

The Planning and Zoning Checklist

This is built for the working Realtor®, the homeowner who just learned a data center is coming half a mile from the house, or the county commissioner who wants to ask better questions of the developer in front of you.

**“The keys belong to ordinary people. Both fought back.
Same fight, different methods.”**

County / Jurisdiction:		Date:	
Parcel(s) at issue:		Hearing date:	

Section 1. Five Things To Do Before The Next Meeting

☐ **1. Identify your planning and zoning board.**

Pull names, terms of service, and contact information. Note who appointed each member and when those officials are up for re-election. Check for current vacancies and consider serving.

☐ **2. Subscribe to your county's planning notifications.**

Every NC county is required to post agendas in advance, and many allow email subscriptions. Set this up tonight so you can be the wise person watching. If you're in another state, public meeting laws likely provide you access to agendas as well-call and request.

☐ **3. Read the comprehensive plan and zoning ordinance for your jurisdiction (also known as the UDO).**

Find out whether data centers are allowed by-right in industrial districts (which would require a change to the UDO) or whether a special use permit is needed (which would involve a public hearing). The answer determines which fight you're in.

☐ **4. Map every industrial-zoned parcel within five miles of where you live and work.**

These are the parcels most attractive to data centers. Data center developers target existing industrial zoning to avoid a rezoning fight. You can pull this from your county GIS.

☐ **5. Build a team of neighbors.**

Start an email list, a Facebook group, a WhatsApp thread, whatever works for you. Aim for fifty households that can communicate within hours of a meeting being announced. *Pro tip: don't let this communication tool turn into an 'anything goes' chat, or you will lose members.

Section 2. Seven Questions For Developers

Pick three (max), ask them politely and calmly, and have someone available to take notes and record video.

☐ **1. Binding decommissioning bond?**

Will you commit in writing to a decommissioning bond, set by an independent engineer, with funds escrowed in advance to cover demolition and site restoration at the end of the facility's life?

☐ **2. Reclaimed wastewater versus potable drinking water?**

What is your contractual commitment on water source? Will you commit in writing to using only reclaimed wastewater? Amazon, Google, and Apple have done it. Will you?

☐ **3. What is the decibel limit at the property line and is there a binding penalty?**

What is your research showing for projected noise level in dB at peak operation and at night? How have you factored in the noise from the backup diesel generators? Will you agree to a binding ordinance violation penalty if exceeded?

☐ **4. How many permanent jobs do you anticipate? What is the payscale? How many of your hires will be local?**

Most hyperscale facilities run on 30 to 100 permanent workers, often relocated into the area. Get them to commit to the jobs in place AFTER construction jobs have ended. Compare this against long-term costs to property values and infrastructure.

☐ **5. What is your anticipated electric demand and is there residential ratepayer protection?**

What is your projected demand at full build-out? Will there be a binding utility commitment that residential ratepayers will not subsidize the load?

☐ **6. What is the full tax credit being requested?**

Get the full tax abatement, exemption, or incentive package being requested. Ask for the net present value over the life of the facility. Get the numbers their accountants are using, not the press release.

☐ **7. Will there be a binding written agreement with adjacent property owners?**

This agreement would cover noise, vibration, light pollution, water usage transparency, and right of first refusal on any future expansion. If they say NO< press as to why.

Section 3. Five Questions For Your County Planner

Remember that your county planner is your neighbor. Be KIND when asking.

☐ **1. Are data centers by-right or under special use permit?**

Under our current zoning ordinance, can a data center be built by-right on any parcel, or does it require a special use permit?

☐ **2. Can I get a list of industrial-zoned parcels of fifty acres or more?**

Ask for current ownership and tax records. This is public information and it will tell you what areas are at risk and of interest.

☐ **3. Have you received any pre-application inquiries from data center developers in the last 24 months?**

Request sketch plan submissions, conceptual review requests, or informal staff conversations. These are often discoverable through public records requests.

☐ **4. What is the noticing requirement under our current ordinance?**

How far in advance and through what channels is notice required? If your ordinance is ten days mailed only to immediate property owners, push to expand.

☐ **5. Do we have any pending UDO amendments addressing data centers?**

If none, what is the procedure for residents to formally request such an amendment? (This is how Lee County, NC added data center provisions to its UDO, so suggest they look into Lee County's procedure)

Section 4. The Five Documents

☐ Document 1. Rezoning or special use permit application.

Exact acreage, square footage at full build-out, number and height of buildings, fence-line setbacks from adjacent residential property, phasing plan. A phasing plan is a tell that the project is much larger than initially disclosed.

☐ Document 2. Traffic study.

Check the trip generation assumptions. Most studies understate the 18-to-24-month construction phase traffic by an order of magnitude. Check the appendix.

☐ Document 3. Water and sewer demand letter.

Tells you whether they are drawing potable water or reclaimed wastewater. If the letter says “potable connection” without specification, they are planning to use drinking water. If the letter is missing, the application is incomplete.

☐ Document 4. Noise study.

Often missing or perfunctory. As an example, Lee County now requires a substantive noise study. If your county does not, push for it.

☐ Document 5. Environmental review.

The North Carolina Department of Environmental Quality (DEQ) conducts permit-by-permit reviews covering diesel generators, stormwater runoff, and reclaimed water use. Request all submitted permit applications. They are public record.

Section 5. The Federal Lever

In December 2024, a Treasury Final Rule expanded CFIUS jurisdiction over real estate transactions to a 100-mile radius around 250+ military installations nationally. North Carolina has 10+ active installations. Fort Bragg alone covers a radius reaching from Raleigh to the SC line. The Trump administration expanded the framework further with the USDA National Farm Security Action Plan in July 2025.

This is a framework for asking the right questions in public. Not a legal opinion. Engage an attorney experienced in foreign investment law before relying on any of this as a litigation strategy.

☐ 1. Who is the ultimate beneficial owner of the acquiring entity?

Not the LLC name on the application. Not the holding company. The actual human being or sovereign entity that benefits from the transaction. Often discoverable through CFIUS review and Corporate Transparency Act reporting.

☐ 2. Is this parcel within 100 miles of a military installation listed in CFIUS Appendix A, Part 2?

For most NC counties along I-95, the Triangle, Fayetteville, the Sandhills, and most of eastern NC, the answer is yes for at least one major installation.

☐ 3. Has CFIUS been notified, and what was the outcome?

This is voluntary in most cases. If a covered transaction goes unreviewed, the President retains authority to order divestment after the fact. Skipping the filing defers risk; it does not eliminate it.

☐ 4. Has the county requested CFIUS review through its congressional delegation?

Members of Congress can request CFIUS attention to a specific transaction. Your county commissioners, working with your federal delegation, can put a deal on CFIUS’s radar even when the developer chooses not to file voluntarily.

☐ 5. Will the facility serve federal contracts under the 2024 Federal Data Center Enhancement Act?

Federal workloads require operator clearance and security standards that often exclude foreign-controlled entities. No plan to seek federal contracts is itself a data point about the long-term business case.

Why this matters: A single CFIUS inquiry can delay a transaction by months. A single divestment order can unwind it entirely. Even the credible threat of CFIUS review changes the developer’s calculations and gives your county leverage in the local approval process.

Section 6. You've Got One Week

When a data center proposal lands in your county, here is what the first week looks like. Adjust as needed. Move faster if you can.

Day 1. Read the paperwork.

- ☐ Pull the rezoning or special use permit application from county records.
- ☐ Pull the water and sewer demand letter.
- ☐ Pull the traffic study and noise study (or note their absence).
- ☐ Search the developer's LLC name and parent companies. Note any foreign ownership.

Day 2. Find your people.

- ☐ Identify the five closest adjacent property owners. Call them today.
- ☐ Start a group text or email list. Aim for twenty households by end of day.
- ☐ Identify the one elected official most likely to take your call. Request a meeting.

Day 3. Walk the property.

- ☐ Drive or walk the proposed site perimeter. Take photographs and measurements. (No trespassing-ask permission first)
- ☐ Measure the actual distance from the proposed fence line to the nearest homes.
- ☐ Photograph any schools, churches, or other sensitive uses within half a mile.(Be sensitive and keep humans out of your documentation)

Day 4. Build the record.

- ☐ File public records requests for all pre-application correspondence between staff and the developer.
- ☐ Request meeting minutes and emails referencing the project.
- ☐ Pull the comprehensive plan and zoning ordinance language that applies to the parcel.

Day 5. Bring data.

- ☐ Pull the most recent comparable sales within one mile of the site.
- ☐ Research published research on data center property value impact (Loudoun County, Northern Virginia).
- ☐ Prepare a one-page summary with three charts, as charts always beat slogans.

Day 6. Prepare testimony.

- ☐ Recruit three to five neighbors who will speak. Two minutes each, written in advance.
- ☐ Coordinate so testimonies do not duplicate. Each speaker covers a different angle.
- ☐ Identify one Realtor®, one attorney, and one engineer in the community willing to back the citizen position.

Day 7. Show up.

- ☐ Pack the room. Aim for fifty bodies, minimum.
- ☐ Designate one person to record video of the entire hearing.
- ☐ Designate one person to take written notes on every commissioner question and developer answer.
- ☐ If the vote goes the wrong way, note who voted on which side. The next election starts tonight.

Section 7. If You Lose

Sometimes the deal is too far along. Sometimes the political will is not there. The developer may be willing to spend more on lawyers than your county is willing to spend defending its own ordinance. Three things to do if it goes the wrong way.

☐ **1. Document the broken promises.**

Every developer makes commitments on water, noise, jobs, and tax revenue. Track them. If they break them, the documentation becomes evidence for the next fight, whether in your own county or one a thousand miles away.

☐ **2. Harden the ordinance for the next applicant.**

Lee County did this. The first conversation produced a stronger UDO requiring noise studies, water and wastewater confirmation, and a pre-application conference. Make sure the next developer cannot do to the next neighborhood what was done to yours.

☐ **3. Join the national network.**

A loose coalition of property owners, Realtors®, farmers, and local elected officials is forming. Reply to the Substack post or email Leigh directly. The next fight needs everybody who lost the last one.

Remember Festus, Missouri.

March 2026: the city council voted 6-2 to approve a \$6 billion data center over packed-gym opposition. Eight days later, every incumbent who voted yes and was on the ballot lost. A 70-year-old first-time candidate named Rick Belleville beat an 8-year incumbent by more than 40 points. Half the council was replaced in a single election. All four winners ran on the same two-word platform: Transparency + Opposition.

“Angry people make angry voters. And angry voters extract their vengeance at the polling booth.”

Steve Jeffrey, attorney for Wake Up JeffCo

