hour contacts; site access and response plans; training, equipment, water supply, mutual aid, drills, incident reporting, and ongoing emergency-service costs paid by the Applicant without weakening public coverage elsewhere.

Land, neighbors, and environment: Property-value and land-use study within at least one mile; agricultural, forest, habitat, wetland, floodplain, historic, lighting, glare, heat, waste, e-waste, stormwater, and scenic-impact controls; year-round screening, downward shielded lighting, and enforceable nuisance prevention.

Financial security and decommissioning: A professional-engineer plan covering removal of all buildings, foundations, equipment, roads, contamination, and restoration. Before construction, provide an irrevocable bond, letter of credit, or equivalent security equal to at least 125 percent of the County-approved third-party cost without assuming salvage value, updated at least every three years and after material expansion.

Compliance and enforcement: Annual public reporting; County inspection and monitoring access; complaint response; transfer approval; no unauthorized expansion; cure orders, stop-work or suspension where lawful, injunction, recovery of enforcement costs, drawing on security, and permit revocation after notice and due process. Repeated or material violations require shutdown until compliance is verified.

Section 12. No evasion; change of control.

No Applicant may evade this ordinance by subdividing parcels, separating affiliates, staging phases, relabeling the use, using temporary equipment, or placing accessory infrastructure off-site. The County shall aggregate related facilities based on common ownership, control, financing, purpose, infrastructure, timing, or operation. Any assignment or change of control must preserve every obligation and financial assurance and requires prior County approval where legally authorized.

Section 13. Administration and enforcement.

The County Judge/Executive, County Attorney, County Clerk, and other responsible officers shall place this ordinance in the County's public records and administer it within their lawful duties. The County Attorney may seek declaratory or injunctive relief and any other remedy authorized by law. A violation does not create an entitlement to continue work and may result in suspension of discretionary County action, recovery of costs, or other lawful relief after notice and due process. No penalty shall exceed authority granted by Kentucky law.

Section 14. Preservation of state and federal authority.

This ordinance supplements and does not replace state or federal permits, approvals, environmental standards, building codes, utility regulation, or condemnation law. Compliance with another law is not a defense to an independent requirement within County authority. If a requirement is preempted or outside County authority, County officials shall enforce the remainder and pursue the closest lawful alternative that preserves public notice, cost protection, and property rights.

Section 15. Duration, amendment, severability, conflicts, and effective date.

This ordinance is permanent and has no automatic expiration date. It may be amended or repealed only by a later ordinance adopted through every procedure required by Kentucky law; no resolution, motion, letter, waiver, private agreement, administrative interpretation, or failure to enforce repeals it. If any provision or application is held invalid, the remainder shall remain effective. More protective lawful requirements control over less protective County provisions. This ordinance takes effect upon passage, approval, publication, and recording as required by Kentucky law.

Official Support and Sponsorship Page

SIGNATURE EFFECT

These signatures request or support lawful introduction and adoption. They do not substitute for readings, public deliberation, a roll-call vote, publication, or certification.

Magistrate — District 1

Signature	Date
Printed name / office	
Date	

Position: ☐ Introduce ☐ Support legal review ☐ Support adoption

Magistrate — District 2

Signature	Date
Printed name / office	
Date	

Position: ☐ Introduce ☐ Support legal review ☐ Support adoption

Magistrate — District 3

Signature

Date

Printed name / office

Date

Position: ☐ Introduce ☐ Support legal review ☐ Support adoption

Jackson County Judge/Executive

Signature

Date

Printed name / office

Date

Position: ☐ Introduce ☐ Support legal review ☐ Support adoption

Fiscal Court Adoption and Certification

Use this page after the County Attorney completes review and the Fiscal Court follows all required procedures.

Ordinance number	2026-________
Date introduced / first reading	____________________________
Date of public workshop or hearing	____________________________
Date of second reading and vote	____________________________
Publication date and newspaper	____________________________
Effective date	____________________________
County ordinance book / page	____________________________

Recorded vote

Office	Aye	Nay	Abstain / absent
Magistrate — District 1	☐	☐	☐
Magistrate — District 2	☐	☐	☐
Magistrate — District 3	☐	☐	☐
County Judge/Executive	☐	☐	☐

ADOPTED by the Fiscal Court of Jackson County, Kentucky, on the date shown above.

____ ________________
County Judge/Executive Date

ATTEST: ____ ________________
Jackson County Clerk Date

REVIEWED AS TO FORM: ___________________________ ________________
Jackson County Attorney Date

County Attorney and Clerk Implementation Checklist

This checklist is included to reduce procedural mistakes. It should be updated by the County Attorney for the County's current rules and meeting calendar.

☐ Confirm current County authority, existing ordinances, planning/zoning status, interlocal agreements, utilities, industrial authorities, and pending or vested applications.

☐ Confirm the permanent permit requirement covers every County-controlled action without claiming control over state permits, Public Service Commission matters, or independent utility powers.

☐ Assign an ordinance number and provide the full text and any written amendment to Fiscal Court members before action.

☐ Place the ordinance on a properly noticed public agenda; comply with the Kentucky Open Meetings Act for regular or special meetings.

☐ Conduct readings on two separate days unless a specific lawful emergency procedure applies; do not treat signatures as a substitute for Fiscal Court action.

☐ Record motions, seconds, amendments, individual votes, recusals, and the final text in the minutes.

☐ Publish the adopted ordinance or lawful summary under KRS 67.077 and KRS Chapter 424; retain proof of publication.

☐ Obtain Judge/Executive signature, Clerk attestation, County Attorney form review, and entry into the permanent ordinance book and online public file.

☐ Send the adopted ordinance to every County entity whose conduct is covered and create a single public intake point for project inquiries.

☐ Create a permanent intake procedure for Notices of Intent and applications; calendar notice deadlines, hearings, escrow replenishment, reporting, inspections, financial-security updates, and decommissioning obligations.

Questions the County Attorney should answer in writing

- Does Jackson County presently participate in a Chapter 100 planning unit, and what land-use rules and boards currently apply?
- Which County-created or County-controlled authorities, corporations, districts, utilities, boards, road permits, property transactions, incentives, and agreements must be expressly covered?
- Are there any pending applications, options, agreements, support letters, utility requests, or claimed vested rights requiring special treatment?
- Which fee, escrow, civil-enforcement, inspection, and appeal mechanisms are authorized under the County's present structure?
- What state permits, utility proceedings, siting-board proceedings, or condemnation statutes could affect a data-center project, and how will nearby owners receive notice?

Legal and Technical Source Notes

These notes identify the principal authorities and technical model used. They are not a substitute for the County Attorney's review of the current certified statutes, local ordinances, pending applications, and facts.

KRS 67.083 — County home rule. Authorizes counties to perform public functions and regulate for health, safety, welfare, natural resources, roads, utilities, land use, commerce, and related local needs, subject to consistency with state law.

KRS 67.077 and KRS Chapter 424 — County ordinance procedure and publication. Provide the procedure for introduction, separate readings, written amendments, vote, publication, and effectiveness of county ordinances.

KRS Chapter 100, including KRS 100.203, 100.211, and 100.237 — Planning and zoning. Provides the Kentucky framework for zoning regulations, map/text amendments, notice and hearings, conditional-use permits, and related land-use procedure.

KRS Chapter 416, including KRS 416.100, 416.110, 416.550–.675 — Eminent domain. Governs condemnation, county road condemnation, acquisition efforts, procedure, landowner rights, and the public-use limitation. The proposal restricts the County's own assistance and does not claim to erase independent state-law powers.

KRS 61.800 et seq. and KRS 61.870 et seq. — Open meetings and open records. Support public deliberation, notice, minutes, and access to nonexempt public records.

Kentucky Resources Council, Model Data Center Siting Ordinance, Version 1.4 (2026). Kentucky-specific model used for definitions, industrial/conditional siting, setbacks, sensitive uses, noise and low-frequency standards, utility and water plans, closed-loop cooling, independent review, emergency planning, waste management, and decommissioning assurance.

Online sources

Kentucky Revised Statutes: https://apps.legislature.ky.gov/law/statutes/

KRS Chapter 100: https://apps.legislature.ky.gov/law/statutes/chapter.aspx?id=37556

KRS Chapter 416: https://apps.legislature.ky.gov/law/statutes/chapter.aspx?id=39268

Kentucky Resources Council model guidance: https://kyrc.org/krc-releases-data-center-model-guidance/

DRAFTING NOTE

This packet intentionally separates immediate County-controlled actions from permanent zoning regulation. That structure reduces the risk of promising more power than the County has while preserving strong, enforceable protections where local authority exists.