

STATE OF NORTH CAROLINA
COUNTY OF CHATHAM

ECO TIP WEST LLC,
Plaintiff,

v.

CHATHAM COUNTY, NORTH CAROLINA,
Defendant.

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
26CV000456-180

**PLAINTIFF’S BRIEF IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT
(N.C.R. Civ. P. 56)**

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NOW COMES Plaintiff ECO TIP West LLC (“Eco TIP”) and submits this Brief in support of its Motion for Summary Judgment.

INTRODUCTION AND SUMMARY

This case involves Chatham County’s decision to adopt a twelve (12) month moratorium on data centers on February 11, 2026 (the “Moratorium”). The Moratorium, and the County’s refusal to recognize that Eco TIP’s existing data center project is exempt, has and continues to cause Eco TIP substantial financial and other losses. The County did not simply make one mistake but violated almost every applicable statute and governing legal principle. In short, the Moratorium is a legal trainwreck that should have never been approved, and never been applied, to take away Eco TIP’s property rights in its project.

Eco TIP is a development company which owns a large industrial site in Chatham County known as Triangle Innovation West (“TIP West”). Eco TIP has spent years of its time, effort and over \$11 million to develop an approximately 750-megawatt data center at TIP West (the “Data Center Project”). TIP West is a part of the Chatham County Moncure Megasite, which is a specifically identified area which has been zoned by the County and designated by the State of

North Carolina for heavy industrial development. All utilities, including but not limited to electricity, water and sewer are adequate and available to serve the Data Center Project.

The Data Center Project is currently a use permitted by right under the Chatham County Zoning Ordinance in the Heavy Industrial district. This means there are no additional approvals required to develop and operate that use. Multiple County officials, including the County Manager, the County Attorney, and the County Planning Director have been aware of the Data Center Project and Eco TIP's efforts toward development since at the very latest, October 2025. At that time, the County was approached and asked to provide written confirmation that the Data Center Project was a by-right use on Parcel Number 96335 (the "Data Center Property"). This was so that Eco TIP could provide that confirmation to Duke Energy to reserve electricity for the Data Center Project. The County promptly complied by not only confirming the Data Center Project was a by-right use, but by also issuing a document entitled "Zoning Interpretation - Permit # PL-25-1750 (the "Zoning Permit"). This conferred Eco TIP with statutory vested rights in the Data Center Project under N.C. Gen. Stat. §160D-108 and § 143-755, which are protected property rights under the state and federal Constitutions.

Then, in early January 2026, County officials made a hurried decision to enact the Moratorium and block development of all data centers in the County for at least one year. The decision to undertake this course of action was made without input from, or notice to, Eco TIP. In fact, public records show that one of the Moratorium's primary purposes was to stop the Data Center Project because TIP West was the only viable location for a data center in Chatham County at that time. The Moratorium was also rushed, which resulted in a sloppy and poorly drafted document which violated almost every statutory mandate.

Regardless, even assuming *arguendo* that the Moratorium was legally enacted, it cannot be applied to the Data Center Project because the Zoning Permit provided Eco TIP with statutory vested rights. It is also exempt from the Moratorium under N.C. Gen. Stat. § 160D-107(c) because Eco TIP had made substantial expenditures in reliance on state and local development approvals before February 11, 2026.

Eco TIP asked that its § 160D-107(c) exemption be recognized by the County Board of Commissioners and explained the reasons at the public hearing on the Moratorium. The request was not even acknowledged. A subsequent letter to the County Attorney again asking for the exemption was summarily denied with no explanation or analysis. The County also unlawfully refused to process Eco TIP's pending site plan application for the Data Center Project, citing only the Moratorium as a reason.

Eco TIP realizes that data centers are a controversial topic and that at least thirty North Carolina local governments have passed similar moratoria. This does not, however, mean these moratoria are legal or that all data centers should be stopped in their tracks. Eco TIP's Data Center Project is located in exactly the place in Chatham County where these types of uses are intended to go, and the location the County itself chose to not only allow that use, but to encourage and recruit intense industrial uses. There was simply no reason to apply the Moratorium to Data Center Project, other than political cover.

Eco TIP filed this lawsuit to enforce its rights, recover its damages and attorney's fees, and force the County to follow the law. The Complaint is based upon, *inter alia*, N.C. Gen. Stat. §§ 160D-107, 160D-108, 143-755, 160D-601(d), 160D-1401, 160D-1403.1, controlling case law and the North Carolina Constitution. The claims include: 1) a challenge to the validity of the Moratorium; 2) a request for a declaration that the Moratorium violates N.C. Gen. Stat. § 160D-

601 which prohibits down-zoning; 3) a request for a declaration that Eco TIP has statutory and common law vested rights; 4) a declaration that, assuming *arguendo* the Moratorium is valid, the Data Center Project is exempt from the Moratorium; 5) a declaration that, assuming *arguendo* the Moratorium is valid, Eco TIP has permit choice rights to continue development of the Data Center Project, free from the provisions of the Moratorium; 6) the recovery of damages based on the County's violation of Eco TIP's rights under N.C. Gen. Stat. § 160D-1403.1 and the North Carolina Law of the Land Clause; and 7) an award of attorney's fees under N.C. Gen. Stat. § 6-21.7.¹

STATEMENT OF THE CASE

Eco TIP filed the original Complaint on April 23, 2026, and then an Amended Complaint on May 12. The County answered on July 13, 2026. Eco TIP is entitled to "Expedited Judicial Review" under N.C. Gen. Stat. §§ 160D-107(f) and 143-755. The County has known this, yet has not noticed a single deposition and did not serve written discovery until July 13, 2026 which was 81 days after the Complaint was filed. Eco TIP responded to the discovery before it was due.

This Motion for Summary Judgment was filed on July 17, 2026 and the County consented to the hearing date. Mr. Ferguson's Affidavit asking for more time for discovery is nothing more than an attempt to delay a decision while Eco TIP's Data Center Project remains stalled. There has been ample time for discovery; the County has just neglected to use it. Therefore, the case is ripe for a decision.

¹ The County's Brief shows a fundamental misunderstanding of the governing zoning statutes found at N.C. Gen. Stat. Chapter 160D and seeks to add provisions that do not exist and remove ones that do. Eco TIP has tried to address these errors, but there are so many that it has proved to be a difficult task.

STATEMENT OF THE FACTS²

1. Background

Eco TIP is the owner and developer of Triangle Innovation West (“TIP West”), an advanced manufacturing and industrial park of over 400 acres and which is zoned Heavy Industrial. (Compl. ¶ 18.) The Data Center Project is located on what is known as the Moncure Megasite. (Compl. ¶¶ 19-20.) On June 18, 2018, the Chatham County Board of Commissioners rezoned the Data Center Property to Heavy Industrial as part of the Moncure Megasite rezoning (the “2018 Rezoning”). (Compl. ¶ 21.) The purpose of this rezoning was to enable the Moncure Megasite to qualify for the North Carolina Certified Sites Program. (Compl. ¶ 22.)

Following the 2018 Rezoning, TIP West was officially added to the Certified Sites Program which provides a statewide inventory of industrial sites that have undergone rigorous prequalification to ensure they are ready for development. (Compl. ¶ 24.) TIP West is one of only 15 sites in North Carolina to earn Select Site certification and has been identified as the most “industrial development ready” site in the state. (PR 1267.) The Data Center Property is also designated as an Employment Center pursuant to the County’s Future Land Use and Conservation Plan Map and Comprehensive Plan. (Compl. ¶ 26.)

TIP West is, thus, designated by the State and zoned by the County for large-scale industrial, manufacturing, and technology tenants, and is considered a premier site for economic

² The Amended Complaint is verified and contains a detailed summary of the facts which are incorporated herein by reference. Copies of relevant public records provided by the County to Eco TIP are also attached. The Court can take judicial notice of public records, *i.e.*, documents created by a municipality in connection with the transaction of its business. *Anderson Creek Partners, L.P. v. Cnty. of Harnett*, 275 N.C. App. 423, 854 S.E.2d 1 (2020) (rev’d on other grounds), 282 N.C. 1, 876 S.E.2d 476 (2022).

growth in North Carolina. (Compl. ¶ 20.) TIP West is, thus, the location in the County earmarked and intended to not only allow, but to attract, large industrial uses like the Data Center Project.

2. Eco TIP's Development Efforts and the Zoning Permit.

Eco TIP has made substantial expenditures and taken significant steps toward development of the Data Center Project for approximately the last four years. (Compl. ¶ 27.) Prior to the enactment of the Moratorium, Eco TIP had invested over \$11 million in the Data Center Project in reasonable and good faith reliance on multiple development approvals and permits issued by the County and the State. (Compl. ¶ 27.)

In January 2025, Duke Energy completed a large load study for the Data Center Project, which concluded that sufficient power would be available for the Data Center Project. (Compl. ¶ 29.) TriRiver Water, the water and sewer provider to the Data Center Property, has confirmed in writing that adequate water and sewer are available to serve the Data Center Project. (Compl. ¶ 30.)

Public records produced by the County confirm that the County was aware that a data center might be located at TIP West by at least the summer of 2025. On July 22, 2025, County Planner Hunter Glenn asked the AI site “Microsoft 365 Chat” to prepare “a professional email for his supervisors and the county commissioners” that would address what a large scale data center would look like at the TIP West. Glenn then requested that “scholarly peer reviewed work” be used to “create this memo.”³ (PR 1406, 2418-2444.)

³ It appears that much of the Chatham County Planning Department’s research and information that it used and provided to the Board of Commissioners about data centers was obtained by unverified AI searches. There were literally dozens of these searches produced as a part of the County’s Public Records response, primarily initiated by Hunter Glenn, the Planner who was charged with preparing information about data centers for the Board. (PR 3072, 4070-4126, 4344, 3077-3090, 3502, 3519.) For example, he relied on AI to provide information on data center water usage, noise, and potential ways to regulate data centers. (*Id.*)

The following AI response was provided to Mr. Glenn:

“A large-scale data center at the TIP site could include: A single story structure with a large footprint (100,000 + sq. ft)

Chatham-Specific Benefits of a Large Data Center

1. Significant Property Tax Revenue - Data Centers are capital-intensive and generate high assessed property values. – In a county like Chatham with a growing residential base, this can help offset the cost of public services and reduce pressure on residential property taxes
2. Strategic Use of TIP Infrastructure - The TIP site is already being positioned for advanced manufacturing and tech investment. – A data center would leverage existing and planned infrastructure (Duke Energy transmission lines, broadband fiber, water/sewer capacity) without requiring major new public investment.
3. Low Traffic and Service Demand - Unlike residential or retail development, data centers have low employment density and generate minimal traffic. – This reduces strain on local roads, schools, and emergency services important for a county balancing rural character with growth.
4. Economic Development Signal- Hosting a major data center can signal to other tech and clean industry investors that Chatham is ready for high-tech infrastructure. This could attract supporting businesses (e.g., fiber providers, battery storage, clean energy firms) and diversify the county economic base.
5. Potential for Renewable Energy Partnerships- Chatham proximity to solar farms and Duke Energy grid makes it a candidate for green data center development. – This aligns with local and regional sustainability goals and could be a branding opportunity for the county.
6. Job Creation During Construction - While operational jobs are limited, construction of a hyperscale facility can generate hundreds of temporary jobs and contracts for local firms.
7. Land Use Compatibility - The TIP site is buffered from residential areas and already zoned for industrial use, making it well-suited for a facility with noise, heat, and security needs.

Glenn even asked Microsoft Copilot to draft “a polished professional email” for him to send to “stakeholders.” (PR, 4120) Of course, Eco TIP was not included in the stakeholder group.

Would you like me to turn this into a slide or visual summary for a presentation or board meeting?”

(PR 2430, 2432.)

By October 2025, County leadership undeniably had actual knowledge of the Data Center Project and in fact issued the Zoning Permit to Eco TIP to provide to Duke Energy to confirm the Data Center Project was permitted by right at the Data Center Property. The County Manager, the County Attorney and the County Planning Director were all involved and even assisted Eco TIP obtaining the Zoning Permit on a tight time schedule because of Duke’s deadline. (PR 1834-46.) Thus, months before the enactment of the Moratorium, these individuals knew a data center was planned, a data center was permitted by right at TIP West and that Duke Energy would be providing the electricity and Tri-River would be providing the water and sewer. (*Id.*)

The process leading up to the issuance of the Zoning Permit was as follows:

On or about October 27, 2025, Eco TIP’s engineer, Mark Ashness, asked the County Planning Department for a zoning verification letter confirming that a data processing center was permitted by right on the Data Center Property. (Compl. ¶ 37.) Eco TIP’s representatives communicated multiple times and directly with the County Manager, County Attorney, and Planning Director about the request. (Compl. ¶¶ 39-47, PR 1770-75.)

The County was informed that the verification was needed to keep the Data Center Project in Duke Energy’s queue to provide electricity. Emails from Duke Energy explaining what it needed and the deadline were provided to the County. (PR 1834-46.)

On October 29, 2025, the County issued what it labelled Permit #: PL-25-1750, and entitled “Chatham County Planning Department Zoning Interpretation” which confirmed that “data processing hosting and related services” were allowed on the Data Center Property, and are

allowed “by right” if connected to public water and sewer. (Compl. ¶ 48, PR 1834-46, 2046-48.)
Eco TIP paid a fee of \$103.98 to the County for the Zoning Permit. (PR 1834-46.)⁴

On October 30, 2025, TriRiver Water’s Director of Engineering confirmed in writing that public water and sewer were available to serve the Data Center Project. (Compl. ¶ 50.) That same day, Planning Director Sullivan issued an Addendum to the Zoning Permit confirming that “Data processing, hosting, and related services” are allowed as a “by right” permitted use for the Data Center parcels. (Compl. ¶¶ 51-52.)

3. Interesting and Relevant Events Between the Zoning Permit and the January 20, 2026 Board of Commissioners’ Meeting.

On November 10, 2025, Planning Director Jason Sullivan emailed a copy of a document entitled “Buncombe County Moratorium Memo” to the County Manager Bryan Thompson. (PR, 2498) There is no explanation, but it does indicate internal County discussions were already underway only 11 days after the Zoning Permit was issued. And, Eco TIP’s project was the only data center project the County was aware of at that time.

On November 12, 2025, Eco TIP’s engineer contacted the County Fire Marshal and requested a meeting to discuss the Data Center Project. (PR, 2057-58, 2072-76.) The Fire Marshal suggested including the Building Inspector, and that meeting was held via Teams on November 20, 2025 at 2:00 p.m. So, these County officials became aware of the data center.

⁴ The County argues the Zoning Permit was not a “permit” even though it labeled it so on the Zoning Interpretation. It claims that a “zoning permit” is the same as a “zoning compliance permit,” but those are two different and independent approvals under the County Zoning Ordinance. In fact, what the County Planner Angela Plummer calls a zoning compliance permit is actually a “certificate of zoning compliance.” See Section 20.2. This is actually a “site plan” under N.C. Gen. Stat. § 160D-102. A “zoning permit” is referenced in Section 10 of the Zoning Ordinance. The word “interpretation” is not in the Zoning Ordinance at all.

On November 12, 2025, the County Manager sent the Chair of the Board of Commissioners an email with information about data centers and water use. (PR 2075.)⁵

On November 14, 2025, the County received a public records request from “Lorraine McAvoy” asking for documents related to whether there are any potential or proposed data centers in the County. (PR 2079-89.) The request was provided to the County Paralegal Ann Hammack to respond. Hammack asked the County Economic Development President Michael Smith if there were any planned data centers. Smith responded that the County had answered “a recent question from a potential client regarding the HI zoning at the TIP Industrial site.” (*Id.*)

Hammack then asked the Planning Director, and he told her about the Zoning Permit. Hammack then asked if she should provide the document to Ms. McAvoy because she understood from the County Manager that “all we have is a letter testing out the zoning waters.” (PR 2089.) Hammack then responded to the requestor: “Another department informed me that the County does have a few records related to a possible data center in Chatham County.” (PR 2084.) It does not appear, however, that the Zoning Permit or the numerous emails between Eco TIP and the County related to the Zoning Permit were provided to Ms. McAvoy at that time.

At the December 12, 2025 County Economic Development Commission meeting, the EDC Director Michael Smith announced that there is a possibility of a data center coming to Moncure “in the next few months” as “HI zoning allows.” (PR 2539-40.)

⁵ Even though the County provided thousands of public records, many were duplicates and others were copies of large publicly available documents. On the other hand, only a few emails to and from County Board members were provided and none discussed Eco TIP, the Data Center Project or the Zoning Permit. There were no text messages whatsoever. This would be highly unusual, but Eco TIP needs a decision in this lawsuit as soon as possible, so did not have time to push for more documents.

Ms. McAvoy made another public records request on January 11, 2026, specifically asking for documents related to data centers at TIP West. (PR 2466-67.) Hammack sent it to the Planning Director, the County Manager and David Camp, the Director of Permitting and Inspections. *Id.* The only response was from Camp which stated the request was too broad and that “[t]he only TIP emails I know about are associated with the FedEx project there, but that was a while ago. (*Id.*) Again, despite having dozens of emails to and from Eco TIP representatives and the County and the Zoning Permit, and other emails related to the Fire Marshal meeting, none were provided to Ms. McAvoy. Thus, not only were these public records withheld, but the correspondence at least suggests the County may have intended to conceal them. (*Id.*)

Then, on January 12, 2026, “Sharon Garbutt” sent her first of several emails to the County Board members asking them to pass a moratorium on data centers, or “better yet just prohibit them.” (PR 2472-77.) Garbutt also included “Sample Ordinance Language.” (*Id.*) Planning Director Sullivan forwarded the email to his staff. The Board Chair Amanda Roberts, responded to Garbutt that she did not think prohibiting data centers would be allowed in North Carolina. (PR 2485, 2497.) Garbutt responded that she did some “AI research” and concluded that the County could. (*Id.*) On January 13, 2026, the Chair then responded she would “get with our attorney today!” (PR 2490.)

The Planning Director was apparently notified to get to work on the Moratorium that very day because on January 13, 2026, he again emailed the County Manager the Buncombe County Moratorium Memo.⁶ Also on January 13, Commissioner Karen Howard responded to Garbutt that

⁶ County Planner Hunter Glenn wrote the first draft of the Moratorium before the January 20, 2026 Board meeting. That draft was for eight months: March to November 2026. (PR 2614-17.) This initial draft contains one of the Moratorium’s significant errors, as explained *infra*, which is the imposition of a

other counties are enacting moratoria. (PR 2497.) There were then apparently discussions that the Moratorium would be added to the January 20, 2026 agenda at the beginning of the meeting, although there are no public records that address this. On January 21, 2026, Sharon Garbutt emailed the County Board and thanked them for the “quick action.” (PR 2657.)

4. The County’s Adoption of the Moratorium

a. The January 20, 2026 County Board of Commissioners Meeting and the County’s Actions Thereafter and Before the Public Hearing.

Prior to January 20, 2026, there had been no public discussion about a moratorium on data centers by the County Board of Commissioners. (Compl. ¶ 58.) At the beginning of the January 20, 2026 meeting; however, the Board voted to amend the agenda on the spot to add an item to discuss a moratorium on data centers. (Compl. ¶ 65.) County staff had already been instructed to prepare a notice for a moratorium hearing and a draft of a moratorium ordinance. (Compl. ¶ 66, PR 2614-17.) The County did not provide interested data center stakeholders or proponents, including Eco TIP, prior notice this topic would be discussed, but Eco TIP found out by other means. (Compl. ¶ 67.)

During the meeting, Board members inquired whether there were any legal concerns if a moratorium was passed. Astonishingly, the County Manager responded there would be no concerns unless there were “active applications or projects that could be impacted,” but “[w]e don’t have that presently.” (Compl. ¶ 80.) This statement was incorrect because, as explained above, the County Manager knew about the Data Center Project, the Zoning Permit, and that Eco TIP had secured utilities and was actively engaged in development at that time.

moratorium on development “regulations,” rather than development “approvals.” It was never caught or corrected.

The County Manager also suggested a moratorium duration of six to nine months, and Hunter Glenn's draft was for eight months. (Transcript 1/20/2026 meeting) The Board members mentioned they may need 12 months to be "safe." (*Id.*) Twelve months appeared in the Ordinance presented at the February 11, 2026 Public Hearing, so this was apparently decided amongst the Commissioners and staff outside a public meeting.

The public hearing on the Moratorium was set for February 11, 2026 - the earliest possible date that would meet notice requirements - rather than waiting for the next regular Board meeting on February 16, 2026. (Compl. ¶ 78.) The County Board was so anxious to stop data centers (and presumably the Data Center Project) that it could not wait five additional days for their next regular meeting. (Compl. ¶ 78.)

Eco TIP continued working on the Data Center Project after it heard the County had scheduled a public hearing on the Moratorium, because the County would certainly recognize it would be exempt under N.C. Gen. Stat. §§ 160D-107 and 160D-108. Therefore, on February 5, 2026, Eco TIP scheduled a pre-application meeting for the Data Center Project site plan for February 11, 2026. (PR 3091.) A pre-application Information Sheet was submitted and accepted, that set forth clearly the Data Center Project. (PR 3105-07.)

On February 6, 2026, Planner Angela Plummer emailed Planning Director Sullivan and asked: "Have they heard about a possible moratorium," because the meeting was for a data center. (PR 3104.) He responded, that yes, Eco TIP was aware of the potential moratorium. (PR 3112.)

Also on February 6, 2026, in response to a question about where in the County the Moratorium will apply, Planner Hunter Glenn emailed other Planning staff that it will be where data centers are currently allowed by right, Heavy Industrial with water and sewer: "***Essentially this means the TIP West sites.***" (PR 3130)(emphasis added). So, the County knew and

presumably intended to enact a Moratorium that would apply only to Eco TIP's property and to the very Data Center Project for which it had issued a Zoning Permit only three months earlier.

On February 9, 2026, the Planning Director informed Duke Energy that it had a pre-application meeting for a 750-megawatt data center. (PR 3259.) By that time, the County had evidently become concerned that it may not be able to stop the Data Center Project. Specifically, on February 9, 2026, Planning Director Sullivan sent an email to the County Manager that attached a UNC School of Government article entitled "Exceptions to Moratorium" and stated: ***"Following up on our conversation from today....There is no way [ECO TIP's] going to be able to submit an application by Wednesday and even if they could, it sounds like the moratorium will still apply."*** (PR 3231)(emphasis added). The County Manager responded: "Makes sense." (PR 3243.)

The Planning Director ended up mistaken, however, because the Data Center Project site plan application was accepted by the County at 3:09 p.m. on February 11, 2026 to be reviewed by the Appearance Commission at its February 26, 2026 meeting. (Compl. ¶ 107-111, PR 3534.)

b. The February 11, 2026 Public Hearing and Adoption of the Moratorium.

At the February 11, 2026 public hearing, County Planner Hunter Glenn presented the statutory findings required under N.C. Gen. Stat. § 160D-107(d) for adopting a moratorium. (Compl. ¶ 85.) Glenn stated that the Moratorium was needed because data centers use "lots of water" and "lots of power." (Compl. ¶ 89.) No facts were presented at the public hearing to support the speculative statements or other alleged environmental impacts and concerns. (Compl. ¶ 90.)

There were multiple speakers in opposition of the Moratorium including the County Economic Development Director and a representative from Duke Energy.⁷ Eco TIP Manager Kirk

⁷ A transcript of the February 11, 2026 meeting is attached to the Amended Complaint at Exhibit H.

Bradley informed the Board of Eco TIP’s substantial expenditures of over \$11.3 million made in reliance on the numerous County and state permits Eco TIP received; thus, the Data Center Project should be “exempt from any proposed moratorium and changes to the [Zoning Ordinance].” (Compl. ¶ 107.)

Eco TIP Attorney Patrick Bradshaw also spoke against the Moratorium, informing the Board that: (1) the Data Center Project is a by-right use confirmed by the County in writing; (2) Eco TIP is exempt from the Moratorium under N.C. Gen. Stat. § 160D-107 based on substantial expenditures of over \$11 million in good faith reliance on prior development approvals; (3) Eco TIP had a pending site plan application protected by permit choice statutes; and (4) enacting the Moratorium to remove data centers as a by-right use would be an unlawful down-zoning. (Compl. ¶ 108.)

The motion to adopt the Moratorium was approved unanimously. (Compl. ¶ 88.) Despite the number of speakers who addressed the Board about the Data Center Project, the Commissioners did not engage in any discussion, nor did they acknowledge or discuss Eco TIP’s exemption request or other legal issues raised by its attorney. The Board likewise did not ask the County Attorney to respond or address them. (Compl. ¶ 88.)

5. The County’s Denial of Eco TIP’s Exemption Request.

On March 2, 2026, Eco TIP renewed its request that its exemption to the Moratorium be recognized by the County in a letter from Eco TIP attorney Patrick Bradshaw to County Attorney Emily Meeker. (Compl. ¶ 136.) The letter set forth the specific facts supporting the exemption request, including a list of development approvals and permits issued for the Data Center Project, and detailed documentation of the over \$11 million spent in reasonable reliance on those approvals

and permits. (Compl. ¶ 136.) These facts are also set forth in the Amended Complaint, with the exemption request attached, and Eco TIP Manager Kirk Bradley has sworn to their accuracy.

Specifically, in addition to the Zoning Permit, Eco TIP obtained numerous development approvals and permits from Chatham County for the Data Center Project, including: Watershed Protection approvals and Land-Disturbing Permits for demolition and infrastructure work (January 2022, February 2022, January 2023, February 2023, March 2022, April 2022); Stormwater Permits (March 2022); Building Permits for demolition and retaining wall construction (February 2023, March 2023); Floodplain Development Permits (February 2023); Sign Permits (April 2023); Sewer Extension Approval (November 2022); Water Supply Systems approval (August 2022); There was also a soil and erosion control permit renewal approved on February 3, 2025 which is valid until at least February 6, 2027 (PR, 1315) (Compl. ¶¶ 151-165.)

Eco TIP also obtained prior valid development permits and approvals from North Carolina State agencies for the Data Center Project, including: NCDWR Approvals for Water Main Extension (October 2022, June 2023); NCDOT Encroachment Agreements for water main installation and road improvements (August 2022, February 2023); NCDOT Driveway Permit (February 2023); NCDEQ Stormwater Discharge Permit (January 2023); NCDHHS Demolition Permit (February 2023); and NCDWR Permit for wastewater collection system extension (December 2022). (Compl. ¶¶ 167-175.)

Eco TIP incurred substantial expenditures in excess of \$11 million for work and materials on the Data Center Project in good faith reliance on valid prior development approvals and permits. (Compl. ¶¶ 114, 177.) These substantial expenditures would not have been undertaken but for Eco TIP's reasonable reliance on its prior valid development approvals and permits, and serve as the basis for both common law and statutory vested rights. (Compl. ¶ 116.)

After receiving the exemption request with the information and documentation set forth above, the County Attorney did not provide it to the Board of Commissioners for review, but instead gave the request to “the Planning Department.” (Compl. ¶ 137.) On March 17, 2026, the County Attorney responded that the Planning Department had determined Eco TIP’s proposed project was “not exempt from the County’s moratorium,” without providing any explanation or analysis. (Compl. ¶¶ 138-39.) This terse denial could not have had any support in law or fact given the substantial amount of evidence Eco TIP provided, because the County had nothing to dispute its truth and accuracy. At bottom, there was no reason to deny the exemption, so none was provided.

6. The County’s Decision to Stop Processing of Eco TIP’s Site Plan Application.

Eco TIP submitted a complete site plan application to the County on February 11, 2026 at 3:09 p.m., requesting review and County Appearance Commission approval. This was prior to the adoption of the Moratorium; it is irrelevant that it was on the same day. (Compl. ¶ 145.) The Site Plan application was supposed to be heard by the Appearance Commission on February 26, 2026 and Eco TIP was prepared to attend. (Compl. ¶ 147.)

On February 18, 2026, County Zoning Administrator Angela Plummer sent Eco TIP an unsolicited email stating that the Data Center Project would not be placed on the CCAC agenda after all because the Data Center Project was subject to the Moratorium. (Compl. ¶ 148, PR 4069.) The Moratorium was the only reason given to refuse to move the site plan application forward, and Eco TIP was never informed the site plan application was incomplete in any way.⁸

⁸ On February 12, 2026, Angela Plummer sent Eco TIP’s site plan application to the Planning Director Sullivan. (PR, 3563) Sullivan told Plummer to “hold off on adding this to the Appearance Commission agenda.” (PR, 3563) Presumably Sullivan was surprised since he had assumed Eco TIP could not get this done before the public hearing. Plummer did not email Eco TIP until almost a week later. (PR 3566.) The

LEGAL ARGUMENT

1. The Moratorium Is Void For Failure To Comply With the Mandates of N.C. Gen. Stat. § 160D-107.

The General Assembly has enacted specific conditions which must be followed for a County to enact a valid moratorium. This is because prohibiting otherwise permitted development is a substantial interference with an owner's property rights. The statute specifically states that the burden is *on the County* to prove compliance with the statutory procedural requirements. *See* N.C. Gen Stat § 160D-107(d).

N.C. Gen. Stat. § 160D-107(a) is entitled "Moratoria" and provides:

Authority. - As provided in this section, local governments may adopt temporary moratoria on any *development approval* required by law The duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions.

(emphasis added).

Subsection (d) is entitled "Required Statements" and provides "Any development *regulation* establishing a development moratorium must include at the time of adoption each of the following:

- (1) A statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the local government and why those alternative courses of action were not deemed adequate.
- (2) A statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.

County never mentioned that the application was incomplete until its Brief in Opposition to Eco TIP's Motion for Summary Judgment.

- (3) A date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.
- (4) A statement of the actions, and the schedule for those actions, proposed to be taken by the local government during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium.

a. The County Unlawfully Enacted a Moratorium on “Development Regulation[s].”

As an initial matter, in its haste to stop the Data Center Project, the County erroneously enacted a moratorium on zoning *regulations*; not zoning *approvals*. N.C. Gen. Stat § 160D-107(a) expressly limits moratoria to “development *approvals* required by law,” so the Moratorium violates the statute. *Id.* (emphasis added).

N.C. Gen. Stat. § 160D-102(13) defines the term “development approval” as follows:

An **administrative or quasi-judicial approval** made pursuant to this Chapter that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness.

N.C. Gen. Stat. § 160D-102(13) (emphasis added). Thus, development approvals are limited to administrative or quasi-judicial decisions.

“Zoning regulations” are distinct from “development approvals” under Chapter 160D. A “development regulation” is defined to include “[a] unified development ordinance, **zoning regulation** ..., or any other regulation adopted pursuant to this Chapter..., that regulates land use or development. See N.C. Gen. Stat. § 160D-102(14) (emphasis added).

Development regulations are, thus, ordinances which can only be enacted by the County Board. A development approval is a written quasi-judicial or administrative decision such as a zoning permit or a special use permit that allows development to commence. These are mutually exclusive decisions under the Chapter 160D statutory scheme.

The County, thus, imposed the Moratorium on the wrong type of land use decision. Section 1, which contains the enabling language, contains this fundamental County error:

A temporary moratorium is hereby imposed commencing on February 11th, 2026, and expiring no later than February 11th, 2027, **or on approval of new zoning regulation[s]** regarding data centers, data processing facilities, cryptocurrency mining operations, and uses associated with data processing facilities not yet defined in the Chatham County Zoning Ordinance.

(Compl. Ex. J, copy of Moratorium) (emphasis added).

Because the Moratorium purports to impose a moratorium on “new zoning regulation[s],” it exceeds the County’s statutory authority. N.C. Gen. Stat. § 160D-107 allows moratoria only on “development approvals,” not on “zoning regulations” or other legislative enactments. The Board cannot prevent itself from legislating; however, this is precisely what the Moratorium attempts to do. This error is compounded because it also refers to a moratorium on “permits,” “permitting,” and “uses.” These are terms that are likewise not included in N.C. Gen. Stat. § 160D-107.

While Section 2 of the Moratorium does state it applies to “all development approvals,” this does not cure the defective enabling clause in Section 1, nor does it resolve the multiple inconsistencies created by the Moratorium’s conflicting language. At a minimum, these conflicts create fatal ambiguities that require the Moratorium be declared void under the free use of land canon of construction. That canon mandates that ambiguous land use restrictions be construed against the government and in favor of the free use of property.

Specifically, “[w]here there is ambiguity in a zoning regulation, there is a special rule of construction requiring the ambiguous language to be ‘construed in favor of the free use of real property.’” *Visible Properties, LLC v. Vill. of Clemmons*, 284 N.C. App. 743, 876 S.E.2d 804 (2005). A zoning term or regulation is ambiguous when it is susceptible to more than one meaning or can fall within more than one definition. *See Schooldev East, LLC v. Town of Wake Forest*, 386

N.C. 775, 909 S.E.2d 181 (2024). This means that if a provision can be read to allow a use by right, and also read to prohibit a use, it must be interpreted to allow the use. When a zoning ordinance is “unclear,” any “well-founded doubts” about the meaning must be resolved “in favor of ‘the free use of land.’” *Schooldev, supra*, at 776-77, 909 S.E.2d at 184 (emphasis added).

North Carolina appellate courts have been steadfast in holding that ambiguous zoning ordinances must be construed in favor of use. This is known as the “free use of land” canon of statutory construction and the North Carolina Supreme Court has instructed that local governments follow it:

This is no arbitrary canon of construction. It reflects our state’s longstanding policy favoring the free and unrestricted use and enjoyment of land. That public policy recognizes and preserves the foundational place of property rights in our constitutional order. If local governments adopt ordinances that interfere with property rights, they owe it to the property owners to use plain language. . . .

Schooldev, supra, at 789, 386 S.E.2d at 192 (emphasis added). *See also Arter v. Orange County*, 386 N.C. 352, 355, 904 S.E.2d 715, 717 (2026) (Local governments have a responsibility to enact clear, unambiguous zoning rules. . . .when there are “well-founded doubts” about the proper meaning of a zoning law—that is to say, an ambiguity—courts must choose the reasonable interpretation that favors “the free use of property.”).

Section (1) of the Moratorium states it is a moratorium on “new zoning regulation[s].” Section (2) states “all development approvals” are subject to the moratorium. This does nothing but create an ambiguity. As explained above, when there are two conflicting meanings of a zoning ordinance, the court must adopt the one that favors the use of property. The County had an

obligation to draft a clear ordinance; it did not. And the ambiguity renders the Moratorium void because a moratorium on development approvals is invalid.⁹

b. The Moratorium Does Not Contain the Required Statutory Statements.

Even setting aside the Moratorium's improper scope, the County's required statements were inadequate and failed to comply with N.C. Gen. Stat. § 160D-107(d).

i. The Moratorium's Duration Is Unreasonable Without Support.

N.C. Gen. Stat. § 160D-107(a) mandates "[t]he duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions." Section 160D-107(d)(3) requires a date that the Moratorium will terminate and why that duration "is reasonably necessary" to address the problem.

The Moratorium fails to provide any factual justification for pausing review of all data center applications for twelve months, which as explained *supra*, would in practice only include applications at Tip West. The Board only discussed duration at the January 20, 2026 meeting which was the meeting where the data center moratorium was added to the agenda at the last minute. The County Manager suggested a duration of six to eight months, but the Board ultimately landed on a year with no justification.

A year is a long time and can result in the death of a development project due only to delay. And because the Data Center Project was the only one proposed in the County at the time, and data centers are only permitted by right at TIP West, this appears to have been the purpose. All a 12-month Moratorium does is cause harm to Eco TIP – there is no benefit because data

⁹ The County does not address this argument in its Brief, so may simply not understand this error.

centers cannot be anywhere else. The County cannot meet its burden to show it was “reasonably necessary” to choose 12 months in contravention of the County Manager’s recommendation and which practically stopped only one.¹⁰ Section (3) of the Moratorium fails to comply with N.C. Gen. Stat. § 160D-107(a), (d)(3), and (d)(4).

ii. The Moratorium Did Not Describe the Other Alternatives Considered or Why They Would Not be Adequate.

The Moratorium also violates N.C. Gen. Stat. § 160D-107(d)(1) because it fails to state *what* alternatives were considered other than a moratorium “and *why* those alternative courses of action were not deemed adequate.” The statute requires the County to include this information and to explain it the Moratorium ordinance. *See, e.g., Atkinson v. City of Charlotte*, 235 N.C. App. 1, 760 S.E.2d 395 (2014) (statute requiring the City to adopt a consistency statement and to “describe” and “explain” why it is in the public interest is a two-step process: 1) adopt the statement; and 2) and describe and explain why it meets the standard; failure to include the second step rendered the decision void).

Here, the Moratorium states only that, “[t]he County has looked at alternative solutions but found none.” Like in *Atkinson*, the County was not allowed to skip the second step which required the other alternatives to be listed, and an explanation as to why they were not adequate. The County’s failure to conduct and include the required statutory analysis renders the Moratorium procedurally defective on its face.

¹⁰ It is nonsensical that the County made no effort whatsoever to just address the Data Center Project head on. Ignoring that TIP West was the only area affected and the Data Center Project was underway, only intensifies its legal problems by adding in a lack of public transparency.

iii. The Moratorium Did Not Include a Statement As to Why The Moratorium on Development Approvals “Will Address the Problems or Conditions Leading to the Imposition of the Moratorium.”

Even assuming *arguendo* the County accomplished a moratorium on “all” development approvals, it was not sufficiently justified. The County has acknowledged that: 1) Tip West is the only property in the County where data centers are allowed by right if they have obtained water and sewer; and, 2) the Data Center Project is the only pending development that meets that criteria. It is also undisputed that the Moncure Megasite, which includes TIP West, is the County’s chosen location for heavy industrial uses and were specifically zoned for uses like the Data Center Project. Even Hunter Glenn’s AI research confirmed this conclusion and provided all the reasons a data center should be located at TIP West.

The Moratorium does not meet this test and the County has not met its burden to show otherwise. The County’s entire justification under N.C. Gen. Stat. § 160D-107(d)(2) for a moratorium of all development approvals is that the term “data center” is not defined and it wants to update that definition and to define “‘cryptocurrency mining’ as a specific land use” separate from data centers . . . which would more align with the intensity of ‘cryptocurrency mining.’” The County has already determined that Data Center Project is allowed at TIP West and it will likely fall within whatever new definition the County comes up with in the future. Shutting down the Data Center Project at TIP West is not necessary to enact new definitions.

2. The Moratorium is Void Because it Violates N.C. Gen. Stat. § 160D-601(d)’s Prohibition on Down-Zoning.

The Moratorium violates the down-zoning provisions of N.C. Gen. Stat. § 160D-601 because: 1) it prohibited a by-right permitted use for at least 12 months; and 2) its purpose was to allow time to add more restrictive rules that could take away the Proposed Data Center’s by right

status in the Heavy Industrial district; that is down-zoning as a matter of law and the County cannot enact a Moratorium to buy more time to enact a zoning regulation that is itself illegal.

North Carolina law expressly prohibits down-zoning without the written consent of all affected property owners. N.C. Gen. Stat. § 160D-601(d), entitled “Down-zoning,” provides:

No amendment to zoning regulations or a zoning map that down-zones property shall be initiated, enacted, or enforced without the written consent of all property owners whose property is the subject of the down-zoning amendment. For purposes of this section, “down-zoning” means a zoning ordinance that affects an area of land in one of the following ways:

- (1) By decreasing the development density of the land to be less dense than was allowed under its previous usage.
- (2) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.
- (3) By creating any type of nonconformity on land not in a residential zoning district, including a nonconforming use, nonconforming lot, nonconforming structure, nonconforming improvement, or nonconforming site element.

The purpose of the down-zoning statute is to prevent local governments from passing ordinances that prevent a use or make the use regulations more restrictive than previously allowed without the consent of the owner. Eco TIP did not consent to the Moratorium itself nor will it consent to any new regulations that would prohibit or make the Data Center Project more difficult to develop.

The Moratorium constitutes illegal down-zoning as a matter of law.¹¹ Section 160D-601(d) prohibits the County from even “initiating” a down-zoning without property owner consent.

¹¹A Moratorium is a “land development regulation” under N.C. Gen. Stat. § 143-755(e)(3) because it a “local ordinance affecting the development or use of real property.” Zoning regulations are development regulations, *see* N.C. Gen. Stat. § 160D-102(14), and the Moratorium’s purpose is to allow the County to amend its Zoning Ordinance. There is no question it triggered the application of the down-zoning statute.

“Initiate” means to “set a process in motion” or to “cause or facilitate the beginning of.” *See, e.g.*, Merriam-Webster Dictionary, <https://www.merriam-webster.com/dictionary/initiate>. The plain language of the Moratorium unequivocally demonstrates that the County has set in motion a process to reduce the by-right permitted uses of land by at least one use; *i.e.*, data centers in the Heavy Industrial district. And, the Moratorium has taken away the right entirely for at least one year. This is precisely the conduct the General Assembly sought to prohibit when it enacted Section 160D-601(d).

The Moratorium’s own text confirms this violation. Section 1 states that the County Planning Department is “in the process of developing zoning standards and mitigation methods for data centers and related uses,” and that the County “seeks time to develop such standards.” Section 2 provides that the Moratorium remains in effect for twelve months or “such time that specific land use standards can be developed.” Again, as acknowledged by Hunter Glenn, TIP West is the only place in the County where a data center is allowed. (PR 3130.) Thus, if the purpose was not to stop data centers as a by right use at that location, a Moratorium would not have been necessary. There is no doubt that the Moratorium was designed to initiate a process culminating in the down-zoning of data center uses, specifically the Data Center Project, the very conduct Section 160D-601(d) forbids.

The practical effect of the Moratorium underscores its illegality. The Moratorium’s express purpose is to potentially strip the Data Center Project of its by-right status. This is textbook down-zoning: reducing the permitted uses of land to fewer uses than were previously allowed. N.C. Gen. Stat. § 160D-601(d)(2). The County cannot accomplish through the Moratorium what it is prohibited from doing directly.

The County argues that N.C. Gen. Stat. § 160D-107 authorizes the Moratorium so it is not a down-zoning. That argument makes no sense. There is no exception that permits down-zonings to be accomplished directly or indirectly by moratoria. The purpose of §160D-601(d) would be meaningless if a by-right use could be completely shut down for a year or even longer, to allow the County time to permanently and illegally down-zone TIP West.

As explained above, a Moratorium is a zoning regulation, but regardless, under North Carolina law, any ordinance that limits a landowner's ability to use its property for any amount of time must comply with the General Statutes governing zoning ordinances.

In *Vulcan Materials v. Iredell County*, 103 N.C. App. 779, 407 S.E. 2d 283 (1991), the County passed a moratorium on building permits for sixty days to allow it time to pass its first zoning ordinance. The plaintiff then requested a building permit for an asphalt plant, which was previously permitted by right, which was denied. The plaintiff challenged the validity of the Moratorium because the County failed to provide the public hearing notice required to enact zoning ordinances.

When *Vulcan* was decided, there was no moratorium statute, so the question was whether the County had to provide the notice required for zoning amendments in Chapter 160A.¹² The Court held that it did. The Moratorium “had the effect of making unzoned areas of the County subject to zoning regulations prior to the adoption of a zoning ordinance application to those areas” *Id.* at 782, 407 S.E.2d at 286. If an ordinance substantially affects land use, it must be enacted under the procedures which govern zonings and rezonings. The Court held: “To entirely prohibit a person from building upon his property even temporarily is a substantial restriction upon land

¹² These notice requirements are now specifically incorporated into N.C. Gen. Stat. § 160D-107.

use. Consequently, it is not too much to ask that a municipality follow the same procedures with respect to notice and hearing before it puts such a moratorium into effect.” *Id.* (quoting *City of Sanibel v. Buntrock*, 409 So.2d 1073, 1075 (Fla. D. Ct. App.1981)). The Iredell County moratorium was, therefore invalid.

The same is true in the case *sub judice*. The Moratorium had the effect of prohibiting data centers on Eco TIP’s property for at least a year. This is much longer than the 60 days in *Vulcan*. The Moratorium has prohibited Eco TIP from using its property for a permitted purpose for at least a year. Under *Vulcan*, the Moratorium must, thus, follow the statutes applicable to zoning ordinances which includes § 160D-601(d). The County did not follow the zoning statutes because it downzoned Eco TIP’s property without consent, so it is void. *See also Sandy Mush Properties v. Rutherford County*, 164 N.C. App. 162, 167, 595 S.E.2d 233, 236 (2004) (county could not accomplish something that the zoning statutes did not allow simply by acting outside of the statutory framework).

3. The Data Center Project is Exempt from the Moratorium Because Eco TIP Made Substantial Expenditures In Good-faith Reliance Multiple Prior Development Approvals.

N.C. Gen. Stat. § 160D-107(d) provides, *inter alia*, that a moratorium adopted pursuant to this section does not apply “to development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval[s].” The undisputed facts prove that Eco TIP has obtained multiple development approvals prior to the enactment of the Moratorium, and spent over \$11 million in reasonable reliance on those approvals to prepare its property at TIP West for the development of the Data Center Project.

As stated *supra*, a development approval is defined in N.C. Gen. Stat. § 160D-102(13) which provides:

(13) Development approval. - An administrative or quasi-judicial approval made pursuant to this Chapter that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes ***all other regulatory approvals required by regulations adopted pursuant to this Chapter, including plat approvals, permits issued, development agreements entered into, and building permits issued.***

N.C. Gen. Stat. § 160D-102(13) (emphasis added).

As the Verified Amended Complaint establishes as a matter of law, Eco TIP obtained numerous “development approvals” recognized by Chapter 160D, including but not limited to: building permits, demolition permits, soil and erosion control permits, stormwater permits, a sign permit, floodplain development permits, and watershed protection approvals. These are clearly documented and were provided to the County in its letter to the County Attorney requesting an exemption from the Moratorium.

Eco TIP’s undisputed sworn testimony is that it spent over \$11 million in reliance on these development approvals towards development of the Data Center Project. There can be no question that \$11 million is “substantial” as a matter of law. The reliance was also in good faith. The data center was a by-right use and TIP West is designated as one of the premier locations in the State for heavy industrial users. Eco TIP would have no reason to believe that the County – which was the driving force behind obtaining the Certified Sites designation - would change its mind and try to stop the very type of development it intended to attract.

There was no requirement that Eco TIP reveal its end user to the County at the time the permits were obtained; it is entitled to rely on any development approval that falls within that definition pursuant to the unambiguous terms of Chapter 160D. Data centers are a sensitive topic and Eco TIP has contractual limitations on what it can and cannot disclose. Eco TIP identified its

planned use when it requested the zoning confirmation, which is the first time it was necessary. This does not prevent using prior development approvals and expenditures for an exemption.¹³

In sum, all of the permits listed, expenditures made and work done was to prepare the site for the Data Center Project. The undisputed facts establish that every required element for the §160D-107 exemption are met. The County has no evidence that could dispute the Verified Amended Complaint so Eco TIP is entitled to summary judgment.

4. Eco TIP Has Statutory Vested Rights in the Zoning Permit, Which Prohibits the Application of the Moratorium to the Data Center Project.

N.C. Gen. Stat. § 160D-108(c) is entitled “Vested Rights” and provides: “Amendments in land development regulations are not applicable or enforceable without the written consent of the owner with regard to any of the following: “(1) Buildings or uses of buildings or land for which a development permit application has been submitted and subsequently issued in accordance with G.S. 143-755.”

N.C. Gen. Stat. § 143-755(e)(2) defines “development permit” as

“[a]n administrative or quasi-judicial approval that is written and that is required prior to commencing development or undertaking a specific activity, project or development proposal, including any of the following:

(a) Zoning permits. . .

The Vested Rights statute also provides:

A vested right, once established as provided for in this section or by common law, precludes any action by a local government that would change, alter, impair, prevent, diminish, *or otherwise delay the development or use of the property* allowed by the applicable land development regulation or regulations. . . .

¹³ The County’s argument that Eco TIP had to have a zoning permit to be exempt is another absurd argument that directly contradicts §160D-107. The statute allows an exemption based on reliance on “development approvals,” of which Eco TIP had many.

N.C. Gen. Stat. § 160D-108(c) (emphasis added). The Moratorium delayed the development of the Data Center Project, so the statute applies.¹⁴

Once a vested right is obtained, it remains valid as long as the zoning permit is valid. “Unless otherwise specified by this section or other statute, local development permits expire one year after issuance unless work authorized by the permit has substantially commenced.” *Id.* at § 160D-108(d). Moreover, the vested rights period “is automatically tolled during the pendency of any . . . civil action in a State or federal trial or appellate court regarding the validity of a development permit, the use of the property, or the existence of the statutory vesting period granted by this section,” and “during the pendency of any litigation involving the development project or property that is the subject of the vesting.” *Id.*

Again, the County has denied that the Zoning Permit is a “zoning permit.” This is puzzling since the County issued the determination that a data center is allowed by right on Eco TIP’s property in writing and specifically designated it as “Permit #PL-25-1750.” A zoning permit is the only permit it can be - as a matter of law. The law and undisputed facts also support his conclusion.

First, the Chatham County Zoning Ordinance recognizes a development approval known as a “zoning permit” which again is separate from a “Certificate of Zoning Compliance,” which is issued after site plan approval. Section 10 of the Chatham County Zoning Ordinance states that, “[u]ses by right are subject to obtaining a zoning permit.” Section 8.9 allows the County to charge a “reasonable fee” for the zoning permit.

¹⁴ The County erroneously argues this claim had to be exhausted. N.C. Gen. Stat. § 160D-108 specifically states that “in lieu of seeking a determination and pursuing an appeal under G.S. 160D-405, *a person claiming vested rights may bring an original civil action as provided by G.S. 160D-1403.1.*” (emphasis added) Section 1403.1 is authority for a direct civil lawsuit. Again, the County misrepresents or at least misunderstands the statute.

The term “zoning permit” is not defined; therefore, under Section 7.1, it “shall carry the definition prescribed in the common dictionary.” In the American Planning Association’s publication, *A Planners Dictionary*, the term “zoning permit” is defined at page 460 as:

A document signed by the zoning officer . . . as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which document acknowledges that such use, structure, or building complies with the [zoning ordinance] or an authorized variance therefrom.

See also <https://www.lawinsider.com/dictionary/zoning-permit>. (a zoning permit is a form which is issued by the zoning administrator when it is determined that the proposed construction of buildings and structures and the proposed use of land and buildings and structures thereon are in compliance with the provisions of the ordinance); <https://encyclopedia2.thefreedictionary.com/zoning+permit> (a zoning permit is “[a] permit issued by the appropriate governmental authority permitting land to be used for a specific purpose”).

In October 2025, the County accepted Eco TIP’s request and issued a “zoning interpretation” that confirmed that the Data Center Project was a by right permitted use on specifically identified parcels and gave the decision a permit number. Eco TIP paid a fee to obtain it. This is exactly what a zoning permit is. The Zoning Permit allowed Eco TIP to move forward with a site plan application, which it did. The Zoning Permit is less than a year old, and regardless, litigation is underway to determine, *inter alia*, vested rights, so the time is tolled. Therefore, the County cannot legally apply the Moratorium to the Data Center Project.¹⁵

¹⁵ This is a question of law based on the application of N.C. Gen. Stat. Chapter 160D, the Zoning Ordinance, and the Zoning Permit. Affidavits setting forth the opinion of County Planners are irrelevant to this decision.

5. The County is Estopped from Applying the Moratorium to the Proposed Data Center.

Chapter 160D allows a property owner to submit a request for a zoning interpretation to obtain a binding decision whether a use or development is permitted on its property. *See* N.C. Gen. Stat. §§ 160D-403 and -403.1; *S.T. Wooten v. Town of Zebulon*, 210 N.C. App. 633, 711 S.E. 2d 158 (2011). Once that decision is made, it is binding on the County, and it cannot be taken back later.

This rule was first addressed by *S.T. Wooten v. Town of Zebulon* where the property owner was provided “a zoning consistency determination” by the Town Planning Director that its asphalt plant was permitted by right in 2001. The property owner relied on this decision and began operating a temporary plant. In 2009, when it requested a permit for a permanent asphalt plant it was denied because the Town had changed its position and now contended a special use permit was required for the asphalt plant. The Court of Appeals disagreed and held the 2001 decision was lawful and binding and the Town “should not now be allowed to enforce a new interpretation” *Id.* at 644, 711 S.E.2d at 165. The Town could have appealed the decision in 2001 but did not. *Id.* Thus, the Town could not later “render a contrary decision or collaterally attack the 2001 interpretation.” *Id.*

S.T. Wooten was codified by the North Carolina General Assembly effective July 1, 2026 by the addition of N.C. Gen. Stat. §§ 160D-403, which provides as follows:

(b1) Interpretive Determinations. – Upon written request by a person listed under G.S. 160D-1403.1(b)¹⁶, a local government, acting through an administrative official or staff designated pursuant to subsection (b) of this section, shall issue a written determination regarding the applicability or interpretation of a development regulation enacted under the authority of this

¹⁶ This includes a property owner, like Eco TIP.

Chapter to a given state of facts. Upon issuance, the determination shall be binding on the local government and the person requesting the determination, unless the determination is altered or set aside by a decision-making board or a court of competent jurisdiction.

The Zoning Permit, or whatever one calls it, was a binding written determination by the Zoning Administrator. It unequivocally states that the Data Center Project is a by right use at TIP West, and that no special use permit is required. This decision was never appealed and is, therefore, binding on the County. The Moratorium operated to revoke that decision for at least a year and perhaps longer. This was unlawful under *S.T. Wooten* and N.C. Stat. §160D-1403.1.

6. Eco TIP is Entitled to Summary Judgment on its Substantive Due Process Claim.

The County violated Eco TIP's state substantive due process rights when it arbitrarily and capriciously deprived it of its vested rights by, *inter alia*, enacting the Moratorium without following the mandatory statutory requirements and pretending the Data Center Project did not exist.

In *Browning Ferris Industries of South Atlantic, Inc. v. Wake County*, 905 F. Supp. 312, 317 (E.D.N.C. 1995) the court identified the elements to prevail on a substantive due process claim. Specifically, plaintiff must show: (1) a protected property right, and (2) that defendant arbitrarily and capriciously deprived them of that right. The determination as to whether there is a property right is governed by state law. *Id.*

In *Browning Ferris*, the plaintiff Browning Ferris Industries ("BFI") sought to develop a regional facility to store trucks. The property was in the Town of Morrisville which approved the site plan and issued a building permit. The facility's domestic wastewater would be treated by the Town of Cary, but the plaintiff needed to access sewer lines through a county interceptor to take the wastewater to the Cary plant. The County opposed the regional facility but had no jurisdiction

over the property. Thus, to stop the project, the County denied BFI access to domestic wastewater to accomplish its unlawful objective.

The Court granted BFI's motion for summary judgment on both its state and federal due process claims.¹⁷ BFI had property rights by virtue of its building permit, and common law vested rights. The Court explained: "Governmental action in the zoning or land use context violates due process principles if it is arbitrary or capricious, lacks a rational basis, or is undertaken with improper motives." *Id.* at 320. "It is apparent that the Wake County Commissioners were looking for any reason they could find to force the project to a different location." *Id.* at 319.

A similar result was reached by the Fourth Circuit in denying the Town's motion for summary judgment in *MLC Automotive, LLC v. Town of Southern Pines*, 532 F.3d 269 (4th Cir. 2008). The Court held it was an issue of fact as to whether a rezoning decision violated substantive due process. In *MLC*, the Town voted to rezone plaintiffs' property to prohibit car dealerships to stop plaintiff's project after it purchased the property and started development.

The court considered, among others, the following factors; whether:

- 1) The zoning decision was tainted with fundamental procedural irregularity;
- 2) The action was targeted at a single party; and
- 3) The action is inconsistent with or deviates with regular practice.

In *MLC*, the evidence supported all three factors, so the Town's motion for summary judgment was denied. This included the evidence that the opposition was not based on legitimate land use issues, but a dislike of car dealerships.

¹⁷ The Court held the North Carolina Constitution's "Law of the Land" clause incorporates federal due process and equal protection standards, so summary judgment on the state due process claim was also allowed. *Id.* at 323. Eco TIP has alleged a violation of state substantive due process in the Amended Complaint.

North Carolina decisions are in accord. In *Town of Beech Mountain v. Genesis Wildlife Sanctuary*, 247 N.C. App. 444, 786 S.E.2d 335 (2016), the defendant operated a wildlife sanctuary on property leased from the Town. The Town wanted the wildlife sanctuary to move because it was too close to a nearby lake. When the sanctuary refused, the Town enacted an ordinance prohibiting animals within 200 feet of the lake, which would prevent the wildlife sanctuary.

Relying on *MLC*, the *Beech Mountain* court held there were procedural irregularities because there was no evidence that water quality would be impacted. The Town's actions also targeted a single party. Finally, the evidence showed the Town deviated from its regular practices.

Eco TIP has protected property rights under state law, including the zoning permits, building permits and vested rights. *See* N.C. Gen. Stat. § 160D-108 and § 143-755. The Moratorium was intended to stop development of the Data Center Project for unlawful reasons and for improper motives, among others, community pressure to prohibit data centers. Also, like in *Beech Mountain*, the undisputed facts here demonstrate all *MLC* factors and, constitute arbitrary and capricious conduct under controlling precedent. (¶¶ 34-39, 68-167).

First, the County committed multiple procedural violations of § 160D-107, so there was procedural irregularity. Second, the County's undisputed evidence shows the only location that a data center could be located was at TIP West, and they were aware of the Data Center Project and were trying to stop it. Third, there is no evidence the County ever before passed a Moratorium on data centers to target and stop one project which it failed to acknowledge even existed in public meetings. Eco TIP is entitled to summary judgment on its state substantive due process claim.

7. The Permit Choice Statutes Allow Eco TIP to Continue to Pursue its Site Plan Application and the County Must Process This and Subsequent Applications for the Data Center Project Despite the Moratorium.

North Carolina's Permit Choice statute provides protection for development permit applicants when regulations change during the permitting process. The County's refusal to continue processing Eco TIP's site plan application violates N.C. Gen. Stat. § 143-755 and N.C. Gen. Stat. § 160D-108(b).

N.C. Gen. Stat. § 160D-108(b) provides that "[i]f a land development regulation is amended between the time a development permit application was submitted and a development permit decision is made . . . G.S. 143-755 applies." This provision creates an unambiguous statutory directive: when regulations change mid-application, the Permit Choice statute governs.

The Permit Choice statute itself, N.C. Gen. Stat. § 143-755(a), grants applicants the right to select which version of a rule or ordinance will apply:

If a development permit applicant submits a permit application for any type of development and a rule or ordinance is amended, including an amendment to any applicable land development regulation, between the time the development permit application was submitted and a development permit decision is made, the development permit applicant may choose which adopted version of the rule or ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application. *If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development shall not be required to await the outcome of the amendment . . . prior to acting on the development permit.*

N.C. Gen. Stat. § 143-755(a) (emphasis added). The language is mandatory: applicants "may choose" when the application is filed and "shall not be required to await" the outcome of a future amendment. This applies universally to "all development permits issued by the State and by local governments." N.C. Gen. Stat. § 143-755(b).

The Moratoria statute does not alter this analysis. N.C. Gen. Stat. § 160D-107(c) provides that "if a complete application for a development approval has been submitted prior to the date of

a moratorium, G.S. 160D-108(b) applies when permit processing resumes.” Reading these provisions together, the General Assembly has created a comprehensive framework that prohibits applicants with complete, pending applications from regulatory changes—including moratoria—that occur after submission. There is no exception for moratoria unless the applicant wants to wait and see what the new regulations will be.

Eco TIP is a “development permit applicant” that submitted a “permit application.” The undisputed facts establish that Eco TIP submitted a complete application to the Appearance Commission on February 11, 2026, at 3:09 p.m., requesting site plan review and approval. The Moratorium was adopted later that same day. Because Eco TIP’s complete application preceded the Moratorium, the Permit Choice statute applies.

The County has unlawfully refused to allow Eco TIP to continue to pursue its site plan application. It was supposed to be heard by the Appearance Commission on February 26, 2026, but was removed by Angela Plummer on February 18 because the Data Center Project was “subject to the Moratorium.” (*See* Compl, Ex. N.) This was the only reason given. Ms. Plummer did not say the application was incomplete, and that is because it was not; otherwise it would not have been eligible to be placed on the Appearance Commission agenda to begin with.

This County has directly contravened the Permit Choice statute’s express mandate that an applicant “shall not be required to await the outcome of the amendment . . . prior to acting on the development permit.” N.C. Gen. Stat. § 143-755(a). The County’s position would render the Permit Choice statute meaningless—if a municipality could simply suspend or halt permit processing applications for an indefinite period by a moratorium, the protections afforded by N.C. Gen. Stat. § 143-755 and § 160D-108(b) would be meaningless. The General Assembly did not enact these provisions as empty gestures.

Eco TIP acknowledges § 160D-107(c) states that if a complete application is submitted before the Moratorium that “G.S. 160D-108(b) applies when permit processing resumes.” However, this cannot apply when the applicant chooses the law *already in effect*, but only when it chooses to wait for the new provisions. That is the only reasonable interpretation to give meaning to the applicant’s right to choose. And as explained in detail above, the free use of land canon would also require the statutes to be read in Eco TIP’s favor.

Despite the foregoing, and assuming *arguendo* that it must wait, Eco TIP is still entitled to a judgment that it can continue the permitting process for the Data Center Project when the Moratorium expires on February 11, 2027.¹⁸

The County argues Eco TIP was required to exhaust its administrative remedies to bring a permit choice claim, which completely contradicts the statute which allows any “aggrieved party” to apply to the General Court of Justice for relief “***which shall be set down for immediate hearing.***” See N.C. Gen. Stat. § 143-755(d) (emphasis added).

The County also argues that the Moratorium was effective before it was passed; this is absurd. N.C. Gen. Stat. § 160D-108 and 143-755 both allow protections between when an application is submitted and the enactment of a development regulation. This does not allow the retroactive application of a moratorium to an accepted application earlier the same day.

¹⁸ Section 160D-108(e) applies to “Multiple Permits for Development Project.” It provides that “where multiple local development permits are required to complete a development project, the development permit applicant may choose the version of each of the local land development regulations applicable to the project upon submittal of the application for the initial development permit.” So Eco TIP can continue to ask for subsequent permits based on the filing of the site plan application.

8. The County Staff's Decision to Refuse to Recognize Eco TIP's Moratorium Exemption and to Refuse to Process its Site Plan Application were Unlawful and Eco TIP is entitled to Recover Damages Under N.C. Gen. Stat. § 160D-1403.1.

N.C. Gen. Stat § 160D-1403.1(a)(4) allows a direct civil action to recover on a claim that “[a] decision implementing a local land development regulation by an administrative official or decision-making board is unconstitutional, on its face or as applied, is in excess of statutory authority, is ultra vires, preempted, arbitrary or capricious, made upon unlawful procedure, made in error of law, or is an abuse of discretion.” There is no requirement that the decision of the administrative official be appealed first by an appeal to the board of adjustment before a civil lawsuit can be filed under its provisions. *See* N.C. Gen. Stat. § 160D-1403.1(a1) (enacted by 2026 Sess. Laws 41). Attorney’s fees are awarded as a matter of law to a prevailing plaintiff under N.C. Gen. Stat. § 6-21.7.

The County enacted the Moratorium ordinance pursuant to N.C. Gen. Stat. § 160D-107. Under N.C. Gen. Stat. § 160D-102(14) a development regulation includes any “regulation adopted pursuant to this Chapter . . . that regulates land use or development.” *See also* N.C. Gen. Stat. § 143-755 (e)(3) defining a “land development regulation” as any “local ordinance affecting the development or use of real property.” The Moratorium is, thus, a land use regulation.

The County staff acted in excess of its statutory authority and arbitrarily and capriciously when it interpreted the Moratorium to apply to the Data Center Project. First, as described above, Eco TIP had vested rights in the Data Center Project, so the Moratorium did not apply to the Data Center Project for that reason.

Second, the staff decision refusing to exempt Eco TIP was also unlawful when the County was provided with undisputed evidence that substantial expenditures in excess of \$11 million had

been made in reasonable reliance on multiple development approvals. This decision was made with no analysis or reasoning – there was just a flat out “no.” According to the County Attorney, this decision was made by staff. However, N.C. Gen. Stat. §160D-107 is a statute, not a land use regulation, and the staff has no authority under Chapter 160D or the Zoning Ordinance to interpret statutes.

These staff decisions violated N.C. Gen. Stat. §160D-1403 and Eco TIP is entitled to summary judgment in its favor on the merits of this claim.

9. Eco TIP is Entitled to Recover its Attorney Fees Under N.C. Gen. Stat. § 6-21.7.

a. Summary of the Statute

N.C. Gen. Stat. § 6-21.7 is entitled “Attorney Fees; cities or counties acting outside the scope of their authority.” It provides:

(a) In any action in which a city or county is a party, upon a finding by the court that the city or county violated a statute or case law setting forth unambiguous limits on its authority, the court shall award reasonable attorneys' fees and costs to the party who successfully challenged the city's or county's action. In any action in which a city or county is a party, upon finding by the court that the city or county took action inconsistent with, or in violation of, G.S. 160D-108(b) or G.S. 143-755, the court shall award reasonable attorneys' fees and costs to the party who successfully challenged the local government's failure to comply with any of those provisions. In all other matters, the court may award reasonable attorneys' fees and costs to the prevailing private litigant. For purposes of this section, "unambiguous" means that the limits of authority are not reasonably susceptible to multiple constructions.

(b) In any action brought under G.S. 160D-1403.1 in which a city or county is found to be liable, the court shall award reasonable attorneys' fees and costs to the party who successfully challenged the city's or county's action.

b. Eco TIP's Attorney's Fees for its Claims Under N.C. Gen. Stat. § 160D-108(b), § 143-755 and § 160D-1403.1 are Mandatory.

Eco TIP has asked that it be granted summary judgment on its claims under N.C. Gen. Stat. § 160-1403.1, §160D-108(b) and § 143-755. If Eco TIP prevails on these claims, attorney's fees are mandatory.

First, N.C. Gen. Stat. § 160D-108 governs statutory vested rights. Section 160D-108(h) provides that "a person claiming a vested right may bring an original civil action as provided by G.S. 160D-1403.1" and no board of adjustment appeal is required. As explained in detail, *supra*, Eco Tip contends it is entitled to recover on its statutory vested rights claim, and it was brought pursuant to Section 160D-1403.1 *See* Compl., Third Claim for Relief. Thus, if Eco TIP prevails, attorney's fees must be awarded. The same is true for its claims that the County staff's decisions to deny Eco TIP a Moratorium exemption and to refuse to process its site plan because of the Moratorium, which are also N.C. Gen. Stat. § 160D-1403.1 claims.

Second, Eco TIP has asserted a Permit Choice claim under N.C. Gen. Stat. §160D-108(b) and § 143-755. *See* Compl. Seventh Claim for Relief. For the reasons set forth above in Legal Argument 7, Eco Tip is entitled to summary judgment on that claim as well, also mandating an award of attorney's fees, with no further findings or analysis.

c. Eco TIP is Entitled to Attorney Fees On its Remaining Claims Because the County Violated Statutes and Case Law Setting Unambiguous Limits On Its Authority

The undisputed facts in this case establish that the County committed multiple other violations of Chapter 160D, including: (1) enacting an illegal moratorium; (2) unlawfully down-zoning the Data Center Property; (3) failing to recognize Eco TIP's statutory exemption; and (4) arbitrarily and capriciously interfering with Eco TIP's protected property rights. Each of these

actions transgressed well-established statutory procedures that impose clear, unambiguous limits on the County's authority.

The statutory provisions violated by the County are not “reasonably susceptible to multiple constructions.” Chapter 160D contains detailed, mandatory procedural requirements that local governments must follow when exercising their zoning authority. The County's wholesale disregard of these requirements—and the controlling appellate precedent interpreting them—constitutes exactly the type of governmental overreach that § 6-21.7 was designed to remedy.

These violations are made worse by the County's misrepresentations or failure to mention numerous provisions in N.C. Gen. Stat. Chapter 160D. The General Assembly's use of the word “shall” in § 6-21.7 is dispositive. Unlike the discretionary “may” standard that applies to “all other matters,” the statute mandates that the court “shall award reasonable attorneys' fees and costs” when a local government violates unambiguous limits on its authority. *See* N.C. Gen. Stat. § 6-21.7. Requiring an award of attorney's fees in this circumstance reflects the legislature's intent to deter local governments from acting outside the bounds of their lawful authority and to make aggrieved parties whole when they are forced to litigate to vindicate their rights.

Based on the foregoing, Eco TIP asks that it be awarded attorney's fees under N.C. Gen. Stat. § 6-21.7.¹⁹

CONCLUSION

Based on the foregoing, Eco TIP asked that it be granted summary judgment on the merits as to each of its causes of action set forth above, and that the County be ordered to process the site plan application and any subsequent required development permit applications for the Data Center

¹⁹ Eco TIP will provide affidavits setting forth its attorney's fees for the Court's consideration if and when they are awarded.

Project. That will mitigate Eco TIP's damages, which can be determined later in a separate proceeding.

Respectfully submitted, this the 27th day of August, 2026.

**SMITH, ANDERSON, BLOUNT,
DORSETT, MITCHELL & JERNIGAN,
L.L.P.**

/s/ Robin L. Tatum

Robin L. Tatum

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

This is to certify that the undersigned electronically filed the foregoing *Plaintiff's Brief in Support of Motion for Summary Judgment* with the Clerk of Court using the Odyssey eFile system which will automatically send email notification of such filing to the following counsel of record:

James H. Ferguson, III
Sumrell Sugg, P.A.
Post Office Drawer 889
New Bern, NC 28563
jhferguson@nclawyers.com

Attorneys for Defendant

This the 27th day of August, 2026.

**SMITH, ANDERSON, BLOUNT, DORSETT,
MITCHELL & JERNIGAN, L.L.P.**

/s/Robin L. Tatum

Robin L. Tatum

Soil Erosion and Sedimentation Control

Land Disturbing Permit Renewal Letter

February 03, 2025

ECO Tip West, LLC (Kirk J. Bradley)
603 Carthage St., Suite 120
Sanford, NC, 27331

RE: Project Name: Moncure TIP West – Lot 2: Pre-Development Grading
 Project Number: WP-22-652
 Acres Disturbed: 64.06 Acres
 Date Received: 2/03/2025
 Permit Type: Renewal

Dear Sir or Madam,

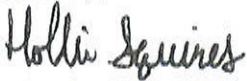
The application for land disturbing permit renewal for the above referenced project has been reviewed and approved by county staff. The new expiration date for the permit is now 2/6/2027.

This renewal does not change any requirement of the ordinance or your responsibility to comply with it. This project will continue to be inspected for compliance with the approved plan and must meet all applicable provisions of the soil erosion and sedimentation control ordinance.

The land disturbing permit must be renewed if a Certificate of Completion (closing the land disturbing permit) has not been issued by the county by the new expiration date. A permit may be renewed by submitting a renewal application 30 days prior to the expiration date and the appropriate land disturbance renewal fee.

Please feel free to contact this office at your convenience if you have any questions in this matter.

Sincerely,



Hollie Squires
Watershed Technician, Chatham County Watershed Protection Department

From: Hunter Glenn <hunter.glenn@chathamcountync.gov>
Date: July 22, 2025 11:58:59 AM (-04)
To: Microsoft 365 Chat
Subject:

Attachments:

I would like you to analyze the attached documents and make me a professional email for my supervisor and the county commissioners. I need the memo to give an executive summary of data mining, data centers, how data mining facilities are handled by zoning codes in North Carolina. This memo should include an answer to the question: what would a data center in Chatham County, perhaps large scale at the TIP site look like? What are the pros and cons to a large scale data center? Also, please give an example of the areas in which the Chatham county zoning ordinance would need to be updated to incorporate adding the data center use. For instance, a new definition. If needed please use other scholarly peer-reviewed work to create this memo. Data Centers Evolved_ A Primer for Planners.pdf Zoning-Practice-2022-06.pdf How Does Your Zoning Treat Crypto Mining_.pdf

From: Mark Ashness <mashness@lja.com>
 Date: October 27, 2025 6:28:43 PM (-04)
 To: "Jason Sullivan" <jason.sullivan@chathamcountync.gov>, "angela.plummer@chathamcountync.gov" <angela.plummer@chathamcountync.gov>
 Cc: "Patrick Bradshaw" <bradshaw@bradshawrobinson.com>
 Subject: **By right confirmation for facility in Moncure**

Attachments:

WARNING: This message originated from outside the Chatham County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jason and Angie: Is it possible for you to confirm a by right use for the following:

Potential project in Moncure area (Chatham County jurisdiction) currently with general zoning of IND-H. Has existing access to Public Water and Sewer (Tri-river)

Proposed use as a data center. I am under an NDA but will make a request of our client to see if I can be specific with the Parcel #.

Zoning District	R5	R2	R1	O&I	B-1'	NB	CB	RB	IL	IH
Coal or coke yards (Subject to additional requirements of Section 17.9)									P	P
Coffee roasting									P	P
Cold storage plants									P	P
Computer and Electronic product manufacture										SUP ¹
Congregate care facilities				P	P	P	P	P		
Contractor's plants or storage yards and staging areas	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Cooperage works										P
Cosmetics and perfume manufacture (Subject to additional requirements of Section 17.9)										SUP ¹
Dairy bars and ice cream shops intended primarily for retail sale on the premises for consumption either on or off premises					P	P	P	P		
Dairy products, processing, bottling and distribution, ice-cream manufacture, all on a wholesale basis									P	P
Data processing, hosting and related services										SUP¹
Day care centers for 15 or fewer children.	SUP	SUP	SUP							
Day Care Centers for more than 15 children.				P	P	P	P	P		
Day care centers in the principal residence to accommodate not more than 15 children at any one time, provided such are located on a lot of not less than one acre and provided further that all buildings, structures and high intensity activity areas shall be set back a minimum of two times the minimum yard requirement for the district in which it is located	SUP	SUP	SUP							
Drive-in or outdoor motion picture show									SUP	SUP
Drug stores					P	P	P	P		
Dry cleaning, pressing, and related retail service counter					P	P	P	P	P	P
Dwellings, single-family, manufactured	P	P	P		P					
Dwellings, single-family, site built and modular	P	P	P		P					
Dwellings, single-family attached (Duplex)		P	P	P						
Dwellings, manufacture of										P
Dye stuff manufacture and dyeing plants									SUP	SUP
Eating and drinking establishments					P	P	P	P		
Electrical equipment, appliance, and component manufacturing										SUP ¹
Electric light or power generating station (Subject to additional requirements of Section 17.9)									SUP	SUP
Emory cloth or sandpaper manufacture									P	P

Zoning District	R5	R2	R1	O&I	B-1*	NB	CB	RB	IL	IH
Mining* (Subject to additional requirements of Section 17.9)										SUP
Major Utilities									P	P
Machinery Manufacture										SUP ¹
Medical Equipment and Instrument Manufacture										SUP ¹
Metal manufacturing for primary and fabricated materials										SUP ¹
Minor Utilities (Any noise producing equipment must be stored within a structure, or must be setback a minimum fifty (50) feet from any public right-of-way or property line)	P	P	P	P	P	P	P	P	P	P
Mixed Use Building				SUP	SUP	SUP	SUP	SUP		
Mixing plants for concrete, or paving materials and manufacture of concrete products										SUP
Mobile home sales and service					P		SUP	P	P	P
Motorcycle sales and service					P		SUP	P	P	P
Mulch - grinding, screening (sifting and separating of particles), mixing, blending, processing or dyeing of mulch									SUP	SUP
Music stores including repair and craft manufacture	SUP	SUP			P	P	P	P		
Natural gas compressor station (Subject to additional requirements of Section 17.9) -.	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Newsstands					P	P	P	P		
Oil and Gas Exploration, Development and Production (Subject to additional requirements of Section 17.9)	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Office - business and professional				P	P	P	P	P		
Office - engineering supply and similar sales and services including blueprinting, Photostatting and similar services				P	P	P	P	P		
Open air sales and service of accessory buildings and gazebos and like free-standing structures					P		SUP	P		
Open-air sales or displays from a temporary building or structure					P	SUP	P	P	P	P
Optical and scientific instrument, jewelry and clock, musical instrument manufacture									P	P

* Parcels used in whole or in part for mining operations or as to which mining permits are applicable in whole or in part as of April 17, 2017, are exempt from the conditional use permit requirement for mining uses, as are "accessory uses" as that term is defined in the Zoning Ordinance

¹ When Chatham County Water and Town of Sanford Sewer Infrastructure is utilized the use is allowed by right

thx

Mark Ashness, PE | Vice President

Land Development

C 919.367.8790 | D 919.289.8746 | C 919.606.7704

301 Glenwood Ave., Suite 220, Raleigh, North Carolina 27603

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From: Jason Sullivan
Date: October 27, 2025 6:48:44 PM (-04)
To: Mark Ashness; Angela Plummer
Cc: Patrick Bradshaw
Bcc: Jason Sullivan
Subject: **RE: By right confirmation for facility in Moncure**

Attachments:

Mark,

We've been contacted by a representative for a data processing center, and I think Angie has requested additional information from them. If you have additional information about a potential end user you can provide so we can evaluate whether a use is permitted or requires a special use permit would be helpful, otherwise we won't be able to make a determination at this time.

Jason Sullivan
Planning Director
Chatham County
P.O. Box 54
80-A East St.
Pittsboro, NC 27312
Office: 919/542-8233
Fax: 919/542-0527

"The Recode Chatham UDO was adopted 11/18/24, for more information and to view the document, visit www.recodechathamnc.org"

In keeping with the NC Public Records Law, e-mails, including attachments, may be released to others upon request for inspection and copying.

From: Mark Ashness <mashness@lja.com>
Sent: Monday, October 27, 2025 6:29 PM
To: Jason Sullivan <jason.sullivan@chathamcountync.gov>; Angela Plummer <angela.plummer@chathamcountync.gov>
Cc: Patrick Bradshaw <bradshaw@bradshawrobinson.com>
Subject: By right confirmation for facility in Moncure

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Jason and Angie: Is it possible for you to confirm a by right use for the following:

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Coffee roasting									P	P
Cold storage plants									P	P
Computer and Electronic product manufacture										SUP ¹
Congregate care facilities				P	P	P	P	P		
Contractor's plants or storage yards and staging areas	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Cooperage works										P
Cosmetics and perfume manufacture (Subject to additional requirements of Section 17.9)										SUP ¹
Dairy bars and ice cream shops intended primarily for retail sale on the premises for consumption either on or off premises					P	P	P	P		
Dairy products, processing, bottling and distribution, ice-cream manufacture, all on a wholesale basis									P	P
Data processing, hosting and related services										SUP ¹
Day care centers for 15 or fewer children.	SUP	SUP	SUP							
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Day care centers in the principal residence to accommodate not more than 15 children at any one time, provided such are located on a lot of not less than one acre and provided further that all buildings, structures and high intensity activity areas shall be set back a minimum of two times the minimum yard requirement for the district in which it is located	SUP	SUP	SUP							
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Drug stores					P	P	P	P		
Dry cleaning, pressing, and related retail service counter					P	P	P	P	P	P
Dwellings, single-family, manufactured	P	P	P							
Dwellings, single-family, site built and modular	P	P	P		P					
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Page 50

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Machinery Manufacture										SUP ¹
Medical Equipment and Instrument Manufacture										SUP ¹
Metal manufacturing for primary and fabricated materials										SUP ¹
Minor Utilities (Any noise producing equipment must be stored within a structure, or must be setback a minimum fifty (50) feet from any public right-of-way or property line)	P	P	P	P	P	P	P	P	P	P
Mixed Use Building				SUP	SUP	SUP	SUP	SUP		
Mixing plants for concrete, or paving materials and manufacture of concrete products										SUP
Mobile home sales and service					P		SUP	P	P	P
Motorcycle sales and service					P		SUP	P	P	P
Mulch - grinding, screening (sifting and separating of particles), mixing, blending, processing or dyeing of mulch									SUP	SUP
Music stores including repair and craft manufacture	SUP	SUP			P	P	P	P		
Natural gas compressor station (Subject to additional requirements of Section 17.9) -.	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Newsstands					P	P	P	P		
Oil and Gas Exploration, Development and Production (Subject to additional requirements of Section 17.9)	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Office - business and professional				P	P	P	P	P		
Office - engineering supply and similar sales and services including blueprinting, Photostatting and similar services				P	P	P	P	P		
Open air sales and service of accessory buildings and gazebos and like free-standing structures					P		SUP	P		
Open-air sales or displays from a temporary building or structure					P	SUP	P	P	P	P
Optical and scientific instrument, jewelry and clock, musical instrument manufacture									P	P

* Parcels used in whole or in part for mining operations or as to which mining permits are applicable in whole or in part as of April 17, 2017, are exempt from the conditional use permit requirement for mining uses, as are "accessory uses", as that term is defined in the Zoning Ordinance.

¹ When Chatham County Water and Town of Sanford Sewer Infrastructure is utilized the use is allowed by right.

Page 55

thx

Mark Ashness, PE | Vice President

Land Development

C 919 367 8790 | D 919 289 8746 | C 919 606 7704

301 Greenwood Ave., Suite 220 Raleigh, North Carolina 27603

EMPLOYEE-OWNED, CLIENT FOCUSED

www.lja.com



From: Mark Ashness <mashness@lja.com>
Date: October 28, 2025 10:44:23 AM (-04)
To: "Jason Sullivan" <jason.sullivan@chathamcountync.gov>, "Angela Plummer" <angela.plummer@chathamcountync.gov>
Cc: "Patrick Bradshaw" <bradshaw@bradshawrobinson.com>
Subject: **RE: By right confirmation for facility in Moncure**

Attachments:

Angie: I left you a VM. Let me know a good time for you to have a 5 minute conversation.

thx

Mark Ashness, PE | Vice President

Land Development

C: 919.367.8790 | D: 919.289.8746 | C: 919.606.7704

301 Glenwood Ave., Suite 220, Raleigh, North Carolina 27603

EMPLOYEE-OWNED. CLIENT FOCUSED

www.lja.com



From: Jason Sullivan <jason.sullivan@chathamcountync.gov>
Sent: Monday, October 27, 2025 6:49 PM
To: Mark Ashness <mashness@lja.com>; Angela Plummer <angela.plummer@chathamcountync.gov>
Cc: Patrick Bradshaw <bradshaw@bradshawrobinson.com>
Subject: RE: By right confirmation for facility in Moncure

[EXTERNAL EMAIL]

Mark,

We've been contacted by a representative for a data processing center, and I think Angie has requested additional information from them. If you have additional information about a potential end user you can provide so we can evaluate whether a use is permitted or requires a special use permit would be helpful, otherwise we won't be able to make a determination at this time.

Jason Sullivan
Planning Director
Chatham County
P.O. Box 54
80-A East St.
Pittsboro, NC 27312
Office: 919/542-8233
Fax: 919/542-0527

"The Recode Chatham UDO was adopted 11/18/24, for more information and to view the document, visit www.recodechathamnc.org"

In keeping with the NC Public Records Law, e-mails, including attachments, may be released to others upon request for inspection and copying.

From: Mark Ashness <mashness@lja.com>
Sent: Monday, October 27, 2025 6:29 PM
To: Jason Sullivan <jason.sullivan@chathamcountync.gov>; Angela Plummer <angela.plummer@chathamcountync.gov>
Cc: Patrick Bradshaw <bradshaw@bradshawrobinson.com>
Subject: By right confirmation for facility in Moncure

WARNING: This message originated from outside the Chatham County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jason and Angie: Is it possible for you to confirm a by right use for the following:

Potential project in Moncure area (Chatham County jurisdiction) currently with general zoning of IND-H. Has existing access to Public Water and Sewer (Tri-river)

CHATHAM PRR_001775

From: Mark Ashness <mashness@lja.com>
Date: October 30, 2025 12:01:24 PM (-04)
To: "Jason Sullivan" <jason.sullivan@chathamcountync.gov>, "Angela Plummer" <angela.plummer@chathamcountync.gov>
Cc: "Patrick Bradshaw" <bradshaw@bradshawrobinson.com>
Subject: **FW: [EXTERNAL] Re: TIP West Data Center Site Next Steps-CONFIDENTIAL**

Attachments:

WARNING: This message originated from outside the Chatham County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jason and Angela (see below): We anticipate receiving the will serve letter from Vic after lunch. He indicated that he is meeting with Brian Thompson today at 1 PM (before providing the letter).

Can you respond to this email that the "Zoning Interpretation Letter" you provided yesterday is a standard response generated out of your portal. These letters are not signed.

Also note Angela Plummer on your staff provided the opinion. I will forward your response back to Duke-Progress.

I will also forward you the Tri-River Letter once received.

thx

Mark Ashness, PE | Vice President

Land Development

C 919.367.8790 | D 919.289.8746 | C 919.606.7704

301 Glenwood Ave., Suite 220, Raleigh, North Carolina 27603

EMPLOYEE-OWNED. CLIENT FOCUSED

www.lja.com



From: Tate, Andrew <Andrew.Tate@duke-energy.com>
Sent: Thursday, October 30, 2025 10:04 AM
To: John Harrison <jharrison@comstock.com>; Idan Rozin <irozin@WorldwideMissionCritical.com>; Bird, Courtney L. <Courtney.Bird@duke-energy.com>
Cc: Greg Soller <gsoller@WorldwideMissionCritical.com>; Mark Ashness <mashness@lja.com>
Subject: RE: [EXTERNAL] Re: TIP West Data Center Site Next Steps-CONFIDENTIAL
Importance: High

[EXTERNAL EMAIL]

INTERNAL

John & Idan,

The attached letter is unclear about whether or not the conditions have been met for the current zoning to accommodate a data center use. It appears that either existing water & sewer connections are necessary or a special use permit application – but the letter does not verify either. We need clarity on this subject, and we need the letter to have a name and signature please.

We're trying to be flexible here, but we've also been clear about what this should be - zoning verification. Meaning that if a special use permit application is necessary, we want to see documentation and confirmation of that filing. Our deadline was Monday, October 27 for this information – we need a letter that satisfies this requirement by 5pm today, or the project will be removed from the queue.

Andrew

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From: Jason Sullivan
Date: October 30, 2025 12:32:44 PM (-04)
To: "Bryan Thompson" <bryan.thompson@chathamcountync.gov>, "Angela Plummer" <angela.plummer@chathamcountync.gov>
Subject: **FW: [EXTERNAL] Re: TIP West Data Center Site Next Steps-CONFIDENTIAL**

Attachments:

Bryan,

Please see below and let us know how things go with Tri-River.

Angie,

Can you follow up with Angie about letter that's issued by the county.?

Jason Sullivan
Planning Director
Chatham County
P.O. Box 54
80-A East St.
Pittsboro, NC 27312
Office: 919/542-8233
Fax: 919/542-0527

"The Recode Chatham UDO was adopted 11/18/24, for more information and to view the document, visit www.recodechathamnc.org"

In keeping with the NC Public Records Law, e-mails, including attachments, may be released to others upon request for inspection and copying.

From: Mark Ashness <mashness@lja.com>
Sent: Thursday, October 30, 2025 12:01 PM
To: Jason Sullivan <jason.sullivan@chathamcountync.gov>; Angela Plummer <angela.plummer@chathamcountync.gov>
Cc: Patrick Bradshaw <bradshaw@bradshawrobinson.com>
Subject: FW: [EXTERNAL] Re: TIP West Data Center Site Next Steps-CONFIDENTIAL

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Jason and Angela (see below): We anticipate receiving the will serve letter from Vic after lunch. He indicated that he is meeting with Brian Thompson today at 1 PM (before providing the letter).

Can you respond to this email that the "Zoning Interpretation Letter" you provided yesterday is a standard response generated out of your portal. These letters are not signed.

Also note Angela Plummer on your staff provided the opinion. I will forward your response back to Duke-Progress.

I will also forward you the Tri-River Letter once received.

thx

Mark Ashness, PE | Vice President

Land Development

O: 919.367.6790 | D: 919.289.8745 | C: 919.606.7704

301 Glenwood Ave., Suite 220, Raleigh, North Carolina 27603

EMPLOYEE OWNED. CLIENT FOCUSED

www.lja.com



From: Tate, Andrew <Andrew.Tate@duke-energy.com>
Sent: Thursday, October 30, 2025 10:04 AM

CHATHAM PRR_001835

To: John Harrison <jharrison@comstock.com>; Idan Rozin <irozin@WorldwideMissionCritical.com>; Bird, Courtney L. <Courtney.Bird@duke-energy.com>
Cc: Greg Soller <gsoller@WorldwideMissionCritical.com>; Mark Ashness <mashness@lja.com>
Subject: RE: [EXTERNAL] Re: TIP West Data Center Site Next Steps-CONFIDENTIAL
Importance: High

[EXTERNAL EMAIL]

INTERNAL

John & Idan,

The attached letter is unclear about whether or not the conditions have been met for the current zoning to accommodate a data center use. It appears that either existing water & sewer connections are necessary or a special use permit application – but the letter does not verify either. We need clarity on this subject, and we need the letter to have a name and signature please.

We're trying to be flexible here, but we've also been clear about what this should be - zoning verification. Meaning that if a special use permit application is necessary, we want to see documentation and confirmation of that filing. Our deadline was Monday, October 27 for this information – we need a letter that satisfies this requirement by 5pm today, or the project will be removed from the queue.

Andrew

open attachments or click links from unknown senders or unexpected email

From: Angela Plummer
Date: October 30, 2025 12:37:13 PM (-04)
To: "Mark Ashness" <mashness@lja.com>, "Jason Sullivan" <jason.sullivan@chathamcountync.gov>
Cc: "Patrick Bradshaw" <bradshaw@bradshawrobinson.com>
Subject: **RE: [EXTERNAL] Re: TIP West Data Center Site Next Steps-CONFIDENTIAL**

Attachments:

Yes, the Zoning Interpretation Letter is generated from our software permitting system and the staff member's name that appears on the approval of the document is the staff member who reviewed and processed the request.

Thank you,

Angela Plummer

Angela Plummer, CZO
Zoning Administrator/Planner II
Chatham County Planning Dept.
PO Box 54
Pittsboro, NC 27312
Ph: 919-542-8285

www.chathamcountync.gov/planning

"The Recode Chatham UDO was adopted 11/18/24 *but is not yet effective*. For more information and to view the document, visit www.recodechathamnc.org"

Plan Moncure has been adopted and you can view the small area plan at <https://www.recodechathamnc.org/plannmoncure>

In keeping with the NC Public Records Law, emails, including attachments, may be released to others upon request for inspection and copying.

From: Mark Ashness <mashness@lja.com>
Sent: Thursday, October 30, 2025 12:01 PM
To: Jason Sullivan <jason.sullivan@chathamcountync.gov>; Angela Plummer <angela.plummer@chathamcountync.gov>
Cc: Patrick Bradshaw <bradshaw@bradshawrobinson.com>
Subject: FW: [EXTERNAL] Re: TIP West Data Center Site Next Steps-CONFIDENTIAL

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Jason and Angela (see below): We anticipate receiving the will serve letter from Vic after lunch. He indicated that he is meeting with Brian Thompson today at 1 PM (before providing the letter).

Can you respond to this email that the "Zoning Interpretation Letter" you provided yesterday is a standard response generated out of your portal. These letters are not signed.

Also note Angela Plummer on your staff provided the opinion. I will forward your response back to Duke-Progress.

I will also forward you the Tri-River Letter once received.

thx

Mark Ashness, PE | Vice President

Land Development

C 919.367.8790 | D 919.289.8745 | C 919.606.7704

301 Glenwood Ave. Suite 220, Raleigh, North Carolina 27603

EMPLOYEE-OWNED. CLIENT FOCUSED

www.lja.com



From: Tate, Andrew <Andrew.Tate@duke-energy.com>
Sent: Thursday, October 30, 2025 10:04 AM
To: John Harrison <jharrison@comstock.com>; Idan Rozin <irozin@WorldwideMissionCritical.com>; Bird, Courtney L. <Courtney.Bird@duke-energy.com>
Cc: Greg Soller <gsoller@WorldwideMissionCritical.com>; Mark Ashness <mashness@lja.com>
Subject: RE: [EXTERNAL] Re: TIP West Data Center Site Next Steps-CONFIDENTIAL
Importance: High

[EXTERNAL EMAIL]

INTERNAL

John & Idan,

The attached letter is unclear about whether or not the conditions have been met for the current zoning to accommodate a data center use. It appears that either existing water & sewer connections are necessary or a special use permit application – but the letter does not verify either. We need clarity on this subject, and we need the letter to have a name and signature please.

We're trying to be flexible here, but we've also been clear about what this should be - zoning verification. Meaning that if a special use permit application is necessary, we want to see documentation and confirmation of that filing. Our deadline was Monday, October 27 for this information – we need a letter that satisfies this requirement by 5pm today, or the project will be removed from the queue.

Andrew

open attachments or click links from unknown senders or unexpected email

From: Patrick Bradshaw <bradshaw@bradshawrobinson.com>
Date: October 30, 2025 4:27:39 PM (-04)
To: "Jason Sullivan" <jason.sullivan@chathamcountync.gov>
Cc: "Mark Ashness" <mashness@lja.com>, "Angela Plummer" <angela.plummer@chathamcountync.gov>, "Bob Hagemann" <rhagemann@poynerspruill.com>, "Schwedler Jamie S." <jamieschwedler@parkerpoe.com>
Subject: **Re: [EXTERNAL] Re: TIP West Data Center Site Next Steps-CONFIDENTIAL**

Attachments: Zoning Interpretation for TIP West Parcels - Data Processing Center 2025 10 29 Chatham County Planning.pdf;

Jason:

Yesterday's letter attached.

Thanks,
Patrick

Patrick E. Bradshaw
Office: 919-542-2400x1
Cell: 919-545-1258

On Thu, Oct 30, 2025 at 4:22 PM Jason Sullivan <jason.sullivan@chathamcountync.gov> wrote:

Thanks and can you send me the letter Angie approved yesterday?

Jason Sullivan
Planning Director
Chatham County
P.O. Box 54
80-A East St.
Pittsboro, NC 27312
Office: 919/542-8233
Fax: 919/542-0527

"The Recode Chatham UDO was adopted 11/18/24, for more information and to view the document, visit www.recodechathamnc.org"

In keeping with the NC Public Records Law, e-mails, including attachments, may be released to others upon request for inspection and copying.

From: Mark Ashness <mashness@lja.com>
Sent: Thursday, October 30, 2025 4:20 PM
To: Jason Sullivan <jason.sullivan@chathamcountync.gov>; Patrick Bradshaw <bradshaw@bradshawrobinson.com>; Angela Plummer <angela.plummer@chathamcountync.gov>
Cc: Bob Hagemann <rhagemann@poynerspruill.com>; Schwedler Jamie S. <jamieschwedler@parkerpoe.com>
Subject: RE: [EXTERNAL] Re: TIP West Data Center Site Next Steps-CONFIDENTIAL

Jason: Thank you and staff for all the effort.

Mark Ashness, PE | Vice President

Land Development

O: 919.367.8790 | D: 919.289.8745 | C: 919.606.7704

301 Glenwood Ave., Suite 220, Raleigh, North Carolina 27603

EMPLOYEE-OWNED. CLIENT FOCUSED

www.lja.com



From: Jason Sullivan <jason.sullivan@chathamcountync.gov>
Sent: Thursday, October 30, 2025 4:17 PM
To: Patrick Bradshaw <bradshaw@bradshawrobinson.com>; Angela Plummer <angela.plummer@chathamcountync.gov>
Cc: Mark Ashness <mashness@lja.com>; Bob Hagemann <rhagemann@poynerspruill.com>; Schwedler Jamie S. <jamieschwedler@parkerpoe.com>
Subject: RE: [EXTERNAL] Re: TIP West Data Center Site Next Steps-CONFIDENTIAL

[EXTERNAL EMAIL]

CHATHAM PRR_001839

Patrick,

Angie's attending a meeting in Cary this afternoon and I doubt she has her laptop. Can you forward the email you received from Angie yesterday? I'll type up an addendum on my computer and send it you.

Jason Sullivan
Planning Director
Chatham County
P.O. Box 54
80-A East St.
Pittsboro, NC 27312
Office: 919/542-8233
Fax: 919/542-0527

"The Recode Chatham UDO was adopted 11/18/24, for more information and to view the document, visit www.recodechathamnc.org"

In keeping with the NC Public Records Law, e-mails, including attachments, may be released to others upon request for inspection and copying.

From: Patrick Bradshaw <bradshaw@bradshawrobinson.com>
Sent: Thursday, October 30, 2025 3:10 PM
To: Angela Plummer <angela.plummer@chathamcountync.gov>
Cc: Mark Ashness <mashness@lja.com>; Jason Sullivan <jason.sullivan@chathamcountync.gov>; Bob Hagemann <rhagemann@poynerspruill.com>; Schwedler Jamie S. <jamieschwedler@parkerpoe.com>
Subject: Re: [EXTERNAL] Re: TIP West Data Center Site Next Steps-CONFIDENTIAL

Angie:

Attached is a copy of TriRiver's water and sewer availability letter, which we just received. Duke Energy is pressing us to obtain clarification by 5 pm today whether a special use permit is required for this use.

Would you be willing to reissue your letter to add a sentence to Item 2 that says: "Based upon a water and sewer availability letter from TriRiver Water dated October 30, 2025, the property is served by public water and sewer, and the use is permitted by right." Of course, we will pay whatever fee is required for the updated letter.

I had a conversation with Bob about this, so he is copied. I know we've asked for a lot on short notice on this, and everyone involved is grateful for your responsiveness. Thanks for your consideration of this, hopefully last for now, request.

Best,

Patrick

Patrick E. Bradshaw
Office: 919-542-2400x1
Cell: 919-545-1258

On Thu, Oct 30, 2025 at 12:37 PM Angela Plummer <angela.plummer@chathamcountync.gov> wrote:

Yes, the Zoning Interpretation Letter is generated from our software permitting system and the staff member's name that appears on the approval of the document is the staff member who reviewed and processed the request.

Thank you,

Angela Plummer

Angela Plummer, CZO
Zoning Administrator/Planner II
Chatham County Planning Dept.
PO Box 54
Pittsboro, NC 27312

CHATHAM PRR_001840

www.chathamcountync.gov/planning

"The Recode Chatham UDO was adopted 11/18/24 but is not yet effective. For more information and to view the document, visit www.recodechathamnc.org"

Plan Moncure has been adopted and you can view the small area plan at <https://www.recodechathamnc.org/planmoncure>

In keeping with the NC Public Records Law, emails, including attachments, may be released to others upon request for inspection and copying.

From: Mark Ashness <mashness@lja.com>
Sent: Thursday, October 30, 2025 12:01 PM
To: Jason Sullivan <jason.sullivan@chathamcountync.gov>; Angela Plummer <angela.plummer@chathamcountync.gov>
Cc: Patrick Bradshaw <bradshaw@bradshawrobinson.com>
Subject: FW: [EXTERNAL] Re: TIP West Data Center Site Next Steps-CONFIDENTIAL

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Jason and Angela (see below): We anticipate receiving the will serve letter from Vic after lunch. He indicated that he is meeting with Brian Thompson today at 1 PM (before providing the letter).

Can you respond to this email that the "Zoning Interpretation Letter" you provided yesterday is a standard response generated out of your portal. These letters are not signed.

Also note Angela Plummer on your staff provided the opinion. I will forward your response back to Duke-Progress.

I will also forward you the Tri-River Letter once received.

thx

Mark Ashness, PE | Vice President

Land Development

O: 919.367.8790 | D: 919.289.8746 | C: 919.606.7704

301 Glenwood Ave, Suite 220, Raleigh, North Carolina 27603

EMPLOYEE-OWNED. CLIENT FOCUSED

www.lja.com



From: Tate, Andrew <Andrew.Tate@duke-energy.com>
Sent: Thursday, October 30, 2025 10:04 AM
To: John Harrison <jharrison@comstock.com>; Idan Rozin <irozin@WorldwideMissionCritical.com>; Bird, Courtney L. <Courtney.Bird@duke-energy.com>
Cc: Greg Solter <gsolter@WorldwideMissionCritical.com>; Mark Ashness <mashness@lja.com>
Subject: RE: [EXTERNAL] Re: TIP West Data Center Site Next Steps-CONFIDENTIAL
Importance: High

[EXTERNAL EMAIL]

INTERNAL

John & Idan,

The attached letter is unclear about whether or not the conditions have been met for the current zoning to accommodate a data center use. It appears that either existing water & sewer connections are necessary or a special use permit application – but the letter does not verify either. We need clarity on this subject, and we need the letter to have a name and signature please.

We're trying to be flexible here, but we've also been clear about what this should be - zoning verification. Meaning that if a special use permit application is necessary, we want to see documentation and confirmation of that filing. Our deadline was Monday, October 27 for this information – we need a letter that satisfies this requirement by 5pm today, or the project will be removed from the

CHATHAM PRR_001841

queue.

Andrew

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[EXTERNAL EMAIL] Exercise caution. Do not open attachments or click links from unknown senders or unexpected email

Permit #: PL-25-1750



Chatham County
PO Box 54
Pittsboro, NC 27312
Phone (919) 542-8204

Chatham County Planning Department
ZONING INTERPRETATION

This is to certify that a Zoning Interpretation has been issued to:

Mark Ashness

301 Glenwood Avenue, Suite 220

Raleigh, NC 27603

Attn:

Permission is hereby granted to use:

Address: 0 VACANT, North Carolina 00000

Parcel Number: 96335 0 VACANT, North Carolina, 00000

0 VACANT, North Carolina, 27559

0 VACANT, North Carolina, 00000

0 VACANT, North Carolina, 00000

0 VACANT, North Carolina, 00000

0 VACANT, North Carolina, 00000

0 VACANT, North Carolina, 00000

0 VACANT, North Carolina, 00000

0 VACANT, North Carolina, 00000

Proposed Type of Work: data processing, hosting and related services

This is an official zoning interpretation of the Chatham County Planning Department. The following information is provided for existing or potential development of the parcel.

1. Current Zoning District of the Property: Ind-H Industrial Heavy
2. Other uses allowed on property: Data processing, hosting, and related services under SUP Special Use Permit, unless connected to public water and sewer and then would be permitted "by right"
3. Property is currently used for: Vacant
4. Property proposed to be used for: data processing, hosting and related services
5. Is this property currently approved under a Rezoning or Special Use Request: No (If yes, conditions attached)
6. Watershed district: WSIV-PA Protected Area The watershed designation limits the amount of impervious surface (BUA) allowed on non-residential properties.
7. FEMA Flood Map Number: 3710968700L
8. FEMA Flood Map Date: 11/17/2017
9. FEMA floodable areas noted: AE-Some floodable areas noted
10. Any existing zoning violations: No zoning violations noted at this time

If you have any questions or concerns, please contact the issuing staff member noted below.

Thank you,

I am writing to seek a zoning verification letter pursuant to the Chatham County Zoning Ordinance ("Zoning Ordinance"). The request relates to parcels 0091175, 0005814, 0096331, 0096338, 0096332, 0096333, 0096334, 0096335, 0096336, 0096337, 0005321, currently owned by Eco TIP West LLC (the "Property"). Specifically, we respectfully request a determination that the proposed use described below ("Use") is classified as "data processing, hosting, and related services" use and is a permitted use on the Property.

The Property is zoned Heavy Industrial. Pursuant to the Permitted Use Table, "data processing, hosting, and related services" is permitted in the Heavy Industrial district, except for certain provisions which do not apply here. The Use involves the processing of data and data hosting, comparable to a modern data center. Thus, the Use falls within the "data processing, hosting, and related services" use as identified on the Permitted Use Table, and is permitted by right.

Thank you in advance for considering our request. If you need additional information to make the determination, or would like to discuss what additional information could expedite your determination, please let me know.

Mark Ashness

From: noreply@opengov.com
Sent: Wednesday, October 29, 2025 2:18 PM
To: Mark Ashness
Subject: Payment Received

[EXTERNAL EMAIL]



County of Chatham, NC

\$103.98 Paid

via Credit Card

Thanks for using the Online Service Center

Mark Ashness
October 29, 2025

Zoning Letter Fee \$100.00
PL-25-1750 - Zoning Interpretation Letter

Zoning Interpretation Letter Fee

\$100.00

Processing fee

\$3.98

Total Paid	\$103.98
-------------------	-----------------

Powered by



Receipt #71652

Permit #: PL-25-1750



Chatham County
PO Box 54
Pittsboro, NC 27312
Phone (919) 542-8204

Chatham County Planning Department
ZONING INTERPRETATION

This is to certify that a Zoning Interpretation has been issued to:

Mark Ashness

301 Glenwood Avenue, Suite 220

Raleigh, NC 27603

Attn:

Permission is hereby granted to use:

Address: 0 VACANT, North Carolina 00000

Parcel Number: 96335 0 VACANT, North Carolina, 00000

0 VACANT, North Carolina, 27559
0 VACANT, North Carolina, 00000
0 VACANT, North Carolina, 00000
0 VACANT, North Carolina, 00000
0 VACANT, North Carolina, 00000
0 VACANT, North Carolina, 00000
0 VACANT, North Carolina, 00000
0 VACANT, North Carolina, 00000

Proposed Type of Work: data processing, hosting and related services

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2. Other uses allowed on property: Data processing, hosting, and related services under SUP Special Use Permit, unless connected to public water and sewer and then would be permitted "by right"
3. Property is currently used for: Vacant
4. Property proposed to be used for: data processing, hosting and related services
5. Is this property currently approved under a Rezoning or Special Use Request: No (If yes, conditions attached)
6. Watershed district: WSIV-PA Protected Area The watershed designation limits the amount of impervious surface (BUA) allowed on non-residential properties.
7. FEMA Flood Map Number: 3710968700L
8. FEMA Flood Map Date: 11/17/2017
9. FEMA floodable areas noted: AE-Some floodable areas noted
10. Any existing zoning violations: No zoning violations noted at this time

If you have any questions or concerns, please contact the issuing staff member noted below.

Thank you,

Angela Plummer

October 29, 2025

Planning Department
Post Office Box 54
Pittsboro, NC 27312-0054



Phone: 919-542-8204
Fax: 919-542-2698
www.chathamcountync.gov/planning

October 30, 2025

Subject: Addendum to Zoning Compliance Letter dated 10/29/2025

To Whom It May Concern:

This letter serves as an addendum to the zoning compliance letter dated 10/29/2025 for the following parcels 911775, 5814, 96331, 96338, 96332, 96333, 96334, 96335 and 5321. These parcels are zoned Heavy Industrial and "Data processing, hosting, and related services" are allowed under a special use permit, unless connected public water and service and then are allowed "by right". Pursuant to a letter from TriRiver Water dated 10/30/2025 these properties can be served by public water and sewer, which means "Data processing, hosting, and related services" are allowed as a "by right" permitted use for these parcels.

Please let me know if any additional information is needed and I can be reached at 919/542-8233 or Jason.sullivan@chathamcountync.gov.

Sincerely,

Jason Sullivan
Planning Director

Attachments:
Zoning Compliance Letter dated 10/29/2025
Tri River Water Utility Availability Letter dated 10/30/2025

From: Mark Ashness <mashness@lja.com>
Date: November 12, 2025 9:52:58 AM (-05)
To: "william.judson@chathamcountync.gov" <william.judson@chathamcountync.gov>
Cc: "John Harrison" <jharrison@comstock.com>, "Ryan David" <rdauid@urban-ltd.com>
Subject: **Early Discussion regarding a proposed Industrial Use on TIP West Property**

Attachments:

WARNING: This message originated from outside the Chatham County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Billy: We will be requesting a pre-submittal meeting in the next few weeks regarding a new project adjacent to the Fed Ex facility.

Do you have time for a 30 minute teams call to discuss the project. The project is confidential until we submit the pre-submittal documents. We would like to go over the proposed building type (height and size) with you in advance of the submission.

Let me know if any of these time windows work for you?

Tuesday (11/18) 1-4 PM

Thursday (11/20) 1-4 PM

Friday (11/21) 9 - Noon

Thx

Mark Ashness, PE | Vice President

Land Development

C: 919.367.8790 | D: 919.289.8746 | C: 919.506.7704

301 Glenwood Ave., Suite 220, Raleigh, North Carolina 27603

EMPLOYEE OWNED. CLIENT FOCUSED

www.lja.com



From: William Judson
Date: November 12, 2025 9:56:00 AM (-05)
To: Mark Ashness
Cc: John Harrison; Ryan David
Subject: **RE: Early Discussion regarding a proposed Industrial Use on TIP West Property**

Attachments:

Good morning Mark,

Thanks for getting us in early on the project. Do you mind if I add in Brandon Ancona, building inspections director to be on the call as well. I think it would be beneficial for the construction types etc.

Billy Judson
Chatham County Fire Marshal
80-D East St.
Pittsboro NC 27312
919.548.1770 -c

[In keeping with the NC Public Records Law, e-mails, including attachments, may be released to others upon request for inspection and copying](#)

From: Mark Ashness <mashness@lja.com>
Sent: Wednesday, November 12, 2025 9:53 AM
To: William Judson <william.judson@chathamcountync.gov>
Cc: John Harrison <jharrison@comstock.com>; Ryan David <rdavid@urban-ltd.com>
Subject: Early Discussion regarding a proposed Industrial Use on TIP West Property

WARNING: This message originated from outside the Chatham County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Billy: We will be requesting a pre-submittal meeting in the next few weeks regarding a new project adjacent to the Fed Ex facility.

Do you have time for a 30 minute teams call to discuss the project. The project is confidential until we submit the pre-submittal documents. We would like to go over the proposed building type (height and size) with you in advance of the submission.

Let me know if any of these time windows work for you?

Tuesday (11/18) 1-4 PM
Thursday (11/20) 1-4 PM
Friday (11/21) 9 - Noon

Thx

Mark Ashness, PE | Vice President

Land Development

O: 919.367.8790 | D: 919.289.8746 | C: 919.606.7704

301 Glenwood Ave., Suite 220, Raleigh, North Carolina 27603

EMPLOYEE-OWNED. CLIENT FOCUSED

www.lja.com



From: Brandon Ancona
Date: November 12, 2025 1:33:16 PM (-05)
To: "William Judson" <william.judson@chathamcountync.gov>, "Mark Ashness" <mashness@lja.com>
Cc: "John Harrison" <jharrison@comstock.com>, "Ryan David" <rdavid@urban-ltd.com>
Subject: **RE: Early Discussion regarding a proposed Industrial Use on TIP West Property**

Attachments:

Tuesday = No

Thursday = Possibly but won't know until the end of this week.

Friday = Yes.

Thank you,

Brandon Ancona

Assistant Director of Permitting and Inspections

Chief Building Inspector

Chatham County Inspections

"In keeping with the NC Public Records Law, emails, including attachments, may be released to others upon request for inspection and copying."

From: William Judson <william.judson@chathamcountync.gov>
Sent: Wednesday, November 12, 2025 10:00 AM
To: Mark Ashness <mashness@lja.com>; Brandon Ancona <brandon.ancona@chathamcountync.gov>
Cc: John Harrison <jharrison@comstock.com>; Ryan David <rdavid@urban-ltd.com>
Subject: RE: Early Discussion regarding a proposed Industrial Use on TIP West Property

Good morning Brandon –

See the dates below for a quick overview of this confidential project. Will any of these times work for you for a teams meeting?

Tuesday (11/18) 1-4 PM

Thursday (11/20) 1-4 PM

Friday (11/21) 9 - Noon

Billy Judson

Chatham County Fire Marshal

80-D East St.

Pittsboro NC 27312

919.548.1770 -c

In keeping with the NC Public Records Law, e-mails, including attachments, may be released to others upon request for inspection and copying.

From: Mark Ashness <mashness@lja.com>
Sent: Wednesday, November 12, 2025 9:59 AM
To: William Judson <william.judson@chathamcountync.gov>
Cc: John Harrison <jharrison@comstock.com>; Ryan David <rdavid@urban-ltd.com>
Subject: RE: Early Discussion regarding a proposed Industrial Use on TIP West Property

Billy: Absolutely.

thx

Mark Ashness, PE | Vice President

Land Development

☎ 919.357.6790 | 📠 919.262.8746 | 🌐 919.606.7704

301 Glenwood Ave. Suite 220, Raleigh, North Carolina 27603

EMPLOYEE-OWNED. CLIENT FOCUSED

www.lja.com

CHATHAM PRR_002072

From: William Judson <william.judson@chathamcountync.gov>
Sent: Wednesday, November 12, 2025 9:56 AM
To: Mark Ashness <mashness@lja.com>
Cc: John Harrison <jharrison@comstock.com>; Ryan David <rdavid@urban-ltd.com>
Subject: RE: Early Discussion regarding a proposed Industrial Use on TIP West Property

[EXTERNAL EMAIL]

Good morning Mark,

Thanks for getting us in early on the project. Do you mind if I add in Brandon Ancona, building inspections director to be on the call as well. I think it would be beneficial for the construction types etc.

Billy Judson
Chatham County Fire Marshal
80-D East St.
Pittsboro NC 27312
919.548.1770 -c

In keeping with the NC Public Records Law, e-mails, including attachments, may be released to others upon request for inspection and copying.

From: Mark Ashness <mashness@lja.com>
Sent: Wednesday, November 12, 2025 9:53 AM
To: William Judson <william.judson@chathamcountync.gov>
Cc: John Harrison <jharrison@comstock.com>; Ryan David <rdavid@urban-ltd.com>
Subject: Early Discussion regarding a proposed Industrial Use on TIP West Property

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Billy: We will be requesting a pre-submittal meeting in the next few weeks regarding a new project adjacent to the Fed Ex facility.

Do you have time for a 30 minute teams call to discuss the project. The project is confidential until we submit the pre-submittal documents. We would like to go over the proposed building type (height and size) with you in advance of the submission.

Let me know if any of these time windows work for you?

Tuesday (11/18) 1-4 PM
Thursday (11/20) 1-4 PM
Friday (11/21) 9 - Noon

Thx

Mark Ashness, PE | Vice President

Land Development

☎ 919.367.8790 | 📠 919.289.8746 | 📠 919.606.7704

301 Glenwood Ave., Suite 220 Raleigh, North Carolina 27603

EMPLOYEE-OWNED. CLIENT FOCUSED

www.lja.com

From: Amanda Robertson
Date: November 12, 2025 3:05:34 PM (-05)
To: "Bryan Thompson" <bryan.thompson@chathamcountync.gov>
Subject: **Data Centers and water**

Attachments:

A good set of presentations today on the NACo call on energy. There is a report on this page you can download on the water side that may be worth reading (I have not yet, but the woman with this group presented today).

<https://greatlakes.org/2025/08/great-lakes-region-unprepared-for-increasing-water-use-demands/>

--

Amanda Robertson
Chatham County Commissioner
Mobile: (919) 280-1970



County Website: <https://www.chathamcountync.gov>

Stay informed! Sign up for [E-Notification!](#)

From: William Judson
Date: November 13, 2025 2:43:54 PM (-05)
To: Brandon Ancona; Mark Ashness
Cc: John Harrison; Ryan David
Subject: **RE: Early Discussion regarding a proposed Industrial Use on TIP West Property**

Attachments:

Can we try for Thursday 11/20 afternoon – 2pm?

Billy Judson
Chatham County Fire Marshal
80-D East St.
Pittsboro NC 27312
919.548.1770 -c

In keeping with the NC Public Records Law, e-mails, including attachments, may be released to others upon request for inspection and copying

From: Brandon Ancona <brandon.ancona@chathamcountync.gov>
Sent: Wednesday, November 12, 2025 1:33 PM
To: William Judson <william.judson@chathamcountync.gov>; Mark Ashness <mashness@lja.com>
Cc: John Harrison <jharrison@comstock.com>; Ryan David <rdavid@urban-ltd.com>
Subject: RE: Early Discussion regarding a proposed Industrial Use on TIP West Property

Tuesday = No
Thursday = Possibly but won't know until the end of this week.
Friday = Yes.

Thank you,

Brandon Ancona
Assistant Director of Permitting and Inspections
Chief Building Inspector
Chatham County Inspections

"In keeping with the NC Public Records Law, emails, including attachments, may be released to others upon request for inspection and copying."

From: William Judson <william.judson@chathamcountync.gov>
Sent: Wednesday, November 12, 2025 10:00 AM
To: Mark Ashness <mashness@lja.com>; Brandon Ancona <brandon.ancona@chathamcountync.gov>
Cc: John Harrison <jharrison@comstock.com>; Ryan David <rdavid@urban-ltd.com>
Subject: RE: Early Discussion regarding a proposed Industrial Use on TIP West Property

Good morning Brandon –
See the dates below for a quick overview of this confidential project. Will any of these times work for you for a teams meeting?

Tuesday (11/18) 1-4 PM
Thursday (11/20) 1-4 PM
Friday (11/21) 9 - Noon

Billy Judson
Chatham County Fire Marshal
80-D East St.
Pittsboro NC 27312
919.548.1770 -c

In keeping with the NC Public Records Law, e-mails, including attachments, may be released to others upon request for inspection and copying

From: Michael Smith
Date: November 14, 2025 3:05:02 PM (-05)
To: "Ann Hammack" <ann.hammack@chathamcountync.gov>
Subject: **RE: Public Records Request Submitted: 998 - Data Center ?s**

Attachments:

We are not actively involved in any data center projects at this time. We did help answer a recent question from a potential client regarding the HI zoning at the TIP West industrial site.

Best regards- cms

C. Michael Smith

President

Chatham Economic Development Corporation

964 East Street

Pittsboro, NC 27312

Office: 919-542-8278

Cell: 704-906-4707

Michael.smith@chathamcountync.gov

www.chathamcdc.org

From: Ann Hammack <ann.hammack@chathamcountync.gov>
Sent: Friday, November 14, 2025 9:41 AM
To: Michael Smith <michael.smith@chathamcountync.gov>
Subject: RE: Public Records Request Submitted: 998 - Data Center ?s

We are only required to respond as promptly as possible. I just want to know if the county has any potential or proposed data centers. If not, then I'll let the requestor know.

The records will be provided digitally. If there are records associated with this request, then I'll need a list from you of anyone in your department who would have applicable records. MIS will extract the records.

This requestor has also submitted a request for meta data associated with the search terms in the email below. If we don't have any potential or proposed data centers, she may not be interested in the records for the other request.

Ann Hammack

CHATHAM PRR_002079

County Paralegal
Chatham County Government
County Manager's Office
Email: Ann.Hammack@chathamcountync.gov
919-545-8308 (Phone) | 919-542-8272 (Fax)
Chathamcountync.gov
12 East Street | P.O. Box 1809
Pittsboro, NC 27312

In keeping with the NC Public Records Law, e-mails, including attachments, may be released to others upon request for inspection and copying.

From: Michael Smith <michael.smith@chathamcountync.gov>
Sent: Friday, November 14, 2025 9:07 AM
To: Ann Hammack <ann.hammack@chathamcountync.gov>
Subject: Re: Public Records Request Submitted: 998 - Data Center ?s

By when are we required to respond? I recall the requesting party is responsible for any copier fees associated with a FOIA.

Best regards- cms

C. Michael Smith
President

Chatham Economic Development Corporation
964 East Street
Pittsboro, NC 27312
Office: 919-542-8278
Cell: 704-906-4707
michael.smith@chathamcountync.gov
www.chathamedc.org

From: Ann Hammack <ann.hammack@chathamcountync.gov>
Sent: Friday, November 14, 2025 8:56:37 AM
To: Michael Smith <michael.smith@chathamcountync.gov>
Subject: FW: Public Records Request Submitted: 998 - Data Center ?s

Michael,

CHATHAM PRR_002080

Please see the request below. As this request is specific to potential or proposed data center developments within our jurisdiction, I thought I'd check with you to see if this was applicable to Chatham County before I start the process to retrieve the records.

Ann Hammack

County Paralegal

Chatham County Government

County Manager's Office

Email: Ann.Hammack@chathamcountync.gov

919-545-8308 (Phone) | 919-542-8272 (Fax)

Chathamcountync.gov

12 East Street | P.O. Box 1809

Pittsboro, NC 27312

In keeping with the NC Public Records Law, e-mails, including attachments, may be released to others upon request for inspection and copying.

From: BOC.Clerk <boc.clerk@chathamcountync.gov>

Sent: Wednesday, November 12, 2025 7:31 AM

To: Ann Hammack <ann.hammack@chathamcountync.gov>; Jenifer Johnson <jenifer.johnson@chathamcountync.gov>

Subject: Public Records Request Submitted: 998

Name: Lorraine C McAvoy

Address: 1801 New Elam Church Road, New Hill, NC 27562

Email: lcmcavoy@gmail.com

Phone Number: 6318312897

Records Requested: Pursuant to North Carolina Public Records Law (N.C.G.S. §132-1 et seq.), I respectfully request access to or copies of any and all records, correspondence, emails, meeting notes, agreements, or materials—open or closed session—relating to potential or proposed data center developments within your jurisdiction. Specifically, please include: • Any non-disclosure agreements (NDAs) entered into by the jurisdiction, its employees, agents, or elected officials with any data center developer or representative (including but not limited to Natelli Investments, Natelli Communities, or affiliated entities) since October 1, 2023. • Any meeting notes, minutes, summaries, or recordings (including closed-session materials once confidentiality has expired) referencing data center development, site selection, rezoning, or related incentives. • Any communications, calendar invitations, or briefing materials referencing data center projects or developers. For search purposes, please include records containing any of the following terms: "data center," "digital campus," "hyperscale," "cloud infrastructure," "AI infrastructure," "Natelli," "New Hill," "Shearon Harris," "light industrial," "rezoning," "annexation," "UDO amendment," "economic development project," "incentive," "Duke Energy," "Project," or any associated project code name (e.g., "Project Summit," "Project Titan," "Project Harris," etc.). Pursuant to G.S. §132-1(d), no political subdivision of this State may enter into a nondisclosure agreement to restrict access to public records, and any NDA associated with a closed session must be included in the session minutes. Please provide all responsive records electronically as they are processed. If any portion of this request is denied, please cite the specific statutory exemption(s) relied upon and outline the appeal process. Thank you for your time and commitment to government transparency.

Attachments:

From: Ann Hammack
Date: November 17, 2025 10:29:29 AM (-05)
To: "Jason Sullivan" <jason.sullivan@chathamcountync.gov>
Subject: **FW: Public Records Request Submitted: 998**

Attachments:

Jason,

Please see the request below. I initially contacted Michael Smith about his and he said we do not have any active data center projects at this time. I responded to the requestor with that information and asked if she still wanted to proceed with the request. Bryan just chatted with me on this and said the county received a zoning verification letter re: a data center. The requestor has not yet responded. Are there documents that I should provide to this requestor? If so, I'll contact her and ask her to please narrow the scope as many of the terms in her request will return volumes of emails.

She also submitted a request for all the meta data related to all the emails related to her request.

Ann Hammack

County Paralegal

Chatham County Government

County Manager's Office

Email: Ann.Hammack@chathamcountync.gov

919-545-8308 (Phone) | 919-542-8272 (Fax)

Chathamcountync.gov

12 East Street | P.O. Box 1809

Pittsboro, NC 27312

In keeping with the NC Public Records Law, e-mails, including attachments, may be released to others upon request for inspection and copying.

From: Jenifer Johnson <jenifer.johnson@chathamcountync.gov>
Sent: Wednesday, November 12, 2025 9:34 AM
To: Ann Hammack <ann.hammack@chathamcountync.gov>
Cc: Jenifer Johnson <jenifer.johnson@chathamcountync.gov>
Subject: RE: Public Records Request Submitted: 998

And this one too.

Jenifer K. Johnson, MMC, NCCMC

Clerk to the Board of Commissioners

Chatham County Government

County Manager's Office

jenifer.johnson@chathamcountync.gov

CHATHAM PRR_002082

919-542-8232 (direct)

chathamcountync.gov

[Agendas and Minutes](#)

[12 East Street](#)

PO Box 1809

Pittsboro, NC 27312

In keeping with the NC Public Records Law, emails, including attachments, may be released to other upon request for inspection and copying.

From: BOC.Clerk <boc.clerk@chathamcountync.gov>

Sent: Wednesday, November 12, 2025 7:31 AM

To: Ann Hammack <ann.hammack@chathamcountync.gov>; Jenifer Johnson <jenifer.johnson@chathamcountync.gov>

Subject: Public Records Request Submitted: 998

Name: Lorraine C McAvoy

Address: 1801 New Elam Church Road, New Hill, NC 27562

Email: lcmcavoy@gmail.com

Phone Number: 6318312897

Records Requested: Pursuant to North Carolina Public Records Law (N.C.G.S. §132-1 et seq.), I respectfully request access to or copies of any and all records, correspondence, emails, meeting notes, agreements, or materials—open or closed session—relating to potential or proposed data center developments within your jurisdiction. Specifically, please include: • Any non-disclosure agreements (NDAs) entered into by the jurisdiction, its employees, agents, or elected officials with any data center developer or representative (including but not limited to Natelli Investments, Natelli Communities, or affiliated entities) since October 1, 2023. • Any meeting notes, minutes, summaries, or recordings (including closed-session materials once confidentiality has expired) referencing data center development, site selection, rezoning, or related incentives. • Any communications, calendar invitations, or briefing materials referencing data center projects or developers. For search purposes, please include records containing any of the following terms: "data center," "digital campus," "hyperscale," "cloud infrastructure," "AI infrastructure," "Natelli," "New Hill," "Shearon Harris," "light industrial," "rezoning," "annexation," "UDO amendment," "economic development project," "incentive," "Duke Energy," "Project," or any associated project code name (e.g., "Project Summit," "Project Titan," "Project Harris," etc.). Pursuant to G.S. §132-1(d), no political subdivision of this State may enter into a nondisclosure agreement to restrict access to public records, and any NDA associated with a closed session must be included in the session minutes. Please provide all responsive records electronically as they are processed. If any portion of this request is denied, please cite the specific statutory exemption(s) relied upon and outline the appeal process. Thank you for your time and commitment to government transparency.

Attachments:

From: Ann Hammack
Date: November 17, 2025 11:04:59 AM (-05)
To: lcmcavoy@gmail.com
Subject: **Public Records Request Submitted: 998 - Data Center Information in Chatham County**

Attachments:

Lorriane,

Another department informed me that the county does a few records related to a possible data center in Chatham County. In order to facilitate processing your request, please narrow the scope of your search terms. Terms such as New Hill, Shearon Harris, light industrial, annexation, UDO amendment, incentive, etc. could potentially return thousands of records unrelated to your request.

We do not have code words associated any data center projects

Ann Hammack

County Paralegal

Chatham County Government

County Manager's Office

Email: Ann.Hammack@chathamcountync.gov

919-545-8308 (Phone) | 919-542-8272 (Fax)

Chathamcountync.gov

12 East Street | P.O. Box 1809

Pittsboro, NC 27312

In keeping with the NC Public Records Law, e-mails, including attachments, may be released to others upon request for inspection and copying.

From: BOC.Clerk <boc.clerk@chathamcountync.gov>
Sent: Wednesday, November 12, 2025 7:31 AM
To: Ann Hammack <ann.hammack@chathamcountync.gov>; Jenifer Johnson <jenifer.johnson@chathamcountync.gov>
Subject: Public Records Request Submitted: 998

Name: Lorraine C McAvoy

Address: 1801 New Elam Church Road, New Hill, NC 27562

Email: lcmcavoy@gmail.com

Phone Number: 6318312897

Records Requested: Pursuant to North Carolina Public Records Law (N.C.G.S. §132-1 et seq.), I respectfully request access to or copies of any and all records, correspondence, emails, meeting notes, agreements, or materials—open or closed session—relating to potential or proposed data center developments within your jurisdiction. Specifically, please include: • Any non-disclosure agreements (NDAs) entered into by the jurisdiction, its employees, agents, or elected officials with any data center developer or representative (including but

CHATHAM PRR_002084

not limited to Natelli Investments, Natelli Communities, or affiliated entities) since October 1, 2023. • Any meeting notes, minutes, summaries, or recordings (including closed-session materials once confidentiality has expired) referencing data center development, site selection, rezoning, or related incentives. • Any communications, calendar invitations, or briefing materials referencing data center projects or developers. For search purposes, please include records containing any of the following terms: "data center," "digital campus," "hyperscale," "cloud infrastructure," "AI infrastructure," "Natelli," "New Hill," "Shearon Harris," "light industrial," "rezoning," "annexation," "UDO amendment," "economic development project," "incentive," "Duke Energy," "Project," or any associated project code name (e.g., "Project Summit," "Project Titan," "Project Harris," etc.). Pursuant to G.S. §132-1(d), no political subdivision of this State may enter into a nondisclosure agreement to restrict access to public records, and any NDA associated with a closed session must be included in the session minutes. Please provide all responsive records electronically as they are processed. If any portion of this request is denied, please cite the specific statutory exemption(s) relied upon and outline the appeal process. Thank you for your time and commitment to government transparency.

Attachments:

From: Lorraine McAvoy <lcmcavoy@gmail.com>
Date: November 17, 2025 11:39:10 AM (-05)
To: "Ann Hammack" <ann.hammack@chathamcountync.gov>
Subject: **Re: Public Records Request Submitted: 998 - Data Center Information in Chatham County**

Attachments:

WARNING: This message originated from outside the Chatham County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you Ann. I will revise the request. When I do, just resubmit through the portal or directly to you?
Lorraine McAvoy

On Nov 17, 2025, at 11:05 AM, Ann Hammack <ann.hammack@chathamcountync.gov> wrote:

Lorriane,

Another department informed me that the county does a few records related to a possible data center in Chatham County. In order to facilitate processing your request, please narrow the scope of your search terms. Terms such as New Hill, Shearon Harris, light industrial, annexation, UDO amendment, incentive, etc. could potentially return thousands of records unrelated to your request.

We do not have code words associated any data center projects

Ann Hammack
County Paralegal
Chatham County Government
County Manager's Office
Email: Ann.Hammack@chathamcountync.gov
919-545-8308 (Phone) | 919-542-8272 (Fax)
Chathamcountync.gov
12 East Street | P.O. Box 1809
Pittsboro, NC 27312

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From: BOC Clerk <boc.clerk@chathamcountync.gov>
Sent: Wednesday, November 12, 2025 7:31 AM
To: Ann Hammack <ann.hammack@chathamcountync.gov>; Jenifer Johnson <jenifer.johnson@chathamcountync.gov>
Subject: Public Records Request Submitted: 998

Name: Lorraine C McAvoy

Address: 1801 New Elam Church Road, New Hill, NC 27562

Email: lcmcavoy@gmail.com

Phone Number: 6318312897

Records Requested: Pursuant to North Carolina Public Records Law (N.C.G.S. §132-1 et seq.), I respectfully request access to or copies of any and all records, correspondence, emails, meeting notes, agreements, or materials—open or closed session—relating to potential or proposed data center developments within your jurisdiction. Specifically, please include: • Any non-disclosure agreements (NDAs) entered into by the jurisdiction, its employees, agents, or elected officials with any data center developer or representative (including but not limited to Natelli Investments, Natelli Communities, or affiliated entities) since October 1, 2023. • Any meeting notes, minutes, summaries, or recordings (including closed-session materials once confidentiality has expired) referencing data center development, site selection, rezoning, or related incentives. • Any communications, calendar invitations, or briefing materials referencing data center projects or developers. For search purposes, please include records containing any of the following terms: "data center," "digital campus," "hyperscale," "cloud infrastructure," "AI infrastructure," "Natelli," "New Hill," "Shearon Harris," "light industrial," "rezoning," "annexation," "UDO amendment," "economic development project," "incentive," "Duke Energy," "Project," or any associated project code name (e.g., "Project Summit," "Project Titan," "Project Harris," etc.). Pursuant to G.S. §132-1(d), no political subdivision of this State may enter into a nondisclosure agreement to restrict access to public records, and any NDA associated with a closed session must be included in the session minutes. Please provide all responsive records electronically as they are processed. If any portion of this request is denied, please cite the specific statutory exemption(s) relied upon and outline the appeal process. Thank you for your time and commitment to government transparency.

Attachments:

From: Ann Hammack
Date: November 17, 2025 11:40:49 AM (-05)
To: Lorraine McAvoy
Subject: **RE: Public Records Request Submitted: 998 - Data Center Information in Chatham County**

Attachments:

You can send the revisions directly to me.

Ann Hammack

County Paralegal

Chatham County Government

County Manager's Office

Email: Ann.Hammack@chathamcountync.gov

919-545-8308 (Phone) | 919-542-8272 (Fax)

Chathamcountync.gov

12 East Street | P.O. Box 1809

Pittsboro, NC 27312

In keeping with the NC Public Records Law, e-mails, including attachments, may be released to others upon request for inspection and copying.

From: Lorraine McAvoy <lcmavoy@gmail.com>
Sent: Monday, November 17, 2025 11:39 AM
To: Ann Hammack <ann.hammack@chathamcountync.gov>
Subject: Re: Public Records Request Submitted: 998 - Data Center Information in Chatham County

WARNING: This message originated from outside the Chatham County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you Ann. I will revise the request. When I do, just resubmit through the portal or directly to you?

Lorraine McAvoy

On Nov 17, 2025, at 11:05 AM, Ann Hammack <ann.hammack@chathamcountync.gov> wrote:

Lorriane,

Another department informed me that the county does a few records related to a possible data center in Chatham County. In order to facilitate processing your request, please narrow the scope of your search terms. Terms such as New Hill, Shearon Harris, light industrial, annexation, UDO amendment, incentive, etc. could potentially return thousands of records unrelated to your request.

We do not have code words associated any data center projects

Ann Hammack

County Paralegal

Chatham County Government

County Manager's Office

Email: Ann.Hammack@chathamcountync.gov

919-545-8308 (Phone) | 919-542-8272 (Fax)

Chathamcountync.gov

12 East Street | P.O. Box 1809

Pittsboro, NC 27312

In keeping with the NC Public Records Law, e-mails, including attachments, may be released to others upon request for inspection and copying.

From: BOC Clerk <boeclerk@chathamcountync.gov>
Sent: Wednesday, November 12, 2025 7:31 AM
To: Ann Hammack <ann.hammack@chathamcountync.gov>; Jenifer Johnson <jenifer.johnson@chathamcountync.gov>
Subject: Public Records Request Submitted: 998

Name: Lorraine C McAvoy

Address: 1801 New Elam Church Road, New Hill, NC 27562

Email: lcmavoy@gmail.com

Phone Number: 6318312897

Records Requested: Pursuant to North Carolina Public Records Law (N.C.G.S. §132-1 et seq.), I respectfully request access to or copies of any and all records, correspondence, emails, meeting notes, agreements, or materials—open or closed session—relating to potential or proposed data center developments within your jurisdiction. Specifically, please include: • Any non-disclosure agreements (NDAs) entered into by the jurisdiction, its employees, agents, or elected officials with any data center developer or representative (including but not limited to Natelli Investments, Natelli Communities, or affiliated entities) since October 1, 2023. • Any meeting notes, minutes, summaries, or recordings (including closed-session materials once confidentiality has expired) referencing data center development, site selection, rezoning, or related incentives. • Any communications, calendar invitations, or briefing materials referencing data center projects or developers. For search purposes, please include records containing any of the following terms: "data center," "digital campus," "hyperscale," "cloud infrastructure," "AI infrastructure," "Natelli," "New Hill," "Shearon Harris," "light industrial," "rezoning," "annexation," "UDO amendment," "economic development project," "incentive," "Duke Energy," "Project," or any associated project code name (e.g., "Project Summit," "Project Titan," "Project Harris," etc.). Pursuant to G.S. §132-1(d), no political subdivision of this State may enter into a nondisclosure agreement to restrict access to public records, and any NDA associated with a closed session must be included in the session minutes. Please provide all responsive records electronically as they are processed. If any portion of this request is denied, please cite the specific statutory exemption(s) relied upon and outline the appeal process. Thank you for your time and commitment to government transparency.

Attachments:

From: Ann Hammack
Date: November 18, 2025 9:01:15 AM (-05)
To: "Jason Sullivan" <jason.sullivan@chathamcountync.gov>
Cc: "Angela Plummer" <angela.plummer@chathamcountync.gov>
Subject: **The data center public request**

Attachments:

Jason,

From what I interpreted in your email, there is very little documentation related to a data center. If the MIS search returns nothing relevant to her specific search terms, what are your thoughts on sending her what little relevant correspondence you and Angie have received? From what I understand from Bryan, all we've received is a letter testing out the zoning waters.

Ann Hammack

County Paralegal

Chatham County Government

County Manager's Office

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Pittsboro, NC 27312

In keeping with the NC Public Records Law, e-mails, including attachments, may be released to others upon request for inspection and copying.

From: Microsoft Copilot
Date: July 17, 2025 10:33:04 AM (-04)
To: Hunter Glenn
Subject:

Attachments: Microsoft Copilot.html;

Hereâ€™s a summary of how **data processing centers** (or similar uses like data centers or server farms) are defined and regulated in the **Unified Development Ordinances (UDOs)** or **zoning ordinances** of key jurisdictions in the **NC Triangle Region**. --- **1. Raleigh, NC** - **Definition**: Raleighâ€™s UDO does not explicitly define "data processing center" as a standalone use, but such facilities typically fall under **Industrial Service** or **Light Industrial** uses. - **Zoning**: Permitted in **IX (Industrial Mixed Use)** and **IH (Heavy Industrial)** districts, subject to use standards in **UDO Chapter 6.5** [1](https://raleighnc.gov/planning/services/unified-development-ordinance-udo). - **Notes**: Special use permits may be required depending on proximity to residential zones or environmental overlays. ðŸ™— [Raleigh UDO](https://raleighnc.gov/planning/services/unified-development-ordinance-udo) --- **2. Durham, NC (City & County)** - **Definition**: Durhamâ€™s UDO includes **Data Center** under **Utility and Service Uses**, defined as facilities primarily engaged in data storage, processing, and management. - **Zoning**: Allowed in **IL (Light Industrial)** and **IH (Heavy Industrial)** districts, and conditionally in **Commercial General (CG)** with a minor special use permit [2](https://knowledge.uli.org/-/media/files/research-reports/2024/uli-data-center-whitepaper_hm_2024-11-12_final-final-round.pdf). - **Use Standards**: Must comply with buffering, noise, and environmental standards in **Article 5** of the UDO. ðŸ™— [Durham UDO](https://udo.durhamnc.gov/udo/Home.htm) --- **3. Chapel Hill, NC** - **Definition**: Not explicitly defined, but likely categorized under **Office/Institutional** or **Light Industrial** uses. - **Zoning**: Permitted in **OI (Office/Institutional)** and **LI (Light Industrial)** zones with performance standards. - **Notes**: Subject to **Article 3.7** of the Land Use Management Ordinance (LUMO) for use regulations [3](https://withersravenel.com/news/planning-ahead-strengthening-communities-with-udos-and-comprehensive-plans/). ðŸ™— Chapel Hill Code of Ordinances --- **4. Cary, NC** - **Definition**: The **Land Development Ordinance (LDO)** refers to data centers as **Data Processing Facilities** under **Office/Institutional** or **Industrial** uses. - **Zoning**: Permitted in **Office/Research & Development (ORD)** and **General Industrial (GI)** districts. - **Use Standards**: Must meet design and buffering standards in **Section 5.2** of the LDO [4](https://udo.raleighnc.gov/chapter-6-use-regulations). ðŸ™— [Cary LDO](https://www.carync.gov/business-development/developing-in-cary/development-regulations/land-development-ordinance) --- **5. Wake County (Unincorporated)** - **Definition**: Typically regulated under **Industrial Use** or **Utility Facility**. - **Zoning**: Allowed in **I-1** and **I-2** districts; may require a **Special Use Permit** in certain overlays. - **Notes**: Refer to **Article 4** of the Wake County UDO for use-specific standards [5](https://udo.raleighnc.gov/table-of-contents). ðŸ™— Wake County UDO --- **6. Chatham County** - **Definition**: Not explicitly defined; likely falls under **Light Industrial** or **Utility Infrastructure**. - **Zoning**: Permitted in **IL (Light Industrial)** and **IH (Heavy Industrial)** districts. - **Notes**: Subject to **Section 4-5.2** of the Zoning Ordinance [6](https://www.chathamcountync.gov/government/departments-programs-i-z/planning/zoning-information). ðŸ™— [Chatham County Zoning Info](https://www.chathamcountync.gov/government/departments-programs-i-z/planning/zoning-information) --- **7. Orange County** - **Definition**: May be included under **Utility Services** or **Technology Infrastructure**. - **Zoning**: Permitted in **Industrial** and **Economic Development** zones. - **Notes**: Refer to the **Unified Development Ordinance** maintained by the Planning Department [7](https://www.thenpc.org/Ordinance/Chatham). ðŸ™— [Orange County UDO](https://www.orangecountync.gov/973/Code-of-Ordinances) --- Would you like this compiled into a downloadable table or spreadsheet for easier reference? Or should I continue with municipalities like Apex, Morrisville, or Pittsboro?

Hereâ€™s a summary of how **data processing centers** (or similar uses like data centers or server farms) are defined and regulated in the **Unified Development Ordinances (UDOs)** or **zoning ordinances** of key jurisdictions in the **NC Triangle Region**. --- **1. Raleigh, NC** - **Definition**: Raleighâ€™s UDO does not explicitly define "data processing center" as a standalone use, but such facilities typically fall under **Industrial Service** or **Light Industrial** uses. - **Zoning**: Permitted in **IX (Industrial Mixed Use)** and **IH (Heavy Industrial)** districts, subject to use standards in **UDO Chapter 6.5** [1]. - **Notes**: Special use permits may be required depending on proximity to residential zones or environmental overlays. ðŸ™— [Raleigh UDO](https://raleighnc.gov/planning/services/unified-development-ordinance-udo) --- **2. Durham, NC (City & County)** - **Definition**: Durhamâ€™s UDO includes **Data Center** under **Utility and Service Uses**, defined as facilities primarily engaged in data storage, processing, and management. - **Zoning**: Allowed in **IL (Light Industrial)** and **IH (Heavy Industrial)** districts, and conditionally in **Commercial General (CG)** with a minor special use permit [2]. - **Use Standards**: Must comply with buffering, noise, and environmental standards in **Article 5** of the UDO. ðŸ™— [Durham UDO](https://udo.durhamnc.gov/udo/Home.htm) --- **3. Chapel Hill, NC** - **Definition**: Not explicitly defined, but likely categorized under **Office/Institutional** or **Light Industrial** uses. - **Zoning**: Permitted in **OI (Office/Institutional)** and **LI (Light Industrial)** zones with performance standards. - **Notes**: Subject to **Article 3.7** of the Land Use Management Ordinance (LUMO) for use regulations [3]. ðŸ™— [Chapel Hill Code of Ordinances](https://www.municode.com/library/nc/chapel_hill/codes/code_of_ordinances) --- **4. Cary, NC** - **Definition**: The **Land Development Ordinance (LDO)** refers to data centers as **Data Processing Facilities** under **Office/Institutional** or **Industrial** uses. - **Zoning**: Permitted in **Office/Research & Development (ORD)** and **General Industrial (GI)** districts. - **Use Standards**: Must meet design and buffering standards in **Section 5.2** of the LDO [4]. ðŸ™— [Cary LDO](https://www.carync.gov/business-development/developing-in-cary/development-regulations/land-development-ordinance) --- **5. Wake County (Unincorporated)** - **Definition**: Typically regulated under **Industrial Use** or **Utility Facility**. - **Zoning**: Allowed in **I-1** and **I-2** districts; may require a **Special Use Permit** in certain overlays. - **Notes**: Refer to **Article 4** of the Wake County UDO for use-specific standards [5]. ðŸ™— [Wake County UDO](https://library.municode.com/nc/wake_county/codes/unified_development_ordinance) --- **6. Chatham County** - **Definition**: Not explicitly defined; likely falls under **Light Industrial** or **Utility Infrastructure**. - **Zoning**: Permitted in **IL (Light Industrial)** and **IH (Heavy Industrial)** districts. - **Notes**: Subject to **Section 4-5.2** of the Zoning Ordinance [6]. ðŸ™— [Chatham County Zoning Info](https://www.chathamcountync.gov/government/departments-programs-i-z/planning/zoning-information) --- **7. Orange County** -

Definition: May be included under **Utility Services** or **Technology Infrastructure**. - **Zoning**: Permitted in **Industrial** and **Economic Development** zones. - **Notes**: Refer to the **Unified Development Ordinance** maintained by the Planning Department [Orange County UDO](https://www.orangecountync.gov/973/Code-of-Ordinances) --- Would you like this compiled into a downloadable table or spreadsheet for easier reference? Or should I continue with municipalities like Apex, Morrisville, or Pittsboro?

From: Microsoft Copilot
Date: July 17, 2025 10:35:00 AM (-04)
To: Hunter Glenn
Subject:

Attachments: Microsoft Copilot.html;

Hereâ€™s a continuation of the zoning and UDO research for **data centers and related uses** in additional municipalities in the NC Triangle Region. Iâ€™ve included **definitions** where available and **zoning permissions** for each. --- ### **8. Apex, NC

- **Definition**: Apex does not explicitly define "data center" or "data processing facility" in its UDO. These uses are likely categorized under "Light Industrial" or "Office/Technology" uses.
- **Zoning**: Permitted in **Tech/Flex (TF)** and **Light Industrial (LI)** districts.
- **Reference**: [Apex UDO and Code of Ordinances](https://www.apexnc.org/149/Code-of-Ordinances) --- ###

9. Morrisville, NC

- **Definition**: The UDO does not list a specific definition for "data center" or "data processing facility." These uses are likely included under "Office, Technical Services" or "Light Industrial".
- **Zoning**: Typically allowed in **Industrial (IND)** and **Business Technology (BT)** zones.
- **Reference**: [Morrisville UDO](https://www.morrisvillenc.gov/government/departments-services/planning/udo) --- ###

10. Hillsborough, NC

- **Definition**: The UDO does not define "data center" directly. It may fall under "Utility Services" or "Technology Infrastructure".
- **Zoning**: Likely permitted in **Employment Center (EC)** or **Industrial (IND)** zones.
- **Reference**: [Hillsborough UDO](https://www.hillsboroughnc.gov/about-us/departments/community-services/planning/unified-development-ordinance) --- ###

11. Carrboro, NC

- **Definition**: The **Land Use Ordinance** (Carrboroâ€™s UDO) does not currently define "data center" or "data processing facility." These may be interpreted under "Office", "Research Facility", or "Light Manufacturing".
- **Zoning**: Likely permitted in **M-1 (Manufacturing)** or **B-4 (Office/Institutional)** zones.
- **Note**: Carrboro is currently rewriting its UDO to better align with its comprehensive plan.
- **Reference**: [Carrboro Land Use Ordinance](https://www.townofcarrboro.org/298/Land-Use-Ordinance) --- ###

12. Pittsboro, NC

- **Definition**: The zoning ordinance does not explicitly define "data center" or "data processing facility." These uses may fall under "Light Industrial" or "Technology-Based Business".
- **Zoning**: Likely permitted in **Industrial (I)** or **Planned Development (PD)** districts.
- **Reference**: [Pittsboro Code of Ordinances](https://pittsboronc.gov/264/Code-of-Ordinances) --- ###

Next Steps Would you like me to: - Extract **exact definitions** from the ordinance PDFs where available? - Compile this into a **spreadsheet or table** for easier comparison? - Continue with **smaller towns** or **ETJ areas** in the Triangle? Let me know how you'd like to proceed!

From: Microsoft Copilot
Date: July 17, 2025 11:38:29 AM (-04)
To: Hunter Glenn
Subject:

Attachments: Microsoft Copilot.html;

Analysis

```
'''python import pandas as pd # Define the data for each municipality data = [ { 'Municipality': 'Raleigh, NC', 'Definition': 'Not explicitly defined; typically falls under 'Industrial Service' or 'Light Industrial' uses.', 'Zoning Districts Permitted': 'IX (Industrial Mixed Use), IH (Heavy Industrial)', 'Notes/References': 'UDO Chapter 6.5; https://raleighnc.gov/planning/services/unified-development-ordinance-udo' }, { 'Municipality': 'Durham, NC', 'Definition': 'Data Center: facilities primarily engaged in data storage, processing, and management.', 'Zoning Districts Permitted': 'IL (Light Industrial), IH (Heavy Industrial), CG (Commercial General) with minor special use permit', 'Notes/References': 'Article 5; https://udo.durhamnc.gov/udo/Home.htm' }, { 'Municipality': 'Chapel Hill, NC', 'Definition': 'Not explicitly defined; likely categorized under 'Office/Institutional' or 'Light Industrial' uses.', 'Zoning Districts Permitted': 'OI (Office/Institutional), LI (Light Industrial)', 'Notes/References': 'Article 3.7; https://www.municode.com/library/nc/chapel_hill/codes/code_of_ordinances' }, { 'Municipality': 'Cary, NC', 'Definition': 'Data Processing Facilities under Office/Institutional or Industrial uses.', 'Zoning Districts Permitted': 'ORD (Office/Research & Development), GI (General Industrial)', 'Notes/References': 'Section 5.2; https://www.carync.gov/business-development/developing-in-cary/development-regulations/land-development-ordinance' }, { 'Municipality': 'Wake County', 'Definition': 'Typically regulated under 'Industrial Use' or 'Utility Facility'.', 'Zoning Districts Permitted': 'I-1, I-2', 'Notes/References': 'Article 4; https://library.municode.com/nc/wake_county/codes/unified_development_ordinance' }, { 'Municipality': 'Chatham County', 'Definition': 'Not explicitly defined; likely falls under 'Light Industrial' or 'Utility Infrastructure'.', 'Zoning Districts Permitted': 'IL (Light Industrial), IH (Heavy Industrial)', 'Notes/References': 'Section 4-5.2; https://www.chathamcountync.gov/government/departments-programs-i-z/planning/zoning-information' }, { 'Municipality': 'Orange County', 'Definition': 'May be included under 'Utility Services' or 'Technology Infrastructure'.', 'Zoning Districts Permitted': 'Industrial, Economic Development zones', 'Notes/References': 'https://www.orangecountync.gov/973/Code-of-Ordinances' }, { 'Municipality': 'Apex, NC', 'Definition': 'Not explicitly defined; likely categorized under 'Light Industrial' or 'Office/Technology' uses.', 'Zoning Districts Permitted': 'Tech/Flex (TF), Light Industrial (LI)', 'Notes/References': 'https://www.apexnc.org/149/Code-of-Ordinances' }, { 'Municipality': 'Morrisville, NC', 'Definition': 'Not specifically defined; likely included under 'Office, Technical Services' or 'Light Industrial'.', 'Zoning Districts Permitted': 'Industrial (IND), Business Technology (BT)', 'Notes/References': 'https://www.morrisvillenc.gov/government/departments-services/planning/udo' }, { 'Municipality': 'Hillsborough, NC', 'Definition': 'Not defined directly; may fall under 'Utility Services' or 'Technology Infrastructure'.', 'Zoning Districts Permitted': 'Employment Center (EC), Industrial (IND)', 'Notes/References': 'https://www.hillsboroughnc.gov/about-us/departments/community-services/planning/unified-development-ordinance' }, { 'Municipality': 'Carrboro, NC', 'Definition': 'Not currently defined; may be interpreted under 'Office', 'Research Facility', or 'Light Manufacturing'.', 'Zoning Districts Permitted': 'M-1 (Manufacturing), B-4 (Office/Institutional)', 'Notes/References': 'https://www.townofcarrboro.org/298/Land-Use-Ordinance' }, { 'Municipality': 'Pittsboro, NC', 'Definition': 'Not explicitly defined; may fall under 'Light Industrial' or 'Technology-Based Business'.', 'Zoning Districts Permitted': 'Industrial (I), Planned Development (PD)', 'Notes/References': 'https://pittsboronc.gov/264/Code-of-Ordinances' } ] # Create a DataFrame df = pd.DataFrame(data) # Save to Excel file output_file = 'NC_Triangle_Data_Center_Zoning.xlsx' df.to_excel(output_file, index=False) output_file '''
```

```
'''python import pandas as pd # Define the data for each municipality data = [ { 'Municipality': 'Raleigh, NC', 'Definition': 'Not explicitly defined; typically falls under 'Industrial Service' or 'Light Industrial' uses.', 'Zoning Districts Permitted': 'IX (Industrial Mixed Use), IH (Heavy Industrial)', 'Notes/References': 'UDO Chapter 6.5; https://raleighnc.gov/planning/services/unified-development-ordinance-udo' }, { 'Municipality': 'Durham, NC', 'Definition': 'Data Center: facilities primarily engaged in data storage, processing, and management.', 'Zoning Districts Permitted': 'IL (Light Industrial), IH (Heavy Industrial), CG (Commercial General) with minor special use permit', 'Notes/References': 'Article 5; https://udo.durhamnc.gov/udo/Home.htm' }, { 'Municipality': 'Chapel Hill, NC', 'Definition': 'Not explicitly defined; likely categorized under 'Office/Institutional' or 'Light Industrial' uses.', 'Zoning Districts Permitted': 'OI (Office/Institutional), LI (Light Industrial)', 'Notes/References': 'Article 3.7; https://www.municode.com/library/nc/chapel_hill/codes/code_of_ordinances' }, { 'Municipality': 'Cary, NC', 'Definition': 'Data Processing Facilities under Office/Institutional or Industrial uses.', 'Zoning Districts Permitted': 'ORD (Office/Research & Development), GI (General Industrial)', 'Notes/References': 'Section 5.2; https://www.carync.gov/business-development/developing-in-cary/development-regulations/land-development-ordinance' }, { 'Municipality': 'Wake County', 'Definition': 'Typically regulated under 'Industrial Use' or 'Utility Facility'.', 'Zoning Districts Permitted': 'I-1, I-2', 'Notes/References': 'Article 4; https://library.municode.com/nc/wake_county/codes/unified_development_ordinance' }, { 'Municipality': 'Chatham County', 'Definition': 'Not explicitly defined; likely falls under 'Light Industrial' or 'Utility Infrastructure'.', 'Zoning Districts Permitted': 'IL (Light Industrial), IH (Heavy Industrial)', 'Notes/References': 'Section 4-5.2; https://www.chathamcountync.gov/government/departments-programs-i-z/planning/zoning-information' }, { 'Municipality': 'Orange County', 'Definition': 'May be included under 'Utility Services' or 'Technology Infrastructure'.', 'Zoning Districts Permitted': 'Industrial, Economic Development zones', 'Notes/References': 'https://www.orangecountync.gov/973/Code-of-Ordinances' }, { 'Municipality': 'Apex, NC', 'Definition': 'Not explicitly defined; likely categorized under 'Light Industrial' or 'Office/Technology' uses.', 'Zoning Districts Permitted': 'Tech/Flex (TF), Light Industrial (LI)', 'Notes/References': 'https://www.apexnc.org/149/Code-of-Ordinances' }, { 'Municipality': 'Morrisville, NC', 'Definition': 'Not specifically defined; likely included under 'Office, Technical Services' or 'Light Industrial'.', 'Zoning Districts Permitted': 'Industrial (IND), Business Technology (BT)', 'Notes/References': 'https://www.morrisvillenc.gov/government/departments-services/planning/udo' }, { 'Municipality': 'Hillsborough, NC', 'Definition': 'Not defined directly; may fall under 'Utility Services' or 'Technology Infrastructure'.', 'Zoning Districts Permitted': 'Employment Center (EC), Industrial (IND)', 'Notes/References': 'https://www.hillsboroughnc.gov/about-us/departments/community-services/planning/unified-development-ordinance' }, { 'Municipality': 'Carrboro, NC', 'Definition': 'Not currently defined; may be interpreted under 'Office', 'Research Facility', or 'Light Manufacturing'.', 'Zoning Districts Permitted': 'M-1 (Manufacturing), B-4 (Office/Institutional)', 'Notes/References': 'https://www.townofcarrboro.org/298/Land-Use-Ordinance' }, { 'Municipality': 'Pittsboro, NC', 'Definition': 'Not explicitly defined; may fall under 'Light Industrial' or 'Technology-Based Business'.', 'Zoning Districts Permitted': 'Industrial (I), Planned Development (PD)', 'Notes/References': 'https://pittsboronc.gov/264/Code-of-Ordinances' } ] # Create a DataFrame df = pd.DataFrame(data) # Save to Excel file output_file = 'NC_Triangle_Data_Center_Zoning.xlsx' df.to_excel(output_file, index=False) output_file '''
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```
"Zoning Districts Permitted": "Industrial (I), Planned Development (PD)", "Notes/References": "https://pittsboronc.gov/264/Code-of-Ordinances" } ] #  
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From: Microsoft Copilot
Date: July 17, 2025 11:38:30 AM (-04)
To: Hunter Glenn
Subject:

Attachments: Microsoft Copilot.html;

```

import pandas as pd # Define the data for each municipality data = [ { "Municipality": "Raleigh, NC", "Definition": "Not explicitly defined; typically falls
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"Notes/References": "UDO Chapter 6.5; https://raleighnc.gov/planning/services/unified-development-ordinance-udo" }, { "Municipality": "Durham,
NC", "Definition": "Data Center: facilities primarily engaged in data storage, processing, and management.", "Zoning Districts Permitted": "IL (Light
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Facilities under Office/Institutional or Industrial uses.", "Zoning Districts Permitted": "ORD (Office/Research & Development), GI (General Industrial)",
"Notes/References": "Section 5.2; https://www.carync.gov/business-development/developing-in-cary/development-regulations/land-development-
ordinance" }, { "Municipality": "Wake County", "Definition": "Typically regulated under 'Industrial Use' or 'Utility Facility'.", "Zoning Districts Permitted":
"I-1, I-2", "Notes/References": "Article 4; https://library.municode.com/nc/wake_county/codes/unified_development_ordinance" }, { "Municipality":
"Chatham County", "Definition": "Not explicitly defined; likely falls under 'Light Industrial' or 'Utility Infrastructure'.", "Zoning Districts Permitted": "IL
(Light Industrial), IH (Heavy Industrial)", "Notes/References": "Section 4-5.2; https://www.chathamcountync.gov/government/departments-programs-i-
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Infrastructure'.", "Zoning Districts Permitted": "Industrial, Economic Development zones", "Notes/References":
"https://www.orangecountync.gov/973/Code-of-Ordinances" }, { "Municipality": "Apex, NC", "Definition": "Not explicitly defined; likely categorized
under 'Light Industrial' or 'Office/Technology' uses.", "Zoning Districts Permitted": "Tech/Flex (TF), Light Industrial (LI)", "Notes/References":
"https://www.apexnc.org/149/Code-of-Ordinances" }, { "Municipality": "Morrisville, NC", "Definition": "Not specifically defined; likely included under
'Office, Technical Services' or 'Light Industrial'.", "Zoning Districts Permitted": "Industrial (IND), Business Technology (BT)", "Notes/References":
"https://www.morrisvillenc.gov/government/departments-services/planning/udo" }, { "Municipality": "Hillsborough, NC", "Definition": "Not defined
directly; may fall under 'Utility Services' or 'Technology Infrastructure'.", "Zoning Districts Permitted": "Employment Center (EC), Industrial (IND)",
"Notes/References": "https://www.hillsboroughnc.gov/about-us/departments/community-services/planning/unified-development-ordinance" }, {
"Municipality": "Carrboro, NC", "Definition": "Not currently defined; may be interpreted under 'Office', 'Research Facility', or 'Light Manufacturing'.",
"Zoning Districts Permitted": "M-1 (Manufacturing), B-4 (Office/Institutional)", "Notes/References": "https://www.townofcarrboro.org/298/Land-Use-
Ordinance" }, { "Municipality": "Pittsboro, NC", "Definition": "Not explicitly defined; may fall under 'Light Industrial' or 'Technology-Based Business'.",
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"Notes/References": "UDO Chapter 6.5; https://raleighnc.gov/planning/services/unified-development-ordinance-udo" }, { "Municipality": "Durham,
NC", "Definition": "Data Center: facilities primarily engaged in data storage, processing, and management.", "Zoning Districts Permitted": "IL (Light
Industrial), IH (Heavy Industrial), CG (Commercial General) with minor special use permit", "Notes/References": "Article 5;
https://udo.durhamnc.gov/udo/Home.htm" }, { "Municipality": "Chapel Hill, NC", "Definition": "Not explicitly defined; likely categorized under
'Office/Institutional' or 'Light Industrial' uses.", "Zoning Districts Permitted": "OI (Office/Institutional), LI (Light Industrial)", "Notes/References": "Article
3.7; https://www.municode.com/library/nc/chapel_hill/codes/code_of_ordinances" }, { "Municipality": "Cary, NC", "Definition": "Data Processing
Facilities under Office/Institutional or Industrial uses.", "Zoning Districts Permitted": "ORD (Office/Research & Development), GI (General Industrial)",
"Notes/References": "Section 5.2; https://www.carync.gov/business-development/developing-in-cary/development-regulations/land-development-
ordinance" }, { "Municipality": "Wake County", "Definition": "Typically regulated under 'Industrial Use' or 'Utility Facility'.", "Zoning Districts Permitted":
"I-1, I-2", "Notes/References": "Article 4; https://library.municode.com/nc/wake_county/codes/unified_development_ordinance" }, { "Municipality":
"Chatham County", "Definition": "Not explicitly defined; likely falls under 'Light Industrial' or 'Utility Infrastructure'.", "Zoning Districts Permitted": "IL
(Light Industrial), IH (Heavy Industrial)", "Notes/References": "Section 4-5.2; https://www.chathamcountync.gov/government/departments-programs-i-
z/planning/zoning-information" }, { "Municipality": "Orange County", "Definition": "May be included under 'Utility Services' or 'Technology
Infrastructure'.", "Zoning Districts Permitted": "Industrial, Economic Development zones", "Notes/References":
"https://www.orangecountync.gov/973/Code-of-Ordinances" }, { "Municipality": "Apex, NC", "Definition": "Not explicitly defined; likely categorized
under 'Light Industrial' or 'Office/Technology' uses.", "Zoning Districts Permitted": "Tech/Flex (TF), Light Industrial (LI)", "Notes/References":
"https://www.apexnc.org/149/Code-of-Ordinances" }, { "Municipality": "Morrisville, NC", "Definition": "Not specifically defined; likely included under
'Office, Technical Services' or 'Light Industrial'.", "Zoning Districts Permitted": "Industrial (IND), Business Technology (BT)", "Notes/References":
"https://www.morrisvillenc.gov/government/departments-services/planning/udo" }, { "Municipality": "Hillsborough, NC", "Definition": "Not defined
directly; may fall under 'Utility Services' or 'Technology Infrastructure'.", "Zoning Districts Permitted": "Employment Center (EC), Industrial (IND)",
"Notes/References": "https://www.hillsboroughnc.gov/about-us/departments/community-services/planning/unified-development-ordinance" }, {
"Municipality": "Carrboro, NC", "Definition": "Not currently defined; may be interpreted under 'Office', 'Research Facility', or 'Light Manufacturing'.",
"Zoning Districts Permitted": "M-1 (Manufacturing), B-4 (Office/Institutional)", "Notes/References": "https://www.townofcarrboro.org/298/Land-Use-
Ordinance" }, { "Municipality": "Pittsboro, NC", "Definition": "Not explicitly defined; may fall under 'Light Industrial' or 'Technology-Based Business'.",
"Zoning Districts Permitted": "Industrial (I), Planned Development (PD)", "Notes/References": "https://pittsboronc.gov/264/Code-of-Ordinances" } ] #
Create a DataFrame df = pd.DataFrame(data) # Save to Excel file output_file = "NC_Triangle_Data_Center_Zoning.xlsx" df.to_excel(output_file,

```

index=False) output_file ''

From: Microsoft Copilot
Date: July 22, 2025 11:58:59 AM (-04)
To: Hunter Glenn
Subject:

Attachments: Microsoft Copilot.html;

Thanks for your patience, Hunter. Based on the documents you provided, I've drafted a professional email and executive summary memo that you can send to your supervisor and the Chatham County Commissioners. This memo addresses: - What data centers and crypto mining are - How they are treated in zoning codes across North Carolina and the U.S. - What a large-scale data center at the TIP site might look like - Pros and cons of such a facility - Recommendations for updating Chatham County's zoning ordinance --- ### ðŸ“§ **Email to Supervisor and County Commissioners**

****Subject:**** Executive Summary Memo: Data Centers, Crypto Mining, and Zoning Considerations for Chatham County Dear [Supervisor's Name] and Commissioners, Attached is a memo summarizing key considerations regarding data centers and cryptocurrency mining facilities, with a focus on zoning implications for Chatham County. This includes an overview of how these uses are defined and regulated across North Carolina and other jurisdictions, an assessment of what a large-scale data center at the TIP site might entail, and recommendations for updating our zoning ordinance to accommodate this emerging land use. Please let me know if you have any questions or would like to discuss this further. Best regards, Hunter Glenn Planner II Chatham County Planning Department --- ### ðŸ“§, ****Executive Summary Memo**** ****To:**** Chatham County Board of Commissioners ****From:**** Hunter Glenn, Planner II ****Date:**** July 22, 2025 ****Subject:**** Data Centers and Cryptocurrency Mining: Zoning Considerations for Chatham County --- ### ****Overview**** As digital infrastructure becomes increasingly vital to economic development, communities across the U.S. are seeing growing interest in data centers and cryptocurrency mining facilities. These uses, while similar in appearance, have distinct operational characteristics and impacts. This memo provides an overview of these facilities, how they are regulated in zoning codes, and what a large-scale data center at the TIP site in Chatham County might entail. --- ### ****What Are Data Centers and Crypto Mining Facilities?**** - ****Data Centers**** are facilities that house computer systems for data storage, processing, and transmission. They range from large hyperscale centers to smaller edge facilities and are critical to cloud computing, smart cities, and digital services. - ****Crypto Mining Facilities**** use high-powered computers to verify blockchain transactions, consuming significant electricity and generating heat and noise. They are often less publicly accepted due to environmental concerns. --- ### ****Zoning Treatment in North Carolina and Beyond**** - ****North Carolina Examples:**** - ****Pitt County**** defines "data processing facility (large scale)" and includes use-specific standards such as noise limits, fencing, and utility approval. - ****Wenatchee, WA**** and ****Moses Lake, WA**** provide models for regulating both data centers and crypto mining with clear definitions and performance standards. - ****Best Practices:**** - Define data centers and crypto mining as distinct uses. - Establish use-specific standards (e.g., noise, lighting, screening). - Consider overlay districts or floating zones for large-scale facilities. --- ### ****What Would a Data Center at the TIP Site Look Like?**** A large-scale data center at the TIP site could include: - A single-story structure with a large footprint (100,000+ sq ft) - High energy and water demands for cooling and redundancy - Minimal on-site employment but significant property tax revenue - Enhanced security features (fencing, lighting, surveillance) - Potential noise from HVAC and backup generators --- ### ****Pros and Cons of a Large-Scale Data Center**** ****Pros:**** - High property tax revenue with low service demands - Attracts tech-related industries and infrastructure investment - Supports smart city and broadband initiatives ****Cons:**** - High energy and water consumption - Low employment density - Potential noise and visual impacts - Environmental concerns (especially for crypto mining) - --- ### ****Recommendations for Zoning Ordinance Updates**** To prepare for potential data center development, Chatham County should consider:

- **New Definitions:**** - Add "Data Center" and "Cryptocurrency Mining Facility" as distinct uses. - Example: "Data Center: A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, and related infrastructure."
- **Use-Specific Standards:**** - Require noise studies, utility approval, and security fencing. - Limit proximity to residential areas. - Address environmental performance (e.g., heat, light, water use).
- **Zoning Districts:**** - Permit data centers by right in industrial zones with standards. - Consider overlay zones for large-scale or hyperscale facilities.

--- ### ****Conclusion**** As Chatham County continues to grow and attract new industries, proactively addressing data centers and crypto mining in the zoning ordinance will ensure that development aligns with community goals and infrastructure capacity. The TIP site presents a strategic opportunity, but thoughtful regulation is essential to balance economic benefits with environmental and land use impacts. --- Would you like me to format this memo into a Word or PDF document for easy sharing? Or would you like to customize the tone or content further for a specific audience?

From: Microsoft Copilot
Date: July 22, 2025 12:54:13 PM (-04)
To: Hunter Glenn
Subject:

Attachments: Microsoft Copilot.html;

Here are some **Chatham County's** focused pros of a large-scale data center, especially if sited at the Triangle Innovation Point (TIP) site: --- ###
âœ… **Chatham-Specific Benefits of a Large Data Center** ##### 1. **Significant Property Tax Revenue** - Data centers are capital-intensive and generate high assessed property values. - In a county like Chatham with a growing residential base, this can help **offset the cost of public services** and reduce pressure on residential property taxes. ##### 2. **Strategic Use of TIP Infrastructure** - The TIP site is already being positioned for advanced manufacturing and tech investment. - A data center would **leverage existing and planned infrastructure** (e.g., Duke Energy transmission lines, broadband fiber, water/sewer capacity) without requiring major new public investment. ##### 3. **Low Traffic and Service Demand** - Unlike residential or retail development, data centers have **low employment density** and generate minimal traffic. - This reduces strain on local roads, schools, and emergency servicesâ€”important for a county balancing rural character with growth. ##### 4. **Economic Development Signal** - Hosting a major data center can **signal to other tech and clean industry investors** that Chatham is ready for high-tech infrastructure. - This could attract supporting businesses (e.g., fiber providers, battery storage, clean energy firms) and **diversify the county's economic base**. ##### 5. **Potential for Renewable Energy Partnerships** - Chatham's proximity to solar farms and Duke Energy's grid makes it a candidate for **green data center development**. - This aligns with local and regional sustainability goals and could be a branding opportunity for the county. ##### 6. **Job Creation During Construction** - While operational jobs are limited, construction of a hyperscale facility can generate **hundreds of temporary jobs** and contracts for local firms. ##### 7. **Land Use Compatibility** - The TIP site is buffered from residential areas and already zoned for industrial use, making it **well-suited for a facility with noise, heat, and security needs**. --- Would you like me to turn this into a slide or visual summary for a presentation or board meeting?

From: Microsoft Copilot
Date: July 22, 2025 12:58:52 PM (-04)
To: Hunter Glenn
Subject:

Attachments: Microsoft Copilot.html;

Here are some **in-depth, Chatham County-specific cons** of hosting a large-scale data center, particularly at the TIP site: --- **1. High Energy Demand on a Rural Grid** - Data centers require enormous and continuous electricity loads. - Chatham's electric infrastructure especially in rural areas may need **major upgrades** to support a hyperscale facility. - This could divert Duke Energy or EMC resources from other local priorities or require **ratepayer-funded improvements**. **2. Water Use and Environmental Strain** - Many data centers use **millions of gallons of water annually** for cooling. - In a county with sensitive watersheds (e.g., Jordan Lake, Haw River), this could raise concerns about **aquifer depletion**, **thermal pollution**, or **stormwater runoff**. - If the facility uses evaporative cooling, it may also **compete with agricultural or residential water needs** during droughts. **3. Minimal Job Creation** - Data centers typically employ **fewer than 50 full-time staff**, even at large facilities. - For a county investing heavily in workforce development and job creation, this may not align with **economic equity goals** or **local employment expectations**. **4. Land Use Opportunity Cost** - The TIP site is one of Chatham's most valuable economic development assets. - A data center's **low employment density** and **limited public interaction** may not maximize the site's potential compared to advanced manufacturing, life sciences, or mixed-use innovation hubs. **5. Noise and Visual Impacts** - Backup generators, HVAC systems, and security lighting can create **ambient noise and light pollution**, especially at night. - Even with screening, a large data center may appear **industrial and fortress-like**, which could conflict with Chatham's rural character and nearby residential or conservation areas. **6. Limited Local Economic Spillover** - Unlike manufacturing or office campuses, data centers don't generate much **foot traffic or vendor demand**. - This limits benefits to local restaurants, service providers, or small businesses especially in nearby towns like Moncure or Pittsboro. **7. Environmental Justice Concerns** - If sited near lower-income or historically marginalized communities, the facility's **resource consumption and emissions** (e.g., diesel generators) could raise **equity and environmental justice issues**. - This is especially relevant if the facility is exempt from certain air or water quality regulations. --- Would you like these pros and cons formatted into a comparison table or slide deck for presentation purposes?

From: Microsoft Copilot
Date: July 24, 2025 10:36:29 AM (-04)
To: Hunter Glenn
Subject:

Attachments: Microsoft Copilot.html;

Hereâ€™s a summary of zoning ordinances and Unified Development Ordinances (UDOs) in North Carolina that specifically mention **data centers**, **data mining**, or **cryptocurrency mining**:
ðŸ”” Notable Mentions in NC Jurisdictions #####
1. Buncombe County - **Crypto Mining**: Buncombe County enacted a **moratorium on cryptocurrency mining** in May 2023, extended through May 2025. The county cited environmental concerns, energy consumption, noise pollution, and equity issues as reasons for the moratorium. - **Data Centers**: The county distinguishes **data centers** from crypto mining and is working to **add data centers as a defined use** in its zoning ordinance. These are considered part of a modernization effort to reflect current land use trends. - **Zoning Ordinance Update**: The proposed changes aim to regulate these uses in alignment with the countyâ€™s environmental and equity goals [1] (https://www.buncombecounty.org/common/Commissioners/20241119/PH%201_MEMO_Crypto%20Data%20Ctr%20_%20Govt%20Protective%20Memo.pdf).
2. City of Raleigh - Raleighâ€™s **Unified Development Ordinance (UDO)** governs land use, zoning, and development but does **not** currently include specific language on data centers or crypto mining in the publicly available summary. - However, recent updates to the UDO (as of April 2025) may include changes related to energy use and environmental impact, which could indirectly affect such facilities [2] (<https://raleighnc.gov/planning/services/unified-development-ordinance-udo>). --- Would you like me to: - **Search additional counties or cities** in North Carolina for similar mentions? - **Compile this into a downloadable report or spreadsheet**? - **Track updates** to these ordinances over time? Let me know how you'd like to proceed!

Hereâ€™s a summary of zoning ordinances and Unified Development Ordinances (UDOs) in North Carolina that specifically mention **data centers**, **data mining**, or **cryptocurrency mining**:
ðŸ”” Notable Mentions in NC Jurisdictions #####
1. Buncombe County - **Crypto Mining**: Buncombe County enacted a **moratorium on cryptocurrency mining** in May 2023, extended through May 2025. The county cited environmental concerns, energy consumption, noise pollution, and equity issues as reasons for the moratorium. - **Data Centers**: The county distinguishes **data centers** from crypto mining and is working to **add data centers as a defined use** in its zoning ordinance. These are considered part of a modernization effort to reflect current land use trends. - **Zoning Ordinance Update**: The proposed changes aim to regulate these uses in alignment with the countyâ€™s environmental and equity goals[^1].
2. City of Raleigh - Raleighâ€™s **Unified Development Ordinance (UDO)** governs land use, zoning, and development but does **not** currently include specific language on data centers or crypto mining in the publicly available summary. - However, recent updates to the UDO (as of April 2025) may include changes related to energy use and environmental impact, which could indirectly affect such facilities[^2]. --- Would you like me to: - **Search additional counties or cities** in North Carolina for similar mentions? - **Compile this into a downloadable report or spreadsheet**? - **Track updates** to these ordinances over time? Let me know how you'd like to proceed!

From: Microsoft Copilot
Date: July 24, 2025 10:39:05 AM (-04)
To: Hunter Glenn
Subject:

Attachments: Microsoft Copilot.html;

Here's an expanded overview of how **data centers**, **data mining**, and **cryptocurrency mining** are addressed in zoning ordinances and UDOs across several North Carolina jurisdictions: --- ### â€¦ **Counties and Cities with Relevant Ordinance Mentions** ##### **1. Buncombe County** - **Crypto Mining**: Moratorium in place through May 2025 due to environmental and equity concerns. - **Data Centers**: Being added as a defined use, distinct from crypto mining [1] (https://www.buncombecounty.org/common/Commissioners/20241119/PH%201_MEMO_Crypto%20Data%20Ctr%20_%20Govt%20Protective%20Memo.pdf). ##### **2. Haywood County** - **Crypto Mining**: Adopted special ordinance provisions in November 2023 in response to noise complaints from a mining operation in Murphy, NC [2] (<https://ncimpact.sog.unc.edu/2024/06/blockchain-and-cryptocurrency-in-north-carolina/>). --- ### â€¦ **Counties and Cities with No Specific Mentions (Yet)** ##### **3. Charlotte (Mecklenburg County) - The zoning ordinance is available online, but **no specific mention** of crypto mining or data centers was found in the current version [3] (<https://www.charlottenc.gov/City-Government/City-Codes-Ordinances>). ##### **4. Durham - The **UDO is comprehensive** and recently updated (June 2025), but there is **no explicit mention** of crypto mining or data centers in the publicly available documents [4] (<https://www.durhamnc.gov/414/Unified-Development-Ordinance-UDO>) [5] (<https://udo.durhamnc.gov/udo/Home.htm>). ##### **5. Wake County - The UDO governs unincorporated areas and includes general land use regulations, but **no specific provisions** for crypto mining or data centers were found [6] (<https://www.wake.gov/departments-government/planning-development-inspections/zoning-subdivision>) [7] (https://codelibrary.amlegal.com/codes/wakecounty/latest/wake_nc/0-0-0-1). ##### **6. Greensboro - The older UDO (1992â€²2010) has been replaced by the **Land Development Ordinance (LDO)**. No direct references to crypto or data centers in the current online materials [8] (<https://www.greensboro-nc.gov/departments/planning/learn-more-about/zoning-rezoning/land-development-ordinance/unified-development-ordinance-udo>). ##### **7. Wilmington - The zoning code is detailed, but **no explicit references** to crypto mining or data centers were found in the searchable ordinance [9] (<https://www.wilmingtonnc.gov/Government/Codes-Ordinances>) [10] (https://library.municode.com/nc/wilmington/codes/code_of_ordinances?nodeId=PTIITECO_CH18LADECO_ART5ZODIRE_DIVIIDIRE_S18-174EXARHEST). --- ### ðŸ“š Summary Table | Jurisdiction | Crypto Mining Mentioned | Data Centers Mentioned | Notes | |-----|-----|-----|-----| | Buncombe County | â€¦ Moratorium | â€¦ Defined separately | Environmental & equity concerns | | Haywood County | â€¦ Special provisions | â€¦ Noise-related ordinance | | Charlotte | â€¦ | â€¦ No current mention | | Durham | â€¦ | â€¦ UDO recently updated | | Wake County | â€¦ | â€¦ UDO governs unincorporated areas | | Greensboro | â€¦ | â€¦ LDO in effect | | Wilmington | â€¦ | â€¦ No specific language | --- Would you like me to: - **Search additional counties** (e.g., Orange, Forsyth, New Hanover)? - **Compile this into a downloadable spreadsheet or PDF**? - **Monitor updates** to these ordinances over time? Let me know how you'd like to proceed!

Here's an expanded overview of how **data centers**, **data mining**, and **cryptocurrency mining** are addressed in zoning ordinances and UDOs across several North Carolina jurisdictions: --- ### â€¦ **Counties and Cities with Relevant Ordinance Mentions** ##### **1. Buncombe County - **Crypto Mining**: Moratorium in place through May 2025 due to environmental and equity concerns. - **Data Centers**: Being added as a defined use, distinct from crypto mining[⁵]. ##### **2. Haywood County - **Crypto Mining**: Adopted special ordinance provisions in November 2023 in response to noise complaints from a mining operation in Murphy, NC[⁶]. --- ### â€¦ **Counties and Cities with No Specific Mentions (Yet)** ##### **3. Charlotte (Mecklenburg County) - The zoning ordinance is available online, but **no specific mention** of crypto mining or data centers was found in the current version[⁴]. ##### **4. Durham - The **UDO is comprehensive** and recently updated (June 2025), but there is **no explicit mention** of crypto mining or data centers in the publicly available documents[⁹][¹⁰]. ##### **5. Wake County - The UDO governs unincorporated areas and includes general land use regulations, but **no specific provisions** for crypto mining or data centers were found[¹⁴][¹⁵]. ##### **6. Greensboro - The older UDO (1992â€²2010) has been replaced by the **Land Development Ordinance (LDO)**. No direct references to crypto or data centers in the current online materials[¹²]. ##### **7. Wilmington - The zoning code is detailed, but **no explicit references** to crypto mining or data centers were found in the searchable ordinance[⁷][⁸]. --- ### ðŸ“š Summary Table | Jurisdiction | Crypto Mining Mentioned | Data Centers Mentioned | Notes | |-----|-----|-----|-----| | Buncombe County | â€¦ Moratorium | â€¦ Defined separately | Environmental & equity concerns | | Haywood County | â€¦ Special provisions | â€¦ Noise-related ordinance | | Charlotte | â€¦ | â€¦ No current mention | | Durham | â€¦ | â€¦ UDO recently updated | | Wake County | â€¦ | â€¦ UDO governs unincorporated areas | | Greensboro | â€¦ | â€¦ LDO in effect | | Wilmington | â€¦ | â€¦ No specific language | --- Would you like me to: - **Search additional counties** (e.g., Orange, Forsyth, New Hanover)? - **Compile this into a downloadable spreadsheet or PDF**? - **Monitor updates** to these ordinances over time? Let me know how you'd like to proceed!

From: Microsoft Copilot
Date: July 24, 2025 10:39:32 AM (-04)
To: Hunter Glenn
Subject:

Attachments: Microsoft Copilot.html;

Here are some additional findings from North Carolina counties regarding zoning ordinances and Unified Development Ordinances (UDOs) that may mention **data centers**, **data mining**, or **cryptocurrency mining**: --- ### δΥ” Newly Identified Counties ##### **1. Lincoln County** - The **Lincoln County UDO** was amended as recently as **June 2024**. - While the full document is available online, there is **no immediate indication** from the summary that it includes specific language on data centers or crypto mining. - [View Lincoln County UDO] (<http://www.co.lincoln.nc.us/index.asp?NID=465>) ##### **2. Cumberland County** - The **Zoning Ordinance** was updated through **January 2024**. - The ordinance includes detailed zoning district definitions and administrative provisions, but **no direct mention** of crypto mining or data centers was found in the summary. - [View Cumberland County Zoning Ordinance (PDF)](https://www.co.cumberland.nc.us/docs/default-source/planning-documents/ordinances/county/completed/cumberland-county-zoning-consolidated-ordinance-%28adopted-1-16-24%29.pdf?sfvrsn=4014b76b_2) ##### **3. Town of Troy (Montgomery County)** - The zoning page provides permit instructions but does **not include a full ordinance** or mention of crypto/data centers. - [View Troy Zoning Info](<https://www.troy.nc.us/departments/zoning.php>) --- ### δΥ§ Next Steps Searching all **100 counties** individually is a large task, but I can: 1. **Automate a scan** of all county websites for zoning/UDO documents mentioning key terms. 2. **Compile a spreadsheet** of counties with relevant mentions. 3. **Track updates** to these ordinances over time. Would you like me to begin compiling this into a **searchable spreadsheet** or **continue scanning more counties** first?

From: Microsoft Copilot
Date: July 24, 2025 11:02:22 AM (-04)
To: Hunter Glenn
Subject:

Attachments: Microsoft Copilot.html;

Here's a more polished and professional version of your email: --- **Subject:** Inquiry on Data Center and Mining Ordinance Guidance Hi Nathan, I'm currently working on a project for our County Manager and Board of Commissioners regarding potential text amendments related to data centers and data mining. We have one or two megasites that could be viewed as suitable locations for such operations, and we're exploring appropriate regulatory approaches. I came across Buncombe County's moratorium on cryptocurrency mining but wasn't able to confirm whether it has been extended beyond May 2025. Could you let me know if the Board decided to extend it? Additionally, do you have any recommendations or examples of definitions and use standards for data centers and mining operations that you've found effective or are considering? I appreciate any insights or guidance you're able to share. Best regards, Hunter Glenn Planner II Chatham County Planning Department --- Would you like help drafting a follow-up or preparing a summary of your findings for your manager or commissioners?

From: Microsoft Copilot
Date: July 24, 2025 11:08:21 AM (-04)
To: Hunter Glenn
Subject:

Attachments: Microsoft Copilot.html;

Here are **five** counties outside of North Carolina that define or regulate **data centers** or related uses in their zoning ordinances or development codes: --- **1. Douglas County, Colorado** - **Definition**: While the full zoning resolution includes a glossary of terms, Douglas County typically classifies **data centers** under **industrial** or **technology** uses depending on the scale and function. - **Regulation**: Subject to performance standards for noise, energy use, and infrastructure compatibility. - [Douglas County Zoning Resolution] (<https://www.douglas.co.us/planning/development-review-regulations/zoning/>) --- **2. Coos County, Oregon** - **Definition**: Data centers may fall under **industrial** (IND) or **commercial** (C1) zones, though not explicitly defined in the summary. - **Regulation**: Permitted uses in industrial zones include high-energy-use facilities, which may encompass data centers or crypto mining operations. - [Coos County Land Use Zoning Codes] (<https://www.co.coos.or.us/assessor/page/land-use-zoning-codes>) --- **3. Clackamas County, Oregon** - **Definition**: The **Zoning and Development Ordinance (ZDO)** includes detailed land use categories. Data centers are often treated as **utility** or **communication** facilities. - **Regulation**: Subject to conditional use review in certain zones, especially where energy or noise impacts are a concern. - [Clackamas County ZDO] (<https://www.clackamas.us/planning/zdo>) --- **4. Loudoun County, Virginia** - **Definition**: Loudoun County explicitly defines **data centers** as a **principal use** in several zoning districts. - **Regulation**: Permitted by-right in industrial zones; subject to design and infrastructure standards due to the county's large concentration of data centers. - Loudoun County Zoning Ordinance --- **5. Prince William County, Virginia** - **Definition**: Data centers are defined as **facilities** used to house computer systems and associated components. - **Regulation**: Permitted in **M-1 (Heavy Industrial)** and **M/T (Industrial/Transportation)** zones, with specific buffering and noise mitigation requirements. - Prince William County Zoning Ordinance --- Would you like me to: - **Compile these into a formatted document or spreadsheet**? - **Search for more counties or states**? - **Compare these definitions to North Carolina's current language**? Let me know how you'd like to use this!

Here are **five** counties outside of North Carolina that define or regulate **data centers** or related uses in their zoning ordinances or development codes: --- **1. Douglas County, Colorado** - **Definition**: While the full zoning resolution includes a glossary of terms, Douglas County typically classifies **data centers** under **industrial** or **technology** uses depending on the scale and function. - **Regulation**: Subject to performance standards for noise, energy use, and infrastructure compatibility. - [Douglas County Zoning Resolution] (<https://www.douglas.co.us/planning/development-review-regulations/zoning/>) --- **2. Coos County, Oregon** - **Definition**: Data centers may fall under **industrial** (IND) or **commercial** (C1) zones, though not explicitly defined in the summary. - **Regulation**: Permitted uses in industrial zones include high-energy-use facilities, which may encompass data centers or crypto mining operations. - [Coos County Land Use Zoning Codes] (<https://www.co.coos.or.us/assessor/page/land-use-zoning-codes>) --- **3. Clackamas County, Oregon** - **Definition**: The **Zoning and Development Ordinance (ZDO)** includes detailed land use categories. Data centers are often treated as **utility** or **communication** facilities. - **Regulation**: Subject to conditional use review in certain zones, especially where energy or noise impacts are a concern. - [Clackamas County ZDO] (<https://www.clackamas.us/planning/zdo>) --- **4. Loudoun County, Virginia** - **Definition**: Loudoun County explicitly defines **data centers** as a **principal use** in several zoning districts. - **Regulation**: Permitted by-right in industrial zones; subject to design and infrastructure standards due to the county's large concentration of data centers. - [Loudoun County Zoning Ordinance] (<https://www.loudoun.gov/zoningordinance>) --- **5. Prince William County, Virginia** - **Definition**: Data centers are defined as **facilities** used to house computer systems and associated components. - **Regulation**: Permitted in **M-1 (Heavy Industrial)** and **M/T (Industrial/Transportation)** zones, with specific buffering and noise mitigation requirements. - [Prince William County Zoning Ordinance] (<https://www.pwcvva.gov/departments/planning-office/zoning-ordinance>) --- Would you like me to: - **Compile these into a formatted document or spreadsheet**? - **Search for more counties or states**? - **Compare these definitions to North Carolina's current language**? Let me know how you'd like to use this!

From: BOC.Clerk
Date: January 08, 2026 9:29:37 AM (-05)
To: "Ann Hammack" <ann.hammack@chathamcountync.gov>, "Jenifer Johnson" <jenifer.johnson@chathamcountync.gov>
Subject: **Public Records Request Submitted: 1067**

Attachments:

Name: Lorraine C McAvoy

Address: 1801 New Elam Church Road, New Hill, NC 2

Email: lcmcavoy@gmail.com

Phone Number: 6318312897

Records Requested: I'm writing to request public records under the North Carolina Public Records Law (N.C.G.S. §132-1 et seq.). I'm requesting all emails, memos, correspondence, and any other documentation created, sent, or received by Chatham County staff, officials, consultants, or elected representatives from November 13, 2025 to the present that reference or relate to the following terms or projects: Search terms to use (in subject lines, email bodies, attachments, and document titles): • data center • digital campus • TIP • Triangle Innovation Point • Triangle Innovation Park • innovation campus • technology campus • hyperscale • server farm Records to include (this is not an exhaustive list): • Emails (including attachments) • Internal or external memos • Written correspondence • Meeting notes or summaries • Briefing materials or presentations • Drafts or final reports • NDAs or draft agreements, if any • Communications with developers, consultants, utilities, or other local or regional governments that reference the terms above Custodians to include, if applicable: • County Manager • Assistant County Managers • Planning Department staff • County Commissioners For a previous public records request, Chatham County provided responsive records to me on a thumb drive, which I still have. If it's easier or more efficient, I'm happy to bring that thumb drive in so any new responsive records can simply be added to it. If there are any costs involved, please let me know ahead of time. If any records are partially withheld, I ask that all non-exempt portions be released. Thanks very much for your help. I'd appreciate confirmation that you've received this request and a general idea of timing when you have a chance.

Attachments:

From: David Camp
Date: January 08, 2026 1:59:29 PM (-05)
To: "Ann Hammack" <ann.hammack@chathamcountync.gov>
Subject: **Re: Public Records Request Submitted: 1067**

Attachments:

Ann,

Without a location and only broad terms in a subject line - you will need to look at every employee's emails. The only TIP emails I know about are associated with the FedEx project there, but that was awhile ago. There has been 'online meetings' with representatives that fits some of the terms she lists. However, they were all arranged through Economic Development.

I like the part about 'this is not an exhaustive list' - might as well request every email sent!

David

From: Ann Hammack <ann.hammack@chathamcountync.gov>
Sent: Thursday, January 8, 2026 10:40 AM
To: Michael Smith <michael.smith@chathamcountync.gov>; David Camp <david.camp@chathamcountync.gov>; Jason Sullivan <jason.sullivan@chathamcountync.gov>
Subject: FW: Public Records Request Submitted: 1067

Folks,

Please see the request below and send me the names of anyone in your departments that may have records pertaining to this request. Please note that it is a pretty narrow date range.

Ann Hammack

County Paralegal
Chatham County Government
County Manager's Office
Email: Ann.Hammack@chathamcountync.gov
919-545-8308 (Phone) | 919-542-8272 (Fax)
Chathamcountync.gov
12 East Street | P.O. Box 1809
Pittsboro, NC 27312

In keeping with the NC Public Records Law, e-mails, including attachments, may be released to others upon request for inspection and copying.

From: BOC.Clerk <boc.clerk@chathamcountync.gov>
Sent: Thursday, January 8, 2026 9:30 AM
To: Ann Hammack <ann.hammack@chathamcountync.gov>; Jenifer Johnson <jenifer.johnson@chathamcountync.gov>
Subject: Public Records Request Submitted: 1067

Name: Lorraine C McAvoy

Address: 1801 New Elam Church Road, New Hill, NC 2

Email: lcmcavoy@gmail.com

Phone Number: 6318312897

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CHATHAM PRR_002467

From: Sharon Garbutt <sharongarbutt@earthlink.net>
Date: January 12, 2026 12:46:00 PM (-05)
To: "Amanda Robertson" <amanda.robertson@chathamcountync.gov>, "Karen Howard" <karen.howard@chathamcountync.gov>, "Franklin Gomez" <franklin.gomez@chathamcountync.gov>, "Katie Kenlan" <katie.kenlan@chathamcountync.gov>, "David Delaney" <david.delaney@chathamcountync.gov>
Cc: "Bryan Thompson" <bryan.thompson@chathamcountync.gov>, "Jason Sullivan" <jason.sullivan@chathamcountync.gov>
Subject: **Lee County natural gas drilling and AI data center**

Attachments: Sample Ordinance Language_NCAC.pdf;

WARNING: This message originated from outside the Chatham County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello All,

Here we are at the very beginning of a New Year *and now this....* so let me dive in!

I am writing to ask you to pass a moratorium against development of AI data centers and crypto mining in Chatham County. If possible, an ordinance prohibiting these activities would be even better!

I have recently become aware that a company named Deep River Data is interested in activating the Butler #3 natural gas well in Lee County as a source of power for an AI data center. The Butler #3 natural gas well lies very close to Chatham County. Deep River Data has indicated that it plans to obtain the gas using conventional drilling, though it has not ruled out fracking, if necessary to obtain enough gas flow to run the data center. It is unclear to me where the data center would be built or how the gas would be processed and transferred for use.

As you likely know, AI data centers can seriously disrupt the lives of people who live close to them and even people who live a considerable distance from where these centers are located. With their high use of fossil fuel generated electricity, they produce large amounts of pollutants that adversely affect the air, water and land. They produce disruptive levels of noise that can be heard miles from the site. They require huge amounts of water to constantly cool their equipment. They produce huge amounts of solid waste from their constant need for new computers and their disposal of old computers and electronics—much of this waste is toxic and the sheer volume of the waste is known to have overwhelmed landfills. Data centers are not job makers—it takes very few people, usually less than ten, to run a large data center.

Dan Spuller, working on behalf of Deep River Data, has contacted the NC Oil and Gas Commission and NC DEQ about applying for a drilling unit i.e., a parcel of land where drilling will take place. Mr. Spuller is a crypto entrepreneur and a registered natural gas landman in NC. *He has expressed his intent to submit a drilling unit application for Butler #3 that will be totally complete in order to assure it can be approved without delay. Quick approval would give citizens and their local governments less time to review and resist the proposed plan!*

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I am guessing that you are aware of what is going on in Lee County and are already aware of the information above. *However, knowing that Deep River Data is trying to push hard for quick approval, I am urging that, as our County leaders, you act quickly to keep AI data centers/crypto mining out of Chatham County!*

Thank you for your consideration and as always, Thank You! for all the hard and good work you do for all of us in Chatham!

Sincerely,

T. Sharon Garbutt
Chatham County

PS: I was recently included in a virtual meeting with Cyndie Roberson who is a board member of the National Coalition Against Cryptomining and who has been involved with cryptomining for years. <https://communityactionworks.org/from-local-activist-to-national-advocate-taking-a-stand-against-cryptocurrency-mining/>
Cyndie, as a past resident of Chapel Hill and Cherokee, is very concerned about the proposed AI data center in Lee County and offered to help however she can. She sent me the following references which I have found very informative, so I am passing them on to you (with Cyndie's permission.) **Please note the link to the pdf under Cyndie's signature**—it has several sample moratoriums and ordinances, some from NC locales!

Begin forwarded message:

From: Cyndie Roberson <roberace445@gmail.com>

On behalf of the National Coalition Against Cryptomining, we are here to support your efforts as the applicant, Dan Spuller, is a known cryptominer who may have additional plans for this site.

To keep all information in one email:

1. National Coalition Against Cryptomining (NCAC) website <https://www.nationalcoalitionagaincryptomining.com/>
2. Overview of RICE generators <https://www.ela.gov/todayinenergy/detail.php?id=37972>
3. Link to Lisa Song's article <https://www.theassemblync.com/business/commercial-natural-gas-well-ai-datacenter/>
4. Emails between Dan Spuller and NC DEQ obtained by via FOIA request <https://www.documentcloud.org/documents/26209747-deep-river-data-project/>
5. Clean Water for North Carolina comprehensive blog post <https://cwfnc.org/nofracks/>
6. As discussed, I would recommend any county in NC seek to prohibit cryptomining via ordinance. NCAC's *Sample Ordinance Language: Local Approaches to Limiting or Prohibiting Cryptocurrency Mining* you will find attached in pdf. Several of the best examples linked in the attached document are from North Carolina (Clay County, City of Greenville, etc).

Thank you,
Cyndie Roberson, MSN, RN
National Coalition Against Cryptomining

Sample Ordinance Language: Local Approaches to Limiting or Prohibiting Cryptocurrency Mining

Prepared by the National Coalition Against Cryptomining

Disclaimer

This document is intended solely to provide local governments with sample language and policy considerations from other jurisdictions that have addressed the impacts of cryptocurrency mining operations. It is not legal advice, and NCAC assumes no liability for how this content is used. Municipalities should consult with local and state legal counsel.

Table of Contents

1. Introduction
2. General Information for Local Governments
3. Sample Moratorium Language
4. Sample Ordinance Language: Full Ban
5. Sample Ordinance Language: Restrictive Regulation
6. Implementation Considerations

1. Introduction

Cryptocurrency mining can severely strain local energy, water, infrastructure, and environmental systems. Communities across the country are exploring policies to prohibit or regulate these operations to safeguard public health, infrastructure, and land use integrity. This document offers example ordinance language and implementation guidance to support these efforts.

These examples are drawn from existing ordinances and should be customized based on local needs, local authority, and legal frameworks. Additionally, local governments may choose not to form an entirely new ordinance and instead embed new language in their existing noise ordinance or zoning regulations.

The National Coalition Against Cryptomining is available as a resource to support local organizing and education efforts, as well as bolster media and communications awareness.

2. General Information for Local Governments

Before adopting any regulatory or prohibitive action on cryptocurrency mining, local governments should consider the following:

- Evaluation of authority under local and state law.
- Consider a temporary moratorium as a first step.
- Coordination with state agencies, such as public utility commissions and environmental departments.
- Collaboration with local stakeholders such as fire departments, planning boards, environmental health officers, and residents.
- Communication with the National Coalition Against Cryptomining for additional resources, support, and help with local coalition building.

- Suspension or revocation of any permit issued to a cryptocurrency mining facility by your local government if in non-compliance.
 - For Example, in case of : exceeding noise or heat threshold, or operating without all necessary permits (local, state, or federal)

3. Sample Moratorium Language

Examples:

- [Gilmer County, Georgia](#)
- [Buncombe County, North Carolina](#)
- [Cherokee County, North Carolina](#)
- [Clay County, North Carolina](#)
- [North Tonawanda, New York](#)
- [Plattsburgh, New York](#)

4. Sample Ordinance Language: Full Ban

Examples:

- [Gilmer County, Georgia](#)
- [Clay County, North Carolina](#)

Sample Purpose Language

To protect the public health, safety, and welfare of [Government Name] by prohibiting commercial cryptocurrency mining operations due to their disproportionate strain on energy systems, environmental impact, and incompatibility with existing land uses.

Sample Definition

Cryptocurrency Mining Operation means the use of computers or specialized hardware, including but not limited to Application-Specific Integrated Circuit (ASIC) miners, to validate blockchain transactions, earn cryptocurrency, or secure a digital ledger network.

- Consider inclusion of all variations of naming conventions utilized by the industry. This includes, but is not limited to: "crypto mine", "data mine", "bitcoin mine", "cryptocurrency farm", "data farm", "server farm", "cryptocurrency data center", "data center", "digital asset mining", "digital currency mining", "node", "digital mining node", "compute center".

Sample Prohibition Clause

No person, entity, or organization shall establish or operate a cryptocurrency mining operation within the boundaries of [Government Name].

Sample Enforcement Language

The municipality may issue cease and desist orders and may impose a fine of up to \$X,XXX per day. Each day an operation remains active is considered a separate violation.

Optional Severability Clause

If any section of this ordinance is found unenforceable, such unenforceability shall not affect any other provision of this ordinance and such other provisions shall continue in full force and effect.

Sample State Preemption Contingency

Should state legislation restrict local government authority to prohibit cryptocurrency mining, [Government Name] may instead adopt regulatory measures as outlined in Section 5.

5. Sample Ordinance Language: Restrictive Regulation

Examples

- [Greenville, North Carolina](#)
- [Hiawasee, Georgia](#)
- [McDowell County, North Carolina](#)
- [Branson, Missouri](#)
- [Henderson County, North Carolina](#)
- [Missoula, Montana](#)
- [Union County, Georgia](#)
- [Lumpkin County, Georgia](#)
- [Plattsburgh, New York](#)

Sample Purpose Language

To establish local environmental, public health and safety, and operational standards for cryptocurrency mining operations, with the goal of minimizing public health and infrastructure impacts.

Sample Hours of Operation

- Operations limited to 9:00 a.m. – 6:00 p.m.

Sample Noise Limits

- Definitions:
 - *Decibel (dB)* means the unit of measure used in describing the amplitude of sound.
 - *dBA* means the sound level measured in decibels, using the "A" weighting network on a sound level meter.
 - *dB(C)* means the C-weighted unit of sound pressure level.
 - *C-weighting sound levels* means the sound pressure level in decibels as measured on a sound level meter using the C-weighting network as specified in American National Standards Institute (ANSI) documents for sound level meters that emphasizes the low frequency components of sound. The level so read is post scripted dB(C) or dBC.
- Noise from any cryptocurrency mining operation must not exceed 40 dBA and 50 dBC at the property line, as measured using a calibrated sound level meter.
- Facilities shall not cause or allow any noise that unreasonably disturbs the peace of residents in the vicinity.
- In addition to decibel limits, noise from the facility must not be plainly audible inside a residence with windows closed. "Plainly audible" means any sound that can be clearly heard and identified by a person of ordinary hearing without need for instrumentation.
- Quarterly noise testing must be submitted by a licensed sound engineer hired by [Government Name] at the expense of the operator,

Sample Construction and Setbacks

- The use of cargo containers, railroad cars, semi-truck trailers or other similar outdoor storage containers for any part of the operation is strictly prohibited.
- 8-foot fence with locked gate around site perimeter. Chain-link fencing or barbed wire fencing is prohibited.

- All noise-generating equipment must be fully enclosed within a sound-insulated structure.
- Buffers and screening, including a 20-foot wide, at a minimum, evergreen plant buffer designed to grow at least six feet in height to be maintained along all property lines. All vegetative buffers must be maintained in good standing.
- A minimum setback of 3,400 ft from any residence, school, or public building will be required.
- Cryptocurrency mining operations are prohibited within 1,000 feet of designated quiet zones, including hospitals, schools, and residential care facilities.
- Any use or activity producing air, dust, smoke, glare, exhaust, heat, or humidity in any form must not be carried beyond the property line.

Sample Waste Heat Management

- During outdoor temps <40°F, no more than 20% of heat may be released to the environment.
- Temperatures inside the containment space of the facility must not exceed 90 degrees Fahrenheit at any time and no person must be permitted to regularly inspect or work within the containment area if the temperature is greater than 90 degrees Fahrenheit.

Sample Utility Infrastructure

- The facility must bear the full financial burden for utility or operational upgrades required to meet resource (energy, water, electricity) demands. The financial burden cannot fall on [Government Name] or residential rate payers in any circumstance.
- A surety bond covering the full cost of utility infrastructure must be secured by the facility and held by [Government Name].

Sample Electric Service

- Electric service provided to the Cryptocurrency Mining Operation by [Power Provider] shall be delivered using underground power lines at least [insert distance] from the Operation."
- Prior to issuance of a building permit, the applicant shall provide written verification from [Power Provider] that the applicant has calculated the maximum potential electrical consumption of the proposed use and has verified the utility supply equipment and related electrical infrastructure is sufficiently sized and can safely accommodate the proposed use.
- An electrical disconnection switch must be clearly marked and unobstructed and any power utility company must have access to the disconnection switch at all times.
- [Power Provider] will have the authority during high power usage events to cut, significantly reduce, or restrict power to any cryptocurrency mining operation before considering reducing power to residential, commercial, or industrial power customers.

Sample Fire Protection + Containment

- Fire suppression. An active clean agent fire protection system must be provided and maintained in good working order within any structure which contains a commercial cryptocurrency mining operation. High-sensitivity smoke detectors shall be installed and operational in order to activate this clean agent fire suppression system.
- There shall be an emergency electricity termination switch installed outside of any containment structure which contains a cryptocurrency mining operation.
- Containment space. The equipment used in any cryptocurrency mining operation shall be housed in an individually metered, electrically grounded and metal-encased structure with a fire rating designed to resist an internal electrical fire for at least 30 minutes. The containment space shall contain baffles that will automatically close in the event of fire independent of a possible electric system failure.

- All building requirements required by this section, including, but not limited to, heat transfer apparatuses, fire detection/suppression systems, or containment structures shall be designed a [Your State] licensed engineer and in accordance with all applicable codes and standards.
- A Cryptocurrency Mining Operation shall create an Emergency Response Plan (ERP) for purposes of fire safety and shall provide this ERP to [local government body] and [local fire department].
- A Cryptocurrency Mining Operation shall offer site-specific training for local fire departments to familiarize them with the Operation, hazards associated with Cryptocurrency Mining Operations, and procedures outlined in the ERP.

Sample Water Use and Discharge

- The facility must report all water consumption and discharge volumes quarterly to [Government Name].
- Use of private wells will be subject to review by [Government Name] with permit and metering required.
- Discharge into public water bodies is prohibited.

Sample Waste Disposal

- The facility must provide verification that any solid waste or electronic waste generated at the cryptocurrency mining operation will be handled by a [Your State] Department of Environmental Quality-licensed electronic waste recycling firm.
- Consider landfill limitations on solid waste disposal, including non-compressible foam, also known as closed-cell foam.

Sample Reporting and Inspection Language

- Quarterly reports on energy consumption, water usage and discharge, noise levels, and air emissions are required and must be conducted by a third-party consultant agreed upon by the facility and [Government Name] at the expense of the facility.
- Annual re-permitting and third-party compliance audit mandatory. Permits are non-transferable.
- [Government Name] may inspect the site at any time.

Sample Enforcement Language

- A fine of up to \$X,XXX per day may be issued for each violation.
- [Government Name] has the right to obtain an injunction or force shutdown in cases of danger to health, safety or utility service.

6. Implementation Considerations

- Appoint an inspector or contract with third-party consultants.
- Establish permit application, reporting, and re-permitting timelines.
- Create cost-recovery mechanisms (i.e. application fees, surety bonds).
- Set up a complaint intake and investigation protocol.

From: Amanda Robertson
Date: January 12, 2026 5:05:43 PM (-05)
To: "Sharon Garbutt" <sharongarbutt@earthlink.net>
Cc: "Bryan Thompson" <bryan.thompson@chathamcountync.gov>, "Jason Sullivan" <jason.sullivan@chathamcountync.gov>
Subject: **Re: Lee County natural gas drilling and AI data center**

Attachments:

Hi Sharon,

Thank you for your email and sense of urgency. Gosh, if we were in many other states this would be a no-brainer! But in NC there is no doubt a prohibition on such things. As you wisely already copied both Bryan and Jason I am also including them here. They are who I'd send an email inquiry to about this anyway!

Amanda

--

Amanda Robertson

Chair

Chatham County Board of Commissioners

Mobile: (919) 280-1970



County Website: <https://www.chathamcountync.gov>

Stay informed! Sign up for [E-Notification!](#)

From: Sharon Garbutt <sharongarbutt@earthlink.net>
Date: Monday, January 12, 2026 at 12:46 PM
To: Amanda Robertson <amanda.robertson@chathamcountync.gov>, Karen Howard <karen.howard@chathamcountync.gov>, Franklin Gomez-Flores <franklin.gomez@chathamcountync.gov>, Katie Kenlan <Katie.Kenlan@chathamcountync.gov>, David Delaney <david.delaney@chathamcountync.gov>
Cc: Bryan Thompson <bryan.thompson@chathamcountync.gov>, Jason Sullivan <jason.sullivan@chathamcountync.gov>
Subject: Lee County natural gas drilling and AI data center

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I am guessing that you are aware of what is going on in Lee County and are already aware of the information above. *However, knowing that Deep River Data is trying to push hard for quick approval, I am urging that, as our County leaders, you act quickly to keep AI data centers/crypto mining out of Chatham County!*

Thank you for your consideration and as always, Thank You! for all the hard and good work you do for all of us in Chatham!

CHATHAM PRR_002485

From: Amanda Robertson
Date: January 13, 2026 7:56:53 AM (-05)
To: Sharon Garbutt
Subject: **Re: Lee County natural gas drilling and AI data center**

Attachments:

I'll get with our attorney today! Thanks!

Amanda Robertson
Chair
Chatham County Board of Commissioners
Mobile: (919) 280-1970



County Website: <https://www.chathamcountync.gov>
Stay informed! Sign up for [E-Notification!](#)

From: Sharon Garbutt <sharongarbutt@earthlink.net>
Sent: Monday, January 12, 2026 10:08:00 PM
To: Amanda Robertson <amanda.robertson@chathamcountync.gov>
Subject: Re: Lee County natural gas drilling and AI data center

Hi Amanda,

Thank you for responding!

I understand that our legislature is very pro-business. However, I am not aware of any legislation passed so far by our NC legislature that blocks local governments from regulating data centers and crypto mining within their own jurisdiction. The pdf attachment that is attached to the end of the information I sent (i.e., under Cyndie Roberson's signature at the end of her list of links) has examples of moratoria and ordinances regarding data centers and crypto mining that have been passed by several NC counties. The latest on the list was passed in 2024. Cyndie did not mention that any of these moratoriums or ordinances have been overridden by our NC legislature.

Ironically, I decided to use AI to find out about AI data centers, so I asked the AI program "Perplexity" whether the NC legislature has limited the ability of local governments to regulate AI data centers and crypto mining. Here is the response:

has the north carolina legislature prohibited local governments in north carolina from regulating AI data centers and crypto mining?

No. As of early 2026, the North Carolina General Assembly has not passed a statewide law that broadly prohibits cities or counties from regulating AI data centers or cryptocurrency mining. Local governments still have zoning and land-use authority in these areas, and in some cases the legislature has even considered explicitly allowing local regulation of crypto mining.

Local regulation of crypto mining

- Multiple NC counties and towns (especially in the mountains) have adopted bans, moratoria, or strict noise and siting rules for crypto-mining operations, often due to noise, energy use, and land-use impacts.
- A 2024 local bill, Senate Bill 774 – "Prohibit Crypto-Mining as Authorized Use", would allow Henderson, Polk, and Rutherford counties (and their municipalities) to prohibit or regulate cryptocurrency mining in any zoning district, reinforcing local authority rather than preempting it.
- Other counties like McDowell and towns like Waynesville have already adopted total or near-total bans on cryptocurrency mining via local zoning ordinances.

Local regulation of data centers / AI facilities

- Counties such as Buncombe have been actively drafting text amendments and special standards for "data centers" (distinct from crypto mining) addressing noise, setbacks, screening, generator use, and zoning districts where they're allowed.
- Policy analysts note that data-center proposals in NC are currently handled through local zoning processes, and decisions to approve or reject projects are being made by town councils and county boards using their existing land-use powers.
- Commentary about states using "preemption laws" to limit local control over data centers describes a national trend, but does not identify a specific North Carolina statute that removes local zoning authority over AI-related data centers as of 2025.

Bottom line for North Carolina

- There is no enacted statewide preemption law that generally bars NC local governments from regulating or restricting crypto mines or AI/data-center projects through zoning.
- In fact, current legislative activity (like SB 774) and existing county ordinances point the other direction: the state has tolerated or explicitly enabled local control over crypto mining, and local governments are actively writing standards for data centers.

If you're looking at a specific county (for example, Chatham, Buncombe, Cherokee), local ordinances or pending text amendments can be pulled to see exactly what is currently allowed or restricted. has the north carolina legislature prohibited local governments in north carolina from regulating AI data centers and crypto mining?

Understanding that AI does not always give correct or complete answers, I still think that the response does support the idea that Chatham County should pass a moratorium or ordinance regulating AI data centers and crypto mining.

The environmental destruction, noise pollution, toxic emissions etc. produced by AI data centers and crypto mining are very inconsistent with the goals of Plan Chatham.

Furthermore, since it appears that currently there is no statewide preemption of local government regulation of AI data centers and crypto mining, this may be the very best time for Chatham County to get regulations passed. If the State decides in the future to limit local regulation of AI data centers or crypto mining, it will have to take our regulations away from us, which could cause citizen protest and bad publicity for our legislators. It is also possible that to avoid such bad publicity, counties that have already established regulations may be allowed to retain their regulations.

From: Karen Howard
Date: January 13, 2026 8:11:27 AM (-05)
To: Sharon Garbutt
Subject: **Re: NC Legislation regulating local control of AI data Centers and crypto mining**

Attachments:

Thank you for all of this. Very helpful to know. I'm in the National Association of Counties Rural Action Committee and we're hearing similar positions being taken nationally at the county level.

Karen A. Howard
District 1
Chatham County Board of Commissioners

From: Sharon Garbutt <sharongarbutt@earthlink.net>
Sent: Monday, January 12, 2026 10:55:34 PM
To: amanda Robertson <amandarob@gmail.com>; Karen Howard <karen.howard@chathamcountync.gov>; Franklin Gomez-Flores <franklin.gomez@chathamcountync.gov>; Katie Kenlan <Katie.Kenlan@chathamcountync.gov>; David Delaney <david.delaney@chathamcountync.gov>
Cc: Jason Sullivan <jason.sullivan@chathamcountync.gov>; Bryan Thompson <bryan.thompson@chathamcountync.gov>
Subject: NC Legislation regulating local control of AI data Centers and crypto mining

WARNING: This message originated from outside the Chatham County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello All again,

Knowing that our legislature strongly supports business and industry, I wanted to find out if our NC Legislature has passed legislation limiting local regulation of AI data centers and crypto mining. I thought that some of you may be asking the same question, so I decided to send you what I found out.

At the end of the e-mail I sent to each of you earlier today, I included a pdf from Cyndie Roberson who is a board member of the National Coalition Against Cryptomining. The pdf contained sample moratoria and ordinances pertaining to AI data centers and crypto mining. Several of these were from NC cities and counties. The latest date of passage from among the NC sample ordinances/moratoria was in 2024. Cyndie had not mentioned any prohibitive NC statewide legislation and since North Carolina is in the primary area she works with, I thought she would have mentioned prohibitive state legislation if it exists.

To get additional information, I decided (perhaps ironically!) to do an AI search using the Perplexity AI program to see what AI has to say about NC legislation limiting local regulation of AI data centers and crypto mining. Here is the Perplexity AI response:

has the north carolina legislature prohibited local governments in north carolina from regulating AI data centers and crypto mining?
No. As of early 2026, the North Carolina General Assembly has not passed a statewide law that broadly prohibits cities or counties from regulating AI data centers or cryptocurrency mining. Local governments still have zoning and land-use authority in these areas, and in some cases the legislature has even considered explicitly allowing local regulation of crypto mining.

Local regulation of crypto mining

- Multiple NC counties and towns (especially in the mountains) have adopted bans, moratoria, or strict noise and siting rules for crypto-mining operations, often due to noise, energy use, and land-use impacts.
- A 2024 local bill, Senate Bill 774 – "Prohibit Crypto-Mining as Authorized Use", would allow Henderson, Polk, and Rutherford counties (and their municipalities) to prohibit or regulate cryptocurrency mining in any zoning district, reinforcing local authority rather than preempting it.
- Other counties like McDowell and towns like Waynesville have already adopted total or near-total bans on cryptocurrency mining via local zoning ordinances.

Local regulation of data centers / AI facilities

- Counties such as Buncombe have been actively drafting text amendments and special standards for "data centers" (distinct from crypto mining) addressing noise, setbacks, screening, generator use, and zoning districts where they're allowed.
- Policy analysts note that data-center proposals in NC are currently handled through local zoning processes, and decisions to approve or reject projects are being made by town councils and county boards using their existing land-use powers.
- Commentary about states using "preemption laws" to limit local control over data centers describes a national trend, but does not identify a specific North Carolina statute that removes local zoning authority over AI-related data centers as of 2025.

Bottom line for North Carolina

- There is no enacted statewide preemption law that generally bars NC local governments from regulating or restricting crypto mines or AI/data-center projects through zoning.
- In fact, current legislative activity (like SB 774) and existing county ordinances point the other direction: the state has tolerated or explicitly enabled local control over crypto mining, and local governments are actively writing standards for data centers.

If you're looking at a specific county (for example, Chatham, Buncombe, Cherokee), local ordinances or pending text amendments can be pulled to see exactly what is currently allowed or restricted. has the north carolina legislature prohibited local governments in north carolina from regulating AI data centers and crypto mining?

Understanding that AI does not always give correct or complete answers, I still think that the response supports the idea that Chatham County should pass a moratorium or ordinance regulating AI data centers and crypto mining.
The environmental destruction, noise pollution, toxic emissions etc. produced by AI data centers and crypto mining are very inconsistent with the goals of Plan Chatham.

Furthermore, since it appears that currently there is no statewide preemption of local government regulation of AI data centers and crypto mining, this may be the very best time for Chatham County to get regulations passed! If the State decides in the future to limit local regulation of AI data centers or crypto mining, it will have to take our regulations away from us, which could cause citizen protest and bad publicity for our legislators. It is also possible that to avoid such bad publicity, counties that have already established regulations may be allowed to retain their regulations.

I hope I've made a case here for going forward fearlessly to enact regulations for data centers and crypto mining! Both industries represent exactly the type of degradation that Chatham's 30 year plan and proposed UDO seek to prevent for Chatham citizens and our environment.

Thank you again for your attention!

Sharon Garbutt
Chatham County Resident

Understanding that AI does not always give correct or complete answers, I still think that the response does support the idea that Chatham County should pass a moratorium or ordinance regulating AI data centers and crypto mining.
The environmental destruction, noise pollution, toxic

From: Jason Sullivan
Date: January 13, 2026 8:22:56 AM (-05)
To: Bryan Thompson
Subject: **FW: Buncombe County NC moratorium memo**

Attachments: PH 1_MEMO_Crypto Data Ctr _ Govt Protective Memo.pdf;

From: Jason Sullivan
Sent: Monday, November 10, 2025 3:44 PM
To: Bryan Thompson <bryan.thompson@chathamcountync.gov>
Subject: Buncombe County NC moratorium memo

Jason Sullivan
Planning Director
Chatham County
P.O. Box 54
80-A East St.
Pittsboro, NC 27312
Office: 919/542-8233
Fax: 919/542-0527

"The Recode Chatham UDO was adopted 11/18/24, for more information and to view the document, visit www.recodechathamnc.org"

In keeping with the NC Public Records Law, e-mails, including attachments, may be released to others upon request for inspection and copying.

BOARD OF DIRECTORS MEETING
December 17, 2025
Meeting Minutes

Present: Antonio McBroom, Michael Smith, Shannon Becker, Allison Bolin, Travis Kososki, Shari Becker, Lory Kelley, Claire Coffey, Sheen Klaus, Jerry Hudson

Guests: Phillip Thompson, Monica Alvarado, Jace L. Cox

Absent: Leslie Walden, Zoretta Hayes, Greg Lewis

Call to Order: Chairman Antonio McBroom called the meeting to order at 8:40am.

Approval of Consent Agenda: Following opening remarks, Mr. McBroom entertained a motion to approve the consent agenda. Mr. Shannon Becker made the motion, Ms. Allison Bolin seconded it, and the motion carried.

President's Report

Mr. Michael Smith shared that, rather than discussing every event on his calendar, he will begin focusing on big picture items moving forward. He welcomed questions, suggestions, and input from the Board related to his responsibilities with the Chatham EDC.

Mr. Smith referenced information distributed by the Triangle Business Journal regarding VinFast, noting that the article was detailed and accurate. We continue to support the project and hope they fulfill their promise. The company stated that they will begin construction in 2026 and will be in production in 2028. While much activity is occurring behind the scenes, Mr. Smith noted that, if the project doesn't move forward, the site will become the number one automotive site in America. He added that the site is well suited for both life sciences and automotive uses. The State of North Carolina has invested significantly in the site and remains a supportive partner.

Mr. Smith noted that Chatham County is frequently discussed due to its past success in announcements largely because Chatham is fortunate to have two mega sites. He reported that Wolfspeed has emerged from Chapter 11 and is now a supplier to Toyota, which he described as positive news. Mr. Smith and Mr. Phillip Thompson recently visited the site with Duke Energy and the landowner, noting that over 1,300 acres remain available. He also mentioned a potential major project that provides significant employment for the region. Mr. Smith reported that the hotel incentive remains in progress and is expected to be resolved by February 2026. While some concerns have been raised regarding the incentive, he noted that it has generated interest in the Chatham Park area and surrounding businesses, and that having a hotel with nearby restaurants is beneficial for the EDC in marketing the area.

Mr. Smith shared an update on internal operations, including the use of UltiSim as a new technology platform which is a collaboration with a Chatham County-based

company. EOS and Monday.com continue to be utilized, and weekly meetings are held to monitor goals and team responsibilities. Decisions remain pending regarding whether to fill the position previously held by Mr. Jack Pendergraph and whether to hire a part-time accounting specialist.

Mr. Smith also noted the possibility of a data center being developed in Moncure within the next few months, as HI zoning allows. Following questions from the Board, Mr. Smith concluded his report by emphasizing the team's commitment to maintaining strong communication with investors and keeping them informed about the work of the Chatham EDC and the vital role donors play in its success.

Agenda Item- Welcome New Board Members

Mr. Antonio McBroom welcomed the Board's newest member, Ms. Sheen Klaus. The other newly appointed member, Mr. Greg Lewis, was unable to attend the meeting due to a business-related emergency.

Ms. Klaus shared her enthusiasm for joining the Board and representing Chatham County's Partnership for Children. She highlighted the ongoing challenges related to childcare within the county and emphasized the importance of raising awareness about the need for increased support for families throughout Chatham County.

Agenda Item- Audit

Mr. Shannon Becker reported that the audit is progressing positively, with four remaining items to be addressed before completion. The draft audit report is expected to be available by Wednesday, January 7, 2026, provided no additional information is requested. A vote to receive the audit is scheduled for Wednesday, January 21, 2026.

Agenda Item- Subcommittee Sign Ups

Board members signed up for the following subcommittees for 2026:

Finance

Mr. Shannon Becker	Mr. Michael Smith
Ms. Lory Kelley	Dr. Lisa Chapman

Engagement

Mr. Travis Kososki	Ms. Monica Alvarado
Ms. Shari Becker	Ms. Zoretta Hayes
Ms. Claire Coffey	Mr. Jerry Hudson

Governance

Ms. Allison Bolin	Ms. Leslie Walden
Ms. Sheen Klaus	Mr. Greg Lewis

The subcommittees will meet monthly between Board meetings and will support EDC staff, including assistance with audit-related matters. The committees will also be responsible for developing ideas and identifying opportunities.

From: Hunter Glenn
Date: January 20, 2026 2:34:56 PM (-05)
To: "Jason Sullivan" <jason.sullivan@chathamcountync.gov>
Subject: **Draft Moratorium**

Attachments: Draft Moratorium 26.docx;

Jason,

Here is what I have so far. We can start looking at refining the language before the hearing.

Hunter Glenn, MPA, AICP, CZO

Planner II | Chatham County | he/him

919-542-8284 | 80-A East Street, Pittsboro, NC 27312

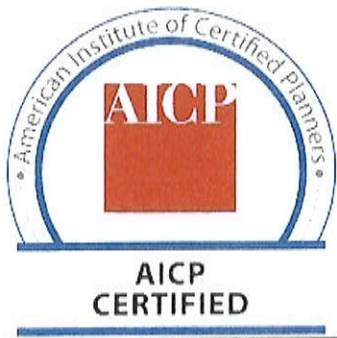
The Recode Chatham UDO was adopted 11/18/24, for more information and to view the document, visit www.recodechathamnc.org

Plan Moncure has been adopted and you can view the small area plan at <https://www.recodechathamnc.org/planmoncure>

*In keeping with the NC Public Records Law, e-mails, including attachments, may be released to others upon request for inspection **and copying**.*

ATTENTION: The Town of Goldston has contracted with Central Pines Regional Council for Planning Administration Services. If you have questions related to Goldston please contact:

Christopher Lawson at clawson@centralpinesnc.gov or 919-503-4119





COUNTY COMMISSIONERS
Amanda Robertson, Chair
Franklin Gomez Flores, Vice Chair
David Delaney
Karen Howard
Katie Kenlan

COUNTY MANAGER: Bryan Thompson

**ORDINANCE OF THE CHATHAM COUNTY BOARD OF COMMISSIONERS
INSTITUTING A TEMPORARY MORATORIUM ON THE PERMITTING OF DATA
CENTERS, DATA PROCESSING FACILITIES, CRYPTOCURRENCY MINING
OPERATIONS, AND ANY OTHER ASSOCIATED USES WITHIN CHATHAM
COUNTY, NORTH CAROLINA PURSUANT TO N.C.G.S §160D-107**

WHEREAS, pursuant to N.C. Gen. Stat. § 160D-107, Local Governments may adopt an ordinance authorizing a temporary moratorium on any development approval required by law; and

WHEREAS, the Chatham County Zoning Ordinance does not define cryptocurrency mining, data processing, and other uses associated with data centers as specific uses; and

WHEREAS, the Chatham County board of Commissioners at its regular meeting held a legislative hearing regarding this moratorium in accordance with N.C. Gen. Stat. § 160D-601.

WHEREAS, at the public hearing _ persons spoke in favor of the moratorium and...

Commented [HG1]: This will be filled in after the PH obviously.

WHEREAS, the County Commissioners believe such a moratorium will protect the public interest and welfare of the residents of Chatham County until such regulations regarding the aforementioned uses are adopted.

BE IT ORDAINED, by the Chatham County Board of Commissioners as follows:

Section 1. A temporary moratorium is hereby imposed commencing on March 16th, 2026, and expiring no later than November 16th, 2026, or on approval of a new zoning regulation regarding data centers, cryptocurrency mining operations, and other associated uses within Chatham County. This moratorium specifically includes all land uses that involve cryptocurrency mining in the unincorporated areas of Chatham County.

Section 2. In compliance with the requirements of N.C. Gen. Stat. § 160D-107, the County makes the following statements:

(1) Cryptocurrency mining requires considerable amounts of electricity usage, which can result in greenhouse gas emissions, as well as additional pollution, e-waste, noise, and other local impacts to residents and communities living near the mining facilities. Chatham County Planning is in the process of developing zoning standards and mitigation methods for these intensive land use types which may cause detrimental harm to the natural environment and the quality of life of county residents. The County