NORTH CAROLINA STOKES COUNTY **THE HAIRSTON CLAN,** a North Carolina Not-For-Profit Corporation, **7 DIRECTIONS OF SERVICE**, a North Carolina Not-For Profit Corporation, **CLEANAIRE NC**, a North Carolina Not-For-Profit Corporation, **DAN RIVER BASIN ASSOCIATION,** a North Carolina Not-For Profit Corporation, **TIM MABE, DEBORAH MABE, TERRY WOODCOCK, BARBARA WOODCOCK, ROGER RICHER, JESSICA RICHER, ASHLEIGH TUTTLE, PARKER TUTTLE, TABATHA ASHBURN, TIMOTHY ASHBURN, RICHARD DAVID BEANE, LORI MILLER, RACHEL DILLON, BRYCE DILLON, BRUCE YOUNTS,** *and* **TINA YOUNTS** *Plaintiffs*, v. **STOKES COUNTY**, a political subdivision of the State of North Carolina, *Defendant.*	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 26 CVS _____ **C O M P L A I N T**

Plaintiffs, through their undersigned attorneys, seek a declaratory judgment under N.C. Gen. Stat. §§ 1-253 et seq. and Chapter 160D, and such other relief as the Court deems just and proper, and allege:

INTRODUCTION

1. Along the Dan River in southeastern Stokes County, families have farmed, hunted, fished, and buried their ancestors for generations. The land holds the villages and graves

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of the Saura people and the burial grounds of people enslaved on the Hairston plantation. Today it is home to rural households and small farms that draw their water from private wells. This corner of the County already hosts most of the County's industrial land, including a coal-fired power plant and its coal ash waste. Its residents have asked, repeatedly and in overwhelming numbers, that it not be made to absorb more industrial development without a full and honest accounting of the costs.

2. In April 2025, the Stokes County Board of Commissioners (the "Board") agreed with them. It denied a request to rezone much of this same land for a solar farm, finding that the use would take away agricultural land and the County's natural beauty and was inconsistent with the County's comprehensive plan.

3. Since then, the same five commissioners have twice rezoned the same nearly 1,850 acres of this land for a speculative hyperscale data center campus proposal (the "Rezoning"). It is one of the largest industrial rezonings in County history, for one of the largest data center proposals in the nation, if fully built out. The Board approved the Rezoning without a confirmed water source, without limits on on-site power generation, without a survey of the graves and archaeological sites on the property, and against the recommendation of its own Planning Board, among other failures. The project is still purely hypothetical. There are no end users, building plans, or other project specifics. And nothing about the land has changed since the County rejected the solar farm proposal in 2025.

4. When several Plaintiffs challenged the first approval in this Court, *Hairston Clan v. Stokes Cnty.*, No. 26CV000198-840 (N.C. Super. Ct. 2026) ("*Hairston Clan I*"), the County voided it and started over. But the County cured only the procedural defects. It left the substantive ones in place and rebuilt the record on figures its own files contradict. Worse, the

County's analysis appears to have been generated by an artificial-intelligence tool, and the Board adopted its error-filled findings without independent verification.

5. The County is now poised to compound these errors. The Board is scheduled to vote on November 23, 2026, on a 15-year development agreement for the project (the "Proposed Development Agreement") that rests entirely on the Rezoning. It would freeze the Rezoning's deficiencies in place for 15 years and exempt the property from any future moratorium. It would secure no new protection for the land, the river, or the graves. And it would commit the County to help defend the developer's interests against challenges by the constituents they were elected to serve, like this one.

6. Chapter 160D requires more than a second vote on a deficient record. It requires a reasoned decision, made by people—not artificial intelligence, in accordance with the comprehensive plan, on a record the public has had a fair chance to see and help build. The Board did not meet these obligations.

7. Plaintiffs seek a declaration that the Rezoning is arbitrary and capricious, violates Chapter 160D, and is void, and an order vacating it and enjoining its implementation.

JURISDICTION AND VENUE

8. This Court has jurisdiction under N.C. Gen. Stat. §§ 1-253 et seq. and 160D-1401 et seq.

9. This action is timely under N.C. Gen. Stat. § 160D-1405.

10. Venue is proper in Stokes County because the challenged actions occurred, and the affected property is located, in Stokes County.

THE PARTIES

Organizational Plaintiffs

11. Plaintiff 7 Directions of Service is an American Indian-led nonprofit organization that works to advance environmental justice, protect sacred places, and strengthen American Indian leadership and cultural revitalization in the southeastern United States.

12. Through community education, cultural programming, and advocacy, 7 Directions of Service works with American Indian communities and allied partners to protect ancestral lands, burial sites, and other cultural resources from harmful development, and to ensure that American Indian perspectives are included in land-use and environmental decisions.

13. Plaintiff CleanAIRE NC is a statewide nonprofit environmental organization founded in 2002 and headquartered in North Carolina.

14. CleanAIRE NC's mission is to protect public health and the environment by reducing air pollution, promoting clean energy, and ensuring that communities—particularly overburdened and historically impacted communities—have a meaningful voice in decisions that affect their health and quality of life.

15. CleanAIRE NC pursues that mission through community education, policy advocacy, scientific analysis, and participation in administrative and judicial proceedings on industrial development, fossil-fuel infrastructure, data center energy demand, and air emissions.

16. Plaintiff Dan River Basin Association ("DRBA") is a nonprofit watershed organization founded in 2002 to protect and promote the natural and cultural resources of the Dan River Basin in North Carolina and Virginia.

17. DRBA works to safeguard water quality, conserve environmentally sensitive lands, preserve cultural heritage, and promote economic development consistent with the health of the Dan River and its tributaries.

18. The Project Delta site lies along the Dan River, within DRBA's focus area.

19. Plaintiff The Hairston Clan, Inc., also known as the National Hairston Clan, is a nonprofit organization that preserves the history, genealogy, and cultural heritage of the Hairston family and the communities historically connected to the Hairston plantations in North Carolina, Virginia, and Mississippi, including the descendants of people enslaved there.

20. The National Hairston Clan maintains family bonds, documents and preserves historical records, supports education, and works to ensure that historically significant lands and burial grounds connected to that history are respected and protected.

21. The National Hairston Clan owns property at 0 Off Reno Flinchum Road, within 800 feet of the Project Delta site.

22. That property contains a cemetery and graves connected to the Hairston plantations and to the enslaved people and their families.

23. The National Hairston Clan acquired and maintains the property to preserve the cemetery and ensure continued access for descendants and community members.

24. Upon information and belief, additional cemeteries and graves lie on the land subject to the Rezoning.

25. Together, 7 Directions of Service, CleanAIRE NC, DRBA, and the National Hairston Clan are the "Organizational Plaintiffs."

Individual Plaintiffs

26. Plaintiffs Tabatha and Timothy Ashburn reside on family land at 1467 Oldtown Road, Walnut Cove, less than one mile from the site.

27. Plaintiffs David Beane and Lori Miller own and reside at 1919 Oldtown Road, Walnut Cove, across the street from the site.

28. Plaintiffs Rachel Dillon and her son Bryce Dillon own and reside at 1977 Tuttle Road, Walnut Cove, directly adjacent to the site.

29. Plaintiffs Tim Mabe and Deborah Mabe own and reside at 1055 Mercedes Lane, Walnut Cove, less than one mile from the site.

30. The Mabes also own more than 300 acres near the site, some of it directly adjoining the rezoned parcels.

31. Plaintiffs Roger Richer and his daughter Jessica Richer own and reside on about five acres at 2027 Oldtown Road, Walnut Cove, across the road from the site.

32. Plaintiffs Ashleigh Tuttle and Parker Tuttle own and reside at 2081 Tuttle Road, Walnut Cove, about 25 feet from the site boundary.

33. Plaintiffs Terry Woodcock and Barbara Woodcock own and reside at 2053 Tuttle Road, Walnut Cove, directly adjacent to the site.

34. Plaintiffs Bruce and Tina Younts own and reside at 426 Fowler Road, Walnut Cove, about 1.75 miles from the site.

Defendant

35. Defendant Stokes County is a political subdivision of the State of North Carolina acting through its Board of Commissioners.

STANDING

Organizational Plaintiffs

36. The Organizational Plaintiffs have associational standing.

37. Each Organizational Plaintiff has members who would have standing in their own right.

38. The interests at stake are germane to each Organizational Plaintiff's purpose.

39. Because Plaintiffs seek only declaratory and injunctive relief, neither the claims nor the relief requires individual members' participation.

40. The Organizational Plaintiffs' members live, own property, operate businesses, learn, worship, recreate, and conduct cultural, educational, and spiritual activities in Stokes County near the site, including within one-half mile of it.

41. The Organizational Plaintiffs have members and constituents with cultural and ancestral ties to the Dan River corridor.

42. Some members take part in cultural, educational, and spiritual activities connected to American Indian history and presence in the region and seek to protect American Indian cultural resources and sacred places in and around the site.

43. The Organizational Plaintiffs also have members, including descendants of people buried in or connected to the adjacent Hairston and Bailey family cemetery properties and American Indian burial grounds, who visit and maintain those properties and conduct commemorative and cultural practices at or near them.

44. Members of the Organizational Plaintiffs have identified ancestors' gravesites or burial grounds within the rezoned parcels near the intersection of U.S. 311 and Tuttle Road.

45. Each Organizational Plaintiff has members who use and enjoy homes, yards, wells, roads, the Dan River, and the surrounding rural landscape for residential, recreational, aesthetic, cultural, educational, and spiritual purposes.

46. Members of the Organizational Plaintiffs reasonably fear, and will be directly affected by, air emissions from fossil-fuel generators, noise, light, traffic, water withdrawals, wastewater discharges, heat, energy infrastructure, and other impacts from the data center campus the Rezoning allows.

47. By bringing large-scale industry into a rural landscape and degrading its air, water, scenic, and environmental resources, the Rezoning threatens to diminish these members' use and enjoyment of their property.

48. These members also face a measurable loss in the market value of their homes, which for many is their largest financial asset.

49. Some members have medical conditions—including respiratory illness, asthma, post-traumatic stress disorder, cardiovascular disease, and noise-sensitive disorders—that are worsened by diesel or methane generator emissions, particulate matter, ozone precursors, sustained industrial noise of the kind data centers produce, and associated construction impacts.

50. Other members descend from families historically connected to the land around the site, or from American Indian peoples with ancestral ties to the Dan River corridor.

51. Those members have cultural, genealogical, and spiritual ties to land within and next to the rezoned property, including known or suspected American Indian settlement sites and burial grounds of enslaved people and their descendants.

52. The Rezoning threatens irreparable harm to those interests by allowing intensive industrial development of historically and archaeologically significant land, and desecration of sacred sites, without adequate study, avoidance, meaningful consultation, or protective conditions.

53. Each Organizational Plaintiff is also injured in its own right.

54. The Rezoning injures 7 Directions of Service by undermining its mission-driven work to protect American Indian cultural resources and sacred places in the Dan River corridor, including Upper Sauratown.

55. The Rezoning injures CleanAIRE NC by authorizing uncapped on-site fossil-fuel power generation and natural gas infrastructure, with no emissions analysis, in a community already burdened by the Belews Creek Steam Station, undermining its work to reduce air pollution and protect the health of overburdened communities in Stokes County.

56. The Rezoning injures DRBA by authorizing heavy industrial development along the Dan River, in its floodplain and next to the Dan River Educational State Forest, without a secured water source or protective discharge limits, undermining its work to protect water quality, conserve sensitive lands, and preserve the Basin's natural and cultural resources, and threatening its educational, recreational, and conservation activities on this stretch of the Dan River.

57. The Rezoning injures the National Hairston Clan because industrial development near its cemetery property, and on the gravesites of members' ancestors, threatens to impair access to, use of, and quiet enjoyment of that property it owns and those gravesites for commemorative, cultural, genealogical, and educational purposes, and will transform historically significant land into an industrial landscape that erases the cultural heritage of the Hairston family.

58. The Rezoning also forces the Organizational Plaintiffs to divert time, research capacity, community outreach, cultural-resource protection, and advocacy resources to respond to and mitigate its harms.

59. Absent judicial relief, the Organizational Plaintiffs and their members will suffer ongoing, irreparable harm.

60. The Organizational Plaintiffs therefore have standing under N.C. Gen. Stat. § 160D-1401 to challenge the Ordinance rezoning the site to M-2-CZ.

Individual Plaintiffs

61. All Individual Plaintiffs except Plaintiffs Bruce and Tina Younts own or reside on property within one mile of the rezoned parcels.

62. Several Individual Plaintiffs live immediately next to the rezoned parcels.

63. Plaintiffs Bruce and Tina Younts live about 1.75 miles from the rezoned parcels.

64. The Yountses operate a winery on that same property.

65. Each Individual Plaintiff has a specific personal and legal interest in the Rezoning and is directly and adversely affected by it.

66. The Individual Plaintiffs use their homes, land, wells, roads, and the surrounding rural landscape for daily living, outdoor recreation, gardening, farming, small businesses, and family activities.

67. The area's quiet rural character is central to that use and enjoyment.

68. Many of the Individual Plaintiffs rely on private wells for household water.

69. For many of the Individual Plaintiffs, the affected property is their primary source of wealth and financial stability.

70. The Rezoning authorizes large-scale industrial data center development and other heavy industrial uses not previously allowed on land zoned for far less intensive uses.

71. That development is expected to include large buildings, extensive land clearing, large arrays of diesel or methane generators, mechanical cooling systems, substations and transmission lines, industrial lighting, and heavy truck traffic.

72. Because of their proximity, the Individual Plaintiffs face industrial noise, light pollution, heat, traffic, air emissions, land disturbance, stormwater runoff, strain on rural infrastructure, and risks to groundwater and private wells from industrial water demand.

73. These impacts threaten their use and enjoyment of their homes and the rural character of their communities.

74. The Rezoning also threatens the market value of their homes and land.

75. The County's own staff report cites property-value declines of up to 15 percent for homes within about six-tenths of a mile of the site as the empirical figure most relevant and comparable to Project Delta. Ex. 1, Stokes Cnty. Bd. of Comm'rs, Agenda Packet Excerpts (Sept. 14, 2026) (including excerpts from Project Delta Hearing Binder (Sept. 11, 2026) and full Board Staff Report (Sept. 11, 2026)) [hereinafter Sept. 14 Packet] at 762 (Staff Report for Bd. Of Comm'rs Consideration at 15 [hereinafter Sept. Staff Report]).

76. Several Individual Plaintiffs took part, or tried to take part, in the rezoning process by attending public meetings and hearings and submitting comments.

Tabatha and Timothy Ashburn

77. On the same land they live upon, the Ashburns run a small free-range chicken farm and breeding program and sell free-range, organically raised eggs to the local community.

78. The Ashburns' farming operation depends on quiet, low-disturbance rural conditions.

79. The noise, traffic, and other disturbances of industrial development threaten that operation, as well as their quiet enjoyment of their home and its overall property value.

80. The Ashburns rely on a private well for their household and farm.

81. Increased industrial water demand threatens that groundwater.

David Beane and Lori Miller

82. Mr. Beane and Ms. Miller own and live on property adjacent to the rezoned parcels, where they keep a garden and use their yard and porch daily, gathering outdoors with family.

83. Their front porch faces the proposed development.

84. They spend evenings on the porch with family, including stargazing with their young granddaughter—activities that industrial lighting and noise would effectively foreclose.

85. The sustained noise, lighting, and truck traffic the Rezoning allows threaten their daily use and enjoyment of their home and property, as well as their financial interests in the property.

Rachel Dillon and Bryce Dillon

86. Ms. Dillon purchased the property, which is adjacent to the rezoned parcels, after her eldest son died while serving as a member of the United States Navy, using the proceeds of his servicemember life insurance to secure what she intended to be a permanent family home.

87. Ms. Dillon has a strong emotional attachment to the property.

88. The Dillons value its peace and rural surroundings.

89. The Dillons already experience increasing commercial traffic from recent nearby industrial-scale development.

90. The Dillons reasonably fear more heavy truck traffic and road damage from construction and operation of a data center campus.

91. The sustained noise, lighting, and traffic the Rezoning allows threaten the Dillons' use and enjoyment of their property and its value.

Tim Mabe and Deborah Mabe

92. In addition to the land their home sits on, the Mabes own hundreds of acres of land near the site, some of it adjoining the rezoned parcels.

93. The Mabes' land is multigenerational family land that they use for their home, outdoor activities, and a large garden whose vegetables they preserve and share with family.

94. Part of the Mabes' land was once part of the Hairston plantation.

95. To preserve that agricultural heritage, the Mabes acquired a historic barn built for the plantation, had it carefully dismantled, and rebuilt it on their property.

96. The industrial noise, traffic, lighting, and other disturbances the Rezoning allows threaten the Mabes' daily life, their use and enjoyment of their home and land, and both the monetary and historical value of their family land.

Roger Richer and Jessica Richer

97. The Richers own and reside on property across the street from the proposed data center.

98. Mr. Richer is a Vietnam War veteran and amputee who lives with post-traumatic stress disorder.

99. Ms. Richer, his daughter and caregiver, is also noise-sensitive.

100. The quiet of their property is especially important to their daily routines and Mr. Richer's mental health.

101. Their health needs and limited resources would make relocating a significant hardship.

102. The sustained industrial noise, lighting, and activity the Rezoning allows next door threaten that quiet, would worsen existing health conditions, and would diminish their property's value.

Ashleigh Tuttle and Parker Tuttle

103. The Tuttles keep a household garden and rely in part on food grown on their land.

104. The Tuttles hunt deer on their property and nearby land and rely on that game as an important supplemental food source.

105. Clearing, heavy construction, and continuous industrial noise and lighting would drive deer and other wildlife from the area, ending a longstanding subsistence and family practice.

106. Because their home is about 25 feet from the rezoned parcels, the Rezoning exposes it to sustained noise, lighting, traffic, and construction.

107. The Tuttles rely on a private well, and industrial water demand and development threaten its supply and quality.

108. These impacts threaten the Tuttles' use of their home and the value of their land.

Terry Woodcock and Barbara Woodcock

109. The Woodcocks garden, spend time outdoors with family, and regularly use their porch and yard.

110. The Woodcocks built and maintain a network of walking trails across their property so that their children, and now their grandchildren, can explore the woods and camp on the land, a family tradition centered on the natural landscape.

111. Because their property adjoins the rezoned parcels, the Rezoning exposes them to sustained noise, light, and construction that threaten their daily activities, outdoor recreation, value, and quiet enjoyment of their home.

Bruce and Tina Younts

112. The Yountses' property is a century farm where they grow grapes for their family-owned winery, Younts Wine Farm, LLC.

113. Bruce and Tina Younts, with one of their two sons, manage the entire winemaking process, from planting the vines to bottling the wine.

114. The farm has been in Tina Younts' family for over 100 years and relies on well water.

115. The Yountses intend to pass the farm and winery to their sons.

116. The Rezoning exposes the Yountses to heat, air-quality, and water-quality impacts that threaten their quiet enjoyment of their home, their ability to grow the grapes they sell to their family winery, and their property value.

117. Clearing and habitat destruction on the rezoned parcels threaten to drive wildlife into the Yountses' vineyard, damaging plantings and fruit.

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118. Each Individual Plaintiff will suffer unique and special damages, including distinct reductions in property and asset values, and light, noise, air, and water pollution that negatively and particularly affect their mental and physical health and their quiet use and enjoyment of their property.

119. Each Organizational Plaintiff has members who will suffer unique and special damages and have standing in their own right, and these damages are germane to the Organizational Plaintiffs' purposes.

120. If adopted, the Proposed Development Agreement would entrench these harms by vesting the Rezoning for 15 years.

Redressability

121. These injuries are fairly traceable to the Rezoning, which authorizes large-scale industrial data center development and other heavy industrial uses on the rezoned parcels.

122. A declaration that the Rezoning is unlawful, and an order vacating or enjoining it, would prevent and redress these harms.

FACTUAL BACKGROUND

The Site and Surrounding Community

123. The Rezoning covers four parcels—PINs 6964-91-8321, 6973-49-0574, 6973-76-7124, and 6973-73-4188—totaling 1,848.74 acres along US 311, Tuttle Road, Oldtown Road, and Coon Joyce Road, between the Town of Walnut Cove and the Dan River.

124. The site is undeveloped forest and farmland.

125. The site is surrounded by farms, forest, and individually owned rural homes.

126. Most nearby properties are served by private wells and septic systems.

127. The 848-acre Dan River Educational State Forest adjoins the site along about 1.25 miles of shared boundary. Ex. 1 (Sept. 14 Packet) at 754, 761 (Sept. Staff Report at 7, 14).

128. Sycamore Baptist Church sits about 670 feet from the property line, Baileytown Christian Church within 1,700 feet, and numerous other churches nearby.

129. The Bailey family and Hairston family cemeteries adjoin the site.

130. Under the Stokes County 2035 Vision Plan (the "Plan"), the site carries three Land Use Framework designations: about 48.6 percent G-1 (Low Density Growth), 33.9 percent O-1 (Preserved Lands), and 17.1 percent O-2 (Reserved Lands/Conservation). Ex. 1 (Sept. 14 Packet) at 755 (Sept. Staff Report at 8); *id.* at 31–33 (Hearing Binder, Tab 1, Plan at 7–9 (defining the O-1, O-2, and G-1 designations)); *id.* at 100 (Plan at 76 (Map 13, Land Use Framework Map)).

131. None of the site or surrounding area is designated for industrial growth in the Plan. *Id.* at 208 (August Staff Report at 44); *id.* at 32 (Plan at 8 (assigning industrial uses to G-3, Mixed-Use Centers and Corridors)); *id.* at 100 (Plan at 76 (Map 13)).

132. The Plan identifies industrial target sites elsewhere, including the Newsome Road corridor near King. *Id.* at 184 (August Staff Report at 20); *id.* at 103 (Plan at 79 ("Preserving land for industrial growth is especially important along the Newsome Rd. corridor.")); *id.* at 117–118 (Plan at 93–94 (Newsome Road Corridor Industrial Complex; Holder, Moore, and Newsome Drive properties "shovel-ready for industrial development")).

133. More than 99 percent of the site's O-1 land lies within the Dan River's FEMA Special Flood Hazard Area, on FIRM panels 3710696200K and 3710696400K, effective June 10, 2026. *Id.* at 755 (Sept. Staff Report at 8); *id.* at 32 (Plan at 8 (O-1 "includes . . . [the] 100 year floodplain" and "the floodplains of all rivers and streams")); Ex. 2, Fed. Emergency Mgmt. Agency, Flood Insurance Rate Map, Stokes County, North Carolina, Panels 3710696200K & 3710696400K (eff. June 10, 2026) [hereinafter FIRM Panels].

Cultural and Historic Context

134. The Dan River valley is the ancestral homeland of the Saura people.

135. University of North Carolina archaeologists studied the Upper Sauratown village site in this area between 1972 and 1981, and the William Kluttz site in 1988, uncovering the remains of hundreds of adults and children along with organized village features.

136. These excavations are among the most significant archaeological findings in North Carolina history.

137. The site contains the Hairston Sauratown Plantation House. *See* ¶ 475, *infra*.

138. The site contains a mapped cemetery believed to hold people enslaved on the plantation. *See* ¶¶ 479–486, *infra*.

139. The North Carolina State Historic Preservation Office ("SHPO") has opened two environmental-review files on this tract, ER-22-2071 and ER-26-1083. Ex. 3, excerpts of Letters from N.C. State Historic Pres. Off. to New South Associates (ER-26-1083) (August 2022-April 2026) [hereinafter SHPO Correspondence].

140. SHPO's most recent correspondence identifies the tract as the "Project Delta Data Center." *Id.*

Environmental Justice Context

141. Southeastern Stokes County already hosts Duke Energy's coal- and gas-fired Belews Creek Steam Station and its coal ash waste.

142. The County's staff report states that about 84 percent of all industrially zoned land in the County lies in this quadrant. Ex. 1 (Sept. 14 Packet) at 754 (Sept. Staff Report at 7).

143. The historically Black Walnut Tree community, which has documented coal ash impacts, lies near the site.

144. The historic Baileytown community, established as a freedmen's settlement in the mid-1800s, is adjacent to the site.

145. Descendants of enslaved members of the Bailey family still own and live on land originally deeded to their freed ancestors in the 1860s.

146. Census Tract 707, which contains the site, has higher rates of diabetes, chronic obstructive pulmonary disease, and food insecurity than the County as a whole. Ex. 1 (Sept. 14 Packet) at 199, 202–203 (August Staff Report at 35, 38–39).

147. The poverty rate in Census Tract 707 is double the County's. *Id.* at 199 (August Staff Report at 35).

The First Project Delta Rezoning and Its Voiding

148. On November 14, 2025, Engineered Land Solutions, LLC ("ELS") filed Case #25-0884 on behalf of property owners DFC Stokes, LLC and DFC Stokes 2, LLC, seeking to rezone four PINs (then stated as 1,844.9 acres) from R-A to M-2-CZ for "Project Delta," a hyperscale data center campus.

149. ELS's request sought entitlement for large-scale industrial development without a site plan, an identified end user or operator, a defined number or size of buildings, or a secured power source, and without enforceable limits on power generation, generator use, water withdrawals, or wastewater discharges.

150. On December 4, 2025, the Planning Board voted 7–1 to recommend denial, finding the request inconsistent with the Plan and not reasonable.

151. At the January 12, 2026 hearing, ELS represented the project would generate about $20 million in annual tax revenue at partial build-out and $40 million at full build-out.

152. ELS represented that the project would create hundreds of permanent jobs.

153. ELS represented that it would obtain 50,000 to 100,000 gallons of water per day from Stokes County Water for sewer and landscape watering, and that its closed-loop cooling

system would be filled once, with "municipal water or truck[ed]" water. Stokes Cnty. Bd. of Comm'rs, BOCC Meeting YouTube, 38:59–40:48 (Jan. 12, 2026), https://www.youtube.com/watch?v=st-y4N2B5YI [hereinafter Jan. 12 Recording].

154. ELS represented that the project would rely on on-site generators until it could transition to grid power.

155. At the January 12, 2026 public hearing, ELS acknowledged archaeological surveys of the floodplain were not complete.

156. That night, the Board approved the rezoning 3–2, along with a text amendment adding "Data Centers" to the Zoning Ordinance.

157. Commissioners Rick Morris, Keith Wood, and Sonya Cox voted for approval, and Chair Wayne Barneycastle and Commissioner Brad Chandler voted against approval.

158. On March 12, 2026, several Plaintiffs in this action challenged both amendments in *Hairston Clan I* , No. 26 CV000198-840.

159. In that suit, Plaintiffs alleged, among other things, that the County failed to give statutory notice; that the rezoning petition included PIN 6973-49-0574, a three-acre parcel then owned by John Wayne Fulks, who had not joined it; that the Board relied on unsupported fiscal projections; and that it failed to consider water, energy, noise, and cultural-resource impacts.

160. The Board subsequently adopted a resolution declaring both January 12 amendments void *ab initio* because notice "did not comply in all respects with statutory notice requirements." Ex. 4, Stokes Cnty. Bd. of Comm'rs, Resolution Regarding Actions Taken on January 12, 2026 Relating to a Text Amendment and Rezoning Request for Data Center Development (Apr. 13, 2026) [hereinafter Voiding Resolution].

161. The lawsuit was resolved by consent order. Ex. 5, Consent Order, *Hairston Clan v. Stokes Cnty.*, No. 26CV000198-840 (N.C. Super. Ct. Aug. 19, 2026) [hereinafter Consent Order].

Text Amendments and the Rejected Moratorium (June–July 2026)

162. On July 9, 2026, the Planning Board recommended a six-month moratorium on data center development so that appointed committees could study noise, air and water impacts, and other issues before any data center was authorized in Stokes County. Ex. 6, Excerpts from Stokes Cnty. Bd. of Comm'rs, Agenda Packet (July 13, 2026) [hereinafter July 13 Packet], at 165, 180.

163. On July 13, 2026, the Board rejected the Planning Board's recommended moratorium.

164. At the same meeting, the Board adopted four text amendments to the Zoning Ordinance (Amendments D, N, P, and R). Ex. 6 (July 13 Packet) at 190–192.

165. Before the Board adopted the four text amendments by a vote of 3–2, Chair Barneycastle stated, "I don't have a full understanding of the amendments and I'm not going to vote on something that I'm not 100% sure on." Stokes Cnty. Bd. of Comm'rs, BOCC Meeting, YouTube, 2:02:37 (July 13, 2026), https://www.youtube.com/watch?v=DfX477TbV8s .

166. No further discussion of the amendments occurred before the vote.

167. Amendment R defined "Data Center" and allowed it in M-2 districts only by conditional zoning. Ex. 6 (July 13 Packet) at 187.

The Resubmitted Application

168. ELS held pre-submission community information sessions on June 4 and July 8, 2026.

169. At the June session, residents were told the facility's water would come from the Town of Walnut Cove's municipal system and would total about 200,000 gallons per day.

170. At the January 12, 2026 public hearing, ELS told the Board that it would fill the project's closed-loop cooling system once, "[w]hether we fill it up with municipal water or truck it in," and that it would "work with Stokes County Water to get 50,000 to 100,000 gallons per day for sewer and for watering the landscape buffer." Jan. 12 Recording at 38:59–40:48.

171. On July 20, 2026, one week after the Board adopted Amendment R, ELS filed a new application (the "Second Submission") seeking to rezone the same four PINs, now stated as 1,848.74 acres, from R-A to M-2-CZ. Ex. 1 (Sept. 14 Packet) at 216–217 (Hearing Binder, Tab 4, Conditional Rezoning Application at 1–2).

172. The new application cured the ownership defect.

173. DFC Stokes, LLC and DFC Stokes 2, LLC now own all four parcels, including the former Fulks parcel at 1203 Tuttle Road.

174. Otherwise, the project did not change.

175. The application describes the same campus: multiple buildings on about 1,050 buildable acres of the 1,849-acre site, a projected $7.09 billion in assessed value, up to 2,000 megawatts of power, and 250 to 500 permanent jobs. Ex. 1 (Sept. 14 Packet) at 197 (August Staff Report at 33).

176. The conditions keep the same 80-foot building height limit and 300-foot generator setback. *Id.* at 226 (Hearing Binder, Tab 6, Proposed Zoning Conditions (original) at 4).

177. The conditions again authorize on-site power generation, natural gas infrastructure, and fuel storage. *Id.* at 223 (Hearing Binder, Tab 6, Proposed Zoning Conditions (original) at 1).

178. The application still identifies no end user or operator, no specific number or square footage of buildings, no site plan beyond buffer and floodplain exhibits, no cap on on-site energy generation, no binding water-service agreement, and no survey of the site's archaeological sites or burial grounds.

179. The new noise conditions require no modeling of operational noise at nearby homes before approval.

180. Baseline surveys and modeling are deferred until the developer applies for a building permit for each "Major Improvement."

181. On July 27, 2026, Commissioner Cox stated, "there would have to be more additional protections and conditions put in place before I would vote for it again." Stokes Cnty. Bd. of Comm'rs, BOCC Meeting, YouTube, 39:35–44:37 (July 27, 2026), https://www.youtube.com/watch?v=FWGRu4on0gQ [hereinafter July 27 Recording].

182. Upon information and belief, resolution of *DFC Stokes, LLC v. Stokes Cnty.* was discussed between the County and DFC, including in closed session, in connection with the Rezoning. No. 25CV000464-840 (N.C. Super. Ct. 2025).

183. Commissioner Cox stated the data center proposal "does make the other lawsuit go away, which is costing our county a lot of money in legal fees." July 27 Recording at 39:35–44:37.

Planning Board Review

184. On August 4, 2026, County planning staff issued a report recommending approval (the "August Staff Report"). Ex. 1 (Sept. 14 Packet) at 165 (August Staff Report at 1).

185. On August 13, 2026, the Planning Board voted 5–2 to recommend denial of the Rezoning. *Id.* at 378 (Hearing Binder, Tab 9, Executive Brief — Planning Board Recommendations, Aug. 13, 2026, at 1).

186. The Planning Board found the Rezoning inconsistent with the Plan's emphasis on a healthy built and natural environment that respects the County's history and rural character, preserves the natural environment, supports small business, and locates development where infrastructure already exists. *Id.*

187. Planning Board members also cited the facility's hyperscale nature, the open-ended "without limitation" accessory-use language, uncertainty about on-site power generation, the site's historic and cultural significance, and the difference between this project and smaller, grid-connected data centers. *Id.*

188. Nineteen members of the public spoke against the Rezoning at that Planning Board meeting; two spoke in favor. *Id.* at 379 (Executive Brief at 2).

189. In case the Board approved the application against its recommendation, the Planning Board proposed additional conditions T-1 through T-14. *Id.* at 379–380 (Executive Brief at 2–3).

190. Those conditions included a binding public-water agreement; Dan River discharge limits and testing; generator disclosure; property-line air monitoring; an environmental-impairment bond and well testing; protection from electric-rate increases; funding for on-site fire and EMS; a 100 percent decommissioning bond; spill containment; an annual independent compliance audit; a cultural and historical memorial; and a County-directed compliance manager. *Id.*

191. At the Board's August 24 meeting, Commissioner Chandler read best-practice recommendations from Loudoun County, including written disclosure of maximum power and annual water use, Tier 4 backup generators, and 500- to 1,000-foot residential setbacks, and stated: "If we fail to lock this down and do it right, really it's a willful neglect on our part." Stokes Cnty. Bd. of Comm'rs, BOCC Meeting, YouTube, 1:14:01–1:21:16 (Aug. 24, 2026), https://www.youtube.com/watch?v=DR3YMc3Yods [hereinafter Aug. 24 Recording].

192. Commissioner Cox stated the applicant's statement that it would use natural-gas generators, with diesel only for emergency backup, "needs to be in writing in the proposal." *Id.* at 1:11:38–1:12:29.

193. Commissioner Cox also stated: "As far as the bonds and things that are listed here, legally, I'm not even sure what can be part of a zoning." *Id.*

194. Commissioner Morris stated: "My position is I don't really see a need to add any of these conditions," adding that "[a] lot of this stuff you can't do until you have a better project definition" and "[w]e don't have enough information to do it." *Id.* at 1:12:30–1:14:00.

195. Commissioner Cox agreed that, at the land-use stage, "there are some things . . . that we can't know everything yet," but that "as it comes to more of the permitting process, we can put in even more safeguards and more protections." *Id.* at 1:23:29–1:25:27.

196. Upon information and belief, between the Planning Board's recommendation and the Board's vote, County staff and ELS discussed the Planning Board's recommended conditions, the September 8 and September 11 revisions, and other possible conditions, and staff did not present the conditions ELS declined to the Board.

197. The Assistant County Manager reported that the applicant considered some of the Planning Board's proposed conditions "just weren't possible." *Id*. at 1:25:29–1:25:46.

Notice, Procedural Safeguards, and Public Hearing

198. Pursuant to the consent judgment resolving the lawsuit over the January 12 rezoning, the Board adopted "Procedural Safeguards" for the September 8, 2026 public hearing on ELS's second rezoning application. Ex. 5 (Consent Order); Ex. 1 (Sept. 14 Packet) at 161–163 (Hearing Binder, Tab 2, Procedural Safeguards at 1–3).

199. The safeguards committed the County to post hearing materials online at least 10 days in advance, to identify materially revised or newly submitted materials, and to hold the vote at the next regular meeting rather than on the hearing night. *Id*. at 161 (Procedural Safeguards at 1).

200. The safeguards state they are voluntary. *Id.*

201. On September 3, 2026, the Assistant County Manager announced that any staff report for the Board would be issued after the public hearing. Ex. 7, Email from B. Miller, Assistant Cnty. Manager, Stokes Cnty. (Sept. 3, 2026, 9:38 a.m.) [hereinafter Miller Sept. 3 Email].

202. On September 8, 2026, hours before the 5:00 p.m. public hearing, the applicant created a revised "Final" Statement of Conditions (the "September 8 Conditions"). Ex. 1 (Sept. 14 Packet) at 228 (Hearing Binder, Tab 6, Proposed Zoning Conditions (Updated Sept. 8, 2026) at 1).

203. The September 8 Conditions were not posted to the County's website or otherwise provided to the public before the hearing.

204. The applicant's counsel did not email the September 8 Conditions to the County until 11:56 a.m. the next day. Ex. 8, Email from K. Jackson, Tuggle Duggins P.A., to Bryan Miller, Stokes Cnty. (Sept. 9, 2026, 11:56 a.m.) [hereinafter Counsel Transmittal].

205. The public had no meaningful opportunity to review the revised conditions before commenting that evening.

206. At the public hearing, the Board received extensive public comment, mostly in opposition.

207. Among the comments at the hearing, Dr. Steve Davis, a University of North Carolina ("UNC") archaeologist who has worked on Saura village excavations since 1972, testified that the sites "represent a fragile, scarce, and non-renewable resource" and that the proposed conditions "do not provide adequate safeguards" for the villages and graves in the bottomlands. Stokes Cnty. Bd. of Comm'rs, Public Hearing, YouTube, 2:16:20–2:19:40 (Sept. 8, 2026), https://www.youtube.com/live/7q5in8QUmzY? [hereinafter Hearing Recording].

208. Dr. Davis testified that, "[b]ecause the Saura buried their dead within the villages," each of the villages in the floodplain "can justly be regarded as a cemetery." *Id.*; *see also* ¶ 487, *infra*.

209. A statement on behalf of the Catawba Indian Nation identified the Madison Cemetery, Early Upper Sauratown, and Rea No. 2 sites as "likely culturally affiliated with the present-day Catawba Indian Nation" and asked that the Nation "be consulted immediately." Hearing Recording at 1:08:19–1:34:42.

210. Elder Monty Branham of the Catawba Nation, who was authorized to speak on its behalf, told the Board that the applicant's archaeologist had never consulted the Nation. *Id.* at 1:08:17–1:10:34; 3:54:13–3:57:41; Ex. 9, Letters from Catawba Indian Nation to Stokes Cnty. Bd. of Comm'rs [hereinafter Catawba Letters].

211. The principal of an independent acoustics firm testified that the applicant had offered no "technical or community specific justification for the proposed sound level limits,"

which rest on United States Department of Housing and Urban Development ("HUD") guidelines written for "government subsidized housing constructed in noisy areas." *Id.* at 3:28:25–3:31:23; *see also* ¶¶ 436–446, *infra*.

212. Residents described the community's existing burdens, including "decades of Belews Creek's emissions and coal ash contamination." *Id.* at 1:08:19–1:34:42.

213. Residents noted that a year earlier the Board had denied a solar-farm rezoning of the same land out of concern about oversaturating the area. *Id*. at 2:37:34–2:40:50.

214. Plaintiff Tim Mabe told the Board that the Assistant County Manager's Loudoun County recordings were misleading because they captured a 96-megawatt facility, not a campus of this size. *Id.* at 1:22:04–1:25:14.

215. Multiple public petitions opposing the Rezoning gathered thousands of verified signatures as of the date of this Complaint. *E.g. NO Data Center in Stokes County!*, Action Network, https://actionnetwork.org/petitions/no-data-center-in-stokes-county/ (last visited Nov. 10, 2026) (3,962 signatures); *Stop the hyperscale data center zoning in Stokes County*, Change.org, https://c.org/6q9PwnXvHz (last visited Nov. 10, 2026) (1,039 signatures); *Protect Stokes County! Reject Project Delta!*, Change.org, https://c.org/6q9PwnXvHz (last visited Nov. 10, 2026) (736 signatures); Ex. 10, Email from Change.org to J. Sanborn, Cnty. Manager, Stokes Cnty. (July 9, 2026, 5:51 p.m.) [hereinafter Petition Materials].

216. During both the original January 12 rezoning process and the Rezoning process, most public comments opposed the data center project.

217. On information and belief, most supporters sent a pre-written form letter generated by a "Take Action" button on the applicant's own website, www.projectdeltanc.com.

218. The County's 2026 Community Survey was a random-sample survey of 404 households conducted by ETC Institute. Ex. 11, Excerpts from ETC Inst., 2026 Stokes County Community Survey Findings Report (Aug. 2026); ETC Inst., 2026 Stokes County Community Survey Open-Ended Comments (Aug. 2026) [hereinafter Community Survey] at ii–iii.

219. The survey did not ask about the data center.

220. Even so, when asked in an open-ended question what they were "MOST CONCERNED about as a citizen of Stokes County," about 38 percent of responding residents (119 of 312) named the data center, far more than any other issue. Ex. 11 (Community Survey), Open-Ended Comments at 1–14 (Q17).

221. When asked what they "perceive to be the BIGGEST THREAT to quality of life in Stokes County," about 43 percent (135 of 317) again named the data center. *Id.* at 15–24 (Q18).

222. Of the roughly 250 responses to those two questions that mentioned a data center, only one supported it. *Id.* at 1–24 (Q17–Q18)

223. Eighty-eight percent of respondents said they live in Stokes County for its "rural setting," the most common reason. *Id*. at iii.

224. Seventy-seven percent named the rural setting as the factor most likely to keep them in the County. *Id.*

225. Ninety-five percent rated natural open space important to the County's "overall quality of life." *Id.*

226. Asked what was the "BEST thing" about living in the County, several residents answered simply that it does not have a data center. *Id.* at 25–33 (Q19).

227. ETC delivered the results to the County Manager on August 20, 2026, more than three weeks before the Board's vote on the Rezoning. Ex. 12, Email from ETC Inst. to J. Sanborn, Cnty. Manager, Stokes Cnty. (Aug. 20, 2026, 8:15 p.m.); Email from J. Sanborn, Cnty. Manager, Stokes Cnty., to T. Auricchio (Sept. 10, 2026, 2:29 p.m.) [hereinafter Survey Emails].

228. Neither staff report mentions the Community Survey.

229. When a resident asked about the survey on September 10, the County Manager replied that it "is not linked to Project Delta in any way." Ex. 12.2 (Survey E-mails).

230. When he presented the survey results to the Board on September 28, two weeks after the vote, the County Manager attributed the year's drops in satisfaction with "the quality of zoning regulations" (down 9 points) and "enforcement of zoning regulations" (down 7) to "the public discourse regarding the data center rezoning." Stokes Cnty. Bd. of Comm'rs, BOCC Meeting, YouTube, 42:08-42:23 (Sept. 28, 2026), https://www.youtube.com/watch?v=SeF-pfXEoLk [hereinafter Sept. 28 Recording].

231. The County Manager did not mention that the data center was residents' most frequently cited concern and threat to their quality of life.

232. The record before the Board also included detailed written comments from organizations and experts, including from:

a. Plaintiff CleanAIRE NC (Aug. 12, 2026);
b. the Southern Alliance for Clean Energy ("SACE") (Aug. 11, 2026);
c. Yadkin Riverkeeper (Aug. 11, 2026);
d. American Rivers (Aug. 11, 2026);
e. RML Acoustics, an independent acoustics firm (Aug. 11, 2026) ("RML Review");
f. Plaintiff DRBA (Aug. 12, 2026);
g. Dr. Michael Hicks, an independent economist (Sept. 2, 2026), which he presented on September 4 and shared by link;

h. local historians and archaeologists (Sept. 4, 2026);
i. the Southern Coalition for Social Justice ("SCSJ") (Sept. 8 and Sept. 13, 2026);
j. the Southern Environmental Law Center (June 8, June 23, June 25, and July 8, 2026); and
k. Preservation North Carolina (Sept. 14, 2026).

See Ex. 13, Letter from G. L. Babao, Deputy Dir., CleanAIRE NC, to Stokes Cnty. Bd. of Comm'rs (Aug. 12, 2026) [hereinafter CleanAIRE Letter]; Ex. 14, Letter from S. A. Smith, Exec. Dir., & Shelley Hudson Robbins, Senior Decarbonization Manager, S. All. for Clean Energy, to Stokes Cnty. Bd. of Comm'rs (Aug. 11, 2026) [hereinafter SACE Letter]; Ex. 15, Letter from N. Eastman, Yadkin Riverkeeper, to Stokes Cnty. Bd. of Comm'rs (Aug. 11, 2026) [hereinafter Yadkin Riverkeeper Letter]; Ex. 16, Letter from T. Sammis, Dir., Floodplain Restoration, Am. Rivers, to Stokes Cnty. Bd. of Comm'rs (Aug. 11, 2026) [hereinafter American Rivers Letter]; Ex. 17, RML Acoustics, LLC, *Project Delta Proposed Noise Conditions Review* (Aug. 11, 2026) [hereinafter RML Review]; Ex. 18, Letter from Dan River Basin Ass'n to Stokes Cnty. Bd. of Comm'rs (Aug. 12, 2026) [hereinafter DRBA Letter]; Ex. 1 (Sept. 14 Packet) at 626-34 (Analysis by M.J. Hicks, PhD, Econ. Impacts of Project Delta [hereinafter Hicks Analysis]); Ex. 19, Letter from C. Bailey, et al., to Stokes Cnty. Bd. of Comm'rs re: Archaeological, Historical, and Cultural Resources (Sept. 4, 2026) [hereinafter Historians' Letter]; Ex. 20.1, Letter from S. Coal. for Soc. Just. to Stokes Cnty. Bd. of Comm'rs (Sept. 8, 2026), Ex. 20.2, Letter from S. Coal. for Soc. Just. to Stokes Cnty. Bd. of Comm'rs (Sept. 13, 2026), Ex. 20.3, RML Acoustics Additional Rev. Comments (Sept. 13, 2026), Ex. 20.4, RML Acoustics Ambient Noise Study (Mar. 5, 2026) [hereinafter SCSJ Letters]; Ex. 1 (Sept. 14 Packet) at 12 (Hearing Binder, Tab 14, SELC Correspondence); Ex. 21, Letter from Pres. N.C. to Stokes Cnty. Bd. of Comm'rs (Sept. 14, 2026) [hereinafter Preservation NC Letter].

233. On September 11, 2026, staff issued a new 41-page staff report concerning the Rezoning (the "September Staff Report), which does not address those written comments.

234. The Board closed the public hearing for the Rezoning on the evening of September 8.

The Post-Hearing Record

235. The applicant's ambient noise survey, dated August 17, 2026, was posted to the County's website on or about September 9, 2026, the day after the hearing closed. Ex. 1 (Sept. 14 Packet) at 252 (Hearing Binder, Tab 8, Ambient Noise Survey, cover page).

236. On September 11, 2026, the County compiled a 793-page "Hearing Binder" for the Board. *Id.* at 10 (Hearing Binder, cover page).

237. That same day, staff issued their new September Staff Report recommending approval of the Rezoning. *Id.* at 748 (Sept. Staff Report at 1).

238. The September Staff Report analyzed the applicant's September 8 Conditions. *Id.* at 751 (Sept. Staff Report at 4).

239. Later that day, after the September Staff Report and the binder, which included the September 8 Conditions, were complete and shared with the Commissioners, the applicant produced yet another Statement of Conditions ("September 11 Conditions"). Ex. 22, ELS, *Statement of Conditions* (Sept. 11, 2026) [hereinafter Sept. 11 Conditions].

240. The September 11 Conditions dropped "without limitation" from the accessory-use list. *Id.* at 1 (Condition 1(b)).

241. The September 11 Conditions provided that nighttime construction is not exempt from the noise limits. *Id.* at 2 (Condition 2(e)(II)).

242. The September 11 Conditions added a new Condition 10 on school-bus coordination. *Id*. at 6 (Condition 10).

The September 14, 2026, Decision

243. At the September 14 meeting, the Board received a revised application at the dais, which included the new September 11 Conditions.

244. The public was not provided a written copy of the revised application for inspection.

245. Commissioner Chandler objected: "I read my agenda packet Friday night. . . . Then I come in here and I get this. It's a revised application that comes in. . . . I don't know every single thing that was changed in here. No one has said what's been changed in here. . . . To me, this is unacceptable." Stokes Conty. Bd. of Comm'rs, BOCC Meeting, YouTube, 1:09:49–1:12:07 (Sept. 14, 2026), https://www.youtube.com/watch?v=IBVpgePzW2I (posted as "September 13, 2026") [hereinafter Sept. 14 Recording].

246. Staff then read aloud the changes in the September 11 Conditions from a redline. *Id.* at 1:12:11–1:16:11.

247. Staff also stated, "the Board has had access to the full body of public input." *Id.* at 53:57–54:01.

248. Commissioner Chandler cautioned that "financial or revenue gain is not something that we put as a priority in place to approve a conditional rezoning." *Id.* at 1:16:16–1:22:08.

249. Commissioner Chandler said the conditions must be "put in writing" and "in contract form." *Id.* at 1:45:20–1:48:53.

250. Commissioner Chandler asked the Board to "take a step back" because "we're rushing this." *Id.* at 1:45:20–1:48:53.

251. Chair Barneycastle agreed: "every time this project Delta come up there was something being changed every time you turn around. You read this, that got changed; you read this, that got changed. What are we legally committing ourselves to? . . . I hear, 'Drew's done this, he's changed this, he's changed that.' . . . Until it's on a piece of paper, signed, it's not worth anything." *Id.* at 2:05:27–2:09:12.

252. Chair Barneycastle noted the applicant had not said how many generators it would use. *Id.* at 2:05:27–2:09:12.

253. Chair Barneycastle pointed in particular to the noise of the single generator at the fire station. *Id.*

254. No commissioner knew how many generators the project would use or what fuel they would burn. *Id.* at 2:07:36–2:11:30.

255. When Commissioner Cox asked what generators were used at the data center County representatives had visited, Chair Barneycastle answered: "They're not using generators. They're running off of Duke Power." *Id.*

256. Commissioner Cox replied: "Why even bother to go visit it, then?" *Id.*

257. Chair Barneycastle also noted the Town of Walnut Cove already has water problems. *Id.* at 2:05:27–2:09:12.

258. Commissioner Cox asserted the data center project "would leave our Stokes County in a stronger financial and economic position 20 years from now than any alternative use of that land could ever do." *Id.* at 2:03:27–2:03:38.

259. The three commissioners who voted to approve the Rezoning relied on considerations outside the record evidence, or contrary to it.

260. Upon information and belief, before the vote, one or more Commissioners communicated with ELS, DFC, or their representatives about the Rezoning, the pending DFC solar farm litigation, and a development agreement, outside their public meetings.

261. Commissioner Morris said he had disregarded much of the public opposition, calling it a "Not In My Backyard group" and "a well-organized data center resistance campaign from organizations and political entities outside of Stokes County." *Id.* at 56:49–1:09:48.

262. Commissioner Morris speculated that if the Rezoning were denied, the owner's "next proposal could be thousands of small homes." *Id*.

263. Commissioner Cox stated that the applicant's "estimates of the 20 to 40 million a year are on target and maybe even on the low side." *Id.* at 1:49:08–2:03:52.

264. Staff had cautioned that those figures were the "developer's own projection." *See* ¶¶ 451–453, *infra*.

265. Commissioner Cox found the project consistent with the Plan because it would be built "where 84% of the county's industrial land is already concentrated." Sept. 14 Recording at 1:49:08–2:03:52.

266. Referring to diesel generators, Commissioner Cox stated, "we're not using them." *Id.* at 2:11:01.

267. The reasonableness statement adopted at the same meeting allows diesel fuel for emergency backup generators. Ex. 1 (Sept. 14 Packet) at 774 (Sept. Staff Report at 27).

268. Commissioner Wood called the project "a gift, not a curse." Sept. 14 Recording at 2:03:57–2:05:17.

269. Commissioner Morris asserted "[n]o other asset class can come close to generating the property tax payoff to local governments and their citizens as a data center." *Id.* at 1:03:59–1:04:14.

270. Commissioners Cox and Wood stated, without addressing the contrary analysis in the staff reports, that the project was "consistent with the 2035 vision plan." *Id.* at 1:51:48, 2:03:57–2:05:17.

271. Those statements are contrary to the Planning Board's finding and to the consistency statement the Board adopted.

272. The Board then voted to take action that night.

273. Staff read the consistency statement, reasonableness statement, and ordinance into the record verbatim from Section 14 of the September Staff Report. *Id.* at 2:11:42–2:48:35.

274. By a 3–2 vote, the Board adopted the plan-consistency statement, the reasonableness and public-interest statement, and a Conditional Zoning District Ordinance rezoning the four PINs to M-2-CZ, subject to the applicant's September 11Conditions. *Id*. at 2:12:10-2:48:19; Ex. 1 (Sept. 14 Packet) at 773-780 (Sept. Staff Report § 14 at 26-33).

275. Commissioners Morris, Wood, and Cox voted to approve the Rezoning, and Chair Barneycastle and Commissioner Chandler voted to deny it. Sept. 14 Recording at 2:47:54–2:48:35.

276. The adopted consistency statement found the Rezoning inconsistent with the Plan as to the 48.6 percent of the property designated G-1 (Low Density Growth). Ex. 1 (Sept. 14 Packet) at 773–774 (Sept. Staff Report § 14, at 26–27); *id.* at 33 (Plan at 9 (G-1 "is intended for low-density residential growth")) *id*. at 775-781 (Sept. Staff Report § 14 at 28-34 (Draft Conditional District Zoning Ordinance for APPROVAL [hereinafter Ordinance])).

277. The adopted consistency statement found the Rezoning consistent with the Plan as to the 33.9 percent designated O-1 (Preserved Lands), noting that Condition 5 preserves the FEMA special flood hazard area. Ex. 1 (Sept. 14 Packet) at 773–774 (Sept. Staff Report § 14, at 26–27); *id.* at 32 (Plan at 8 (O-1 is for "preservation, conservation, or very limited development")); *id*. at 779 (Sept. Staff Report § 14 at 32 (Ordinance)).

278. The adopted consistency statement did not address the O-2 (Reserved Lands/Conservation) land, which makes up about 17.1 percent of the site. Ex. 1 (Sept. 14 Packet) at 773–774 (Sept. Staff Report § 14.3, at 27-28); *id*. at 32–33 (Plan at 8–9 (O-2)).

279. The September Staff Report's alternative consistency statement, for use if the Board denied the Rezoning, stated that the Rezoning "is inconsistent with the 2035 Vision Plan on approximately 48.6 percent of the subject property (G-1 Low Density Growth designation) and is not affirmatively consistent with the approximately 17.1 percent of the site designated as O-2 . . . . [T]he partial consistency with the O-1 (Preserved) designation on approximately 33.9 percent of the site does not, on balance, outweigh the inconsistency . . . on the larger balance of the property." Ex. 1 (Sept. 14 Packet) at 782 (Sept. Staff Report § 14, at 35); *id.* at 32–33 (Plan at 8–9).

280. The reasonableness statement and the Ordinance rely on "approximately 8,458 acres of verified existing heavy industrial and utility uses" within one-half mile and one mile. Ex. 1 (Sept. 14 Packet) at 772 (Sept. Staff Report § 14, at 25); *id*. at 775 (Sept. Staff Report at 28 (Ordinance)).

281. The reasonableness statement and the Ordinance rely on the Water and Sewer Authority's December 26, 2025, will-serve letter. Ex. 1 (Sept. 14 Packet) at 774 (Sept. Staff Report § 14, at 27); *id*. at 776 (Sept. Staff Report at 29 (Ordinance)).

282. The reasonableness statement and the Ordinance cite, as "changed conditions," the June 10, 2026, FEMA flood maps, the will-serve letter, and the County's own adoption of data center standards. Ex. 1 (Sept. 14 Packet) at 774 (Sept. Staff Report § 14, at 27); ; *id*. at 779 (Sept. Staff Report at 32 (Ordinance)).

283. The reasonableness statement limits the public comment it considered to comments received before the public hearing closed on September 8. Ex. 1 (Sept. 14 Packet) at 773 (Sept. Staff Report § 14, at 26); *id*. at 776 (Sept. Staff Report at 29 (Ordinance)).

284. After the vote, County staff produced a redline of Section 14 of the September Staff Report conforming its recommendation, draft statements, and draft ordinance to the September 11 Conditions. Ex. 23, Stokes Cnty. Plan. Dep't, *Redline of Section 14, Board Staff Report* (Sept. 14, 2026) [hereinafter Section 14 Redline].

The Proposed Development Agreement

285. The County has negotiated a proposed development agreement among the County, the landowners (DFC Stokes, LLC and DFC Stokes 2, LLC), and the developer (ELSDCSP2, LLC, a subsidiary of ELS) covering the rezoned parcels. Ex. 24, Excerpts from Stokes Cnty. Bd. of Comm'rs, *Agenda Packet* (Nov. 9, 2026) [hereinafter Nov. 9 Packet] at 41–42.

286. The Proposed Development Agreement would give the developer vested rights in the Rezoning for 15 years. *Id.* at 47.

287. The Board took up the Proposed Development Agreement at its November 9, 2026 meeting.

288. The Board held and closed a public hearing on the Proposed Development Agreement that same night.

289. The Board deferred action on the Proposed Development Agreement to its November 23, 2026 meeting.

290. The Proposed Development Agreement rests entirely on the Rezoning.

291. Section 3.2 of the Proposed Development Agreement would exempt the property from any future data center moratorium. *Id*. at 45.

292. Section 3.5 of the Proposed Development Agreement would bar application of newly enacted County laws, policies, or regulations without the developer's and landowners' written consent. *Id.* at 46.

293. Section 9.15 of the Proposed Development Agreement would commit the County to cooperate in defending third-party challenges to the Rezoning or the agreement, with the developer paying up to $50,000 of the County's attorneys' fees "to participate in litigation which defends Developer's interests." *Id.* at 53.

294. Section 8.2 of the Proposed Development Agreement would authorize water service from "onsite water supply systems." *Id.* at 49.

295. Condition 4(c) of the Ordinance prohibits direct withdrawal from groundwater wells, aquifers, and other private surface-water or groundwater sources. *See* ¶ 376, *infra*; Ex. 22 (Sept. 11 Conditions) at 5 (Condition 4(c)); Ex. 1 (Sept. 14 Packet) 779 (Sept. Staff Report at 32 (Ordinance)).

296. At the November 9 meeting, the Assistant County Manager stated that "onsite water supply systems" means water towers. Stokes Cnty. Bd. of Comm'rs, BOCC Meeting, YouTube, 1:07:22–1:10:55 (Nov. 9, 2026), https://www.youtube.com/watch?v=ujNlbpVhaRs [hereinafter Nov. 9 Recording].

297. The Proposed Development Agreement does not say that "onsite water supply systems" means water towers. Ex. 24 (Nov. 9 Packet) at 49.

298. The Proposed Development Agreement does not specify the uses, intensities, placement on the site, or design of the development. *Id.* at 42–65.

299. The Proposed Development Agreement does not limit the number, capacity, or fuel type of on-site generators. *Id*.

300. The Proposed Development Agreement does not describe the public facilities that will serve the development or a schedule for providing them. *Id.*

301. The County's staff report states that the Proposed Development Agreement adds no protection for public health or safety ("§7.7: none added"). *Id*. at 68.

302. For historic resources, the staff report identifies only "compliance with law and SHPO coordination." *Id.*

303. For plan consistency, the November 9 staff report relies entirely on the Rezoning's consistency statement, which found the Rezoning inconsistent with the Plan for the G-1 land. *Id.* at 70.

304. At the November 9 hearing, the Assistant County Manager told the Board that the Proposed Development Agreement "is separate, completely separate from the rezoning," and that "most of the environmental noise, water, those aspects, they've already been decided on." Nov. 9 Recording at 1:07:22–1:10:55.

305. The applicant's CEO stated the agreement's purpose is to allow commitments to be added "instead of re-rezoning this project every time," and that "the goal was to mirror the existing entitlements." *Id.* at 1:20:43–1:28:22, 2:48:04–2:48:38.

306. At the November 9 meeting, County staff told the Board that, apart from negotiating the Proposed Development Agreement, the County's remaining decisions on the project are permits, that "we are obligated to approve permits if what's being requested is in compliance with the building codes in our ordinances," and that "we're not really in a position to negotiate at that point." *Id.* at 2:49:15–2:50:15.

307. Asked whether the applicant would commit to Tier 4 generators, the applicant's CEO answered: "I'm not going to agree to anything tonight." *Id.* at 2:44:59–2:45:04.

THE DECISION RESTS ON MATERIALLY INACCURATE AND INCOMPLETE PREMISES

The "8,458 acres of verified heavy industrial" Uses Figure

308. The September Staff Report states the area "already includes substantial heavy industrial and utility-scale energy development," despite "its predominantly rural residential-agricultural zoning pattern." Ex. 1 (Sept. 14 Packet) at 756 (Sept. Staff Report at 9).

309. To support that statement, the September Staff Report added together the full tax-parcel acreage of five holdings, for a total of 8,458 acres. *Id.* at 754 (Sept. Staff Report at 7).

310. That total includes the entire 6,011.51-acre Belews Creek Steam Station parcel. *Id.*

311. Staff acknowledged the Belews Creek parcel lies only partly within the one-mile analysis area. *Id*. at 174 (August Staff Report at 10).

312. Staff's own August 2026 GIS buffer analysis, which clipped zoning to the buffers, identified about 2,744 acres of industrially zoned land within one mile of the site. *Id.*.

313. That figure is roughly one-third of the 8,458-acre figure the Board adopted.

314. The Belews Creek, RENEWA I, Samuel Wilson Farms, and private M-1-CZ holdings within the 8,458 acres are zoned M-1 or M-1-CZ (Light Manufacturing), not heavy industrial. *Id*. at 754 (Sept. Staff Report at 7).

315. The County classifies the RENEWA I tract, which contains an operating solar farm, as vacant. *Id.* at 188 (Sept. Staff Report at 24).

316. A solar farm has been proposed for the Samuel Wilson Farms parcel but has not been built. *Id*. at 756 (Sept. Staff Report at 9).

317. Only the three Pine Hall Brick parcels (986.45 acres), across the Dan River, are zoned M-2-CU. *Id*. at 754 (Sept. Staff Report at 7).

318. The County classifies the Pine Hall Brick parcels as single-family residence or vacant.

319. GIS imagery shows industrial activity on only one corner of one Pine Hall Brick parcel, next to the river.

320. The 8,458-acre figure counts 284.87 acres of privately held land off Oldtown Road, Farmer Road, and Ethan Lane as "existing heavy industrial and utility uses." *Id.*

321. Those 284.87 acres are undeveloped.

322. That land's M-1-CZ zoning permits only a solar facility that was never built.

323. The owners of that land, Plaintiffs Tim and Deborah Mabe, applied to return 229.91 of those acres to R-A for forestry. Ex. 24 (Nov. 9 Packet) at 5.

324. The Planning Board unanimously recommended approval of the Mabes' application on October 22, 2026. *Id*. at 5–6.

325. On November 9, 2026, the Board unanimously approved the Mabes' rezoning. Nov. 9 Recording at 37:26–47:14.

326. The September Staff Report's property-value analysis describes the one-half-mile ring around the site as containing 316 parcels "totaling approximately 13,509 acres." Ex. 1 (Sept. 14 Packet) at 763 (Sept. Staff Report at 16).

327. Staff's August analysis measured the entire one-half-mile buffer, including the site itself, at 5,329 acres. *Id.* at 174 (August Staff Report at 10).

Water Supply and Water Quality

328. No water source has been secured for Project Delta.

329. The application does not disclose the quantity of water the project will use.

330. The application does not disclose the source of water the project will use.

331. The only water-service document in the record is a December 26, 2025, letter from the Stokes County Water and Sewer Authority ("SCWSA"), written for the voided first application. *Id.* at 388 (Hearing Binder, Tab 11, SCWSA Will-Serve Letter (Dec. 26, 2025)).

332. Upon information and belief, the record contains no later communication from SCWSA confirming that it can still serve the project.

333. The December 2025 letter states SCWSA "will provide" 100,000 gallons per day. *Id.*

334. That commitment is contingent on unfinished system improvements, new main extensions and elevated storage, "the continuing supply of water capacity from other providers," and 100 percent developer funding. *Id.*

335. ELS originally represented that it would obtain 50,000 to 100,000 gallons of water per day from Stokes County Water for sewer and landscape watering, and that its closed-loop cooling system would be filled once, with "municipal water or truck[ed]" water. Jan. 12 Recording at 38:59–40:48.

336. At ELS's June 2026 community session, residents were told the project would use about 200,000 gallons per day, twice the will-serve volume.

337. Neither staff report reconciles these figures.

338. SCWSA buys most of its water from Winston-Salem/Forsyth County Utilities. Ex. 25, Excerpts from RK&K, *Technical Memorandum to the Town of Walnut Cove* (rev. 2, May 6, 2026) [hereinafter Walnut Cove Memo] at 5.

339. According to a May 6, 2026, engineering memorandum prepared for the Town of Walnut Cove, SCWSA has told the Town it may limit the Town's purchases to 1,000,000 gallons per month (about 33,000 gallons per day) "due to new demands on their system." *Id*.

340. On January 8, 2026, Walnut Cove's Board of Commissioners unanimously adopted a statement raising residents' concerns about the project's environmental and historic impacts and asking the County to consult the Town before acting. Ex. 26, Town of Walnut Cove Bd. of Comm'rs, *Statement re: Project Delta* (Jan. 8, 2026) [hereinafter Walnut Cove Statement]; Town of Walnut Cove Bd. of Comm'rs, Regular MeetingYouTube, 48:51–51:00 (Jan. 8, 2026), https://www.youtube.com/watch?v=_IZpjMFsf_w [hereinafter Walnut Cove Jan. 8, 2026 Recording]; Town of Walnut Cove Bd. of Comm'rs, Regular Meeting, YouTube, 54:40–55:35 (June 11, 2026), https://www.youtube.com/live/6TNo2pDdiSM?si=xqSdGYOFO030OPjn [hereinafter Walnut Cove June 11, 2026, Recording].

341. The Town delivered that statement to the County. Walnut Cove Jan. 8, 2026 Recording at 48:51–50:02; Walnut Cove June 11, 2026, Recording at 51:28–54:40.

342. Town Commissioners repeated these concerns at their regular meeting in June 2026. Walnut Cove June 11, 2026, Recording at 51:28–55:35.

343. At the Board's August 24, 2026, meeting, the Assistant County Manager told the Commissioners that SCWSA "provided an adequacy level that they had enough capacity" and that "[i]t's my understanding that Walnut Cove has done the same thing." Aug. 24 Recording at 1:09:38–1:10:05.

344. The Assistant County Manager also told the Commissioners that the County "currently provides Walnut Cove with 200,000 gallons of water a day" and was "prepared to offer them up to 800,000 gallons of water a day," leaving 600,000 gallons a day "more than adequate" for the project. *Id.* at 1:10:14–1:10:44.

345. Those figures conflict with SCWSA's statement to the Town that it may limit the Town's purchases to about 33,000 gallons per day. *See* ¶ 339, *supra*.

346. At the September 14 meeting, Commissioner Morris stated: "I find it curious that this board of commissioners has not received any formal or informal communications from the Walnut Cove Board of Commissioners. If the data center will be such a negative impact for the area, it seems to me we would have heard from them." Sept. 14 Recording at 56:49–1:09:48.

347. On September 28, Commissioner Morris acknowledged the January 8 statement but said neither "the staff or any of the commissioners" had been "familiar with it." Sept. 28 Recording at 13:33–14:38.

348. The August Staff Report told the Planning Board that "both" SCWSA and the Town "have indicated that they have available water capacity and are willing to provide water service to the proposed project." Ex. 1 (Sept. 14 Packet) at 198 (August Staff Report at 34).

349. At the September 14 meeting, asked whether the project would buy water from SCWSA or from Walnut Cove, the applicant's CEO answered: "We haven't made a decision yet." Sept. 14 Recording at 1:38:40–1:39:47.

350. For that statement, staff cited a 2015 Vision Plan statement that the County "has an adequate water supply to meet its needs into the future," written a decade before a hyperscale data center was proposed. Ex. 1 (Sept. 14 Packet) at 195 (August Staff Report at 31); *id.* at 38 (Plan at 14).

351. On the morning of September 11, 2026, while compiling the Hearing Binder, the Assistant County Manager asked the Walnut Cove Town Manager for a copy of a "Will Serve" letter he "underst[ood]" the Town had issued to ELS, explaining that he was "trying to build the record" and had "only . . . until about 12:00 today to finish." Ex. 27, Email from B. Miller, Assistant Cnty. Manager, Stokes Cnty., to Ron Niland, Town Manager, Town of Walnut Cove (Sept. 11, 2026, 8:14 a.m.).

352. Upon information and belief, the Town provided no such letter, and none appears in the record.

353. Upon information and belief, neither SCWSA nor the Town has committed capacity to serve Project Delta, and SCWSA's ability to supply the project has diminished since December 2025.

354. The September Staff Report told the Board that service through the Town "remains an alternative available to the Applicant under existing bulk-water arrangements." Ex. 1 (Sept. 14 Packet) at 758 (Sept. Staff Report at 11).

355. The reasonableness statement treats "confirmation of Stokes County Water and Sewer Authority water availability" as a changed condition supporting the Rezoning. *Id.* at 774 (Sept. Staff Report at 27).

356. The County approved the Rezoning during a drought.

357. The record included comments stating Stokes County was in severe drought at the time, after extreme drought from May through late July 2026. *E.g.*, Ex. 16 (American Rivers Letter) at 3.

358. The record included comments stating the North Carolina Drought Management Advisory Council recommends eliminating nonessential water uses during severe drought. *E.g.*, Ex. 15 (Yadkin Riverkeeper Letter) at 2.

359. On September 11, 2026, three days before the vote, the County Manager wrote to the Commissioners: "Due to the multiple line breakages we had this summer and recent drought conditions, we are nearly out of water here in Danbury. Our expectation is that we don't have enough water to make it thru the Stomp," an annual festival scheduled for the following day. Ex. 28, Email from J. Sanborn, Cnty. Manager, Stokes Cnty., to Stokes Cnty. Bd. of Comm'rs (Sept. 11, 2026, 11:42 a.m.) [hereinafter Sanborn Sept. 11 Email].

360. Since then, the County has closed government buildings because of water shortages.

361. On October 26, 2026, County staff told the Board that, after repeated main breaks and drought, "our pumps are having a hard time keeping up with the water demand in Danbury," and the Board updated the County's water shortage response plan. Stokes Cnty. Bd. of Comm'rs, BOCC Meeting, YouTube, 14:37–15:55 (Oct. 26, 2026), https://www.youtube.com/watch?v=ue3aFaOmdps [hereinafter Oct. 26 Recording].

362. The application does not state how much wastewater the project will generate.

363. The application does not state where the project's wastewater will be treated.

364. The record included comments explaining data center cooling systems may use biocides, corrosion inhibitors, and other chemicals that biological municipal wastewater treatment plants are not designed to remove. *E.g.*, Ex. 16 (American Rivers Letter) at 3–5.

365. The record included comments explaining Walnut Cove's constructed-wetland treatment plant, which discharges to Town Fork Creek and the Dan River, was designed for domestic sewage. *E.g.*, Ex. 18 (DRBA Letter) at 2.

366. The record included comments explaining that closed-loop cooling systems require substantial water for initial fill and periodic top-off. *E.g.*, Ex. 20 (SCSJ Letters), Sept. 8 Letter at 9-10.

367. The record included comments explaining cooling and refrigerant fluids may contain PFAS, which few municipal treatment plants can remove. *E.g., id*. at 9–11.

368. The record included comments explaining how clearing the site and adding acres of impervious surface along the Dan River would increase stormwater runoff carrying sediment and other pollutants into the river. *E.g.*, Ex. 16 (American Rivers Letter) at 5–6.

369. Nothing in the conditions keeps buildings, substations, generators, or fuel storage away from the edge of the regulatory floodplain. Ex. 22 (Sept. 11 Conditions).

370. The record included comments explaining a planned interconnection with Winston-Salem/Forsyth County Utilities would transfer water from the Yadkin River Basin, which already faces new withdrawals from other data centers and proposed power plants. *E.g.*, Ex. 15 (Yadkin Riverkeeper Letter) at 2.

371. In 2014, about 39,000 tons of coal ash spilled into the Dan River from a Duke Energy facility. Ex. 16 (American Rivers Letter) at 1; Ex. 13 (CleanAIRE Letter) at 5.

372. In 2026, the conservation organization American Rivers named the Dan River one of America's Most Endangered Rivers. *E.g.*, Ex. 16 (American Rivers Letter) at 5–6.

373. The record included comments asking the County, at a minimum, to require disclosure of and enforceable caps on water use and wastewater discharge; proof of the serving systems' long-term capacity, including during drought; disclosure of cooling chemicals and wastewater pollutants; pretreatment of pollutants a domestic plant cannot remove; a 1,000-foot setback between the floodplain and data center structures, substations, generators, and fuel storage; and a developer-funded vulnerability assessment of the serving systems. *E.g.*, *id.* at 6–7.

374. The Planning Board recommended a binding public-water agreement, Dan River discharge limits and testing, an environmental-impairment bond, and well testing. Ex. 1 (Sept. 14 Packet) at 379 (Executive Brief at 2).

375. The Ordinance adopts none of these measures.

376. The Ordinance's only water provisions are the closed-loop cooling requirement, the floodplain limits, and Condition 4(c), which prohibits "direct withdrawal from streams, rivers, lakes, ponds, reservoirs, groundwater wells, aquifers, or other private surface-water or groundwater sources." Ex. 22 (Sept. 11 Conditions).

377. The Ordinance contains no limit on water use.

378. The Ordinance contains no limit on wastewater discharge.

379. The Ordinance contains no pretreatment requirement.

380. Neither staff report addresses the written comments on water supply and water quality.

Energy and Air Emissions

381. At the July 8, 2026, Public Information Meeting, ELS's CEO stated Project Delta would start at 1 gigawatt and grow to 2 gigawatts.

382. Two gigawatts is roughly 5.5 percent of Duke Energy's current generating capacity, or about the output of two nuclear reactors. *E.g.*, Ex. 14 (SACE Letter) at 1–2.

383. ELS told residents until Duke Energy could serve the site, the campus would run for two to four years on 33 to 100 natural-gas generators. *E.g.*, *id.* at 4.

384. ELS told residents those generators would supply 100 to 300 megawatts of "full-time generation" operating "24/7/365." *E.g., id*.

385. ELS told residents the campus would also have backup generators for times when Duke Energy curtails service. *E.g., id*.

386. The record included comments explaining ELS's timeline for grid service is unrealistic given Duke Energy's large-load backlog and its right to curtail new customers for five years. *E.g., id.* at 2–5.

387. The record included comments explaining the nearby Transco pipeline has no excess firm capacity, so the campus could be forced onto "a constant supply of diesel fuel." *E.g., id*.

388. In August, staff told the Planning Board "the zoning conditions establish enforceable limits on temporary on-site generation pending permanent interconnection." Ex. 1 (Sept. 14 Packet) at 198 (August Staff Report at 34).

389. The conditions establish no such limits. Ex. 22 (Sept. 11 Conditions).

390. The Ordinance authorizes on-site power generation and natural gas infrastructure with no cap. *Id*. at 1 (Condition 1(b)).

391. The September Staff Report concedes the applicant "has not . . . committed to final generator counts, non-diesel fuel types, or aggregate on-site combustion capacity." Ex. 1 (Sept. 14 Packet) at 759 (Sept. Staff Report at 12).

392. On August 27, 2026, a resident sent the Assistant County Manager a summary of their meeting stating that capping on-site generation "to a level significantly lower than 2 GW" had been discussed with ELS "a couple of times," with a response expected by the September 8 hearing. Ex.. 29, Email from S. Kilbourne to B. Miller, Assistant Cnty. Manager, Stokes Cnty. (Aug. 27, 2026).

393. Upon information and belief, County officials discussed with ELS a cap on on-site generation capacity, and the County did not pursue that cap.

394. No cap on on-site generation was adopted.

395. The record contains no utility interconnection agreement, timeline, or confirmation of grid service.

396. The conditions contain no limit on the number, capacity, or fuel type of generators. Ex. 22 (Sept. 11 Conditions).

397. The conditions do not require disclosure of the project's maximum electrical demand. *Id*.

398. The conditions contain no requirement for emissions controls, air-dispersion modeling, monitoring, or reporting. *Id*.

399. The conditions do not bar running generators for economic dispatch rather than backup. *Id*.

400. The only generator-specific conditions are a 300-foot setback and a restriction of diesel fuel to undefined "emergency" backup. *Id*. at 3(b).

401. The record included comments explaining the Statement of Conditions "contains no air-quality condition of any kind." *E.g.,* Ex. 13 (CleanAIRE Letter) at 6.

402. The record included comments noting a pending air-permit application for a 1,200-megawatt Amazon data center campus in Richmond County seeks 649 diesel generators. *E.g., id*. at 4.

403. The site adjoins the 2,220-megawatt Belews Creek Steam Station.

404. The host census tract has above-average rates of asthma, chronic obstructive pulmonary disease, and diabetes. Ex. 1 (Sept. 14 Packet) at 202 (August Staff Report at 38).

405. Schools, churches, and an educational state forest lie near the site. Ex. 13 (CleanAIRE Letter) at 2; Ex. 1 (Sept. 14 Packet) at 754 (Sept. Staff Report at 7).

406. The record included comments explaining that combustion emissions from the project would add to those existing burdens. *E.g.*, Ex. 13 (CleanAIRE Letter) at 2–3; Ex. 14 (SACE Letter) at 5.

407. The record included comments explaining that the County could not rely on later state air permitting, because state rules generally may not exceed the federal floor and federal rules for this equipment are being loosened. *E.g.*, Ex. 13 (CleanAIRE Letter) at 6–7.

408. A zoning condition limiting on-site generation would be enforceable by the County.

409. The Board did not analyze air emissions from on-site combustion.

410. The Board did not analyze the cumulative effect of those emissions with emissions from Belews Creek.

411. The Board deferred air-quality questions to state permitting.

412. Neither staff report addresses the written comments on energy and air emissions.

Noise

413. The applicant's own survey measured nighttime background sound (LA90) of 24 to 37 dBA around the site. Ex. 1 (Sept. 14 Packet) at 253 (Ambient Noise Survey at 1).

414. The Ordinance permits 50 dB(A) at night at residential property lines. Ex. 22 (Sept. 11 Conditions) at 2(a).

415. The Ordinance permits 70 dB(A) at other property lines. *Id.*

416. Those limits allow operational noise up to 26 dB above measured nighttime background at residential property lines.

417. The record contains no receptor-based modeling of operational noise at nearby homes.

418. The conditions defer noise modeling until building permits. *Id.* at 2(g).

419. The applicant never submitted a community-specific noise study supporting its limits.

420. Asked how often the backup generators must be tested, the applicant's acoustical consultant answered, "I don't-- I do think it varies," and said it was "an operator choice." Hearing Recording at 52:20–58:49.

421. The applicant's acoustical consultant told the Board that the limits were based on HUD guidance on "an appropriate place to build residential." *Id.* at 27:16–52:08.

422. At the July 8 Public Information Meeting, ELS told residents it had hired Trinity Consultants to conduct an ambient noise study that it would provide during the application process.

423. At the same meeting, ELS offered to buy the County a $20,000 sound meter.

424. Neither the Trinity study nor the sound meter appears in the application or the Rezoning conditions.

425. The only ambient noise survey in the record, dated August 17, was posted to the County's website on September 9, the day after the hearing closed.

426. In place of an independent acoustical analysis, the record contains video clips the Assistant County Manager recorded at a 96-megawatt data center in Loudoun County, Virginia, on or about August 7, 2026. Ex. 1 (Sept. 14 Packet) at 347–376 (Hearing Binder, Tab 8, Noise Videos Briefing (Aug. 2026)).

427. The Assistant County Manager is not an acoustical expert.

428. The Assistant County Manager made those recordings on a smartphone.

429. The Assistant County Manager told the Board that the decibel readings in the clips "are not exactly accurate," that he "was talking during the recordings, which made the decibels fluctuate," and that "the readings are indicative and they're not certified because they're using a phone app." Aug. 24 Recording at 50:16–54:45.

430. The Assistant County Manager told the Board that the facility "is not on the same size and scale of what this will be," and that "this is an industrial area. It's not a rural area. So it's a very different environment." *Id*.

431. Project Delta is planned at 1,000 to 2,000 megawatts, ten to twenty times the size of the facility recorded.

432. Project Delta is expected to run on natural-gas generators "24/7/365" for at least two to four years.

433. On July 15, 2026, the County Manager proposed to ELS that noise from on-site power generation stay "below 40 dBA" at any existing dwelling, certified by an Institute of Noise Control Engineering-certified engineer, calling this "a much better way to skin this cat."

Ex. 30, Email from J. Sanborn, Cnty. Manager, Stokes Cnty., to Drew Nations, ELS (July 15, 2026, 4:43 p.m.).

434. The applicant did not adopt the County Manager's proposal.

435. The staff reports do not mention the County Manager's proposal.

436. The record included a written review of the proposed noise conditions by an independent acoustics firm whose principal has more than 30 years of experience in environmental acoustics. Ex. 17 (RML Review).

437. The RML Review stated the applicant had shown "no clear technical basis" for its daytime, nighttime, or low-frequency limits. *Id.* ¶ 1.

438. The RML Review reported a pilot study measuring nighttime background sound of 20 to 40 dBA near the site, "consistent with typical rural/quiet suburban areas." *Id.* ¶¶ 2, 4.

439. The RML Review stated that a facility operating at the proposed limits "could be 20 to 30 dBA above the existing nighttime background" and "be perceived as approximately four to eight times as loud." *Id.* ¶ 3.

440. The RML Review also found that the proposed low-frequency limits of 75 dBC by day and 65 dBC by night "would still allow a substantial increase in the low-frequency noise floor relative to existing conditions." *Id.* ¶ 4.

441. The HUD guidance on which the applicant relied concerns "government subsidized housing constructed in noisy areas," not new industrial noise sources in quiet residential areas. Hearing Recording at 3:28:36-3:31:19–.

442. The record included comments recommending a pre-approval ambient noise study of at least one week, subject to independent peer review. *E.g.*, Ex. 17 (RML Review) ¶ 5.

443. The record included comments recommending that the County retain an applicant-funded independent acoustical consultant because "County staff typically does not have the specialized acoustical expertise needed to evaluate these materials." *E.g., id.* ¶ 8.

444. The record included comments recommending construction-noise limits. *E.g., id.* ¶ 9.

445. The Ordinance adopts none of these recommendations.

446. Neither staff report addresses the independent acoustical review.

447. The Ordinance's 50 dB(A) nighttime limit is ten decibels above the World Health Organization's guideline of 40 dB(A) outdoors at night. *E.g.*, Ex. 13 (CleanAIRE Letter) at 6.

448. The Ordinance's stricter nighttime limit protects only residentially zoned parcels, not sensitive receptors on other parcels such as Sycamore Baptist Church. Ex. 22 (Sept. 11 Conditions) at 2(a); Ex. 1 (Sept. 14 Packet) at 754 (Sept. Staff Report at 7)

449. The conditions exempt emergency generators from the noise limits entirely. Ex. 22 (Sept. 11 Conditions) at (2)(e).

450. The conditions do not limit the hours of non-emergency "bridging" generator operation. *Id.* at 2(d).

Fiscal Projections

451. In August, staff explained the applicant's projection of about $50.7 million per year in property tax revenue rests on an assumed $7.09 billion in assessed value. Ex. 1 (Sept. 14 Packet) at 197 (August Staff Report at 33).

452. Staff explained the assumed assessed value was derived from three data center campuses in other counties, and staff "has not independently verified" it. *Id.*

453. Staff said the figure "should be treated as the developer's own projection rather than a confirmed county figure." *Id*.

454. Staff said fiscal impacts are "outside the scope" of planning review. *Id.* at 196 (August Staff Report at 32).

455. The September Staff Report omits those caveats. *Id.* at 765 (Sept. Staff Report at 18).

456. The September Staff Report adopts the $50.7 million figure without testing it. *Id.*

457. The September Staff Report calls the $50.7 million figure "more than 1,400 times" the modeled residential tax losses. *Id.*

458. The County's ten largest taxpayers paid about $6.8 million in property taxes combined in 2025. Stokes Cnty. Tax Dep't, Top 10 Taxpayers for Tax Year 2025, https://cms9files.revize.com/stokescountync/Tax%20Administration/Documents/Top%2010%20Taxpayers%20for%20Tax%20Year%20%202025.pdf?t=202601121116130.

459. The September Staff Report calls this comparison "for staff context only" and says it "is not incorporated into the Board's § 160D-605(a) or (b) statements." Ex. 1 (Sept. 14 Packet) at 765 (Sept. Staff Report at 18).

460. The reasonableness statement drafted in the same report, and adopted by the Board, lists "the fiscal information in the record, including the Applicant's illustrative ad valorem projection," among the factors supporting approval. *Id.* at 774 (Sept. Staff Report at 27).

461. The comparison measures untested full-buildout revenue against tax losses on only 177 homes. *Id.* at 763–765 (Sept. Staff Report at 16–18).

462. The property-value study staff relied on finds effects reaching about nine miles from a data center. *Id.* at 762 (Sept. Staff Report at 15).

463. The comparison does not address equipment depreciation or the cost of emergency services.

464. Before the vote, the record included an independent economic analysis conducted by Dr. Michael Hicks projecting $24–41 million in total revenue over a decade, an estimated $40.6 million loss in property value for about 3,400 nearby homes, and higher public-safety costs. *Id.* at 633–634 (Hicks Analysis at 8–9).

465. The September Staff Report does not mention Dr. Hicks' independent economic analysis (the "Hicks Analysis").

466. The Hearing Binder contains a "Companion Reference" addressing one study the Hicks Analysis relied on, Chia et al. (2026). *Id.* at 686–688 (Hearing Binder, Tab 14, Companion Reference: Authors of the Chia et al. (2026) Working Paper at 1–3).

467. The Companion Reference lists the nationality of each author of the Chia study. *Id*.

468. The Companion Reference notes the authors received undergraduate degrees from Chinese universities. *Id.*

469. The Companion Reference states staff "could not independently confirm citizenship." *Id.*

470. Upon information and belief, the Companion Reference was created using artificial intelligence.

471. On September 4, 2026, the County Manager wrote to the Commissioners that the Assistant County Manager had attended Dr. Michael Hicks's presentation of his analysis and "got the presenter to confirm that his study was based on a similar study done by three authors

with Chinese names." Ex. 31, Email from J. Sanborn, Cnty. Manager, Stokes Cnty., to Stokes Cnty. Bd. of Comm'rs (Sept. 4, 2026, 1:51 p.m.).

472. On September 9, the Assistant County Manager wrote to Dr. Hicks: "I'm not a researcher and thus it's taking me some time to work through the Chia study. . . . I'm confident I can work through it by Monday." Ex. 32, Email from B. Miller, Assistant Cnty. Manager, Stokes Cnty., to M. Hicks (Sept. 9, 2026, 11:20 a.m.).

473. No other source in the record received comparable scrutiny of its authors' national origin or citizenship.

474. The national origin or citizenship of a study's authors has no bearing on the reliability of their research and is not a legitimate factor for County staff or the Board to weigh.

Cultural and Historic Resources

475. The August Staff Report found the Hairston Sauratown Plantation House (SHPO Survey Site SK0182), built around 1870, stands within PIN 6964-91-8321. Ex. 1 (Sept. 14 Packet) at 204 (August Staff Report at 40).

476. The August Staff Report described the Plantation House as "one of the most sophisticated dwellings of its period in the county." *Id.*

477. The SHPO has placed the Plantation House on its Study List for the National Register. *Id.*

478. Staff identified two more surveyed sites associated with the Hairston family within PIN 6973-73-4188. *Id.*

479. The August Staff Report found the County's Cemetery Points GIS layer shows a mapped cemetery with about 65 grave points inside PIN 6964-91-8321. *Id.* at 205 (August Staff Report at 41).

480. Staff cautioned "the actual extent of the burial ground may extend beyond the single mapped point location and would need to be confirmed by a ground survey prior to any ground-disturbing activity in its vicinity." *Id.*

481. The record included comments stating at least three substantial Saura villages lie in the floodplain within the rezoned parcels. *E.g.*, Ex. 19 (Historians' Letter) at 2–3.

482. The North Carolina National Register Advisory Committee has found the Upper Sauratown site eligible for the National Register. *Id.* at 2.

483. UNC archaeologists recovered the remains of more than 150 people at the Upper Sauratown site. *Id.* at 3–4.

484. The record included comments stating "numerous *human remains* are *still in the ground*." *Id.* at 14.

485. A 1991 North Carolina Cemetery Survey recorded about 65 graves at the mapped cemetery. *Id.* at 9.

486. The record included comments stating oral tradition identifies the mapped cemetery as the burial ground of people enslaved on the land. *E.g., id.*

487. At the September 8 hearing, Dr. Steve Davis, retired Associate Director of UNC's Research Laboratories of Archaeology, testified each excavated village "can justly be regarded as a cemetery." Hearing Recording at 2:16:20–2:19:40.

488. Dr. Davis testified the proposed conditions "do not provide adequate safeguards for their protection." *Id.*

489. The Catawba Indian Nation told the Board several of the sites are likely culturally affiliated with the Nation. *See* ¶ 209.

490. The Catawba Indian Nation told the Board it had not been consulted. *Id.*

491. The Catawba Indian Nation asked the site be preserved. Hearing Recording at 1:08:19–1:10:34.

492. The applicant's archaeologist testified that his firm, New South Associates, had identified 15 archaeological sites on the property. *Id.* at 35:59–40:36.

493. The applicant's archaeologist testified one National Register-eligible site lies in the uplands outside the floodplain. *Id*.

494. The applicant's archaeologist testified that avoiding the upland site was "our recommendation." *Id*.

495. The applicant's archaeologist testified New South Associates' reports had not yet been submitted to SHPO. *Id.*

496. On the day of the vote, Preservation North Carolina wrote the New South Associates report was under SHPO review and urged the Board to "wait to vote on such a serious matter until the comments and results are presented to you for review." Ex. 21 (Preservation NC Letter).

497. The Board voted that evening without the New South Associates report.

498. No New South Associates report was placed in the zoning record.

499. No SHPO correspondence about the New South Associates report was placed in the zoning record.

500. The applicant's archaeologist's assurance that "all of the historic properties are being avoided" appears nowhere in the Ordinance. Hearing Recording at 35:59–40:36.

501. The floodplain condition does not protect the upland National Register-eligible site. *See* Ex. 1 (Sept. 14 Packet) at 761 (Sept. Staff Report at 14).

502. The September Staff Report does not mention the Plantation House, the other Hairston sites, the 65 graves, the need for a ground survey, the Upper Sauratown site, or the Catawba Nation's request for consultation.

503. The September Staff Report says only that staff identified "at least one recorded cemetery and areas of archaeological interest." *Id*.

504. The September Staff Report told the Board that "[s]tate and federal review requirements—including coordination with" SHPO "apply independent of the County's zoning decision." *Id.*

505. The August Staff Report had found such coordination "is not independently mandated by state law in this instance" and "would be voluntary." *Id.* at 205 (August Staff Report at 41).

506. The Planning Board recommended a cultural and historical memorial developed with the Catawba Indian Nation, the National Hairston Clan, and state agencies (T-13). *Id.* at 380 (Executive Brief at 3).

507. The Ordinance omits the recommended memorial. *Id.* at 775–81 (Sept. Staff Report at 28–34).

508. The Ordinance contains no archaeological survey requirement. *Id.*

509. The Ordinance contains no requirement to avoid archaeological sites or graves. *Id.*

510. The Ordinance contains no cemetery setback. *Id.*

511. The Proposed Development Agreement would add no protection for cultural or historic resources.

The Board Denied a Less Intensive Use of the Same Land in 2025

512. In 2024, Duke Energy Carolinas, LLC, DFC Stokes, LLC, and DFC Stokes 2, LLC applied to rezone three of the four parcels now at issue (PINs 6964-91-8321, 6973-73-4188 and 6973-76-7124), together with PIN 6982-81-2546, from R-A and M-1 to M-1-CZ for a 667 +/- acre large-scale solar farm (the "Solar Farm Rezoning Request"). Ex. 33, Stokes Cnty. Bd. of Comm'rs, Agenda Packet (Apr. 14, 2025) [hereinafter Apr. 14, 2025 Packet] at 5–6.

513. County planning staff did not support the Solar Farm Rezoning Request because it was "not in line with or support [sic] the land use policy established in the Stokes County 2035 Long Range Plan." Ex. 33 (Apr. 14, 2025 Packet) at 6; Ex. 34, Stokes Cnty. Bd. of Comm'rs, Minutes (Apr. 14, 2025) [hereinafter Apr. 14, 2025 Minutes] at 6.

514. Staff described the surrounding area as "low-density residential neighborhoods with limited access to water and sewer utilities and reserved lands / conservation areas." Ex. 33 (Apr. 14, 2025 Packet) at 5.

515. The Planning Board recommended denial of the Solar Farm Rezoning Request.

516. The Board held a hearing on the Solar Farm Rezoning Request on April 14, 2025, and voted on April 28, 2025. Ex. 34 (Apr. 14, 2025 Minutes) at 7–8; Ex. 36, Stokes Cnty. Bd. of Comm'rs, Minutes (Apr. 28, 2025) [hereinafter Apr. 28, 2025 Minutes] at 5–6, 8.

517. Before the April 28 vote, the County proposed zoning conditions to Duke Energy, and the County, Duke Energy, and the County Attorney's Office reviewed and agreed on them. Ex. 35, Stokes Cnty. Bd. of Comm'rs, Agenda Packet (Apr. 28, 2025) [hereinafter Apr. 28, 2025 Packet] at 3–4; Ex. 36 (Apr. 28, 2025 Minutes) at 5.

518. The agreed conditions required a cultural resources survey before construction and prohibited construction within 50 feet of known human remains or any site the State Historic Preservation Office determined required a buffer. Ex. 35 (Apr. 28, 2025 Packet) at 4.

519. The agreed conditions prohibited solar modules containing PFAS and required the manufacturer to certify in writing that its products were PFAS-free. *Id.*

520. The agreed conditions required a decommissioning surety bond naming the County as obligee. *Id.*

521. The Project Delta Ordinance contains no cultural resources survey requirement, no buffer around graves or archaeological sites, no PFAS prohibition, and no decommissioning security. *See generally* Ex. 22 (Sept. 11 Conditions).

522. The same five commissioners who approved this Rezoning sat on the Board in April 2025. Ex. 35 (Apr. 14, 2025 Minutes) at 1; Ex. 36 (Apr. 28, 2025 Minutes) at 1.

523. Commissioner Cox said "if the people that lived in Stokes County wanted to look at an industrial site, they wouldn't live here in Stokes County because that's just not the character of our county." Stokes Cnty. Bd. of Comm'rs, Public Hearing, YouTube, 3:36:08–3:39:24 (Apr. 14, 2025), https://www.youtube.com/watch?v=jOdBNv__N-Y [hereinafter Apr. 14, 2025 Recording].

524. Commissioner Cox objected "the planning board doesn't want it; the water and sewer authority oppose it." *Id.* at 3:39:28–3:40:15.

525. Commissioner Cox expressed "a lot of concerns about the historical aspects that were brought up" and about protecting "the educational resources that might be there as well as the historical." *Id.*

526. At the April 28 meeting, Commissioner Cox emphasized the loss of farmland and said the County "has been steadfastly committed to agritourism and value-added agricultural opportunities." Stokes Cnty. Bd. of Comm'rs, BOCC Meeting, YouTube, 1:01:28–1:06:33 (Apr.

28, 2025), https://www.youtube.com/watch?v=yBB0FOljtBo [hereinafter Apr. 28, 2025 Recording].

527. She warned against the "oversaturation of one area of our county," which "could cause a disproportionate impact," and said she was "certainly against putting them all right there together in one place." *Id.*

528. Commissioner Wood urged that agricultural land be protected and that the project instead "use some vacant industrial" land. *Id.* at 1:18:41–1:20:03.

529. Commissioner Wood pledged, "I will not vote against the planning board." *Id.*

530. The Board denied the Solar Farm Rezoning Request 3–2, with Commissioners Wood, Cox, and Barneycastle in the majority. *Id.* at 2:15:27–2:16:36; Ex. 36 (Apr. 28, 2025 Minutes) at 8.

531. The Board found the Solar Farm Rezoning Request "not reasonable and in the public interes [sic]" because it would take away "agriculturally based uses" and the County's "natural beauty." Ex. 36 (Apr. 28, 2025 Minutes) at 8.

532. The Board found the Solar Farm Rezoning Request inconsistent with the 2035 Plan. *Id.*

533. The landowner challenged the denial in *DFC Stokes, LLC v. Stokes Cnty.*, No. 25 CV00464-840.

534. On June 10, 2026, that case was stayed because "DFC is in the process of resubmitting a rezoning and text amendment application that, if approved, may render this action moot." Ex. 37, Order Granting Stay of Proceedings Pending Resolution of Other Claims, *DFC Stokes, LLC v. Stokes Cnty.*, No. 25CV000464-840 (N.C. Super. Ct. June 10, 2026).

535. Seventeen months after denying a solar farm on this land, the Board approved rezoning it for a larger footprint and a more intensive industrial district (M-2-CZ rather than M-1-CZ).

536. Commissioners Cox and Wood voted for the Rezoning against the Planning Board's recommendation.

537. The parcels and the surrounding area have not changed in any relevant way since April 28, 2025.

538. The parcels remain undeveloped forest and farmland, surrounded by farms, homes, and the Dan River Educational State Forest.

539. The parcels carry the same Plan designations they carried in April 2025.

540. Neither the staff materials nor the Board identified any change in the character of the land or the area since the 2025 denial.

541. The "changed conditions" recited in the reasonableness statement are new FEMA flood maps that enlarge the hazard area, a contingent will-serve letter, and the County's own data center amendments adopted one week before the resubmittal. Ex. 1 (Sept. 14 Packet) at 774 (Sept. Staff Report at 27).

542. None of those "changed conditions" is a change to the land or its surroundings, and none makes the site more suitable for heavy industry.

Other Unaddressed Matters

543. On September 11, 2026, the County Manager told the Commissioners "[t]here is some concern that this is a coordinated attempt to try to overwhelm our ability to fully comply with statutory requirements that we make all of this input available to you before you make a decision." Ex. 28 (Sanborn Sept. 11 Email).

544. The County Manager told the Commissioners that staff would gather public comments into an electronic folder "to review as you see fit." *Id*.

545. The Hearing Binder links to that folder, which holds about 3,338 County emails. Ex. 1 (Sept. 14 Packet) at 553 (Hearing Binder, Tab 13, Project Delta Email Archive — Notice).

546. The folder ends at midday on September 11 and omits comments received afterward. *Id.*

547. The record does not show the Commissioners reviewed the comments in the folder before the vote.

548. Upon information and belief, one or more Commissioners did not review substantial portions of the record before voting, including the Hearing Binder, the written expert comments, the email archive, and the Community Survey.

549. The resolution the Board adopted recites the Board considered "public comment received at and prior to" the September 8 hearing. *Id.* at 773 (September Staff Report at 26).

550. The staff materials contain no analysis of public comment, including the applicant's form-letter campaign. *See* ¶ 217.

551. The staff materials contain no analysis of the County's 2026 Community Survey.

552. The record included comments raising decommissioning, the emergency-response capacity of the volunteer Southeastern Fire District, traffic impacts, localized heat, and PFAS contamination. *E.g.*, Ex. 20 (SCSJ Letters), Sept. 8 Letter at 3, 8–11, 17–19.

553. The staff materials and the Board's decision reflect no consideration of those matters.

554. The September Staff Report's environmental-justice discussion relies on pre-2020 Census tract data. Ex. 1 (Sept. 14 Packet) at 760 (Sept. Staff Report at 13).

555. The September Staff Report's environmental-justice discussion reaches no conclusion. *Id.*

556. The September Staff Report's environmental-justice discussion does not mention the Baileytown or Walnut Tree communities. *Id.*

557. The Board's decision does not address environmental justice or cumulative burden.

558. The Ordinance adopts none of the Planning Board's proposed T-1 through T-14 conditions.

559. The Board's decision gives no reason for declining the Planning Board's recommended conditions.

560. The Board's decision gives no reason for omitting from the conditions the applicant's assurances on which Commissioners relied.

THE STAFF ANALYSIS WAS GENERATED USING AN ARTIFICIAL-INTELLIGENCE TOOL

561. Upon information and belief, the August Staff Report, the September Staff Report, related analyses for the July 2026 text amendments, and the November 9 staff report on the Proposed Development Agreement—including the factual findings and draft § 160D-605 statements the Board adopted on September 14—were generated in whole or substantial part using an artificial-intelligence tool or program.

562. Upon information and belief, County staff also used artificial-intelligence tools in preparing other materials for the Rezoning, including drafts of the staff reports, the § 160D-605 statements, responses to public comment, and communications with the Board. The full extent of the use of artificial intelligence is known only to the County and its staff.

563. Upon information and belief, the factual assertions in those staff reports were not independently verified before the Board relied on them.

564. Upon information and belief, staff did not disclose its use of artificial-intelligence tools to the Board or the public.

565. The Assistant County Manager prepared or directed the preparation of the staff analyses for the Rezoning and the July 2026 text amendments.

566. The Assistant County Manager's County email account received automated notifications from Perplexity AI that the following Project Delta-related tasks were complete, including at least the following:

a. "North Carolina Data Center Regulations" (July 1, 3:23 p.m.);
b. "Map of FEMA Floodplain and Project Delta" (Aug. 4, 12:28 p.m.);
c. "Noise Levels Near Data Center and Turbines" (Aug. 10, 1:02 p.m.);
d. "Project Delta Legal and Financial Analysis" (Aug. 26, 2:30 p.m.; Sept. 2, 11:54 a.m.; Sept. 8, 1:34 p.m.);
e. "Project Delta Staff Report Response" (Sept. 2, 9:00 a.m.; Sept. 8, 1:56 p.m.); and
f. "PROJECT DELTA FINAL" (Sept. 10, 10:41 a.m.; Sept. 11, 10:43 a.m.).

Ex. 38, Emails from Perplexity AI to B. Miller, Assistant Cnty. Manager, Stokes Cnty. (July 1–Sept. 11, 2026) [hereinafter Perplexity Notices].

567. On information and belief, the August Staff Report PDF was created minutes after the "Map of FEMA Floodplain and Project Delta" task was reported complete.

568. On information and belief, the County's noise presentation was created shortly after the "Noise Levels Near Data Center and Turbines" task was reported complete.

569. On information and belief, the Hearing Binder and the September Staff Report were completed on September 11, the same day the second "PROJECT DELTA FINAL" task was reported complete.

570. On information and belief, the embedded metadata of numerous County staff documents identifies their author as "Perplexity Computer," including:

a. the Planning Board and Board of Commissioners staff reports on the July 2026 text amendments;
b. the M-2 Performance Standards and FAQ;
c. the "What These Changes Mean" public explainer;
d. at least three versions of the Data Center Environmental Standards benchmarking report;
e. the text amendment adoption ordinance and summary;
f. the notice of the Planning Board's July 9 meeting; and
g. the staff report on the Flood Damage Prevention Ordinance.

571. On information and belief, the redline comparing the September 8 and September 11 conditions was created with the "python-docx" software library after the Board's vote.

572. The Hearing Binder's index states certain materials "were provided by counsel/user." Ex. 1 (Sept. 14 Packet) at 13 (Hearing Binder, Table of Contents at 3).

573. "User" is how artificial intelligence tools commonly refer to the person giving them instructions.

574. On July 7, 2026, the Assistant County Manager emailed the Board a revised benchmarking report, acknowledging "[t]he initial version of this report, distributed on July 3, contained errors and outdated information. . . ." Ex. 39, Email from B. Miller, Assistant Cnty. Manager, Stokes Cnty., to Stokes Cnty. Bd. of Comm'rs (July 7, 2026, 4:35 p.m.).

575. A short time before, the Assistant County Manager had emailed himself a message that opens: "Here's a stronger, more polished version that reads like an executive-level clarification—measured, factual, and grounded in the realities of fast-moving data center regulation work." Ex. 40, Draft Email from B. Miller, Assistant Cnty. Manager, Stokes Cnty. (July 7, 2026, 4:08 p.m.).

576. That message offered three alternative drafts, each beginning with a version of "Yes, I'm aware there were errors in the initial draft." *Id*.

577. On information and belief, the structure and content of the 4:08 p.m. message are characteristic of text generated by an artificial-intelligence chatbot, and the message was generated by one.

578. The message the Assistant County Manager sent to the Board closely tracks those drafts.

579. The errors described in this Complaint are the kind that independent verification would have caught, including an industrial-acreage figure three times larger than staff's own buffer measurement (¶¶ 308–327); a statement that both water providers had confirmed capacity when neither had committed to serve the project (¶¶ 348–353); and a statement that the conditions imposed enforceable limits on on-site generation when none existed (¶¶ 388–389).

***

580. The County possesses records bearing on the Rezoning that were not placed in the public record, including drafts, internal communications, communications with the applicant, artificial-intelligence account records, and closed-session materials.

581. Since the vote, the County has taken, and continues to take, steps that rely on the Rezoning, including negotiating the Proposed Development Agreement and scheduling it for action on November 23, 2026. *See* ¶¶ 285–289.

582. On information and belief, since the September 14 vote, the County and its staff have communicated with ELS and others about permitting, utility service, and other next steps for the project.

CLAIMS FOR RELIEF

COUNT I

ARBITRARY AND CAPRICIOUS REZONING

(N.C. Gen. Stat. §§ 160D-605, 160D-701; Declaratory Judgment Act, N.C. Gen. Stat. §§ 1-253 et seq.)

583. Plaintiffs incorporate the preceding paragraphs.

584. A rezoning is invalid if it has no foundation in reason and bears no substantial relation to the public health, safety, morals, or welfare, or if it was adopted without fair and careful consideration.

585. The Court reviews the whole record, including evidence contrary to the decision.

586. The Board's decision lacked fair and careful consideration.

587. The Board's decision rests on materially false or unsupported premises, including:

a. an industrial-context figure overstated roughly threefold and mislabeled as "heavy" industrial (¶¶ 308–327);

b. a water supply treated as confirmed when no provider had committed, the only letter covered at most half the represented demand, and the alternative provider's own supply was limited and dependent on an unbuilt interconnection, all during a drought (¶¶ 328–380);

c. uncapped on-site combustion with no emissions analysis (¶¶ 381–412);

d. noise limits accepted without receptor modeling or comparison with measured background, relying instead on a non-expert's uncertified phone recordings at a much smaller, non-comparable facility (¶¶ 413–450); and

e. fiscal projections adopted without testing and contradicted by the record (¶¶ 451–474).

588. The Board failed to give meaningful consideration to:

a. the project's water-quality impacts, including wastewater the application does not quantify, cooling chemicals and PFAS that the serving treatment plant cannot remove, and stormwater runoff into the Dan River (¶¶ 362–380);

b. known burials and archaeological sites (¶¶ 475–511);

c. decommissioning, the emergency-response capacity of the volunteer Southeastern Fire District, traffic, and localized heat (¶¶ 190, 552–555);

d. the system improvements, main extensions, and grid interconnection needed to serve the project, none of which is committed (¶¶ 334, 338–339, 395); and

e. environmental-justice and cumulative-burden concerns (¶¶ 403–406, 554–557).

589. The Board failed to consider whether anything had changed since it denied a less intensive use of the same land in April 2025. *See* ¶¶ 512–542.

590. Nothing relevant had changed, and the "changed conditions" the Board cited do not warrant industrial zoning. *See* ¶ 541.

591. The Board failed to consider important evidence in the record, including the independent economic and acoustical analyses, the written comments on water, energy, and air emissions, the Catawba Nation's statement, and the historians' and archaeologists' letter. *See* ¶¶ 232, 380, 412, 446, 502.

592. The Board disregarded the record evidence of community opposition and community values. *See* ¶¶ 215–231.

593. The County's own random-sample survey found that residents most often named the data center as their greatest concern and the greatest threat to their quality of life, and that the County's rural setting is the main reason they live there. *See* ¶¶ 220–225.

594. Commissioner Morris instead dismissed the opposition as a "Not In My Backyard group" and a campaign by "organizations and political entities outside of Stokes County," contrary to that record. *See* ¶ 261.

595. The Board considered factors outside the Rezoning, including projected property tax revenue and impact on DFC's solar farm litigation. *See* ¶¶ 182–183, 260, 263, 268–269.

596. The Board did not consider whether additional conditions were needed to reduce the Rezoning's harm to neighbors and the surrounding community.

597. The Planning Board, the County Manager, and commenters in the record proposed specific conditions on water, discharges, generators, air monitoring, noise, bonding, emergency services, decommissioning, and cultural resources. *See* ¶¶ 189–190, 373–374, 433–435, 442–444.

598. Commissioners themselves said the applicant's assurances needed to be "put in writing." *See* ¶¶ 191–192, 249, 251.

599. The Board's decision gives no reason for declining those conditions or for omitting from the conditions the assurances on which Commissioners relied. *See* ¶¶ 558–560.

600. The Board approved the Rezoning without the conditions its own Planning Board, staff, and commenters proposed, on the stated expectation that more safeguards could be added at permitting. *See* ¶ 195.

601. But County staff has since confirmed that the County must approve permits that comply with its ordinances and cannot negotiate further protections at that stage. *See* ¶ 306.

602. The Rezoning was the Board's opportunity to impose those protections, and it declined to consider them.

603. In August, staff told the Board that it "should also weigh":

a. the site's rural Land Use Framework designation, "which does not identify this property as a targeted industrial site";
b. the churches, homes, and other sensitive receptors within one mile;
c. the gap in nighttime noise protection at the non-residential boundary;
d. the area's environmental-justice profile;
e. the mapped cemetery inside the site; and
f. the adjoining Dan River Educational State Forest.

Ex. 1 (Sept. 14 Packet) at 208 (August Staff Report at 44).

604. None of these detriments appears in the reasonableness statement the Board adopted.

605. The reasonableness statement identifies as "residual concerns" only grid capacity, cumulative industrial concentration, and uncertainty in the property-value literature. *Id.* at 774 (Sept. Staff Report at 27).

606. Upon information and belief, the Board adopted, nearly verbatim, statements and findings generated with artificial intelligence that rest on materially false factual premises no one verified. *See* ¶¶ 561–579.

607. Rather than address the substance of a study finding a measurable loss in nearby home values, staff gave the Board a "Companion Reference" listing the nationality and citizenship of its authors. *See* ¶¶ 466–474.

608. An author's national origin has no bearing on the reliability of research.

609. National origin is a suspect classification under the Equal Protection Clause of the federal Constitution and Article I, Section 19 of the North Carolina Constitution.

610. A Board that discounts evidence on that basis has not given it fair and careful consideration.

611. The Board proceeded with undue haste, which produced confusion and mistakes and prevented fair and careful consideration of the record. *See* ¶¶ 235–257, 351.

612. Staff issued the September Staff Report and the Hearing Binder one business day before the vote, the applicant revised its conditions again after that, and Commissioners received the revised application at the dais at the start of the meeting at which they voted, with no meaningful opportunity to review it. *See* ¶¶ 236–245, 250–251.

613. Upon information and belief, the compressed schedule left staff no time to verify the artificial intelligence-generated staff analysis before the Board adopted it nearly verbatim. *See* ¶¶ 351, 561–579.

614. Upon information and belief, the pace of the process, together with the volume of public comment, prevented the Commissioners from reviewing the whole record before voting. *See* ¶¶ 543–549.

615. The Rezoning is therefore arbitrary and capricious, and void.

COUNT II

ZONING NOT MADE IN ACCORDANCE WITH THE COMPREHENSIVE PLAN

(N.C. Gen. Stat. § 160D-701)

616. Plaintiffs incorporate the preceding paragraphs.

617. Zoning regulations must be made in accordance with a comprehensive plan, with reasonable consideration for the character of the district and its peculiar suitability for particular uses. N.C. Gen. Stat. § 160D-701.

618. A rezoning in direct contravention of the plan lacks a reasonable basis.

619. The Plan designates the entire site for preserved, conservation, or low-density uses and none of it for industry. *See* ¶ 130.

620. In April 2025, the Board found a less intensive industrial use of the same land inconsistent with the Plan. *See* ¶¶ 512–542.

621. The County has not amended the Plan since April 2025.

622. Both times the Project Delta application came before it, the Planning Board found it inconsistent with the Plan, by votes of 7–1 and 5–2. *See* ¶¶ 150, 185.

623. The Board found the Rezoning inconsistent with the Plan as to the largest share of the site. *See* ¶ 276.

624. The Board's consistency statement did not address the O-2 land. *See* ¶ 278.

625. Staff's alternative consistency statement found the Rezoning not consistent with the O-2 land. *See* ¶ 279.

626. In recommending that the Mabes' adjacent land be rezoned from M-1-CZ to R-A, County staff found R-A zoning consistent with the Plan because "agriculture/forestry is explicitly considered as a typical land use within the O-1 designation and low-density residential development is envisioned within the G-1 designation." Ex. 24 (Nov. 9 Packet) at 9; *see also* Ex. 1 (Sept. 14 Packet) at 32–33 (Plan at 8–9).

627. Staff also found that reducing "the intensity of development permitted on the [Mabes'] property" would bring it "into greater consistency" with the Plan. Ex. 24 (Nov. 9 Packet) at 9.

628. The Project Delta site carries the same O-1 and G-1 designations as the Mabes' property.

629. The Board nonetheless found the County's most intensive industrial zoning consistent with the Plan as to the O-1 land.

630. Converting 1,849 acres from one of the County's most restrictive districts to its most intensive industrial district, against the Plan's designations, is not zoning in accordance with the comprehensive plan.

631. The Rezoning is therefore unlawful.

COUNT III

FAILURE TO CONSIDER THE FULL RANGE OF PERMITTED USES

(N.C. Gen. Stat. §§ 160D-605(b), 160D-701, 160D-703)

632. Plaintiffs incorporate the preceding paragraphs.

633. A governing board must consider whether property is suitable for all uses its new zoning permits, not only the use the applicant describes.

634. The Ordinance permits, as accessory uses, on-site power generation, natural gas infrastructure, substations, battery systems, and fuel storage. *See* ¶ 177.

635. The Ordinance places no cap on on-site generation capacity. *See* ¶ 390.

636. The Ordinance places no limit on fuel type other than restricting diesel to emergency backup. *See* ¶¶ 396, 400.

637. The Board considered the project only as the applicant described it, in unconfirmed generalities.

638. The Proposed Development Agreement would not narrow those uses. *See* ¶ 299.

639. The Board did not consider whether the site is suitable for the full scope of power-generation and fuel-storage uses the Ordinance authorizes.

640. The Ordinance is therefore unlawful.

COUNT IV

VIOLATION OF DUE PROCESS

(N.C. Const. art. I, § 19; U.S. Const. amend. XIV; 42 U.S.C. § 1983)

641. Plaintiffs incorporate the preceding paragraphs.

642. The Board's adoption of the Rezoning was arbitrary and capricious and an abuse of discretion.

643. An arbitrary and capricious zoning decision violates the Law of the Land Clause of the North Carolina Constitution, Article I, Section 19, and the Due Process Clause of the Fourteenth Amendment, actionable under 42 U.S.C. § 1983.

644. The Board's arbitrary and capricious decision and the procedural defects in its adoption of the Rezoning violate Plaintiffs' due process rights.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court:

A. Declare the Ordinance adopted September 14, 2026, rezoning PINs 6964-91-8321, 6973-49-0574, 6973-76-7124, and 6973-73-4188 from R-A to M-2-CZ, unlawful, invalid, and void;

B. Vacate the Ordinance and declare that the property's zoning reverts to its last lawful classification, Residential-Agricultural (R-A);

C. Enjoin Defendant from relying on, implementing, or enforcing the Ordinance, including by issuing any development approval or permit, or entering into any development agreement, that depends on it;

D. Remand to Defendant for any further consideration consistent with Chapter 160D;

E. Award Plaintiffs their costs and, to the extent permitted by law, reasonable attorneys' fees; and

F. Grant such other relief as the Court deems just and proper.

Plaintiffs request a trial by jury on all issues so triable.

[SIGNATURE PAGE TO FOLLOW]

Respectfully submitted, this the 12th day of November, 2026.

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Exhibit 1

Electronically Filed Date: 11/12/2026 5:05 PM Stokes Superior Court County Clerk of Superior Court

AGENDA

Keith Wood, Vice Chair
Wayne Barneycastle, Chair
Sonya Cox, Commissioner
Brad Chandler, Commissioner
Rick Morris, Commissioner

REGULAR SESSION OF THE BOARD OF COUNTY COMMISSIONERS
Monday, September 14, 2026
COMMISSIONERS CHAMBERS
6:00 PM

I. Call to Order

II. Invocation

III. Pledge of Allegiance

IV. Approval of the Agenda

V. Public Comments

VI. Comments - Managers/Commissioners

VII. Conflicts of Interest

a. Conflict of Interest Statement

VIII. Consent Agenda

a. Budget Amendments

IX. Discussion Agenda

a. Project Delta Rezoning

X. Action Agenda

XI. Adjournment

*Anyone with a disability(is) who needs an accommodation to participate in this meeting is requested to inform us 48 hours prior to the scheduled time of the affected group meeting
*Attachments may be delivered before or at the time of the meeting
*Times may vary due to times preset for agenda items

Board of County Commissioners
September 14, 2026

Item number: IX.a

Project Delta Rezoning

Drafter: Olivia Jessup

Summary:
Engineered Land Solutions, LLC, acting on behalf of the property owners DFC Stokes, LLC and DFC Stokes 2, LLC, has petitioned Stokes County to rezone four contiguous and proximate parcels totaling approximately 1,848.74 acres from Residential-Agricultural (R-A) to a Heavy Manufacturing Conditional Zoning District (M-2-CZ). The property is located along US Highway 311, Tuttle Road, Oldtown Road, and Coon Joyce Road, generally between the Town of Walnut Cove and the Dan River, and is identified by Stokes County Parcel Identification Numbers 6964-91-8321, 6973-49-0574, 6973-76-7124, and 6973-73-4188.

The Applicant proposes to develop the property for a data center campus and supporting infrastructure, subject to a series of use restrictions and development standards proposed as conditions of the requested zoning district.

Attached are supporting materials for this request for review.

ATTACHMENTS:
Project Delta Review Binder
Project Delta Board Staff Report

STOKES COUNTY, NORTH CAROLINA

Board of Commissioners

Project Delta

Hearing Binder

Conditional Rezoning — Data Center

Prepared for the Public Hearing and Board Deliberation

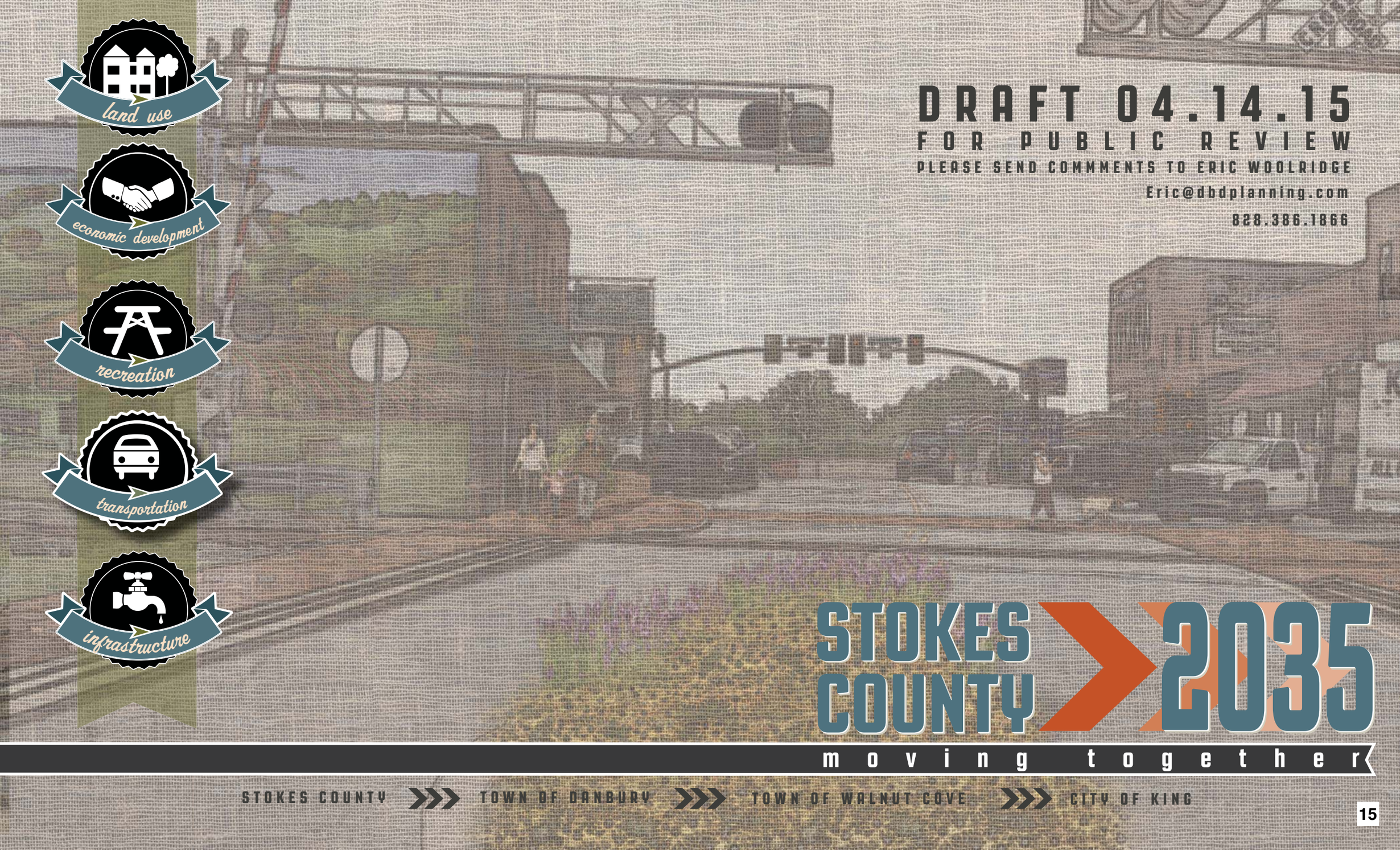
Compiled: September 11, 2026

Table of Contents

Tab	Section	Documents
1	**Stokes County 2035 Vision Plan**	• Stokes County 2035 Vision Plan — Draft (April 14, 2015)
2	**Notice & Procedure**	• Project Delta — Legal Advertisement • Planning Board — Special Meeting Notice • Project Delta — Mailed Notice to Adjoining Owners • Project Delta — Posted Notice (On-Site Sign) • 2026 Data Center Rezoning — Procedural Safeguards (News Post)
3	**Staff Report**	• Project Delta — Staff Report (Planning Board)
4	**Application Materials**	• Conditional Rezoning Application
5	**Site Plan & Buffer Exhibits**	• Site Plan (Original Submission) • Site Plan (Revised) • Buffer Zone Exhibit
6	**Zoning Conditions**	• Zoning Conditions — Original Submission • Zoning Conditions — Final (9/8/2026)
7	**Public Information Meeting**	• PIM Written Report
8	**Noise Evidence**	• Ambient Noise Survey — 2026 • Data Center — Noise Videos Briefing
9	**Executive Brief to the Board**	• Executive Brief to the Board of Commissioners — August 24, 2026
10	**Administrative Record**	• Application Fee Invoice — INV-2026-0723 • Application Fee — Payment Receipt • Certified Map — Adjoining Property Owners (Tax Supervisor)

Tab	Section	Documents
11	**Will-Serve Letter**	• Will-Serve Letter — Stokes County Water and Sewer Authority (December 26, 2025)
12	**Tax Director Certified Mailing List — Stokes County**	• Tax Director Certified Mailing List — Stokes County (August 25, 2026)
13	**Resident Report and Comments**	• A. Board of Commissioners Remarks — Plain-Language Draft (August 24, 2026) • B. Citizen Decision-Support Package — Submission (August 20, 2026) • C. Infographic — Who Benefits and Who Bears the Burden • D. Infographic — Is the Net Benefit Proven? • E. Map — Southeast Stokes Energy / Utility Corridor • F. Infographic — Are Planning, Due Diligence, and Financial Modeling Connected? • G. Map — Cumulative Industrial / Utility Context • H. Infographic — Is This Site Fit for Purpose? • I. Project Delta Email Archive — Notice (OneDrive link)
14	**Southern Environmental Law Center**	• A. Comments to Stokes County Planning Board (June 8, 2026) • B. Memo to Stokes County on Temporary Moratorium (June 23, 2026) • C. Data Center Site Visit Questions (June 25, 2026) • D. Comment Letter to Stokes County re: Amendment (July 8, 2026) • E. Executive Summary — Stokes County Economics Report (Dr. Hicks) • F. Hicks Economic Analysis of Project Delta — Full Report (September 2, 2026) • G. Map — Home-Value Loss Expected from Project Delta (September 2, 2026) • H. Dr. Hicks Virtual Presentation (September 4, 2026) • I. Chia Study — Author Bios (Chia et al., 2026 Working Paper) • J. Chia Study — The Spatial Incidence of Hyperscale Data Centers (Chia, Fan, Hu & Wang, May 12, 2026)

All documents in this binder are the official record copies posted to co.stokes.nc.us, except the certified mailing list in Tab 12, resident-submitted materials in Tab 13, and SELC materials in Tab 14, which were provided by counsel/user and filed with the Clerk. Each tab divider lists the source for the underlying file.



DRAFT 04.14.15

FOR PUBLIC REVIEW

PLEASE SEND COMMMENTS TO ERIC WOOLRIDGE
Eric@dbdplanning.com
828.386.1866

STOKES COUNTY 2035

moving together

STOKES COUNTY >>> TOWN OF DANBURY >>> TOWN OF WALNUT COVE >>> CITY OF KING

RURAL TRANSECT URBAN



Image: Duany Plater-Zyberk & Company

O-1 Preserved Lands

- Conservation
- Parks and Greenways
- Limited Agriculture and Forestry
- Water Access Areas

O-2 Reserved Lands/ Conservation

- Conservation
- Parks and Greenways
- Limited Agriculture and Forestry
- Water Access Areas

G-1 Low Density Growth Areas

- Primarily Residential/ Low Density
- Small Scale Multi-Family
- Limited Convenience Retail Uses
- Civic Uses

G-2 Controlled Growth Areas

- Single and Multi-Family Development
- Neighborhood Mixed-Use Centers
- Neighborhood Scale Commercial
- Civic and Light Industrial Uses

G-3 Mixed-Use Centers and Corridors

- Medium to High Density
- Regional Centers
- Industrial Districts

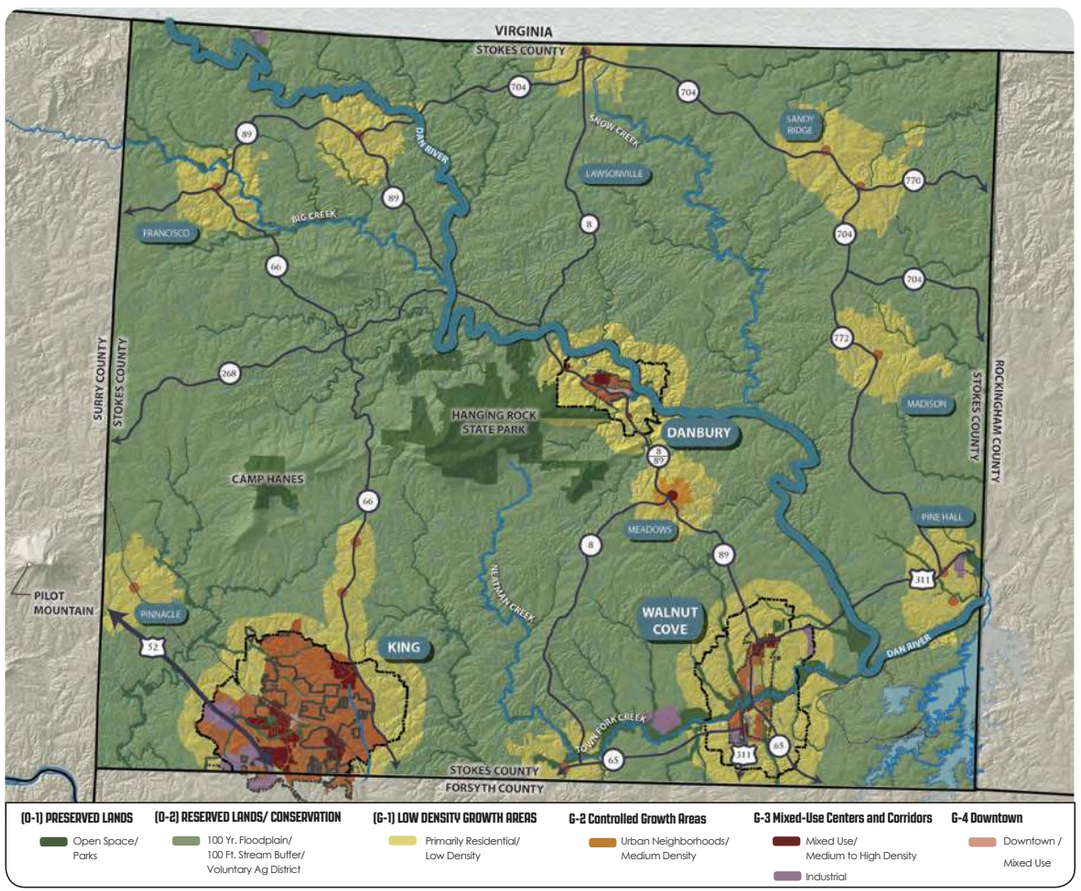
G-4 Downtowns

- Mixed-Use
- High Density

LAND USE FRAMEWORK MAPS

The primary land use classification throughout the County includes very low (greater than 4-acre density average) or low-density (1.5 acre density average) residential growth.

In an effort to encourage neighborhood commercial growth toward major intersections throughout the county, the Land Use Framework Map identifies twelve (12) Rural Neighborhood Commercial Nodes. A one-mile buffer around these nodes identifies a target low-density residential growth area.



The recent sewer infrastructure expansion to the Meadows community will allow for greater density and is necessary to realize a return on investment; a mixed-use and high-density classification surrounds Meadows.

This plan recognizes that growth pressure will likely continue along the Highway 66 corridor that extends north from King. There are two neighborhood commercial nodes identified along this corridor.

A progression is found within each municipality from single family homes to urban neighborhoods containing mixed use nodes and centrally located historic downtowns.

LAND USE TRANSECT ZONES

OPEN SPACE 1 (O-1): PRESERVED LANDS

The O-1 Transect Zone is comprised of areas for preservation, conservation, or very limited development. This transect includes existing major public lands, 100 year floodplain, 100 foot stream buffer, and voluntary agricultural districts. Key areas of the O-1 transect zone in Stokes County include Hanging Rock State Park, Camp Hanes, Camp Sertoma, and the floodplains of all rivers and streams.



Floodplain & riparian areas are suitable for linear parks and trails.

OPEN SPACE 2 (O-2): RURAL COMMUNITY

The O-2 Transect Zone is comprised of very low density development that includes many of the rural areas in Stokes County. This zone includes areas with very limited or no

water or sewer infrastructure. Some areas located within the O-2 Transect Zone could ultimately transition into the O-1 Transect Zone by expanding public lands and preserving highly sensitive natural resources and riparian areas.

The preservation of rural areas accomplishes many planning goals:

- It discourages sprawl by focusing new growth in and around existing developed areas.
- It plays an important role in natural resource protection.
- It promotes fiscal stewardship by encouraging growth toward municipal areas to create more efficient use of public facilities and existing infrastructure.
- By targeting growth toward municipal areas, the public will have more opportunities to walk or bike daily.

GROWTH SECTOR 1 (G-1): LOW-DENSITY RESIDENTIAL NEIGHBORHOODS

The G-1 sector, indicated by yellow on the Framework Maps, is intended for low-density residential growth and includes areas with limited access to water and sewer infrastructure. Many times, however, these areas are adjacent to target growth areas, such as municipal areas, county areas with water and sewer infrastructure, and existing and planned rural neighborhood commercial nodes. In addition, poor/wet soils that are not typically appropriate for development are included in this sector; soils information should be overlaid and investigated at a detailed level when developing in these areas to avoid the most sensitive soil types.

Desirbale development in this sector typically consists of cluster development such as conservation subdivisions, or low-density residential development on relatively large lots. Other land uses appropriate for this sector include civic uses such as parks, schools, government uses, and religious institutions.

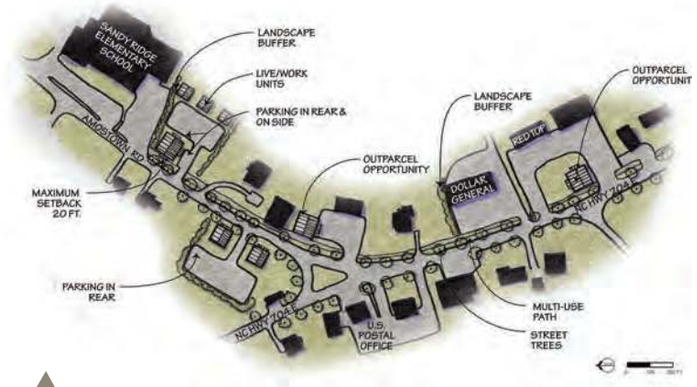


Single-family homes, such as this farmhouse, are the primary land use type found within the low-density growth sector of Stokes County.

GROWTH SECTOR 2 (G-2):URBAN NEIGHBORHOODS

The G-2 Sector, indicated by orange on the Framework Maps, contains denser, mixed-use development at a scale appropriate for neighborhood commercial centers and walkable residential neighborhoods. Many of these areas have access to water and sewer infrastructure where growth should be directed. A local road network should be well connected and link to larger collector streets. Paths should form pedestrian connections linking internal parks, multi-use greenways, sidewalks, and adjacent preserved open spaces. This pattern of development can provide significant public health benefits by creating safe and accessible opportunities for walking and biking.

@ Sandy Ridge



Twelve (12) Rural Neighborhood Commercial Nodes have been identified throughout Stokes County. Design features include reduced setbacks and locating parking on the sides and rear.

GROWTH SECTOR 3 (G-3): NEIGHBORHOOD MIXED-USE

The G-3 Sector is indicated by red on the Framework Map. Water and sewer infrastructure and major transportation networks and nodes serve these areas. The G-3 Sector also includes major road corridors for which specific attention is required to avoid unwanted strip development.

A full-range of land uses are appropriate in the G-3 sector, including single-family and multi-family residential, civic



The availability of water and sewer is a major determinant of where growth can occur. This is especially true in Stokes County where soils in many locations have characteristics that preclude individual septic systems. This weakness (poor soils) provides an opportunity for Stokes County to target infrastructure development in accordance with this plan.

WATER INFRASTRUCTURE

With the Dan River and its tributaries, the nearby Yadkin River, and the groundwater supply, Stokes County has an adequate water supply to meet its needs into the future.



The Dan River serves as a mojor source for public water in Stokes County.

MUNICIPAL WASTEWATER

The existing municipal wastewater infrastructure in Stokes County also has the capacity to meet the county's needs for the foreseeable future.

There are currently three municipal wastewater operations in Stokes County, located in King, Danbury, and Walnut Cove.

INFRASTRUCTURE POLICIES

Due to the continual increase of sewer rates by the City of Winston Salem, the City of King must consider the development of its own wastewater treatment facility.

INFRASTRUCTURE GOALS: THE BIG THREE

1. **Create a new city-owned wastewater treatment facility for the City of King (Explore a wetland treatment facilty similar to the Walnut Cove system).**

2. **Strategically extend King's water system to "fill in" areas between existing water lines, create loops whenever practical to increase the circulation of the system.**

3. **Capatalize on the newly expanded sewer infrastructure in the Meadow's community.**

B LAND USE FRAMEWORK MAPS

The following maps provide a land use foundation for the County and its three (3) municipal jurisdictions.

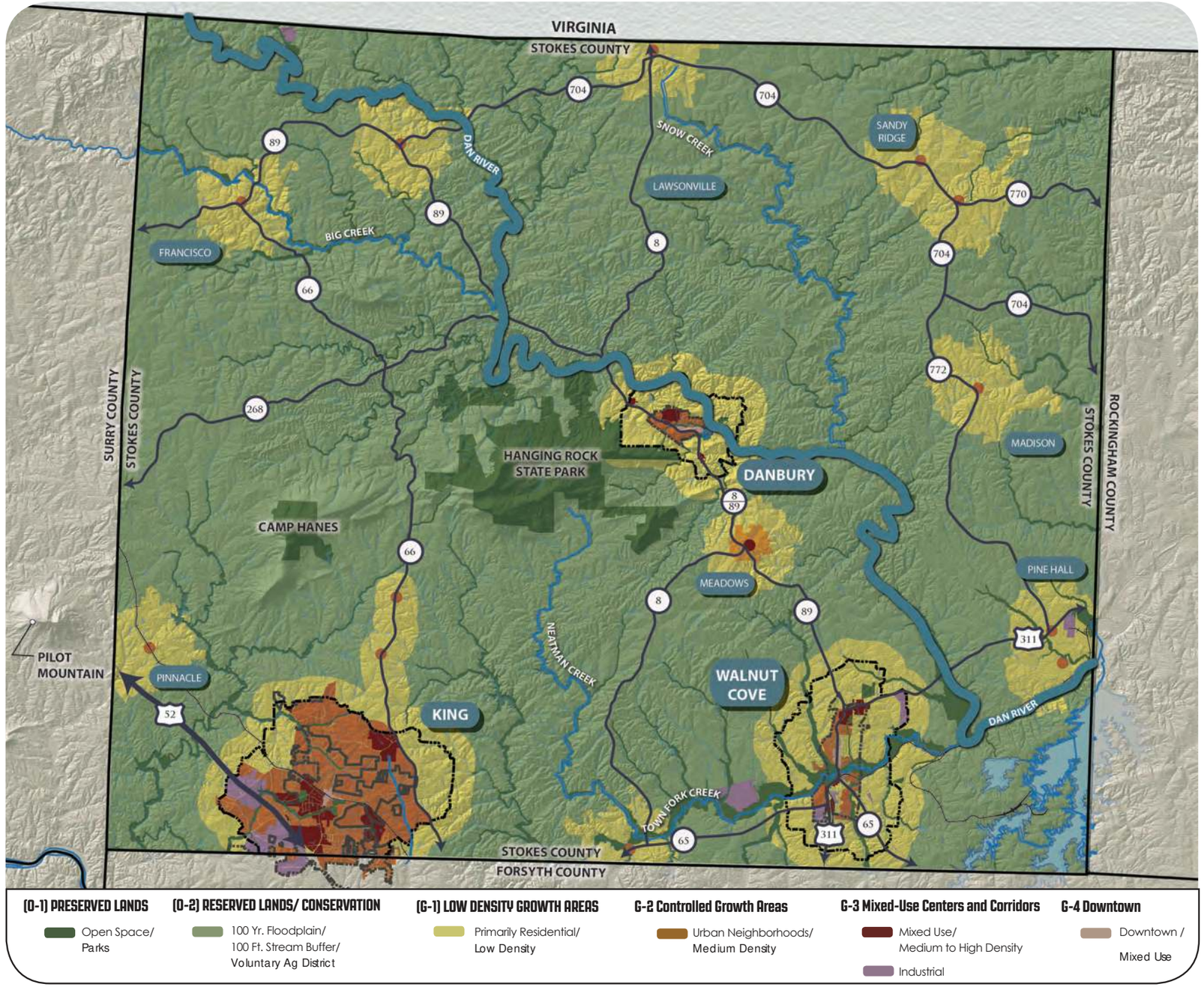
STOKES COUNTY

The primary land use classification throughout the County includes very low (greater than 4-acre density average) or low-density (1.5 acre density average) residential growth.

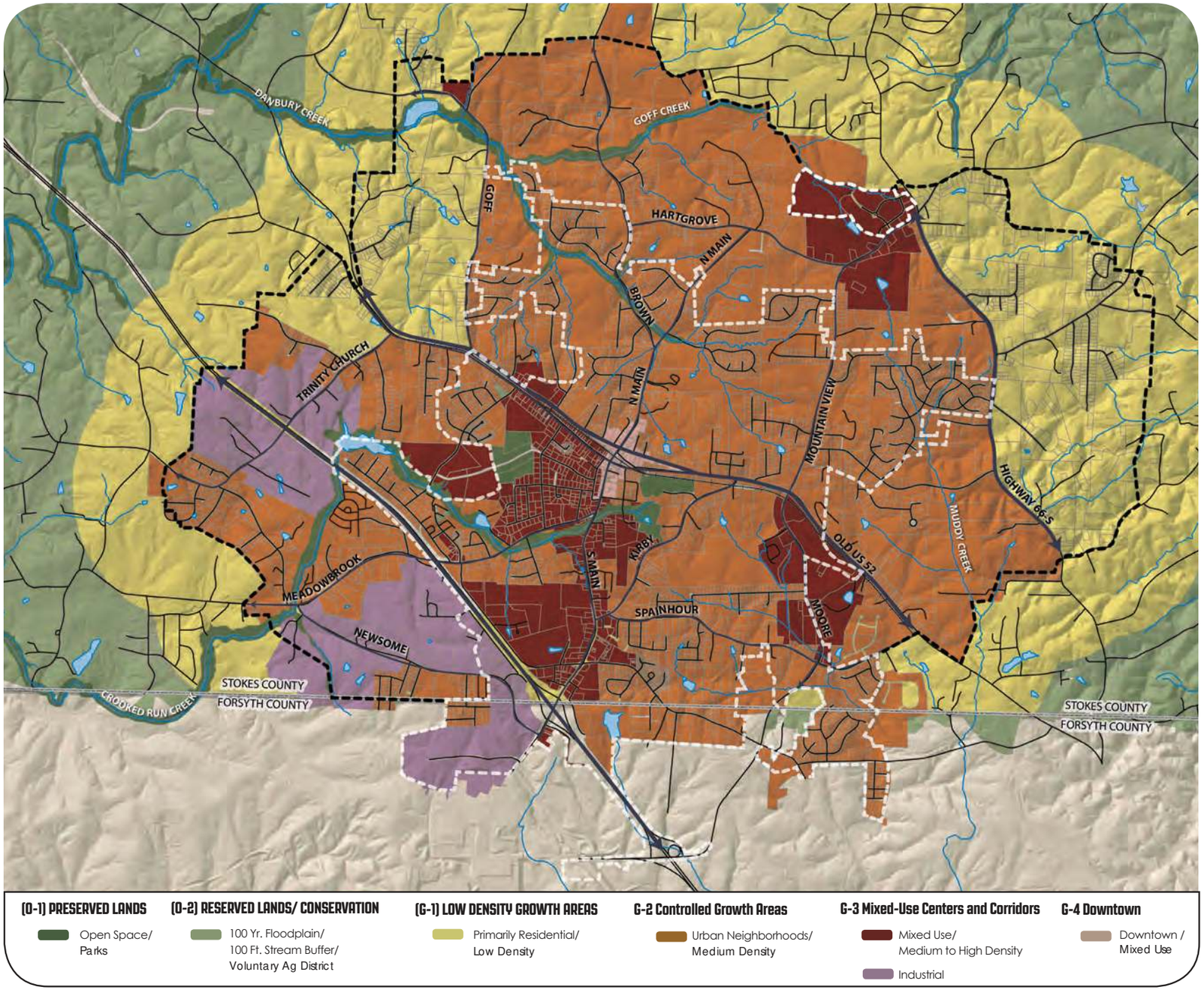
In an effort to encourage neighborhood commercial growth toward major intersections throughout the county, the Land Use Framework Map identifies twelve (12) Rural Neighborhood Commercial Nodes. A one-mile buffer around these nodes identifies a target low-density residential growth area.

The recent sewer infrastructure expansion to the Meadows community will allow for greater density and is necessary to realize a return on investment; a mixed-use and high-density classification surrounds Meadows.

This plan recognizes that growth pressure will likely continue along the Highway 66 corridor that extends north from King. There are two neighborhood commercial nodes identified along this corridor.



Map 13: Stokes County Land Use Framework Map



Map 16: King Land Use Framework Map

KING

The City of King is located between two significant transportation arteries (US 52 and NC Route 66). Because of its proximity to major transportation corridors, King has the ability to attract major job-generating industry. It is critical for King and Stokes County as a whole that conflicting land uses (ie. residential development) do not encroach upon land projected for future industrial growth. Preserving land for industrial growth is especially important along the Newsome Rd. corridor.

King has several important commercial areas that are classified as Mixed-Use Centers and Corridors (G-3). These areas include:

- A regional commercial hub near the interchange of US 52 and King- Tobaccoville Rd/ South Main Street.
- An important transitional corridor along South Main Street between downtown King and the commercial hub at the Highway 52 interchange.
- A satellite commercial area in northeast King surrounding the intersection of Hwy 66 and Mountain View Road.
- A mixed-use area targeted especially for medical uses along Moore Road.
- A large urban residential neighborhood west of the City's downtown core that has potential for more dense mixed use development.

State law restricts the transfer of water across watershed boundaries and thus prevents the extension of sewer lines east of Hwy 66. As a result, the area east of Hwy 66 is designated for low-density growth.

2.3 Explore public- private partnerships with construction and development firms to market and promote qualified business sites with shell buildings or virtual spec buildings.

2.4 Investigate the feasibility of offering incentives in the form of free or reduced price land or buildings to companies looking to locate in the area.



Virtual Spec Buildings are a marketing tool that shows how a building can be developed or expanded on a site.

NEWSOME ROAD CORRIDOR INDUSTRIAL COMPLEX CONCEPT

At the public workshop in King, the design team created a preliminary concept for the Newsome Road Corridor which analyzes how the Newsome Road Corridor could be developed for industrial/ business use. Such preliminary planning efforts are effective at identifying barriers and opportunities to development in advance- and thereby make the sites more appealing to businesses.

PHASING



ANALYSIS



BIRDS-EYE PERSPECTIVE



BRANDING

Exhibit 45: Newsome Road Corridor Industrial Complex

2.5 Work alongside Rockingham County to explore the possibility of commercial or industrial development in the Pine Hall area from the 772/ 311 intersection to the county line to take advantage of rail and natural gas infrastructure and the availability of water.

2.6 Follow best practices for site development to promote and market the Holder, Moore, and Newsome Drive properties as prepared, certified, prime locations that are shovel-ready for industrial development.

Stokes County's 2013 "Action Plan for Recruitment" Report identified properties on Moore Rd, a property off of Highway 52 and Newsome Road known as the "Holder Property" and another tract off of Newsome Drive as the most promising building sites in the county.

2.7 Target medical/ health care related development along the Moore-RJR Road corridor to U.S. Highway 52 (I-73).

2.8 Conduct site-specific soils evaluations at targeted commercial areas throughout County where sewer infrastructure is unavailable.



Several tracts for sale along Newsome Rd. in King offer preferable industrial opportunities in Stokes County.



ARE YOU SHOVEL READY?

To compete for *new investment*, industry, and jobs, Stokes County must have *"shovel-ready"* sites. Here are the steps:

1. Secure sites with an option or other form of agreement in order to conduct due diligence.
2. If due diligence proves positive, move forward with longer-term control either through an option, purchase, or partnership with the landowner or developer.
3. Certify the site through the NC Department of Commerce. Much of the certification work will be completed in the due diligence phase. Certified sites are common in most states, so companies and site selection consultants know to ask for certified sites.
4. After due diligence and certification, create detailed plans that visually demonstrate how the site can be developed.

Exhibit 46: Steps for Shovel Ready Projects

STOKES COUNTY BOARD OF COMMISSIONERS

SPECIAL MEETING NOTICE

NOTICE OF PUBLIC HEARING — DATA CENTER

Conditional Rezoning Application — "Project Delta"

You are receiving this notice because you own property that is the subject of, or abuts, a proposed zoning map amendment described below. Notice is hereby given that the Stokes County Board of Commissioners will hold a public hearing to consider the application. This notice is provided pursuant to N.C. Gen. Stat. § 160D-602 (mailed notice).

Hearing Details

Date:	Tuesday, September 8, 2026
Time:	5:00 p.m. until 9:00 p.m.
Location:	Stokes County Commissioners' Chambers, Ronald Wilson Reagan Memorial Building, 1014 Main Street, Danbury, NC 27016
Body:	Stokes County Board of Commissioners

Application Details

Petitioner:	Engineered Land Solutions, LLC
Property Owners:	DFC Stokes, LLC and DFC Stokes 2, LLC
Request:	Rezoning from Residential-Agricultural (R-A) to Heavy Manufacturing Conditional Zoning District (M-2-CZ), with the proposed permitted uses being a data center and associated accessory uses and facilities.
Acreage:	± 1,848.74 acres
Location:	Along US Highway 311, Tuttle Road, Oldtown Road, and Coon Joyce Road, in the vicinity of Walnut Cove, North Carolina
Parcel PINs:	6964-91-8321; 6973-49-0574; 6973-76-7124; 6973-73-4188

Purpose

The Board of Commissioners will receive public comment on the application and consider the Planning Board's review and comment under N.C. Gen. Stat. § 160D-604. This hearing is called as a special meeting separate from the Board's regularly scheduled meetings. Consistent with the Board's adopted procedural safeguards for data center rezoning applications, the Board will not deliberate or vote on the application on the night of this hearing; deliberation and a vote, including the statement of consistency with the Stokes County 2035 Vision Plan and the statement addressing the reasonableness of the proposed rezoning required by N.C. Gen. Stat. § 160D-605, will occur at a later meeting when the Board takes final action on the application.

How to Participate

- Hearing materials, including the staff report and application, will be posted online at least 10 days before the hearing and available for in-person review at the Stokes County Planning and Inspections Department, 1014 Main Street, Danbury, NC 27016, during normal business hours.
- From 5:00 p.m. to 6:00 p.m., the Board will receive presentations from County staff and the Petitioner. From 6:00 p.m. to 9:00 p.m., the Board will receive public comment.
- Members of the public may sign up in advance to speak during the 6:00 p.m. to 9:00 p.m. public comment period; advance sign-up is assigned in six thirty-minute blocks (6:00, 6:30, 7:00, 7:30, 8:00, and 8:30 p.m.) on a first-come, first-served basis. Night-of sign-up is also available, subject to available time. Each speaker is allotted three minutes.
- Advance speaker sign-up is available online at form.jotform.com/262233745785162.
- Written comments may be submitted before and during the hearing to PublicComments@co.stokes.nc.us, and will be included in the public record.
- The Board's complete Procedural Safeguards for Data Center Rezoning Consideration — including full sign-up, venue and overflow, and hearing procedures — along with the complete application and staff report, is posted online at co.stokes.nc.us/departments/data_center.php (Project Delta — Submission Date: 7/20/2026) and available at the Planning and Inspections Department.
- The hearing venue is ADA accessible. Persons needing auxiliary aids or services to participate should contact the Planning and Inspections Department in advance of the hearing.

Statutory Notice

This notice is being mailed by first-class mail to the owners of the subject parcels and to the owners of all abutting parcels of land not less than 10 nor more than 25 days before the hearing date, as required by N.C. Gen. Stat. § 160D-602(a). Separate published notice is being given pursuant to N.C. Gen. Stat. § 160D-601. The application has been submitted to the Planning Board for review and comment under N.C. Gen. Stat. § 160D-604, and the Board of Commissioners will adopt the plan-consistency and reasonableness statements required by N.C. Gen. Stat. § 160D-605 when it takes final action on the application.

By order of the Stokes County Board of Commissioners.

Bryan S. Miller

Assistant County Manager

Posted: August 20, 2026

2026 Stokes County Data Center Rezoning — Procedural Safeguards

Source: Stokes County News Post — co.stokes.nc.us/news_detail_T1_R157.php

The following procedures were approved by the BOCC for the September 8th Public Hearing:

2026 Stokes County Data Center Rezoning Procedural Safeguards

Given the high public interest in data centers, the Stokes County Board of Commissioners, in consultation with community stakeholders, commits to provide additional ways for the public to provide input regarding a proposed data center project in Stokes County. These safeguards supplement, but do not replace, any due process already required by State statutes or local ordinances. Except to the extent a safeguard is independently required by law, these additional

measures are voluntary and are not legally binding upon the County. Any failure to comply with a voluntary safeguard set forth in this document that are not independently required by law shall not, by itself, affect the validity of any decision made by the Board of County Commissioners.

For the 2026-7 proposed data center rezoning, the County will take the following steps:

1. Public Notice and Access to Information

• Provide clear public notice of all hearings and meetings related to the rezoning, including a detailed description of the subject of the hearing and meeting.

• Make a public comment submission portal available online prior to the public hearing.

• Post hearing materials online at least 10 days before the hearing. Materials received by the County after the initial posting will also be posted online, to the extent reasonably possible, and the County will identify materially revised or newly submitted materials.

• Make hearing materials available for in-person review at County offices during normal business hours at least 10 days before the hearing.

• Record hearings through video or audio and maintain recordings, minutes, written comments, submitted materials, and speaker sign-up information as part of the public record, consistent with applicable law.

2. Public Hearing Scheduling and Board Deliberation

• Schedule a public hearing on the rezoning as a special called meeting on a date other than the County Commissioners' regularly scheduled meetings.

• The County Commissioners will not deliberate and vote on a proposed rezoning on the same night as the public hearing. Instead, they will deliberate and vote on the proposal during their next regularly scheduled meeting after the public hearing.

3. Fair Public Participation

• Post this document outlining procedural safeguards online at the same time the County notices the public hearing.

• Apply clear and consistent speaking rules to all participants.

• Accept written comments before and during the public hearing and include them in the public record.

• Schedule the public hearing to last for three hours for public comment.

• Allow members of the public to sign up in advance for speaking times during one of six thirty-minute blocks. Speaker slots will be assigned on a first-come, first-served basis.

• Allow members of the public who do not sign up in advance to sign up on the night of the public hearing. Speakers who do not sign up in advance may be heard during unused slots in a thirty-minute block or if scheduled speakers conclude their comments before the end of a block. The County cannot guarantee that every person who signs up on the night of the hearing will be given time to speak.

• Keep speaker sign-up open until public hearing attendees have had a reasonable opportunity to register to speak.

• Give each member of the public three minutes to speak during the public hearing. This time limit may be adjusted as needed, but the Board will seek to provide equitable time to each speaker.

• In addition to the three hours reserved for public comment, provide reasonable time for County staff and the applicant to make presentations.

• Demonstrate respect for community members and their viewpoints.

4. Venue and Overflow Accommodations

• Hold the public hearing in the largest reasonably available venue, with consideration to security and technology limitations and requirements.

• Provide overflow accommodations if attendance exceeds room capacity, including audio/video access where feasible. To the extent a public meeting is conducted at the Reagan Building (the Administration Building) located at 1014 Main Street in Danbury, the County will make reasonable efforts to provide overflow accommodations in the third-floor conference room.

• Ensure overflow attendees have the same opportunity to hear the proceedings and participate.

• Ensure the venue is ADA accessible.

You may download a copy of the procedures

here

.

Overflow Public Comment Period

An overflow public-comment period from 9:00 to 9:30 will be added to the initially noticed public comment period on September 8th, 2026 regarding the proposed Project Delta Data Center conditional-zoning application and zoning map amendment identified in the County’s published

public-hearing notice.

This period is intended to assist the Board in concluding comments from the sign-up period and, if time permits, to accommodate additional speakers. It is not a separate public hearing, and it does not guarantee that every person who wishes to speak will be called upon during this period.

The formal legislative public hearing will begin at 5:00 as stated in the published notice. Any overflow comments, if received, will be limited to the matters identified in that notice and will be subject to the same reasonable time limits and procedures established by the Board. A sign-up sheet will be made available for the public to sign up to speak during this period, and the sign-up sheet will remain available to the public until the overflow public-comment period begins.

STOKES COUNTY

PLANNING AND INSPECTIONS DEPARTMENT

STAFF REPORT

Conditional Zoning District Application

"Project Delta"

Applicant/Petitioner: Engineered Land Solutions, LLC

Property Owner: DFC Stokes, LLC and DFC Stokes 2, LLC

Request: Rezoning from Residential-Agricultural (R-A) to Heavy Manufacturing Conditional Zoning District (M-2-CZ)

Property PINs: 6964-91-8321; 6973-49-0574; 6973-76-7124; 6973-73-4188

Total Acreage: +/- 1,848.74 acres

Location: Along US Highway 311, Tuttle Road, Oldtown Road, and Coon Joyce Road, in the vicinity of Walnut Cove, North Carolina

Public Information Meeting: July 8, 2026, 5:00-6:00 p.m., Stokes County Administrative Building, 1014 Main Street, Danbury, NC

Prepared by the Stokes County Planning and Inspections Department
For consideration by the Stokes County Planning Board and Board of Commissioners

Table of Contents

1. Executive Summary

2. Application and Procedural Background

3. Site and Surrounding Area Description

4. Comprehensive Plan Consistency Analysis

5. Compatibility with Surrounding Uses

6. Noise Impact Analysis

7. Cumulative Water, Wastewater, and Energy Impacts

8. Environmental Justice Considerations

9. Cultural and Historical Resources

10. Infrastructure Capacity

11. Staff Recommendation

Appendix A: Summary of Proposed Zoning Conditions

Appendix B: Public Information Meeting Topics Summary

Appendix C: Referenced Maps and Geographic Data Sources

1. Executive Summary

Engineered Land Solutions, LLC ("the Applicant"), acting on behalf of the property owners DFC Stokes, LLC and DFC Stokes 2, LLC, has petitioned Stokes County to rezone four contiguous and proximate parcels totaling approximately 1,848.74 acres from Residential-Agricultural (R-A) to a Heavy Manufacturing Conditional Zoning District (M-2-CZ) (Combined Rezoning Package, Application Cover Sheet, p. 8). The property is located along US Highway 311, Tuttle Road, Oldtown Road, and Coon Joyce Road, generally between the Town of Walnut Cove and the Dan River, and is identified by Stokes County Parcel Identification Numbers 6964-91-8321, 6973-49-0574, 6973-76-7124, and 6973-73-4188 (Combined Rezoning Package, Application Cover Sheet, p. 8).

The Applicant proposes to develop the property for a data center campus and supporting infrastructure, subject to a series of use restrictions and development standards proposed as conditions of the requested zoning district (Combined Rezoning Package, Statement of Conditions, pp. 3-7). These conditions address, among other matters, permitted and prohibited uses, building height, lighting, noise, setbacks and buffers, cooling-system technology and water use, floodplain protection, and generator use (Combined Rezoning Package, Statement of Conditions, pp. 3-7).

The Applicant held a Public Information Meeting ("PIM") on July 8, 2026, at the Stokes County Administrative Building, as required by Section 132.2 of the Stokes County Zoning Ordinance (Combined Rezoning Package, Public Information Meeting Report, pp. 10-13); [1]. The PIM Report documents seventeen topic areas raised by attendees, including project structure, floodplain protection, cultural and historical resources, noise, power and electric generation, water, air quality, lighting, fire and safety, property values, and tax revenue (Combined Rezoning Package, Public Information Meeting Report, pp. 10-13). In response to input received, the Applicant revised several proposed conditions prior to filing, including increasing the vegetative buffer adjacent to residential uses from 100 feet to 250 feet, lowering the permitted noise limits for residential-adjacent areas and adding a C-weighted (low-frequency) sound limit, and prohibiting the use of groundwater, private wells, or the Dan River as a water source for the facility (Combined Rezoning Package, Public Information Meeting Report, pp. 10-13).

This report has been prepared by Planning and Inspections Department staff to assist the Planning Board in its review of the application under N.C. Gen. Stat. § 160D-604[2], and to support the Board of Commissioners' subsequent statutory findings under N.C. Gen. Stat. § 160D-605[3], including a statement of consistency with the Stokes County 2035 Vision Plan and a statement analyzing the reasonableness of the proposed rezoning. This report addresses the application's consistency with the adopted Comprehensive Plan and evaluates cumulative water, wastewater, and energy impacts; noise; environmental justice considerations; compatibility with surrounding land uses; cultural and historical resources; and infrastructure capacity, in the order set out below.

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[1]Stokes County Zoning Ordinance § 132.2, Public Information Meeting (PIM) — https://cms9files.revize.com/stokescountync/Planning%20&%20Inspections/Documents/StokesCountyZoningOrdinance26.pdf

[2]N.C. Gen. Stat. § 160D-604 — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-604.pdf

[3]N.C. Gen. Stat. § 160D-605 — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-605.pdf

2. Application and Procedural Background

2.1 Nature of the Request

The Applicant seeks approval of a conditional zoning district, a mechanism authorized under N.C. Gen. Stat. § 160D-703, which allows the Board of Commissioners to approve site-specific development standards proposed by an applicant as binding conditions of the rezoning Chapter 160D, Article 7[4]. If approved, the M-2-CZ district would govern development of the property in place of the current R-A district, subject to the conditions proposed in the application. Any additional condition the Board of Commissioners might wish to add during its review would require the Applicant's written consent before it could become part of an approved conditional zoning district, as discussed in Section 2.4 below N.C. Gen. Stat. § 160D-703(b)[5]. Staff also notes that a data center use of this scale is not a by-right use in the M-2 district; it is authorized only through Ordinance Amendment R, adopted July 13, 2026, which added data centers as a use permitted in the M-2 district solely by conditional zoning district approval under Stokes County Zoning Ordinance § 92.2, and is discussed further in Section 6.3 below [6].

2.2 Notice and Public Meeting Requirements

Section 132.2 of the Stokes County Zoning Ordinance requires an applicant for a conditional zoning district rezoning to hold a public information meeting prior to the application deadline, for the purpose of informing nearby property owners and the public of the proposed request and receiving input [7]. The ordinance requires that notice of the meeting's date, time, and place be mailed to owners of all abutting properties and properties directly across a street, easement, or right-of-way, postmarked at least fourteen days before the meeting, and that a sign advertising the meeting be posted on the property at least fourteen days beforehand [8]. N.C. Gen. Stat. § 160D-601 separately governs the procedure for the Board of Commissioners' own legislative hearing on the zoning amendment itself (mailed and posted notice under § 160D-602, and published newspaper notice under § 160D-601); Chapter 160D does not itself impose a pre-application public information meeting requirement, and that requirement instead arises solely from Section 132.2 of the Stokes County Zoning Ordinance, discussed above N.C. Gen. Stat. § 160D-601[9]; [10]. The Applicant provided notice of the PIM by mail to adjoining and nearby property owners

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[4]Chapter 160D, Article 7 — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-703.pdf

[5]N.C. Gen. Stat. § 160D-703(b) — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-703.pdf

[6]Stokes County Zoning Ordinance § 92.2, as amended by Amendment R (adopted July 13, 2026) — https://www.co.stokes.nc.us/departments/planning.php

[7]Stokes County Zoning Ordinance § 132.2, Public Information Meeting (PIM) — https://cms9files.revize.com/stokescountync/Planning%20&%20Inspections/Documents/StokesCountyZoningOrdinance26.pdf

[8]Stokes County Zoning Ordinance § 132.2, Public Information Meeting (PIM) — https://cms9files.revize.com/stokescountync/Planning%20&%20Inspections/Documents/StokesCountyZoningOrdinance26.pdf

[9]N.C. Gen. Stat. § 160D-601 — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-601.pdf

[10]Stokes County Zoning Ordinance § 132.2, Public Information Meeting (PIM) — https://cms9files.revize.com/stokescountync/Planning%20&%20Inspections/Documents/StokesCountyZoningOrdinance26.pdf

and conducted the meeting on July 8, 2026, from 5:00 to 6:00 p.m. on the second floor of the Stokes County Administrative Building, 1014 Main Street, Danbury, North Carolina (Combined Rezoning Package, Public Information Meeting Report, pp. 10-13).

N.C. Gen. Stat. § 160D-601 further requires published newspaper notice, and § 160D-602 requires mailed notice to owners of the subject property and abutting parcels, both prior to the public hearing on the proposed zoning map amendment N.C. Gen. Stat. § 160D-601[11]; N.C. Gen. Stat. § 160D-602[12]. These are hearing-notice obligations of the County for the Planning Board and Board of Commissioners hearings on this application, which have not yet occurred as of the date of this report; staff will confirm compliance with §§ 160D-601 and 160D-602 as part of the standard hearing-scheduling process, and will provide the Board with proof of publication and mailing prior to each hearing.

2.3 Planning Board and Governing Board Review

N.C. Gen. Stat. § 160D-604 requires that proposed zoning map amendments be submitted to the Planning Board for review and comment, including a written recommendation addressing the amendment's consistency with the adopted Comprehensive Plan N.C. Gen. Stat. § 160D-604(b)[13]. A Planning Board recommendation that an amendment is inconsistent with the Comprehensive Plan does not preclude the Board of Commissioners from approving the amendment N.C. Gen. Stat. § 160D-604(d)[14].

Following Planning Board review, N.C. Gen. Stat. § 160D-605 requires the Board of Commissioners to approve a brief statement of consistency (or inconsistency) with the adopted Comprehensive Plan when it takes action on the amendment, as well as a separate statement analyzing the reasonableness of the proposed rezoning N.C. Gen. Stat. § 160D-605(a)-(b)[15]. The reasonableness statement may consider the size and physical conditions of the area to be rezoned; benefits and detriments to landowners, neighbors, and the surrounding community; the relationship between the current actual and permissible development and the development that would be permissible under the proposed amendment; why the action is in the public interest; and any changed conditions warranting the amendment N.C. Gen. Stat. § 160D-605(b)[16]. This report is intended to provide the factual record to support both statements.

2.4 Enforceability of Conditions and Binding Effect on Future Owners

The PIM Report reflects that attendees asked whether the commitments proposed in the Statement of Conditions would remain binding if the property were sold or the facility were operated by a different company in the future (Combined Rezoning Package, Public Information Meeting Report, pp. 10-13). Staff addresses the applicable statutory framework below.

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[11]N.C. Gen. Stat. § 160D-601 — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-601.pdf
[12]N.C. Gen. Stat. § 160D-602 — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-602.pdf
[13]N.C. Gen. Stat. § 160D-604(b) — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-604.pdf
[14]N.C. Gen. Stat. § 160D-604(d) — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-604.pdf
[15]N.C. Gen. Stat. § 160D-605(a)-(b) — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-605.pdf
[16]N.C. Gen. Stat. § 160D-605(b) — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-605.pdf

Under N.C. Gen. Stat. § 160D-703(b), conditions approved as part of a conditional zoning district are incorporated into the zoning regulations applicable to the property N.C. Gen. Stat. § 160D-703(b)[17]. Because those conditions become part of the zoning district classification itself, a legislative enactment, rather than a separate permit or development approval, they remain binding on the property regardless of a subsequent change in ownership or operator, unless and until the zoning is lawfully amended through the same process required for the original rezoning. (N.C. Gen. Stat. § 160D-104's separate "development approvals run with the land" provision does not independently apply to this conclusion: § 160D-102(13) defines "development approval" as limited to administrative or quasi-judicial approvals, and § 160D-102(7) expressly defines conditional zoning as a legislative zoning map amendment, not an administrative or quasi-judicial development approval N.C. Gen. Stat. § 160D-102[18].) Accordingly, if the Board of Commissioners approves the M-2-CZ district with the conditions proposed in the Statement of Conditions (or as modified by the Board), those conditions would remain enforceable against the property regardless of any subsequent change in ownership or operator, unless and until the zoning is lawfully changed.

Separately, N.C. Gen. Stat. § 160D-703(b) governs how conditions attached to a conditional zoning district may later be modified, and also governs how conditions may be added in the first instance: any condition proposed by the Board of Commissioners beyond those the Applicant itself proposed becomes part of the approved district only with the Applicant's written consent. Except for minor modifications as may be defined by ordinance, any subsequent change to the approved conditions likewise requires the same approval process as the original zoning map amendment, including Planning Board review and a Board of Commissioners public hearing; a future owner or operator could not unilaterally alter the approved conditions without going through this same public process N.C. Gen. Stat. § 160D-703(b)[19]. Enforcement of the conditions as approved would occur through the County's standard zoning compliance and code enforcement mechanisms, in the same manner as any other zoning condition of record.

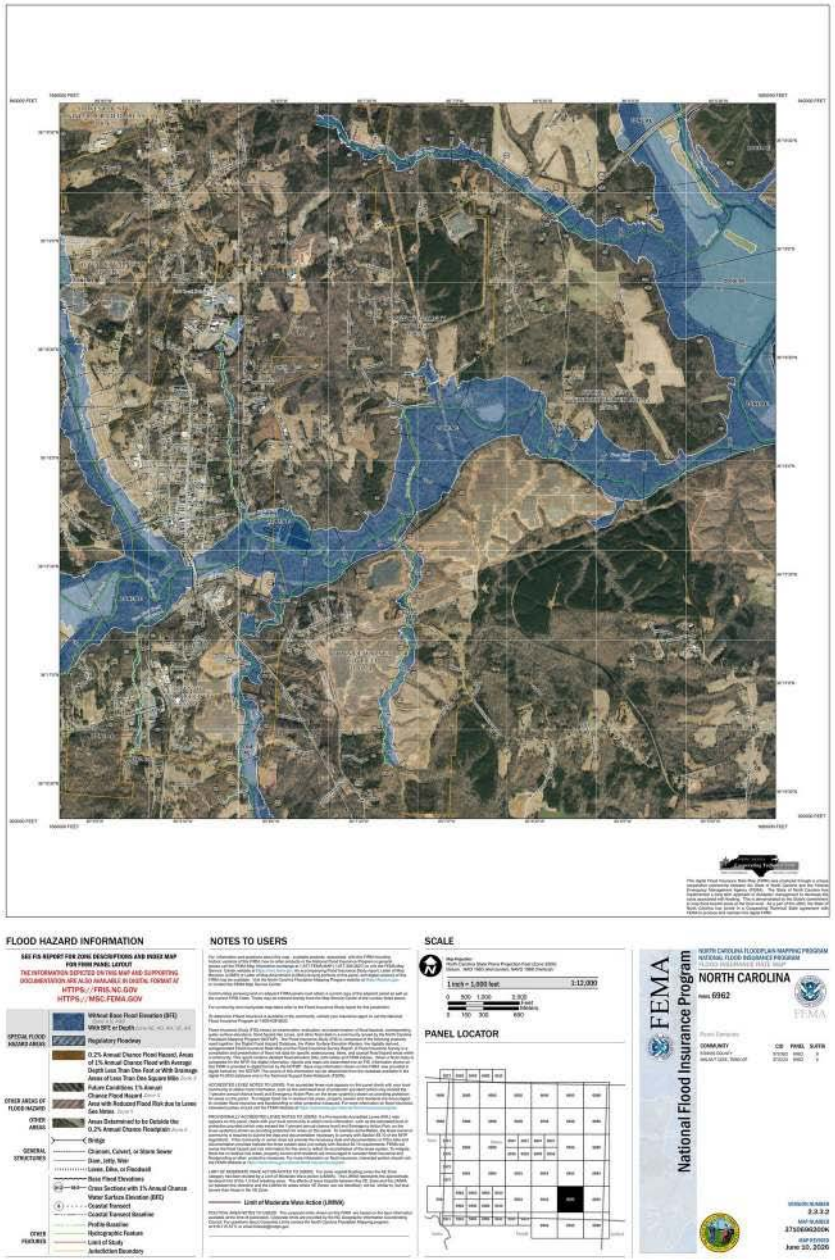
[17]N.C. Gen. Stat. § 160D-703(b) — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-703.pdf
[18]N.C. Gen. Stat. § 160D-102 — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-102.pdf
[19]N.C. Gen. Stat. § 160D-703(b) — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-703.pdf

3. Site and Surrounding Area Description

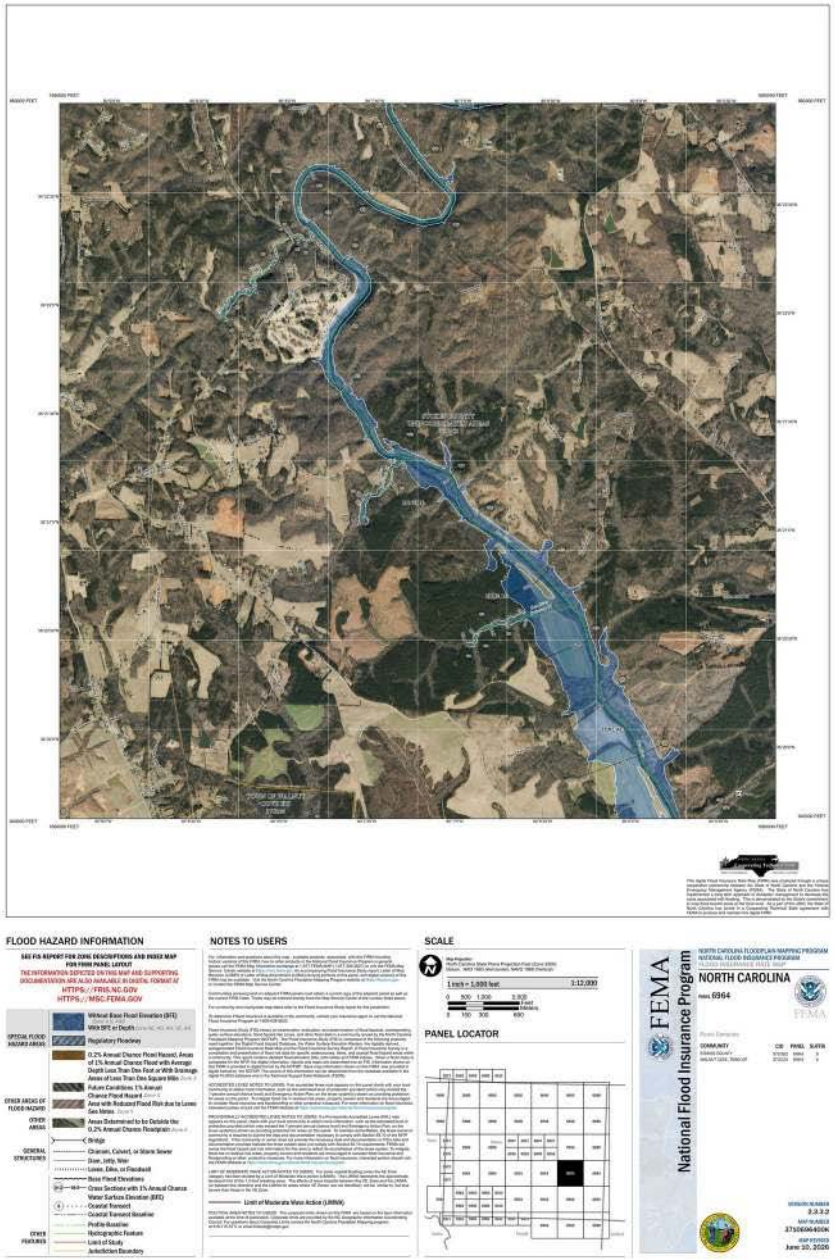
3.1 Location and Physical Characteristics

The subject property consists of four parcels the Applicant reports as totaling approximately 1,848.74 acres, based on the Applicant's own survey and title data (Combined Rezoning Package, Application Cover Sheet, p. 8). Staff's independent query of the Stokes County GIS parcel layer returns a combined tax/deeded acreage of 1,848.38 acres and a combined calculated (geometric) acreage of approximately 1,827.76 to 1,828.08 acres for the same four parcels, depending on the specific GIS acreage field consulted; the approximately 20-acre difference between the Applicant's figure and the GIS parcel layer is consistent with the ordinary variance between recorded deed acreage and GIS-calculated geometric acreage and does not affect any conclusion in this report [20]. For consistency with the application materials, this report uses the Applicant's reported figure of approximately 1,848.74 acres throughout, except where a GIS-specific calculation is separately cited. The property is located along US Highway 311, Tuttle Road, Oldtown Road, and Coon Joyce Road, north and east of the Town of Walnut Cove and north of the Dan River, in southeastern Stokes County. The property is currently zoned Residential-Agricultural (R-A), which staff independently confirmed using the Stokes County GIS's official zoning layer [21]. Portions of the property lie within the Dan River floodplain, as mapped on FEMA Flood Insurance Rate Map panels 3710696200K and 3710696400K, effective June 10, 2026 (Combined Rezoning Package, Statement of Conditions, pp. 3-7). Staff independently confirmed June 10, 2026 as the current effective countywide flood map date for Stokes County using [22]. The floodplain overlap figures discussed in Section 4.1 below are calculated using the Stokes County GIS's Flood Zones layer, which staff uses as a planning-level proxy for the effective FIRM panels; staff notes for completeness that this GIS layer's own metadata carries a 2006 revision date, and while staff independently confirmed June 10, 2026 as the current effective FIRM date through FEMA's Flood Map Service Center directly, the underlying GIS layer geometry has not been independently confirmed to reflect every boundary change made in subsequent map revisions. This is a methodological note relevant to the precision of the acreage figures in Section 4.1, not to the conclusion that portions of the property lie within the mapped floodplain, which is independently supported by the FIRM panel excerpts reproduced below. Excerpts of both effective panels are reproduced below.

[20] Stokes County GIS, Parcel layer — https://stokescountygis.com/server/rest/services/AllLayers/MapServer
[21] Stokes County GIS, County Zoning layer — https://stokescountygis.com/server/rest/services/AllLayers/MapServer
[22] FEMA's Flood Map Service Center — https://msc.fema.gov/portal/productAvailability



FEMA Flood Insurance Rate Map Panel 3710696200K, Stokes County, NC, effective June 10, 2026



FEMA Flood Insurance Rate Map Panel 3710696400K, Stokes County, NC, effective June 10, 2026

3.2 Surrounding Zoning and Land Uses

Staff independently queried the Stokes County GIS's official zoning boundary layer (as distinct from the parcel/tax layer, which staff confirmed is not always current) to calculate the zoning composition of land within one-half mile and one mile of the subject property's boundary, using a geographic information system buffer and area-clipping analysis [23]. The buffer areas analyzed (5,329 acres at one-half mile and 9,670 acres at one mile) are measured outward from the property's boundary and, as is standard GIS buffer methodology, include the subject property's own acreage within the total analyzed area. On that basis — that is, counting the approximately 1,828 to 1,849 acres of the subject property itself, which is presently zoned R-A, within both the denominator and the R-A numerator — Residential-Agricultural (R-A) zoning accounts for approximately 73.5 percent of the total land area within one-half mile (roughly 3,918 of 5,329 acres) and approximately 69.4 percent within one mile (roughly 6,713 of 9,670 acres) [24]. Because the subject property is itself included in these totals, staff also calculated the same percentages on a surrounding-land-only basis, excluding the subject property's own acreage from both the denominator and the R-A numerator: on that basis, R-A zoning accounts for approximately 59.7 percent of land surrounding the property within one-half mile and approximately 62.3 percent within one mile [25]. Both figures are provided so the Board can evaluate surrounding zoning composition on either basis; the absolute acreage of industrially-zoned land discussed immediately below is unaffected by this distinction, since none of the subject property itself carries an industrial zoning classification.

Industrial zoning classifications (M-1, M-1-CZ, and M-2-CU, together with a small acreage carrying the "I-1" designation, which is a Town of Walnut Cove municipal zoning district rather than a Stokes County Zoning Ordinance district and applies here because this portion of the county's GIS zoning layer falls within Walnut Cove's extraterritorial jurisdiction) account for the next-largest share of surrounding land: approximately 1,394 acres, or 26.1 percent of the total one-half-mile buffer area (39.8 percent on a surrounding-land-only basis excluding the subject property), and approximately 2,744 acres, or 28.4 percent of the total one-mile buffer area (35.0 percent on a surrounding-land-only basis excluding the subject property) [26]. This industrial acreage is attributable to a small number of large tracts rather than numerous small parcels, including a tract owned by Samuel Wilson Farms of Stokes, LLC, at 1998 Tuttle Road; a tract owned by Pine Hall Brick, Inc., used for brick manufacturing; a tract owned by RENEWA I, LLC, at 1180 Burton Loop Road; and the Duke Energy Corporation's Belews Creek Steam Station property, a 6,011.51-acre tract addressed at Steam Station Road, portions of which fall within the one-mile analysis radius [27]. Staff notes that while Residential-Agricultural zoning remains the largest single category of surrounding land by area, the immediate vicinity already contains a substantial concentration of industrial and utility-scale energy zoning — more than one-quarter of all surrounding land within one mile — such that the area is not exclusively or even overwhelmingly rural-residential in character. The presence of

[23] Stokes County GIS, County Zoning layer — https://stokescountygis.com/server/rest/services/AllLayers/MapServer
[24] Stokes County GIS, County Zoning and Parcel layers — https://stokescountygis.com/server/rest/services/AllLayers/MapServer
[25] Stokes County GIS, County Zoning and Parcel layers — https://stokescountygis.com/server/rest/services/AllLayers/MapServer
[26] Stokes County GIS, County Zoning layer — https://stokescountygis.com/server/rest/services/AllLayers/MapServer
[27] Stokes County GIS, Parcel layer — https://stokescountygis.com/server/rest/services/AllLayers/MapServer

these existing industrial and utility uses in the immediate vicinity is a relevant consideration in evaluating compatibility, discussed further in Section 5.

Looking beyond the one-mile buffer used for the percentage analysis above, staff also independently mapped industrial-zoned parcels and active state mining permits in the broader area surrounding the subject property, out to approximately two to three miles, using the Stokes County GIS zoning layer together with the North Carolina Department of Environmental Quality's Division of Energy, Mineral, and Land Resources mining permit records [28]; [29]. That review identified two Pine Hall Brick, Inc. tracts carrying active state mining permits (the Kluttz Mine, Permit 85-08, and the Pipe Plant Mine, Permit 85-11); a cluster of industrially-zoned parcels held in common ownership east of the subject property, referred to in this report as the "M-1 Parcels" and totaling approximately 285 acres, with no active state mining permit currently associated with them; and Martin Marietta Materials parcels zoned predominantly Residential-Agricultural (R-A), with approximately 63 acres of the Burton Road parcel (PIN 6972-56-5849) zoned M-1-CZ, also with no confirmed active state mining permit [30]; [31]. This broader-area review is provided for additional context on the extent of existing industrial and mineral-extraction activity in the vicinity and does not alter the one-mile zoning composition figures presented above. Staff also notes, for the Board's awareness, the statutory effect of the zoning map amendment itself on the county's adopted plan: N.C. Gen. Stat. § 160D-605(a)[32] provides that "[i]f a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment has the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment is required."

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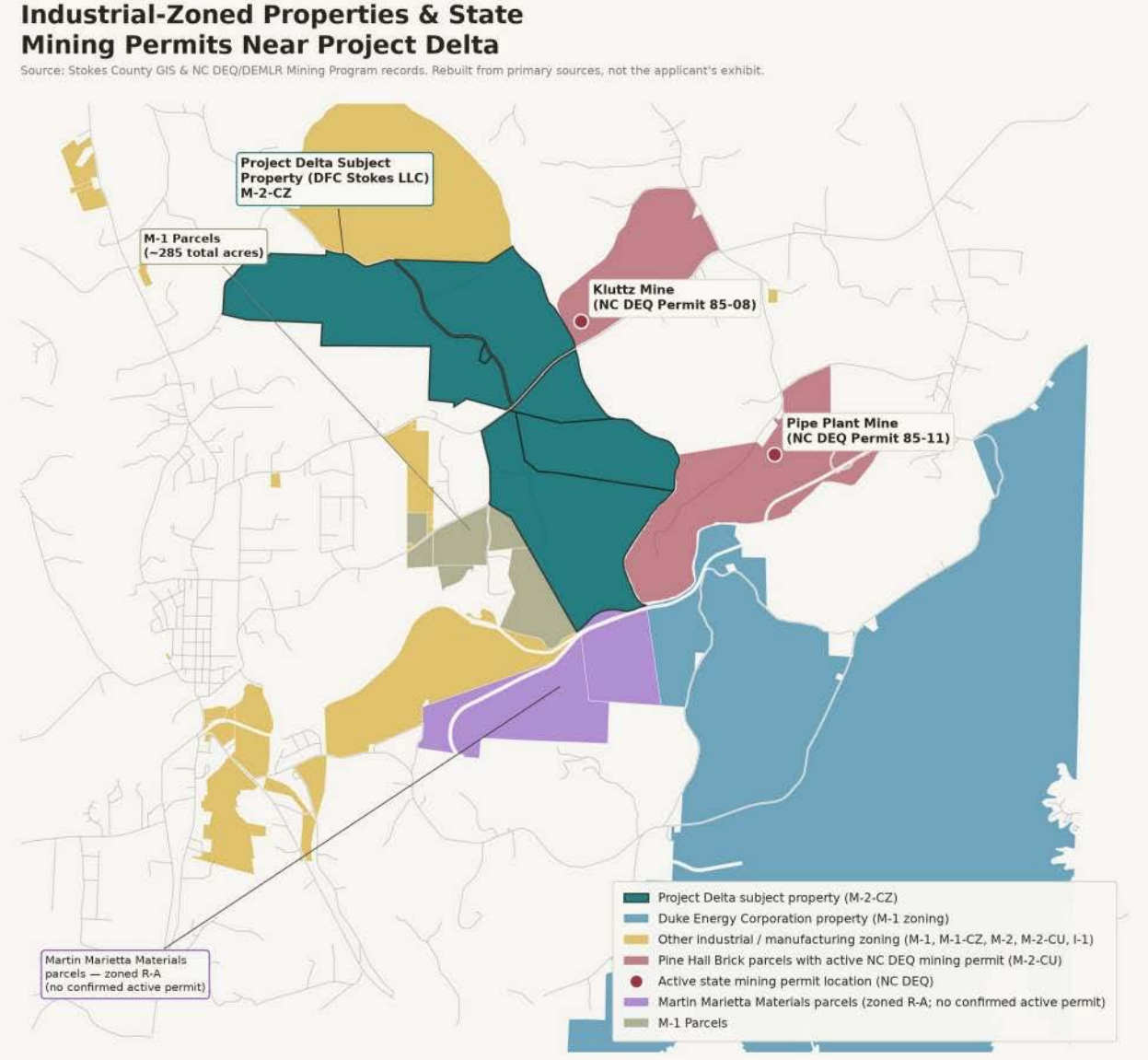
[28]Stokes County GIS, County Zoning layer — https://stokescountygis.com/server/rest/services/AllLayers/MapServer

[29]NC DEQ/DEMLR Mining Program, Mining Permits — https://services2.arcgis.com/kCu40SDxsCGcuUWO/arcgis/rest/services/NC_Mining_Permits/FeatureServer/0

[30]Stokes County GIS, County Zoning and Parcel layers — https://stokescountygis.com/server/rest/services/AllLayers/MapServer

[31]NC DEQ/DEMLR Mining Program, Mining Permits — https://services2.arcgis.com/kCu40SDxsCGcuUWO/arcgis/rest/services/NC_Mining_Permits/FeatureServer/0

[32]N.C. Gen. Stat. § 160D-605(a) — https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_160D/GS_160D-605.html



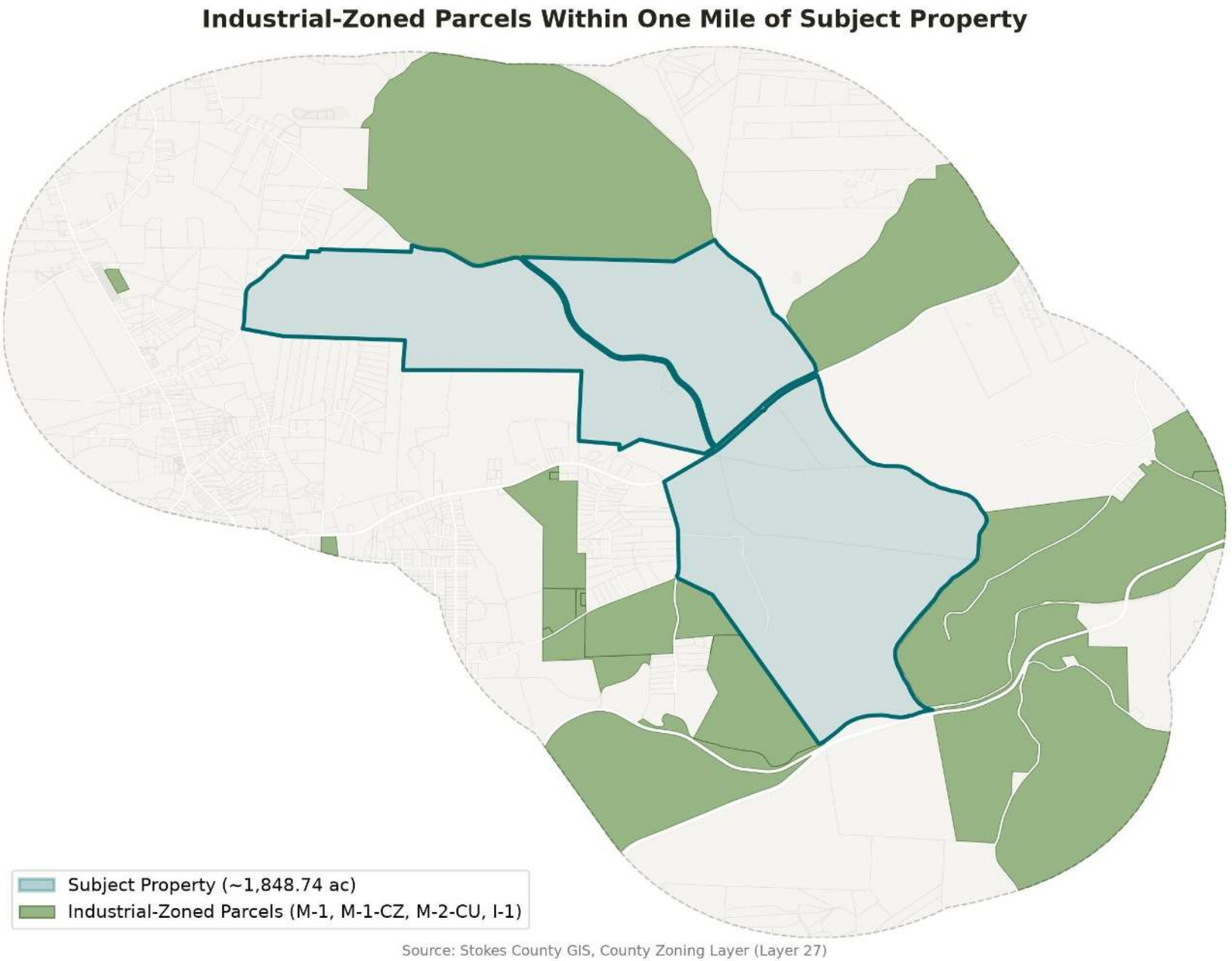
Industrial-zoned properties and state mining permits near Project Delta

Staff independently identified eight church-owned parcels and one large state-owned tract within one mile of the property boundary that warrant identification as sensitive uses [33]. The Educational State Forest, a state-owned tract of approximately 838 to 848 acres depending on the GIS data source consulted (848.44 acres per the Stokes County GIS parcel layer's ACREAGE field; approximately 838.14 acres per staff's independent geometric calculation from the county's Parks layer boundary), directly adjoins the subject property along US Highway 311 [34]. Sycamore (Missionary) Baptist Church, at 1788-1804 US Highway 311, sits approximately 670 feet from the property boundary [35]. Three parcels associated with

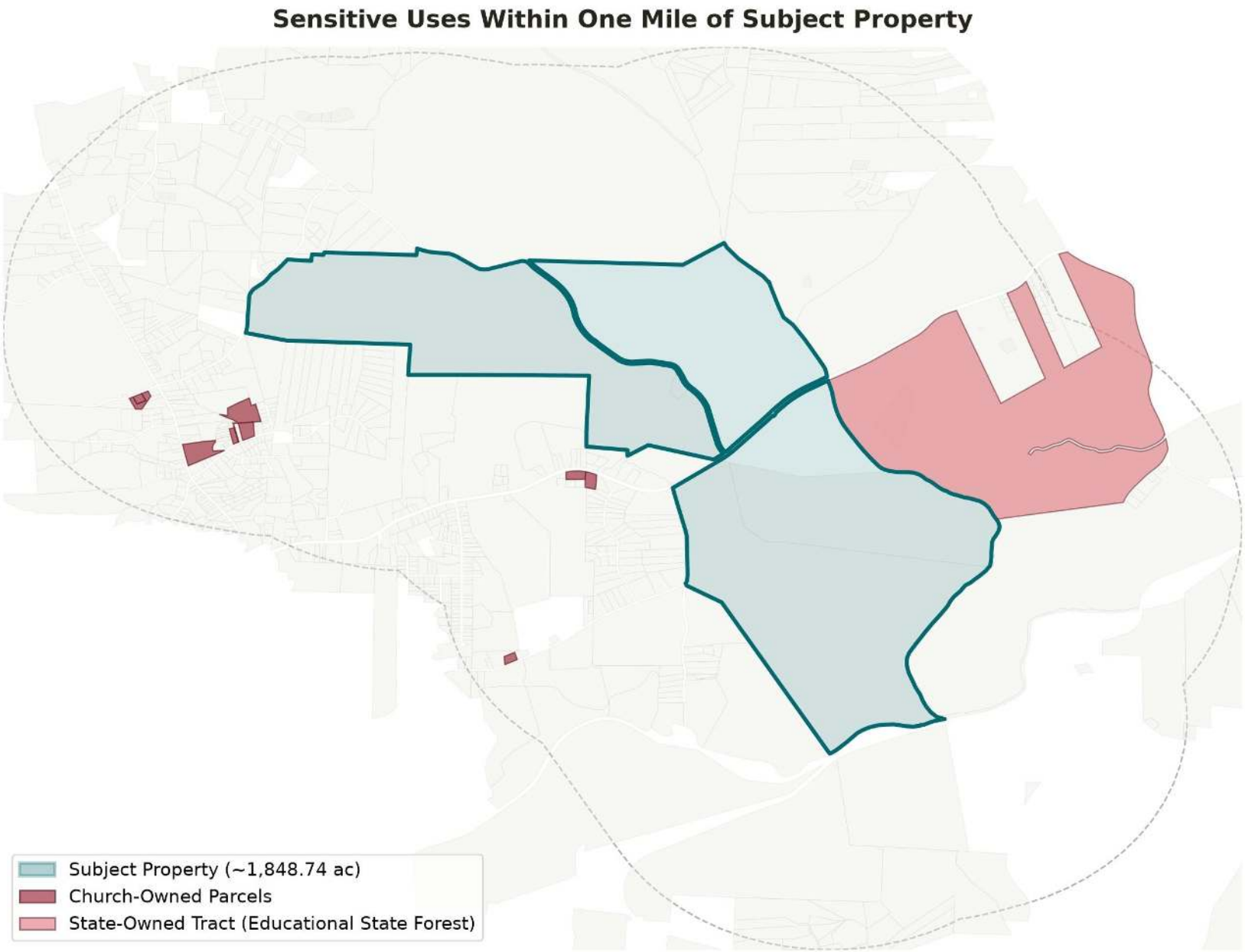
[33]Stokes County GIS, Parcel and Parks layers — https://stokescountygis.com/server/rest/services/AllLayers/MapServer
[34]Stokes County GIS, Parks and Parcel layers — https://stokescountygis.com/server/rest/services/AllLayers/MapServer
[35]Stokes County GIS, Parcel layer — https://stokescountygis.com/server/rest/services/AllLayers/MapServer

Baileytown Christian Church, along Baileytown Church Road, lie between approximately 1,700 and 2,540 feet from the property boundary, and Calvary Hill Baptist Church, Willow Oak Baptist Church, and Open Door Baptist Church are located between approximately 2,600 and 4,150 feet away [36]. Staff additionally identified an eighth church-owned parcel, associated with the Walnut Cove Congregation, at 1363 US Highway 311 South, approximately 3,393 feet from the property boundary [37]. Staff found no platted residential subdivisions within one mile of the property; nearby residential uses consist of individually-owned rural tracts along Tuttle Road, Farmer Road, and Baileytown Church Road rather than subdivided developments [38].

[36]Stokes County GIS, Parcel layer — https://stokescountygis.com/server/rest/services/AllLayers/MapServer
[37]Stokes County GIS, Parcel layer — https://stokescountygis.com/server/rest/services/AllLayers/MapServer
[38]Stokes County GIS, Parcel layer — https://stokescountygis.com/server/rest/services/AllLayers/MapServer



Industrial-zoned parcels (green) within one mile of the subject property



Sensitive uses (red) within one mile of the subject property

3.3 Access and Transportation

The property has frontage on US Highway 311, a major highway corridor serving southeastern Stokes County, as well as Tuttle Road, Oldtown Road, and Coon Joyce Road (Combined Rezoning Package, Application Cover Sheet, p. 8; Stokes County 2035 Vision Plan, Chapter 6: Transportation, pp. 117-124). US Highway 311 is identified in the Stokes County 2035 Vision Plan as a significant transportation corridor within the county's transportation network (Stokes County 2035 Vision Plan, Chapter 6: Transportation, pp. 117-124).

4. Comprehensive Plan Consistency Analysis

N.C. Gen. Stat. § 160D-604 and § 160D-605 require that the Planning Board and Board of Commissioners each address whether the proposed zoning map amendment is consistent with the Stokes County 2035 Vision Plan, the County's adopted comprehensive plan N.C. Gen. Stat. §§ 160D-604(d), 160D-605(a)[39]. This section identifies the Vision Plan provisions most directly applicable to the request.

4.1 Land Use Framework Designation

The Stokes County 2035 Vision Plan's Land Use Framework Map (reproduced below) classifies land throughout the unincorporated county using a rural-to-urban transect system ranging from Preserved Lands (O-1) and Reserved Lands/Conservation (O-2) through Low Density Growth Areas (G-1), Controlled Growth Areas (G-2), Mixed-Use Centers and Corridors (G-3), and Downtowns (G-4) (Stokes County 2035 Vision Plan, Chapter 3: Land Use, Map 13, p. 76). The Vision Plan states that the primary land use classification throughout the county's rural areas, including the vicinity of the subject property, is very low (greater than 4-acre density average) or low-density (1.5-acre density average) residential growth, with higher-density and mixed-use classifications reserved for twelve identified Rural Neighborhood Commercial Nodes and the areas around Danbury, Walnut Cove, King, and the Meadows community (Stokes County 2035 Vision Plan, Chapter 3: Land Use, pp. 75-76). The subject property, located in a rural area along US 311, Tuttle Road, and Oldtown Road north of Walnut Cove, spans three Framework Map classifications rather than falling within a single designation. Staff independently intersected the property's four parcel boundaries with the County's "Land Use 2035" GIS layer and calculated that approximately 888.7 acres (48.6 percent) carry the Low Density Growth Area (G-1) designation, approximately 620.5 acres (33.9 percent) carry the Preserved Lands (O-1) designation, and approximately 312.9 acres (17.1 percent) carry the Reserved Lands/Conservation (O-2) designation [40] (Stokes County 2035 Vision Plan, Chapter 3: Land Use, Map 13, p. 76). G-1 is accordingly the single largest designation on the property, though it does not cover a majority of the site, and none of the property carries a Controlled Growth Area (G-2), Mixed-Use Centers and Corridors (G-3), or Downtown (G-4) designation.

Staff further compared the boundary of the O-1-designated portion of the property against the boundary of the FEMA-mapped Dan River floodplain discussed in Section 3.1 above and found that the two areas are, for practical purposes, the same land: of the property's approximately 620.5 acres of O-1 designation, approximately 620.0 acres (more than 99 percent) fall within the mapped floodplain, and the floodplain in turn extends only marginally (less than one acre) beyond the O-1 boundary [41]; [42]. As summarized in Appendix A below, the Applicant's proposed conditions restrict development within the mapped floodplain to infrastructure improvements and recreational, agricultural, conservation, preservation, and open space uses. Because the O-1 and floodplain boundaries are effectively coextensive, this floodplain restriction has the practical effect of leaving nearly all of the property's O-1-designated (Preserved Lands)

[39] N.C. Gen. Stat. §§ 160D-604(d), 160D-605(a) — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-605.pdf
[40] Stokes County GIS, Land Use 2035 layer — https://stokescountygis.com/server/rest/services/WebApp2026/MapServer/34
[41] Stokes County GIS, Land Use 2035 layer — https://stokescountygis.com/server/rest/services/WebApp2026/MapServer/34
[42] Stokes County GIS, Flood Zones layer — https://stokescountygis.com/server/rest/services/AllLayers/MapServer

acreage undeveloped, which staff finds to be consistent with the Vision Plan's preservation intent for that designation.

B LAND USE FRAMEWORK MAPS

The following maps provide a land use foundation for the County and its three (3) municipal jurisdictions.

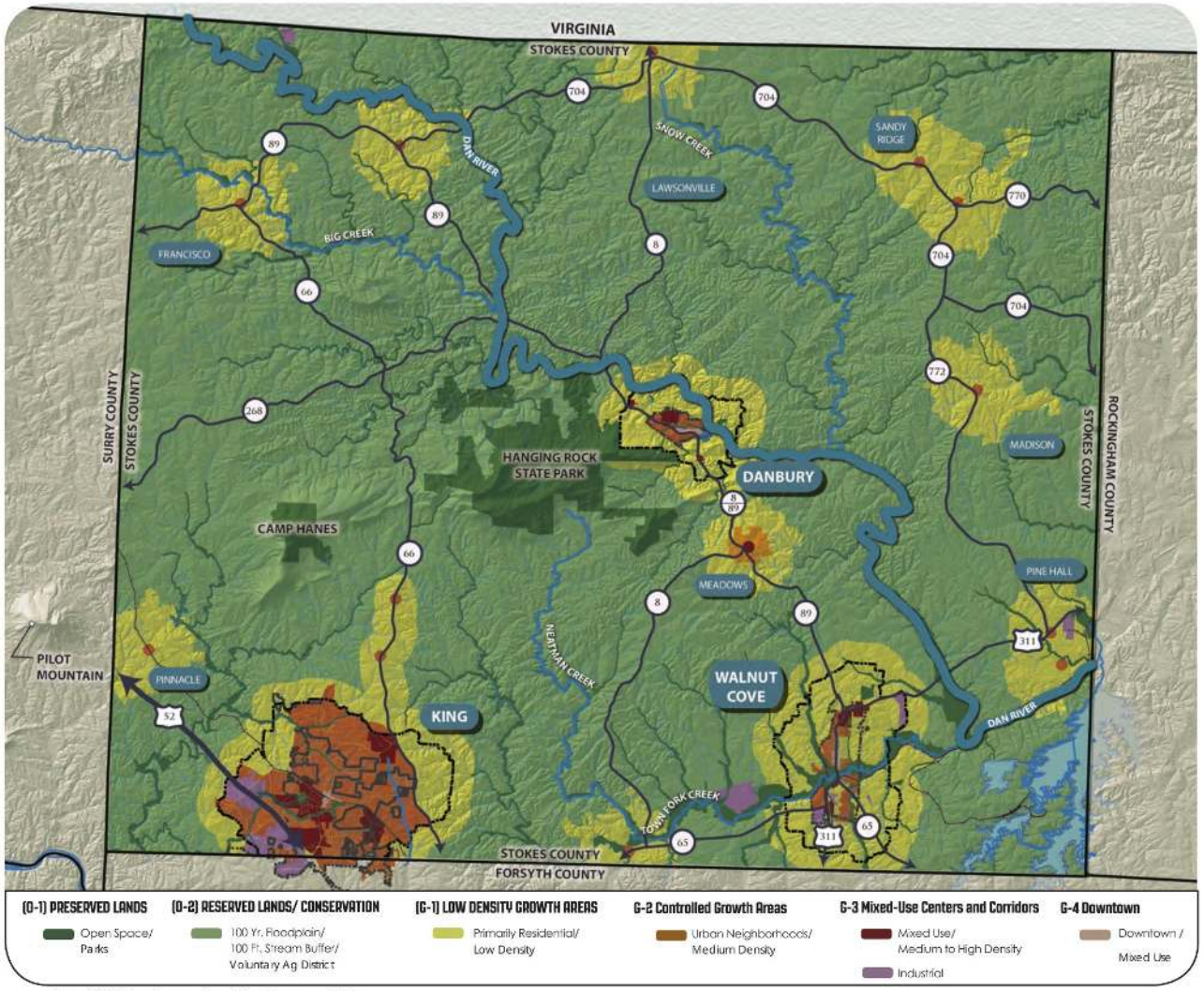
STOKES COUNTY

The primary land use classification throughout the County includes very low (greater than 4-acre density average) or low-density (1.5 acre density average) residential growth.

In an effort to encourage neighborhood commercial growth toward major intersections throughout the county, the Land Use Framework Map identifies twelve (12) Rural Neighborhood Commercial Nodes. A one-mile buffer around these nodes identifies a target low-density residential growth area.

The recent sewer infrastructure expansion to the Meadows community will allow for greater density and is necessary to realize a return on investment; a mixed-use and high-density classification surrounds Meadows.

This plan recognizes that growth pressure will likely continue along the Highway 66 corridor that extends north from King. There are two neighborhood commercial nodes identified along this corridor.



Map 13: Stokes County Land Use Framework Map

Stokes County 2035 Vision Plan, Map 13: Stokes County Land Use Framework Map, p. 76

4.2 Economic Development Goals

The Vision Plan's Economic Development chapter identifies business recruitment as a primary county goal and states that the availability of "readily-available," or "shovel-ready," land is one of three conditions the county must meet to attract new business and industry investment, alongside organizational capacity and marketing (Stokes County 2035 Vision Plan, Chapter 4: Economic Development, pp. 91-93). The Vision Plan identifies lagging population growth, high poverty rates, and an aging workforce as challenges the county's economic development strategy is intended to address (Stokes County 2035 Vision Plan, Chapter 4: Economic Development, pp. 89-90). Staff confirms that the Vision Plan does identify specific parcels and corridors elsewhere in the county as targeted sites for industrial or business development — including the "Holder, Moore, and Newsome Drive properties" near Highway 52 and Newsome Road outside King, a conceptual "Newsome Road Corridor Industrial Complex," and a recommendation to explore commercial or industrial development "in the Pine Hall area from the 772/311 intersection to the county line" (Stokes County 2035 Vision Plan, Chapter 4: Economic Development, pp. 92-93). None of these named target sites include or adjoin the subject property; the Pine Hall-area recommendation, while it references the general US 311 corridor along which the subject property fronts, is directed at the 772/311 intersection area near the Rockingham County line rather than the subject tract. The proposed use, a large capital investment employing a large, contiguous tract, is generally consistent with the Vision Plan's stated interest in attracting significant business investment and its specific interest in industrial and commercial development along parts of the US 311 corridor, though the Vision Plan does not identify this specific property, by name or by parcel, as one of its targeted "shovel-ready" industrial sites. Staff further notes that the Vision Plan's economic development interest in this type of investment does not depend on, and this application does not request, any county incentive package, abatement, or other tax-supported funding.

4.3 Transportation Considerations

The Vision Plan's Transportation chapter identifies US Highway 311 as a significant highway corridor within the county and discusses the Sauratown Mountains as a natural physiographic feature dividing travel patterns in the county (Stokes County 2035 Vision Plan, Chapter 6: Transportation, pp. 117-124). The property's frontage on this corridor provides direct highway access without requiring new road construction through undeveloped rural areas, which is a relevant factor in the transportation-related aspects of Plan consistency.

4.4 Infrastructure Considerations

The Vision Plan's Infrastructure chapter states that the availability of water and sewer service is "a major determinant of where growth can occur" in Stokes County, and notes that many areas of the county have soil conditions that preclude individual septic systems, making infrastructure availability a limiting factor for development generally (Stokes County 2035 Vision Plan, Chapter 7: Infrastructure, pp. 125-129). This consideration is discussed further in Section 7 below in connection with the application's proposed water-service conditions.

4.5 Staff Observation on Consistency

The subject property is located in an area the Vision Plan's Land Use Framework Map generally characterizes as rural and residential/agricultural in character, rather than an area specifically identified for industrial growth. At the same time, the Vision Plan's Economic Development chapter identifies

attracting significant business investment as a county priority, and the property's frontage on a major highway corridor and proximity to existing industrial and utility uses (discussed in Section 5) distinguish it from a typical rural residential setting. Staff notes that Chapter 160D does not require the Board to find the rezoning consistent with the Vision Plan as a precondition to approval; rather, it requires the Board to analyze and state whether the action taken is or is not consistent with the adopted plan when it acts on the application, and a finding of inconsistency does not itself prevent approval N.C. Gen. Stat. § 160D-605(a)[43]. Consistent with that requirement, the Board of Commissioners' plan consistency statement should address the relationship between the property's Land Use Framework designation and the Vision Plan's economic development objectives, informed by the analysis in this report. Should the Board conclude the rezoning is inconsistent with the Land Use Framework Map, N.C. Gen. Stat. § 160D-605(a) provides that approval of the zoning amendment operates to amend the future land-use map accordingly, without a separate plan amendment application N.C. Gen. Stat. § 160D-605(a)[44].

4.6 Statutory Framework for the Board's Consistency and Reasonableness Statements

N.C. Gen. Stat. § 160D-605 establishes two distinct statutory findings the Board of Commissioners must make when adopting or rejecting this zoning map amendment, and staff sets out the applicable framework below to assist the Board in preparing both. First, under § 160D-605(a), the Board must approve a statement describing whether the action taken is consistent with the comprehensive plan, or, if a written statement is not separately prepared, the minutes of the meeting at which the vote is taken must reflect that the Board was aware of and considered the Planning Board's recommendation, as well as the Board's own consideration of the consistency (or lack thereof) with the applicable adopted plan N.C. Gen. Stat. § 160D-605(a)[45]. Section 4.5 above identifies the specific Vision Plan provisions relevant to that statement.

Second, and separately, § 160D-605(b) requires the Board to approve a statement analyzing the reasonableness of the proposed rezoning, which may consider, among other factors: (i) the size, physical conditions, and other attributes of the area proposed to be rezoned; (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community; (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment N.C. Gen. Stat. § 160D-605(b)[46]. The statute permits the two statements to be combined into a single statement addressing both consistency and reasonableness N.C. Gen. Stat. § 160D-605(c)[47].

Staff emphasizes that both statements are legal findings committed to the Board of Commissioners, not staff. The statute expressly provides that the Board's consistency statement under § 160D-605(a) is not

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[43]N.C. Gen. Stat. § 160D-605(a) — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-605.pdf
[44]N.C. Gen. Stat. § 160D-605(a) — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-605.pdf
[45]N.C. Gen. Stat. § 160D-605(a) — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-605.pdf
[46]N.C. Gen. Stat. § 160D-605(b) — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-605.pdf
[47]N.C. Gen. Stat. § 160D-605(c) — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-605.pdf

subject to judicial review N.C. Gen. Stat. § 160D-605(a)[48]. This report's findings and Section 11 (Staff Recommendation) are offered to inform, and not to substitute for, the Board's own findings under § 160D-605(a) and (b).

[48]N.C. Gen. Stat. § 160D-605(a) — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-605.pdf

5. Compatibility with Surrounding Uses

5.1 Existing Surrounding Land Uses

As detailed in Section 3.2, staff's independent GIS buffer analysis found that Residential-Agricultural (R-A) zoning is the single largest zoning category surrounding the property, accounting for approximately 73.5 percent of land within one-half mile and approximately 69.4 percent within one mile, and consisting largely of individually-owned family farms and residences along Tuttle Road, Farmer Road, and Baileytown Church Road, together with a large state-owned tract [49]. At the same time, that same analysis found that industrially-zoned land (M-1, M-1-CZ, and M-2-CU, together with a small acreage carrying the same "I-1" designation described in Section 3.2, reflecting Walnut Cove's extraterritorial zoning jurisdiction rather than a Stokes County Zoning Ordinance district) accounts for approximately 26.1 percent of land within one-half mile and approximately 28.4 percent within one mile — a substantial share concentrated in a small number of large tracts rather than a marginal or incidental presence [50]. Those tracts include a brick manufacturing facility (Pine Hall Brick, Inc.), agricultural land under lease for solar energy generation (Samuel Wilson Farms of Stokes, LLC), a tract held by RENEWA I, LLC, and the Duke Energy Belews Creek Steam Station, a large coal- and natural-gas-fired electric generating facility, portions of which fall within the one-mile analysis radius [51]. Staff accordingly characterizes the surrounding area as predominantly, but not exclusively, rural residential-agricultural in zoning, with an already-substantial and geographically concentrated industrial and utility-scale energy presence; the Belews Creek Steam Station in particular means the surrounding area already includes a large-scale industrial energy use, which is a relevant factor bearing on the benefits and detriments to the surrounding community under N.C. Gen. Stat. § 160D-605(b)(ii)[52].

5.2 Existing Industrial and Utility Uses in the Vicinity

Staff independently verified the following existing industrial, utility, and energy-generation uses in the immediate vicinity of the subject property against current Stokes County GIS parcel and zoning records:

Use / Operator	Location	Zoning	Parcel Acreage
Duke Energy Corporation — Belews Creek Steam Station	Steam Station Rd	M-1	6,011.51 ac
Pine Hall Brick, Inc. (3 parcels)	Hickory Fork Rd / US 311 area	M-2-CU	986.45 ac

[49] Stokes County GIS, County Zoning layer — https://stokescountygis.com/server/rest/services/AllLayers/MapServer
[50] Stokes County GIS, County Zoning layer — https://stokescountygis.com/server/rest/services/AllLayers/MapServer
[51] Stokes County GIS, Parcel layer — https://stokescountygis.com/server/rest/services/AllLayers/MapServer
[52] N.C. Gen. Stat. § 160D-605(b)(ii) — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-605.pdf

Samuel Wilson Farms of Stokes, LLC (host site of Bear Branch Solar)	1998 Tuttle Rd	M-1 / M-1-CZ	744.57 ac
RENEWA I, LLC	1180 Burton Loop Rd	M-1 / M-1-CZ	430.79 ac
Privately held parcels (4 parcels)	Old Town Rd / Farmer Rd / Ethan Ln area	M-1-CZ	284.87 ac
Total, existing industrial/utility uses identified above			**8,458.19 ac**

The Duke Energy Belews Creek Steam Station occupies a single tax parcel of 6,011.51 acres carrying a primary M-1 zoning classification in county records, and is the largest existing industrial use in the surrounding area; as with any large tax parcel, portions of its overall boundary may fall within other zoning classifications under the county's official zoning boundary layer, but the parcel's predominant and operative classification for the active industrial use is M-1 [53]. Pine Hall Brick, Inc. operates a brick manufacturing facility on three parcels totaling 986.45 acres, carrying a primary M-2 Conditional Use (M-2-CU) classification in county records [54]. The 744.57-acre Samuel Wilson Farms of Stokes, LLC parcel at 1998 Tuttle Road is the host site for the Bear Branch Solar project, a 35-megawatt solar photovoltaic facility developed by Capital Power Corporation; the North Carolina Department of Environmental Quality approved an erosion and sedimentation control plan for 272 acres of that site under Project ID STOKE-2023-011, with construction beginning in 2025 and commercial operation targeted for late 2026 under a 25-year power purchase agreement with Duke Energy Carolinas [55]. The adjoining 430.79-acre tract held by RENEWA I, LLC at 1180 Burton Loop Road is zoned M-1/M-1-CZ and is currently classified as vacant land in county tax records [56]. Staff additionally identified four privately held, non-contiguous parcels totaling approximately 284.87 acres along Old Town Road, Farmer Road, and Ethan Lane — also in Sauratown Township — that the county's parcel-layer attribute table still lists under a legacy R-A designation but that the county's official zoning boundary layer confirms were rezoned to M-1 Conditional Zoning (M-1-CZ) as of October 1, 2019 [57]. Because the zoning boundary layer is the authoritative record of a parcel's current zoning classification, staff relies on the M-1-CZ designation for these parcels notwithstanding the outdated attribute value in the parcel layer. Taken together, these five verified industrial and energy-related holdings total approximately 8,458 acres in the immediate surrounding area, reinforcing that the vicinity already includes substantial heavy industrial and utility-scale energy development notwithstanding its predominantly rural residential-agricultural zoning pattern.

[53] Stokes County GIS, Parcel layer — https://stokescountygis.com/server/rest/services/AllLayers/MapServer
[54] Stokes County GIS, Parcel layer — https://stokescountygis.com/server/rest/services/AllLayers/MapServer
[55] NCDEQ, Division of Energy, Mineral and Land Resources, Letter of Approval (Feb. 17, 2025) — https://edocs.deq.nc.gov/Stormwater/DocView.aspx?id=3688658&dbid=0&repo=WaterResources
[56] Stokes County GIS, Parcel layer — https://stokescountygis.com/server/rest/services/AllLayers/MapServer
[57] Stokes County GIS, County Zoning layer — https://stokescountygis.com/server/rest/services/AllLayers/MapServer

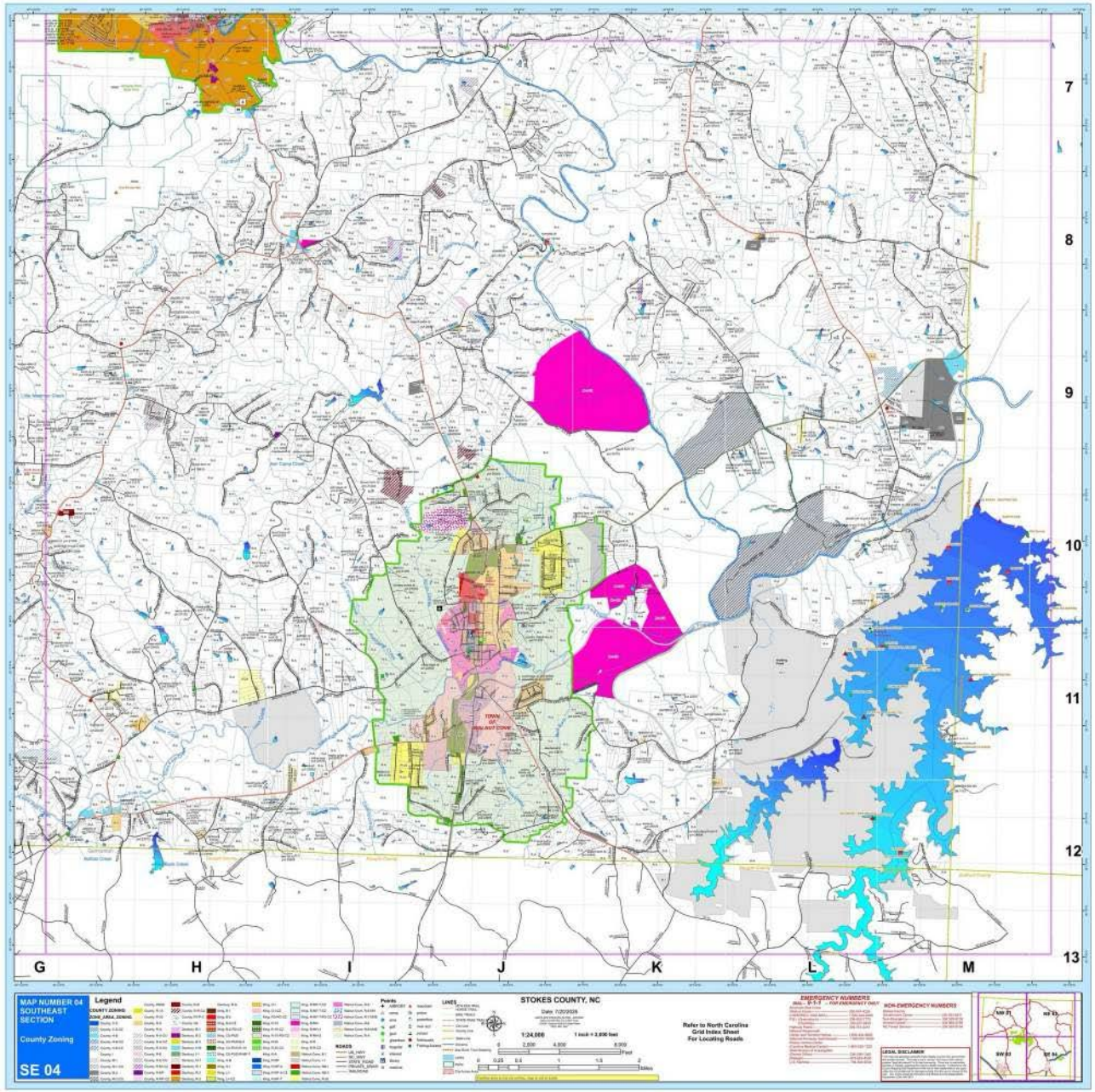
5.3 County-Wide and Quadrant Industrial Zoning Context

To provide broader context for the scale of industrial zoning in Stokes County, staff independently queried the county's official zoning boundary layer for all parcels carrying an industrial zoning classification (M-1, M-1-CU, M-1-CZ, M-2, and M-2-CU, together with the City of King's L-I, L-I-CZ, and H-I municipal industrial designations and the Town of Walnut Cove's "I-1" Light Industrial designation, the latter reflecting Walnut Cove's extraterritorial zoning jurisdiction rather than a Stokes County Zoning Ordinance district) [58]. Under the county's own zoning jurisdiction (areas subject to the Stokes County Zoning Ordinance, as opposed to the municipal zoning jurisdictions of King, Walnut Cove, and Danbury), industrially-zoned land totals approximately **11,164.8 acres** across 122 zoning-district polygons in the county's GIS zoning layer. Including all industrially-zoned land within Stokes County regardless of zoning jurisdiction (county plus the King, Walnut Cove, and Danbury municipal planning jurisdictions) brings the total to approximately **12,592.3 acres** across 342 zoning-district polygons (approximately 261 underlying tax parcels).

The subject property lies within the southeastern quadrant of the county depicted on the attached zoning map (Stokes County GIS map sheet SE-04, dated July 20, 2026). Staff calculated the portion of the county's industrially-zoned acreage that falls within this southeastern quadrant by geometrically clipping each industrially-zoned parcel to the quadrant's boundary (as defined by the map's own graticule: 80°14'30"W to 80°0'30"W, 36°14'30"N to 36°24'30"N) and summing only the clipped area within that boundary, so that parcels straddling the quadrant line are counted only for the portion actually within it. On this basis, approximately **10,628 acres** of the county's industrially-zoned land — roughly 84 percent of the all-jurisdictions county-wide total — lies within the southeastern quadrant, reflecting the concentration of industrial zoning (including the Belews Creek Steam Station, Pine Hall Brick, and the solar-related M-1-CZ tracts) in this part of the county, as shown on the zoning map on the following page [59].

[58] Stokes County GIS, County Zoning layer — https://stokescountygis.com/server/rest/services/AllLayers/MapServer

[59] Stokes County GIS, County Zoning layer — https://stokescountygis.com/server/rest/services/AllLayers/MapServer



Stokes County GIS Zoning Map, Southeast Quadrant (Map Sheet SE-04, July 20, 2026)

5.4 Proposed Mitigation Measures

The application proposes several conditions intended to address compatibility with adjoining residential and agricultural uses. The Applicant proposes a vegetative buffer of 100 feet along the property line generally, increased to 250 feet along boundaries adjacent to residential uses in response to input received at the PIM (Combined Rezoning Package, Public Information Meeting Report, pp. 10-13; Combined Rezoning Package, Statement of Conditions, pp. 3-7). The application also proposes a maximum building height of 80 feet and requires full cutoff, shielded lighting fixtures to limit off-site light spillover (Combined Rezoning Package, Statement of Conditions, pp. 3-7). A 300-foot setback is proposed for on-site power generation equipment (Combined Rezoning Package, Statement of Conditions, pp. 3-7). The application further proposes minimum building setbacks of 40 feet from the right-of-way, 0 feet (or 25 feet where the lot abuts a residential district) at the rear, and 0 feet (or 15 feet where the lot abuts a residential district) at the side (Combined Rezoning Package, Statement of Conditions, pp. 3-7). Staff notes for the Board's benefit that these proposed setback figures are materially the same as, though not in every respect identical to, the base dimensional standard already applicable to any M-2 use under Stokes County Zoning Ordinance §92.4.1. The ordinance's enhanced rear- and side-setback standard applies where a lot "abuts a side yard of a lot zoned residential" or where "the rear of a lot abuts" a residential district, while the application's proposed condition is triggered more broadly whenever the lot "abuts a residential district" — a formulation that could apply in some circumstances the ordinance's own trigger would not reach [60]. Because the proposed numeric standards themselves track the ordinance's existing figures, staff does not view this as a substantive gap. Staff also notes that the building setbacks are not the primary compatibility measure at work here: the proposed 100-foot general buffer, 250-foot residential-adjacent buffer, and 300-foot generator setback discussed above already function as the property's effective setback from adjoining uses, and each of those distances is substantially greater than the base building setbacks required under §92.4.1. Viewed together with those buffers, the application's setback conditions provide protection well beyond what the ordinance's minimum building-setback standard alone would require.

In addition to the conditions described above, staff notes that the floodplain development restriction discussed in Section 4.1 and summarized in Appendix A functions as a further, geographically significant compatibility measure. As discussed in Section 4.1, the approximately 620.5 acres of the property carrying the Vision Plan's Preserved Lands (O-1) designation are more than 99 percent coextensive with the FEMA-mapped Dan River floodplain, and the Applicant's proposed conditions limit development within that floodplain to infrastructure improvements and recreational, agricultural, conservation, preservation, and open space uses [61]; [62]. In practical effect, this restriction keeps approximately one-third of the property's total acreage undeveloped, providing an additional, naturally-occurring buffer and open-space area beyond the vegetative buffers discussed above.

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[60] Stokes County Zoning Ordinance, §92.4.1 — https://cms9files.revize.com/stokescountync/Planning%20&%20Inspections/Documents/StokesCountyZoningOrdinance26.pdf

[61] Stokes County GIS, Land Use 2035 layer — https://stokescountygis.com/server/rest/services/WebApp2026/MapServer/34

[62] Stokes County GIS, Flood Zones layer — https://stokescountygis.com/server/rest/services/AllLayers/MapServer

5.5 Public Information Meeting Input on Compatibility

The PIM Report documents that attendees raised concerns regarding the scale of the proposed development relative to surrounding land uses, the nature of the conditional zoning designation, and potential effects on nearby property values (Combined Rezoning Package, Public Information Meeting Report, pp. 10-13). Staff notes that the conditional zoning mechanism, if approved, would limit development of the property specifically to the data center and supporting uses identified in the application, rather than permitting the full range of uses otherwise allowed under a standard M-2 district (Combined Rezoning Package, Statement of Conditions, pp. 3-7).

6. Noise Impact Analysis

6.1 Proposed Noise Standards

The application proposes a maximum A-weighted sound level of 70 dB(A) at the property line adjacent to non-residential uses (Combined Rezoning Package, Statement of Conditions, pp. 3-7). Adjacent to residential uses, the application proposes a lower standard of 60 dB(A) during daytime hours (7:00 a.m. to 10:00 p.m.) and 50 dB(A) during nighttime hours (Combined Rezoning Package, Statement of Conditions, pp. 3-7). In response to concerns raised at the PIM regarding low-frequency and tonal sound, the Applicant added a requirement that the C-weighted sound level (dB(C)), which captures low-frequency noise not fully reflected in A-weighted measurements, not exceed the corresponding A-weighted limit by more than 15 dB, and added a separate tonal-noise penalty provision (Combined Rezoning Package, Statement of Conditions, pp. 3-7; Combined Rezoning Package, Public Information Meeting Report, pp. 10-13).

6.2 Monitoring and Enforcement

The application requires that compliance monitoring, including pre-construction ambient baseline surveys and post-construction compliance surveys, be conducted by a consultant who is INCE Board Certified — a professional personnel credential issued by the Institute of Noise Control Engineering — rather than requiring the measurement protocols themselves to conform to a specific INCE-published measurement standard (Combined Rezoning Package, Statement of Conditions, pp. 3-7). The applicable technical measurement standard for the Leq and L90 sound-level metrics referenced in the application is the American National Standards Institute's ANSI S1.4 standard for sound level meters, which is the industry-standard protocol INCE-certified consultants would be expected to apply in conducting the required surveys [63]. The PIM Report indicates that attendees specifically raised questions regarding the methods available for monitoring compliance with the proposed noise standards and the enforcement remedies and corrective measures available to the County (Combined Rezoning Package, Public Information Meeting Report, pp. 10-13).

6.3 Baseline Ordinance Performance Standards

Staff notes for the Board's benefit that Stokes County Zoning Ordinance §92.5, adopted July 13, 2026 as part of Amendment P (after the July 8, 2026 PIM but prior to this report), establishes objective operational performance standards that apply to all M-2 and M-2-CZ uses countywide, independent of any conditions specific to this application, and regardless of the zoning classification of the adjacent property. As relevant here, §92.5.1 caps noise at 75 dB(A) measured at any point on or beyond the boundary of the zoning lot, applicable continuously (24 hours a day, 7 days a week), with no separate daytime/nighttime distinction, subject to a limited allowance for intermittent noise of up to 15 dB(A) above the baseline for no more than 10 percent of any measurement period, and exemptions for construction activity, emergency response, and vehicles operating on public rights-of-way; §92.5.6 separately (a) prohibits a direct glare source from any light source, floodlight, welding or cutting operation, furnace, or molten material that is directly visible beyond the property line, with an express carve-out providing that incidental sky-reflected glow that does not itself present a direct glare source is not a violation, (b) requires exterior lighting to be directed downward and inward and prohibits lighting directed into any abutting residential, agricultural,

[63] ANSI S1.4-2014, American National Standard Specification for Sound Level Meters — https://webstore.ansi.org/standards/asa/ansis142014

or commercial district, and (c) prohibits heat emissions that raise ambient air temperature at any adjacent property line by more than 1.8°F (1°C) above ambient. As of the date of this report, the codified, post-amendment text of §92.5 has not yet been posted to the county's publicly available online copy of the Zoning Ordinance; however, the county has posted a staff document reflecting the §92.5 text as presented to and adopted by the Board of Commissioners at its July 13, 2026 meeting [64], and this description is based on that document. For a residential property adjoining the site, what matters practically is the noise level at that resident's own property line, not the noise level at some other measurement point. On that basis, the applicant's proposed residential-boundary standard (60 dB(A) day / 50 dB(A) night) is more restrictive than the §92.5.1 baseline of 75 dB(A) applicable at all times, and represents the standard that will actually apply to adjoining residential properties. The applicant's proposed non-residential-boundary standard (70 dB(A), unrestricted by time of day) applies only where the adjoining property is non-residential, and staff notes that it is measured at a different point than §92.5.1: the application measures compliance "at the exterior property line or, if adjoining a public right-of-way, from the nearest property line beyond the right-of-way," whereas §92.5.1 reaches any point on or beyond the boundary of the zoning lot. Because §92.5.1 sets a single 75 dB(A) standard applicable at all hours, with no separate nighttime ceiling, the ordinance does not independently impose a nighttime-specific noise limit on the applicant's non-residential-boundary condition; any nighttime protection at that boundary depends on the applicant's own proposed conditions rather than on a countywide ordinance backstop.

6.4 Staff Observation

The proposed noise conditions, including the addition of a C-weighted limit and tonal penalty after the PIM, and the requirement for monitoring by an INCE Board Certified consultant, are intended to address the specific low-frequency noise characteristics associated with large mechanical cooling equipment used at data center facilities. Because noise conditions of this kind are enforceable zoning conditions rather than a separate permitting requirement, the specificity and measurability of the proposed standards are relevant to the Board's evaluation of whether the conditions are adequate to protect adjacent residential uses.

[64] Stokes County Planning & Inspections, M-2 Heavy Manufacturing District Proposed Operational Performance Standards — https://cms9files.revize.com/stokescountync/Stokes_County_M2_Performance_Standards_Final%20%284%29%20%281%29.pdf

7. Cumulative Water, Wastewater, and Energy Impacts

7.1 Water Supply and Cooling Technology

The application prohibits open-loop water cooling systems and permits only closed-loop cooling, air-cooled systems, liquid cooling systems, or other water-efficient cooling technologies (Combined Rezoning Package, Statement of Conditions, pp. 3-7). The application further prohibits withdrawal of water from on-site or nearby lakes, ponds, reservoirs, groundwater wells, aquifers, or other private surface water or groundwater sources, including the Dan River, as a water source for the facility (Combined Rezoning Package, Statement of Conditions, pp. 3-7). This private-source withdrawal prohibition was added in direct response to concerns raised at the PIM regarding effects on private wells and groundwater supplies (Combined Rezoning Package, Public Information Meeting Report, pp. 10-13). The Applicant has separately indicated, in its PIM narrative response, an intention to connect the facility to public water infrastructure (Combined Rezoning Package, Public Information Meeting Report, pp. 10-13). For the Board's awareness, that public-water commitment appears in the PIM narrative rather than in the binding Statement of Conditions itself; staff accordingly offers, for the Board's consideration, the option of adding an express public-water-connection condition, subject to the Applicant's written consent under N.C. Gen. Stat. § 160D-703(b) as discussed in Section 2.4, should the Board wish to make that commitment directly enforceable.

The Vision Plan states that Stokes County, drawing on the Dan River, the nearby Yadkin River, and groundwater supply, has an adequate water supply to meet county needs into the future, while also noting that the availability of water and sewer service is a major determinant of where growth can occur, given soil limitations on individual septic systems in many areas of the county (Stokes County 2035 Vision Plan, Chapter 7: Infrastructure, pp. 125-129). By prohibiting reliance on private wells or direct surface water withdrawal — and assuming the facility is in practice served by a public water provider, consistent with the Applicant's PIM narrative commitment discussed above — the proposed conditions are structured to avoid the individual-well and septic limitations the Vision Plan identifies as constraints on rural development (Stokes County 2035 Vision Plan, Chapter 7: Infrastructure, pp. 125-129).

7.2 Wastewater

The Vision Plan identifies three existing municipal wastewater systems in the county, located in King, Danbury, and Walnut Cove, and states that existing municipal wastewater infrastructure has capacity to meet the county's foreseeable needs (Stokes County 2035 Vision Plan, Chapter 7: Infrastructure, pp. 125-129). The Vision Plan separately notes that the City of King is considering development of its own wastewater treatment facility due to rising sewer rates charged by the City of Winston-Salem, which serves King's system (Stokes County 2035 Vision Plan, Chapter 7: Infrastructure, pp. 125-129). This dynamic is specific to the City of King's system and is not identified in the Vision Plan as a constraint applicable to the Walnut Cove area where the subject property is located (Stokes County 2035 Vision Plan, Chapter 7: Infrastructure, pp. 125-129).

7.3 Energy and Electric Service

The application addresses on-site power generation through a proposed 300-foot setback for generator equipment and contemplates the use of temporary "bridging" generation pending permanent connection to the electric grid (Combined Rezoning Package, Statement of Conditions, pp. 3-7; Combined Rezoning Package, Public Information Meeting Report, pp. 10-13). The PIM Report documents that attendees raised questions regarding the quantity, capacity, and fuel types of potential generators, the projected power

demand relative to available electric grid capacity, curtailment, and the anticipated timeline for permanent grid connection, as well as concerns regarding the potential effect of data center electric demand on residential electric rates (Combined Rezoning Package, Public Information Meeting Report, pp. 10-13). The subject property directly adjoins the Duke Energy Belews Creek Steam Station property, an existing large-scale electric generating facility, which is a relevant factor regarding proximity to grid infrastructure [65].

7.4 Stormwater and Erosion and Sedimentation Control

The subject property lies partially within the mapped Dan River floodplain, as discussed in Sections 3.1 and 4.1 above, and any land-disturbing construction activity associated with the proposed use is subject to state erosion and sedimentation control requirements independent of, and in addition to, this zoning approval. Under the North Carolina Sedimentation Pollution Control Act of 1973 and implementing regulations administered by the North Carolina Department of Environmental Quality's Division of Energy, Mineral and Land Resources ("DEMLR"), a land-disturbing activity that disturbs more than one acre requires an approved Erosion and Sedimentation Control ("E&SC") Plan and coverage under DEMLR's Construction General Stormwater Permit, NCG010000, which NCDEQ renewed effective April 1, 2024 for a cycle running through March 31, 2029 [66]. Given the scale of the proposed data center campus, staff anticipates that construction activity on the site would exceed the one-acre threshold and would accordingly require an approved E&SC Plan and NCG01 permit coverage from DEMLR prior to the commencement of grading or other land-disturbing construction [67].

This state permitting process, which includes review of sediment and erosion control measures, stormwater outlets, and buffers relative to surface waters such as the Dan River, operates independently of the zoning map amendment and would apply regardless of whether the property is zoned R-A or M-2-CZ. Compliance with the E&SC Plan and NCG01 permit conditions would be enforced by DEMLR through its standard inspection and enforcement authority, separate from any zoning conditions or county code enforcement. Staff notes this state-level requirement for the Planning Board's and Board of Commissioners' awareness, as it provides an additional, independent layer of environmental review applicable to any land-disturbing construction on the site.

7.5 Fiscal and Tax Revenue Considerations

The PIM Report reflects that attendees raised questions regarding the tax revenue and broader economic benefit the county could expect from the proposed use (Combined Rezoning Package, Public Information Meeting Report, pp. 10-13). Staff notes that the fiscal and tax revenue implications of this or any rezoning application are analyzed by the County's Finance and Tax Administration offices as part of the county's budgeting and ad valorem tax administration process, and are outside the scope of the Planning and Inspections Department's review under N.C. Gen. Stat. Chapter 160D, which governs the zoning and land use aspects of this application.

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[65] Stokes County GIS, Parcel layer — https://stokescountygis.com/server/rest/services/AllLayers/MapServer

[66] NCDEQ DEMLR, NPDES Stormwater Construction General Permit — https://www.deq.nc.gov/energy-mineral-and-land-resources/stormwater/npdes-general-permits/demlr-npdes-stormwater-construction-general-stormwater-permit/open

[67] NCDEQ DEMLR, NPDES Stormwater Construction General Permit — https://www.deq.nc.gov/energy-mineral-and-land-resources/stormwater/npdes-general-permits/demlr-npdes-stormwater-construction-general-stormwater-permit/open

For general context, staff notes that North Carolina law provides certain state sales and use tax exemptions for qualifying data center support equipment, and, as revised in the 2026-27 state budget, no longer exempts data center electricity purchases from sales and use tax [68]; [69]. These sales and use tax exemptions and their recent partial repeal pertain to state and local sales tax revenue, which is collected and distributed by the North Carolina Department of Revenue rather than assessed directly by the county N.C. Gen. Stat. § 105-472[70]. Separately, and unless the county were to grant a specific local incentive package providing an abatement, data center facilities and equipment remain subject to local ad valorem (property) taxation in the same manner as other industrial property [71]. Staff has not been asked to, and has not, evaluated any incentive request or economic development agreement associated with this application, as no such request has been submitted to Planning staff.

The Applicant separately submitted an illustrative tax revenue estimate prepared by Engineered Land Solutions, LLC, which projects a full-buildout assessed value of approximately $7.09 billion across an estimated 1,050 developable acres, derived from the average 2025 assessed value per acre reported for three operating North Carolina data center campuses (Apple in Maiden, Google in Lenoir, and Meta in Forest City), and applies that assumed value to a set of ad valorem tax rates to produce an illustrative combined annual tax estimate of approximately $50.7 million (ELS, "Project Delta Tax Revenue Estimate," 2026). The Applicant's own document characterizes this figure as "illustrative" and "not a tax assessment, appraisal, guaranty, or representation of the actual taxable value of Project Delta," and staff agrees that it should be read strictly as an informational, forward-looking estimate (ELS, "Project Delta Tax Revenue Estimate," 2026).

Staff checked the tax rate inputs used in the Applicant's estimate against current, publicly available rate data. The Applicant's estimate itemizes three rate components applicable to the subject property: a $0.585 per $100 Stokes County General Fund rate, a $0.090 per $100 Walnut Cove Fire District rate, and a $0.040 per $100 Dedicated Education Fund rate, for a combined effective rate of $0.715 per $100 of assessed value (ELS, "Project Delta Tax Revenue Estimate," 2026). Staff confirms that the Applicant's $0.585 and $0.040 components together equal $0.625 per $100, matching the North Carolina Department of Revenue's published Stokes County FY 2025-26 county tax rate [72]. Staff also notes that the Applicant's $7.09 billion full-buildout assessed-value assumption is based on comparable data center assessments in other counties (Catawba, Caldwell, and Rutherford), which staff has not independently verified, so that figure and the resulting revenue estimates should be treated as the developer's own projection rather than a confirmed county figure.

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[68]Session Law 2026-41, § 44.4 — https://www.ncleg.gov/EnactedLegislation/SessionLaws/HTML/2025-2026/SL2026-41.html

[69]Carolina Journal, "NC budget scales back data center tax break" (July 8, 2026) — https://www.carolinajournal.com/nc-budget-scales-back-data-center-tax-break/

[70]N.C. Gen. Stat. § 105-472 — https://www.ncleg.gov/enactedlegislation/statutes/html/bysection/chapter_105/gs_105-472.html

[71]Virginia Public Media, "Data centers in NC don't pay taxes on their supplies or..." (May 11, 2026) — https://www.vpm.org/news/2026-05-11/nc-newsroom-data-center-supply-energy-tax-breaks-north-carolina

[72]NCDOR, 2025-2026 County Tax Rates — https://www.ncdor.gov/2025-2026-county-tax-rates-finalpdf/open

7.6 Cumulative Impact Considerations

Because the application's proposed water and cooling conditions eliminate reliance on groundwater, private wells, and direct surface-water withdrawal, and the Applicant's PIM narrative separately commits to connection to public water infrastructure (as discussed in Section 7.1), the water-related cumulative impact of the proposed use is substantially dependent on the capacity of the relevant public water provider to serve the site, a matter appropriately confirmed through the county's utility extension and capacity review process rather than through the zoning conditions alone. Based on Planning staff's direct communication and coordination with the Stokes County Water Authority and the Town of Walnut Cove in connection with this application, both entities have indicated that they have available water capacity and are willing to provide water service to the proposed project, with the shared understanding that the developer would participate in the cost of any infrastructure improvements necessary to provide such service. Staff notes that this understanding reflects preliminary coordination rather than an executed utility extension agreement, and that any final water service commitment, including the scope of infrastructure improvements and the developer's cost-participation obligations, would be memorialized through a separate utility extension agreement between the developer and the applicable water provider(s), subject to those entities' own governing boards and standard utility extension policies. Energy demand and grid capacity are similarly matters that will be addressed through the applicable utility interconnection process independent of the zoning approval, though the zoning conditions establish enforceable limits on temporary on-site generation pending permanent interconnection.

8. Environmental Justice Considerations

8.1 Demographic Context

To evaluate environmental justice considerations associated with the proposed rezoning, staff reviewed the North Carolina Department of Environmental Quality's environmental justice demographic analysis prepared in connection with the adjoining Duke Energy Belews Creek Steam Station, which used a two-mile radius centered on that facility and reported data for Census Tracts 701 and 707 in Stokes County [73]. Because the Belews Creek Steam Station directly adjoins the subject property, these census tracts overlap the area surrounding the Project Delta site and provide a relevant, independently-prepared point of reference [74]; [75].

That report found Census Tract 701 had a total population of 6,720, of which 91.3 percent identified as White and 3.8 percent as Black or African American, with 7.4 percent of the population below the federal poverty level [76]. Census Tract 707 had a total population of 5,681, of which 77.2 percent identified as White and 18.3 percent as Black or African American, with 20.0 percent of the population below the federal poverty level [77]. By comparison, Stokes County as a whole has a poverty rate of approximately 11.8 percent (2024 Small Area Income and Poverty Estimates) and a White alone population share of approximately 92.9 percent, according to the U.S. Census Bureau [78]; [79]. Staff notes that this county-wide figure is distinct from, and should not be confused with, the older 2021 Census Tract 701 figure of 91.3 percent White discussed above, which reflects a different, smaller geography from an earlier data year. Census Tract 707's poverty rate is notably higher than both the county average and Census Tract 701, which staff notes as a relevant environmental justice indicator for this area [80]; [81]. The map below shows the boundaries of Census Tracts 701 and 707 as they existed at the time of the NCDEQ report relative to

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[73] NCDEQ Belews Creek Steam Station Draft Environmental Justice Report (May 2021) — https://files.nc.gov/ncdeq/Air%20Quality/permits/2021_public_notice_documents/environmental_justice/Belews-Creek-Draft-EJ-Report-May-2021.pdf

[74] NCDEQ Belews Creek Steam Station Draft Environmental Justice Report (May 2021) — https://files.nc.gov/ncdeq/Air%20Quality/permits/2021_public_notice_documents/environmental_justice/Belews-Creek-Draft-EJ-Report-May-2021.pdf

[75] Stokes County GIS, Parcel layer — https://stokescountygis.com/server/rest/services/AllLayers/MapServer

[76] NCDEQ Belews Creek Steam Station Draft Environmental Justice Report (May 2021) — https://files.nc.gov/ncdeq/Air%20Quality/permits/2021_public_notice_documents/environmental_justice/Belews-Creek-Draft-EJ-Report-May-2021.pdf

[77] NCDEQ Belews Creek Steam Station Draft Environmental Justice Report (May 2021) — https://files.nc.gov/ncdeq/Air%20Quality/permits/2021_public_notice_documents/environmental_justice/Belews-Creek-Draft-EJ-Report-May-2021.pdf

[78] U.S. Census Bureau, Small Area Income and Poverty Estimates (SAIPE), 2024 — https://www.census.gov/data/datasets/2024/demo/saipe/2024-state-and-county.html

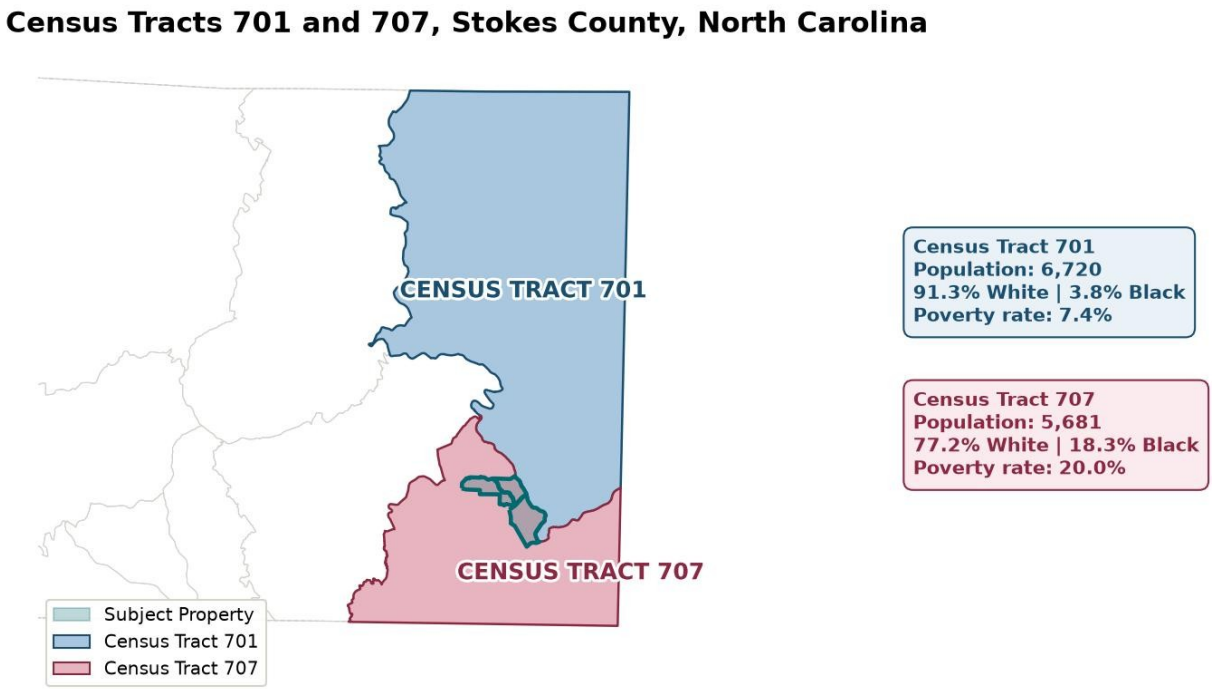
[79] U.S. Census Bureau QuickFacts, Stokes County, North Carolina — https://www.census.gov/quickfacts/fact/table/stokescountynorthcarolina/SBO050222

[80] NCDEQ Belews Creek Steam Station Draft Environmental Justice Report (May 2021) — https://files.nc.gov/ncdeq/Air%20Quality/permits/2021_public_notice_documents/environmental_justice/Belews-Creek-Draft-EJ-Report-May-2021.pdf

[81] U.S. Census Bureau QuickFacts, Stokes County, North Carolina — https://www.census.gov/quickfacts/fact/table/stokescountynorthcarolina/SBO050222

the subject property; staff notes for completeness that the U.S. Census Bureau redrew Stokes County's tract boundaries following the 2020 Census, splitting former Tract 701 into current Tracts 701.01 and 701.02 and former Tract 707 into current Tracts 707.01 and 707.02, with the subject property now falling within current Tract 707.02 [82]. This boundary change does not affect the substance of the NCDEQ's 2021 findings discussed above, which staff cites using the tract geography and figures as reported in the original NCDEQ analysis.

[82]U.S. Census Bureau, TIGER/Line Shapefiles — https://www.census.gov/geographies/mapping-files/time-series/geo/tiger-line-file.html



Source: U.S. Census Bureau TIGER/Line 2019 Tract Boundaries; NCDEQ Belews Creek Steam Station Draft Environmental Justice Report (May 2021)

Census Tracts 701 and 707, Stokes County, North Carolina, relative to the subject property, using pre-2020 tract boundaries as they existed at the time of the NCDEQ's May 2021 environmental justice analysis. Note: these tracts were subsequently subdivided following the 2020 Census into current Tracts 701.01/701.02 and 707.01/707.02; the subject property now falls within current Tract 707.02. This map is retained to show the boundaries underlying the NCDEQ data discussed in the text and does not reflect current (post-2020) tract lines.

8.2 Community Health Indicators

To further inform the environmental justice analysis, staff independently queried the CDC's PLACES public health dataset, which provides model-based estimates of chronic disease prevalence and health-related social needs derived from the Behavioral Risk Factor Surveillance System and the American Community Survey [83]. PLACES does not publish estimates for arbitrary custom radii such as a one-mile ring; its smallest published geography is the individual census tract. Staff therefore identified the current (2020 Census boundary) tract that contains the subject property — Census Tract 070702, as confirmed using the property's coordinates against the Federal Communications Commission's census block lookup tool — and queried PLACES for that tract directly, rather than relying on the larger, now-outdated 2019-boundary tracts referenced in the NCDEQ report discussed in Section 8.1 above [84]; [85].

Tract 070702, which has a total population of 2,556, shows several health indicators elevated relative to the Stokes County average [86]; [87]. Diagnosed diabetes among adults is estimated at 16.5 percent in Tract 070702, compared with 13.2 percent countywide [88]; [89]. Food insecurity in the past twelve months is estimated at 19.9 percent in the tract, compared with 13.4 percent countywide [90]; [91]. Current asthma among adults is estimated at 11.8 percent in the tract, compared with 10.9 percent countywide, and chronic obstructive pulmonary disease (COPD) is estimated at 10.7 percent in the tract, compared with 9.4 percent countywide [92]; [93].

All PLACES figures cited above are crude prevalence estimates among adults and, like all small-area PLACES estimates, are model-based with associated confidence intervals rather than direct counts; they are not diagnoses tied to any specific facility or use and do not by themselves establish causation between any existing or proposed land use and community health outcomes [94]. Staff nonetheless notes that a population with elevated rates of chronic respiratory and metabolic conditions, and with a higher rate of

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[83] CDC PLACES: Local Data for Better Health, 2025 release — https://data.cdc.gov/500-Cities-Places/PLACES-Local-Data-for-Better-Health-Census-Tract-D/cwsq-ngmh

[84] FCC Census Block Conversions API — https://geo.fcc.gov/api/census/

[85] CDC PLACES: Local Data for Better Health, 2025 release — https://data.cdc.gov/500-Cities-Places/PLACES-Local-Data-for-Better-Health-Census-Tract-D/cwsq-ngmh

[86] CDC PLACES: Local Data for Better Health, 2025 release — https://data.cdc.gov/500-Cities-Places/PLACES-Local-Data-for-Better-Health-Census-Tract-D/cwsq-ngmh

[87] CDC PLACES: Local Data for Better Health, County Data 2025 release — https://data.cdc.gov/500-Cities-Places/PLACES-Local-Data-for-Better-Health-County-Data-20/swc5-untb

[88] CDC PLACES: Local Data for Better Health, 2025 release — https://data.cdc.gov/500-Cities-Places/PLACES-Local-Data-for-Better-Health-Census-Tract-D/cwsq-ngmh

[89] CDC PLACES: Local Data for Better Health, County Data 2025 release — https://data.cdc.gov/500-Cities-Places/PLACES-Local-Data-for-Better-Health-County-Data-20/swc5-untb

[90] CDC PLACES: Local Data for Better Health, 2025 release — https://data.cdc.gov/500-Cities-Places/PLACES-Local-Data-for-Better-Health-Census-Tract-D/cwsq-ngmh

[91] CDC PLACES: Local Data for Better Health, County Data 2025 release — https://data.cdc.gov/500-Cities-Places/PLACES-Local-Data-for-Better-Health-County-Data-20/swc5-untb

[92] CDC PLACES: Local Data for Better Health, 2025 release — https://data.cdc.gov/500-Cities-Places/PLACES-Local-Data-for-Better-Health-Census-Tract-D/cwsq-ngmh

[93] CDC PLACES: Local Data for Better Health, County Data 2025 release — https://data.cdc.gov/500-Cities-Places/PLACES-Local-Data-for-Better-Health-County-Data-20/swc5-untb

food insecurity than the county as a whole, may be more sensitive to potential noise, air-quality, or water-quality impacts than a lower-risk population, reinforcing the importance of the enforceable buffer, noise, lighting, and water-quality conditions discussed in Sections 5 through 7 above.

8.3 Sensitive Receptors

The NCDEQ report identified a number of sensitive receptors within its two-mile study radius, including Pine Hall Elementary School (since closed — the Stokes County Board of Education closed Pine Hall Elementary at the end of the 2023-24 school year and declared the property surplus in 2025), the Stokes-Rockingham Volunteer Fire & Rescue station, and multiple churches, including Dry Hollow Church, Rock Hill Church, Mount Carmel United Methodist Church, Withers Chapel United Methodist Church, Forest Chapel United Methodist Church, Pine Hall Baptist Church, Pine Hall Presbyterian Church, and Cornerstone Baptist Church [95]. Staff's independent review of the Stokes County GIS parcel layer separately identified Sycamore Baptist Church within approximately 670 feet of the subject property, as discussed in Section 3.2 above [96]. The presence of these institutional and residential receptors in the surrounding area underscores the importance of the enforceable buffer, noise, lighting, and water-quality conditions proposed in the application, discussed in Sections 5 through 7 above.

8.4 Community Engagement

The PIM held on July 8, 2026, provided an opportunity for members of the surrounding community, including residents of the lower-income census tracts identified above, to raise concerns directly with the Applicant (Combined Rezoning Package, Public Information Meeting Report, pp. 10-13). As discussed in Section 6 and Section 7, several of the conditions ultimately proposed in the application, including the increased residential buffer, the stricter noise standard, and the prohibition on groundwater and well-water use, were adopted specifically in response to concerns raised at that meeting (Combined Rezoning Package, Public Information Meeting Report, pp. 10-13). Staff notes that continued opportunities for public input, including the Planning Board and Board of Commissioners hearings on this application, remain available to residents of the surrounding area.

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[94]CDC PLACES: Local Data for Better Health, 2025 release — https://data.cdc.gov/500-Cities-Places/PLACES-Local-Data-for-Better-Health-Census-Tract-D/cwsq-ngmh

[95]NCDEQ Belews Creek Steam Station Draft Environmental Justice Report (May 2021) — https://files.nc.gov/ncdeq/Air%20Quality/permits/2021_public_notice_documents/environmental_justice/Belews-Creek-Draft-EJ-Report-May-2021.pdf

[96]Stokes County GIS, Parcel layer — https://stokescountygis.com/server/rest/services/AllLayers/MapServer

9. Cultural and Historical Resources

9.1 Documented Historic Resources on the Property

Staff independently reviewed the North Carolina State Historic Preservation Office's ("NC HPO") architectural survey inventory using the agency's public GIS mapping tool and confirmed that a documented historic resource, the Hairston Sauratown Plantation House (NC HPO Survey Site SK0182), is located within the boundary of one of the four subject parcels (PIN 6964-91-8321) [97]. This resource is included on the NC HPO's Study List, a designation indicating the property has been identified as a candidate for further evaluation of National Register eligibility [98]. The 1989 Stokes County architectural survey describes the surviving house (constructed circa 1870) as one of the most sophisticated dwellings of its period in the county and a notable expression of late nineteenth-century architectural romanticism, built after an earlier plantation house on the opposite side of the Dan River was lost to fire [99]. The same survey and staff's independent GIS review also identified two additional surveyed sites associated with the same historic family, both since demolished, within the boundary of a second subject parcel (PIN 6973-73-4188) [100].

None of these three sites is currently listed on the National Register of Historic Places, and staff's review did not identify any National Register-listed property, locally designated landmark, or historic district boundary intersecting the subject property [101]. Several additional surveyed historic houses are located within approximately one mile of the property but outside its boundaries [102].

9.2 Broader Cultural Context of the Dan River Valley

The Dan River valley in southeastern Stokes County is documented in published archaeological literature as the location of Sara (also recorded as Saura or Sauratown) Indigenous village occupation dating to the sixteenth through early eighteenth centuries, most extensively studied at the Upper Saratown site excavated by the University of North Carolina's Research Laboratories of Anthropology beginning in 1972 [103]. The precise locations of archaeological sites, including any associated with this occupation, are not published in publicly available geographic information systems and are subject to statutory confidentiality protections administered by the North Carolina Office of State Archaeology; staff's review accordingly confirms the documented historical presence of this occupation in the Dan River valley area of the county

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[97] NC HPO Historic Resources GIS, Site SK0182 — https://www.hpo.nc.gov/survey-and-national-register/gis-maps-and-data

[98] NC HPO Historic Resources GIS, Site SK0182 — https://www.hpo.nc.gov/survey-and-national-register/gis-maps-and-data

[99] NC HPO, Stokes County Historic Inventory (1989) — https://files.nc.gov/ncdcr/historic-preservation-office/survey-and-national-register/surveyreports/Stokes_CountySurvey-1989.pdf

[100] NC HPO Historic Resources GIS, Sites SK0180, SK0181 — https://www.hpo.nc.gov/survey-and-national-register/gis-maps-and-data

[101] NC HPO Historic Resources GIS — https://www.hpo.nc.gov/survey-and-national-register/gis-maps-and-data

[102] NC HPO Historic Resources GIS — https://www.hpo.nc.gov/survey-and-national-register/gis-maps-and-data

[103] UNC Research Laboratories of Anthropology, Upper Saratown / Ancient North Carolinians — https://ancientnc.web.unc.edu/indian-heritage/by-region/north-central-piedmont/upper-saratown/

generally, without asserting that a specific archaeological site boundary has been confirmed to intersect the subject property [104].

9.3 Cemetery Resources

Staff's independent review of the Stokes County GIS Cemetery Points layer identified a mapped cemetery, recorded with 65 grave points and no name value in the layer's associated attribute field, located inside the boundary of subject parcel PIN 6964-91-8321 [105]. Staff notes that the county's Cemetery Points layer is a planning-level dataset intended to flag the general presence and approximate location of known burial grounds, and that it does not represent a surveyed cemetery boundary; the actual extent of the burial ground may extend beyond the single mapped point location and would need to be confirmed by a ground survey prior to any ground-disturbing activity in its vicinity. Staff discloses this finding for the Board's and the public's awareness, and notes that any ground-disturbing activity in its vicinity remains subject to existing state cemetery and archaeological protection requirements, as discussed in Section 9.4 below.

9.4 Applicant Coordination and Proposed Protections

The PIM Report confirms that attendees raised, and the Applicant addressed, questions regarding the presence of cultural resources and artifacts on the property, applicable state and federal review and reporting requirements, coordination with the State Historic Preservation Office, and the procedures that would apply if resources were encountered before or during construction (Combined Rezoning Package, Public Information Meeting Report, pp. 10-13). The application's floodplain provisions restrict development within the mapped Dan River floodplain to infrastructure, recreation, agricultural, and conservation uses, which has the effect of limiting ground-disturbing construction activity within the low-lying areas nearest the river (Combined Rezoning Package, Statement of Conditions, pp. 3-7). Staff notes that the mapped cemetery identified in Section 9.3 and any other inadvertently discovered human remains or burial grounds are independently protected by existing state law regardless of any zoning condition, under N.C. Gen. Stat. § 70-29[106] (mandatory cessation of activity and notification upon discovery of human remains) and N.C. Gen. Stat. § 65-106[107] (county consent and notice requirements for removal of a grave). By contrast, coordination with the NC HPO regarding the documented SK0182 site is not independently mandated by state law in this instance: N.C. Gen. Stat. § 121-12(a) applies only to State agencies undertaking or funding/licensing a State or state-assisted undertaking affecting properties listed on the National Register of Historic Places, and SK0182 is a privately developed property that remains Study List only, not National Register-listed, with no identified State funding or permitting nexus for this project N.C. Gen. Stat. § 121-12[108]. Such coordination, while good practice and encouraged by staff, would be voluntary absent a future federal or state funding or permitting trigger or a change in SK0182's National Register status.

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[104]North Carolina Office of State Archaeology, Archaeological Site Files Program — https://archaeology.ncdcr.gov/programs/archsitefiles

[105]Stokes County GIS, Cemetery Points layer — https://stokescountygis.com/server/rest/services/WebApp2026/MapServer/0

[106]N.C. Gen. Stat. § 70-29 — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_70/GS_70-29.pdf

[107]N.C. Gen. Stat. § 65-106 — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_65/GS_65-106.pdf

[108]N.C. Gen. Stat. § 121-12 — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_121/GS_121-12.pdf

10. Infrastructure Capacity

10.1 Roads

The property has direct frontage on US Highway 311, a state-maintained highway, as well as Tuttle Road, Oldtown Road, and Coon Joyce Road (Combined Rezoning Package, Application Cover Sheet, p. 8). Staff's independent review of the Stokes County GIS road centerline layer additionally identified Fulp Road (SR 1719) and Saura Farm Road as abutting portions of the subject property not fronting on the four roads named in the application [109]. The Vision Plan's Transportation chapter identifies coordination with the North Carolina Department of Transportation on regional transportation planning as an ongoing county policy and identifies US 311 as a significant corridor within the county's highway network (Stokes County 2035 Vision Plan, Chapter 6: Transportation, pp. 117-124). Any driveway permit, turn-lane, or access modifications associated with the proposed development would be subject to separate review and approval by the North Carolina Department of Transportation.

10.2 Water and Wastewater

As discussed in Section 7, the binding Statement of Conditions prohibits the facility from drawing water from private wells or direct surface water withdrawal, but does not itself contain an affirmative requirement that the facility be served by a public water provider; that commitment appears only in the Applicant's non-binding PIM narrative response (Combined Rezoning Package, Statement of Conditions, pp. 3-7; Combined Rezoning Package, Public Information Meeting Report, pp. 10-13). If the Board wishes to make public water service a binding requirement, staff recommends an express condition to that effect, subject to the Applicant's written consent. Confirmation of the specific public water provider's capacity to serve the site, and any water line extension required to do so, is a matter for the applicable utility extension review process, separate from the zoning approval itself.

10.3 Emergency Services

The PIM Report documents that attendees raised questions specifically regarding fire, safety, and emergency response, including safety concerns related to generators, fuel storage, and electrical equipment, applicable inspection and code requirements, and fire suppression systems (Combined Rezoning Package, Public Information Meeting Report, pp. 10-13). Staff's independent review of the Stokes County GIS Fire District layer confirms that approximately 1,827 of the property's approximately 1,828 total acres (using the GIS calculated/geometric acreage established in Section 3.1) — approximately 99.9 percent — lie within the Southeastern fire district, served by Station 35 (Walnut Cove Fire) [110]. Compliance with the North Carolina State Building Code and Fire Code, administered through the County's separate building permit and inspection process, would apply to any construction on the site independent of this zoning approval.

10.4 Schools and Parks

Because the proposed use is a non-residential industrial use rather than a residential development, it is not expected to generate a school-age population and therefore does not have a direct impact on Stokes

[109]Stokes County GIS, Road Centerlines layer — https://stokescountygis.com/server/rest/services/AllLayers/MapServer
[110]Stokes County GIS, Fire Districts layer — https://stokescountygis.com/server/rest/services/AllLayers/MapServer

County Schools' facility capacity. The property is not located within, and does not adjoin, any county park or recreational facility identified in the Vision Plan's Recreation chapter (Stokes County 2035 Vision Plan, Chapter 5: Recreation, pp. 111-116). Staff notes for the Board's balanced consideration that the property directly adjoins the approximately 848-acre Dan River Educational State Forest, sharing approximately 1.25 miles of common boundary; this state forest is not identified in the Vision Plan because the state acquired the property in 2023, after the Vision Plan's 2015 adoption, and it is not a county park or recreational facility [111].

[111]NC Forest Service, Dan River Educational State Forest — https://www.ncforestservice.gov/ednc/dan_river.html

11. Staff Recommendation

Staff has independently reviewed the application materials, the Stokes County 2035 Vision Plan, applicable provisions of N.C. Gen. Stat. Chapter 160D, and available county geographic information system and public records, and presents the findings above for the Planning Board's consideration under N.C. Gen. Stat. § 160D-604 and for the Board of Commissioners' subsequent findings under N.C. Gen. Stat. § 160D-605.

Consistent with N.C. Gen. Stat. § 160D-605(b), which directs the Board to consider, among other things, the benefits and detriments to the landowners, the neighbors, and the surrounding community, staff notes the following factors relevant to the reasonableness of the proposed rezoning. On the benefit side: the size of the property (approximately 1,848.74 acres) and its frontage on a major highway corridor; the presence of existing industrial and utility uses in the immediate vicinity, including the adjoining Belews Creek Steam Station; the enforceable development conditions proposed by the Applicant addressing noise, lighting, height, buffers, water use, and floodplain protection, several of which were strengthened in direct response to public input received at the PIM; and the Vision Plan's identification of business recruitment and available industrial land as a county economic development priority. On the detriment side, and as discussed more fully in Sections 6 through 8 above, the Board should also weigh: the property's general rural land use designation under the Vision Plan's Land Use Framework Map, which does not identify this property as a targeted industrial site; the presence of numerous churches, residences, and other sensitive receptors within one mile of the property; the differing noise-measurement point for the applicant's proposed non-residential noise standard discussed in Section 6.3; the surrounding area's environmental justice profile, as discussed in Section 8; and the presence of a mapped cemetery within the subject property's boundary and the property's adjacency to the Dan River Educational State Forest, both discussed in Sections 9 and 10 above. These benefit- and detriment-side considerations are offered to inform, not substitute for, the Board's own findings under N.C. Gen. Stat. § 160D-605(b)[112]. Staff further notes, as discussed in Sections 4.1 and 5.4 above, that the floodplain development restriction proposed by the Applicant is more than 99 percent coextensive with the Vision Plan's Preserved Lands (O-1) designation on the property, such that the enforceable conditions proposed would keep approximately one-third of the property's total acreage undeveloped and in a condition consistent with the Vision Plan's preservation intent for that designation.

Applying the reasonableness factors set out in N.C. Gen. Stat. § 160D-605(b)[113] to the considerations above — including the size and attributes of the property, the benefits and detriments identified, the relationship between the property's current and proposed permissible development and that of the surrounding area, and the changed conditions (including the enforceable conditions added following the PIM) warranting the amendment — staff recommends approval of this application as being reasonable and in the public interest. Regardless of whether the Planning Board or Board of Commissioners finds the proposed rezoning consistent or inconsistent with the Vision Plan, that approval should rest on the enforceable conditions proposed by the Applicant, together with any additional conditions either board considers reasonable and necessary to protect the residents of Stokes County, consistent with the statutory purpose of zoning regulations to promote the public health, safety, and general welfare, as set out in N.C. Gen.

[112]N.C. Gen. Stat. § 160D-605(b) — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-605.pdf
[113]N.C. Gen. Stat. § 160D-605(b) — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-605.pdf

Stat. § 160D-701[114]. Because this application is a conditional zoning district request, any additional condition proposed by either board beyond those already offered by the Applicant would require the Applicant's written consent to become part of an approved conditional zoning district, as discussed in Section 2.4 above, consistent with N.C. Gen. Stat. § 160D-703(b)[115].

[114]N.C. Gen. Stat. § 160D-701 — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-701.pdf
[115]N.C. Gen. Stat. § 160D-703(b) — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-703.pdf

Appendix A: Summary of Proposed Zoning Conditions

The following table summarizes the zoning conditions proposed by the Applicant as part of the Statement of Conditions accompanying the application (Combined Rezoning Package, Statement of Conditions, pp. 3-7). This summary is provided for convenience; the full text of each condition, including definitions and measurement protocols, is set out in the Statement of Conditions itself and governs in the event of any inconsistency.

Condition	Summary
1. Permitted Uses	Limited to a data center facility/campus and directly associated accessory uses (power generation, substations, electrical and natural gas infrastructure, fiber optic infrastructure, battery backup, security facilities, on-site maintenance, container storage, fuel and water storage).
2. Noise	70 dB(A) at the property line adjacent to non-residential zoning; 60 dB(A) daytime (7:00 a.m.-10:00 p.m.) and 50 dB(A) nighttime adjacent to residential zoning. C-weighted sound level (dB(C)) may not exceed the corresponding A-weighted limit by more than 15 dB. Separate tonal-noise penalty (noise limit reduced by 5 dB(A) if a tone is present, as defined by one-third octave band criteria). Generator testing limited to weekdays 9:00 a.m.-5:00 p.m. Pre-construction ambient baseline survey and modeling study, and post-construction compliance survey, required for each Major Improvement, performed by an INCE Board-Certified third-party consultant.
3. Power Generators	Not permitted within 300 feet of the exterior property boundary.
4. Cooling Systems and Water Infrastructure	Open-loop water cooling prohibited; closed-loop, air-cooled, liquid cooling, or other water-efficient systems permitted. Direct withdrawal from streams, rivers, lakes, ponds, reservoirs, groundwater wells, aquifers, or other private surface water or groundwater sources prohibited.
5. Floodplain	Within FEMA FIRM-designated floodplain areas (Panels 3710696200K and 3710696400K, effective June 10, 2026), development limited to infrastructure improvements and recreational, agricultural, conservation, preservation, and open space uses.
6. Lighting	All exterior site and building lighting directed downward, using full cutoff or fully shielded fixtures designed to prevent glare, spillover, or direct illumination onto adjacent properties.
7. Height	Maximum height of principal building(s) is 80 feet; antennas, communication equipment, mechanical equipment, screening, utility infrastructure, and similar appurtenances may extend above this limit.
8. Buffer Areas	Vegetative buffers per the Buffer Zone Exhibit, achieved through existing vegetation, supplemental plantings, berms, or comparable measures; baseline 100-foot buffer increased to 250 feet adjacent to residential uses following PIM input. Minor infrastructure encroachments (utilities, fences, access drives, signage, etc.) permitted where designed to minimize disturbance to vegetation.

9. Minimum Setbacks	Right-of-way/front: 40 feet. Rear: 0 feet, or 25 feet where the lot abuts a residential district. Side: 0 feet, or 15 feet where the lot abuts a residential district; where a non-required side yard is provided, it must be at least 8 feet.

Appendix B: Public Information Meeting Topics Summary

The PIM Report identifies the following seventeen topic areas discussed at the July 8, 2026 Public Information Meeting (Combined Rezoning Package, Public Information Meeting Report, Section 4, pp. 10-13):

1. **Project structure and ownership** — anticipated ownership and operational structure; potential conveyance to an end user; continued enforceability of zoning conditions following any transfer of ownership or operator.
2. **Conditional zoning and project scale** — overall size of the request; coordination of phased development; surrounding land uses; how conditional zoning would limit development to data center and supporting uses.
3. **Floodplain protection** — rationale for including floodplain areas in the rezoning request; limitations on development within those areas; treatment of fill, elevation changes, and off-site mitigation credits.
4. **Cultural, historical, and archaeological resources** — presence of cultural resources and artifacts on the property; applicable state and federal review requirements; coordination with the State Historic Preservation Office; procedures if resources are encountered during construction.
5. **Noise** — continuous operational noise; low-frequency and tonal sound; adequacy of proposed noise limits and ambient-noise study; noise from on-site and temporary generation; effects on residents and wildlife; effectiveness of buffers, berms, and setbacks.
6. **Noise enforcement and penalties** — monitoring methods; resources for reviewing compliance; available enforcement remedies and corrective measures.
7. **Power and generation** — use and duration of on-site and temporary "bridging" generation; generator quantity, capacity, and fuel types; projected power demand relative to available capacity; curtailment; grid connection timeline.
8. **Electric rates** — concern that data center growth could contribute to residential electric rate increases; the utility's position on data centers as customers.
9. **Water** — limiting impacts on groundwater and private wells; water source, supply, and volume; cooling technology; wastewater discharge; handling and regulatory oversight of cooling system chemicals.
10. **Air quality and emissions** — emissions from backup or temporary generation; heat from combustion; potential cumulative air quality impacts; applicable permitting and regulatory oversight.
11. **Light and site appearance** — light pollution and prevention measures; building height; buffers and setbacks near residential areas; general site appearance.
12. **Fire, safety, and emergency response** — safety concerns related to generators, fuel storage, and electrical equipment; inspection and code requirements; fire suppression systems.
13. **Property values** — potential effect on nearby property values.

14. **Tax revenue and economic benefit** — basis and methodology for projected tax revenue; timeline for realizing estimated revenue; effect of state legislation on distribution of data center tax revenue between the State and the County; potential benefits to the County and residents.
15. **Enforceability of commitments** — enforceability of the Applicant's verbal or written commitments; how approved conditions would bind future owners and operators; role of lenders and insurers in compliance.
16. **Public notice and community process** — adequacy of public notice and project awareness; procedural reasons for the repeated rezoning.
17. **Broader concerns** — matters extending beyond the rezoning itself, including the cumulative effect of data centers and AI generally, coordination with other nearby energy infrastructure, and general concerns regarding zoning versus permitting regulation.

Appendix C: Referenced Maps and Geographic Data Sources

The following publicly available maps and geographic information system (GIS) resources were used by staff in the preparation of this report and may be consulted directly for additional detail:

1. **Stokes County GIS — Parcel, Zoning, Parks, and Structures layers.** Used to independently verify parcel boundaries, current zoning classifications, surrounding land uses, and nearby sensitive receptors. Available at: [116].
2. **FEMA Flood Map Service Center.** Used to independently confirm the effective date of the Flood Insurance Rate Map panels (3710696200K and 3710696400K) applicable to the subject property. Available at: [117].
3. **NC Historic Preservation Office GIS Maps and Data (HPOWEB).** Used to independently confirm the location of documented historic architectural survey sites (SK0180, SK0181, SK0182) relative to the subject parcels. Available at: [118].
4. **Buffer Zone Exhibit.** A site-specific exhibit depicting the proposed vegetative buffer areas, included as part of the application's Statement of Conditions (Combined Rezoning Package, Statement of Conditions, p. 7).
5. **NCDEQ Belews Creek Steam Station Draft Environmental Justice Report (May 2021), Figure of 2-Mile Study Radius and Census Tracts 701/707.** Used as an independently prepared reference for demographic and sensitive-receptor data in the area surrounding the adjoining Belews Creek Steam Station. Available at: [119].

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[116]Stokes County GIS — https://stokescountygis.com/server/rest/services/AllLayers/MapServer
[117]FEMA Flood Map Service Center — https://msc.fema.gov/portal/productAvailability
[118]NC HPO GIS Maps and Data — https://www.hpo.nc.gov/survey-and-national-register/gis-maps-and-data
[119]NCDEQ Belews Creek Draft EJ Report — https://files.nc.gov/ncdeq/Air%20Quality/permits/2021_public_notice_documents/environmental_justice/Belews-Creek-Draft-EJ-Report-May-2021.pdf

6. **Stokes County 2035 Vision Plan, Land Use Framework Map (Chapter 3).** Used to evaluate the subject property's transect classification relative to the Comprehensive Plan's designated growth areas (Stokes County 2035 Vision Plan, Chapter 3: Land Use, Map 13, p. 76).
7. **NC DEQ/DEMLR Mining Program, Mining Permits.** Used to independently identify active state mining permits on industrial-zoned parcels in the broader area surrounding the subject property. Available at: [120].
8. **CDC PLACES: Local Data for Better Health (2025 census tract release and 2025 county release).** Used to independently obtain census tract- and county-level chronic disease and health-related social needs estimates for the environmental justice analysis in Section 8.2. Available at: [121] and [122].
9. **FCC Census Block Conversions API.** Used to independently confirm the current (2020 Census boundary) census tract and block containing the subject property. Available at: [123].

[120]NC DEQ/DEMLR Mining Program, Mining Permits — https://services2.arcgis.com/kCu40SDxsCGcuUWO/arcgis/rest/services/NC_Mining_Permits/FeatureServer/0
[121]CDC PLACES Census Tract Data — https://data.cdc.gov/500-Cities-Places/PLACES-Local-Data-for-Better-Health-Census-Tract-D/cwsq-ngmh
[122]CDC PLACES County Data — https://data.cdc.gov/500-Cities-Places/PLACES-Local-Data-for-Better-Health-County-Data-20/swc5-untb
[123]FCC Census Block Conversions API — https://geo.fcc.gov/api/census/

STOKES COUNTY CONDITIONAL REZONING APPLICATION

Petition #: *
Date Filed: *
Received By: *
Office Use Only

OWNERSHIP INFORMATION:

Property Owner: DFC Stokes, LLC and DFC Stokes 2, LLC

Owner's Address: 5826 Samet Drive, Suite 105, High Point, NC 27265

Deed Book/Page: 640/2484; 804/1096

Parcel Identification Number(s): 6973-76-7124, 6973-73-4188, 6964-91-8321, and 6973-49-0574

LOCATION OF PROPERTY (Address or Description): 0 US Highway 311 & Tuttle Road, 0 Off US 311 Highway, 1290 Coon Joyce Road, and 1203 Tuttle Road, Walnut Cove, NC 27052 (Parcel Numbers: 4398, 3110, 3176, and 3111)

Size (Sq. Ft. or Acres): +/- 1,848.741 acres

Date of Public Information Meeting: July 8, 2026

ZONING INFORMATION:

Current Zoning District: Residential-Agricultural District (R-A)

Proposed Zoning District: Heavy Manufacturing Conditional Zoning District (M-2-CZ)

Purpose of Request: To allow for the development of uses permitted in the Heavy Manufacturing Conditional Zoning District (M-2-CZ).

[Signature Page Follows]

DFC Stokes, LLC
Name of Property Owner

5826 Samet Drive, Suite 105, High Point, NC 27265
Property Owner's Address

Telephone Number Fax Number

Signature of Property Owner

DFC Stokes 2, LLC
Name of Property Owner

5826 Samet Drive, Suite 105, High Point, NC 27265
Property Owner's Address

Telephone Number Fax Number

Signature of Property Owner

Engineered Land Solutions, LLC
Name of Petitioner

1009 East Blvd, Charlotte, NC 28203
Address Of Petitioner

Telephone Number Fax Number

Signature

TAB 6

6

Zoning Conditions

Original conditions submitted with the application and the final proposed conditions dated 9/8/26.

#	Document	Source
1	Zoning Conditions — Original Submission	https://co.stokes.nc.us/(2)%20Zoning%20Conditions%20.pdf
2	Zoning Conditions — Final (9/8/2026)	https://co.stokes.nc.us/Zoning%20Conditions%209.8.26%20%20(2).pdf

PROPOSED ZONING CONDITIONS

1. Permitted Uses: Permitted uses are limited to the following:
    a) Data Center: A facility, campus of facilities, or array of interconnected facilities used for the primary purpose of storing, retrieving, managing, and/or processing digital data, including associated infrastructure such as servers, data storage equipment, network equipment, power supply systems, backup generators, cooling systems, and related accessory structures. A data center does not include electronic equipment incidental to a business whose primary activity is other than storing, retrieving, managing, and processing digital data (e.g., a retail store, office building, or school).
    b) Accessory uses, facilities, structures, infrastructure, equipment, and technologies associated with the development or operation of the Data Center, including, without limitation, power generation; substations; electrical infrastructure; natural gas infrastructure; fiber optic infrastructure; battery backup and generation equipment; equipment yards; batteries; security facilities; on-site maintenance facilities; container storage; and fuel and water storage.
2. Noise:
    a) Project operations shall not exceed the following noise limits as measured from the exterior property line or, if the property line adjoins a public right of way, then from the nearest property line beyond the right of way:
        I. Adjacent to property located within a non-residential zoning district[1]:
            1. A-weighted sound level[2]: 70 dB(A).
        II. Adjacent to property located within a residential zoning district[3]:
            1. A-weighted sound level: 60 dB(A) during daytime hours (7:00 a.m. – 10:00 p.m.) and 50 dB(A) during nighttime hours (10:00 p.m. – 7:00 a.m.).

[1] **Nonresidential Zoning Districts:** Any zoning district that is not a Residential Zoning District.
[2] **A-Weighted Sound Level, dB(A)**: The sound pressure level in decibels as measured on a sound level meter using the A-weighting network, which de-emphasizes low and high frequencies to approximate the response of the human ear. Levels so measured are designated dB(A) or dBA.
[3] **Residential Zoning District:** R-A Residential-Agricultural District; R-20 Residential-Low Density; R-15 Residential-Medium Density; R-8 Residential-High Density; R-E Residential – Exclusive; R-R Residential – Restricted; R-M Residential – Mixed; RMF Residential – Multi-family; MHP Manufactured Housing Park.

2. C-weighted sound level[4]: The C-weighted sound level (dB(C)) shall not exceed the corresponding A-weighted sound level (dB(A)) by more than 15 dB at any Measurement Location[5].

b) Tone: A tone shall be deemed present when the time-averaged sound pressure level in any one-third octave band[6] exceeds the time-averaged sound pressure levels of both of the two adjacent one-third octave bands by:

   I. 15 dB or more in one-third octave bands between 25 Hz and125 Hz;

   II. 8 dB or more in one-third octave bands between 160 Hz to 400 Hz; or

   III. 5 dB or more in one-third octave bands between 500 Hz to 10,000 Hz.

   If the observed Project noise contains a tone as defined herein, the applicable noise limit shall be reduced by 5 dB(A) for purposes of determining compliance.

c) For purposes of applying the noise limits established by this condition, the residential or non-residential zoning classification of each adjacent property shall be determined and established at the time of conditional rezoning application submission based on the Official Stokes County Zoning Map in effect on that date. The classification so established shall remain controlling for purposes of this condition and shall not be affected by any subsequent amendment to the Official Zoning Map.

d) Generator Testing: Routine testing and maintenance of emergency generators shall be limited to weekdays between 9:00 a.m. and 5:00 p.m. local time and shall be conducted with all permanent noise attenuation in place.

e) Exemptions: The limits above shall not apply to (i) actual emergency operation of backup generators during a utility power interruption or other emergency event, (ii) daytime construction activity, and (iii) daytime maintenance activities not including generator testing.

f) Compliance: The noise limits established by this condition shall apply to continuous noise attributable to project operations, defined as noise sustained for a duration of fifteen (15) minutes or more. Noise compliance

[4] **C-Weighted Sound Level, dB(C):** The sound pressure level in decibels as measured on a sound level meter using the C-weighting network, which applies minimal frequency weighting and is more responsive to low-frequency sound than the A-weighting network. Levels so measured are designated dB(C) or dBC.

[5] **Measurement Location:** The exterior property line or, if the property line adjoins a public right of way, then from the nearest property line beyond the right of way.

[6] **One-Third Octave Band:** For the purpose of assessing tonality, the following third-octave band nominal center frequencies (given in Hz) will be considered, consistent with standard acoustical measurement practice: 25, 31.5, 40, 50, 63, 80, 100, 125, 160, 200, 250, 315, 400, 500, 630, 800, 1000, 1250, 1600, 2000, 2500, 3150, 4000, 5000, 6300, 8000, 10000.

shall be measured using Equivalent Sound Level ("Leq")[7] or Statistical Sound Level ("L90")[8] sound levels, with the ability to utilize short-duration measurements as brief as 30 seconds to appropriately isolate noise attributable to the project from extraneous site sources. For any measurements shorter than 60 seconds, a minimum of three (3) readings shall be taken at each location and arithmetically averaged (in both dB(A) and dB(C)) for reporting purposes. All measured sound levels should be representative of project operations, excluding any influence from non-relevant site noise. Reasonable adjustments or normalization of the measured frequency spectrum may be applied to account for ambient sounds, such as automotive traffic, wind, wildlife, insects or birds, provided such adjustments are clearly documented and supported with appropriate justification for approval.

g) Noise Assessments:

I. Qualified Consultant: All required noise assessments (including studies and surveys) shall be completed, at no cost to the County, by an independent third-party licensed sound engineer Board Certified by the Institute of Noise Control Engineering (INCE).

II. Pre-Construction Existing Ambient Sound Survey: Prior to building permit approval, the Developer[9] shall have a pre-construction sound survey performed to establish baseline ambient sound levels[10] at any Measurement Location. The survey shall document measured[11] A-weighted and C-weighted sound levels for a period of at least 24 hours. The pre-construction survey shall be submitted to the County prior to issuance of a building permit. The documented baseline ambient sound level shall be considered for compliance and reasonable adjustments.

III. Pre-Construction Noise Modeling Study: Prior to the issuance of a building permit for each Major Improvement[12], the Developer shall submit a noise study to the County for review and approval. The study shall demonstrate that the Major Improvement, together with all

[7] **Equivalent Sound Level (Leq):** The steady-state sound level which, over a stated measurement period, contains the same acoustic energy as the actual time-varying sound level during that period.

[8] **Statistical Sound Level (L90):** The sound level exceeded during ninety percent (90%) of the measurement period. The L90 is commonly used to represent the sustained or background component of a time-varying sound environment.

[9] **Developer:** The owner of the Property or any person or entity authorized by the owner to develop the Property, including successors and assigns.

[10] **Ambient Sound Level:** The composite sound level at a given location resulting from all sources near and far, excluding sound attributable to project operations. The ambient sound level constitutes the normal or existing sound environment at that location.

[11] **Sound Level Meter:** An instrument used to measure sound pressure levels, including a microphone, amplifier, output meter, and frequency weighting networks, meeting or exceeding the requirements for a Type 1 or Type 2 instrument under ANSI S1.4.

[12] Each building phase constitutes a "Major Improvement." A Major Improvement also includes any material change to noise-generating equipment, operations, noise-control measures, generation capacity, or on-site conditions that could objectively affect compliance with the applicable noise limits. Routine maintenance or replacement with equipment having equal or lower sound output is excluded.

previously approved or completed portions of the Project, will comply with the applicable noise limits under representative operating conditions as defined herein.

IV. Post-Construction Noise Compliance Survey: For each Major Improvement, the Developer shall submit a post-construction sound survey to the County. The survey shall demonstrate compliance with the applicable noise limits based on cumulative noise from the Major Improvement and all previously completed portions of the Project.

V. Subsequent Surveys and Studies: A previously approved noise assessment may be updated or supplemented, and a single assessment may satisfy the applicable pre-construction or post-construction requirements for multiple Major Improvements permitted, completed, or placed into service concurrently.

3. Power Generators: Power generators shall not be permitted within 300 feet of the exterior property boundary.

4. Cooling Systems and Water Infrastructure:

   a) Open-loop water cooling systems are not permitted.

   b) Acceptable systems include, but are not limited to, closed-loop cooling, air-cooled systems, liquid cooling systems, or other efficient technologies.

   c) The Project shall be prohibited from direct withdrawal from streams, rivers, lakes, ponds, reservoirs, groundwater wells, aquifers, or other private surface-water or groundwater sources.

5. Floodplain: Within the floodplain areas designated on the Federal Emergency Management Agency ("FEMA") Flood Insurance Rate Maps ("FIRMs") for Stokes County, North Carolina, Map Nos. 3710696200K and 3710696400K, effective June 10, 2026, development and uses shall be limited to infrastructure improvements and recreational, agricultural, conservation, preservation, and open space uses. Except as expressly provided above, no other development shall be permitted within the designated floodplain areas.

6. Lighting: All exterior site and building lighting shall be directed downward and shall utilize full cutoff or fully shielded fixtures, designed and installed to prevent glare, light spillover, or direct illumination onto adjacent properties, unless otherwise required by state and federal law.

7. Height: The maximum height of the principal building(s) shall be eighty (80) feet. Antennas, communication equipment, mechanical equipment, screening, utility infrastructure, lightning protection systems, and other similar appurtenances may extend above the 80-foot building height limit.

8. Buffer Areas:

    a) Buffers shall be provided and maintained as follows and as generally depicted in the "Buffer Zone Exhibit" attached hereto and incorporated by reference.

    b) Buffers shall be achieved through existing vegetation, supplemental plantings, berms, or other comparable measures, alone or in combination.

    c) Infrastructure improvements, including, but not limited to, utilities, fences, mailboxes, roads, streets, access drives, drainage facilities, retaining walls that can accommodate landscaping, signage, lighting, security features, access-control features, and similar minor encroachments, provided such improvements are located and designed to minimize disturbance to existing vegetation, shall be permitted to cross or encroach upon buffer areas.

PROPOSED ZONING CONDITIONS

Updated September 8, 2026

1. Permitted Uses: Permitted uses are limited to the following:
    a) Data Center: A facility, campus of facilities, or array of interconnected facilities used for the primary purpose of storing, retrieving, managing, and/or processing digital data, including associated infrastructure such as servers, data storage equipment, network equipment, power supply systems, backup generators, cooling systems, and related accessory structures. A data center does not include electronic equipment incidental to a business whose primary activity is other than storing, retrieving, managing, and processing digital data (e.g., a retail store, office building, or school).
    b) Accessory uses, facilities, structures, infrastructure, equipment, and technologies associated with the development or operation of the Data Center, including, without limitation, power generation; substations; electrical infrastructure; natural gas infrastructure; fiber optic infrastructure; battery backup and generation equipment; equipment yards; batteries; security facilities; on-site maintenance facilities; container storage; and fuel and water storage.
2. Noise:
    a) Project operations shall not exceed the following noise limits as measured from the exterior property line or, if the property line adjoins a public right of way, then from the nearest property line beyond the right of way:
        I. Adjacent to property located within a non-residential zoning district[1]:
            1. A-weighted sound level[2]: 70 dB(A).
        II. Adjacent to property located within a residential zoning district[3]:
            1. A-weighted sound level: 60 dB(A) during daytime hours (7:00 a.m. – 10:00 p.m.) and 50 dB(A) during nighttime hours (10:00 p.m. – 7:00 a.m.).

[1] **Nonresidential Zoning Districts:** Any zoning district that is not a Residential Zoning District.
[2] **A-Weighted Sound Level, dB(A)**: The sound pressure level in decibels as measured on a sound level meter using the A-weighting network, which de-emphasizes low and high frequencies to approximate the response of the human ear. Levels so measured are designated dB(A) or dBA.
[3] **Residential Zoning District:** R-A Residential-Agricultural District; R-20 Residential-Low Density; R-15 Residential-Medium Density; R-8 Residential-High Density; R-E Residential – Exclusive; R-R Residential – Restricted; R-M Residential – Mixed; RMF Residential – Multi-family; MHP Manufactured Housing Park.

2. C-weighted sound level[4]: The C-weighted sound level (dB(C)) shall not exceed the corresponding A-weighted sound level (dB(A)) by more than 15 dB at any Measurement Location[5].

b) Tone: A tone shall be deemed present when the time-averaged sound pressure level in any one-third octave band[6] exceeds the time-averaged sound pressure levels of both of the two adjacent one-third octave bands by:

   I. 15 dB or more in one-third octave bands between 25 Hz and125 Hz;

   II. 8 dB or more in one-third octave bands between 160 Hz to 400 Hz; or

   III. 5 dB or more in one-third octave bands between 500 Hz to 10,000 Hz.

   If the observed Project noise contains a tone as defined herein, the applicable noise limit shall be reduced by 5 dB(A) for purposes of determining compliance.

c) For purposes of applying the noise limits established by this condition, the residential or non-residential zoning classification of each adjacent property shall be determined and established at the time of conditional rezoning application submission based on the Official Stokes County Zoning Map in effect on that date. The classification so established shall remain controlling for purposes of this condition and shall not be affected by any subsequent amendment to the Official Zoning Map.

d) Generator Testing: Routine testing and maintenance of emergency generators shall be limited to weekdays between 9:00 a.m. and 5:00 p.m. local time and shall be conducted with all permanent noise attenuation in place.

e) Exemptions: The limits above shall not apply to (i) actual emergency operation of backup generators during a utility power interruption or other emergency event, (ii) daytime construction activity, and (iii) daytime maintenance activities not including generator testing.

f) Compliance: The noise limits established by this condition shall apply to continuous noise attributable to project operations, defined as noise sustained for a duration of fifteen (15) minutes or more. Noise compliance

[4] **C-Weighted Sound Level, dB(C):** The sound pressure level in decibels as measured on a sound level meter using the C-weighting network, which applies minimal frequency weighting and is more responsive to low-frequency sound than the A-weighting network. Levels so measured are designated dB(C) or dBC.

[5] **Measurement Location:** The exterior property line or, if the property line adjoins a public right of way, then from the nearest property line beyond the right of way.

[6] **One-Third Octave Band:** For the purpose of assessing tonality, the following third-octave band nominal center frequencies (given in Hz) will be considered, consistent with standard acoustical measurement practice: 25, 31.5, 40, 50, 63, 80, 100, 125, 160, 200, 250, 315, 400, 500, 630, 800, 1000, 1250, 1600, 2000, 2500, 3150, 4000, 5000, 6300, 8000, 10000.

shall be measured using Equivalent Sound Level ("Leq")[7] or Statistical Sound Level ("L90")[8] sound levels, with the ability to utilize short-duration measurements as brief as 30 seconds to appropriately isolate noise attributable to the project from extraneous site sources. For any measurements shorter than 60 seconds, a minimum of three (3) readings shall be taken at each location and arithmetically averaged (in both dB(A) and dB(C)) for reporting purposes. All measured sound levels should be representative of project operations, excluding any influence from non-relevant site noise. Reasonable adjustments or normalization of the measured frequency spectrum may be applied to account for ambient sounds, such as automotive traffic, wind, wildlife, insects or birds, provided such adjustments are clearly documented and supported with appropriate justification for approval.

g) Noise Assessments:

I. Qualified Consultant: All required noise assessments (including studies and surveys) shall be completed, at no cost to the County, by an independent third-party licensed sound engineer Board Certified by the Institute of Noise Control Engineering (INCE).

II. Pre-Construction Existing Ambient Sound Survey: Prior to building permit approval, the Developer[9] shall have a pre-construction sound survey performed to establish baseline ambient sound levels[10] at any Measurement Location. The survey shall document measured[11] A-weighted and C-weighted sound levels for a period of at least 24 hours. The pre-construction survey shall be submitted to the County prior to issuance of a building permit. The documented baseline ambient sound level shall be considered for compliance and reasonable adjustments.

III. Pre-Construction Noise Modeling Study: Prior to the issuance of a building permit for each Major Improvement[12], the Developer shall submit a noise study to the County for review and approval. The study shall demonstrate that the Major Improvement, together with all

[7] **Equivalent Sound Level (Leq):** The steady-state sound level which, over a stated measurement period, contains the same acoustic energy as the actual time-varying sound level during that period.

[8] **Statistical Sound Level (L90):** The sound level exceeded during ninety percent (90%) of the measurement period. The L90 is commonly used to represent the sustained or background component of a time-varying sound environment.

[9] **Developer:** The owner of the Property or any person or entity authorized by the owner to develop the Property, including successors and assigns.

[10] **Ambient Sound Level:** The composite sound level at a given location resulting from all sources near and far, excluding sound attributable to project operations. The ambient sound level constitutes the normal or existing sound environment at that location.

[11] **Sound Level Meter:** An instrument used to measure sound pressure levels, including a microphone, amplifier, output meter, and frequency weighting networks, meeting or exceeding the requirements for a Type 1 or Type 2 instrument under ANSI S1.4.

[12] Each building phase constitutes a "Major Improvement." A Major Improvement also includes any material change to noise-generating equipment, operations, noise-control measures, generation capacity, or on-site conditions that could objectively affect compliance with the applicable noise limits. Routine maintenance or replacement with equipment having equal or lower sound output is excluded.

previously approved or completed portions of the Project, will comply with the applicable noise limits under representative operating conditions as defined herein.

IV. Post-Construction Noise Compliance Survey: For each Major Improvement, the Developer shall submit a post-construction sound survey to the County. The survey shall demonstrate compliance with the applicable noise limits based on cumulative noise from the Major Improvement and all previously completed portions of the Project.

V. Subsequent Surveys and Studies: A previously approved noise assessment may be updated or supplemented, and a single assessment may satisfy the applicable pre-construction or post-construction requirements for multiple Major Improvements permitted, completed, or placed into service concurrently.

VI. Annual Operational Noise Compliance Survey: Beginning twelve (12) months after issuance of the first certificate of occupancy for the Project, and annually thereafter, the Developer shall conduct a noise compliance survey evaluating cumulative noise generated by all operating portions of the Project. An annual noise compliance survey may be conducted concurrently with any required post-construction noise survey, provided that the combined survey satisfies all requirements applicable to both surveys. Notwithstanding the foregoing, the County may require the Developer to conduct an additional noise compliance survey upon: (i) confirmation of a violation of an applicable noise limit; or (ii) documented evidence reasonably indicating potential noncompliance with an applicable noise limit.

3. Power Generators:

   a) Power generators shall not be permitted within 300 feet of the exterior property boundary.

   b) The use of diesel fuel for power generation shall be limited to the operation of emergency backup generators.

4. Cooling Systems and Water Infrastructure:

   a) Open-loop water cooling systems are not permitted.

   b) Acceptable systems include, but are not limited to, closed-loop cooling, air-cooled systems, liquid cooling systems, or other efficient technologies.

   c) The Project shall be prohibited from direct withdrawal from streams, rivers, lakes, ponds, reservoirs, groundwater wells, aquifers, or other private surface-water or groundwater sources.

5. Floodplain: Within the floodplain areas designated on the Federal Emergency Management Agency ("FEMA") Flood Insurance Rate Maps ("FIRMs") for Stokes County, North Carolina, Map Nos. 3710696200K and 3710696400K, effective June 10, 2026, development and uses shall be limited to infrastructure improvements and recreational, agricultural, conservation, preservation, and open space uses. Except as expressly provided above, no other development shall be permitted within the designated floodplain areas.
6. Lighting: All exterior site and building lighting shall be directed downward and shall utilize full cutoff or fully shielded fixtures, designed and installed to prevent glare, light spillover, or direct illumination onto adjacent properties, unless otherwise required by state and federal law.
7. Height: The maximum height of the principal building(s) shall be eighty (80) feet. Antennas, communication equipment, mechanical equipment, screening, utility infrastructure, lightning protection systems, and other similar appurtenances may extend above the 80-foot building height limit.
8. Buffer Areas:
    a) Buffers shall be provided and maintained as follows and as generally depicted in the "Buffer Zone Exhibit" attached hereto and incorporated by reference.
    b) Buffers shall be achieved through existing vegetation, supplemental plantings, berms, or other comparable measures, alone or in combination.
    c) Buffers shall be kept in good condition, including the replacement of dead, diseased, damaged, or removed vegetation as reasonably necessary.
    d) Infrastructure improvements, including, but not limited to, utilities, fences, mailboxes, roads, streets, access drives, drainage facilities, retaining walls that can accommodate landscaping, signage, lighting, security features, access-control features, and similar minor encroachments, provided such improvements are located and designed to minimize disturbance to existing vegetation, shall be permitted to cross or encroach upon buffer areas.
9. Environmental Regulatory Materials: Material environmental reports, notices, monitoring results, or compliance materials submitted to or received from the North Carolina Department of Environmental Quality ("NCDEQ") in connection with air quality, water quality, or the development or operation of the Property shall be provided or made accessible to the County.

TAB 8

8

Noise Evidence

Ambient noise survey and reference video briefing.

#	Document	Source
1	Ambient Noise Survey — 2026	https://co.stokes.nc.us/Ambient%20Noise%20Survey%202026%20(1).PDF
2	Data Center — Noise Videos Briefing	https://co.stokes.nc.us/DataCenter_NoiseVideos%20(4).pptx

Trinity Consultants

Project Delta – Stokes County

Ambient Noise Survey

CLIENT	CLIENT CONTACT	DATE
ELS	Drew Nations	17 August 2026

1.0 Introduction

This report summarizes the ambient noise measurements conducted at the Project Delta site in Stokes County North Carolina.

Sound levels were recorded continuously at nine locations distributed around the site boundary, between June 16 and June 18, 2026. Eight locations returned approximately 50 hours of record each; Location 9 returned 30 hours before a battery failure ended its measurement. All monitoring equipment was placed on land owned or controlled by ELS.

The purpose of this survey was to characterize the existing noise environment surrounding the project site, establish a baseline for future noise impact assessment, and inform proposed noise criteria for facility design and regulatory discussions.

1.1 Acoustic Terminology

1.1.1 dBA, LAeq

dBA (A-weighted sound levels) provides excellent correlation to the human response to noise at low to moderate sound levels. The A-weighting network approximates the sensitivity of the human ear at moderate sound levels by de-emphasizing high and low frequencies because the ear is less sensitive to these ranges. Unless otherwise indicated, all noise levels are expressed in decibels referenced to 20 µPa.

LAeq (A-weighted equivalent noise level) is commonly used to ascribe a single number rating (in dBA) to a sound signal that varies over the course of a measurement window (i.e. not steady-state noise). It is defined as the single sound pressure level that, if held constant over a given measurement period (e.g. 1-hour), would contain the same sound energy as the actual measured sound, which fluctuates over the measurement period (e.g. one-hour).

1.1.2 dBC, LCeq

dBC (C-weighted sound levels) emphasizes low-frequency energy that is otherwise filtered out by A-weighting.

LCeq (C-weighted equivalent sound level) is equivalent to LAeq but is C-weighted (as opposed to A-weighted).

1.1.3 LA90

LA_{90} refers to the average A-weighted sound pressure level of the quietest 90th percentile of samples taken within a given measurement period. This metric is commonly used to filter out loud, transient noises (such as sirens) that may otherwise skew the LAeq. This metric captures the background noise levels during the quietest periods and helps assess the "worst-case" noise conditions, providing an understanding of the site's baseline noise environment.

FIELD RECORDINGS

Noise at and around the Data Center

A walk-through of the off-grid site: what the noise sounds like at the fence, at the gate, at the nearest intersections, and one street over in the neighborhood.

How to read this deck

Twenty short video clips from a site visit — what the noise actually sounds like at each location.

Grouped by where

Clips are grouped from the fence line outward: right at the turbines, at the data center itself, at the nearest intersections, in the neighborhood, and off-site for comparison.

This area is industrial, not rural. It is a different environment.

96 MW Facility

Distances where known

Where a distance to the turbines or the data center was recorded using Louden County VA GIS, it is noted on the slide. Where it wasn't, the location is described in plain language.

Listen, don't read numbers

The dB reading in each video is included for reference, but the point of the deck is to hear it. My voice is on many of the clips, which raises the reading, so treat the numbers as a rough guide only.

Phone-based SLM. Readings are indicative, not certified. Precision is typically ± 2–3 dB(A) relative to a Type 2 meter.

Also included

A short interview with a resident living roughly 757 ft from the data center, met while walking their dog at Glenn Rd & Daveno Sq.

Site orientation

The data center parcel (outlined) and the surrounding street network. Use this to place each clip's intersection or address.



GIS overhead — data center parcel outlined in cyan

KEY ROADS AND CORNERS

Belfort Park Dr

North edge of the parcel — carries traffic past the data center frontage.

Glenn Dr

Runs along the east side of the parcel between the buildings and the turbine yard.

First Potomac Way

South corner of the parcel — meets Davis Dr and Glenn Dr near the turbines.

Shaw Rd

West side — connects the site back to the wider street grid.

Daveno Sq

Residential street one block north — the interview took place at Glenn Rd + Daveno Sq.

SECTION 1

Right up against the turbines

Along the fence line of the on-site power generation yard

SECTION 1

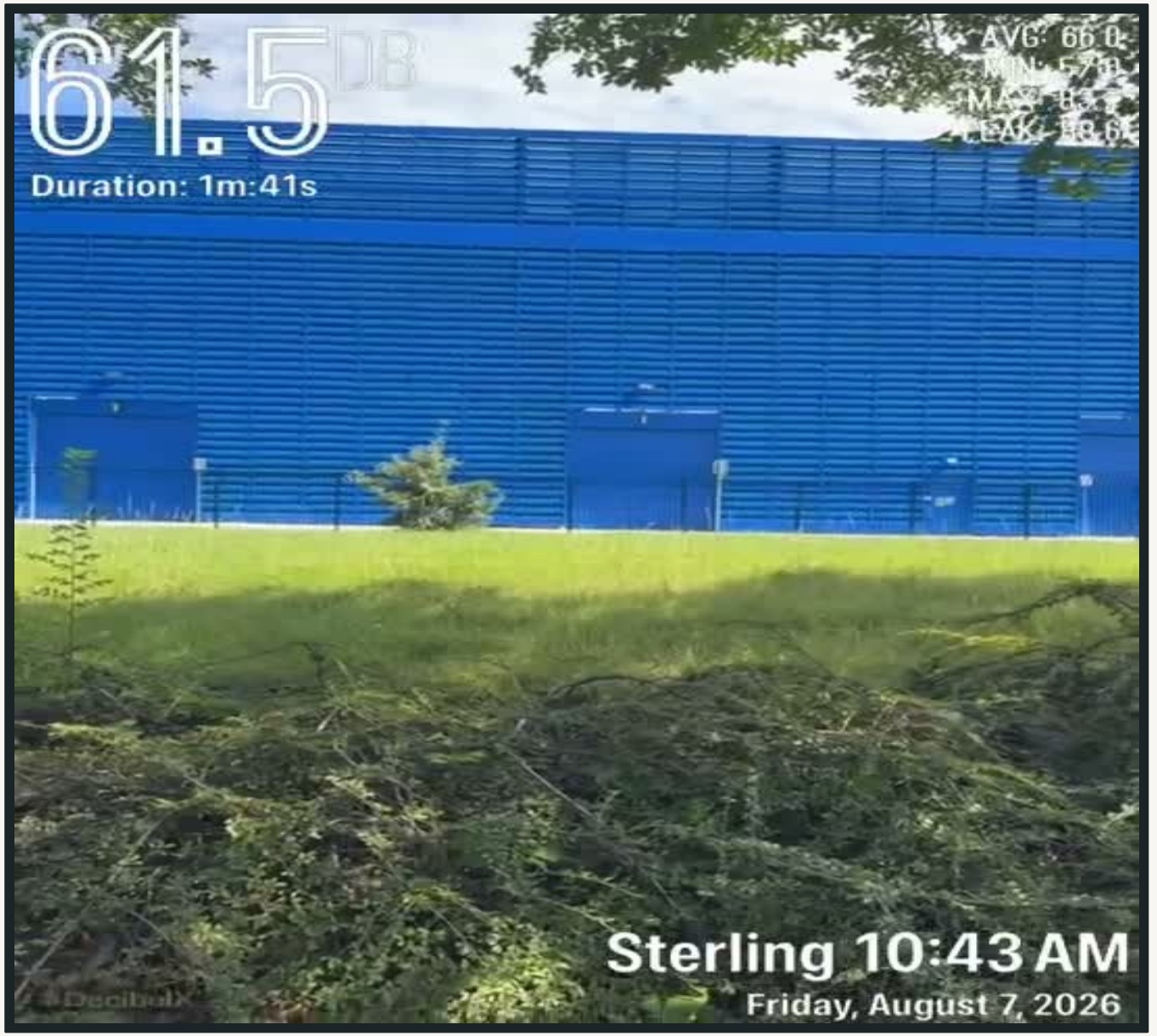
Front of the turbine yard

DISTANCE

About 116 ft from the turbines

WHAT YOU'LL HEAR

A steady low hum and a tone from the turbines that stays roughly the same the whole clip. There is very little, if any, noise mitigation here — no mounding and no true sound-blocking vegetative buffer.



Right up against the turbines

SECTION 1

Side of the turbine yard

DISTANCE

About 157 ft from the turbines

WHAT YOU'LL HEAR

Same hum and tone as the front, with occasional short peaks.



Right up against the turbines

SECTION 1

Corner of the turbine yard

DISTANCE

About 215 ft from the turbines

WHAT YOU'LL HEAR

Steady facility hum and tone, very little change from moment to moment.



Right up against the turbines

SECTION 2

At the data center itself

The main gate and the buildings between the turbines and the data center

SECTION 2

Data center main gate

DISTANCE

About 249 ft to the data center · 187 ft to the turbines

WHAT YOU'LL HEAR

Steady facility noise and tone with a loud spike when a vehicle passed the gate.



SECTION 2

Between the data center and the power generation

DISTANCE

About 233 ft from the data center

WHAT YOU'LL HEAR

Very stable sound level; the buildings appear to screen some of the turbine noise.



SECTION 2

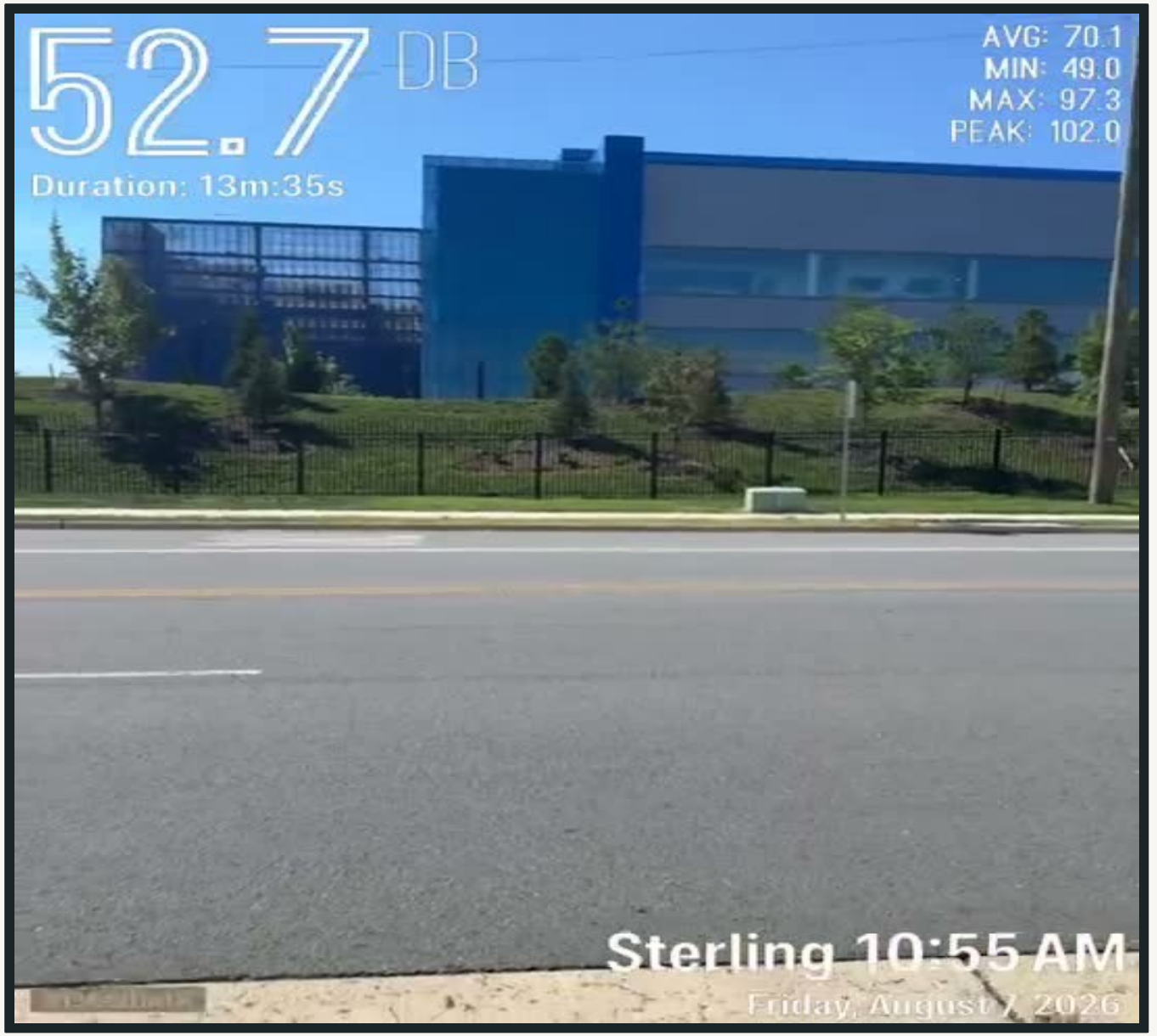
Sidewalk opposite the data center

DISTANCE

Across the street from the data center

WHAT YOU'LL HEAR

The data center building sits between the observer and the turbines, reducing the reading noticeably compared to the fence line.



SECTION 3

Nearest intersections

The public street corners closest to the facility

SECTION 3

Glenn Rd + First Potomac Way

DISTANCE

About 259 ft from the turbines

WHAT YOU'LL HEAR

Turbine hum still clearly audible at the corner. There is no sound mitigation at all between the corner and the turbine yard.



SECTION 3

Glenn Rd + Belfort Park Dr

DISTANCE

About 200 ft from the data center

WHAT YOU'LL HEAR

Facility noise plus a few traffic-driven spikes.



SECTION 3

Shaw Rd end of Belfort Park Dr

DISTANCE

About 227 ft from the data center

WHAT YOU'LL HEAR

Street noise blended with a steady facility hum in the background.



SECTION 3

First Potomac Way + Davis Dr

DISTANCE

About 257 ft from the turbines

WHAT YOU'LL HEAR

Very steady reading; the facility hum is audible but not sharp.



SECTION 4

In the residential neighborhood

One street back from the intersections — where people actually live

SECTION 4

Glenn Rd + Daveno Sq

DISTANCE

About 700 ft from the facility

WHAT YOU'LL HEAR

Ambient neighborhood sound; the facility hum is present but soft.



SECTION 4

Cul-de-sac

DISTANCE

About 416 ft from the data center

WHAT YOU'LL HEAR

The quietest steady reading of the visit — this is what a normal cul-de-sac sounds like.



SECTION 4

Housing development

DISTANCE

Inside the neighborhood

WHAT YOU'LL HEAR

Consistent low residential ambient throughout the clip.



SECTION 5

Off-site reference points

Businesses and traffic events well away from the facility, for comparison

SECTION 5

Post office (initial reading)

DISTANCE

Off-site reference

WHAT YOU'LL HEAR

Baseline reading taken before approaching the facility.



SECTION 5

Post office — middle of the data center alley

DISTANCE

Off-site reference · surrounded by data center properties

WHAT YOU'LL HEAR

The post office sits in the middle of the data center corridor — see the map for context.





MAP: POST OFFICE IN THE DATA CENTER CORRIDOR

SECTION 5

Furniture store parking area

DISTANCE

About 552 ft from the data center

WHAT YOU'LL HEAR

A typical commercial-lot ambient — traffic and light activity.



SECTION 5

Driving on the highway

DISTANCE

In-vehicle reading

WHAT YOU'LL HEAR

Recorded while driving on the highway with the air conditioner on low — a rough in-car baseline.



SECTION 6

Streetscape and screening

Appearance-related observations — the look of the sidewalks and buffers, not the noise

SECTION 6

Sidewalk directly in front of the turbines

WHAT YOU'LL HEAR

The well manicured sidewalk sits behind sparse landscaped screening — the turbine yard is largely blocked from view.



SECTION 6

Neighborhood sidewalk

DISTANCE

Residential street

WHAT YOU'LL HEAR

Sidewalk condition is overgrown and narrow — a streetscape observation, not a noise one.



Resident Interview

A short unstructured conversation with a resident met while walking their dog at Glenn Rd & Daveno Sq.

757

feet

From the resident's home to the data center

Met at Glenn Rd & Daveno Sq

Q1 **Any negative effects from living near the facility?**

No — none noticed day to day.

Q2 **Anything at all worth mentioning?**

Only the construction phase was rough: traffic, mess, and debris. Since the facility went operational, no issues.

Q3 **Can you hear the facility inside the house?**

No. Not audible from inside. The dog is unaffected too.

A Few Plain Observations

What the clips suggest, in plain language. These are impressions from a single site visit — not a certified noise study.

The turbines have a steady hum

Right at the fence line, the turbine yard produces a low, sustained sound that stays about the same from moment to moment.

The main gate adds traffic spikes

The data center and turbines combined produce the same audible noise level as just the turbines alone— but vehicles entering and leaving the gate cause loud short bursts.

The hum is audible one street back

At the nearest intersections (200–260 ft away), you can still hear the facility clearly, though traffic sometimes covers it up.

It quiets down inside the neighborhood

One street back from the intersections — in the cul-de-sac, on the neighborhood sidewalk, in the housing development — it drops to what a normal residential street sounds like.

The resident interview is consistent

The person I spoke with, living about 757 ft away, reported no day-to-day impact and said the facility is not audible from inside the house.

STOKES COUNTY

EXECUTIVE BRIEF TO THE BOARD OF COMMISSIONERS

Planning Board Special Meeting — August 13, 2026

Prepared for:	Board of Commissioners meeting — August 24, 2026
Prepared by:	Bryan Miller, Assistant County Manager
Subject:	Planning Board recommendation on the Conditional Rezoning Application — "Project Delta"
Planning Board vote:	Recommend denial, 5–2 (Ayes: Tilley, Sizemore, Stanley, Whitaker, White; Nays: Flinchum, Turpin)

Conditional Rezoning Application — "Project Delta"

Recommendation

The Planning Board voted 5–2 to recommend denial of the proposed conditional rezoning to M-2-CZ (Heavy Manufacturing — Conditional Zoning) for a proposed data-center development, finding the proposal inconsistent with the Stokes County 2035 Vision Plan. The motion further recommends that, if the Board of Commissioners nonetheless approves the rezoning, it consider the additional conditions stated by Planning Board Chair Ronnie Tilley (summarized below).

Ayes: Tilley, Sizemore, Stanley, Whitaker, White. Nays: Flinchum, Turpin.

Application Summary

- Applicant: Engineered Land Solutions, LLC (Drew Nations, presenter; Mike Fox, attorney).
- Requested action: Conditional rezoning to M-2-CZ limiting permitted uses to a data center and associated accessory uses, with no other M-2 uses permitted.
- Site: Approximately 1,848.74 acres across four parcels in an industrial corridor bisected by U.S. Highway 311, adjacent to a rail line and near Duke Energy's Belews Creek Power Station.
- Applicant-offered conditions address permitted uses; noise; a 300-foot generator setback from the exterior property boundary; cooling systems and water infrastructure; floodplain protection; lighting; a maximum 80-foot principal-building height; and buffer areas, including a 250-foot buffer adjacent to residential properties.
- Applicant projections: 250–500 full-time on-site jobs; more than 1,000 temporary construction jobs; property tax contribution rising from $8,244.32 today to a projected $40 million-plus at full build-out.

Basis for the Planning Board's Recommendation of Denial

- Mr. Sizemore, in moving denial, stated that the proposal is inconsistent with the 2035 Vision Plan's vision of a healthy built and natural environment respecting rural character, preserving the natural environment, supporting small business development, and locating development where infrastructure already exists.
- Concerns raised in Board discussion included the hyper-scale nature of the facility, the phrase "without limitation" in the proposed permitted-uses condition, uncertainty regarding on-site power generation and duration of bridging generation, the location on a

site with historical and cultural significance, and comparability to smaller, grid-connected data centers.

Public Comment

The Chair permitted a three-minute per-speaker public comment period. Two speakers spoke in favor, identifying with Indigenous heritage of North Carolina (Lumbee Tribe and Sauratown ancestry) and citing the floodplain protection condition and its role in preserving culturally significant areas. Nineteen speakers spoke in opposition, raising the following recurring themes:

- Water — source of supply, replenishment frequency, discharge chemistry, and impacts on private wells and municipal supply.
- Air quality and emissions from diesel and natural-gas generators, and ambiguity on how long on-site generation would be required.
- Noise — that the proposed decibel limits are higher than restrictions used in comparable jurisdictions, and that infrasound is not addressed.
- Scale — that a hyper-scale campus is a new land use whose long-term effects are not well established.
- Historic and cultural resources on the site (Upper Sauratown area).
- Decommissioning — the absence of a bond covering removal and site restoration.
- Process — a request that the Board defer action until additional information is available.

Additional Conditions for Board Consideration if Approved

The Planning Board's motion incorporates the following additional conditions, offered by Chair Tilley on August 13, 2026, for consideration by the Board of Commissioners. These conditions were supplemented by two additional conditions developed by the Chair Tilley Committee during a working session on August 19, 2026 (T-13 and T-14 below). Together, the Chair-recommended conditions (T-1 through T-14) are presented for the Board's consideration in the accompanying Consolidated Proposed Conditions memorandum.

- Public water service — a binding agreement with the water provider prior to zoning approval, confirmation of capacity, a remedial sourcing plan for disruption or shortage, and specified and capped consumption requirements.
- Dan River protection — defined and measurable wastewater discharge limits, a clearly defined treatment operation capable of removing biocides, corrosion inhibitors, and chemicals, and quarterly testing and reporting to the appropriate environmental agency.
- On-site power generation — applicant to specifically state the types of generators, total number and generating capacity, and a best estimate of the bridging duration before public utility service comes online.
- Air quality — continuous property-line air-quality monitoring funded by the applicant and operated by an independent entity, with weekly reports to the County; if particulate-matter levels exceed applicable EPA National Ambient Air Quality Standards, the exceedance would trigger a report documenting remedial action, and a violation exceeding 48 hours would invoke a stiff penalty payable to the County.
- Noise / berms — construction of berms around the site on residential exposures, at a minimum elevation of three-quarters the height of the tallest permanent structure, with a vegetative buffer to mimic a natural appearance at maturity.
- Seismic — a limit at the nearest residential site of not more than 0.2 inches per second, established against a pre-construction baseline with post-construction compliance verification.
- Residential community protection — an environmental impairment bond and resident well testing to cover remediation of any spill, leak, or chemical leaching into soil,

groundwater, or private wells; at an owner's request, applicant-funded third-party testing within a one-mile radius of the well before construction and annually thereafter, at no cost to the owner.
- Electric rate protection — a binding agreement with Duke Energy funding additional capacity attributable to the project and restricting residential rate increases to not more than 3% every five years.
- Emergency services — applicant funding of on-site fire and EMS capability with trained, certified personnel for rapid response.
- Decommissioning bond — 100% of the certified cost of equipment removal and site restoration as estimated by a licensed engineer.
- Hazardous spill containment — impervious liners capable of holding the on-site fuel capacity.
- Compliance — a mandatory comprehensive site compliance audit at least annually, conducted by an independent audit organization or an on-site employee with certified auditor training, with formal audit plans and corrective-action tracking communicated through the Planning and Inspections Director.

Planning Board CZ Committee Additional Recommended Conditions (8/19/2026)

- Cultural and historical memorial (T-13) — an applicant-funded, on-site memorial recognizing (i) the Saura (also recorded as Cheraw, Sara, or Saraw), the Siouan-speaking Indigenous people who inhabited the Upper Sauratown village site along the Dan River from approximately A.D. 1450 to 1710, and (ii) the Hairston descendant community, including descendants of persons enslaved on the Upper Sauratown plantation. The memorial includes a permanent marker, a seating and reflection area, and interpretive signage referencing the Sauratown Woman ("Sara") recovered from the Upper Sauratown site in 1972. Interpretive content is to be developed in consultation with the Catawba Indian Nation (as successor to the historic Saura), the National Hairston Clan, Inc., the North Carolina Commission of Indian Affairs, and the Office of State Archaeology.
- Project Compliance Manager, County-directed and applicant-funded (T-14) — a dedicated compliance oversight position, selected and supervised entirely by the County, fully funded by the applicant, for an initial term of five (5) years commencing at issuance of the first building permit. Extensions occur in two-year increments and are mandatory unless the Board finds both that (a) the project is substantially complete (90% + of permitted building area with certificates of occupancy) and (b) no substantial violations are outstanding. The condition includes an express recital that termination of the position does not terminate the applicant's ongoing obligation to comply with each condition of the CZ order; the conditions run with the land under G.S. §160D-703(b), and enforcement continues under G.S. §160D-404 through the Director's inspection authority, notice of violation, and stop-work order remedies.

Statutory Framework

- The Planning Board's recommendation is advisory. Under G.S. §160D-604(b), the governing board is not bound by the planning board's recommendations. Legislative hearing and published-notice requirements are governed by G.S. §160D-601, and the mailed- and posted-notice requirements for a zoning map amendment are governed by G.S. §160D-602.
- Any decision — approval or denial — must be accompanied by a statement of consistency with the adopted comprehensive plan under G.S. §160D-605(a) and a statement analyzing the reasonableness of the proposed rezoning under G.S.

§160D-605(b); the reasonableness analysis may address why the action is in the public interest.

- Under G.S. §160D-703(b), placement of the property in a conditional district must be based on a petition by all owners of the property to be included, and only conditions approved by the local government and consented to in writing by the petitioner may be incorporated into the zoning regulations.

Coordination Request

Mr. Whitaker suggested, and staff agreed to facilitate, a meeting between the Chair of the Planning Board and the Chair of the Board of Commissioners in advance of the Board's decision to discuss the recommendation and the additional conditions.

Action Requested of the Board of Commissioners

- Receive the Planning Board's recommendation of denial and the accompanying list of Chair-recommended conditions.
- Conduct the noticed legislative hearing and, at the conclusion of that hearing, act on the application by approval, approval with modified conditions consented to in writing by the petitioner, or denial, accompanied by the required statement of consistency and reasonableness.
- If the Board is inclined to approve, direct staff and the applicant to reduce the additional conditions to written, applicant-consented conditions prior to the vote, consistent with G.S. §160D-703(b).

Meeting Reference

Special Meeting of the Stokes County Planning Board, Commissioners' Chambers, Reagan Building, Danbury, NC. Called to order at 6:00 p.m. by Chair Ronnie Tilley; adjourned at 8:49 p.m.

Members present: Ronnie Tilley (Chair), Patrick Flinchum, Mark Sizemore, Shannon Stanley, Joe Turpin, Jeff Whitaker, Tommy White. Members absent: Jaden Hall, Ronnie Morris. Staff present: Bryan Miller (Assistant County Manager), Jennifer Michaud (County Attorney), Avery Tew (Planning and Inspections Director), Brandie Fryar (Permitting Office Manager).

This brief summarizes the draft minutes dated August 13, 2026. Full minutes remain the controlling record and are attached under separate cover.

STOKES COUNTY WATER AND SEWER AUTHORITY

Post Office Box 20, Danbury, NC 27016 336-593-2415

December 26, 2025

Re: Water Service to Project Delta

To Whom it May Concern,

This letter is to indicate that the Stokes County Water and Sewer Authority will provide water services to the development referred to as Project Delta, described as Data Center with an estimated capacity water use of 100,000 gallons per day at full build out (including fire suppression needs). Provision of water service is contingent on the completion of on-going water system improvements that are currently under construction, the continuing supply of water capacity from other providers, and additional water system improvements including water main extensions, and addition of elevated storage capacity with adequate height and location to meet fire suppression and system needs.

In addition, this is contingent on continuing to work with our Public Utilities Department and consulting engineers on the actual logistics of service, complying with all federal, state, and Stokes County rules, regulations, ordinances, procedures, any like directives and development agreements. It is further contingent on 100% of all cost associated with improvements necessary to provide water services for the project to be borne /paid by the developer. This letter is valid for the site location on or near US 311, Oldtown Road, Fulp Road, and Tuttle Road in Stokes County.

On behalf of the Stokes County Water and Sewer Authority, we look forward to working with you to make your project come to fruition. If I or anyone from our staff can be of assistance to you or anyone in any way, please do not hesitate to contact me.

Sincerely,
Stokes County Water & Sewer Authority

John Hawkins

Chairman

PROJECT DELTA

Project Delta Email Archive — Notice

A OneDrive link containing emails associated with Project Delta was shared with all Commissioners, relevant staff, legal teams, and the local paper. These emails include, but are not limited to, the public comments email inbox, emails directed at the Planning Board, and emails to the Board of Commissioners. If the public wishes to inspect these files, they will be available upon request.

OneDrive link

https://stokescountync-my.sharepoint.com/:f:/g/personal/ojessup_co_stokes_nc_us/IgDL8uAR5yHWRIKohdpuQOVTAXp9IA5UJv6QzJXlHlAGjrg

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Source: Filed with the Clerk (resident submission). Link routes to a Stokes County OneDrive folder shared with Commissioners, staff, legal, and the local paper.

Executive Summary: Economic, Spatial, and Fiscal Evaluation of Project Delta in Stokes County, North Carolina

September 2, 2026

Michael J. Hicks, PhD

Introduction and Project Background

Across the United States, the rapid expansion of artificial intelligence and cloud computing infrastructure has caused a wave of capital investment in data centers. Local civic leaders and residents are frequently presented with estimates of transformative economic growth, high-tech job creation, and substantial property tax revenues capable of funding local schools and public services. However, individual data centers and large-scale computing campuses introduce economic trade-offs and spatial disamenities – the negative effects of industrial-scale activity, including noise, emissions and degraded viewscapes. There are also long-term fiscal liabilities that are rarely reflected in initial developer presentations. The scale of these trade-offs is not an indictment of data centers, but should be critically examined in the permitting process.

This executive summary synthesizes an empirical economic, spatial, and fiscal evaluation of Project Delta, a proposed 1,850-acre hyperscale data center development in southeastern Stokes County, North Carolina. Situated along the Dan River near Duke Energy's Belews Creek Power Station, Project Delta represents one of the largest single industrial rezoning initiatives in the county's history. Utilizing quasi-experimental econometric models, spatial hedonic pricing frameworks, and local government tax accounting, this analysis evaluates four core dimensions of the proposed new development: local labor market impacts, housing market capitalization, fiscal realities versus revenue claims, and public safety expenditure demands. We summarize these below.

Local Labor Market Effects

A primary justification for zoning, permitting and incentivizing data centers is the potential for local job creation. Economic impact studies often provide transient construction employment with longer-term operational jobs to estimate total employment effects. However, evaluating these claims requires distinguishing between gross staffing figures associated directly with a facility and net employment growth across the host county.

Traditional economic impact assessments rely heavily on Input-Output simulation models such as IMPLAN or RIMS II. These static frameworks operate under the assumption of an infinitely elastic labor supply, assuming that every direct position created represents a net expansion of the local workforce. This is not a realistic assumption. In contrast, quasi-experimental methods evaluate host counties against comparable counties without a data center (control counties) over multi-decade periods to isolate true net labor market effects caused by a data center opening.

To establish an empirical baseline across North Carolina, static Difference-in-Differences models were estimated across four major industry sectors tied to data center operations using panel data

from 1993 through 2025. Total employment demonstrates a statistically significant static post-treatment increase of 2.57 percent, and construction employment experiences a static increase of 1.86 percent. It is not illustrated here, but the information sector demonstrates a static point estimate increase of 4.37 percent. Professional and technical services show a comparable static expansion of 2.42 percent.

Figure 1

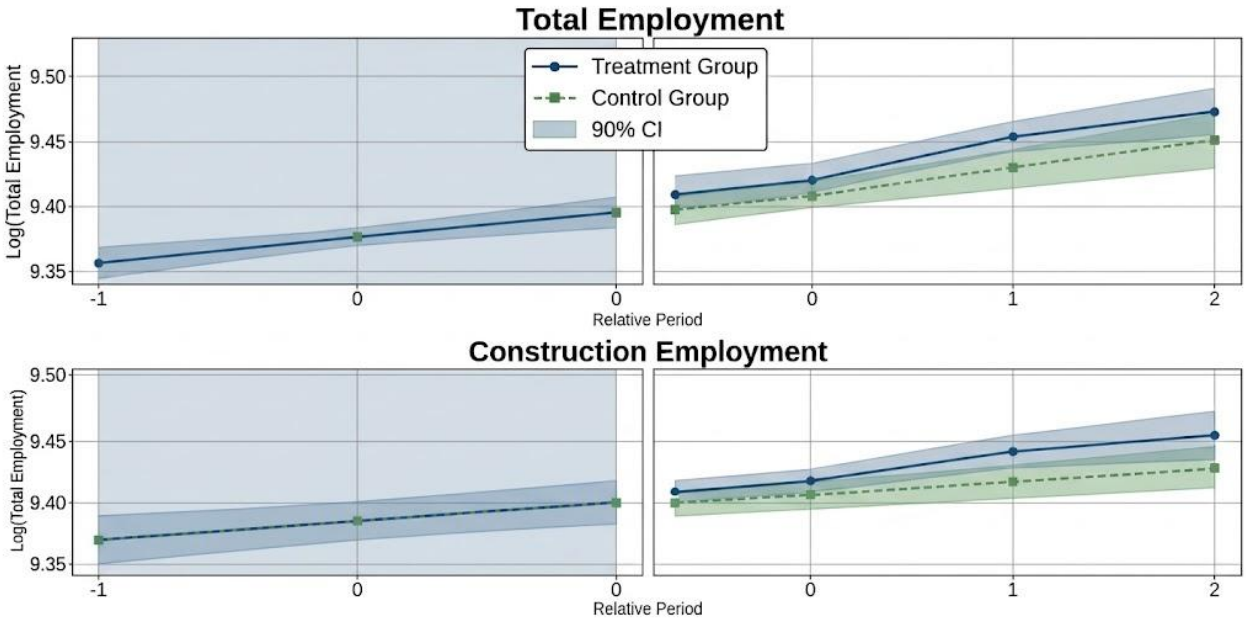


Figure 1 provides a combined two-panel visual summary of these static Difference-in-Differences estimates across total employment and construction employment. Each sub-panel contrasts pre-treatment and post-treatment trajectories between the treatment group and control group, displaying the average post-treatment shift alongside standard error bands.

While static estimates indicate modest positive shifts pooled across the entire post-opening timeframe, static models do not reveal whether employment gains persist over time or fade following construction completion. To capture time-varying labor market dynamics, non-parametric event study specifications using the Callaway and Sant'Anna estimator track county employment from five years prior to facility commissioning to five years post-opening.

Figure 2

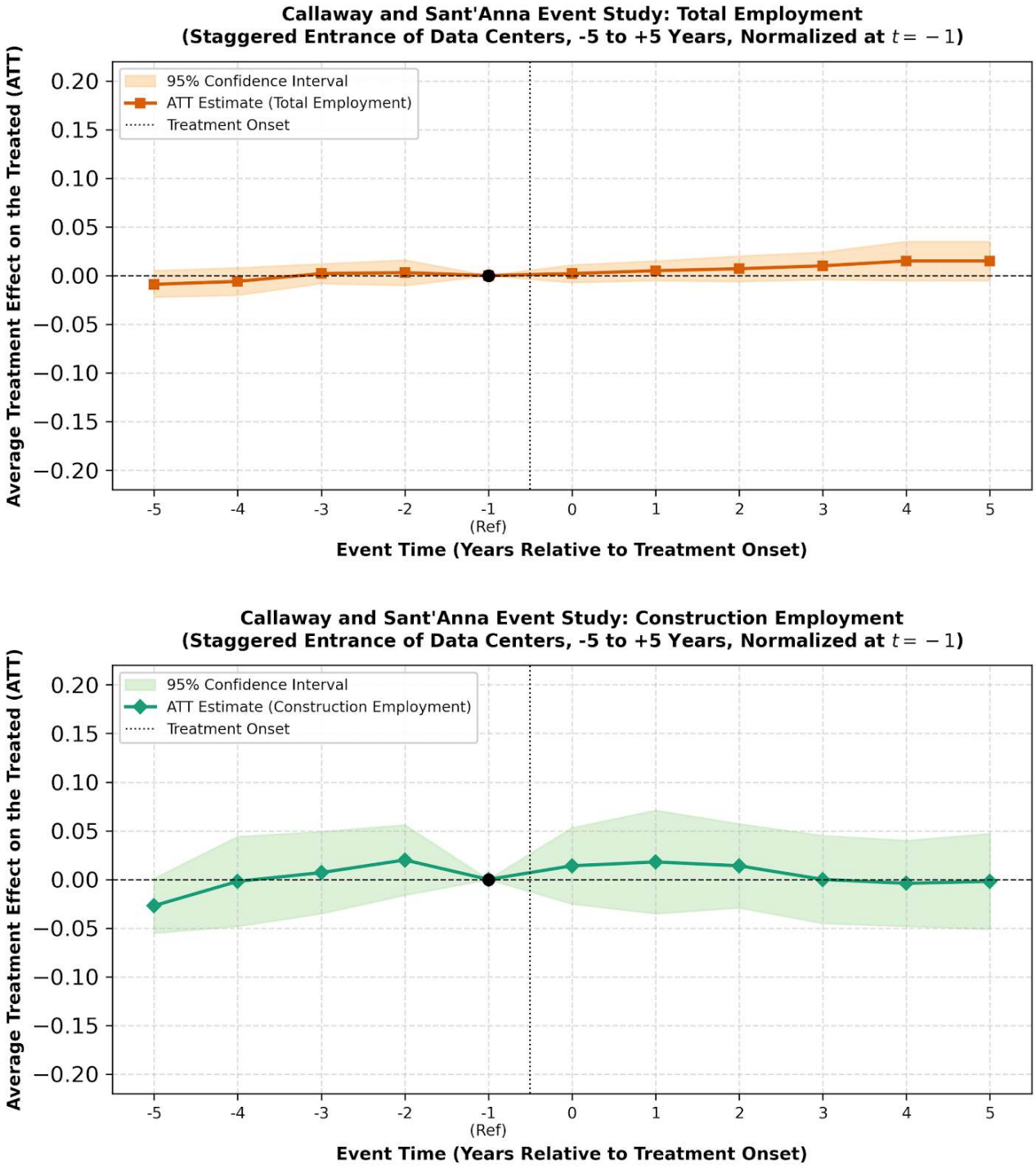


Figure 2 depicts the dynamic Callaway and Sant'Anna event study panels across a ten-year window centered on facility opening. For total employment, pre-treatment estimates hover near zero, while post-treatment gains show a slight positive slope that remains statistically

indistinguishable from zero due to wide confidence bands overlapping baseline. Construction employment reflects a brief temporary surge during active facility construction before rapidly mean-reverting to baseline levels within twelve to twenty-four months. However, this surge is not statistically significant as the 95% confidence interval never rises above zero.

For brevity, it is not illustrated here, but the information and professional services sectors demonstrate wide post-treatment confidence intervals encompassing zero, indicating no statistically reliable dynamic effect on employment in these sectors.

These dynamic results suggest no statistically significant labor market effects, though the variability in experience suggests that some data centers are accompanied by longer-term job growth, while others experience none. Some counties see declining employment in professional and technical services, though again, the average county would experience no effect.

Housing Market Disamenities and Property Value Compression

Introducing a roughly 1,850-acre industrial computing campus into an agricultural and low-density residential environment alters localized land-use dynamics, visual landscape features, and ambient noise profiles. Economists measure these localized environmental externalities through hedonic housing models, which capture how proximity to an industrial facility influences single-family transaction prices while controlling for structural home attributes.

Drawing upon recent national empirical research on hyperscale facilities by Chia et al. (2026), housing price impacts were modeled across concentric distance bands surrounding the Project Delta site centroid out to 7 kilometers, where price effects fully attenuate. Properties within 0 to 1 kilometer experience an average 15.0% price reduction, representing an average loss of $27,750 per home across 40 estimated units. In the 1 to 2 kilometer band, 120 housing units drop by an average 9.50 percent, or $17,575 per home. Home values decline by 8.0%, at 2 to 3 kilometers ($13,600 per home), 9.2% at 3 to 4 kilometers ($14,720 per home), 5.50 percent at 4 to 5 kilometers ($8,525 per home), 7.0% at 5 to 6 kilometers ($11,200 per home), and 6.8% at 6 to 7 kilometers ($11,900 per home). Across the entire 0 to 7 kilometer distance radius (roughly 4.35 miles), the combined long-term capital loss to residential real estate stock is approximately $40.6 million, directly eroding the broader residential property tax base. The average family living within the affected areas would experience an almost $12,000 loss in home value.

Figure 3

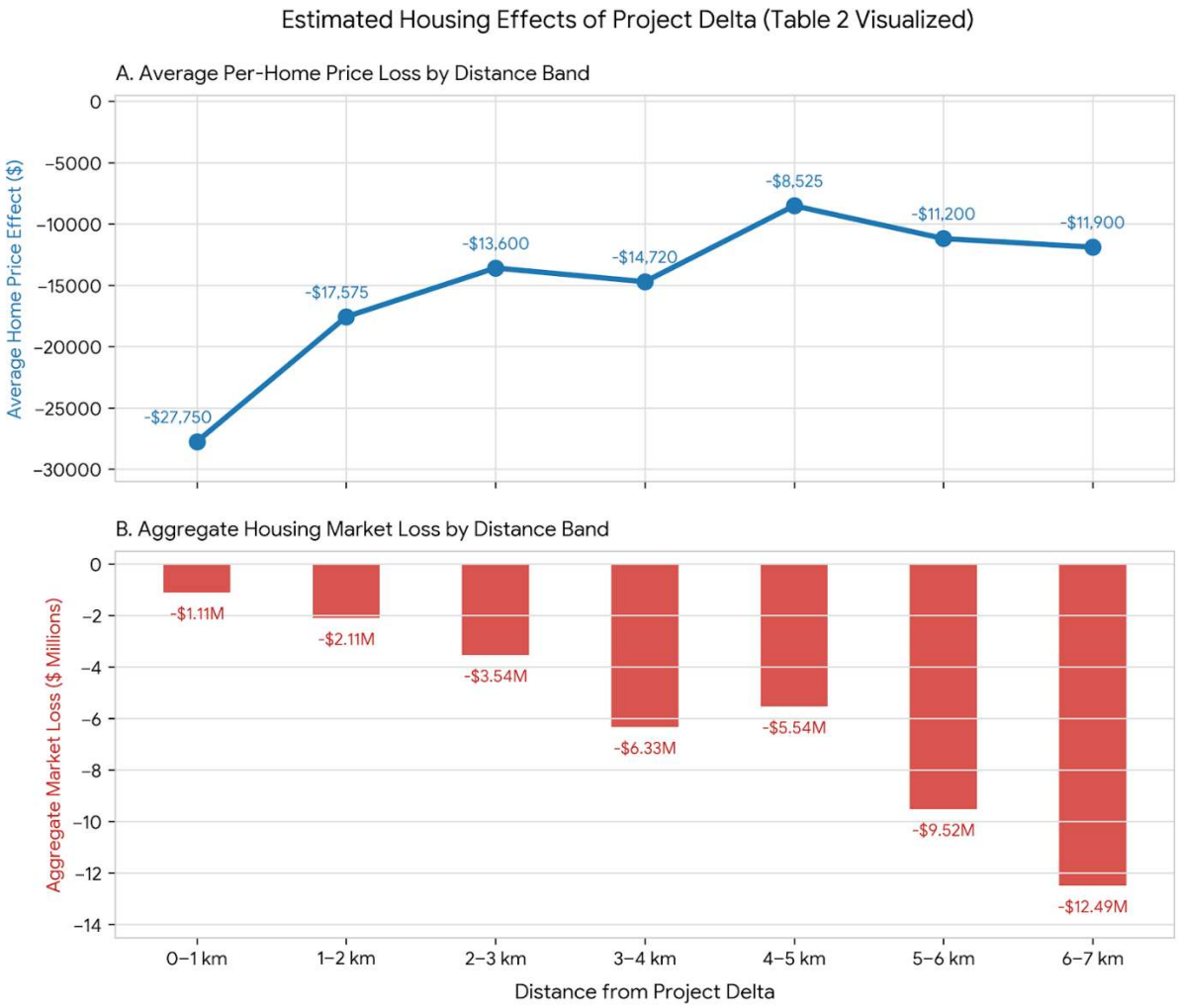


Figure 3 presents a two-panel graphic displaying the housing market impacts across distance bands. The top panel plots the average per-home price loss in dollars, illustrating that individual losses are most severe nearest the site at $27,750, followed by an uneven decline across intermediate rings. The bottom panel displays the aggregate market loss in millions of dollars per ring, demonstrating that total financial damage expands substantially in the outer bands due to increasing residential housing density, peaking at $12.50 million in the 6 to 7 kilometer band.

Across all 3,400 estimated single-family homes located within the 7-kilometer impact radius, Project Delta imposes an estimated cumulative market value loss of $40.6 million. The average family living within the affected areas would experience an almost $12,000 loss in home value. This loss in residential equity erodes the county's residential tax base and represents a direct transfer of wealth away from local property owners.

Local Tax Revenues

Proponents of Project Delta have presented public estimates projecting annual local tax revenues exceeding $50.7 million based on a theoretical full-buildout assessed valuation of $7.09 billion. Evaluating the actual fiscal yield accruing to Stokes County requires examining personal property depreciation schedules, tax base composition, and historical benchmarks from comparable North Carolina data center projects.

Initial developer tax estimates suffer from two major analytical errors. First, the developer's projection derives assessed values by taking a uniform $6.75 million per-acre benchmark from other facilities and multiplying it across all 1,050 developable acres. In practice, hyperscale facilities concentrate extreme capital value within a small physical footprint of 20 to 30 acres housing primary server halls, while the vast majority of master-planned acreage remains greenfield buffer space generating minimal assessed value. Second, over 40 percent of total capital investment consists of short-lived personal property such as servers and cooling hardware. Under North Carolina Department of Revenue Schedule U depreciation rules, personal property tax assessments depreciate rapidly to 72 percent of original cost in Year 1 and down to 15 percent by Year 5.

For a variety of reasons, the full-scale build-out on the Project Delta location is a low probability outcome. A better assessment of the likely level of capital investment comes from a comparable rural North Carolina facility. The most notable comparison is one provided by the developers, Meta's campus in Rutherford County. This comparison yields an inflation-adjusted baseline investment of approximately $1.1 billion for a rural host county.

Figure 4

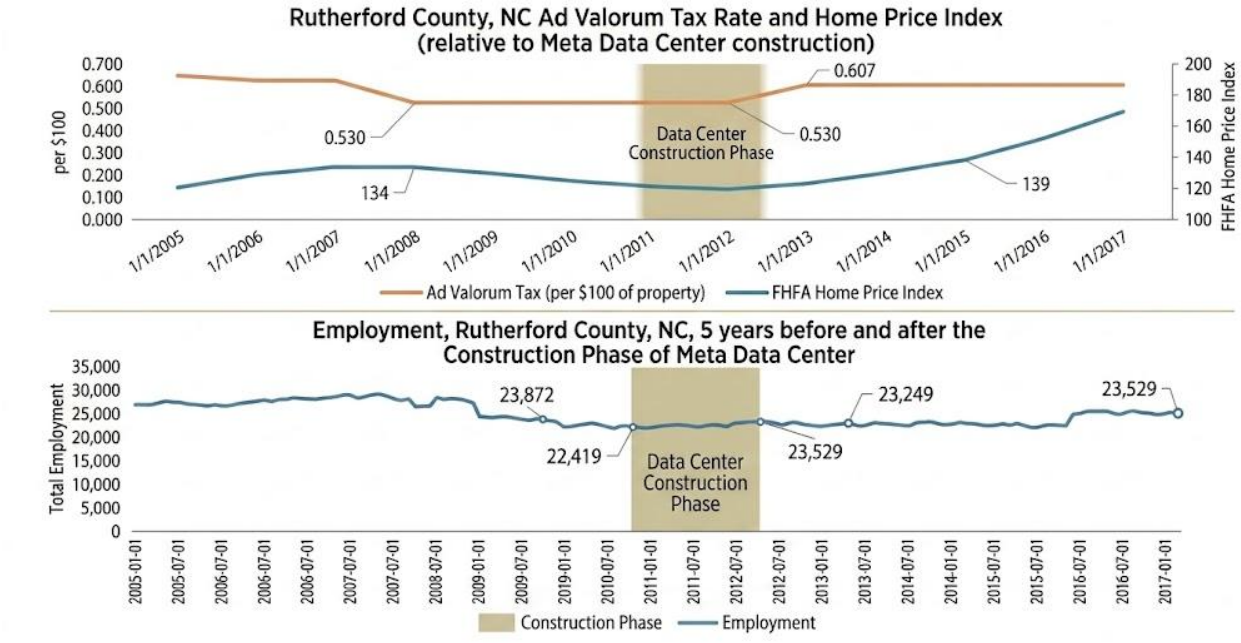


Figure 4 depicts a stacked two-panel graphic tracking historical county-level indicators before, during, and after the construction of Meta's data center in Rutherford County. The top panel plots the ad valorem tax rate alongside the Federal Housing Finance Agency home price index, incorporating callouts for tax rate adjustments and specific index values. The bottom panel displays total monthly county employment over time. Both panels highlight the tan vertical shading marking the active data center construction phase, illustrating that countywide employment and property tax rates remained largely driven by broader macroeconomic cycles, and appear unaffected by the construction and operation of the data center.

Applying North Carolina statutory depreciation schedules to a $1.10 billion capital deployment yields the multi-year tax receipts detailed in Table 5 and 5B (from the main study) below.

Table 5; Tax Collection and Present Value Data

A $1.1 Billion Data Center Investment

Age	Schedule U, 8 (PG 27) for Crypto	Nominal Tax Collections Per Year
0	100%	$6,875,000
1	72%	$4,950,000
2	60%	$4,125,000
3	48%	$3,300,000
4	35%	$2,406,250
5	23%	$1,581,250
6	15%	$1,031,250
7	0%	$0
Total		**$24,268,750**

Table 5B, Tax Collections (nominal dollars), over 10 Years, under §105-130.5,

a $1.1 billion data center investment assuming 40/30/30 personal, real and electric component share

Age	5 year depreciation §105-130.5	Per Year Personal Property, at 40%	39 year depreciation §105-130.5	Per Year Real Property at 30%	15 year depreciation §105-130.5	Per Year Electrical Components at 30%
0	100%	$2,533,080	100.0%	$1,896,780	100.0%	$1,896,780
1	72%	$1,823,818	97.4%	$1,848,145	93.3%	$1,770,328
2	60%	$1,519,848	94.9%	$1,799,509	86.7%	$1,643,876
3	48%	$1,215,878	92.3%	$1,750,874	80.0%	$1,517,424
4	35%	$886,578	89.7%	$1,702,238	73.3%	$1,390,972
5	23%	$582,608	87.2%	$1,653,603	66.7%	$1,264,520
6	15%	$379,962	84.6%	$1,604,968	60.0%	$1,138,068
7	0%	$0	82.1%	$1,556,332	53.3%	$1,011,616
8	0%	$0	79.5%	$1,507,697	46.7%	$885,164
9	0%	$0	76.9%	$1,459,062	40.0%	$758,712
10	0%	$0	74.4%	$1,410,426	33.3%	$632,260
Total		**$8,941,772**		**$18,189,634**		**$13,909,720**

Over a ten-year operational horizon, a $1.1 billion facility results in local tax revenues of between $24.3 million and $41 million cumulative property tax collections, depending on which property tax rules apply to the development. However, this revenue stream must be weighed against offsetting fiscal contractions. The $40.6 million dollar reduction in residential home values reduces annual county property tax receipts by more than $2.5 million in lost property tax collections over the next 10 years.

Public Safety Infrastructure and Emergency Cost Pressures

While data centers place negligible demand on traditional municipal services such as public schools, they introduce unique, highly concentrated demands on rural fire protection and emergency medical response systems. Modern hyperscale facilities rely on utility-scale lithium-ion battery energy storage systems and high-voltage power conversion environments. Thermal runaway incidents in utility battery installations release toxic gases and create intense fires that cannot be extinguished using standard municipal protocols. Rural fire departments relying on volunteer staffing must acquire specialized heavy foam suppression equipment, high-reach aerial ladder trucks, and continuous technical hazard training.

To test whether data center openings trigger expanded municipal public safety payrolls, a static Difference-in-Differences model was estimated across North Carolina counties tracking public safety employment under NAICS 922.

Figure 6

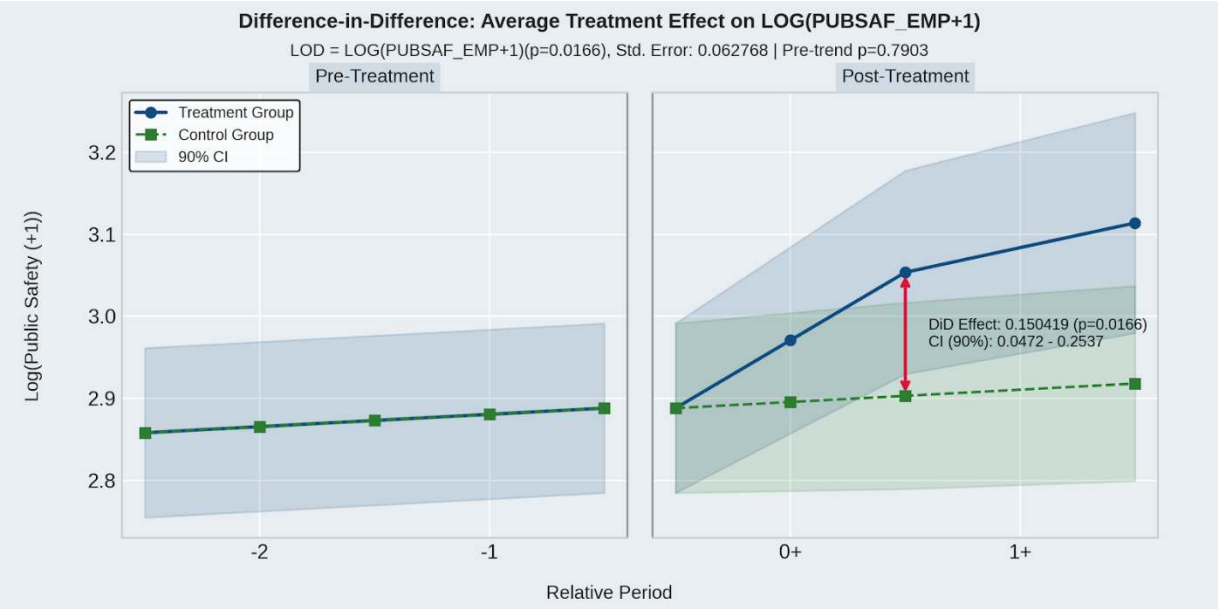


Figure 6 shows the static Difference-in-Differences plot for public safety employment. The graphic highlights a statistically significant average post-treatment increase of 15 percent in

public safety employment following data center openings, supported by a parallel pre-trend test confirming baseline trajectory alignment prior to treatment.

Because rural fire protection districts experience regressive economies of scale, expanding emergency services to manage utility-scale battery risks imposes disproportionate per-capita operating costs on rural taxpayers unless fully underwritten by developer mitigation agreements.

Summary and Recommendations

The empirical findings of this study demonstrate that data center developments present a complex economic trade-off for rural host counties. While developers highlight gross capital investment figures, the true net economic balance is governed by limited labor market effects, capital depreciation, spatial disamenities, and specialized public safety requirements, which result in a clear pattern of effects:

- **Labor Market Effects:** Dynamic event studies reveal that post-treatment employment impacts across all sectors lack statistical significance, as confidence intervals continuously overlap zero. Short-term construction gains mean-revert to baseline within 12 to 24 months, while long-term net job growth remains negligible because permanent operational roles largely cannibalize existing tech positions and draw specialized commuters from neighboring metropolitan areas rather than local labor pools.

- **Property Value Effects:** Spatial hedonic pricing models identify substantial negative capitalization on the 3,400 residential units surrounding the site, with home price declines ranging from 15% ($27,750 per home) within 1 kilometer to 6.8% ($11,900 per home) at 6 to 7 kilometers. The average family living within the affected areas would experience an almost $12,000 loss in home value. In total, the aggregate capital loss to residential property stock within the 7-kilometer radius is estimated at $40.6 million, significantly compressing the local residential property tax base.

- **Tax Revenue Effects:** Developer projections of over $50.7 million annually are heavily inflated by assuming uniform development across 1,050 acres rather than the typical 20-to 30-acre operational footprint. Applying realistic historical benchmarks of $1.1 billion in investment and accounting for rapid Schedule U personal property depreciation (falling to 15% by year five) and those which are provided under NC §105-130.5 yields 10 year total revenue of $24.3 to $41 million, which is further offset by more than $2.5 million in lost residential property taxes over the first decade of operation.

- **Public Service Costs:** Data center operations introduce specialized high-voltage hazards and battery energy storage risks that demand multi-million-dollar equipment upgrades and hazmat training for rural fire departments. Consequently, host counties experience a statistically significant 15% increase in local public safety employment following facility openings, creating substantial uncompensated operational cost burdens for the local jurisdiction.

Authors of the Chia et al. (2026) Working Paper

Biographical summaries for the paper cited in the Sept. 4, 2026 Hicks report

The report referenced in the Board's public materials cites the working paper "The Spatial Incidence of Hyperscale Data Centers," which is under Revise-and-Resubmit at the American Economic Journal: Economic Policy. Staff compiled the following biographical information from the authors' published personal and institutional pages, so the Board has full context on the researchers whose work drives the property-value estimates.

PAPER CITATION

Chia, L.E., Fan, M., Hu, S., & Wang, Q. (2026). "The Spatial Incidence of Hyperscale Data Centers." SSRN Working Paper 6500238. Revise-and-Resubmit at American Economic Journal: Economic Policy.

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Education: Ph.D. in Business Administration (Real Estate), The Pennsylvania State University (Smeal College of Business), 2020-2025; M.Sc. in Real Estate and Urban Economics, NUS, 2018-2019; B.Sc. in Real Estate, NUS, 2013-2017.

Fellowships: Jeanne and Charles Rider Graduate Fellowship, Penn State (2023, 2024).

Research areas: Real estate, sustainability, and household finance

Selected publications: "Redevelopment Values in Multi-Family Properties: Evidence from En bloc Sales in Singapore" (with T.F. Sing), Journal of Housing Economics, 2023; "Do Sanitary Pads Improve Girls' Educational Outcomes?" (with S. Agarwal & P. Ghosh), forthcoming in The Review of Economics and Statistics.

Source: NUS Business School faculty CV (bizfaculty.nus.edu.sg), personal academic page (liueechia.com), and NUS IREUS listing.

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Selected publications: "The Impact of Air Pollution on Labor Supply in China" (with C. Grainger), Sustainability, 2023; "Provincial Water Access in China and India: A Comparative Assessment" (with B. Rao), 2012; "The Impact of Fine Particulate Matter on Elderly Health in China: Evidence from Panel Data" (with Z. Ma and A. Saxena), working paper; multiple additional working papers on housing, environmental policy, and urban economics with S. Agarwal, E. Araral, Y. Qin, and others.

Source: NUS Business School faculty page and CV (bizfaculty.nus.edu.sg), LinkedIn, Google Scholar profile.

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Background: Applied microeconomist and environmental engineer by training.

Research areas: Behavioral, environmental, experimental, health, urban economics, political economy, and life-cycle assessment.

Selected publications: "Quantifying land use requirements and efficiency of solar photovoltaic farms in the Western United States" (with R.R. Hernandez and others), Nature Communications Earth & Environment 6, 1006 (2025); "China's 'dynamic zero COVID-19 strategy' will face greater challenges in the future" (with J. Cai, Q. Lin, T. Ren, and L. Chen), Journal of Infection 85, E13-E14 (2022).

Awards and funding: Sloan Foundation Grant (2019); Best Poster Award, American Center for Life Cycle Assessment (2021); J-PAL U.S. State and Local Innovation Initiative Pilot Grant (2025); multiple department and Columbia University research grants (2024-2026).

Source: Personal academic page (siyuanhu.com) and LinkedIn.

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Education: Ph.D. in Finance, The Pennsylvania State University, 2025; M.Sc. in Business Analytics, George Washington University, 2020; B.Sc. in Food Science and Engineering, Zhejiang University, 2018.

Research areas: Fintech and household finance.

Selected publications: "Biodiversity and Local Asset Values" (with J. Cornaggia, P. Iliev, and J. Liang), Review of Finance, 2025.

Note: Identification of this Q. Wang as the paper's coauthor is based on the concurrent Penn State PhD track with lead author Liu Ee Chia (Chia completed a Real Estate PhD in Smeal 2020-2025; Wang completed a Finance PhD at Penn State in 2025), overlap in household-finance research, and a coauthored working paper on asset-value effects of local environmental features ("Biodiversity and Local Asset Values," Review of Finance, 2025) directly parallel to the data-center working paper's subject. The UCalgary faculty profile does not currently list the Chia et al. data-center paper, which is consistent with working papers under revise-and-resubmit. Wang also appears as coauthor with Chia, Fan, and Hu on "Large Data Centers Generate Localized Warming" (Chen, Chia, Fan, Wang, 2026) and "Digital Infrastructure and Local Welfare: Evidence from Data Center Openings" (Chia, Fan, Hu, Wang, 2026).

Recommendation: To confirm the identification and nationality on the record, staff recommends contacting the corresponding author (likely Liu Ee Chia at NUS) directly.

SOURCES

Liu Ee Chia personal page: liueechia.com • Siyuan Hu personal page: siyuanhu.com • Mingxuan Fan CV, NUS Business School: bizfaculty.nus.edu.sg • Qiang Wang faculty profile, Haskayne School of Business, University of Calgary: profiles.ucalgary.ca/qiang-wang • NUS Institute of Real Estate and Urban Studies working papers: ireus.nus.edu.sg/working-papers • Google Scholar profiles for each author.

STOKES COUNTY, NORTH CAROLINA

Board of Commissioners

Staff Report for Board of Commissioners Consideration

Project Delta

Rezoning Application — R-A to M-2-CZ (Heavy Manufacturing Conditional Zoning)

Data Center Facility / Campus

Petitioner: Engineered Land Solutions, LLC

Property Owners: DFC Stokes, LLC and DFC Stokes 2, LLC

Parcels: 6964-91-8321; 6973-49-0574; 6973-76-7124; 6973-73-4188 — Approximately 1,848.74 acres

Legislative Public Hearing: September 8, 2026

Board Consideration and Vote: September 14, 2026

Reflects the Applicant's Statement of Conditions revised September 8, 2026

Prepared by: Bryan S. Miller, Assistant County Manager

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Appendix B — Public Information Meeting (July 8, 2026) Topics Summary

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Appendix D — Property-Value Studies Comparison

1. Executive Summary

This staff report is submitted to the Stokes County Board of Commissioners (the "Board") in advance of its September 14, 2026 consideration of the application by Engineered Land Solutions, LLC to rezone approximately 1,848.74 acres from Residential-Agricultural (R-A) to Heavy Manufacturing Conditional Zoning (M-2-CZ) to accommodate a data center facility and campus (the "Application"). The Board held its legislative public hearing on the Application on September 8, 2026, and this report is provided following the close of that hearing to inform the Board's deliberation and vote. The report is structured to satisfy N.C. Gen. Stat. § 160D-605[1] by giving the Board a full evidentiary record on which to base (a) the required plan-consistency statement and (b) the required reasonableness and public-interest statement, and to insulate the Board's legislative decision from a claim that it acted arbitrarily and capriciously.

The Stokes County Planning Board conducted its statutory review on August 13, 2026 and, on a 5-2 vote, recommended **DENIAL** of the Application, finding it inconsistent with the Stokes County 2035 Vision Plan. As a contingent measure in the event of approval by the Board of Commissioners, the Planning Board also carried Chair Tilley's proposed additional conditions T-1 through T-12 forward for the Board's consideration; two further conditions (T-13, cultural and historical memorial, and T-14, County-directed applicant-funded Project Compliance Manager) were subsequently developed by the Chair Tilley Committee at a working session on August 19, 2026 and reported to the Board of Commissioners in the Executive Brief dated August 24, 2026. That inconsistency finding does not, by law, bar the Board from approving the Application; a Planning Board recommendation is advisory only under N.C. Gen. Stat. § 160D-604[2].

The Planning and Inspections Department, in its August 2026 Planning-Board Staff Report, independently recommended **APPROVAL** subject to the enforceable conditions offered by the Applicant, together with any additional conditions either board considers reasonable and necessary and to which the Applicant consents. Staff's recommendation to the Board of Commissioners remains **APPROVAL with conditions**, for the reasons set out in Section 14 below. Beyond the record originally presented to the Planning Board, this report also addresses additional matters identified during subsequent staff review. Any supplemental condition the Board may wish to require would be subject to the Applicant's written consent under N.C. Gen. Stat. § 160D-703(b)[3].

Sections 2 through 12 summarize the record originally presented to the Planning Board on procedural background, site conditions, plan consistency, compatibility, noise, water and energy, environmental justice, cultural resources, and infrastructure capacity. Section 13 addresses — issue by issue — additional topics relevant to the Board's decision. Section 14 sets out the staff recommendation, the proposed reasonableness statement, and the proposed plan-consistency statement in the form § 160D-605 requires. Section 15 addresses the arbitrary-and-capricious standard directly and identifies the record evidence the Board is relying upon for each material issue.

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[1] N.C. Gen. Stat. § 160D-605 (plan-consistency and reasonableness statements) — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-605.pdf

[2] N.C. Gen. Stat. § 160D-604 (Planning Board review; inconsistency does not bar approval) — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-604.pdf

[3] N.C. Gen. Stat. § 160D-703(b) (conditions require written consent) — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-703.pdf

2. Application and Procedural Background

2.1 The Application

Petitioner Engineered Land Solutions, LLC, on behalf of property owners DFC Stokes, LLC and DFC Stokes 2, LLC, seeks to rezone four contiguous parcels (PINs 6964-91-8321; 6973-49-0574; 6973-76-7124; 6973-73-4188) totaling approximately 1,848.74 acres, along US 311, Tuttle Road, Oldtown Road, and Coon Joyce Road near Walnut Cove, from R-A to M-2-CZ to permit a data center facility and associated accessory uses. County GIS acreage totals are 1,848.38 acres (tax) and approximately 1,827.76 acres (geometric)[4].

Data centers were added as a conditional use permitted in M-2-CZ by Ordinance Amendment R, adopted by the Board on July 13, 2026[5]. The Applicant's Statement of Conditions accompanying the Application, as revised and dated September 8, 2026, is on file with the Planning Department and is summarized in Appendix A[6]. The complete Project Delta application materials (Second Submission, dated July 20, 2026), including the Combined Rezoning Package, Statement of Conditions, Public Information Meeting Report, exhibits, and related documents, are posted under the Data Center tab of the Stokes County Planning and Inspections Department website at https://co.stokes.nc.us/departments/data_center.php.

2.2 Procedural Chronology

- Public Information Meeting (PIM) held July 8, 2026 pursuant to the Stokes County Zoning Ordinance; PIM Report on file summarizes seventeen topic areas raised by attendees.
- Ordinance Amendment R adopted July 13, 2026, adding data centers as an M-2-CZ conditional use.
- Planning Board legislative-recommendation hearing held August 13, 2026; Planning Board recommended denial 5-2 with contingent conditions T-1 through T-12; conditions T-13 and T-14 were developed at the Chair Tilley Committee working session on August 19, 2026 and reported to the Board of Commissioners in the Executive Brief dated August 24, 2026.

Board of Commissioners legislative hearing notice mailed to owners of the subject property and abutting parcels, and posted on the subject site (and on adjacent public rights-of-way where site posting was not feasible), on August 20, 2026; first newspaper publication run August 20, 2026, and second newspaper publication run August 27, 2026, satisfying the mailed- and posted-notice requirements of N.C. Gen. Stat. § 160D-602 and the published-notice requirements of N.C. Gen. Stat. § 160D-601(a), subject to retention of the affidavits and posting record.

- Board of Commissioners legislative public hearing held September 8, 2026[7].
- Board of Commissioners consideration and vote scheduled for September 14, 2026.

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[4]Stokes County GIS — Parcel and Zoning layers — https://stokescountygis.com/server/rest/services/AllLayers/MapServer

[5]Stokes County Zoning Ordinance, Ordinance Amendment R (adopted July 13, 2026) — https://www.co.stokes.nc.us/departments/planning_public_notices.php

[6]Combined Rezoning Package — Statement of Conditions (Applicant, Engineered Land Solutions, LLC), as revised September 8, 2026 — https://co.stokes.nc.us/departments/data_center.php

[7]Stokes County Board of Commissioners — legislative hearing notice, September 8, 2026 — https://co.stokes.nc.us/departments/Project%20Delta%20Legal%20Advertisement.pdf?t=202608170802370

2.3 Nature of the Board's Decision

Adoption or denial of a conditional zoning district is a **legislative act**. The Board is not bound by the evidentiary rules that apply to quasi-judicial decisions and is not required to make formal findings based on sworn testimony. The Board is, however, required by N.C. Gen. Stat. § 160D-605 to adopt (a) a statement describing whether the action is consistent with the comprehensive plan, and (b) a statement explaining why the action is reasonable and in the public interest, before or contemporaneously with its vote[8]. Draft language for both statements is provided in Section 14.

2.4 Limits on Board-Imposed Conditions

Because this is a conditional zoning district, the Board may not unilaterally impose conditions to which the Applicant has not agreed in writing. N.C. Gen. Stat. § 160D-703(b) requires that all conditions be mutually approved by the local government and consented to in writing by the petitioner and prohibits unilateral imposition. Where the Board considers a condition essential and the petitioner is unwilling to consent, denial of the application is the practical option available to the Board, though the statute does not prescribe denial by name.[9] Any supplemental condition the Board wishes to add would require the Applicant's written consent before adoption of the CZ order at the September 14, 2026 meeting.

2.5 Nature of the Decision, Voting, and Conflicts

This rezoning is a legislative decision, not quasi-judicial. Board members are not required to take sworn testimony, and ex-parte communications are not disqualifying. Each Board member remains subject to N.C. Gen. Stat. § 160D-109, which requires a member to recuse from voting where (i) the outcome is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member, or (ii) in the case of a zoning-map amendment, the landowner is a person with whom the member has a close familial, business, or other associational relationship. As a matter of county policy and best practice, staff also recommends recusal where a Board member has a comparable close relationship with the petitioner or other affected property owner even if that person is not the landowner. Staff has confirmed that each Board member will affirm on the record at the September 14, 2026 meeting either (i) that no § 160D-109 conflict of interest exists, or (ii) that the member is recusing pursuant to § 160D-109.

3. Site and Surrounding Area

3.1 Site Description

The subject property comprises four contiguous parcels totaling approximately 1,848.74 acres (applicant), 1,848.38 acres (county tax records), or approximately 1,827.76 acres (geometric GIS calculation), located in the southeastern quadrant of Stokes County, along US 311, Tuttle Road, Oldtown Road, and Coon Joyce Road near the Town of Walnut Cove. The property is currently zoned R-A (Residential-Agricultural) and consists predominantly of undeveloped, forested, and agricultural land, with portions falling within the FEMA Special Flood Hazard Area (SFHA).

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[8] N.C. Gen. Stat. § 160D-605 (plan-consistency and reasonableness statements) — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-605.pdf

[9] N.C. Gen. Stat. § 160D-703(b) (conditions require written consent) — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-703.pdf

3.2 Surrounding Zoning

Staff's GIS buffer analysis found the following zoning distribution within a one-mile radius of the subject property: approximately 62-73 percent R-A, approximately 26-28 percent industrial (including M-1, M-1-CZ, and M-2-CU), and residual acreage in other classifications[10]. Within one-half mile, industrial zoning rises to approximately 26.1 percent and R-A to approximately 73.5 percent. The industrial acreage is concentrated in a small number of large tracts rather than scattered incidental uses.

3.3 Existing Industrial and Utility Uses in the Vicinity

Verified industrial and utility uses in the immediate vicinity, from Stokes County GIS parcel and zoning records, are summarized in the table below.

Use / Operator	Location / Zoning	Parcel Acreage
Duke Energy — Belews Creek Steam Station	Steam Station Road; M-1	6,011.51 ac
Pine Hall Brick, Inc. (3 parcels)	Hickory Fork Rd / US 311; M-2-CU	986.45 ac
Samuel Wilson Farms of Stokes, LLC (host of Bear Branch Solar)	1998 Tuttle Rd; M-1 / M-1-CZ	744.57 ac
RENEWA I, LLC	1180 Burton Loop Rd; M-1 / M-1-CZ	430.79 ac
Privately held parcels (4)	Old Town Rd / Farmer Rd / Ethan Ln; M-1-CZ	284.87 ac
Total identified above		**8,458.19 ac**

Under the County's own zoning jurisdiction, industrially-zoned land totals approximately 11,164.8 acres across 122 zoning-district polygons; including all municipal jurisdictions (King, Walnut Cove, and Danbury), industrially-zoned land totals approximately 12,592.3 acres across 342 polygons. Approximately 10,628 acres, or roughly 84 percent, of the county's industrially-zoned land across all jurisdictions (using the 12,592.3-acre all-jurisdictions total; approximately 95 percent of the 11,164.8-acre county-jurisdiction-only total) lies within the southeastern quadrant in which the subject property is located[11].

3.4 Sensitive Receptors

Staff identified eight church parcels within one mile of the subject property. Sycamore Baptist Church lies approximately 670 feet from the property line. The Dan River Educational State Forest (approximately 848 acres) directly adjoins the subject property. These sensitive receptors are relevant to Sections 6 (Noise), 7 (Water, Wastewater, Energy), and 9 (Cultural and Historical Resources) below.

[10]Stokes County GIS — Parcel and Zoning layers — https://stokescountygis.com/server/rest/services/AllLayers/MapServer

[11]Stokes County GIS — Parcel and Zoning layers — https://stokescountygis.com/server/rest/services/AllLayers/MapServer

4. Consistency with the 2035 Vision Plan

The Stokes County 2035 Vision Plan is the County's adopted comprehensive plan for purposes of N.C. Gen. Stat. § 160D-605[12]. Under the Plan's Future Land Use Framework, the subject property falls into three designations:

- G-1 (Low Density Growth) — approximately 48.6 percent of the subject property.
- O-1 (Preserved) — approximately 33.9 percent of the subject property.
- O-2 (Restricted) — approximately 17.1 percent of the subject property.

Approximately 99 percent of the O-1 area on the subject property is coextensive with the FEMA-designated Special Flood Hazard Area (Panels 3710696200K and 3710696400K, effective June 10, 2026)[13]. The Applicant's Condition 5 restricts development within the FEMA-designated floodplain to infrastructure improvements and recreational, agricultural, conservation, preservation, and open space uses, which effectively preserves approximately one-third of the site as open space consistent with the O-1 designation.

The Planning Board found the Application inconsistent with the 2035 Vision Plan on August 13, 2026, principally because the G-1 (Low Density Growth) designation applied to the larger share of the site does not, on its face, contemplate a heavy manufacturing conditional zoning district. Staff acknowledges that finding and includes it in the record. Staff also notes, however, that (a) the O-1 areas — approximately one-third of the site — will be preserved by Applicant Condition 5 in a manner consistent with the 2035 Vision Plan's open-space intent; (b) the surrounding area already includes approximately 8,458 acres of verified heavy industrial and utility-scale energy development, including the Belews Creek Steam Station, in a documented industrial concentration; and (c) the § 160D-604 record is unambiguous that a Planning Board inconsistency finding is advisory and does not bar approval. The Board's § 160D-605 statement, drafted in Section 14 below, therefore addresses inconsistency directly and explains why the Board could consider approval reasonable notwithstanding the inconsistency.

The undeveloped area required by Applicant Condition 5 (floodplain preservation) is further supplemented by the vegetative buffer commitment in Applicant Condition 8. Staff's GIS analysis of the four subject parcels indicates that the 100-foot baseline buffer along all property lines, together with the increased 250-foot buffer along frontage adjoining residential-use neighbors, commits approximately 189 acres — about 10 percent of the 1,848.74-acre site — to vegetative buffer[14]. Taken together, the floodplain and buffer conditions preserve well over one-third of the property from principal-use development, which is a material consideration in weighing plan consistency and in the reasonableness statement drafted in Section 14 below. The site-specific Buffer Zone Exhibit incorporated into the Statement of Conditions governs the enforceable delineation of the buffer.

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[12]Stokes County 2035 Vision Plan (Comprehensive Plan) — https://www.co.stokes.nc.us/planning

[13]FEMA FIRM Panels 3710696200K and 3710696400K (effective June 10, 2026) — Panel 6200K: https://msc.fema.gov/portal/downloadProduct?productID=3710696200K; Panel 6400K: https://msc.fema.gov/portal/downloadProduct?productID=3710696400K

[14]Stokes County GIS — staff buffer-acreage analysis (Parcels layer, PINs 6964918321, 6973490574, 6973734188, 6973767124; NC State Plane NAD83, EPSG 2264). Approximately 189 acres calculated as the 100-foot buffer along all property lines (~170 acres) plus the additional 150-foot width along frontage adjoining actual residential-use neighbors (single-family and mixed use), approximately 5,700 linear feet (~19 acres). The site-specific Buffer Zone Exhibit governs the enforceable delineation — https://stokescountygis.com/server/rest/services/WebApp2026/MapServer/15

5. Compatibility with Surrounding Uses

The area surrounding the subject property is predominantly rural residential-agricultural in zoning but is not exclusively so. The Duke Energy Belews Creek Steam Station — a large coal- and natural-gas-fired electric generating facility on a 6,011.51-acre M-1 tax parcel — is the largest single existing industrial use in the vicinity and adjoins portions of the one-mile analysis radius. Pine Hall Brick operates a 986.45-acre M-2-CU brick manufacturing facility in the same vicinity. The 744.57-acre Samuel Wilson Farms parcel hosts the Bear Branch Solar project (35 MW, targeted for commercial operation late 2026 under a 25-year power purchase agreement with Duke Energy Carolinas). Together with the RENEWA I, LLC and privately held M-1-CZ parcels, verified adjacent industrial and utility uses total approximately 8,458 acres.

The proposed use is therefore not novel to the vicinity; it is one additional large industrial user in an area already characterized by large-scale industrial and utility infrastructure. That fact bears directly on the "benefits and detriments" analysis called for by N.C. Gen. Stat. § 160D-605(b) and is relevant to the Board's reasonableness statement in Section 14.

Compatibility is further supported by the vegetative buffer commitment in Applicant Condition 8, which as discussed in Section 4 commits approximately 189 acres of the property to buffer along all property lines (100 feet baseline; 250 feet along frontage adjoining residential-use neighbors), in addition to the 300-foot generator setback in Condition 3(a). Under Condition 8(c), added in the revised Statement of Conditions dated September 8, 2026, the buffers must be kept in good condition, including the replacement of dead, diseased, damaged, or removed vegetation as reasonably necessary — converting the buffer from a plant-and-leave commitment into an ongoing maintenance obligation for the life of the use.

Cumulative-impact considerations — aggregate noise, aggregate air emissions, aggregate water demand, and aggregate traffic in combination with Belews Creek, Pine Hall Brick, Bear Branch Solar, and the other verified industrial and utility uses totaling approximately 8,458 acres — are addressed at the Applicant-condition level (Sections 6, 7, and 10) and, for pollutant loading and airshed effects, remain within the statutory jurisdiction of NCDEQ under the Clean Air Act delegation and the state's water-quality programs, rather than the County's zoning power.

6. Noise Impact and Proposed Controls

Noise is the single most extensively addressed impact category in the Applicant's Statement of Conditions and in the PIM record. The Applicant's revised Statement of Conditions dated September 8, 2026 proposes the following enforceable conditions:

- 70 dB(A) at the property line adjacent to non-residential zoning.
- 60 dB(A) daytime (7:00 a.m.-10:00 p.m.) and 50 dB(A) nighttime adjacent to residential zoning.
- C-weighted sound level (dB(C)) may not exceed the corresponding A-weighted limit by more than 15 dB, addressing low-frequency sound energy, including frequencies that A-weighting discounts.
- Separate tonal-noise penalty: the applicable dB(A) limit is reduced by 5 dB(A) if a tone is present, as defined by one-third-octave-band criteria.
- Routine generator testing and maintenance limited to weekdays 9:00 a.m.-5:00 p.m. with all permanent noise attenuation in place (Condition 2(d)).

- Express exemptions for actual emergency generator operation during utility interruptions or emergencies, daytime construction activity, and daytime maintenance activities other than generator testing (Condition 2(e)).
- Pre-construction ambient baseline sound survey prior to building permit approval, submitted before issuance of a building permit (Condition 2(g)(II)); pre-construction noise modeling study prior to issuance of a building permit for each Major Improvement (Condition 2(g)(III)); and post-construction compliance survey for each Major Improvement (Condition 2(g)(IV)); all performed by an INCE Board-Certified third-party consultant (Condition 2(g)(I)).
- Annual operational noise compliance survey beginning 12 months after the first Certificate of Occupancy and annually thereafter, with authority for the County to require an additional survey upon confirmed violation or documented evidence of potential noncompliance (Condition 2(g)(VI) — new September 8, 2026).
- Generators additionally prohibited within 300 feet of the exterior property boundary (Condition 3(a)).
- Diesel fuel for on-site power generation limited to emergency backup generators only (Condition 3(b) — new September 8, 2026).

The 60/50 dB(A) day/night limits, together with the dB(C) cap tied to the A-weighted limit (which directly addresses low-frequency noise), the 5 dB(A) tonal-noise penalty (which addresses tonal hum), the pre-construction ambient baseline survey by an INCE Board-Certified consultant, the post-construction compliance survey, and the newly added annual operational noise compliance survey with County authority to require additional surveys on evidence of noncompliance, are protective. Ambient baseline surveys before construction ensure that post-construction compliance is measured against a documented pre-project noise environment rather than against theoretical background levels, and the recurring annual survey converts the noise obligations from a one-time build-out check into an ongoing operational obligation. The approximately 189-acre vegetative buffer discussed in Section 4, which under the revised Condition 8(c) must be kept in good condition and replanted as reasonably necessary, provides additional noise attenuation, particularly along the 250-foot residential-adjacent segments.

6.1 Applicant-Submitted Ambient Noise Survey (August 17, 2026)

The Applicant submitted an ambient noise survey for Project Delta dated August 17, 2026, prepared by the WorkingBuildings/Cerami/Longman Lindsey/Valcoustics/Jaffe Holden/JB&B acoustics team (Cameron Goodman, Senior Associate; Liam Wynne, Associate), with Trinity Consultants (Matthew Schaeffler, Adam Paolino, Joshua Cassarino, Lucas Schwartz). The survey was submitted in support of the rezoning application and is not the pre-construction ambient baseline survey required by Condition 2(g)(II), which by its terms is a one-time obligation keyed to building-permit approval, with predictive noise modeling submitted before issuance of a building permit for each Major Improvement, and post-construction compliance surveys performed after installation and operation. The survey reports continuous sound-level measurements at nine locations around the site boundary between June 16 and June 18, 2026 (approximately 50 hours of record at eight stations; approximately 30 hours at Location 9 before a battery failure). Measurements were made with NTi Audio XL3 sound level meters and M2230/M2340 microphones mounted at approximately 5 feet above grade with windscreens, calibrated with an acoustic calibrator in the field before deployment and verified on retrieval. Six one-hour periods on June 18 were excluded consistent with ISO 1996-2 because of sustained winds exceeding 10 miles per hour or precipitation of 0.25 inches per hour or greater; three tripods (Locations 1, 4, and 5) were knocked over by wind gusts late on June 18 and data after each disturbance was excluded.

The survey reports that the site does not exhibit a single ambient noise level. Measured 24-hour A-weighted equivalent levels (LAeq) range from 42 dBA at Location 1 (Coon Joyce Road area, furthest from public roads and dominated by natural sources) to 68 dBA at Location 4 (along US Highway 311 N). Locations 3, 4, and 9, which are influenced by US Highway 311, recorded 24-hour LAeq of 64 to 68 dBA with only a 5 dB day/night reduction because highway traffic continues overnight. Locations 2, 5, 6, 7, and 8 are influenced primarily by local road traffic and recorded 24-hour LAeq of 53 to 58 dBA. Nighttime LA90 (the quiet-period background) falls to 24 to 37 dBA across the site, while nighttime LAeq remains within 3 to 9 dB of daytime at most stations, which the consultants characterize as the signature of an environment shaped by discrete events (traffic, farm equipment, aircraft, firearms, dogs, sirens, birds, insects) rather than by continuous noise. C-weighted levels exceed A-weighted levels by 4 to 11 dB, with the largest difference at Location 1; the C-minus-A difference does not exceed 15 dB at any location in any period.

The survey is offered by the Applicant as pre-rezoning information about the existing acoustic environment; it is not offered, and staff does not treat it, as the pre-construction ambient baseline survey required by Condition 2(g)(II). Staff makes two observations relevant to the Board's decision. First, the survey documents that pre-project ambient conditions on and around the site are non-uniform: proximity to US Highway 311 and to local roads controls measured levels, and any later compliance determination under Condition 2 that relies on comparison to the pre-project ambient environment should account for that spatial variation rather than treating the site as a single acoustic environment. Second, the pre-construction ambient baseline survey required by Condition 2(g)(II) attaches once, prior to building-permit approval, must be performed by an INCE Board-Certified third-party consultant, and continues to apply if the rezoning is approved; the August 17, 2026 submission neither replaces nor discharges that obligation.

The conditions summarized in Section 2 address noise-related issues in detail.

7. Water, Wastewater, and Energy

7.1 Water Source and Volume

The Applicant's projected water demand is approximately 100,000 gallons per day (gpd), including fire-suppression needs at full build-out. Condition 4 prohibits open-loop water cooling and prohibits direct withdrawal from streams, rivers, lakes, ponds, reservoirs, groundwater wells, aquifers, or any private surface water or groundwater source. The Applicant has not, as of the date of this report, selected a public water provider; based on staff review, service may be provided by either the Stokes County Water and Sewer Authority (SCWSA) or the Town of Walnut Cove. The Stokes County Water and Sewer Authority has issued a Will-Serve Letter dated December 26, 2025, signed by Chairman John Hawkins, indicating that SCWSA will provide water service to the development at an estimated capacity of 100,000 gpd (including fire suppression) at the site on or near US 311, Oldtown Road, Fulp Road, and Tuttle Road, contingent on the completion of ongoing water-system improvements, the continuing supply of water capacity from other providers, additional water-main extensions and elevated-storage capacity, coordination with the County Public Utilities Department and its consulting engineers, and 100 percent of the associated cost being borne by the developer[15]. Service through the Town of Walnut Cove remains an alternative available to the Applicant under existing bulk-water arrangements. Water-service reliability, rate structure, cost allocation, and any capacity expansion are outside the County's zoning authority and are addressed by the responsible utility provider ultimately selected by the Applicant.

[15]Stokes County Water and Sewer Authority — Will-Serve Letter for Project Delta, Dec. 26, 2025 (signed by John Hawkins, Chairman); instrument on file with the County Clerk and available with the Project Delta application package — https://co.stokes.nc.us/departments/data_center.php

7.2 Groundwater and Private Wells

Condition 4's prohibition on groundwater withdrawal and the direct-withdrawal ban together mean that operational water demand cannot draw from local aquifers or private wells serving neighboring properties. This is a categorical protection, not a mitigation measure.

7.3 Wastewater and Cooling-Chemical Discharge

Wastewater discharges and any cooling-chemical handling remain subject to N.C. Department of Environmental Quality permitting (NPDES, pretreatment) and any Town of Walnut Cove sewer-use ordinance[16]. These are not zoning determinations; the Board's zoning approval does not, and cannot, substitute for the environmental permits the facility will need before operation.

7.4 Energy and Generation

Grid interconnection, transmission capacity, curtailment, and any effect on residential retail electric rates are subject to Duke Energy's engineering and to the North Carolina Utilities Commission's (NCUC) certificate, rate, and integrated-resource-plan proceedings[17]. Applicant Condition 1 explicitly permits on-site power generation, substations, and battery backup. Under the revised Statement of Conditions dated September 8, 2026, Condition 3(b) now limits the use of diesel fuel for power generation to emergency backup generators only, meaning any bridging, primary, or continuous-duty on-site combustion may not be diesel-fired; the Applicant has not, however, committed to final generator counts, non-diesel fuel types, or aggregate on-site combustion capacity. Any additional condition addressing on-site combustion caps, generator counts by type, or non-diesel fuel storage limits would require the Applicant's written consent under § 160D-703(b).

Air-quality impacts from on-site combustion (both bridging and emergency-backup generation) — including criteria pollutants (NOx, PM2.5) and diesel particulate matter — were raised by the public at the July 8, 2026 Public Information Meeting (topic 10) and are the subject of Chair Tilley's recommended condition T-4 (continuous property-line air-quality monitoring). Air-quality permitting and NAAQS compliance are delegated to NCDEQ under the Clean Air Act, and are not zoning determinations. Two conditions the Applicant added on September 8, 2026 partially address the air-quality issue within the zoning framework: Condition 3(b) limits diesel fuel to emergency backup generators only (removing diesel from any bridging or continuous-duty role), and Condition 9 (new) provides that material environmental reports, notices, monitoring results, or compliance materials submitted to or received from NCDEQ in connection with air quality, water quality, or the development or operation of the Property will be provided or made accessible to the County. Condition 9 gives the County contemporaneous visibility into the NCDEQ record without displacing NCDEQ jurisdiction. Any additional condition requiring applicant-funded property-line monitoring, reporting to the County, or exceedance penalties would still require the Applicant's written consent under § 160D-703(b).

8. Environmental Justice and Community Health Context

The subject property lies entirely within current Census Tract 707.02. Because environmental-justice and community-health effects extend beyond the parcel boundary, staff also examined the census tracts

[16]North Carolina Department of Environmental Quality (NCDEQ) — air, water, and stormwater permitting — https://www.deq.nc.gov/

[17]North Carolina Utilities Commission (NCUC) — Duke Energy service, rate, and certificate proceedings — https://www.ncuc.gov/

materially touched by the one-half-mile and one-mile analysis buffers around the site: Tract 701.01 (which contains approximately 19 percent of the half-mile buffer and approximately 23 percent of the one-mile buffer) and, to a lesser extent, Tract 707.01 (approximately 4 percent of the one-mile buffer). Staff notes that the U.S. Census Bureau redrew Stokes County's tract boundaries following the 2020 Census: former Tract 707 was split into current Tracts 707.01 and 707.02, with the subject property now falling within current Tract 707.02. Consistent with the demographic framework used in the Planning Board staff report, staff cites the NCDEQ 2021 Belews Creek Environmental Justice Report, which used pre-2020 tract geography and reported pre-split Tract 707 at approximately 77.2 percent White, 18.3 percent Black or African American, and 20.0 percent below the federal poverty level, and pre-split Tract 701 at approximately 91.3 percent White, 3.8 percent Black or African American, and 7.4 percent below the federal poverty level[18]. The Stokes County reference is approximately 11.8 percent below the federal poverty level (2024 SAIPE)[19] and approximately 92.9 percent White[20]. Per CDC PLACES data (2025 release), current Tract 070702 shows elevated prevalence of diabetes (16.5 percent versus 13.2 percent countywide), food insecurity (19.9 percent versus 13.4 percent countywide), and chronic obstructive pulmonary disease (COPD) (10.7 percent versus 9.4 percent countywide); current asthma prevalence in the tract (11.8 percent) is comparable to the county reference (10.9 percent)[21]. All PLACES figures are model-based small-area estimates and are not diagnoses tied to any specific facility.

These indicators are not, by themselves, dispositive of the zoning question, but they are part of the "benefits and detriments to the surrounding community" analysis under N.C. Gen. Stat. § 160D-605(b). Staff has considered them in three ways: (i) the noise conditions summarized above are protective and are anchored to a documented pre-project ambient baseline survey rather than to theoretical background levels; (ii) the water and cooling conditions prohibit direct on-site withdrawal from private wells and other private surface-water or groundwater sources, though indirect pressure through the public-supply system chosen by the Applicant is not addressed by the zoning conditions and depends on the responsible utility provider; and (iii) any on-site combustion equipment must comply with all applicable NCDEQ air-permitting requirements to the extent NCDEQ determines those permits are triggered by the equipment, emissions, and thresholds proposed, and any additional on-site combustion cap the Board may wish to require would be addressed through a condition adopted with the Applicant's written consent under § 160D-703(b).

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[18]NCDEQ Belews Creek Steam Station Draft Environmental Justice Report (April 26, 2021) — figures reported for pre-2020 Census Tracts 701 and 707 — https://files.nc.gov/ncdeq/Air%20Quality/permits/2021_public_notice_documents/environmental_justice/Belews-Creek-Draft-EJ-Report-May-2021.pdf

[19]U.S. Census Bureau, Small Area Income and Poverty Estimates (SAIPE), 2024 — https://www.census.gov/data/datasets/2024/demo/saipe/2024-state-and-county.html

[20]U.S. Census Bureau QuickFacts — Stokes County, North Carolina — https://www.census.gov/quickfacts/fact/table/stokescountynorthcarolina/PST045223

[21]CDC PLACES: Local Data for Better Health, 2025 release, Census Tract Data — https://data.cdc.gov/500-Cities-Places/PLACES-Local-Data-for-Better-Health-Census-Tract-D/cwsq-ngmh

9. Cultural and Historical Resources

The Applicant and staff identified potential cultural resources on the property, including at least one recorded cemetery and areas of archaeological interest. State and federal review requirements — including coordination with the North Carolina State Historic Preservation Office (SHPO)[22] — apply independent of the County's zoning decision. Any additional condition establishing a minimum no-disturbance setback around a recorded cemetery or documented cultural site, or a SHPO-reporting protocol if resources are encountered during construction, would require the Applicant's written consent under § 160D-703(b).

Wildlife and habitat impacts — including proximity to the approximately 848-acre Dan River Educational State Forest, which directly adjoins the subject property along approximately 1.25 miles of shared boundary, and adjacent riparian corridors — were raised by the public at the July 8, 2026 Public Information Meeting (within topic 5, Noise; wildlife was raised as a sub-point). Wildlife and habitat protection may be addressed, as applicable triggers arise, through N.C. Wildlife Resources Commission consultation (when a listed species, protected habitat, or applicable state permit is implicated), coordination with the N.C. Forest Service (as steward of the adjoining State Forest), and U.S. Army Corps of Engineers Section 404 authorization for any discharge of dredged or fill material into jurisdictional waters of the United States. These are not zoning determinations. The 100-foot baseline buffer and 250-foot residential-facing buffer in Applicant Condition 8, together with the floodplain preservation in Applicant Condition 5, provide the zoning-level protection within the Board's authority.

10. Infrastructure Capacity, Emergency Services, and Fire Protection

Approximately 99.9 percent of the subject property lies within the Southeastern Fire District, served by Station 35 (Walnut Cove Fire). The Applicant's Statement of Conditions and the PIM Report[23] address fire suppression, generator and fuel-storage safety, and applicable inspection and code requirements. The County's regulatory readiness for a facility of this scale — including building code, mechanical, electrical, and fire code plan review; construction inspection; and post-occupancy inspection — is addressed under the North Carolina State Building Code and the County's existing inspection department capacity.

Road capacity and construction traffic along US 311, Tuttle Road, Oldtown Road, and Coon Joyce Road were raised by the public at the July 8, 2026 Public Information Meeting (also raised in public comment). Trip-generation, level-of-service, and driveway-permit determinations, and any required road improvements, are within the statutory jurisdiction of the N.C. Department of Transportation and are addressed through NCDOT's Traffic Impact Analysis, driveway-permit, and encroachment processes at the site-plan and building-permit stages, which are separate regulatory processes from this rezoning. The Applicant has not committed to a specific TIA scope in its Statement of Conditions; any additional condition requiring a specified TIA scope, construction-traffic routing plan, or intersection-improvement commitment would require the Applicant's written consent under § 160D-703(b).

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[22] North Carolina State Historic Preservation Office (SHPO) — https://www.hpo.nc.gov/

[23] Public Information Meeting Report, Project Delta (July 8, 2026) — https://co.stokes.nc.us/departments/data_center.php

11. Property-Value Analysis

Potential effects on nearby residential property values are a material issue for the Board. This section updates the earlier directional estimate with a parcel-level analysis based on the actual Stokes County GIS export of every parcel inside a one-half-mile ring around the subject property.

11.1 What the Empirical Literature Reports

The published empirical evidence on data-center effects on nearby residential values is mixed. On the effect-finding side, Chia et al. (2026), *The Spatial Incidence of Hyperscale Data Centers* — a national causal study matching facility-level data on U.S. data centers to millions of housing transactions — finds nearby home prices fall approximately 6.8 percent on average, with roughly 15 percent within about six-tenths of a mile of a hyperscale facility, monotonically fading beyond roughly nine miles. Effects are largest for the most power-intensive sites, for a county's first hyperscale exposure, and where facilities are sited in or near residential areas[24]. Practitioner guidance prepared by Community and Environmental Defense Services (CEDS) — a non-peer-reviewed advocacy resource, not a quantitative causal property-value study — reports that general commercial and industrial uses tend to depress adjacent residential values, identifies noise as the impact most likely to affect neighbors, and recommends approximate siting distances of one-quarter mile from homes, schools, and local parks; one-half mile from state parks; and one mile from national parks. These CEDS distances are practitioner recommendations rather than distances established through causal empirical analysis.[25]

On the no-measurable-effect side, Realtor.com Research (August 2026), *Data Centers and the American Housing Market* — an event study of 43 ZIP codes that received a large data center between 2019 and 2025, matched to comparable ZIPs without one — finds no measurable difference in sale prices in the first two years post-opening[26]. Waters and Clower (August 2025), *Data Centers and 2023 Home Sales in Northern Virginia* (George Mason University Center for Regional Analysis), a hedonic regression on 2023 BrightMLS residential sales in Northern Virginia (detached, townhouse, and condominium; $R^2 = 0.87$), finds no statistically significant negative effect from data-center proximity[27]. Integra Realty Resources

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[24]Chia, L.E., Fan, M., Hu, S., and Wang, Q. (2026), "The Spatial Incidence of Hyperscale Data Centers," SSRN Working Paper 6500238 (under revision at AEJ: Economic Policy). National causal study; approximately −6.8 percent average nearby, approximately −15 percent within about six-tenths of a mile, fading beyond roughly nine miles — https://papers.ssrn.com/sol3/papers.cfm?abstract_id=6500238

[25]Community and Environmental Defense Services (CEDS), "How to Protect Your Home from Data Center Impacts" — practitioner synthesis identifying noise as the dominant residential-adjacency impact channel from commercial and industrial uses and recommending a minimum one-quarter-mile (approximately 1,300-foot) siting distance from residences (with greater distances near parks) — https://ceds.org/datacenter/

[26]Realtor.com Research (August 2026), "Data Centers and the American Housing Market." 43-ZIP event study of ZIPs receiving a data center 2019–2025 vs. matched comparison ZIPs; no measurable difference in sale prices in the first two years post-opening — https://www.realtor.com/research/august-2026-data-centers/

[27]Waters, K., and Clower, T. (August 2025), "Data Centers and 2023 Home Sales in Northern Virginia." George Mason University Center for Regional Analysis; hedonic regression on 2023 BrightMLS residential sales (detached, townhome, and condominium), $R^2 = 0.87$; "fails to demonstrate statistical evidence" of a negative effect from data-center proximity — https://cra.gmu.edu/wp-content/uploads/2025/08/NoVa_DataCenters.pdf

(January 2026) examined 80 homes across four Indiana counties (St. Joseph, LaPorte, Clark, and Allen), 2021–2026, and reported values grew 42 percent within 1.5 miles versus 41 percent in local markets, with homes near data centers lagging the local market in three of the four sites — modest magnitudes[28].

The Chia et al. (2026) study may be a relevant empirical peer for Project Delta if the completed project meets the paper's hyperscale, high-power, and first-in-county exposure definitions; the current application describes a data-center campus in a rural residential setting but does not yet establish a final electrical capacity, the study's "high-power" classification, or independently verified first-hyperscale-in-county status for Stokes County. The Realtor.com and George Mason findings act as a floor supporting the possibility of no measurable effect. A scenario approach — low, central, and high — is the honest way to present a mixed literature to the Board.

Staff has additionally surveyed the broader empirical record. Ten studies have been identified: two sources pointing to a negative effect on nearby home values (Chia et al. (2026), "The Spatial Incidence of Hyperscale Data Centers," SSRN working paper; and Loudoun County, Virginia residential appreciation-rate figures as reported by the Central Texas Data Center Tracker); three finding no measurable effect (Realtor.com 2026; Waters and Clower 2025; and Priest 2026); two finding positive effects at the county or aggregated level (Alvarez et al. NBER 2026 (positive, statistically significant county-level house-price effects) and Brookings 2026 (+2–5 percent home prices)); one mixed (Integra Realty 2026); one focused on residential electricity costs rather than home values (Wang 2026); and one European thesis (van Tilburg 2021). A material observation across the ten is that the studies differ in spatial unit, empirical design, market context, and treatment definition. Some property-level studies find a measurable negative effect (Chia et al. 2026), while other property-level studies (Waters and Clower 2025, using individual home sales, and van Tilburg 2021, using individual transactions with GIS distance) find no negative effect. Studies conducted at the ZIP or county level tend to mask any close-in disamenity effects through aggregation. This methodological heterogeneity, more than spatial unit alone, is what a scenario approach to the reasonableness analysis must reflect. A side-by-side comparison of all ten studies — including method, sample, headline finding, distance range, and limitations — is attached as Appendix D to give the Board a single scannable view of the entire record on which the reasonableness statement in Section 14.2 rests.

11.2 Half-Mile Buffer — Actual Parcel and Value Base

The subject site totals approximately 1,848.74 acres across four PINs held by DFC Stokes, LLC and DFC Stokes 2, LLC (Applicant acreage; County tax records show 1,848.38 acres and geometric GIS calculation shows approximately 1,827.76 acres). The one-half-mile buffer around that footprint contains 316 additional parcels totaling approximately 13,509 acres. Parcel composition of the ring, drawn directly from the Stokes County GIS export, is as follows.

Land classification	Parcel count	Notes
Single Family Residential (any building)	216	All parcels tax-classed as SFR
— of which have an actual dwelling (building	177	Housing units to which Chia et al. (2026)

[28]Integra Realty Resources (January 2026), "Data Center Adjacency Home-Value Study." 80 homes near data centers across four Indiana counties (St. Joseph, LaPorte, Clark, and Allen), 2021–2026; values grew 42 percent within 1.5 miles versus 41 percent in local markets, with homes near data centers lagging the local market in three of the four sites, as reported in Indiana Public Media (April 13, 2026) — https://www.ipm.org/news/2026-04-13/will-data-centers-impact-property-values-depends-on-who-you-ask

Land classification	Parcel count	Notes
value > $10,000)		applies
— vacant or minimal-improvement SFR lots	39	Land only; no meaningful dwelling
Vacant (non-SFR)	87	Woodland, farm, miscellaneous vacant
Commercial	9	Non-residential improved parcels
Exempt (any class)	11	Zero taxable value regardless of appraisal; subset of rows above (not separately summed)
Other / Uncategorized	4	Parcels in the GIS ring not returned by the SFR / Vacant / Commercial land-classification query
Total neighbor parcels in ring	**316**	

Aggregate appraised value, taxable value (after Present-Use Value and other statutory deferrals), and current combined annual tax at the confirmed $0.715 per $100 combined rate are shown below.

Base	Parcels	Appraised value	Taxable value	Current annual tax
All neighbor parcels in half-mile ring	316	$111,050,200	$63,078,080	$451,008
— SFR-classed parcels	216	$38,749,400	$34,726,400	$248,294
— SFR parcels with an actual dwelling	**177**	**$37,300,500**	**$33,528,500**	**$239,729**

The 177 residential parcels with an actual dwelling — the population to which the Chia et al. (2026) home-price literature directly applies — carry an average appraised value of approximately $210,737 per home. That figure is broadly consistent with independent local value indicators (Zillow ZHVI approximately $234,000 for Stokes County and approximately $221,000 for Walnut Cove; Realtor.com Walnut Cove median sold approximately $265,000; restar.io Stokes typical value approximately $268,000; U.S. Census ACS Stokes median owner-occupied home value approximately $187,000).

Within the buffer, the difference between appraised value ($111.05 million) and taxable value ($63.08 million) totals approximately $47.97 million across all 316 parcels; for the 177 residential-dwelling parcels the appraised-versus-taxable difference is approximately $3.77 million ($37.30 million appraised versus $33.53 million taxable). The share of that difference attributable specifically to Present-Use Value or historic-property deferrals versus other statutory adjustments has not been reconciled parcel by parcel; before restating a single "deferred value" total, staff will confirm each parcel's tax-status code against the county tax record. Current bills are calculated on taxable, not appraised, value; future effects on those bills depend on the parcel's statutory qualification under N.C. Gen. Stat. §§ 105-277.2 through 105-277.7 (present-use value for agricultural, horticultural, and forestland) and § 105-278 (historic-property deferral), including disqualification and rollback, and on reappraisal.[29]

[29]N.C. Gen. Stat. §§ 105-277.2 through 105-277.7 (Present-Use Value program for agricultural, horticultural, and forestland deferrals) — https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_105/GS_105-277.2.html

11.3 Value and Tax-Receipt Scenarios

The three decline percentages below are anchored in the literature summarized above: 0 percent (Realtor.com and George Mason no-measurable-effect finding), 6.8 percent (Chia et al. 2026 average near-facility effect), and 15 percent (Chia et al. 2026 effect within about six-tenths of a mile). Lost annual tax applies the confirmed combined rate of $0.715 per $100 of taxable value to the actual base of 177 residential dwellings within the half-mile buffer, which currently carry $33,528,500 in taxable value.

Scenario	Value decline	Lost appraised value	Lost taxable value	Lost annual tax @ $0.715/$100
Low (no measurable effect)	0.0%	$0	$0	$0
Central (Chia et al. 2026 average)	**6.8%**	**$2,536,434**	**$2,279,938**	**$16,302**
High (Chia et al. 2026 closest-in)	15.0%	$5,595,075	$5,029,275	$35,959

For fiscal-impact purposes, the central and high annual losses split across the three components of the combined rate as follows.

Fund	Rate	Central (6.8%) annual loss	High (15%) annual loss
General Fund	$0.585	$13,338	$29,421
Walnut Cove Fire District	$0.090	$2,052	$4,526
Dedicated Education	$0.040	$912	$2,012
Combined	**$0.715**	**$16,302**	**$35,959**

Assuming a value depression persists for a decade and Stokes reappraises consistently with the market (no reassessment-lag adjustment applied), cumulative combined tax receipts foregone from the actual residential-dwelling base range from $0 (no-effect) to approximately $163,000 (6.8 percent) to approximately $359,600 (15 percent) over ten years. These figures ignore inflation, revaluation cycles, and general market growth.

11.4 Comparison to Project-Side Tax Revenue — Staff Note

Staff Note (not a proposed finding). The Applicant's illustrative projection is approximately $50.7 million per year in ad valorem revenue from Project Delta at approximately $7.09 billion of assessed value in the M-2-CZ development, subject to applicable N.C. tax treatment and to county assessment discretion. The residential-dwelling scenarios in Section 11.3 model at most approximately $35,959 per year in foregone combined tax receipts from the 177 homes inside the half-mile buffer. On those figures, the Applicant's projected campus revenue is more than 1,400 times the maximum modeled residential tax impact, and the maximum modeled residential tax impact is approximately 0.07 percent of the projected campus revenue. This comparison is presented for staff context only. It is not offered as a reason to discount adjacency effects on the 177 identifiable homes in the half-mile buffer, and it is not incorporated into the Board's § 160D-605(a) or (b) statements in Section 14.

11.5 Caveats and Methodological Notes

Parcel counts are actual, not estimated. The 316 neighbor-parcel count and the $37.30 million appraised / $33.53 million taxable residential-dwelling base are pulled directly from the Stokes County

GIS export for the half-mile ring. The applied decline percentages remain estimates drawn from the empirical literature summarized in Section 11.1.

Assessment lag. N.C. tax assessed values are reset at reappraisal (Stokes's cycle applies), not on transaction dates. A market depression does not translate to lost tax revenue until reappraisal reflects it. The dollar figures should be read as long-run steady-state losses, not year-one.

Not causation for a specific home. The literature reports averages. Individual homes near Project Delta could lose more, gain, or be unchanged based on visibility, prevailing wind, buffer plantings, and other factors.

Distance decay. Effects are largest close in and fade with distance. The half-mile buffer is a screening tool; a quarter-mile ring would show larger per-parcel effects on fewer parcels, while a one-mile ring would show smaller effects on more parcels. Total dollar loss can be similar across ring choices.

Present-Use Value insulation. Present-Use Value farmland is not on the market-based tax roll. Values could still fall on paper, but tax receipts would not change unless PUV is withdrawn[30].

11.6 Mitigating Conditions

The property-value literature identifies noise as the dominant channel through which data centers depress nearby residential values, with visual disamenity a secondary channel. The Applicant's revised conditions dated September 8, 2026 directly address both channels: dB(A) and dB(C) limits at the property line (Condition 2), the 5 dB(A) tonal-noise penalty and pre/post-construction ambient surveys by an INCE Board-Certified consultant (Condition 2), routine generator testing limited to weekdays 9:00 a.m. to 5:00 p.m. with permanent noise attenuation in place and annual operational noise compliance surveys thereafter (Conditions 2(d), 2(g)(VI)), generators prohibited within 300 feet of the exterior property boundary (Condition 3(a)), diesel fuel limited to emergency backup generators (Condition 3(b)), downward-directed full-cutoff lighting (Condition 6), an 80-foot height cap (Condition 7), and a vegetative-buffer commitment of approximately 189 acres — a 100-foot baseline buffer along all property lines increased to 250 feet along residential-adjacent frontage, with an ongoing obligation under Condition 8(c) to keep the buffer in good condition and replace dead, diseased, damaged, or removed vegetation as reasonably necessary (Condition 8, as delineated in the Buffer Zone Exhibit and quantified by staff GIS analysis in Section 4)[31]. Condition 9 (new September 8, 2026) additionally makes material NCDEQ environmental reports, notices, monitoring results, and compliance materials for air quality, water quality, and the development or operation of the Property available to the County, providing a continuing information channel that would allow the County to identify a compliance issue as it emerges. Staff further recommends the Board consider an annual water/generator-hours monitoring report to the County Manager to complement the annual noise compliance survey in Condition 2(g)(VI) and the NCDEQ information stream in Condition 9, so any adverse trend can be identified before it materializes in the

[30]N.C. Gen. Stat. §§ 105-277.2 through 105-277.7 (Present-Use Value program for agricultural, horticultural, and forestland deferrals) — https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_105/GS_105-277.2.html

[31]Stokes County GIS — staff buffer-acreage analysis (Parcels layer, PINs 6964918321, 6973490574, 6973734188, 6973767124; NC State Plane NAD83, EPSG 2264). Approximately 189 acres calculated as ~~the 100-foot buffer along all pro~~perty lines (~170 acres) plus the additional 150-foot width along frontage adjoining actual residential-use neighbors (single-family and mixed use), approximately 5,700 linear feet (~19 acres). The site-specific Buffer Zone Exhibit governs the enforceable delineation — https://stokescountygis.com/server/rest/services/WebApp2026/MapServer/15

market. Any such additional condition would need to be incorporated with the Applicant's written consent under N.C. Gen. Stat. § 160D-703(b).

12. Planning Board Recommendation

The Planning Board conducted its statutory review on August 13, 2026 and recommended **DENIAL** by a vote of 5-2, finding the Application inconsistent with the 2035 Vision Plan. As a contingent measure in the event of approval by the Board of Commissioners, the Planning Board also carried Chair Tilley's proposed additional conditions T-1 through T-12 forward for the Board's consideration; conditions T-13 and T-14 were developed at the Chair Tilley Committee working session on August 19, 2026 and reported to the Board of Commissioners in the Executive Brief dated August 24, 2026. Under N.C. Gen. Stat. § 160D-604, the Planning Board's recommendation is advisory only, and a Planning Board finding of inconsistency does not preclude approval by the Board.[32] The full text of the Planning Board minutes is attached to the Planning-Board Staff Report on file; the verbatim language of proposed conditions T-1 through T-12 appears in those minutes, and the verbatim language of proposed conditions T-13 and T-14 (developed by the Chair Tilley Committee on August 19, 2026) appears in the Consolidated Proposed Conditions memorandum accompanying the Executive Brief dated August 24, 2026.

Chair Tilley's conditions T-1 through T-14 (public water agreement; Dan River discharge limits and quarterly testing; generator disclosure; continuous property-line air-quality monitoring; noise berms; seismic vibration limit; environmental impairment bond and well testing; Duke Energy residential rate protection; on-site fire and EMS funding; 100-percent decommissioning bond; hazardous-spill containment; annual independent compliance audit; cultural and historical memorial (T-13); and County-directed, applicant-funded Project Compliance Manager (T-14)) were reported to the Board of Commissioners in the Executive Brief dated August 24, 2026, together with the Board's directed action, if the Board is inclined to approve, to "reduce the additional conditions to written, applicant-consented conditions prior to the vote, consistent with G.S. § 160D-703(b)." Each T-1 through T-14 item is therefore a potential additional condition that the Board may adopt only with the Applicant's written consent under § 160D-703(b). If the Board considers any such condition essential to a finding that the amendment is reasonable and in the public interest and the Applicant declines to consent, the appropriate remedy under § 160D-703(b) is denial (Section 14.5, Third ground) rather than unilateral imposition.

The Applicant's revised Statement of Conditions dated September 8, 2026 partially responds to several T-items in the record. New Condition 2(g)(VI) (annual operational noise compliance survey, with County authority to require additional surveys upon evidence of noncompliance) partially addresses the annual-audit objective in T-12 for the noise category. New Condition 3(b) (diesel fuel for power generation limited to emergency backup generators) partially responds to T-3 (generator disclosure) and T-4 (property-line air-quality monitoring) by removing diesel as a bridging or continuous-duty fuel. New Condition 9 (material NCDEQ air- and water-quality reports, notices, monitoring results, and compliance materials provided or made accessible to the County) further addresses T-4 by giving the County a contemporaneous information channel into the NCDEQ regulatory record. New Condition 8(c) (buffer maintenance and replanting) reinforces the buffer condition on which the noise, visual, and habitat findings partially rely. These revisions do not exhaust T-1 through T-14; the remaining items (T-1, T-2, and T-5 through T-14, including the annual independent compliance audit in T-12 as described above) remain potential additional conditions requiring the Applicant's written consent under § 160D-703(b).

[32] N.C. Gen. Stat. § 160D-604 (Planning Board review; inconsistency does not bar approval) — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-604.pdf

13. Response to Additional Issues

This section addresses — issue by issue — additional topics relevant to the Board's decision. Responses are limited to matters within the Board's zoning authority; matters delegated to other regulators are identified as such so that the record shows the Board considered the issue and understood the correct decision-maker.

13.1 Risk Assessment

Issue: Whether staff maintained and disclosed a comprehensive log of risks and action items surfaced during PIM, Planning Board, and staff review, and whether each item is traceable to a resolution or to a downstream regulator.

Response: The Planning-Board Staff Report, the PIM Report, and this Board Staff Report together constitute the record of risks identified during review. Each material risk category — noise, water, energy, cultural resources, floodplain, property values, cumulative industrial impact, and grid capacity — is addressed in the corresponding numbered section above, and each is resolved through one of three mechanisms: (i) an enforceable Applicant condition summarized in Appendix A; (ii) an area in which the Board could, with the Applicant's written consent under § 160D-703(b), impose an additional condition; or (iii) an identified downstream regulator (NCDEQ, NCUC, USACE, FEMA, NCDOT, SHPO, Duke Energy, SCWSA, Walnut Cove) whose statutory jurisdiction, not the County's zoning power, governs. The chain-of-decisions is documented so that the Board's decision is not the last opportunity to address these issues.

13.2 Applicant Assumptions and Dependencies

Issue: Whether the Application depends on assumptions — grid capacity, water agreements, permits — not fully within the Applicant's control, and whether those dependencies are disclosed.

Response: The Application does depend on external approvals and utility service, as any large private development does. Staff's recommendation acknowledges this expressly. The Board's zoning approval does not guarantee, and cannot guarantee, that any of the following will occur: (a) issuance of an NCUC or Duke Energy interconnection agreement; (b) a final water and sewer service agreement (with either the Stokes County Water and Sewer Authority or the Town of Walnut Cove) at the volumes the Applicant contemplates; (c) NCDEQ air, water, or stormwater permits; (d) NCDOT driveway or road-improvement approvals; (e) local floodplain-development approval administered by the County under its NFIP program and, where applicable, FEMA map determinations for map revisions; USACE authorization under Section 404 of the Clean Water Act for any discharge of dredged or fill material into jurisdictional waters of the United States; or (f) SHPO coordination or clearance if a federal or applicable state undertaking, permit, or funding triggers Section 106 or a comparable state process for any archaeologically sensitive area. The Applicant proceeds at its own risk if any of these dependencies fail.

13.3 Conditions in the CZ Order

Issue: Whether all conditions on which staff and the Board rely are actually written into the enforceable conditional zoning district order (not merely into presentation materials).

Response: Staff recommends that the final CZ order (i) incorporate by reference the Applicant's Statement of Conditions in its entirety, (ii) attach as an exhibit the full text of each condition (including definitions and measurement protocols for noise, floodplain, and buffer conditions), and (iii) attach as an exhibit any additional Board-adopted conditions to which the Applicant has consented in writing under § 160D-703(b). Staff further recommends that the CZ order recite the substantive record on which the Board

relied — this Staff Report, the Planning-Board Staff Report, and the PIM Report — so that any future reviewing court can identify the record. Section 160D-703(b) contains two separate requirements: (i) all owners of real property to be included in the district must petition to have their property included in the conditional district, and (ii) any conditions must be approved by the local government and consented to in writing by the petitioner. Accordingly, the CZ order is drafted so that (a) DFC Stokes, LLC and DFC Stokes 2, LLC, as the record owners of all four parcels, sign the petition and acknowledgment for inclusion in the district, and (b) Engineered Land Solutions, LLC, as the petitioner, signs a separate written consent to each of the conditions. County counsel should confirm execution mechanics before adoption.

13.4 Financial Assurance and Decommissioning

Issue: Whether the record includes a decommissioning security to ensure that, if the facility ceases operation, structures, generators, fuel tanks, and other infrastructure will be removed at the operator's expense rather than the County's.

Response: The Applicant's Statement of Conditions does not currently include a decommissioning bond or letter-of-credit obligation. Under § 160D-703(b), any decommissioning-security condition the Board may wish to require would need the Applicant's written consent; if the Board considers such a condition essential and the Applicant declines to consent, the appropriate remedy is denial rather than unilateral imposition.

13.5 Water Service

Issue: Uncertainty about the water-supply chain and volumes actually available.

Response: As of the date of this report, the Applicant has not made a final selection of a public water provider. Based on staff review, water service to the facility may be provided by either the Stokes County Water and Sewer Authority (SCWSA) or the Town of Walnut Cove. The Stokes County Water and Sewer Authority has issued a Will-Serve Letter for Project Delta dated December 26, 2025, signed by Chairman John Hawkins, indicating that SCWSA will provide water services to the development at an estimated capacity of 100,000 gpd (including fire suppression) at the site on or near US 311, Oldtown Road, Fulp Road, and Tuttle Road. Provision of water service under the Will-Serve Letter is contingent on the completion of ongoing water-system improvements, the continuing supply of water capacity from other providers, additional water-main extensions and elevated-storage capacity with adequate height and location to meet fire-suppression and system needs, continued coordination with the County Public Utilities Department and its consulting engineers, compliance with all federal, state, and Stokes County rules and development agreements, and 100 percent of the associated cost being borne by the developer[33]. Groundwater and private-well protection is categorical under Applicant Condition 4, regardless of the public provider ultimately selected. Any expansion of provider capacity to serve additional users beyond Project Delta is a separate utility decision, not a zoning determination.

13.6 Off-Site Infrastructure and Third-Party Land

Issue: Whether the Board's decision effectively presupposes off-site infrastructure improvements (transmission lines, water mains, roads) that will affect third-party landowners not before the Board.

[33]Stokes County Water and Sewer Authority — Will-Serve Letter for Project Delta, Dec. 26, 2025 (signed by John Hawkins, Chairman); instrument on file with the County Clerk and available with the Project Delta application package — https://co.stokes.nc.us/departments/data_center.php

Response: The Board's zoning decision applies to the subject property alone and cannot itself authorize taking, easement, or construction on third-party land. Any off-site transmission, pipeline, or roadway improvements required to serve the facility remain subject to the applicable third-party utility franchise, NCUC certificate proceeding, NCDOT encroachment process, and, if applicable, the private easement negotiation process. With specific respect to water service, the SCWSA Will-Serve Letter[34] expressly conditions service on additional water-main extensions, elevated-storage capacity, and coordination with the County Public Utilities Department, and requires the developer to bear 100 percent of the associated cost as defined in that letter. The Board should recite in the CZ order that no off-site third-party approvals are conferred by the zoning decision.

13.7 County Regulatory and Permit Readiness

Issue: Whether the County's planning, inspections, and floodplain-administration capacity is adequate to review, permit, and inspect a facility of this scale.

Response: The County's Planning and Inspections Department has confirmed staffing and code capacity to review and permit large industrial facilities under the North Carolina State Building Code and the Stokes County Zoning Ordinance. The Chief Inspector holds Level III certification across all trades, and a second inspector holds Level III in all but one trade, so the Department can perform structural, mechanical, electrical, plumbing, and building code review and inspections for a facility of this scale in-house. Where narrow specialized peer review may nonetheless be warranted (for example, discipline-specific structural or geotechnical analysis of unusual scope), the Department may engage outside professional review at the Applicant's cost.

13.8 County Fiscal Need

Issue: Whether the County's general fiscal circumstances should influence the zoning decision.

Response: A rezoning decision under N.C. Gen. Stat. § 160D-605 is not a fiscal-impact adjudication and the Board is not required to make findings on fiscal need. The current combined tax rate on the subject property is $0.715 per $100 of valuation (General Fund $0.585; Walnut Cove Fire $0.090; Dedicated Education $0.040). Staff notes for the record that any fiscal benefit or cost associated with a data center at industrial valuation is a consequence of, not a justification for, the Board's zoning decision. The reasonableness statement in Section 14.2 acknowledges the fiscal information in the record but does not rely solely, or primarily, on fiscal-impact findings; the § 160D-605(b) determination rests on the land-use, environmental, buffer, and conditions-based factors recited in that statement.

13.9 Comparisons

Issue: Whether comparisons to data centers in other jurisdictions (Loudoun County, Boise, Maiden, Lancaster) are appropriate or informative.

Response: Comparator data is presented for context only and does not substitute for site-specific analysis. The Belews Creek Steam Station, Pine Hall Brick, and the Bear Branch Solar project in the immediate vicinity are the most directly relevant comparators for cumulative industrial concentration in this quadrant of Stokes County. The empirical property-value literature is presented in Section 11 with both effect-finding and no-effect studies acknowledged.

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[34]Stokes County Water and Sewer Authority — Will-Serve Letter for Project Delta, Dec. 26, 2025 (signed by John Hawkins, Chairman); instrument on file with the County Clerk and available with the Project Delta application package — https://co.stokes.nc.us/departments/data_center.php

13.10 Traceability

Issue: Whether the Board's final decision, and its supporting record, will be sufficiently documented to survive judicial review.

Response: The § 160D-605 statements drafted in Section 14 identify the specific factors weighed, the evidence relied upon, the conditions addressing each material impact, the residual concerns being accepted, and why the Board considers approval to be in the public interest. Staff recommends that the CZ order attach this Staff Report, the Planning-Board Staff Report, and the PIM Report, and that the minutes of the September 14, 2026 meeting recite the Board's adoption of both statements. Section 15 addresses the arbitrary-and-capricious standard directly.

14. Staff Recommendation and Draft § 160D-605 Statements

14.1 Staff Recommendation

Staff recommends that the Board of Commissioners APPROVE the Application, subject to (i) the Applicant's Statement of Conditions dated September 8, 2026 as summarized in Appendix A, and (ii) any additional conditions the Board of Commissioners finds warranted and necessary and to which the Applicant consents in writing under N.C. Gen. Stat. § 160D-703(b). As part of the approval process, the Board of Commissioners must adopt statements of reasonableness and consistency. Any additional condition the Board may wish to impose — including any decommissioning security, on-site combustion or non-diesel fuel cap, expanded noise or air monitoring beyond the annual operational noise compliance survey now in Condition 2(g)(VI), cemetery or cultural-resource setback, additional annual compliance reporting beyond Conditions 2(g)(VI) and 9, utility-disclosure schedule, or record-attachment requirement — would likewise require the Applicant's written consent under § 160D-703(b); if the Board considers such a condition essential and the Petitioner declines to consent, denial is the practical option available to the Board, because § 160D-703(b) prohibits unilateral imposition of conditions. Should the Board choose to approve, proposed statements of reasonableness and consistency and a proposed conditional zoning ordinance have been included in Sections 14.2, 14.3, and 14.4. Should the Board choose to deny the requested rezoning, a sample resolution has been included in Section 14.5.

Miscellaneous Concerns: Concerns regarding the proposed project have been addressed as follows:

- Noise (including tonal and low-frequency energy) — Ordinance Condition 2 imposes limits, including measurable property line limitations. Also, Condition 8 imposes vegetative buffer requirements that will assist with noise management and mitigation. (See Section 6).
- Water demand and impact on private wells — Ordinance Condition 4 prohibits open-loop cooling systems and direct water withdrawal from groundwater, surface water, and private wells (See Section 7.1-7.2).
- Floodplain — Ordinance Condition 5 limits development in floodplain areas. (See Section 4).
- Air quality and on-site combustion — Ordinance Condition 9 mandates that environmental reports and related documents from NCDEQ be provided or made accessible to the County. (See Section 7.4).
- Grid capacity and residential rate impact — This issue must be addressed through the State regulatory process. Residential retail electric rates lie within the exclusive jurisdiction of the North Carolina Utilities Commission under N.C. Gen. Stat. §§ 62-30, 62-32, and 62-130 and are not addressable through a County zoning condition. (See Section 7.4).
- Property values — Section 11 discusses the mixed empirical record regarding property values, including parcel-level scenarios and mitigating conditions (buffers, setbacks, noise controls).
- Cumulative industrial concentration — There are approximately 8,458 acres of existing verified industrial and utility uses in the vicinity (See Section 5), which situates this use in an already-industrial context. Pollutant loading and airshed effects remain under NCDEQ jurisdiction.

- Cultural, historical, and wildlife resources — State Historic Preservation Office ("SHPO") coordination may be required if the project involves a federal or applicable state undertaking, permit, or funding triggering Section 106 or a comparable state process; U.S. Army Corps of Engineers ("USACE") authorization may be required for any discharge of dredged or fill material into jurisdictional waters of the United States under Section 404 of the Clean Water Act; N.C. Wildlife Resources Commission ("NCWRC") consultation may be required if a listed species, protected habitat, or applicable state permit is implicated; the N.C. Forest Service does not have general development-review jurisdiction over adjacent private property but may be involved in coordination as the steward of the adjoining Dan River Educational State Forest. (See Section 9.) Any additional Board-adopted setback, memorial, or reporting condition will require Applicant written consent under § 160D-703(b).
- Traffic — The project will require NCDOT driveway or access approvals for new or modified access to a state-maintained highway; NCDOT may also require a Traffic Impact Analysis ("TIA") and road improvements depending on project and traffic characteristics. (See Section 10.) Any additional Board-adopted TIA-scope or routing condition will require Petitioner written consent under § 160D-703(b).
- Decommissioning and long-term compliance — There are potential Board-adopted conditions on decommissioning security, independent compliance audit, and County-directed compliance oversight, each of which will require the Applicant's written consent under § 160D-703(b).

14.2 Draft Reasonableness and Public-Interest Statement for APPROVAL — N.C. Gen. Stat. § 160D-605(b)

Recommended statement for adoption by the Board contemporaneously with a vote to approve:

RESOLVED, that the Stokes County Board of Commissioners finds the approval of the Project Delta conditional zoning district (rezoning from R-A to M-2-CZ for parcels 6964-91-8321; 6973-49-0574; 6973-76-7124; 6973-73-4188, approximately 1,848.74 acres) to be reasonable and in the public interest. Specifically, the Board finds that, with conditions imposed, the likely benefits to the people of Stokes County will outweigh likely harms. In reaching this determination the Board has considered, among other factors, (i) the size, physical conditions, and other attributes of the area proposed to be rezoned (topography, floodplain, utilities, and access); (ii) the surrounding zoning and land uses within one-half mile and one mile, including approximately 8,458 acres of verified existing heavy industrial and utility uses; (iii) the FEMA-designated Special Flood Hazard Area coextensive with the 2035 Vision Plan's O-1 designation on approximately 33.9 percent of the site; (iv) the benefits and detriments to the surrounding community identified in the Planning-Board Staff Report (which recommended approval), the Planning Board's separate August 13, 2026 recommendation of denial by a 5–2 vote, the Public Information Meeting Report, this Board Staff Report, the Stokes County Water and Sewer Authority Will-Serve Letter of December 26, 2025 signed by Chairman John Hawkins, and public comment received at and prior to the September 8, 2026 legislative hearing; (v) the environmental-justice and community-health indicators for the primary census tract containing the site (Census Tract 707.02) and the materially adjoining tracts touching the one-half-mile and one-mile analysis buffers (principally Census Tract 701.01, which

overlaps approximately 19 percent of the half-mile buffer and approximately 23 percent of the one-mile buffer, and, to a lesser extent, Census Tract 707.01); (vi) the enforceable conditions offered by the Applicant in the Statement of Conditions dated September 8, 2026 addressing noise (including dB(A) and dB(C) limits, tonal-noise penalty, baseline and post-construction surveys, and an annual operational noise compliance survey with County authority to require additional surveys upon evidence of noncompliance), power generators (a 300-foot exterior-boundary setback and a restriction of diesel fuel to emergency backup generators only), water (prohibition on open-loop cooling and on all direct withdrawal from groundwater, surface water, and private wells; and the SCWSA Will-Serve Letter of December 26, 2025 as one available public-water option), floodplain, buffers (a 100-foot baseline buffer along all property lines increased to 250 feet adjacent to residential uses, committing approximately 189 acres of the site to vegetative buffer, subject to an ongoing maintenance and replanting obligation), lighting (downward directed, fully shielded), height (80 feet), and access to material NCDEQ air-quality, water-quality, and operational compliance materials for the site; (vii) any additional conditions the Board has found warranted and necessary and to which the Applicant has consented in writing under § 160D-703(b); (viii) the residual concerns — grid capacity, cumulative industrial concentration, and empirical uncertainty in the property-value literature — which the Board has considered and, on balance, finds acceptable in light of the conditions imposed; and (ix) the fiscal information in the record, including the Applicant's illustrative ad valorem projection and the residential tax-scenario modeling in Section 11 of this Report; (x) the relationship between the current actual and permissible development on the tract and adjoining areas under the R-A district and the development that would be permissible under the proposed M-2-CZ district as conditioned, including the surrounding heavy-industrial and utility uses documented in the one-half-mile and one-mile analysis buffers and the site's existing undeveloped condition; and (xi) the changed conditions warranting the amendment, including the effective date (June 10, 2026) of FEMA FIRM Panels 3710696200K and 3710696400K identifying the site's Special Flood Hazard Area, confirmation of Stokes County Water and Sewer Authority water availability under the Will-Serve Letter dated December 26, 2025, and the addition of data-center use and standards to the County's Zoning Ordinance since the R-A designation was last considered. The Board further finds that matters delegated to other regulators (Duke Energy, NCUC, NCDEQ, USACE, FEMA, NCDOT, SHPO, SCWSA, Town of Walnut Cove) will be addressed by the respective regulators' statutory processes and that the Board's zoning decision neither authorizes nor forecloses those processes.

14.3 Draft Plan-Consistency Statement for APPROVAL — N.C. Gen. Stat. § 160D-605(a)

The 2035 Vision Plan designations across the subject property are approximately 48.6 percent G-1 (Low Density Growth), 33.9 percent O-1 (Preserved), and 17.1 percent O-2 (Restricted). The percentages below are rounded and do not sum precisely to 100 percent.

Recommended statement for adoption by the Board contemporaneously with a vote to approve:

RESOLVED, that the Stokes County Board of Commissioners finds that approval of the Project Delta conditional zoning district is INCONSISTENT with the Future Land Use Framework of the Stokes County 2035 Vision Plan as it applies to the G-1 (Low Density Growth) designation on approximately

48.6 percent of the subject property, but is CONSISTENT with the 2035 Vision Plan as it applies to the O-1 (Preserved) designation on approximately 33.9 percent of the subject property (because Applicant Condition 5 preserves the FEMA-designated Special Flood Hazard Area on the site consistent with the O-1 designation), and, on balance, the Board approves the amendment notwithstanding the partial inconsistency under N.C. Gen. Stat. § 160D-605(a) because the reasons set out in the reasonableness statement above establish that the amendment is reasonable and in the public interest. As provided by N.C. Gen. Stat. § 160D-605(a), this amendment shall have the effect of also amending any future land-use map in the approved plan to make it consistent with this statement.

14.4 Draft Conditional Zoning District Ordinance for APPROVAL

The following draft Conditional Zoning District Ordinance may be adopted immediately after the Board approves the reasonableness and consistency statements. All actions should be taken at the same time on September 14, 2026. If the Board votes to deny, the Conditional Zoning District Ordinance in Section 14.4 shall not be adopted; the Board should instead adopt only the applicable denial statement in Section 14.5.

STOKES COUNTY, NORTH CAROLINA

BOARD OF COMMISSIONERS

CONDITIONAL ZONING DISTRICT ORDINANCE — PROJECT DELTA (M-2-CZ)

WHEREAS, Engineered Land Solutions, LLC (the “Petitioner”), on behalf of DFC Stokes, LLC and DFC Stokes 2, LLC (collectively, the “Property Owners”), submitted a Combined Rezoning Package (Second Submission dated July 20, 2026) requesting rezoning of four parcels bearing Stokes County PINs 6964-91-8321, 6973-49-0574, 6973-76-7124, and 6973-73-4188, totaling approximately 1,848.74 acres, from the Residential-Agricultural District (R-A) to the Heavy Manufacturing Conditional Zoning District (M-2-CZ) for the purpose of developing a data center facility and campus known as Project Delta; and

WHEREAS, the Applicant submitted a written Statement of Conditions, dated September 8, 2026, offering enforceable conditions on permitted uses; noise (including property-line dB(A) and dB(C) limits, tonal-noise penalty, generator-testing hours and exemptions, pre-construction and post-construction surveys, and an annual operational noise compliance survey); power generators (300-foot exterior-boundary setback and a limitation of diesel fuel to emergency backup generators only); cooling systems and water infrastructure; floodplain protection; lighting; building height; vegetative buffer areas (including an ongoing maintenance and replanting obligation); and environmental regulatory materials (making material NCDEQ reports, notices, monitoring results, and compliance materials for air quality, water quality, and site operations available to the County) pursuant to N.C. Gen. Stat. § 160D-703(b); and

WHEREAS, the Applicant held the required Public Information Meeting on July 8, 2026, and the Stokes County Planning and Inspections Department conducted its review of the application and the

PIM Report, and issued its Planning-Board Staff Report in August 2026, and the Stokes County Planning Board conducted its statutory review on August 13, 2026 and recommended DENIAL by a vote of 5-2; and

WHEREAS, the Board of Commissioners held a duly noticed legislative hearing on September 8, 2026 and received the Planning-Board Staff Report, this Board Staff Report, the Public Information Meeting Report, the Stokes County Water and Sewer Authority Will-Serve Letter of December 26, 2025 signed by Chairman John Hawkins, and public comment received at and prior to that hearing; and

WHEREAS, the Board of Commissioners, at its meeting on September 14, 2026, adopted the plan-consistency statement and the reasonableness-and-public-interest statement required by N.C. Gen. Stat.

§ 160D-605(a) and (b);

NOW, THEREFORE, BE IT ORDAINED by the Stokes County Board of Commissioners that:

Section 1. Rezoning. The parcels bearing Stokes County PINs 6964-91-8321, 6973-49-0574, 6973-76-7124, and 6973-73-4188, totaling approximately 1,848.74 acres, are hereby rezoned from R-A to M-2-CZ, subject to the enforceable conditions set out in Section 2 of this Ordinance.

Section 2. Enforceable Conditions. The following conditions, offered by the Applicant in writing under N.C. Gen. Stat. § 160D-703(b) and hereby accepted by the Board, are binding on the subject property and enforceable against the Applicant and its successors and assigns:

Condition 1 — Permitted Uses. Permitted uses are limited to the following: (a) Data Center: A facility, campus of facilities, or array of interconnected facilities used for the primary purpose of storing, retrieving, managing, and/or processing digital data, including associated infrastructure such as servers, data storage equipment, network equipment, power supply systems, backup generators, cooling systems, and related accessory structures. A data center does not include electronic equipment incidental to a business whose primary activity is other than storing, retrieving, managing, and processing digital data (e.g., a retail store, office building, or school). (b) Accessory uses, facilities, structures, infrastructure, equipment, and technologies associated with the development or operation of the Data Center, including, without limitation, power generation; substations; electrical infrastructure; natural gas infrastructure; fiber optic infrastructure; battery backup and generation equipment; equipment yards; batteries; security facilities; on-site maintenance facilities; container storage; and fuel and water storage.

Condition 2 — Noise (Reproduced verbatim from the September 8, 2026 Statement of Conditions):
(a) Project operations shall not exceed the following noise limits as measured from the exterior property line or, if the property line adjoins a public right of way, then from the nearest property line beyond the right of way:

I. Adjacent to property located within a non-residential zoning district[1]:

1. A-weighted sound level[2]: 70 dB(A).

II. Adjacent to property located within a residential zoning district[3]:

1. A-weighted sound level: 60 dB(A) during daytime hours (7:00 a.m. – 10:00 p.m.) and 50 dB(A) during nighttime hours (10:00 p.m. – 7:00 a.m.).

2. C-weighted sound level[4]: The C-weighted sound level (dB(C)) shall not exceed the corresponding A-weighted sound level (dB(A)) by more than 15 dB at any Measurement Location[5].

(b) Tone: A tone shall be deemed present when the time-averaged sound pressure level in any one-third octave band[6] exceeds the time-averaged sound pressure levels of both of the two adjacent one-third octave bands by:

I. 15 dB or more in one-third octave bands between 25 Hz and 125 Hz;

II. 8 dB or more in one-third octave bands between 160 Hz to 400 Hz; or

III. 5 dB or more in one-third octave bands between 500 Hz to 10,000 Hz.

If the observed Project noise contains a tone as defined herein, the applicable noise limit shall be reduced by 5 dB(A) for purposes of determining compliance.

(c) For purposes of applying the noise limits established by this condition, the residential or non-residential zoning classification of each adjacent property shall be determined and established at the time of conditional rezoning application submission based on the Official Stokes County Zoning Map in effect on that date. The classification so established shall remain controlling for purposes of this condition and shall not be affected by any subsequent amendment to the Official Zoning Map.

(d) Generator Testing: Routine testing and maintenance of emergency generators shall be limited to weekdays between 9:00 a.m. and 5:00 p.m. local time and shall be conducted with all permanent noise attenuation in place.

(e) Exemptions: The limits above shall not apply to (i) actual emergency operation of backup generators during a utility power interruption or other emergency event, (ii) daytime construction activity, and (iii) daytime maintenance activities not including generator testing.

(f) Compliance: The noise limits established by this condition shall apply to continuous noise attributable to project operations, defined as noise sustained for a duration of fifteen (15) minutes or more. Noise compliance shall be measured using Equivalent Sound Level (“Leq”)[7] or Statistical Sound Level (“L90”)[8] sound levels, with the ability to utilize short-duration measurements as brief as 30 seconds to appropriately isolate noise attributable to the project from extraneous site sources. For any measurements shorter than 60 seconds, a minimum of three (3) readings shall be taken at each location and arithmetically averaged (in both dB(A) and dB(C)) for reporting purposes. All measured sound levels should be representative of project operations, excluding any influence from non-relevant site noise. Reasonable adjustments or normalization of the measured frequency spectrum may be applied to account for ambient sounds, such as automotive traffic, wind, wildlife, insects or birds, provided such adjustments are clearly documented and supported with appropriate justification for approval.

(g) Noise Assessments:

I. Qualified Consultant: All required noise assessments (including studies and surveys) shall be completed, at no cost to the County, by an independent third-party licensed sound engineer Board Certified by the Institute of Noise Control Engineering (INCE).

II. Pre-Construction Existing Ambient Sound Survey: Prior to building permit approval, the Developer[9] shall have a pre-construction sound survey performed to establish baseline ambient sound levels[10] at any Measurement Location. The survey shall document measured[11] A-weighted and C-weighted sound levels for a period of at least 24 hours. The pre-construction survey shall be submitted to the County prior to issuance of a building permit. The documented baseline ambient sound level shall be considered for compliance and reasonable adjustments.

III. Pre-Construction Noise Modeling Study: Prior to the issuance of a building permit for each Major Improvement[12], the Developer shall submit a noise study to the County for review and approval. The study shall demonstrate that the Major Improvement, together with all previously approved or completed portions of the Project, will comply with the applicable noise limits under representative operating conditions as defined herein.

IV. Post-Construction Noise Compliance Survey: For each Major Improvement, the Developer shall

submit a post-construction sound survey to the County. The survey shall demonstrate compliance with the applicable noise limits based on cumulative noise from the Major Improvement and all previously completed portions of the Project.

V. Subsequent Surveys and Studies: A previously approved noise assessment may be updated or supplemented, and a single assessment may satisfy the applicable pre-construction or post-construction requirements for multiple Major Improvements permitted, completed, or placed into service concurrently.

VI. Annual Operational Noise Compliance Survey: Beginning twelve (12) months after issuance of the first certificate of occupancy for the Project, and annually thereafter, the Developer shall conduct a noise compliance survey evaluating cumulative noise generated by all operating portions of the Project. An annual noise compliance survey may be conducted concurrently with any required post-construction noise survey, provided that the combined survey satisfies all requirements applicable to both surveys. Notwithstanding the foregoing, the County may require the Developer to conduct an additional noise compliance survey upon: (i) confirmation of a violation of an applicable noise limit; or (ii) documented evidence reasonably indicating potential noncompliance with an applicable noise limit.

Defined terms for Condition 2 (footnotes to the September 8, 2026 Statement of Conditions, reproduced verbatim):

[1] Nonresidential Zoning Districts: Any zoning district that is not a Residential Zoning District.

[2] A-Weighted Sound Level, dB(A): The sound pressure level in decibels as measured on a sound level meter using the A-weighting network, which de-emphasizes low and high frequencies to approximate the response of the human ear. Levels so measured are designated dB(A) or dBA.

[3] Residential Zoning District: R-A Residential-Agricultural District; R-20 Residential-Low Density; R-15 Residential-Medium Density; R-8 Residential-High Density; R-E Residential – Exclusive; R-R Residential – Restricted; R-M Residential – Mixed; RMF Residential – Multi-family; MHP Manufactured Housing Park.

[4] C-Weighted Sound Level, dB(C): The sound pressure level in decibels as measured on a sound level meter using the C-weighting network, which applies minimal frequency weighting and is more responsive to low-frequency sound than the A-weighting network. Levels so measured are designated dB(C) or dBC.

[5] Measurement Location: The exterior property line or, if the property line adjoins a public right of way, then from the nearest property line beyond the right of way.

[6] One-Third Octave Band: For the purpose of assessing tonality, the following third-octave band nominal center frequencies (given in Hz) will be considered, consistent with standard acoustical measurement practice: 25, 31.5, 40, 50, 63, 80, 100, 125, 160, 200, 250, 315, 400, 500, 630, 800, 1000, 1250, 1600, 2000, 2500, 3150, 4000, 5000, 6300, 8000, 10000.

[7] Equivalent Sound Level (Leq): The steady-state sound level which, over a stated measurement period, contains the same acoustic energy as the actual time-varying sound level during that period.

[8] Statistical Sound Level (L90): The sound level exceeded during ninety percent (90%) of the measurement period. The L90 is commonly used to represent the sustained or background component of a time-varying sound environment.

[9] Developer: The owner of the Property or any person or entity authorized by the owner to develop the Property, including successors and assigns.

[10] Ambient Sound Level: The composite sound level at a given location resulting from all sources near and far, excluding sound attributable to project operations. The ambient sound level constitutes the normal or existing sound environment at that location.

[11] Sound Level Meter: An instrument used to measure sound pressure levels, including a microphone, amplifier, output meter, and frequency weighting networks, meeting or exceeding the requirements for a Type 1 or Type 2 instrument under ANSI S1.4.

[12] Each building phase constitutes a "Major Improvement." A Major Improvement also includes any material change to noise-generating equipment, operations, noise-control measures, generation capacity, or on-site conditions that could objectively affect compliance with the applicable noise limits. Routine maintenance or replacement with equipment having equal or lower sound output is excluded.

Condition 3 — Power Generators. (a) Power generators shall not be permitted within 300 feet of the exterior property boundary. (b) The use of diesel fuel for power generation shall be limited to the operation of emergency backup generators.

Condition 4 — Cooling Systems and Water Infrastructure. (a) Open-loop water cooling systems are not permitted. (b) Acceptable systems include, but are not limited to, closed-loop cooling, air-cooled systems, liquid cooling systems, or other efficient technologies. (c) The Project shall be prohibited from direct withdrawal from streams, rivers, lakes, ponds, reservoirs, groundwater wells, aquifers, or other private surface-water or groundwater sources.

Condition 5 — Floodplain. Within the floodplain areas designated on the Federal Emergency Management Agency ("FEMA") Flood Insurance Rate Maps ("FIRMs") for Stokes County, North Carolina, Map Nos. 3710696200K and 3710696400K, effective June 10, 2026, development and uses shall be limited to infrastructure improvements and recreational, agricultural, conservation, preservation, and open space uses. Except as expressly provided above, no other development shall be permitted within the designated floodplain areas.

Condition 6 — Lighting. All exterior site and building lighting shall be directed downward and shall utilize full cutoff or fully shielded fixtures, designed and installed to prevent glare, light spillover, or direct illumination onto adjacent properties, unless otherwise required by state and federal law.

Condition 7 — Height. The maximum height of the principal building(s) shall be eighty (80) feet. Antennas, communication equipment, mechanical equipment, screening, utility infrastructure, lightning protection systems, and other similar appurtenances may extend above the 80-foot building height limit.

Condition 8 — Buffer Areas (Reproduced verbatim from the September 8, 2026 Statement of Conditions):
(a) Buffers shall be provided and maintained as follows and as generally depicted in the "Buffer Zone Exhibit" attached hereto and incorporated by reference.
(b) Buffers shall be achieved through existing vegetation, supplemental plantings, berms, or other comparable measures, alone or in combination.
(c) Buffers shall be kept in good condition, including the replacement of dead, diseased, damaged, or removed vegetation as reasonably necessary.
(d) Infrastructure improvements, including, but not limited to, utilities, fences, mailboxes, roads, streets, access drives, drainage facilities, retaining walls that can accommodate landscaping, signage, lighting, security features, access-control features, and similar minor encroachments, provided such improvements are located and designed to minimize disturbance to existing vegetation, shall be permitted to cross or encroach upon buffer areas.

Condition 9 — Environmental Regulatory Materials. Material environmental reports, notices, monitoring results, or compliance materials submitted to or received from the North Carolina Department of

Environmental Quality ("NCDEQ") in connection with air quality, water quality, or the development or operation of the Property shall be provided or made accessible to the County.

Section 3. Additional Board-Adopted Conditions. Any additional conditions the Board of Commissioners has found warranted and necessary and to which the Applicant has consented in writing under N.C. Gen. Stat. § 160D-703(b) shall be attached to this Ordinance as Exhibit A at execution and are enforceable to the same extent as the conditions in Section 2. If no such additional conditions have been adopted, Exhibit A shall be executed with the recitation "None — no additional conditions were adopted by the Board of Commissioners." Exhibit A shall be signed by the Chair of the Board of Commissioners and by an authorized representative of the Applicant on the same date this Ordinance is executed; an unexecuted or blank Exhibit A shall have no force or effect.

Section 4. Incorporation of Record. The following documents are hereby made part of this Ordinance by reference and constitute the record of the Board's decision: (i) the Applicant's Combined Rezoning Package (Second Submission dated July 20, 2026), including the Statement of Conditions and the Buffer Zone Exhibit; (ii) the Planning-Board Staff Report of August 2026; (iii) the minutes of the Planning Board's meeting of August 13, 2026, including the 5-2 recommendation of denial; (iv) the Public Information Meeting Report of July 8, 2026; (v) this Board Staff Report (as revised through the date of this Ordinance); (vi) the Stokes County Water and Sewer Authority Will-Serve Letter for Project Delta dated December 26, 2025, signed by Chairman John Hawkins; and (vii) public comment received at and prior to the September 8, 2026 legislative hearing.

Section 5. Regulatory Coordination Not Presumed. Nothing in this Ordinance authorizes, forecloses, or determines any approval, permit, certificate, or process delegated by law to Duke Energy, the North Carolina Utilities Commission, the North Carolina Department of Environmental Quality, the United States Army Corps of Engineers, the Federal Emergency Management Agency, the North Carolina Department of Transportation, the North Carolina State Historic Preservation Office, the Stokes County Water and Sewer Authority, or the Town of Walnut Cove. Any approvals required from those entities are the Applicant's responsibility to obtain, and this Ordinance does not confer any such approval.

Section 6. Runs with the Land. The conditions in this Ordinance run with the land, are binding on the Applicant and its successors and assigns, and are enforceable in accordance with the Stokes County Zoning Ordinance and applicable law.

Section 7. Severability and Effective Date. This Ordinance is effective upon adoption by the Board of Commissioners. If any condition or provision of this Ordinance is held invalid or unenforceable, the remaining conditions and provisions shall remain in full force and effect. This Ordinance is effective upon adoption by the Board of Commissioners on September 14, 2026.

ADOPTED this 14th day of September, 2026.

STOKES COUNTY BOARD OF COMMISSIONERS

_____

Chair, Stokes County Board of Commissioners

ATTEST:

_____

Clerk to the Board

CONSENT AND ACCEPTANCE BY PETITIONER (§ 160D-703(b)): Engineered Land Solutions, LLC, as Petitioner, hereby consents in writing to each of the conditions set out in Section 2 and, if applicable, Section 3 and Exhibit A of the foregoing Ordinance, and acknowledges that those conditions are binding on the subject property and enforceable against the Petitioner, the Property Owners, and their successors and assigns under N.C. Gen. Stat. § 160D-703(b). PETITION AND ACKNOWLEDGMENT BY PROPERTY OWNERS (§ 160D-703(b)): DFC Stokes, LLC and DFC Stokes 2, LLC, as the record owners of all real property to be included in the Project Delta conditional zoning district, hereby petition for the inclusion of the four parcels identified above in the district established by the foregoing Ordinance, acknowledge each of the conditions set out in Section 2 and, if applicable, Section 3 and Exhibit A, and agree that those conditions run with and are binding on the subject property. Signatures required: (i) an authorized representative of Engineered Land Solutions, LLC (Petitioner — consent to conditions); (ii) an authorized representative of DFC Stokes, LLC (Property Owner — petition and acknowledgment); (iii) an authorized representative of DFC Stokes 2, LLC (Property Owner — petition and acknowledgment).

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Authorized Representative, Engineered Land Solutions, LLC (Petitioner)

_____

Authorized Representative, DFC Stokes, LLC

_____

Authorized Representative, DFC Stokes 2, LLC

14.5 Draft Combined Statement for DENIAL (Alternative if the Board Votes to Deny) — N.C. Gen. Stat. § 160D-605(a) and (b)

This section provides recommended combined statement language for adoption by the Board contemporaneously with a vote to deny. It is included as an alternative to the approval track (Sections 14.2, 14.3, and 14.4) so that the § 160D-605 requirements are satisfied whichever way the Board votes. The statement recites multiple alternative grounds so that any single ground the Board finds persuasive is independently sufficient. The Board is not required to adopt every ground; **the Board should adopt only those grounds it in fact relies upon**.

RESOLVED, that the Stokes County Board of Commissioners finds that the denial of the Project Delta conditional zoning district (proposed rezoning from R-A to M-2-CZ for parcels 6964-91-8321; 6973-49-0574; 6973-76-7124; 6973-73-4188, approximately 1,848.74 acres) is reasonable and in the public interest, and further finds that the proposed amendment is INCONSISTENT with the Future Land Use Framework of the Stokes County 2035 Vision Plan as it applies to the G-1 (Low Density Growth) designation on approximately 48.6 percent of the subject property. In reaching this determination the Board has considered, without limitation, (i) the size, physical conditions, and other attributes of the area proposed to be rezoned (topography, floodplain, utilities, and access); (ii) the surrounding zoning and land uses within one-half mile and one mile, including approximately 8,458 acres of verified existing heavy industrial and utility uses, and the resulting concern about cumulative industrial concentration in the southeastern quadrant of the county; (iii) the FEMA-designated Special Flood Hazard Area on approximately 33.9 percent of the site; (iv) the benefits and detriments to the surrounding community identified in the Planning-Board Staff Report (which recommended approval), the Planning Board's separate August 13, 2026 recommendation of denial by a 5–2 vote, the Public Information Meeting Report, this Board Staff Report, the Stokes County Water and Sewer Authority Will-Serve Letter of December 26, 2025 signed by Chairman John Hawkins, and public comment received at and prior to the September 8, 2026 legislative hearing; (v) the environmental-justice and community-health indicators for the primary census tract containing the site (Census Tract 707.02) and the materially adjoining tracts touching the one-half-mile and one-mile analysis buffers (principally Census Tract 701.01, which overlaps approximately 19 percent of the half-mile buffer and approximately 23 percent of the one-mile buffer, and, to a lesser extent, Census Tract 707.01); and (vi) the empirical property-value literature, including the Chia et al. (2026) finding of an approximately 6.8 percent average and approximately 15 percent closest-in reduction in nearby home values, with the paper reporting stronger effects for hyperscale, higher-power facilities, for a county’s first hyperscale exposure, and for facilities in or near residential areas; the subject site is in a rural residential setting, though the study does not report a specific subgroup named “rural residential.” The Board adopts the following independently sufficient grounds for denial:

- First: The proposed amendment is inconsistent with the 2035 Vision Plan on approximately 48.6 percent of the subject property (G-1 Low Density Growth designation) and is not affirmatively consistent with the approximately 17.1 percent of the site designated O-2 (Restricted). The Planning Board so found on August 13, 2026 by a 5-2 vote; the Board of Commissioners concurs with that finding, and finds that the partial consistency with the O-1 (Preserved) designation on approximately 33.9 percent of the site does not, on balance, outweigh the inconsistency with the G-1 designation on the larger balance of the property and the lack of affirmative consistency with the O-2 designation.
- Second: The Board finds that the residual concerns identified in the record — including grid capacity, cumulative industrial concentration in the southeastern quadrant of the county, and empirical uncertainty in the property-value literature (with the closest empirical peer study (Chia et al. 2026) finding a measurable negative effect on nearby residential values for facilities of this profile) — are not adequately mitigated by the conditions offered by the Applicant, considered as a whole and in combination with the site’s size, topography, adjacency to residential uses, and community-health context.

- Third: The Board considered additional conditions it found warranted and necessary to make the amendment reasonable and in the public interest, including one or more of the conditions T-1 through T-14 reported to this Board in the Executive Brief dated August 24, 2026 (public water agreement; Dan River discharge limits and quarterly testing; generator disclosure; continuous property-line air-quality monitoring; noise berms; seismic limit; environmental impairment bond and well testing; Duke Energy residential rate protection; on-site fire and EMS funding; 100-percent decommissioning bond; hazardous-spill containment; annual independent compliance audit; cultural and historical memorial; and County-directed, applicant-funded Project Compliance Manager); [Adopt only if a specific condition has been properly identified before the vote. To adopt this ground, the Board must, on the record: (i) identify each specific proposed condition; (ii) offer the Petitioner an opportunity to consent to that condition in writing under N.C. Gen. Stat. § 160D-703(b); (iii) obtain a documented response from the Petitioner; and (iv) find each declined condition essential to a finding that the amendment is reasonable and in the public interest. County counsel should screen each proposed T-condition for zoning nexus, statutory authority, enforceability, and preemption — including any condition reaching matters within the exclusive jurisdiction of the North Carolina Utilities Commission under N.C. Gen. Stat. §§ 62-30, 62-32, and 62-130. Because the Board may not lawfully impose conditions in a conditional zoning district without the Petitioner's written consent under § 160D-703(b), denial is the practical option available if the Petitioner does not consent and the essentiality finding is made.]

The Board further resolves and directs that the reasons for this decision be entered on the minutes of the September 14, 2026 meeting, and that the documents considered by the Board — including the Planning-Board Staff Report of August 2026, the Planning Board's 5-2 denial recommendation of August 13, 2026, the Public Information Meeting Report of July 8, 2026, this Board Staff Report, the SCWSA Will-Serve Letter of December 26, 2025, and public comment received at and prior to the September 8, 2026 legislative hearing — be preserved with the minutes. The Board expressly finds that matters delegated to other regulators (Duke Energy, NCUC, NCDEQ, USACE, FEMA, NCDOT, SHPO, SCWSA, Town of Walnut Cove) are not the basis for this denial; the denial rests on the Board's zoning judgment alone. The Board further finds that the fiscal information in the record — including the Applicant's illustrative ad valorem projection and the residential tax-scenario modeling in Section 11 — was considered but does not, singly or in combination with the other factors, outweigh the land-use, environmental, and community-impact concerns on which this denial rests.

15. Arbitrary-and-Capricious Safeguards

A legislative zoning decision may be set aside on judicial review only if the reviewing court determines that the local government acted arbitrarily and capriciously — that is, without a rational basis in the record — or otherwise contrary to law. To insulate the Board's decision, staff recommends the Board expressly acknowledge on the record, and in the CZ order, each of the following.

- The Board received and considered the Planning-Board Staff Report of August 2026, the Planning Board's 5-2 denial recommendation of August 13, 2026, the Public Information Meeting Report of July 8, 2026, this Board Staff Report, public comment received at and prior to

the September 8, 2026 legislative hearing, and the SCWSA Will-Serve Letter of December 26, 2025.

- The Board considered the physical and topographic conditions of the subject property, the surrounding zoning within one-half and one mile, and the documented approximately 8,458 acres of existing heavy industrial and utility uses in the vicinity.
- The Board considered environmental-justice and community-health indicators for the primary census tract containing the subject property (Census Tract 707.02) and for the materially adjoining tracts that touch the one-half-mile and one-mile analysis buffers (principally Census Tract 701.01, which overlaps approximately 19 percent of the half-mile buffer and approximately 23 percent of the one-mile buffer, and, to a lesser extent, Census Tract 707.01), including elevated poverty, food insecurity, and chronic-disease prevalence.
- The Board considered the Applicant's enforceable conditions in the Statement of Conditions dated September 8, 2026, including noise (dB(A) and dB(C) limits, tonal-noise penalty, pre/post-construction surveys, and annual operational noise compliance survey under Condition 2(g)(VI)), power generators (300-foot exterior-boundary setback and a limitation of diesel fuel to emergency backup generators only, Conditions 3(a) and 3(b)), water (open-loop cooling and direct-withdrawal prohibitions), floodplain, vegetative buffers (approximately 189 acres committed to buffer under Condition 8, with an ongoing maintenance-and-replanting obligation under 8(c)), environmental regulatory materials made available to the County under Condition 9, lighting, height.
- The Board considered the empirical property-value literature, including studies finding a negative effect (Chia et al. 2026) and studies finding no statistically significant effect (Realtor.com 2026; Waters and Clower 2025).
- The Board identified matters within its zoning authority and matters that lie with other decision-makers, distinguishing among: (i) permitting agencies with independent statutory approval authority likely to apply here (NCDEQ; NCDOT; and the County itself for local floodplain-development approval); (ii) agencies whose consultation or approval is trigger-dependent (USACE for jurisdictional Section 404 discharges; SHPO for Section 106 or comparable state-triggered undertakings; NCWRC for listed-species or protected-habitat triggers; and FEMA for map-related determinations); and (iii) utility service and franchise counterparties (Duke Energy; NCUC as the ratemaking and certification body for public utilities under N.C. Gen. Stat. Chapter 62; SCWSA; and the Town of Walnut Cove). The Board did not treat its zoning decision as substituting for those processes.
- The Board adopted both the plan-consistency statement and the reasonableness/public-interest statement required by N.C. Gen. Stat. § 160D-605(a) and (b), stating the reasons for the decision on the record.

These recitations are not required in this precise form by statute, but adopting them helps establish that the Board considered the material record evidence — the strongest available defense against a claim of arbitrariness. Complete pre-drafted resolution and CZ order language for both approval (Sections 14.2, 14.3, and 14.4) and denial (Section 14.5) is included in this report so that the September 14, 2026 vote can be finalized on the record that day.

Appendix A — Summary of Applicant-Proposed Zoning Conditions

The following table summarizes the conditions in the Applicant's Statement of Conditions. The full text of each condition governs in the event of any inconsistency; this summary is provided for convenience only.

Condition	Summary
1. Permitted Uses	Limited to a data center facility/campus and directly associated accessory uses (power generation, substations, electrical and natural gas infrastructure, fiber optic infrastructure, battery backup, security, on-site maintenance, container storage, fuel and water storage).
2. Noise	70 dB(A) at the property line adjacent to non-residential zoning; 60 dB(A) day (7 a.m.-10 p.m.) and 50 dB(A) night adjacent to residential zoning. dB(C) may not exceed corresponding A-weighted limit by more than 15 dB. Tonal-noise penalty of 5 dB(A) if tone is present (one-third-octave-band criterion). Routine generator testing/maintenance limited to weekdays 9 a.m.-5 p.m. with permanent noise attenuation in place (2(d)). Exemptions for actual emergency generator operation, daytime construction, and daytime non-testing maintenance (2(e)). Pre-construction ambient baseline survey (one-time, prior to building-permit approval; Condition 2(g)(II)); pre-construction noise modeling study (per Major Improvement; Condition 2(g)(III)); post-construction compliance survey (per Major Improvement; Condition 2(g)(IV)); all performed by an INCE Board-Certified third-party consultant (Condition 2(g)(I)). Annual operational noise compliance survey beginning 12 months after first CO and annually thereafter, with County authority to require an additional survey upon confirmed violation or documented evidence of potential noncompliance (2(g)(VI) — new September 8, 2026).
3. Power Generators	(a) Not permitted within 300 feet of the exterior property boundary. (b) Diesel fuel for power generation limited to emergency backup generators only (new September 8, 2026).
4. Cooling Systems and Water Infrastructure	Open-loop water cooling prohibited; closed-loop, air-cooled, liquid, or other water-efficient systems permitted. Direct withdrawal from streams, rivers, lakes, ponds, reservoirs, groundwater wells, aquifers, or other private surface water or groundwater sources prohibited.
5. Floodplain	Within FEMA FIRM-designated floodplain areas (Panels 3710696200K and 3710696400K, effective June 10, 2026), development limited to infrastructure improvements and recreational, agricultural, conservation, preservation, and open space uses.
6. Lighting	All exterior site and building lighting directed downward, using full cutoff or fully shielded fixtures designed to prevent glare, spillover, or direct illumination onto adjacent properties.
7. Height	Maximum height of principal building(s) is 80 feet; antennas, communication and mechanical equipment, screening, utility infrastructure, lightning protection systems, and other similar appurtenances may extend above this limit.
8. Buffer Areas	Vegetative buffers per Buffer Zone Exhibit; existing vegetation,

Condition	Summary
	supplemental plantings, berms, or comparable measures. Baseline 100-foot buffer increased to 250 feet adjacent to residential uses following PIM input. Buffers must be kept in good condition, including replacement of dead, diseased, damaged, or removed vegetation as reasonably necessary (8(c) — new September 8, 2026). Staff GIS analysis indicates the buffer commitment covers approximately 189 acres of the site (approximately 10 percent of the 1,848.74-acre property); the site-specific Buffer Zone Exhibit governs the enforceable delineation. Minor infrastructure encroachments permitted where designed to minimize disturbance to vegetation.
9. Environmental Regulatory Materials	Material NCDEQ reports, notices, monitoring results, and compliance materials for air quality, water quality, and the development or operation of the Property shall be provided or made accessible to the County (new September 8, 2026).
M-2 district minimum dimensional standards (Stokes County Zoning Ordinance; not applicant-offered conditions): right-of-way/front: 40 feet; rear: 0 feet, or 25 feet where the lot abuts a residential district; side: 0 feet, or 15 feet where the lot abuts a residential district; where a non-required side yard is provided, it must be at least 8 feet.	

Appendix B — Public Information Meeting (July 8, 2026) Topics Summary

The PIM Report identified seventeen topic areas discussed at the July 8, 2026 Public Information Meeting.

- 1. Project structure and ownership — anticipated ownership and operational structure; potential conveyance to an end user; continued enforceability of zoning conditions on transfer.
- 2. Conditional zoning and project scale — overall size; phased development coordination; surrounding land uses; how conditional zoning limits development.
- 3. Floodplain protection — rationale for including floodplain areas; limitations on development within them; fill, elevation, and off-site mitigation credits.
- 4. Cultural, historical, and archaeological resources — presence of resources; state and federal review; SHPO coordination; procedures if resources are encountered.
- 5. Noise — continuous operational noise; low-frequency and tonal sound; adequacy of proposed limits and ambient survey; on-site and temporary generation; effects on residents and wildlife; buffers, berms, setbacks.
- 6. Noise enforcement and penalties — monitoring; compliance review resources; enforcement remedies and corrective measures.
- 7. Power and generation — on-site and temporary bridging generation; generator quantity, capacity, and fuel types; projected demand relative to grid capacity; curtailment; interconnection timeline.
- 8. Electric rates — concern about residential-rate impacts; utility position on data-center customers.
- 9. Water — impacts on groundwater and private wells; source, supply, and volume; cooling technology; wastewater discharge; cooling chemicals.
- 10. Air quality and emissions — backup and temporary generation emissions; heat; cumulative impacts; permitting.
- 11. Light and site appearance — light pollution and prevention; building height; buffers; general appearance.
- 12. Fire, safety, and emergency response — generator, fuel, and electrical safety; inspection and code requirements; fire suppression.
- 13. Property values — potential effects on nearby residential values.
- 14. Tax revenue and economic benefit — ad valorem revenue, fiscal impact, and community benefit.
- 15. Enforceability of commitments — monitoring, compliance, and enforcement mechanisms for applicant conditions.
- 16. Public notice and community process — adequacy of notice, opportunity to be heard, and engagement with neighbors.
- 17. Broader concerns — cumulative industrial concentration, precedent, and other general community concerns.

Appendix C — Record Attachments and References

The following documents are part of the record before the Board for its September 14, 2026 consideration and should be attached to or incorporated by reference in the CZ order:

- Planning-Board Staff Report for Project Delta Conditional Zoning District Application (Stokes County Planning and Inspections Department, August 2026).
- Planning Board minutes and vote of August 13, 2026 (5-2 denial recommendation; contingent conditions T-1 through T-12).
- Executive Brief — Planning Board Review and Comment, August 24, 2026.
- Consolidated Proposed Conditions memorandum (Chair Tilley Committee, August 19, 2026), containing conditions T-13 and T-14.
- Public Information Meeting Report (July 8, 2026).
- Applicant's Combined Rezoning Package (Project Delta Second Submission dated July 20, 2026), including Statement of Conditions, Buffer Zone Exhibit, and supporting exhibits (Engineered Land Solutions, LLC), posted at https://co.stokes.nc.us/departments/data_center.php.
- Stokes County Water and Sewer Authority Will-Serve Letter for Project Delta, dated December 26, 2025, signed by John Hawkins, Chairman.
- Applicant-Submitted Ambient Noise Survey — Project Delta — Stokes County (Expanded Baseline Ambient Noise Study), dated August 17, 2026, prepared by the WorkingBuildings/Cerami/Longman Lindsey/Valcoustics/Jaffe Holden/JB&B acoustics team (Cameron Goodman; Liam Wynne), with Trinity Consultants (Project No. 253410.0034).
- Public comment received at and prior to the September 8, 2026 legislative hearing.
- Property-Value Studies Comparison for Project Delta, prepared by the Office of the Assistant County Manager, September 8, 2026 (corrected) (attached as Appendix D).
- Stokes County GIS Parcel and Zoning layer data (queried through July-August 2026).
- Stokes County 2035 Vision Plan (Future Land Use Framework and applicable text).
- FEMA FIRM Panels 3710696200K and 3710696400K, effective June 10, 2026.
- CDC PLACES data and U.S. Census Bureau ACS 5-Year estimates for Census Tract 707.02.
- N.C. Gen. Stat. §§ 160D-109 (conflicts of interest), 160D-601(a) (published notice), 160D-602 (mailed and posted notice), 160D-604 (Planning Board review and comment), 160D-605 (plan-consistency and reasonableness statements), 160D-701 (zoning-district purposes), and 160D-703(b) (conditional zoning); N.C. Gen. Stat. §§ 62-30, 62-32, and 62-130 (North Carolina Utilities Commission jurisdiction); and N.C. Gen. Stat. §§ 105-277.2 through 105-277.7 (Present-Use Value program).

Project Delta — Data-Center Property-Value Literature: Side-by-Side Comparison

Every published or working study staff has identified on how data centers affect nearby residential property values, with methods, findings, and limits shown side-by-side — prepared for the Board of Commissioners.

Prepared by	Office of the Assistant County Manager, Stokes County	**Date**	September 8, 2026 (corrected)
Purpose	Give the Board a single scannable view of what each study actually found, how it was designed, and where it applies — so no one study is over-weighted in the record.	**Studies**	Ten (working papers, government/consulting reports, and one master's thesis; none is peer-reviewed).

How to read the color coding

- Red-tinted rows: study concludes data centers reduce nearby home values.
- Green-tinted rows: study finds a positive or higher-value association near data centers — most authors caution these are associations, not necessarily causal.
- Beige/neutral rows: study finds no measurable effect, mixed results, or is not primarily a home-price study.

Side-by-side comparison of all identified studies

Rows are grouped from strongest negative (top) to strongest positive (bottom). Claims are sourced to the original work where accessible; the Loudoun County entry relies on identified secondary reporting from an advocacy tracker, the Integra Realty Resources entry relies on identified news coverage, and the Priest entry is limited to the author's public description because the underlying paper was not obtained. Each row identifies its source type. Distances converted to miles for the county's reference. Full URLs appear in the reference list at the end.

Study	Year / type	Scope	Sample & method	Direction of effect	Headline finding	Distance / range	Limitations to keep in mind
Chia et al. (2026) SSRN 6500238 (under revision at AEJ: Economic Policy)	2026 Working paper (SSRN) Not yet peer-reviewed	National U.S., facility-level. Millions of housing transactions matched to facility-level U.S. data-center data.	S&P Global 451 + CoreLogic transactions. Method: three quasi-experimental designs including stacked difference-in-differences with a 0–3 mile inner ring and a 12–31 mile outer ring, plus later-treated and matched later-treated comparisons.	**NEGATIVE (hyperscale-specific)**	Hyperscale facilities reduce nearby home prices roughly 6.8% on average; the close-in point estimate is about 15% within roughly 0.6 mile. Non-hyperscale facilities show no measurable effect at any distance.	About 15% within 0.6 mile; monotonic decline; fades beyond about 8.7 miles.	Working paper, not yet peer-reviewed. Four co-authors (Chia, Fan, Hu, Wang). Sample contains no Stokes County or similar rural NC sites. When water-service boundaries are controlled for, the estimated loss narrows to roughly 0.7–4.2%.
Loudoun County (VA) Department of Finance Figures cited by advocacy source	Underlying materials cited as 2019 (secondary-source reference)	Loudoun County, Virginia. Referenced 2019 Board of Supervisors / Finance Committee briefing materials.	Original methodology not publicly documented in the fetched source. Method as reported: appreciation-rate comparison within 1 mile vs.	**NEGATIVE (appreciation rate, not price level)**	Residential properties within 1 mile of large data centers reported to have 2–10% lower appreciation than comparable homes	Single 1-mile threshold.	Original 2019 briefing materials were not independently retrieved. The figure appears on an advocacy website (Central

					only.		government page. Loudoun's current official data-center page does not reproduce the claim. Should be treated as a directional indicator, not a verified independent study.
Integra Realty Resources (Indiana, 2026)	January 2026 Private consulting report	St. Joseph, LaPorte, Clark, and Allen counties (Indiana). Home-value series 2021–2026.	80 homes within 1.5 miles of data centers across four Indiana counties. Method: property-value growth comparison vs. local market.	**MIXED (aggregate neutral, site-level negative)**	Aggregate 42% growth within 1.5 miles vs. 41% local. Homes near data centers underperformed the local market in three of the four sites individually.	Single 1.5-mile threshold; no sub-band decay.	Small sample (80 homes). Much of the value series pre-dates announcement. At publication only two of four facilities were partially operating; one was under construction and one was still planned.
Realtor.com (2026) Morgenstern, G.	August 11, 2026 Industry research report	U.S. 43 ZIP codes receiving a large (≥50 MW) data center between 2019 and 2025.	43 treatment ZIPs matched to comparison ZIPs on pre-opening price level and population density, generally within the same metropolitan area. Millions of listings and deed records.	**NO EFFECT**	No measurable difference in listing or sale prices vs. matched neighborhoods.	No significant proximity effect; roughly a 1-point gap in year 1 (not significant); comparison ZIPs slightly ahead by year 2.	Excludes 12 non-disclosure states, including Texas. ZIP-level resolution masks any intra-ZIP variation.
Wang — Yale (2026) "The Data Center Next Door: Macroeconomic Incidence of Compute" (Advisor: Pascual Restrepo)	April 2026 University research paper	U.S. county-year panel 2014–2025 drawn from 4,688 U.S. data centers; 247 treatment counties. Deep-dive markets include Loudoun VA, Shelby TN, and Taylor / Shackelford TX.	Two-way fixed-effects (TWFE) with continuous treatment per 100 MW. The paper also estimates a housing-value outcome using Zillow ZHVI.	**PRIMARILY ELECTRICITY-COST (home value: small, not significant)**	Residential monthly fixed charges rise 0.74% per 100 MW in regulated markets. Manufacturing wages −0.49%. Home-value coefficient is +0.24% per 100 MW and statistically insignificant.	County-level and intra-balancing-authority spillover.	Headline is electricity incidence, but the paper does estimate home value and reports a small, insignificant positive coefficient. Should not be listed as "cost only."
Clower & Waters — GMU CRA (2025) "Data Centers and 2023 Home Sales in Northern Virginia"	Report: August 2025 Schar School news item: November 10, 2025 University research center report	Northern Virginia (Loudoun, Prince William, Tysons). 2023 home sales (single-family, townhouse, condo). Exact N not published.	Hedonic modeling of 2023 BrightMLS sales; robust-regression procedure; property-level distance from each home to a data center.	**POSITIVE (association; authors caution against causal reading)**	No statistical evidence that proximity to a data center reduces home values. Conditional association shows homes closer to data centers sold for slightly more, holding other variables equal.	No specific decay pattern reported.	Single year (2023). Tight Northern Virginia housing market. Authors caution against generalizing to other markets; higher prices "may be partially due to amenities."
Priet… Rochester (SSRN) "No	Described as a February	Virginia. Data centers	Multiple statistical	**SMALL / SLIGHTLY POSITIVE**	Effects on housing prices	ZIP-level; no fine-grain	ZIP-level HPI is coarse. Air- t of

Effects of Data Centers on Housing Prices”	directly verified) Working paper (SSRN)	permit records; ZIP-code home-price indexes.	Virginia panel. Details of the identification strategy were not available from fetched public sources.		small and slightly positive. No evidence of large negative declines.		all facilities. Full methodology could not be independently retrieved; SSRN page inaccessible to automated retrieval.
Alvarez, Argente, Chow & Van Patten — NBER WP 35194 (2026) “Data Centers and Local Economies in the Age of AI: A Shift-Share Approach”	May 2026 NBER working paper	U.S., national county panel. Facility-level revenue and coordinates.	Shift-share instrumental-variable estimation on a county panel. Instruments use pre-existing fiber-node proximity and 1980 urban-college share as shares, and foreign data-center revenue growth as the shift.	**POSITIVE (county-level; house-price effect is statistically significant)**	Positive effects on employment, establishments, wages, adjusted gross income, house prices, and electricity prices. The 2020-baseline HPI coefficient is 0.177, statistically significant at every baseline horizon.	County-level; no within-county distance decay reported.	County-level aggregation may mask neighborhood-scale disamenity. Not to be characterized as “null” or merely “slightly positive” — the house-price effect is meaningful and significant.
Brookings (2026) “New evidence on data center employment effects”	August 10, 2026 Think-tank research brief	U.S. county-level. Approximately 1,500 U.S. data centers plus 52 announced-but-canceled projects.	Approximately 1,500 U.S. facilities matched to BLS county employment 2003–2024. Announced-but-canceled projects used as comparison sites; county-level difference-in-differences (not random assignment).	**SMALL POSITIVE**	Modest 2–5% increase in home prices; wages unchanged; data-processing employment +56% over the first decade.	County-level, not distance-decay.	County-level aggregation. Hyperscale vs. colocation heterogeneity noted but county averages dominate. Cancelled projects are not a randomized counterfactual — they are matched comparison sites.
van Tilburg — University of Groningen (2021) “Living Next to the Cloud”	August 2021 MSc thesis	Netherlands. Three rural data-center sites: COLT Roosendaal, Microsoft Wieringermeer, and NorthC Groningen.	6,528 residential transactions 2005–2020 (target ring 1,770; control 4,758). Hedonic pricing plus difference-in-differences; GIS Euclidean distance from each home to a data-center polygon; target 0–1.86 miles, control 1.86–3.73 miles.	**POSITIVE (at 10% significance)**	About 5.27% increase in transaction prices in the target area after data-center development (10% significance). Effect present within roughly 1.86 miles, not beyond.	Target 0–1.86 miles from facility edge; control 1.86–3.73 miles.	Only three facilities studied. Dutch spatial-planning regime differs from U.S. zoning. 10% (not 5%) significance. Uses individual-transaction spatial data — the resolution is not unique to any one U.S. paper.

What the table shows in aggregate

The evidence is genuinely split, but the split is not clean.

- Two studies point toward negative nearby effects. Chia et al. (2026) is the national hyperscale-focused working paper; the Loudoun County figures are a secondary-source reference to 2019 briefing materials that were not independently retrieved for this record.
- Two studies report positive effects at the county or aggregated level. The NBER paper by Alvarez et al. reports positive and statistically significant house-price effects; the Brookings brief reports a modest +2–5% increase, without a stated significance test.
- Three studies find small positive or no effect. Realtor.com (43 ZIPs, matched comparison), Clower & Waters at GMU (2023 Northern Virginia hedonic), and Priest at Rochester (Virginia air-permit panel) all fall in this bucket.
- One study is mixed. The Integra Realty Resources Indiana four-county report shows aggregate parity (42% vs. 41%) but underperformance in three of four individual sites; the aggregate hides site-level heterogeneity.
- One study is primarily about electricity cost, with a small, insignificant home-value estimate. Wang (Yale) documents a 0.74% rise in residential fixed charges per 100 MW in regulated markets, and separately reports a statistically insignificant +0.24% home-value coefficient per 100 MW.
- One European master's thesis. van Tilburg (Groningen 2021) finds a positive 5.27% effect from three rural Dutch data-center sites at 10% significance; Dutch spatial-planning rules differ enough from U.S. zoning that it is best treated as background.

Where the disagreement really lives

The apparent contradiction between Chia et al. and the other quantitative studies is narrower than it may look, but it is real. Chia et al. and van Tilburg both measure at the individual-transaction level using GIS distance from each home to a facility; Clower & Waters at GMU also uses property-level distances. Realtor.com, NBER, Brookings, Priest, and Wang measure at the ZIP or county level. A large county's aggregate can be flat or positive at the same time that homes within a mile of a specific facility experience the loss Chia et al. describe. Both readings can be true.

The Loudoun County 1-mile figure (2–10% slower appreciation) is directionally consistent with Chia et al., but it is a secondary-source reference to 2019 materials rather than an independent verification, and it pre-dates Chia et al. by roughly seven years. It should not be described as "checking" Chia et al.'s distance-decay pattern. GMU's 2023 Northern Virginia study reaches a different conclusion in a heavily built-out data-center market — worth treating as a genuine disagreement rather than reconciling it away.

What this means for Project Delta

- Chia et al. identify the largest effects for the most power-intensive sites, for a county's first exposure to hyperscale facilities, and where facilities are sited in or near residential areas. Whether Project Delta will meet those criteria is not yet established: the application does not fix final electrical capacity, first-in-county status has not been independently verified, and the proximity of residential parcels to the ultimate built-out facility depends on siting decisions made after rezoning. Chia et al. is therefore a relevant empirical peer with caveats, not a study whose maximum-effect case is confirmed to apply.
- Three of the ten studies report no statistically supported large negative effect in their respective designs, though their geographic resolution and market settings differ: Realtor.com (ZIP-code matched event study of 43 ZIPs receiving a large data center 2019–2025), GMU / Waters and Clower (property-level hedonic model of 2023 Northern Virginia sales), and Priest (Virginia ZIP-code difference-in-differences using air-permit exposure and ZIP-code home-price indices). None of these designs is a countywide test; the sentence is corrected to reflect what each design actually measures.
- The fair characterization for the Board is that the working-paper and report evidence is genuinely divided. The studies pointing at a negative effect measure closest to the facility; several of the studies finding no negative effect (NBER, Brookings) measure at wider geographic aggregates where close-in effects can be averaged out. The evidence supports the Board's existing tools — buffer distances, noise standards, water-use conditions, and infrastructure cost-sharing — more than it supports any single point estimate.

References

- **1. Chia et al. (2026):** Chia, L.E., Fan, M., Hu, S., and Wang, Q. — "The Spatial Incidence of Hyperscale Data Centers." SSRN Working Paper 6500238. Source: https://ireus.nus.edu.sg/working-papers/
- **4. Loudoun County (VA) Finance (secondary source):** 1-mile / 2–10% appreciation figure as reproduced by Central Texas Data Center Tracker, underlying 2019 briefing materials not independently retrieved. Source:

- **3. Integra Realty Resources (2026):** Indiana four-county report — news coverage. Source: https://www.ipm.org/news/2026-04-13/will-data-centers-impact-property-values-depends-on-who-you-ask
- **4. Realtor.com (2026):** Morgenstern, G. — "Data Centers and the American Housing Market." Source: https://www.realtor.com/research/august-2026-data-centers/
- **5. Wang — Yale (2026):** Wang, R. — "The Data Center Next Door: Macroeconomic Incidence of Compute." Source: https://economics.yale.edu/sites/default/files/2026-05/Wang_The%20Data%20Center%20Next%20Door.pdf
- **6. Clower & Waters — GMU CRA (August 2025):** "Data Centers and 2023 Home Sales in Northern Virginia." Report dated August 2025; Schar School news item November 10, 2025. Source: https://cra.gmu.edu/wp-content/uploads/2025/08/NoVa_DataCenters.pdf
- **7. Priest — Rochester:** Priest, A. — "Not In My Back Yard! The Effects of Data Centers on Housing Prices." Working paper dated February 27, 2026. Source: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=6314620
- **8. Alvarez, Argente, Chow & Van Patten — NBER (2026):** "Data Centers and Local Economies in the Age of AI: A Shift-Share Approach." NBER Working Paper 35194. Source: https://www.nber.org/papers/w35194
- **9. Brookings (2026):** "New evidence on data center employment effects." Source: https://www.brookings.edu/articles/new-evidence-on-data-center-employment-effects/
- **10. van Tilburg — Groningen (2021):** van Tilburg, T. — "Living Next to the Cloud: The Impact of Data Center Development on Housing Prices." MSc thesis, University of Groningen. Source: https://frw.studenttheses.ub.rug.nl/3724/1/vanTilburgT%20-%20MScThesis%20.pdf

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Correction note (September 8, 2026): This version replaces the earlier comparison document. The lead SSRN paper is properly attributed to its four authors (Chia, Fan, Hu, and Wang) rather than to a single author. The Loudoun County figure is presented as a secondary-source reference to 2019 briefing materials, not a verified standalone study. The GMU report is dated August 2025 (with a November 10, 2025 Schar School news item). NBER WP 35194 is described as a national county panel and its house-price effect as positive and statistically significant. Wang is characterized as an electricity-incidence study that also estimates a small, insignificant home-value effect. Claims that any one study is the only sub-ZIP analysis, or that Loudoun "checks" the SSRN paper, have been removed. All distances are shown in miles.

Exhibit 2.1



NORTH CAROLINA Cooperating Technical State
FEMA'S COOPERATING TECHNICAL PARTNER

This digital Flood Insurance Rate Map (FIRM) was produced through a unique cooperative partnership between the State of North Carolina and the Federal Emergency Management Agency (FEMA). The State of North Carolina has implemented a long term approach to floodplain management to decrease the costs associated with flooding. This is demonstrated by the State's commitment to map flood hazard areas at the local level. As a part of this effort, the State of North Carolina has joined in a Cooperating Technical State agreement with FEMA to produce and maintain this digital FIRM.

FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR ZONE DESCRIPTIONS AND INDEX MAP FOR FIRM PANEL LAYOUT

THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT

HTTPS://FRIS.NC.GOV
HTTPS://MSC.FEMA.GOV

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) *Zone A,V, A99*
	With BFE or Depth *Zone AE, AO, AH, VE, AR*
	Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD	0.2% Annual Chance Flood Hazard, Areas of 1% Annual Chance Flood with Average Depth Less Than One Foot or With Drainage Areas of Less Than One Square Mile *Zone X*
	Future Conditions 1% Annual Chance Flood Hazard *Zone X*
	Area with Reduced Flood Risk due to Levee See Notes *Zone X*
OTHER AREAS	Areas Determined to be Outside the 0.2% Annual Chance Floodplain *Zone X*
GENERAL STRUCTURES	Bridge
	Channel, Culvert, or Storm Sewer
	Dam, Jetty, Weir
	Levee, Dike, or Floodwall
OTHER FEATURES	Base Flood Elevations
	(012)—18.2— Cross Sections with 1% Annual Chance Water Surface Elevation (BFE)
	(8) Coastal Transect
	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature
	Limit of Study
	Jurisdiction Boundary

NOTES TO USERS

For information and questions about this map, available products associated with this FIRM including historic versions of this FIRM, how to order products or the National Flood Insurance Program in general, please call the FEMA Map Information exchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Map Service Center website at https://msc.fema.gov. An accompanying Flood Insurance Study report, Letter of Map Revision (LOMR) or Letter of Map Amendment (LOMA) revising portions of this panel, and digital versions of this FIRM may be available. Visit the North Carolina Floodplain Mapping Program website at https://flood.nc.gov or contact the FEMA Map Service Center.

Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM Index. These may be ordered directly from the Map Service Center at the number listed above.

For community and countywide map dates refer to the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in the community, contact your Insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

Flood Insurance Study (FIS) means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations, flood hazard risk zones, and other flood data in a community issued by the North Carolina Floodplain Mapping Program (NCFMP). The Flood Insurance Study (FIS) is comprised of the following products used together: the Digital Flood Hazard Database, the Water Surface Elevation Rasters, the digitally derived, autogenerated Flood Insurance Rate Map and the Flood Insurance Survey Report. A Flood Insurance Survey is a compilation and presentation of flood risk data for specific watercourses, lakes, and coastal flood hazard areas within a community. This report contains detailed flood elevation data, data tables and FIRM indices. When a flood study is completed for the NFIP, the digital information, reports and maps are assembled into an FIS. Information shown on this FIRM is provided in digital format by the NCFMP. Base map information shown on this FIRM was provided in digital format by the NCFMP. The source of this information can be determined from the metadata available in the digital FLOOD database and in the Technical Support Data Notebook (TSDN).

ACCREDITED LEVEE NOTES TO USERS: If an accredited levee note appears on this panel check with your local community to obtain more information, such as the estimated level of protection provided (which may exceed the 1-percent-annual-chance level) and Emergency Action Plan, on the levee system(s) shown as providing protection for areas on this panel. To mitigate flood risk in residual risk areas, property owners and residents are encouraged to consider flood insurance and floodproofing or other protective measures. For more information on flood insurance, interested parties should visit the FEMA Website at https://www.fema.gov/national-flood-insurance-program.

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Limit of Moderate Wave Action (LiMWA)

POLITICAL AREA NOTES TO USERS: The corporate limits shown on this FIRM are based on the best information available at the time of publication. Corporate limits are provided by the NC Geographic Information Coordinating Council. For questions about Corporate Limits contact the North Carolina Floodplain Mapping program at 919-715-5711 or email frishelp@ncdps.gov.

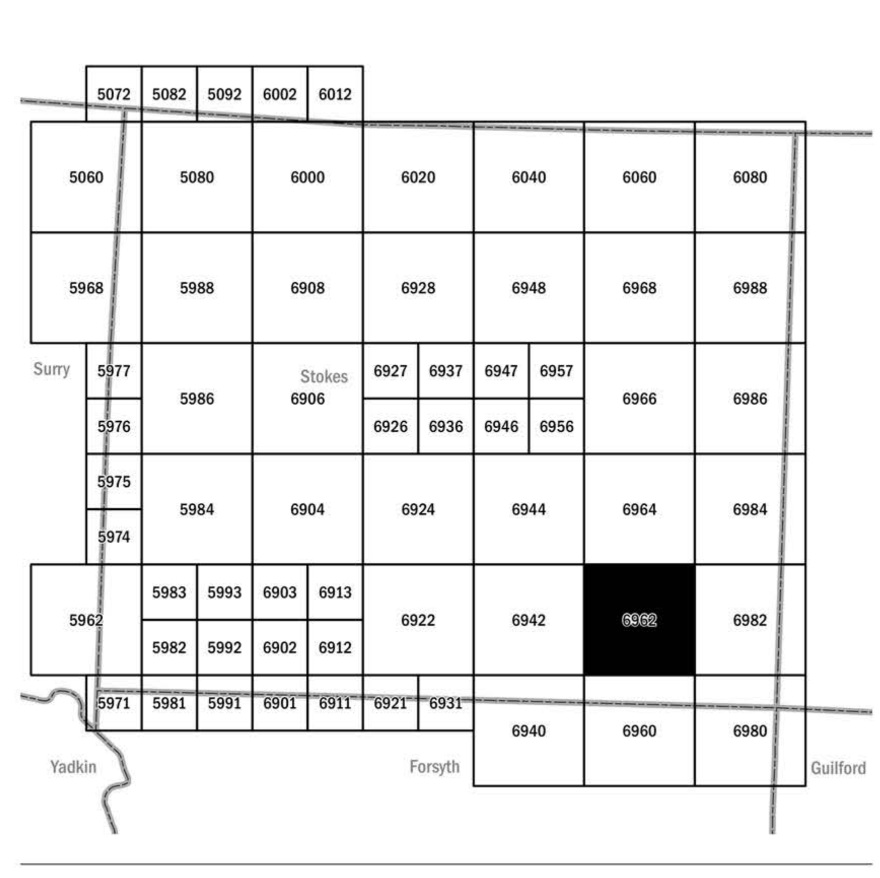
SCALE

Map Projection:
North Carolina State Plane Projection Feet (Zone 3200)
Datum: NAD 1983 (Horizontal), NAVD 1988 (Vertical)

1 inch = 1,000 feet 1:12,000

0 500 1,000 2,000 Feet
0 150 300 600 Meters

PANEL LOCATOR



FEMA
National Flood Insurance Program

NORTH CAROLINA FLOODPLAIN MAPPING PROGRAM
NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP

NORTH CAROLINA

PANEL **6962**

FEMA

Panel Contains:

COMMUNITY	CID	PANEL	SUFFIX
STOKES COUNTY	370362	6962	K
WALNUT COVE, TOWN OF	370224	6962	K

VERSION NUMBER
2.3.3.2

MAP NUMBER
3710696200K

MAP REVISED
June 10, 2026

Exhibit 2.2





This digital Flood Insurance Rate Map (FIRM) was produced through a unique cooperative partnership between the State of North Carolina and the Federal Emergency Management Agency (FEMA). The State of North Carolina has implemented a long term approach to floodplain management to decrease the costs associated with flooding. This is demonstrated by the State's commitment to map flood hazard areas at the local level. As a part of this effort, the State of North Carolina has joined in a Cooperating Technical State agreement with FEMA to produce and maintain this digital FIRM.

FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR ZONE DESCRIPTIONS AND INDEX MAP FOR FIRM PANEL LAYOUT

THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT

HTTPS://FRIS.NC.GOV

HTTPS://MSC.FEMA.GOV

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) *Zone A,V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% Annual Chance Flood with Average Depth Less Than One Foot or With Drainage Areas of Less Than One Square Mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee See Notes *Zone X*

OTHER AREAS

- Areas Determined to be Outside the 0.2% Annual Chance Floodplain *Zone X*

GENERAL STRUCTURES

- Bridge
- Channel, Culvert, or Storm Sewer
- Dam, Jetty, Weir
- Levee, Dike, or Floodwall

OTHER FEATURES

- Base Flood Elevations
- 012 — 18:2 — Cross Sections with 1% Annual Chance Water Surface Elevation (BFE)
- 8 — Coastal Transect
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature
- Limit of Study
- Jurisdiction Boundary

NOTES TO USERS

For information and questions about this map, available products associated with this FIRM including historic versions of this FIRM, how to order products or the National Flood Insurance Program in general, please call the FEMA Map Information exchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Map Service Center website at https://msc.fema.gov. An accompanying Flood Insurance Study report, Letter of Map Revision (LOMR) or Letter of Map Amendment (LOMA) revising portions of this panel, and digital versions of this FIRM may be available. Visit the North Carolina Floodplain Mapping Program website at https://flood.nc.gov or contact the FEMA Map Service Center.

Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM Index. These may be ordered directly from the Map Service Center at the number listed above.

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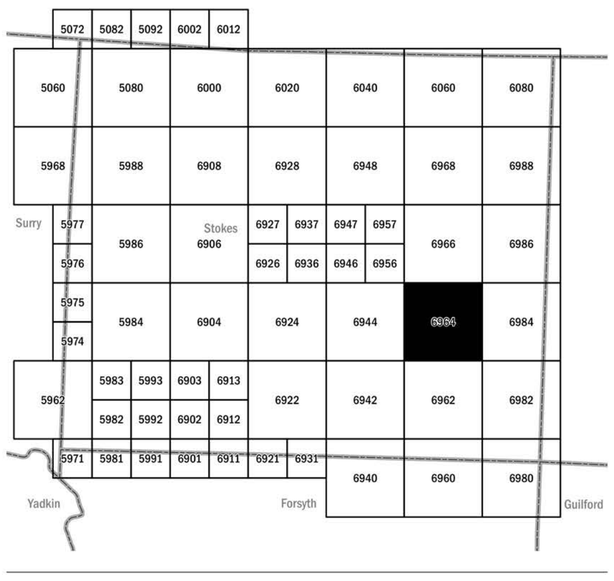
SCALE

Map Projection:
North Carolina State Plane Projection Feet (Zone 3200)
Datum: NAD 1983 (Horizontal), NAVD 1988 (Vertical)

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0 500 1,000 2,000 Feet
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PANEL LOCATOR



FEMA

National Flood Insurance Program

NORTH CAROLINA FLOODPLAIN MAPPING PROGRAM
NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP

NORTH CAROLINA

PANEL 6964

FEMA

Panel Contains:

COMMUNITY	CID	PANEL	SUFFIX
STOKES COUNTY	370362	6964	K
WALNUT COVE, TOWN OF	370224	6964	K

VERSION NUMBER
2.3.3.2

MAP NUMBER
3710696400K

MAP REVISED
June 10, 2026

Exhibit 3

North Carolina Department of Natural and Cultural Resources

State Historic Preservation Office

Ramona M. Bartos, Administrator

Governor Josh Stein
Secretary Pamela B. Cashwell

Office of Archives and History
Deputy Secretary Darin J. Waters, Ph.D.

April 2, 2026

Brittany McKee Hyder
New South Associates, Inc.
1004 Yanceyville Street
Greensboro, NC 27405

bhyder@newsouthassoc.com

Re: Project Delta Data Center, Intersection of U.S. Highway 311 and Tuttle Road, Walnut Cove, Stokes County, ER 26-1083

Dear Ms. McKee Hyder:

Thank you for your letter of March 12, 2026, regarding the above-referenced undertaking. We have reviewed the submission and offer the following comments:

The area of potential effects (APE) for the proposed hyperscale data center development overlaps with several precontact and post-contact archaeological sites and is considered to have a high probability for archaeological resources. As noted in your submission, much of the current APE was previously surveyed at the reconnaissance level. Two (2) previously identified archaeological sites 31SK9 and 31SK17 were re-located, and twelve (12) new sites (31SK247-31SK258) were identified during the reconnaissance survey. All of these sites remain unassessed for eligibility for listing in the National Register of Historic Places (NRHP).

Prior to the initiation of any ground disturbing activities, including placement of staging areas, vegetation removal, and access road construction, we recommend a comprehensive archaeological survey be conducted in all portions of the APE that were not previously investigated to identify and evaluate any unknown archaeological sites. We also recommend that all 14 previously identified archaeological sites in the area of proposed disturbance be systematically surveyed to fully delineate and assess them for NRHP eligibility.

The archaeological survey should be conducted by an experienced archaeologist who meets the *Secretary of the Interior's Professional Qualification Standards*. A list of archaeological consultants who have conducted or expressed an interest in contract work in North Carolina is available at https://archaeology.ncdcr.gov/programs/environmental-review/archaeological-consultant-list. The archaeologists listed, or any other experienced archaeologist, may be contacted to conduct the recommended survey.

Our office requests consultation with the Office of State Archaeology (OSA) Review Archaeologist to discuss appropriate field methodologies prior to the archaeological field investigation. You can find the Review Archaeologist for your region at https://archaeology.ncdcr.gov/about/contact. OSA's *Archaeological Standards and Guidelines for Background Research, Field Methodologies, Technical Reports, and Curation* (November 2023) can be found online at: https://archaeology.ncdcr.gov/osa-guidelines/open.

OSA uses Citrix ShareFile for archaeological consultants and government agencies to submit digital archaeological report and site files for Environmental Review. Consultants should review our ShareFile User Guidelines and submit a ShareFile User Access Form which can be found online at: https://archaeology.ncdcr.gov/programs/environmentalreview/sharefile

The OSA Environmental Review report and site form submission requirements are as follows:

- One (1) digital copy of the archaeological survey report, to be sent through ShareFile.
- One (1) digital copy of each NC Site Form(s) with site map(s) for each site that was recorded as part of the archaeological investigation, to be sent through ShareFile. Please submit each site form as a separate document.
- Hard copies of reports will be requested by the OSA once we determine that no further changes to the report are needed. Concurrence letters will not be sent until after we receive the hard copy of the final archaeological survey report.

More information on OSA's Environmental Review requirements can be found online at: https://archaeology.ncdcr.gov/programs/environmental-review.

As previously required in our review of ER 22-2071, we are unable to accurately assess impacts to historic properties within the proposed Area of Potential Effect. The Hairston Sauratown Plantation (SK0182), the complex, surrounding landscape/property, historical boundary, and other agricultural complexes over 50 years of age within the APE, should be evaluated by a Secretary of the Interior qualified Architectural Historian and a report submitted to us for review and comment.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, contact Renee Gledhill-Earley, environmental review coordinator, at 919-814-6579 or environmental.review@dncr.nc.gov. In all future communication concerning this project, please cite the above referenced tracking number.

Sincerely,

Renee Gledhill-Earley

for Ramona Bartos, Deputy
State Historic Preservation Officer

cc: Shawn Patch, NSA spatch@newsouthassoc.com
Alex Nations, ELS anations@engineeredlandsolutions.com

Exhibit 4

A RESOLUTION OF THE STOKES COUNTY BOARD OF COMMISSIONERS REGARDING ACTIONS TAKEN ON JANUARY 12, 2026 RELATING TO A TEXT AMENDMENT AND REZONING REQUEST FOR DATA CENTER DEVELOPMENT

Whereas, on January 12, 2026, the Stokes County Board of Commissioners considered a request by the Stokes County Planning Department to amend the Stokes County Zoning Ordinance to define "Data Centers" in Article IV, Section 41, and to add "Data Centers" as a permitted use under M2CZ (Heavy Manufacturing Conditional Zoning) in section 92.1 (the "Text Amendment"); and

Whereas, also on January 12, 2026, the Board heard Rezoning Request Case #0884 submitted by DFC Stokes, LLC and DFC Stokes 2, LLC, proposing to rezone approximately 1,844.9 acres from Residential Agricultural (RA) to Heavy Manufacturing Conditional Zoning (M2CZ) at US 311/Tuttle Rd and US 311/Coon Joyce Rd to facilitate construction of a Data Center (the "Rezoning"); and

Whereas, the Board, by formal action, approved the Text Amendment and Rezoning on January 12, 2026; and

Whereas, after further review, the Board of Commissioners has determined that notice provided for the Text Amendment and Rezoning public hearing did not comply in all respects with statutory notice requirements; and

Whereas, the failure to comply with statutory notice requirements appears to have been inadvertent and that good faith-efforts were made to comply with all statutory notice requirements; and

Whereas, legal counsel for the Board of Commissioners have advised the Board that a failure to fully comply with statutory notice requirements, even if accidental, renders the adoption of the Text Amendment and Rezoning *void ab initio* (i.e. void from the beginning); and

Whereas, the Board of Commissioners wishes to resolve any ambiguities as to the legal status of the Text Amendment and Rezoning;

Now, therefore, be it resolved by the Stokes County Board of Commissioners as follows:

1. That the Board's approval of the Text Amendment to add "Data Centers" to Article IV, Section 41, and to permit that use under M2CZ as reflected in the January 12, 2026, meeting minutes and associated ordinance amendments, is declared to be void and of no effect.

2. That the Board's approval of the rezoning proposal (Case #0884), rezoning 1,844.9 acres from RA to M2CZ for the stated data center development, is declared to be void and of no effect. All zoning designations, applications, fees, and conditions related to this case are voided.

3. That staff are directed to remove any zoning code language, map amendments, or permit authorizations resulting directly from those January 12 actions.
4. That the Planning Department shall initiate a comprehensive review process regarding all future submissions to the Board of Commissioners to ensure full compliance with all statutory and local ordinance notice requirements.
5. That in accordance with North Carolina law, this Resolution shall be effective immediately upon adoption.

Adopted this 13 day of April, 2026, by the Stokes County Board of Commissioners:

Commissioners Present & Voting:

- Commissioner Barneycastle — (Aye) / Nay
- Commissioner Chandler — (Aye) / Nay
- Commissioner Cox — (Aye) / Nay
- Commissioner Morris — (Aye) / Nay
- Commissioner Wood — (Aye) / Nay

Chairman:

Wayne Barnes

Attest:

Olivia Shamp

Clerk to the Board

Exhibit 5

FILED
DATE: August 19, 2026
TIME: 1:22:56 PM
STOKES COUNTY
CLERK OF SUPERIOR COURT
BY: Z. Fox

NORTH CAROLINA

STOKES COUNTY

IN THE COURT OF JUSTICE
SUPERIOR COURT DIVISION
26 CV000 198-840

THE HAIRSTON CLAN, a North Carolina Not-For-Profit Corporation, **7 DIRECTIONS OF SERVICE**, a North Carolina Not-For Profit Corporation, **CLEANAIRE NC**, a North Carolina Not-For-Profit Corporation, **DAN RIVER BASIN ASSOCIATION**, a North Carolina Not-For Profit Corporation, **TIM MABE, DEBORAH MABE, TERRY WOODCOCK, BARBARA WOODCOCK, ROGER RICHER, JESSICA RICHER, ASHLEIGH TUTTLE, PARKER TUTTLE, TABATHA ASHBURN, RICHARD DAVID BEANE, LORI MILLER, RACHEL DILLON,** *and* **BRYCE DILLON,**

Plaintiffs,

v.

STOKES COUNTY, a political subdivision of the State of North Carolina,

Defendant.

JOINT MOTION FOR ENTRY OF CONSENT JUDGMENT AND ORDER

NOW COME the Plaintiffs and Defendant, by their undersigned counsel, and respectfully move the Court for entry of the attached Consent Judgment and Order.

In support of this motion, the parties show the Court as follows:

1. Plaintiffs filed this action seeking, among other relief, a declaratory judgment regarding the validity of certain zoning actions adopted by Defendant on January 12, 2026.

Electronically Filed Date: 8/11/2026 2:21 PM Stokes Superior Court County Clerk of Superior Court

2. The claims asserted in Count II and Count VIII challenge the validity of a zoning text amendment and a zoning map amendment based on Defendant's failure to comply with mandatory statutory notice and procedural requirements.
3. The parties have reached an agreement resolving those claims and stipulate to the material facts and legal conclusions set forth in the proposed Consent Judgment and Order submitted herewith.
4. The Court has jurisdiction over the parties and subject matter of this action, and entry of the proposed Consent Judgment and Order will resolve the parties' dispute and clarify their legal rights.
5. The parties jointly request that the Court enter the proposed Consent Judgment and Order declaring the January 12, 2026 zoning text amendment and zoning map amendment are void *ab initio*.

WHEREFORE, the parties respectfully request that the Court enter the attached Consent Judgment and Order.

Respectfully submitted, this the 11th day of August, 2026.

SOUTHERN COALITION FOR SOCIAL JUSTICE

/s/ Anne Harvey David
Anne Harvey David
N.C. State Bar No. 56502
PO Box 51280
Durham, NC 27717
Telephone: (919) 323-3380
Email: Anne@scsj.org
Attorneys for the Hairston Clan and Individual Plaintiffs

SOUTHERN ENVIRONMENTAL LAW CENTER

/s/ Megan Kimball
Megan Kimball
N.C. Stat Bar No. 53837
136 E. Rosemary Street, Suite 500
Chapel Hill, NC 27514
Telephone: 919-967-1450
Email: mkimball@selc.org
Attorneys for Plaintiffs CleanAIRE NC, Dan River Basin Association, and 7 Directions of Service

THE BROUGH LAW FIRM, PLLC

/s/ T.C. Morphis, Jr.
N.C. State Bar No. 28699
Telephone: (919) 929-3905
Email: morphis@broughlawfirm.com
1526 E. Franklin St., Ste. 200
Chapel Hill, NC 27514
Attorneys for the Defendant Stokes County

KING LAW

/s/ Jennifer Oakley Michaud
N.C. State Bar No. 41486
Telephone: (336) 983-6084
Email: jmichaud@kinglawoffices.com
P.O. Box 550
King, NC 27021
Attorney for Defendant Stokes County

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served the attached Joint Motion for Entry of Consent Judgment and Order upon all parties to this cause by:

[ ] Hand delivering a copy hereof to the attorney for each said party, or leaving a copy at the office of said attorney with a person in charge thereof.

[ ] Depositing a copy hereof, postage pre-paid, in the United States mail, properly addressed to the attorney for each said party as follows:

[x] Pursuant to Rule 5 of the North Carolina Rules of Civil Procedure by email to the following addresses:

Southern Coalition for Social Justice
PO Box 51280
Durham, NC 27717
Anne Harvey David
Cliff B. Robins
James B. Huey
Anne@scsj.org
Cliffr@scsj.org
James@scsj.org

Southern Environmental Law Center
136 E. Rosemary Street Suite 500
Chapel Hill, NC 27514
Megan Kimball
Kasey Moraveck
Mary Maclean D. Asbill
mkimball@selc.org
kmoraveck@selc.org
mmasbill@selc.org

This the 11th day of August, 2026.

THE BROUGH LAW FIRM, PLLC

By: /s/ T.C. Morphis, Jr.
T.C. Morphis, Jr.
N.C. State Bar # 28699
E-mail: morphis@broughlawfirm.com
1526 East Franklin Street, Suite 200
Chapel Hill, North Carolina 27514
Tel.: 919/929-3905 Fax: 919/942-5742
Attorneys for Defendant Stokes County

NORTH CAROLINA

STOKES COUNTY

THE HAIRSTON CLAN, a North Carolina Not-For-Profit Corporation, **7 DIRECTIONS OF SERVICE**, a North Carolina Not-For Profit Corporation, **CLEANAIRE NC**, a North Carolina Not-For-Profit Corporation, **DAN RIVER BASIN ASSOCIATION**, a North Carolina Not-For Profit Corporation, **TIM MABE, DEBORAH MABE, TERRY WOODCOCK, BARBARA WOODCOCK, ROGER RICHER, JESSICA RICHER, ASHLEIGH TUTTLE, PARKER TUTTLE, TABATHA ASHBURN, RICHARD DAVID BEANE, LORI MILLER, RACHEL DILLON,** *and* **BRYCE DILLON,**

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STOKES COUNTY, a political subdivision of the State of North Carolina,

Defendant.

IN THE COURT OF JUSTICE
SUPERIOR COURT DIVISION
26 CV000 198-840

CONSENT JUDGMENT AND ORDER

THIS CAUSE coming on to be heard before the undersigned Superior Court Judge during the August 17, 2026 Civil Session of the Stokes County Superior Court upon the Joint Motion of Plaintiffs and Defendant for entry of this Consent Judgment and Order; and

IT APPEARING TO THE COURT that the parties are properly before the Court, have agreed to the entry of this Consent Judgment and Order, and that the Court has jurisdiction over the parties and the subject matter of this action;

NOW, THEREFORE, upon the consent of the parties and the record herein, the Court makes the following:

FINDINGS OF FACT

1. Plaintiffs initiated this action seeking declaratory and other relief challenging zoning actions adopted by Defendant on January 12, 2026.

2. On January 12, 2026, Defendant adopted:

   a. A zoning text amendment defining and adding "Data Centers" as a permitted use in Heavy Manufacturing zoning districts; and

   b. A zoning map amendment rezoning approximately 1,845 acres to Heavy Manufacturing Conditional Zoning.

Text Amendment (Count II)

3. As Defendant's Board of Commissioners recognized by resolution dated April 13, 2026, "notice provided for the Text Amendment and Rezoning public hearing did not comply in all respects with statutory notice requirements." *Stokes County Bd. of Comm'rs, Resolution Regarding Actions Taken on Jan. 12, 2026 Relating to a Text Amendment and Rezoning Request for Data Center Development* (Apr. 13, 2026), attached hereto as **Exhibit 1**.

4. The Board of Commissioners further recognized, "a failure to fully comply with statutory notice requirements, even if accidental, renders the adoption of the Text Amendment and Rezoning *void ab initio* (i.e. void from the beginning)." *Id.*

Map Amendment (Count VIII)

5. The adoption of the map amendment was subject to mandatory notice requirements under Chapter 160D and local ordinance.

6. Defendant mailed notice of the public hearing outside the statutory time window required by law. Specifically, State law requires that notice must be deposited in the mail at least ten but not more than twenty-five days prior to the date of the hearing, and the County mailed notice twenty-eight days prior to the hearing.

7. Also, Stokes County Zoning Ordinance Section 132.3 requires that notice of a public hearing to consider a proposed conditional zoning be mailed to adjoining property owners by registered mail.

8. Defendant failed to provide notice by the method required by law.

9. These defects rendered the notice legally insufficient.

Additional Due Process

10. The parties have represented to the Court that since this lawsuit was filed a new application has been submitted to Stokes County requesting that the same land at issue on January 12, 2026 again be rezoned to Heavy Manufacturing Conditional Zoning.

11. As part of the settlement of this litigation, the parties have consented to additional procedural safeguards intended to ensure that the public has a meaningful and adequate opportunity to comment on the new proposed rezoning. Although the procedural safeguards are not legally binding upon the County, counsel for the County has represented to the Court that the County intends to make a good-faith effort to comply with these safeguards. A copy of the procedural safeguards is attached hereto as **Exhibit 2**.

CONCLUSIONS OF LAW

1. This Court has jurisdiction over the parties and subject matter of this action.

2. This action was properly brought pursuant to the North Carolina Declaratory Judgment Act.

3. At the time this action was filed, a justiciable controversy existed regarding the validity of Defendant's January 12, 2026 zoning actions.

4. The notice requirements set forth in N.C. Gen. Stat. Ch. 160D and related provisions are mandatory.

5. Compliance with such requirements is a condition precedent to the valid adoption of zoning text and map amendments.

6. Defendant failed to comply with mandatory statutory notice requirements in adopting the zoning map amendment.

7. Further, the Defendant County has stipulated that the text amendment associated with the rezoning is also void *ab initio*.

8. For these reasons, the map amendment and text amendment are invalid and void *ab initio* as a matter of law.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that:

1. The zoning text amendment adopted by Defendant on January 12, 2026, defining and adding "Data Centers" as a permitted use in Heavy Manufacturing zoning districts is declared void *ab initio* and is of no force or effect.

2. The zoning map amendment adopted by Defendant on January 12, 2026, rezoning approximately 1,845 acres to Heavy Manufacturing Conditional Zoning, is declared void *ab initio* and is of no force or effect.

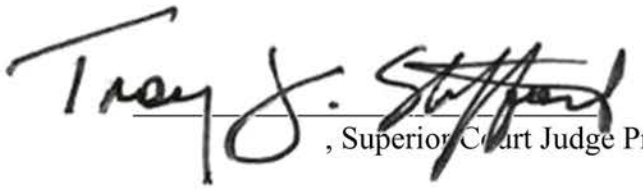
3. Plaintiffs' claims in Count II and Count VIII are resolved in accordance with this Consent Judgment and Order.

4. All remaining claims are hereby dismissed without prejudice.

5. Each party shall bear their own attorney's fees and costs incurred in this matter.

8/19/2026 11:55:28 AM 8/19/2026

SO ORDERED, this the ___ day of August, 2026.



_____, Superior Court Judge Presiding

EXHIBIT 1

A RESOLUTION OF THE STOKES COUNTY BOARD OF COMMISSIONERS REGARDING ACTIONS TAKEN ON JANUARY 12, 2026 RELATING TO A TEXT AMENDMENT AND REZONING REQUEST FOR DATA CENTER DEVELOPMENT

Whereas, on January 12, 2026, the Stokes County Board of Commissioners considered a request by the Stokes County Planning Department to amend the Stokes County Zoning Ordinance to define "Data Centers" in Article IV, Section 41, and to add "Data Centers" as a permitted use under M2CZ (Heavy Manufacturing Conditional Zoning) in section 92.1 (the "Text Amendment"); and

Whereas, also on January 12, 2026, the Board heard Rezoning Request Case #0884 submitted by DFC Stokes, LLC and DFC Stokes 2, LLC, proposing to rezone approximately 1,844.9 acres from Residential Agricultural (RA) to Heavy Manufacturing Conditional Zoning (M2CZ) at US 311/Tuttle Rd and US 311/Coon Joyce Rd to facilitate construction of a Data Center (the "Rezoning"); and

Whereas, the Board, by formal action, approved the Text Amendment and Rezoning on January 12, 2026; and

Whereas, after further review, the Board of Commissioners has determined that notice provided for the Text Amendment and Rezoning public hearing did not comply in all respects with statutory notice requirements; and

Whereas, the failure to comply with statutory notice requirements appears to have been inadvertent and that good faith-efforts were made to comply with all statutory notice requirements; and

Whereas, legal counsel for the Board of Commissioners have advised the Board that a failure to fully comply with statutory notice requirements, even if accidental, renders the adoption of the Text Amendment and Rezoning *void ab initio* (i.e. void from the beginning); and

Whereas, the Board of Commissioners wishes to resolve any ambiguities as to the legal status of the Text Amendment and Rezoning;

Now, therefore, be it resolved by the Stokes County Board of Commissioners as follows:

1. That the Board's approval of the Text Amendment to add "Data Centers" to Article IV, Section 41, and to permit that use under M2CZ as reflected in the January 12, 2026, meeting minutes and associated ordinance amendments, is declared to be void and of no effect.

2. That the Board's approval of the rezoning proposal (Case #0884), rezoning 1,844.9 acres from RA to M2CZ for the stated data center development, is declared to be void and of no effect. All zoning designations, applications, fees, and conditions related to this case are voided.

3. That staff are directed to remove any zoning code language, map amendments, or permit authorizations resulting directly from those January 12 actions.
4. That the Planning Department shall initiate a comprehensive review process regarding all future submissions to the Board of Commissioners to ensure full compliance with all statutory and local ordinance notice requirements.
5. That in accordance with North Carolina law, this Resolution shall be effective immediately upon adoption.

Adopted this 13 day of April, 2026, by the Stokes County Board of Commissioners:

Commissioners Present & Voting:

- Commissioner Barneycastle — (Aye) / Nay
- Commissioner Chandler — (Aye) / Nay
- Commissioner Cox — (Aye) / Nay
- Commissioner Morris — (Aye) / Nay
- Commissioner Wood — (Aye) / Nay

Chairman:

Wayne Barnes

Attest:

Olivia Young

Clerk to the Board

EXHIBIT 2

2026-7 Stokes County Data Center Rezoning
Procedural Safeguards

Given the high public interest in data centers, the Stokes County Board of Commissioners, in consultation with community stakeholders, commits to provide additional ways for the public to provide input regarding a proposed data center project in Stokes County. These safeguards supplement, but do not replace, any due process already required by State statutes or local ordinances. Except to the extent a safeguard is independently required by law, these additional measures are voluntary and are not legally binding upon the County. Any failure to comply with a voluntary safeguard set forth in this document that are not independently required by law shall not, by itself, affect the validity of any decision made by the Board of County Commissioners.

For the 2026-7 proposed data center rezoning, the County will take the following steps:

1. Public Notice and Access to Information

- Provide clear public notice of all hearings and meetings related to the rezoning, including a detailed description of the subject of the hearing and meeting.
- Make a public comment submission portal available online prior to the public hearing.
- Post hearing materials online at least 10 days before the hearing. Materials received by the County after the initial posting will also be posted online, to the extent reasonably possible, and the County will identify materially revised or newly submitted materials.
- Make hearing materials available for in-person review at County offices during normal business hours at least 10 days before the hearing.
- Record hearings through video or audio and maintain recordings, minutes, written comments, submitted materials, and speaker sign-up information as part of the public record, consistent with applicable law.

2. Public Hearing Scheduling and Board Deliberation

- Schedule a public hearing on the rezoning as a special called meeting on a date other than the County Commissioners' regularly scheduled meetings.
- The County Commissioners will not deliberate and vote on a proposed rezoning on the same night as the public hearing. Instead, they will deliberate and vote on the proposal during their next regularly scheduled meeting after the public hearing.

3. Fair Public Participation

- Post this document outlining procedural safeguards online at the same time the County notices the public hearing.
- Apply clear and consistent speaking rules to all participants.
- Accept written comments before and during the public hearing and include them in the public record.
- Schedule the public hearing to last for three hours for public comment.
- Allow members of the public to sign up in advance for speaking times during one of six thirty-minute blocks. Speaker slots will be assigned on a first-come, first-served basis.
- Allow members of the public who do not sign up in advance to sign up on the night of the public hearing. Speakers who do not sign up in advance may be heard during unused slots in a thirty-minute block or if scheduled speakers conclude their comments before the end

of a block. The County cannot guarantee that every person who signs up on the night of the hearing will be given time to speak.
- Keep speaker sign-up open until public hearing attendees have had a reasonable opportunity to register to speak.
- Give each member of the public three minutes to speak during the public hearing. This time limit may be adjusted as needed, but the Board will seek to provide equitable time to each speaker.
- In addition to the three hours reserved for public comment, provide reasonable time for County staff and the applicant to make presentations.
- Demonstrate respect for community members and their viewpoints.

4. Venue and Overflow Accommodations

- Hold the public hearing in the largest reasonably available venue, with consideration to security and technology limitations and requirements.
- Provide overflow accommodations if attendance exceeds room capacity, including audio/video access where feasible. To the extent a public meeting is conducted at the Reagan Building (the Administration Building) located at 1014 Main Street in Danbury, the County will make reasonable efforts to provide overflow accommodations in the third-floor conference room.
- Ensure overflow attendees have the same opportunity to hear the proceedings and participate.
- Ensure the venue is ADA accessible.

Exhibit 6

AGENDA

Keith Wood, Vice Chair
Wayne Barneycastle, Chair
Sonya Cox, Commissioner
Brad Chandler, Commissioner
Rick Morris, Commissioner

REGULAR SESSION OF THE BOARD OF COUNTY COMMISSIONERS
Monday, July 13, 2026
COMMISSIONERS CHAMBERS
6:00 PM

I. Call to Order

II. Invocation

III. Pledge of Allegiance

IV. Approval of the Agenda

V. Public Comments

VI. Comments - Managers/Commissioners

VII. Conflicts of Interest

VIII. Consent Agenda

a. Minutes

b. Budget Amendments FY 2026-2027

IX. Information Agenda

a. 2025 Community Health Assessment (CHA)

X. Discussion Agenda

a. Planning Board Recommendation of a Data Center Moratorium

b. Public Hearing for Amendments to Stokes County Zoning Ordinance

c. FY 2026-2027 Pay & Benefits Policy

d. Updated Personnel Policy Handbook

XI. Action Agenda

a. Appointment to Forsyth Technical Community College Board of Trustees

b. Tourism Development Authority Appointment

c. Voluntary Agriculture Board Appointments

XII. Closed Session

a. Rationales

XIII. Adjournment

*Anyone with a disability(is) who needs an accommodation to participate in this meeting is requested to inform us 48 hours prior to the scheduled time of the affected group meeting
*Attachments may be delivered before or at the time of the meeting
*Times may vary due to times preset for agenda items

Board of County Commissioners
July 13, 2026

Item number: X.a

Planning Board Recommendation of a Data Center Moratorium

Drafter: Olivia Jessup

Summary:
Bryan Miller will present the Planning Board recommendation of a data center moratorium.

ATTACHMENTS:
GS_160D-107 Moratoria.pdf

STOKES COUNTY, NORTH CAROLINA

AN ORDINANCE AMENDING THE STOKES COUNTY ZONING ORDINANCE

Amendments A, D, N, P, and R — Conditional Zoning Timeline, Plan Consistency Procedure, Mining & Quarrying, M-2 Performance Standards, and Data Center Use Classification

ORDINANCE NO.

_____

DATE ADOPTED

July 13, 2026

RECITALS

WHEREAS, [AUTHORITY] — The Stokes County Board of Commissioners ("Board") is the governing board of Stokes County, North Carolina, and is authorized under N.C. Gen. Stat. Chapter 160D to adopt, amend, and repeal zoning ordinances and development regulations for the unincorporated areas of Stokes County; and

WHEREAS, [ZONING ORDINANCE] — Stokes County has adopted the Stokes County Zoning Ordinance ("Ordinance"), which governs land use and development in the unincorporated areas of Stokes County; and

WHEREAS, [INITIATION OF AMENDMENTS] — The Stokes County Planning & Inspections Department prepared proposed Text Amendments A, D, N, P, and R to the Stokes County Zoning Ordinance, addressing the conditional zoning review timeline (§132.3), the plan consistency finding procedure (§132.5), mining and quarrying screening standards (§92.2, Condition 5), M-2 district performance standards (§92), and the definition and use classification of "data center" facilities, consistent with N.C. Gen. Stat. § 160D-601; and

WHEREAS, [ORIGINAL REFERRAL — JUNE 8, 2026] — The original set of nineteen proposed text amendments (Amendments A through S), of which Amendments A, D, N, P, and R are a part, was first referred to the Stokes County Planning Board for review and recommendation on June 8, 2026, pursuant to N.C. Gen. Stat. § 160D-604(b) and Stokes County Zoning Ordinance §122; and

WHEREAS, [PLANNING BOARD REFERRAL] — Pursuant to N.C. Gen. Stat. § 160D-604(b), proposed Amendments A, D, N, P, and R were referred to the Stokes County Planning Board for review and recommendation prior to action by the Board of Commissioners; and

WHEREAS, [PLANNING BOARD ACTION — JULY 9, 2026] — The Stokes County Planning Board convened a duly noticed meeting on July 9, 2026, with Chairman Ronnie Tilley and members Tommy White, Mark Sizemore, Joe Turpin, Jeff Whitaker, Ronnie Morris, and Shannon Stanley present (Patrick Flinchum absent). Following consideration, the Planning Board voted 4–3 to recommend approval of Amendment A; voted 5–2 to recommend denial of Amendment D, with an advisory inconsistency finding; and took no separate action on Amendments N, P, and R, instead voting 6–1 (Turpin opposed) to recommend that the Board of Commissioners adopt a countywide temporary six-month moratorium on data center development and other uses subject to heavy-industrial or heavy-manufacturing performance standards, in lieu of individual action on those three amendments; and

WHEREAS, [ADVISORY EFFECT OF PLANNING BOARD RECOMMENDATION] — Pursuant to N.C. Gen. Stat. § 160D-604(d), the Planning Board's plan-consistency comment and recommendation on any proposed amendment is

Board's recommendation of a countywide moratorium in lieu of individual action, for the reasons set out in the accompanying staff report, and does not preclude the Board from separately pursuing a properly noticed moratorium ordinance under N.C. Gen. Stat. § 160D-107.

Section 92 Heavy Manufacturing District and Heavy Manufacturing Conditional Zoning District

Replace with standards set forth in Stokes_County_M2_Performance_Standards_Final (4) ~~However, it is expected that industries permitted here by right, as well as those permitted conditionally, will minimize their emission of smoke, dust, fumes, glare, noise and vibrations.~~

§92.5 — Operational Performance Standards. §92 of the Stokes County Zoning Ordinance is amended by adding the following §92.5, applicable to the M-2 Heavy Manufacturing District and the M-2-CZ Conditional Zoning District as a minimum baseline, consistent with the Stokes County Planning Board's July 9, 2026 presentation:

All uses in the M-2 Heavy Manufacturing District and M-2-CZ Heavy Manufacturing Conditional Zoning District shall comply with the following operational performance standards. Compliance shall be measured at the boundary of the zoning lot on which the use is located, or at any point on or beyond a property line abutting a non-industrial district, as specified below for each standard. The thresholds in §92.5.1 through §92.5.8 below are set as a minimum baseline applicable to all M-2 and M-2-CZ uses; the Planning Board and Board of Commissioners retain authority under N.C. Gen. Stat. §160D-703 to impose additional, stricter, site-specific conditions on individual M-2-CZ uses.

§92.5.1 — Noise.

(a) No use shall produce a continuous sound level exceeding 75 dB(A), measured at any point on or beyond the boundary of the zoning lot on which the use is located, applicable at all times regardless of the zoning classification of the adjacent property. (b) No use shall create a sound level exceeding this threshold for more than 10% of any measurement period, which shall not be less than ten minutes; the maximum intermittent sound level shall not exceed the permissible sound level above by more than 15 dB(A). (c) These standards do not apply to temporary construction activity, emergency response equipment, or the operation of motor vehicles and transportation facilities on public rights-of-way.

§92.5.2 — Vibration.

(a) No use shall produce ground-transmitted vibration exceeding a maximum peak particle velocity (PPV) of 1.0 inches per second, steady-state, measured at the boundary of the zoning lot on which the use is located. Impact vibrations — discrete impulses not exceeding 60 per minute — are limited to 2.0 inches per second PPV. (b) The maximum particle velocity shall be the product of two times the frequency in cycles per second times the sum of three mutually perpendicular displacement components recorded simultaneously. Where more than one vibration standard could apply, the more stringent standard shall govern. (c) These standards shall not apply to vibration resulting from the operation of on-road vehicles, temporary construction activity and equipment, or roadway maintenance and repair equipment.

§92.5.3 — Smoke and Visible Emissions.

(a) No use shall emit smoke or visible emissions with an opacity exceeding 40 percent, as determined by EPA Reference Method 9 (40 CFR Part 60, Appendix A) or its designated successor method. (b) During equipment start-up, cleaning of fireboxes, or a documented breakdown of emission control equipment, emissions not exceeding 60 percent opacity are permitted for a cumulative period not to exceed 6 minutes in any 60-minute period, provided the operator takes prompt corrective action. (c) All uses shall comply with the visible emissions standards established under 15A NCAC 02D .0521, as amended, which are hereby incorporated by reference. Where state standards are more restrictive, the state standard shall control.

§92.5.4 — Dust, Particulate Matter, and Fugitive Emissions.

(a) No use shall discharge fugitive dust, fly ash, cinders, or other particulate matter in quantities that are plainly and substantially visible beyond the property line of the lot on which the use is located. Occasional or de minimis visible dust that does not accumulate on adjacent property does not, by itself, constitute a violation. (b) Unpaved internal access roads, material storage areas, and stockpiles associated with uses generating substantial fugitive emissions

(conditional zoning) use table as a conditional use; the use is not added to the M-2 by-right use table in §92.1. This amendment is adopted notwithstanding the Planning Board's recommendation of a countywide moratorium in lieu of individual action, for the reasons set out in the accompanying staff report, and does not preclude the Board from separately pursuing a properly noticed moratorium ordinance under N.C. Gen. Stat. § 160D-107.

DATA CENTER — A facility, campus of facilities, or array of interconnected facilities used for the primary purpose of storing, retrieving, managing, and/or processing digital data, including associated infrastructure such as servers, data storage equipment, network equipment, power supply systems, backup generators, cooling systems, and related accessory structures. A data center does not include electronic equipment that is incidental to and used in support of a business whose primary business activity is other than the storing, retrieving, managing, and processing of digital data (e.g., a retail store, office building, or school).

Article VIII, §92.2 is further amended by adding "Data Center" to the M-2 CZ (conditional zoning) use table as a conditional use.

SECTION 15. Statement of Plan Consistency and Reasonableness — N.C. Gen. Stat. § 160D-605(a)–(c)

Pursuant to N.C. Gen. Stat. § 160D-605(a)–(c), the Board of Commissioners adopts the following combined statement of plan consistency and reasonableness with respect to Amendments A, D, N, P, and R:

Amendment	Finding	Basis
Amendment A (§132.3)	**CONSISTENT**	A procedural, administrative change to the conditional-zoning hearing timeline that does not alter any land use classification, density, or Comprehensive Plan policy, and advances the Plan's goal of efficient, predictable development review.
Amendment D (§132.5)	**CONSISTENT**	The Board respectfully disagrees with the Planning Board's advisory inconsistency finding. Amendment D changes only the procedural consequence of a plan-inconsistency finding and does not repeal, weaken, or supersede any Comprehensive Plan goal or policy; the Plan's substantive protections for rural character, agricultural land, and infrastructure alignment remain fully applicable and remain factors the Board must consider and disclose.
Amendment N (§92.2, Cond. 5)	**CONSISTENT**	Replacing a standardless screening condition with objective, measurable standards is consistent with the Plan's goals of protecting residential and agricultural areas from incompatible industrial uses and preserving rural character.
Amendment P (§92)	**CONSISTENT**	Replacing aspirational and subjective catch-all language with objective performance standards is consistent with the Plan's goals of protecting public health, safety, and surrounding district character from incompatible heavy-industrial impacts.
Amendment R (Definitions; §92)	**CONSISTENT**	Establishing a data center definition and classifying the use exclusively as a conditional use in the M-2 CZ district is consistent with the Plan's goals of directing heavy-industrial-scale uses to appropriately conditioned locations while preserving the Board's case-by-case discretion.

Reasonableness (voluntary supplemental finding). Although N.C. Gen. Stat. § 160D-605(b) requires a reasonableness statement only for zoning map amendments, the Board voluntarily finds that adoption of Amendments A, D, N, P, and R is reasonable and in the public interest because: (i) the affected areas are limited to the County's existing M-2 and M-2 CZ heavy-industrial districts and the conditional-zoning process generally; (ii) landowners, neighbors, and the surrounding community benefit from clear, objective, and enforceable standards that replace vague or nonexistent ones, with no identified detriment; (iii) the amendments do not expand the geographic footprint of any district or add any new by-right use; (iv) each amendment increases the clarity, enforceability, and legal defensibility of the Ordinance and serves the public interest in sound, individualized review of future development; and (v) changed conditions — including the growth of data center development interest, the absence of any current data center definition, and *Frazier v. Town of Blowing Rock*, 286 N.C. App. 570 (2022) — warrant these amendments at this time.

SECTION 16. Codification

The Stokes County Planning & Inspections Department is directed to codify Amendments A, D, N, P, and R into the official text of the Stokes County Zoning Ordinance and to make conforming cross-reference updates as necessary.

SECTION 17. Severability

If any section, subsection, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, each of which shall continue in full force and effect.

SECTION 18. Repeal of Conflicting Provisions

All ordinances, resolutions, and portions thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 19. Effective Date

This Ordinance shall become effective immediately upon adoption.

ADOPTION AND ATTESTATION

Adopted this ____ day of July, 2026, upon motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

Ayes: _____ Nays: _____ Abstentions: _____

_____
Chairman, Stokes County Board of Commissioners
Date: _____

_____
Clerk to the Board
Date: _____

FILING NOTICE

This Ordinance shall be filed in the office of the Clerk to the Board and shall be maintained as part of the permanent records of Stokes County, consistent with N.C. Gen. Stat. § 160D-601(c).

Governing Authority

- N.C. Gen. Stat. § 160D-109(a), (b) — Conflict-of-interest standards for governing board and appointed board members
- N.C. Gen. Stat. § 160D-501 — Comprehensive plans are advisory and have no independent regulatory effect
- N.C. Gen. Stat. § 160D-601(a), (c), (e) — Legislative hearing, notice, and adoption-by-ordinance requirements
- N.C. Gen. Stat. § 160D-603 — Written citizen comment procedures
- N.C. Gen. Stat. § 160D-604(b), (d) — Planning board referral; advisory, non-binding plan-consistency comment
- N.C. Gen. Stat. § 160D-605(a)–(c) — Required consistency statement; voluntary reasonableness statement; combined statements
- N.C. Gen. Stat. § 160D-107 — Temporary development moratoria: required noticed hearing and necessity findings
- N.C. Gen. Stat. § 160D-701, § 160D-702 — Zoning in accordance with a comprehensive plan; general grant of zoning authority
- N.C. Gen. Stat. § 153A-45 — Ordinance adoption procedure for counties
- *Frazier v. Town of Blowing Rock*, 286 N.C. App. 570 (2022) — Standardless conditions construed against enforceability
- *Chrismon v. Guilford County*, 322 N.C. 611 (1988) — Conditional (special) use zoning is valid where objective standards guide discretion

Motion to Adopt

Text Amendments A, D, N, P, and R to the Stokes County Zoning Ordinance

For use at the July 13, 2026 Board of Commissioners public hearing

Meeting Body:	Stokes County Board of Commissioners
Meeting Date:	July 13, 2026
Action Type:	Adoption of Text Amendments (Zoning Ordinance)
Amendments:	A (§132.3), D (§132.5), N (§92.2, Cond. 5), P (§92), R (Definitions; §92.2)
Staff Recommendation:	ADOPT ALL FIVE AMENDMENTS — A, D, N, P, and R
Authority:	N.C. Gen. Stat. §§ 160D-601, 160D-604, 160D-605

WHEREAS CLAUSES

WHEREAS, the Stokes County Planning & Inspections Department prepared proposed Text Amendments A, D, N, P, and R to the Stokes County Zoning Ordinance, and the Stokes County Planning Board reviewed each amendment at its July 9, 2026 meeting; and

WHEREAS, the Planning Board voted 4–3 to recommend approval of Amendment A, voted 5–2 to recommend denial of Amendment D with an advisory inconsistency finding, and took no separate action on Amendments N, P, and R, instead recommending (6–1, Turpin opposed) a countywide temporary moratorium in lieu of individual action on those three amendments; and

WHEREAS, the Planning Board's recommendation on any amendment, including its advisory consistency finding, is not binding on the Board of Commissioners pursuant to N.C. Gen. Stat. § 160D-604(d), which retains full authority to adopt, reject, or modify each amendment on its own independent judgment; and

WHEREAS, the Stokes County Planning & Inspections Department's staff report, dated July 10, 2026, recommends that the Board adopt all five amendments — A, D, N, P, and R — for the reasons set out in that report, including that current ordinance language in each affected section is standardless, subjective, aspirational, or otherwise creates legal exposure under Frazier v. Town of Blowing Rock, 286 N.C. App. 570 (2022); and

WHEREAS, notice of this public hearing was published in a newspaper of general circulation in Stokes County, with a first run on July 2, 2026 and a second run on July 9, 2026, consistent with N.C. Gen. Stat. §

160D-601(a); and

WHEREAS, the Board of Commissioners held a duly noticed public hearing on July 13, 2026, at which all parties in interest and citizens were afforded an opportunity to be heard on Amendments A, D, N, P, and R; and

PLAN CONSISTENCY STATEMENT

Pursuant to N.C. Gen. Stat. § 160D-605(a), the Board has considered the Stokes County Comprehensive Land Use Plan (2035), the Planning Board's July 9, 2026 recommendation (including its advisory inconsistency finding as to Amendment D), and the staff report, and finds that Amendments A, D, N, P, and R are each CONSISTENT with the Comprehensive Plan. As to Amendment D specifically, the Board respectfully disagrees with the Planning Board's advisory inconsistency finding: Amendment D changes only the procedural consequence of a plan-inconsistency finding and does not repeal, weaken, or supersede any Comprehensive Plan goal or policy.

REASONABLENESS STATEMENT

Pursuant to N.C. Gen. Stat. § 160D-605(b), and in the exercise of the Board's discretion to adopt this statement for text amendments though not statutorily required to do so, the Board finds that adoption of Amendments A, D, N, P, and R is reasonable and in the public interest, considering the size and character of the affected M-2 and M-2 CZ districts, the benefits to landowners, neighbors, and the surrounding community from clear and enforceable standards, the absence of any expansion of permitted development, the public interest in a legally defensible ordinance, and the changed conditions — including growing data center development interest and the Frazier decision — that warrant these amendments at this time.

Note: A reasonableness statement is not statutorily required for text amendments under N.C. Gen. Stat. § 160D-605(b), which applies by its terms to zoning map amendments. The Board adopts this statement voluntarily to create a more complete record.

MOTION LANGUAGE

“I move that the Board of Commissioners adopt the statement of plan consistency required by N.C. Gen. Stat. § 160D-605(a) and the statement of reasonableness set out above, applicable to proposed Text Amendments A, D, N, P, and R, as presented or as amended by the Board.”

“I further move that the Board of Commissioners adopt Text Amendment A, revising Zoning Ordinance §132.3 to reduce the Planning Board hearing window from sixty to thirty days, consistent with the Planning Board's recommendation of approval.”

“I further move that the Board of Commissioners adopt Text Amendment D, revising Zoning Ordinance §132.5 to implement the two-step plan consistency and reasonableness framework required by N.C. Gen. Stat. §§ 160D-604(d) and 160D-605, notwithstanding the Planning Board's recommendation of denial, for the reasons set out in the staff report and the consistency statement adopted above.”

"I further move that the Board of Commissioners adopt Text Amendment N, revising Zoning Ordinance §92.2, Condition 5, to replace the current standardless screening requirement with objective mining and quarrying standards as presented, notwithstanding the Planning Board's recommendation of a countywide moratorium in lieu of individual action."

"I further move that the Board of Commissioners adopt Text Amendment P, revising Zoning Ordinance §92 to replace aspirational and subjective catch-all language with objective M-2 performance standards as presented, notwithstanding the Planning Board's recommendation of a countywide moratorium in lieu of individual action."

"I further move that the Board of Commissioners adopt Text Amendment R, adding a definition of 'Data Center' and classifying the use as a conditional use in the M-2 CZ use table under §92.2, as presented, notwithstanding the Planning Board's recommendation of a countywide moratorium in lieu of individual action."

BOARD ACTION

Upon adoption of this motion, the Board of Commissioners (1) adopts the statement of plan consistency and reasonableness set out above for all five amendments; and (2) adopts Text Amendments A, D, N, P, and R, effective immediately, notwithstanding the Planning Board's recommendation of denial as to Amendment D and its recommendation of a countywide moratorium in lieu of individual action as to Amendments N, P, and R. Adoption of Amendments N, P, and R does not preclude the Board from separately directing the County Attorney to prepare a moratorium ordinance under N.C. Gen. Stat. § 160D-107 for consideration at a future, properly noticed hearing.

Vote: _____ Aye _____ Nay _____ Abstain

_____

Chairman, Stokes County Board of Commissioners

Date: _____

Clerk to the Board

Date: _____

Exhibit 7

Outlook

Procedural Safeguards

From Bryan S. Miller <bryanmiller@co.stokes.nc.us>
Date Thu 9/3/2026 9:38 AM
To Bryan S. Miller <bryanmiller@co.stokes.nc.us>
Cc Olivia Jessup <ojessup@co.stokes.nc.us>

All,

I want to confirm our intent to publish materials as promptly as possible and to comply with the safeguard outlined below.

1. ***Public Notice and Access to Information***

• *Post hearing materials online at least 10 days before the hearing. Materials received by the County after the initial posting will also be posted online, to the extent reasonably possible, and the County will identify materially revised or newly submitted materials.*

The County will post all materials in a timely manner and clearly identify any revisions or newly submitted items. Please note that, in some instances, it may not be feasible to post every document within the full 10-day window. At this time, we do not have any new material.

All materials received to date have been distributed by email and are available on the County website under the Data Center tab on the Planning and Inspections page: Project Delta – Submission Date: 7/20/2026. Any additional materials will be handled the same way — distributed by email and posted online.

Please also note that any staff report will be issued after the public hearing so that it can incorporate any changes to the proposed conditions, as well as any additional conditions requested by the Board of Commissioners as a result of the Public Hearing.

As always, please feel free to contact me by email or phone anytime (cellular is always the best way to reach me).

Best Regards,

BRYAN S. MILLER
Assistant County Manager
Phone (336) 593-2448
Cellular (336) 514-3806
Mail PO Box 20 | Danbury, NC 27016
e-mail BryanMiller@co.Stokes.NC.US

Mission: Protect, promote and enhance quality of life for Stokes County residents and visitors.
Values: Service, Initiative, Teamwork, Improvement.

Pursuant to North Carolina General Statutes, Chapter 132, et.seq., this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to requests for review.

Exhibit 8

Outlook

Project Delta - 9/8 Updated Zoning Conditions

From Jackson, Kaitlyn D. <KJackson@tuggleduggins.com>
Date Wed 9/9/2026 11:56 AM
To Bryan S. Miller <bryanmiller@co.stokes.nc.us>

1 attachment (81 KB)
Zoning Conditions 9.8.26 .pdf;

Bryan,
Please see attached the updated zoning conditions.
Thank you,
Kaitlyn

Kaitlyn D Jackson

Tuggle Duggins P.A.
400 Bellemeade Street, Suite 800
P.O. Box 2888 - 27402
Greensboro, NC 27401
T 336-271-5235 | F 336-274-6590
KJackson@tuggleduggins.com
www.tuggleduggins.com

TUGGLE DUGGINS

NOTICE:	DISCLOSURE:
Legally privileged and confidential information may be contained in this message and is intended only for the use of the individual or entity to whom it is addressed. Any dissemination, distribution, printing or copying of this material by anyone other than the intended recipient is strictly prohibited. If you have received this communication in error, please notify us immediately.	Accounting, business or tax advice, if any, contained in this communication, including attachments, is not intended as a thorough analysis of specific issues, or a substitute for a formal opinion, nor is it sufficient to avoid tax-related penalties.

Exhibit 9

Electronically Filed Date: 11/12/2026 5:05 PM Stokes Superior Court County Clerk of Superior Court

The Catawba Nation
Office of Tribal Government
996 Avenue of the Nations • Rock Hill, SC 29730
p: (803) 366-4792 • f: (803) 327-4853 • e: info@catawba.com

Dear Stokes County Commissioners,

The Catawba Indian Nation Executive Committee has recently been informed that you have been sent erroneous information about Saura Town (also known as Saratown). Saura Town is Ancestrally linked to our people, the Catawba. A document that was sent to you erroneously stated that the Catawba have not spoken up before now and concluded that we have no interest in the site. We were not informed of the request to you to turn over our Ancestral land, or any remains or artifacts to any one besides the Catawba. We just learned about this request and have several major concerns. We would like to state that if ANY land, human remains or artifacts are being considered to be turned over to another Tribe or other entity or individual, because this site is of such extreme archaeological, historical and cultural importance to our people, they should instead be transferred to the Catawba Nation.

According to the University of Chapel Hill's Research Laboratories of Archaeology, associated artifacts and human remains from the geographic location of the Madison Cemetery, Early Upper Saratown, and Rea No. 2 sites indicate that these three sites belong to the Saratown phase, approximately A.D. 1450-1710. Because the remains from these sites were produced by a people (the Sara) that historic records identify as having merged with the Catawba, they are identified as likely culturally affiliated with the present-day Catawba Indian Nation.

Saratown is Ancestrally linked to our people and this site should be preserved. If there is any discussion on the disposition of this portion of the property or any remains or artifacts therefrom, the Catawba should be consulted immediately and included in all conversations and decisions.

Sincerely,

He Speaks To The Sky

Patricia Leach
Assistant Chief

Brian Harris
Chief

Roderick Beck
Secretary/Treasurer

The Catawba Nation
Office of Tribal Government
996 Avenue of the Nations • Rock Hill, SC 29730
p: (803) 366-4792 • f: (803) 327-4853 • e: info@catawba.com

To Whom it May Concern,

Monty Branham has been given authorization to speak on behalf of the Tribe in the matter of presenting an oral reading of a letter to the Stokes County Commissioners on September 8th. The letter and supporting documentation has been created and provided by the Tribal Historic Preservation Office who has been in active consultation with Monty Branham and Quinlan He SpeaksToTheSky on this very serious matter concerning our Saura Town site.

Sincerely,

He Speaks To The Sky

Patricia Leach
Assistant Chief

Brian Harris
Chief

Roderick Beck
Secretary/Treasurer

Exhibit 10

Outlook

Response Requested: 398 Constituents Oppose Project Delta Rezoning

---

From Jason Barnaby <jason@change.org>
Date Thu 7/9/2026 5:51 PM
To jsanborn@co.stokes.nc.us <jsanborn@co.stokes.nc.us>

Hello Jeff Sanborn,

I'm Jason with the Civic Engagement Team at Change.org A petition titled "Protect Stokes County! Reject Project Delta!" — currently signed by 438 of your constituents — lists your office as a decision maker, and **we'd love to help you get your message directly to them.**

(Note: We're not asking you to sign — we're inviting you to respond. Not in a position to provide or help obtain a response? Is this issue outside your office's jurisdiction? Let us know and we'll adjust accordingly.)

Responding is simple: just reply to this email with whatever you'd like shared. We'll post your response on the petition page and email it to every signer so they hear directly from you.

Not sure what to say? Responses don't need to be lengthy. Officials often share actions already underway, clarify jurisdiction or next steps, acknowledge constituent concerns, or explain any policy constraints. You're also welcome to include links, resources, or newsletter signups — this is your space to communicate however works best for your office.

Petition Link: https://change.org/p/protect-stokes-county-reject-project-delta

Petition Summary: The petition asks Stokes County officials to reject any renewed rezoning application for Project Delta, a proposed roughly 1,800-acre data center campus near Walnut Cove and the Dan River, and to impose a temporary moratorium on hyperscale data centers until stronger regulations and independent studies are in place—especially given that prior January 2026 approvals were void due to public-notice issues. Signers say the decision matters because permanently converting rural and agricultural land could threaten water and infrastructure impacts, historical and potential burial resources connected to local communities, and could shift substantial electricity and grid costs onto residents while projected jobs and revenues are uncertain and not independently verified.

Thank you,
Jason and the Civic Engagement Team

PS: Change.org is a nonpartisan organization committed to civic engagement between public officials and their communities.



Jason Barnaby
Senior Engagement Specialist
change.org
jason@change.org
(415) 907-4737

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Is this email not relevant to you? Click here

Exhibit 11

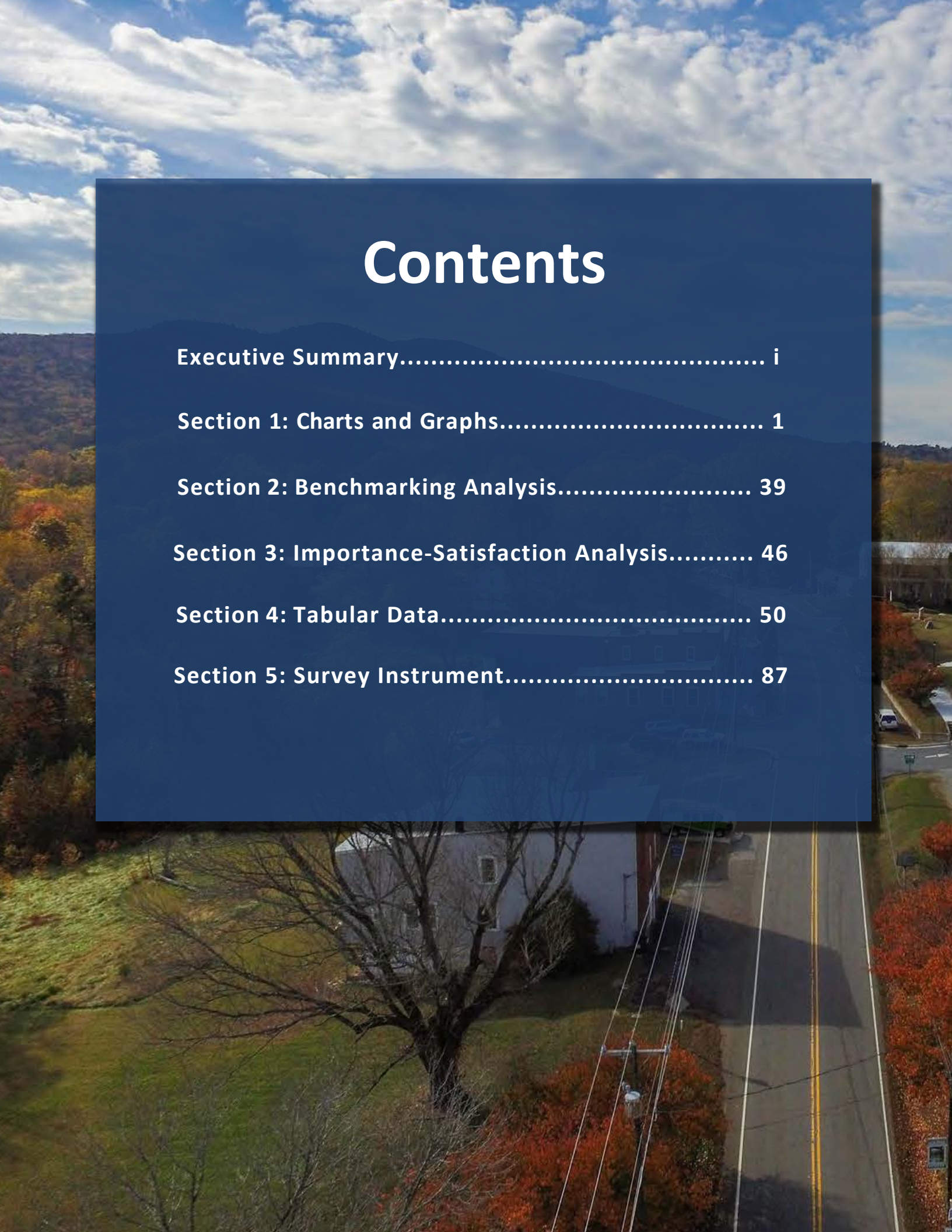


2026 Stokes County Community Survey

Findings Report

August 2026

ETC INSTITUTE



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Executive Summary

2026 Stokes County Community Survey
Executive Summary

Purpose

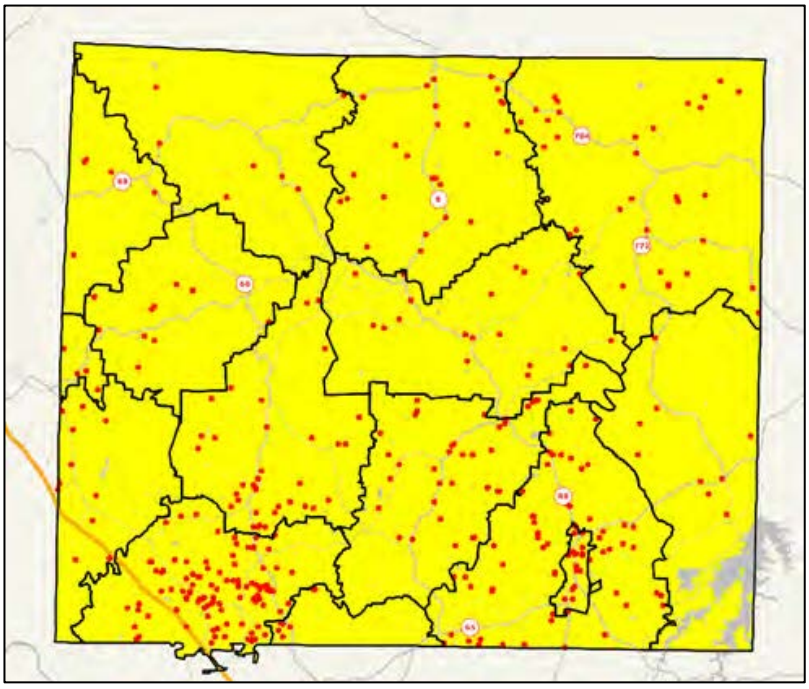
During the summer of 2026**,** ETC Institute administered a community survey for Stokes County, North Carolina. The purpose of the survey was to assess resident satisfaction with the delivery of major County services and to help set priorities for the community.

Methodology

The five-page survey, cover letter and postage-paid return envelope were mailed to a random sample of households in Stokes County. The cover letter explained the purpose of the survey and encouraged residents to either return their survey by mail or complete the survey online. At the end of the online survey, residents were asked to enter their home address; this was done to ensure that only responses from residents who were part of the random sample were included in the final survey database. After the surveys were mailed, residents who received the survey were contacted to encourage participation.

The goal was to receive 400 completed surveys. This goal was met, with 404 households completing the survey. The results for 404 households have a 95% level of confidence with a precision of at least +/-4.8%. There were no statistically significant differences in the results of the survey based on the method of administration (mail vs. online).

To better understand how well services are being delivered by the County, ETC Institute geocoded the home address of respondents to the survey. The map to the right shows the physical distribution of respondents to the survey based on the location of their home.



The percentage of "don't know" responses has been excluded from many of the graphs and the benchmarking data shown in this report to facilitate valid comparisons between county services. Since the number of "don't know" responses often reflects the utilization and awareness of county services, the percentage of "don't know" responses has been provided in the tabular data section of this report.

2026 Stokes County Community Survey
Executive Summary

This report contains:

- an executive summary of the methodology and major findings
- charts depicting the overall results of the survey (Section 1)
- benchmarking analysis that shows how the survey results compare to the U.S. average and the Atlantic Region average (Section 2)
- Importance-Satisfaction analysis that shows priorities for investment (Section 3)
- tabular data for all questions on the survey (Section 4)
- a copy of the survey instrument (Section 5)

Major Findings

Reasons to Live in Stokes County. Respondents were asked to select all the reasons they choose to live in Stokes County. The three most commonly selected reasons were: rural setting (88%), low traffic congestion (60%), and proximity to family/friends (57%). Respondents were then asked to select the three items that would have the biggest impact on their decision to stay in Stokes County over the next five years. The three most commonly selected items were rural setting (77%), proximity to family/friends (43%), and low crime rate (40%).

Visioning. Respondents were asked to rate how important they believe various factors are to the overall quality of life in Stokes County. The three items rated highest (as "somewhat important" or "very important") were safety, low crime, and responsive public safety services (98%), adequacy of roads and highways (96%), and natural open space (95%). The three issues respondents think will be the most important for the County to address over the next five years are: safety, low crime, and responsive public safety services (36%), natural open space (34%), and health care access (34%).

Quality of Life. Ninety percent (90%) of respondents agree (combined ratings of "somewhat agree" and "strongly agree") that Stokes County is a safe place to live, and 75% agree that Stokes County enjoys a high quality of life.

Overall Ratings. Respondents gave the County the highest ratings (combined ratings of "good" and "excellent") as a place to live (92%), as a place to retire (85%), and as a place to raise children (82%).

Major Categories of County Services. The three major categories of County services respondents are most satisfied with (combined ratings of "satisfied" and "very satisfied") are: emergency response services by rural fire district fire departments (79%), quality of EMS (78%), and quality of emergency 911 services (76%). The three major categories respondents think should receive the most emphasis from the County over the next five years are: quality of K-12 education facilities (41%), communication with the public (35%), and quality of zoning regulations (26%).

2026 Stokes County Community Survey
Executive Summary

Tax Increase. Thirty-eight percent (38%) of respondent are "supportive" (26%) or "very supportive" (12%) of a tax increase if it were used to fund the major categories of services they indicated should receive the most emphasis over the next five years.

Sources of Communication. The three sources households use most often to learn about Stokes County news, events, and other information are: Facebook (83%), friends/family-word of mouth (67%), and the Stokes County website (56%). The three sources households most prefer to receive information from are: Facebook (66%), the Stokes County website (53%), and friends/family-word of mouth (35%).

Aspects of Life in Stokes County. Respondents were most satisfied (combined ratings of "satisfied" and "very satisfied") with life in Stokes County as it pertains to their experience engaging with County staff (61%), customer service provided by County staff (57%), and quality and quantity of arts and cultural events in the County (54%).

Library. The County library that was visited by the highest percentage of respondents (42%) in the last year was King Public Library. No fewer than 85% of respondents rated the condition and quality of library services as "excellent" or "good."

Sheriff's Office. Respondents were most satisfied (combined ratings of "satisfied" and "very satisfied") with the overall quality of Sheriff protection (71%) and professionalism of Sheriff's Office employees (71%).

Emergency Services Experience. Thirty-six percent (36%) of respondents surveyed had contact with Stokes County 911 service last year, 30% had contact with EMS, and 8% with the County Fire Marshall. These respondents were then asked to rate their satisfaction with aspects related to service when in contact with these departments. Respondents were most satisfied (combined ratings of "satisfied" and "very satisfied") with the professionalism of EMS staff (95%), overall quality of EMS (93%), and overall EMS response time (91%).



2026 Stokes County Community Survey

Open-Ended Comments

August 2026

ETC INSTITUTE

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Q17. What are you MOST CONCERNED about as a citizen of Stokes County?

- A data center destroying our land
- A lower taxes
- Access/proximity to public education, staffing of fire depts, needs exceeding available funding
- Administration
- Aging and comically disadvantaged population
- AI data center
- AI data center being built and property taxes.
- AI data centers should not be in this county
- AI Data centers using our water
- All the trees hanging over our roads
- Allowing data centers
- Amount of drugs and gangs
- As a citizen of stokes county my main concern at this point is our special needs community on the upper part of the county. As a parent of two kids with IEPs I know for a fact that they weren't followed for one of my kids. I requested meetings and it seemed like they didn't want to do it.
- As a constituent, my greatest concern is that the voices of the people are no longer being meaningfully considered by the very officials we elected to represent us. Decisions that will have lasting impacts on our community should prioritize the well-being of residents over financial gain. I'm especially concerned about the proposed data center & its potential effects on our quality of life, environment, wildlife, natural resources, & public health. Also troubled by the increase in serious crime throughout our county over the past year, as every resident deserves to feel safe in the community they call home. I hope our elected leaders will listen to their constituents and make decisions that reflect the best interests of the people they serve.
- Availability recreational activities for families, i.e. pools, splash pads, arcades such as Dave and busters,
- Balance the environment and economic development
- Becoming urban. I love the rural atmosphere, I moved here from kernersville 30 years ago, I dislike what kernersville has become and hope it doesn't happen here
- Being heard by county employees
- Being taxed out of existence
- Changes in planning and zoning policies regarding data centers
- Clearing of forest lands
- closing schools on the northern side of the county
- Commissioners with no intent to listen to the citizens of Stokes County. Commissioners don't care about the health and well being of the citizens of Stokes County. Common sense would go a long way in Stokes County politics.
- Communication-I was not aware of where information was posted like Facebook, next-door, X, website, etc.

- cost of living-water and sewer cost mainly
- County commissioners having little respect for its residents
- County Commissioners ignoring the folks of their constituents. Keith Wood is a stain on the board.
- county commissioners not listening to the public
- Creation of local jobs that actually pay a fair wage
- Crime
- Crime. Economic development. Educational resources for children. We have schools that were built in the 1950s. New, improved schools should be built to keep up with the urban areas
- Data Center
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- Data center and county board holding closed door meetings
- Data Center and protecting our natural resources
- Data center being built
- Data center development
- Data center development
- Data center effects on our wonderful county
- Data center is being built
- data center without community support, keeping this county as natural as possible
- Data Center...Please keep these away from our county...Sincerely & Thank You
- data center-do not want
- Data centers and the blatant plunder of our local resources by those who do not live here.
- data centers and the lack of interest by the commissioners to listen to citizens and work for transparency
- Data centers being built in our beautiful county.

- Data centers coming to our county. We don’t need them here
- data centers destroying way of life
- Data centers we'll go wrong; increasing public education K through 12 funding
- Data centers, nuclear power plant, and taxes
- Data centers, over development of farm land, need to build more roads before building huge housing developments. Need more support for firefighters and fire department. Need a 24 hour emergency department or hospital with helicopter pad for emergency transport. Danbury hospital can not handle this.
- Data Centers. Solar panels. Rising Taxes.
- Data Centers. We the people said NO to data centers but county commissioners NO DO CARE what we the people have said.
- Data ctr PROPERTY TAXES INSURAN CEOUT
- Description of our small town country vibe
- Destroy the County with a Data Center
- Destruction of natural beauty and green spaces to add an AI data center that the public doesn't want. The commissioners seem to approve whoever pays them off the most.
- Dispatcher took my address TWICE but used GPS to send EMS to my neighbor’s house. Good thing it wasn’t a heart attack.
- Don't really have any concerns except maybe litter.
- Drugs
- Drugs
- Drugs
- Economic growth, and over population. Data centers.
- Eco-tourism, medical care-mental health; jobs and education
- Education and traffic
- Education in the rural communities like sandy ridge and lawsonville. It feels as if you’re not apart of king then our children don’t matter.
- Education, opportunities, support for at risk, children, no child left behind
- Education, safety, and quality of rural life in the county
- ems, fire responsiveness; environmentalism
- Environmental issues, especially water. Also, property taxes are crazy high with current values of property being jacked up.
- Extreme increase in housing without planning
- Extremely concerned about the Project Delta data center. This is going to create a new industrial mega site in our county without proper environmental controls. The commissioners are not being transparent. They are rushing to get it in before they are voted out. Terrible ethics.
- flock cameras and data centers
- For the amount of taxes paid- what I get for the amount paid
- Funding being removed for social safety nets like SNAP and Medicaid, not being able to fund the improvements needed to schools.

- Funds for education of k thru 12. Also Millennial school has a business that picks up and drops off at certain locations. I think a bus or van to transport students to Surry Community or Forsyth Tech could help some students out with transportation to further their education.
- Funds not going where they are needed most
- Getting too crowded
- Giving over large tracts of farmland for hyper scale data centers and solar farms without regard for what the cost is to both the environment and the experience of rural life. I moved to Stokes County to live in country, see farmland, not hear generators and see massive data centers that drive up my energy costs and steal my water.
- High property taxes and to many rules and regulations and you can't open up an hot dog stand without paying all kinds of fees and DDS not enforcing working for benefits and a young person can't even afford a mobile home because of all the rules and regulations and fees and the size of stokes county government needs to be reduced and any one that owns a home after age 65 should be exempt from paying any property taxes and school taxes and I get very little in return from all the taxes I pay
- High taxes and cost-of-living here
- Highways, housing developments, being built-infrastructure
- How poorly the county has handled the Data Center without hearing to the people in and around the community that do not want the Data Center in our community
- I am concerned about the outside industrial and housing coming in and ruining our town small towns. I can only speak for Walnut Cove. The data center talk, the out of town land grabbers and home flippers. The developers and logging. I am concerned about our environment and the way of life in Walnut Cove and surrounding areas. King obviously wants the big business nonsense, but me as a Walnut Cove resident, don't want any of that.
- I am concerned about the proposition of a Data Center and impact on historical land.
- I am concerned that Stokes county is trying to be like other places where people move away from. Trying to increase taxes and trying to change what has worked for years. I'm afraid of bigger government, limiting it's citizens from living as they wish. I'm concerned about regulations. When our county was without regulations many businesses prospered in this county, now we've regulated them all away. From tobacco to your local convenience stores all gone because of regulations. Now the only thing can afford to be in business are chain stores. We need to support local people and local businesses, not being a menace to them. We need to support what we have and try to reinvent everything, if what you have is working, why change it?
- I am concerned with the amount of bars, no new places for teens to hang out or families to enjoy. Especially with Winston becoming more and more dangerous. Meanwhile our teachers are buying Sheetrock to fix their own classrooms. Our kids are attending schools that are falling apart.
- I am extremely concerned about the proposed data center trying to be pushed in the southeastern part of Stokes County. It is troublesome to think that it only takes 3 commissioners can make such a huge decision without putting the choice to a vote by the people. The secrecy

and behind closed doors transactions are discouraging for this part of the county. Individual emails and phone calls have not been returned by the commissioners. It feels rushed, pushed, and deceitful. Slow down! Do the research! Study and conduct more meetings to really listen to the people. Really be transparent!! That's what is said but it is NOT what is happening!

- I am most concerned about losing the natural beauty of the county. I am a seventh generation resident and land owner and it is ridiculous to not capitalize on the beauty of the area as a hiking and event venue site.
- I am resident of Danbury and seem to drive by more and more homes and/or land with junk vehicles visible from the road. Thousands of people are coming to visit Hanging Rock Park per year from all directions and not getting a good impression of our county if we allow it to look like a junkyard. We need laws to have these eyesores out of sight.
- I don't mind the growth of recent years, but the infrastructure is not up to speed for the growth.
- I have very little association with any county services. The total lack of concern of the use of illegal fireworks in the county disrupts my families quality of life on a yearly basis. Multiple times a year. When a disaster happens because of it, the sheriff's office is accountable for it because of their lack of willingness to address the issue. Nothing short of a total ban except city and county displays will be acceptable.
- I think our county is wonderful. The school facilities need major upgrades. Most of these buildings need to be majorly renovated, not just cosmetic.
- I'm concerned about sprawling development with no regard to our rural heritage. I also have concerns about our inability to create quality jobs within the county. We need to entice medium sized businesses to establish here to keep Stokes workers and tax dollars in the county
- I'm concerned that our public schools still require monetary requirements for classes and 4 principals at each school always standing around. Seems like a waste of money
- I'd like it to keep with the caring, value based community with a sound infrastructure to support it, values
- Illegal drugs being both sold and used
- Illegal drugs in the community. Crime in general.
- Illegal immigrants
- I'm really concerned about having a data center coming in and ruining our beautiful county.
- Increase in taxes
- Increase population and crime
- Increased traffic and small roadways with an increase in population with more to come, building more homes quickly, and water availability/cost
- Increasing taxes, data center drawbacks, road conditions as the census increases, ability to communicate openly with county boards.
- Influx of data centers
- Infrastructure can maintain the growth of housing
- Installation of I.T. center in Rural Hall area.
- Jobs, will crime go up, cost of housing, cost of living
- K-12 education. County seems years behind other places that I have lived.

- Keep people law abiding
- Keep stokes county like it is. No big developments or data centers
- Keeping infrastructure on pace with residential growth
- Keeping it small and quiet. No data centers. Rural lifestyle is why we came here to get away from the big box cities.
- Keeping our city rural and clean. Making sure we're not wasting our natural resources un
- Keeping Stokes natural and not polluted with useless commercialism.
- Lack of concern for the DAMAGE a Data Center would do to all of the citizens of Walnut Cove, land, air, water and habitat for animals.
- Lack of growth, increasing our tax base. Poor opportunities to keep and retain young people by jobs, housing and community.
- Lack of handicap facilities in parks, parking downtown, and dining.
- Lack of law to keep people safe.
- Lack of public transportation availability
- Lack of serviceable roads in the King City limits and overcrowded schools
- Lack of tax money spent in Walnut Cove for development. School system is a concern as well.
- Lack of transparency by county board with decisions and including public opinion in data center decisions.
- Lack of transparency for data center
- Lack of transparency from the Board of Commissioners (BOC) I attend and speak at a lot of meetings and there is not a lot of responsiveness or connection between the BOC and the community. At the January 12, 2026 BOC meeting Keith Woods dismissively waved his hand toward the hundreds of us who were standing outside in protest of the vote on a hyperscale data center and said dismissively “that’s not Stokes County.” That is the very definition of not knowing your community! This disconnection leads to poor, rushed and hushed decisions that end up creating ill will in the community and citizens feel like they do not have a representative government.
- Losing rural nature : peace, quiet, clean air , water, well water, wildlife, forests, etc. Short term thinking/planning with reelection and party politics as primary focus of those in power/charge. Small town, neighborly attitude based on sharing rather than fear of losing resources.
- Maintaining our rural, natural small town way of life. Good air quality, very little noise pollution.
- Maintaining safety of Alain keeping it small town feel
- Maintaining the rural community. Fund the police. Add parks and trails. Senior citizens activity services. Education of our children.
- More help for the mental health
- More people coming in than infrastructure can handle.
- More regulation
- Most concerned is a difficult question, the only honest answer is Change. Everyone is afraid of change but it is going to happen, we have to be smart with out planning and development. Other points of interest:

  - Our Sheriff's office needs qualified officers who make a decent wage and need better benefits for all county employees. Sheriff needs a crime scene unit/investigator(s) who can process scenes versus a nonchalant deputy who says there's nothing we can do and leaves. This has been needed for YEARS.
  - County needs to take over volunteer fire departments and provide Countywide fire protection, as the current system is broken with zero checks and balances, I mean there was a department with porn charges to the department credit card. That is county tax money. We need a detailed audit of the departments versus a basic annual audit that says you received XXX dollars and spent XXX dollars.
  - We have to invest in schools
  - We have to have economic development in this county to assist in the tax burden and increase our sales tax rate to take it off of the property tax of the citizen.
- My biggest concern for Stokes County is that our elected officials have a history of not listening to the concerns of the citizens. My next concern would be the quality of some of our elementary schools, both the condition of a couple of them, as well as lack of control concerning behavioral issues.
- My biggest concern is that Stokes County is changing without a clear vision for what kind of community we want to be. I support responsible economic development, but I do not support changing the character of our rural county through piecemeal rezonings and large industrial projects without first establishing a long-term plan. The proposed hyperscale data center highlighted this problem. Before considering a project of that size, the county should have adopted a moratorium, completed the necessary studies, evaluated infrastructure and environmental impacts, and determined whether that type of development belongs in Stokes County at all. The first question should not be, “How do we approve this project?” It should be, “Is this the kind of land use that reflects the future we want for our county? I also believe communication with residents needs significant improvement. People should not have to rely on rumors, social media, or constantly monitoring county websites to learn about decisions that could permanently affect their community. Local government should actively inform the people it represents.
- My quality of life being adversely impacted by noise and anti social behavior. The Stokes county noise ordinance is very outdated and needs to be updated. If people knew they could live here and not be bothered by noise/anti social behavior I think they would be more inclined to come here and buy/build fancy houses and pay a lot of tax but you can buy a super nice house here and next door are a bunch of people riding four wheelers constantly and playing music and drinking and taking drugs with out of control aggressive dogs and the four wheelers trespassing and there's not much you can do it's just 'being in the country' and that puts quality tax payers off
- Needing business development, job development and economic development.
- No data center
- No data center in Walnut Cove

- No data center in Walnut Cove, better uses of our tax dollars, more money spend on the Walnut Cove & Danbury area schools.
- NO DATA CENTER! NO FLOCK CAMERAS currently on hwy770 on stokes side at Carrol locations facing the road) invasion of privacy and illegal search by private citizen. Need used oil collection back at waste sites. Need to enforce the green waste tag for public swimming access due to large amount of non tax paying individuals hoarding our funded parks. Must lower property tax.
- No data centers
- No data centers
- No data centers
- No data centers
- No data centers
- no data centers; fire commissioners who aren't truthful
- No land use or zoning in the county. Only five commissioners, not enough for a county this diverse and large, should be seven.
- Not allowing data centers in Stokes County. Not in favor of data centers.
- Not being recognized and heard with issues in our part of the county.
- Not bringing unnecessary businesses that will forever change the quality of life found in the rural areas just for the sake of added tax income and done with no consideration of the ramifications. Limiting growth to maintain our small town feel.
- not development but unregulated development without infrastructure planning
- Not enough law enforcement to combat drug problem and homelessness and gambling places!!!
- Not enough major retailer growth
- Not having a data center ruining this area.
- Open hostility and disrespect towards people who are different weather because of race, ethnicity, or political beliefs is the biggest concern
- Our county commissioner not listening to what the people want!
- Our public school facilities are in dismal condition and our educators are extremely underpaid. That they can accomplish what they do with what they have is nothing short of a miracle. This is my area of greatest concern for Stokes County.
- Our schools. The buildings all need replaced, sandy ridge elementary is terrible, the gym bathrooms are awful, the gym isn’t connected to the school there’s no parking, they use trailers for classes. Update the schools!!
- Our town being ruined by a data center
- Over building of farm lands
- Over crowding of homes in the city/outskirts of city.
- Over crowding of schools.
- Over development/housing. Rural land being bought up for development. Getting overpopulated. Farm land should be protected.
- Over population

- Over-building, especially housing, without sufficient infrastructure (water, sewer, power, roads) and property tax evaluation.
- Overcrowding
- Overcrowding, too much traffic, poor water quality, parks are not being maintained adequately, cheap housing being built in mass quantities
- Overdevelopment and tax increases
- Overdevelopment of King and the infrastructure
- over-development-too much too quick
- Overgrowth of the population and school at maximum limits. Chestnut grove middle already has over 700 students and 40 teachers. Kids are falling behind because there is no time to help each student if they are struggling. The BULLYING is a HUGE issue. Kids committing suicide because the bullying and no one is listening when they are crying out for help. These schools do NOT care about our children. They only care about the "scores" and "bonuses".
- Overpopulation. Crime..
- Overreach by the fire inspector
- Overtaxed and underserved
- Paying high taxes, high power bills, high water bills. County reps padding their pockets with Data Center CASH!!!!!
- Population
- Population growth and infrastructure
- Preservation of quality of life. NO Data Center!!!! It will be the beginning of the end!
- Preservation open space, road maintenance and safety
- Prevention of rezoning the land and construction of a data center and solar farms in the Walnut Cove area
- Project delta data center impact to the community
- Property Development, Code enforcement
- Property tax increase, sewer, price, fees, and services
- Property taxes are going up
- Property taxes increasing. Its ridiculous how high my property tax is on a house built in 1954. Shouldn't have to pay property taxes year after year on something I own.
- protecting land and preserving its beauty
- Protecting the environment and resources of our county. Stokes County has beautiful landscape, most of the well water is drinkable, many people come to Stokes County for tourism.
- Public education
- Public education access and facilities. The elementary schools here in king are full causing overcrowded class sizes.
- Putting all effort into King and not improving the county
- quality of roads-Ridge Road is in terrible condition and getting worse
- Quality of training for volunteer fire
- Racism in this county

- Rapid over-development of residential area and data center
- Rezoning of land
- Rising taxes (almost $1,200 increase in property taxes the last 2 years), rising crime rates, low funding for public education and school closures.
- Rising taxes on real property for senior citizens. Myself included.
- Roads
- Roads not sustaining, increase in population and infrastructure
- Rural farms and houses being bought up by coops. Taxes increasing. Please NO Data centers!!
- Safety and blower taxes
- safety and community growth
- Safety first.
- Safety of highways, due to increase the population and the fact that in the King area we only have one middle school
- Schools and government being moved away from our area
- Schools- we need better spending of school system money and less waste on people's personal wants. We need to focus more on education to bring our school system grades up from a failing grade. That's the number 1 reason we have schools.
- Selling out the citizens for AI data centers and destroying the natural beauty of the county. Rising prices of utilities by the monopoly of Duke energy and their destruction of nature and poisoning of the water and land.
- Seniors
- Significant increase in property valuations that led to higher property taxes.
- Stagnation of development and lack of nice parks and playgrounds
- Status of data centers
- Stokes county school location being removed from Danbury area
- Stop closing schools. Find other solutions.
- Strain on public services due to rapid growth in population and housing development.
- Stupidity and greed of county commissioners
- support from county commissioners with school board
- Tax increase
- Tax increases
- Tax rate is ridiculous
- Taxes
- Taxes
- Taxes going up and no jobs for people living in rural parts of stokes county
- Taxes going up yearly. Roads not being kept up to par.
- Taxes rising with same quality of services.
- Taxes, bring them down
- Taxes, data centers, elected officials not hearing or responding to constituents.

- That a water tower went up at the end of my road and when they dug the well for it must of hit a vein I am connected to because our water is horrible with iron. It stains all my appliances and turned my hair red. I called to ask if I could pay to be connected to the water and they told me no. For me to have to look at this water tower and have worse water issues and now big birds sitting all over it the least you could of done was run water lines down the end of the road where the water tower sits. No respect for residents it's just all about your money. I pay taxes for a county that does nothing for me when I need help. That should be the Stokes County motto painted on the water tower. My name is Stacy Wall if you want my vote on anything show me you care enough to get me connected to a clean source of water. That's right you can't because your powerless people unless a data center is involved or something that will pad the politicians pockets.
- That data centers would come in and destroy our quaint country town
- That our first responders leave for greener pastures
- That Stokes citizens expect government to do everything for them, to have every answer, so the public has become lazy and entitled. Residents have already become talkers and not doers.
- That Stokes county will follow the paths of Forsyth and Guilford Counties with oppressive taxation and over development.
- That the county is more concerned about growth instead of its current citizens.
- That the EMS at 911 continues to receive the support they need
- That we continue to seek advancement like data centers and industrial manufacturing that will up our tax revenue so we can afford good schools and county departments.
- That you patrol the roads to give tickets but can't take an emergency call at a home on the side of the road to help a citizen is straight corruption! I was pro cop until that BULL started. If it's out of your jurisdiction to help you should NOT be able to ticket people! Corrupt Stokes County! It's SHAMEFUL!
- The amount of housing that is being built; do we have enough schools K through five?
- The building of the data center
- The building of the data center on Tuttle road. I live within the 1 mile radius of the proposed site. I worry about quality of life when and if it's built. Will it destroy this small town. What is a constant hum going to be like once it's built? The noise and lights once it's built. Will people come here to live. Will my children come back here to live.
- The Commissioners not listening to or being transparent with the community.
- The concessive building of Dollar General's and Family Dollar right across the street from one another and the board of County commissioners just approving anything and everything for any large business in context my neighborhood consist of brick homes, but close by his metal building, such as a Dollar General, Family Dollar, and a big blue building on a hill, which all three were just pushed through by the board of commissioners
- The conditions of public school facilities.
- The cost of living and not being paid enough to live
- The county bring in business that will allow the county to grow and provide quality education and other services.

- The county commissioners approving plans for data center after the entire county has spoke out against it. They're elected to represent the public's desires but have only went for what they've been paid off to do.
- The county commissioners not listening to citizens when we say no data centers and no rezoning of agricultural areas. Why not plant food in those areas and sell it to make money for the county? Once the land is gone, it's gone. Keep Stokes County rural and let the other counties/cities build the data centers. I'm also concerned about the amount of trash on the sides of the roads in Stokes County. Why can't the prisoners be made to clean it up to pay back their debt to society?
- The county not being upfront and honest to the people that live on the county.
- The data center
- The Data Center being approved. It would mean potentially moving from the area. The rural setting is 100% the reason we chose Stokes county. The schools are awful, we take our children out of county for school. Our jobs are also out of county.
- The data center being built and destroying farmland as well as water source
- The data center construction that is going to destroy native lands, that is an archeological site, put a strain on an already vulnerable water table, and the decision being made by commissioners who were voted out. The money that they think will come in will not because of state tax breaks. The negative environmental impact this will have outweighs any positives it may bring. Unfortunately these commissioners are putting the promise of profit over people, something Stokes Count used to not be about.
- The data center should not be built
- The data center they are trying to build
- The data center. Especially the board of commissioners rushed vote for it and lack of transparency. Even after hearing from citizens that didn't want it here and after the planning board recommended against it.
- The data centers are an insult to our citizens. I believe we will not see any economic advantage from this. Were we to focus on agricultural and nature tourism, and help to expand job opportunities in these areas, we could see some real and healthy long-term economic growth.
- The direction of the county. I moved here because it's rural, country, small and old fashioned. A data center and large businesses will ruin the county.
- The education system and how are children are falling behind the state and the nation.
- The fact that property taxes keep increasing and services are decreasing.
- The fact that we pay through the nose in taxes and fees and still have crappy roads and the fact that we have to wait 14 revolutions or stop lights at some intersections because traffic planning is horrid in places.
- the government
- The growth occurring in and around King. Right now the roads are not able to handle the extra traffic being created by all the new housing developments. Seen this happen in Mooresville many years ago.

- The head of animal control is not a nice person. Why do I pay taxes for someone to treat me like a criminal and fine me but won't help solve the problem that I had no control over for 4 years because of illness unless I pay him for each feral I surrender but he'll trap them at no cost for a neighbor. The rest of the staff are great but he's been really rude and unkind to me for whatever reason. Someone at Animal Control was referring to me as "Willie Nelson's Sister" to my neighbors. Not very professional to talk crap about people to anyone.
- The massive hyper scale data center that is being proposed
- The Mega scale Data Center coming to Walnut Cove
- The possibility of an AI Data Center in our county. Adamantly opposed to this but fear the county will allow this despite the majority of our citizens are against this.
- The proposed Data Center in Walnut Cove and Dukes Nuclear Plant at Belews
- The quick housing developments that will bring more people to our county but not having money to repair the schools.
- The random zoning that occurs within the city and the county. Citizens and local neighborhoods are not consulted prior to the surprise building of new neighborhoods and what was once beautiful farmland, and or forest areas. Afraid that the number of houses that have been dropped upon the residence of the county, will bring difficulties to county provided service services, including, most importantly, education and education, educational facilities.
- The rapid increase in housing construction and new neighborhoods not supported by infrastructure.
- The rate in which the population is growing. The roads that are unable to sustain the amount of increased traffic.
- The Stokes County sheriff's office is understaffed and underpaid. They need a raise. They're going to leave and go somewhere else. Other agencies are paying more.
- The treat of our county being ruined by big business and data centers. The buying of our land by out of town home builders. The buying of our homes by out of town flippers ripping people off and reselling for huge profits. The education system being ran by a moron who takes the best principal Walnut Cove elementary has ever had and moving her to King because she’s so good because it’s King. WCE finally had some continuity within the school and staff. She was the best and my understanding didn’t want to leave. This county will be fine without all the bull crap out of town nonsense. We don’t need it, we don’t want it.
- The unnecessary amount of focus on growth. I like Stokes County rural.
- The unprofessional demeanor of our current BOCC!
- The willingness of our current commissioners to ignore the pleas of the citizens regarding data centers for the potential revenue that has been hypothetically promised.
- These high rated property taxes. Absolutely insane at the amount we are paying for this area. Especially us that are disabled and on a fixed income. The county code enforcement office is an absolute joke with code regulations and the non-compliant idiots that work there! The social services department is operated by mostly a friend of a friend staff that is incompetent of the services they try to provide. Personal information is given out to family members. And yes it happened to me personally. Half that office needs to be fired!!!

- Too many people moving here
- Too much development. I love being in a rural area with a small town feel.
- Too much development. Stop clear cutting land for more housing development s
- Too much growth.
- Too much growth; low cost housing and increase in crime
- Too much land being turned into developments and the school system going woke.
- Too much traffic
- Traffic
- Traffic
- Traffic, congestion and lack of infrastructure to handle increased in population
- Transparency of county government. County government that puts party ahead of the citizens. Loss of agricultural and residential land. Mismanagement of budgets and revenue. Not protecting the natural resources we have. Fair representation of all areas of the county in zoning and planning.
- True concern for ALL of its citizens not just the elite
- Truthful straight info on the data center.
- uncontrolled expansion
- Unfair government.
- VOTE NO ON BUILDING THE DATA CENTER IN WALNUT COVE
- Water quality, ability to be in healthy environment
- We don't want a god damn data center
- We have a state park where people hike and rock climb but no real hospital or emergency services and average response time for EMS is 11 mins. That's a long time depending on your emergency
- Wild animals, stray, cats that are multiplying
- Zoning and permitting of a data center. I do not support the data center.

Q18. What do you perceive to be the BIGGEST THREAT to quality of life in Stokes County?

- AI data center
- AI data center to kill the peregrine falcons roosting in the rock wall s of Hanging Rock State Park.
- AI data center
- AI data center
- AI data center
- AI data center being built
- AI data center
- AI data center
- AI data centers and Duke energy. Along with inept, corrupt, and just plain unqualified members of commissioners and other elected officials.
- AI DATA CENTERS. The Commissioners are IGNORING THE CITIZENS
- AI Hyperscale Data Centers! Not just quantity of life in Stokes County, but all of the US.
- All of our beautiful land being sold off and cleared which in turn is killing off our wild animals and hurting the environment.
- Amount of cookie cutter homes being built
- Amount of drugs and gangs
- Any and all data centers.
- ATV, dirt bikes, E bikes, ride on public roads without helmets and kids take the public roads over.
- Big business and big box
- Big business taking over the rural countryside, data centers, solar
- Big industry and lack of spa business support
- blindness of commissioners on public education
- Building the Data Center. Building to many housing developments.
- Businesses that don't fit like data centers with the recreation reputation we are trying to build as a county.
- Carpetbaggers and certain county commissioners. Data centers.
- Cleaner drinking water and making sure we have enough water to supply community as we keep building businesses and houses.
- Climate change
- Commissioners that don’t care about anything except money. The hell with the citizens health and well being. Making a decision on an issue that they have no idea the outcome just wanting money.
- Continue to build houses I have rooms are full because they keep him bringing in more kids. Taxes keep on going up even though we’re getting more houses being built.
- Continued increase in property taxes especially for those of us on fixed incomes in our older years.
- Cost of housing
- cost of living and emphasis on water, sewer and power
- Cost of living increase and not having enough support for those individuals in need.
- Country living
- County board themselves next to the data center fight.
- County Commissioners and BOE and taxes fees and regulations and the BOE needs a cut in people and salaries and put the money back into the schools not over paid bearcats

- County contraction. An indicator is closing schools means we are loosing young people. This leads to two outcomes 1) higher taxes and decrease of services 2) this results in loosing more people.
- County government self services
- County government that forego environmental and health over proposed tax revenue from development. County government that serves themselves against the will of the people. A hyperscale AI data center that violates their own comprehension plan. Text amendments to zoning regulations to justify new industry standards just for the tax revenue.
- Crime
- Crime
- Crime
- Crime because of illegal drugs.
- Crime rate increase due to increase in population
- Crime, theft and illegal drugs and lack of services to protect citizens from it.
- Danger for children in some of the old schools
- Data center
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- Data Center and dangers to our biodiversity and ecosystems
- data center and Duke energy
- Data center and Duke power p
- Data Center and Mother Nature
- Data center and population
- Data center and solar panel farms
- Data center being built
- Data center development
- Data center development
- Data Center if approved.
- Data Center impacts
- Data center
- Data Center!!! 100%
- Data Center. The Cost Of Living.
- Data center, crime extending from Winston, higher taxes

- Data Centers
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- Data centers and over populated
- Data centers and cell towers
- Data centers and flock cameras
- Data centers and housing developments
- Data centers and public education
- Data centers and solar farms coming in and ruining our land.
- Data centers and the lack of agricultural development.
- Data centers and the pollution associated with it. But the biggest threat is the Politics, none can be trusted with the best interest of its people. Killing our environment and wildlife is a crime. In turn will kill us as well. Unfortunately people who can't afford to leave here are stuck with what you give them.
- data centers, county commissioners
- Data centers, environmental concerns!

- data centers, larger businesses closing hometown businesses
- data centers, unnecessary cell towers
- Data Centers. We the people said NO to data centers but county commissioners NO DO CARE what we the people have said.
- Data centers/land and resource mismanagement
- Data centers/power increased by Duke energy CEO
- Democrats
- Development and politicians
- Development that is done without a plan, proper zoning or guidelines. The county, its resources, citizens, land and wildlife are like a puzzle and all parts need to fit and work together.
- dissolving of the Emergency Services and misappropriation of funds
- Divisive county officials
- Donald Trump and his followers
- Drought, honestly.
- Drug related crime
- Drugs
- Drugs
- Drugs
- Drugs
- Drugs and crime
- Drugs and gun
- Drugs, homelessness and gambling places!
- Duke Energy pollution, nuclear plant, data centers, anything that doesn't protect the land, the beauty and our natural resources.
- Education and traffic
- Education Minister
- Environmental
- Expansion of data center
- exploding population and over development
- Fear of change
- Firearm use in residential areas
- flock cameras and data centers
- Funding for public education
- Gangs
- Government and it's buddies trying to make a dollar.
- Growing too fast; too many new housing
- growth
- Growth that is not thought out thoroughly for all ages of the county.
- Growth without sufficient healthcare access and lack of infrastructure support.
- Heavy industrial zoning for data center development and the removal of agricultural land
- High property taxes
- High taxes
- Higher property taxes
- Honey bees
- Hyper scale data center, environmental pollution, lack of integrity in local elected officials
- Hyperspace data centers negative effects.

- I don't see any threats. Just want to see more business development and economic development for ALL of Stokes County.
- I feel that we need more job opportunities across the county, not just in the most populated areas. We need a proper hospital with a modern ER. Danbury is too small, and Winston Salem, Kernersville, and My Airy are too far for an emergency. We also need more grocery stores in rural areas instead of more dollar stores. Also, we need to capitalize on the amount of traffic that comes through Danbury for the state park. We need more small businesses that cater to the hikers, bikers, art and nature lovers. Any kind of assistance through special funding, etc., that helps encourage new businesses is ideal. I am not talking about data centers though. Those are not welcome and would only hurt us.
- I think commissioners who don't listen to the people or any other elected officials that don't listen to the actual people. Put out surveys. Ask the people before making decisions, don't just assume it's what the people want. Our elected officials get elected, then work for themselves.
- Ignorant people. We can not advance in life holding on to the things that have always been.
- Illegal drug usage and associated crimes
- Increase in housing without planning for schools, services, roads
- Increased homelessness
- Increased housing developments without business development
- Industrialization
- Infrastructure
- Infrastructure
- It is a toss up between the Data Center and Duke Power wanting to transform the power plant to a nuclear power plant
- Job opportunities and growth for our citizens
- Jobs and education
- Lack of accessibility to a hospital
- Lack of accessibility to emergency health care
- Lack of countywide water system
- Lack of economic development. People are aging out and their children are leaving the area to go to cities where jobs are located. This leaves an aging population that cannot fund home maintenance and upkeep (in rural areas mostly). If economic development improves people will stay and conditions will improve.
- Lack of education
- Lack of growth and businesses, other than fast food
- Lack of hospital and health services. Need MRI, CT, and cardiac care near King. Something similar to Clemons or Kernersville.
- Lack of jobs in the county
- Lack of quality jobs in the area, at least in Walnut Cove.
- Lack of tax revenue shutting down services that are important. Lack of control on anti social behavior or even encouraging it. Like I live on the river and the tubers make my life miserable for months on end but nobody is going to do anything because it's pretty much the only source of tax revenue. Also the parks are absolutely ruined by disgusting people leaving trash and playing loud music but there's no enforcement.
- Lack of up to date infrastructure
- Lack of well paying jobs and affordable housing.
- Land grabbers and industrial businesses

- Large infrastructure that will increase traffic, noise and overall quality of life. Agriculture needs to be supported and sustainable without the threat of land being bought up for large development.
- Liberals
- Losing land to developers.
- Losing our rural identity.
- Losing the low cost of living. The huge housing developments building $500k+ valued homes make it harder for those who have been here for years and also the huge increase in utilities and lack of infrastructure.
- Loss of rural character and farming
- loss of Saura Mountain and natural land to development
- Mega Data Center!
- Moving a Data Center into Stokes. Building ALL these new developments which we do not have room for on our streets or in our schools.
- My biggest thing is Taxes, we shouldn't have to pay taxes when you turn the age of 65. We have paid taxes for years, we should be exempt from taxes. You got people out here that has not even paid taxes for years. I guess we have to pay for them. This is not the right way to handle thinks.
- No good paying jobs. Data centers. Cost of living.
- No land use planning or zoning
- Not controlling growth. Not having local schools. Need schools in northern Stokes County to encourage young families to move here.
- Not enough affordable housing
- Not enough deputies in the county.
- Not enough pay to first responders, EMS, fire, to encourage them staying
- Not investing in the infrastructure
- not restricting the management of natural resources
- Number of schools in King K through five
- Old ways of thinking.
- open spaces are being developed
- Our leaders would ignore what the people of Walnut Cove want and turn it into a big city with high taxes and noisy conditions
- Ourselves and our politics.
- Outsiders coming in
- Over crowding of the classroom and not enough teachers/assistances for them.
- Over development
- Over development
- Over development. Farm land being turned into housing developments. Overpopulated.
- Over population
- Over population
- Over population; loss of small town atmosphere Life
- Overburdened roads
- Overcrowding
- Overcrowding, poorly constructed homes, increase in drug use and homelessness
- overdevelopment

- Overdevelopment and commercialism created by government leaders not truly representing the people that elected them into office.
- Overdevelopment and tax increases
- Overdevelopment of King area
- Overgrowth of so many random house farms that have popped up all over our county. We do not currently have the infrastructure to support them. It is just a money grab by the county for a tax revenues without any consideration of impact to local Neighborhood and school system systems.
- Overpopulation
- Overpopulation. Crime
- People who do not want change
- Police not keeping people safe and slow response.
- Politicians who do not listed to the constituents. The "Northern part" of the county vs. "King" attitude that seems prevalent. Those who live in the "King" area have basically heard that the commissioners are 'tired of everything going to King', but that is where MOST of the county lives - closer to the highway. I understand that all in the county need services (which means money), but to dismiss an area that is heavily populated seems to be a mistake. And - using this mentality to try to convince people that an AI data center is going to bring what is needed to the more rural part of the county.
- Poor planning and huge cheap neighborhoods being alloy. Aggressive homeless population. Not enough police patrols in rural areas.
- Poor planning and overdevelopment, don't try to turn Stokes county into the place you've moved from.
- Poorly managed growth - growth is inevitable and GOOD for Stokes county but if we just let companies walk all over us, residents will lose in every way.
- Population explosion
- Population is growing to fast.
- Project delta data center
- Proposed data center
- Public education
- Rapid development and an already struggling infrastructure.
- Rapid population growth. Both a blessing and a curse.
- Reckless and thoughtless development of our rural county.
- Reckless growth that is not sustainable but yet is very short sighted in its approach.
- Response times if and when needed.
- Rezoning our agricultural land and trying to build a data center.
- Rise of crime rate, Better Drug enforcement
- Roads and schools
- Roy Carrol buying land to turn into a resort to make him money but ruin good old Stokes County.
- Safety and Security
- Safety of highways due to increase of population and the fact that it has become more urban.
- School board decisions
- See previous answer to most concerned about.
- Small minded people who think things like a data center will bring jobs to people without specialized training and background (I used to work in a cellular switch and took care of

database and equipment). I also worry about people who don't realize that taxes buy quality roads, schools, etc. One gets what one pays for.

- Some of the current commissioners! I thought they were voted in to represent the people!!! Obviously they don't care about the people. November will tell the tale!!
- Stokes County School Board members
- Take over if farms buy big corporations
- Taxes
- Taxes and foreigners! Also land grabbing developers, real-estate agents, and property investors. All a thorn in the side of families and residents that have inhibited Stokes Co all their life
- Taxes becoming too high
- Taxes forcing people to sell land
- Taxes without adequate representation
- The "I'll do what I want to" attitude of the pure bred that live here.
- The biggest threat is allowing short-term development opportunities to permanently change the identity of Stokes County without adequate planning or public trust. I am concerned about the cumulative impact of large-scale land-use changes, including industrial development and the increasing conversion of rural and agricultural land. Each project may be considered individually, but together they can fundamentally change the county's landscape and quality of life. Once farmland and forests are lost, they are difficult or impossible to restore. Equally concerning is the erosion of trust between residents and county leadership. Decisions should be transparent, supported by careful analysis, and made with meaningful public engagement. Residents elect county officials to represent the long-term interests of the community, not simply to react to the next development proposal. Stokes County should grow thoughtfully. We can create jobs, improve services, and invest in our communities without losing the rural character, natural beauty, and agricultural heritage that make this county worth protecting.
- The biggest threat is the data center and no one can see it because the ones that vote live in king and they want everything bad to be placed in walnut cove. The county seat of stokes county is Danbury and to look you would never know it because king people rule the county.
- The biggest threat is the data center proposal! The major threat is that the sitting commissioners are not listening to the people! Snap decisions inevitably come back to bite! Slow down and research!!!
- The biggest threat to our quality of life in Stokes County is the lack of desire by our elected officials to support the arts in our communities. The arts and our natural resources are key to our survival and to bringing in income from outsiders.
- The commissioner not willing to grow.
- The commissioners not listening to or making decisions for the walnut cove pine hall area regarding this Data Center project. They don't care, they don't live where it would impact their lives.
- The cost of living is so high and taxes are hard to pay
- The County Commissioners and data centers destroying our environment, wildlife, water, and air.
- The data center
- The data center
- The data center
- The data center
- The data center

- The data center proposed in Walnut Cove and the structural changes to the zoning ordinances that the county commissioners are trying to push through.
- The data center that is proposed to be built on title road.
- The data center will ruin the counties environment and Dan River
- The data center will totally change our county and not for the good. I love this county because it is rural and we have enough pollution without adding to it. I know we need jobs but this is not the business we need. I have always driven to Winston Salem for my job and I knew that moving back here. Our commissioners are suppose to represent the citizens and sadly that hasn't been happening. They do what they want and it's time it stopped. Also when commissioners are voted out, they should not be allowed to vote on huge issues such as this. Their time should be over.
- The data center
- The drugs
- The incoming data center
- The neglect to our schools and children by the majority of our current school board and superintendent.
- The police and public officials and rampant corruption.
- The proposed data center is the single greatest threat to the quality of life in Stokes, particularly for our community of Walnut Cove. The alleged benefits do NOT outweigh the potential long-term impacts. This project will negatively affect our environment, wildlife, natural resources, water supply, public health, & the peaceful rural character that makes our community so special. I'm also concerned about the impacts on property values & the county's ability to attract new families & businesses that are drawn to our quality of life - especially after hearing of buyers backing out of home sales after discovering the proposed project, as well as others that recently bought land & built homes in the area expressing grievances. Our community has made it overwhelmingly clear that we do NOT want this project, & I urge our leaders to prioritize the voices of the people who live here & will be most affected by this decision.
- The proposed data centers, moving forward without adequate environmental and community impact studies to ensure they are safe for residents and local resources
- The public housing in downtown King
- the school board and county commissioner
- The water, treatment, air pollution
- There is no emergency care here. The closest hospital is 30 minutes away. Our communities are growing rapidly. We need a hospital, and better schools.
- Those people that are pushing to turn the farmland into industrial, data center and business. Those who are pushing to destroy all of the natural habitat and resources. If I wanted to live around buildings and clutter, I would live in a big city. I love our rural and natural landscape.
- Threat; lack of responsible deputies. Lack of communication between deputies and sheriff or captain. Most cops you see on the upper side with the exception of a few go hang out at dollar general in Sandy ridge or go to the berry patch and talk with their other cop buddy that meets them there.
- To many housing developments being built
- too many new people
- Too many new residents and not enough schools
- Too many people moving in
- Too many people moving in
- Too many people moving in

- Too much development. Data centers
- Too much growth, low-cost housing, and increase in crime
- Too much growth.
- too much housing being built
- Too much new development without the structure needed to support the growth
- Traffic
- Traffic
- Traffic congestion/infrastructure concerns
- trees being cut-farmland developed; taking away from rural country living
- Trying to grow it up into a big city is ruining this city. We shouldn’t be doing anything to attract more people to come live here.
- Trying to urbanize
- Two fold: keep Data centers out and big coops being up houses and lands.
- Unchecked growth which exceeds what the infrastructure keeps up with. And also Stokes County losing its identity as a good place to live.
- Unrestricted industrial growth and crime!
- Urban growth and increased population.
- Walmart-king-the roads in King are horrible
- We don't need data centers here
- We have had enough growth now.

Q19. What is the BEST thing about living in Stokes County?

- A great combination of small towns, rural areas, outdoor recreation, traditional music heritage, close to international airport, close to two major hospitals, close to great colleges,
- A sense of community.
- Affordability, rural, not a overbearing government
- Affordable living
- As of yet, there are no data centers
- Beautiful, natural land. Keep it that way, once you change it you can't go back. Let us be THE county to visit for recreation.
- Being a small town atmosphere
- Being away from the urban and industrial environment of the city. Quiet, private, and peaceful
- Being in a rural area!
- Being in a rural community in proximity to nature
- Being in the country away from all the traffic and people in the city.
- Being left alone
- Being rural! Everybody knows everybody attitude. Farm lands all around and neighbors helping each other.
- Close proximity to recreation state parks
- Close to family and friendly county
- Close to work and convenient
- Close to work.
- Convenience
- Country
- Country atmosphere, grocery stores and low crime
- Country life
- Country life with plenty of room
- Country living
- Country living
- Country living
- Country living
- Country living
- Country living, peaceful with your neighbors go to jail, on drugs charges. When they live beside you.
- Country living; low traffic
- country living; quiet atmosphere
- Country setting, country, living, great schools, and great people
- creeks, parks, wildlife
- data center
- Down home family feeling. We are a community that cares about one another. We pray together, play together and help each other.
- Education
- education and sense of communication
- Family
- family and neighborhood
- Farmland, rural area and low population.

- Farms land, rural areas and parks. Would like to see community pools or splash pads
- Feeling like you still live in a rural setting. The beauty of the country. Not outgrowing the infrastructure.
- Foothills and small town atmosphere
- For the most part I feel safe.
- Forests, mountains, the Dan River, vacant land, very few people.
- Freedom and peaceful us due to keeping threats to our daily living away.
- Freedom to do things on my property; neighbors who are caring and kind
- Friendly
- Friendly community
- Friendly people
- Friendly people
- Good down to earth people live in this county. Most are hard workers, love God, love family and love their neighbors. In addition, low crime rate, natural beauty Hanging Rock, tubing down the Dan River, Palmetto Theatre, Dragon Glass Winery, Churches, etc.
- Great people
- Great people except some of newer Northerners
- Growth and rurality
- Hanging rock and access; plus sheriffs office is good
- Hanging Rock State Park
- Hanging rock state park
- Hanging Rock State Park and Pilot Mountain State Park being right at us.
- Having a close and caring community, as well as it being a more rural area. There is still close access to bigger cities, so most of us here want to keep things on the more simple side.
- Healthcare, library, a place close to vote
- I can only speak for the area where I live (Walnut Cove), but what I value most is its peaceful, rural character & strong sense of community. It's a place where wildlife thrives, country roads offer beautiful, peaceful scenic drives, & traffic congestion is minimal. I've also enjoyed seeing some growth - such as new restaurants, boutiques, & coffee shops that actually ENHANCE the community without changing its character. Its also been touching to see the way neighbors have come together to support one another & advocate for the future of our community - which makes this area such a special place to call home and I truly hope, with every fiber of my being, that these qualities are preserved for future generations to come!
- I fell in love with Stokes county and Hanging Rock over 30 years ago when I married a King man and moved here. The natural beauty of Stokes county
- I have family roots here.
- I like not living in a city and the slower pace.
- I love that it's rural and I have family and friends here. Big open spaces with beautiful views and natural beauty. Safe schools and safe communities to live in.
- I love the beauty of the state park, as well as seeing all the active farms still producing and the ability to easily buy their crops. I especially love the emphasis on the arts when I drive through my town of Danbury. It is a bit behind other places that I have lived, but love that we have a library as well. Some of these topics are taboo in rural counties such as Stokes, but we need that diversity to grow as a county and for us to be a destination that people want to either live in or visit regularly. Please keep that in mind.
- I think we have an amazing county with amazing resources. We could be drawing in so much more while still keeping the small town charm.

- If you live in a rural area of Stokes, you are lucky. Living within 10 miles around Main St. is a huge disaster and unnecessary stress
- In general, community. I believe we have good law enforcement. My rationale is I don't hear negative stories on the sheriff's department. Other areas where I've lived, I'd hear of misconduct. Sheriff Lemons (by my indications) must be doing a good job.
- It is quiet and friendly
- It is Republican, rural and quiet-also you need more of this feedback and need to listen
- It used to be a nice little quite rural town. Now, people from everywhere have all but cost that small town feel.
- It used to be the low population until the past couple of years.
- It's beautiful with low taxes, and lots of outdoor opportunities.
- It's HOME.
- It's natural resources
- It's natural, has a ton of outdoor activities, and not an urban or industrial area.
- It's not big city, it has most of what you need but could use some improving.
- It's not Forsyth County or Guilford YET!!
- It's quiet
- It's quiet, quaint and rural, I'd prefer to keep it that way
- It's rural
- It's beautiful and I have lived here my entire life.
- Its beauty!
- Its emergency service level of care.
- Just a place to live but county government needs to get out of people's lives
- Knowing your neighbors
- Laid back life style
- Lesser traffic
- Live here, my entire life also in the fire department so knowing everybody
- Living around my family and friends not for them I would leave this town.
- Living in a peaceful setting where you can hear the livestock, birds chirping and the ability to see the stars light up the sky at night
- Living near my family
- Living outside of Forsyth County! More of a Simple Way Of Life! Close to the Mountains!
- Living rural
- Location.
- Love the country life and living on the land pass down for generations
- Love the mountain views
- Low cost of living and natural beauty
- Low crime rate
- Low crime rate and little urban blight !
- Low crime, beautiful area.
- Low overall population
- Low taxes and small town atmosphere life
- Lower tax rates
- Lower taxes and friendly people
- maintaining a rural feeling as we grow, the neighborly-ness
- Minimum industrial businesses

- Mountains and family
- Natural beauty
- Natural beauty
- Natural beauty of the land.
- Natural resources, the quiet, the history of this county, the peace and quiet of a small rural area, please leave it alone, its a beautiful peaceful place, don't turn these small towns into a king or Kernersville. Ill leave if it starts to grow.
- Natural setting
- Natural space
- Nature
- Nature and being able to escape the world and follow the paths. Hiking at Hanging Rock.
- Neighbors helping neighbors
- No data centers
- No data centers
- Not having a data center. The people, history, rural setting, and beauty that will be impacted by data center.
- Not living in Forsyth
- Nothing currently. It was paradise until a few years ago.
- open space-rural areas
- Open spaces
- Open spaces
- Open spaces, quiet living, great well water, privacy
- Out of city limits it can still have a country feeling.
- Outdoor activities
- Owning property that is quiet, peaceful and not in the city life. Having neighbors that care. Being left alone. The heritage of the Saura Indians, our homelands of all that came here before us.
- Parks, recreation, and state parks, community engagement
- part of county I live in is peaceful but our dirt road needs to be taken over by state since most citizens here have paid taxes for years !!
- Peace
- Peace and quiet
- Peace and quiet
- Peace and quiet in Lawsonville
- Peace and quite
- Peace, Quiet, clean water and quality of life!
- Peaceful
- Peaceful rural community
- Peacefulness
- People
- People
- Personal space
- Price of taxes are reasonable
- Proximity to Hanging Rock and my family farm with a view all the way to the mountains.
- Proximity to medical care
- Quaint, beautiful and good people!!
- Quiet

- Quiet and beautiful area
- Quiet environment
- Quiet peaceful living great people
- Quiet with beautiful scenery
- Quiet, country living. Neighbors coming together
- Quiet. Peaceful
- Right now mine surrounding area it seems to be low crime, low drugs and I hope it stayed that way
- Rural
- Rural
- Rural and safe.
- Rural and supportive community
- Rural area not a huge bubbling area
- Rural area without industrial encroachment
- Rural areas
- Rural areas
- Rural atmosphere, natural beauty.
- Rural but accessibility to retail/dining
- Rural character that maintains its standards as a bedroom community for surrounding industrial counties.
- rural community and the natural beauty of the landscape
- Rural environment
- Rural farm land
- Rural land and wooded natural areas. Strick schools and strick police.
- Rural life
- Rural life
- Rural life style with proximity to Winston.
- Rural life, good people
- rural life, quality citizens
- Rural living
- Rural living
- Rural living
- Rural living (not in city limits).
- Rural living. But that is being destroyed by all the development
- Rural location with beautiful views and local places to visit .. and recreation acres park
- Rural setting
- Rural setting and the people
- rural setting; peaceful living/country life
- Rural vibes, small town feel, Every day feels like a Sunday
- rural way of living, beauty, natural resources
- Rural, low traffic
- Rural, no polluted natural land.
- rural, peaceful
- rural, people are friendly, people care about others
- Rural, quiet community.
- Rural, small town life

- Rural, very little manufacturing, clean air and water! And it used to be full of people that were honest with good moral values, but greed is creeping in.
- rural/quiet
- Safe, low cost, great pace of quality life
- Safety, good quality of life
- Safety, peace, and small town feel
- Schools and neighbors
- Seclusion
- senior center in King
- Sense of community and rural living.
- Sense of community, neighbors helping neighbors during severe weather and other disasters. Steady growth allowing for more amenities and services without completely changing the charm of the city.
- Serenity, beauty and the people who are trying to resurrect a small town.
- Services provided by King
- Small town atmosphere
- Small town atmosphere
- Small town atmosphere
- Small town atmosphere
- Small town atmosphere and country settings
- Small town atmosphere and population
- Small town atmosphere, beauty, and great neighbors
- Small town atmosphere, country living
- Small town atmosphere, land with views
- Small town atmosphere, low crime rate, fire department, and EMS
- Small town atmosphere; not congested living here
- small town community-ease of getting around. Friendly environment. beautiful
- Small town country living
- Small town country living; fantastic sheriffs department
- Small town feel
- Small town feel & friendliness
- Small town feeling & support and peaceful quiet surrounded by nature & clean air and well water.
- Small town living
- Small town living
- Small town living
- Small town setting
- Small town, country atmosphere.
- So many farms and forests
- Still have small town charm
- Stokes county is beautiful and most of the residents here are great people.
- That it doesn't have a data center
- That it is a rural community that provides quality living. Yes there are areas of improvement but being small and rural is why I moved here!!
- That we don't have a data center
- The people

- The beautiful land, Hanging Rock State Park, the teachers that put real effort into tending to the growth of young minds, and our wonderful libraries and librarians.
- The beautiful river, kayaking, hiking in the state parks etc.
- The beauty and slow pace
- The beauty of the land.
- The best thing about living in Stokes County is its rural character, natural beauty, and strong sense of community. I chose to live here because it offers peace and quiet, open spaces, and a slower pace of life while still providing access to local amenities like the library, parks, arts, and community events. I value having neighbors who care about the community and the opportunity to enjoy the county's natural resources close to home. My hope is that Stokes County continues to protect those qualities as it grows, because they are what make it a special place to live.
- The best thing about living in Stokes County is the people that care about our rural history and future.
- The best thing about living in Stokes County is the people. For the most part, we have a welcoming and friendly community mindset.
- The best thing about moving back to my home state was moving to a county where my family has roots going back to the 1800s here and even further back in Yadkin and Wayne counties. My family on both my mother's and father's sides goes back to the 1700s here in North Carolina.
- The best thing is there is still a "family" and "neighborly" feel in some areas, but honestly it's felt less like that in the past couple of years due to the housing boom and less of a small community feel.
- The calm laid back approach to life. Not having to see concrete everywhere you look. The fresh air and beautiful surroundings. Nature is key to living here for me. I can enjoy the atmosphere and nature without having to travel to get it. If I need city life, it's 20min away. I can be at one of the best state parks in the state in 10min from my house.
- The Christian influence in our entire community!
- The citizens
- the clean air and water. The cooling trees and grass, The fine people.
- the community
- the community
- The community. These people want to protect their way of life and keep it simple.
- The current air and water quality
- The fact that it's rural, family oriented
- The fresh air that we still have.
- The friendliness of the people
- The good and passionately engaged public servants and residents. Every public servant I've engaged with since moving here 4 years ago - courts, sheriff, taxes, etc... has just been wonderful to work with. Our state public servants could really learn from you about how to treat the public. Residents here actually care about what happens in their county - it's not like that in the big cities in the western US.
- The list has shrunk over the past several years and I can't think of but one family and friends
- The low rate crime rates and sense of safety it provides for families
- The mountains, the rural, relaxed, quiet nature of the county and all the farms and open space.
- The natural beauty and farm lands. Rural living.
- The natural environment
- The natural environment and the beauty that has been provided by god to all of us to enjoy.

- The natural rural beauty and small town feeling.
- The peace and quiet.
- The peace and quiet. No better place to live.
- The peacefulness and less hustle and bustle.
- The people
- The people
- The people
- The people
- The people
- The people
- The people
- The people
- The people and the environment
- The people and the rural setting
- The people and way of life.
- the people in Walnut Cove and the wonderful merchants
- The People who live here
- The people! The scenery!
- The people, the lifestyle
- The people. There isn't a better community in this world than ours. But the government and it's buddies have done more harm to it than anything else. They closed our schools and have continued to work against it. They are claiming they are increasing CTE classes, but close others. Kids today have fewer opportunities than I had, when I came through Stokes county schools. This is a sad reality. The problem isn't the facilities, it administration and what they choose to support.
- The proximity to things the city has to offer without having to live in the thick of it.
- the proximity to W-S while still living in the country
- the quiet, peaceful living
- The quiet, the natural spaces
- The rural ambience
- The rural and beauty.
- The rural areas and country living.
- The rural community setting
- The rural retreat aspect.
- The rural setting
- The rural setting
- The rural setting and historical significance.
- The rural setting and incredible landscape.
- The rural setting and peaceful surroundings
- The school system is still good
- The small country life. The beauty of this small town.
- The small town setting, open land, beautiful trails, and views, near hanging rock, small town charm
- The state park In our backyard. I love driving home from Winston Salem and seeing the mountains.
- These small town aspect

- Traffic not as bad as some places
- Use to be friendly people
- Use to be the rural environment but is quickly being taken away
- Very little anymore with the raping of the property tax rates.
- We do enjoy the new changes around King as we do have more dining options in the area. Would hope that that would continue. Would rather spend my money here and King and in Stokes County then travel to Winston-Salem or other places. I do love where I live - we feel relatively safe, enjoy our neighbors, and the area immensely. One other area that should probably be addressed, though is the amount of traffic in our area. With the addition of many houses at the end of our neighborhood, we're having trouble with people speeding through our neighborhoods, without any consideration of the children who live here and the people who enjoy walking. Also getting out from our neighborhood on road such as Mountain View has become dangerous. Traffic studies need to be considered. I lastly, down to vitalization and beautification would be greatly appreciated. Get rid of the gosh, awful ugly concrete bunkers down Main Street, and add beautiful, lighting and buried lawns in the downtown area.
- We moved here 3 years ago because it's quiet and rural. Please keep it that way.
- We still have nature, trails, open space
- We used to have lower taxes, but now I hope they can be lowered.
- Where my family lives

Exhibit 12.1

Outlook

Stokes County 2026 Findings

From Robert Heacock <Robert.Heacock@etcinstitute.com>
Date Thu 8/20/2026 8:15 PM
To Jeff Sanborn <jsanborn@co.stokes.nc.us>

4 attachments (11 MB)

2026 Stokes County Survey_Report.pdf; 2026 Stokes County Survey_Comments.pdf; 2026 Stokes County Survey_Non-Random Data.pdf; 2026 Stokes County Survey_Maps.pdf;

Hi Jeff.
The Stokes County 2026 report, maps, comments, and non-random data are attached.
Please let me know if you have any questions or concerns.
Thanks,
Robert

Exhibit 12.2

From: Jeff Sanborn <jsanborn@co.stokes.nc.us>
Sent: Thursday, September 10, 2026 2:29 PM EDT
To: Theresa Auricchio <auricchio.stokes@gmail.com>; Olivia Jessup <ojessup@co.stokes.nc.us>; Bryan S. Miller <bryanmiller@co.stokes.nc.us>
Subject: RE: 2026 STOKES COUNTY COMMUNITY SURVEY — REQUEST FOR CLARIFICATION AND PUBLIC RECORD

Theresa,
The resident survey is an annual information gathering product and is not linked to Project Delta in any way.

Jeff

From: Theresa Auricchio <auricchio.stokes@gmail.com>
Sent: Thursday, September 10, 2026 2:19 PM
To: Jeff Sanborn <jsanborn@co.stokes.nc.us>; Olivia Jessup <ojessup@co.stokes.nc.us>; Bryan S. Miller <bryanmiller@co.stokes.nc.us>
Subject: 2026 STOKES COUNTY COMMUNITY SURVEY — REQUEST FOR CLARIFICATION AND PUBLIC RECORD

Subject: 2026 STOKES COUNTY COMMUNITY SURVEY — REQUEST FOR CLARIFICATION AND PUBLIC RECORD

Bryan, Jeff, and Olivia,

I am attaching a methodological review of the 2026 Stokes County Community Survey.

I first took the survey as a resident and came away feeling that some of the questions were difficult to interpret because broad terms and priorities were presented without much context or tradeoff.

I later went back and reviewed the survey instrument more closely to understand what it was actually asking and what conclusions the responses could support.

That review led to the attached methodological analysis.

The question of whether the survey might be used in connection with Project Delta arose later because of the timing of the survey and because it was referenced during the September 8 public hearing.

I do not know whether the County intends to use the survey for that purpose, which is why I am asking.

The survey uses broad terms, including “economic development,” without defining what those terms mean in practice. It also asks residents to rate multiple priorities without testing how they would choose when those priorities conflict.

Because of those design limitations, the survey appears to support only broad conclusions about the categories respondents rated, not specific conclusions about the choices or tradeoffs residents prefer.

For example, a respondent who says “economic development” is important could mean agriculture, tourism, small business, health care, manufacturing, technology, workforce development, or something else entirely. The survey does not distinguish among those choices.

Because a Project Delta vote may be approaching, I want to bring this question to the County’s attention now rather than after final action.

Please clarify:

1. Does the County intend to use the 2025 or 2026 Community Survey in evaluating Project Delta, the reasonableness of the rezoning, or whether the proposed rezoning serves the public interest?

2. If so, what specific survey questions or results would be relied upon?

3. How would the County distinguish general responses about “economic development” from support for Project Delta, this site, this scale, or this rezoning?

4. How would the County distinguish residents’ desire for County services or revenue from support for a particular development used to fund those services?

5. What sampling, recruitment, weighting, validation, duplicate-response control, geographic-representation, nonresponse, and response-coding methods were used by ETC Institute?

6. Will the County make the survey instrument, methodology, response totals, weighting or coding methodology, and any analysis presented to the Board available to the public?

The attached review does not assert that the survey was designed for Project Delta or that the County intends to use it for that purpose.

It asks what the survey instrument actually measures and whether it is being considered in connection with this rezoning.

PUBLIC RECORD REQUEST

Please include this correspondence and the attached methodological review in the official public record for the Project Delta conditional rezoning matter.

Please preserve both with the other written submissions concerning Project Delta and provide them to the Stokes County Board of Commissioners before final action if the survey or its results will be considered in connection with the rezoning decision.

Thank you,

Theresa Auricchio
Stokes County resident and property owner

Mission: Protect, promote and enhance quality of life for Stokes County residents and visitors.
Values: Service, Initiative, Teamwork, Improvement.

Pursuant to North Carolina General Statutes, Chapter 132, et.seq., this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to requests for review.

Exhibit 13

August 12, 2026

By e-mail

Stokes County Board of Commissioners & Stokes County Planning Board
c/o Bryan S. Miller, Planning Director / Clerk to the Planning Board
Stokes County Planning and Inspections Department
bmiller@co.stokes.nc.us

Re: Comments on Proposed Conditional Rezoning — "Project Delta" Data Center (Petition of Engineered Land Solutions, LLC, on behalf of DFC Stokes, LLC and DFC Stokes 2, LLC)

Dear Chair Barneycastle, Stokes County Commissioners, and Members of the Planning Board:

We write on behalf of CleanAIRE NC to comment on the proposed conditional rezoning of approximately 1,848.74 acres along US Highway 311, Tuttle Road, Oldtown Road, and Coon Joyce Road from Residential-Agricultural (R-A) to Heavy Manufacturing Conditional Zoning District (M-2-CZ), to allow development of the "Project Delta" data center campus. The application is scheduled for consideration at the Planning Board's August 13, 2026, special meeting. Our comments focus on public health, air quality, and noise, and on why the County should not rely on future state or federal permitting, or on Duke Energy's own generation timeline, to fill the gaps left open in the Applicant's proposed Statement of Conditions.

CleanAIRE NC is North Carolina based nonprofit that has spent more than 20 years standing with communities in the fight for clean, healthy air. We work directly with local residents — listening to their concerns, helping them track pollution in their own backyards, and amplifying their voices before planning boards and elected officials. Our technical expertise is always rooted in the real-world impacts on families, schools, and farms. It is with that same commitment to community that we offer the following comments on Project Delta.

We are deeply concerned about this project because the proposed conditions leave the facility's single largest source of localized air pollution — its backup and "bridging" power generators — almost entirely unaddressed, at a moment when neither the County nor the Applicant itself has disclosed how many generators the completed campus will require, how long the facility is likely to depend on them, or what fuel they will burn.

This is not a generic industrial siting question. As detailed in Sections I and II below, the site sits beside a community that already carries a disproportionate environmental, health, and historical burden, and the population exposed to this facility's noise and air emissions — young children, elderly residents, people with existing respiratory and cardiovascular conditions, and a historic community with deep and specific ties to this land — is precisely the population least able to absorb additional harm.

The application does not contain the information the County needs to make a sound decision on this proposal, and lacks conditions needed to protect public health. For these reasons, we respectfully ask the County to deny this rezoning application.

I. The Site Sits Next to an Already-Overburdened Community, and Backup Generators Are a Real, Not Theoretical, Source of Harm

The subject property directly adjoins Duke Energy's Belews Creek Steam Station, a 2,220-megawatt coal- and gas-fired plant that has operated in this immediate area for more than fifty years.[1] The County's own staff report identifies the census tract that would host Project Delta as already experiencing chronic-disease rates above the county average, including diagnosed adult diabetes at 16.5% (versus 13.2% countywide), current adult asthma at 11.8% (versus 10.9%), chronic obstructive pulmonary disease at 10.7% (versus 9.4%), and food insecurity at nearly 20% (versus 13.4% countywide).[2] The staff report separately confirms that the historically higher-poverty portion of the surrounding area had a poverty rate of roughly 20%, about double the countywide average.[3] Sycamore Baptist Church sits approximately 670 feet from the property boundary, several other churches lie in close proximity, and the property directly adjoins the 848-acre Dan River Educational State Forest.[4]

Children and the elderly bear a disproportionate share of this risk specifically. EPA has found that children under 18 and adults over 65 — along with people with asthma — are at increased risk from the health effects of nitrogen dioxide, one of the pollutants most directly associated with diesel and gas generator exhaust.[5]

Walnut Cove Elementary School and Southeastern Stokes Middle School are close to the proposed data center site—within 1 to 1.5 miles, with London Elementary School within 2 to 2.5 miles. North Carolina's educational state forests, including the one directly

adjoining this site, are designed and operated as outdoor classrooms for school children.[6] Children attend church preschools and camps nearby. Children, along with elderly residents throughout the surrounding community, would be exposed to whatever this facility's generators emit, with no more protection than the setback and noise conditions discussed in Section III below.

These are precisely the kind of populations — with elevated respiratory and cardiovascular vulnerability and limited healthcare access — that public health research shows are most sensitive to diesel- and gas-generator emissions, and that same vulnerability extends to noise. Diesel exhaust has been classified by the International Agency for Research on Cancer as carcinogenic to humans,[7] and a 2026 Virginia Commonwealth University study of Northern Virginia — the region with the highest concentration of data centers in the world — found that emissions from data-center backup generators can rival, and in some cases exceed, the emissions of the natural-gas power plants serving the same area.[8]

Natural gas generation — also an explicitly permitted use under Project Delta's Statement of Conditions — carries its own significant health risks. Gas turbines emit nitrogen oxides that form ground-level ozone and fine particulate matter, along with formaldehyde and acetaldehyde, both of which EPA classifies as probable human carcinogens.[9] These are not hypothetical risks: in Southaven, Mississippi, just across the state line from Memphis, a data center operator's unpermitted gas turbines — which grew from 27 to at least 69 as the facility expanded — have the potential to emit more than 5,000 tons of nitrogen oxides annually , prompting a federal Clean Air Act enforcement lawsuit and a request for emergency injunctive relief.[10] Project Delta's Statement of Conditions permits an unlimited combination of diesel and natural gas generation without disclosing how many engines or turbines of either type the completed campus will ultimately require.

Chronic noise exposure carries its own, independent cardiovascular risk: the World Health Organization's Environmental Noise Guidelines find that chronic environmental noise is associated with sleep disturbance and adverse cardiovascular effects, including hypertension and ischemic heart disease.[11] That risk is compounded by the specific character of generator and cooling-equipment noise: because this equipment generates low-frequency sound concentrated below 250 Hz, standard A-weighted measurements can substantially understate the true burden on nearby residents — one peer-reviewed study measured a 39.4 dB discrepancy between A-weighted and C-weighted readings inside homes near industrial HVAC systems,[12] and a systematic literature review found low-frequency noise exposure specifically associated with cardiovascular disease, insomnia, and depression.[13] For a population already carrying elevated rates of chronic

disease and limited access to care, added noise exposure of this kind is not a mere quality-of-life concern but a further, compounding health risk.

A recent air-permit application for a smaller (but still large) data-center campus in Richmond County, North Carolina — Amazon's Energy Way Tech Campus, which would be 1,200 MW at full build-out — sought authorization for 649 diesel-fired generators (592 "emergency" units plus 57 non-emergency "bridging power" units), together capable of emitting up to 249.9 tons per year each of nitrogen oxides, carbon monoxide, and volatile organic compounds, and roughly 98 tons per year of fine particulate matter.[14] The state permitting agency's proposed approach — treating the two sets of generators as separate, smaller sources rather than a single facility — likely understates the campus's true, combined air-quality impact, and the agency has not required the air-dispersion modeling needed to confirm the facility will not cause or contribute to a violation of federal air-quality standards.[15]

Project Delta's Statement of Conditions does not disclose how many generators the completed campus will ultimately need. Neither the Board nor the public can know today whether this facility's generator fleet will be larger or smaller than Amazon's in Richmond County — only that, without enforceable conditions now, the County will have limited, and potentially no, ability to constrain it later.

II. Environmental Justice and Cumulative Impacts Warrant Particular Caution Here

The County's own staff report devotes a section to environmental justice considerations, but its treatment is limited to census-tract demographic and health data. It does not mention — and no document produced for this second Project Delta application discusses — the specific history of this community.

The rezoned parcels include documented Saura Indigenous village sites, including the location where researchers recovered the remains of a young woman now known as the "Saura Woman," whose likeness is displayed at the North Carolina Museum of Natural Sciences. One parcel also contains a cemetery with more than 65 graves that community members believe hold individuals enslaved on the historic Hairston Plantation or members of the Saura Tribe. The County's staff report acknowledges this cemetery only as an anonymous entry in a GIS layer — "65 grave points" with "no name value" — without any of this context.

This would not be the first time industrial development in this corridor has displaced and burdened a historic community, including the very same families now affected by the Project Delta proposal. In the mid-twentieth century, Duke Energy's predecessor flooded an entire historically Black farming community, known locally as "Little Egypt," to create

the cooling lake for the adjacent Belews Creek Steam Station. Descendants of Reconstruction-era freedmen still live nearby in Baileytown, founded by formerly enslaved families after the Civil War, and the historically Black Walnut Tree community had to sue the Town of Walnut Cove for annexation just to obtain public water and sewer service. In 2014, a Duke Energy coal ash spill released 39,000 tons of ash and 27 million gallons of contaminated wastewater into the Dan River, prompting Title VI civil rights complaints from downstream communities in this same corridor alleging that state permitting practices had disproportionately burdened low-income and minority residents.

A lawsuit filed against the County this spring — which succeeded in invalidating the County's prior approval of this same project — specifically alleged that the Board failed to analyze environmental justice impacts, cultural and historical resources, and cumulative burden before voting to approve the rezoning.[16] Repeating that failure here, on an application covering the same acreage, the same cemetery, and the same adjacent power plant, would repeat the same harm and ignore the same community. It is not enough to have a section titled Environmental Justice—it must evaluate the cumulative impacts on this burdened community in a real way.

North Carolina has recognized this underlying principle at the state level. Executive Order 292, *Advancing Environmental Justice for North Carolina*, directs state cabinet agencies, including the Department of Environmental Quality, to consider public health impacts in their permitting, policy actions, and programs to the furthest extent permissible by law. Neither this order nor Title VI of the Civil Rights Act binds the County directly in a zoning decision, but both reflect a settled recognition that a community's existing environmental, cultural, and historical burden is a legitimate, necessary consideration before adding a new, significant source of air pollution and noise next door.

Stokes County does not need to wait for the state to conduct that analysis at the permitting stage, months or years from now. The Board can and should weigh this community's specific history and cumulative burden now, at the zoning stage, when it is still possible to require the setbacks, limits, and cultural-resource protections that would actually address it.

III. The Proposed Noise and Air Conditions Do Not Address Backup and Bridging Generation

The Statement of Conditions contains noise standards for continuous facility operations: 60 dB(A) daytime and 50 dB(A) nighttime at residentially-zoned property lines, a C-weighted low-frequency limit, and a tonal-noise penalty.[17] But three gaps remain within the noise standards themselves, and a much larger gap exists on air quality.

First, the 50 dB(A) nighttime residential limit is still ten decibels above the World Health Organization's guideline of 40 dB(A) outdoors at night for protecting sleep and cardiovascular health — roughly a three-fold difference in perceived loudness.[18] The daytime standard fares only slightly better: the Applicant's proposed 60 dB(A) daytime limit exceeds the WHO's guideline of 50–55 dB(A) for protecting against serious daytime community annoyance, meaning that even the facility's "protective" residential standard is, at both times of day, set above the level WHO considers necessary to avoid known adverse health and quality-of-life effects.[19]

Second, the more protective residential noise standard applies only to property in a residentially-zoned district; a receptor such as Sycamore Baptist Church, 670 feet from the boundary, would receive that protection only if the parcel it sits on happens to carry a residential zoning classification, rather than because of its actual proximity or sensitivity.[20]

Third, the noise condition exempts backup-generator operation entirely during actual emergency use and limits only routine testing to weekday daytime hours; it does not cap how many hours per year of non-emergency, non-testing "bridging" operation may occur, and it does not require acoustic enclosures specific to the generators themselves.[21]

More fundamentally, the Statement of Conditions contains no air-quality condition of any kind. The only generator-specific requirement in the entire application is a 300-foot setback from the property boundary.[22] There is no limit on the number, capacity, or fuel type of generators; no disclosure of the facility's maximum anticipated electrical demand at full buildout; no requirement for emissions controls, air-dispersion modeling, or monitoring and reporting; and no restriction preventing generators from being used for economic dispatch or non-emergency grid support rather than genuine backup power.

By comparison, the model data-center development standards previously submitted to the County in connection with the Amendment R text amendment would have required disclosure of maximum generator count and capacity, restricted non-emergency operation to no more than 100 hours annually, prohibited routine or economic-dispatch use of on-site fossil generation, and required compliance with current emissions standards and acoustic treatment.[23]

None of those protections appear in Project Delta's proposed conditions, and the application lacks critical information the County needs to make a decision. We urge the County to reject the current proposal to safeguard public health.

IV. The County Cannot Rely on Future State or Federal Air Permitting to Fill These Gaps

Even where a facility of this kind eventually requires a state air permit for its generators, the County should not assume that process will supply the protections missing from the zoning conditions, for two independent reasons.

First, North Carolina law caps how protective the state permitting agency's own air-quality rules may be. Under N.C. Gen. Stat. § 143-215.107(a)(10), the Environmental Management Commission is directed to adopt air-quality standards and plans necessary to implement the federal Clean Air Act and EPA's implementing regulations, and under N.C. Gen. Stat. § 150B-19.3, those standards generally cannot be more protective than that federal floor.[24] A zoning condition adopted by this Board now, by contrast, remains enforceable by the County regardless of how state or federal air rules move.

Second, federal air rules governing exactly this kind of equipment are currently moving in the opposite direction from more protective. On January 15, 2026, EPA finalized New Source Performance Standards for stationary combustion turbines that narrow Title V major-source permitting for "low use" turbines and create a "temporary turbine" category exempting units used for up to 24 months from more stringent emission limits, and EPA has separately signaled it may reclassify some data-center turbines as "mobile sources" to avoid New Source Review altogether.[25]

EPA also has a pending proposed rule, "Begin Actual Construction in the New Source Review Preconstruction Permitting Program," that would let data centers and other industrial facilities build a vast amount of the facility and infrastructure obtaining the air permits the Clean Air Act otherwise requires in advance. A coalition of health and environmental organizations urged EPA to withdraw that proposal in June 2026,[26] and other advocates have separately flagged an EPA proposal to remove public participation from permitting for the "minor source" backup generators data centers rely on, with the diesel-generator fleet at data centers in Northern Virginia alone now totaling nearly 27 gigawatts of capacity.[27]

Given this trajectory, the County should not assume that any air permit eventually required for Project Delta's generators will provide protection beyond whatever gaps this zoning approval leaves open.

V. This Facility Is Likely to Depend on Diesel and Gas Backup Generation for Years, Not Months

The Public Information Meeting record confirms that the Applicant intends to use temporary "bridging" generation pending permanent grid interconnection,[28] but nothing in the record estimates how long that bridge is likely to last. The available evidence suggests it would be a long one.

Duke Energy has stated that data-center demand in its development pipeline across the Carolinas now totals approximately 6 gigawatts, and that the process for integrating that level of new load into the grid is, in the company's own words, still being defined.[29] Duke's own projected North Carolina data-center demand has roughly doubled within the past two years, from about 3.9 gigawatts to nearly 6 gigawatts.[30]

The site's most directly relevant long-term power source — new nuclear capacity at the nearby Belews Creek power plant — is not expected for another decade at the earliest. Duke's own filings with the Nuclear Regulatory Commission target a first small modular reactor at Belews Creek in service no earlier than 2037, providing roughly 300 megawatts (600 megawatts if a second unit is added) — a fraction of what a data-center campus of this scale is likely to require — and industry observers don't expect broad commercial availability of this technology until the mid-2030s at the earliest.[31]

New gas-turbine capacity is similarly constrained. The three manufacturers that dominate the global market — GE Vernova, Siemens Energy, and Mitsubishi Power — are reporting order backlogs stretching three to eight years, with turbine prices up roughly 75% for units delivered in 2030–31, and GE Vernova's own equipment backlog alone stood at more than 100 gigawatts as of mid-2026.[32] Duke's broader $103 billion generation plan adds about 5 gigawatts of new gas capacity across the Carolinas and Indiana combined by 2030, to be allocated among a rapidly growing list of large-load customers competing for the same constrained supply.[33]

Taken together, this means Project Delta — like other very large data-center campuses currently being sited in Duke's territory — may need to rely on some combination of diesel- and gas-fired backup or "bridging" generation for a decade or more, not as a brief gap before permanent interconnection but as a substantial share of its operating life. Yet the Statement of Conditions treats that generation as an afterthought: a 300-foot setback and a weekday testing window, with no cap on how long "bridging" power may continue, no requirement that the Board revisit the matter if interconnection is delayed, and no emissions standard of any kind.

For the families living along Tuttle Road, Oldtown Road, and Coon Joyce Road — and for the community already carrying the health and historical burden described above — this is not an abstract permitting question. If this proposal is approved, it would mean diesel and gas generator noise and exhaust as a fact of daily life for years and years: engines cycling on and off, low-frequency hum bleeding through walls at night, and elevated exposure to NOx, particulate matter, and diesel exhaust, for as long as it takes Duke Energy, the small modular nuclear reactor program, and the gas turbine market to catch up with a load this large — which, on the current record, could be the better part of a decade or more.

A generation of children in this community could grow up next to this facility before it ever runs on grid power alone. The County should not approve a rezoning that leaves that reality entirely unaddressed.

VI. Recommended Conditions

Because of the significant information gaps and lack of protective conditions, we urge the County to deny this proposal. In the event the County does not deny it outright, we respectfully ask the Planning Board to recommend, and the Board of Commissioners to require, the Statement of Conditions be revised to include, at minimum:[34]

- Disclosure of the facility's maximum anticipated electrical demand and the maximum number, capacity, and fuel type of backup and bridging generators anticipated at full buildout;
- Enforceable emissions limits, monitoring, and reporting requirements for all on-site generators, including a cap on cumulative annual operating hours for maintenance and testing (e.g., no more than 100 hours annually) and a prohibition on using backup generation for economic dispatch, peak shaving, or routine grid support;
- A requirement for pre-construction air-dispersion modeling demonstrating that generator emissions, alone and cumulatively with the adjacent Belews Creek Steam Station, will not cause or contribute to a violation of any National Ambient Air Quality Standard at the property line or at the nearest sensitive receptors;
- A prohibition on the use of diesel- or gas-fired generators as a primary, routine, or "bridging" source of power for the facility under any circumstances; generators should be permitted only for genuine emergency backup during unplanned utility outages and for routine maintenance and testing within the hours specified below;
- A requirement that the facility not commence data-center construction or operations until it has secured confirmed grid interconnection or a non-combustion power source (such as grid-charged battery storage or on-site renewables) sufficient to meet its operational electrical demand;
- A nighttime noise limit consistent with the World Health Organization's 40 dB(A) guideline, measures at the property line and applied to all receptors, regardless of the zoning classification of the underlying parcel; and
- Decommissioning and financial-assurance conditions sufficient to ensure that generators, fuel storage, and associated infrastructure are removed and the site restored if the facility ceases operations or is not built out as proposed.

Conclusion

Project Delta is exactly the kind of facility Stokes County residents urged the County to plan for before authorizing data centers as a conditional use: one whose most significant, and most locally borne, environmental impact — years of diesel and gas backup generation serving a community that already lives beside a major power plant and already carries an elevated chronic-disease burden — is not addressed anywhere in the proposed conditions. The current Statement of Conditions leaves the facility's principal air-quality impact unregulated. We do not think the answer is to assume the state or EPA will fill that gap later; both are currently constrained, or moving, in the opposite direction. We respectfully ask the Planning Board to recommend, and the County to ultimately deny this proposal, or in the alternative, require the conditions above before this rezoning proceeds.

Thank you for your consideration.

Sincerely,



CleanAIRE NC
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e: gerald@cleanairenc.org
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cc: **Stokes County Planning and Inspections Department:**
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[1]Stokes County Planning and Inspections Department, Staff Report — Project Delta Conditional Zoning District Application (2026), §§ 3.2, 5.1–5.2; *see also* World Nuclear News, Duke Energy Submits Early Site Permit Application for Nuclear Project (Jan. 2026) (describing the existing 2,200 MW Belews Creek Steam Station).

[2]CDC PLACES: Local Data for Better Health, Census Tract Data, 2025 release (Census Tract 070702, Stokes County, NC), https://data.cdc.gov/500-Cities-Places/PLACES-Local-Data-for-Better-Health-Census-Tract-D/cwsq-ngmh; as reported in Stokes County Staff Report, supra note 1, § 8.2.

[3]N.C. Dep't of Env't Quality, Belews Creek Steam Station Draft Environmental Justice Report (May 2021), https://files.nc.gov/ncdeq/Air%20Quality/permits/2021_public_notice_documents/environmental_justice/Belews-Creek-Draft-EJ-Report-May-2021.pdf; as reported in Stokes County Staff Report, supra note 1, § 8.1.

[4]Stokes County Staff Report, supra note 1, §§ 3.2, 10.4 (Sycamore Baptist Church, Baileytown Christian Church, Calvary Hill Baptist Church, Willow Oak Baptist Church, Open Door Baptist Church, Walnut Cove Congregation, and Dan River Educational State Forest).

[5] EPA, Fact Sheet: Nitrogen Dioxide (NO2) Primary National Ambient Air Quality Standards, https://www.epa.gov/sites/production/files/2017-07/documents/fact_sheet_no2_final2.pdf ('the evidence indicates that people with asthma, children (under the age of 18), and older adults (over the age of 65) are at increased risk for NO2-related health effects").

[6] N.C. Forest Service, *Educational State Forests*, https://www.ncagr.gov/divisions/nc-forest-service/state-forests/educational-state-forests ("designed to teach the public, especially school children, about the forest environment"); Piedmont Land Conservancy, A New Educational State Forest (April 2023), https://www.piedmontland.org/2023/04/04/esfdanriver/; N.C. Dep't of Agriculture, *N.C. Forest Service continues to expand educational and recreational opportunities* (Aug. 2023), https://blog.ncagr.gov/2023/08/07/n-c-forest-service-continues-to-expand-educational-and-recreational-opportunities-for-visitors-to-state-forests/.

[7]International Agency for Research on Cancer, IARC: Diesel Engine Exhaust Carcinogenic (Press Release No. 213, June 12, 2012) (classifying diesel engine exhaust as carcinogenic to humans, IARC Group 1).

[8]Virginia Commonwealth University, L. Douglas Wilder School of Government and Public Affairs, Northern Virginia Data Center Air Pollution Rivals Power Plant Emissions, VCU Research Finds (Feb. 2026) (finding

data-center backup-generator emissions in Northern Virginia can rival or exceed those of nearby natural-gas power plants).

[9] EPA, *EPA Takes Action to Maintain Public Health Protections for Communities Near Stationary Combustion Turbines*, https://www.epa.gov/newsreleases/epa-takes-action-maintain-public-health-protections-communities-near-stationary ("Formaldehyde and acetaldehyde are probable human carcinogens").

[10] Southern Environmental Law Center, *xAI Built an Illegal Power Plant to Power Its Data Center*, https://www.selc.org/news/xai-built-an-illegal-power-plant-to-power-its-data-center/; Technology.org, *xAI Ran 59 Unpermitted Gas Turbines for Colossus 2 Near Memphis*, https://www.technology.org/2026/07/15/xai-59-unpermitted-gas-turbines-southaven-colossus-2/ (2,500 tons NOx/year from 30 of 59 turbines); Earthjustice, *NAACP Asks Court for Emergency Action to Stop Illegal Air Pollution from xAI's Data Center Power Plant*, https://earthjustice.org/press/2026/naacp-asks-court-for-emergency-action-to-stop-illegal-air-pollution-from-xais-data-center-power-plant.

[11]World Health Organization, Regional Office for Europe, Environmental Noise Guidelines for the European Region (2018); WHO/Europe, Noise (2011) (chronic environmental noise associated with sleep disturbance and adverse cardiovascular effects, including hypertension and ischemic heart disease; recommending Lnight ≤ 40 dB(A) outdoors at night and Lday ≤ 50–55 dB(A) to avoid serious daytime annoyance).

[12] Impact of Low-Frequency Noise on a Residential Zone Due to Commercial HVAC Systems, Journal of Building Engineering (2024) (measuring a 39.4 dB discrepancy between A-weighted and C-weighted sound levels inside homes adjacent to commercial HVAC equipment).

[13]Juliana Araujo Alves, et al, Low-Frequency Noise and Its Main Effects on Human Health — A Review of the Literature between 2016 and 2019, 10 Applied Sciences 5205 (2020), https://www.mdpi.com/2076-3417/10/15/5205 (associating low-frequency noise exposure with cardiovascular disease, insomnia, and depression).

[14]N.C. Dep't of Env't Quality, Draft Air Quality Permit No. 10894R00, Amazon Data Services, Inc. — Energy Way Tech Campus (June 25, 2026), https://perma.cc/7AVP-9MLE; N.C. Dep't of Env't Quality, Draft Air Quality Permit No. 08759T28, Duke Energy Progress, LLC (June 25, 2026), https://perma.cc/S66V-QD72 (authorizing up to 649 diesel-fired generators and up to 249.9 tons per year each of NOx, CO, and VOC).

[15]Southern Environmental Law Center et al., Comments on Draft Permits for Amazon Data Services, Inc. — Energy Way Tech Campus and Duke Energy Progress, LLC — Richmond County Turbines, submitted to N.C. DAQ (July 30, 2026), at 9–17, 29–31, https://www.selc.org/wp-content/uploads/2026/07/2026-07-30-SELC-comments-on-Amazon-Duke-NC-Permits-with-Exhibits.pdf, (single-source/common-control analysis and air-dispersion modeling deficiencies).

[16] Complaint, *The Hairston Clan, et al. v. Stokes County* (filed March 12, 2026), https://southerncoalition.org/wp-content/uploads/2026/03/2026-03-12-Complaint-and-Exhibits-Hairston-Clan-et-al-v-Stokes-Co.pdf.

[17]Stokes County Combined Rezoning Package, Statement of Conditions §§ 2–3 (2026) (submitted by Engineered Land Solutions, LLC, on file with the Stokes County Planning and Inspections Department).

[18]Supra note 7, on nighttime and daytime guideline levels.

[19]Supra note 7, on nighttime and daytime guideline levels.

[20]Supra note 4, location of Sycamore Baptist Church.

[21]Supra note 12, generator testing and emergency-use exemptions.

[22]Supra note 12, generator setback condition.

[23]Southern Environmental Law Center et al., Comments to the Stokes County Board of Commissioners and Planning Board Regarding Proposed Amendments to the Stokes County Zoning Ordinance Concerning Data Centers, proposed Zoning Ordinance § 92.6.8–92.6.9 (July 8, 2026), attached hereto as Attachment 1.

[24]N.C. Gen. Stat. § 143-215.107(a)(10), Air quality standards and classifications, https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_143/GS_143-215.107.html; N.C. Gen. Stat. § 150B-19.3, Limitation on certain environmental rules, https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_150B/GS_150B-19.3.pdf.

[25]*New Source Performance Standards Review for Stationary Combustion Turbines and Stationary Gas Turbines*, 91 Fed. Reg. 1910 (Jan. 15, 2026), https://www.federalregister.gov/documents/2026/01/15/2026-00677/new-source-performance-standards-review-for-stationary-combustion-turbines-and-stationary-gas.

[26]Environmental Defense Fund, Health and Green Groups Tell EPA: Don't Let Data Centers and Other Major Polluters Build Before Getting Permits (June 30, 2026), https://www.edf.org/media/health-and-green-groups-tell-epa-dont-let-data-centers-and-other-major-polluters-build (discussing EPA's proposed rule, "Begin Actual Construction in the New Source Review Preconstruction Permitting Program").

[27]Sierra Club, EPA Proposes Air Pollution Exemption "Deal" for Data Centers (2026), https://www.sierraclub.org/press-releases/2026/07/epa-proposes-air-pollution-exemption-deal-data-centers (identifying approximately 10,500 diesel generators, totaling nearly 27 gigawatts, at data centers in Northern Virginia).

[28]Stokes County Combined Rezoning Package, Public Information Meeting Report §§ 4(g), 5 (2026), https://cms9files.revize.com/stokescountync/(5)%20PIM%20Written%20Report.pdf?t=202607220850020.

[29]WRAL, As Data Centers Drive a Power Boom, North Carolina Faces a Costly Question: Who Pays? (March 2026), https://www.wral.com/news/local/north-carolina-data-centers-ai-power-grid-costs-who-pays-march-2026/.

[30]Canary Media, As Data Centers Go Up, North Carolina Weighs How to Handle Energy Demand (Sept. 2025), https://www.canarymedia.com/articles/utilities/north-carolina-duke-plans-data-center-demand.

[31]World Nuclear News, Duke Energy Submits Early Site Permit Application for Nuclear Project (Jan. 2026), https://www.world-nuclear-news.org/articles/duke-energy-submits-early-site-permit-application-for-nuclear-project; Verified Petition for Approval of 2025 Carbon Plan and Integrated Resource Plan of Duke Energy Carolinas LLC and Duke Energy Progress LLC Appendix J: Nuclear at 2, *In the Matter of 2025 Biennial Consolidated Carbon Plan and Integrated Resource Plans of Duke Energy Carolinas, LLC, and Duke Energy Progress, LLC, Pursuant to N.C.G.S. §§ 62-2(a)(3a), 62-110.1, 62 -10.9, and Commission Rule R8*-60A, Docket E-100 Sub 207 (N.C.U.C. Oct. 1, 2025), https://starw1.ncuc.gov/NCUC/ViewFile.aspx?Id=35087341-274e-4e4f-b5cb-6aa8406b0be5.

[32]Gas Turbine Shortage Could Derail Data Center Expansion, 58 Engineering 3 (2026), https://www.engineering.org.cn/engi/EN/10.1016/j.eng.2026.02.014 (reporting turbine order backlogs of three to eight years and price increases of roughly 75% for units delivered in 2030–31); GE Vernova, Second Quarter 2026 Form 8-K (July 22, 2026), https://www.sec.gov/Archives/edgar/data/0001996810/000199681026000147/gevpressrelease2q26.htm (reporting a gas equipment backlog and slot reservation agreements of 116 GW, expected to reach at least 125 GW by year-end 2026).

[33]Tech Insider, Duke Energy's $103B Plan: 14 GW AI Data Center Bet (June 2026), https://tech-insider.org/duke-energy-103-billion-data-center-capex-plan-2026/.

[34]N.C. Gen. Stat. § 160D-703(b), Zoning districts, https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-703.pdf.

Exhibit 14

August 11, 2026

Via Email

Stokes County Planning and Inspections Department, Planning Board, and Board of Commissioners
1014 Main Street
Danbury, NC 27016

c/o Bryan Miller, *bryanmiller@co.stokes.nc.us*
Assistant County Manager

Re: Comments to Stokes County Regarding Conditional Rezoning Application for Project Delta Hyperscale Data Center

Dear Stokes County Planning and Inspections Department, Planning Board, and Board of Commissioners:

The Southern Alliance for Clean Energy (SACE) is writing to express our opposition to the request for conditional rezoning sought by "Project Delta," proposed on an approximate 1,850-acre property in Stokes County. We urge the Stokes County Planning Board to recommend denial of Project Delta's rezoning application on August 13, 2026, and the Stokes County Board of Commissioners to vote to deny the project's rezoning when they consider the application at a future meeting.

SACE was founded in 1985 to promote responsible and equitable energy choices to ensure clean, safe, and healthy communities throughout the Southeast. We engage in technical, regulatory, and community work in North Carolina, South Carolina, Tennessee, Georgia, and Florida. Because we work in all of these states, we have a solid understanding of the stress that speculative data centers are having on electricity generation and transmission across the Southeast. We see the mad scramble for "powered land" and the impact that has on surrounding communities. But in this case, the land in question isn't even "powered."

The 2-gigawatt Project Delta requires energy resources from Duke Energy that are not available, and the proposed data center will rely on gas and diesel generators indefinitely, but even generators will be a struggle.

1. 2 gigawatts is an enormous load that requires energy from existing and operational system resources

At the July 8, 2026, public informational hearing, Engineered Land Solutions (ELS) CEO, Drew Nations, stated that Project Delta would start at 1 gigawatt (GW) and ultimately become a 2 GW facility. 2 GW is a massive amount of energy that could not be immediately supplied from Duke Energy's system. ELS has not demonstrated that Duke Energy has the system resources to provide 2 GW of load within the proposed timeline. As discussed in further

detail below, it is uncertain whether Duke Energy has sufficient system resources to provide reliable service to the large load customers it has signed service agreements with through the mid-2030s. Project Delta's 2 GW load would represent 5.5% of Duke Energy's current system generation—an outsized share for a singular project.[1]

To put the scale and cost of a 2 GW project into perspective, it is helpful to consider the significant time horizons and billions of dollars of investment necessary to build and operationalize system resources to serve a load of this size. 2 GW is roughly equivalent to the generation of *two* AP1000 nuclear reactors,[2] which could collectively power about 1.6 million homes.[3] An AP1000 is a multi-billion-dollar investment. The only operational AP1000s in the United States took over a decade to complete, were several years behind schedule, and ultimately cost upwards of $35 billion (more than double the original $14 billion approved estimate in 2009).[4] Similarly, Project Delta's energy demand is also nearly the size of the 2,180 MW combined cycle gas plant that South Carolina utilities Santee Cooper and Dominion Energy South Carolina are currently planning. This project is expected to cost at least $5 billion and require several years of lead time.[5]

2. Stokes County should not expect Project Delta to be able to receive electric service from Duke for several years

Since September of 2025, Duke Energy has imposed new processes for managing its large load interconnection queue, which includes several significant milestones (referred to as "gating requirements") and financial commitments for large customers. Given the stringency of these conditions, the scope of the up-front financial commitments now required by Duke, and the significant amount of customer load that is ahead of Project Delta in Duke's customer queue, Stokes County should have serious doubts about the viability of ELS's plans.

The most onerous conditions imposed by Duke Energy apply to those customers that anticipate demanding 100 megawatts or more. Before a large new customer can sign up to receive eventual service from Duke, it must first provide details regarding its anticipated future load requirements and load ramp schedule (i.e., the anticipated demand over time as a new enterprise goes from initial launch to full operation). Duke then studies the transmission infrastructure and generation resource adequacy needed to serve that anticipated load. A Letter

[1] In Duke Energy's proposed 2025 long term resource plan (also called the Carbon Plan and Integrated Resource Plan), Duke Energy stated that it has approximately 36,580 megawatts (MW) of generation capacity in its fleet. The Delta Project's 2 GW of load would require nearly 5.5% percent of the energy from these existing system resources. Verified Petition for Approval of 2025 Carbon Plan and Integrated Resource Plan of Duke Energy Carolinas LLC and Duke Energy Progress LLC Appendix B, *In the Matter of 2025 Biennial Consolidated Carbon Plan and Integrated Resource Plans of Duke Energy Carolinas, LLC, and Duke Energy Progress, LLC, Pursuant to N.C.G.S. § 62-110.9 and § 62-110.1(c)*, Docket No. E-100 Sub 207 (N.C.U.C. Oct. 1, 2025), https://starw1.ncuc.gov/NCUC/ViewFile.aspx?Id=3c9fdeba-17b0-4b05-9ff0-48d680e79264.

[2] AP1000 PWR, Westinghouse Nuclear, https://westinghousenuclear.com/new-plants/ap1000-pwr/ (last visited Aug. 9, 2026).

[3] AP1000 by the Numbers, Westinghouse Nuclear, https://westinghousenuclear.com/media/xwffx3j0/ap1000-by-the-numbers-usa-2.pdf.

[4] Commercial operation marks completion of Vogtle expansion, Word Nuclear News (April 29, 2024), https://www.world-nuclear-news.org/Articles/Commercial-operation-marks-completion-of-Vogtle-ex.

[5] Ethan Howland, Dominion Energy, Santee Cooper receive state approval for $5B gas project, Utility Dive (June 16, 2026), https://www.utilitydive.com/news/dominion-energy-santee-cooper-gas-power-plant/823004/.

Agreement with Duke would follow, that commits the prospective large new customer to make a cash payment that is equivalent to the cost of interconnection, ranging from $20 million to $80 million. For a large new load like Project Delta, it would most likely be on the high end of that range. Duke then requires the prospective large new customer to sign a binding Electric Service Agreement ("ESA") within 90 days of making the cash payment, prior to the utility making infrastructure investments that would be required over a several year period (Duke witnesses testified that it could be five-plus years to construct the necessary infrastructure to provide service to some of the large new customers that have already signed ESAs). As part of signing the ESA, the large load customer has to provide financial assurance or security (guarantees from parent companies or letters of credit), is on the hook for liquidated damages if the project does not materialize, and it is obligated to pay contract minimums for the full term of the contract (equal to 75 percent of the contract demand regardless of what they consume).

In addition to requiring significant financial commitments, new prospective large customers cannot expect to receive large volumes of service right away. In the recent Carbon Plan/Integrated Resource Plan ("Resource Plan") before the North Carolina Utilities Commission ("NCUC"), witnesses for Duke Energy explained that its two subsidiary utilities, Duke Energy Carolinas and Duke Energy Progress, had signed Electric Service Agreements with large new customers totaling more than 6,000 megawatts of new demand out to the mid-2030s. The Public Staff, the independent state agency that advocates for the public in NCUC proceedings, expressed concern that the large load customers that had already entered into Electric Service Agreements with Duke would make it difficult, if not impossible, for Duke Energy to meet its winter planning reserve margin, the reserves needed to ensure reliable electric service (accounting for the chance of plant outages and other contingencies) during the most severe cold weather events.

Public Staff recommended a *moratorium* on new large load Electric Service Agreements until the agency could be satisfied that the new electric demands represented by these large customers would not threaten the reliability of the grid. At the same time, the NCUC is considering the adoption of a new Large Load Tariff that would apply to customers like Project Delta, which could include additional requirements to protect other ratepayers.

While the NCUC has not yet issued a decision on Duke's Resource Plan, it is apparent that there are physical limits on how many new large customers can sign up for and expect to receive electric service from Duke over the next several years while staying within key reliability metrics. Given the information provided by the Project Delta developer in public meetings, it appears that they have not secured commitments from Duke to provide electric service, calling into question the feasibility of bringing a data center of this planned size into operation within the developer's proposed time frame.

This uncertainty should matter to Stokes County because it increases the odds that, even if approved and construction commences, there is a significant risk that Project Delta will not be able to secure electric service (beyond its unrealistic plans for self-generating using polluting gas-fired or diesel generators, as discussed below) for several more years, *increasing its chances of becoming unviable and a liability for the county.*

3. Project Delta says it will rely on gas generators for at least 5 years, but the gas isn't available.

At the July 8, 2026, public informational hearing, ELS presented information that Project Delta will be powered by from temporary on-site generation (gas generators) until Duke Energy's grid can fully support the site.[6] Mr. Nations claims Project Delta will rely on generators for two to four years, but it is very likely to take much longer for ELS to access service from Duke Energy that would allow the project to transition away from reliance on generators. Duke's *pro forma* Electric Service Agreement for Large Loads allows Duke to curtail a customer during high demand for the first five years after the project has been energized – so potentially much longer than the purported two to four years.[7]

During the public information meeting, Mr. Nations stated that Project Delta would require 33 to 100 natural gas generators amounting to 100 to 300 MW of full-time generation in the near term. These generators would operate 24/7/365. In addition, Mr. Nations stated that Project Delta would have backup generators intended for use during curtailment events required by Duke Energy. Mr. Nations stated that the generators would be roughly 3 megawatts each. From an available technology standpoint, this indicates the Project Delta developers plan to procure reciprocating internal combustion engines, also called RICE. Project Delta is likely forced to choose RICEs because the backlog for larger and more efficient gas turbines is prohibitively long.

Even if the Project Delta developers are able to procure up to 300 MW of on-site generating equipment (100 units, each approximately 26.25 feet long, 8.75 feet wide, 9.17 feet tall, and each weighing almost 90,000 lbs[8]), reliable year-round gas supply simply is not available. The Williams Transco pipeline that runs through neighboring Rockingham County does not have excess pipeline capacity that would be available 24/7/365 (known as "firm" pipeline transportation capacity). Even Transco's current expansion project called the Southeast Supply Enhancement Project, currently under construction, is fully subscribed. Duke Energy itself cannot procure more firm capacity on Transco without yet another major, expensive expansion project for future new gas plants. And if the Transco pipeline has occasional temporary "turnbacks" of pipeline capacity by other users, those gas transportation rights get snapped up by gas marketers that supply the booming LNG export market along the Gulf Coast.

SACE estimates that, based on specs for the 3MW Caterpillar RICE, the Project Delta developers would need at least 56,100 dekatherms of pipeline capacity per day, every hour of the day. If this amount of gas were deployed by a combined cycle plant instead of RICE, it could power about 362 MW, or enough power for about 271,000 homes.

If the Project Delta developers cannot get the pipeline capacity needed for 300 MW of RICE, then they would need to turn to a constant supply of diesel fuel. In addition to the emissions issues associated with constantly-running diesel engines, getting this supply is also

[6] Applicant's Public Information Meeting Report at 2, https://cms9files.revize.com/stokescountync/(5)%20PIM%20Written%20Report.pdf?t=202607220850020.
[7] Rebuttal Testimony of Stillman, Tate, and Passty in the Duke Energy Carbon Plan Integrated Resource Plan 2025 at p. 14, NCUC Docket No. E-100 Sub 207, https://starw1.ncuc.gov/NCUC/ViewFile.aspx?Id=808a6f0a-f7ef-40fc-9424-88776eb0729a
[8] https://www.cat.com/en_US/products/new/power-systems/electric-power/gas-generator-sets/15969830.html

unlikely. Duke Energy stated to the North Carolina Utilities Commission that adding more truck delivery of diesel is becoming more difficult as backup for their gas fleet.[9] ELS would have the same challenge.

- Speaking of emissions: Air/health impacts of gas engines and diesel generators

The 24/7/365 operation of 300 MW of gas reciprocating engines (RICE) or up to 300 MW of diesel generators at Project Delta would increase unnecessary health and environmental risks to the community, such as by emitting harmful air pollution. Diesel generators omit a lot of particulate matter pollution, also known as PM 2.5. These tiny particles worsen air quality and can cause serious health conditions like asthma, heart attacks, and other respiratory problems. Children, the elderly, and those with existing health conditions will be the most severely impacted. These generators also emit high levels of nitrogen oxide (Nox) which contributes to smog and exacerbate poor air quality. RICE engines emit more pollutants than gas turbines, including PM 2.5, volatile organic compounds, sulfur oxides and nitrogen oxides.[10]

Harmful emissions from RICE or diesel generators at Project Delta would contribute to the cumulative pollution harm borne by already vulnerable community members in Stokes County. The Stokes County community is already burdened by air pollution from Duke Energy's massive Belews Creek coal plants. The added emissions from the RICE or diesel generators would exacerbate existing impacts to the community surrounding those coal plants that is already dealing with increased respiratory illness. The Staff Report on the Conditional Zoning District Application for Project Delta noted that the rate of asthma in the census tract containing the proposed project is higher than the county wide asthma rate.[11]

We appreciate your consideration of the energy concerns we have highlighted in these comments. If you have any questions regarding this letter, please contact SACE at shelley@cleanenergy.org.

Sincerely,

Stephen A. Smith
Executive Director

Shelley Hudson Robbins
Senior Decarbonization Manager

[9] Duke Energy 2025 Carolinas Resource Plan Appendix I: Natural Gas and Low-Carbon Fuels at p. 8, https://www.duke-energy.com/-/media/pdfs/our-company/carolinas-resource-plan/2025/appendix-i-nat-gas-and-low-car-fuels-web.pdf?rev=4a8309172f684cf0a6a1ce93b4d28311

[10] EPA, Engine Exhaust, https://www.epa.gov/natural-gas-star-program/engine-exhaust; EPA, *Compilation of air pollutant emission factors, Volume I: Stationary point and area sources (AP-42), Fifth Edition, Section 3.2 (Natural gas-fired reciprocating engines)* (Aug. 2000), https://www.epa.gov/sites/default/files/2020-10/documents/c03s02.pdf

[11] Staff Report on the Conditional Zoning District Application for Project Delta at 38.

cc: **Stokes County Planning and Inspections Department:**
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Exhibit 15

August 11, 2026

Via Email

Stokes County Planning and Inspections Department, Planning Board, and Board of Commissioners
1014 Main Street
Danbury, NC 27016

c/o Bryan Miller, *bryanmiller@co.stokes.nc.us*
Assistant County Manager

Re: Comments to Stokes County Regarding Conditional Rezoning Application for Project Delta Hyperscale Data Center

Dear Stokes County Planning and Inspections Department, Planning Board, and Board of Commissioners:

I am writing on behalf of Yadkin Riverkeeper to express our opposition to the hyperscale data center, "Project Delta," proposed on an approximate 1,850-acre property in Stokes County. We urge the Stokes County Planning Board to recommend denial of Project Delta's rezoning application on August 13, 2026 and the Stokes County Board of Commissioners to vote to deny the project's rezoning when they consider the application at a future meeting.

Yadkin Riverkeeper (YRK) is a membership-based nonprofit organization with the mission of protecting and enhancing the Yadkin River watershed through science, advocacy, and action. YRK is deeply concerned about this project's water quantity impacts on the Yadkin River. We work every day to protect water quality in the rivers, lakes, and streams throughout the watershed by collecting water quality data, educating the public, coordinating paddle events and cleanups, developing restoration plans, and advocating at the local and state level for better protection of our water resources. YRK believes that Project Delta could have a major impact on the waterways that we work so hard to protect. Speculative and rushed economic development should not come at the cost of the health of our natural resources.

Project Delta Puts the Yadkin River Water Supply at Risk

If allowed to proceed, the data center could pull from the Yadkin River in an unsustainable manner and exacerbate the low water conditions experienced this summer. The developer has not provided enough information or a detailed plan for their water supply. Therefore, YRK urges Stokes County to deny the rezoning request based on the lack of information and the threats to water security for the communities receiving water from the Yadkin River.

The developer, Engineered Land Solutions, LLC ("ELS"), did not disclose in its rezoning application either the quantity or source of water that it intends to use to support Project Delta. The only information that ELS offers is that it will not use an open-loop water cooling system, but will use an "efficient technolog[y]," and that it will not draw water from private surface water or groundwater sources.[1]

The Planning and Inspections Department Staff ("the Staff") provide a bare bones statement that Stokes County "has adequate water supply to meet the county needs into the future."[2] This statement is taken from the Stokes County 2035 Vision Plan, adopted in 2015, and does not account for any changes that may have occurred over the past 16 years.[3] These vague and unsupported assurances are not adequate for Stokes County to determine whether the local water supply and infrastructure is capable of supporting the demands of a hyperscale data center. The Yadkin River watershed's drought conditions this year and other evidence we have been able to gather raises major concerns.

Reportedly, Project Delta is considering drawing water from the Town of Walnut Cove's system.[4] The town currently relies on six groundwater wells and purchased water from the Stokes County Water and Sewer Authority for an average water demand of about 307,000 gallons per day, serving approximately 850 customers.[5] At present, Walnut Cove's water system is already facing reliability and capacity concerns. The town is "buying time" with their wells,[6] which have water quality issues and do not have a backup power supply in the case of a power outage.[7]

Moreover, Stokes County Water and Sewer Authority has asked Walnut Cove to reduce the amount of water they purchase from the utility by more than half, from 94,200 to 33,300 gallons per day, due to new water demands north of the town.[8] Walnut Cove's current water system, therefore, does not have capacity to support Project Delta and would risk straining an already overburdened system and depleting the groundwater source that many private drinking water wells rely on. It also appears, despite representations in the Staff Report for Project Delta to the contrary, that Stokes County's public water system is also facing capacity constraints that make it unlikely to be able to supply water to the data center either.

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[1] ELS, Proposed Zoning Conditions (July 20, 2026), https://cms9files.revize.com/stokescountync/(2)%20Zoning%20Conditions%20.pdf?t=202607220846570.
[2] Stokes County Planning and Inspections Department, Staff Report Conditional Zoning District Application "Project Delta," at 31 (Aug. 4, 2026), https://cms9files.revize.com/stokescountync/Project_Delta_Staff_Report_PB.pdf?t=202608041704390.
[3] Stokes County, N.C., 2035 Vision Plan, at 126 (2015).
[4] Walnut Cove Board of Commissioners Meeting (Feb. 12, 2026), at 1:20:45-1:21:45, https://www.youtube.com/watch?v=-Z2aUtqIEMA&t=4895s; Email from Alex Nations, ELS to Ron Niland, Walnut Cove Town Manager (Jan. 5, 2026), https://perma.cc/6BDN-ARU6.
[5] RK&K, Water System Interconnection Between Walnut Cove and Winston-Salem Forsyth County Utilities Technical Memorandum, at 5 (May 2026), https://perma.cc/M79J-Q4AC.
[6] Walnut Cove Board of Commissioners Meeting (May 14, 2026), at 1:12:30, https://www.youtube.com/watch?v=PRX1dAS6JjQ&t=4222.
[7] Walnut Cove Board of Commissioners Meeting (Feb. 12, 2026), at 1:16:10-1:16:20.
[8] RK&K, Water System Interconnection Between Walnut Cove and Winston-Salem Forsyth County Utilities Technical Memorandum, at 5; Walnut Cove Board of Commissioners Meeting (May 14, 2026), at 1:17:15.

Also of relevance, Walnut Cove has been working to find a better water supply for the town and has been exploring an interconnection with Winston-Salem/Forsyth County Utilities. We note that this solution would result in an interbasin transfer—the conveyance of freshwater from the Yadkin River Basin and discharge of wastewater into the Dan River Basin.[9] Particularly when used for an industrial purpose, like a hyperscale data center, conveyances of this type should be scrutinized to ensure that there are not adverse impacts on the source river basin and receiving river basin. The Yadkin River is already threatened due to proposed water withdrawals from local industrial development, including multiple data centers proposals and two new methane power plants[10] and Project Delta would add to the cumulative impact placed on the river.

On top of these capacity considerations, one of our largest concerns is whether there is enough water to supply Project Delta on a long-term basis. The southeast is prone to extreme drought, and changes in climate conditions may cause an increase in the occurrence of droughts and make long-term droughts more severe across the region.[11] This concern is particularly relevant now, because Stokes County is in a severe drought, and experienced extreme drought conditions from May through late July 2026 of this year.[12] During the current severe drought conditions, the North Carolina Drought Management Advisory Council recommends that nonessential uses of water are eliminated.[13] At a time when citizens are being asked to curtail their own water use, this calls into question whether an industrial-scale water user should be permitted to make a new withdrawal from already struggling supplies. Considering that droughts may worsen or persist in future years, Project Delta risks becoming a potential drain on the Yadkin River Basin's critical water resources and systems now and into the future.

At a Minimum, Additional Conditions are Necessary to Protect the Yadkin River from Project Delta's Harmful Impacts

While we urge Stokes County to deny Project Delta's rezoning application, if the County decides to move forward with approval, it should be conditioned on a robust set of requirements to address or ease the water-related concerns we raise in this letter. We suggest the following conditions, at a minimum, be incorporated into the conditional rezoning for Project Delta:

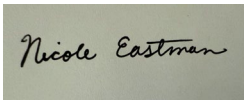
- Project Delta must specify its average annual, average daily, peak daily, and peak hour water use at full-build out. The project must be restricted from using water in excess of the levels specified.
- Project Delta must specify its average annual, average daily, peak daily, and peak hour wastewater discharge at full-build out. The project must be restricted from discharging water more than the levels specified.
- Project Delta must submit confirmation of the water and sewer system it will be served by and demonstrate that these systems and the water body have sufficient capacity to support the project at full build-out.

[9] Walnut Cove Board of Commissioners Meeting (May 14, 2026), at 1:15:51-1:16:34.
[10] Yadkin Riverkeeper, The Fight Against Power Plants and Data Centers (July 17, 2026), https://www.yadkinriverkeeper.org/news/2026/7/16/power-plants-and-data-centers.
[11] Fifth National Climate Assessment: Chapter 22, Southeast, at 22-31 (2024), https://research.fs.usda.gov/download/treesearch/68028.pdf.
[12] N.C. Drought Management Advisory Council, Map Archives, https://www.ncdrought.org/map-archives.
[13] N.C. Drought Management Advisory Council, Current Conditions, https://www.ncdrought.org/.

- Project Delta must disclose all chemicals that it will use in its cooling system and all pollutants that may be present in its wastewater.
- Project Delta must be required to pretreat its wastewater to remove any pollutant that cannot be effectively removed by a municipal wastewater treatment plant intended to treat domestic wastewater.
- Project Delta may not construct any data center structure, substation, backup generation equipment, or fuel storage equipment within 1,000 feet of the designated floodplain.
- Project Delta must fund a vulnerability and resilience assessment of the water and sewer systems and infrastructure it will be served by that reviews their capacity long-term.

We appreciate your consideration of the water resource concerns we have highlighted in these comments. If you have any questions regarding this letter, please don't hesitate to contact us.

Sincerely,



Nicole Eastman
Riverkeeper
Yadkin Riverkeeper
330-861-8387
nicole@yadkinriverkeeper.org

cc: **Stokes County Board of Commissioners:**
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Patrick Flinchum (*unable to confirm email*)
Ronnie Morris (*unable to confirm email*)

Stokes County Administration:
Jeff Sanborn, County Manager, *jsanborn@co.stokes.nc.us*
Avery Tew, Planning Director, *atew@co.stokes.nc.us*

Exhibit 16

August 11, 2026

Via Email

Stokes County Planning and Inspections Department, Planning Board, and Board of Commissioners
1014 Main Street
Danbury, NC 27016

c/o Bryan Miller, *bryanmiller@co.stokes.nc.us*
Assistant County Manager

Re: Comments to Stokes County Regarding Conditional Rezoning Application for Project Delta Hyperscale Data Center

Dear Stokes County Planning and Inspections Department, Planning Board, and Board of Commissioners:

We write on behalf of American Rivers to express our opposition to the hyperscale data center, "Project Delta," proposed on an approximate 1,850-acre property in Stokes County. We urge the Stokes County Planning Board to recommend denial of Project Delta's rezoning application on August 13, 2026 and the Stokes County Board of Commissioners to vote to deny the project's rezoning when they consider the application at a future meeting.

American Rivers is a national nonprofit organization formed in 1973 with the mission to protect wild rivers, restore damaged rivers, and conserve clean water for people and nature. We have spent decades working with our local and regional partners in furtherance of these goals, and we are collectively troubled by the proposed data center's impacts on the Dan River Basin, and potentially, the Yadkin River Basin. Together with these riverkeepers and partnered conservation organizations, we are deeply concerned that Project Delta will have a major impact on the waterways that we have worked so hard to protect. Speculative and rushed economic development should not come at the cost of our natural resources.

Project Delta Poses Indefensible Risks to Local Water Supplies, Infrastructure, and Water Quality.

If allowed to proceed, the data center could pull from local water supplies in an unsustainable manner, strain public water and sewer infrastructure, contaminate the Dan River, and cause land that is ecologically sensitive and prone to flooding to become developed. We address each of these concerns below.

WATER SUPPLY AND INFRASTRUCTURE

Stokes County should not permit Project Delta—a project that will convert nearly 1850 acres of mostly farmland into a large-scale industrial site—without knowing whether the project's water needs can be met.

The developer, Engineered Land Solutions, LLC ("ELS"), did not disclose in its rezoning application either the quantity or source of water that it intends to use to support Project Delta. The only information that ELS offers is that it will not use an open-loop water cooling system, but will use an "efficient technolog[y]," and that it will not draw water from private surface water or groundwater sources.[1]

The Planning and Inspections Department Staff ("the Staff") provide a bare bones statement that Stokes County "has adequate water supply to meet the county needs into the future."[2] This statement is taken from the Stokes County 2035 Vision Plan, adopted in 2015, and does not account for any changes that may have occurred over the past 16 years.[3] These vague and unsupported assurances are not adequate for Stokes County to determine whether the local water supply and infrastructure is capable of supporting the demands of a hyperscale data center. The County's current severe drought and other evidence we have been able to gather raises major concerns.

Reportedly, Project Delta is considering drawing water from the Town of Walnut Cove's system.[4] The town currently relies on six groundwater wells and purchased water from the Stokes County Water and Sewer Authority for an average water demand of about 307,000 gallons per day, serving approximately 850 customers.[5] At present, Walnut Cove's water system is already facing reliability and capacity concerns. The town is "buying time" with their wells,[6] which have water quality issues and do not have a backup power supply in the case of a power outage.[7]

Moreover, Stokes County Water and Sewer Authority has asked Walnut Cove to reduce the amount of water they purchase from the utility by more than half, from 94,200 to 33,300 gallons per day, due to new water demands north of the town.[8] Walnut Cove's current water system, therefore, does not have capacity to support Project Delta and would risk straining an

[1] ELS, Proposed Zoning Conditions (July 20, 2026), https://cms9files.revize.com/stokescountync/(2)%20Zoning%20Conditions%20.pdf?t=202607220846570.
[2] Stokes County Planning and Inspections Department, Staff Report Conditional Zoning District Application "Project Delta," at 31 (Aug. 4, 2026), https://cms9files.revize.com/stokescountync/Project_Delta_Staff_Report_PB.pdf?t=202608041704390.
[3] Stokes County, N.C., 2035 Vision Plan, at 126 (2015).
[4] Walnut Cove Board of Commissioners Meeting (Feb. 12, 2026), at 1:20:45-1:21:45, https://www.youtube.com/watch?v=-Z2aUtqIEMA&t=4895s; Email from Alex Nations, ELS to Ron Niland, Walnut Cove Town Manager (Jan. 5, 2026), https://perma.cc/6BDN-ARU6.
[5] RK&K, Water System Interconnection Between Walnut Cove and Winston-Salem Forsyth County Utilities Technical Memorandum, at 5 (May 2026), https://perma.cc/M79J-Q4AC.
[6] Walnut Cove Board of Commissioners Meeting (May 14, 2026), at 1:12:30, https://www.youtube.com/watch?v=PRX1dAS6JjQ&t=4222.
[7] Walnut Cove Board of Commissioners Meeting (Feb. 12, 2026), at 1:16:10-1:16:20.
[8] RK&K, Water System Interconnection Between Walnut Cove and Winston-Salem Forsyth County Utilities Technical Memorandum, at 5; Walnut Cove Board of Commissioners Meeting (May 14, 2026), at 1:17:15.

already overburdened system and depleting the groundwater source that many private drinking water wells rely on. It also appears, despite representations in the Staff Report for Project Delta to the contrary, that Stokes County's public water system is also facing capacity constraints that make it unlikely to be able to supply water to the data center either.

Also of relevance, Walnut Cove has been working to find a better water supply for the town and has been exploring an interconnection with Winston-Salem/Forsyth County Utilities. We note that this solution would result in an interbasin transfer—the conveyance of freshwater from the Yadkin River Basin and discharge of wastewater into the Dan River Basin.[9] Particularly when used for an industrial purpose, like a hyperscale data center, conveyances of this type should be scrutinized to ensure that there are not adverse impacts on the source river basin and receiving river basin. The Yadkin River is already facing water withdrawals from local industrial development, including multiple data centers proposals and two new methane power plants[10] and Project Delta would add to the cumulative impact placed on the river. And as discussed in more detail below, the Dan River and its tributaries face water quality concerns, as the receivers of the industrial wastewater that Project Delta generates from its operations.

On top of these capacity considerations, one of our largest concerns is whether there is enough water to supply Project Delta on a long-term basis. The southeast is prone to extreme drought, and changes in climate conditions may cause an increase in the occurrence of droughts and make long-term droughts more severe across the region.[11] This concern is particularly relevant now, because Stokes County is in a severe drought, and experienced extreme drought conditions from May through late July 2026 of this year.[12] During the current severe drought conditions, the North Carolina Drought Management Advisory Council recommends that nonessential uses of water are eliminated.[13] At a time when citizens are being asked to curtail their own water use, this calls into question whether an industrial-scale water user should be permitted to make a new withdrawal from already struggling supplies. Considering that droughts may worsen or persist in future years, Project Delta risks becoming a drain on the Dan River Basin's, and potentially Yadkin River Basin's, critical water resources and systems now and into the future.

WASTEWATER GENERATION AND INFRASTRUCTURE

Similar to the constraints on water supply, we are also concerned that ELS has not identified how the data center will dispose of the wastewater they generate nor how much wastewater they will generate. If Project Delta does not have a safe, reliable, plan in place for treating its wastewater, this risks the release of industrial pollution into the Dan River Basin. The Staff again rely on a 16-year-old statement from the Stokes County Vision 2035 Plan for its assurance that existing *municipal* wastewater infrastructure in Stokes County can meet its

[9] Walnut Cove Board of Commissioners Meeting (May 14, 2026), at 1:15:51-1:16:34.
[10] Yadkin Riverkeeper, The Fight Against Power Plants and Data Centers (July 17, 2026), https://www.yadkinriverkeeper.org/news/2026/7/16/power-plants-and-data-centers.
[11] Fifth National Climate Assessment: Chapter 22, Southeast, at 22-31 (2024), https://research.fs.usda.gov/download/treesearch/68028.pdf.
[12] N.C. Drought Management Advisory Council, Map Archives, https://www.ncdrought.org/map-archives.
[13] N.C. Drought Management Advisory Council, Current Conditions, https://www.ncdrought.org/.

foreseeable needs.[14] This statement itself underlies our concerns. When the Vision Plan was adopted in 2015, surely its drafters did not foresee that a developer would seek approval to construct a hyperscale data center on 1,850-acres of land near Walnut Cove on land designated for low density growth, preservation, and conservation, and including 620 acres of floodplain.[15] While the Vision Plan contemplates some industrial development, it suggests that this should occur only on land designated suitable for industrial growth to prevent encroachment.[16] Moreover, the plan emphasizes that floodplain areas are "substantial community assets" that can be used to create parks and greenways to create connections between communities, neighborhoods, commercial districts, and recreation resources.[17] Inoppositely, Project Delta would undermine the floodplain as an asset, isolating this important landscape from the Walnut Cove community.

The Staff also fail to address that a hyperscale data center generates industrial wastewater, that municipal wastewater treatment plants may be unable to adequately treat. To maintain its industrial cooling system, Project Delta may require the use of biocides, corrosion inhibitors, and anti-sealant chemicals.[18] These chemicals, or their degradation byproducts, can end up in the data center's wastewater, and released into the local sewer system. The problem is that municipal wastewater treatment plants are designed to treat domestic waste using biological treatment processes that generally cannot remove industrial chemicals.[19]

This is especially true for Walnut Cove's plant, where Project Delta is considering sending its wastewater for treatment and disposal.[20] Walnut Cove employs a unique and innovative constructed wetland system, which uses microorganisms to decompose sewage in large ponds and duckweed and cattails to filter nutrients and other contaminants.[21] The treated wastewater is discharged into Town Fork Creek, which flows into the Dan River. Constructed wetland systems must be carefully designed, constructed, operated, and maintained to remain effective and may be sensitive to certain chemicals, flushes of pollutants, or surges in water flow.[22] It is entirely unclear whether Walnut Cove's system, while impressive in treating the town's domestic waste, is capable treating wastewater from a hyperscale data center.

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[14] Stokes County Planning and Inspections Department, Staff Report Conditional Zoning District Application "Project Delta," at 31; Stokes County, N.C., 2035 Vision Plan, at 127 (2015).
[15] Stokes County Planning and Inspections Department, Staff Report Conditional Zoning District Application "Project Delta," at 17.
[16] Stokes County, N.C., 2035 Vision Plan, at 86
[17] *Id.* at 78, 80.
[18] Mariam Soliman et al., Treatment Technologies for Cooling Water Blowdown: A Critical Review, Sustainability (2022), https://www.mdpi.com/2071-1050/14/1/376#B39-sustainability-14-00376; Mike Turner, Loudoun County, Virginia: Data Center Capital of the World, at 21 (July 1, 2026), https://www.loudoun.gov/ArchiveCenter/ViewFile/Item/13979.
[19] U.S. Environmental Protection Agency, Introduction to the National Pretreatment Program, at iii (June 2011), https://www.epa.gov/sites/default/files/2015-10/documents/pretreatment_program_intro_2011.pdf.
[20] Walnut Cove Board of Commissioners Meeting (Feb.12, 2026), at 1:21:25-1:21:35; Email from Alex Nations, ELS to Ron Niland, Walnut Cove Town Manager (Jan. 5, 2026).
[21] Caitlin Seyfried et al., UNC Environmental Finance Blog, Constructed Wetlands for Wastewater Treatment: A 20-Year Success Story in Walnut Cove, NC (Sept. 23, 2016), https://efc.web.unc.edu/2016/09/23/constructed-wetlands-wastewater-treatment-walnut-cove-nc/.
[22] A Handbook of Constructed Wetlands, at 6, 13 (1995), https://www.epa.gov/sites/default/files/2015-10/documents/constructed-wetlands-handbook.pdf.

Given the many risks and uncertainties underlying both the water supply and wastewater treatment demands of Project Delta, Stokes County does not have enough information to allow this project to move forward.

WATER QUALITY

The Dan River has a fraught legacy of toxic industrial contamination, including Duke Energy's spill of 39,000 tons of coal ash into the river in 2014, which dumped heavy metals like arsenic, lead, and mercury into the waterway.[23] Despite our work and progress to improve the river's water quality it remains under threat today. In 2026, The Dan River was named by American Rivers as one of America's most endangered rivers in 2026 due to intense development threats it is facing.[24] This designation underscores the importance and urgency of protecting the water quality of this waterway, which would be directly at odds with approving construction of a massive hyperscale data center along an undeveloped stretch of the river.

Based on the discussion above, Project Delta's wastewater poses a real risk to the water quality of the Dan River and its tributaries. If municipal wastewater treatment plants cannot adequately treat the data center's industrial wastewater, its pollution will pass through the plant and be released into the environment. Recent news out of Cheyenne, Wyoming, demonstrates this risk. After detecting a rare bacterium in its system, which it traced back to a controversial new Meta data center, Cheyenne's utility was forced to quickly order the data center to halt its wastewater discharges into the public sewer system in order to prevent further releases of the bacteria in the environment.[25] This experience led the city to adopt a new policy prohibiting wastewater discharges from data centers that used closed loop and fill and flush cooling systems.[26]

In addition to concern about pollution resulting from Project Delta's cooling operations, nonpoint source pollution is also likely. The Dan River runs along the entire eastern portion of the property proposed for Project Delta.[27] The data center's construction and the addition of impervious warehouse-like buildings will increase stormwater runoff and transport pollutants, such as nutrients and sediment, into the nearby Dan River, exacerbating its water quality.[28]

Stokes County should be particularly wary of the water quality concerns posed by Project Delta because of the importance of the Dan River to the region. The river serves as a water supply to nearly 1 million people and supports a rich and diverse ecosystem, home to many

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[23] Celeste Guajardo, WUNC News, Toxic Coal Ash Poured into the Dan River 10 Years Ago. The Spill Left a Legacy of Legislation and Change (Feb. 2, 2024), https://www.wunc.org/environment/2024-02-02/dan-river-coal-ash-spill-legislation-duke-energy-environment.

[24] American Rivers, Dan River (2026), https://mostendangeredrivers.org/river/dan-river/.

[25] Richard Luscombe, The Guardian, Wyoming Tightens Wastewater Rules After Meta Datacenter Contractor Flushed Contaminated Water (July 8, 2026), https://www.theguardian.com/us-news/2026/jul/08/meta-datacenter-ai-wyoming-water.

[26] *Id.*

[27] ELS, Conditional Rezoning – Conceptual Site Plan Project Delta (2026), https://cms9files.revize.com/stokescountync/(4)%20Site%20Plan.pdf?t=202607220849190.

[28] Rodney Wright & Tom Hill, Dan River Watershed Restoration Plan for Agricultural Non-Point Sources of Pollution, at 3-6 (May 10, 2012), https://www.ptrc.org/home/showpublisheddocument/12157/637958980029370000.

endangered species.[29] And it is a hub for outdoor recreation, beloved by folks who love paddle, fish, and hike along its banks. The Dan River itself provides economic benefit to Stokes County, supporting the region's important ecotourism industry. Accordingly, Stokes County should be taking steps to preserve the Dan River as critical resource, rather than allowing development that will further contaminate the already endangered waterway.

UNSUSTAINABLE DEVELOPMENT

The property that ELS proposes for rezoning for Project Delta includes a large swath of FEMA-designated Dan River floodplain that extends out from the banks of the Dan River.[30] This designation means that this is an area that FEMA has specifically identified has having the highest risk of flooding, which can result from heavy rain, poor drainage, or nearby construction projects.[31]

While ELS and County staff appropriately recognize that development must be restricted within the designated floodplain,[32] they ignore that nothing currently restricts Project Delta from constructing facilities immediately up against the regulatory floodplain boundary. This type of development is unsustainable because it can lead to an increase in exposure to flooding elsewhere along the river, as areas adjacent to the floodplain also have a higher flood risk.[33] Project Delta should not be permitted to develop without adequate protections to mitigate against flooding.

At a Minimum, Additional Conditions are Necessary to Protect Local Water Resources from Project Delta's Impacts.

While we urge Stokes County to deny Project Delta's rezoning application, if the County determines to move forward with approval, it should be conditioned on a robust set of requirements to address or ease the water-related concerns we raise in this letter. We suggest the following conditions, at a minimum, be incorporated into the conditional rezoning for Project Delta:

- Project Delta must specify its average annual, average daily, peak daily, and peak hour water use at full-build out. The project must be restricted from using water in excess of the levels specified.
- Project Delta must specify its average annual, average daily, peak daily, and peak hour wastewater discharge at full-build out. The project must be restricted from discharging water in excess of the levels specified.
- Project Delta must submit confirmation of the water and sewer system it will be served by and demonstrate that these systems have sufficient capacity to support the project at full build-out.

[29] American Rivers, Dan River (2026).
[30] ELS, Conditional Rezoning – Conceptual Site Plan Project Delta (2026).
[31] FEMA, Flood Maps, https://www.fema.gov/flood-maps.
[32] Stokes County Planning and Inspections Department, Staff Report Conditional Zoning District Application "Project Delta," at 27; ELS, Proposed Zoning Conditions (July 20, 2026).
[33] Georgina M. Sanchez, The Safe Development Paradox of the United States Regulatory Floodplain, PLOS ONE, at 18 (2024), https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0311718.

- Project Delta must disclose all chemicals that it will use in its cooling system and all pollutants that may be present in its wastewater.
- Project Delta must be required to pretreat its wastewater to remove any pollutant that cannot be effectively removed by a municipal wastewater treatment plant intended to treat domestic wastewater.
- Project Delta may not construct any data center structure, substation, backup generation equipment, or fuel storage equipment within 1,000 feet of the designated floodplain.
- Project Delta must fund a vulnerability and resilience assessment of the water and sewer systems and infrastructure it will be served by that reviews their capacity long-term.

We appreciate your consideration of the water resource concerns we have highlighted in these comments. If you have any questions regarding this letter, please don't hesitate to contact us.

Sincerely,



Tyler Sammis
American Rivers
Director, Floodplain Restoration, SE
(704) 448-5666
tsammis@americanrivers.org

cc: **Stokes County Board of Commissioners:**
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Keith Wood, Vice-Chairman, *kwood@co.stokes.nc.us*
Brad Chandler, *bchandler@co.stokes.nc.us*
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Exhibit 17

RML Acoustics ARCHITECTURAL ENVIRONMENTAL

Sound Designs...Noise Solutions

August 11, 2026

Ms. Anne Harvey David
Chief Counsel for Environmental Justice
Southern Coalition for Social Justice
PO Box 51280
Durham, NC 27717

Re: Project Delta – Review of Applicant's Proposed Noise Conditions

Dear Anne,

Per your request, this letter contains a brief summary of our review comments on Section 2, *Noise*, of the Proposed Zoning Conditions contained in the Stokes County Conditional Rezoning Applications submitted by Engineered Land Solutions, LLC ("ELS") for the proposed Project Delta Data Center (hereinafter "Project") in Stokes County, North Carolina. A copy of Section 2, Noise, is included in Appendix A of this document. This preliminary review is intended to identify the principal concerns with the Applicant's proposed noise conditions before the upcoming Planning Board hearing. Because the Applicant has not yet provided a complete noise study supporting the proposed limits, these comments should not be understood as a final technical review of the Project's expected noise impacts. RML Acoustics anticipates providing a more comprehensive review after the Applicant's noise study and supporting technical materials are made available.

1. Although the new sound level limits described in the Proposed Zoning Conditions are an improvement over the previously suggested 70 dBA property-line limit, the Applicant has not submitted a comprehensive ambient noise study or technical justification demonstrating that the proposed limits would adequately protect the residential properties surrounding the Project from adverse noise impacts. Without that supporting analysis, there is no clear technical basis for concluding that the proposed daytime, nighttime, or C-weighted limits are compatible with the existing quiet rural/quiet suburban sound environment.

2. A "pilot" ambient noise study conducted by RML Acoustics from February 28, 2026, to March 3, 2026, at three locations near the proposed Project, showed ambient A-weighted sound levels (LAF90) at nearby residences to be between 30 dBA and 40 dBA during the daytime and between 20 dBA and 30 dBA during the nighttime at two locations, with nighttime levels between 25 dBA and 40 dBA at the third location. These sound levels are consistent with typical rural/quiet suburban areas and are well below the proposed daytime sound level limit of 60 dBA and nighttime sound level limit of 50 dBA.

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Charlotte, North Carolina 28269

3. Based on our limited study, if the Project were to generate sound levels at or near the proposed residential limits, Project noise could be 20 to 30 dBA above the existing nighttime background sound levels at affected residential receivers. Because the Project is expected to generate continuous mechanical equipment sounds, this increase could substantially raise the existing nighttime noise floor and be perceived as approximately four to eight times as loud as the current background conditions. Given the mechanical character of the expected noise sources, the resulting sound would also be out of character with the current ambient sound environment.

4. The RML Acoustics study also found that existing C-weighted background sound levels at all three locations were estimated to be between 40 dBC and 50 dBC during the daytime and between 30 dBC and 45 dBC during the nighttime. These levels are well below the proposed C-weighted limits of 75 dBC during the daytime and 65 dBC during the nighttime. Although C-weighted limits provide more protection against low-frequency sound than A-weighted limits alone, the proposed C-weighted limits would still allow a substantial increase in the low-frequency noise floor relative to existing conditions.

5. Given that the RML Acoustics study indicates the proposed sound level limits could allow Project sound to substantially and permanently alter the existing acoustic character of surrounding residential properties, the Applicant should be required to submit a comprehensive ambient noise study for independent peer review before Project approval. At a minimum, that study should document existing A-weighted and C-weighted L90 sound levels and other relevant metrics for at least one week at representative locations surrounding the Project site, include weather monitoring sufficient to identify periods affected by rain, thunder, wind, or other meteorological conditions, and provide a technical justification for any proposed noise limits based on the measured ambient sound environment.

6. RML Acoustics also reviewed a document from Polysonics dated November 11, 2025, addressed to ELS, that included initial ambient sound level measurement results for Project Delta. The document included one-second time-history graphs, 1-hour Leq sound level data, and histograms for approximately 26 hours of sound level measurement; however, it did not provide sufficient information regarding the measurement methods, equipment, data interpretation, or use of the data in deriving the proposed sound level limits. As a result, the document has limited usefulness as technical support for the proposed conditions, although the data appear to confirm that some locations surrounding the proposed site experience sound levels between 25 dBA and 40 dBA for significant portions of the day.

7. The overall approach to the Noise conditions proposed by ELS includes several desirable concepts, including separate daytime and nighttime limits, A-weighted and C-weighted limits, tonal-noise provisions, generator-testing restrictions, use of L90 for compliance, consultant qualifications, pre-construction ambient sound surveys, pre-construction noise modeling, and post-construction compliance surveys. However, several of these concepts require clarification or strengthening before they can be relied upon to protect nearby residential properties. Detailed comments on the specific wording of these provisions can be provided after the Applicant's full noise study, modeling assumptions, equipment sound data, and proposed compliance procedures are made available.

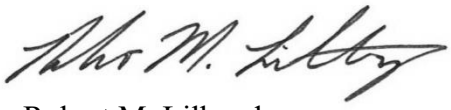
8. The Applicant should also provide funds for the County to retain an independent third-party acoustical consultant, preferably a member of the National Council of Acoustical Consultants with at least ten years of relevant experience, to review the pre-construction ambient noise studies, pre-construction noise modeling studies, and post-construction noise compliance surveys. County staff typically does not have the specialized acoustical expertise needed to evaluate these materials. The County should consider requiring the Applicant to respond to the reviewer's comments in a manner satisfactory to the independent reviewer before approval of any new construction or major project phase.

9. Although daytime construction activity is commonly exempted from operational noise limits, the County should consider imposing reasonable construction-noise restrictions for this Project given its scale and the potential for construction activity to continue for several years.

Please let us know if we can provide any additional information before the upcoming Planning Board hearing.

Sincerely,

RML Acoustics, LLC



Robert M. Lilkendey
Principal Consultant

Exhibit 18

DAN RIVER BASIN ASSOCIATION

… protecting and promoting the Dan River Basin through education, recreation and stewardship.

August 12, 2026

Via Email

- Stokes County Planning and Inspections Department
- Stokes County Planning Board
- Stokes County Board of Commissioners
- c/o Bryan Miller, Assistant County Manager (bryanmiller@co.stokes.nc.us)

Re: Comments Regarding Conditional Rezoning Application for Project Delta Hyperscale Data Center

Dear Stokes County Planning and Inspections Department, Planning Board and Board of Commissioners:

For nearly a quarter century, the Dan River Basin Association (DRBA) has worked in partnership with Stokes County to protect and celebrate the Dan River and the natural resources that make this county such a special place. Our work here has included environmental education, recreation and public access, community planning, clean-ups and citizen-inspired stewardship projects. We value that long-standing relationship.

We want to see Stokes County's unique natural resources remain healthy and accessible for every citizen that you were elected to represent. The decisions you make today will directly impact what future generations inherit and we believe that every person who lives in our shared watershed has the responsibility to make sure the Dan River and the lands around it remain assets, not liabilities.

That is why we are concerned about Project Delta and we urge you to deny the conditional rezoning application for Project Delta, the proposed hyperscale data center near Walnut Cove. This is not simply another development proposal. It would transform nearly 1,850 acres of largely undeveloped land into a massive industrial campus immediately adjacent to the Dan River and the scale of the project raises serious questions about water, wastewater, stormwater, flooding and the long-term health of the river.

If you will not outright deny the rezoning application, we encourage the County to follow the lead of close to two dozen other North Carolina communities and adopt a temporary moratorium on new data center development while you evaluate the impacts of this facility transparently with your citizens and take the time needed to understand all of the impacts this project will have on your county.

DAN RIVER BASIN ASSOCIATION

… protecting and promoting the Dan River Basin through education, recreation and stewardship.

Water Supply and Wastewater

Our biggest concern is that the County does not yet have enough information to know whether Project Delta's water needs can be safely and reliably met. The developer has not identified the amount or source of water the facility will require. The County's staff report instead relies in part on a general statement from the 2015 Stokes County 2035 Vision Plan that the County has adequate water supply for future needs. That statement predates the proposal for a hyperscale data center and does not demonstrate that local systems have the capacity to serve a project of this size.

Project Delta has reportedly considered obtaining water from Walnut Cove, whose existing system already faces reliability and capacity concerns. At the same time, the Stokes County Water and Sewer Authority has asked Walnut Cove to reduce the amount of water it purchases because of other demands on the system. Those circumstances deserve a much closer look especially now when Stokes County is experiencing severe drought conditions. The NC Drought Management Advisory Council recommends eliminating nonessential water uses during severe drought. You should be asking whether it makes sense to add a major new industrial water user when your local communities are already being asked to conserve.

The same questions apply to wastewater. Project Delta has not clearly identified how much wastewater it will generate or how that wastewater will be treated. A hyperscale data center can produce industrial wastewater containing chemicals associated with cooling systems that municipal treatment plants may not be designed to remove. This is particularly important if wastewater is sent to Walnut Cove's constructed wetland treatment system which ultimately discharges into Town Fork Creek and then the Dan River. The system may be a valuable asset but you can’t assume that a system designed for the town's domestic wastewater can safely handle industrial wastewater from a hyperscale data center.

Protecting the Dan River

The Dan River has already endured significant industrial pollution including the 2014 Duke Energy coal ash spill. While DRBA and many other organizations have worked hard to restore and protect the river, the Dan remains vulnerable and the impacts of problems on the river do not stop at the source.

We heard from Stokes County businesses and community members who felt the effects of the coal ash spill through damage to the river’s reputation and the loss of tourism and recreation for several years after the spill even though the it occurred downstream. Decisions made in Stokes County today will also affect the communities, farms, businesses, children and families that depend on the Dan River both upstream and downstream. This year, American Rivers named the Dan River one of America’s Most Endangered Rivers because of the development pressures it faces. Adding another major industrial burden to an already vulnerable watershed could have consequences that reach far beyond the Project Delta site.

DAN RIVER BASIN ASSOCIATION

… protecting and promoting the Dan River Basin through education, recreation and stewardship.

The river is one of Stokes County's greatest assets. It provides drinking water, supports fish and wildlife and offers opportunities for paddling, fishing, hiking and other outdoor recreation. Those natural assets also contribute to the county's quality of life and to its economic revenue. Project Delta would place a huge industrial development directly beside the river. Construction and the addition of extensive impervious surfaces will increase stormwater runoff and create additional opportunities for sediment and other pollutants to reach the Dan and its tributaries.

Floodplain and Long-Term Planning

The proposed property also includes a substantial amount of FEMA-designated floodplain along the Dan River. Stokes County's own planning documents recognize floodplains as valuable community assets that can support parks, greenways, recreation and connections between communities. DRBA's work in Stokes County is closely connected to those same values. We want to see river corridors protected, public access expanded and natural areas used in ways that benefit both residents and visitors.

A project of this size should not simply avoid building inside the mapped floodplain and then treat everything outside that line as appropriate for development. Large industrial structures, substations, backup generators and fuel storage immediately adjacent to a floodplain create long-term risks for both the facility and the surrounding watershed.

If the County decides to move forward with Project Delta despite the unanswered questions and risk to its natural resources, we believe the approval should, at a minimum, require:

- Full disclosure and enforceable limits on the project's water use and wastewater discharge;
- Demonstration that the water and sewer systems serving the project have adequate long-term capacity, including during drought;
- Disclosure of chemicals used in cooling systems and pollutants that may be present in wastewater;
- Pretreatment of industrial wastewater before it enters a municipal treatment system;
- An independent assessment of the long-term vulnerability and resilience of the water and sewer infrastructure serving the project; and
- A meaningful buffer between the Dan River floodplain and data center buildings, substations, backup generation, and fuel-storage facilities.

Please Give Stokes County Time to Get This Right

DRBA is not opposed to responsible economic development. We are one of the few river organizations that believe conservation, recreation, community planning and economic vitality can (and should) work together. But responsible development requires good information and good planning. Right now, there are too many unanswered questions about Project Delta.

DAN RIVER BASIN ASSOCIATION

… protecting and promoting the Dan River Basin through education, recreation and stewardship.

We urge the Planning Board to recommend denial of the Project Delta rezoning application and ask the Board of Commissioners to deny it as well. We also strongly encourage the County to adopt a temporary moratorium on new data center development so that it can evaluate the industry's impacts and establish appropriate standards before additional projects are considered.

Stokes County and DRBA have worked together for many years to protect the Dan River and build opportunities for people to experience and appreciate it. We hope we can continue that work together for decades to come. The Dan River is one of Stokes County's greatest assets. Decisions made today should protect and strengthen that asset, not put it at greater risk.

Thank you for considering DRBA's comments and for your continued partnership in protecting the land and water resources that make Stokes County such an important part of the Dan River Basin.

Sincerely,



Tiffany Haworth, Executive Director, Dan River Basin Association (DRBA)
thaworth@danriver.org | (276) 340-0422

Exhibit 19

September 4, 2026

Stokes County Board of Commissioners
1014 Main Street
Danbury, NC 27016

VIA EMAIL: wbarneycastle@co.stokes.nc.us, bchandler@co.stokes.nc.us, scox@co.stokes.nc.us, rmorris@co.stokes.nc.us, kwood@co.stokes.nc.us, bryanmiller@co.stokes.nc.us

RE: Opposition to Proposed Data Center due to Guaranteed Damage to Archaeological, Historical, and Cultural Resources

Dear Stokes County Board of Commissioners,

Thank you for the opportunity to provide comment related to the request of Engineering Land Solutions ("ELS") to rezone nearly 1,900 acres of rural, historic land in Stokes County for construction and operation of a hyperscale data center. The proposed development threatens to damage unique archaeological sites, impede historic preservation efforts, and sever the material and spiritual bonds between community members and their ancestors who lived and labored on this land.

In its *Comprehensive Plan: Moving Together, 2035*, the County clearly stated its long-term goal of preserving its "unique cultural identity."[1] Building a hyperscale data center on this site will destroy this unique identity by negatively impacting three categories of properties that have "statewide historical, architectural, archaeological, or other cultural significance" according to standards set forth by the North Carolina Department of Natural and Cultural Resources.[2] These include: (1) archaeological remains of Indigenous peoples dating back to AD 800, (2) cemeteries of enslaved and formerly enslaved people from the 18th and 19th centuries, and (3) other important sites representing the richness and breadth of state and county history that have yet to be adequately explored. If not preserved against the high-impact development, these sites will be lost forever.

We ask you to deny ELS's proposal pending a full study of archaeological sites, gravesites, and architectural remains on the parcels. In the alternative, we ask that you impose strict conditions on ELS to *not only* adhere to *but also* to supplement the requirements of state law.

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[1] *Stokes County 2035: Moving Together* (Apr. 14, 2015), https://issuu.com/dbdplanning/docs/stokes_county_2035_vision_plan_04_1/5.
[2] N.C. Gen. Stat. § 121-4(8). See *What Is Statewide Significance?*, State Hist. Preservation Office, NC Dept. of Natural & Cultural Resources, https://www.hpo.nc.gov/local-preservation/what-statewide-significance (last visited July 24, 2026).

ELS has already demonstrated that it is unprepared to ensure the safety of the many cultural, historical, and archaeological resources on and within the parcels. Its reapplication includes no details about the preparatory work of surveying and analysis necessary to avoid and preserve these irreplaceable resources. ELS's vague promise to follow "applicable state and federal review and reporting requirements" does not suffice. Its application fails even to name the tribal villages and the historic slave cemeteries its proposed development will decimate—despite the County's easily discoverable records of these sites. Assessing these resources on and within the land during construction guarantees that many of the known and yet-to-be-discovered archaeological and historical resources will be damaged, destroyed, and lost forever—and along with them Stokes County's unique identity.

Only with a thorough analysis of these resources before permitting ELS to build can the Commission make a wise decision regarding these resources. Instead of ceding the rights to the County's unique history to a hyperscale data center developer, the Commissioners should now (1) deny the request to rezone the floodplain to heavy industrial usage, and (2) enact standards for data center land use throughout the County that include protections for Native American habitation sites and the archaeological remains found at those sites, historic cemeteries, and precious architectural markers of the County's rich and important past.

1. **Concern for irreversible damage to known archaeological sites within the proposed data center parcels.**

The Dan River region is the ancestral homeland of the Saura people, an Indigenous tribe to North Carolina's Piedmont region, who inhabited the banks of the Dan River in Stokes County during the 17th and early 18th centuries. Archaeological and historical records document multiple Saura settlements within the proposed data center parcels, including at least three substantial villages located in the floodplain west of the river. One of these, the Upper Sauratown site, through a formal determination of the North Carolina National Register Advisory Committee (NRAC) was deemed eligible for listing in the National Register of Historic Places (NRHP).[3] Archaeological discoveries here include the remains of a young Indigenous woman known popularly as Saura Woman, whom North Carolina commemorates with a bronze statue at the entrance to the Museum of History in Raleigh. Saura Woman symbolizes the deep cultural and spiritual connection between Indigenous communities and the Dan River landscape. By forensically creating this statue and erecting it in the capital city, the legislature recognized the "statewide historical significance" of the Saura Tribe's longtime presence in Stokes

[3] This designation provides the same level of protection mandated for listed sites. The Upper Sauratown sites are ancestral, and recognized as ancestral, to the Catawba Indian Nation, a federally recognized tribe located in Rock Hill, SC. The Saura Indians merged with other tribes along the Catawba River to form the Catawba National in the early 1700s (after leaving the Dan River valley).

County.[4] Moreover, Saura Woman represents a crucial contribution to North Carolina's rich history that will be irretrievably lost if the Commission rezones this land to M-2 Heavy Industrial and cedes its management to industrial interests.

*

The proposed hyperscale data center would negatively and irreversibly impact hundreds of acres of floodplain that are home to at least eight archaeological sites of historical and scientific importance. Excavated by specialists at the University of North Carolina (UNC), three of these sites have been—and remain—crucial pieces of the puzzle that comprises the rich history of the relationship between Indigenous people, early European settlers, and North Carolina's natural landscape.

After chance discoveries in the late 1960s and early 1970s exposed the western banks of the Dan River to indiscriminate looting of human burials, archaeologists from UNC began a long-term field project here to document and protect the state's unique historical record. From 1972 to 1981, they excavated two sites: Early Upper Sauratown (AD 1450-1620) and Upper Sauratown (AD 1670-1710); and in 1988 they excavated a third site, the William Kluttz site (AD 1690-1710).[5] At these three locations, scholars brought to light organized Saura villages, including evidence of defensive palisades, houses of post-in-ground construction, storage pits, roasting pits, objects of daily household and community use, and European trade goods from the 1600s.[6] The sites also included human remains: in

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[4] N.C. Gen. Stat. § 121-4(13) expressly directs the state's Department of Natural and Cultural Resources "To promote and encourage throughout the State knowledge and appreciation of North Carolina history and heritage by encouraging the people of the State to engage in . . . the marking and preservation of historic, architectural, or archaeological structures and sites of great importance . . . and other activities in historical and allied fields."

[5] The official designations for these sites, recorded by the NC Office of State Archaeology, are: 31SK1 (Early Upper Sauratown or Hairston site), 31SK1a (Upper Sauratown site), 31SK6 (William Kluttz site), 31SK8, 31SK9, 31SK15 (Nifong site), 31SK16, and 31SK28. All contain an abundance of artifacts and archaeological contexts indicative of substantial Saura and ancestral Saura occupations. Collections from all sites are curated by the UNC Research Laboratories of Archaeology.

[6] At the Early Upper Sauratown Site, the archaeologists excavated 1,000 square feet of site, uncovering 82,000 total artifacts & samples, including 57,800 pottery fragments, as well as 46 archaeological features (e.g., pits). At Upper Sauratown Site, in 16,000 square feet excavated (representing only a third of the site), they found 668,630 total artifacts & samples, including 250,000 pottery fragments, and an additional 335 archaeological features. At the William Kluttz Site, within 2,018 square feet, they found 52,220 total artifacts & samples, including 37,272 pottery fragments, as well as 66 archaeological features. See H. Trawick Ward and R. P. Stephen Davis, Jr., *Indian Communities on the NC Piedmont, A.D. 1000 TO 1700*, Mono. No. 2, Research Laboratories of Anthropology, UNC at Chapel Hill, 1993; R.P. Stephen Davis, Jr., Patricia M. Lambert, Vincas P. Steponaitis, Clark Spencer Larsen, and H. Trawick Ward, *An Abbreviated NAGPRA*

carefully arranged gravesites adjacent to family homes rested the remains of more than 150 individuals, many buried with precious funerary offerings of glass beads and copper ornaments. In all, excavations at the three sites revealed eight separate villages dating from AD 800 and extending through AD 1710, covering a period of over 900 years of Saura habitation, including during the period of initial European settlement and expansion into what then became North Carolina.

The western banks of the Dan River offer a unique window into Piedmont history. Typically, says Dr. Steve Davis, the UNC archaeologist whose teams excavated the three sites, "significant contributions to the archaeological record come from sites widely scattered across the landscape." This area, however, offers "a critical body of information from a single locality" about the Saura, one of the more dominant tribes in the North Carolina Piedmont—and therefore state history. The villages that Davis and his team uncovered are exceptional, representing not bits of evidence but entire communities. "And the architectural details of those communities are still relatively intact," Davis adds. What's more, the sites concentrated in this location relate to a critical period at the end of the 1600s and early 1700s, when Indigenous people first lived and then migrated away from the area because of European settlers. Historically, the banks of the Dan River at precisely this location are very important because those archaeological resources are finite. Says Davis, "There are no archaeological resources for understanding the Saura at that period anywhere else."

Despite what has already been learned from extensive excavations at the Early Upper Sauratown, Upper Sauratown, and William Kluttz sites, most of all three sites remain unexcavated. Additionally, surveys of the region by Davis and other UNC archaeologists identified evidence of more Saura villages along the western banks of the Dan River, both north and south of the three active dig sites. In 2026, these locations have yet to be excavated and studied. With the many hundreds of Saura who lived on this land in the seventeenth and early eighteenth centuries, archaeologists are confident that the three excavated sites do not

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Inventory of the North Carolina Archaeological Collection. Research Laboratories of Archaeology. UNC, 1998. https://archaeology.sites.unc.edu/wp-content/uploads/sites/187/2024/03/RLA-NAGPRA-Inventory-1996.pdf. After Congress enacted the Native American Graves Protection and Repatriation Act, these sites and artifacts were recorded in *Notices*, Federal Register 71, no. 175 (Monday, Sept. 11, 2006), 53473. Stokes county Historical Society's president notes, "Remains in cooking pits revealed a wide variety of plants and animals such as: maize, grapes, persimmon, plum, squash, hazelnuts, hickory nuts, walnuts and chestnuts, bear, deer, bison and mountain lion." Patti Dunlap, *Local Historian Provides Indigenous History of Stokes County*, Stokes County News (Oct. 9, 2024, updated Nov. 14), https://www.thestokesnews.com/online_features/community_cares/local-historian-provides-indigenous-history-of-stokes-county/article_595ca448-819a-11ef-8a0f-0b15b8004318.html.

represent the sum-total of scientific and cultural materials still hidden along the banks of the Dan River.

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All of these sites—the excavated villages and sites of future exploration—are within the footprint of the proposed data center, on Parcel #6964918321. The proposal to rezone this land from agricultural-residential to heavy-industrial will seriously endanger these sites and put an end to any possibility of further exploration.

Rezoning these acres along the Dan River for heavy-industrial use is both dangerous and unnecessary. By the loose guidelines of Text Amendment R (which, in opposition to residents and the county's Planning Board, the Commissioners enacted as part of the county's ordinance code on July 13, 2026), ELS would have free license to develop the land in ways fundamentally destructive to the fragile archaeological record. Amendment R "does not require a developer to identify what historic, cultural, or sacred sites sit on a property before the county allows a data center there as a conditional use," local historian Chad Bailey notes, pointing to the known Saura habitations in the proposed data center parcels where the Saura lived. "A massive proposal like Project Delta could move forward without the Board ever knowing what's on that site or what would be lost once it's covered in concrete and put behind a fence." Once that land is disturbed by development, Bailey adds, the chance to study it is "gone for good, and the Saura name becomes nothing more than a memory of what used to be here."

Residents like Bailey echo well-established state law and policy, which support the preservation of sites of cultural, archaeological, and historical significance to promote the shared humanity and dignity of our ancestors. North Carolina's Historic Preservation Plan emphasizes "the importance of historic preservation – and by extension, the shared humanity and dignity of the individuals who have come before us."[7] The Historical Commission's Plan constitutes "official State policy for preservation, or the encouragement of the preservation, of important historic, architectural, archaeological, and other cultural properties" in the state.[8] The Plan emphasizes how the state's "historic and cultural resources reflect the long and varied history of human habitation in North Carolina, spanning more than 12,000 years of human habitation, and includes Indigenous settlements and sacred sites, places associated with the earliest European and African contact."[9] Nowhere are the state's rich and layered archaeological resources more clearly present than in the Walnut Cove and Sauratown region of Stokes County.

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[7] *The State of NC 2025-2034 State Hist. Preservation Plan*, NC Dept. of Nat. & Cultural Resources, Off. Of Archives & Hist., Div. of Hist. Resources, NC State Hist. Preservation Off. (Dec. 2024), 10.
[8] N.C. Gen. Stat. § 121-8(d).
[9] *Preservation Plan*, *supra*, 10.

Indeed, the state of North Carolina already formally recognizes the historical significance of the Saura Tribe's inhabitation of the lands that would be irreversibly altered should the proposed data center be built. State Highway Markers officially recognize the statewide significance of Saura inhabitation in the pre-European and colonial period. The "Upper Saura Town" marker (J-43) is located at the US311 bridge over the Dan River, commemorating "a village of the Saura Indians" nearby. The state's Historical Highway Marker Program recognizes "sites of statewide historical significance" selected by the Department of Natural and Cultural Resources ("DNCR"). According to the program, the state defines "statewide historical significance" as "events, persons, or sites of prominence over and above those of local or regional note" and assigns this designation based on factors including "the relationship of the subject to North Carolina's history," "the subject's contributions to North Carolina," and the subject's "consequence" to state history.[10] The history of the Saura Tribe in Stokes County is the history of North Carolina.

By its own admission, the developer of Project Delta has not conducted detailed studies to identify and assess the archaeological resources located on the parcels on which it will construct heavy-industrial buildings. Limiting its interest to "known archaeological sites, those that have been determined eligible for the National Register [of Historic Sites]," ELS claims that these sites located in the floodplain "are being avoided," while failing to offer details or guarantees for protection.[11]

Rezoning the floodplain to heavy-industrial without imposing severe development and use restrictions will expose the riverbanks to Project Delta's largely unrestricted use. By the limitations of state statute, permitted use of floodplain land includes agricultural development, which is more than sufficient to destroy the archaeological evidence of Saura habitation that archaeologists discovered close to the surface. State statute also allows development of the floodplain to include parking lots, aircraft ports, golf courses, septage applications, and other uses, even mining.[12] A county or local municipality, however, may enact stricter zoning requirements than the State requires.

ELS's request for heavy-industrial conditional permitting appears to limit its permitted use of roughly 800 floodplain acres; in the floodplain areas designated by FEMA (Map Nos. 3710696200K and 3710696400K), ELS's request states that "development and uses" may include "infrastructure improvements and recreational, agricultural, conservation, preservation, and open space uses."[13] ELS

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[10] N.C. Gen. Stat. §§ and 136-42(3); 07 NCAC 04T .0101(2), and .0104, Highway Historical Marker Program, at 2.

[11] Stokes County Board of Commissioners Meeting, Jan. 12, 2026.

[12] N.C. Gen. Stat. § 143-215.54.

[13] *Proposed Zoning Conditions* at 5, ELS Project Delta Application, July 20, 2026. The request continues: "Except as expressly provided *above*, no other development shall be permitted within the designated floodplain areas" (emphasis added). ELS's use of "above" introduces ambiguity; it is not sufficiently limiting to the uses specified in Section 5 alone

claims that "The reason for including the floodplain areas within the rezoning request [is] to establish enforceable protections not currently provided under the existing zoning."[14] This is not accurate: in Residential-Agricultural districts, the County's Zoning Ordinance already permits the uses ELS mentions in its July 2026 application.[15]

The North Carolina statute that governs the treatment of Native American artifacts as well as sites of habitation provides that private owners of property "containing Indian relics, artifacts, mounds or burial grounds are urged to refrain from excavation or destruction thereof and to forbid such conduct by others."[16] This language has the force of recommendation, not requirement; the law merely encourages a private landowner to notify and consult appropriate state agency experts. In short, state law provides few protections against private landowners removing or relocating artifacts found on their property or building over the sites and contexts where those artifacts were discovered. While the NC Archaeological Record Program provides support and resources to owners of "archaeological resources" on private lands, the program is voluntary. A private landowner who does not, however, wish to preserve the "irreplaceable historic and prehistoric resources of the State" discovered on his land can damage or destroy them at will.[17]

In sum, state protections for artifacts, habitation sites, and archaeological excavation sites found on private property are largely advisory.[18] The private property owner of the floodplain along the western side of the Dan River, which includes three known Saura Tribe excavation sites and many more habitation sites north and south of the dig sites, can permit a lessor to do with its land and archaeological resources as it wishes, including develop the land for industry and generally to repurpose the land for any private or public use.

Stokes County has the authority and power to head off the certain destruction of these precious and sacred sites of statewide historical, archaeological, and cultural significance. Instead of rezoning these acres to the extreme of heavy-

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and allows the exception to apply to every use in the zoning request listed in Sections 1 through 5. Given the community's concern for the floodplain's preservation, and that Courts have clearly established how lack of specificity of a single word in a provision can lead to wildly divergent interpretations of that provision, ELS's placement of an ambiguous term here is reckless.

[13] N.C. Gen. Stat. § 70-49.

[14] Applicant's Public Information Meeting Report § 4(c) (Jul. 20, 2026), https://cms9files.revize.com/stokescountync/(5)%20PIM%20Written%20Report.pdf?t=20260 7220850020.

[15] See *Zoning Ordinance*, Stokes County, https://cms9files.revize.com/stokescountync/Planning%20&%20Inspections/Documents/Stok esCountyZoningOrdinance26.pdf, 40-45.

[16] N.C. Gen. Stat. § 70(1).

[17] N.C. Gen. Stat. § 70-49.

[18] See Section 2 below for State law guidance for human remains.

industrial usage, the county should designate them as protected land and enact stringent requirements for their use and upkeep.

The County can honor its history—and its unique contribution to the rich and layered history of the state—by refusing to rezone the floodplain for heavy-industrial use. Instead, to securely protect the historical record and the opportunity for experts to study these sites in the future, the western banks of the Dan River should be placed under the management of a nonpolitical historical preservation organization.

2. <u>Concern for damage to cemeteries of historical and spiritual significance to descendants and to others with reasonable interest in the sites.</u>

ELS's proposed data center would sprawl over nearly 1,900 acres of land whose character is defined by its layered history. This land and history include the burial sites of hundreds—potentially thousands—of enslaved people and freed people of color from the seventeenth through the nineteenth centuries. Building a hyperscale data center around and atop these grave sites will expose human burial sites to damage by industrial equipment and potentially destroy descendants' and others' ability to access and upkeep these graves. North Carolina public policy strongly favors preserving and honoring gravesites. The Board of Commissioners must not allow industrial development to destroy and dishonor such sites.

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The land east of the historic town of Walnut Cove and west of the Dan River that construction and operation of data center will fundamentally alter is not only naturally stunning but also rich in state and national history. Following European colonization and the forced displacement of Indigenous peoples in the early eighteenth century, Scottish immigrants converted the fertile lands along the Dan River into plantation agriculture reliant on enslaved labor. Large plantations dominated the agricultural landscape of the region, but none so successful and influential as the Hairston family. Through the labor of enslaved people and the natural fertility of the soil, the Hairstons became one of the wealthiest families in the colonies and—after the Revolution—one of the wealthiest families in the country.[19] The history of the Hairston plantation, encompassing interactions and relationships between Indigenous tribes, European settlers, and enslaved then later freed blacks, is the history of early America.

[19] By 1851, the head of the Hairston family had become the wealthiest man in Virginia and one of the wealthiest men in the United States. The Hairston family owned ten major plantations, approximately 40 smaller plantations, and 10,000 slaves in Virginia, North Carolina, and Mississippi, including more than 12,000 acres of tobacco farmland in North Carolina alone. See the definitive study by Henry Wiencek, *The Hairstons: An American Family in Black & White* (2000).

After the Civil War, formerly enslaved families acquired farmland in southeastern Stokes County during Reconstruction. Many of these families established independent farming communities rooted in land ownership, agriculture, and church-centered community life. Descendants of those families, including members of the Hairston and Bailey families, continue to maintain generational ties to the land in and around the proposed data center site. One such community was Baileytown, a historically Black rural settlement established by formerly enslaved families. The community takes its name from the Bailey family, one of the founding families who acquired land in the area and helped establish a farming community that persisted for generations along the Dan River. Like many Reconstruction-era freedmen's settlements, Baileytown developed as a close-knit agricultural community in which families farmed small tracts of land, maintained churches and cemeteries, and built deep intergenerational ties to the surrounding landscape. Members of the Bailey family still live in Baileytown today.

A historic graveyard, containing the remains of dozens of individuals believed to be people enslaved on the Hairston Plantation, sits in a wooded area at the intersection of Highway 311 and Tuttle Road, on Parcel # 6964918321 within the planned data center site. While no definitive study of these graves has yet been made, Stokes County identifies this site as a cemetery. A 1991 North Carolina Cemetery Survey of the burial ground detailed specific features of the cemetery. Census takers identified approximately 65 graves located on the site, with an estimated 15% of the graves marked with stones. Local historians agree that the graveyard is the burial place of those who were enslaved on the land; oral tradition from the late nineteenth century onward identified it as a "slave cemetery." The 1991 survey speculates, without evidence, that the cemetery might also be a burial ground for members of the Saura tribe, pointing to the need to preserve this burial site for future study, as well.

This gravesite holds critical importance to community memory and connection to the past. Residents of Stokes County today trace their ancestry to individuals buried there. Members of the local Bailey family and the National Hairston Clan nationwide are intimately bound to this sacred site as a place of remembrance and shared history. This intimate connection to the unwritten past is crucial not only for the descendants of enslaved people but for all North Carolinians—White, Black, Indigenous, and all others. "Cemeteries can embody ideas about eternal dignity and redemption," notes anthropologist and human rights scholar Adam Rosenblatt, "but they can also serve a more practical purpose: they can make an argument about the status of the dead who are buried there, their fundamental equality with people who held more power in life."[20] Cemeteries can also foster "forms of belonging," binding the living to the past as well as to each

[20] Adam Rosenblatt, *Cemetery Citizens: Reclaiming the Past and Working for Justice in American Burial Grounds* (2024), 10.

other.[21] The cemetery at 311 and Tuttle Road is a vital site of cultural and spiritual resonance between the present and the past.

For more than a century, this cemetery has been accessible by a footpath located at the intersection of Highway 311 and Tuttle Road. Lifelong Hairston and Bailey family residents of the neighborhood recall untroubled access to the cemetery throughout their lives. Upon information and belief, in February 2026, shortly after the Board of County Commissioners' (subsequently retracted) rezoning decision on January 12, a metal gate appeared at the entrance to the path that leads directly to this cemetery, impeding access to the gravesites. The new barrier makes a clear statement that descendants are no longer welcome to visit the graves of their ancestors.[22] Rezoning this land for construction and operation of a data center would validate, rather than relieve, the anxieties of the concerned communities who are connected to this land and fear for the erasure of their history.

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Heavy-industrial development of these parcels will also likely endanger human remains, despite State protections. The NC Unmarked Human Burial and Human Skeletal Remains Protection Act offers protections to unmarked graves and cemeteries.[23] State law details how descendants of those interred on private property may access and maintain "abandoned public cemeteries." The law ensures that descendants of those interred, designees of those descendants, or anyone with a "special personal interest" may visit the cemetery, but, absent a judicial determination, they may only do so with the landowner's consent.[24] Moreover, State law entrusts County commissioners with the responsibility to care for so-called

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[21] *Ibid*., 150.

[22] It should be noted that in the context of burial grounds and other African American heritage sites, "descendant" does not refer narrowly to direct biological descent. See, in general, Michael Blakey's many works on "descendant community." "In its most fundamental form, a 'descendant community' is a group of people whose ancestors were enslaved at a particular site, but it can transcend that limited definition. A descendant community can include those whose ancestors were enslaved not only at a particular site, but also throughout the surrounding region, reflecting the fact that family ties often crossed plantation boundaries. A descendant community can also welcome those who feel connected to the work the institution is doing, whether or not they know of a genealogical connection." *Engaging Descendant Communities in the Interpretation of Slavery at Museums & Historic Sites: A Rubric of Best Practices Estab'd by the Nat. Summit on Teaching Slavery*, African American Cult. Heritage Action Fund, Nat. Trust for Hist. Preservation (Oct. 19, 2018), https://montpelierdescendants.org/wp-content/uploads/2024/07/Interpreting-Slavery-10_19_18.pdf.

[23] See especially N.C. Gen. Stat. § 70-29, 70-37, and 70-40; Useful NC Cemetery Laws, NC DCNR, https://archaeology.ncdcr.gov/programs/cemeteries/nclaws.

[24] N.C. Gen. Stat. § 65-101. Without the landowner's consent, an individual must hire an attorney to file a verified petition in County Superior Court to obtain an Order allowing access. N.C. Gen. Stat. 65-102. This renders access to ancestors' gravesites accessible to only those who can afford the expense of time and funds.

"abandoned cemeteries," requiring each county to maintain a list of such cemeteries within its jurisdiction.[25] In defiance of the General Assembly's intentions regarding the protection and preservation of human remains and sacred burial sites, Stokes County maintains no such list. This bodes ill for the cemetery at 311 and Tuttle Road.

North Carolina public policy strongly favors preserving and honoring grave sites. The North Carolina Supreme Court called burial sites "hallowed ground," emphasizing that once suitably buried a person's remains should generally remain undisturbed. Indeed, after interment, human remains are in the custody of the law, and disturbance or removal are subject to the court's review. Except in cases of necessity, landowners should respect and maintain the gravesites' sanctity. [26]

In its Project Delta application submitted on July 20, 2026, ELS states that if it encounters "[c]ultural, historical, and archaeological resources . . . before or during construction," it will follow "applicable state and federal review and reporting requirements" and it will act in "coordination with the State Historic Preservation Office." During ELS's July 8, 2026, public informational session, Drew Nations stated that the possibility of discovering such "resources" during construction is "why the pre-work is important to avoid" having to pause construction. In its January 12, 2026, presentation to the Board of County Commissioners, however, ELS admitted that it had not yet completed "detailed analyses" of the parcels rezoned for heavy-industrial use. In its July public information session and subsequent reapplication, it made no indication of having done that "pre-work" yet, nor did it provide an explanation of that pre-work in its re-application. What's more, despite the County's easily discoverable record of the cemetery at 311 and Tuttle Road, ELS's application does not acknowledge the presence of this graveyard on its proposed building site.

ELS's failure to expressly promise to protect all cultural resources, or to ensure access to known cemeteries located on the property, strongly suggests that

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[25] N.C. Gen. Stat. § 65-111. The State privileges the wishes of private landowners, even in the case of human burials. Through N.C. Gen. Stat. § 121-8(g), the State authorizes the DNCR "to take appropriate measures to record and permanently preserve information of significant historical genealogical or archaeological value when, in the opinion of the Department, any such information located within an abandoned cemetery is in imminent danger of loss or destruction because of the condition or circumstances of the cemetery." Note that this authority is at the department's discretion, not statutorily mandated, and it is merely to collect information, not to halt any damage or destruction to artifacts. Moreover, any such measures must be done "in such a manner as to cause as little inconvenience or disruption as possible to the owners of the land upon which the abandoned cemetery is located." When ELS asserts that it has no say in the fate of antiquities discovered during construction, the assurance is without strength.

[26] See *Mills v. Carolina Cemetery Park Corp.*, 242 N.C. 20 (1955) and subsequent cases that built on this precedent, reinforcing the State's priority of preserving and honoring the sanctity of gravesites.

its intentions regarding these sites is do as little as possible to satisfy statutory requirements.

Heavy-industrial development will likely endanger the historic, socially, and spiritually significant cemetery at Highway 311 and Tuttle Road. First, the presence of nearby industrial traffic would fundamentally alter the sacrality of the site. "Even when the boundaries of a cemetery itself are well drawn and protected," Dr. Rosenblatt notes, "a nearby road … can make a mockery of the idea of preservation." "[D]egradations" to "the marginalized dead"— the graves of enslaved people—include "[c]ars and trucks, rushing by with speed or wailing noise—noise that has been planned, mapped out, authorized to be near some people's dead and not others."[27] Second, physical damage to sacred sites and human remains located close to roads can easily occur, and has in fact already occurred to gravesites on the proposed data center site. As the 1991 survey of the "slave cemetery" reported, when the State regraded the side of the road, construction equipment unearthed graves far beyond the recognized boundaries of the cemetery. The surveyors noted that "<u>any</u> more grading done" would be a hazard "imperiling [the] cemetery's existence."[28]

The "slave cemetery" at Highway 311 and Tuttle Road is not atypical. A large proportion of Black-owned land throughout North Carolina is privately owned by non-descendants.[29] Consequently, many Black family cemeteries are located on private land now owned by another individual. Additionally, the law currently focuses on providing visitation rights for ancestors, but ancestry is determined in the present day through gravestone labels. Enslaved peoples' lack of access to commercial markers as well as to literacy meant that most cemeteries of enslaved people have no inscriptions. Instead, field stones were often used to mark burial sites, like the stones in the cemetery at Highway 311 and Tuttle Road. Moreover, the details of burials in these cemeteries—names, dates, etc.—tend to exist in the oral historical record alone. Often, however, lawmakers and local authorities ignore such non-written records.[30] Protecting the historic cemetery at Highway 311 and Tuttle Road by refusing to rezone the parcel for heavy-industrial use would be a statement of respect for both the "marginalized dead" buried there and for their living descendants in the area and nationwide.

If the Commissioners permit heavy-industrial development of these parcels, including the historic slave cemetery at 311 and Tuttle Road, this cemetery could

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[27] Rosenblatt, *supra*, 10.

[28] Double underlining in the original.

[29] From the late nineteenth through the twenty-first centuries, Black families have been systematically displaced from their land and cheated of property rights—often with the approval of local authorities—through loopholes in "heirs' property" laws. In *The Case for Reparations*, The Atlantic (June 2014), Ta-Nehisi Coates refers to this systematic theft of land as "plunder."

[30] Chicora Foundation, *Grave Matters: The Preservation of African-American Cemeteries* (1996), 4.

suffer irreparable harm – harm which impacts the living community as well as the dead.

3. Concern over the artificial distinction between known archaeological sites and other sites of ancestral significance to the county, state, and nation, which include unmarked graves and architectural remains.

Experts agree that "Stokes County's history is inseparable from its geography."[31] This geography includes a fertile river valley and rolling hills liberally dotted with the unmarked graves of Indigenous people and enslaved people, as well as architectural remains from the vast plantation that once dominated Stokes and surrounding counties. ELS has indicated it will "avoid" any "known" sites of historical significance.[32] As archaeologist and historic preservation expert Dr. Michael O. Hartley points out, ELS seeks to impose heavy-industrial use on "a massive tract of land that absolutely contains evidence that goes beyond what is already known."

First, the distinction between the uplands, where ELS proposes major construction, and the bottomlands (the floodplain)—on which it claims it will avoid industrial development—is a false distinction in determination of significance in the prehistoric record, the historic record, and present-day cultural meaning. Second, the entire acreage of the historic Hairston Plantation should be considered avital landscape; in the thousands of people, White and Black, who lived there over centuries, this land is ancestral not only to the local community but to the whole county too.[33] Finally, architectural remnants on Hairston Plantation lands—hugely important to state and national economic ascendancy in the eighteenth and nineteenth centuries—provide essential connections to that past and underscore the richness and depth of shared history. This broad expanse of land, laden with memory and meaning, should not be paved over for the sake of momentary and uncertain economic gain.

A. False distinction between lowlands (floodplain) and uplands (outside the floodplain)

The danger that heavy-industrial development poses to human burials at the historic cemetery located at the intersection of Highway 311 and Tuttle Road (Section 2 above) also threatens the burials of Indigenous people on the parcels that will be rezoned. All village sites are, by their very nature, Indigenous cemeteries. The common cultural practice of the Saura and other related and ancestral groups

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[31] Laura Philips, *Stokes County Hist. Inventory: Final Report* (1989), 3.

[32] Repeated use in its January 2026 presentation to the Board of County Commissioners of the word "known" suggests ELS only intends to preserve archaeological and cultural sites which have already been excavated and officially acknowledged.

[33] See especially Laura Philips, *Stokes County Hist. Inventory: Final Report* (1989); and Henry Weincheck, *Hairston Plantation: A History in Black & White* (20??).

was to bury their dead *within* their villages. This goes for the three excavation sites, which themselves are only partial excavations of known villages, but also for the as-yet unexplored habitation sites in the floodplain that archaeologists identified. Because epidemic diseases (introduced through contact with Europeans) and increased warfare led to extremely high mortality rates among Indigenous people, the density of graves within villages is expected—and in fact in two of the three dig sites was found to be—substantial.

In short, while archeologists identified the remains of more than 150 individuals on the three excavation sites, including Saura Woman, there are many more yet to be discovered. To be crystal clear: numerous *human remains* are *still in the ground*. Like the remains of individuals unearthed by grading equipment on Highway 311 at Tuttle Road, these Saura burials are also close to the surface. Construction equipment will inevitably unearth, damage, and potentially destroy the remains of people who lived and labored on this land for centuries and whose descendants today live, work, and spiritually connect with their ancestors through these sacred sites.

Furthermore, the presence of major prehistoric Native and Native American occupations in the floodplain—extending over many centuries—cannot be fully or meaningfully understood if prehistoric human activity in the uplands is not also taken into account. Humans have occupied the Dan River's western banks as well as the uplands above the floodplain for at least twelve thousand years. Preliminary archeological surveys of the area performed by UNC archeologists, including surface testing and systematic soil auguring, revealed evidence of habitation from ancient times forward, including within the uplands; however, archaeologists have not yet had the opportunity to adequately study the uplands within the project area.

ELS seeks to build one of the largest data centers in the country on these uplands, more than 45 million square feet in surface area.[34] ELS's CEO Drew Nations claims that "if anything is encountered during construction, we will call in the state and get it taken care of."[35] That is not a realistic proposal for any kind of

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[34] In its July 2026 application to the County, ELS proposes to develop the entire 1,848.74 acres. The proposal fails to specify how many multi-story data center buildings it will construct on the approximately 1050 acres not in the floodplain. For perspective, however, based on images ELS provided in its January 2026 application, and estimating conservatively, the rooftops of the data center buildings alone would provide enough space for every team in the NFL to play at the same time.

[35] Questioner (Q): "If you find artifacts, what do you do? Once you report them, then what do you do?" Drew Nations (DN): "It goes to the State Historical Preservation Office [SHPO] to come out, and then they do testing, . . . and then there's kind of a— a decision tree from there that they ultimately will implement. It's not even up to me." Q: "So, if it's under the middle of one of the buildings, what happens?" DN: "We can't get to that point. We will get stopped before that happens. So if we are grading for a building, we—" Q: "That's not what I'm talking about." DN: "Oh, mid-process." Q: "Yes." DN "Oh, not after pouring concrete. Oh, got it, got it. Um, yeah, then at that point, um, the construction teams raise their hand,

preservation. The loose plan to call in State archaeologists to "handle" any resources encountered in the processes of construction relies on an unrealistic understanding of State capabilities. State Archaeology experts have limited ability to actively address potentially significant remains. The State can indeed examine remains and confirm the probability of potential significance. If State employees deem archaeological fieldwork necessary for proper treatment of a substantial resource, however, the assembly of a trained archaeology crew can be required. This process, which normally depends on contracted consultants, is both expensive and time consuming. ELS's proposal that the State Historic Preservation Office will take care of any historic resource issues that emerge (which may be significant), is hollow.

In sum, the use of heavy ground-moving equipment, with operators whose focus is to accomplish construction goals, is by no way a reasonable means of recognizing and saving significant historic and prehistoric remains. The best immediate treatment of a significant resource is to record the location and leave it undisturbed *until such time as* the information contained there may be wanted. Building on the uplands at the enormous scale ELS proposes will destroy forever any chance of exploring prehistoric and historic human activity. That cannot be expected in the case of hyper datacenter construction. The Commissioners should include *as a condition of rezoning* that ELS perform a throughout study of all sites of archaeological significance *prior to* any development activity.[36]

B. Unmarked graves of enslaved people

All parcels rezoned for the proposed Data Center were once part of a vast complex of farms that comprised the Hairston family's plantation. Today, many Black residents of the area trace their ancestry back to the Hairston Plantation. After Emancipation in 1863, many freedmen and freedwomen remained on the land as sharecroppers. Their descendants still live on the former plantation land today in

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it goes straight to SHPO, SHPO representative has to come out, we have to pause construction and then address the items there. That's why the pre-work is important to avoid this from the get-go. But if we find anything, SHPO comes out, they handle it, and, and then again, there's that decision tree from there on exactly what they do, relocate, remove entirely, you know…and it depends on what it is, too. So there's, that's really for a state office—I don't really have say in what happens." Q: "Where is that decision tree? Where could we find that?" DN: "If you call the SHPO office, and I think they're based in Raleigh, I would talk to, um, we've been, I forget the gal's name— sorry, I've got a tickle in my throat. I forget the gal's name we would talk to, but the SHPO office, um, has a whole process for how they handle this, um, pre-development and during construction." ELS Public Information Meeting, Jul. 8, 2026, at 4:29 PM.

[36] The federal government recently substantially degraded the ability of State Preservation employees to address datacenter development. An executive order to streamline permitting and environmental review processes for datacenter construction, particularly for projects requiring over 100 megawatts of new electricity, significantly curtails federal tools available to state agencies to address historic preservation needs impacted by data center construction.

the tight-knit Baileytown neighborhood of extended family immediately adjacent to the rezoned property.

The strength of historical communal ties to the area finds powerful cohesive expression in the National Hairston Clan, Inc. ("NHC"). Originating at a family reunion of black Hairstons in 1931, the annual gathering now attracts more than 1000 members from across the country. It is a unique community, comprised of the Black lineal descendants of one of the largest slaveholding plantation families in the country. As such, the NHC's cultural connection to the rezoned land is deep and historically significant.[37] All members of NHC trace their roots to the property on which ELS proposes to build a hyperscale data center. Many members of the NHC still live in Stokes County—some still in the Walnut Cove and Sauratown neighborhoods. The proposed data center would irretrievably damage the peace and enjoyment of their ancestral property.

Construction would also disturb numerous burial sites. Local tradition identifies multiple gravesites throughout the former plantation property, particularly in wooded areas, as the burial places of enslaved people. The County recognizes two cemeteries as community burial sites: the graveyard at 311 and Tuttle Road, and a cemetery north of the proposed data center site owned by the NHC.[38] The latter is the final resting place of both Peter Hairston, plantation family patriarch, and his common-law Black wife Sally Blagg.

These two cemeteries are not, however, the only known burial places in the area. Current residents attest to wandering freely across this farmland during their childhoods, encountering graves which their grandparents and great-grandparents knew to be the resting places of their own parents, grandparents, and great-grandparents. Oral historical sources maintain that numerous enslaved people were buried near the old plantation house (see Section 2C below), and residents have identified more graves along Wicker Road.

"Marginalized burial grounds," states Dr. Rosenblatt, "are places of structural violence and systemic vandalism, impacting both the dead and the living communities connected with them."[39] Constructing a hyperscale data center atop

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[37] In 1973, the extended family incorporated with the goal of bringing about "a greater involvement of family solidarity and kinship among surnamed white and black relatives whose origins begin in the [Hairston family's] nine plantations." *History*, Nat. Hairston Clan, Inc., www.nationalhairstonclan.org (last visited July 24, 2026).

[38] In 2003, the NHC purchased Peter Hairston Cemetery, a 1.029-acre parcel less than 800 feet north of the proposed data center location. In the early 1800s, one member of the White plantation-owning Wooded and peaceful, the NHC's cemetery is the final resting place of Peter and Sally's descendants.

[39] Rosenblatt, 3. Criminal statutes threaten felony offense to persons who "knowingly and willfully… [o]pen, disturb, destroy, remove, vandalize, or desecrate" human remains," as well as anyone who covers, obliterates, or removes any grave or portion of a grave, or engages in any conduct that disturbs or defaces markers, fences, plants, flowers, or other cemetery articles without legal authorization or family consent. N.C. Gen. Stat. §§ 14-148,

countless unmarked graves of enslaved people to whom locals and people nationwide trace their cultural and familial lineage would be vandalism on a huge, irreversible scale, destroying the sacred connection between the living and the dead that should instead be respected.

C. Architectural sites and plantation history

The uplands west of the Dan River boast a rich history of agricultural labor and success that fundamentally defines the County and State's importance to early America, including numerous architectural remains. These sites and objects of physical memory should be protected from the destructive force of industrial development.

For centuries, the thousands of acres now targeted for heavy industry were Hairston family land.[40] In the early eighteenth century, Scotsman "Peter the Immigrant" Hairston landed in Pennsylvania, traveled the Great Wagon Road to Virginia, and began buying slaves and growing tobacco.[41] Peter's children enlarged the family's planting operations south and across the Dan River into what later became Stokes, Rockingham, Forsyth, Davie, and Davidson counties. The soil on the banks of the Dan proved exceedingly fertile and the Hairston tobacco empire expanded through central North Carolina, providing capital for land purchases in Mississippi as well, and eventually making the head of the family one of wealthiest people in the country. The history of the Hairston Plantation is the history of American agricultural ascendency.[42]

14-149. Nevertheless, burials near the excavation sites have been willfully destroyed: archaeologists report witnessing individuals plowing up human remains to reach a fertile layer of soil for crops, and "Saura Woman" was discovered during a period of intense looting.

[40] By the nineteenth century, the Hairston family was the largest land and slave owners in Stokes County. Phillips, 6, 53. Although the original plantation house on the east side of the Dan River burned sometime before 1870, the nearby Hairston family cemetery—now owned by NHC—includes the burials of Peter and his wife Aylcie Perkins (1766-1814). In 1989, several support buildings still survived.

[41] During the Works Progress Administration in 1927, the Great Wagon Road received federal grant support and became US 311. The proposed data center would use this historic country highway as its principal construction route and thereafter for ingress and egress to the site: "Primary access from US-311; additional road connections may be added during plan review." Stokes Co. Rezoning Application, 9. Notably, ELS's July 2026 application does not address routes of access to the site for construction or otherwise.

[42] The nearly two thousand acres in question here were part of the Saura Town Plantation, first established by "Saura Town Peter" Hairston in 1786. Saura Town Peter built the family's first manor home in North Carolina east of the river while amassing thousands of acres of land. Operations on the early plantation included an iron forge, general store, roadhouse, tobacco inspection station, and distillery. Saura Town Peter went on to serve four terms as a State Senator. Wiencek, 277.

At the height of its tobacco empire, the Hairston family built at least two large homes between Walnut Cove and the Dan. Hairston Sauratown Plantation House, built in 1870 and located at the end of Saura Farm Road off Tuttle Road, still stands today. [43] In 1989, County architectural historian Laura Phillips described its construction as a "sophisticated" building whose "design and detail are unique in Stokes County."[44] While the main house saw some renovation, the original Gothic Revival design persists in an outbuilding.[45] The family built another house, as well, a "Summer House" on Coon Joyce Road south of US 311. Continually inhabited, this home succumbed to fire in the later part of the twentieth century.

Although these two grand houses are no longer around to reveal the rich layered-ness of the plantation economy that dominated the County for centuries—embracing both planters and enslaved people—burials on these sites are an important marker of that complex past. Residents whose families have farmed the area for generations are confident that the remains of Hairston and Bailey family members are located on these parcels, close to the remnants of the family homes. What's more, archaeological information about the planters and the people they enslaved (such as domestic sites and work places) may still be present just beneath the surface of the soil. In short, the ancestry of thousands of Hairston descendants—both White and Black—is tied to this land. Both house sites are

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[43] In 1995 (DB386 PG1430), ownership of 1062 acres with the house went out of the Hairston family (Saura Town Plantation, Inc.) to Norman & Kaye Nifong (Forsyth County lawyer). In 2012 (DB629 PG173), Nifong sold the 1062 acres to JP Farms LLC (VA) and DFC Stokes, LLC (NC). In 2013 (DB640 PG2484), these acres were part of several large tracts from JP Farms LLC to DFC Stokes. Roughly twenty years ago, the house stood vacant but basically stable. Subsequently, architectural salvagers removed the trim, doors, and other detachable antiquities.

[44] "It is a one-and-a -half-story structure with an unusually long façade, interior chimneys, and a cross plans consisting of two central back-to-back rooms flanked by mirror-image stair halls with single rooms beyond. The porch which nearly encircles the house and the doors which originally opened to it from each of the first floor rooms provided excellent ventilation for what was used primarily as a summer residence, according to family tradition. The exterior of the Hairston House strongly hints of the Gothic Revival, with its slender fluted and chamfered porch posts, two lance-arched window on the central projecting bay, and multiple gable and dormers with sawnwork and pierced work bargeboards. The handsome interior displays a combination of stylistic influences and includes conservative paneled wainscots, Greek Revival-inspired two-panel doors and post-and-lintel mantels, and other mantels and doors of Italianate and later Victorian inspiration. Adding to the sophistication of the house is a collective of expertly wood-grained doors." Laura Philips, *Stokes County Hist. Inventory: Final Report* (1989), 53.

[45] A "square, weatherboarded log structure is detailed with a scalloped bargeboard and pedimented entrance. Phillips, *supra*, 53. See also Wiencek, *supra*; Wilson and Hairston Family Papers, ca. 1750s-1950s, University Library, UNC at Chapel Hill, https://finding-aids.lib.unc.edu/catalog/04134.

within the parcels rezoned for the proposed data center. Once developed for heavy-industrial use, these mementos of Stokes County's past will be lost.

Additionally, the parcels on which a hyperscale data center would be built are dotted with other buildings of meaningful historical significance to the rural community's residents. To the unconcerned eye, these buildings appear to have no significance but in fact hold lasting importance to residents and to the communal memory of the county's agricultural roots. Longtime residents Tim and Deborah Mabe (whose family has owned this land for generations) purchased an old tobacco barn off a neighbor's property, relocated the building to their own property, and restored it. Historical stewardship was their goal: to ensure that the buildings where enslaved people labored on the Hairston plantation would not be lost to memory. The proposed data center site encompasses many other such architectural and cultural remnants of the community's past, which industrial construction will irreparably harm.[46]

In 2015, after extensive study, surveys, and public input, the County in its *Comprehensive Plan 2035* stated its goal of preserving its "unique cultural identity."[47] Similarly, in 2025, North Carolina trumpeted its historical preservation mission to preserve "the shared humanity and dignity of the individuals who have come before us."[48] The rural landscape on which Hairstons, Baileys, and others lived and labored—the fields, woodlands, farms, and grave sites—define the shared cultural heritage of Hairston descendants as well as all residents of Stokes County today. Should the data center be built, this unique *and uniquely American* landscape will alter significantly, impacting the historical, cultural, natural, and spiritual landscape of Hairston Plantation descendants irreversibly.

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[46] Additionally, Walnut Cove, which is immediately adjacent to the proposed data center site, is an iconic example of small-town America, with a population of fewer than 2,000 people. Officially chartered in 1889, today it is home to a tight-knit community with deep genealogical roots in the surrounding farmlands, boasting historically significant buildings that are still in active use, such as the building that housed the Walnut Cove Colored School, on the National Register of Historic Places, now home to a multi-cultural community center. In 2018, the state deemed the whole town eligible for inclusion in the National Register of Historic Places for its "association with commerce" and because it retains the county's "largest concentration of historic commercial architecture." See MEMORANDUM: Hist. Structures Survey Report, NC DNCR, State Hist. Preservation Off. (Apr. 3, 2018). Residents worry that the proposed data center will loom as an industrial menace over their quiet historic town, destroying its community-centered tranquility and endangering its historically significant architectural and cultural character by complicating efforts at historical preservation.

[47] *Stokes County 2035: Moving Together* (Apr. 14, 2015), https://issuu.com/dbdplanning/docs/stokes_county_2035_vision_plan_04_1/5.

[48] *NC Hist. Preservation Plan 2025-2034*, 10, https://digital.ncdcr.gov/Documents/Detail/state-of-north-carolina-2025-2034-state-historic-preservation-plan/6272639.

4. **Conclusion**

Building a hyperscale data center on this land embedded with rich historic resources will destroy Stokes County's unique cultural identity. Construction of data center buildings on these parcels, including "infrastructure improvements" in the floodplain, will endanger shallow archaeological sites, damage the gravesites of generations of ancestors, and further decimate known architectural resources.

Commissioners, memory is strong. Without extensive preparatory study and careful deliberation over every detail of the irreplaceable archaeological, historic, and cultural resources that construction and operation of a data center will damage, you must not approve this project. If you allow it to go forward now, your names will forever be associated with disregard for your community's remarkable past and disrespect for the ancestors in whose footsteps you now walk.

Sincerely,

Chad Bailey
Vice President, Stokes County Historical Society
President, Walnut Cove Colored School

R. P. Stephen Davis, Jr, PhD
Emeritus Professor of Anthropology and Archaeology
Associate Director Emeritus, Research Laboratories of Archaeology
University of North Carolina at Chapel Hill

Martha Hartley, MUP
Director of Moravian Research, Old Salem Museums & Gardens

Michael O. Hartley, PhD
Historical Archaeologist

Adam Roseblatt, PhD
Professor of the Practice, International Comparative Studies and Cultural Anthropology
Faculty Director, Duke Human Rights Center
Duke University

APPENDIX – BIOGRAPHIES

Chad Bailey

Chad Bailey is a local historian, lifetime resident of Stokes County, and a fifth-generation descendant of Peter Hairston and Sally Blagg. A graduate of South Stokes High School, he first became interested in local history and preservation when he realized how important historical research could be for himself and others who wanted to learn more about their ancestral roots. As Vice President of the Stokes County Historical Society since 2022, he has helped countless community members discover their own history, including their personal and family connections to Stokes County. In particular, he has traced the roots of Hairstons from across the country—from North Carolina to West Virginia to California—connecting individuals and family lines to the former Peter Hairston (Sauratown) Plantation. Mr. Bailey is also the current president of the Walnut Cove Colored School. Built in 1921 as a five-room expansion of an earlier one-room school for Black children during segregation, in 1995 it took its place on the National Register of Historic Places. Mr. Bailey's grandfather attended the school. From his grandparents, Mr. Bailey first absorbed knowledge about this school, the cemetery at US 311 and Tuttle Road, and the rich legacy of his extended family throughout the county and state.

R. P. Stephen Davis, Jr., PhD

Steve Davis is Emeritus Professor of Anthropology and Archaeology, and Associate Director Emeritus in the Research Laboratories of Archaeology, University of North Carolina at Chapel Hill. For more than fifty years, Professor Davis has researched the early history of Native Americans in the American South, particularly the impact of European colonization on native peoples in Virginia and the Carolinas during the seventeenth, eighteenth, and early nineteenth centuries. As head of the Siouan Project with Roy S. Dickens, Jr. and H. Trawick Ward between 1983 and 2002, Davis explored late precontact and early contact-period sites in north-central North Carolina to identify and explain the patterns and processes of culture change that accompanied the first encounters with English explorers and traders. Through the Catawba Project with Brett H. Riggs from 2001 to 2016, Davis documented the Catawba Nation's emergence and social, economic, and political transformation during the late Colonial and early Federal periods. For these projects, Davis won major grants from the National Geographic Society, National Science Foundation, University of North Carolina, South Carolina state government, and private industry. Additionally, since 1992, Davis has undertaken numerous archaeological excavations on the campus of the UNC at Chapel Hill. Usually conducted ahead of construction or renovation projects, these excavations contributed significantly to an understanding of campus life during the university's first 100 years while providing a practical laboratory for training students in archaeological field methods. With a career-long interest in archaeological visualization—ranging from traditional techniques of field photography and mapping to CAD, GIS, and the

creation of 3D models using digital photogrammetry—Davis is particularly interested in the application of emerging technologies to archaeological problems, especially as they relate to the spatial analysis of archaeological data.

Martha Hartley, MUP
Director of Moravian Research at Old Salem Museums & Gardens. She is a Preservation Planner focused on community preservation, advocacy, and public awareness. Her work is based on scholarly investigation of the Moravian experience and community engagement. She lectures regularly and prepares articles. From 2017-2023, Ms. Hartley lead Old Salem's Hidden Town Project to reveal the history of African and African descended people through research and public outreach. Over the course of the Project, she instructed and supervised 33 university interns in archival research and analysis of slavery. She authored "The Changing Landscape of Slavery in Salem and Its Legacy," in *Moravian Americans and Their Neighbors, 1772-1822* (Brill, 2023) and prepared the exhibition "Selections from Across the Creek: Happy Hill" (2022) about Winston-Salem's oldest African American neighborhood. She co-authored the revised and expanded Old Salem National Historic Landmark District Nomination (2016), expanding the district from 62 to 193 acres. She currently serves on the board of the Moravian Unity Cultural Heritage Foundation with representatives from four continents. For the past 40 years, she and her husband MO Hartley PhD, anthropologist and Emeritus Director of Archaeology at Old Salem, have worked together with archaeology, history, landscape, and preservation in the Winston-Salem area, particularly the Moravian context. Honors for their work include the David Schattschneider Award for Excellence from the Center for Moravian Studies in Bethlehem, Pennsylvania; the Robert E. Stipe Professional Award from Preservation North Carolina; and the Archie K. Davis Award from the Wachovia Historical Society. A native of Winston-Salem, Martha Hartley received undergraduate degrees from Hollins College and studied for a year in Paris. From the University of Virginia, she received a Master's in Urban Planning and a certificate in Historic Preservation.

Michael O. Hartley, PhD
"MO" Hartley is a Historical Archaeologist with Master's and PhD degrees in Archaeology and Anthropology from UNC-Chapel Hill. For forty years, Dr. Hartley has researched the archaeology, history, landscape, and preservation of the Moravian communities in North Carolina. Through reports, publications, lectures, and tours for professional and community groups, colleges, and university students, Dr. Hartley advocates for historical preservation and community engagement. From 1991 to the present, he has prepared numerous nominations for the National Register of Historic Places. As Archaeologist and Principal Investigator at the Institute of Archaeology and Anthropology, University of South Carolina 1971-1975 and 1979-1984, he surveyed, researched, and wrote about numerous 16th through 19th-century archaeological sites, including Spanish, French, British, and Revolutionary War-era forts and towns throughout South Carolina. As an

independent consultant, Dr. Hartley has worked on historical preservation sites throughout North Carolina, partnering with local and state agencies to illuminate and protect historic resources. Funders for Dr. Hartley's work include Clive Cussler, National Geographic Society, National Endowment for the Humanities, and the South Carolia Department of Archives and History. As Director of Archaeology at Old Salem Museums and Gardens from 1998 to 2017, he continued his work in historic preservation research, teaching, and advocacy.

Together, Martha and MO Hartley have been honored with the 2020 David Schattschneider Award for Excellence from the Center for Moravian Studies in Bethlehem, Pennsylvania, the Archie K. Davis Award (2011) from the Wachovia Historical Society, and Robert E. Stipe Professional Award (2008) from Preservation North Carolina.

Adam Rosenblatt, PhD

Adam Rosenblatt is Professor of the Practice in International Comparative Studies and Cultural Anthropology at Duke University and the Faculty Director of the Duke Human Rights Center. An ethnographer interested in human rights, the ethics of care, and our ongoing ties to the dead, Professor Rosenblatt is the author of *Digging for the Disappeared: Forensic Science after Atrocity* (Stanford University Press, 2015), a winner of *Choice's* 2016 Outstanding Academic Title award, and *Cemetery Citizens: Reclaiming the Past and Working for Justice in American Burial Grounds* (2024). *Cemetery Citizens* focuses on ongoing reclamation efforts in African American burial grounds, using sketches and poetic inquiry to "draw out" the voices and active, embodied presence of descendants, grassroots activists and memory-workers. Rosenblatt serves on the Board of Directors of the Friends of Geer Cemetery, teaches community-engaged courses, and is the co-founder of the Durham Black Burial Grounds Collaboratory, an academic-community-cemetery partnership funded by the Duke Endowment. He has also published pieces on the politics of autism, civic engagement and teaching, and human rights activism in *Disability Studies Quarterly*, *Human Rights Quarterly*, *The Applied Anthropologist*, *Hybrid Pedagogy* and other journals. Additionally, he has served as consultant to the United Nations and other policymakers on questions of missing persons and mass graves. A cartoonist, as well, Rosenblatt shares his work on Instagram at @researchcartoonist.

Exhibit 20.1

Southern Coalition for Social Justice

Southern Coalition for Social Justice
PO Box 51280
Durham, NC 27717
southerncoalition.org

Submitted via email

Stokes County Board of Commissioners

RE: Comments to the Stokes County Board of Commissioners Regarding Engineered Land Solutions' Rezoning Application for the Proposed Project Delta Data Center

Dear Commissioners,

We are writing once again, on behalf of several residents who will be most deeply impacted by your decision, to urge you to embrace greater caution and deliberation when considering the rezoning approval process for the proposed "Project Delta" hyperscale AI data center. At every turn of this proposal, we have urged temperance: a slower, more methodical and diligent process to address procedural and substantive errors in the application and approval process. At each stage, the rushed efforts to push this project through have proven legally deficient and harmful to the public. Approving this rezoning application as currently proposed without additional expert input, information from the applicant, and conditions to address the anticipated impacts of the project would again render an approval legally insufficient, and, more importantly, would be dismissive of your constituents' well-founded concerns about this project.

These concerns and their foundations are well documented.[1] The purported economic gains are unlikely to be realized. The data center boom is widely anticipated to be a bubble, and with no end-user identified, Project Delta is unlikely to be built out to its proposed scale. Jobs for operating the data center are likely overestimations, and what jobs do materialize are likely to be outsourced to end-user employees or automated through AI robot technology.

The energy use projections are staggering, more than any other data center currently operating in the country. Whether the end-user employs diesel or methane generators, the noise and air pollution from the number of generators needed to meet the projected 2000 MW demand will be on an unheard-of scale for years or even decades. Any grid connectivity will require construction of a new power plant, supposedly a small modular nuclear reactor, a generation model which has yet to have any demonstrated commercial viability and which could take decades to permit and construct, at existing ratepayers' expense. The fuel for hundreds of generators will meanwhile constitute an incredible safety hazard, borne entirely by the Stokes County and Walnut Cove emergency services. Recent moves at the state and federal levels to limit regulation of data center generator air pollution may mean that the only meaningful opportunity to regulate harmful diesel emissions rests with this Commission in imposing zoning conditions before authorizing this project.

[1] See previous comment letters from Southern Environmental Law Center; Dr. Michael Hicks, PhD; Dan River Basin Association; CleanAire NC; Yadkin Riverkeeper; Southern Alliance for Clean Energy; RML Acoustics, historical and archeological experts, and Southern Coalition for Social Justice, all incorporated herein by reference and as part of the record of decision before this Commission.

SCSJ

Too much about Project Delta remains unknown, or intentionally or inadvertently hidden. Project Delta's proposed noise levels are wholly out of character with the existing neighborhood and ELS is withholding studies in its possession that would likely reveal the inappropriateness of its proposal to the Commission. The Commission should demand this information so it can impose appropriate noise conditions on the project. Likewise, it is unclear what the ultimate water source will be for Project Delta's cooling water systems and daily operations. Any additional burden on public infrastructure, both in terms of water supply or wastewater treatment should be carefully disclosed and evaluated. Closed-loop systems, while they use less water than traditional evaporative cooling, use PFAS chemicals to achieve the necessary super-cooled liquid state. These PFAS components must be remediated fully prior to discharge or will persist and threaten the environment and human health, but most municipal treatment systems cannot handle these chemicals without significant upgrades (at significant expense).

The project is wholly out of character with the surrounding area and the public interest. The surrounding residential and agricultural region will likely suffer heat island effects from the siting of an enormous data center within it. Moreover, the cultural and historical significance of the particular parcels proposed for Project Delta are central to Stokes County and North Carolina's history, particularly the legacy of the indigenous Saura tribe and the Hairston and Bailey descendants of people once enslaved on those lands. Erasing that history would be another layer of injustice on the Walnut Cove community, already disproportionately burdened relative to the rest of the county. Finally, the proposed Project Delta use is entirely inconsistent with Stokes County's stakeholder-developed Comprehensive Plan, meant as a forethinking policy document to guide Stokes's economic development with clear-eyed deliberation, to prevent exactly this type of misleading and misguided development proposal.

On each of these issues, the only competent evidence in the record weighs against approving this project. With all due respect for the County staff's efforts, research conducted using ChatGPT or other AI services is not reliable, especially with all countervailing evidence showing the harm of this proposal. We urge this Commission to consider the expert information submitted and deny this proposal, or at least demand additional information from and impose additional conditions on the applicant.

Legally, any approval of this project is on tenuous ground. N.C. Gen. Stat. §160D-605 mandates that a decision-making body such as yourselves consider a variety of factors in approving or denying a rezoning, including, but not limited to:

> (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.[2]

[2] N.C.G.S. § 160D-605(b).

SCSJ

Based on the information currently before the Stokes County Commission, there is no combination of these factors or any additional considerations that would justify approval of Project Delta under the current conditions. Any such decision to approve the project would be arbitrary and capricious, whimsical, and lacking the legally necessary "*fair and careful* consideration."[3] Indeed, "the record demonstrates that [an approval would have] no foundation in reason and bear[] no substantial relation to the public health, the public morals, the public safety or the public welfare in its proper sense."[4]

This Commission has the authority to deny this project or, at a minimum, to require additional protections for the community, but only if it acts to do so prior to any rezoning approval.[5] The only question is whether you have the will.

I. The purported economic benefits of Project Delta are imaginary.

The primary purported benefit the developer offers from this project is economic, claiming Project Delta will generate $20-40 million/year in tax revenue and create of 250-500 jobs.[6] Yet no competent evidence submitted by the developer or put forward by public staff supports these conjected figures, and all evidence in the record indicates that the real revenue and job figures will be far lower.

A. ELS's revenue claims for Project Delta have no basis in fact, and coming changes in law may end local authority to tax data centers.

The developer's projected local tax revenue figure is pure fiction. Dr. David Hicks, a PhD economist who specializes in data center impacts, submitted a detailed report documenting the likelihood of real property tax revenue from the proposed data center at levels far below those touted by the applicant. His report also reveals the myth of the applicant's purported job creation claims and shows how area property values are likely to decline so substantially as to dramatically reduce the Town of Walnut Cove's tax base while significantly increasing necessary expenditures for emergency services in Stokes County. The applicant, meanwhile, has submitted no report from any qualified expert and in defense of its revenue claims simply extrapolates from a much smaller and non-analogous facility nearby. Approving this project on the basis of ELS's whimsical revenue and job creation projections would be a derogation of this Commission's fiduciary responsibilities where ELS's projections have no basis in fact and the only detailed evidence-based analysis before you shows that the financial harm of this project to the County, town, and residents outweighs any benefit likely to be realized.

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[3] *McDowell v. Randolph Cty.*, 256 N.C. App. 708, 711 (emphasis added).
[4] *Id*., 711-712 (internal citations omitted).
[5] N.C. Gen. Stat. § 160D-703(b).
[6] Cite to PIM powerpoint.

Moreover, even supposing the developer is able to find an interested end-user and support the energy needs necessary to operate at the scale it proposes and would, the County may imminently lose its local taxation authority, rending any revenue benefit from this data center entirely hypothetical and dependent upon the North Carolina General Assembly. This November, voters are expected to approve a ballot initiative to amend the North Carolina Constitution to limit local governments' authority to levy property taxes. The language of the amendment is exceptionally vague: "The General Assembly shall enact general laws limiting the amount by which the levy of taxes on property may increase, which may include exceptions."[7] It is possible that a future General Assembly may exempt data centers entirely, or certain of their components or energy generation sources, from future local tax authority. The Commission's reliance on ELS's tax revenue claim is therefore not only not founded on evidence-based estimates but also unwarrantedly assumes continued local authority to determine local tax rates for such developments.

For the hypothesized tax revenue for Stokes County, ELS stated in its Public Information Meeting that its projection is based off of an extrapolation of tax revenue from three current data centers in North Carolina: (1) Apple data center in Maiden, NC (Catawba County), (2) Google data center in Lenoir, NC (Caldwell County), and (3) Meta in Forest City, NC (Rutherford County).[8] In ELS's "Illustrative Tax Estimate" for Project Delta, it concludes that the average for these three facilities for assessed value per acre in 2025 was $6,753,263.[9] Importantly, there is no information provided in this illustrative document on how the assessed value per acre was calculated for any of the three example data centers. It could be that these values are based on the total acreage divided by the assessed value or developable acreage divided by the assessed value or some other calculation.

Separate from ELS's calculations, in doing a simple analysis of these three example data centers, where the assessed value per acre is calculated just by dividing each county's stated "Assessed Value (Total Market Value)" by the total acreage, the assessed value per acre comes out significantly different than what ELS has provided. For instance, ELS calculates the assessed value per acre of Apple's data center in Maiden, NC at $7,924,101, whereas a simple analysis has it at $5,169,329 per acre. As for the Google facility in Lenoir, NC, ELS has its assessed value per acre at $5,921,024, a simple analysis puts it at $2,541,551.43. And, for Meta's Forest City, NC facility, ELS's calculations has it as $6,414,664 per acre whereas a simple calculation puts it at $2,887,144 per acre.[10] ELS's calculations underlying its projections for Project Delta appear to be skewed on the higher end rather than based on reasonable numbers.

Additionally, it should be noted that regardless of what Project Delta's actual full-build out tax revenue is once complete, technical obsolescence will cause data center depreciation of 5-10%

[7] SL 2026-5 https://www.ncleg.gov/Sessions/2025/Bills/House/PDF/H1089v3.pdf
[8] ELS – Delta – Illustrative Tax Estimate.
[9] *Id.*
[10] *Id.*; *see also* Cite to JH's memo and ELS.

a year of that value which could drive down tax revenue over time.[11] Thus, Project Delta's potential tax revenue for Stokes County warrants significant further investigation before this Rezoning Application is approved.

B. The AI data center "boom" is a bubble, and if it bursts, Stokes County will be stuck with the fallout from Project Delta's failure.

Industry experts believe that the AI data center market could be in financial "bubble" that should it bust would cause a financial downturn similar to that of dot-com bubble in the early 2000s or even the 2008 recession.[12] With even the OpenAI CEO, Sam Altman, stating his belief that the economy is in a "phase where investors as a whole are overexcited about AI."[13] In the stock market, the "Magnificent Seven" are entirely made up of companies that are building data centers: Alphabet, Amazon, Meta, Microsoft, Apple, Tesla and Nvidia.[14] These companies make up about one-third of the overall value of S&P 500.[15] Separately, Open AI which is not a publicly traded company, alone is worth more than "Eli Lilly, JPMorgan Chase, Visa, Costco, Exxon Mobil, Wells Fargo, CVS Health, McDonald's and Boeing."[16]

In order for these companies to deliver AI computing power, they have to physically build the data centers requiring significant amounts of their capital investments.[17] Amazon, Microsoft, Alphabet, and Meta are spending more than $700 billion on their data center build-out in 2026 and Silicon Valley, on the whole, has over 1,500 data centers planned.[18] These expenditures and company valuations have caused AI development and data centers to be significantly linked to the health of the overall U.S. economy with "essentially all American GDP growth" coming from AI companies.[19] It is "lifting the value of farmland, driving up the cost of construction employment, and flushing huge sums of [money] to water and electrical utilities."[20] While the entities seeing most of the financial benefit are the AI companies themselves as they are doing most of this business with themselves.[21] Complicating this even further is that these AI industry deals are done through corporate bonds and private credit so they are set up to be "invisible on traditional balance

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[11] https://swartzandassociates.com/why-property-tax-appeals-for-data-centers-are-becoming-one-of-the-hardest-battles-in-commercial-real-estate/.

[12] Lowrey, Annie, *The AI Bubble is No Ordinary Bubble*, The Atlantic (July 21, 2026), https://www.theatlantic.com/ideas/2026/07/ai-economy-stock-market/688004/; Roth, Emma, *Sam Altman says 'yes,' AI is in a bubble*, The Verge (August 15, 2025) https://www.theverge.com/ai-artificial-intelligence/759965/sam-altman-openai-ai-bubble-interview

[13] Roth, Emma, *Sam Altman says 'yes,' AI is in a bubble*, The Verge (August 15, 2025) https://www.theverge.com/ai-artificial-intelligence/759965/sam-altman-openai-ai-bubble-interview

[14] Lowrey, Annie, *The AI Bubble is No Ordinary Bubble*, The Atlantic (July 21, 2026); *see also Id.* https://www.theatlantic.com/ideas/2026/07/ai-economy-stock-market/688004/

[15] *Id.*

[16] *Id.*

[17] *Id.*

[18] *Id.*; *see also* Gaggar, Anu, Sajjadi, Bryan, 5 signs of an AI bubble to watch for, Fidelity (February 10, 2026) https://www.fidelity.com/learning-center/trading-investing/ai-bubble

[19] *Id.*

[20] *Id.*

[21] *Id.*

sheets, making the 'ultimate distribution of risk less transparent.'"[22] Because of these overlaps, there is a chance that if one company cannot pays its bill then the rest will not be able to either.[23]

In the near-term, these companies will require "huge revenues and huge profits to justify their valuations" and will need "even bigger revenues and profits to pay off their debts."[24] In the midst of those financial needs, communities across North Carolina and the greater U.S, are enacting moratoriums on data centers to study their impacts.[25] The American public on the whole appears to be discontent with the idea of data center near their homes and AI in-general.[26] While the demand for AI from businesses is not materializing at the scale that the industry needs to justify their expenses on data center build-outs.[27] Additionally, there is the possibly that AI computing will become more efficient, thus, requiring less data centers than the ones currently being built. With all of this as the backdrop for the data center market, the U.S economy could be in-store for a "massive correction."[28] Which, in-turn, might leave some data centers in-use and being built today completely unused in the near future. These large warehouses, vacant but for computing equipment and generators, will be a community hazard to be managed using County resources.

C. Project Delta will not create the jobs the Applicant claims.

ELS contends that Project Delta will bring 250-500 jobs to Stokes County. One of the primary (and very valid) concerns of the Commission during the January 12, 2026 hearing was whether these jobs would go to Stokes County residents.[29] However, there are no guarantees that any of these jobs will go to current Stokes County community members and those employment projections may be overblown.[30] Further underscoring the fragility of the developer's job description claims, a recent Meta AI data center has announced it will primarily staff new data centers with robots, with the anticipated result of automating 80% of AI data center jobs.[31]

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[22] Id.; *see also* Van Nieuwerburgh, Stijn, *Financing the AI Buildout*, Data Center JEP, (March 20, 2026), p. 8 https://business.columbia.edu/sites/default/files-efs/imce-. uploads/svannieuwerburgh/papers/DataCenterJEP.pdf

[23] *Id*. ("Big Tech is advancing money to AI start-ups to buy cloud services from Big Tech, which is using the revenue to run new AI models…").

[24] *Id*.(OpenAI "needs to spin up roughly $100 billion in free cash flow by 2030…").

[25] *Id*.; *see also* Thomae, Lucas, *Data Center Moratorium Fever for NC Governments*, Carolina Public Press (June 11, 2026), https://carolinapublicpress.org/75853/data-centers-moratorium-fever-for-nc-local-governments/.

[26] Jones, Jeffrey M., Americans Oppose AI Data Centers in Their Area, Galllup (May 13, 2026) https://news.gallup.com/poll/709772/americans-oppose-data-centers-area.aspx. (7/10 Americans does not want a data center near their home); see also Annenburg Public Policy Center, Many American Pessimistic About AI's Impact – And Want More Regulation, University of Pennsylvania Research (May 14, 2026) https://www.asc.upenn.edu/news-events/news/many-americans-pessimistic-about-ais-impact-and-want-more-regulation

[27] *Investors Expect AI Use to Soar. That's Not Happening*, The Economist (November 26, 2025) https://www.economist.com/finance-and-economics/2025/11/26/investors-expect-ai-use-to-soar-thats-not-happening

[28] *Id*.

[29] January 12, 2026 time stamp for Sonya Cox Questions on jobs.

[30] Proposed Zoning Conditions.

[31] *See* https://www.wired.com/story/inside-metas-experiments-with-data-center-robots/ and https://marketwise.com/investing/meta-data-center-robots-ai-automation/

In a recent study, the Brookings Institute found that data centers can create local jobs but those local jobs are often "fewer than industry advocates claim."[32] And, that overestimate of jobs can be as high as by a "factor of three."[33] It is unlikely that Project Delta will generate the number of jobs that the developer is communicating it will. Even if it does, ELS projects that Project Delta will not be complete until potentially 2034, and that ELS will likely not be the company that builds Project Delta, but rather the site could be sold to an existing data center operator or other developer.[34] If that's the case, then it increases the likelihood that the end-user might bring its own people to operate the facility rather than look for local talent. Accordingly, in ELS's Proposed Zoning Conditions, it has made no guarantees that any current Stokes County residents will be employed at Project Delta,[35] instead making vague promises that it will work with local educational institutions to try to establish a curriculum to fill Project Delta's employment need.[36] This leaves the community without any potential recourse to require ELS or any future end-user to employ local Stokes County community members unless job creation is tied to project approval through the zoning process.

II. Project Delta would be the largest data center by energy demand in the United States and would require as much power as 40% of all of North Carolina currently.

ELS is proposing a 2,000 megawatt (2 gigawatt) data center within Stokes County—an electric load that is approximately 500 MW larger than any data center currently operating in the United States.[37] ELS provides limited information on the facility's power generation plans. Below, we attempt to fill in the gaps to explain the consequences that a 2,000 MW data center would have on Stokes County & North Carolina as a whole, if even feasible.

Project Delta plans to utilize on-site generators, provided by Piedmont Natural Gas, to generate up to 300 MW of power for approximately 2-4 years; after those 2-4 years, Project Delta's pathway to permanent power generation is unclear. ELS has requested a power feasibility study with Duke for 1,000 MW of permanent power, but the results of that study are unknown. The remaining 1,000 MW of interconnection will be requested and theoretically obtained at some ambiguous point in the future. The degree of power line and pipeline construction necessary to achieve this level of generation is similarly unclear.

The feasibility of installing and continuously running 300MW of diesel[38] generators for the first few years is similarly questionable. Diesel generators may supply a few megawatts of power each—2,000 kW (or 2MW), for example—so numerous generators would be required to

[32] New evidence on data center employment effects | Brookings
[33] *Id.*
[34] PIM July 2026.
[35] Proposed Zoning Conditions.
[36] July PIM and January 12, 2026 Hearing.
[37] https://cleanview.co/data-centers/us.
[38] We assume diesel generators, not gas generators, will be used due to their greater fuel efficiency. If we are incorrect, the amount of fuel necessary to support Project Delta's operations are much greater than the numbers calculated above. https://generatorsource.com/tools-info/fuel-consumption-charts/

supply 300MW of power. "At 75% load, a 20 00 kW diesel generator typically consumes 120–140 gallons of fuel per hour,"[39] and a large tanker semi-truck can hold approximately 10,000 gallons of diesel. 150 two-megawatt generators each operating at 120 gallons per hour would consume approximately 18,000 gallons of diesel per hour. In other words, two massive tanker trucks would need to arrive every hour, around the clock, to ensure the generators do not run out of fuel. On-site storage can lessen the frequency of these trips, but this option would necessitate storing immense amounts of diesel on-site; this amount of heavy truck traffic on a single-lane road (or on-site) carrying explosive fuel is not a safe, feasible option for the long term. Emergency plans in instances of fuel leakage or even fires are necessary but lacking. Again, these assumptions and estimations are due to the lack of information provided by ELS.

Amazon's recent draft air permit for 57 diesel generators and 9 storage tanks to supply bridge power for one year to Amazon's data center in Richmond County, North Carolina, provides an example of what could be expected in Stokes County.[40] These diesel generators are authorized to emit up to 40 tons of carbon monoxide per year and up to 100 tons of nitrogen oxide annually—a devastating consequence to public health in the surrounding area.[41] Critically, DEQ proposes ten times this amount of diesel generators for the Amazon facility's 1600 MW of emergency backup power;[42] a similar result should be expected for Project Delta at full buildout. Stokes County residents should not bear the health consequences of this level of air pollution simply due to one emerging development.

Although data center developers do not hold eminent domain powers, grid expansion plans necessary to support this level of power generation could require eminent domain, displacing numerous Stokes County residents. Eminent domain is currently being used to build the power infrastructure necessary to support hyperscale data operations in states such as Georgia[43] and Pennsylvania.[44] Such a result for Stokes County residents who overwhelmingly oppose Project Delta plan is a fundamental injustice.

III. Project Delta will have Detrimental Impacts on Water Use and Quality.

When analyzing a rezoning request, a County Commission may assess: "…the benefits and detriments to the landowners, the neighbors, and the surrounding community…" of a request.[45] This is of particular importance when considering the Rezoning Request for Project Delta as

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[39] https://turnkey-industries.com/generator-tips/2000kw-diesel-generator?srsltid=AfmBOorPG_CYe5U1TmxB-WJkkBnU6Bx9CDbUNxIsk3aLpHX8nrD6NxNb

[40] N.C. Dep't of Env't Quality, *Draft Air Quality Permit No. 08759T28*, at 49 (June 25, 2026), https://edocs.deq.nc.gov/AirQuality/DocView.aspx?id=645190&dbid=0&repo=AirQuality.

[41] *Id.*

[42] *Id.*

[43] https://fortune.com/2026/07/26/georgia-power-utility-company-eminent-domain-grid-expansion-data-center/

[44] https://www.yahoo.com/news/us/articles/30-pennsylvania-property-owners-face-174700560.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAAHNqcVZW0TrsQ9-HZ55qfiroC64QpMP6RnMN3sr8A8mdPvs1mFlejk4TgDY3LhR02p8bMcQe9ftEVjLIYiMcYStM7gYcjWEkZSYzkhKNulhnNCHj7dPhHe3K9JoA9hLDvgkVZzeQISHCGKVJCrygf5XFJEDE-jkYSLeXEHcoL9_R

[45] N.C.G.S. § 160D-605(b).

hyperscale data centers are known to have a detrimental impacts on the water supply and water quality due to their required cooling systems and significantly put the "public health" of the community at risk.[46] Currently, most hyperscale data centers are being built with closed-loop cooling systems and the industry is starting to implement liquid-cooled systems in an attempt to further reduce water use. Regardless of which type is used, Project Delta's water use will leave a detrimental impact on the Stokes County community.

A. Project Delta's Cooling System Will Detrimentally Impact the Water Supply.

Project Delta's Proposed Zoning Conditions permit Project Delta to use cooling systems that include "closed-loop" and "liquid-cooling" while ambiguously leaving open the door for undefined "other efficient technologies." [47] In order for data centers to operate, they must keep their internal systems cool which requires a significant amount of electricity and water.[48] In Northern Virginia, which is considered the world capital of data centers with over 300 in operation, data centers used 2 billion gallons of water in 2023, a 63% increase from 2019.[49] Due to this, Loudoun County, Virginia county's water authority has had to rely "heavily on potable water for data centers rather than reclaimed water."[50] Industry experts estimate that 57% of the water that data centers use comes from potable water.[51] And, 45% of data centers are located within "water-stressed" regions.[52] This is particularly significant for Project Delta as its proposed site is surrounded by neighbors and a community that relies on well-water as their primary water supply and North Carolina has recently experienced significant drought conditions.[53]

For closed-loop systems, "water circulates in sealed pipes or coils that cool the servers without directly exposing water to air."[54] This type of system can reduce water use as compared to "open-loop" systems but they still require access to water.[55] "Liquid-cooling" systems are an emerging technology, where the system uses "cold liquid (water or special coolant) piped directly to server[s]…" to cool them down.[56] Both of these types of cooling systems can reduce water use as compared to "open-loop" systems but may increase electricity demand.[57] And, data center electricity demand can further create an indirect water use issue.[58] In 2023, U.S. data centers

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[46] *McDowell v. Randolph Cty.*, 256 N.C. App. 708, 711.
[47] Proposed Zoning Conditions, p. 4.
[48] Myths vs. Reality: Data Centers And Water Usage - Florida Water and Pollution Control Operators Association
[49] Data Centers and Water Consumption | Article | EESI
[50] Data Centers and Water Consumption | Article | EESI
[51] Mytton, D. Data centre water consumption. *npj Clean Water* **4**, 11 (2021). https://doi.org/10.1038/s41545-021-00101-w
[52] Hardin, Andy May, *Data Centers are Contributing to PFAS Forever Chemical Pollution*, Environmental and Energy Study Institute, (April 9, 2026) https://www.eesi.org/articles/view/data-centers-are-contributing-to-pfas-forever-chemical-pollution.
[53] Rhodes, Lauren, What you need to know about drought in North Carolina, WUNC News (July 7, 2026), https://www.wunc.org/term/news/2026-07-07/drought-north-carolina.
[54] Myths vs. Reality: Data Centers And Water Usage - Florida Water and Pollution Control Operators Association
[55] *Id.*; see also Circular water solutions key to sustainable data centres | World Economic Forum
[56] Myths vs. Reality: Data Centers And Water Usage - Florida Water and Pollution Control Operators Association
[57] Rivers and Data Centers
[58] Rivers and Data Centers

consumed enough electricity to power about 12% of U.S. households which is estimated to have required the consumption of approximately 211 billion gallons of water nationwide.[59] Data centers have a clear site-specific and cumulative detrimental impact on water supply, which in-turn has a negative impact on public health.

For the Rezoning Application before the County, Project Delta will require access to a water supply regardless of the technology that is used to cool its systems. At no point throughout ELS's Rezoning Application and Proposed Zoning Conditions does it state how much water Project Delta is expected to use nor does it state where that water will come from.[60] These issues must be further understood before any decision on this Rezoning Application is made due to the nearby community's reliance on well-water and on-going drought conditions.[61]

Additionally, the proposed zoning condition's permissible systems appear to be intentionally left open ended with verbiage such "…but are not limited to…" and "…or other efficient technologies." Without further defining "efficient" the combination of these statements creates ambiguity and risk that an end-user will use technology that is not in fact "efficient."[62] This, in-turn, could pose a significant risk to the Stokes County community's water supply.

B. Project Delta will have a Detrimental Impact on Water Quality.

ELS has not proposed conditions on water treatment and discharge even after the developer told the community it would.[63] Wastewater treatment and discharge are significant issues for communities that have data centers with closed-loop and/or liquid-cooled systems. Especially in a community like Stokes County where a significant amount of people rely on well-water as their primary water source for potable water. Recently, in Cheyenne, Wyoming, the utility stated that it would no longer accept wastewater from closed-loop cooling systems after it found a bacterium (*cupriavidus gilardii*), which can cause fatal infections in humans, in the sewer system that was traced back to a data center.[64] This bacterium was able to remain in wastewater even after it was treated and reused.[65]And, only after extensive efforts, was the utility able to remove all traces of the bacterium from its sewer system and water reuse operations but they are "still trying to figure out was happened."[66]

Similarly, liquid-cooled systems which may reduce water use, but often rely on "per- and polyfluoroalkyl substances (PFAS), which are highly toxic, lab-made chemicals that persist in the

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[59] Rivers and Data Centers
[60] *See* Proposed Zoning Conditions, generally; *see also* Rezoning Application, generally.
[61] Rhodes, Lauren, What you need to know about drought in North Carolina, WUNC News (July 7, 2026), https://www.wunc.org/term/news/2026-07-07/drought-north-carolina.
[62] Proposed Zoning Conditions, p. 4.
[63] *See Id*., generally.
[64] Data centers face a new environmental concern - E&E News by POLITICO; Fatal Infection Caused by Cupriavidus gilardii in a Child with Aplastic Anemia - PMC
[65] *Id*.
[66] *Id*. (the data center was issues only a $10,000.00 fine to assist in covering the clean-up operation).

environment and harm many systems of the human body" should they find their way into the water supply.[67] In humans, exposure to PFAS can decrease fertility, cause development effects and delays in children, increase cancer risks for some cancers (including prostate, kidney, and testicular), and cause negative impacts on the body's immune system, natural hormones, and cholesterol levels.[68] The Rezoning Application leaves open the potential for the developer to put "closed-loop" or a "liquid-cooled" system in Project Delta, which creates significant risk for nearby residents and the greater Stokes County community.[69]

During the July 8, 2026 Public Information Meeting, ELS communicated that the end-user of Project Delta would be required to transport any wastewater from the cooling system off-site to be treated before it was placed back into the water supply.[70] This is expressly acknowledged in ELS the "Applicant's Public Information Meeting Report" stating:

> **Water.** Limiting impacts on groundwater and private wells; water source, supply, and volume; the type of cooling technology proposed; wastewater discharge; handling, containment, and regulatory oversight of cooling system chemicals.[71]

Yet, there are no proposed conditions requiring the end-user of Project Delta to resolve wastewater in the manner ELS originally communicated it would.[72] Not only does this fall far short of the expectations that ELS set in its required public meeting but is also leaves open the possibility that Project Delta's wastewater, potentially containing forever chemicals and/or dangerous bacteria such as the one mentioned above, might find its way into the Stokes County community's potable water.

Based on ELS's proposed zoning conditions for water use, it is clear that there is still a significant amount of information the remains to be fully understood regarding Project Delta's impact on Stokes County's water supply and how it will manage the community's water quality concerns. Therefore, in accordance with North Carolina General Statute 160D-605, the Commission should formally deny it as Project Delta appears to be detrimental to the public health of the Stokes County Community.[73]

IV. The Rezoning Request Disproportionately Harms Black and Indigenous Communities.

Southeastern Stokes County, including communities along the Dan River near the proposed Project Delta site, has a long and documented history of environmental burden, economic

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[67] FSW_2607_DataCenterPFAS.pdf
[68] *Our Current Understanding of Human Health and Environmental Risks of PFAS*, Environmental Protection Agency (July 14, 2026), https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas
[69] *See* Proposed Zoning Conditions, generally.
[70] July 8, 2026 PIM.
[71] Applicant's
[72] *See* Proposed Zoning Conditions, generally.
[73] *McDowell v. Randolph Cty.*, 256 N.C. App. 708, 711.

displacement, and infrastructure inequity that disproportionately affects the area's historic Black communities and Indigenous lands.

Furthermore, development of a hyperscale data center on the parcels ELS has requested for rezoning will have a disparate impact on Black and mixed-race residents of southeast Stokes County. First, due to the higher percentage of Black and mixed individuals in the Walnut Cove and Sauratown area compared to elsewhere in the County, further development of heavy industry on the parcels will disproportionately affect Black and mixed-race people compared to Whites.[74] Second, the Board of County Commissioners has not demonstrated that the parcels selected for ELS's proposed hyperscale data center are the best situated in the County for the development. Third, although the County points to potential tax revenue as its justification for approving a hyperscale data center, the County has not demonstrated that an alternative location—one that would not disproportionately impact Black, Indigenous, and mixed-race residents—would not achieve the same legitimate objective but with less of a discriminatory effect.

A. Southeastern Stokes County Includes the County's Highest Concentration of Black Residents and Resident of Two or More Races As Well As Unique Ancestral Resources.

Race & Ethnicity	Stokes County	Sauratown[75]
White alone	87.5%	73%
Black alone	4.3%	17%
Two or more races	3.2%	7%

The Sauratown area of southeastern Stokes County has a significantly higher percentage of residents who identify as Black and "Two or more races" than the County at large. Stokes County is approximately 88% White, while the Sauratown area in which the County proposes to locate 1848.74 acres of heavy-industrial hyperscale data center is 73% White. The largest populations of non-White residents of the Sauratown area are Black or "Two or more races"; many residents of the rural area just west of the Dan River trace descent from White and Black members of the Hairston Plantation family and enslaved population, or Black and Indigenous descent, and have remained on this land for generations.

Moreover, the southeastern corner of Stokes County represents a unique ancestral land to both Indigenous and Black residents. The Dan River region is the ancestral homeland of the Saura people. Archaeological and historical records document Indigenous settlement along the Dan River

[74] *Stokes County, NC*, US Census Bureau (July 1, 2025), https://www.census.gov/quickfacts/fact/table/stokescountynorthcarolina/PST045225.

[75] Margin of error at least ±10 of the total value for Black and Two or more races. *Sauratown Township, Stokes County, NC*, Census Reporter, https://censusreporter.org/profiles/06000US3716992852-sauratown-township-stokes-county-nc/. Estimates based on 2020-2024 5-year.

corridor for centuries prior to European colonization, including large Saura villages historically located near present-day Sauratown and Sauratown Mountains. The rezoned parcels include three archeological sites upon which researchers from the University of North Carolina discovered organized villages of the Saura people (AD 800–1710), including the remains of at least 150 human burials. Archeological surveys identified many more villages along the Dan River. Experts consider all of these villages—both those partially excavated and not-yet-excavated—as burial sites due to the Saura practice of burying their dead alongside their dwellings. Several are located within the Project Delta footprint.

Archaeological discoveries in the region include the remains of a young Indigenous woman known as Saura Woman, whose remains were discovered during archaeological excavations along the Dan River on the Project Delta site, and who has come to symbolize the deep cultural and spiritual connection between Indigenous communities and the Dan River landscape.

Current residents of Stokes County trace their ancestry to the Saura, who lived on these lands prior to and during European colonization. In the early 1700s, after European colonizers forced the Saura to leave the Dan River, the Saura relocated south, merging with other tribes along the Catawba River. Together these peoples formed the Catawba Nation. The Upper Sauratown sites—within ELS's proposed data center footprint—are recognized as ancestral to the present-day Catawba Indian Nation, a federally recognized tribe located in Rock Hill, South Carolina.

Similarly, this land is ancestral to Black residents whose families have lived in this area for generations. Following colonization, the Hairston family converted the fertile lands along the Dan River into plantation agriculture reliant on enslaved labor. The Hairston Plantation dominated the agricultural landscape of this region. Following the practice of the era, enslaved people on the Hairston Plantation laid their dead to rest in cemeteries that included both unmarked graves and fieldstone markers. Parcel #6964918321, among the four parcels ELS proposes for rezoning, contains a cemetery with the remains of more than 65 adults and children. Oral historical tradition identifies this burial ground as a "slave cemetery," and the paucity of headstone markers (no more than 15% of the graves are marked) as well as the lack of inscriptions on the markers supports this tradition.

Descendants of the people buried in this cemetery still live on family farms that would be negatively impacted by construction of a hyperscale data center. After the Civil War, formerly enslaved families acquired farmland in southeastern Stokes County during Reconstruction. Many of these families established independent farming communities rooted in land ownership, agriculture, and church-centered community life. Descendants of those families, including members of the Hairston and Bailey families, continue to maintain generational ties to land in and around the Project Delta site.

One such community was Baileytown, a historically Black rural settlement established by formerly enslaved families following Reconstruction. The community takes its name from the Bailey family, one of the founding families who acquired land in the area and helped establish a farming community that persisted for generations along the Dan River. Like many Reconstruction-

era freedmen's settlements, Baileytown developed as a close-knit agricultural community in which families farmed small tracts of land, maintained churches and cemeteries, and built deep intergenerational ties to the surrounding landscape. Members of the Bailey family still live in Baileytown today.

B. Southeastern Stokes County Already Bears the Lion's Share of the County's Industrial Development.

During the twentieth century, southeastern Stokes County experienced repeated industrial encroachment and land-use decisions that disproportionately burdened these historically rooted communities. In the mid-twentieth century, Carolina Power & Light Company (now Duke Energy) constructed the Belews Creek Steam Station and its associated cooling lake. To construct the plant and lake, the company acquired and cleared entire communities. One such historically Black farming community—known locally as "Little Egypt"—was flooded to make the cooling lake and effectively wiped off the map.

Families whose ancestors had acquired farmland during Reconstruction were displaced to make way for the power plant and cooling reservoir. Many were relocated to nearby areas without comparable infrastructure or services, disrupting longstanding family land ownership and community networks. Residents who remained in proximity to the Belews Creek facility have long reported adverse environmental impacts associated with coal combustion and ash disposal, including well and surface water contamination that resulted in undrinkable water and collapse of the area fish population. These concerns regarding groundwater contamination and coal ash management at the facility have been the subject of state and federal enforcement actions and extensive public scrutiny.

In 2014, a massive coal ash spill into the Dan River from a Duke Energy facility upstream released 39,000 of tons of ash and 27 million gallons of contaminated wastewater, intensifying concerns among downstream communities in Stokes County about cumulative water-quality impacts in the Dan River watershed, leading affected communities to seek federal review under Title VI of the Civil Rights Act, asserting that state permitting and regulatory practices disproportionately burdened low-income and minority communities along the river corridor. These civil rights complaints led to state and federal investigations into environmental justice concerns regarding industrial pollution in communities surrounding Walnut Cove and the Belews Creek facility.

Environmental justice organizations, including the NAACP Environmental and Climate Justice Program and regional advocacy groups, have also documented concerns that communities in southeastern Stokes County—particularly historically Black communities near Walnut Cove and the Belews Creek corridor—have experienced disproportionate environmental burdens associated with coal ash disposal, industrial pollution, and energy infrastructure development.

Southeastern Stokes County residents have also struggled for basic infrastructure equity. The Walnut Tree community—a historically Black community in the southeastern portion of the

County—engaged in a prolonged effort to obtain access to public water and sewer service, including suing for annexation into the Town of Walnut Cove to secure infrastructure access. The Walnut Tree community's efforts to obtain municipal water and sewer services highlighted longstanding disparities in infrastructure investment in southeastern Stokes County. Residents argued that communities historically burdened by nearby industrial development had not received comparable access to basic public utilities.

The region has repeatedly been targeted for additional energy and industrial infrastructure, including proposals for natural gas pipelines, hydraulic fracturing exploration, expansions of existing power generation facilities, electrical transmission corridors, and related industrial uses. Community members have organized to oppose or mitigate such projects, citing cumulative environmental burdens and a historical pattern of sacrificing the wellbeing of Black and Indigenous communities along the Dan River corridor for the purported benefit of the County.

ELS's proposed data center site lies upstream, within this same river corridor and affecting the same communities shaped by this history of displacement, industrial exposure, and infrastructure inequity. Although Southeastern Stokes County has received some high-impact industrial development over the last half-century, the area where the Project Delta site is located, directly east of Walnut Cove, between the Town and the Dan River, has maintained its rural character. The Project Delta site includes floodplains, wetlands, and areas of documented or suspected archaeological, historical, and cultural significance. It adjoins historic churches, neighborhoods, and cemeteries.

The natural and cultural history of the land is deeply entwined with the lives and heritage of its residents in the neighboring communities. Against this historical backdrop, the authorization of large-scale, heavy industrial data center development—without comprehensive evaluation of cumulative environmental burdens, infrastructure limitations, or environmental justice impacts—raises significant concerns for communities that have repeatedly borne the costs of industrial development without commensurate benefit.

V. ELS has Not Provided a Noise Study to Support Project Delta's Proposed Noise Conditions and did Not Go Far Enough to Minimize Noise to those Nearby.

When analyzing a rezoning request, a County Commission may assess: "…the benefits and detriments to the landowners, the neighbors, and the surrounding community…"[76] This is a crucial aspect of analyzing this Rezoning Application as data centers are known to create a significant amount of noise that can have detrimental impacts on their immediate neighbors and potentially the greater community.[77]

[76] N.C. Gen. Stat. § 160D-605(b).
[77] Yanez-Barnuevo, Miguel, *Communities are Raising Noise Pollution Concerns about Data Centers*, Environmental and Energy Study Institute, (March 23, 2026) https://www.eesi.org/articles/view/communities-are-raising-noise-pollution-concernsabout-data-centers.

As mentioned throughout this comment letter, data centers require cooling systems and most have back-up generators, both of which can produce "high- and low-frequency sounds."[78] A data center with a large quantity of servers can produce noise levels up to 96 A-weighted decibels ("dBA"), while industrial-sized generators can get as high as 105 dBA.[79] These sounds can be heard a quarter of a mile away and potentially beyond.[80] And, generally, the sound that data centers produce is constant.[81] As for the impact on the human body, sounds above 85 dBA are considered harmful to a person's ears and studies have shown that noises above 65 dBA are enough to increase stress and person's blood pressure.[82] Neighbors to data centers have also reported "headaches, vertigo, nausea, sleep disturbances, ear pain, and hypertension."[83] Because of these impacts, data center developers "target rural areas with low populations and affordable land."[84]

However, there are certain measures that developers can take to reduce the noise that data centers produce through equipment and building soundproofing. For data center equipment, developers can build "server racks with foam and sound-deadening mats," the use of "acoustic tiles and foam panels" on walls and ceilings, compressor sound blankets, fan silencers, sound curtain barriers, and sound attenuators and acoustical silencers. All of these items can be used to help "absorb sound from IT equipment" in data centers.[85] For soundproofing buildings, developers can erect conventional acoustic barriers, acoustic shields, and planting bushes, shrubs and trees. These items collectively can help reduce high- and low-frequency noise.[86] Also, of note, if a data center is going to be built the best way to reduce the noise impact is to not locate it near where people live.[87] Of these many options ELS has at its disposal to reduce Project Delta's noise impact, ELS has only mentioned increasing vegetative buffers near properties currently classified as residential zoning, not any of the other options.

During the July 8, 2026 Public Information Session, ELS informed the community that it had hired Trinity Consultants to conduct an ambient noise study for the Property and adjoining landowners and that it would provide a copy of the study to the community during its application process.[88] ELS also stated it was willing to purchase Stokes County a $20,000 sound measuring device that the community can use if there is a sound complaint involving Project Delta.[89]

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[78] *Id*.
[79] *Id*.
[80] *Id*.; see also Beyond Power and Cooling: Air Quality's Role in Data Center Resilience, WSP (May 27, 2026) https://www.wsp.com/en-me/insights/beyond-power-and-cooling-air-qualitys-role-in-data-center-resilience.
[81] *Id*.
[82] *Id*.
[83] *Id*.; *see also* Beyond Power and Cooling: Air Quality's Role in Data Center Resilience, WSP (May 27, 2026) https://www.wsp.com/en-me/insights/beyond-power-and-cooling-air-qualitys-role-in-data-center-resilience.
[84] Beyond Power and Cooling: Air Quality's Role in Data Center Resilience, WSP (May 27, 2026) https://www.wsp.com/en-me/insights/beyond-power-and-cooling-air-qualitys-role-in-data-center-resilience.
[85] Yanez-Barnuevo, Miguel, *Communities are Raising Noise Pollution Concerns about Data Centers*, Environmental and Energy Study Institute, (March 23, 2026) https://www.eesi.org/articles/view/communities-are-raising-noise-pollution-concernsabout-data-centers.
[86] *Id*.
[87] *Id*.
[88] *Id*.
[89] *Id*.

However, ELS did not make the ambient noise study a part of its Rezoning Application nor did it mention the $20,000 for a sound measuring device.[90] Without the ambient noise study, it is very hard for the community to analyze the legitimacy of ELS's proposed zoning conditions that pertain to noise. And, without guarantees that ELS will provide the funds to purchase a sound measuring device, it will make it significantly harder for community members to hold the end-user accountable for any potential noise violations.[91]

VI. Project Delta is highly likely to be a large and continuous source of waste heat, increasing temperatures in surrounding communities and compounding the risks posed by extreme heat.

ELS has failed to provide a solution on how it intends to manage the "waste heat" emitted by Project Delta. The recommended temperature range for data center equipment is between 64.4 and 80.6 degrees F.[92] As discussed in the earlier sections, data centers consume an enormous amount of electricity, and roughly 40% of that electricity goes toward cooling them.[93] To keep servers within safe operating temperatures, that heat must be removed continuously and discharged into the surrounding environment as what is termed waste heat.[94] This is true regardless of the cooling technology chosen. While some of the options suggested by the applicant can lead to reduced water consumption, it does not eliminate heat rejection. The heat is simply expelled into the air rather than carried away by water.[95] A facility the size of Project Delta would therefore operate as a large, around-the-clock source of waste heat on the surrounding landscape. The existing extreme heat weather conditions that we are experiencing every summer, especially in the South, can contribute to increased energy use for cooling by the proposed data center, overheating and failure of equipment of the data center, reduced efficiency, and shutdowns/outages due to heat-related power disruptions[96], thereby creating a circular problem. Water-cooled data centers that use evaporation from cooling towers are also vulnerable to high humidity or wet-bulb temperatures.[97] Air-cooled data centers can also suffer as a result of high humidity since the air conditioning

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[90] *See* Rezoning Application; *see also* Proposed Zoning Conditions.
[91] *Id.*; *see also* Proposed Zoning Conditions.
[92] Dr Gemma J. Anderson, *Drought and Extreme Heat Impacts to Data Centers in Northern California,* Lawrence Livemore National Laboratory, (July 20, 2023) at p.5, https://www.cisa.gov/sites/default/files/2024-01/datacenterreport_GJANDERSON_FINALRELEASE_508c.pdf .
[93] Dr Gemma J. Anderson, *Drought and Extreme Heat Impacts to Data Centers in Northern California,* Lawrence Livemore National Laboratory, (July 20, 2023) at p.5, https://www.cisa.gov/sites/default/files/2024-01/datacenterreport_GJANDERSON_FINALRELEASE_508c.pdf
[94] David J. Sailor et. al., *Data Center Waste Heat as an Emerging Urban Thermal Hazard: First Field Measurements of Neighborhood-Scale Air Temperature Impacts*, ASME J. of Eng. For Sustnbl. Build. & Cities, May 2026, Vol 7, at 024501-1, DOI: 10.1115/1.4071922 .
[95] Travis Grizzel, *Closed-loop cooling in Oracle AI data centers*, Oracle (Feb. 9, 2026) https://www.oracle.com/news/announcement/blog/closed-loop-cooling-in-oracle-ai-data-centers-2026-02-09/ .
[96] Dr Gemma J. Anderson, *Drought and Extreme Heat Impacts to Data Centers in Northern California,* Lawrence Livemore National Laboratory, (July 20, 2023) at p.5, https://www.cisa.gov/sites/default/files/2024-01/datacenterreport_GJANDERSON_FINALRELEASE_508c.pdf .
[97] Dr Gemma J. Anderson, *Drought and Extreme Heat Impacts to Data Centers in Northern California,* Lawrence Livemore National Laboratory, (July 20, 2023) at pp.10-11, https://www.cisa.gov/sites/default/files/2024-01/datacenterreport_GJANDERSON_FINALRELEASE_508c.pdf .

systems will have to work harder to remove the humidity from the outside air.[98] Under the proposed options for a cooling system, all the above negative consequences are plausible.

A. The warming effect is measurable, not speculative.

Emerging research indicates that large data centers can measurably increase surrounding land-surface and air temperatures.[99] A hyperscale facility may raise nearby land-surface temperatures by as much as 16 degrees Fahrenheit and increase air temperatures in surrounding areas by up to 4 degrees Fahrenheit, potentially extending several blocks (about five city blocks) from the facility.[100] Data centers can generate heat fluxes measured in thousands of watts per square meter, far exceeding many previously studied human-caused sources of localized heat.[101]

These impacts are especially concerning as North Carolina communities already face more frequent and severe periods of extreme heat.[102] According to the U.S. Environmental Protection Agency, major American communities now experience an average of roughly six heat waves per year, up from about two per year in the 1960s, and extreme heat is already the deadliest form of extreme weather in the United States.[103] Layering a persistent new heat source onto that trajectory carries real consequences. It raises cooling-energy demand and electricity bills for surrounding households precisely during the hottest days of the year.[104] It intensifies heat exposure for nearby residents. And because higher ambient temperatures increase the facility's own cooling demand, it creates a feedback loop that further strains the local grid at moments of peak stress.[105]

Studies conducted in a data center facility in Mesa, Arizona, which has a capacity of just 36MW was, were found to reject waste heat equivalent to the electricity consumption of approximately 40,000 households[106]; one can only imagine a data center like Project Delta, which

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[98] Dr Gemma J. Anderson, *Drought and Extreme Heat Impacts to Data Centers in Northern California,* Lawrence Livemore National Laboratory, (July 20, 2023) at p.11, https://www.cisa.gov/sites/default/files/2024-01/datacenterreport_GJANDERSON_FINALRELEASE_508c.pdf .

[99] Karen Seto et. al., *Data Centers, Urban Heat, and AI Growth*, Yale School of Environment (July 10, 2026), https://environment.yale.edu/news/article/data-centers-urban-heat-and-ai-growth .

[100] Karen Seto et. al., *Data Centers, Urban Heat, and AI Growth*, Yale School of Environment (July 10, 2026), https://environment.yale.edu/news/article/data-centers-urban-heat-and-ai-growth .

[101] David J. Sailor et. al., *Data Center Waste Heat as an Emerging Urban Thermal Hazard: First Field Measurements of Neighborhood-Scale Air Temperature Impacts*, ASME J. of Eng. For Sustnbl. Build. & Cities, May 2026, Vol 7, at 024501-1, DOI: 10.1115/1.4071922 .

[102] Heat Waves, NC Climate Education, North Carolina State University, https://climate.ncsu.edu/learn/heat-waves/ .

[103] Extreme Heat, United States Environmental Protection Agency, https://www.epa.gov/climatechange-science/extreme-heat .

[104] Craig Hale, *The summer heat is hitting data centers hard — and outages and downtime may only get worse*, MSN, (June, 2026) https://www.msn.com/en-us/weather/topstories/the-summer-heat-is-hitting-data-centers-hard-and-outages-and-downtime-may-only-get-worse/ar-AA26Ur78?ocid=socialshare .

[105] Craig Hale, *The summer heat is hitting data centers hard — and outages and downtime may only get worse*, MSN, (June, 2026) https://www.msn.com/en-us/weather/topstories/the-summer-heat-is-hitting-data-centers-hard-and-outages-and-downtime-may-only-get-worse/ar-AA26Ur78?ocid=socialshare .

[106] David J. Sailor et. al., *Data Center Waste Heat as an Emerging Urban Thermal Hazard: First Field Measurements of Neighborhood-Scale Air Temperature Impacts*, ASME J. of Eng. For Sustnbl. Build. & Cities, May 2026, Vol 7, at 024501-1, DOI: 10.1115/1.4071922 .

has a capacity of 2000 MW, emitting waste heat and warming up the neighborhood. The thermal footprint of a facility of this scale would be correspondingly larger, and it would fall on a community that has had no opportunity to study or plan for it.

Moreover, additional warming would not affect all residents equally. Older adults, children, outdoor workers, people with disabilities or chronic health conditions, low-income households, and residents without reliable access to air conditioning are particularly vulnerable to extreme heat.[107] Higher temperatures can increase the risk of heat exhaustion, heat stroke, respiratory illness, cardiovascular stress, and other serious health consequences.[108] They can also increase household electricity bills as residents are forced to use more energy to cool their homes.

We recognize that the direct-measurement research in this field is still emerging and rests on a limited set of observations to date. But these findings are fully consistent with decades of established science on anthropogenic heat, and the direction of the effect is not contested.[109]

B. The Commission must require ELS to conduct a study on the thermal impacts of Project Delta before adjudicating the rezoning application.

The burden should not fall on Stokes County residents to prove, after the facility has been constructed, that Project Delta is making their homes and neighborhoods hotter. The developer should be required to demonstrate before approval that the project will not create harmful thermal conditions or shift its cooling and energy costs onto the surrounding community. Project Delta's potential waste-heat impacts add to the project's already significant environmental, infrastructure, and public-health concerns.[110] Approving a hyperscale data center without fully understanding its effects on local temperatures would place residents at unnecessary risk. The Commission should recommend denial of the rezoning application for Project Delta until an independent and publicly reviewable thermal-impact study has been completed and the developer has agreed to enforceable measures protecting nearby residents.

VII. ELS's Application Has Not Effectively Addressed the Relevant Historical and Cultural Sites on the Property Proposed for Development

The first priority listed in Stokes County's long-range plan is that "future development and growth" must respect "the county's history and rural character."[111] Respect for the community's shared history, therefore, defines its moral stance on industrial development.

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[107] Heat Waves, NC Climate Education, North Carolina State University, https://climate.ncsu.edu/learn/heat-waves/ .
[108] Leyk D, Hoitz J, Becker C, Glitz KJ, Nestler K, Piekarski C, *Health Risks and Interventions in Exertional Heat Stress,* Dtsch Arztebl Int., (Aug. 5, 2019), Vol. 116(31-32) at pp.537-544, DOI: 10.3238/arztebl.2019.0537, PMID: 31554541; PMCID: PMC6783627.
[109] David J. Sailor et. al., *Data Center Waste Heat as an Emerging Urban Thermal Hazard: First Field Measurements of Neighborhood-Scale Air Temperature Impacts*, ASME J. of Eng. For Sustnbl. Build. & Cities, May 2026, Vol 7, at 024501-4, DOI: 10.1115/1.4071922 .
[110] *McDowell v. Randolph Cty.*, 256 N.C. App. 708, 711.
[111] *Stokes County 2035: Moving Together*, Exec. Summary at 5.

The parcels on which ELS proposes to construct a hyperscale data center contain a rich and unique slice of North Carolina and County history. These resources include archaeological evidence of prehistoric peoples dating to AD 800; Saura Tribe villages that tell an important story of Indigenous daily life in the Piedmont as well as European settlers' first relationships with Indigenous peoples; and the multi-layered plantation culture in every acre of Hairston family industry in the region, including the cemeteries of enslaved and freed people of color and the architectural remnants of plantation culture. All of these resources have yet to be adequately explored. If not preserved against high-impact industrial development, these sites—and all opportunity in the future to study them—will be lost forever.

In destroying the shared historic and cultural legacy of this area, the proposed data center would directly infringe on the public welfare and morals of this community: construction and ongoing operations, including agricultural and infrastructure maintenance, will destroy these unique archaeological and historical resources, directly infringing on the County's moral stance on its own history and cultural legacy.

VIII. The Use of the Property for the Project Delta does Not Comply with Stokes County's Comprehensive Plan.

North Carolina General Statute Section 160D-501 requires for local governments to adopt a "comprehensive plan" for "adopting and applying zoning regulations" and to "set[] forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction."[112] Ultimately, such a document could be used to define the "public morals" of a particular community.[113] In 2014, Stokes County commissioned the creation of their own "Stokes County 2035 Plan" ("Comprehensive Plan") with the intent to establish "a first of its kind" plan for the County and its three municipal area's "unified strategic direction." [114] Stokes County's Comprehensive Plan puts a significant precedent on ensuring that "future growth and development respect the county's history and rural character."[115] The Rezoning Application for Project Delta does not comply with Stokes County's Comprehensive Plan, thus, violates the "public morals" of the Stokes County Community.[116]

In order to effectively go about establishing such a plan, the County facilitated many different types of forums to engage the Stokes County Community to most effectively "glean ideas and concerns from local citizens to collectively determine a future vision for Stokes County."[117] This process included the input from approximately 581 Stokes County residents.[118] At its conclusion, the County published its Comprehensive Plan which included the following as the "Stokes 2035 Vision Statement":

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[112] N.C.G.S. § 160D-501(a) and (a1).
[113] *McDowell v. Randolph Cty.*, 256 N.C. App. 708, 711.
[114] Stokes County 2035 Plan, p. 2.
[115] *Id*., at 27; *see also Id.*, at 12.
[116] *McDowell v. Randolph Cty.*, 256 N.C. App. 708, 711.
[117] *Id*., at 4.
[118] *Id*.

> The vision for the Stokes County 2035 Plan is to create a healthy built and ***natural environment*** in which:
>
> (1) ***Future growth and development respect the county's history and rural character***;
> (2) There are explicit efforts to seek, retain, and attract the next generation;
> (3) There are ample and accessible opportunities for active living and a healthy lifestyle;
> (4) ***Future growth preserves and protects the county's unique natural environment***;
> (5) ***Small businesses*** and entrepreneurship can flourish...[119]

The Comprehensive Plan also provides specific areas across the County that classify the intended future use of property. The relevant Property's intended future use designations are both Open Space 2: "Rural Community" (or "Transect Zone") and Growth Zone 1: "Low-Density Residential Neighborhoods."[120] Open Space 2 is defined as "…very low-density development that includes many of the rural areas in Stokes County. This zone includes areas with very limited or no water or sewer infrastructure."[121] The Comprehensive Plan goes on to note for O-2 that

> [t]he preservation of rural areas accomplishes many planning goals:
>
> - It discourages sprawl by focusing new growth in and around developed areas.
> - It plays an important role in natural resource protection.
> - It promotes fiscal stewardship by encouraging growth toward municipal areas to create more efficient use of public facilities and existing infrastructure.
> - By targeting growth toward municipal areas, the public will have more opportunities to walk or bike daily."[122]

G-1 is defined as "…intended for low-density residential growth and includes areas with limited access to water and sewer infrastructure."[123] And, the Comprehensive Plan's specific considerations for developing in G-1 "poor/wet soils that are not typically appropriate for development are included in this sector; soils information should be overlaid and investigated at a detailed level when developing in these areas to avoid the most sensitive soil types." Then it states what developments are typical for this sector consisting "…of cluster development such as conservation subdivisions, or low-density residential development on relatively large lots. Other

[119] *Id*., at 27.
[120] *Id.*, at 8-10.
[121] *Id.*, at 90.
[122] *Id*.
[123] *Id*., at 91.

land uses appropriate for this sector include civic uses such as parks, schools, government uses, and religious institutions."[124]

Here, it is clear that the Stokes County Comprehensive Plan does not contemplate a development such as Project Delta on the relevant Property. One of the most important aspects of the Comprehensive Plan was the level of community engagement that occurred in its development with the community resoundingly stating that their intent for the County is for any "***future growth and development [to] respect the county's history and rural character.***"[125] As mentioned throughout this comment letter, Project Delta actively disregards the history and rural character of Stokes County. At full build out, it will take over 900 acres of rural agricultural land and turn it into an industrial complex that is unprecedented for Stokes County and North Carolina.[126] This will dramatically impact the agricultural rural aesthetic and use of the land while also directly impacting the wildlife in the area that many community members use as a food source. Also, Project Delta will overlay regionally historic land that encompasses the remains of Hairston family descendants and Saura tribe members. Project Delta's impact on Stokes County is directly counter to the intent expressly stated throughout the Comprehensive Plan: "…respect the county's history and rural character."[127]

As for the intended future use of the relevant Property, the Comprehensive Plan categorizes it as O-2 and G-1 which would not permit Project Delta. One of the primary intents of O-2 is to "…discourage[] sprawl by focusing new growth in and around developed areas" and "[b]y targeting growth toward municipal areas, the public will have more opportunities to walk or bike daily."[128] Also, that O-2 could transition into O-1 "…by expanding public lands and preserving highly sensitive natural resources and riparian areas."[129] Here, the intent is clear that O-2 exists to keep development away from these rural corridors and even goes as far as to suggest that if O-2 is transitioning at all to a different classification, it should be to O-1 for further preservation of natural areas. And, G-1 areas are intended for "low-density residential growth," not hyperscale data centers, such as Project Delta.[130] Also, O-2 and G-1 sectors are expressly not ideal for development, let alone development at the scale of Project Delta. For the O-2 sector, the Comprehensive Plan states "[t]his zone includes areas with very limited or no water or sewer infrastructure."[131] And, for the G-1 sector that it includes "poor/wet soils" and that "…soils information should be overlaid and investigated at a detailed level when developing in these areas to avoid the most sensitive soil types."[132]

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[124] *Id*.
[125] *Id*., at 27.
[126] Application
[127] *Id*., at 27.
[128] *Id*.
[129] *Id.*
[130] *Id*., at 91.
[131] *Id.*, at 90.
[132] *Id*., at 91.

Therefore, it is clear that approving the Rezoning Application for Project Delta would not be in compliance with Stokes County's Comprehensive Plan and against the "public morals" of the Stokes County community.

IX. Project Delta as Hyperscale Data Center is Not Consistent with the Character of the Surrounding Rural Community.

North Carolina General Statute Section 160D-605 states that the size, physical conditions, and other attributes of the site are to be considered as a part of the County's rezoning determination, and these factors make it clear that Project Delta does not fit on this Property. The current zoning classification for the Property, that is its entire 1,848 acres, is Residential-Agricultural. The majority of the properties that immediately adjoin the Property are also classified as Residential-Agricultural. The general character of the County and the relevant immediate area of the proposed Project Delta are unmistakenly rural and agricultural.

The people that live adjacent to and near the Property did not anticipate such a significant industrial complex coming to their rural agricultural community. Principles of zoning dictate that property owners and residents should be able to reasonably anticipate what will surround their property in years to come. Here, Project Delta was not a foreseeable use of those 1,848 rural acres. The proposed rezoning for Project Delta from Residential-Agricultural to Heavy Manufacturing Conditional Zoning District will create an entirely inconsistent landscape with the surrounding community. Therefore, the County Commission should formally deny it as against the public interest of the surrounding Stokes County Community.[133]

Based on the totality of the record before this Commission, we ask that you deny ELS's Project Delta proposal or, at a minimum, require that it relocate to an area of the County where the surrounding land uses are more appropriate for a hyperscale AI data center and that you impose additional conditions to protect the surrounding communities.

Thank you for your consideration.

[133] *McDowell v. Randolph Cty.*, 256 N.C. App. 708, 711.

Exhibit 20.2

Wednesday, November 11, 2026 at 8:43:44 PM Eastern Standard Time

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Subject:	Project Delta - RML Acoustics Comments
Date:	Sunday, September 13, 2026 at 6:27:46 PM Eastern Daylight Time
From:	Anne Harvey David
To:	Bryan S. Miller, wbarneycastle@co.stokes.nc.us, kwood@co.stokes.nc.us, bchandler@co.stokes.nc.us, scox@co.stokes.nc.us, rmorris@co.stokes.nc.us
CC:	Jennifer Michaud, Olivia Jessup
Attachments:	2026-09-14 RML Acoustics Evaluation of Project Delta Updated Proposed Noise Conditions and Ambient Noise Survey.pdf, Project Delta Data Center Ambient Noise Study.pdf, Project Delta Proposed Noise Conditions Review.pdf

Good evening, Bryan and Commissioners,

Thank you for sending the agenda packet and staff report for tomorrow's BOCC meeting. I noticed that on page 19, section 11.6 of the staff report, you note that "***noise is the dominant channel through which data centers depress nearby residential property values***," so I was dismayed that neither the staff report nor binder packet seemed to contain any mention of RML Acoustics's findings in multiple submissions or any discussion of Rob Lilkendey of RML Acoustics's comments at the September 8 public hearing pointing out the flaws in the proposed conditions and applicant's baseline survey as well as why the "noise videos briefing" of field recordings from staff is not comparable to anticipated impacts from Project Delta.

Given that noise and economic impacts are among the most important issues for the public interest, I am attaching again RML Acoustics' prior comment letters and baseline study, as well as a supplemental analysis of the Trinity Consultants noise study that the applicant only provided after the conclusion of public comment last week. In particular, I would like to draw your attention to the contrasts between the RML Ambient Noise Study and the Trinity Consultants study. I also encourage you to review Rob Lilkendey's testimony at the public hearing, which begins at 3:28:34.

Thank you for your service and attention to this key issue.

Regards,

Anne Harvey David
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Exhibit 20.3

RML Acoustics ARCHITECTURAL ENVIRONMENTAL

Sound Designs...Noise Solutions

September 13, 2026

Ms. Anne Harvey David
Chief Counsel for Environmental Justice
Southern Coalition for Social Justice
PO Box 51280
Durham, NC 27717

Re: Project Delta – Additional Review Comments on Applicant's Proposed Noise Conditions

Dear Anne,

Per your request, this letter contains additional review comments on Section 2, *Noise*, of the Proposed Zoning Conditions ("Proposed Noise Conditions") contained in the Stokes County Conditional Rezoning Applications submitted by Engineered Land Solutions, LLC ("the Applicant") for the proposed Project Delta Data Center (hereinafter "Project") in Stokes County, North Carolina, as well as comments on the *Ambient Noise Survey* from Trinity Consultants, dated August 17, 2026, that was submitted to the Applicant. A copy of the Proposed Noise Conditions is attached in Appendix A.

Review of Proposed Noise Conditions

This section contains additional concerns we have with the Proposed Noise Conditions and is supplemental to those described in our August 11, 2026, document, which addressed similar concerns, as well as specific concerns regarding the numerical values of the proposed sound level limits. The overall conclusion from all of the comments in this document is that **the currently Proposed Noise Conditions should not be accepted in their current form and should be revised, resubmitted, and peer reviewed by one or more qualified Acoustical Consulting firms that are members of the National Council of Acoustical Consultant before the Project is approved,** to ensure that the residents are adequately protected from the noise associated with the Project.

1. ***The sound level limits contained in the Proposed Noise Conditions were not based on the results of the Ambient Noise Survey performed by Trinity Consultants or any other community-specific noise study, but rather on Federal guidelines for building government subsidized housing near highways, minus an arbitrary 5 dB safety factor.*** In our previous review letter dated August 11, 2026, many of our comments were limited to "big-picture" concerns associated with the Proposed Noise Conditions, in anticipation of receiving and reviewing a comprehensive, community-specific noise study that justified the sound level limits and other related requirements proposed by the Applicant. Unfortunately, no such

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study has been submitted. We did receive the *Ambient Noise Survey* submitted by Trinity Consultants. However, we learned from the Applicant's presentation at the Stokes County Board of Commissioners ("the Board") meeting on September 8, 2026, that the sound level limits proposed for the source property line at residential adjacencies of 60 dBA during the daytime and 50 dBA during the nighttime are based on HUD requirements for federally subsidized housing and not based on sound level measurements conducted by Trinity Consultants.

2. ***HUD requirements are for government subsidized housing being constructed near an existing noise source, such as a highway, rail line, or airport, not for a noise source being built near a quiet residential community, and are therefore inappropriate to use as the basis for regulating noise from proposed data centers.*** HUD does not contemplate appropriate criteria to use for residential receivers when adding a data center to a quiet, rural environment.

3. ***The proposed points of enforcement for the Proposed Noise Restrictions gives the Applicant the ability to generate greater sound levels at residential receiving properties than the regulations would appear to allow, if not scrutinized properly.*** Item a) of the Section 2, Noise, of the Applicant's Proposed Zoning Conditions, states:

"Project operations shall not exceed the following noise limits as measured from the exterior property line or, if the property line adjoins a public right of way, then from the nearest property line beyond he right of way:

I. Adjacent to property located within a non-residential zoning district:

1. A-weighted sound level: 70 dBA

II. Adjacent to property located within a residential zoning district:

1. A-weighted sound level: 60 BA during daytime hours (7:00 am – 10:00 pm) and 50 dBA during nighttime hours (10:00 pm – 7:00 am).

2. C-weighted sound level: The C-weighted sound level (dB(C)) shall not exceed the corresponding A-weighted sound level (dB(A)) by more than 15 dB at any Measurement Location.

The point of enforcement of the noise limits, which should be adjusted downward to reflect the low ambient noise level conditions on residential properties, should be at any receiving property line or anywhere on any receiving property, not at the source property line. Allowing 70 dBA at the Project Delta property line where adjacent to non-residential property does not guarantee that when the sound reaches residential property that may be on the other side of the non-residential property, it will be below 50 dBA at night or some other level yet to be determined. The Data Center noise mitigation should be designed to meet appropriate levels where it matters, which is on the residential receiving properties. Additionally, the noise regulations should apply to all properties, not just those that are immediately adjacent to the Project.

4. ***The language for the C-weighted sound level limit should be clarified and should be lowered to be more protective of property owners.*** As shown above, Item a)(II)(2) of the Noise standards states that the C-weighted sound level shall not exceed the "corresponding A-weighted sound level" by more than 15 dB at any measurement location. It is not clear if the A-weighted sound level being referred to is the "A-weighted sound level limit" or the measured A-weighted sound level. If it is the A-weighted sound level limit, then instead of making it a relative standard, daytime and nighttime C-weighted sound level limits should just be stated numerically to remove any ambiguity. If it is the A-weighted sound level measured in the field that determines the C-weighted sound level limit, then the difference should be lowered to 10 dB to be more protective of the residents, unless a more comprehensive ambient noise survey is completed that suggests otherwise.

5. ***We agree with the requirement to evaluate the sound levels for the presence of tones and to reduce the sound level limit by 5 dBA if there is a tone present, however, it should also be clear that the dBC sound level limit should be reduced by 5 dBC as well.*** While this isn't necessary when using a relative requirement of dBA + 15 dB to determine the dBC, if fixed dBC limits are provided, this will be important to include.

6. ***The term "project operations" should be clearly defined in the Proposed Zoning Conditions so that it is clear which sounds are being regulated and which are not.*** The term "project operations" is used to describe the source of sounds to which the noise regulations apply, but no definition of "project operations" is given.

7. ***INCE Board Certification does not automatically qualify someone to conduct a noise assessment for this type of project, is not necessary for someone to be qualified to conduct noise assessments for the project, and should be removed as a qualification.*** There are plenty of qualified Acoustical Consulting firms that can perform the required noise assessments that do not have an INCE Board Certified member and plenty of INCE Board Certified members that are not practicing Acoustical Consultants and would not be qualified to perform this work. More important is to have the assessments performed by a member firm of the National Council of Acoustical Consultants that have been in business for at least five (or possibly ten) years and have a proven track record of working on similar environmental noise projects.

8. ***It is acceptable for the Applicant to engage their own Consultants to conduct a Pre-Construction Existing Ambient Sound Survey, Pre-Construction Noise Modeling Study, and Post-Construction Noise Compliance Surveys, however, they should also fund a third-party Acoustical Consulting firm that is a member of the National Council of Acoustical Consultants engaged by the County to conduct peer reviews of the work, as well as have the option to conduct the full studies.*** It is very likely that without a qualified third-party reviewer or reviewers, the County will not have staff with the technical expertise required to adequately evaluate the veracity of the studies submitted by the Applicant.

Key Findings from a Review of the Ambient Noise Survey

1. ***There is not a single conclusion in the Ambient Noise Survey document that ties the results of the sound measurements to the Proposed Noise Conditions.*** The sound level

measurements for the study were conducted June 16-18, 2026, a month before the Proposed Noise Conditions were submitted by the Applicant (mid-July), and two months before the report was issued to the Applicant (August 17, 2026). This means the information was available prior to the issuance of the Proposed Noise Conditions, which were changed from a previous proposed limit of 70 dBA at the source property line regardless of adjacency to 70 dBA at non-residential adjacencies and 60 dBA (daytime) and 55 dBA (nighttime) at residential adjacencies. However, instead of relying on the results of the *Ambient Noise Survey* to develop the sound level limits, which, if read properly, indicate that the Proposed Noise Conditions are inadequate, HUD standards were used. Why even conduct or submit the *Ambient Noise Survey* document if the findings from the study are not going to be used to develop the noise restrictions? Why use HUD standards when a proper analysis of the *Ambient Noise Survey* suggests that these values will not be protective of the residents? These are questions that should be raised by the Board and answered by the Applicant.

2. ***Sound measurement locations were used that are not representative of potentially impacted receivers.*** Sound levels were measured at nine locations around the perimeter of the proposed Project Delta site. The report only includes GPS information for the measurement locations. There are no pictures or site plans of the individual measurement locations showing the distances from nearby roads or other noise sources. One must use mapping software to see the actual sound measurement locations. Based on Google Earth imagery, eight of the nine measurement locations are along the side of a road or at the intersection of two roads, where no homes are, or would ever be, constructed.

3. ***Reporting average (LAeq) sound levels from is also misleading, as the relatively high sound levels of individual cars and trucks passing so close to the sound level meter significantly affects the average sound levels, and are not representative of the sound levels that would be experienced at residential buildings, which are typically set back a minimum of 100 ft from the road, or further onto residential property.*** All LAeq data reported for measurement locations adjacent to roads (i.e., all locations except Location 1) should be ignored or should only be used if one is concerned about the sound levels along the side of the road and not at the residences.

4. ***The nighttime LA90 data presented in the Ambient Noise Survey is more representative of sound levels that might be experienced at nearby residences than the average sound levels and confirms the findings from the RML Acoustics Ambient Noise Study, dated March 5, 2026, that the nighttime sound levels are very low and that the residences are not protected by the Proposed Noise Conditions.*** Unlike the LAeq sound levels, the LA90 sound levels are not influenced by the sounds of occasional cars passing and are more representative of the "noise floor" of the environment. The data in Table 3 of the *Ambient Noise Survey* from Trinity Consultants shows nighttime LA90 values between 24 dBA and 37 dBA at all nine locations, with LA90 values below 30 dBA at five (Locations 1, 5, 7, 8, and 9) of the nine measurement locations. These results are consistent with the findings from our *Ambient Noise Study* and confirm that the proposed 50 dBA nighttime sound level limit will not adequately protect the residences from a possibly significant increase (four to eight times louder) in the "noise floor" due to Project Delta, especially when one considers that the Proposed Noise Conditions allow either LAeq or LA90 to be measured, and not just LA90.

6. ***The nighttime LA90 sound levels may be even lower than what was reported in the Ambient Noise Survey report when insect noise is not present during cooler months.*** The spectral graphs in Section 6.1 of the report suggest that many of the sound levels would be even lower than what was measured, especially at Location 2 (Nighttime LA90 of 37 dBA) if not for very high frequency insect noise, which should have been removed from the data to show the expected ambient sound levels when no insects are present.

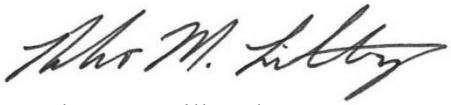
7. ***The conclusions in the report do not address the most relevant and important finding from the study, which is the degree to which allowing nighttime sound levels of 50 dBA and 65 dBC would affect the surrounding residential properties that have LA90 sound levels in the 24 to 37 dBA range.*** Instead, the conclusions focused on intermittent traffic sounds that occur at locations adjacent to busy roads. The final conclusion was that "The gap between the two (i.e., the quiet noise floor and discrete noise events) is the signature of an environment shaped by discrete events rather than by continuous noise. One cannot draw that conclusion from the data without more information, such as other statistical measures or histograms that show the frequency with which the louder events occur. Given the proximity of the measurement equipment to the roads and the nature of nighttime traffic in rural areas, it is very likely that the opposite is true, especially at night – that the environment is dominated by a low level, non-descript background noise that is occasionally interrupted by discrete events, such as a car or truck passing on a nearby road.

8. ***For a project as large as Project Delta, the Ambient Noise Survey is inadequate, misleading, and should not be relied upon as supportive of the Proposed Noise Conditions.*** Only 1.5 days of sound level measurements were made at nine locations, eight of which were roadside locations, around a site that is nearly 3 mi^2 in area. The data were not adjusted to remove insect sounds, and the quiet nighttime sound levels were de-emphasized in favor of traffic sounds measured by the sides of the roads. The scale and scope of the ambient noise survey is not proportional to the scale and scope of the project.

Please do not hesitate to contact us if there are any questions regarding these review comments or if we can be of additional assistance in this regard.

Sincerely,

RML Acoustics, LLC



Robert M. Lilkendey
Principal Consultant

APPENDIX A

PROJECT DELTA APPLICANT'S PROPOSED NOISE CONDITIONS

PROPOSED ZONING CONDITIONS

Updated September 8, 2026

1. Permitted Uses: Permitted uses are limited to the following:
    a) Data Center: A facility, campus of facilities, or array of interconnected facilities used for the primary purpose of storing, retrieving, managing, and/or processing digital data, including associated infrastructure such as servers, data storage equipment, network equipment, power supply systems, backup generators, cooling systems, and related accessory structures. A data center does not include electronic equipment incidental to a business whose primary activity is other than storing, retrieving, managing, and processing digital data (e.g., a retail store, office building, or school).
    b) Accessory uses, facilities, structures, infrastructure, equipment, and technologies associated with the development or operation of the Data Center, including, without limitation, power generation; substations; electrical infrastructure; natural gas infrastructure; fiber optic infrastructure; battery backup and generation equipment; equipment yards; batteries; security facilities; on-site maintenance facilities; container storage; and fuel and water storage.
2. Noise:
    a) Project operations shall not exceed the following noise limits as measured from the exterior property line or, if the property line adjoins a public right of way, then from the nearest property line beyond the right of way:
        I. Adjacent to property located within a non-residential zoning district[1]:
            1. A-weighted sound level[2]: 70 dB(A).
        II. Adjacent to property located within a residential zoning district[3]:
            1. A-weighted sound level: 60 dB(A) during daytime hours (7:00 a.m. – 10:00 p.m.) and 50 dB(A) during nighttime hours (10:00 p.m. – 7:00 a.m.).

[1] **Nonresidential Zoning Districts:** Any zoning district that is not a Residential Zoning District.
[2] **A-Weighted Sound Level, dB(A)**: The sound pressure level in decibels as measured on a sound level meter using the A-weighting network, which de-emphasizes low and high frequencies to approximate the response of the human ear. Levels so measured are designated dB(A) or dBA.
[3] **Residential Zoning District:** R-A Residential-Agricultural District; R-20 Residential-Low Density; R-15 Residential-Medium Density; R-8 Residential-High Density; R-E Residential – Exclusive; R-R Residential – Restricted; R-M Residential – Mixed; RMF Residential – Multi-family; MHP Manufactured Housing Park.

2. C-weighted sound level[4]: The C-weighted sound level (dB(C)) shall not exceed the corresponding A-weighted sound level (dB(A)) by more than 15 dB at any Measurement Location[5].

b) Tone: A tone shall be deemed present when the time-averaged sound pressure level in any one-third octave band[6] exceeds the time-averaged sound pressure levels of both of the two adjacent one-third octave bands by:

   I. 15 dB or more in one-third octave bands between 25 Hz and125 Hz;

   II. 8 dB or more in one-third octave bands between 160 Hz to 400 Hz; or

   III. 5 dB or more in one-third octave bands between 500 Hz to 10,000 Hz.

   If the observed Project noise contains a tone as defined herein, the applicable noise limit shall be reduced by 5 dB(A) for purposes of determining compliance.

c) For purposes of applying the noise limits established by this condition, the residential or non-residential zoning classification of each adjacent property shall be determined and established at the time of conditional rezoning application submission based on the Official Stokes County Zoning Map in effect on that date. The classification so established shall remain controlling for purposes of this condition and shall not be affected by any subsequent amendment to the Official Zoning Map.

d) Generator Testing: Routine testing and maintenance of emergency generators shall be limited to weekdays between 9:00 a.m. and 5:00 p.m. local time and shall be conducted with all permanent noise attenuation in place.

e) Exemptions: The limits above shall not apply to (i) actual emergency operation of backup generators during a utility power interruption or other emergency event, (ii) daytime construction activity, and (iii) daytime maintenance activities not including generator testing.

f) Compliance: The noise limits established by this condition shall apply to continuous noise attributable to project operations, defined as noise sustained for a duration of fifteen (15) minutes or more. Noise compliance

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[4] **C-Weighted Sound Level, dB(C):** The sound pressure level in decibels as measured on a sound level meter using the C-weighting network, which applies minimal frequency weighting and is more responsive to low-frequency sound than the A-weighting network. Levels so measured are designated dB(C) or dBC.

[5] **Measurement Location:** The exterior property line or, if the property line adjoins a public right of way, then from the nearest property line beyond the right of way.

[6] **One-Third Octave Band:** For the purpose of assessing tonality, the following third-octave band nominal center frequencies (given in Hz) will be considered, consistent with standard acoustical measurement practice: 25, 31.5, 40, 50, 63, 80, 100, 125, 160, 200, 250, 315, 400, 500, 630, 800, 1000, 1250, 1600, 2000, 2500, 3150, 4000, 5000, 6300, 8000, 10000.

shall be measured using Equivalent Sound Level ("Leq")[7] or Statistical Sound Level ("L90")[8] sound levels, with the ability to utilize short-duration measurements as brief as 30 seconds to appropriately isolate noise attributable to the project from extraneous site sources. For any measurements shorter than 60 seconds, a minimum of three (3) readings shall be taken at each location and arithmetically averaged (in both dB(A) and dB(C)) for reporting purposes. All measured sound levels should be representative of project operations, excluding any influence from non-relevant site noise. Reasonable adjustments or normalization of the measured frequency spectrum may be applied to account for ambient sounds, such as automotive traffic, wind, wildlife, insects or birds, provided such adjustments are clearly documented and supported with appropriate justification for approval.

g) Noise Assessments:

I. Qualified Consultant: All required noise assessments (including studies and surveys) shall be completed, at no cost to the County, by an independent third-party licensed sound engineer Board Certified by the Institute of Noise Control Engineering (INCE).

II. Pre-Construction Existing Ambient Sound Survey: Prior to building permit approval, the Developer[9] shall have a pre-construction sound survey performed to establish baseline ambient sound levels[10] at any Measurement Location. The survey shall document measured[11] A-weighted and C-weighted sound levels for a period of at least 24 hours. The pre-construction survey shall be submitted to the County prior to issuance of a building permit. The documented baseline ambient sound level shall be considered for compliance and reasonable adjustments.

III. Pre-Construction Noise Modeling Study: Prior to the issuance of a building permit for each Major Improvement[12], the Developer shall submit a noise study to the County for review and approval. The study shall demonstrate that the Major Improvement, together with all

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[7] **Equivalent Sound Level (Leq):** The steady-state sound level which, over a stated measurement period, contains the same acoustic energy as the actual time-varying sound level during that period.

[8] **Statistical Sound Level (L90):** The sound level exceeded during ninety percent (90%) of the measurement period. The L90 is commonly used to represent the sustained or background component of a time-varying sound environment.

[9] **Developer:** The owner of the Property or any person or entity authorized by the owner to develop the Property, including successors and assigns.

[10] **Ambient Sound Level:** The composite sound level at a given location resulting from all sources near and far, excluding sound attributable to project operations. The ambient sound level constitutes the normal or existing sound environment at that location.

[11] **Sound Level Meter:** An instrument used to measure sound pressure levels, including a microphone, amplifier, output meter, and frequency weighting networks, meeting or exceeding the requirements for a Type 1 or Type 2 instrument under ANSI S1.4.

[12] Each building phase constitutes a "Major Improvement." A Major Improvement also includes any material change to noise-generating equipment, operations, noise-control measures, generation capacity, or on-site conditions that could objectively affect compliance with the applicable noise limits. Routine maintenance or replacement with equipment having equal or lower sound output is excluded.

previously approved or completed portions of the Project, will comply with the applicable noise limits under representative operating conditions as defined herein.

IV. Post-Construction Noise Compliance Survey: For each Major Improvement, the Developer shall submit a post-construction sound survey to the County. The survey shall demonstrate compliance with the applicable noise limits based on cumulative noise from the Major Improvement and all previously completed portions of the Project.

V. Subsequent Surveys and Studies: A previously approved noise assessment may be updated or supplemented, and a single assessment may satisfy the applicable pre-construction or post-construction requirements for multiple Major Improvements permitted, completed, or placed into service concurrently.

VI. Annual Operational Noise Compliance Survey: Beginning twelve (12) months after issuance of the first certificate of occupancy for the Project, and annually thereafter, the Developer shall conduct a noise compliance survey evaluating cumulative noise generated by all operating portions of the Project. An annual noise compliance survey may be conducted concurrently with any required post-construction noise survey, provided that the combined survey satisfies all requirements applicable to both surveys. Notwithstanding the foregoing, the County may require the Developer to conduct an additional noise compliance survey upon: (i) confirmation of a violation of an applicable noise limit; or (ii) documented evidence reasonably indicating potential noncompliance with an applicable noise limit.

3. Power Generators:
    a) Power generators shall not be permitted within 300 feet of the exterior property boundary.
    b) The use of diesel fuel for power generation shall be limited to the operation of emergency backup generators.
4. Cooling Systems and Water Infrastructure:
    a) Open-loop water cooling systems are not permitted.
    b) Acceptable systems include, but are not limited to, closed-loop cooling, air-cooled systems, liquid cooling systems, or other efficient technologies.
    c) The Project shall be prohibited from direct withdrawal from streams, rivers, lakes, ponds, reservoirs, groundwater wells, aquifers, or other private surface-water or groundwater sources.

Exhibit 20.4



AMBIENT NOISE STUDY

PROJECT DELTA DATA CENTER

Walnut Cove, North Carolina

Prepared for:

Southern Coalition for Environmental Justice
PO Box 51280
Durham, NC 27717

Prepared by:

Robert M. Lilkendey
Principal Consultant

RML Acoustics, LLC
14688 NW 150th Lane
Alachua, Florida 32615

March 5, 2026

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1 INTRODUCTION

This report presents the results of an Ambient Noise Study (hereinafter "Study") performed by RML Acoustics, LLC, at locations that may be impacted by the proposed Project Delta Data Center to be located on an 1,800 acre site in Walnut Cove (Stokes County), North Carolina. The purpose of the Study was to document the ambient sound level conditions that currently exist at residential properties near the proposed Data Center so that this information may be used as a guide by others for developing noise level criteria for the Data Center and to establish baseline ambient noise level conditions for comparison with post-construction noise measurements. A combination of short-term and long-term sound level measurements were made between February 28, 2026, and March 3, 2026, at three residences adjacent to the proposed Data Center site.

2 EXECUTIVE SUMMARY

The following summarizes the key findings and conclusions from the Study.

1. The Town of Walnut Cove does not have noise control regulations. The Project Delta Development Standards published by Engineered Land Solutions, LLC, the project developer, states that the maximum sound level along the boundary perimeter of the property will be 70 dBA during normal operations.

Sound Pressure Levels (SPL) of Common Sources (from Cowan, Handbook of Environmental Acoustics):

Source	SPL (dBA)
Air raid siren at 50 ft (threshold of pain)	120
Max levels in audience at rock concert	110
On platform by passing subway train	100
On sidewalk by passing heavy truck or bus	90
On sidewalk by typical highway	80
On sidewalk by passing cars with mufflers	70
Typical urban area background	60
Typical suburban area background	50
Quiet suburban area at night	40
Typical rural area at night	30
Isolated broadcast studio	20
Audiometric (hearing testing) booth	10
Threshold of hearing without hearing damage	0

2. The Client engaged RML Acoustics to conduct an ambient noise study to document the ambient sound level conditions that currently exist at three residential properties near the proposed Data Center so that the Client can better understand the potential noise impacts the Facility may have on the surrounding properties and if a sound level of 70 dBA, during normal operations, and presumably greater during abnormal operations, is compatible with the existing conditions. Figure 1 contains a site plan showing the Data Center project boundary, development areas, and the location of the three residences where ambient noise level measurements were made.

3. A constant sound level of 70 dBA is equivalent to the sound level measured approximately 200 ft from a major US highway, except the Data Center sound may not diminish overnight the way highway sound does. If the noise source was highway traffic noise of a constant 70 dBA, it would be deemed incompatible with residential land uses by governmental agencies such as the Federal Highway Administration (FHWA) and the US Department of Housing and Urban Development (HUD).

4. Short-term and long-term ambient noise levels were measured at three residences in Walnut Cove with properties adjacent to, or near the proposed Data Center property – 1869 Oldtown Road, 1466 Fulp Road, and 1580 Fulp Road. At 1869 Oldtown Road, the primary noise sources were

vehicles passing on Oldtown Road, birds chirping and calling, and insect noise. At 1466 Fulp Road, the primary noise sources were birds chirping and calling and insect noise, with occasional cars passing on Fulp Road. At 1580 Fulp Road, the primary noise sources were birds chirping and calling, insect noise, intermittent cycling of the condensing unit, and occasional cars passing on Fulp Road.

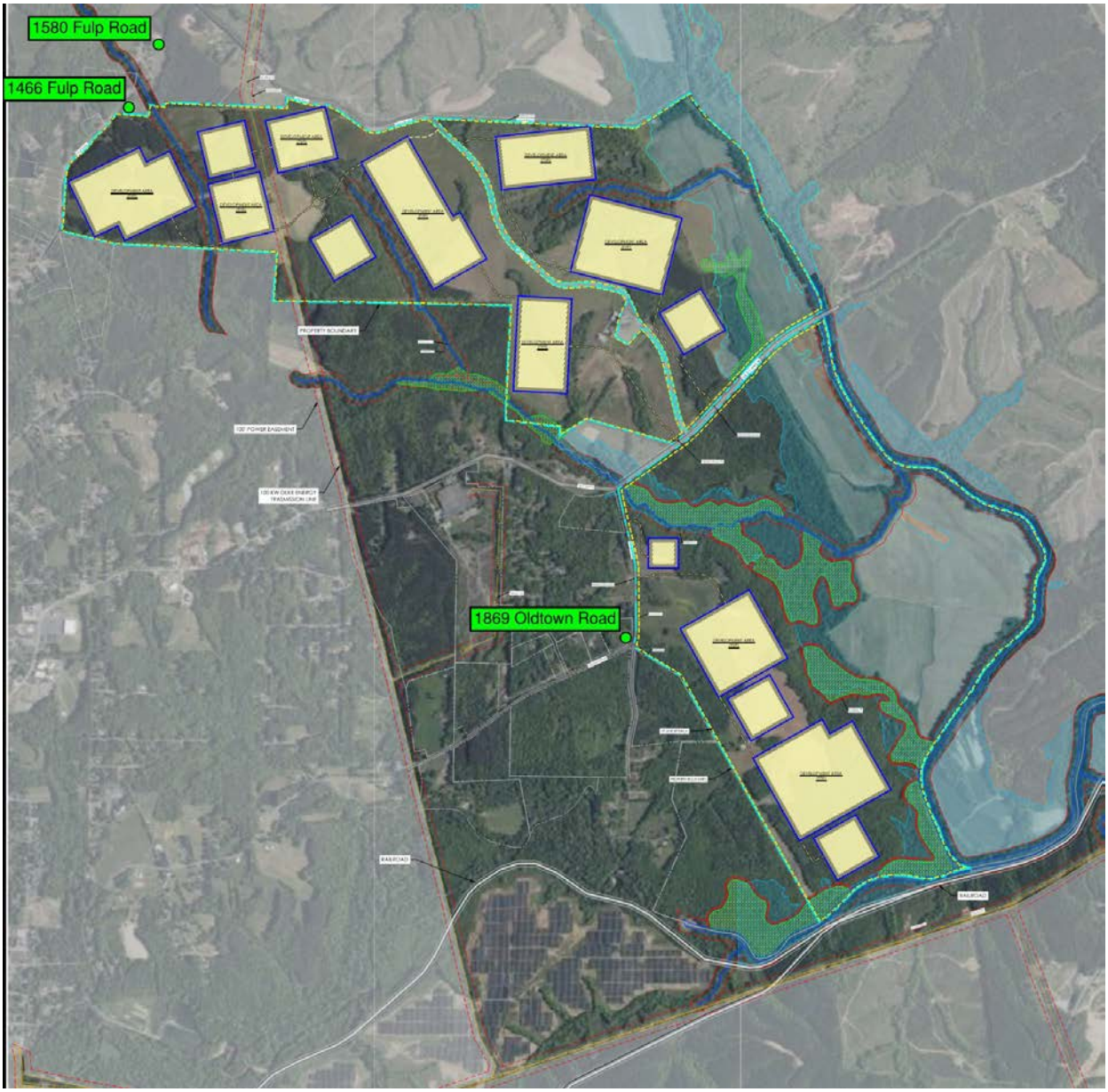


Figure 1. Aerial map showing Project Delta boundaries and development areas and the three residences where ambient noise measurements were made (taken from Thomas & Hutton Development Areas submission).

5. During the daytime, quiet ambient noise levels (LAF90) at all three locations were generally between 30 dBA and 40 dBA. During the nighttime, these levels fell to between 20 dBA and 30 dBA at the Fulp Road locations and 25 dBA and 40 dBA at the 1869 Oldtown Road location. Average sound levels (LAeq) were generally between 40 dBA and 50 dBA during the daytime and 30 dBA and 40 dBA at night at the Fulp Road locations and between 50 dBA and 60 dBA during the daytime and 40 dBA and 50 dBA at night at the 1869 Oldtown Road location. These

sound levels are consistent with typical rural/quiet suburban areas. It is anticipated that nearby residences would have similar ambient noise level profiles.

6. The results of the study show that a design criterion of 70 dBA at the Data Center property line under "normal conditions" and presumably greater than 70 dBA under "abnormal conditions" would likely result in a significant, adverse impact on nearby residential properties, could result in constant mechanical equipment sounds perceived as eight to twelve times louder than the current ambient noise level conditions (based on standard psychoacoustic loudness relationships), and "drown out" the nature sounds heard at the residences nearest the Project's property line.

7. Additionally, even with a lower A-weighted sound level limit than 70 dBA, low-frequency sounds may also adversely impact the residents and should be regulated through the use of C-weighted or octave band sound level limits.

3 STUDY METHOD

3.1 Noise Measurement Locations and Times

Two types of sound level measurements were made - short-term and long-term – on residential properties at the following addresses:

- 1869 Oldtown Road, Walnut Cove, NC
- 1466 Fulp Road, Walnut Cove, NC
- 1580 Fulp Road, Walnut Cove, NC

Long-term noise monitoring occurred from late afternoon on Saturday, February 28, 2026, until late afternoon on Tuesday, March 3, 2026, at all three locations. Short-term sound levels were measured at all three locations on Saturday, February 28, 2026, when the long-term noise monitoring stations were deployed, and on Tuesday, March 3, 2026, when the long-term noise monitoring stations were retrieved. Ambient sounds and sound levels were also periodically observed throughout the 72-hour measurement time remotely via the noise measurement equipment's modem, which allows for remote listening and recording of sounds and remote control of the sound level meters.

Figures 2, 3, and 4 contain aerials of each of the three ambient noise measurement locations and the nearby properties and roads. Table 1 contains the GPS coordinates for each of the noise monitoring locations and a general description of the sounds heard at each location.

Table 1. Summary of long-term noise monitoring locations.

Address	GPS Coordinates	Comments
1869 Oldtown	N 36° 18'44.76" W 80° 6'22.39"	Sound level measurements were made on the north side of the property approximately 105 ft from Oldtown Rd to the east and 135 ft from the north face of the home at this location. Ambient sounds at this location include birds and insect noise and the frequent passing of vehicles on Oldtown Rd throughout most of the day. Prop planes were also heard flying overhead.

Address	GPS Coordinates	Comments
1466 Fulp	N 36° 20'9.21" W 80° 8'5.56"	Sound level measurements were made on the east side of the residential structure near the southeast corner of the porch overlooking the back yard. This location is dominated by the sounds of birds chirping and calling, insect noise, and distant traffic. Other sounds include occasional cars passing on Fulp Rd. and prop planes flying overhead. This location is very quiet at night when the birds are inactive.
1580 Fulp	N 36° 20'20.75” W 80° 7'58.14"	Sound level measurements were made in the northeast corner of the property approximately 95 ft from the northeast corner of the house and 285 ft east of Fulp Rd. This location is dominated by the sounds of birds chirping and calling and of insect noise. The condensing unit at the home could be heard cycling on and off. Occasional cars can be heard passing on Fulp Rd. A prop plane was heard overhead. This location is very quiet at night when the birds are inactive.



Figure 2. Aerial showing the location where sound levels were measured at 1869 Oldtown Rd.



Figure 3. Aerial showing the location where sound levels were measured at 1466 Fulp Rd.



Figure 4. Aerial showing the location where sound levels were measured at 1580 Fulp Rd.

3.2 Short-Term Ambient Noise Measurement Equipment and Settings

Short-term ambient sound levels of specific events were measured with a Larson Davis 831 Sound Level Meter (Serial No. 2520) at all three residences. This meter meets ANSI Standard S1.43 requirements for Type 1 exponential averaging sound level meters and for Type 1 integrating averaging sound level meters. The microphone on the sound level meter was held at a height of approximately 5 ft above the ground for all measurements. A 3.5" diameter windscreen was attached to the microphone for all measurements. The meter was calibrated with a Larson Davis CAL200 Acoustical Calibrator (Serial No. 5574) before the measurements and was within 0.1 dB of calibration after the measurements were completed. Calibration certificates for the Larson Davis 831 Sound Level Meter used for short-term sound level measurements and the Larson Davis CAL200 Acoustical Calibrator used for all sound level meters are included in Appendix C.

The short-term sound level meter was set to record the A-weighted equivalent continuous sound level (LA_{eq}), C-weighted equivalent continuous sound level (LC_{eq}), and octave band equivalent continuous sound levels (L_{eq}) each second during the measurement period, typically between 30 and 60 seconds, as well as many other metrics. The primary purpose of the short-term sound level measurements was to capture the frequency characteristics and sound levels of ambient sounds, such as cars or trucks passing on a road, insect noise, birds chirping, and quiet ambient conditions with no discernable noise activity taking place.

3.3 Long-Term Ambient Noise Monitoring Equipment and Settings

Outdoor noise monitoring systems from Larson Davis, utilizing Larson Davis Model 831C Sound Level Meters, were used to record long-term ambient sound levels at all three residences. These meters meet ANSI Standards S1.4 requirements for Type 1 exponential averaging and integrated averaging sound level meters. The

Definitions:

Decibel: The unit of sound level, expressed as dB.

A-weighted sound level (dBA): The A-weighted sound level is one to which an A-weighting filter has been applied. The A-weighted filter removes significant amounts of low frequency energy from the overall weighted sound level calculation to simulate the way humans perceive the loudness of sounds of low to moderate sound level. By devaluing the contribution of low frequency sounds, however, it can be a poor representation of the potential disturbance from low frequency sounds, especially at higher sound levels.

C-weighted sound level (dBC): The C-weighted sound level is one to which a C-weighting frequency filter has been applied. The C-weighted sound level removes very little low frequency sound energy from the overall weighted sound level calculation to simulate the way humans perceive the loudness of higher-level sounds. The C-weighted sound level is a better indicator of the presence of low frequency sound than the more traditionally used A-weighted sound level. A significant difference (more than 10 dB) between the C-weighted and A-weighted sound levels typically indicates the presence of a strong "bass" component to the sound.

Equivalent Continuous Sound Level (L_{eq}): Often referred to as the average sound level, the L_{eq} (or LA_{eq} if A-weighted and LC_{eq} if C-weighted) is the level of a steady-state sound which, in a stated time period and at a stated location, has the same sound energy as the time-varying sound, expressed as dB, or dBA if A-weighted and dBC if C-weighted.

Maximum Sound Level (L_{max}): The maximum sound level that occurs during a measurement period when measured using either a Slow (LS_{max}) or Fast (LF_{max}) time constant on the sound level meter, expressed in dB. For A-weighted sound levels, the symbol LA_{max} is used and can be further defined as LAS_{max} or LAF_{max} to describe the time constant (similar for C-weighting).

Minimum Sound Level (L_{min}): The minimum sound level that occurs during a measurement period when measured using either a Slow (LS_{min}) or Fast (LF_{min}) time constant on the sound level meter, expressed in dB. For A-weighted sound levels, the symbol LA_{min} is used and can be further defined as LAS_{min} or LAF_{min} to describe the time constant (similar for C-weighting).

Percentile-Exceeded Sound Level (LX): The A-weighted (fast or slow) sound level equaled or exceeded by a fluctuating sound level "X" percent of the time, expressed in dBA. For example, the L10 represents the sound level equaled or exceeded 10 percent of the measurement period.

Octave bands: The audible frequency range can be separated into unequal ranges of frequencies called octaves. An octave band is one in which the upper band center frequency is twice the center frequency of the adjacent, lower octave band. Octave bands allow for a more detailed understanding of the frequency distribution, or character, of the sound.

sound level meters were installed using the Larson Davis SoundAdvisor Model NMS044 noise monitoring system, which includes a pre-polarized microphone and preamplifier that are environmentally protected in a shroud on a telescoping pole, which is mounted to the case that houses the sound level meter, and a 12V lithium battery that supplies power to the sound level meter. The cases were chained and locked to trees to protect against tampering and theft. Solar panels (100 Watt) were connected to the batteries at 1869 Oldtown Rd and 1580 Fulp Rd and 120 V power was supplied from the residence to the battery at 1466 Fulp Rd to keep the batteries charged for the duration of the measurements.

The sound level meters in the long-term noise monitoring stations were calibrated with a Larson Davis CAL200 (Serial No. 5574) pistonphone before the measurements began and found to be within 0.1 dB of calibration at the completion of the measurements. Calibration certificates for the 831C Sound Level Meters used for the long-term sound level measurements and the Larson Davis CAL 200 calibrator are included in Appendix C.

The sound level meters were set to record the LA_{eq}, LAF_{max}, 90 percentile exceeded (LAF90), LCF_{min}, LCeq, and LCS_{max} sound levels every 15 minutes for five days, among many other metrics that can be used to evaluate the acoustic environment. The LAF90 is the sound level exceeded 90 percent of the time and generally represents the quiet ambient noise level in a given environment. In other words, the sound level that exists in the environment when there is no particular nearby or distinctly dominant sound present, such as a car passing or a plane flying overhead. Since the sound level meters are not capable of measuring the LCF90 and LAF90 values at the same time, the LCF_{min} was recorded in lieu of the LCF90. The LCF90 sound levels would fall between the LCF_{min} and LC_{eq} sound levels.

The long-term noise monitoring stations are equipped with modems that allow for remote control, downloading, listening, and recording. At intervals throughout the 72 hours of measurements, the equipment was remotely accessed to listen to, record, and measure short-term sound levels and to observe the second-to-second fluctuations in sound level that occur due to birds calling or cars passing by the site, as well as to listen to the sound of rain on the morning of Tuesday, March 3, 2026.

4 RESULTS

4.1 Short-term Ambient Noise Level Measurement Results

Table 1 contains a tabular summary of the short-term ambient noise level measurements, including a description of the noise sources and the LA_{eq} and LC_{eq} sound levels associated with each measurement. There was little to no wind and no rain at all locations during the short-term noise level measurements. Appendix A contains octave band sound pressure level (L_{eq}) graphs for each short-term noise level measurement.

The short-term noise level data are indicative of a relatively quiet, rural area in which the back and forth of bird calls can be heard well above the ambient sound level, with brief interruptions by occasional cars at the Fulp Road location and more consistent traffic at the Oldtown Road location. When no cars are present, A-weighted sounds were generally in the 30 to 40 dBA range, with sound levels as high as 45 dBA to 50 dBA due to birds calling. Additionally, when no cars are present, C-weighted sound levels were in the 47 to 51 dBC range, which suggest that relatively low levels of low-frequency noise existing in the existing environment.

Table 2. Tabular summary of short-term sound level measurements made on Saturday, March 28, 2026, and Tuesday, March 3, 2026.

Date	Time	Filename	LAeq	LCeq	General description
1869 Oldtown Road					
2/28/26	4:36 pm	PDELTA_2.001	61 dBA	64 dBC	Traffic on Oldtown. Sound levels ranged from 47 dBA to 67 dBA.
	4:37 pm	PDELTA_2.002	45 dBA	53 dBC	Ambient, birds, car passing on Oldtown. Sound levels ranged from 39 dBA to 52 dBA.
	4:40 pm	PDELTA_2.003	55 dBA	61 dBC	Ambient, birds, distant prop plane, car passing on Oldtown. Sound levels ranged from 38 dBA to 66 dBA.
	4:42 pm	PDELTA_2.004	53 dBA	62 dBC	Ambient, birds, distant prop plane, car passing on Oldtown. Sound levels ranged from 39 dBA to 62 dBA.
3/3/26	5:29 pm	PDELTA_2.010	65 dBA	72 dBC	Traffic on Oldtown Road. Sound levels ranged from 52 dBA to 72 dBA.
	5:30 pm	PDELTA_2.011	57 dBA	62 dBC	Traffic on Oldtown Road. Sound levels ranged from 43 dBA to 66 dBA.
	5:32 pm	PDELTA_2.012	57 dBA	63 dBC	Traffic on Oldtown Road. Sound levels ranged from 40 dBA to 56 dBA.
	5:33 pm	PDELTA_2.013	49 dBA	57 dBC	Quiet ambient, birds, distant prop plane, car passing. Sound levels ranged from 38 dBA to 66 dBA.
1466 Fulp Road					
2/28/26	5;25 pm	PDELTA_2.005	31 dBA	47 dBC	Quiet ambient, birds, distant traffic. Sound relatively steady between 29 dBA and 35 dBA.
	5:27 pm	PDELTA_2.006	32 dBA	48 dBC	Quiet ambient, birds, distant traffic. Sound relatively steady between 30 dBA and 34 dBA.
3/3/26	5:57 pm	PDELTA_2.014	35 dBA	51 dBC	Quiet ambient, birds, distant traffic, muffled TV sounds from inside residence. Sound levels ranged from 32 dBA to 38 dBA.
	5:59 pm	PDELTA_2.015	47 dBA	54 dBC	Traffic on Fulp, distant dogs barking. Sound levels range from 35 dBA with no vehicles to 55 dBA with cars passing on Fulp.
	6:01 pm	PDELTA_2.016	36 dBA	51 dBC	Quiet ambient, birds, distant dogs barking, muffled TV sounds from inside residence. Sound levels in the low 30 dBA range except for 50 dBA bird.
1580 Fulp Road					
	6:05 pm	PDELTA_2.007	44 dBA	60 dBC	Ambient, birds, distant prop plane, distant motorcycle. Sound levels ranged from 40 dBA to 45 dBA.
	6:07 pm	PDELTA_2.008	43 dBA	52 dBC	Ambient, birds, traffic on Fulp, distant motorcycle. Sound levels ranged from 38 dBA to 49 dBA.
	6:08 pm	PDELTA_2.009	37 dBA	51 dBC	Quiet ambient, birds, distant motorcycle. Sound levels fluctuate between 32 dBA and 45 dBA due to birds.
	6:18 pm	PDELTA_2.017	42 dBA	51 dBC	Quiet ambient, birds, distant traffic. Sound levels fluctuate between 35 dBA and 50 dBA due to birds.
	6:20 pm	PDELTA_2.018	45 dBA	51 dBC	Quiet ambient, birds, distant traffic. Sound levels fluctuate between 37 dBA and 53 dBA due to birds.

4.2 Long-term Noise Monitoring Results

Appendix B contains time-history graphs of the 15-minute LAS90, LA_{eq}, $LA_{max,}$ LCF_{min}, LC_{eq}, and LCF_{max} sound levels measured on the long-term noise monitoring stations at all three locations. The sound level meter is not capable of providing statistical data (i.e., L90) for more than one frequency weighting, so the LCF90 could not be measured. However, LCF90 sound levels would be between the LCF_{min} and LC_{eq} sound levels and generally only 1 to 3 dB above the LCF_{min} sound levels. Also, included on the full-day graphs are the calculated Day-Night Average Sound Level (L_{dn}) values for each day. The L_{dn} is the calculated average of all sounds that occur over a 24-hour period with 10 dB added to all sound levels measured between 10 pm and 7 am. This metric is used by many governmental agencies to evaluate the compatibility of transportation noise sources on an existing community. A constant sound level of 70 dBA over a 24-hour period would have an equivalent L_{dn} of 76 dB.

The following can be observed from the time-history graphs in Appendix B.

1. During the daytime, quiet A-weighted ambient noise levels (LAF90) at all three locations were generally between 30 dBA and 40 dBA. During the nighttime, these levels fell to between 20 dBA and 30 dBA at the Fulp Road locations and 25 dBA and 40 dBA at the 1869 Oldtown Road location.

2. Average A-weighted sound levels (LAeq) were generally between 40 dBA and 50 dBA during the daytime and 30 dBA and 40 dBA at night at the Fulp Road locations and between 50 dBA and 60 dBA during the daytime and 40 dBA and 50 dBA at night at the 1869 Oldtown Road location.

3. During the daytime, C-weighted quiet ambient noise levels (LCF90) at all three locations are estimated to be between 40 dBC and 50 dBC based on the measured LCF_{min} sound levels. At night, these levels fall by 5 to 10 dBC.

4. Average C-weighted sound levels (LAeq) were generally between 50 dBC and 60 dBC during the daytime and 40 dBC and 55 dBC at night at the Fulp Road locations and between 60 dBC and 70 dBC during the daytime and 40 dBC and 60 dBC at night at the 1869 Oldtown Road location.

5. The sound levels described above, especially the nighttime sound levels, are consistent with typical rural/quiet suburban areas. It is anticipated that nearby residences would have similar ambient noise level profiles.

6. The results of the study show that a design criterion of 70 dBA at the Data Center property line under “normal conditions” and presumably greater than 70 dBA under “abnormal conditions” would likely result in a significant, adverse impact on nearby residential properties given the existing ambient noise level conditions. Depending on the distance of the noise sources and receivers from the property line, this could mean sound levels of 60 to 65 dBA projected onto residential properties near the project site. Continuous mechanical equipment sounds of 60 to 65 dBA would increase the nighttime noise floor (LAF90) at the homes by as much as 30 to 45 dBA, an increase perceived as approximately eight to twelve times louder than the current ambient noise level conditions (see Table 3) and would “drown out” the nature sounds heard at the residences nearest the property line.

Table 3. Changes in the perceived loudness of a sound corresponding to specific increases in the level of the sound. Changes in perceived loudness (in sones) are based on the changes in the loudness level (in phons), as described in Figure 10 of ANSI Standard S3.4-2007(2017), *Procedure for the Computation of Loudness of Steady Sounds*.

Increase in the Level of a Sound, in decibels	Perceived Increase in Loudness
0 to 1 dB	Not noticeable
2 to 3 dB	Barely noticeable
4 to 6 dB	Plainly audible
10 dB	Approximately twice as loud
15 dB	Approximately three times as loud
20 dB	Approximately four times as loud
25 dB	Approximately six times as loud
30 dB	Approximately eight times as loud

7. Additionally, even with a lower A-weighted sound level limit than 70 dBA, low-frequency sounds may also adversely impact the residents and should be regulated through the use of C-weighted or octave band sound level limits. Low frequency sounds generated by large mechanical equipment, often heard as a disturbing hum or tone indoors due to the build-up of these sounds in rooms and the sympathetic vibrations that occur in lightweight structures when energized by the low-frequency sound energy, are not adequately regulated using only A-weighted sound levels, as the A-weighting filter significantly de-values the contribution of low-frequency sound to the overall sound level. Un-weighted octave band sound level limits (preferred approach) or C-weighted sound level limits (minimum approach), when used in conjunction with A-weighted sound level limits, provide better protection against the full spectrum of sounds that may emanate from the Data Center facilities and impact residents.

5 CONCLUSIONS

The purpose of the Study was to document the ambient sound level conditions that currently exist at residential properties near the proposed Data Center so that this information may be used as a guide by others for developing noise level criteria for the Data Center and to establish baseline ambient noise level conditions for comparison with post-construction noise measurements. The results of the study show relatively low ambient noise level conditions on the properties that were studied during the times of day and days of the year they were studied. Similar sound level conditions are likely to occur on similar properties near the proposed Data Center, as they are consistent with a rural/quiet suburban area that is not near any major highways, rail lines, airports, or existing industrial sites. Ambient noise levels can and will fluctuate throughout the course of a year, however, in rural/quiet suburban areas, this tends to be due to changes in nature-generated sounds (i.e., more or less noise from birds, frogs, and insects), and not from permanent, structural changes to the environment, especially ones with potentially high levels of low-frequency noise.

The developers of the Data Center propose to limit sound levels during normal operations to no more than 70 dBA at the property line. Given the existing ambient noise levels measured at nearby residences - particularly nighttime levels as low as 20 to 30 dBA - sound levels projected onto these properties could be substantially higher than current conditions and would represent a permanent increase in the

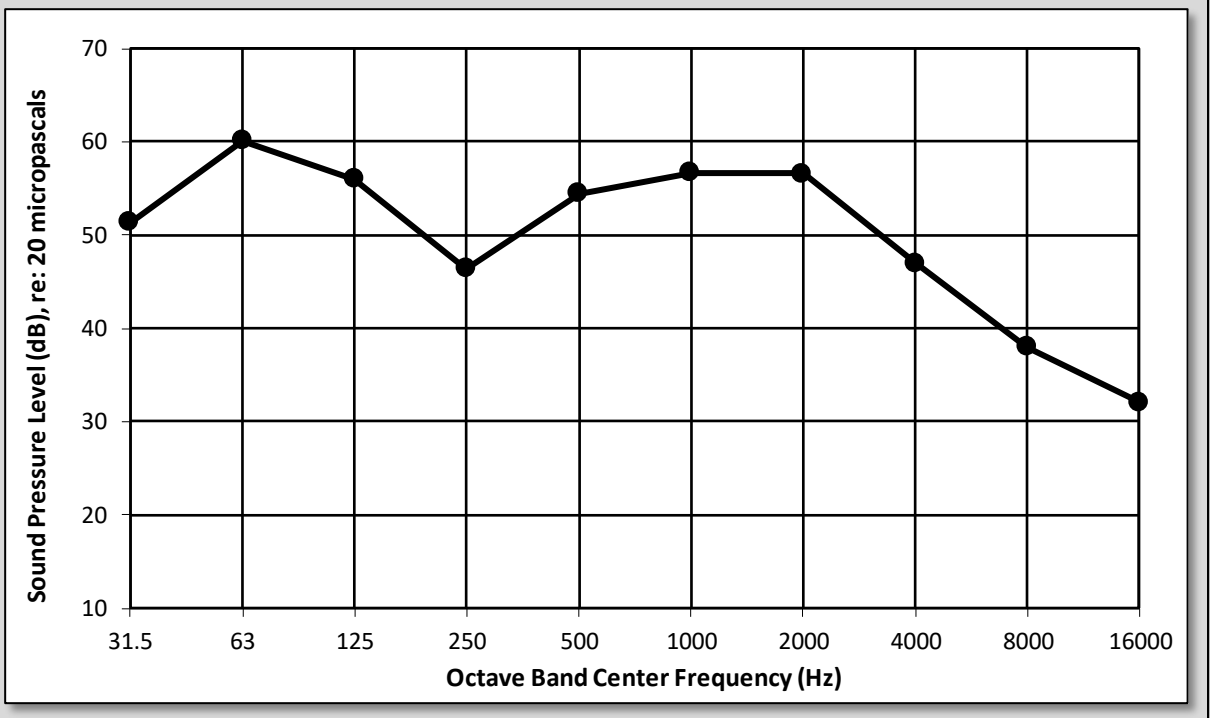
existing noise floor. As discussed in Section 4.2, the magnitude of the projected increase in sound levels relative to existing nighttime ambient conditions corresponds to large, well-established increases in perceived loudness, indicating that even sound levels commonly described as "moderate" in absolute terms would represent a substantial and perceptible change to the existing acoustic environment. Such an increase would exceed the sound levels associated with nearly all existing noise sources in the area and would fundamentally alter the acoustic character of this rural/quiet suburban environment. For these reasons, RML Acoustics recommends that any sound level criteria for the Project Delta Data Center be developed based on the results of a comprehensive noise study conducted by an independent, third-party acoustical consultant with demonstrated experience evaluating large-scale, noise-generating facilities in quiet, rural settings.

APPENDIX A

OCTAVE BAND SOUND PRESSURE LEVEL GRAPHS OF SHORT-TERM SOUND LEVEL MEASUREMENTS

Project Delta Data Center Ambient Noise Study
1869 Oldtown Rd - Traffic on Oldtown Rd

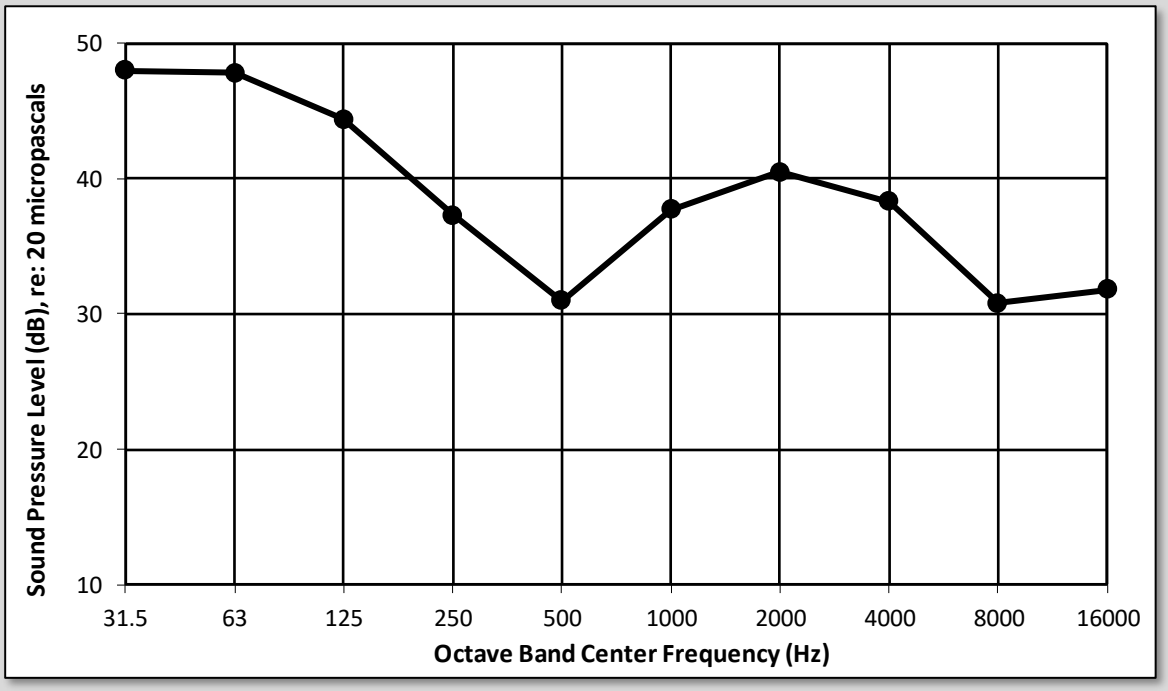
Overall Sound Level: 61 dBA
64 dBC



File Number: PDELTA_2.001.s | Date: 28-Feb-26 | Time: 4:36:12 PM | *RML Acoustics, LLC*

Project Delta Data Center Ambient Noise Study
1869 Oldtown Rd - Ambient, birds, car passing

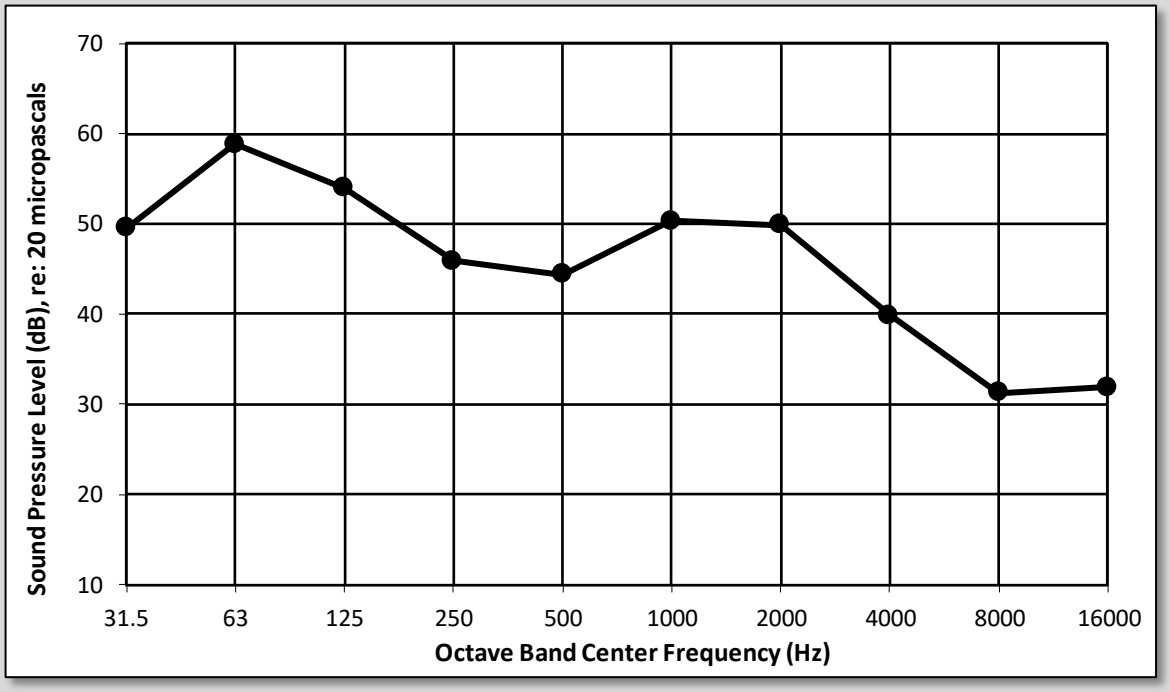
Overall Sound Level: 45 dBA
53 dBC



File Number: PDELTA_2.002.s | Date: 28-Feb-26 | Time: 4:36:58 PM | *RML Acoustics, LLC*

Project Delta Data Center Ambient Noise Study
1869 Oldtown Rd - Ambient, birds, distant prop plane, car passing

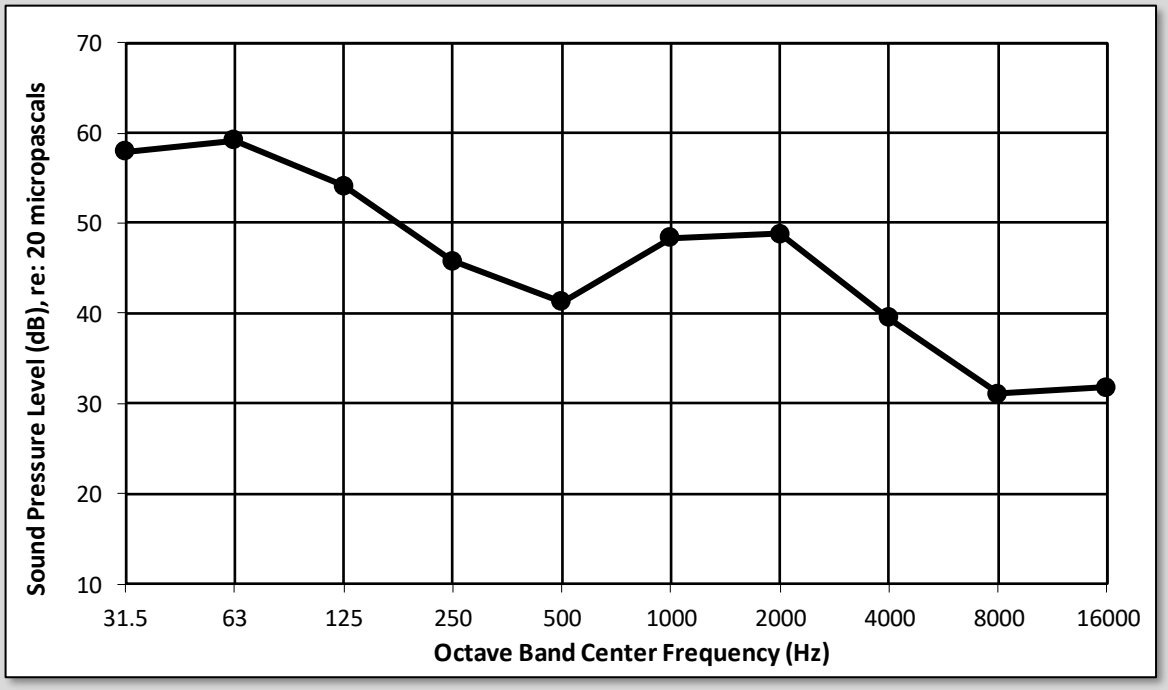
Overall Sound Level: 55 dBA
61 dBC



File Number: PDELTA_2.003.s	Date: 28-Feb-26	Time: 4:40:16 PM	*RML Acoustics, LLC*

Project Delta Data Center Ambient Noise Study
1869 Oldtown Rd - Ambient, birds, distant prop plane, car passing

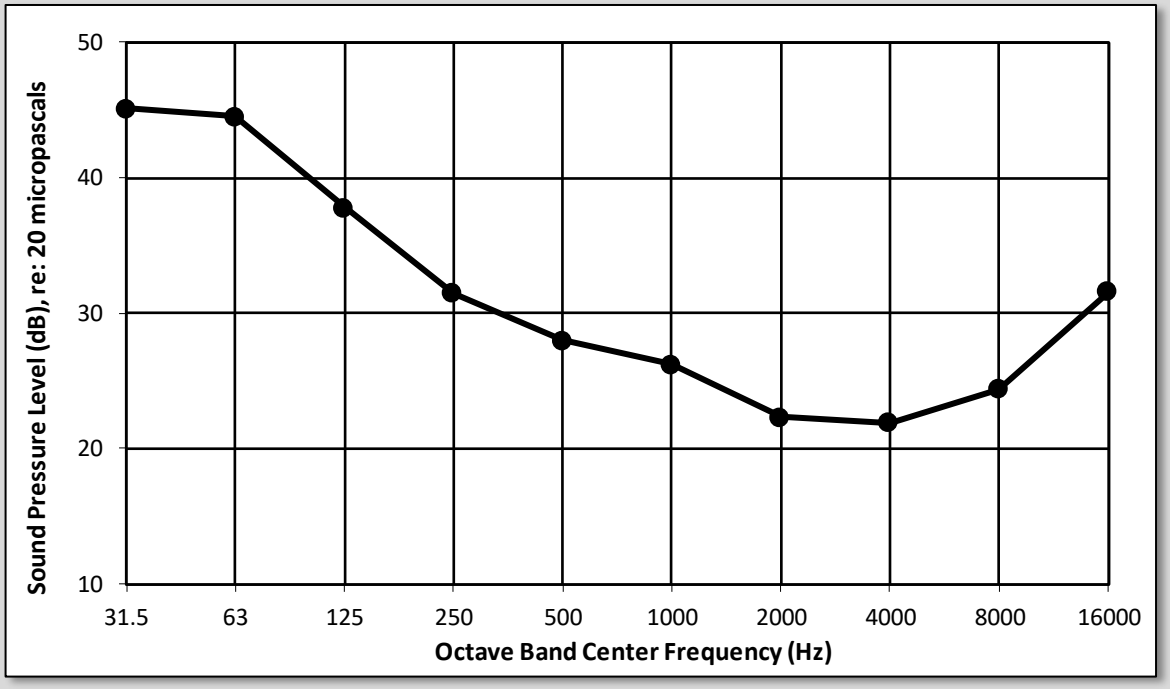
Overall Sound Level: 53 dBA
62 dBC



File Number: PDELTA_2.004.s	Date: 28-Feb-26	Time: 4:41:55 PM	*RML Acoustics, LLC*

Project Delta Data Center Ambient Noise Study
1466 Fulp Rd - Quiet ambient, birds, distant traffic

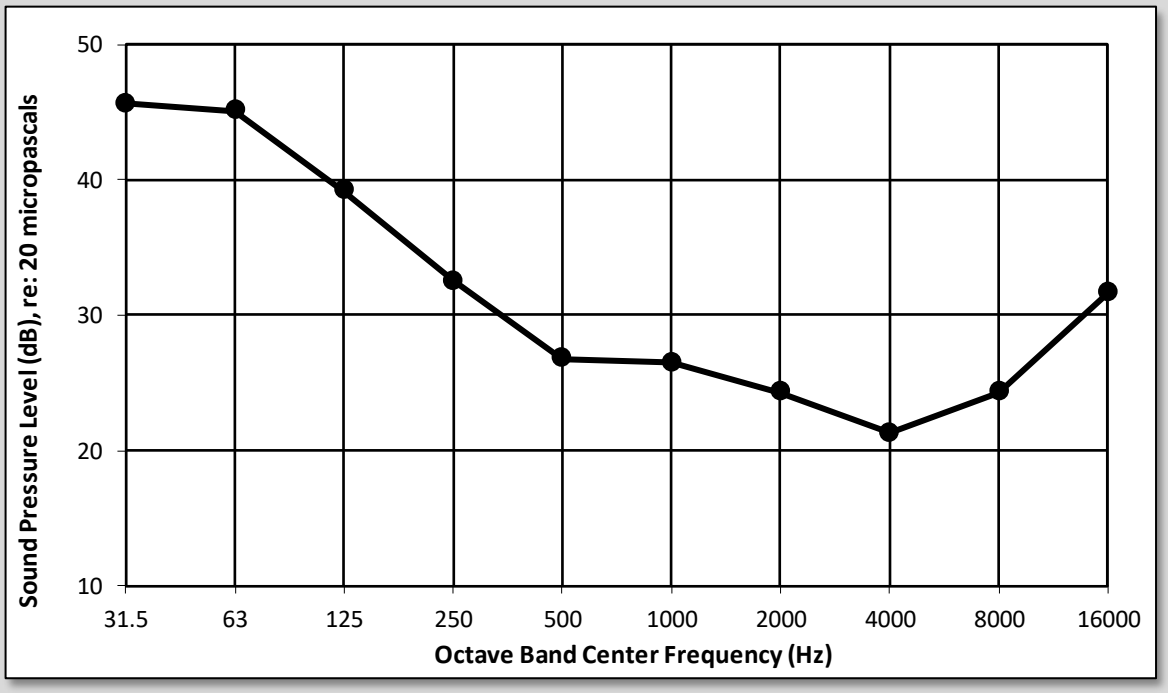
Overall Sound Level: 31 dBA
47 dBC



File Number: PDELTA_2.005.s	Date: 28-Feb-26	Time: 5:25:32 PM	*RML Acoustics, LLC*

Project Delta Data Center Ambient Noise Study
1466 Fulp Rd - Quiet ambient, birds, distant traffic

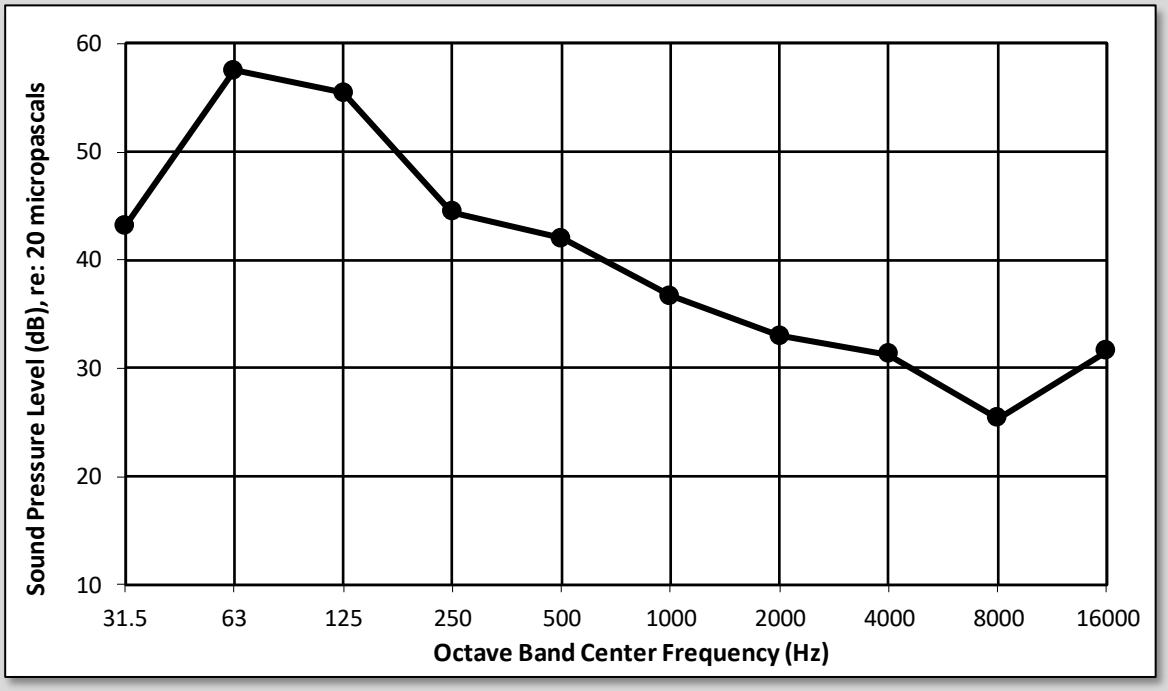
Overall Sound Level: 32 dBA
48 dBC



File Number: PDELTA_2.006.s	Date: 28-Feb-26	Time: 5:26:59 PM	*RML Acoustics, LLC*

Project Delta Data Center Ambient Noise Study
1580 Fulp Rd - Ambient, birds, distant prop plane, distant motorcycle

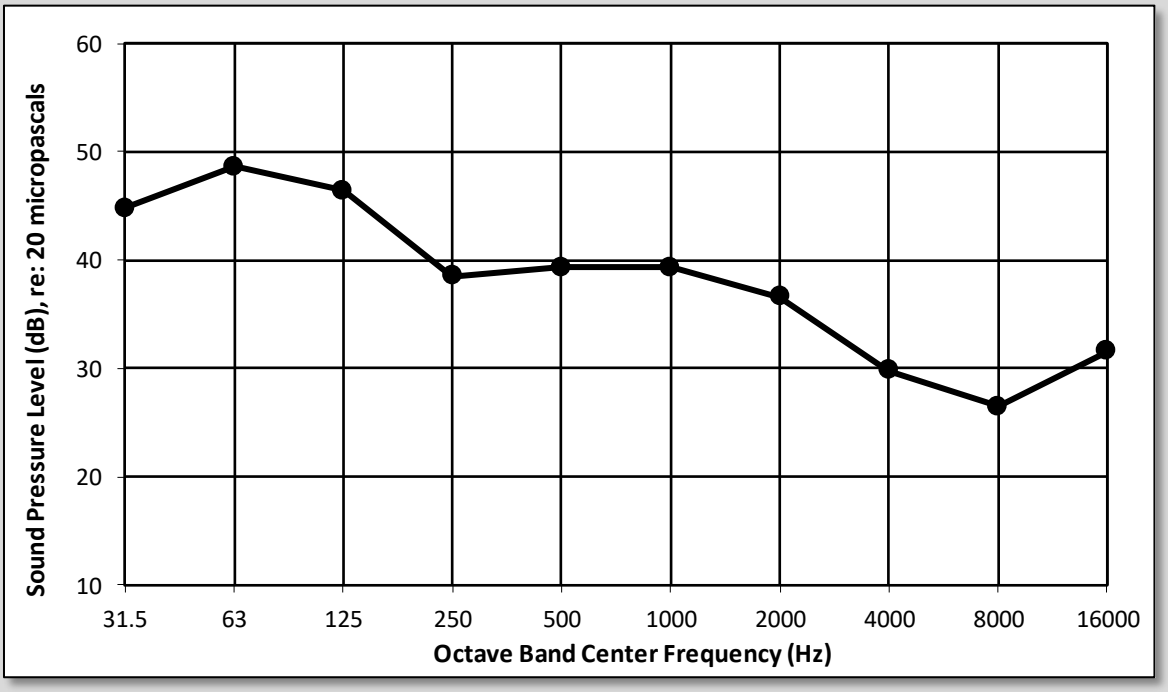
Overall Sound Level: 44 dBA
60 dBC



File Number: PDELTA_2.007.s	Date: 28-Feb-26	Time: 6:05:46 PM	*RML Acoustics, LLC*

Project Delta Data Center Ambient Noise Study
1580 Fulp Rd - Ambient, birds, traffic on Fulp, distant motorcycle

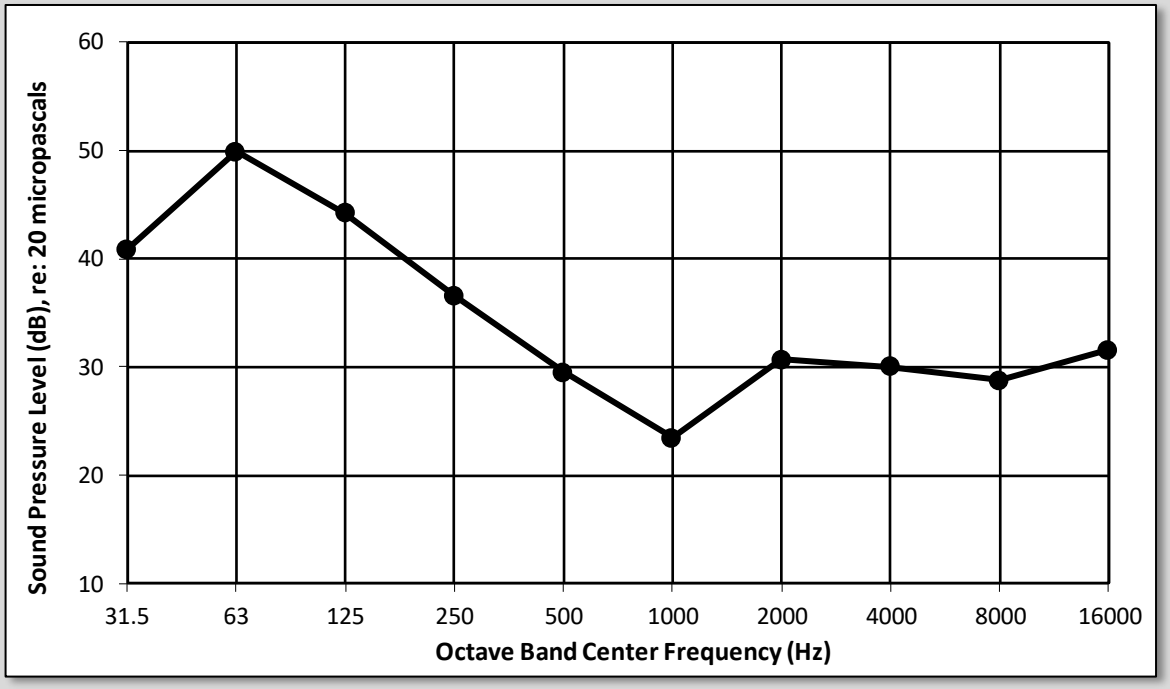
Overall Sound Level: 43 dBA
52 dBC



File Number: PDELTA_2.008.s	Date: 28-Feb-26	Time: 6:07:03 PM	*RML Acoustics, LLC*

Project Delta Data Center Ambient Noise Study
1580 Fulp Rd - Quiet ambient, birds, distant motorcycle

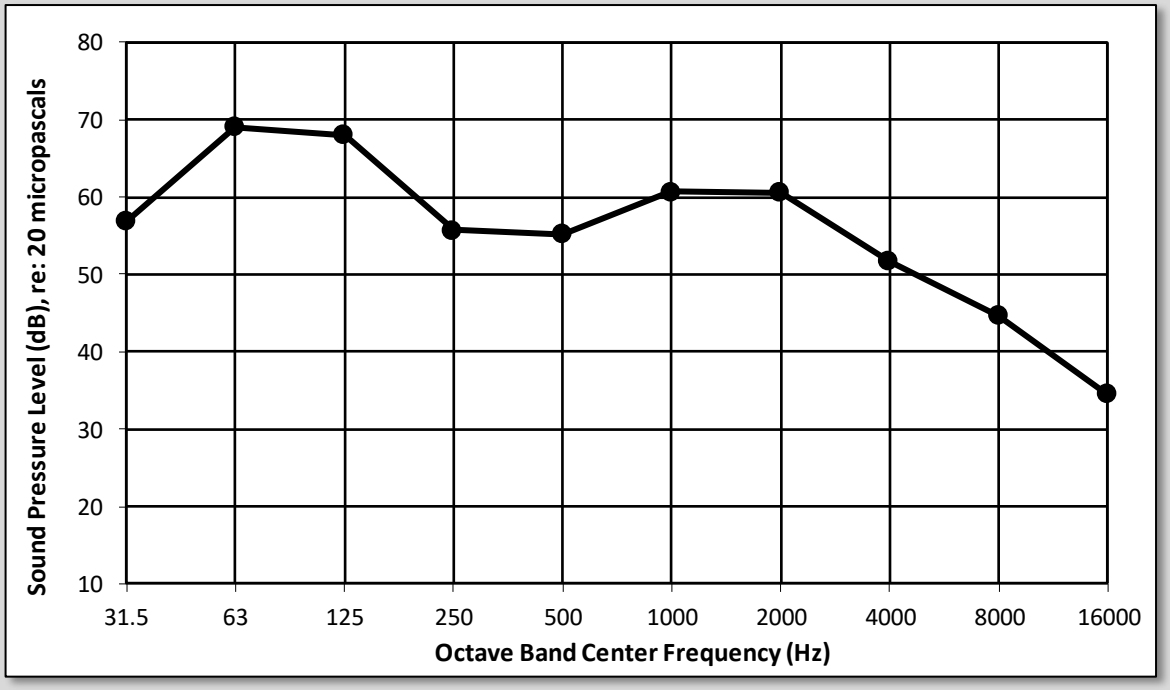
Overall Sound Level: 37 dBA
51 dBC



File Number: PDELTA_2.009.s	Date: 28-Feb-26	Time: 6:08:00 PM	*RML Acoustics, LLC*

Project Delta Data Center Ambient Noise Study
1869 Oldtown Rd - Traffic on Oldtown Rd

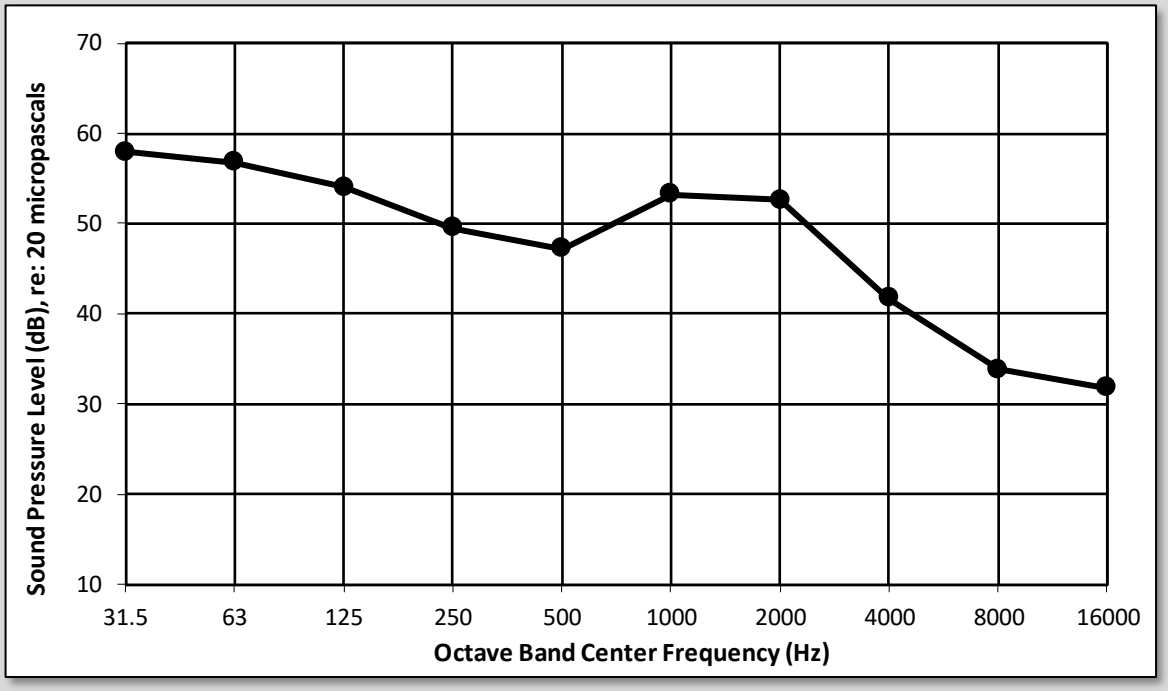
Overall Sound Level: 65 dBA
72 dBC



File Number: PDELTA_2.010.s	Date: 3-Mar-26	Time: 5:28:56 PM	*RML Acoustics, LLC*

Project Delta Data Center Ambient Noise Study
1869 Oldtown Rd - Traffic on Oldtown Rd

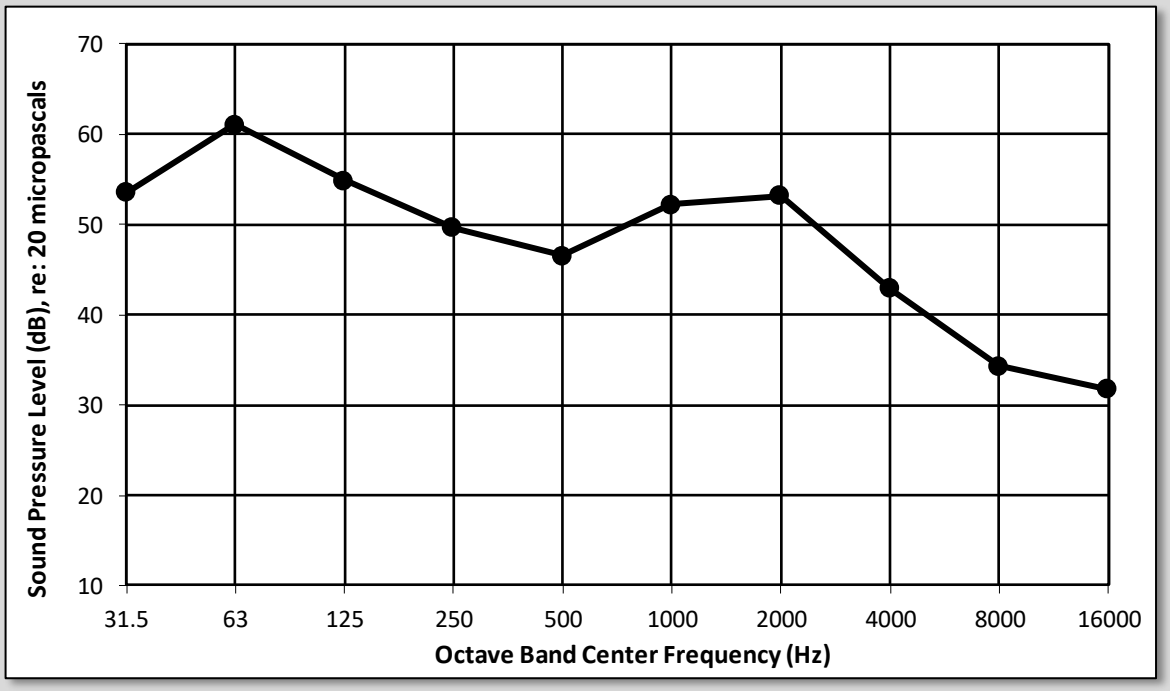
Overall Sound Level: 57 dBA
62 dBC



File Number: PDELTA_2.011.s	Date: 3-Mar-26	Time: 5:30:04 PM	*RML Acoustics, LLC*

Project Delta Data Center Ambient Noise Study
1869 Oldtown Rd - Traffic on Oldtown Rd

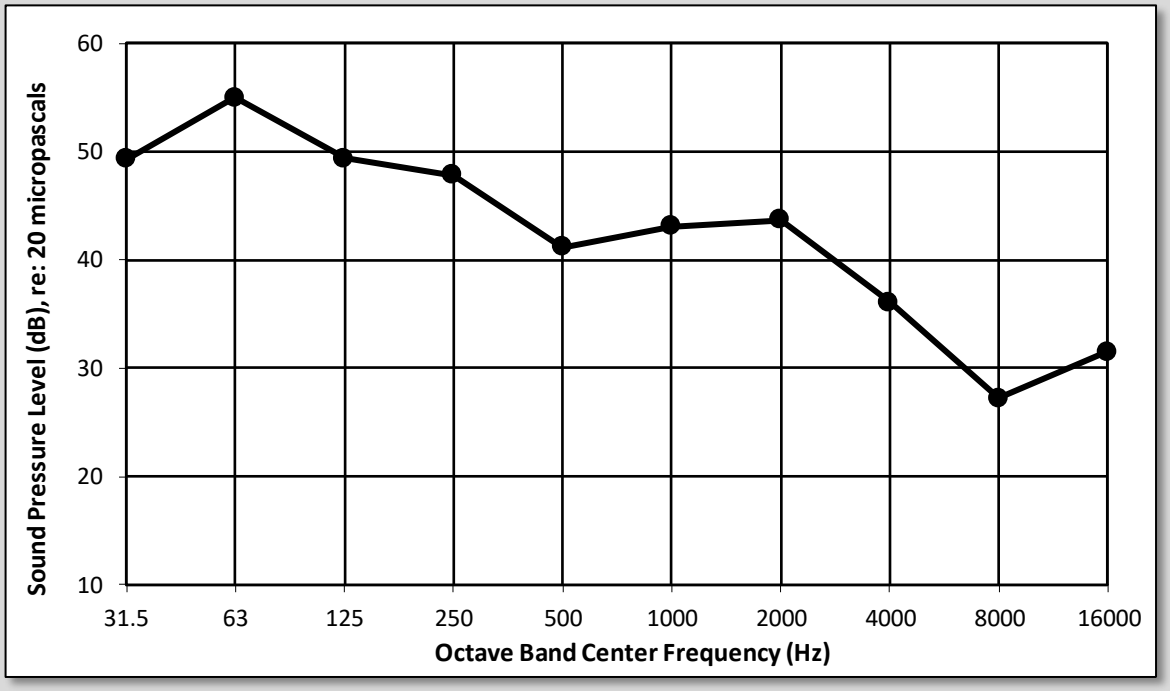
Overall Sound Level: 57 dBA
63 dBC



File Number: PDELTA_2.012.s	Date: 3-Mar-26	Time: 5:32:11 PM	*RML Acoustics, LLC*

Project Delta Data Center Ambient Noise Study
1869 Oldtown Rd - Quiet ambient, birds, distant prop, car passing

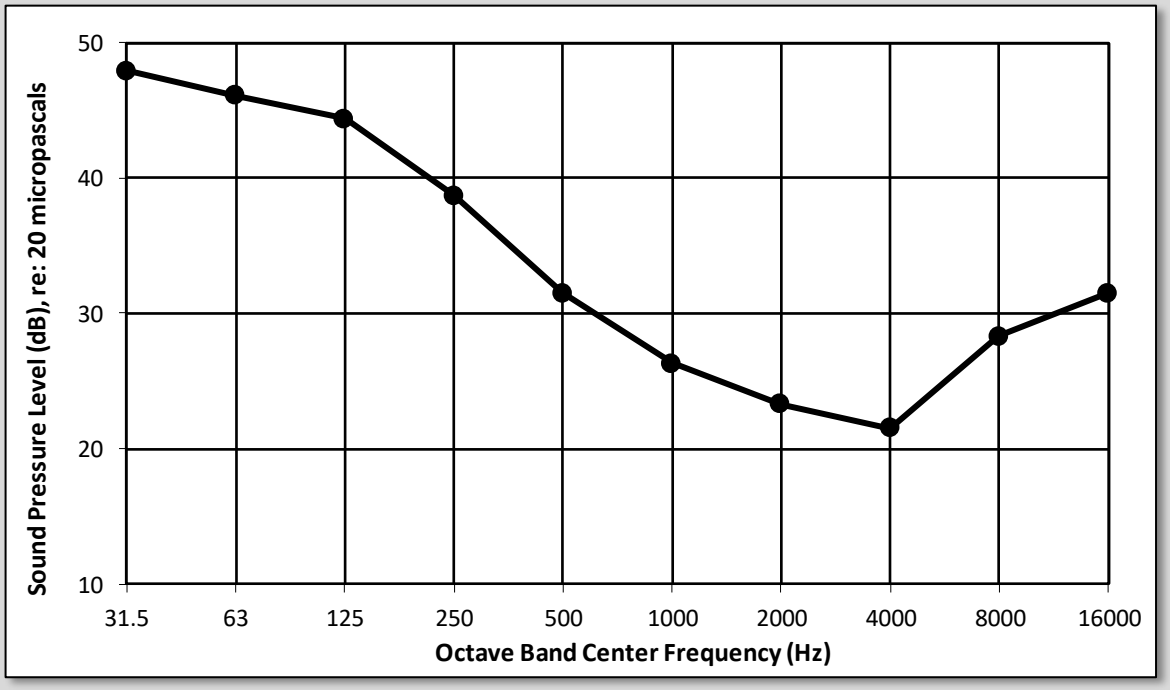
Overall Sound Level: 49 dBA
57 dBC



File Number: PDELTA_2.013.s	Date: 3-Mar-26	Time: 5:33:30 PM	*RML Acoustics, LLC*

Project Delta Data Center Ambient Noise Study
1466 Fulp Rd - Quiet ambient, birds, distant traffic, TV inside home

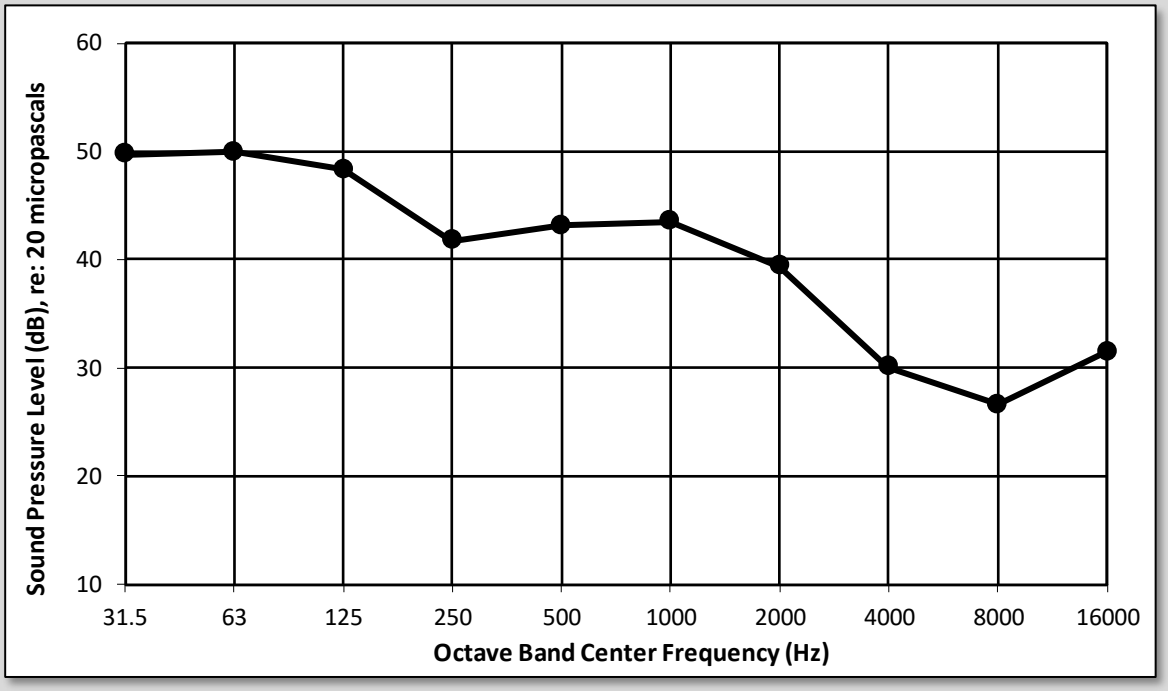
Overall Sound Level: 35 dBA
51 dBC



File Number: PDELTA_2.014.s	Date: 3-Mar-26	Time: 5:57:11 PM	*RML Acoustics, LLC*

Project Delta Data Center Ambient Noise Study
1466 Fulp Rd - Traffic on Fulp Rd, distant dogs barking

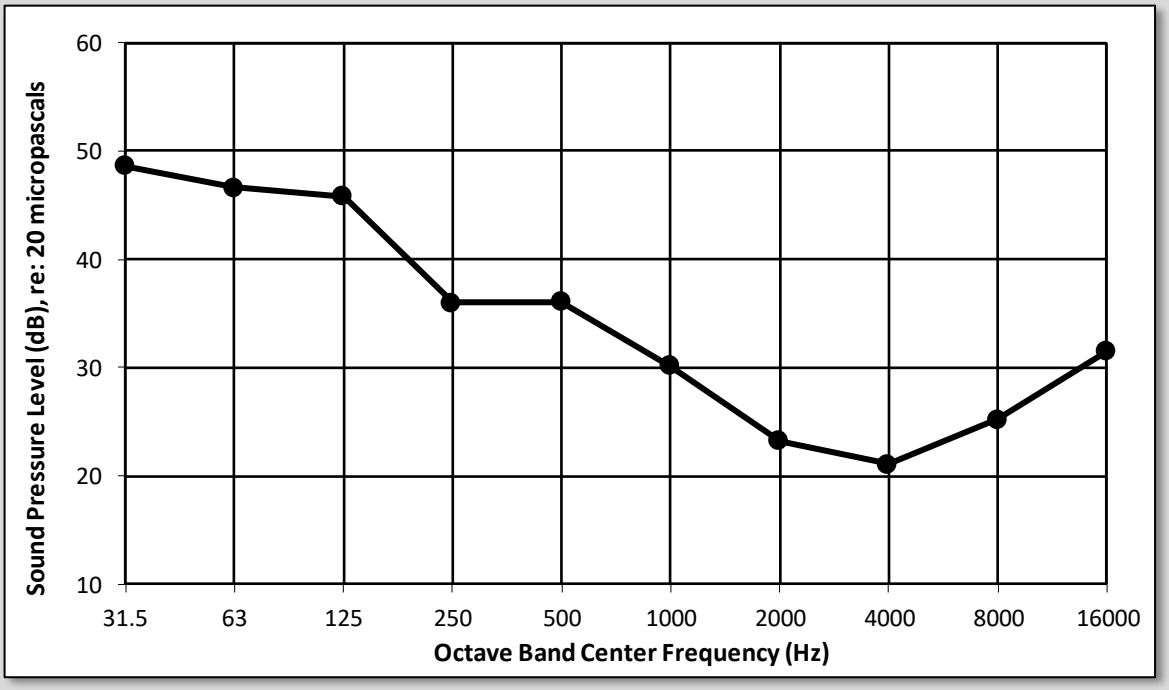
Overall Sound Level: 47 dBA
54 dBC



File Number: PDELTA_2.015.s	Date: 3-Mar-26	Time: 5:59:01 PM	*RML Acoustics, LLC*

Project Delta Data Center Ambient Noise Study
1466 Fulp Rd - Quiet ambient, birds, distant dogs barking, muffled TV

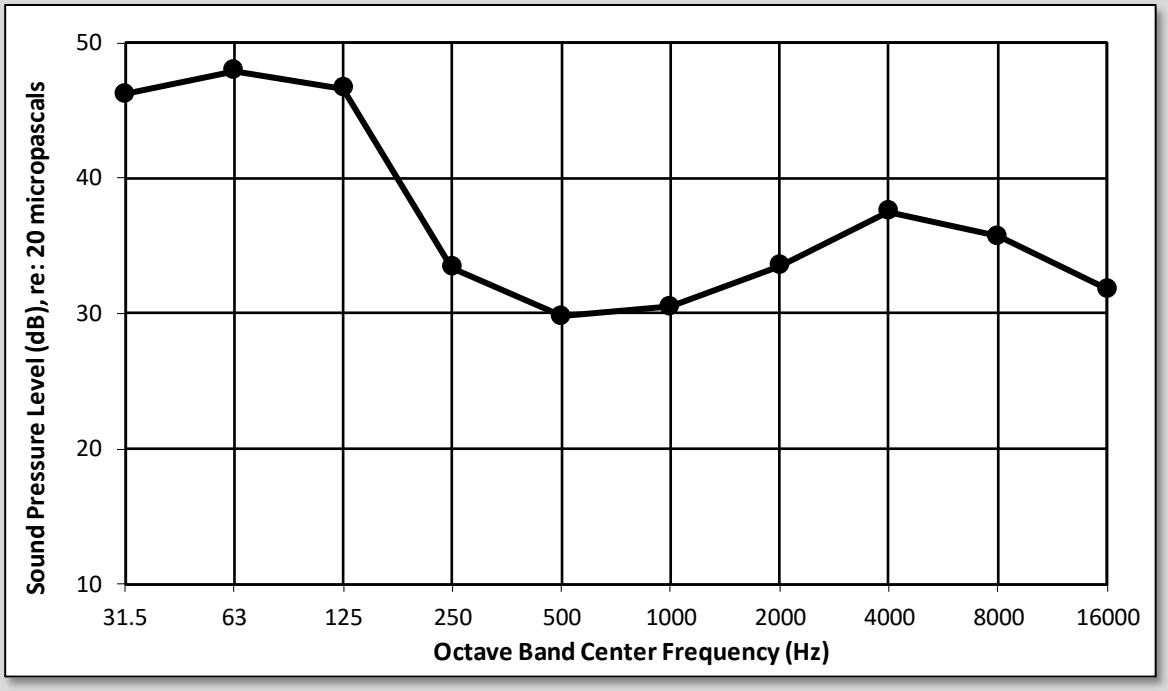
Overall Sound Level: 36 dBA
51 dBC



File Number: PDELTA_2.016.s	Date: 3-Mar-26	Time: 6:00:58 PM	*RML Acoustics, LLC*

Project Delta Data Center Ambient Noise Study
1580 Fulp Rd - Ambient, birds, distant traffic

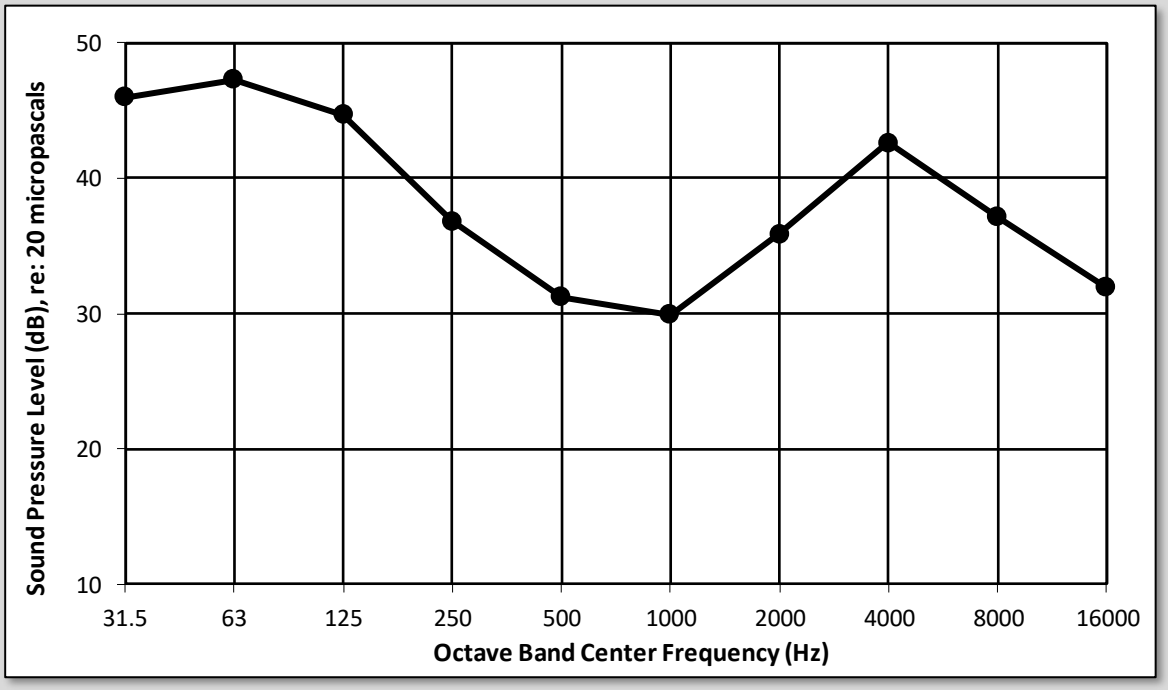
Overall Sound Level: 42 dBA
51 dBC



File Number: PDELTA_2.017.s	Date: 3-Mar-26	Time: 6:18:28 PM	*RML Acoustics, LLC*

Project Delta Data Center Ambient Noise Study
1580 Fulp Rd - Ambient, birds, distant traffic

Overall Sound Level: 45 dBA
51 dBC

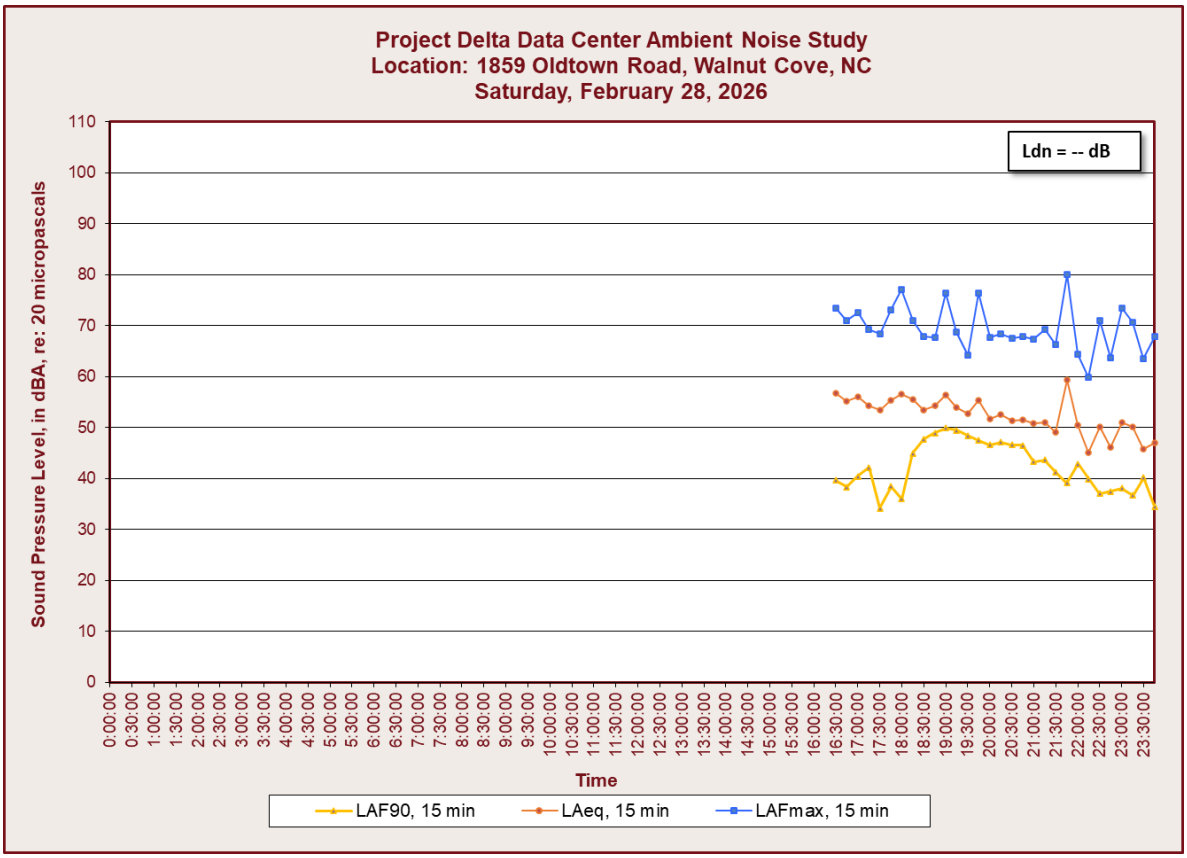


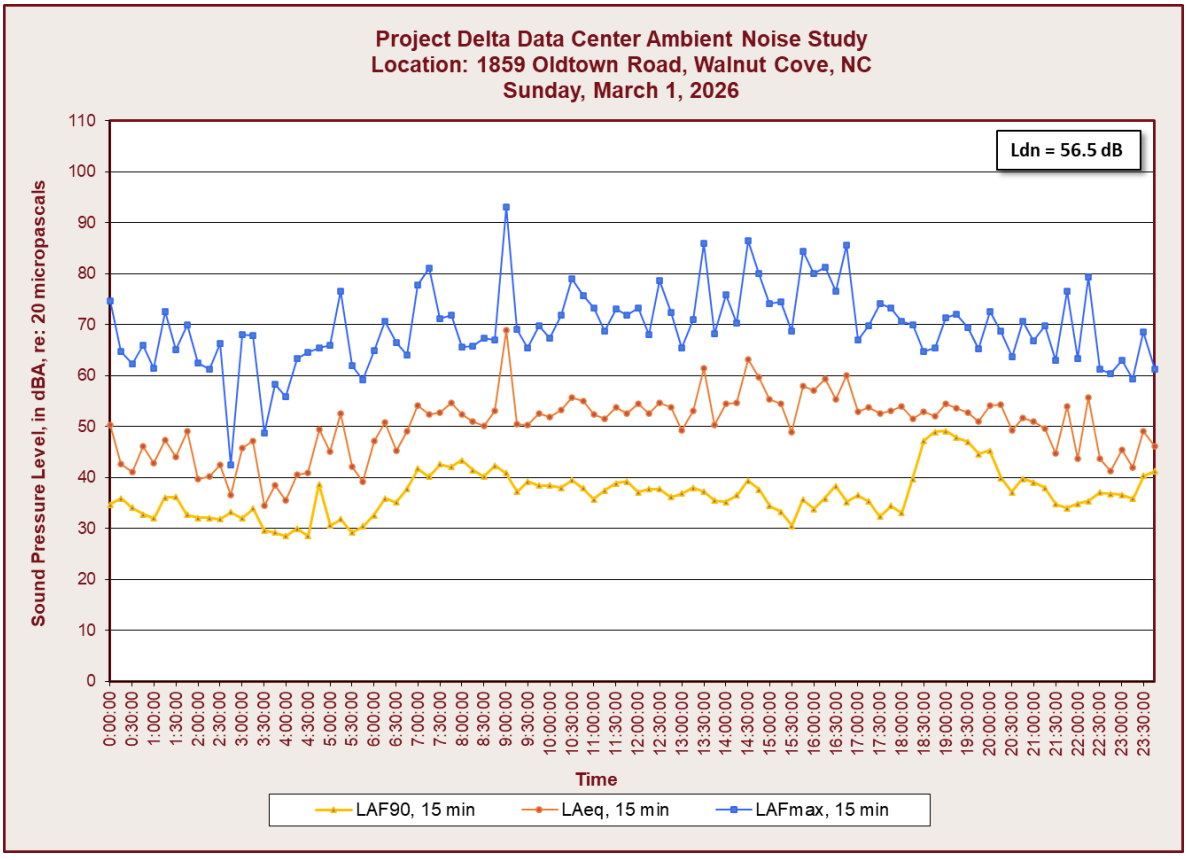
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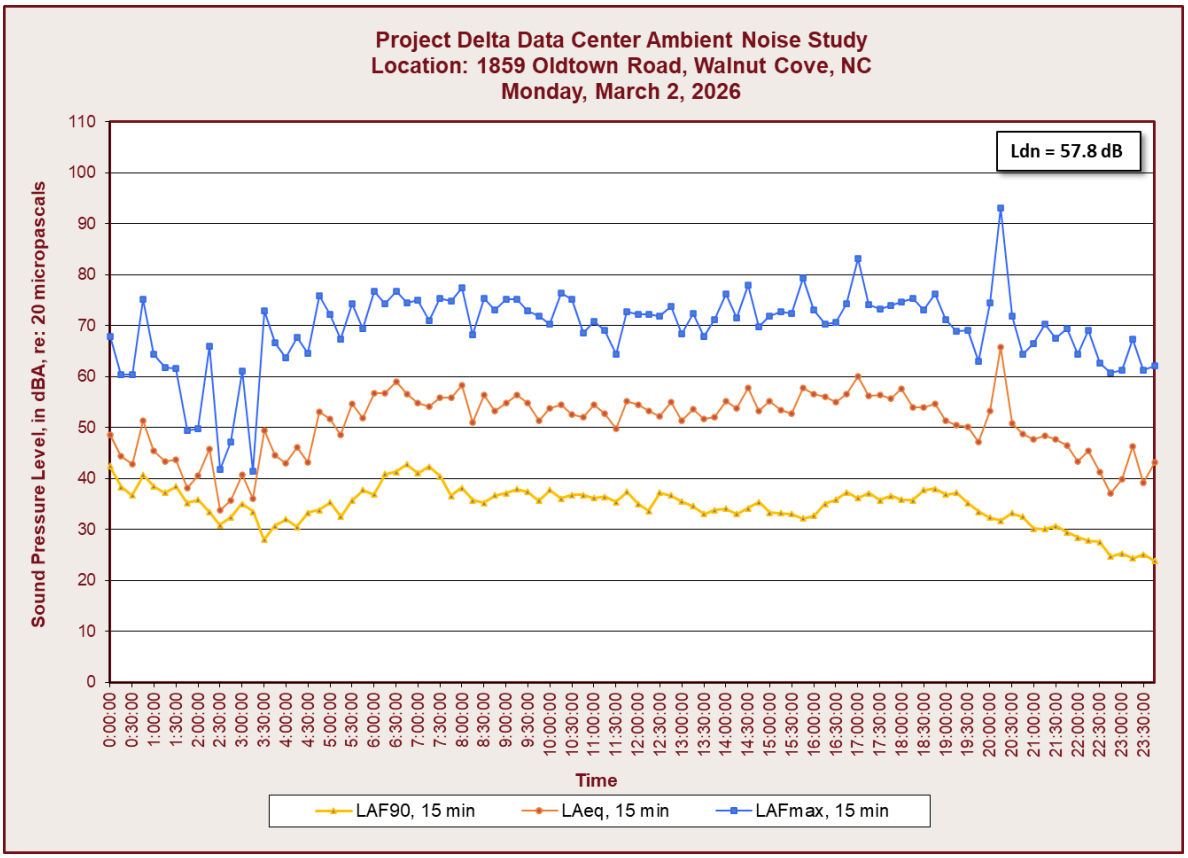
APPENDIX B

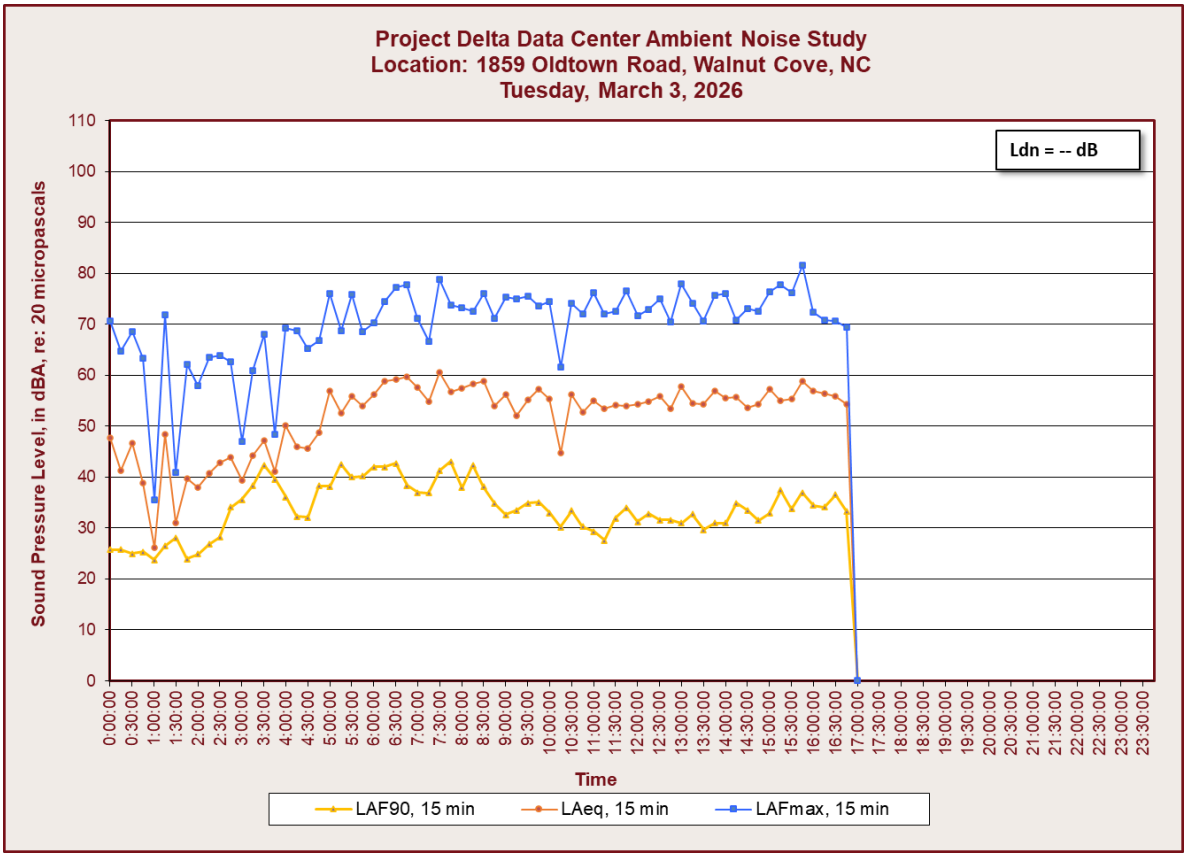
TIME HISTORY GRAPHS OF LONG-TERM SOUND LEVEL MEASUREMENTS

1869 OLDTOWN RD.
A-weighted Sound Levels

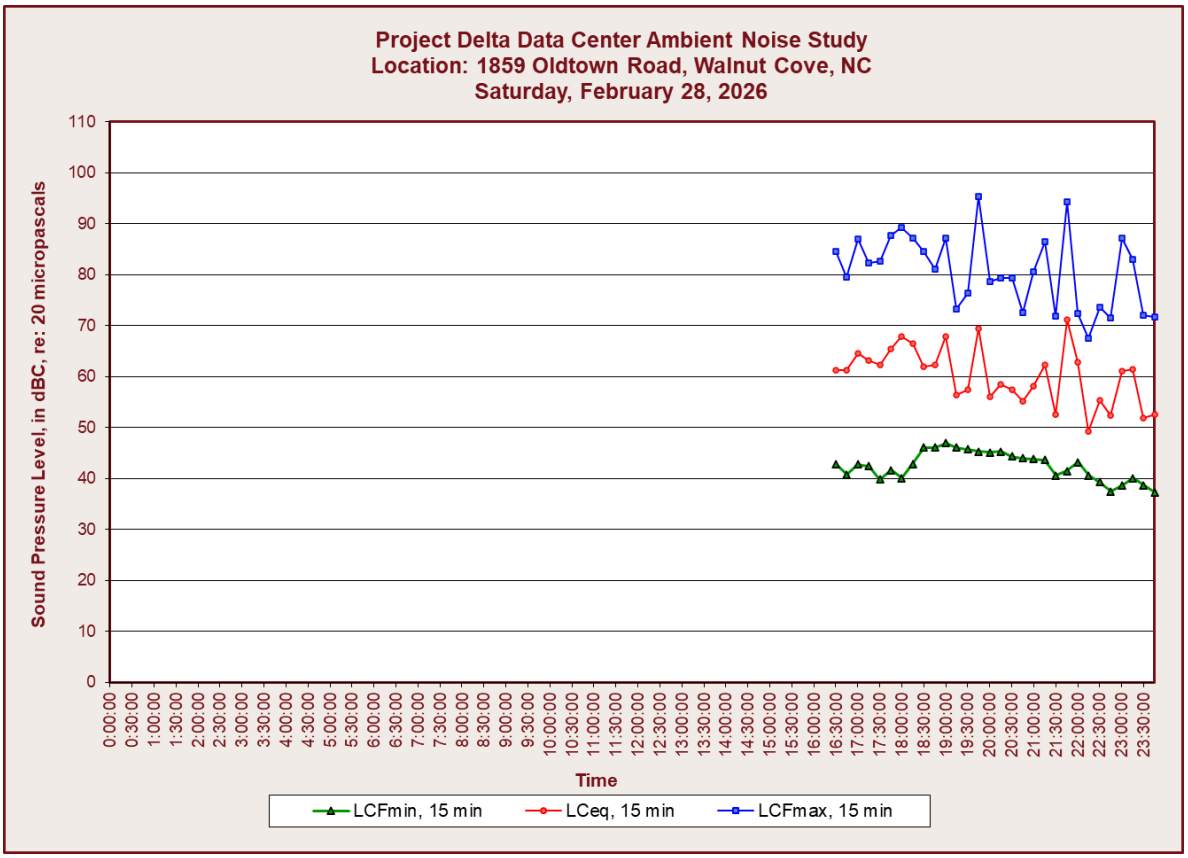

Project Delta Data Center Ambient Noise Study
Location: 1859 Oldtown Road, Walnut Cove, NC
Saturday, February 28, 2026
Ldn = -- dB
Sound Pressure Level, in dBA, re: 20 micropascals
Time
LAF90, 15 min
LAeq, 15 min
LAFmax, 15 min

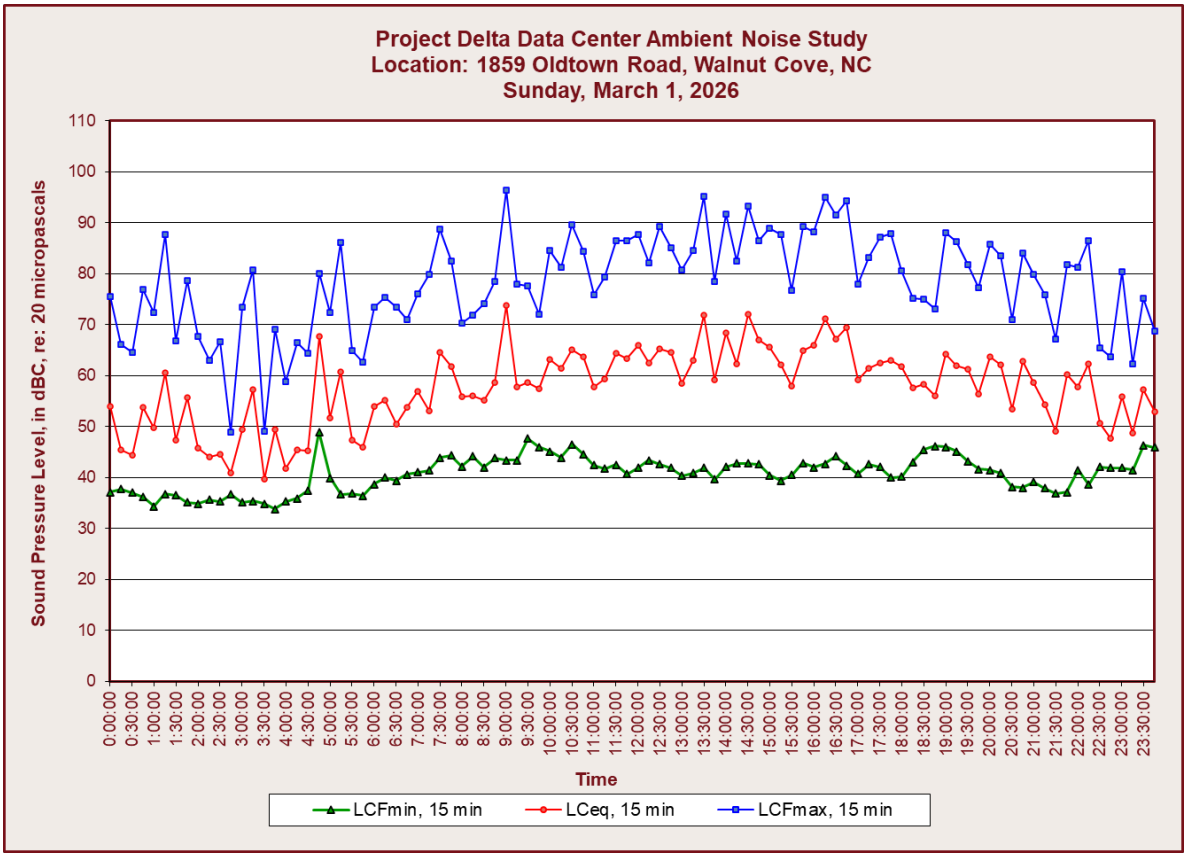

Project Delta Data Center Ambient Noise Study
Location: 1859 Oldtown Road, Walnut Cove, NC
Sunday, March 1, 2026
Ldn = 56.5 dB
Sound Pressure Level, in dBA, re: 20 micropascals
Time
LAF90, 15 min
LAeq, 15 min
LAFmax, 15 min

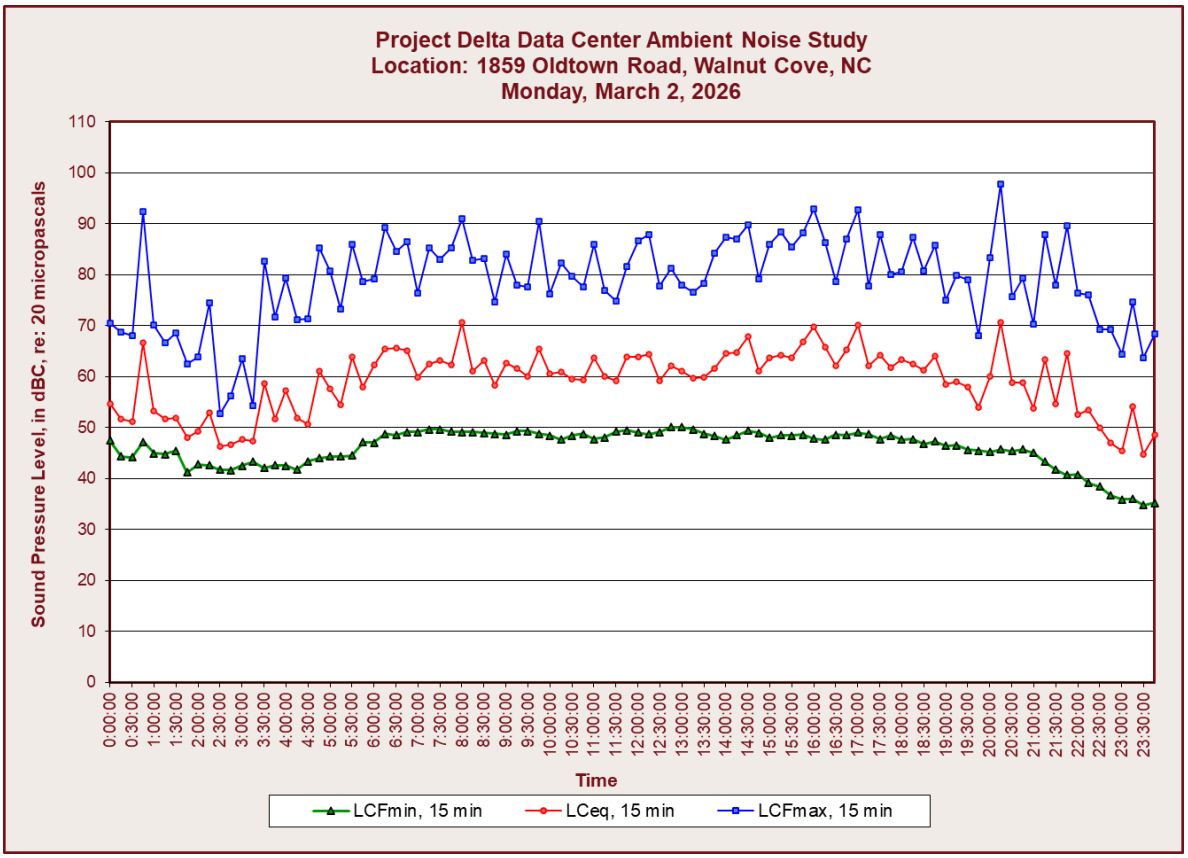

Project Delta Data Center Ambient Noise Study
Location: 1859 Oldtown Road, Walnut Cove, NC
Monday, March 2, 2026
Ldn = 57.8 dB
Sound Pressure Level, in dBA, re: 20 micropascals
Time
LAF90, 15 min
LAeq, 15 min
LAFmax, 15 min

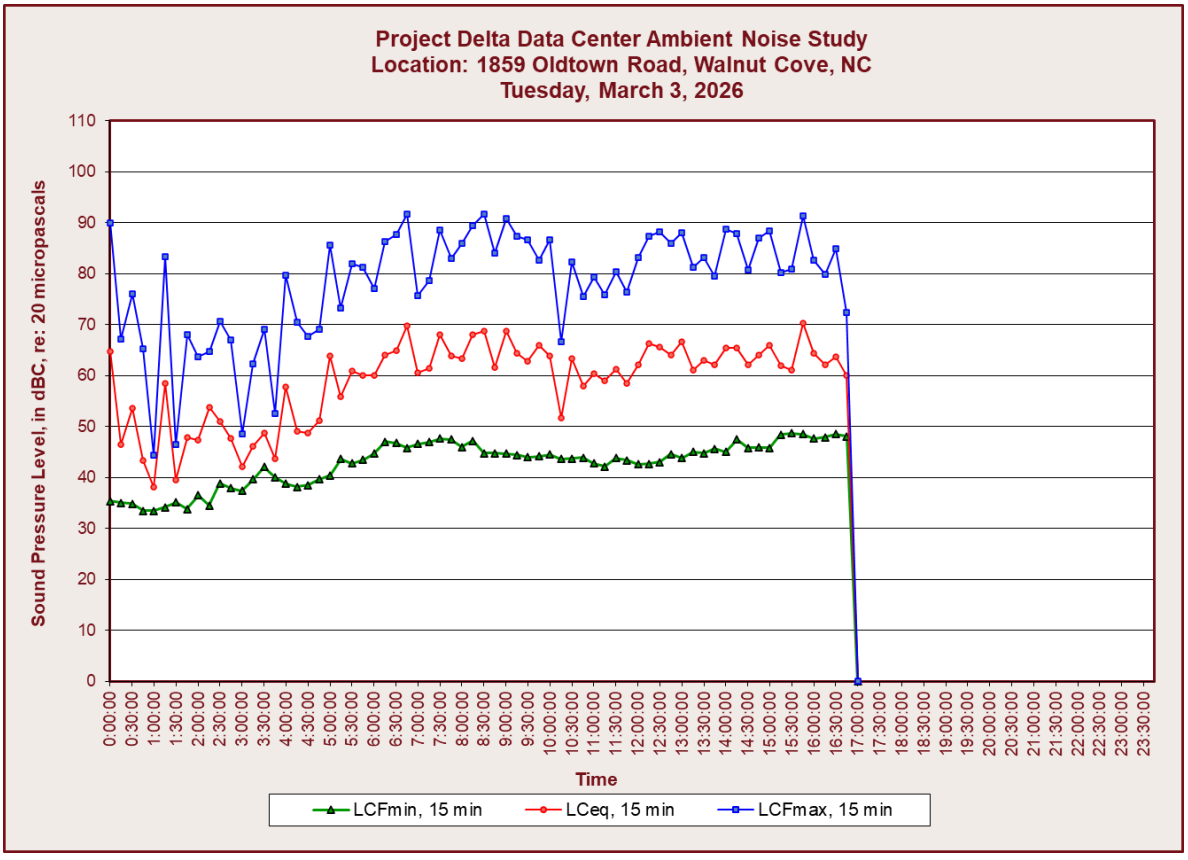

Project Delta Data Center Ambient Noise Study
Location: 1859 Oldtown Road, Walnut Cove, NC
Tuesday, March 3, 2026
Ldn = -- dB
Sound Pressure Level, in dBA, re: 20 micropascals
Time
LAF90, 15 min
LAeq, 15 min
LAFmax, 15 min

1869 OLDTOWN RD.
C-weighted Sound Levels

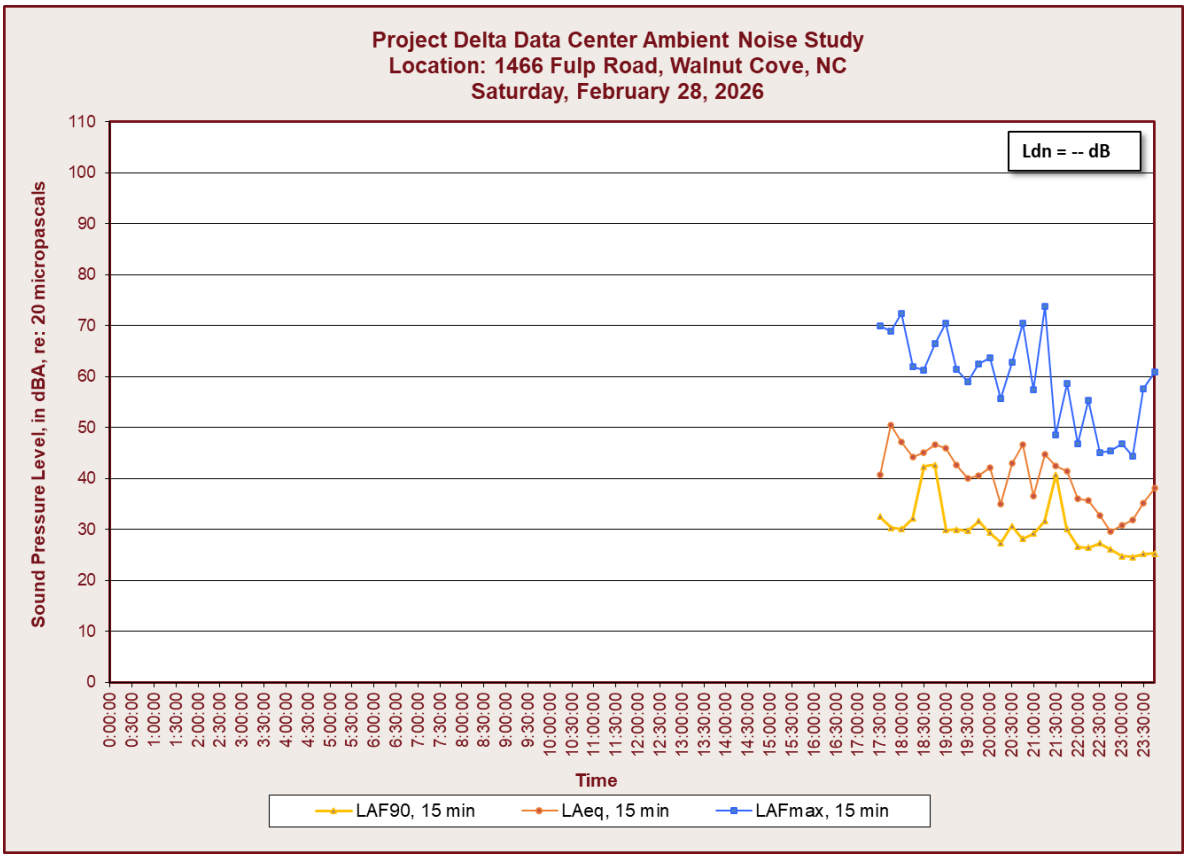

Project Delta Data Center Ambient Noise Study
Location: 1859 Oldtown Road, Walnut Cove, NC
Saturday, February 28, 2026
Sound Pressure Level, in dBC, re: 20 micropascals
Time
LCFmin, 15 min
LCeq, 15 min
LCFmax, 15 min

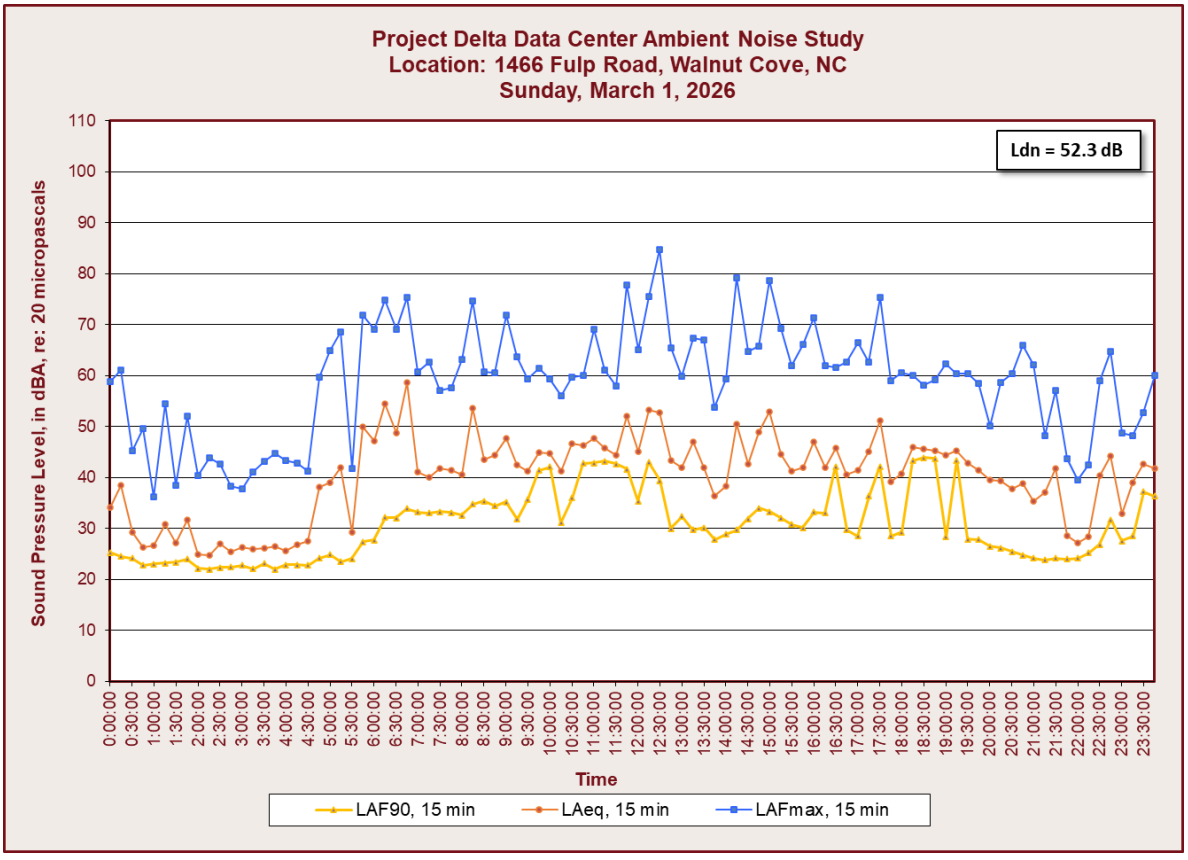

Project Delta Data Center Ambient Noise Study
Location: 1859 Oldtown Road, Walnut Cove, NC
Sunday, March 1, 2026
Sound Pressure Level, in dBC, re: 20 micropascals
Time
LCFmin, 15 min
LCeq, 15 min
LCFmax, 15 min

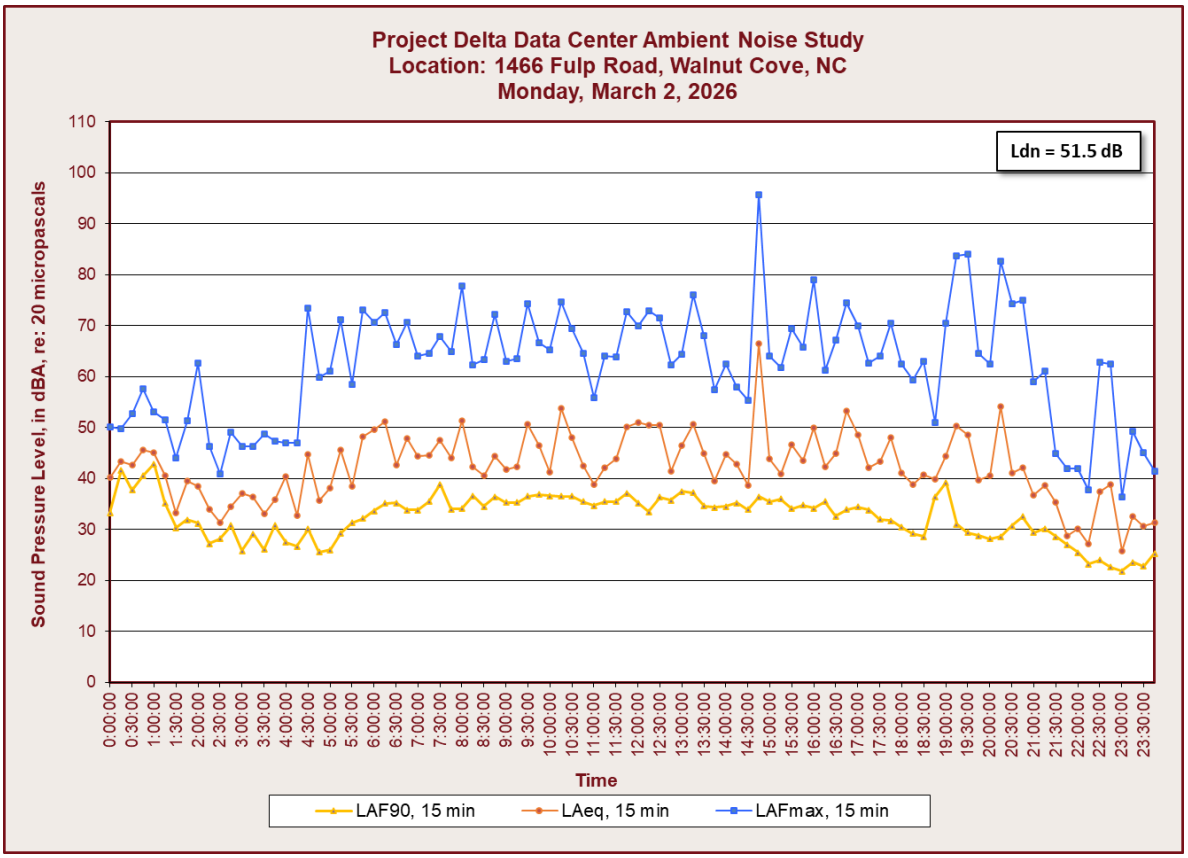

Project Delta Data Center Ambient Noise Study
Location: 1859 Oldtown Road, Walnut Cove, NC
Monday, March 2, 2026
Sound Pressure Level, in dBC, re: 20 micropascals
Time
LCFmin, 15 min
LCeq, 15 min
LCFmax, 15 min

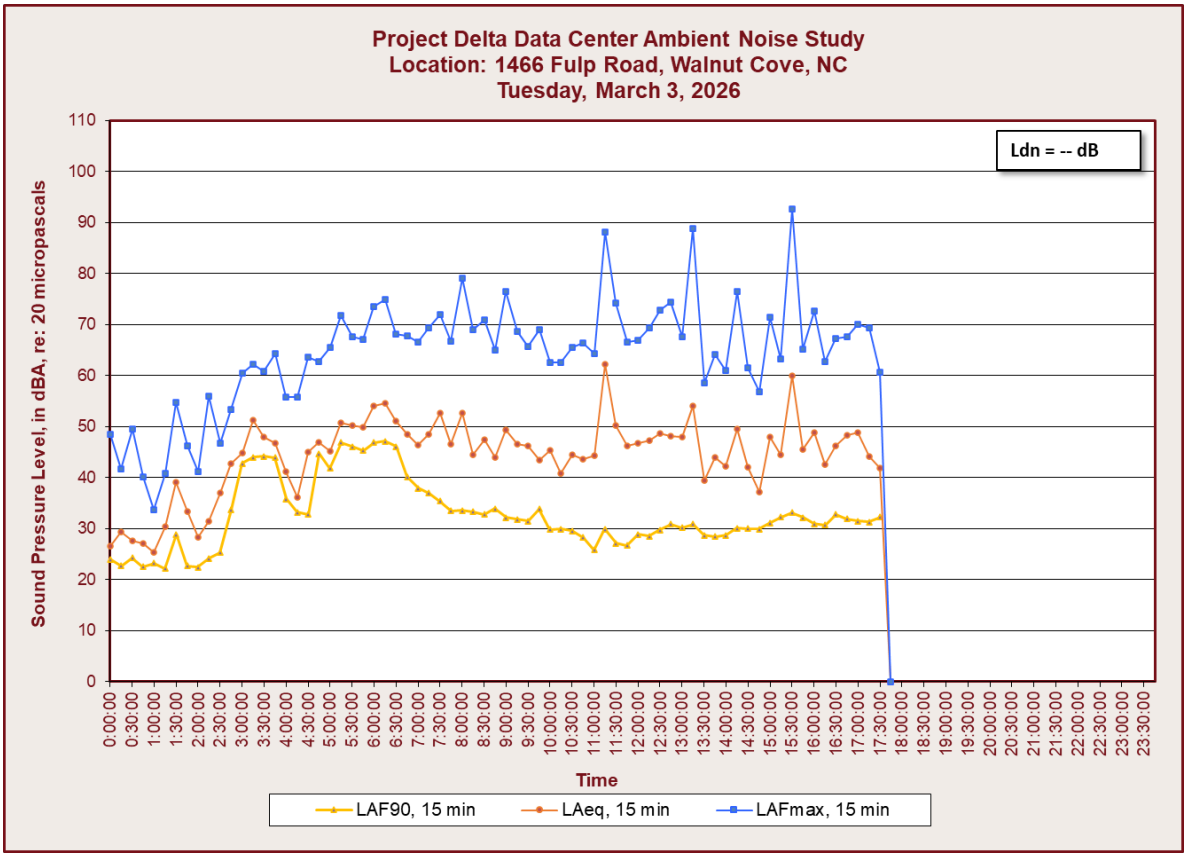

Project Delta Data Center Ambient Noise Study
Location: 1859 Oldtown Road, Walnut Cove, NC
Tuesday, March 3, 2026
Sound Pressure Level, in dBC, re: 20 micropascals
Time
LCFmin, 15 min
LCeq, 15 min
LCFmax, 15 min

1466 FULP RD.
A-weighted Sound Levels

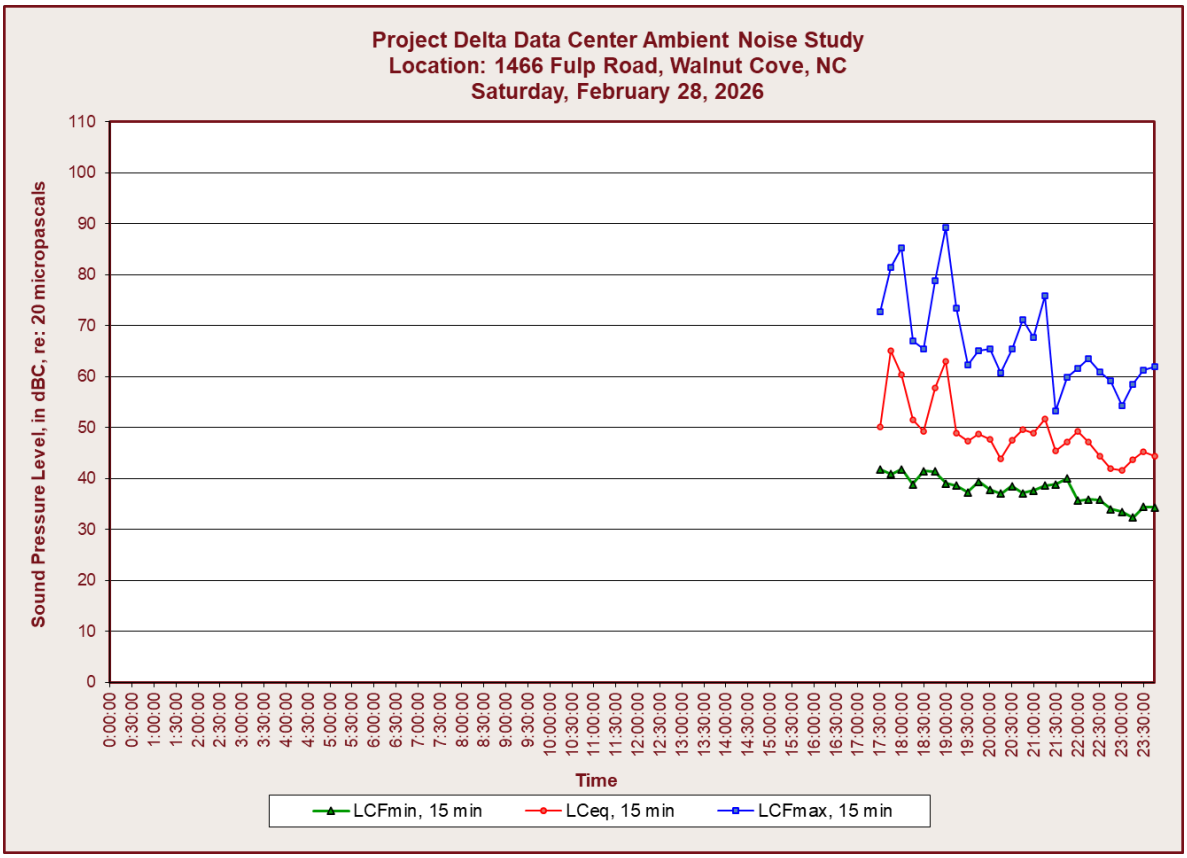

Project Delta Data Center Ambient Noise Study
Location: 1466 Fulp Road, Walnut Cove, NC
Saturday, February 28, 2026
Ldn = -- dB
Sound Pressure Level, in dBA, re: 20 micropascals
Time
LAF90, 15 min
LAeq, 15 min
LAFmax, 15 min

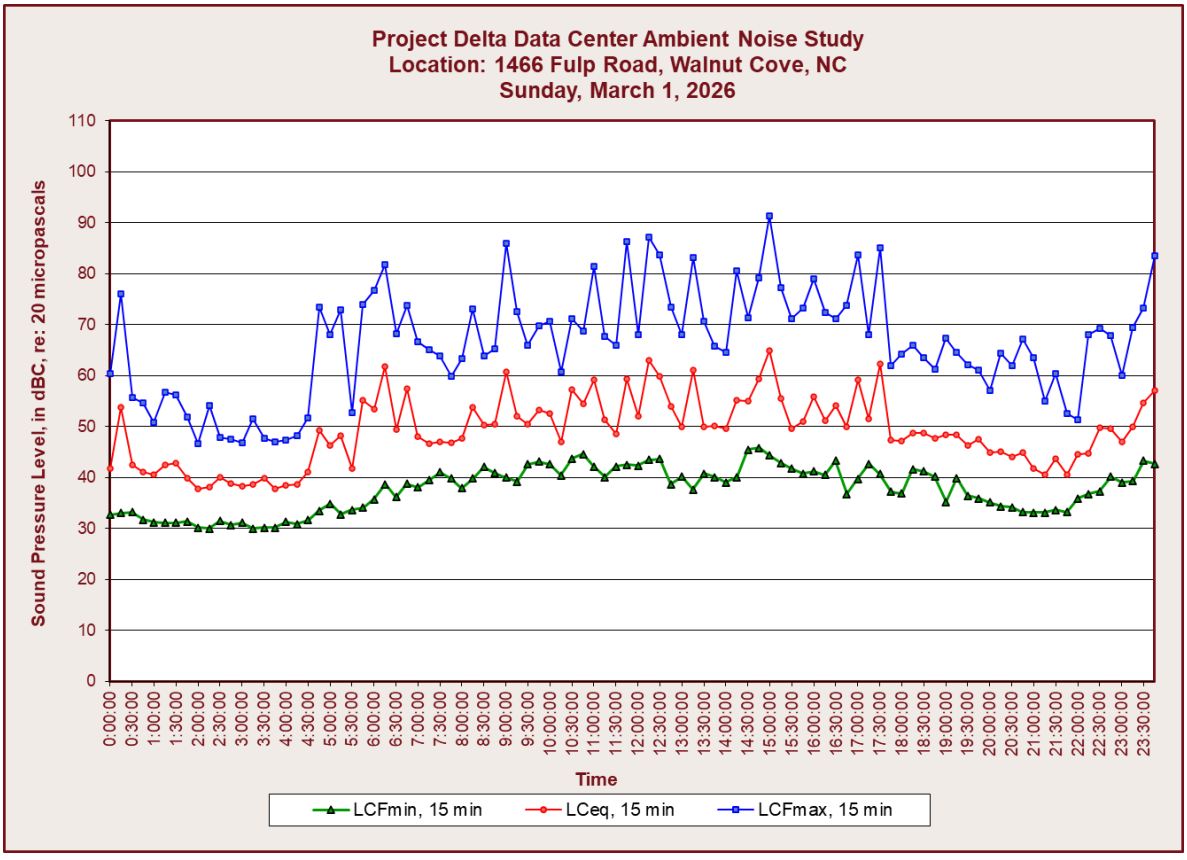

Project Delta Data Center Ambient Noise Study
Location: 1466 Fulp Road, Walnut Cove, NC
Sunday, March 1, 2026
Ldn = 52.3 dB
Sound Pressure Level, in dBA, re: 20 micropascals
Time
LAF90, 15 min
LAeq, 15 min
LAFmax, 15 min

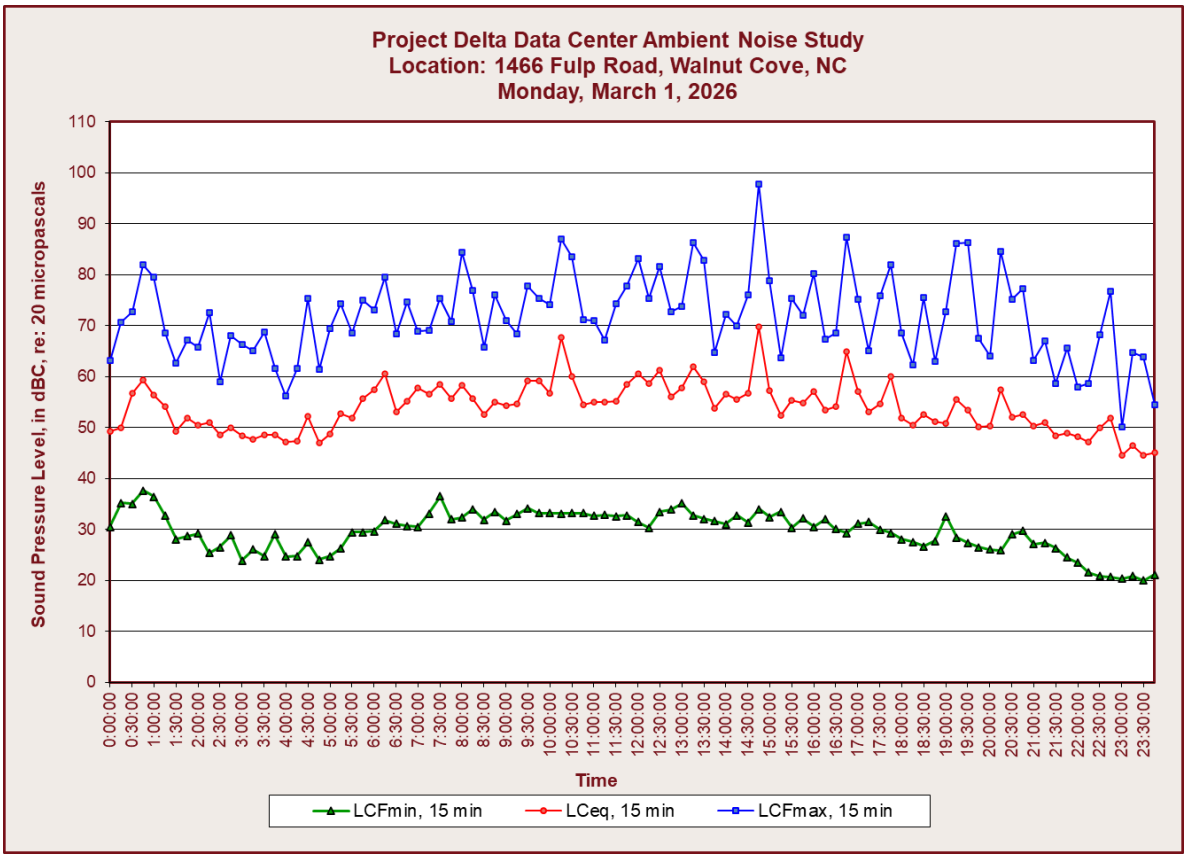

Project Delta Data Center Ambient Noise Study
Location: 1466 Fulp Road, Walnut Cove, NC
Monday, March 2, 2026
Ldn = 51.5 dB
Sound Pressure Level, in dBA, re: 20 micropascals
Time
LAF90, 15 min
LAeq, 15 min
LAFmax, 15 min

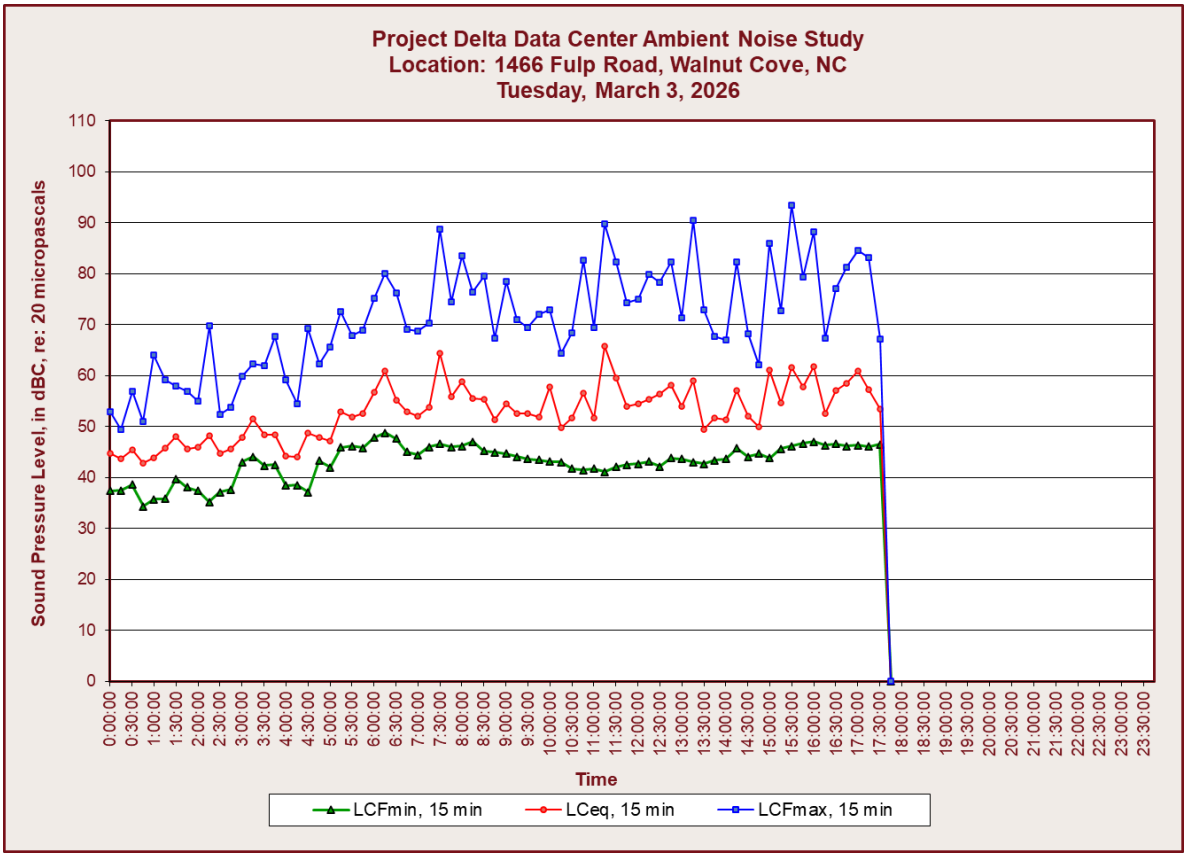

Project Delta Data Center Ambient Noise Study
Location: 1466 Fulp Road, Walnut Cove, NC
Tuesday, March 3, 2026
Ldn = -- dB
Sound Pressure Level, in dBA, re: 20 micropascals
Time
LAF90, 15 min
LAeq, 15 min
LAFmax, 15 min

1466 FULP RD.
C-weighted Sound Levels

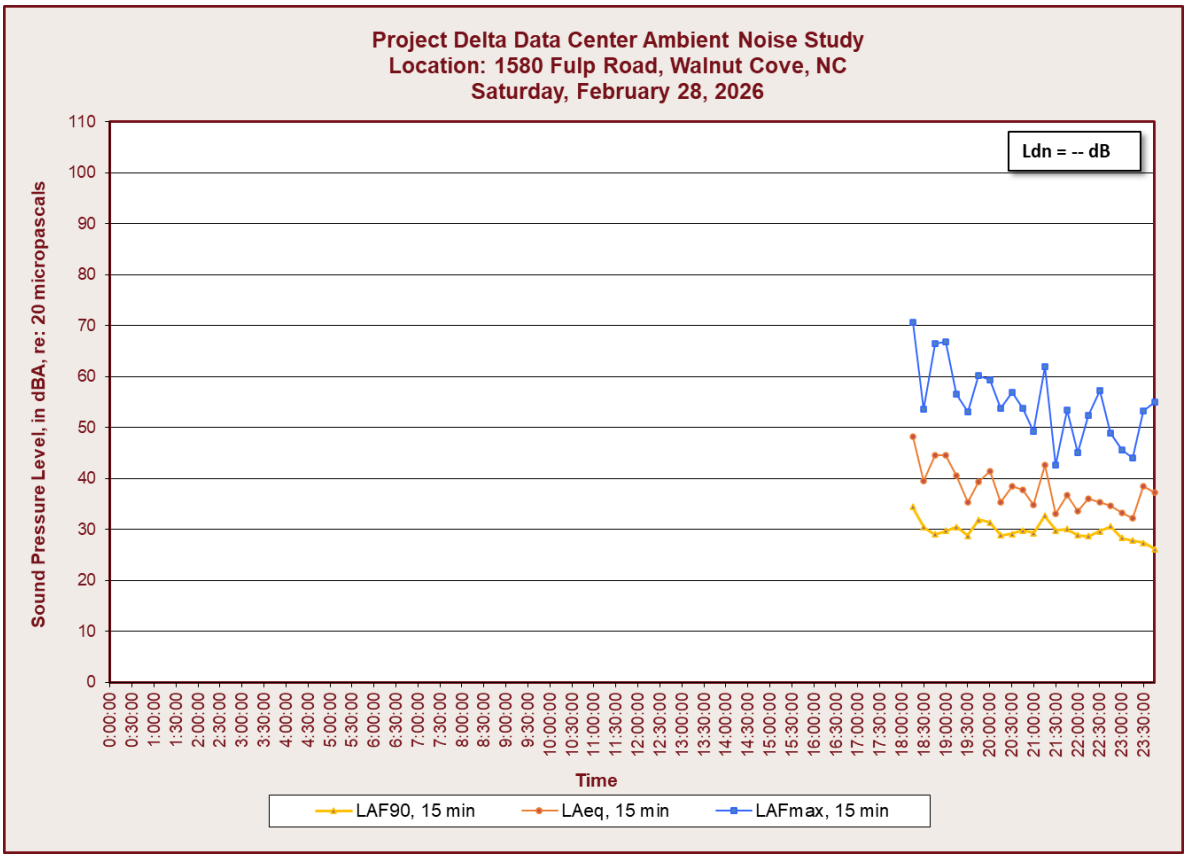

Project Delta Data Center Ambient Noise Study
Location: 1466 Fulp Road, Walnut Cove, NC
Saturday, February 28, 2026
Sound Pressure Level, in dBC, re: 20 micropascals
Time
LCFmin, 15 min
LCeq, 15 min
LCFmax, 15 min

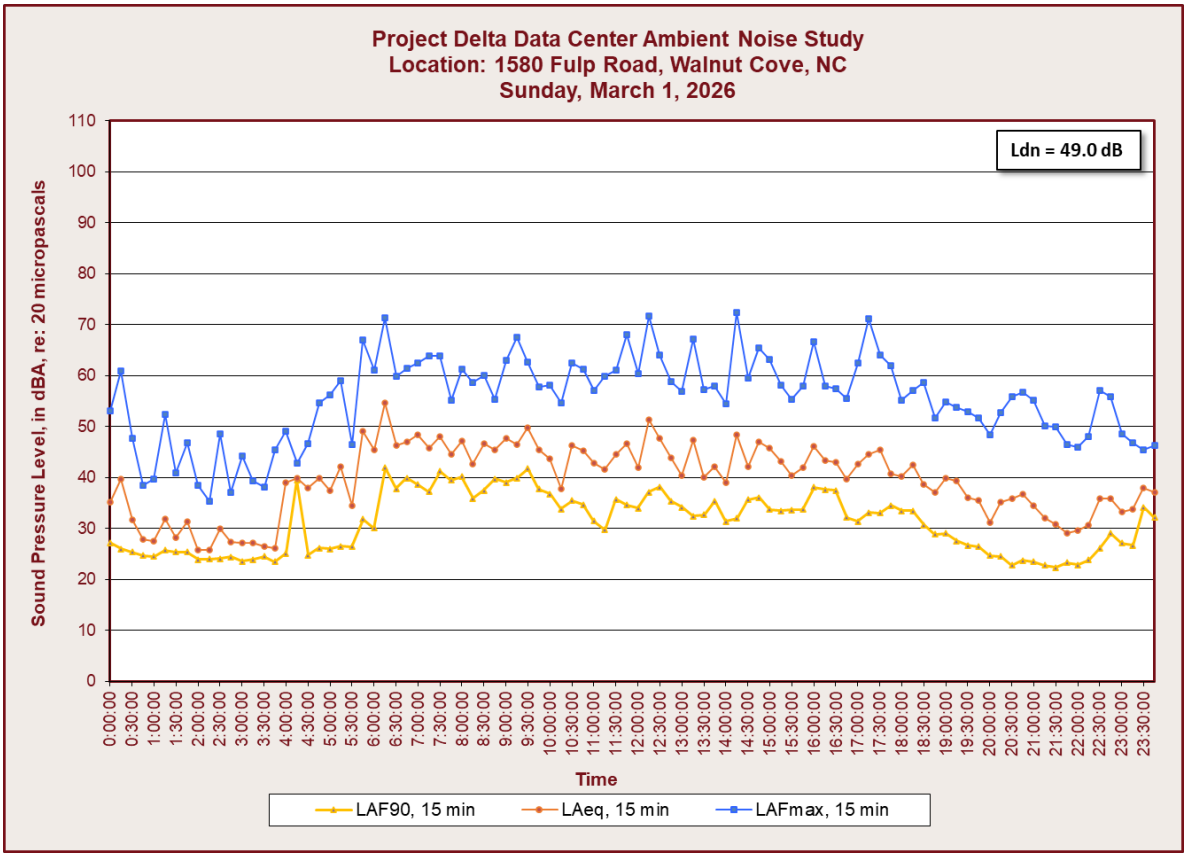

Project Delta Data Center Ambient Noise Study
Location: 1466 Fulp Road, Walnut Cove, NC
Sunday, March 1, 2026
Sound Pressure Level, in dBC, re: 20 micropascals
Time
LCFmin, 15 min
LCeq, 15 min
LCFmax, 15 min

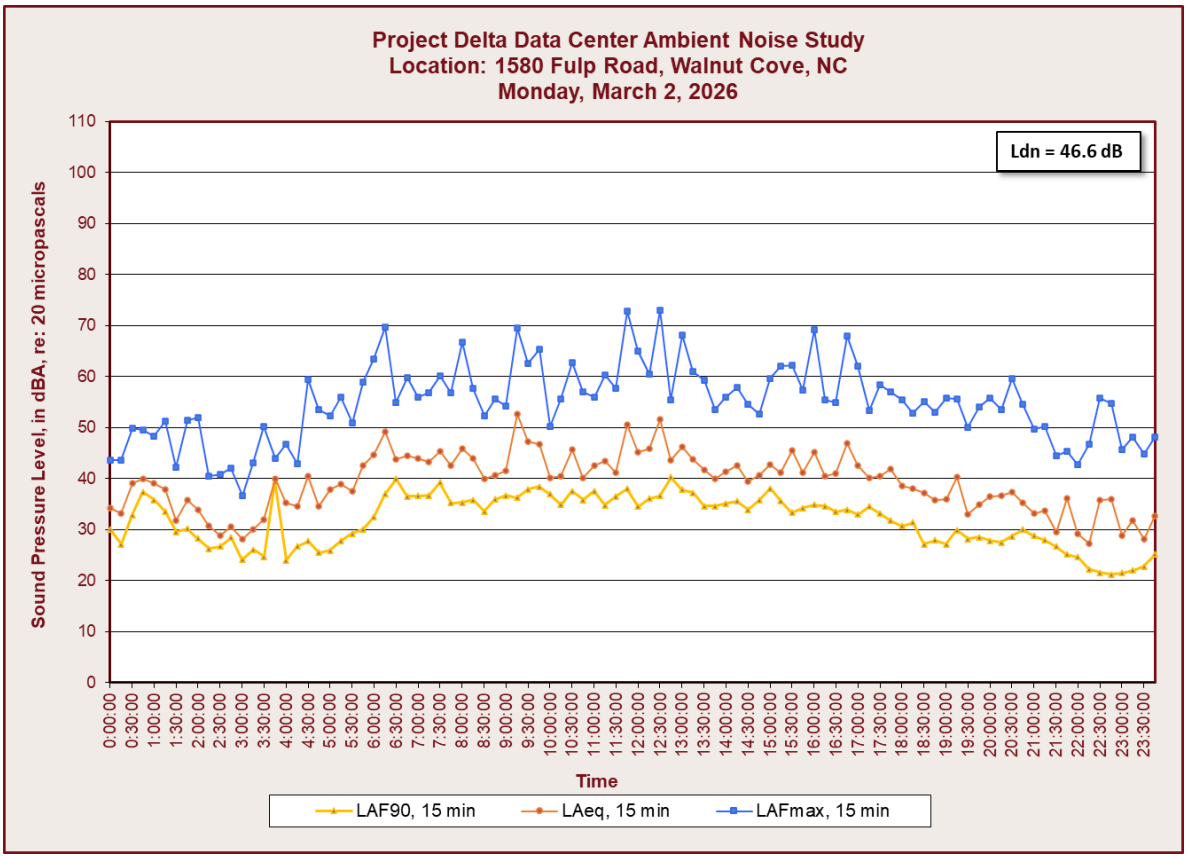

Project Delta Data Center Ambient Noise Study
Location: 1466 Fulp Road, Walnut Cove, NC
Monday, March 1, 2026
Sound Pressure Level, in dBC, re: 20 micropascals
Time
LCFmin, 15 min
LCeq, 15 min
LCFmax, 15 min

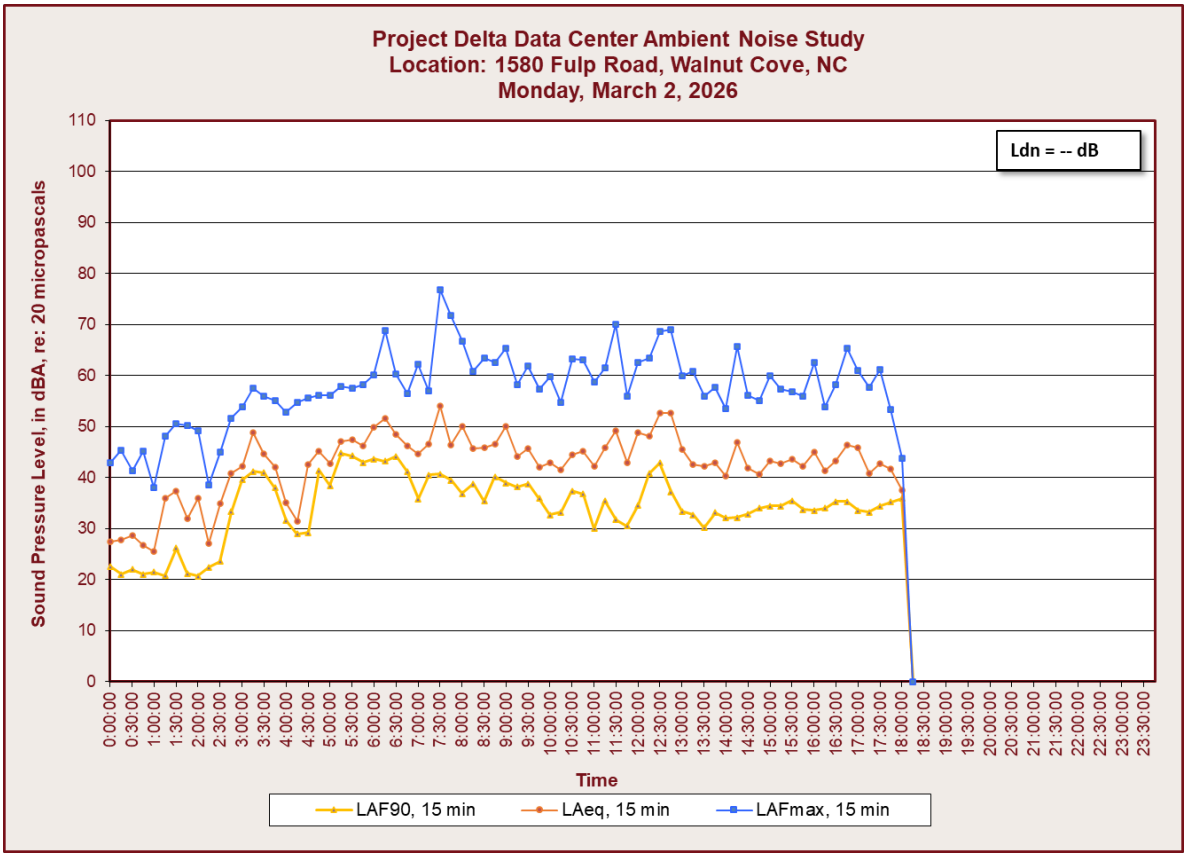

Project Delta Data Center Ambient Noise Study
Location: 1466 Fulp Road, Walnut Cove, NC
Tuesday, March 3, 2026
Sound Pressure Level, in dBC, re: 20 micropascals
Time
LCFmin, 15 min
LCeq, 15 min
LCFmax, 15 min

1580 FULP RD.
A-weighted Sound Levels

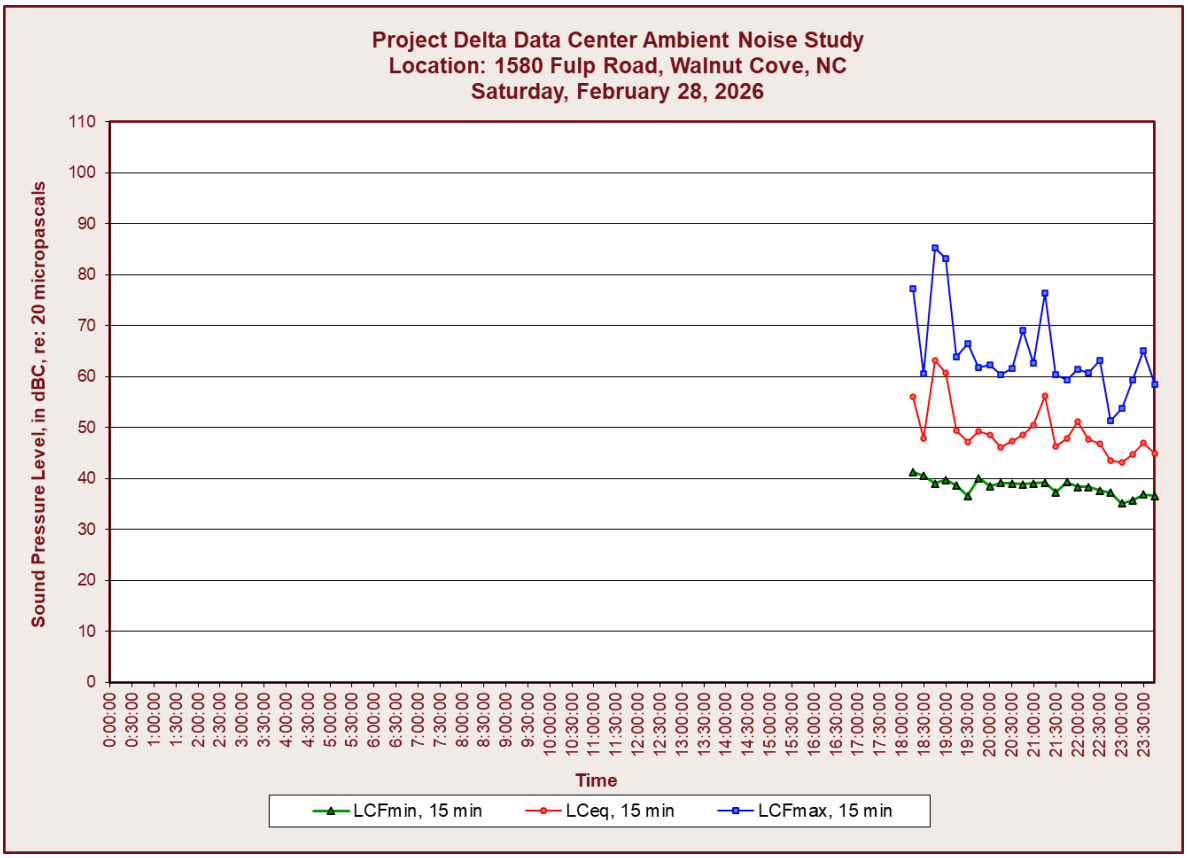

Project Delta Data Center Ambient Noise Study
Location: 1580 Fulp Road, Walnut Cove, NC
Saturday, February 28, 2026
Ldn = -- dB
Sound Pressure Level, in dBA, re: 20 micropascals
Time
LAF90, 15 min
LAeq, 15 min
LAFmax, 15 min

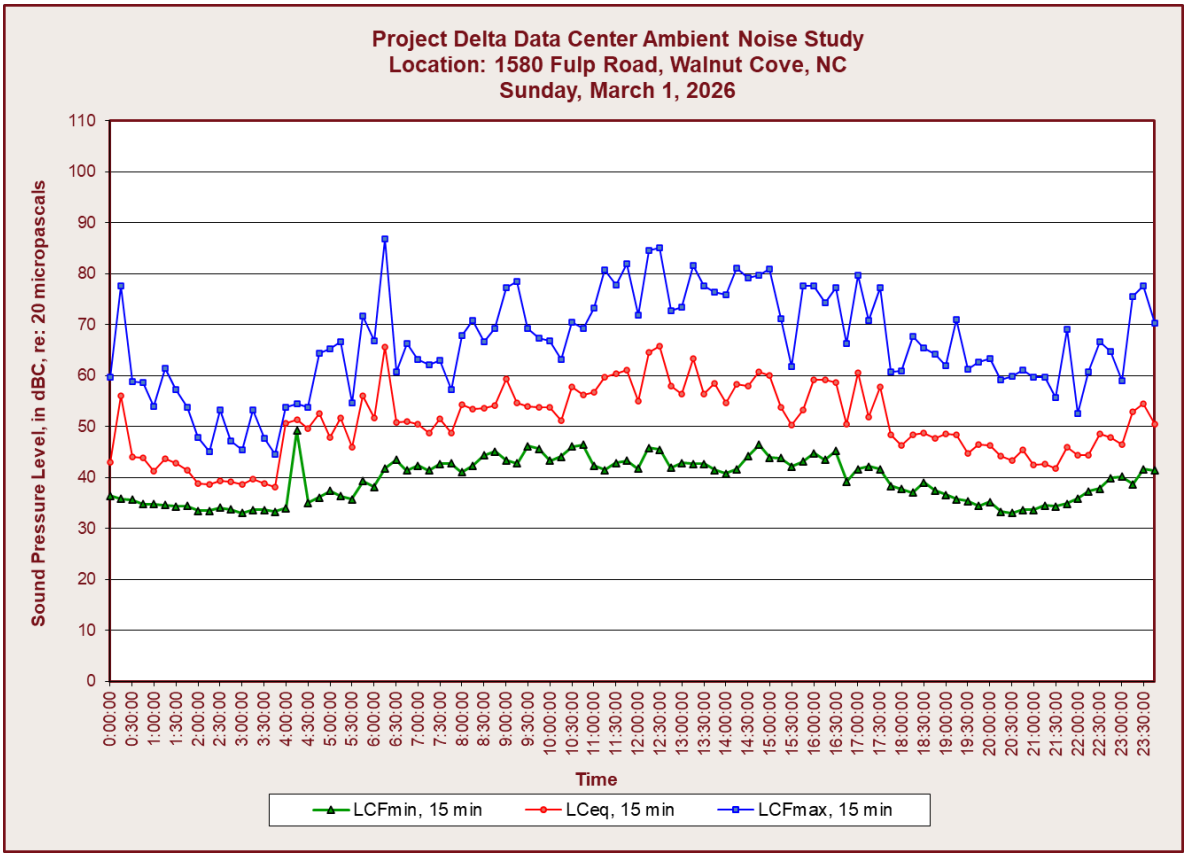

Project Delta Data Center Ambient Noise Study
Location: 1580 Fulp Road, Walnut Cove, NC
Sunday, March 1, 2026
Ldn = 49.0 dB
Sound Pressure Level, in dBA, re: 20 micropascals
Time
LAF90, 15 min
LAeq, 15 min
LAFmax, 15 min

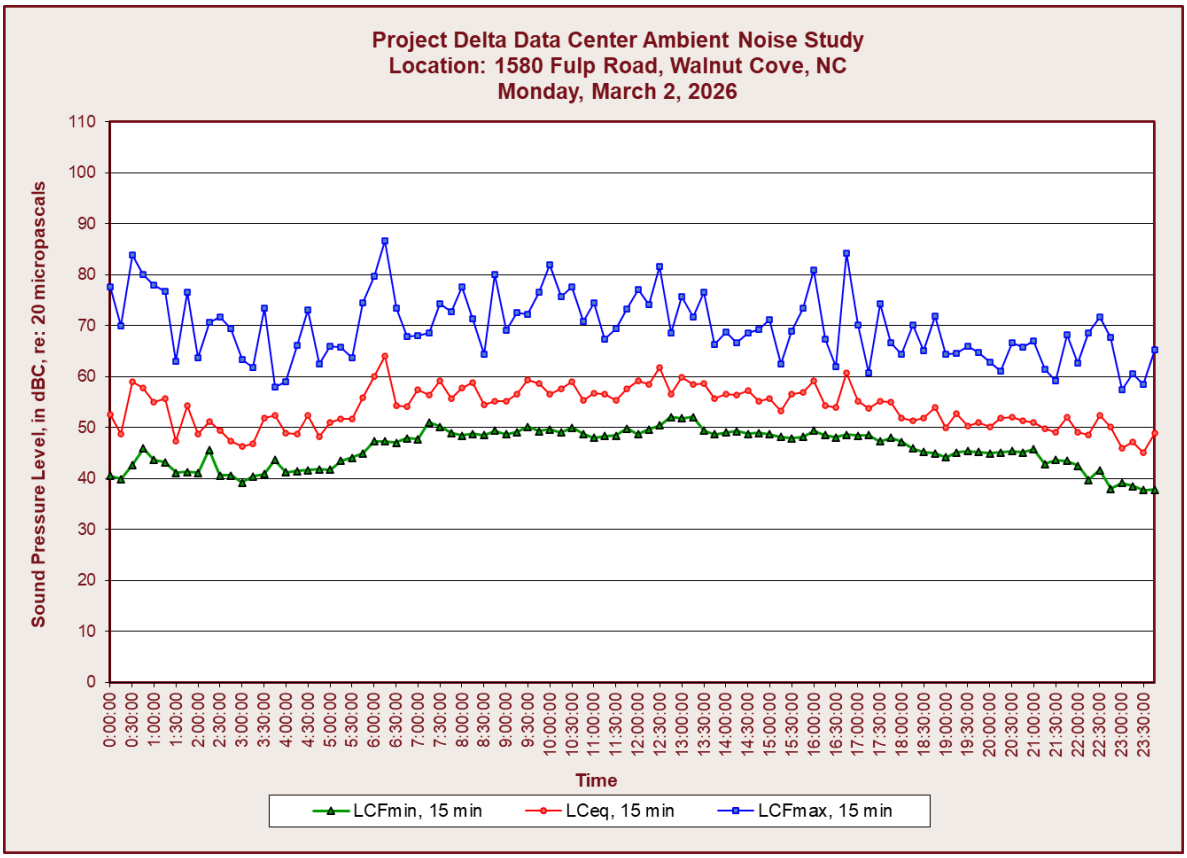

Project Delta Data Center Ambient Noise Study
Location: 1580 Fulp Road, Walnut Cove, NC
Monday, March 2, 2026
Ldn = 46.6 dB
Sound Pressure Level, in dBA, re: 20 micropascals
Time
LAF90, 15 min
LAeq, 15 min
LAFmax, 15 min

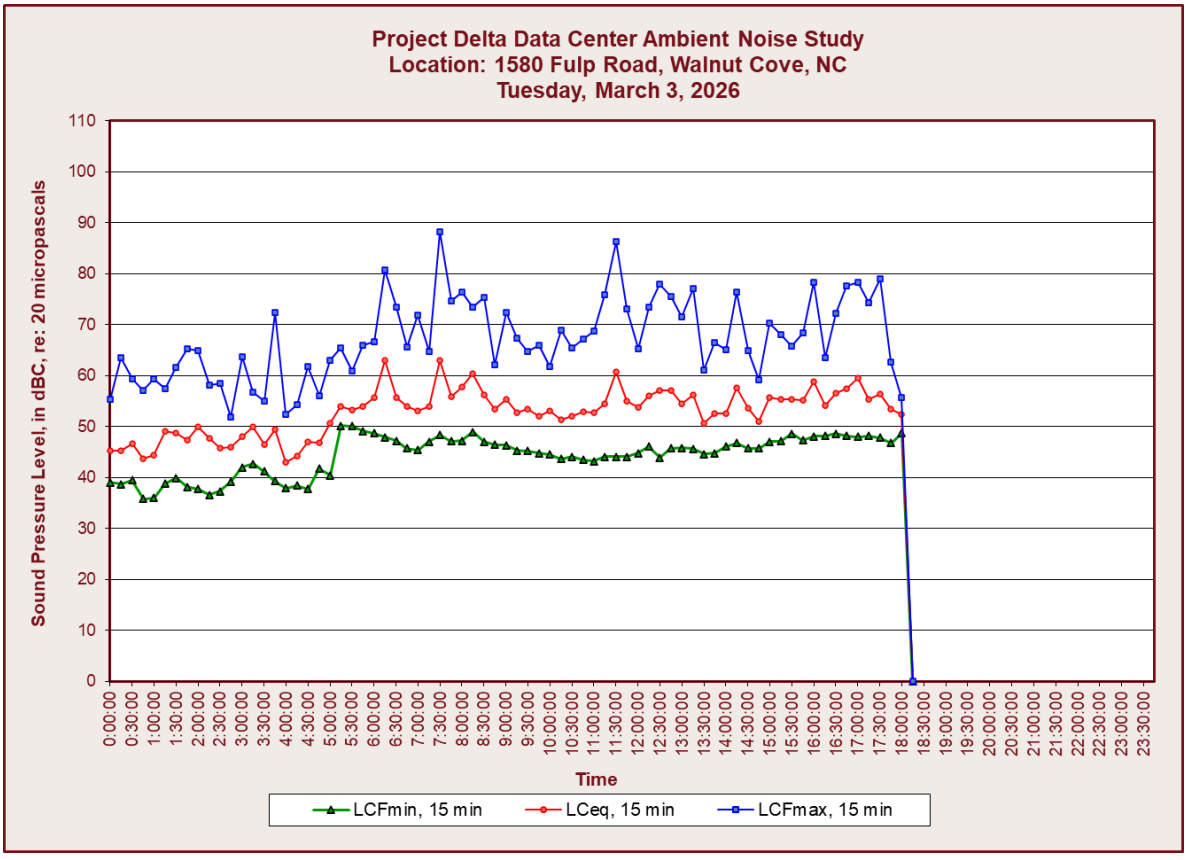

Project Delta Data Center Ambient Noise Study
Location: 1580 Fulp Road, Walnut Cove, NC
Monday, March 2, 2026
Ldn = -- dB
Sound Pressure Level, in dBA, re: 20 micropascals
Time
LAF90, 15 min
LAeq, 15 min
LAFmax, 15 min

1580 FULP RD.
C-weighted Sound Levels


Project Delta Data Center Ambient Noise Study
Location: 1580 Fulp Road, Walnut Cove, NC
Saturday, February 28, 2026
Sound Pressure Level, in dBC, re: 20 micropascals
Time
LCFmin, 15 min
LCeq, 15 min
LCFmax, 15 min


Project Delta Data Center Ambient Noise Study
Location: 1580 Fulp Road, Walnut Cove, NC
Sunday, March 1, 2026
Sound Pressure Level, in dBC, re: 20 micropascals
Time
LCFmin, 15 min
LCeq, 15 min
LCFmax, 15 min


Project Delta Data Center Ambient Noise Study
Location: 1580 Fulp Road, Walnut Cove, NC
Monday, March 2, 2026
Sound Pressure Level, in dBC, re: 20 micropascals
Time
LCFmin, 15 min
LCeq, 15 min
LCFmax, 15 min


Project Delta Data Center Ambient Noise Study
Location: 1580 Fulp Road, Walnut Cove, NC
Tuesday, March 3, 2026
Sound Pressure Level, in dBC, re: 20 micropascals
Time
LCFmin, 15 min
LCeq, 15 min
LCFmax, 15 min

APPENDIX C

CALIBRATION CERTIFICATES

Table C1. Summary of short-term sound level meter serial numbers.

Location	Sound Level Meter Serial # (Larson Davis Model 831)	Preamp Serial # (Larson Davis Model PRM831)	Mic Capsule Serial # (Larson Davis Model 377A02)	Date of System's Last Factory Calibration
All	2520*	019157	52585	August 20, 2025

Table C2. Summary of long-term sound level meter serial numbers.

Location	Sound Level Meter Serial #	Date of Meter's Last Factory Calibration	Preamp Serial # (Larson Davis Model PRM831)	Mic Capsule Serial # (Larson Davis Model 377B02)	Date of Mic's Last Factory Calibration
1869 Oldtown	10783**	August 14, 2025	001426	310089	August 14, 2025
1466 Fulp	10745**	August 20, 2025	001427	367606	August 20, 2025
1580 Fulp	10747**	August 14, 2025	001426	310094	August 14, 2025

* Larson Davis Model 831
** Larson Davis Model 831C

A Larson Davis CAL200, Serial No. 5574 (last factory calibration on August 14, 2025), was used to field calibrate all sound level meters.

Calibration Certificate

Certificate Number 2025011500
Customer:
RML Acoustics LLC

,

Model Number	831		***Procedure Number***	D0001.8384	
Serial Number	0002520		***Technician***	Jacob Cannon	
Test Results	**Pass**		***Calibration Date***	2025-08-20	
Initial Condition	Adjusted		***Calibration Due***	2027-08-20	
Description	Larson Davis Model 831 Class 1 Sound Level Meter Firmware Revision: 2.403		***Temperature***	23.64 °C	± 0.25 °C
			Humidity	49.6 %RH	± 2.0 %RH
			Static Pressure	86.43 kPa	± 0.13 kPa

Evaluation Method ***Tested with:*** ***Data reported in dB re 20 µPa.***

Larson Davis CAL291, S/N 0108
PCB 377A02, S/N 52585
Larson Davis CAL200, S/N 9079
Larson Davis PRM831, S/N 019157

Compliance Standards Compliant to Manufacturer Specifications and the following standards when combined with Calibration Certificate from procedure D0001.8378:

IEC 60651:2001 Type 1	ANSI S1.4-2014 Class 1
IEC 60804:2000 Type 1	ANSI S1.4 (R2006) Type 1
IEC 61252:2002	ANSI S1.11 (R2009) Class 1
IEC 61260:2001 Class 1	ANSI S1.25 (R2007)
IEC 61672:2013 Class 1	ANSI S1.43 (R2007) Type 1

Issuing lab certifies that the instrument described above meets or exceeds all specifications as stated in the referenced procedure (unless otherwise noted). The results documented in this certificate relate only to the item(s) calibrated or tested. It has been calibrated using measurement standards traceable to the International System of Units (SI) through the National Institute of Standards and Technology (NIST), or other national measurement institutes, and meets the requirements of ISO/IEC 17025:2017.
Test points marked with a ‡ in the uncertainties column do not fall within this laboratory's scope of accreditation.

The quality system is registered to ISO 9001:2015.

This calibration is a direct comparison of the unit under test to the listed reference standards and did not involve any sampling plans to complete. No allowance has been made for the instability of the test device due to use, time, etc. Such allowances would be made by the customer as needed.

The uncertainties were computed in accordance with the ISO Guide to the Expression of Uncertainty in Measurement (GUM). A coverage factor of approximately 2 sigma (k=2) has been applied to the standard uncertainty to express the expanded uncertainty at approximately 95% confidence level.

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Correction data from Larson Davis Model 831 Sound Level Meter Manual, I831.01 Rev S, 2019-09-10

For 1/4" microphones, the Larson Davis ADP024 1/4" to 1/2" adaptor is used with the calibrators and the Larson Davis ADP043 1/4" to 1/2" adaptor is used with the preamplifier.

LARSON DAVIS – A PCB DIVISION
1681 West 820 North
Provo, UT 84601 United States
716-684-0001

ACCREDITED CERT #3622.01

LARSON DAVIS A PCB DIVISION

Calibration Check Frequency: 1000 Hz; Reference Sound Pressure Level: 114 dB re 20 µPa; Reference Range: 0 dB gain

Periodic tests were performed in accordance with procedures from IEC 61672-3:2013 / ANSI/ASA S1.4-2014/Part3.

Pattern approval for IEC 61672-1:2013 / ANSI/ASA S1.4-2014/Part 1 successfully completed by Physikalisch-Technische Bundesanstalt (PTB) on 2016-02-24 certificate number DE-15-M-PTB-0056.

The sound level meter submitted for testing successfully completed the periodic tests of IEC 61672-3:2013 / ANSI/ASA S1.4-2014/Part 3, for the environmental conditions under which the tests were performed. As evidence was publicly available, from an independent testing organization responsible for approving the results of pattern-evaluation tests performed in accordance with IEC 61672-2:2013 / ANSI/ASA S1.4-2014/Part 2, to demonstrate that the model of sound level meter fully conformed to the class 1 specifications in IEC 61672-1:2013 / ANSI/ASA S1.4-2014/Part 1; the sound level meter submitted for testing conforms to the class 1specifications in IEC 61672-1:2013 / ANSI/ASA S1.4-2014/Part 1.

Standards Used

Description	Cal Date	Cal Due	Cal Standard
Larson Davis CAL291 Residual Intensity Calibrator	2024-09-09	2025-09-09	001250
Hart Scientific 2626-S Humidity/Temperature Sensor	2024-05-07	2025-11-07	006943
Larson Davis CAL200 Acoustic Calibrator	2025-07-18	2026-07-18	007027
PCB 377A13 1/2 inch Prepolarized Pressure Microphone	2025-02-12	2026-02-12	007080
Larson Davis Model 831	2025-02-17	2026-02-17	007182
SRS DS360 Ultra Low Distortion Generator	2025-03-26	2026-03-26	007635
Larson Davis 1/2" Preamplifier for Model 831 Type 1	2024-09-30	2025-09-30	PCB0004783

Acoustic Calibration

Measured according to IEC 61672-3:2013 10 and ANSI S1.4-2014 Part 3: 10

Measurement	Test Result [dB]	Lower Limit [dB]	Upper Limit [dB]	Expanded Uncertainty [dB]	Result
1000 Hz	113.99	113.80	114.20	0.14	Pass

As Received Level: 114.26
Adjusted Level: 113.99

-- End of measurement results--

Acoustic Signal Tests, C-weighting

Measured according to IEC 61672-3:2013 12 and ANSI S1.4-2014 Part 3: 12 using a comparison coupler with Unit Under Test (UUT) and reference SLM using slow time-weighted sound level for compliance to IEC 61672-1:2013 5.5; ANSI S1.4-2014 Part 1: 5.5

Frequency [Hz]	Test Result [dB]	Expected [dB]	Lower Limit [dB]	Upper Limit [dB]	Expanded Uncertainty [dB]	Result
125	-0.35	-0.20	-1.20	0.80	0.24	Pass
1000	0.21	0.00	-0.70	0.70	0.23	Pass
8000	-1.62	-3.00	-5.50	-1.50	0.33	Pass

-- End of measurement results--

Self-generated Noise

Measured according to IEC 61672-3:2013 11.1 and ANSI S1.4-2014 Part 3: 11.1

Measurement	Test Result [dB]
A-weighted, 20 dB gain	40.89

-- End of measurement results--

-- End of Report--

Signatory: Jacob Cannon

LARSON DAVIS – A PCB DIVISION
1681 West 820 North
Provo, UT 84601 United States
716-684-0001

Calibration Certificate

Certificate Number 2025011284
Customer:
RML Acoustics LLC

,

Model Number	831C	***Procedure Number***	D0001.8384		
Serial Number	10783	***Technician***	Jacob Cannon		
Test Results	**Pass**	***Calibration Date***	2025-08-14		
Initial Condition	Adjusted	***Calibration Due***	2027-08-14		
Description	Larson Davis Model 831C Class 1 Sound Level Meter Firmware Revision: 5.3.4R25	***Temperature***	23.71	°C	± 0.25 °C
		Humidity	48.6	%RH	± 2.0 %RH
		Static Pressure	86.08	kPa	± 0.13 kPa

Evaluation Method ***Tested with:*** ***Data reported in dB re 20 µPa.***

PCB 377B02, S/N 310089
Larson Davis PRM2103, S/N 001424
Larson Davis CAL291, S/N 0108
Larson Davis CAL200, S/N 9079

Compliance Standards Compliant to Manufacturer Specifications and the following standards when combined with Calibration Certificate from procedure D0001.8378:

IEC 60651:2001 Type 1	ANSI S1.4-2014 Class 1
IEC 60804:2000 Type 1	ANSI S1.4 (R2006) Type 1
IEC 61260:2014 Class 1	ANSI S1.11-2014 Class 1
IEC 61672:2013 Class 1	ANSI S1.43 (R2007) Type 1

Issuing lab certifies that the instrument described above meets or exceeds all specifications as stated in the referenced procedure (unless otherwise noted). The results documented in this certificate relate only to the item(s) calibrated or tested. It has been calibrated using measurement standards traceable to the International System of Units (SI) through the National Institute of Standards and Technology (NIST), or other national measurement institutes, and meets the requirements of ISO/IEC 17025:2017.
Test points marked with a ‡ in the uncertainties column do not fall within this laboratory's scope of accreditation.

The quality system is registered to ISO 9001:2015.

This calibration is a direct comparison of the unit under test to the listed reference standards and did not involve any sampling plans to complete. No allowance has been made for the instability of the test device due to use, time, etc. Such allowances would be made by the customer as needed.

The uncertainties were computed in accordance with the ISO Guide to the Expression of Uncertainty in Measurement (GUM). A coverage factor of approximately 2 sigma (k=2) has been applied to the standard uncertainty to express the expanded uncertainty at approximately 95% confidence level.

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Correction data from Larson Davis SoundAdvisor Model 831C Reference Manual, I831C.01 Rev M, 2019-09-10

For 1/4" microphones, the Larson Davis ADP024 1/4" to 1/2" adaptor is used with the calibrators and the Larson Davis ADP043 1/4" to 1/2" adaptor is used with the preamplifier.

Calibration Check Frequency: 1000 Hz; Reference Sound Pressure Level: 114 dB re 20 µPa; Reference Range: 0 dB gain

Periodic tests were performed in accordance with procedures from IEC 61672-3:2013 / ANSI/ASA S1.4-2014/Part3.

Pattern approval for IEC 61672-1:2013 / ANSI/ASA S1.4-2014/Part 1 successfully completed by Physikalisch-Technische Bundesanstalt (PTB) on 2019-05-13 certificate number DE-17-M-PTB-0076.

The sound level meter submitted for testing successfully completed the periodic tests of IEC 61672-3:2013 / ANSI/ASA S1.4-2014/Part 3, for the environmental conditions under which the tests were performed. As evidence was publicly available, from an independent testing organization responsible for approving the results of pattern-evaluation tests performed in accordance with IEC 61672-2:2013 / ANSI/ASA S1.4-2014/Part 2, to demonstrate that the model of sound level meter fully conformed to the class 1 specifications in IEC 61672-1:2013 / ANSI/ASA S1.4-2014/Part 1; the sound level meter submitted for testing conforms to the class 1specifications in IEC 61672-1:2013 / ANSI/ASA S1.4-2014/Part 1.

Standards Used

Description	Cal Date	Cal Due	Cal Standard
Larson Davis CAL291 Residual Intensity Calibrator	2024-09-09	2025-09-09	001250
Hart Scientific 2626-S Humidity/Temperature Sensor	2024-05-07	2025-11-07	006943
Larson Davis CAL200 Acoustic Calibrator	2025-07-18	2026-07-18	007027
PCB 377A13 1/2 inch Prepolarized Pressure Microphone	2025-02-12	2026-02-12	007080
Larson Davis Model 831	2025-02-17	2026-02-17	007182
SRS DS360 Ultra Low Distortion Generator	2025-03-26	2026-03-26	007635
Larson Davis 1/2" Preamplifier for Model 831 Type 1	2024-09-30	2025-09-30	PCB0004783

Acoustic Calibration

Measured according to IEC 61672-3:2013 10 and ANSI S1.4-2014 Part 3: 10

Measurement	Test Result [dB]	Lower Limit [dB]	Upper Limit [dB]	Expanded Uncertainty [dB]	Result
1000 Hz	114.01	113.80	114.20	0.14	Pass

As Received Level: 113.92
Adjusted Level: 114.01

-- End of measurement results--

Loaded Circuit Sensitivity

Measurement	Test Result [dB re 1 V / Pa]	Lower Limit [dB re 1 V / Pa]	Upper Limit [dB re 1 V / Pa]	Expanded Uncertainty [dB]	Result
1000 Hz	-26.59	-27.84	-24.74	0.14	Pass

-- End of measurement results--

Acoustic Signal Tests, C-weighting

Measured according to IEC 61672-3:2013 12 and ANSI S1.4-2014 Part 3: 12 using a comparison coupler with Unit Under Test (UUT) and reference SLM using slow time-weighted sound level for compliance to IEC 61672-1:2013 5.5; ANSI S1.4-2014 Part 1: 5.5

Frequency [Hz]	Test Result [dB]	Expected [dB]	Lower Limit [dB]	Upper Limit [dB]	Expanded Uncertainty [dB]	Result
125	-0.11	-0.20	-1.20	0.80	0.24	Pass
1000	0.26	0.00	-0.70	0.70	0.23	Pass
8000	-2.34	-3.00	-5.50	-1.50	0.33	Pass

-- End of measurement results--

Self-generated Noise

Measured according to IEC 61672-3:2013 11.1 and ANSI S1.4-2014 Part 3: 11.1

Measurement	Test Result [dB]
A-weighted, 20 dB gain	40.73

-- End of measurement results--

-- End of Report--

Signatory: Jacob Cannon

Calibration Certificate

Certificate Number 2025011278
Customer:
RML Acoustics LLC

,

Model Number	831C	***Procedure Number***	D0001.8384		
Serial Number	10747	***Technician***	Jacob Cannon		
Test Results	**Pass**	***Calibration Date***	2025-08-14		
Initial Condition	AS RECEIVED same as shipped	***Calibration Due***	2027-08-14		
Description	Larson Davis Model 831C Class 1 Sound Level Meter Firmware Revision: 5.3.4R25	***Temperature***	23.67	°C	± 0.25 °C
		Humidity	49	%RH	± 2.0 %RH
		Static Pressure	86.09	kPa	± 0.13 kPa

Evaluation Method ***Tested with:*** ***Data reported in dB re 20 µPa.***

Larson Davis CAL291, S/N 0108
Larson Davis PRM2103, S/N 001426
PCB 377B02, S/N 310094
Larson Davis CAL200, S/N 9079

Compliance Standards Compliant to Manufacturer Specifications and the following standards when combined with Calibration Certificate from procedure D0001.8378:

IEC 60651:2001 Type 1	ANSI S1.4-2014 Class 1
IEC 60804:2000 Type 1	ANSI S1.4 (R2006) Type 1
IEC 61260:2014 Class 1	ANSI S1.11-2014 Class 1
IEC 61672:2013 Class 1	ANSI S1.43 (R2007) Type 1

Issuing lab certifies that the instrument described above meets or exceeds all specifications as stated in the referenced procedure (unless otherwise noted). The results documented in this certificate relate only to the item(s) calibrated or tested. It has been calibrated using measurement standards traceable to the International System of Units (SI) through the National Institute of Standards and Technology (NIST), or other national measurement institutes, and meets the requirements of ISO/IEC 17025:2017.
Test points marked with a ‡ in the uncertainties column do not fall within this laboratory's scope of accreditation.

The quality system is registered to ISO 9001:2015.

This calibration is a direct comparison of the unit under test to the listed reference standards and did not involve any sampling plans to complete. No allowance has been made for the instability of the test device due to use, time, etc. Such allowances would be made by the customer as needed.

The uncertainties were computed in accordance with the ISO Guide to the Expression of Uncertainty in Measurement (GUM). A coverage factor of approximately 2 sigma (k=2) has been applied to the standard uncertainty to express the expanded uncertainty at approximately 95% confidence level.

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Correction data from Larson Davis SoundAdvisor Model 831C Reference Manual, I831C.01 Rev M, 2019-09-10

For 1/4" microphones, the Larson Davis ADP024 1/4" to 1/2" adaptor is used with the calibrators and the Larson Davis ADP043 1/4" to 1/2" adaptor is used with the preamplifier.

Calibration Check Frequency: 1000 Hz; Reference Sound Pressure Level: 114 dB re 20 µPa; Reference Range: 0 dB gain

Periodic tests were performed in accordance with procedures from IEC 61672-3:2013 / ANSI/ASA S1.4-2014/Part3.

Pattern approval for IEC 61672-1:2013 / ANSI/ASA S1.4-2014/Part 1 successfully completed by Physikalisch-Technische Bundesanstalt (PTB) on 2019-05-13 certificate number DE-17-M-PTB-0076.

The sound level meter submitted for testing successfully completed the periodic tests of IEC 61672-3:2013 / ANSI/ASA S1.4-2014/Part 3, for the environmental conditions under which the tests were performed. As evidence was publicly available, from an independent testing organization responsible for approving the results of pattern-evaluation tests performed in accordance with IEC 61672-2:2013 / ANSI/ASA S1.4-2014/Part 2, to demonstrate that the model of sound level meter fully conformed to the class 1 specifications in IEC 61672-1:2013 / ANSI/ASA S1.4-2014/Part 1; the sound level meter submitted for testing conforms to the class 1specifications in IEC 61672-1:2013 / ANSI/ASA S1.4-2014/Part 1.

Standards Used

Description	Cal Date	Cal Due	Cal Standard
Larson Davis CAL291 Residual Intensity Calibrator	2024-09-09	2025-09-09	001250
Hart Scientific 2626-S Humidity/Temperature Sensor	2024-05-07	2025-11-07	006943
Larson Davis CAL200 Acoustic Calibrator	2025-07-18	2026-07-18	007027
PCB 377A13 1/2 inch Prepolarized Pressure Microphone	2025-02-12	2026-02-12	007080
Larson Davis Model 831	2025-02-17	2026-02-17	007182
SRS DS360 Ultra Low Distortion Generator	2025-03-26	2026-03-26	007635
Larson Davis 1/2" Preamplifier for Model 831 Type 1	2024-09-30	2025-09-30	PCB0004783

Acoustic Calibration

Measured according to IEC 61672-3:2013 10 and ANSI S1.4-2014 Part 3: 10

Measurement	Test Result [dB]	Lower Limit [dB]	Upper Limit [dB]	Expanded Uncertainty [dB]	Result
1000 Hz	114.01	113.80	114.20	0.14	Pass

Adjusted Level: 114.01
As Received Level: 113.93

-- End of measurement results--

Loaded Circuit Sensitivity

Measurement	Test Result [dB re 1 V / Pa]	Lower Limit [dB re 1 V / Pa]	Upper Limit [dB re 1 V / Pa]	Expanded Uncertainty [dB]	Result
1000 Hz	-27.05	-27.84	-24.74	0.14	Pass

-- End of measurement results--

Acoustic Signal Tests, C-weighting

Measured according to IEC 61672-3:2013 12 and ANSI S1.4-2014 Part 3: 12 using a comparison coupler with Unit Under Test (UUT) and reference SLM using slow time-weighted sound level for compliance to IEC 61672-1:2013 5.5; ANSI S1.4-2014 Part 1: 5.5

Frequency [Hz]	Test Result [dB]	Expected [dB]	Lower Limit [dB]	Upper Limit [dB]	Expanded Uncertainty [dB]	Result
125	-0.12	-0.20	-1.20	0.80	0.24	Pass
1000	0.25	0.00	-0.70	0.70	0.23	Pass
8000	-1.97	-3.00	-5.50	-1.50	0.33	Pass

-- End of measurement results--

Self-generated Noise

Measured according to IEC 61672-3:2013 11.1 and ANSI S1.4-2014 Part 3: 11.1

Measurement	Test Result [dB]
A-weighted, 20 dB gain	40.57

-- End of measurement results--

-- End of Report--

Signatory: Jacob Cannon

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1681 West 820 North
Provo, UT 84601 United States
716-684-0001

Calibration Certificate

Certificate Number 2025011587
Customer:
RML Acoustics LLC

,

Model Number	831C	***Procedure Number***	D0001.8384		
Serial Number	10745	***Technician***	Jacob Cannon		
Test Results	**Pass**	***Calibration Date***	2025-08-20		
Initial Condition	Adjusted	***Calibration Due***	2027-08-20		
Description	Larson Davis Model 831C Class 1 Sound Level Meter Firmware Revision: 5.3.4R25	***Temperature***	23.63	°C	± 0.25 °C
		Humidity	48.8	%RH	± 2.0 %RH
		Static Pressure	86.29	kPa	± 0.13 kPa

Evaluation Method ***Tested with:*** ***Data reported in dB re 20 µPa.***

PCB 377B02, S/N 367606
Larson Davis CAL291, S/N 0108
Larson Davis PRM2103, S/N 001427
Larson Davis CAL200, S/N 9079

Compliance Standards Compliant to Manufacturer Specifications and the following standards when combined with Calibration Certificate from procedure D0001.8378:

IEC 60651:2001 Type 1	ANSI S1.4-2014 Class 1
IEC 60804:2000 Type 1	ANSI S1.4 (R2006) Type 1
IEC 61260:2014 Class 1	ANSI S1.11-2014 Class 1
IEC 61672:2013 Class 1	ANSI S1.43 (R2007) Type 1

Issuing lab certifies that the instrument described above meets or exceeds all specifications as stated in the referenced procedure (unless otherwise noted). The results documented in this certificate relate only to the item(s) calibrated or tested. It has been calibrated using measurement standards traceable to the International System of Units (SI) through the National Institute of Standards and Technology (NIST), or other national measurement institutes, and meets the requirements of ISO/IEC 17025:2017.
Test points marked with a ‡ in the uncertainties column do not fall within this laboratory's scope of accreditation.

The quality system is registered to ISO 9001:2015.

This calibration is a direct comparison of the unit under test to the listed reference standards and did not involve any sampling plans to complete. No allowance has been made for the instability of the test device due to use, time, etc. Such allowances would be made by the customer as needed.

The uncertainties were computed in accordance with the ISO Guide to the Expression of Uncertainty in Measurement (GUM). A coverage factor of approximately 2 sigma (k=2) has been applied to the standard uncertainty to express the expanded uncertainty at approximately 95% confidence level.

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Correction data from Larson Davis SoundAdvisor Model 831C Reference Manual, I831C.01 Rev M, 2019-09-10

For 1/4" microphones, the Larson Davis ADP024 1/4" to 1/2" adaptor is used with the calibrators and the Larson Davis ADP043 1/4" to 1/2" adaptor is used with the preamplifier.

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Calibration Check Frequency: 1000 Hz; Reference Sound Pressure Level: 114 dB re 20 µPa; Reference Range: 0 dB gain

Periodic tests were performed in accordance with procedures from IEC 61672-3:2013 / ANSI/ASA S1.4-2014/Part3.

Pattern approval for IEC 61672-1:2013 / ANSI/ASA S1.4-2014/Part 1 successfully completed by Physikalisch-Technische Bundesanstalt (PTB) on 2019-05-13 certificate number DE-17-M-PTB-0076.

The sound level meter submitted for testing successfully completed the periodic tests of IEC 61672-3:2013 / ANSI/ASA S1.4-2014/Part 3, for the environmental conditions under which the tests were performed. As evidence was publicly available, from an independent testing organization responsible for approving the results of pattern-evaluation tests performed in accordance with IEC 61672-2:2013 / ANSI/ASA S1.4-2014/Part 2, to demonstrate that the model of sound level meter fully conformed to the class 1 specifications in IEC 61672-1:2013 / ANSI/ASA S1.4-2014/Part 1; the sound level meter submitted for testing conforms to the class 1specifications in IEC 61672-1:2013 / ANSI/ASA S1.4-2014/Part 1.

Standards Used

Description	Cal Date	Cal Due	Cal Standard
Larson Davis CAL291 Residual Intensity Calibrator	2024-09-09	2025-09-09	001250
Hart Scientific 2626-S Humidity/Temperature Sensor	2024-05-07	2025-11-07	006943
Larson Davis CAL200 Acoustic Calibrator	2025-07-18	2026-07-18	007027
PCB 377A13 1/2 inch Prepolarized Pressure Microphone	2025-02-12	2026-02-12	007080
Larson Davis Model 831	2025-02-17	2026-02-17	007182
SRS DS360 Ultra Low Distortion Generator	2025-03-26	2026-03-26	007635
Larson Davis 1/2" Preamplifier for Model 831 Type 1	2024-09-30	2025-09-30	PCB0004783

Acoustic Calibration

Measured according to IEC 61672-3:2013 10 and ANSI S1.4-2014 Part 3: 10

Measurement	Test Result [dB]	Lower Limit [dB]	Upper Limit [dB]	Expanded Uncertainty [dB]	Result
1000 Hz	114.01	113.80	114.20	0.14	Pass

Adjusted Level: 114.01
As Received Level: 113.04

-- End of measurement results--

Loaded Circuit Sensitivity

Measurement	Test Result [dB re 1 V / Pa]	Lower Limit [dB re 1 V / Pa]	Upper Limit [dB re 1 V / Pa]	Expanded Uncertainty [dB]	Result
1000 Hz	-25.46	-27.84	-24.74	0.14	Pass

-- End of measurement results--

Acoustic Signal Tests, C-weighting

Measured according to IEC 61672-3:2013 12 and ANSI S1.4-2014 Part 3: 12 using a comparison coupler with Unit Under Test (UUT) and reference SLM using slow time-weighted sound level for compliance to IEC 61672-1:2013 5.5; ANSI S1.4-2014 Part 1: 5.5

Frequency [Hz]	Test Result [dB]	Expected [dB]	Lower Limit [dB]	Upper Limit [dB]	Expanded Uncertainty [dB]	Result
125	-0.09	-0.20	-1.20	0.80	0.24	Pass
1000	0.26	0.00	-0.70	0.70	0.23	Pass
8000	-2.83	-3.00	-5.50	-1.50	0.33	Pass

-- End of measurement results--

Self-generated Noise

Measured according to IEC 61672-3:2013 11.1 and ANSI S1.4-2014 Part 3: 11.1

Measurement	Test Result [dB]
A-weighted, 20 dB gain	40.43

-- End of measurement results--

-- End of Report--

Signatory: Jacob Cannon

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1681 West 820 North
Provo, UT 84601 United States
716-684-0001

Calibration Certificate

Certificate Number 2025011294

Customer:
RML Acoustics LLC

,

Model Number	CAL200	***Procedure Number***	D0001.8386		
Serial Number	5574	***Technician***	Scott Montgomery		
Test Results	**Pass**	***Calibration Date***	2025-08-14		
Initial Condition	Adjusted	***Calibration Due***	2027-08-14		
Description	Larson Davis CAL200 Acoustic Calibrator	***Temperature***	24	°C	± 0.3 °C
		Humidity	31	%RH	± 3 %RH
		Static Pressure	101.1	kPa	± 1 kPa

Evaluation Method The data is aquired by the insert voltage calibration method using the reference microphone's open circuit sensitivity. Data reported in dB re 20 µPa.

Compliance Standards Compliant to Manufacturer Specifications per D0001.8190 and the following standards:
IEC 60942:2017 ANSI S1.40-2006

Issuing lab certifies that the instrument described above meets or exceeds all specifications as stated in the referenced procedure (unless otherwise noted). The results documented in this certificate relate only to the item(s) calibrated or tested. It has been calibrated using measurement standards traceable to the SI through the National Institute of Standards and Technology (NIST), or other national measurement institutes, and meets the requirements of ISO/IEC 17025:2017.
Test points marked with a ‡ in the uncertainties column do not fall within this laboratory's scope of accreditation.

The quality system is registered to ISO 9001:2015.

This calibration is a direct comparison of the unit under test to the listed reference standards and did not involve any sampling plans to complete. No allowance has been made for the instability of the test device due to use, time, etc. Such allowances would be made by the customer as needed.

The uncertainties were computed in accordance with the ISO Guide to the Expression of Uncertainty in Measurement (GUM). A coverage factor of approximately 2 sigma (k=2) has been applied to the standard uncertainty to express the expanded uncertainty at approximately 95% confidence level.

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Standards Used

Description	Cal Date	Cal Due	Cal Standard
Pressure Sensor	2025-01-22	2026-01-22	007815
NI USB-4431 signal acquisition module	2025-01-14	2026-01-14	007904
Larson Davis 2221 Preamplifier Power Supply	2025-01-13	2026-01-13	007916
Keysight 34461A DMM	2025-02-21	2026-02-21	007917
1/2" Preamplifier	2025-01-07	2026-01-07	PCB0000548
1/2 inch Microphone - Random Incidence - 200V	2025-02-21	2026-02-21	PCB0103682

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Output Level

Nominal Level [dB @ Hz]	Pressure [kPa]	Test Result [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
94 @ 1000.0	101.1	93.99	93.80	94.20	0.15	Pass
114 @ 1000.0	101.1	114.00	113.80	114.20	0.15	Pass

-- End of measurement results--

Frequency

Nominal Level [dB @ Hz]	Pressure [kPa]	Test Result [Hz]	Lower limit [Hz]	Upper limit [Hz]	Expanded Uncertainty [Hz]	Result
94 @ 1000.0	101.1	999.99	993.00	1,007.00	0.20	Pass
114 @ 1000.0	101.1	999.98	993.00	1,007.00	0.20	Pass

-- End of measurement results--

Total Harmonic Distortion + Noise (THD+N)

Nominal Level [dB @ Hz]	Pressure [kPa]	Test Result [%]	Lower limit [%]	Upper limit [%]	Expanded Uncertainty [%]	Result
94 @ 1000.0	101.1	0.72	0.00	2.00	0.25 ‡	Pass
114 @ 1000.0	101.1	0.31	0.00	2.00	0.25 ‡	Pass

-- End of measurement results--

Level Change Over Pressure

Tested at: 114 dB, 24 °C, 31 %RH

Nominal Pressure [kPa (dB @ Hz)]	Pressure [kPa]	Test Result [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
108.0 (114 @ 1000.0)	108.1	-0.01	-0.25	0.25	0.04 ‡	Pass
101.3 (114 @ 1000.0)	101.3	0.00	-0.25	0.25	0.04 ‡	Pass
92.0 (114 @ 1000.0)	92.1	-0.01	-0.25	0.25	0.04 ‡	Pass
83.0 (114 @ 1000.0)	83.1	-0.03	-0.25	0.25	0.04 ‡	Pass
74.0 (114 @ 1000.0)	74.1	-0.09	-0.25	0.25	0.04 ‡	Pass
65.0 (114 @ 1000.0)	65.0	-0.19	-0.25	0.25	0.04 ‡	Pass

-- End of measurement results--

Frequency Change Over Pressure

Tested at: 114 dB, 24 °C, 31 %RH

Nominal Pressure [kPa (dB @ Hz)]	Pressure [kPa]	Test Result [Hz]	Lower limit [Hz]	Upper limit [Hz]	Expanded Uncertainty [Hz]	Result
108.0 (114 @ 1000.0)	108.1	0.00	-7.00	7.00	0.20 ‡	Pass
101.3 (114 @ 1000.0)	101.3	0.00	-7.00	7.00	0.20 ‡	Pass
92.0 (114 @ 1000.0)	92.1	0.00	-7.00	7.00	0.20 ‡	Pass
83.0 (114 @ 1000.0)	83.1	0.00	-7.00	7.00	0.20 ‡	Pass
74.0 (114 @ 1000.0)	74.1	0.00	-7.00	7.00	0.20 ‡	Pass
65.0 (114 @ 1000.0)	65.0	0.00	-7.00	7.00	0.20 ‡	Pass

-- End of measurement results--

Total Harmonic Distortion + Noise (THD+N) Over Pressure

Tested at: 114 dB, 24 °C, 31 %RH

Nominal Pressure [kPa (dB @ Hz)]	Pressure [kPa]	Test Result [%]	Lower limit [%]	Upper limit [%]	Expanded Uncertainty [%]	Result
108.0 (114 @ 1000.0)	108.1	0.55	0.00	2.00	0.25 ‡	Pass
101.3 (114 @ 1000.0)	101.3	0.47	0.00	2.00	0.25 ‡	Pass
92.0 (114 @ 1000.0)	92.1	0.40	0.00	2.00	0.25 ‡	Pass
83.0 (114 @ 1000.0)	83.1	0.38	0.00	2.00	0.25 ‡	Pass
74.0 (114 @ 1000.0)	74.1	0.37	0.00	2.00	0.25 ‡	Pass
65.0 (114 @ 1000.0)	65.0	0.39	0.00	2.00	0.25 ‡	Pass

-- End of measurement results--

Signatory: Scott Montgomery

LARSON DAVIS – A PCB DIVISION
1681 West 820 North
Provo, UT 84601 United States
716-684-0001

Exhibit 21

Outlook

Stokes County Is Special For Its History, Please Protect It

From Benjamin Briggs <bbriggs@presnc.org>
Date Mon 9/14/2026 6:35 AM
To rmorris@co.stokes.nc.us <rmorris@co.stokes.nc.us>; bchandler@co.stokes.nc.us <bchandler@co.stokes.nc.us>; kwood@co.stokes.nc.us <kwood@co.stokes.nc.us>; scox@co.stokes.nc.us <scox@co.stokes.nc.us>; wbarneycastle@co.stokes.nc.us <wbarneycastle@co.stokes.nc.us>
Cc jsanborn@co.stokes.nc.us <jsanborn@co.stokes.nc.us>; bryanmiller@co.stokes.nc.us <bryanmiller@co.stokes.nc.us>; ojessup@co.stokes.nc.us <ojessup@co.stokes.nc.us>

Honorable Stokes County Commissioners:
I am writing on behalf of Preservation North Carolina regarding the upcoming request to rezone approximately 1,850 acres for development as a hyperscale data center. I have long admired Stokes County's history and presented to the Historical Society many years ago. My namesake, Benjamin Briggs, lived his entire life in Walnut Cove between 1779 and 1835. His father-in-law was Martin Marshall, who had a prominent name in this very historic county.

Preservation North Carolina, for whom I work today, has a role in the county as well. We monitor protective covenants on Pine Hall Plantation just across the river from this site, the Walnut Cove Rosenwald School, the Wilson Fulton House in Danbury, and the Joseph Henry and Hannah Smith Homeplace in Big Creek Township.

The Project Delta concerns preservationists because this part of the county along the Dan River is known to be a culturally and historically rich area that, after centuries of preservation, may now face irreversible harm or outright destruction if re-zoning is approved. We understand that the Environmental Impact Survey Report performed by New South Associates has been sent to the State Historic Preservation Office and is currently under review. I hope you will wait to vote on such a serious matter until the comments and results are presented to you for review.

This project could result in the permanent loss of irreplaceable Stokes County historic, cultural, and natural community assets. Preservation NC respectfully requests that the County Commission deny, or at least delay, the conditional rezoning application for Project Delta. Once our shared history is destroyed, it is lost forever.

Thank you for your consideration.
Benj-.

Benjamin Briggs
President and CEO

919-832-3652 ext. 231
bbriggs@presnc.org

814 Oberlin Road
Raleigh NC 27605

mail: P.O. Box 27644, Raleigh, NC 27611-7644

Preservation North Carolina

Visit us at PreservationNC.org to help protect and promote historic places that matter to the diverse people of North Carolina!


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a difference!
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Exhibit 22

PROPOSED ZONING CONDITIONS

Updated September 11, 2026

1. Permitted Uses: Permitted uses are limited to the following:
    a) Data Center: A facility, campus of facilities, or array of interconnected facilities used for the primary purpose of storing, retrieving, managing, and/or processing digital data, including associated infrastructure such as servers, data storage equipment, network equipment, power supply systems, backup generators, cooling systems, and related accessory structures. A data center does not include electronic equipment incidental to a business whose primary activity is other than storing, retrieving, managing, and processing digital data (e.g., a retail store, office building, or school).
    b) Accessory uses, facilities, structures, infrastructure, equipment, and technologies associated with the development or operation of the Data Center, including power generation; substations; electrical infrastructure; natural gas infrastructure; fiber optic infrastructure; battery backup and generation equipment; equipment yards; batteries; security facilities; on-site maintenance facilities; container storage; and fuel and water storage.
2. Noise:
    a) Project operations shall not exceed the following noise limits as measured from the exterior property line or, if the property line adjoins a public right of way, then from the nearest property line beyond the right of way:
        I. Adjacent to property located within a non-residential zoning district[1]:
            1. A-weighted sound level[2]: 70 dB(A).
        II. Adjacent to property located within a residential zoning district[3]:
            1. A-weighted sound level: 60 dB(A) during daytime hours (7:00 a.m. – 10:00 p.m.) and 50 dB(A) during nighttime hours (10:00 p.m. – 7:00 a.m.).

[1] **Nonresidential Zoning Districts:** Any zoning district that is not a Residential Zoning District.
[2] **A-Weighted Sound Level, dB(A)**: The sound pressure level in decibels as measured on a sound level meter using the A-weighting network, which de-emphasizes low and high frequencies to approximate the response of the human ear. Levels so measured are designated dB(A) or dBA.
[3] **Residential Zoning District:** R-A Residential-Agricultural District; R-20 Residential-Low Density; R-15 Residential-Medium Density; R-8 Residential-High Density; R-E Residential – Exclusive; R-R Residential – Restricted; R-M Residential – Mixed; RMF Residential – Multi-family; MHP Manufactured Housing Park.

2. C-weighted sound level[4]: The C-weighted sound level (dB(C)) shall not exceed the corresponding A-weighted sound level (dB(A)) by more than 15 dB at any Measurement Location[5].

b) Tone: A tone shall be deemed present when the time-averaged sound pressure level in any one-third octave band[6] exceeds the time-averaged sound pressure levels of both of the two adjacent one-third octave bands by:

   I. 15 dB or more in one-third octave bands between 25 Hz and125 Hz;

   II. 8 dB or more in one-third octave bands between 160 Hz to 400 Hz; or

   III. 5 dB or more in one-third octave bands between 500 Hz to 10,000 Hz.

   If the observed Project noise contains a tone as defined herein, the applicable noise limit shall be reduced by 5 dB(A) for purposes of determining compliance.

c) For purposes of applying the noise limits established by this condition, the residential or non-residential zoning classification of each adjacent property shall be determined and established at the time of conditional rezoning application submission based on the Official Stokes County Zoning Map in effect on that date. The classification so established shall remain controlling for purposes of this condition and shall not be affected by any subsequent amendment to the Official Zoning Map.

d) Generator Testing: Routine testing and maintenance of emergency generators shall be limited to weekdays between 9:00 a.m. and 5:00 p.m. local time and shall be conducted with all permanent noise attenuation in place.

e) Exemptions:

   I. The limits above shall not apply to (i) actual emergency operation of backup generators during a utility power interruption or other emergency event, (ii) daytime construction activity, and (iii) daytime maintenance activities not including generator testing.

   II. Nothing herein shall be construed to exempt construction activity conducted during nighttime hours from the applicable noise limits established by this condition.

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[4] **C-Weighted Sound Level, dB(C):** The sound pressure level in decibels as measured on a sound level meter using the C-weighting network, which applies minimal frequency weighting and is more responsive to low-frequency sound than the A-weighting network. Levels so measured are designated dB(C) or dBC.

[5] **Measurement Location:** The exterior property line or, if the property line adjoins a public right of way, then from the nearest property line beyond the right of way.

[6] **One-Third Octave Band:** For the purpose of assessing tonality, the following third-octave band nominal center frequencies (given in Hz) will be considered, consistent with standard acoustical measurement practice: 25, 31.5, 40, 50, 63, 80, 100, 125, 160, 200, 250, 315, 400, 500, 630, 800, 1000, 1250, 1600, 2000, 2500, 3150, 4000, 5000, 6300, 8000, 10000.

f) Compliance: The noise limits established by this condition shall apply to continuous noise attributable to project operations, defined as noise sustained for a duration of fifteen (15) minutes or more. Noise compliance shall be measured using Equivalent Sound Level ("Leq")[7] or Statistical Sound Level ("L90")[8] sound levels, with the ability to utilize short-duration measurements as brief as 30 seconds to appropriately isolate noise attributable to the project from extraneous site sources. For any measurements shorter than 60 seconds, a minimum of three (3) readings shall be taken at each location and arithmetically averaged (in both dB(A) and dB(C)) for reporting purposes. All measured sound levels should be representative of project operations, excluding any influence from non-relevant site noise. Reasonable adjustments or normalization of the measured frequency spectrum may be applied to account for ambient sounds, such as automotive traffic, wind, wildlife, insects or birds, provided such adjustments are clearly documented and supported with appropriate justification for approval.

g) Noise Assessments:

I. Qualified Consultant: All required noise assessments (including studies and surveys) shall be completed, at no cost to the County, by an independent third-party licensed sound engineer Board Certified by the Institute of Noise Control Engineering (INCE).

II. Pre-Construction Existing Ambient Sound Survey: Prior to building permit approval, the Developer[9] shall have a pre-construction sound survey performed to establish baseline ambient sound levels[10] at any Measurement Location. The survey shall document measured[11] A-weighted and C-weighted sound levels for a period of at least 24 hours. The pre-construction survey shall be submitted to the County prior to issuance of a building permit. The documented baseline ambient sound level shall be considered for compliance and reasonable adjustments.

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[7] **Equivalent Sound Level (Leq):** The steady-state sound level which, over a stated measurement period, contains the same acoustic energy as the actual time-varying sound level during that period.

[8] **Statistical Sound Level (L90):** The sound level exceeded during ninety percent (90%) of the measurement period. The L90 is commonly used to represent the sustained or background component of a time-varying sound environment.

[9] **Developer**: The owner of the Property or any person or entity authorized by the owner to develop the Property, including successors and assigns.

[10] **Ambient Sound Level:** The composite sound level at a given location resulting from all sources near and far, excluding sound attributable to project operations. The ambient sound level constitutes the normal or existing sound environment at that location.

[11] **Sound Level Meter:** An instrument used to measure sound pressure levels, including a microphone, amplifier, output meter, and frequency weighting networks, meeting or exceeding the requirements for a Type 1 or Type 2 instrument under ANSI S1.4.

III. Pre-Construction Noise Modeling Study: Prior to the issuance of a building permit for each Major Improvement[12], the Developer shall submit a noise study to the County for review and approval. The study shall demonstrate that the Major Improvement, together with all previously approved or completed portions of the Project, will comply with the applicable noise limits under representative operating conditions as defined herein.

IV. Post-Construction Noise Compliance Survey: For each Major Improvement, the Developer shall submit a post-construction sound survey to the County. The survey shall demonstrate compliance with the applicable noise limits based on cumulative noise from the Major Improvement and all previously completed portions of the Project.

V. Subsequent Surveys and Studies: A previously approved noise assessment may be updated or supplemented, and a single assessment may satisfy the applicable pre-construction or post-construction requirements for multiple Major Improvements permitted, completed, or placed into service concurrently.

VI. Annual Operational Noise Compliance Survey: Beginning twelve (12) months after issuance of the first certificate of occupancy for the Project, and annually thereafter, the Developer shall conduct a noise compliance survey evaluating cumulative noise generated by all operating portions of the Project. An annual noise compliance survey may be conducted concurrently with any required post-construction noise survey, provided that the combined survey satisfies all requirements applicable to both surveys. Notwithstanding the foregoing, the County may require the Developer to conduct an additional noise compliance survey upon: (i) confirmation of a violation of an applicable noise limit; or (ii) documented evidence reasonably indicating potential noncompliance with an applicable noise limit.

3. Power Generators:

a) Power generators shall not be permitted within 300 feet of the exterior property boundary.

b) The use of diesel fuel for power generation shall be limited to the operation of emergency backup generators.

[12] Each building phase constitutes a "Major Improvement." A Major Improvement also includes any material change to noise-generating equipment, operations, noise-control measures, generation capacity, or on-site conditions that could objectively affect compliance with the applicable noise limits. Routine maintenance or replacement with equipment having equal or lower sound output is excluded.

4. Cooling Systems and Water Infrastructure:
    a) Open-loop water cooling systems are not permitted.
    b) Acceptable systems include, but are not limited to, closed-loop cooling, air-cooled systems, liquid cooling systems, or other efficient technologies.
    c) The Project shall be prohibited from direct withdrawal from streams, rivers, lakes, ponds, reservoirs, groundwater wells, aquifers, or other private surface-water or groundwater sources.
5. Floodplain: Within the floodplain areas designated on the Federal Emergency Management Agency ("FEMA") Flood Insurance Rate Maps ("FIRMs") for Stokes County, North Carolina, Map Nos. 3710696200K and 3710696400K, effective June 10, 2026, development and uses shall be limited to infrastructure improvements and recreational, agricultural, conservation, preservation, and open space uses. Except as expressly provided above, no other development shall be permitted within the designated floodplain areas.
6. Lighting: All exterior site and building lighting shall be directed downward and shall utilize full cutoff or fully shielded fixtures, designed and installed to prevent glare, light spillover, or direct illumination onto adjacent properties, unless otherwise required by state and federal law.
7. Height: The maximum height of the principal building(s) shall be eighty (80) feet. Antennas, communication equipment, mechanical equipment, screening, utility infrastructure, lightning protection systems, and other similar appurtenances may extend above the 80-foot building height limit.
8. Buffer Areas:
    a) Buffers shall be provided and maintained as follows and as generally depicted in the "Buffer Zone Exhibit" attached hereto and incorporated by reference.
    b) Buffers shall be achieved through existing vegetation, supplemental plantings, berms, or other comparable measures, alone or in combination.
    c) Buffers shall be kept in good condition, including the replacement of dead, diseased, damaged, or removed vegetation as reasonably necessary.
    d) Infrastructure improvements, including, but not limited to, utilities, fences, mailboxes, roads, streets, access drives, drainage facilities, retaining walls that can accommodate landscaping, signage, lighting, security features, access-control features, and similar minor encroachments, provided such improvements are located and designed to minimize disturbance to existing vegetation, shall be permitted to cross or encroach upon buffer areas.

9. Environmental Regulatory Materials: Material environmental reports, notices, monitoring results, or compliance materials submitted to or received from the North Carolina Department of Environmental Quality ("NCDEQ") in connection with air quality, water quality, or the development or operation of the Property shall be provided or made accessible to the County.
10. School Transportation Coordination: During construction, the Developer shall coordinate with the Stokes County Schools Transportation Department regarding construction activities to minimize disruption to school bus operations and promote safe school bus travel.

Exhibit 23

REDLINED — SECTIONS 14.1 through 14.5

Staff Recommendation and Draft § 160D-605 Statements — Project Delta

Conforming edits to reflect Applicant's Statement of Conditions dated September 11, 2026

Legend: ~~deleted text~~ | inserted / verbatim-substituted text | *[drafting note]*

Scope of amendments: *Sections 14.1, 14.2, 14.3, and 14.5 reflect only the actual differences between the 9/8/2026 and 9/11/2026 Applicant's Statements of Conditions (Condition 1(b) accessory-use tightening; Condition 2(e)(II) nighttime-construction non-exemption; Condition 10 School Transportation Coordination) plus a date update. In Section 14.4, Section 2 of the draft Ordinance has been rebuilt to reproduce the 9/11/2026 Applicant's Statement of Conditions VERBATIM, in place of the prior paraphrased version, so that the Board's adopted conditions are word-for-word identical to those the Applicant has consented to under N.C. Gen. Stat. § 160D-703(b). Footnoted definitions, sub-lettering, and roman numerals are preserved. The full 9/11/2026 Statement of Conditions is also attached at the end of this document as Exhibit A. The Buffer Zone Exhibit referenced in Condition 8 remains incorporated by reference as part of the Applicant's Combined Rezoning Package.*

14.1 Staff Recommendation

Staff recommends that the Board of Commissioners APPROVE the Application, subject to (i) the Applicant's Statement of Conditions dated ~~September 8, 2026~~September 11, 2026, attached hereto as Exhibit A and reproduced verbatim in Section 2 of the draft Ordinance in Section 14.4, and (ii) any additional conditions the Board of Commissioners finds warranted and necessary and to which the Applicant consents in writing under N.C. Gen. Stat. § 160D-703(b). As part of the approval process, the Board of Commissioners must adopt statements of reasonableness and consistency. Any additional condition the Board may wish to impose — including any decommissioning security, on-site combustion or non-diesel fuel cap, expanded noise or air monitoring beyond the Annual Operational Noise Compliance Survey now in Condition 2(g)(VI), cemetery or cultural-resource setback, additional annual compliance reporting beyond Conditions 2(g)(VI) and 9, utility-disclosure schedule, or record-attachment requirement — would likewise require the Applicant's written consent under § 160D-703(b); if the Board considers such a condition essential and the Applicant declines to consent, the appropriate remedy is denial rather than unilateral imposition. Should the Board choose to approve, proposed statements of reasonableness and consistency and a proposed conditional zoning ordinance have been included in Sections 14.2, 14.3, and 14.4. Should the Board choose to deny the requested rezoning, a sample resolution has been included in Section 14.5.

Miscellaneous Concerns: Concerns regarding the proposed project have been addressed as follows:

• Noise (including tonal and low-frequency energy) — Ordinance Condition 2 imposes limits, including measurable property line limitations. Also, Condition 8 imposes vegetative buffer requirements that will assist with noise management and mitigation. (See Section 6).

• Water demand and impact on private wells — Ordinance Condition 4 prohibits open-loop cooling systems and direct water withdrawal from groundwater, surface water, and private wells. (See Sections 7.1–7.2).

• Floodplain — Ordinance Condition 5 limits development in floodplain areas. (See Section 4).

• Air quality and on-site combustion — Ordinance Condition 9 mandates that environmental reports and related documents from NCDEQ be provided or made accessible to the County. (See Section 7.4).

• Grid capacity and residential rate impact — This issue must be addressed through the State regulatory process. Residential retail electric rates lie within the exclusive jurisdiction of the North Carolina Utilities Commission under N.C. Gen. Stat. §§ 62-32 and 62-130 and are not addressable through a County zoning condition. (See Section 7.4).

• Property values — Section 11 discusses the mixed empirical record regarding property values, including parcel-level scenarios and mitigating conditions (buffers, setbacks, noise controls).

• Cumulative industrial concentration — There are approximately 8,458 acres of existing verified industrial and utility uses in the vicinity (See Section 5), which situates this use in an already-industrial context. Pollutant loading and airshed effects remain under NCDEQ jurisdiction.

• Cultural, historical, and wildlife resources — State Historic Preservation Office ("SHPO") coordination and United States Army Corps of Engineers ("USACE") / NCWRC / N.C. Forest Service review is required. (See Section 9). Any additional Board-adopted setback, memorial, or reporting condition will require Applicant written consent under § 160D-703(b).

• Traffic — The project will need an NCDOT Traffic Impact Analysis ("TIA") driveway permit. (See Section 10). Any additional Board-adopted TIA-scope or routing condition will require Applicant written consent under § 160D-703(b).

• Decommissioning and long-term compliance — There are potential Board-adopted conditions on decommissioning security, independent compliance audit, and County-directed compliance oversight, each of which will require the Applicant's written consent under § 160D-703(b).

• School-bus operations during construction — Ordinance Condition 10 (added in the Applicant's September 11, 2026 Statement of Conditions) requires the Developer to coordinate with the Stokes County Schools Transportation Department during construction to minimize disruption to school-bus operations and promote safe school-bus travel.

• Scope of accessory uses — Ordinance Condition 1(b) (Applicant's September 11, 2026 Statement of Conditions) revises the accessory-use enumeration from "including, without limitation," (9/8/2026 version) to "including," thereby tightening the accessory-use list. The Board should note this change for the record.

14.2 Draft Reasonableness and Public-Interest Statement for APPROVAL — N.C. Gen. Stat. § 160D-605(b)

Recommended statement for adoption by the Board contemporaneously with a vote to approve:

RESOLVED, that the Stokes County Board of Commissioners finds the approval of the Project Delta conditional zoning district (rezoning from R-A to M-2-CZ for parcels 6964-91-8321; 6973-49-0574; 6973-76-7124; 6973-73-4188, approximately 1,848.74 acres) to be reasonable and in the public interest. Specifically, the Board finds that, with conditions imposed, the likely benefits to the people of Stokes County will outweigh likely harms. In reaching this determination the Board has considered, among other factors, (i) the size, physical conditions, and topography of the site; (ii) the surrounding zoning and land uses within one-half mile and one mile, including approximately 8,458 acres of verified existing heavy industrial and utility uses; (iii) the FEMA-designated Special Flood Hazard Area coextensive with the 2035 Vision Plan's O-1 designation on approximately 33.9 percent of the site; (iv) the benefits and detriments to the surrounding community identified in the Planning-Board Staff Report (which recommended DENIAL by a 5-2 vote of the Planning Board on August 13, 2026), the Public Information Meeting Report, this Board Staff Report, the Stokes County Water and Sewer Authority Will-Serve Letter of December 26, 2025 signed by Chairman John Hawkins, and public comment received at and prior to the September 8, 2026 legislative hearing; (v) the environmental-justice and community-health indicators for the primary census tract containing the site (Census Tract 707.02) and the materially adjoining tracts touching the one-half-mile and one-mile analysis buffers (principally Census Tract 701.01, which overlaps approximately 19 percent of the half-mile buffer and approximately 23 percent of the one-mile buffer, and, to a lesser extent, Census Tract 707.01); (vi) the enforceable conditions offered by the Applicant in the Statement of Conditions dated ~~September 8, 2026~~September 11, 2026 addressing noise (including dB(A) and dB(C) limits, tonal-noise penalty, baseline and post-construction surveys, an express non-exemption of nighttime construction activity from the noise limits, and an annual operational noise compliance survey with County authority to require additional surveys upon evidence of noncompliance), power generators (a 300-foot exterior-boundary setback and a restriction of diesel fuel to emergency backup generators only), water (prohibition on open-loop cooling and on all direct withdrawal from groundwater, surface water, and private wells; and the SCWSA Will-Serve Letter of December 26, 2025 as one available public-water option), floodplain, buffers (a 100-foot baseline buffer along all property lines increased to 250 feet adjacent to residential uses, committing approximately 189 acres of the site to vegetative buffer, subject to an ongoing maintenance and replanting obligation), lighting (downward directed, fully shielded), height (80 feet), setbacks, and access to material NCDEQ air-quality, water-quality, and operational compliance materials for the site, and school-bus operations coordination with the Stokes County Schools Transportation Department during construction; (vii) any additional conditions the Board has found warranted and necessary and to which the Applicant has consented in writing under § 160D-703(b); (viii) the residual concerns — grid capacity, cumulative industrial concentration, and empirical uncertainty in the property-value literature — which the Board has considered and, on balance, finds acceptable in light of the conditions imposed; and (ix) the fiscal information in the record, including the Applicant's illustrative ad valorem projection and the residential tax-scenario modeling in Section 11 of this Report. The Board further finds that matters delegated to Duke Energy or to other regulators (NCUC, NCDEQ, USACE, FEMA, NCDOT, SHPO, SCWSA, Town of Walnut Cove) will be addressed by their respective statutory processes and that the Board's zoning decision neither authorizes nor forecloses those processes.

[Drafting note: The buffer parenthetical (100-foot baseline / 250-foot residential-adjacent / ~189 acres) is retained. Those dimensions come from the Buffer Zone Exhibit incorporated by reference into Condition 8 across all three versions of the Statement of Conditions, and the 189-acre figure is calculated elsewhere in the staff report record from that Exhibit. No change is required. The retained "setbacks" reference refers to the general concept in the record; the operative numeric setback in the Applicant's Statement of Conditions is the 300-foot generator setback in Condition 3(a).]

14.3 Draft Plan-Consistency Statement for APPROVAL — N.C. Gen. Stat. § 160D-605(a)

The 2035 Vision Plan designations across the subject property are approximately 48.6 percent G-1 (Low Density Growth), 33.9 percent O-1 (Preserved), and 17.1 percent O-2 (Restricted). The percentages above are rounded and do not sum precisely to 100 percent.

Recommended statement for adoption by the Board contemporaneously with a vote to approve:

RESOLVED, that the Stokes County Board of Commissioners finds that approval of the Project Delta conditional zoning district is INCONSISTENT with the Future Land Use Framework of the Stokes County 2035 Vision Plan as it applies to the G-1 (Low Density Growth) designation on approximately 48.6 percent of the subject property, but is CONSISTENT with the 2035 Vision Plan as it applies to the O-1 (Preserved) designation on approximately 33.9 percent of the subject property (because Applicant Condition 5 preserves the FEMA-designated Special Flood Hazard Area on the site consistent with the O-1 designation), and, on balance, the Board approves the amendment notwithstanding the partial inconsistency because the reasons set out in the reasonableness statement above establish that the amendment is reasonable and in the public interest. As provided by N.C. Gen. Stat. § 160D-605(a), any approved future land-use map is deemed to be amended to be consistent with this statement and the Project Delta conditional zoning district.

[Drafting note: No substantive amendment required. Condition 5 (Floodplain) is unchanged across all three versions of the Statement of Conditions.]

14.4 Draft Conditional Zoning District Ordinance for APPROVAL

The following draft Conditional Zoning District Ordinance may be adopted immediately after the statements of reasonableness and consistency have been approved. All actions should be taken at the same time on September 14, 2026. If the Board votes to deny, then the alternative combined statement in Section 14.5 shall be adopted in lieu of this Ordinance.

Engrossment instruction: *All bracketed passages beginning with [Drafting note:...] appearing in this Section 14.4 are editorial commentary for the Board and staff and are NOT part of the Ordinance to be adopted. The Clerk to the Board shall remove every such bracketed passage prior to engrossment for signature and prior to entry of the Ordinance in the minutes and code book.*

STOKES COUNTY, NORTH CAROLINA — BOARD OF COMMISSIONERS

CONDITIONAL ZONING DISTRICT ORDINANCE — PROJECT DELTA (M-2-CZ)

WHEREAS, DFC Stokes LLC and DFC Stokes 2 LLC (the "Applicant") submitted a Combined Rezoning Package (Second Submission dated July 20, 2026) requesting rezoning of four parcels bearing Stokes County PINs 6964-91-8321, 6973-49-0574, 6973-76-7124, and 6973-73-4188, totaling approximately 1,848.74 acres, from the Rural Agricultural (R-A) zoning district to the Heavy Industrial — Conditional (M-2-CZ) zoning district for the purpose of developing a data center facility and campus known as Project Delta; and

WHEREAS, the Applicant submitted a written Statement of Conditions, dated ~~September 8, 2026~~September 11, 2026, offering enforceable conditions pursuant to N.C. Gen. Stat. § 160D-703(b), a true and correct copy of which is attached hereto as Exhibit A and incorporated by reference in its entirety, and to which the Applicant has consented in writing; and

[Drafting note: The recital has been simplified. Because Section 2 below reproduces the Applicant's Statement verbatim (and Exhibit A attaches it in full), the recital no longer summarizes individual conditions (which risked introducing paraphrased language into the Ordinance). All condition-by-condition summarization has been removed from the recital.]

WHEREAS, the Stokes County Planning and Inspections Department conducted its review, held a Public Information Meeting on July 8, 2026, and issued its Planning-Board Staff Report in August 2026, and the Stokes County Planning Board conducted its statutory review on August 13, 2026 and recommended DENIAL by a vote of 5-2; and

WHEREAS, the Board of Commissioners held a duly noticed legislative hearing on September 8, 2026 and received the Planning-Board Staff Report, this Board Staff Report, the Public Information Meeting Report, the Stokes County Water and Sewer Authority Will-Serve Letter of December 26, 2025 signed by Chairman John Hawkins, and public comment received at and prior to that hearing; and

WHEREAS, the Board of Commissioners, at its meeting on September 14, 2026, adopted the plan-consistency statement and the reasonableness-and-public-interest statement required by N.C. Gen. Stat. § 160D-605(a) and (b);

NOW, THEREFORE, BE IT ORDAINED by the Stokes County Board of Commissioners that:

Section 1. Rezoning. The parcels bearing Stokes County PINs 6964-91-8321, 6973-49-0574, 6973-76-7124, and 6973-73-4188, totaling approximately 1,848.74 acres, are hereby rezoned from R-A to M-2-CZ, subject to the enforceable conditions set out in Section 2 of this Ordinance.

~~Section 2. Enforceable Conditions. The following conditions, offered by the Applicant in writing under N.C. Gen. Stat. § 160D-703(b) and hereby accepted by the Board, are binding on the subject property and enforceable against the Applicant and its successors and assigns:~~

~~[Prior paraphrased Conditions 1 through 10 struck in their entirety. The paraphrased text is replaced by the verbatim text of the Applicant's Statement of Conditions dated September 11, 2026, set forth below in its entirety and also attached as Exhibit A.]~~

[Drafting note: The paraphrased Conditions 1–10 in the prior draft are struck in full. Section 2 is rebuilt below to reproduce the 9/11/2026 Applicant's Statement of Conditions verbatim. Footnote text from the source is inlined in

square brackets at each footnote reference for reading convenience within the Ordinance; the footnote markers themselves are preserved.]

Section 2. Enforceable Conditions. The following conditions are offered by the Applicant in writing pursuant to N.C. Gen. Stat. § 160D-703(b) and hereby accepted by the Board, are binding on the subject property, and are enforceable against the Applicant and its successors and assigns. The text below is reproduced verbatim from the Applicant's Statement of Conditions dated September 11, 2026, which is also attached to this Ordinance in full as Exhibit A. In the event of any conflict between the text below and Exhibit A, Exhibit A controls.

PROPOSED ZONING CONDITIONS

Updated September 11, 2026

1. Permitted Uses: Permitted uses are limited to the following:

a) Data Center: A facility, campus of facilities, or array of interconnected facilities used for the primary purpose of storing, retrieving, managing, and/or processing digital data, including associated infrastructure such as servers, data storage equipment, network equipment, power supply systems, backup generators, cooling systems, and related accessory structures. A data center does not include electronic equipment incidental to a business whose primary activity is other than storing, retrieving, managing, and processing digital data (e.g., a retail store, office building, or school).

b) Accessory uses, facilities, structures, infrastructure, equipment, and technologies associated with the development or operation of the Data Center, including power generation; substations; electrical infrastructure; natural gas infrastructure; fiber optic infrastructure; battery backup and generation equipment; equipment yards; batteries; security facilities; on-site maintenance facilities; container storage; and fuel and water storage.

[Drafting note: Re Condition 1(b): The phrase 'including, without limitation,' that appeared in the 9/8/2026 version has been deleted in the 9/11/2026 version and replaced by 'including.' This narrows (or at least tightens) the accessory-use enumeration in Condition 1(b). No other change to Condition 1 was made between 9/8 and 9/11.]

2. Noise:

a) Project operations shall not exceed the following noise limits as measured from the exterior property line or, if the property line adjoins a public right of way, then from the nearest property line beyond the right of way:

I. Adjacent to property located within a non-residential zoning district[1] [[1] Nonresidential Zoning Districts: Any zoning district that is not a Residential Zoning District.]:

1. A-weighted sound level[2] [[2] A-Weighted Sound Level, dB(A): The sound pressure level in decibels as measured on a sound level meter using the A-weighting network, which de-emphasizes low and high frequencies to approximate the response of the human ear. Levels so measured are designated dB(A) or dBA.]: 70 dB(A).

II. Adjacent to property located within a residential zoning district[3] [[3] Residential Zoning District: R-A Residential-Agricultural District; R-20 Residential-Low Density; R-15 Residential-Medium Density; R-8 Residential-High Density; R-E Residential – Exclusive; R-R Residential – Restricted; R-M Residential – Mixed; RMF Residential – Multi-family; MHP Manufactured Housing Park.]:

1. A-weighted sound level: 60 dB(A) during daytime hours (7:00 a.m. – 10:00 p.m.) and 50 dB(A) during nighttime hours (10:00 p.m. – 7:00 a.m.).

2. C-weighted sound level[4] [[4] C-Weighted Sound Level, dB(C): The sound pressure level in decibels as measured on a sound level meter using the C-weighting network, which applies minimal frequency weighting and is more responsive to low-frequency sound than the A-weighting network. Levels so measured are designated dB(C) or dBC.]: The C-weighted sound level (dB(C)) shall not exceed the corresponding A-weighted sound level (dB(A)) by more than 15 dB at any Measurement Location[5] [[5] Measurement Location: The exterior property line or, if the property line adjoins a public right of way, then from the nearest property line beyond the right of way.].

b) Tone: A tone shall be deemed present when the time-averaged sound pressure level in any one-third octave band[6] [[6] One-Third Octave Band: For the purpose of assessing tonality, the following third-octave band nominal center frequencies (given in Hz) will be considered, consistent with standard acoustical measurement practice: 25, 31.5, 40, 50, 63, 80, 100, 125, 160, 200, 250, 315, 400, 500, 630, 800, 1000, 1250, 1600, 2000, 2500, 3150, 4000, 5000, 6300, 8000, 10000.] exceeds the time-averaged sound pressure levels of both of the two adjacent one-third octave bands by:

I. 15 dB or more in one-third octave bands between 25 Hz and 125 Hz;

II. 8 dB or more in one-third octave bands between 160 Hz to 400 Hz; or

III. 5 dB or more in one-third octave bands between 500 Hz to 10,000 Hz.

If the observed Project noise contains a tone as defined herein, the applicable noise limit shall be reduced by 5 dB(A) for purposes of determining compliance.

c) For purposes of applying the noise limits established by this condition, the residential or non-residential zoning classification of each adjacent property shall be determined and established at the time of conditional rezoning application submission based on the Official Stokes County Zoning Map in effect on that date. The classification so established shall remain controlling for purposes of this condition and shall not be affected by any subsequent amendment to the Official Zoning Map.

d) Generator Testing: Routine testing and maintenance of emergency generators shall be limited to weekdays between 9:00 a.m. and 5:00 p.m. local time and shall be conducted with all permanent noise attenuation in place.

e) Exemptions:

I. The limits above shall not apply to (i) actual emergency operation of backup generators during a utility power interruption or other emergency event, (ii) daytime construction activity, and (iii) daytime maintenance activities not including generator testing.

II. Nothing herein shall be construed to exempt construction activity conducted during nighttime hours from the applicable noise limits established by this condition.

f) Compliance: The noise limits established by this condition shall apply to continuous noise attributable to project operations, defined as noise sustained for a duration of fifteen (15) minutes or more. Noise compliance shall be measured using Equivalent Sound Level ("Leq")[7] [[7] Equivalent Sound Level (Leq): The steady-state sound level which, over a stated measurement period, contains the same acoustic energy as the actual time-varying sound level during that period.] or Statistical Sound Level ("L90")[8] [[8] Statistical Sound Level (L90): The sound level exceeded during ninety percent (90%) of the measurement period. The L90 is commonly used to represent the sustained or background component of a time-varying sound environment.] sound levels, with the ability to utilize short-duration measurements as brief as 30 seconds to appropriately isolate noise attributable to the project from extraneous site sources. For any measurements shorter than 60 seconds, a minimum of three (3) readings shall be taken at each location and arithmetically averaged (in both dB(A) and dB(C)) for reporting purposes. All measured sound levels should be representative of project operations, excluding any influence from non-relevant site noise. Reasonable adjustments or normalization of the measured frequency spectrum may be applied to account for ambient sounds, such as automotive traffic, wind, wildlife, insects or birds, provided such adjustments are clearly documented and supported with appropriate justification for approval.

g) Noise Assessments:

I. Qualified Consultant: All required noise assessments (including studies and surveys) shall be completed, at no cost to the County, by an independent third-party licensed sound engineer Board Certified by the Institute of Noise Control Engineering (INCE).

II. Pre-Construction Existing Ambient Sound Survey: Prior to building permit approval, the Developer[9] [[9] Developer: The owner of the Property or any person or entity authorized by the owner to develop the Property, including successors and assigns.] shall have a pre-construction sound survey performed to establish baseline ambient sound levels[10] [[10] Ambient Sound Level: The composite sound level at a given location resulting from all sources near and far, excluding sound attributable to project operations. The ambient sound level constitutes the normal or existing sound environment at that location.] at any Measurement Location. The survey shall document measured[11] [[11] Sound Level Meter: An instrument used to measure sound pressure levels, including a microphone, amplifier, output meter, and frequency weighting networks, meeting or exceeding the requirements for a Type 1 or Type 2 instrument under ANSI S1.4.] A-weighted and C-weighted sound levels for a period of at least 24 hours. The pre-construction survey shall be submitted to the County prior to issuance of a building permit. The documented baseline ambient sound level shall be considered for compliance and reasonable adjustments.

III. Pre-Construction Noise Modeling Study: Prior to the issuance of a building permit for each Major Improvement[12] [[12] Each building phase constitutes a "Major Improvement." A Major Improvement also includes any material change to noise-generating equipment, operations, noise-control measures, generation capacity, or on-site conditions that could objectively affect compliance with the applicable noise limits. Routine maintenance or replacement with equipment having equal or lower sound output is excluded.], the Developer shall submit a noise study to the County for review and approval. The study shall demonstrate that the Major Improvement, together with all previously approved or completed portions of the Project, will comply with the applicable noise limits under representative operating conditions as defined herein.

IV. Post-Construction Noise Compliance Survey: For each Major Improvement, the Developer shall submit a post-construction sound survey to the County. The survey shall demonstrate compliance with the applicable noise limits based on cumulative noise from the Major Improvement and all previously completed portions of the Project.

V. Subsequent Surveys and Studies: A previously approved noise assessment may be updated or supplemented, and a single assessment may satisfy the applicable pre-construction or post-construction requirements for multiple Major Improvements permitted, completed, or placed into service concurrently.

VI. Annual Operational Noise Compliance Survey: Beginning twelve (12) months after issuance of the first certificate of occupancy for the Project, and annually thereafter, the Developer shall conduct a noise compliance survey evaluating cumulative noise generated by all operating portions of the Project. An annual noise compliance survey may be conducted concurrently with any required post-construction noise survey, provided that the combined survey satisfies all requirements applicable to both surveys. Notwithstanding the foregoing, the County may require the Developer to conduct an additional noise compliance survey upon: (i) confirmation of a violation of an applicable noise limit; or (ii) documented evidence reasonably indicating potential noncompliance with an applicable noise limit.

3. Power Generators:

a) Power generators shall not be permitted within 300 feet of the exterior property boundary.

b) The use of diesel fuel for power generation shall be limited to the operation of emergency backup generators.

4. Cooling Systems and Water Infrastructure:

a) Open-loop water cooling systems are not permitted.

b) Acceptable systems include, but are not limited to, closed-loop cooling, air-cooled systems, liquid cooling systems, or other efficient technologies.

c) The Project shall be prohibited from direct withdrawal from streams, rivers, lakes, ponds, reservoirs, groundwater wells, aquifers, or other private surface-water or groundwater sources.

5. Floodplain: Within the floodplain areas designated on the Federal Emergency Management Agency ("FEMA") Flood Insurance Rate Maps ("FIRMs") for Stokes County, North Carolina, Map Nos. 3710696200K and 3710696400K, effective June 10, 2026, development and uses shall be limited to infrastructure improvements and recreational, agricultural, conservation, preservation, and open space uses. Except as expressly provided above, no other development shall be permitted within the designated floodplain areas.

6. Lighting: All exterior site and building lighting shall be directed downward and shall utilize full cutoff or fully shielded fixtures, designed and installed to prevent glare, light spillover, or direct illumination onto adjacent properties, unless otherwise required by state and federal law.

7. Height: The maximum height of the principal building(s) shall be eighty (80) feet. Antennas, communication equipment, mechanical equipment, screening, utility infrastructure, lightning protection systems, and other similar appurtenances may extend above the 80-foot building height limit.

8. Buffer Areas:

a) Buffers shall be provided and maintained as follows and as generally depicted in the "Buffer Zone Exhibit" attached hereto and incorporated by reference.

b) Buffers shall be achieved through existing vegetation, supplemental plantings, berms, or other comparable measures, alone or in combination.

c) Buffers shall be kept in good condition, including the replacement of dead, diseased, damaged, or removed vegetation as reasonably necessary.

d) Infrastructure improvements, including, but not limited to, utilities, fences, mailboxes, roads, streets, access drives, drainage facilities, retaining walls that can accommodate landscaping, signage, lighting, security features, access-control features, and similar minor encroachments, provided such improvements are located and designed to minimize disturbance to existing vegetation, shall be permitted to cross or encroach upon buffer areas.

9. Environmental Regulatory Materials: Material environmental reports, notices, monitoring results, or compliance materials submitted to or received from the North Carolina Department of Environmental Quality ("NCDEQ") in connection with air quality, water quality, or the development or operation of the Property shall be provided or made accessible to the County.

10. School Transportation Coordination: During construction, the Developer shall coordinate with the Stokes County Schools Transportation Department regarding construction activities to minimize disruption to school bus operations and promote safe school bus travel.

Section 3. Additional Board-Adopted Conditions. Any additional conditions the Board of Commissioners has found warranted and necessary and to which the Applicant has consented in writing under N.C. Gen. Stat. § 160D-703(b) shall be attached to this Ordinance as ~~Exhibit A~~Exhibit B at execution and are enforceable to the same extent as the conditions in Section 2. If no such additional conditions have been adopted, ~~Exhibit A~~Exhibit B shall be executed with the recitation "None — no additional conditions were adopted by the Board of Commissioners." ~~Exhibit A~~Exhibit B shall be signed by the Chair of the Board of

Commissioners and by an authorized representative of the Applicant on the same date this Ordinance is executed; an unexecuted or blank ~~Exhibit A~~Exhibit B shall have no force or effect.

[Drafting note: The prior draft used 'Exhibit A' as the placeholder for any additional Board-adopted conditions. Because the Applicant's Statement of Conditions dated September 11, 2026 is now attached to the Ordinance as Exhibit A (following this Section 14.4), the placeholder for additional Board-adopted conditions has been renumbered to Exhibit B throughout.]

Section 4. Incorporation of Record. The following documents are hereby made part of this Ordinance by reference and constitute the record of the Board's decision: (i) the Applicant's Combined Rezoning Package (Second Submission dated July 20, 2026), including the Statement of Conditions ~~dated September 8, 2026~~ dated September 11, 2026 (attached hereto as Exhibit A) and the Buffer Zone Exhibit; (ii) the Planning-Board Staff Report of August 2026; (iii) the minutes of the Planning Board's meeting of August 13, 2026, including the 5-2 recommendation of denial; (iv) the Public Information Meeting Report of July 8, 2026; (v) this Board Staff Report (as revised through the date of this Ordinance); (vi) the Stokes County Water and Sewer Authority Will-Serve Letter for Project Delta dated December 26, 2025, signed by Chairman John Hawkins; and (vii) public comment received at and prior to the September 8, 2026 legislative hearing.

Section 5. Regulatory Coordination Not Presumed. Nothing in this Ordinance authorizes, forecloses, or determines any approval, permit, certificate, or process delegated by law to Duke Energy, the North Carolina Utilities Commission, the North Carolina Department of Environmental Quality, the United States Army Corps of Engineers, the Federal Emergency Management Agency, the North Carolina Department of Transportation, the North Carolina State Historic Preservation Office, the Stokes County Water and Sewer Authority, or the Town of Walnut Cove. Any approvals required from those entities are the Applicant's responsibility to obtain, and this Ordinance does not confer any such approval.

Section 6. Runs with the Land. The conditions in this Ordinance run with the land, are binding on the Applicant and its successors and assigns, and are enforceable in accordance with the Stokes County Zoning Ordinance and applicable law.

Section 7. Severability and Effective Date. If any condition or provision of this Ordinance is held invalid or unenforceable, the remaining conditions and provisions shall remain in full force and effect. This Ordinance is effective upon adoption by the Board of Commissioners on September 14, 2026.

ADOPTED this 14th day of September, 2026.

STOKES COUNTY BOARD OF COMMISSIONERS

_____

Chair, Stokes County Board of Commissioners

ATTEST:

_____

Clerk to the Board

CONSENT AND ACCEPTANCE BY APPLICANT: The undersigned, as authorized representatives of DFC Stokes LLC and DFC Stokes 2 LLC, hereby consent to the foregoing Ordinance and to each of the conditions set out in Section 2 (which reproduces verbatim the Applicant's Statement of Conditions dated September 11, 2026, attached hereto as Exhibit A) and, if applicable, Section 3 and Exhibit B, and acknowledge that those conditions are binding on the subject property and enforceable against the Applicant and its successors and assigns under N.C. Gen. Stat. § 160D-703(b).

_____

Authorized Representative, DFC Stokes LLC

_____

Authorized Representative, DFC Stokes 2 LLC

EXHIBIT A

APPLICANT'S STATEMENT OF CONDITIONS

Dated September 11, 2026

(Reproduced verbatim; controlling in the event of any conflict with Section 2 of the Ordinance)

PROPOSED ZONING CONDITIONS

Updated September 11, 2026

1. Permitted Uses: Permitted uses are limited to the following:

a) Data Center: A facility, campus of facilities, or array of interconnected facilities used for the primary purpose of storing, retrieving, managing, and/or processing digital data, including associated infrastructure such as servers, data storage equipment, network equipment, power supply systems, backup generators, cooling systems, and related accessory structures. A data center does not include electronic equipment incidental to a business whose primary activity is other than storing, retrieving, managing, and processing digital data (e.g., a retail store, office building, or school).

b) Accessory uses, facilities, structures, infrastructure, equipment, and technologies associated with the development or operation of the Data Center, including power generation; substations; electrical infrastructure; natural gas infrastructure; fiber optic infrastructure; battery backup and generation equipment; equipment yards; batteries; security facilities; on-site maintenance facilities; container storage; and fuel and water storage.

2. Noise:

a) Project operations shall not exceed the following noise limits as measured from the exterior property line or, if the property line adjoins a public right of way, then from the nearest property line beyond the right of way:

I. Adjacent to property located within a non-residential zoning district[1]:

1. A-weighted sound level[2]: 70 dB(A).

II. Adjacent to property located within a residential zoning district[3]:

1. A-weighted sound level: 60 dB(A) during daytime hours (7:00 a.m. – 10:00 p.m.) and 50 dB(A) during nighttime hours (10:00 p.m. – 7:00 a.m.).

2. C-weighted sound level[4]: The C-weighted sound level (dB(C)) shall not exceed the corresponding A-weighted sound level (dB(A)) by more than 15 dB at any Measurement Location[5].

b) Tone: A tone shall be deemed present when the time-averaged sound pressure level in any one-third octave band[6] exceeds the time-averaged sound pressure levels of both of the two adjacent one-third octave bands by:

I. 15 dB or more in one-third octave bands between 25 Hz and 125 Hz;

II. 8 dB or more in one-third octave bands between 160 Hz to 400 Hz; or

III. 5 dB or more in one-third octave bands between 500 Hz to 10,000 Hz.

If the observed Project noise contains a tone as defined herein, the applicable noise limit shall be reduced by 5 dB(A) for purposes of determining compliance.

c) For purposes of applying the noise limits established by this condition, the residential or non-residential zoning classification of each adjacent property shall be determined and established at the time of conditional rezoning application submission based on the Official Stokes County Zoning Map in effect on that date. The classification so established shall remain controlling for purposes of this condition and shall not be affected by any subsequent amendment to the Official Zoning Map.

d) Generator Testing: Routine testing and maintenance of emergency generators shall be limited to weekdays between 9:00 a.m. and 5:00 p.m. local time and shall be conducted with all permanent noise attenuation in place.

e) Exemptions:

I. The limits above shall not apply to (i) actual emergency operation of backup generators during a utility power interruption or other emergency event, (ii) daytime construction activity, and (iii) daytime maintenance activities not including generator testing.

II. Nothing herein shall be construed to exempt construction activity conducted during nighttime hours from the applicable noise limits established by this condition.

f) Compliance: The noise limits established by this condition shall apply to continuous noise attributable to project operations, defined as noise sustained for a duration of fifteen (15) minutes or more. Noise compliance shall be measured using Equivalent Sound Level ("Leq")[7] or Statistical Sound Level ("L90")[8] sound levels, with the ability to utilize short-duration measurements as brief as 30 seconds to appropriately isolate noise attributable to the project from extraneous site sources. For any measurements shorter than 60 seconds, a minimum of three (3) readings shall be taken at each location and arithmetically averaged (in both dB(A) and dB(C)) for reporting purposes. All measured sound levels should be representative of project operations, excluding any influence from non-relevant site noise. Reasonable adjustments or normalization of the measured frequency spectrum may be applied to account for ambient sounds, such as automotive traffic, wind, wildlife, insects or birds, provided such adjustments are clearly documented and supported with appropriate justification for approval.

g) Noise Assessments:

I. Qualified Consultant: All required noise assessments (including studies and surveys) shall be completed, at no cost to the County, by an independent third-party licensed sound engineer Board Certified by the Institute of Noise Control Engineering (INCE).

II. Pre-Construction Existing Ambient Sound Survey: Prior to building permit approval, the Developer[9] shall have a pre-construction sound survey performed to establish baseline ambient sound levels[10] at any Measurement Location. The survey shall document measured[11] A-weighted and C-weighted sound levels for a period of at least 24 hours. The pre-construction survey shall be submitted to the County prior to issuance of a building permit. The documented baseline ambient sound level shall be considered for compliance and reasonable adjustments.

III. Pre-Construction Noise Modeling Study: Prior to the issuance of a building permit for each Major Improvement[12], the Developer shall submit a noise study to the County for review and approval. The study shall demonstrate that the Major Improvement, together with all previously approved or completed portions of the Project, will comply with the applicable noise limits under representative operating conditions as defined herein.

IV. Post-Construction Noise Compliance Survey: For each Major Improvement, the Developer shall submit a post-construction sound survey to the County. The survey shall demonstrate compliance with the applicable noise limits based on cumulative noise from the Major Improvement and all previously completed portions of the Project.

V. Subsequent Surveys and Studies: A previously approved noise assessment may be updated or supplemented, and a single assessment may satisfy the applicable pre-construction or post-construction requirements for multiple Major Improvements permitted, completed, or placed into service concurrently.

VI. Annual Operational Noise Compliance Survey: Beginning twelve (12) months after issuance of the first certificate of occupancy for the Project, and annually thereafter, the Developer shall conduct a noise compliance survey evaluating cumulative noise generated by all operating portions of the Project. An annual noise compliance survey may be conducted concurrently with any required post-construction noise survey, provided that the combined survey satisfies all requirements applicable to both surveys. Notwithstanding the foregoing, the County may require the Developer to conduct an additional noise compliance survey upon: (i) confirmation of a violation of an applicable noise limit; or (ii) documented evidence reasonably indicating potential noncompliance with an applicable noise limit.

3. Power Generators:

a) Power generators shall not be permitted within 300 feet of the exterior property boundary.

b) The use of diesel fuel for power generation shall be limited to the operation of emergency backup generators.

4. Cooling Systems and Water Infrastructure:

a) Open-loop water cooling systems are not permitted.

b) Acceptable systems include, but are not limited to, closed-loop cooling, air-cooled systems, liquid cooling systems, or other efficient technologies.

c) The Project shall be prohibited from direct withdrawal from streams, rivers, lakes, ponds, reservoirs, groundwater wells, aquifers, or other private surface-water or groundwater sources.

5. Floodplain: Within the floodplain areas designated on the Federal Emergency Management Agency ("FEMA") Flood Insurance Rate Maps ("FIRMs") for Stokes County, North Carolina, Map Nos. 3710696200K and 3710696400K, effective June 10, 2026, development and uses shall be limited to infrastructure improvements and recreational, agricultural, conservation, preservation, and open space uses. Except as expressly provided above, no other development shall be permitted within the designated floodplain areas.

6. Lighting: All exterior site and building lighting shall be directed downward and shall utilize full cutoff or fully shielded fixtures, designed and installed to prevent glare, light spillover, or direct illumination onto adjacent properties, unless otherwise required by state and federal law.

7. Height: The maximum height of the principal building(s) shall be eighty (80) feet. Antennas, communication equipment, mechanical equipment, screening, utility infrastructure, lightning protection systems, and other similar appurtenances may extend above the 80-foot building height limit.

8. Buffer Areas:

a) Buffers shall be provided and maintained as follows and as generally depicted in the "Buffer Zone Exhibit" attached hereto and incorporated by reference.

b) Buffers shall be achieved through existing vegetation, supplemental plantings, berms, or other comparable measures, alone or in combination.

c) Buffers shall be kept in good condition, including the replacement of dead, diseased, damaged, or removed vegetation as reasonably necessary.

d) Infrastructure improvements, including, but not limited to, utilities, fences, mailboxes, roads, streets, access drives, drainage facilities, retaining walls that can accommodate landscaping, signage, lighting, security features, access-control features, and similar minor encroachments, provided such improvements are located and designed to minimize disturbance to existing vegetation, shall be permitted to cross or encroach upon buffer areas.

9. Environmental Regulatory Materials: Material environmental reports, notices, monitoring results, or compliance materials submitted to or received from the North Carolina Department of Environmental Quality ("NCDEQ") in connection with air quality, water quality, or the development or operation of the Property shall be provided or made accessible to the County.

10. School Transportation Coordination: During construction, the Developer shall coordinate with the Stokes County Schools Transportation Department regarding construction activities to minimize disruption to school bus operations and promote safe school bus travel.

— Footnotes —

[1] Nonresidential Zoning Districts: Any zoning district that is not a Residential Zoning District.

[2] A-Weighted Sound Level, dB(A): The sound pressure level in decibels as measured on a sound level meter using the A-weighting network, which de-emphasizes low and high frequencies to approximate the response of the human ear. Levels so measured are designated dB(A) or dBA.

[3] Residential Zoning District: R-A Residential-Agricultural District; R-20 Residential-Low Density; R-15 Residential-Medium Density; R-8 Residential-High Density; R-E Residential – Exclusive; R-R Residential – Restricted; R-M Residential – Mixed; RMF Residential – Multi-family; MHP Manufactured Housing Park.

[4] C-Weighted Sound Level, dB(C): The sound pressure level in decibels as measured on a sound level meter using the C-weighting network, which applies minimal frequency weighting and is more responsive to low-frequency sound than the A-weighting network. Levels so measured are designated dB(C) or dBC.

[5] Measurement Location: The exterior property line or, if the property line adjoins a public right of way, then from the nearest property line beyond the right of way.

[6] One-Third Octave Band: For the purpose of assessing tonality, the following third-octave band nominal center frequencies (given in Hz) will be considered, consistent with standard acoustical measurement practice: 25, 31.5, 40, 50, 63, 80, 100, 125, 160, 200, 250, 315, 400, 500, 630, 800, 1000, 1250, 1600, 2000, 2500, 3150, 4000, 5000, 6300, 8000, 10000.

[7] Equivalent Sound Level (Leq): The steady-state sound level which, over a stated measurement period, contains the same acoustic energy as the actual time-varying sound level during that period.

[8] Statistical Sound Level (L90): The sound level exceeded during ninety percent (90%) of the measurement period. The L90 is commonly used to represent the sustained or background component of a time-varying sound environment.

[9] Developer: The owner of the Property or any person or entity authorized by the owner to develop the Property, including successors and assigns.

[10] Ambient Sound Level: The composite sound level at a given location resulting from all sources near and far, excluding sound attributable to project operations. The ambient sound level constitutes the normal or existing sound environment at that location.

[11] Sound Level Meter: An instrument used to measure sound pressure levels, including a microphone, amplifier, output meter, and frequency weighting networks, meeting or exceeding the requirements for a Type 1 or Type 2 instrument under ANSI S1.4.

[12] Each building phase constitutes a "Major Improvement." A Major Improvement also includes any material change to noise-generating equipment, operations, noise-control measures, generation capacity, or on-site conditions that could objectively affect compliance with the applicable noise limits. Routine maintenance or replacement with equipment having equal or lower sound output is excluded.

[End of Exhibit A — Applicant's Statement of Conditions dated September 11, 2026]

14.5 Draft Combined Statement for DENIAL (Alternative if the Board Votes to Deny) — N.C. Gen. Stat. § 160D-605(a) and (b)

This section provides recommended combined statement language for adoption by the Board contemporaneously with a vote to deny. It is included as an alternative to the approval track (Sections 14.2, 14.3, and 14.4) so that the § 160D-605 requirements are satisfied whichever way the Board votes. The statement recites multiple alternative grounds so that any single ground the Board finds persuasive is independently sufficient. The Board is not required to adopt every ground; the Board should adopt only those grounds it in fact relies upon.

RESOLVED, that the Stokes County Board of Commissioners finds that the denial of the Project Delta conditional zoning district (proposed rezoning from R-A to M-2-CZ for parcels 6964-91-8321; 6973-49-0574; 6973-76-7124; 6973-73-4188, approximately 1,848.74 acres) is reasonable and in the public interest, and further finds that the proposed amendment is INCONSISTENT with the Future Land Use Framework of the Stokes County 2035 Vision Plan as it applies to the G-1 (Low Density Growth) designation on approximately 48.6 percent of the subject property. In reaching this determination the Board has considered, without limitation, (i) the size, physical conditions, and topography of the site; (ii) the surrounding zoning and land uses within one-half mile and one mile, including approximately 8,458 acres of verified existing heavy industrial and utility uses, and the resulting concern about cumulative industrial concentration in the southeastern quadrant of the county; (iii) the FEMA-designated Special Flood Hazard Area on approximately 33.9 percent of the site; (iv) the benefits and detriments to the surrounding community identified in the Planning-Board Staff Report (which recommended DENIAL by a 5-2 vote of the Planning Board on August 13, 2026), the Public Information Meeting Report, this Board Staff Report, the Stokes County Water and Sewer Authority Will-Serve Letter of December 26, 2025 signed by Chairman John Hawkins, and public comment received at and prior to the September 8, 2026 legislative hearing; (v) the environmental-justice and community-health indicators for the primary census tract containing the site (Census Tract 707.02) and the materially adjoining tracts touching the one-half-mile and one-mile analysis buffers (principally Census Tract 701.01, which overlaps approximately 19 percent of the half-mile buffer and approximately 23 percent of the one-mile buffer, and, to a lesser extent, Census Tract 707.01); and (vi) the empirical property-value literature, including the Hu (2025) finding of an approximately 6.8 percent average and approximately 15 percent closest-in reduction in nearby home values for hyperscale, first-in-county, power-intensive facilities in rural residential contexts. In balancing these factors against the mitigating conditions offered by the Applicant in the Statement of Conditions dated September 11, 2026 (superseding the Statement of Conditions dated September 8, 2026), the Board finds the conditions do not adequately address these residual concerns. The Board adopts the following independently sufficient grounds for denial:

First: The proposed amendment is inconsistent with the 2035 Vision Plan on approximately 48.6 percent of the subject property (G-1 Low Density Growth designation) and is not affirmatively consistent with the approximately 17.1 percent of the site designated O-2 (Restricted). The Planning Board so found on August 13, 2026 by a 5-2 vote; the Board of Commissioners concurs with that finding, and finds that the partial consistency with the O-1 (Preserved) designation on approximately 33.9 percent of the site does not, on balance, outweigh the inconsistency with the G-1 designation on the larger balance of the property and the lack of affirmative consistency with the O-2 designation.

Second: The Board finds that the residual concerns identified in the record — including grid capacity, cumulative industrial concentration in the southeastern quadrant of the county, and empirical uncertainty in the property-value literature (with the closest empirical peer study (Hu 2025) finding a measurable negative effect on nearby residential values for facilities of this profile) — are not adequately mitigated by the conditions offered by the Applicant in the Statement of Conditions dated September 11, 2026, considered as a whole and in combination with the site's size, topography, adjacency to residential uses, and community-health context.

Third: The Board considered additional conditions it found warranted and necessary to make the amendment reasonable and in the public interest, including one or more of the conditions T-1 through T-14 reported to this Board in the Executive Brief dated August 24, 2026 (public water agreement; Dan River discharge limits and quarterly testing; generator disclosure; continuous property-line air-quality monitoring; noise berms; seismic limit; environmental impairment bond and well testing; Duke Energy residential rate protection; on-site fire and EMS funding; 100-percent decommissioning bond; hazardous-spill containment; annual independent compliance audit; cultural and historical memorial; and County-directed, applicant-funded Project Compliance Manager); the Applicant, having been offered the opportunity to consent to those additional conditions in writing under N.C. Gen. Stat. § 160D-703(b), declined to consent to one or more of them. Because the Board considers the declined condition(s) essential to a finding that the amendment is reasonable and in the public interest, and because the Board may not lawfully impose conditions in a conditional zoning district without the Applicant's written consent, denial is the appropriate remedy.

The Board further resolves and directs that the reasons for this decision be entered on the minutes of the September 14, 2026 meeting, and that the documents considered by the Board — including the Planning-Board Staff Report of August 2026, the Planning Board's 5-2 denial recommendation of August 13, 2026, the Public Information Meeting Report of July 8, 2026, this Board Staff Report, the SCWSA Will-Serve Letter of December 26, 2025, the Applicant's Statement of Conditions dated September 11, 2026, and public comment received at and prior to the September 8, 2026 legislative hearing — be preserved with the minutes. The Board expressly finds that matters delegated to other regulators (Duke Energy, NCUC, NCDEQ, USACE, FEMA, NCDOT, SHPO, SCWSA, Town of Walnut Cove) are not the basis for this denial; the denial rests on the Board's zoning judgment alone. The Board further finds that the fiscal information in the record — including the Applicant's illustrative ad valorem projection and the residential tax-scenario modeling in Section 11 — was considered but does not, singly or in combination with the other factors, outweigh the land-use, environmental, and community-impact concerns on which this denial rests.

Summary of Amendments

Part A — Actual 9/8 → 9/11 amendments to the Applicant's Statement of Conditions (three substantive changes plus a header date update):

1. Header date: 'Updated September 8, 2026' → 'Updated September 11, 2026.'

2. Condition 1(b) — accessory-use enumeration: 'including, without limitation,' → 'including' (narrows/tightens the accessory-use list).

3. Condition 2(e)(II) — NEW: express non-exemption of nighttime construction activity from the applicable noise limits. (Condition 2(e) is restructured so that the prior 2(e) exemptions become 2(e)(I) and the new nighttime-construction non-exemption becomes 2(e)(II).)

4. Condition 10 — NEW: School Transportation Coordination during construction.

Part B — Conforming edits to Sections 14.1 through 14.5:

1. Section 14.1 — Updated Statement-of-Conditions reference date from 9/8/2026 to 9/11/2026. Added a bullet reflecting new Condition 10 (School Transportation Coordination) and a bullet noting the Condition 1(b) narrowing (removal of 'without limitation').

2. Section 14.2 — Updated the reference date. Added recognition of (a) the express non-exemption of nighttime construction from the noise limits and (b) school-bus operations coordination as considered enforceable conditions. Buffer parenthetical (100-ft baseline / 250-ft residential-adjacent / ~189 acres) retained without change; those numeric parameters are illustrative and reflect the Buffer Zone Exhibit incorporated by reference in Condition 8.

3. Section 14.3 — No substantive change (Condition 5 unchanged across all three versions).

4. Section 14.4 — Updated the reference date in the recital and in Section 4. RESTRUCTURED Section 2 of the draft Ordinance: the prior paraphrased Conditions 1–10 have been struck in full and replaced by the VERBATIM text of the Applicant's Statement of Conditions dated September 11, 2026, with footnoted definitions inlined and all sub-lettering and roman numerals preserved. An editorial drafting note flags the deletion of 'without limitation' from Condition 1(b) between 9/8 and 9/11. The Applicant's Statement is also attached in full as Exhibit A at the end of this document. The placeholder for any additional Board-adopted conditions has been renumbered from Exhibit A to Exhibit B to avoid conflict with the newly attached Exhibit A. In the event of any conflict between Section 2 and Exhibit A, Exhibit A controls. All bracketed [Drafting note:...] passages inside Section 14.4 are editorial and are not part of the ordinance to be adopted; the Clerk shall strike them prior to engrossment.

5. Section 14.5 — Added factor recognizing the 9/11/2026 Statement of Conditions as the operative version. Added the 9/11 Statement to the preserved-with-the-minutes list.

Exhibit 24

AGENDA

Keith Wood, Vice Chair
Wayne Barneycastle, Chair
Sonya Cox, Commissioner
Brad Chandler, Commissioner
Rick Morris, Commissioner

PUBLIC HEARING OF THE BOARD OF COUNTY COMMISSIONERS
Monday, November 9, 2026
COMMISSIONERS CHAMBERS
6:00 PM

I. Call to Order

II. Invocation

III. Pledge of Allegiance

IV. Approval of Agenda

V. Public Comments

VI. Commissioner and Manager Comments

VII. Ethics Reminder and Conflicts of Interest

VIII. Public Hearing

a. Rezoning Case #26-0902: M-1-CZ to R-A (unaddressed lots off Oldtown Road, Farmer Road, and Ethan Lane)

b. Rezoning Case #26-1007: R-A to H-B (6103 NC Hwy 66, King, NC 27021)

c. Rezoning Case #26-1020: R-A and H-B-CZ to H-B (1075 and 1111 Dodgetown Rd, Walnut Cove, NC 27052)

d. TEFRA Request Hearing

e. Project Delta - Development Agreement

IX. Business Items

a. Rezoning Case #26-0902: M-1-CZ to R-A (unaddressed lots off Oldtown Road, Farmer Road, and Ethan Lane)

b. Rezoning Case #26-1007: R-A to H-B (6103 NC Hwy 66, King, NC 27021)

c. Rezoning Case #26-1020: R-A and H-B-CZ to H-B (1075 and 1111 Dodgetown

Rd, Walnut Cove, NC 27052)

d. TEFRA Request Hearing

e. Project Delta - Development Agreement

X. Closed Session

a. Rationales

XI. Adjournment

*Anyone with a disability(is) who needs an accommodation to participate in this meeting is requested to inform us 48 hours prior to the scheduled time of the affected group meeting
*Attachments may be delivered before or at the time of the meeting
*Times may vary due to times preset for agenda items

Board of County Commissioners
November 9, 2026

Item number: VIII.a

Rezoning Case #26-0902: M-1-CZ to R-A (unaddressed lots off Oldtown Road, Farmer Road, and Ethan Lane)

Drafter: Avery Tew

Summary:
Rezoning Case #26-0902: M-1-CZ to R-A (unaddressed lots off Farmer Road, Oldtown Road, and Ethan Lane)

The subject property consists of three lots located off Farmer Road, Oldtown Road, and Ethan Lane (PINs 6973-43-5270, 6973-33-1081, and 6973-51-4188 in Sauratown Township). The lots comprise 229.91 acres in total (34.21 acres, 78.02 acres, and 117.66 acres).

This is a request to rezone the subject property from M-1-CZ (Light Manufacturing – Conditional Zoning) to R-A (Residential – Agricultural).

The existing M-1-CZ district is subject to the following conditions:

Permitted Uses: Utility scale solar photovoltaic facility.

Conditions:

1. Decommissioning: Within 6 months after the solar energy facility has ceased to produce electricity and the facility has reached its useful life, the owner of the facility shall immediately initiate the decommissioning plan for the facility.
2. Recycling: As part of decommissioning, the owner of the facility shall fully recycle all materials as reasonably possible.
3. Landscaping: The panels shall be reasonably concealed from view by either natural vegetation or planted evergreen vegetation. When relying on existing vegetation, the buffer shall be no less than 50 feet in width. When using planted vegetation to conceal the fence and panels in locations where there is no view from a residential structure, the applicant shall plant a staggered double row of evergreens. In locations where the facilities can be viewed from a residential structure, the applicant shall use three rows of evergreens, staggered. When using planted vegetation to conceal the facility, the vegetative buffer shall be no less than 20 feet in width. The final landscaping plans shall be approved by the Planning Director or his designee to ensure compliance with this condition.
4. Setbacks: Fifty feet from any property line.

ATTACHMENTS:
PB Minutes 26-0902.pdf
Staff Report 26-0902.pdf
Application 26-0902.pdf

STOKES COUNTY PLANNING BOARD
SPECIAL MEETING MINUTES (excerpt)
Commissioners' Chambers
Ronald W. Reagan Memorial Building
1014 Main St, Danbury, NC 27016
October 22, 2026
6:00 p.m.

Members Present: Ronnie Tilley, Chair; Patrick Flinchum; Jaden Hall; Mark Sizemore; Shannon Stanley; Joe Turpin; Jeff Whitaker; Tommy White

Members Absent: Ronnie Morris

Staff Present: Avery Tew, Planning and Inspections Director; Emma Cerow, Planner/Zoning Enforcement Officer

…

Rezoning Case #26-0902: M-1-CZ to R-A (unaddressed lots off Farmer Road, Oldtown Road, and Ethan Lane)

Mr. Tew stated that the subject property consists of 229.91 acres across three lots located off Farmer Road, Oldtown Road, and Ethan Lane. The applicant was requesting to rezone the property from M-1-CZ (Light Manufacturing – Conditional Zoning) to R-A (Residential – Agricultural). The existing M-1-CZ zoning limited the property to a utility-scale solar photovoltaic facility, along with associated conditions. The subject property is currently undeveloped, and the surrounding area consists of a mix of residential and industrial uses. There are also regulated floodplains, wetlands, and mapped streams present on the property.

Mr. Tew stated that staff found the request consistent with the Stokes County 2035 Vision Plan. The subject property falls within the O-1 (Open Space 1 – Preserved Lands) and G-1 (Growth Sector 1 – Low-Density Growth Areas) classifications. The agricultural and forestry uses permitted within the R-A district are envisioned within the O-1 classification, while the low-density residential uses permitted within R-A are typical for the G-1 classification. Furthermore, staff considered the request reasonable because it would align the uses permitted on the subject property with surrounding R-A-zoned properties. The request would also lower the permitted development intensity on the property by removing the option for a large-scale solar facility. Therefore, staff recommended approval of the request.

In response to a question from the Board about the proximity of the property to the Town of Walnut Cove's extraterritorial jurisdiction (ETJ), Mr. Tew displayed a map showing the location of the property relative to the ETJ boundary. He stated that a corner of the subject property touches a corner of the ETJ area.

Chair Tilley asked whether there was anyone present from the public to speak in favor of or in opposition to the request.

Mr. Tim Mabe, applicant, stated that he wanted the property to remain used for forestry. He had allowed the previous rezoning of the property to M-1-CZ because he believed in the potential of solar energy, and because he had been told that the proposed solar facility would be visually attractive. However, he had changed his mind after seeing another solar facility.

DRAFT

Mr. White moved to recommend approval of Rezoning Case #26-0902, a request to rezone the subject property from M-1-CZ to R-A, because the request was consistent with the Stokes County 2035 Vision Plan and was in the interest of the County and the people of the County. The motion was seconded by Mr. Sizemore. The Board voted unanimously, 8–0, in favor of the motion.

…

DRAFT

STOKES COUNTY
PLANNING & INSPECTIONS DEPARTMENT

STAFF REPORT: REZONING CASE #26-0902

Property Information

The subject property consists of three lots located off Farmer Road, Oldtown Road, and Ethan Lane (PINs 6973-43-5270, 6973-33-1081, and 6973-51-4188 in Sauratown Township). The lots comprise 229.91 acres in total (34.23 acres, 78.02 acres, and 117.66 acres).

Nature of the Request

This is a request to rezone the subject property from M-1-CZ (Light Manufacturing – Conditional Zoning) to R-A (Residential – Agricultural).

The existing M-1-CZ district is subject to the following conditions:

Permitted Uses: Utility scale solar photovoltaic facility.

Conditions:

(1) Decommissioning: Within 6 months after the solar energy facility has ceased to produce electricity and the facility has reached its useful life, the owner of the facility shall immediately initiate the decommissioning plan for the facility.

(2) Recycling: As part of decommissioning, the owner of the facility shall fully recycle all materials as reasonably possible.

(3) Landscaping: The panels shall be reasonably concealed from view by either natural vegetation or planted evergreen vegetation. When relying on existing vegetation, the buffer shall be no less than 50 feet in width. When using planted vegetation to conceal the fence and panels in locations where there is no view from a residential structure, the applicant shall plant a staggered double row of evergreens. In locations where the facilities can be viewed from a residential structure, the applicant shall use three rows of evergreens, staggered. When using planted vegetation to conceal the facility, the vegetative buffer shall be no less than 20 feet in width. The final landscaping plans shall be approved by the Planning Director or his designee to ensure compliance with this condition.

(4) Setbacks: Fifty feet from any property line.

District Descriptions (from Stokes County Zoning Ordinance)

The **M-1 (Light Manufacturing) district** is established as a district in which the principal use of the land is for light manufacturing and warehousing uses which normally seek locations on large tracts of land where the operations involved do not detract from the development potential of nearby undeveloped properties.

The **R-A (Residential – Agricultural) district** is intended to accommodate crop and livestock production, forestry, as well as scattered non-farm development on traditional rural lots. Site-built, modular, or multi-sectional Class A, and single-wide Class B manufactured dwelling units situated on scattered individual lots and in minor subdivisions shall be the principal residential use permitted provided they meet the required lot and yard size requirements. Any proposal for a major single-family subdivision, manufactured home park or multi-family development shall require a rezoning from the R-A district to an appropriate residential district that will accommodate a more intense use.

Character of the Area

The vicinity of the subject property is characterized by a mix of residential and industrial uses.

Existing Land Use(s) on the Property: Undeveloped land

Surrounding Uses

North: Residential; industrial (Project Delta)

South: Residential; industrial (solar facility)

East: Industrial (Project Delta)

West: Residential; undeveloped land

Historic Properties: There are no sites listed in the National Register of Historic Places located on or adjacent to the subject property.

Infrastructure and Public Facilities

Public Schools: The requested rezoning is not anticipated to have a substantial impact on public school facilities.

Emergency Response: The subject property is approximately 2.9 miles from the nearest fire station.

Water and Sewer: A water line operated by the Town of Walnut Cove runs along Oldtown Road. Any proposed connection would be subject to the Town's utility connection policy and approval process.

Transportation

Existing Conditions: The North Carolina Department of Transportation (NCDOT) classifies Oldtown Road, Farmer Road, and Ethan Lane as Local Roads. The Federal Highway Administration (FHWA) describes Local Roads as follows:

> "[Local Roads] are not intended for use in long distance travel, except at the origin or destination end of the trip, due to their provision of direct access to abutting land. … They are often designed to discourage through traffic. … [Local Roads in rural areas] serve primarily to provide access to adjacent land."

The Annual Average Daily Traffic (AADT) for Oldtown Road is 1,721 vehicles per the 2026 NCDOT traffic count. AADT information is not provided for Farmer Road or Ethan Lane.

Proposed Improvements: There are currently no proposed road improvements in the vicinity of the subject property per the NCDOT 2026-2035 State Transportation Improvement Program Map. Development on the subject property is subject to NCDOT's review and permitting process.

Environmental Assessment

Topography: Topography on the subject property ranges from nearly level to moderately steep, per the Natural Resources Conservation Service's Web Soil Survey.

Floodplain: The subject property is partially within a regulated floodplain per Flood Insurance Rate Map #3710696200K, effective June 10, 2026.

Wetlands: Wetlands exist on the subject property per the National Wetlands Inventory's Wetlands Mapper.

Streams: Mapped streams exist on the subject property per Natural Resources Conservation Service Soil Survey Maps and/or U.S. Geological Survey Topographic Maps.

Watershed: The subject property is not located in a water supply watershed.

Consistency

The requested rezoning is **CONSISTENT** with the Stokes County 2035 Vision Plan, based on the following:

- The subject property is classified as O-1 (Open Space 1 – Preserved Lands) and G-1 (Growth Sector 1 – Low-Density Growth Areas) under the Plan's Land Use Transect framework. The residential and agricultural uses permitted in the R-A zoning district are generally compatible with both the O-1 and G-1 Transect Zones, as agriculture/forestry is explicitly considered as a typical land use within the O-1 designation and low-density residential development is envisioned within the G-1 designation.
- G-1 Policy 1.0 states, "Support low-density residential development where soils allow." The R-A district would support this policy by permitting low-density single-family residential development on the property.

Reasonableness

The request to rezone the subject property from M-1-CZ to R-A is **REASONABLE** because much of the surrounding area is zoned R-A, and the requested rezoning would align the permitted uses on the subject property with adjacent R-A-zoned properties. Additionally, the requested rezoning would bring the property into greater consistency with the 2035 Vision Plan by reducing the intensity of development permitted on the property while also enabling low-density residential development.

Staff Recommendation

Staff recommends **APPROVAL** of the request.

STOKES COUNTY CONDITIONAL ZONING APPLICATION

Petition#:
Date Filed:
Received By:
Office use only

OWNERSHIP INFORMATION:

Property Owner: Tim & Deborah Mabe, Sheila Hall Mabe		
Owner's Address: 1055 Mercedes Ln., 1398 Oldtown Rd. Walnut Cove NC		
Parcel Number(s): 6973-03-43-5270	Date Property Acquired: 8-1-95	
Deed Book & Page 778-2033	Zoning Map:	Township: Sauratown
Size (Sq Ft or Acres): 34.23	Street Frontage (Ft): 62	
Location of Property: 0 Farmer Rd. Walnut Cove, NC 27052		
Current Land Use: Vacant		

ZONING REQUEST:

Existing Zoning: M1 CZ	Proposed Use: RA
Purpose of Change: Back to Forestry	

Name of Agent:	Name of Petitioner(s): Tim & Deborah Mabe Sheila Hall Mabe
Address:	Address: 1055 Mercedes Ln. 1398 Oldtown Rd. WC
Phone:	Phone: 336-591-8118
Signature of Agent:	Signature of Petitioner(s): Tim Mabe Deborah M. Mabe Sheila Hall Mabe

Upon submittal of the petition, all required items much be verified by a Planning & Community Development staff member before an application is considered completed and filed for processing. Incomplete applications are not accepted and will be returned to the petitioner. No applications will be accepted after the closing deadline for each month's cases. Deadline for submittal is the first Monday of each month. There is a limit of 6 cases per month.

FEE DUE UPON SUBMITTAL OF APPLICATION TO THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT BY CASH, CREDIT CARD OR CHECK MADE PAYABLE TO STOKES COUNTY INSPECTIONS DEPT.

Meeting Dates:

Planning Board:	Board of Commissioners:

STOKES COUNTY
PLANNING & INSPECTIONS DEPARTMENT

Certification of Property Owner Consent to Down-Zoning

I (we) certify that I am (we are) the owner(s) of the property indicated below:

Owner(s): TIM MABE, DEBORAH MABE, SHEILA HALL MABE

Property Address: 0 FARMER RD

Parcel Number (PIN): 6973-43-5270

Deed Book and Page: PB 778, Pg. 2033

I (we) acknowledge that the property described above is the subject of a proposed zoning map amendment (rezoning) that constitutes a down-zoning as defined in G.S. 160D-601(d).

The proposed amendment is generally described below:

Description of Proposed Rezoning: M-1-CZ TO R-A

By signing below, I (we) consent to the initiation, consideration, adoption, and enforcement of the proposed down-zoning amendment described above, pursuant to G.S. 160D-601(d).

Owner Name: Tim Mabe

Owner Signature: Tim Mabe **Date:** 8/19/26

Owner Name: Deborah Mabe

Owner Signature: Deborah Mabe **Date:** 8/19/26

Owner Name: Sheila Hall Mabe

Owner Signature: Sheila Hall Mabe **Date:** 8/19/26

STOKES COUNTY CONDITIONAL ZONING APPLICATION

Petition#:
Date Filed:
Received By:
Office use only

OWNERSHIP INFORMATION:

Property Owner: Tim MAbe, Deborah Mabe		
Owner's Address: 1055 Mercedes Lane, Walnut Cove, NC 27052		
Parcel Number(s): 6973-00-51-4188		Date Property Acquired: 8-1-95
Deed Book & Page 0778-2036	Zoning Map:	Township: Sauratown
Size (Sq Ft or Acres): 78.02 Acres	Street Frontage (Ft): 2226	
Location of Property: 0 Oldtown Rd. Walnut Cove, NC 27052		
Current Land Use: VACANT		

ZONING REQUEST:

Existing Zoning: M2 CZ	Proposed Use: RA
Purpose of Change: Back to Forestry	

Name of Agent:	Name of Petitioner(s): Tim and Deborah MAbe
	Address: 1055 Mercedes Ln., Walnut Cove
	Phone: 336-591-8118
	Signature of Petitioner(s): Tim Mabe, Deborah M. Mabe

Correct PIN#

6973033331081

be verified by a Planning & Community Development
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No applications will be accepted after the closing
l is the first Monday of each month. There is a limit of 6

O THE PLANNING AND COMMUNITY
T CARD OR CHECK MADE PAYABLE TO STOKES

Planning Board:	Board of Commissioners:

STOKES COUNTY
PLANNING & INSPECTIONS DEPARTMENT

Certification of Property Owner Consent to Down-Zoning

I (we) certify that I am (we are) the owner(s) of the property indicated below:

Owner(s): TIM MABE, DEBORAH MABE

Property Address: 0 OLDTOWN RD

Parcel Number (PIN): 6973-51-4188

Deed Book and Page: DB 778, Pg. 2036

I (we) acknowledge that the property described above is the subject of a proposed zoning map amendment (rezoning) that constitutes a down-zoning as defined in G.S. 160D-601(d).

The proposed amendment is generally described below:

Description of Proposed Rezoning: M-1-CZ TO R-A

By signing below, I (we) consent to the initiation, consideration, adoption, and enforcement of the proposed down-zoning amendment described above, pursuant to G.S. 160D-601(d).

Owner Name: Tim MABE

Owner Signature: Tim Mabe **Date:** 8/19/26

Owner Name: Deborah Mabe

Owner Signature: Deborah Mabe **Date:** 8/19/26

Owner Name:

Owner Signature: **Date:**

STOKES COUNTY CONDITIONAL ZONING APPLICATION

Petition#:
Date Filed:
Received By:
Office use only

OWNERSHIP INFORMATION:

Property Owner: Tim Mabe, Deborah Mabe		
Owner's Address: 1055 Mercedes Lane, Walnut Cove, NC 27052		
Parcel Number(s): 6973-00-51-4188		Date Property Acquired: 2-23-99
Deed Book & Page 778-2036	Zoning Map:	Township: Sauratown
Size (Sq Ft or Acres): 117.66 Acres	Street Frontage (Ft): —	
Location of Property: 0 Ethan Lane, Walnut Cove, NC 27052		
Current Land Use: VACANT		

ZONING REQUEST:

Existing Zoning: M1 CZ	Proposed Use: RA
Purpose of Change: BACK to Forestry	

Name of Agent:	Name of Petitioner(s): Tim and Deborah Mabe
Address:	Address: 1055 Mercedes Ln., Walnut Cove
Phone:	Phone: 336-591-8118
Signature of Agent:	Signature of Petitioner(s) Tim Mabe Deborah M. Mabe

Upon submittal of the petition, all required items much be verified by a Planning & Community Development staff member before an application is considered completed and filed for processing. Incomplete applications are not accepted and will be returned to the petitioner. No applications will be accepted after the closing deadline for each month's cases. Deadline for submittal is the first Monday of each month. There is a limit of 6 cases per month.

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Meeting Dates:

Planning Board:	Board of Commissioners:

STOKES COUNTY
PLANNING & INSPECTIONS DEPARTMENT

Certification of Property Owner Consent to Down-Zoning

I (we) certify that I am (we are) the owner(s) of the property indicated below:

Owner(s): TIM MABE, DEBORAH MABE

Property Address: 0 ETHAN LN.

Parcel Number (PIN): 6973-51-4188

Deed Book and Page: DB 778, Pg. 2036

I (we) acknowledge that the property described above is the subject of a proposed zoning map amendment (rezoning) that constitutes a down-zoning as defined in G.S. 160D-601(d).

The proposed amendment is generally described below:

Description of Proposed Rezoning: M-1-CZ TO R-A

By signing below, I (we) consent to the initiation, consideration, adoption, and enforcement of the proposed down-zoning amendment described above, pursuant to G.S. 160D-601(d).

Owner Name: Tim Mabe

Owner Signature: Tim Mabe **Date:** 8/19/26

Owner Name: Deborah Mabe

Owner Signature: Deborah Mabe **Date:** 8/19/26

Owner Name: _____

Owner Signature: _____ **Date:** _____

Board of County Commissioners
November 9, 2026

Item number: VIII.e

Project Delta - Development Agreement

Drafter: Bryan Miller

Summary:
This is a legislative public hearing on a proposed development agreement for Project Delta. The agreement is between Stokes County, ELSDCSP2, LLC, and DFC Stokes, LLC and DFC Stokes 2, LLC. It covers about 1,849 acres that were rezoned to M-2-CZ on September 14. Under Chapter 160D, it would lock in the rules that apply to the property for 15 years. Notice was mailed and posted on October 28.

ATTACHMENTS:
10.28.2026 ELSDCSP2_ DFC_Stokes -Development Agreement.pdf
Staff Report Project Delta Development Agreement.pdf
Project Delta Development Agreement â€" Public Hearing Binder (Written Comments).pdf

DEVELOPMENT AGREEMENT

BETWEEN

ELSDCSP2, LLC, DFC STOKES, LLC, AND DFC STOKES 2, LLC

AND

STOKES COUNTY, NORTH CAROLINA

Prepared by and Return to:
Thomas E. Terrell, Jr.
Fox Rothschild LLP
230 N. Elm Street, Suite 1200
Greensboro, N.C. 27401

STATE OF NORTH CAROLINA	**)**	
	)	**DEVELOPMENT AGREEMENT**
COUNTY OF STOKES	**)**	

This Development Agreement ("Agreement") is entered into and considered executed on this _____ day of November, 2026 (the "Effective Date") pursuant to North Carolina General Statutes § 160D Article 10 between the Stokes County ("County"), and developer ELSDCSP2, LLC ("Developer") and landowners DFC Stokes, LLC and DFC Stokes 2, LLC ("Landowner") (collectively, the "Parties") for the development of data centers (the "Project") on four tax parcels (the "Property"), in consideration of the mutual promises made herein and upon the following terms:

ARTICLE I.
LEGAL FRAMEWORK, BACKGROUND, AND PURPOSE

1.1 North Carolina General Statutes § 160D-1001 through § 160D-1012 (the "Act"), enables local governments to enter into binding development agreements with entities intending to develop real property under certain conditions set forth in the Act. Among other things, the Act provides

assurance to private parties that the laws in effect at the time of Agreement adoption are not changed while projects are in development and financing phases; enable private parties to risk greater capital investment; and create frameworks for cooperation among local governments and developers for effective management of large-scale, multi-year projects.

1.2 Adoption. This Agreement is entered into and adopted, making this Agreement legally binding and enforceable by its terms and by powers vested in the County by statute. In addition to the force of law conferred upon this Agreement by its adoption and N.C. Gen Stat. Chapter 160D, the terms of this Agreement also are contractual in nature and a significant inducement and consideration for both Parties to enter into this Agreement and may be enforced as contractual terms. The approval of this Agreement constitutes a legislative act of the County.

1.3 Benefits to County. This Agreement, among other things, furthers the County's goals as expressed in the Comprehensive Plan. For purposes of this Agreement, the consistency statement adopted by the Board for the underlying zoning map amendment for the Property is incorporated by reference and constitutes the County's consideration of this Agreement's consistency with the County's comprehensive plan. The County will also benefit from this Agreement because, among other things, this Agreement will create a clearer path forward for a project that may substantially increase the tax base and provide numerous high paying jobs. Regarding enhancement to the County's tax base, the Developer presented the County with a projection of property tax income at full buildout equal to $40 million at the current tax rate, which may result in annual payments that may double the county's annual property tax income. The projection was based upon the taxes annually paid by three comparable data centers that have existed for several years, with that information extrapolated to account for the size and acreage of this project. The county found this study to be reasonable and reliable.

1.4 Benefits to Landowner and Developer. Developer and Landowner will benefit from this Agreement because, among other things, this Agreement provides for certainty and clarity as to the regulations to be applied to the Property (as defined below) through the term of this Agreement. As appropriate to context, Developer may be named in certain provisions of this Agreement relating strictly to development. To the extent the Agreement provision implicates the owner of the land, Landowner, shall be named as the relevant party. Both Developer and Landowner shall be named where the distinction between landowner and developer is not relevant to context.

1.5 Public Notice and Public Hearing. Pursuant to N.C. Gen. Stat. § 160D-1005, the Board of Commissioners conducted a public hearing regarding this Agreement on November _____, 2026. The notice of public hearing specified, among other things, the location of the Property subject to this Agreement, the development uses proposed for the Property, and a place where a copy of the proposed Agreement could be obtained. The initial draft of this Agreement was available for public inspection at County offices.

1.6 Terms. Terms not otherwise defined in this Agreement shall have the meanings set forth in the Stokes County Zoning Ordinance.

ARTICLE II.
LAND GOVERNED BY AGREEMENT

2.1 The Property encompasses approximately 1,848 acres over four tax parcels owned by DFC Stokes, LLC and DFC Stokes 2, LLC. The tax parcel PINs, approximate acreage, and ownership of each parcel are listed below and are shown on a map attached as Exhibit A. A metes and bounds description of the Property is attached as Exhibit B.

PIN 6964-91-8321 1,062.602 acres
PIN 6973-49-0574 3.831 acres
PIN 6973-76-7124 248.084 acres
PIN 6973-73-4188 534.224 acres

2.2 ELSDCSP2, LLC, the Developer, is a wholly owned subsidiary of Engineered Land Solutions, LLC, that has a contractual financial interest in the Project and is authorized by the Landowner to undertake development of the Property.

ARTICLE III.
ZONING APPROVALS, VESTING,
LAWS GOVERNING DEVELOPMENT OF THE PROJECT

3.1 Map Amendment and Zoning Conditions. On September 14, 2026, the County enacted an ordinance approving a zoning map amendment for the Properties (the "Map Amendment"), rezoning each tract from R-A to M-2-CZ. The zoning conditions adopted with the Map Amendment are affirmed by this agreement and are not altered, diminished, or otherwise affected.

3.2 Vested Rights. Pursuant to N.C. Gen. Stat. § 160D-1007, Developer and Landowner, and their assigns, successors in interest, and successors in title shall be vested under the laws that exist on the date of the adoption of this Agreement and the County may not enact subsequently adopted ordinances or development policies to the Property while the Property is protected during the vesting period described in this Agreement. In the event that a moratorium is enacted at a future date related to data centers, the Property and the Project shall not be affected and shall be deemed to be vested under current laws.

3.3 Zoning Ordinance, Policies, and Other Laws. The County's current zoning ordinance and all County standards and policies are listed by title and date of adoption on Exhibit C attached. Other laws applicable to the Project include the adopted Map Amendment and its conditions. Any covenants and restrictions enacted as part of a Property Owners' Association are not part of or affected by this Agreement.

3.4 Permits. Permits issued by the County, the State of North Carolina or the United States exist as to term and validity pursuant to the terms of the permit and underlying general statutes and federal codes. Permits referenced in this paragraph do not establish vested rights except as to common law application. Nothing in this Section limits or waives any vested right arising under G.S. 160D-108, 160D-108.1, or 143-755, which are in addition to the vested rights established by this Agreement.

3.5 Consent Required. Except as expressly provided in N.C. Gen. Stat. §§ 160D-108(c) or 160D-108.1(f), no changes, amendments, alterations, expansions, enhancements, or application of newly County-enacted laws, policies, or regulations shall apply to the Project without the written consent of the Developer and Landowner as provided in N.C. Gen. Stat. § 143-755.

3.6 Change in State or Federal Law. As provided in N.C. Gen. Stat. § 160D-1007(c), in the event State or federal law is changed after this Agreement has been entered into and the change prevents or precludes compliance with one or more provisions of this Agreement, the Parties may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the Agreement. To the extent that a change in State or federal law has a fundamental effect on the Agreement to the detriment of Developer and Landowner and amendment of this Agreement is not prohibited by law, the County agrees that its consent to amendment shall not be unreasonably or capriciously withheld.

3.7 Nonconformities. No nonconformities have been or will be created by the adoption of this Agreement.

3.8 Existing Laws Retained. The Existing Laws shall be kept in a permanent file in the Stokes County Planning Department clearly marked "PERMANENT COUNTY RECORDS – DO NOT DISCARD OR AMEND." These documents govern the development of Project Delta (Data Center).

3.9 Interpretation. All Laws shall be interpreted as though the Parties intended consistent interpretation and application and shall be read for consistent interpretation and application. To the extent allowed under North Carolina law, the terms and conditions of this Agreement shall control. Where there is a discrepancy in interpretation or application, the Zoning Ordinance that existed on the date of this Agreement's adoption shall be considered the controlling ordinance. If a provision in the Zoning Ordinance that existed on the date of this Agreement's adoption is ambiguous as to how it is applied to this Project, then this Agreement shall be considered first as the County's official interpretation of that provision and secondarily as an expression of the County's intent. To the extent there is an ambiguity in terms or meaning not resolved by the above-listed canons of construction, then the ambiguity shall follow the rule at common law that ambiguities shall be interpreted to favor the free use of land.

ARTICLE IV.
TRANSPORTATION

4.1 Road Upgrades. The Developer shall make all upgrades to adjoining roads as required by NCDOT as part of NCDOT's driveway permit review process.

ARTICLE V.
ENVIRONMENTAL PROTECTIONS

5.1 Stormwater Management. Stormwater control measures shall be designed and constructed in accordance with all applicable laws and regulatory requirements based on site-specific engineering plans for each building site.

5.2 Compliance with permits. The Developer shall hire a qualified engineering firm to monitor compliance with all environmental permits, including stormwater control devices, and to oversee the implementation of best practices in stormwater management and control. Monitoring reports prepared shall be provided to the County upon request.

5.3 Permitting. The Developer shall timely provide or make accessible to the County copies of all state and federal permits, including stormwater, wetlands, sedimentation and erosion control, stream permitting, air quality, or other environmental permitting required by law.

5.4 Floodplain. For each phase of development, the floodplain area as depicted in Exhibit A and described in the conditions of the Map Amendment, shall be monitored quarterly beginning upon the first land-disturbing activity and continuing until final stabilization of that phase. Monitoring shall be performed by a qualified engineer to ensure compliance with all protections required by the Map Amendment for such area. Quarterly monitoring shall be required only during active development of a phase and shall not be required before commencement of a phase or between phases, except as otherwise required by applicable law, permits, or regulatory approvals.

5.5 Effect. The County agrees that the Developer and Landowner have offered environmental protection measures that exceed the requirements set forth under the County's regulations and reflect a commitment to environmental stewardship and the preservation of the County's natural resources.

ARTICLE VI.
TERM

6.1. Term. Unless and until modified by the Parties, the term of this Agreement shall be 15 years from the date of execution of this agreement.

ARTICLE VII.
ARTICLE 160D-1006 CERTIFICATIONS

7.1 Description. A description of the property subject to the agreement and the names of its legal and equitable property owners is found in Article II and on Exhibit B.

7.2 Duration of the Agreement. The duration of this Agreement shall be 15 years from the date of execution by all Parties.

7.3 Permitted uses, densities, placement on the site, and design. The Property shall be limited to the development of data centers and accessory and ancillary uses as defined in the Map Amendment. Placement of buildings on the site shall be determined as buyers and end users are selected. In no circumstance shall a data center building be located within the protected area of the floodplain, as shown and described in the Map Amendment. For consistency between documents, the use allowances and restrictions in the Map Amendment are incorporated by reference into this Agreement, and the definition of the use (data center and accessory uses) is below:

Data Center: A facility, campus of facilities, or array of interconnected facilities used for the primary purpose of storing, retrieving, managing, and/or processing digital data, including associated infrastructure such as servers, data storage equipment, network equipment, power supply systems, backup generators, cooling systems, and related accessory structures. A data center does not include electronic equipment incidental to a business whose primary activity is other than storing, retrieving, managing, and processing digital data (e.g., a retail store, office building, or school).

Accessory uses, facilities, structures, infrastructure, equipment, and technologies associated with the development or operation of the Data Center, including power generation; substations; electrical infrastructure; natural gas infrastructure; fiber optic infrastructure; battery backup and generation equipment; equipment yards; batteries; security facilities; on-site maintenance facilities; container storage; and fuel and water storage.

7.4 Public facilities, responsibility for construction, dates and schedules of delivery. All provisions in the Agreement related to public facilities, who shall develop and provide the services, the sequences of delivery and who is responsible are described in Article VIII (Public Services) and Article IV (Transportation). The specific construction date for any such facility may be established through subsequent construction plans or other applicable development approvals, provided the facility is available concurrently with the impacts of the development it serves. To the extent that the County has incurred obligations for public services as described in this Agreement, such obligations shall be tied to successful performance of the Project and meeting its obligations as described in this Agreement.

7.5 Land reserved, dedicated or sold for public purposes and provisions for the protection of environmentally sensitive property. There is no land designated for public use, but the Parties may discuss the public use of floodplain areas as the Project matures. Areas for the protection of environmental, historic, or culturally significant resources are described in the Map Amendment and generally include the area designated as floodplain. For consistency between the Agreement and the Map Amendment, the floodplain area that has legal and use restrictions imposed is described below:

Within the floodplain areas designated on the Federal Emergency Management Agency ("FEMA") Flood Insurance Rate Maps ("FIRMs") for Stokes County, North Carolina, Map Nos. 3710696200K and 3710696400K, effective June 10, 2026, development and uses shall be limited to infrastructure improvements and recreational, agricultural, conservation, preservation, and open space uses. Except as expressly provided above, no other development shall be permitted within the designated floodplain areas.

7.6 Fire and Emergency Services Contribution. The Developer voluntarily agrees to provide a one-time contribution of Two Hundred Thousand Dollars ($200,000) to Stokes County, due and payable upon issuance of the first Land Disturbance Permit for the Project. The County shall use the contribution to support fire service training, emergency response equipment, and

related emergency management~~emergency~~ preparedness and operational readiness needs that enhance the capacity of local fire and emergency services to serve the Project and surrounding community. The Parties acknowledge that the contribution is a mutually negotiated commitment, expressly identified in this Agreement, to support the fire protection and emergency response needs associated with the development and surrounding community.

7.7 Other protections for health, safety, and welfare. This Agreement does not provide conditions for public health or safety, which provisions have been thoroughly addressed in the Map Amendment conditions. Additional provisions related to general welfare are described in Articles IV and V.

7.8 Descriptions of provisions for preservation and restoration of historic structures. The Parties acknowledge that the Property may contain structures of potential historic significance. The Developer shall comply with all applicable historic preservation laws and review procedures, including coordination with the North Carolina State Historic Preservation Office (SHPO), as required. Any resulting preservation requirements shall be addressed in accordance with applicable law. To the extent that there is a known cemetery on the Property, the known cemetery shall be provided with a reasonable buffer, not be developed, and reasonable access shall be provided as required by applicable North Carolina law.

ARTICLE VIII.
PUBLIC SERVICES

8.1 Electricity. Electricity service to the Property may be provided by Duke Energy, or such other provider authorized to serve the Property. Any extensions, upgrades, or other improvements necessary to serve development on the Property shall be provided in accordance with the applicable provider's policies, standards, service requirements, and agreements. The location, capacity, routing, configuration, and responsibility for such facilities shall be determined as development occurs and in accordance with applicable provider requirements and subsequent development approvals.

8.2 Water. Water service to the Property may be provided by the Stokes County Water and Sewer Authority, other water service provider lawfully authorized to serve the Property, onsite water supply systems, or any combination thereof, as permitted by applicable law. Any extensions, upgrades, or other improvements necessary to serve development on the Property shall be provided in accordance with the applicable provider's policies, standards, service requirements, and agreements. The location, capacity, routing, and configuration of related facilities shall be determined as development occurs and in connection with applicable regulatory requirements, provider requirements, and subsequent development approvals.

8.3 Natural Gas. Natural gas services may be provided by Piedmont Natural Gas, or other provider authorized to serve the Property. Any extensions, upgrades, or other improvements necessary to serve development on the Property shall be provided in accordance with the applicable provider's policies, standards, service requirements, and agreements. The location, capacity, routing, configuration, and responsibility for such facilities shall be determined as development

occurs and in accordance with applicable provider requirements and subsequent development approvals.

8.4 Wastewater and Sewer. Wastewater services may be provided by the Stokes County Water and Sewer Authority, another lawfully authorized public or private wastewater service provider, onsite wastewater treatment systems, or any combination thereof, as permitted by applicable law. Any extensions, upgrades, or other improvements necessary to provide public wastewater service shall be provided in accordance with the applicable provider's policies, standards, service requirements, and agreements. The location, capacity, routing, and configuration of related facilities shall be determined as development occurs and in connection with applicable regulatory requirements, provider requirements, and subsequent development approvals.

ARTICLE IX.
MISCELLANEOUS

9.1 Amendment. This Agreement may be amended by the mutual consent of the Parties or their successors in interest. As required by N.C. Gen. Stat. § 160D-1006(e), consideration of a proposed major modification of the agreement shall follow the same procedures as required for initial approval of the Agreement.

9.2 Recordation. Developer shall record this Agreement in the Office of the Stokes County Register of Deeds within fourteen (14) days after the date of adoption. All recording costs shall be paid by Developer.

9.3 Reimbursement. Developer and Landowner shall pay up to $10,000 to reimburse the County's legal costs in the negotiation and review of this Agreement.

9.4 Affirmation of Consideration. The Parties affirm that the consideration provided one to another by this Agreement is adequate to support the mutual promises and benefits described herein

9.5 Periodic Review. This Agreement shall be reviewed by the County once every twelve (12) months, at which time Developer shall demonstrate good faith compliance with the terms of this Agreement. Additional reviews may be conducted upon a reasonable basis to believe that a material noncompliance with this Agreement has occurred.

9.6 Notice and Opportunity to Cure. If any Party determines that another Party is not in compliance with this Agreement, the Party asserting noncompliance shall provide written notice to the Party alleged to be noncompliant, with a copy to the other Parties, identifying the nature of and the evidence supporting such determination. The Party alleged to be noncompliant shall have a reasonable opportunity to cure the noncompliance, taking into consideration the nature and extent, the corrective action required, and the good-faith efforts to achieve compliance, provided, however, that in no event shall the cure period be less than ninety (90) days following receipt of the written notice.

If the noncompliance cannot reasonably be cured within the initial cure period, the noncompliant Party shall be afforded such additional time as is reasonably necessary, provided that the Party commences corrective action within the initial cure period and diligently pursues such action to completion. Upon reasonable request, the noncompliant Party shall provide updates regarding the progress of corrective action and the anticipated completion date. No noncompliance shall constitute a default under this Agreement unless it is material and remains uncured following expiration of the applicable cure period, including any extension warranted under this Section.

9.7 Default. Upon an uncured default, the Parties shall first make a good faith efforts to negotiate and informally resolve the issue in dispute (the "Claim"). If the Parties do not resolve the Claim through negotiation the asserting Party shall provide written notice of the uncured default to the alleged defaulting Party. Within thirty (30) days after written notice of the uncured default is received by the alleged defaulting Party, the Parties agree to submit the claim to mediation pursuant to the following process:

9.7.1 The non-defaulting Party (the "Claimant") shall have thirty (30) additional days within which to submit the Claim to mediation under the auspices of any dispute resolution center or other such independent agency providing similar services upon which the Parties may mutually agree.

9.7.2 If the Parties do not settle the Claim within thirty (30) days after initiation of mediation or within such time as determined reasonable or appropriate by the mediator, the mediator shall issue a notice of termination of the mediation proceedings. Such notice shall set forth when and where the Parties met, that the Parties are at an impasse, and the date that mediation was terminated.

9.7.3 If settlement does not occur and mediation is terminated; the Parties may pursue any actions at law and equity permitted under this Agreement subject to applicable rights to notice and cure provided for in this Agreement.

9.7.4 The costs of mediation shall be paid in equal shares by the Parties; provided, however, a Party who refuses to participate in a mediation that has been requested pursuant to this Paragraph may be assessed the entire costs of the mediation.

9.8 Partial Termination; Multiple Owners or Developers. If the Property is owned or developed by more than one Landowner or Developer, a default by one Party shall not be treated as a default by any other Party. Subject to Sections 9.6 and 9.7, any modification or termination of this Agreement resulting from a default shall, to the extent reasonably practicable, apply only to the defaulting Party and the portion of the Property owned or controlled by that Party. This Agreement shall remain in effect as to all non-defaulting Parties and unaffected portions of the Property.

9.9 Notices. Notices shall be made to the following persons. Each Party shall make a good faith effort to determine the successors in interest of each of the following:

To the County:

Jeff Sanborn, County Manager
1014 Main Street, Highway 89
Danbury, NC 27016
jsanborn@co.stokes.nc.us

With a copy to:

Jennifer Michaud, Esq.
153 Jefferson Church Road
King, NC 27021
jmichaud@kinglawoffices.com

To ELSDCSP2, LLC

Andrew S. Nations
1009 East Blvd
Charlotte, NC 28203
drew@engineeredlandsolutions.com

With a copy to:

Michael S. Fox, Esq.
Tuggle Duggins P.A.
400 Bellemeade Street, Suite 800
Greensboro, NC 27401

To DFC Stokes, LLC and DFC Stokes 2, LLC

David F. Couch
Blue Ridge Companies
5826 Samet Drive #105
High Point, NC 27265
dcouch@blueridgecompanies.com

With a copy to:

Thomas E. Terrell, Jr., Esq.
Fox Rothschild LLP
230 N. Elm St. Suite 1200
Greensboro, NC 27401
tterrell@foxrothschild.com

9.10 Entire Agreement. This Agreement and Map Amendment set forth and incorporate by reference all promises, terms, conditions and understandings between the Parties related to the Property and the Project, and there are no promises, agreements, conditions or understandings, oral or written, expressed or implied, among the Parties related to the matters addressed in this Agreement.

9.11 Construction. Counsel for the County and the Parties have reviewed and revised this Agreement and any rule of construction that ambiguities are to be resolved against the drafting party shall not apply.

9.12 Runs with the Land. Agreement shall be binding upon, enforceable against, and inure to the benefit of the Parties and their heirs, successors, and assigns. This Agreement shall run with the Property and be binding upon the rights and obligations of the Project and shall be binding upon future owners thereof for the term of this Agreement. The expiration of this Agreement shall not affect or cause to expire those conditions adopted in the Map Amendment.

9.13 Governing Law. This Agreement shall be governed by the laws of the State of North Carolina.

9.14 Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed an original, and such counterparts shall constitute one and the same instrument.

9.15 Agreement to Cooperate. In the event of legal action instituted by a third party or parties challenging the validity of any text amendments, rezoning, or the adoption of this Agreement or any provision contained herein, the Parties agree to cooperate in defending such action; provided, however, each party shall retain the right to pursue its own independent legal defense. Developer and Landowner further agree to pay the County's reasonable attorneys' fees up to and including $50,000 to participate in litigation which defends Developer's' interests.

9.16 Severability. If any term or provision herein shall be judicially determined to be void or of no effect, such determination shall not affect the validity of the remaining terms and provisions.

9.17 No Pledge of Taxing Power or Governmental Authority. No provision of this Agreement shall be construed or interpreted as (1) creating a pledge of the faith and credit of the County within the meaning of any constitutional debt limitation, (2) delegating governmental powers, or (3) a donation or a lending of the credit of the County within the meaning of the Constitution of the State of North Carolina. The County has pre-audited this Agreement and the obligations hereunder to ensure compliance with budgetary accounting requirements (if any) that may apply. This Agreement is conditioned upon, and shall not be operative until, any required pre-audited certificate is supplied.

9.18 Authority. Each party represents that it has undertaken all actions necessary for corporate or public approval of this Agreement.

[THE REMAINDER OF THIS PAGE INTENTIONALLY BLANK]

Stokes County

By:_____

Print Name:_____

Title:_____

State of North Carolina

_____ County

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein on behalf of Stokes County, and in the capacity indicated: _____.

Date: _____ _____

Notary Public

My Commission Expires:

_____ Print Name: _____

[Affix Notary Stamp or Seal below]

PRE-AUDIT CERTIFICATION

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

_____

_____, Stokes County Finance Director

[SIGNATURES ON FOLLOWING PAGES]

ELSDCSP2, LLC

By: _____
Andrew S. Nations, Manager

State of North Carolina

_____ County

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein on behalf of ELSDCSP2, LLC and in the capacity as manager.

Date: _____ _____

Notary Public

My Commission Expires:

_____ Print Name: _____

[Affix Notary Stamp or Seal below]

[REMAINING SIGNATURE ON FOLLOWING PAGE]

DFC Stokes, LLC and DFC Stokes 2, LLC

By: _____
David F. Couch, as Managing Member of Each Company

State of North Carolina

_____ County

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein on behalf of DFC Stokes, LLC and DFC Stokes 2, LLC, and in the capacity of managing member of each company**.**

Date: _____ _____

Notary Public

My Commission Expires:

_____ Print Name: _____

[Affix Notary Stamp or Seal below]

EXHIBIT A

(Map Amendment Site Plan)

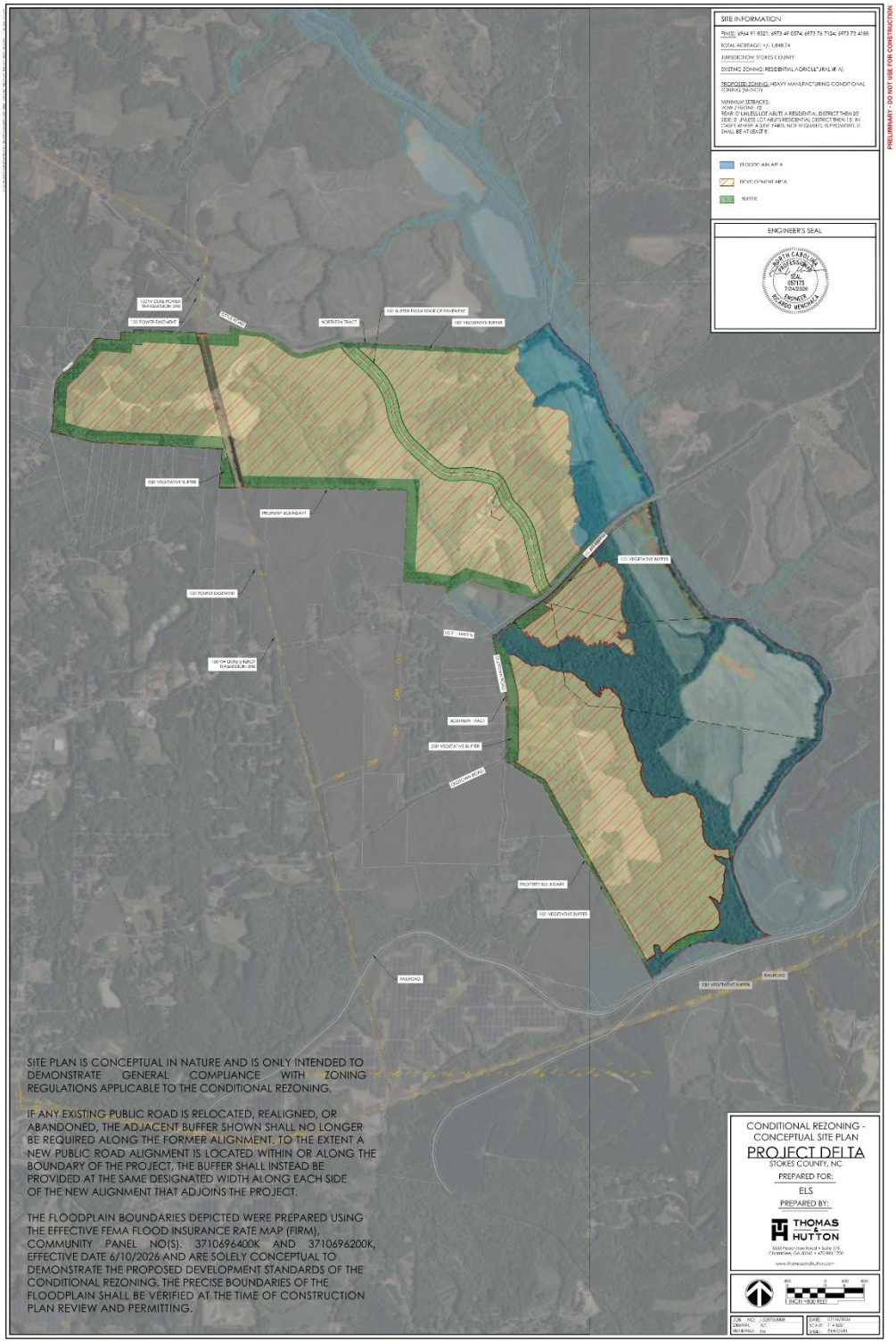


EXHIBIT B

(Metes and Bounds Property Description)

Following are metes and bounds descriptions of the Property, described also as PINs 6964-91-8321, 6973-49-0574, 6973-76-7124, and 6973-73-4188.

PIN: 6964-91-8321

BEGINNING at an iron in the eastern right-of-way line of Fulp Road (S. R. 1719), said iron being the northwest corner of the property of James W. King as described in deed recorded in Book 312 at Page 297,Stokes County Registry; thence from said beginning point North 75 degrees 31 minutes 32 seconds West 30.75 feet to a point in the center of Fulp Road (S. R. 1719); thence along the center of Fulp Road (S. R. 1719) the twenty-one (21) following courses and distances, to-wit: North 18 degrees 11 minutes 34 seconds East 81.46 feet to a point, North 08 degrees 45 minutes 18 seconds East 95.06 feet to a point, North 05 degrees 25 minutes 58 seconds East 96.39 feet to a point, North 03 degrees 38 minutes 58 seconds East 97.75 feet to a point, North 03 degrees 43 minutes 16 seconds East 349.76 feet to a point, North 04 degrees 03 minutes 18 seconds East 90.36 feet to a point, North 06 degrees 15 minutes 29 seconds East 94.64 feet to a point, North 11 degrees 15 minutes 42 seconds East96.11 feet to a point, North 19 degrees 19 minutes 44 seconds East 96.27 feet to a point, North 33 degrees 45 minutes 36 seconds East 95.26 feet to a point, North 46 degrees 40 minutes 35 seconds East 94.47 feet to a point, North 51 degrees40 minutes 45 seconds East 98.58 feet to a point, North 48 degrees 45 minutes 06 seconds East96.25 feet to a point, North 43 degrees 44 minutes 11 seconds East 94.01 feet to a point, North 42 degrees 10 minutes 27 seconds East 98.16 feet to a point, North 42 degrees 08 minutes 45 seconds East 96.87 feet to a point, North 42 degrees 24 minutes 36 seconds East 96.97 feet to a point, North 42 degrees 59 minutes 19 seconds East 161.48 feet to a point, North 42 degrees 37 minutes 56 seconds East 88.06 feet to a point, North 41 degrees 32 minutes 29 seconds East 320.74 feet to a point, and North 41 degrees 37 minutes 38 seconds East 66.03 feet to a P.K. nail in the center of Fulp Road (S.R.1719), said nail being in the south line of the property of Betty C. Tilley as described in deed recorded in Book 375 at Page 446, Stokes County Registry; thence along Tilley's south line the two (2) following courses and distances, to-wit: South 85 degrees 25 minutes 57 seconds East 37.57 feet to an iron and South 85 degrees 23 minutes 09 seconds East 636.47 feet to an iron, the southeast comer of said Tilley tract, the southernmost comer of a Tilley tract described in deed recorded in Book 175 at Page 253, Stokes County Registry and the southwest corner of the property now or formerly owned by Elizabeth Banks Franklin as described in deed recorded in Book 96 at Page 171, Stokes County Registry; thence along Franklin's south line South 86 degrees 37 minutes 00 seconds East 7833.44 feet to an iron; thence continuing with Franklin's property North 58 degrees 02 minutes 52 seconds East 1014.58 feet to an iron on the east bank of the Dan River, thence continuing North 58 degrees 02 minutes 52 seconds East 51.52 feet to a point in the center of the Dan River, thence along a line at or near the center of the Dan River, the center of the River being the actual property line, the following nineteen (19) courses and distances, to-wit:

South 32 degrees 46 minutes 11 seconds East 303.33 feet to a point, South 50 degrees 00 minutes 40 seconds East 126.00 feet to a point, South 34 degrees 03 minutes 47 seconds East 224.52 feet to a point, South 55 degrees 13 minutes 43 seconds East 148.86 feet to a point, South 49 degrees 36 minutes 26 seconds East 275.05 feet to a point, South 38 degrees 27 minutes 26 seconds East 260.14 feet to a point, South 26 degrees 42 minutes 51 seconds East 293.09 feet to a point, South 15 degrees 29 minutes 58 seconds East 413.58 feet to a point, South 23 degrees 02 minutes 13 seconds East 387.46 feet to a point, South 35 degrees 25 minutes 56 seconds East 422.84 feet to a point, South 28 degrees 26 minutes 15 seconds East 340.08 feet to a point, South 30 degrees 51 minutes 09 seconds East 328.06 feet to a point, South 29 degrees 42 minutes 32 seconds East 376.12 feet to a point, South 20 degrees 36 minutes 55 seconds East 226.08 feet to a point, South 16 degrees 18 minutes 29 seconds East 238.78 feet to a point, South 12 degrees 04 minutes 47 seconds East 1180.72 feet to a point, South 31 degrees 03 minutes 03 seconds East 705.68 feet to a point, South 34 degrees 59 minutes 49 seconds East 596.88 feet to a point, and South 44 degrees 56 minutes 08 seconds East 358.39 feet to a point; thence leaving the center of the Dan River, South 23 degrees 14 minutes07 seconds West 50.00 feet to a point at or near the waters edge; thence South 87 degrees 25 minutes 56 seconds West 112.92 feet to an iron on the bank of the Dan River, said iron being in the north line of the property of William C. Kluttz as described in deed recorded in Book 283 at Page 636, Stokes County Registry; thence along Kluttz north line, the two (2) following courses and distances, to-wit: South 87 degrees 25 minutes 56 seconds West 1676.47 feet to an iron and North 75 degrees 04 minutes 54 seconds West 1649.79 feet to an iron, the northwest corner of said Kluttz and the northeast comer of property of John M. Nelson as described in deed recorded in Book 268 at Page 313, Stokes County Registry; thence along the north line of Nelson and falling in with the north line of property of Frances Lamb as described in deed recorded in Book 268 at Page 315, Stokes County Registry, the five (5) following courses and distances, to-wit: North 75 degrees 21 minutes 32 seconds West 210.70 feet to a nail at the base of a disturbed concrete monument, North 73 degrees 20 minutes 50 seconds West 1611.11 feet to an iron in an old roadbed, South 58 degrees 54 minutes 10 seconds West 548.41 feet to an iron in an old roadbed, North 02 degrees 39 minutes 10 seconds East 151.10 feet to an iron, and North 82 degrees 36 minutes 38 seconds West 905.47 feet to an iron in the east line of the property of Harden Brown as described in deed recorded in Book 247 at Page 702, Stokes County Registry; thence along Brown's east line, North 03 degrees 09 minutes 32 seconds East 317.48 feet to an iron on the creek bank, a corner with property of Jacob Fulton Heirs, map of which is recorded in Plat Book 4 at Page 248, Stokes County Registry; thence along said plat, North 03 degrees 40 minutes 09 seconds East 1604.42 feet to a nail at the base of a bent iron; thence along the north line of said plat, North 88 degrees 34 minutes 47 seconds West 2850.61 feet to an iron, the northeast corner of property of Leonard Terry Greene as described in deed recorded in Book 289 at Page 333, Stokes County Registry; thence hence along Greene's north line, North 88 degrees 34 minutes 25 seconds West 1089.38 feet to a point in a pond in the east line of property of Jonas Bailey, Jr. as described in deed recorded in Book 103 at Page 540, Stokes County Registry, thence along Bailey's east line, North 05 degrees 01 minutes 35 seconds East 813.31 feet to an iron, Bailey's northeast comer, thence along the north line of Jonas Bailey, Jr. and falling in with the north line of R. S. Bailey, et al property as described in deed recorded in Book 53 at Page 480, Stokes County Registry, an additional Jonas Bailey Jr. tract, and property of Richard S. Bailey Heirs as described in deed recorded in Book 53 at Page 456, Stokes County Registry, North 86 degrees 12 minutes 05 seconds West 2703.00 feet to a 30 degrees oak tree, the northwest comer of James W. King as described in deed recorded in Book 312 at Page 297, Stokes County Registry; thence along King's north line

North 75 degrees 31 minutes 33 seconds West 935.39 feet to the point and place of BEGINNING, containing 1065.507 acres, more or less, all according to a survey of Larry L. Callahan dated October 30, 1995 and being the identical property described in deed recorded in Book 386 at Page 1430, Stokes County Registry.

THERE IS EXPRESSLY EXCEPTED from the above-described property, two (2) parcels being more particularly described as follows:

Parcel One: That certain parcel or tract of land conveyed to Elizabeth Banks Franklin by deed recorded in Book 451 at Page 1459, Stokes County Registry, being more particularly described as follows: BEGINNING at a magnetic nail in the center of Tuttle Road (S.R. 1717), said nail being located South 86 degrees 38 minutes 05 seconds East 3040.66 feet from a 1-inch square iron at the southernmost corner of the property of Betty Cain Tilley et vir as described in deed recorded in Book 175 at Page 253, Stokes County Registry and the eastern most corner of the property of Betty C. Tilley et vir as described in deed recorded in Book 375 at Page 446, Stokes County Registry; thence from said beginning point South 86 degrees 38 minutes 05 seconds East 54.88 feet to an iron in the northern right-of-way line of Tuttle Road (S. R. 1717); thence continuing South 86 degrees 38 minutes 05 seconds East 1078.76 feet to an iron in the northern right-of-way line of Tuttle Road (S. R. 1717); thence continuing South 86 degrees 38 minutes 05 seconds East 106.61 feet to a nail in the center of Tuttle Road (S. R. 1717); thence along the center of Tuttle Road (S. R. 1717) the seven (7) following courses and distances, to-wit: on a curve to the left the radius of which is 466.32 feet, having an arc length of 65.16 feet and a chord bearing and distance of South 78 degrees 27 minutes 40 seconds West 65.11 feet to a nail; South 74 degrees 27 minutes 28 seconds West 576.91 feet to a nail; on a curve to the right the radius of which is 913.99 feet, having a length of 120.09 feet and a chord bearing and distance of South 78 degrees 13 minutes 19 seconds West 120.00 feet to a nail: on a curve to the right the radius of which is 290.64 feet, having a length of 205.78 feet and a chord bearing and distance of North 77 degrees 43 minutes 51 seconds West 201.51 feet to a nail; on a curve to the right the radius of which is 1234.29 feet, having a length of 87.83 feet and a chord bearing and distance of North 55 degrees 24 minutes 33 seconds West 87.81 feet to a nail; North 53 degrees 22 minutes 15 seconds West 247.85 feet to a nail; on a curve to the left the radius of which is 8155.39 feet, having a length of 40.96 feet and a chord bearing and distance of North 53 degrees 30 minutes 53 seconds West 40.96 feet to the point and place of BEGINNING, containing 3.790 acres, more or less, all according to a survey of Thomas A. Hughes dated April 29, 2001.

Parcel Two: That certain parcel or tract of land conveyed to Charles David Pyrtle and wife, Jean C. Pyrtle by deed recorded in Book 392 at Page 2166, Stokes County Registry, being more particularly described as follows:

BEGINNING at an iron in the south line of the property now or formerly owned by Betty C. Tilley as described in deed recorded in Book 375 at Page 446, Stokes County Registry, said iron being located North 85 degrees 23 minutes 09 seconds West 252.47 feet from an iron at the southwest corner of the property of Elizabeth Banks Franklin and the southeast corner of the aforementioned Tilley property; thence from said beginning point on a new

line, South 04 degrees 36 minutes 51 seconds West 178.30 feet to an iron; thence continuing North 85 degrees 23 minutes 09 seconds West 518.14 feet to an iron in the southeastern right-of-way line of Fulp Road (S.R. 1719); thence North 85 degrees 23 minutes 06 West 37.53 feet to a nail in the center of Fulp Road (S.R. 1719); thence on a line in the center of Fulp Road (S.R. 1719) North 41 degrees 32 minutes 29 seconds East 157.04 feet to a nail; thence continuing with the center of Fulp Road (S.R. 1719) North 41 degrees 37 minutes 38 seconds East 66.03 feet to an existing P.K. nail, the northwest corner of the property of Norman L. Nifong as described in deed recorded in Book 386 at Page 1430, Stokes County Registry, said nail being in the south line of the aforementioned Tilley property; thence along Tilley the two (2) following courses and distances, to-wit: South 85 degrees 25 minutes 57 seconds East 37.57 feet to an iron in the southeastern right-of-way line of Fulp Road (S.R. 1719) and South 85 degrees 23 minutes 09 seconds East 384.00 feet to the point and place of BEGINNING, containing 2.00 acres, more or less, all according to survey of Larry L. Callahan dated August 20, 1996.

TRACT II:

BEGINNING at a magnetic nail in the center of Tuttle Road (S.R. 1717), said nail being located South 86 degrees 38 minutes 05 seconds East 3040.66 feet from a 1-inch square iron at the southernmost corner of the property of Betty Cain Tilley et vir as described in deed recorded in Book 175 at Page 253, Stokes County Registry and the eastern most corner of the property of Betty C. Tilley et vir as described in deed recorded in Book 375 at Page 446, Stokes County Registry; thence from said beginning point with the center of Tuttle Road (S.R. 1717) the four (4) following courses and distances, to-wit: on a curve to the left the radius of which is 8155.39 feet, having a length of 157.77 feet and a chord bearing and distance of North 54 degrees 12 minutes 46 seconds West 157.76 feet to a nail; on a curve to the left the radius of which is 533.28 feet, having a length of 272.64 feet and a chord bearing and distance of North 69 degrees 24 minutes 47 seconds West 269.68 feet to a nail: North 84 degrees 03 minutes 33 seconds West 157.02 feet to a nail; and, on a curve to the right the radius of which is 1324.40 feet, having a length of 478.39 feet and a chord bearing and distance of North 73 degrees 42 minutes 40 seconds West 475.79 feet to a nail in the center of Tuttle Road (S.R. 1717); thence leaving the center of Tuttle Road (S.R. 1717) South 04 degrees 06 minutes 57 seconds West 32.42 feet to an iron in the southern right-of-way line of Tuttle Road (S.R.1717): thence continuing South 04 degrees 06 minutes 57 seconds West 245.50 feet to an iron in the line of the property of Norman L. Nifong as described in deed recorded in Book 386 at Page 1430, Stokes County Registry; thence along Nifong's North line South 86 degrees 38 minutes 05 seconds East 959.64 feet to an iron in the right-of-way of Tuttle Road (S.R. 1717); thence continuing South 86 degrees 38 minutes 05 seconds East 55.36 feet to the point and place of BEGINNING, containing 3.790 acres, more or less, all according to a survey of Thomas A. Hughes dated April 29, 2001 and being the identical property as described in deed recorded in Book 451 at Page 1456, Stokes County Registry.

TRACT III:

BEGINNING at a 1-inch square iron at the southernmost corner of the property of Betty Cain Tilley et vir as described in deed recorded in Book 175 at Page 253, Stokes County Registry, said iron also being the easternmost corner of an additional Tilley tract as described in deed recorded

in Book 375 at Page 446, Stokes County Registry; thence from said beginning point along the east line of the former Tilley tract North 17 degrees 06 minutes 30 seconds East 65.01 feet to an iron; thence on a new line South 86 degrees 38 minutes 05 seconds East 2011.04 feet to an iron; thence South 04 degrees 06 minutes 57 seconds West 63.16 feet to an iron in the north line of the property of Norman L. Nifong a described in deed recorded in Book 386 at Page 1430, Stokes County Registry; thence along Nifong's north line North 86 degrees 38 minutes 05 seconds West 2025.66 feet to the point and place of BEGINNING, containing 2.926 acres, more or less, all according to a survey of Thomas A. Hughes dated April 29, 2001 and being the identical property described in deed recorded in Book 499 at Page 2270, Stokes County Registry.

PIN: 6973-49-0574

BEGINNING at a point in the center of Tuttle Road, said point being located North 22 degrees 24 minutes 21 seconds West 1930.10 feet from a PK nail set at the intersection of the center line of Tuttle Road and U. S. Highway 311, said point having North Carolina Grid coordinates of N=938931.98 and E=1674551.01; thence from said beginning point along the center of Tuttle Road the five (5) following courses and distances, to-wit: North 44 degrees 44 minutes 26 seconds West 61.59 feet to a point, North 38 degrees 14 minutes 57 seconds West 75.52 feet to a point, North 29 degrees 00 minutes 57 seconds West 83.12 feet to a point, North 22 degrees 25 minutes 29 seconds West 231.84 feet to a point and North 25 degrees 22 minutes 13 seconds West 66.42 feet to a point; thence South 24 degrees 57 minutes 28 seconds West 38.97 feet to an iron in the western right-of-way line of Tuttle Road; thence on a new line the four (4) following courses and distances, to-wit: South 24 degrees 57 minutes 28 seconds West 285.63 feet to an iron, South 8 degrees 29 minutes 40 seconds West 339.14 feet; South 62 degrees 20 minutes 23 seconds East 221.60 feet to an iron and North 40 degrees 07 minutes 28 seconds East 339.36 feet to an iron in the western right-of-way line of Tuttle Road; thence continuing North 40 degrees 07 minutes 28 seconds East 30.12 feet to the point and place of BEGINNING, containing 3.831 acres, more or less, all according to survey of David Bradley Coe dated March 7, 2012, and being a tract of land carved from the property of Norman L. Nifong as described in deed recorded in Book 549 at Page 1386 in the Office of the Register of Deeds of Stokes County, North Carolina.

PIN: 6973-76-7124:

BEGINNING at an iron in the south line of the property formerly owned by The Sauratown Plantation, Inc. and identified as Tract One in deed recorded in Book 197 at Page 674, Stokes County Registry, said iron being the northeastern most corner of the property identified as Tract One in deed recorded in Book 418 at Page 1094, Stokes County Registry; thence from said beginning point along the south line of the property formerly owned by The Sauratown Plantation, Inc. the three (3) following courses and distances, to-wit: South 75° 11' 00" East 1649.98 feet to an iron, North 86° 51' 50" East 1755.80 feet to an iron and continuing North 86° 51' 50" East 45.64 feet to a point in the mouth of Widow's Creek; thence on a line at or near the bank of the Dan River, the River being the actual property line, the nine (9) following courses and distances, to-wit: South 82° 19' 50" East 536.37 feet to a point, South 57° 02' 20" East 273.42 feet to a point,

South 53° 45' 50" East 835.75 feet to a point, South 71° 08' 40" East 340.70 feet to a point, South 64° 03' 00" East 395.81 feet to a point, South 28° 02' 00" East 568.64 feet to a point, South 09° 14' 50" East 93.00 feet to a point, South 26° 19' 40" West 323.77 feet to a point and South 08° 48' 00" West 738.17 feet to a point at or near the bank of the Dan River, said point being in the north line of property identified as Tract One in deed recorded in Book 418 at Page 1094, Stokes County Registry; thence leaving the River along the north and east line of Tract One in deed recorded in Book 418 at Page 1094, Stokes County Registry, the six (6) following calls and distances, to-wit: North 80° 14' 00" West and crossing an iron at 12.00 feet a total distance of 2754.08 feet to an iron, continuing North 80° 14' 00" West 1626.72 feet to an iron, South 87° 39' 40" West 543.76 feet to an iron, North 40° 37' 00" West 650.50 feet to an iron, North 03° 37' 00" West 133.00 feet to an iron, and North 08° 37' 00" West 1605.00 feet to the point and place of BEGINNING, containing 248.084 acres, more or less, all according to a survey of Obie M. Chambers dated May, 1985.

PIN: 6973-73-4188:

BEGINNING at an iron at the southeast corner of the property of Tim Mabe as described in deed recorded in Book 383 at Page 330, Stokes County Registry; thence from said beginning point along Mabe's east line North 24° 57' 58" West a total distance of 1270.85 feet to an iron and crossing irons at 137.34 feet, 402.85 feet, 701.36 feet, and 998.31 feet; thence North 54° 21' 31" West 883.74 feet to an iron in the eastern right-of-way line of Farmer Road (S.R. 1917); thence continuing North 24° 21' 31" West 88.40 feet to a point in the center of Old Town Road (S.R. 1918); thence with the centerline of Old Town Road (S.R. 1918) the five (5) following courses and distances, to-wit: on a curve to the left the radius of which is 270.00 feet, having a length of 190.46 feet and a chord bearing and distance of North 28° 06' 56" East 186.54 feet to a point, continuing on a curve to the left the radius of which is 2393.39 feet, having a length of 164.59 feet and a chord bearing and distance of North 05° 56' 13" East 164.55 feet to a point, North 03° 58' 01" East 833.99 feet to a point, on a curve to the left the radius of which is 1514.43 feet, having a length of 333.99 feet and a chord bearing and distance of North 02° 21' 03" West 333.31 feet to a point and North 08° 40' 08" West 1168.69 feet to a point in the center of U. S. Highway 311; thence with the center of U. S. Highway 311 the two (2) following courses and distances, to-wit: on a curve to the left the radius of which is 876.80 feet, having a length of 91.50 feet and a chord bearing and distance of North 62° 15' 12" East 91.46 feet to a point and North 59° 15' 49" East 1146.00 feet to a point in the center of U. S. Highway 311; thence South 69° 35' 44" East 58.28 feet to an iron in the southeast right-of-way of U. S. Highway 311; thence continuing South 69° 35' 44" East 19.84 feet to a disturbed concrete monument with a nail at the base; thence South 71° 36' 26" East 210.74 feet to an iron, the northwest corner of the property of William C. Kluttz, et al as described in deeds recorded in Book 283 at Page 636 and in Book 232 at Page 584, Stokes County Registry; thence with Kluttz' west and south lines the seven (7) following courses and distances, to-wit: South 04° 45' 25" East 1605.11 feet to an iron, South 00° 16' 38" West 132.89 feet to an iron, South 36° 45' 05" East 650.62 feet to an iron, South 88° 30' 47" East 544.19 feet to an iron, South 76° 25' 07" East 1627.10 feet to an iron, continuing South 76° 25' 07" East 2737.17 feet to an iron on the bank of the Dan River and continuing South 76° 25' 07" East 65.91 feet to a point in the center of the Dan River; thence on a line within the Dan River, the center of the river

being the actual property line, the twenty-one (21) following courses and distances, to-wit: South 40° 00' 28" West 240.22 feet to a point, South 59° 50' 56" West 183.75 feet to a point, South 58° 56' 05" West 123.77 feet to a point, South 48° 46' 50" West 240.10 feet to a point, South 38° 14' 09" West 111.25 feet to a point, South 45° 52' 24" West 244.75 feet to a point, South 40° 05' 43" West 353.70 feet to a point, South 35° 30' 31" West 330.71 feet to a point, South 37° 46' 31" West 318.21 feet to a point, South 38° 25' 02" West 280.24 feet to a point, South 39° 13' 38" West 279.81 feet to a point, South 37° 05' 07" West 213.35 feet to a point, South 20° 54' 03" West 235.14 feet to a point, South 04° 06' 12" East 173.20 feet to a point, South 12° 43' 12" East 301.68 feet to a point, South 14° 44' 33" East 188.68 feet to a point, South 19° 17' 27" East 306.24 feet to a point, South 17° 24' 14" East 142.95 feet to a point, South 23° 49' 53" East 186.99 feet to a point, South 26° 23' 32" East 306.52 feet to a point, and South 54° 26' 46" East 156.71 feet to a point at the mouth of Town Fork Creek; thence up Town Fork Creek on a line within the Creek, the center of the creek being the actual property line, the thirteen (13) following courses and distance, to-wit: South 66° 01' 03" West 279.92 feet to a point, South 77° 49' 07" West 129.28 feet to a point, South 83° 38' 12" West 286.09 feet to a point, North 72° 23' 53" West 292.61 feet to a point, North 80° 29' 16" West 199.80 feet to a point, South 87° 39' 33" West 255.62 feet to a point, South 77° 52' 10" West 168.00 feet to a point, South 68° 11' 25" West 241.61 feet to a point, South 48° 22' 37" West 123.36 feet to a point, South 46° 08' 05" West 134.72 feet to a point, South 38° 16' 10" West 274.48 feet to a point, South 24° 16' 01" West 188.28 feet to a point, and North 87° 13' 32" West 265.50 feet to a point in the center of Town Fork Creek and in the east line of the property now or formerly owned by Pine Hall Brick & Pipe Company, Inc. as described in deed recorded in Book 363 at Page 2348, Stokes County Registry; thence with the east line of said Pine Hall Brick & Pipe Company, Inc. property (now or formerly) North 24° 57' 58" West 3450.65 feet to the point and place of BEGINNING, containing 534.224 acres, more or less, all according to a survey by Larry L. Callahan dated October 10, 1998.

EXHIBIT C

(Ordinances, Policies, and Rules)

1. Stokes County Zoning Ordinance, effective March 1, 1993, and as amended July 13, 2026.
2. Stokes County 2035 Vision Plan: Moving Together, adopted April 14, 2015
3. Stokes County Water and Sewer Policy, effective _____, and as amended_____

STOKES COUNTY, NORTH CAROLINA

Board of Commissioners

Staff Report for Board of Commissioners Consideration

Project Delta

Proposed Development Agreement — G.S. Chapter 160D, Article 10

Data Center Facility / Campus — Property Rezoned R-A to M-2-CZ on September 14, 2026

Parties: Stokes County; ELSDCSP2, LLC (Developer); DFC Stokes, LLC and DFC Stokes 2, LLC (Landowners)

Parcels: 6964-91-8321; 6973-49-0574; 6973-76-7124; 6973-73-4188 — Approximately 1,848.74 acres

Legislative Public Hearing: November 9, 2026

Board Consideration and Vote: Following the hearing, as the Board determines

Reflects the proposed development agreement received October 28, 2026

Prepared by: Bryan S. Miller, Assistant County Manager

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1. Statutory Authority

Statute[1]	**What it provides**
G.S. 160D-1001(b)	The County may enter into development agreements. It may not make commitments not authorized by law or impose a tax or fee not otherwise authorized.
G.S. 160D-1001(d)	Development under the agreement must comply with all applicable laws, including ordinances, regulations, permits, and policies affecting development of the property.
G.S. 160D-1003(a)	The Board must approve the agreement following the hearing procedure in G.S. 160D-1005.
G.S. 160D-1004	The agreement may cover property of any size and must state a reasonable term.
G.S. 160D-1005	A legislative hearing is required. Notice follows G.S. 160D-602 as for a zoning map amendment and must state the property location, proposed uses, and where a copy of the agreement can be obtained.
G.S. 160D-1006	Sets required contents (Section 3). Developer-offered mitigation beyond what could be required must be stated in the agreement.
G.S. 160D-1007	Laws in effect at execution govern. Later ordinances and policies apply only as allowed by G.S. 160D-108(c) or 160D-108.1(f).
G.S. 160D-1008	Allows periodic review. For a material breach, written notice and a reasonable time to cure, after which the County may terminate or modify the agreement, appealable to the Board of Adjustment.
G.S. 160D-1009	Amendment or termination by mutual consent. A major modification follows the initial approval procedure (G.S. 160D-1006(e); agreement §9.1).
G.S. 160D-1011	The developer records the agreement within 14 days after execution. It binds successors in interest.

[1] N.C. Gen. Stat. Chapter 160D, Article 10, Development Agreements (§§ 160D-1001 to 160D-1011) — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_160D/Article_10.pdf

2. Notice

Notice	Authority	Completed
Mailed, first class, to owners of the four parcels and abutting parcels at the addresses in County tax records, 10 to 25 days before the hearing	G.S. 160D-1005; 160D-602(a)[2]	October 28, 2026
Posted on the property or adjacent right-of-way, 10 to 25 days before the hearing	G.S. 160D-1005; 160D-602(c)	October 28, 2026

The proposed development agreement was made available at the Stokes County Planning and Inspections Department, 1014 Main Street, Danbury, NC 27016, during normal business hours, and online at co.stokes.nc.us/departments/data_center.php under "Project Delta." The mailed notice referenced the version received October 26, 2026. The October 28, 2026 version differs only in the numbering of sections in Article IX.

Ten written comments received through November 6, 2026 are provided in the hearing binder.

3. Required Contents — G.S. 160D-1006(a)

Required item	Where it appears in the agreement
(1) Property and owners	Article II; §7.1; Exhibits A and B
(2) Duration	15 years from execution by all parties (§§6.1, 7.2)
(3) Uses, density, building types, placement, design	§7.3: data centers and accessory uses as defined in the Map Amendment; placement "determined as buyers and end users are selected"; no data-center building in the protected floodplain
(4) Public facilities and schedule	§7.4; Article IV (roads); Article VIII (utilities); facilities available concurrent with impacts
(5) Public land; environmental measures	§7.5: no land designated for public use. Article V: monitoring and permit access
(6) Health, safety, and welfare	§7.7: none added; addressed by the Map Amendment conditions
(7) Historic preservation	§7.8: compliance with law and SHPO coordination; cemetery buffer and access

4. Summary of the Agreement

4.1 Developer and Landowner Obligations

- **$200,000** one-time fire and emergency services contribution, due when the first Land Disturbance Permit is issued (§7.6).

[2] N.C. Gen. Stat. § 160D-602 (mailed and posted notice) — https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-602.pdf

- **Up to $10,000** for County legal costs to negotiate and review the agreement (§9.3), and **up to $50,000** toward County attorneys' fees in third-party litigation defending the Developer's interests (§9.15).
- Road upgrades required by NCDOT through driveway-permit review (§4.1).
- Stormwater controls to applicable law (§5.1); engineering monitoring of environmental permits (§5.2); copies of permits (§5.3); quarterly floodplain monitoring during active development (§5.4).
- Record the agreement and pay recording costs (§9.2); show good-faith compliance at a review every 12 months (§9.5).

4.2 County Provisions

- **Vesting:** Laws in effect on the date of adoption govern for the term; a future data-center moratorium would not affect the property (§3.2).
- **Consent:** Except as G.S. 160D-108(c) and 160D-108.1(f) allow, new County rules apply only with the Developer's and Landowner's written consent (§3.5).
- **Interpretation:** To the extent allowed by law, the agreement's terms control. The Zoning Ordinance in effect at adoption controls a discrepancy. The agreement is the County's official interpretation of any ambiguous Zoning Ordinance provision, and remaining ambiguity is resolved in favor of the free use of land (§3.9).
- **Change in law:** The County will not unreasonably withhold consent to a lawful amendment after a fundamental State or federal change (§3.6).
- **Statements:** If approved, the agreement would state that the County found the Developer's tax study "reasonable and reliable" (§1.3) and that the environmental measures exceed County regulations (§5.5).

4.3 Other Terms

- **Rezoning conditions:** Affirmed and not altered (§3.1); they remain after the agreement expires (§9.12).
- **Tax projection:** The Developer projected $40 million in annual property tax income at full buildout (§1.3). The agreement does not obligate any party to pay that amount.
- **Utilities:** Service follows each provider's policies (§§8.1–8.4). See Section 5 regarding onsite water supply.
- **Breach:** Written notice and at least 90 days to cure, then negotiation and mediation (§§9.6–9.7). A default by one owner or developer does not bind the others (§9.8).
- **Exhibits:** A – Map Amendment site plan (property and floodplain area); B – legal descriptions; C – Zoning Ordinance (as amended July 13, 2026), 2035 Vision Plan, and Water and Sewer Policy.

5. Board Options

Following the hearing, the Board may:

- Approve the agreement as presented;
- Approve the agreement with revisions agreed to by all parties;
- Continue the matter to a later meeting; or
- Decline to enter into the agreement.

Revisions that substantially change the proposed agreement may require a new hearing with notice under G.S. 160D-1005. The County Attorney can advise on whether a particular revision requires one.

6. Sample Motions

The following are provided for the Board's convenience.

6.1 Motion to Approve

I move that the Board approve the Development Agreement among Stokes County, ELSDCSP2, LLC, DFC Stokes, LLC, and DFC Stokes 2, LLC, dated October 28, 2026 [as presented] [with the revisions agreed to by all parties as stated on the record]; adopt the following statement; and authorize the Chair to execute the agreement after review by the County Attorney.

Consistency. The agreement applies to property zoned M-2-CZ on September 14, 2026 and does not change the uses or conditions approved with that zoning. The plan consistency statement the Board adopted with the Map Amendment applies to this agreement (§1.3).

Reasonableness. The agreement is reasonable and in the public interest because it keeps all zoning conditions in effect during and after its term; provides a $200,000 fire and emergency services contribution and reimbursement of County legal costs; adds engineering monitoring of environmental permits and quarterly floodplain monitoring; requires an annual compliance review; and provides the long-term certainty for a large, multi-phase project described in G.S. 160D-1001(a).

6.2 Motion to Deny

I move that the Board decline to enter into the proposed Development Agreement among Stokes County, ELSDCSP2, LLC, DFC Stokes, LLC, and DFC Stokes 2, LLC, dated October 28, 2026.

Exhibit 25

Water System Interconnection Between Walnut Cove and Winston-Salem Forsyth County Utilities

Technical Memorandum

Town of Walnut Cove, North Carolina
Revision 2 - May 2026

8601 Six Forks Rd
Forum 1, Suite 700
Raleigh, NC 27615
919-653-7392
NC Corp. License No. F-0112

NORTH CAROLINA PROFESSIONAL SEAL 024645 ENGINEER JOHN F. AKERS
5.6.26

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APPENDICIES **10**

Appendix A – Walnut Cove Future Demand Memorandum, WSFC Utilities/HDR, December 3, 2025

Appendix B – 2023 Walnut Cove Local Water Supply Plan

Appendix C – Detailed Opinions of Probable Construction Costs

Section 1: Executive Summary

The Town of Walnut Cove proposes to interconnect with the Winston-Salem/Forsyth County Utilities (W-SFC). The Town wants to purchase its full potable water demand and permanently discontinue reliance on the Town's groundwater wells and the interconnection with Stokes County Water and Sewer Authority (Stokes Water).

The Town met with W-SFC on September 25, 2025, to discuss the possibility of an interconnection. The Town and RK&K presented three possible interconnection points. W-SFC was open to the idea of an interconnection, and agreed to direct their consultant, HDR, to model the three possible interconnection points and determine if adequate supply and pressure was available for the Town.

The three feasible interconnection corridors were evaluated by WSFC Utilities/HDR as summarized in the *Walnut Cove Future Demand Memorandum* included herein as Appendix A (referred to herein as the Future Demand Memo). See Figure 1 below from the Future Demand Memo. Route 1 (NC 65, approximately 5.5 miles) and Route 2 (Grubbs Road to US 311, Approximately 7.2 miles) were considered for further evaluation. Route 3 (US 311 at Walkertown) was eliminated due to low pressure at the tie-in (Appendix A, Future Demand Memo).

Based on cost, hydraulic reliability, and service growth potential, Route 1 is the preferred alternative. The preliminary total capital cost for Route 1 is $12,800,000, plus a one-time W-SFC reserve capacity and system development fees totaling $320,862 (maybe subject to change in the future). The Town's future annual O&M costs plus the cost to purchase water are projected at $741,000, yielding annual savings of $22,000 compared to the current situation. Route 1 can add approximately 35 new customers, increasing annual revenue by $10,000. An estimation of rate increases is included in Section 5. Based on cost factors alone, the project does not pay for itself over the 20-year planning period. However, other factors such as reliability, availability of future demand, and water quality must be considered before a decision on the project can be made.

The Town will seek funding for the project from the State of North Carolina's Drinking Water Revolving Loan Funds, The US Department of Agriculture's Rural Development loan programs, or other avenues as they may become available. The town is now part of NCDEQ's Viable Utilities Program and will now be eligible for funding under the Viable Utilities Reserve (VUR) program. A preliminary analysis of the rate impact indicates the need for an increase in per-customer monthly billing.

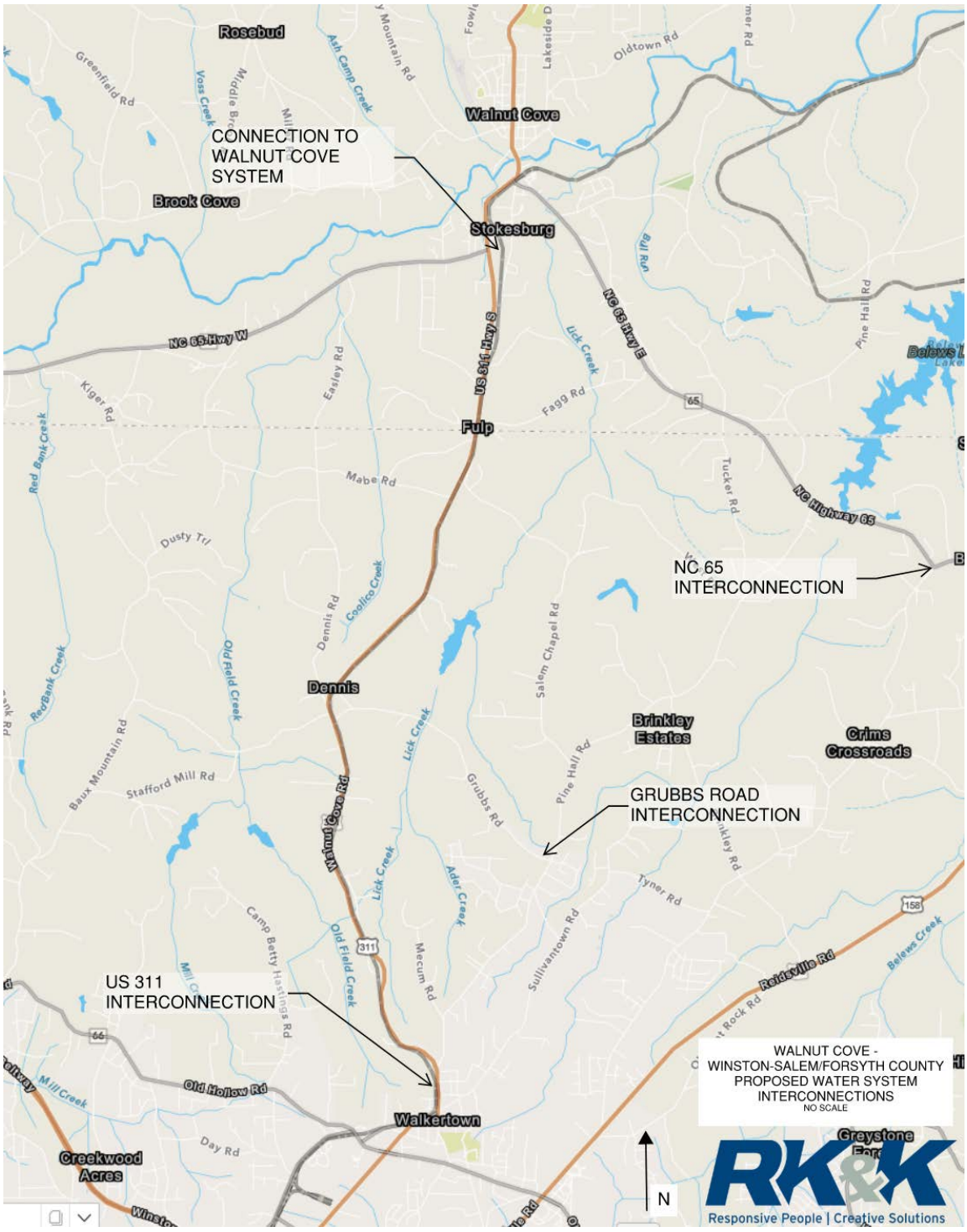


Figure 1 Interconnection Locations (from the Future Demand Memo)

Section 2: Current Situation

The Town of Walnut Cove operates a public water system (NC Public Water Supply (ID 02-85-015) with approximately 850 customers, 6 miles of water main and 0.5 million gallons of water storage in three tanks. The Town operates six wells producing 6,390,000 gallons per month and supplements supply by purchasing 2,826,000 gallons per month from Stokes Water at $0.66 per 100 gallons. The interconnection with Stokes Water is near the intersection of US 311 and NC 65 through an 8-inch line. Stokes Water currently purchases most of its water supply from W-SFC and simply passes it on to Walnut Cove at a 62% mark-up. Stokes Water has indicated that there may be a future need to limit the amount of water the Town can purchase to 1,000,000 gallons per month due to new demands on their system. The combined annual cost to operate, produce, and purchase water is $763,000, while annual revenue from water sales is $682,000. The above data is from Walnut Cove's 2023 Local Water Supply Plan (Appendix B).

Section 3: Need for Project

The Town seeks a long-term, reliable surface water source with adequate pressure and capacity to meet demand, reduce operational risks associated with aging wells, and simplify supply management by replacing the Stokes Water interconnection. Interconnecting directly to W-SFC Utilities would meet these objectives with standard wholesale terms, consistent supply, and predictable costs.

Section 4: Design Basis

The interconnection will be sized to reliably convey a design flow of up to 400,000 gallons per day over the 20-year planning horizon. Key elements include a 12-inch C-900 DR18 PVC and 12-inch DI transmission main installed primarily by open cut, with select trenchless crossings (HDD and bore & jack), isolation valves, air release assemblies, hydrants, and an interconnection vault equipped with combination valve, turbine metering, and backflow prevention. The project will also include a booster pump station near the interconnection with the Town's existing system.

The system will be designed in accordance with 15A NCAC 18C, Rules Governing Public Water Supplies, America Water Work Association (AWWA) Standards, and the Hydraulic Institute Standards. Preliminary calculations indicate that a 12-inch line would be the largest size need to convey the peak day and firefighting demands. However, a water model of the system will be needed to confirm these assumptions.

Upon commissioning, the Town will close the Stokes Water interconnection and decommission/standby the well system. Wholesale purchase from W-S/FC will be billed to the Town at $0.2214 per gallon, or $0.296 per cubic foot, subject to W-S/FC ordinances and contracts. The Town's annual O&M budget including purchased water is projected at $741,000. The Town will maintain the interconnection with Stokes Water for emergencies.

Exhibit 26

Town of Walnut Cove

Post Office Box 130 • 208 West Third Street • Walnut Cove, NC 27052
Phone: (336) 591-4809 • Fax (336) 591-7275

01.08.26

Stokes County Board of Commissioners

Dear Commissioners,

The Walnut Cove Board of Commissioners would like to formally express our concerns regarding the proposed data center and the associated rezoning request currently under consideration.

We have heard from multiple citizens with concerns about the negative environmental impact that this could have on our community, as well as historical preservation of the land. We request the County board to consider these concerns and communicate with us about these issues before approving this project. We look forward to working with our county officials and resolving our concerns as we all try and make Stokes County better.

This statement was approved unanimously by the Board of Commissioners who were present, which were Mayor Nellie Brown, Mayor Pro Tem Thomas Mitchell, Commissioner Sandee Johnston, and Commissioner Johnnie Hairston.

Sincerely,

Walnut Cove Board of Commissioners

Exhibit 27

Outlook

Project Delta

From Bryan S. Miller <bryanmiller@co.stokes.nc.us>
Date Fri 9/11/2026 8:14 AM
To townmanager@townofwalnutcove.org <townmanager@townofwalnutcove.org>

Mr. Niland,

Good morning and happy Friday! I hope this email finds you well.

We have our Commissioner's Meeting on Monday and I'm trying to build the record for the meeting. I understand you issued a "Will Serve" letter to ELS (Drew Nations). I am requesting a copy of that letter to supplement the record. I would appreciate expediency in this matter if possible. I only have until about 12:00 today to finish.

Thanks so much!

BRYAN S. MILLER
Assistant County Manager
Phone (336) 593-2448
Cellular (336) 514-3806
Mail PO Box 20 | Danbury, NC 27016
e-mail BryanMiller@co.Stokes.NC.US

Mission: Protect, promote and enhance quality of life for Stokes County residents and visitors.
Values: Service, Initiative, Teamwork, Improvement.
Pursuant to North Carolina General Statutes, Chapter 132, et.seq., this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to requests for review.

Exhibit 28

From: Jeff Sanborn <jsanborn@co.stokes.nc.us>
Sent: Friday, September 11, 2026 11:42 AM EDT
To: Brad Chandler <bchandler@co.stokes.nc.us>; Keith Wood <kwood@co.stokes.nc.us>; Rick Morris <rmorris@co.stokes.nc.us>; Sonya Cox <scox@co.stokes.nc.us>; Wayne Barneycastle <wbarneycastle@co.stokes.nc.us>
Subject: Weekly Update

Commissioners,

Here is my brief update for this week:

1. Due to the multiple line breakages we had this summer and recent drought conditions, we are nearly out of water here in Danbury. Our expectation is that we don't have enough water to make it thru the Stomp. We are in consultation with Danbury on this and intend to follow their lead since they bear nearly all of the impacts whether the Stomp is cancelled or not.
2. We have all received a flurry of public input over the past couple of days. There is some concern that this is a coordinated attempt to try to overwhelm our ability to fully comply with statutory requirements that we make all of this input available to you before you make a decision. We are conducting a thorough search of our email system for any project specific email that we will put in an electronic folder and make available to you for review as you see fit. The folder(s) will also be linked in agenda materials.
3. Merit increases have been finalized across the organization and will be included in September 18 paychecks.
4. In prior correspondence, I called attention to the potential need for us to combine all of our rural fire districts if a data center is approved and built. I have since learned that Surry County did something very similar and has the model on how to do it in light of the restrictive language in the General Statutes. It appears that we have a clear, clean path to achieving this if we do need to do it. For now, I would expect to have this as a discussion item during next Winter's strategic retreat.

Have a wonderful weekend,

Jeff

Jeff Sanborn
County Manager
Stokes County, NC
(336)593-2407
jsanborn@co.stokes.nc.us

Mission: Protect, promote and enhance quality of life for Stokes County residents and visitors.
Values: Service, Initiative, Teamwork, Improvement.

Pursuant to North Carolina General Statutes, Chapter 132, et.seq., this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to requests for review.

Exhibit 29

From: Scott Kilbourne <skilborn2@gmail.com>
Sent: Thursday, August 27, 2026 2:41 PM EDT
To: Bryan S. Miller <bryanmiller@co.stokes.nc.us>
Subject: Re: Meeting recap

Thanks. I'll include your comments - I didn't mean to misconstrue!

-Scott

On Thu, Aug 27, 2026 at 2:01 PM Bryan S. Miller<bryanmiller@co.stokes.nc.us> wrote:

> Hey Scott,
>
> I think you have everything almost correct, or maybe I didn't explain it correctly.
>
> *"Bryan said that there is plenty of water available for the Project through the County. Stokes County Water Authority has an agreement in place with Forsyth County for up to 800k gallons of water per day from Forsyth County through existing pipelines. The current volume used of that water is running at about 200k gallons per day, leaving 600k gallons per day available. The water for Project Delta (their request is up to 100k gallons per day at full buildout) would be available from Stokes County through Walnut Cove. The transfer of water between watersheds is not an issue as the volume is far below the maximum allowed. I suggested to Bryan that a conversation between the Stokes County and Walnut Cove utilities staff to align thought and clarify processes might be valuable, and to socialize the results of this conversation to the public. He agreed that this would be helpful."*
>
> What I meant was that our agreement with Forsyth allows us to supply Walnut Cove with up to 800,000 gallons of water per day — not that 800,000 gallons is all the county gets from Forsyth. Our current agreement with Walnut Cove is only 200,000 gallons per day, so there's a 600,000-gallon-per-day reserve available to them if needed.
>
> *"Project Delta would pay for Walnut Cove water infrastructure improvements under the terms of a Utilities Service Agreement that would be executed between the Town of Walnut Cove and ELS (or future site owner). No infrastructure work would be started before this agreement would be signed. This is standard practice. Sewer improvements would also be covered under this Agreement."*
>
> What I meant to say was I thought ELS had indicated they would pay for these types of infrastructure projects and if the County were the provider we would require a Utility Services Agreement. I, at this time, can't say what Walnut Cove or their officials would require. That detail, if Walnut Cove provides the service is between them and ELS.
>
> Feel free to simply forward my response on to your group as clarify remarks if you'd like.
>
> BRYAN S. MILLER
> **Assistant County Manager**
> Phone (336) 593-2448
> Cellular (336) 514-3806
> Mail PO Box 20 | Danbury, NC 27016
> e-mail BryanMiller@co.Stokes.NC.US

From: Scott Kilbourne <skilborn2@gmail.com>
Sent: Thursday, August 27, 2026 1:26 PM
To: Bryan S. Miller <bryanmiller@co.stokes.nc.us>
Subject: Meeting recap

Bryan,

Thank you for your time and meeting today, I found it very helpful. Below please find a summary of our meeting this morning that I intend to send out to the No group. I would very much appreciate your quick review of the below text . Please feel free to edit as you see fit, I want to accurately convey the information. If there are things I have missed, please let me know.

Thanks again,

Scott Kilbourne

Conversation with Bryan Miller 8/27/2026 at his County office

I had a lengthy meeting with Stokes County Assistant County Manager Bryan Miller at his office today to discuss various aspects of the Project Delta situation. The tone of the meeting was very friendly and open. I felt that Bryan was sharing as much information as he could while being very receptive to concerns and suggestions. The conversation was focused on power and water for Project Delta.

The capping of onsite power generation to a level significantly lower than 2 GW has been discussed a couple of times with ELS; Bryan anticipates a response about capping in a future revised conditional zoning proposal from ELS by or at the September 8 Board meeting. Bryan agreed that onsite power generation is a fundamental and important concern, but that it will ultimately be up to the Board and ELS to see if an agreement on capping occurs.

Bryan said that there is plenty of water available for the Project through the County. Stokes County Water Authority has an agreement in place with Forsyth County for up to 800k gallons of water per day from Forsyth County through existing pipelines. The current volume used of that water is running at about 200k gallons per day, leaving 600k gallons per day available. The water for Project Delta (their request is up to 100k gallons per day at full buildout) would be available from Stokes County through Walnut Cove. The transfer of water between watersheds is not an issue as the volume is far below the maximum allowed. I suggested to Bryan that a conversation between the Stokes County and Walnut Cove utilities staff to align thought and clarify processes might be valuable, and to socialize the results of this conversation to the public. He agreed that this would be helpful.

Wastewater was discussed, with concern expressed regarding the unique nature of the Walnut Cove waste treatment plants unique nature and its potential sensitivity wastewater inclusions from a data center. Bryan said that wastewater regulations are exclusively under the control of the North Carolina Department of Environmental Quality and that the County could not by law modify those regulations.

Project Delta would pay for Walnut Cove water infrastructure improvements under the terms of a Utilities Service Agreement that would be executed between the Town of Walnut Cove and ELS (or future site owner). No infrastructure work would be started before this agreement would be signed. This is standard practice. Sewer improvements would also be covered under this Agreement.

Stormwater handling was also discussed with a similar outcome to wastewater: NCDEQ has their regulations in place on this subject which Project Delta would be subject to. The County does not control this.

Several items in the conditional zoning proposal from ELS were discussed including batteries, fuel and water storage, generator types, cooling systems, etc. with suggestions made about clarifying language.

Decommissioning agreements were discussed. Public infrastructure improvements such as water and sewer will be paid for up front through the Utilities Service Agreement. Through no one's fault, the conversation got off this topic onto something else and didn't return to this topic. My bad, sorry.

Fuel for the site will almost certainly be liquified natural gas (LNG). Diesel is cost-prohibitive and unlikely to be licensed for prime power generation.

Road Improvements should not be necessary for operation as there is a natural gas pipeline available. So other than construction traffic, which is unavoidable, fuel truck traffic should not be an issue.

ELS will almost certainly not design or build the Project. The intent is to sell the site to a large tech company who will be responsible for designing, building, and operating the site. Thus, there are many design decisions that are out of the hands of ELS and will be decided by the future owner, within the bounds of the conditional zoning agreement. Some of these decisions, for example, are backup power design, generator sizing and arrangement, backup battery capacity, etc. These are outside the scope of conditional zoning agreements.

The conversation was very productive and open, in my opinion. Bryan is responsive to community questions and concerns. While not all the answers are what I (or we) wanted to hear, they were real and honest, which is what we need to be dealing with, as opposed to rumors and guesswork.

Mission: Protect, promote and enhance quality of life for Stokes County residents and visitors.
Values: Service, Initiative, Teamwork, Improvement.

Pursuant to North Carolina General Statutes, Chapter 132, et.seq., this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to requests for review.

Exhibit 30

From: Jeff Sanborn <jsanborn@co.stokes.nc.us>
Sent: Wednesday, July 15, 2026 4:43 PM EDT
To: drew@engineeredlandsolutions.com <drew@engineeredlandsolutions.com>
Subject: Noise related condition

Drew,

Bryan and Avery just updated me on the meeting they had with your team this afternoon. It sounds like things are generally moving in a good direction.

I did want to circle back to you regarding potential wording of a noise mitigation related condition. From what Bryan and Avery have told me, you are currently planning to submit the application with such a condition that ensures noise levels are no higher than 60 dBA during the day and 50 dBA along property lines that abut residential properties and 70 dBA along property lines that abut commercial properties.

I think there is a much better way to skin this cat. Bryan may have passed this along to you a couple weeks ago. Here is what I am thinking:

Any on-site power generation and associated noise mitigation measures must be constructed according to specifications defined under the seal of an Institute of Noise Control Engineering (INCE) certified engineer ensuring that the cumulative noise associated with maximum generator use results in contributions to total noise levels at any dwelling occupied or under construction at the time of rezoning application that are attributable to on-site power generation are below 40 dBA. This condition applies to initial construction and any future changes to on-site power generation and/or noise mitigation measures.

By doing along these lines, you (or the eventual developer) have no responsibility for ambient noise and we don't have to get bogged down later on trying to factor in, account for or allow for ambient noise in any sort of enforcement action. Also, by doing it in this way you would be signing up to lower numbers than you can the way you are currently going about it. I think it looks much more palatable.

Maybe you could even both types of conditions. What do you think?

Jeff

Jeff Sanborn
County Manager
Stokes County, NC
(336)593-2407
jsanborn@co.stokes.nc.us

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Exhibit 31

From: Jeff Sanborn <jsanborn@co.stokes.nc.us>
Sent: Friday, September 04, 2026 1:51 PM EDT
To: Brad Chandler <bchandler@co.stokes.nc.us>; Keith Wood <kwood@co.stokes.nc.us>; Rick Morris <rmorris@co.stokes.nc.us>; Sonya Cox <scox@co.stokes.nc.us>; Wayne Barneycastle <wbarneycastle@co.stokes.nc.us>
Subject: Weekly Update
Attachment(s): "GOFA Criteria Answers FY 2027 - Final.xlsx"

Commissioners,
Here is my brief update for this week:

1. Bryan participated in the data center study online meeting today. He reports that there were about 40 total participants in the call, including all the lawyers on both sides. He got the presenter to confirm that his study was based on a similar study done by three authors with Chinese names. He also asked the presenter if they had also considered two other studies that had vastly different conclusions. They said that other people had advised that those additional studies would not apply to this situation.
2. We have completed our application for the GFOA Distinguished Budget Presentation. I have attached a spreadsheet that included all of the questions and our answers to give you a sense for how comprehensive this set of criteria is. We believe we are in a strong position to win the award. If we don't, we'll use the constructive feedback they provide to us to ensure we do win next year.
3. We are wrapping up our annual individual performance reviews and should have all actions and follow-up done by the end of next week. I approved nearly all of the individual merit distribution this week as well and we are coming in well under the budgeted 2% due to turnover. It would be appropriate for you to start thinking about my annual review.

Have a terrific Labor Day holiday!

Jeff

Jeff Sanborn
County Manager
Stokes County, NC
(336)593-2407
jsanborn@co.stokes.nc.us

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Exhibit 32

From: Bryan S. Miller <bryanmiller@co.stokes.nc.us>
Sent: Wednesday, September 09, 2026 11:20 AM EDT
To: Hicks, Michael <michael.hicks@su.edu>; Megan Kimball <mkimball@selc.org>
CC: Jeff Sanborn <jsanborn@co.stokes.nc.us>
Subject: Re: Data Center Study

Dr. Hicks,

Once again, THANK YOU for your service to our country! No veteran hears that enough!

Additionally, thank you for your email (although I'm really not sure I'm ready to engage in this arena). I'm not a researcher and thus it's taking me some time to work through the Chia study. I had started some research on this topic before your presentation was announced. I was aware of the Chia study but I was calling it the Hu study, evidently I had the lead authors mixed up. As I understand, you applied certain parts of the Chia study to your analysis. Specifically the rings and the percentages I believe but could be wrong. Like I said, this is a lot to digest in such a short amount of time but I'm confident I can work through it by Monday. Please, feel free to correct me where I get something incorrect.

It seems to me just through a simple, first pass reading of Chia that when dealing with home prices relative to the distance to a data center, regardless of the distance, Chia seems to find that homes in a different zoning jurisdiction or zoning boundary did not react the same way home prices did in the same jurisdiction as the data center. I read Chia as to say "the negative capitalization effect is concentrated among homes located within the same zoning jurisdiction as the facility, while nearby homes across jurisdiction boundaries exhibit little or no statistically detectable decline."

Did you apply this standard to homes in Walnut Cove or did the homes in a different zoning boundary or zoning jurisdiction receive the same treatment as homes within the same zoning jurisdiction as the data center?

I'm sure I will have more questions but this one is what's taking up most of my thought process at this point so better to just dispose of it and move on to the next.

Once again, thanks you for your help!

Best Regards,

BRYAN S. MILLER
Assistant County Manager
Phone (336) 593-2448
Cellular (336) 514-3806
Mail PO Box 20 | Danbury, NC 27016
e-mail BryanMiller@co.Stokes.NC.US

From: Hicks, Michael <michael.hicks@su.edu>
Sent: Wednesday, September 9, 2026 10:20 AM
To: Bryan S. Miller <bryanmiller@co.stokes.nc.us>; Megan Kimball <mkimball@selc.org>
Subject: Data Center Study

Dear Mr. Miller

I was forwarded a number of questions regarding my study, and thought I'd attempt a reply.

First, my analysis made use of much existing research, but two areas bear directly on my findings; on statistical modeling of data center effects on labor markets and on the effects of data centers on home prices.

Within the labor market research on data centers there are two types of studies. The first simulates what could happen if a data center opens, and a second which uses historical labor market data to determine what actually happened when a data center opened. I used the latter type of study, since we have available insights from hundreds of data centers. Any professional economist would do the same. Mine is the 6th such study nationwide and the first to specifically focus on North Carolina.

Within the research on home price effects there are three studies available. One of these (Waters and Clower, 2025) is a descriptive study of home prices in proximity to data centers. It cannot determine the data center effects on labor on prices, and the authors cautioned me against using their study in that way. The second study (Priest, 2026) studied only Northern Virginia data centers. This work used a method which can identify data center effects on home prices. However, the author cautioned against applying its findings outside of northern Virginia because the size and scope of their data centers is not nationally representative. I agree, though I think that work could be applied to smaller data centers in dense urban areas. The third study (Chia, et al, 2026) used the same method as Priest (2026) but studied all data centers in the USA, including North Carolina. I applied those findings to this study.

I should note that there are not yet any peer reviewed studies available that evaluate labor market or home price effects. In fact, it is likely that the first peer reviewed study of labor market effects of data centers is still a few weeks or months away from completion (that is Hicks, Boyce, Faulk and Whitacre, 2026, which used the same methods used in this study).

It is also worth noting that the developers have not provided any evidence of investment levels, types of clients or potential purchasers, nor have they offered any evidence of potential labor market effects, or any of the other issues I treated in my analysis. Should they do so, I would be likely to reevaluate my analysis in light of those findings. That of course, would

depend upon the seriousness of the additional information they provide. Thus far, their claims have not been anchored in any reasonable analysis.

Finally, I am not an opponent of data center deployment, Artificial Intelligence or the construction of energy infrastructure. I have a long track record of research and public comments outlining both the costs and benefits of such varied developments as coal mines, interstate highway systems, WalMart retail and wholesale stores, solar and wind power facilities, and dozens of other developments across the United States.

There are good and bad locations to construct data centers, and as with any other development, considering both the benefits and costs is an appropriate way to evaluate the efficacy of new development. My study does precisely that, offering solid empirical analysis of both costs and benefits. But, my work is not exhaustive. For example, I have not evaluated the environmental effects of multi-year diesel generation, which are likely substantial. These would have significant effects on home values and resident health downwind of the facility. Nor have I evaluated the long-term effects of new power generation, or the potential effects of renewable energy development (wind and solar) in Stokes County, which would likely be necessary to attract larger scale investment in a data center. These too, would have both benefits and costs. There are other issues as well.

Having participated in hundreds of local decisions through direct testimony and shared research, I fully appreciate the gravity and difficulty of this work. I am confident of my research approach and findings. I expect the method I use to be the leading evaluative tool of data center effects on labor markets and tax revenues. I am confident that the other study I use, Chia, et. al., (2026), will become the leading research in this area.

If you have other questions remaining, feel free to contact me.

Respectfully,

Mike

Michael J. Hicks, PhD
Director, School of Business
Eldon R. Lindsey Professor of Economics
College of Business, Engineering and Technology

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Exhibit 33

AGENDA

Keith Wood, Chairman
Wayne Barneycastle, Vice Chairman
Brad Chandler, Commissioner
Sonya Cox, Commissioner
Rick Morris, Commissioner

REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS
Monday, April 14, 2025
1014 MAIN STREET
DANBURY, NC 27016
6:00 PM

Call to Order

Invocation

Pledge of Allegiance

I. Approval of the Agenda

II. Public Comments

III. Comments - Managers/Commissioners

IV. Conflicts Of Interest

V. Consent Agenda

- **a. Budget Amendments**
- **b. FY 24/25 Martin Starnes & Associates Audit Engagement Letters and Contracts**
- **c. Resolution of Support for Senate Bill 248**
- **d. Appointment of Clerk to the Board**

VI. Discussion Agenda

- **a. Text Amendment Request for Stokes County Zoning Ordinance**
- **b. Solar Farm Rezoning Request**
- **c. Request to Amend the Stokes County Animal Control Ordinance**
- **d. FY 2026 Operating Plan Preview**

VII. Action Agenda

- **a. Stokes County Fees and Charges Schedule**
- **b. Child Abuse Prevention Month Proclamation**

c. Proclamation Recognizing National Public Safety Telecommunicators Week

d. Text Amendment Request for Stokes County Zoning Ordinance

VIII. Closed Session

IX. Adjournment

*Anyone with a disability(is) who needs an accommodation to participate in this meeting is requested to inform us 48 hours prior to the scheduled time of the affected group meeting

*Attachments may be delivered before or at the time of the meeting

*Times may vary due to times preset for agenda items

Board of County Commissioners
April 14, 2025
6:00 PM

Item number: VI.b.

Solar Farm Rezoning Request

Contact: Eric Nance, Planning and Zoning Director

Summary:
The second planning item for review and consideration is a rezoning request for a solar farm. All relevant information to the item is attached to the agenda. Planning and Zoning Director Eric Nance will present the item at the meeting.

ATTACHMENTS:

Description	Upload Date	Type
Solar Farm Rezoning Request Packet	4/11/2025	Cover Memo

ITEM 1

TEXT AMENDMENT

The Stokes County Planning Department is requesting a text amendment to the current Stokes County Zoning Ordinance to include **(nuclear)** as a definition under **(Electrical power generation)** section **91.2,** M**1-CZ (Light Manufacturing Conditional Zoning).** This request will add clarity to the definitions under **(Electrical Power generation) under section 91.2** and prepare Stokes County and its Citizens for future improvements to our power infrastructure as noted in chapter 7, 1.0 in our Stokes County Long Range Plan.

Sample Motion 1 – (**Is Consistent**)

I _____ make a motion to approve Stokes County Planning Department Request for a text amendment to the Stokes County ordinance to include **(nuclear)** as a definition under **(Electrical power generation)** section **91.2, M1-CZ (Light Manufacturing Conditional Zoning)**. This request is reasonable and of public interest because it adds clarity to the permitted uses of **(Electrical power generation)** in the **M1-Conditional Zoning District and is consistent with the Stokes County Long Range Plan chapter 7, 1.0 (Prioritize infrastructure investments that maximize and improve existing infrastructure, targeting planned growth areas)**.

****

Sample Motion 2– (**Not Consistent**)

I _____ make a motion to disapprove the text amendment to include **(nuclear)** as a definition under **(Electrical power generation)** section **91.2, M1-CZ (Light Manufacturing Conditional Zoning)** submitted by The Stokes County Planning Department. This request is not reasonable and in the public interest and is not consistent with the Stokes County 2035 plan pertaining to land use.

ITEM2
REZONING REQUEST

By: Duke Energy Carolinas, LLC, DFC Stokes, LLC and DFC Stokes 2, LLC
RA and M1 to M1-CZ
Case# 24-1163

REQUEST: This request is by applicant **Duke Energy Carolinas, LLC, DFC Stokes, LLC and DFC Stokes 2, LLC** to rezone approximately **667 +/- acres** from **Residential Agricultural (RA)** and **Light Manufacturing (M1)** to **Light Manufacturing Conditional Zoning (M1-CZ)** at **US 311 and Tuttle Rd and Oldtown Rd**, listed as Stokes County Parcels (**6973734188, 6973767124, 6964918321, 6982812546**). This request is to build a large-scale solar farm.

****

SITE INFORMATION:

REZONING PARCEL SIZE: Approximately **667 +/- acres**

PROPOSED DISTRICT: Light Manufacturing – Conditional Zoning (**M1-CZ**)

FLOOD HAZARD AREA: Located adjacent to flood zone

WATERSHED DISTRICT: N/A

TOWNSHIP: Sauratown

SURROUNDING LAND USE: Surrounding land use consists of low-density residential neighborhoods with limited access to water and sewer utilities and reserved lands / conservation areas. The reserved lands / conservation area is comprised of very low-density development that includes many of the rural areas in Stokes County. This zone includes areas with very limited or no water and sewer infrastructure. Some areas within this zone could ultimately transition into the preserved lands / conservation area transect zone by expanding public lands and preserving highly sensitive natural resources.

****

ISSUES TO CONSIDER:

- Potential tax base increase due to expansion of Commercial Property.
- Land use, as it pertains to the Stokes County 2035 Long Range Plan.
- Is this proposal reasonable and in the best interest of the citizens of Stokes County?
- How will this proposal affect the natural environment and Agri-Tourism of Stokes County?
- The effect this proposal will have on neighboring Stokes County residents.
- Will the additional power this facility generates directly benefit Stokes County residents?

****

STAFF COMMENTS:

Duke Energy Carolinas, LLC, DFC Stokes, LLC and DFC Stokes 2, LLC is requesting rezoning of four parcels of 667 +/- acres from RA (Residential Agricultural) and M1 (Light Manufacturing) to M1-CZ (Light Manufacturing-Conditional Zoning) for the construction of a 667 +/- acre large-scale solar farm consisting of 263,648 fixed tilt Canadian Solar brand modules. Duke Energy has stated that this facility will provide 130 MW (Megawatt) of renewable energy each year, which is enough emission-free energy to power approximately 22,700 homes. and will provide 46 MW (Megawatt) of energy storage. Duke Energy has stated that this facility would create 300 new construction jobs, increase tax revenue for Stokes County, generate economic benefits to local businesses during construction and help improve overall reliability of the electric grid. The site-plan shows the facility with panels from the Tuttle Rd and Hwy 311 area with power conversion stations with inverters, transmission lines and entrances from Tuttle Rd. The site-plan also depicts the Oldtown Rd side of the project consisting of panels and conversion stations with inverters including the Oldtown Rd West entrance. There will be a substation with access from Middleton Loop with a switching station, a 100 KV solar generation substation and an AC coupled 46 MW(Megawatt) battery storage facility. The proposed facility would have a minimum 50' vegetated buffer area as well as two row and three row planted buffers around the perimeter as depicted in the Landscape Buffer Plan. The applicant is allowing for an agricultural aspect with this plan, providing an area for grazing farm animals. An email notice has been received from Scott Jones of NCDOT and included in your packets for your review stating that the applicant is in the process of fulfilling NCDOT requirements for all entrances. The applicants have gone out of their way to inform and answer any questions from property owners and citizens of Stokes County as well as any requests or questions from planning staff, and have fulfilled all requirements for submittal to Stokes County for this rezoning petition. This proposal does provide a potential tax base increase due to expansion of commercial property, however the Stokes County Planning Department does not support this proposal because it is not in line with or support the land use policy established in the Stokes County 2035 Long Range Plan.

****

PUBLIC INFORMATION MEETING:

The Public Meeting for this proposal was held on October 29th, 2024, from 4 pm until 7pm Pine Hall Community Center located at 3853 US-311 Pine Hall NC. Duke Energy invited nearly 1,000 property owners to the proposed Oldtown Solar Center open house. Invitations were extended to neighbors as well as residents of Walnut Cove and were sent via USPS First Class Mail postmarked October 11, 2024. Additional invitations were extended to the Walnut Tree neighborhood as a courtesy and were sent via USPS First Class Mail postmarked October 11, 2024. In addition to the in-person open house, all were invited to a web-based meeting scheduled for Wednesday, October 30, at noon. There were no registrants for the web meeting. The in-person open house offered stations covering the project proposal, project need, benefits, technology – solar and energy storage, general site plan, real estate report and environmental commitments. Participants were able to discuss their questions with subject matter specialists at each station. Handouts of materials shared during the meeting were available for participants and they will be available at the Oldtown Solar Center website: Oldtown Solar Center with Energy Storage - Duke Energy. Prior to the open house and web meeting, we surveyed potential participants about what they wanted to learn during the information sessions. We received four responses with questions about the type of cattle onsite, elevation/visibility of the site, Duke Energy continued ownership and decommissioning. Three of the four responders indicated a high understanding of the need for the project, ranking 8-10 (10 being the highest understanding) and one ranked their understanding at four. Additionally, we offered a post open house survey to participants and received five responses. Results are attached with responder names and addresses redacted for privacy. As part of our communications, we offered a toll-free phone number and email address. We have only received one phone call from a landowner interested in leasing land for a solar site and no emails. On March 4th, Duke Energy held another public meeting at Pine Hall Community Center to discuss and answer any questions that the public may have. Thirteen people attended the meeting with very limited opposition and over was overall positive according to Duke Energy Representative Jimmy Flythe.

****

STATEMENT OF LAND USE

The Stokes County 2035 Comprehensive Plan identifies portions of the county through the Land Use Transect methodology, which shows transition zones between rural areas and more urbanized areas of the county. The proposed rezoning is best described as being in the transect zone identified as **(low-density residential neighborhoods)** with limited access to water and sewer utilities and **(reserved lands / conservation areas)**. The reserved lands / conservation area is comprised of very low-density development that includes many of the rural areas in Stokes County. This zone includes areas with very limited or no water and sewer infrastructure.

Some areas within this zone could ultimately transition into the **(preserved lands / conservation area transect zone)** by expanding public lands and preserving highly sensitive natural resources.

****

STATEMENT OF CONSISTENCY AND REASONABLENESS

I have included example Statements of **Consistency** and **Reasonableness** supporting the request and opposing the request for your review. The Board must determine if the rezoning petition meets the requirements of the Stokes County 2035 Comprehensive Plan as to its consistency with the current development patterns and to the appropriateness of the request regarding the guide. **Please make all motions for approval or disapproval referencing the petitions of consistency or non-consistency with the Stokes County 2035 Comprehensive Plan.**

****

Statements of Consistency and Reasonableness Sample Motions

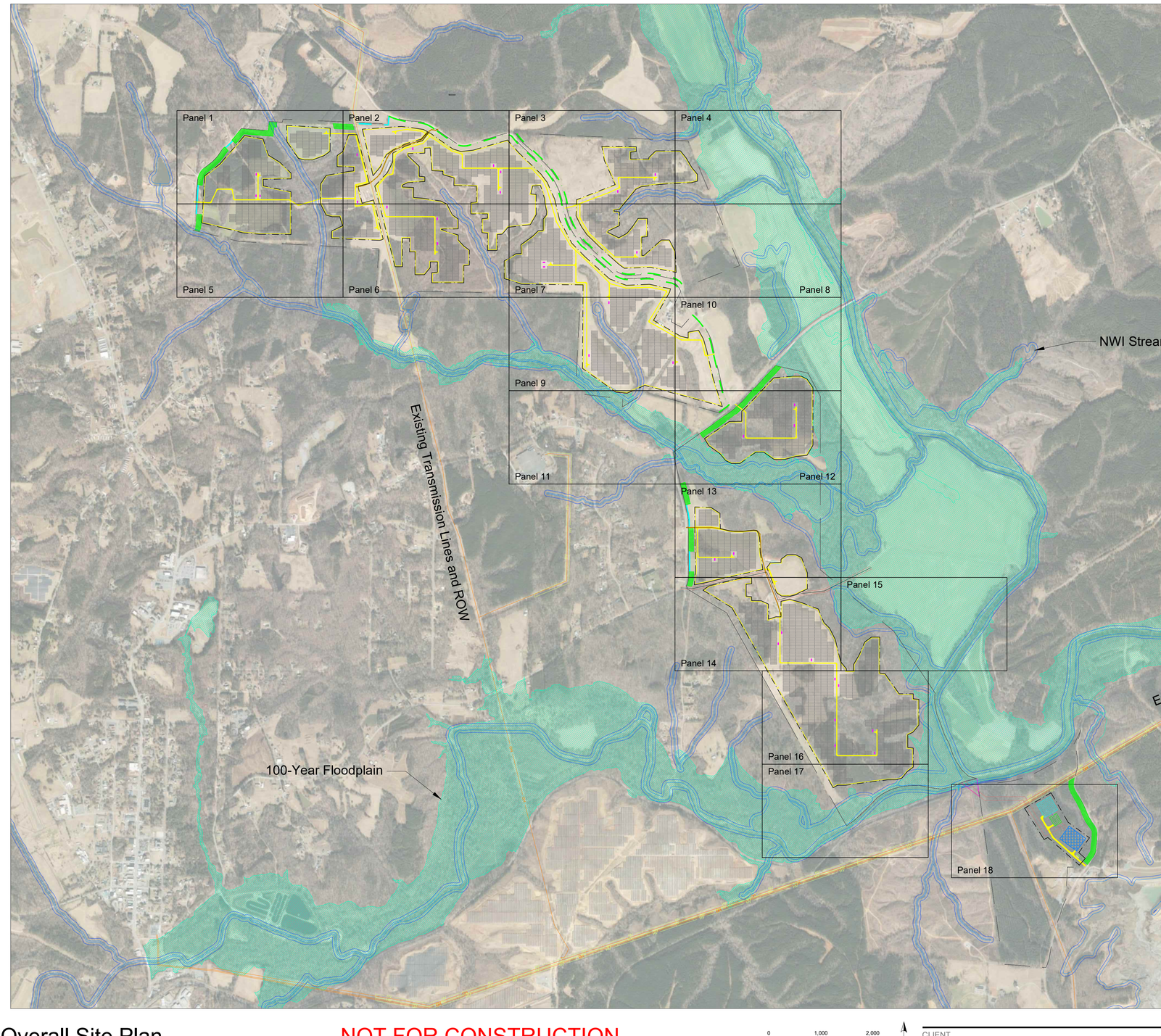
Sample Motion 1 – (**Is Consistent**)

I _____ make a motion to approve rezoning request #24-1163 submitted by **Duke Energy Carolinas, LLC, DFC Stokes, LLC and DFC Stokes 2, LLC** to rezone 667 +/- acres from RA (Residential Agricultural) zoning district and M1 (Light Manufacturing Zoning District) to M1-CZ (Light Manufacturing Conditional Zoning) for a large-scale solar farm. This request is reasonable and of public interest because of the potential tax base increase of commercial property and is consistent with the Stokes County 2035 plan.

****

Sample Motion 2– (**Not Consistent**)

I _____ make a motion to disapprove rezoning request #24-1163 submitted by **Duke Energy Carolinas, LLC, DFC Stokes, LLC and DFC Stokes 2, LLC** to rezone 667 +/- acres from RA (Residential Agricultural) zoning district and M1 (Light Manufacturing Zoning District) to M1-CZ (Light Manufacturing Conditional Zoning) for a large-scale solar farm. This request is not reasonable and in the public interest of Stokes County Citizens because it uses valuable Agri-tourism resources, takes away from the natural beauty of Stokes County and is not consistent with the Stokes County 2035 plan pertaining to land use.



Overall Site Plan

NOT FOR CONSTRUCTION

0 1,000 2,000 Feet

N

CLIENT

Duke Energy Regulated Renewables

CONSULTANT

wsp

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL
PRELIMINARY
NOT FOR CONSTRUCTION
27261
ANTHONY L. HAUSER

YYYY-MM-DD	
DESIGNED	
PREPARED	
REVIEWED	
APPROVED	

Plots: C:\Users\USBR718518\OneDrive - WSP O365\Documents\01 WSP Projects\Walnut Cove Solar | File Name: LandscapePlan_Oldtown.dwg | Last Edited By: usbr718518 Date: 2024-12-13 Time: 10:35:10 AM | Printed By: USBR718518 Date: 2024-12-13 Time: 10:56:38 AM

Exhibit 34

STATE OF NORTH CAROLINA	)	**OFFICE OF THE COMMISSIONERS**
	)	**STOKES COUNTY**
COUNTY OF STOKES	)	**GOVERNMENT**

DANBURY, NORTH CAROLINA
MONDAY APRIL 14, 2025

Regular Meeting of the Stokes County Board of Commissioners

The Board of Commissioners of the County of Stokes, State of North Carolina, met for a Regular Meeting in the Stokes County Administration Building in the Commissioners Chambers located in Danbury, North Carolina on Monday April 14, 2025 at 6:00 pm with the following members present:

Board of Commissioners Present: Chairman Keith Wood, Vice-Chairman Wayne Barneycastle, Commissioner Brad Chandler, Commissioner Sonya Cox, and Commissioner Rick Morris.

County Administration Present: County Manager Jeff Sanborn, Assistant County Manager/Clerk to the Board Amber Brown, Director of Finance Tammy Keaton, and Assistant County Attorney Jennifer Michaud.

CALL TO ORDER

Chairman Wood called the meeting to order.

INVOCATION

Chairman Wood invited those in attendance to join the Board in the Invocation, if desired.

Chairman Wood delivered the Invocation.

PLEDGE OF ALLEGIANCE

Chairman Wood invited those in attendance to join the Board in the Pledge of Allegiance.

APPROVAL OF AGENDA

Chairman Wood entertained a motion to amend or approve tonight's agenda.

Vice-Chairman Barneycastle moved to approve the agenda as presented.

Commissioner Chandler seconded. The motion Passed.

Public Comments

Chairman Wood opened the floor for public comments at 6:02 pm.

The following individuals signed up to speak in public comments:

Kris Dearmin

326 Holly Ridge Drive
King, NC 27021
RE: Library Budget Request

Sandra Robinson
RE: Animal Control

Rebecca Sullivan
RE: Schools/Economic

Ellen Peric
RE: Animal Control
Yielded time to Shannon Shaver

Shannon Shaver
RE: Animal Control

Kathleen Edwards
126 Rogers Road
Stokes County, NC
RE: Animal Control Ordinance

Mary Burton
RE: Animal Ordinances

JoAnne Silvia
Stokes County, NC
RE: Animal Ordinances

Angie Gamble
RE: Animal Control

Katie Tedder
1282 Crystal Road
King, NC 27021
RE: Habitat for Humanity

Donna Lawrence
116 Haverty Drive
High Point, NC 27265
RE: Animal Control

Django Burgess
801 North Main Street
Danbury, NC 27016
RE: Animal Ordinances

Kimberly Rich
4392 NC 772 Highway
Walnut Cove, NC 27052
RE: Animal Ordinance

Tonya Hart
1040 Chad Drive
Walnut Cove, NC 27852
RE: Animal Ordinance

Debby Craig
1075 Brown Plantation Road
Walnut Cove, NC 27052
RE: Animal Control
Yielded time

Amy Jenkins
201 Westridge Drive
King, NC 27021
RE: Animal Ordinance

Bryan G.
1025 Brookridge Drive
Walnut Cove, NC 27852
RE: Animal Ordinance

Leah Batista
RE: Nuclear Power

Chairman Wood closed the floor for public comments at 7:07 pm.

COMMENTS - Managers/Commissioners

Chairman Wood opened the floor for comments from the manager and commissioners.

Commissioner Chandler commented:

- Good evening. It's good to see a big crowd. I guess I can touch more on the discussion part about the animal control ordinance, but I think that one thing we'll share that I don't think anyone disagrees with is that our pets and our dogs and cats and animals, they all need to be treated humanely. And I'll talk more about that, but it's good to hear this many people come out and talk about the safety and the humanity for our animals. So, I appreciate that.
- The one other thing that I just want to get ahead of, and we will get into it later on our proclamation, that we are very strong supporters of public safety and I just want to personally recognize the National Telecommunicator Public Safety Week. We will have a proclamation later tonight if we ever get to the Action Agenda. I do want to personally say that you are a very important part of our infrastructure here when it comes to emergency services. 24/7 you get somebody professionally trained. And sometimes they feel more when a Deputy or a firefighter or a paramedic that is in danger or hurt than we do when we are actually on the scene as law enforcement. So please keep them in your thoughts and prayers.

Commissioner Morris commented:

- Welcome, everybody. It's good to see a big crowd tonight. We really do appreciate you speaking in public comments. That's what we have it for, so we can get input from the citizens and that's a very important part of our decision process is to hear what the public has to say. So, it's great to see such a big crowd come out and talk to us tonight.
- I want to remind everybody that reevaluation is coming. If you have a problem with your property values, we have an appeals process up this Board if it can't be resolved with the tax office. We had our first meeting about a week ago and nobody was there to appeal their

values. But we have three more, both in the afternoon and the evening schedule. So, if you have a problem with your property values that you can't get resolved, be sure to bring it to us.

Vice-Chairman Barneycastle commented:

- It's great to see everybody tonight and everybody watching the livestream. Personally, I would like to send a special prayer out to the young man's family - that tragic accident over the weekend.
- One thing I've seen about this is how our community and our county can come together. They started raising money for this young man and the last time I looked today it was already over $11,000. So that just shows you how our county and community can come together if they want to.
- One other thing I want to touch on, and I had phone calls about this. I don't get paid anything except for here. And I don't know what I get paid. I really don't care. I do this for the love of the county, not the money. I don't like being accused of getting paid to adopt a policy or approve a policy. But no policy has been adopted here whatsoever. To tell me I don't love animals, I got one in my fire station. He's been there four years. He's not mine, but he's mine now because I look after him. I buy Charlie a $350 doghouse. He lives in the fire station. So, I got a big, strong heart for animals, trust me. I've got three of them in my house and they live in my house with me. And I love them to death, so I just wanted to clarify. I see it on Facebook, social media and I make no comments to none of that. None of that whatsoever. It don't bother me what people say about me. It does not bother me whatsoever, but I try to make the best decision I know how when it comes to people's feelings and animals and stuff like that. I just want people to understand that. Thank you.

Commissioner Cox commented:

- It's good to see this crowd here. It's always good when the community turns out to let their voices be heard cause that's what this is all about, for sure.
- I want to echo what Wayne was saying about the Will Turner family. I don't know how many of you know, but we had a young student at North Stokes tragically killed in a car crash going to prom Saturday night. That's what we have been referencing. And we just wanted to take time out to remember that family, his friends, and the school and all that they're dealing with regarding that. It is a tragic thing. They did a GoFundMe for his funeral expenses which is what Wayne referenced. I think it has raised over $11,000 to pay for his burial. We do have really good communities, and this county comes together when they need to, and that is evident of that.
- Also echoing what Brad said about our telecommunicators. April 13th through the 19th is National Telecommunicators Week. we'll talk about that more later in the agenda, but they have a really tough job there. The first and most critical contact in an emergency. Our telecommunicators do their job with compassion and professionalism and I'm proud of the job they do and for the ones that we have working here in our county.
- Also remind everybody that April is Child Abuse Prevention month. There will be a "Ring Out Child Abuse" event here at the hill past the library on Friday the 25th of April. Just wanted to remind everyone of that.
- I will save my comments regarding animal control and ordinances for when we discuss it, in interest of our time here. I don't have any dogs currently, but I have lots of grand-dogs. And they are treated like they are grandkids. They laugh at me when I go into the pet store, and I come out with $80 worth of treats and toys, and they ask what kind of dog I have. I don't even own a dog, these are for grand-dogs. They are a very important part of our lives, that's for sure.

Chairman Wood commented:

- I want to welcome everybody. I love seeing this place full. This is probably my last meeting because y'all have made me break two rules. There's too many people in here. The fire marshal will tell you in heartbeat. This many people shouldn't be in this room. And I was only supposed to give y'all 30 minutes to talk so I am a bad example for the Board of Education and everybody else in the county. But I am glad y'all showed up. I am a big advocate for freedom of speech, and I don't care if I sit here until 10 o'clock all of y'all are going to talk that wanted to talk. So let's get this show on the road.

Conflicts Of Interest

Chairman Wood asked if any Board member had a conflict of interest with any of the items of the agenda for tonight or one that could be perceived as a conflict of interest.

No conflicts of interest were stated by the Board.

CONSENT AGENDA

All attachments presented on the Agenda are available in the attachments of the Agenda on the County Website and are available upon request from the Clerk, with the exception of the minutes approved which are located on the County Website under the minutes tab.

Budget Amendments

FY 24/25 Martin Starnes & Associates Audit Engagement Letters and Contracts

Resolution of Support for Senate Bill 248

Appointment of Clerk to the Board

Chairman Wood entertained a motion to approve the Consent Agenda, which included the below:

- Budget Amendments
- Fiscal Year 24/25 Martin Starnes & Associates Audit Engagement Letters and Contracts
- Resolution of Support for Senate Bill 248
- Appointment of Clerk to the Board

Commissioner Morris moved to approve the Consent Agenda as presented.

Commissioner Cox seconded the motion. The motion Passed.

DISCUSSION AGENDA

All attachments presented on the Agenda are available in the attachments of the Agenda on the County Website and are available upon request from the Clerk, with the exception of the minutes approved which are located on the County Website under the minutes tab.

Text Amendment Request for Stokes County Zoning Ordinance

Chairman Wood turned the floor over to Planning Director Eric Nance to present.

Planning Director Eric Nance presented the Text Amendment Request for Stokes County Zoning Ordinance to the Board, requesting to include **(nuclear)** as a definition under **(Electrical power generation)** section **91.2, M1-CZ (Light Manufacturing Conditional Zoning).** This request will add clarity to the definitions under **(Electrical Power generation) under section 91.2** and prepare Stokes County and its Citizens for future improvement to the power infrastructure as noted in chapter 7, 1.0 in the Stokes County Long Range Plan.

The Board asked for clarification that the County would not be responsible for inspections and safety regulations of the nuclear power plant. Planning Director Eric Nance confirmed this, stating that it would be handled by the federal government.

Chairman Wood opened the Public Hearing for Zoning Text Amendment at 7:12 pm.

Martha Hartley
King, NC
RE: Duke Energy Plans
Hartley did not support adding the term nuclear to the zoning ordinance due to the potential for accidents, sabotage, or terrorism. Hartley also cited the possible release of radioactivity into the air or water, accumulating nuclear waste, and long-term potential contamination. Hartley stated support the Duke Energy Solar Initiative.

Michael Hartley
King, NC
RE: Nuclear Ordinance
Hartley asked the Board not to formalize the welcoming of nuclear power in Stokes County in the Zoning Text Amendment. Hartley stated his support of solar power farm in the county.

Time Mabe
Walnut Cove, NC
RE: Solar Advocate
Mabe stated that he is an advocate of the solar farm in Stokes County.

Chairman Wood closed the Public Hearing for Zoning Text Amendment at 7:21 pm.

This item was moved to the Action Agenda for tonight's meeting.

Solar Farm Rezoning Request

Chairman Wood turned the floor over to Planning Director Eric Nance to present.

Planning Director Eric Nance presented a request by applicant **Duke Energy Carolinas, LLC, DFC Stokes, LLC and DFC Stokes 2, LLC** to rezone four parcels of 667 +/- acres from RA (Residential Agricultural) and M1 (Light Manufacturing) to M1-CZ (Light Manufacturing-Conditional Zoning) for the construction of a 667 +/- acre large-scale solar farm consisting of 263,648 fixed tilt Canadian Solar brand modules. Duke Energy has stated that this facility will provide 130 MW (Megawatt) of renewable energy each year, which is enough emission-free energy to power approximately 22,700 homes and will provide 46 MW (Megawatt) of energy storage. Duke Energy has stated that this facility would create 300 new construction jobs, increase tax revenue for Stokes County, generate economic benefits to local businesses during construction and help improve overall reliability of the electric grid. This proposal does provide a potential tax base increase due to expansion of commercial property; however, the Stokes County Planning Department does not support this proposal because it is not in line with or support the land use policy established in the Stokes County 2035 Long Range Plan.

Planning Director Eric Nance turned the floor over to Duke Energy to present their proposal.

Director of Local Government and Community Relations Jimmy Flythe and other individuals from Duke Energy spoke on the proposed solar farm.

Chairman Wood opened the Public Hearing for Rezoning Request (Solar Farm) at 8:07 pm.

Jill Rolfes
RE: Solar Farm
Rolfes brought up a point of clarification about the Canadian Solar brand modules used in solar farm. Rolfes stated that this project should be approached responsibly due to long term chemicals used in solar panels and the health risks these chemicals can pose. Requested that the Board initiate groundwater testing around the solar farms and pause new solar development approvals.

Ben Rolfes
RE: Solar Farm
Yielded a minute of time to Jill Rolfes. Rolfes asked the Board to research more on solar farms before voting on this item.

Rosanna Jarvis
RE: Solar Farm
Jarvis opposed the solar farm in Stokes County. Jarvis believes that the funding for the solar panels should be invested into the tourism of Stokes County.

Chad Jarvis
306 Summit Street
Walnut Cove, NC 27052
RE: Solar Regulations
Jarvis supported the solar farm for the tax revenue for the area and cites that it is a safe, clean option for energy.

Kathy Dix
Walnut Cove, NC
RE: Solar Farm
Dix states that the solar panels are affecting the beauty of Stokes County. Dix questions what areas the solar energy is helping.

Martha Hartley
King, NC
RE: Duke Energy Plans
Hartley voiced support for renewable energy for Stokes County.

Yvonne Crever
King, NC
RE: Solar Farm
Crever voiced reservations for the solar farm proposal.

Eric Crever
King, NC
RE: Solar Farm
Crever expressed concern for the land use in Walnut Cove. Not opposed to solar energy, but questions about much solar energy will be produced from these panels and what is lost with their placement.

Patti Dunlap
Walnut Cove, NC

RE: Solar Panels
Dunlap voices concerns over the site where the panels are planned to be placed, citing historical significance of the property with reference to enslaved persons and Saura Indians.

Chad Bailey
Walnut Cove, NC
RE: Solar Panels
Supports the idea of a solar farm, but not at the planned location due to historical significance.

Dr. Donna Price-Merrills
215 Frontier Drive
Kernersville, NC
RE: Solar Panels
Price-Merrills states the historical significance of the area nearby to the solar farm and how this land could be impacted by the adjacent solar panels. Price-Merrills voiced concerns about the sufficiency of the current solar panels and the impact they are having on the beauty of Stokes County.

Chairman Wood closed the Public Hearing for Rezoning Request (Solar Farm) at 8:46 pm.

Chairman Wood recessed the meeting at 8:47 pm.

Chairman Wood called the meeting back to order at 8:58 pm.

Chairman Wood reopened the Public Hearing for Rezoning Request (Solar Farm) at 8:58 pm.

Maria Camaria
RE: Nuclear
Camaria expressed concerns about the nuclear power plant in Stokes County. Camaria details prior issues with nuclear power and an increase in health issues when living in New York. Camaria states that the move to Stokes County was in order to get away from nuclear power and urged the Board to consider the possible issues of nuclear power.

Chairman Wood closed the Public Hearing for Rezoning Request (Solar Farm) at 9:02 pm.

Project Development Manager Steve Hendrickson and Energy Expert Tommy Cleveland addressed comments and questions from the Public Hearing and the Board.

This item was tabled and moved to the Discussion Agenda on the next regular meeting on April 28, 2025, at 2:00 pm.

Request to Amend the Stokes County Animal Control Ordinance

Chairman Wood turned the floor over to Animal Control Director Tommy Reeves to present.

Animal Control Director Tommy Reeves presented revised amendments to the Animal Control & Animal Welfare Ordinance of Stokes County after a prior presentation to the Board on March 24, 2025. These new amendments pertained to Section 2: Definitions, article c, Adequate Shelter. The changes proposed here are that enclosed have a minimum of four sides and the means for adequate shade and bedding for tied animals. There was also an added article in Section 3: Animal Control Advisory Board wherein there will be an ongoing basis to review and evaluate animal-related issues, needs, and services in Stokes County.

The Board tabled this item until the May 12, 2025 Regular Meeting at 6:00 pm and requested Director Reeves meet with the Animal Control Advisory Board.

FY 2026 Operating Plan Preview

Chairman Wood turned the floor over to County Manager Jeff Sanborn to present.

County Manager Jeff Sanborn presented an update on budget recommendation for fiscal year 2026. The following was discussed:

- FY 2026 General Fund Overview
- FY 2026 School Current Expense Fund
- FY 2026 Fire District Funds
- FYs 2026-2030 Five-Year Financial Forecasts and Significant Initiatives
- Key Upcoming Dates

ACTION AGENDA

All attachments presented on the Agenda are available in the attachments of the Agenda on the County Website and are available upon request from the Clerk, with the exception of the minutes approved which are located on the County Website under the minutes tab.

Stokes County Fees and Charges Schedule

Chaiman Wood entertained a motion to approve the item as presented.

Commissioner Cox moved to approve the Stokes County Fees and Charges Schedule.

Commissioner Morris seconded the motion. The motion Passed.

Child Abuse Prevention Month Proclamation

Chairman Wood presented the Child Abuse Prevention Month Proclamation. Commissioner Morris read the proclamation aloud.

WHEREAS, in calendar year 2024, 514 reports were made to child protective services in Stokes County; and

WHEREAS, child abuse and neglect is a serious problem affecting every segment of our community, and finding solutions requires input and action from everyone; and

WHEREAS our children are our most valuable assets and will shape the future of Stokes County; and

WHEREAS, child abuse can have long-term psychological, emotional, and physical effects that have lasting consequences for victims of abuse; and

WHEREAS, all children deserve to have the safe, stable, nurturing homes and communities they need to foster their healthy growth and development; and

WHEREAS, child abuse and neglect is a community responsibility affecting both the current and future quality of life of a community; and

WHEREAS, communities that provide parents with the social support, knowledge of parenting

and child development and concrete resources they need to cope with stress and nurture their children ensure all children grow to their full potential; and

WHEREAS, effective child abuse prevention strategies succeed because of partnerships created among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and the business community; and

WHEREAS, prevention remains the best defense for our children and families.

THEREFORE, we, the Stokes County Board of County Commissioners, do hereby proclaim April 2025 as Child Abuse Prevention Month in Stokes County and call upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

Dated this 14th day of April 2025.

Chairman Wood entertained a motion to approve the item as presented.

Commissioner Cox moved to approve the Child Abuse Prevention Month Proclamation.

Commissioner Chandler seconded the motion. The motion Passed.

Proclamation Recognizing National Public Safety Telecommunicators Week

Chairman Wood presented the National Public Safety Telecommunicators Week Proclamation. It was read by Commissioner Chandler.

Whereas emergencies can occur at any time that require police, fire or emergency medical services; and,

Whereas when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and,

Whereas the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Stokes County Emergency Communications center; and,

Whereas Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and,

Whereas Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and ensuring their safety; and,

Whereas Public Safety Telecommunicators of the Stokes County Emergency Communications Center have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and,

Whereas each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year.

Therefore, Be It Resolved that the Stokes County Board of County Commissioner's declares the week of April 13 through 19, 2025, to be National Public Safety Telecommunicators Week in Stokes County, in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

Signed this 14th day of April 2025

Chairman Wood entertained a motion to approve the item as presented.

Commissioner Barneycastle moved to approve the Proclamation for National Public Safety Telecommunicators Week.

Commissioner Chandler seconded the motion. The motion Passed.

Text Amendment Request for Stokes County Zoning Ordinance

Chairman Wood entertained a motion to approve the item as presented.

Commissioner Cox moved to approve the Text Amendment Request to include **(nuclear)** as a definition under **(Electrical power generation)** section **91.2, M1-CZ (Light Manufacturing Conditional Zoning)** in the Stokes County Zoning Ordinance.

Commissioner Barneycastle seconded the motion. The motion Passed.

CLOSED SESSION

Chairman Wood entertained a motion to enter closed session at 10:50 pm.

Commissioner Cox moved to go into closed session for the following rationales:

- To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged pursuant G.S. 143-318.11(a)(3)

Commissioner Barneycastle seconded.

With no discussion, the motion passed unanimously.

The Board entered closed session.

Adjournment

The Board reentered open session.

Chairman Wood entertained a motion to adjourn.

Commissioner Cox moved to adjourn at 11:07 pm.

Commissioner Barneycastle seconded. The motion Passed.

Amber Brown
Clerk to the Board

Keith Wood
Chair

Exhibit 35

AGENDA

Keith Wood, Chairman
Wayne Barneycastle, Vice Chairman
Brad Chandler, Commissioner
Sonya Cox, Commissioner
Rick Morris, Commissioner

REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS
Monday, April 28, 2025
1014 MAIN STREET
DANBURY, NC 27016
2:00 PM

Call to Order

Invocation

Pledge of Allegiance

I. Approval of the Agenda

II. Public Comments

III. Comments - Managers/Commissioners

IV. Conflicts Of Interest

V. Consent Agenda

- **a. Minutes**
- **b. Tax Office Agenda**
- **c. Grant Project Ordinance ARPA**
- **d. Budget Amendment**

VI. Information Agenda

- **a. Register of Deeds Quarterly Report**

VII. Discussion Agenda

- **a. Vehicle Use Policy**
- **b. Solar Farm Rezoning Request**
- **c. SCOPE Program Budget and Resolution Amendment**
- **d. Moratock Park Hours and Bridge Replacement Project**
- **e. Wellhead Protection Plan for Danbury Water System**

f. **Green Box Sticker Program**

g. **TAC Commissioner Appointment**

h. **Stokes Aging Planning Committee Appointment**

VIII. Action Agenda

a. **Solar Farm Rezoning Request**

b. **Wellhead Protection Plan for Danbury Water System**

c. **Green Box Sticker Program**

d. **TAC Commissioner Appointment**

IX. Adjournment

*Anyone with a disability(is) who needs an accommodation to participate in this meeting is requested to inform us 48 hours prior to the scheduled time of the affected group meeting

*Attachments may be delivered before or at the time of the meeting

*Times may vary due to times preset for agenda items

Board of County Commissioners
April 28, 2025
2:00 PM

Item number: VII.b.

Solar Farm Rezoning Request

Contact: Eric Nance, Planning and Zoning Director

Summary:

At the last Board of Commissioners Meeting, this rezoning request for a solar farm was presented for review and consideration. The Board moved this item back to the agenda for today's meeting for further discussion. After the last meeting, potential conditions were proposed to Duke Energy by the County to include as part of the conditional zoning consideration. Attached are the potential conditions for zoning that have been reviewed and agreed upon by the County, Duke Energy, and the County Attorney's Office. Also attached is the original packet corresponding to the rezoning request.

ATTACHMENTS:

Description	Upload Date	Type
Proposed Zoning Conditions	4/25/2025	Cover Memo
Solar Farm Rezoning Packet	4/25/2025	Cover Memo

Potential Conditions for Zoning

1. That Duke Energy will provide financial assurance of the availability of decommissioning funds in the form of a surety bond, or other agreed upon instrument, in the amount deemed acceptable by the Decommissioning Plan approved by the North Carolina Department of Health and Human Services, or any other Department of the State of North Carolina pursuant to N.C.G.S. 130A-309.240(d)(1) and (e)(5). Said surety bond shall name the County of Stokes as the obligee. Providing such financial assurance to Stokes County will be done at an agreed upon date between Duke Energy and Stokes County.
2. That Duke Energy will provide copies of any reports being sent to the North Carolina Department of Environmental Quality regarding this specific project.
3. That Duke Energy will not utilize any solar modules containing per- and polyfluoroalkyl substances (also known as PFAS). Duke Energy will require that any manufacturer of the solar modules utilized in this project submit a letter certifying that the subject products are free from PFAS. Duke Energy will provide copies of said letter to the County.
4. That Duke Energy will commission, or require the property owner to commission, a cultural resources survey prior to the initiation of construction to ensure that culturally sensitive sites are protected. If any culturally sensitive sites are located through the survey, no construction activity will take place within 50 feet of said culturally sensitive sites. For the purposes of this provision, culturally sensitive sites shall mean the known locations of human remains, or any site determined by the North Carolina State Historic Preservation Office of requiring a buffer from construction activities.
5. That Duke Energy will construct a vegetative buffer made up of drought-tolerant evergreens which shall be located as shown on the landscape plan submitted to the County as part of the application. Said evergreens shall be a minimum of four feet tall when initially planted. There shall be no more than ten feet between each planting. The vegetative buffer shall be inspected by Duke Energy at least annually, and any plants found missing or damaged shall be replaced within 3 months after discovery. Duke Energy shall provide copies of the annual assessment and descriptions of corrective actions to the County.
6. That Duke Energy will provide financial assurance of vegetative buffer maintenance in the form of a surety bond, or other agreed upon instrument, in the amount of 10% of the initial cost of the implementation of the vegetative buffer. Said surety bond shall name the County of Stokes as the obligee. Said surety bond shall be maintained for a period of fifteen years after the construction of this specific project. After fifteen years have elapsed, if the vegetative buffer has been maintained adequately, the surety bond amount may be reduced in amount to 5% of the initial cost of implementation of the vegetative buffer for the duration of the project.

REZONING REQUEST

By: Duke Energy Carolinas, LLC, DFC Stokes, LLC and DFC Stokes 2, LLC
RA and M1 to M1-CZ
Case# 24-1163

REQUEST: This request is by applicant **Duke Energy Carolinas, LLC, DFC Stokes, LLC and DFC Stokes 2, LLC** to rezone approximately **667 +/- acres** from **Residential Agricultural (RA)** and **Light Manufacturing (M1)** to **Light Manufacturing Conditional Zoning (M1-CZ)** at **US 311 and Tuttle Rd and Oldtown Rd**, listed as Stokes County Parcels (**6973734188, 6973767124, 6964918321, 6982812546**). This request is to build a large-scale solar farm.

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SITE INFORMATION:

REZONING PARCEL SIZE: Approximately **667 +/- acres**

PROPOSED DISTRICT: Light Manufacturing – Conditional Zoning (**M1-CZ**)

FLOOD HAZARD AREA: Located adjacent to flood zone

WATERSHED DISTRICT: N/A

TOWNSHIP: Sauratown

SURROUNDING LAND USE: Surrounding land use consists of low-density residential neighborhoods with limited access to water and sewer utilities and reserved lands / conservation areas. The reserved lands / conservation area is comprised of very low-density development that includes many of the rural areas in Stokes County. This zone includes areas with very limited or no water and sewer infrastructure. Some areas within this zone could ultimately transition into the preserved lands / conservation area transect zone by expanding public lands and preserving highly sensitive natural resources.

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ISSUES TO CONSIDER:

- Potential tax base increase due to expansion of Commercial Property.
- Land use, as it pertains to the Stokes County 2035 Long Range Plan.
- Is this proposal reasonable and in the best interest of the citizens of Stokes County?
- How will this proposal affect the natural environment and Agri-Tourism of Stokes County?
- The effect this proposal will have on neighboring Stokes County residents.
- Will the additional power this facility generates directly benefit Stokes County residents?

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STAFF COMMENTS:

Duke Energy Carolinas, LLC, DFC Stokes, LLC and DFC Stokes 2, LLC is requesting rezoning of four parcels of 667 +/- acres from RA (Residential Agricultural) and M1 (Light Manufacturing) to M1-CZ (Light Manufacturing-Conditional Zoning) for the construction of a 667 +/- acre large-scale solar farm consisting of 263,648 fixed tilt Canadian Solar brand modules. Duke Energy has stated that this facility will provide 130 MW (Megawatt) of renewable energy each year, which is enough emission-free energy to power approximately 22,700 homes. and will provide 46 MW (Megawatt) of energy storage. Duke Energy has stated that this facility would create 300 new construction jobs, increase tax revenue for Stokes County, generate economic benefits to local businesses during construction and help improve overall reliability of the electric grid. The site-plan shows the facility with panels from the Tuttle Rd and Hwy 311 area with power conversion stations with inverters, transmission lines and entrances from Tuttle Rd. The site-plan also depicts the Oldtown Rd side of the project consisting of panels and conversion stations with inverters including the Oldtown Rd West entrance. There will be a substation with access from Middleton Loop with a switching station, a 100 KV solar generation substation and an AC coupled 46 MW(Megawatt) battery storage facility. The proposed facility would have a minimum 50' vegetated buffer area as well as two row and three row planted buffers around the perimeter as depicted in the Landscape Buffer Plan. The applicant is allowing for an agricultural aspect with this plan, providing an area for grazing farm animals. An email notice has been received from Scott Jones of NCDOT and included in your packets for your review stating that the applicant is in the process of fulfilling NCDOT requirements for all entrances. The applicants have gone out of their way to inform and answer any questions from property owners and citizens of Stokes County as well as any requests or questions from planning staff, and have fulfilled all requirements for submittal to Stokes County for this rezoning petition. This proposal does provide a potential tax base increase due to expansion of commercial property, however the Stokes County Planning Department does not support this proposal because it is not in line with or support the land use policy established in the Stokes County 2035 Long Range Plan.

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PUBLIC INFORMATION MEETING:

The Public Meeting for this proposal was held on October 29th, 2024, from 4 pm until 7pm Pine Hall Community Center located at 3853 US-311 Pine Hall NC. Duke Energy invited nearly 1,000 property owners to the proposed Oldtown Solar Center open house. Invitations were extended to neighbors as well as residents of Walnut Cove and were sent via USPS First Class Mail postmarked October 11, 2024. Additional invitations were extended to the Walnut Tree neighborhood as a courtesy and were sent via USPS First Class Mail postmarked October 11, 2024. In addition to the in-person open house, all were invited to a web-based meeting scheduled for Wednesday, October 30, at noon. There were no registrants for the web meeting. The in-person open house offered stations covering the project proposal, project need, benefits, technology – solar and energy storage, general site plan, real estate report and environmental commitments. Participants were able to discuss their questions with subject matter specialists at each station. Handouts of materials shared during the meeting were available for participants and they will be available at the Oldtown Solar Center website: Oldtown Solar Center with Energy Storage - Duke Energy. Prior to the open house and web meeting, we surveyed potential participants about what they wanted to learn during the information sessions. We received four responses with questions about the type of cattle onsite, elevation/visibility of the site, Duke Energy continued ownership and decommissioning. Three of the four responders indicated a high understanding of the need for the project, ranking 8-10 (10 being the highest understanding) and one ranked their understanding at four. Additionally, we offered a post open house survey to participants and received five responses. Results are attached with responder names and addresses redacted for privacy. As part of our communications, we offered a toll-free phone number and email address. We have only received one phone call from a landowner interested in leasing land for a solar site and no emails. On March 4th, Duke Energy held another public meeting at Pine Hall Community Center to discuss and answer any questions that the public may have. Thirteen people attended the meeting with very limited opposition and over was overall positive according to Duke Energy Representative Jimmy Flythe.

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STATEMENT OF LAND USE

The Stokes County 2035 Comprehensive Plan identifies portions of the county through the Land Use Transect methodology, which shows transition zones between rural areas and more urbanized areas of the county. The proposed rezoning is best described as being in the transect zone identified as **(low-density residential neighborhoods)** with limited access to water and sewer utilities and **(reserved lands / conservation areas)**. The reserved lands / conservation area is comprised of very low-density development that includes many of the rural areas in Stokes County. This zone includes areas with very limited or no water and sewer infrastructure.

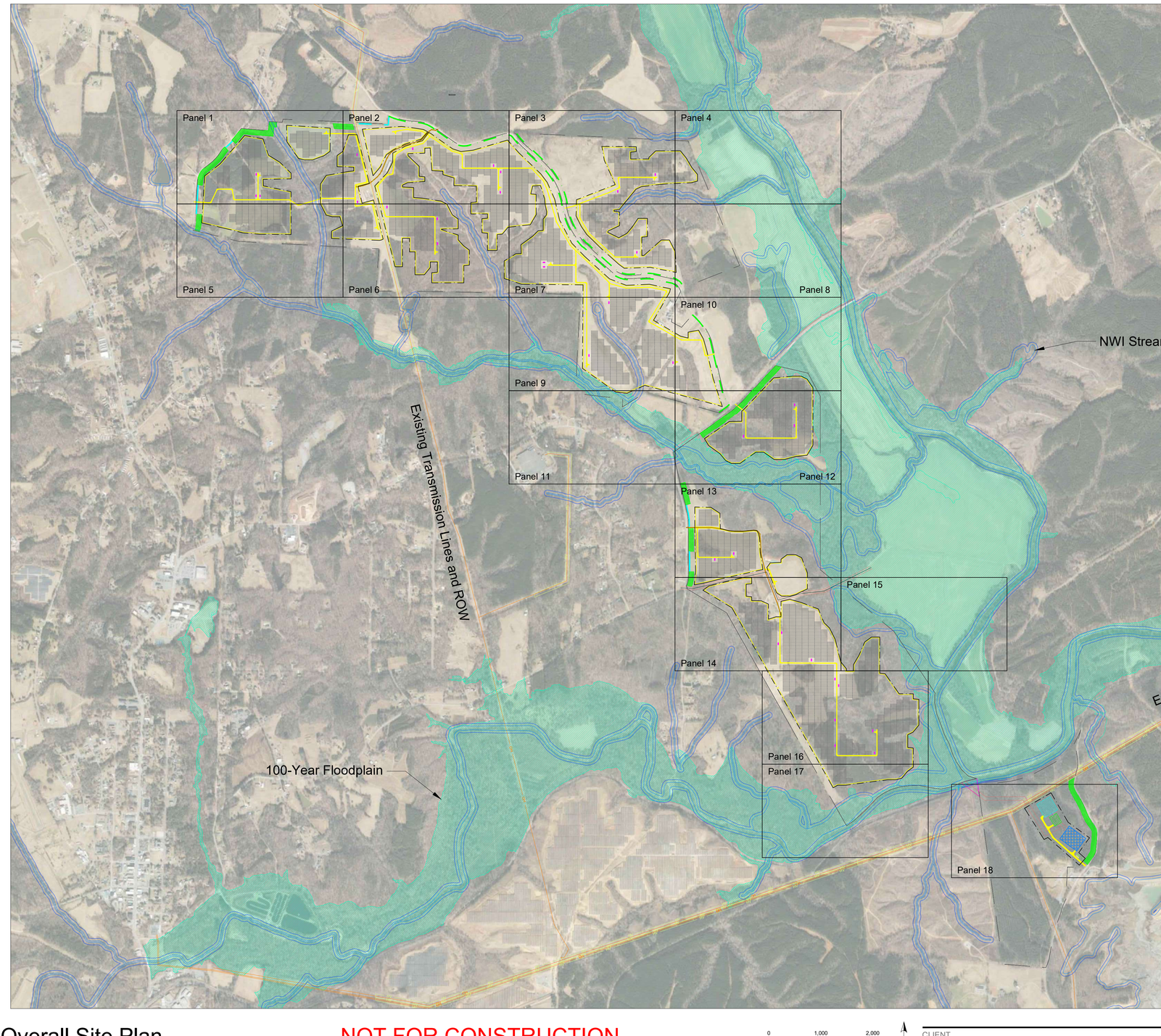
Some areas within this zone could ultimately transition into the **(preserved lands / conservation area transect zone)** by expanding public lands and preserving highly sensitive natural resources.

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STATEMENT OF CONSISTENCY AND REASONABLENESS

I have included example Statements of **Consistency** and **Reasonableness** supporting the request and opposing the request for your review. The Board must determine if the rezoning petition meets the requirements of the Stokes County 2035 Comprehensive Plan as to its consistency with the current development patterns and to the appropriateness of the request regarding the guide. **Please make all motions for approval or disapproval referencing the petitions of consistency or non-consistency with the Stokes County 2035 Comprehensive Plan.**

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Overall Site Plan

NOT FOR CONSTRUCTION

0 1,000 2,000 Feet

N

CLIENT

Duke Energy Regulated Renewables

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL
PRELIMINARY
NOT FOR CONSTRUCTION
27261
ANTHONY L. HAUSER

CONSULTANT

wsp

YYYY-MM-DD	
DESIGNED	
PREPARED	
REVIEWED	
APPROVED	

Plots: C:\Users\USBRT18518\OneDrive - WSP O365\Documents\01 WSP Projects\Walnut Cove Solar | File Name: LandscapePlan_Oldtown.dwg | Last Edited By: usbrt718518 Date: 2024-12-13 Time: 10:35:10 AM | Printed By: USBRT18518 Date: 2024-12-13 Time: 10:56:38 AM

Exhibit 36

STATE OF NORTH CAROLINA	)	**OFFICE OF THE**
	)	**COMMISSIONERS**
COUNTY OF STOKES	)	**STOKES COUNTY**
	)	**GOVERNMENT**
		DANBURY, NORTH CAROLINA
		MONDAY APRIL 28, 2025

Regular Meeting of the Stokes County Board of Commissioners

The Board of Commissioners of the County of Stokes, State of North Carolina, met for a Regular Meeting in the Stokes County Administration Building in the Commissioners Chambers located in Danbury, North Carolina on Monday, April 28th, 2025 at 2:00 pm with the following members present:

Board of Commissioners Present: Chairman Keith Wood, Vice-Chairman Wayne Barneycastle, Commissioner Brad Chandler, Commissioner Sonya Cox, and Commissioner Rick Morris.

County Administration Present: County Manager Jeff Sanborn, Assistant County Manager Amber Brown, Clerk to the Board Olivia Jessup, Director of Finance Tammy Keaton, and County Attorney Ty Browder.

CALL TO ORDER

Chairman Wood called the meeting to order.

INVOCATION

Chairman Wood invited those in attendance to join the Board in the Invocation, if desired.

Vice-Chairman Barneycastle delivered the Invocation.

PLEDGE OF ALLEGIANCE

Chairman Wood invited those in attendance to join the Board in the Pledge of Allegiance.

APPROVAL OF AGENDA

Chairman Wood entertained a motion to amend or approve today's agenda.

Commissioner Cox moved to approve the agenda as presented.

Vice-Chairman Barneycastle seconded the motion. The motion Passed.

Public Comments

Chairman Wood opened the floor for public comments at 2:02 pm.

The following individuals signed up to speak in public comments:

Don Jennings
422 King Street
King, NC 27021
RE: Solar Farm Rezoning Request
Jennings spoke in favor of the Solar Farm Rezoning Request.

Chad Jarvis
306 Summit
Walnut Cove, NC 27052
RE: Solar Farm
Jarvis spoke in favor of the solar farm.

Chairman Wood closed the floor for public comments at 2:09 pm.

COMMENTS - Managers/Commissioners

Chairman Wood opened the floor for comments from the manager and commissioners.

Commissioner Chandler commented:

- Welcome, everybody. To those of you in person, and also the people are joining on this stream and YouTube. Beautiful day today. I really don't have much to comment on right now. I'll save a lot of it because I think it relates to some of the discussion agenda that we're going to have here shortly. But it's days like today. I know when I woke up this morning to go feed the animals and take a leisurely walk with my dogs, you really know what it's like to live in the beautiful county of Stokes County, and so it kind of goes into what we'll be talking about a little bit on some stuff, but we got a beautiful county with a lot of great people and excellent culture. And sometimes we may take it for granted, but we really are blessed with us being able to live here in Stokes County, and that's all I got.

Commissioner Morris commented:

- Thank you, Mr. Chairman. I just like to welcome everybody. It's good to see a good crowd here today. We've got interesting topics as usual, so that's all I'll say, so we can get on with our business.

Vice-Chairman Barneycastle commented:

- Again, I just have to reiterate what everybody else said. Great to see everybody. Everybody watching live stream. Lord, bless them. Another beautiful day. So good to see y'all.

Commissioner Cox commented:

- I'd just like to again welcome everybody. Thank you for being here today and those watching online. We do have a packed agenda that we probably need to get to, but I do want to mention, as Wayne mentioned in his prayer that our thoughts and prayers go out to the families of everyone involved in the Eden accident, the ones that are recovering and the ones that have lost a loved one, and our thoughts and prayers are with everyone.

County Manager Jeff Sanborn commented:

- Just one thing I'd like to comment on this for the benefit of the public, we are moving forward in developing our Stokes County Parks and Recreation master plan, and I want everybody to know that we have a couple of key opportunities for folks to come and tell us what you think and what you think is important with regard to the development of that plan and things that we need here in Stokes County. They both occur on Tuesdays. They're successive Tuesdays. The first one is Tuesday at 5:30 going till 7:30 at The Arts Place, that's Tuesday May 13th. And the second one is the following Tuesday, May 20th, at StoCo Provisions in King. It's going to be a drop in style thing. So, if you don't show up at 5:30 that's okay. When you come in, you can tell folks what you what you think and have some interaction with folks about where we're going. So, thanks for that opportunity. Thank you.

Assistant County Manager Amber Brown commented:

- Amber, just thank you all for being here. And I just ask everybody remember the Eddie Anderson family and your thoughts and prayers.

Chairman Wood commented:

- And we'd like to welcome Olivia Jessup, and we're not going to put you on the spot, but you're welcome to say something.

Clerk to the Board Olivia Jessup commented:

- Just very thankful to be here. I'm looking forward to working with everyone. The Board of Commissioners, as well as the public, so thank you.

Chairman Wood commented:

- I like to thank everybody for coming, too. And after the last meeting, let's get to it.

Conflicts Of Interest

Chairman Wood asked if any Board member had a conflict of interest with any of the items of the agenda for tonight or one that could be perceived as a conflict of interest.

No conflicts of interest were stated by the Board.

CONSENT AGENDA

All attachments presented on the Agenda are available in the attachments of the Agenda on the County Website and are available upon request from the Clerk, with the exception of the minutes approved which are located on the County Website under the minutes tab.

Minutes

Tax Office Agenda

Grant Project Ordinance ARPA

Budget Amendment

Chairman Wood entertained a motion to approve the Consent Agenda, which included the below:

- Minutes
- Tax Office Agenda
- Grant Project Ordinance ARPA
- Budget Amendment

Commissioner Chandler moved to approve the Consent Agenda as presented.

Commissioner Morris seconded the motion. The motion Passed.

INFORMATION AGENDA

All attachments presented on the Agenda are available in the attachments of the Agenda on the County Website and are available upon request from the Clerk, with the exception of the minutes approved which are located on the County Website under the minutes tab.

Register of Deeds Quarterly Report

Chairman Wood turned the floor over to Register of Deeds Brandon Hooker to present the Register of Deed Quarterly Report.

Register of Deeds Brandon Hooker presented his report for the 2025 first quarter/third fiscal quarter. Total revenue during this period was $162,741.25, while gross revenue was $99,148.25.

The Board commented on Brandon's reporting and hard work before proceeding to the first item on the Discussion Agenda.

DISCUSSION AGENDA

All attachments presented on the Agenda are available in the attachments of the Agenda on the County Website and are available upon request from the Clerk, with the exception of the minutes approved which are located on the County Website under the minutes tab.

Vehicle Use Policy

Chairman Wood turned the floor over to HR Director Jamie Clark to present an updated Vehicle Use Policy.

At a prior meeting, Commissioner Chandler requested an addition of a Reporting Injuries and Accidents section. HR Director Jamie Clark presented the updated Vehicle Use Policy with this added section as well as an addition under "Use of County Vehicles" where it states "Volunteer fire personnel may be authorized to operate a county ambulance if they have received explicit approval from the on-scene staff managing the situation. This approval must consider the individual's qualifications as well as the operational requirements during the incident."

The Board discussed the needed training and qualifications of driving an ambulance and a need for more specific language. Director Clark was requested to consult with Dr. Nelson and Brandon Gentry about specifics in that area of the policy.

After the discussion, the item was moved to the Discussion Agenda for the next meeting.

Solar Farm Rezoning Request

Chairman Wood turned the floor over to Planning and Zoning Director Eric Nance to present the Solar Farm Rezoning Request.

At the last Board of Commissioners Meeting, this rezoning request for a solar farm was presented for review and consideration. The Board moved this item back to the agenda for today's meeting for further discussion. After the last meeting, potential conditions were proposed to Duke Energy by the County to include as part of the conditional zoning consideration. These potential conditions for zoning that have been reviewed and agreed upon by the County, Duke Energy, and the County Attorney's Office.

The Board discussed various aspects of the Solar Farm Rezoning Request, such as whether or not the request was in line with the Stokes County 2035 plan, if it was in the interest of the

public who had contacted the commissioners, and changes it could make to the beautification of the county. Jimmy Flythe from Duke Energy answered some of the Board's questions. David Couch, owner of the land, also addressed the Board.

After this discussion, the item was moved to the Action Agenda for today's meeting.

SCOPE Program Budget and Resolution Amendment

Chairman Wood turned the floor over to Health Director Tammy Martin to present the SCOPE Program Budget and Resolutions Amendment.

The Stokes County Health Department requested an extension for two different strategies as part of the Opioid Resolution Amendment. It also included a recommendation from the Health Department for a new Peer Support Specialist position under a one-year contract. The Board of Health reviewed and approved both the extensions and the creation of the new position.

After some discussion, the Board moved this item to the Action Agenda for the next meeting.

Moratock Park Hours and Bridge Replacement Project

Chairman Wood turned the floor over to Public Works Director Stewart Easter to present the Moratock Park Hours and Bridge Replacement Project.

Director Easter presented the request to close of the upper side of Moratock Park for the upcoming park season and for the foreseeable future until the project is complete. This will be for the safety of Stokes County residents and employees. The recommendation is to close the side of the park to the left after passing over the bridge and restrict access to the bank area and water near and under the bridge. The lower side of the park where the Iron Furnace is located at, is recommended to be left open for public use.

After some discussion, the Board gave consensus to approve the request for now. The official closure will not happen until the DOT is ready to begin the project. The item may be revisited in the future if necessary.

Wellhead Protection Plan for Danbury Water System

Chairman Wood turned the floor over to Public Works Director Stewart Easter to present the Wellhead Protection Plan for Danbury Water System.

Public Works Director Stewart Easter presented a wellhead protection plan for the Danbury Public Water System that was drafted by the NC Rural Water Association. This plan identifies hazards within the wellhead protection area and is a guide based off of State findings. The Wellhead Protection Plan falls under the County because it's a county-owned water system, but the Town of Danbury will enforce their setbacks within the map area because it falls within the ETJ.

This plan has already been presented to the Danbury Town Council, and they continue to consider the request as they eagerly await a decision by the Stokes County Board of Commissioners.

With no discussion, the item was moved to the Action Agenda for today's meeting.

Green Box Sticker Program

Chairman Wood turned the floor over to Public Works Director Stewart Easter to present the Green Box Sticker Program.

Public Works Director Stewart Easter engaged the Board in discussion on the green box sticker program The program was initially discussed due to the number of out-of-county citizens utilizing Stokes County's dump sites had increased. Due to the increase in tonnage and site counts, Public Works still believe the measure needs to be implemented to limit nonresidents from using Stokes County facilities.

After some discussion, the item was moved to the Action Agenda for today's meeting.

TAC Commissioner Appointment

Chairman Wood turned the floor over to Assistant County Manager Amber Brown to present the TAC Commissioner Appointment.

Commissioner Morris currently serves on the TAC for the Rural Planning Organization (RPO) and the Metro Planning Organization (MPO) for the PTRC. Commissioner Chandler has expressed interest in both of these committees and would like to take over this role for Stokes County. Commissioner Morris has agreed to let Commissioner Chandler take his place. The Board needs to approve this appointment in order to move forward with the change.

With no discussion, the item was moved to the Action Agenda for today's meeting.

Stokes Aging Planning Committee Appointment

Chairman Wood turned the floor over to Clerk to the Board Olivia Jessup to present the Stokes County Aging Planning Committee Appointment.

Tanya Gardner submitted an appointment application for the Stokes Aging Planning Committee. There are currently vacant seats on this committee.

Commissioner Cox made a motion to nominate Tanya Gardner for the Stokes Aging Planning Committee. The Board unanimously agreed.

The item was moved to the Action Agenda for the next meeting.

ACTION AGENDA

All attachments presented on the Agenda are available in the attachments of the Agenda on the County Website and are available upon request from the Clerk, with the exception of the minutes approved which are located on the County Website under the minutes tab.

Solar Farm Rezoning Request

Chairman Wood entertained a motion to approve or deny the item as presented.

Commissioner Cox moved to disapprove rezoning request #24-1163 submitted by Duke Energy Carolinas, LLC, DFC Stokes, LLC, and DFC Stokes 2, LLC to rezone 667+/- acres from RA (Residential Agricultural) zoning district and m1 (Light Manufacturing Zoning District) to M1-CZ (Light Manufacturing Conditional Zoning) for a large-scale solar farm. This request is not reasonable and in the public interes of Stokes County Citizens because it uses agriculturally based uses, takes away from the natural beauty of Stokes County and is not consistent with the Stokes County 2035 plan pertaining to land use.

Vice-Chairman Barneycastle seconded the motion. The motion Passed.

Wellhead Protection Plan for Danbury Water System

Chairman Wood entertained a motion to approve the item as presented.

Vice-Chairman Barneycastle moved to approve the Wellhead Protection Plan for Danbury Water System.

Commissioner Cox seconded the motion. The motion Passed.

Green Box Sticker Program

Chairman Wood entertained a motion to approve the item as presented.

Commissioner Cox moved to approve the Green Box Sticker Program.

Commissioner Chandler seconded the motion. The motion Passed.

TAC Commissioner Appointment

Chairman Wood entertained a motion to approve the item as presented.

Vice-Chairman Barneycastle moved to approve the TAC Appointment.

Commissioner Cox seconded the motion. The motion Passed.

Adjournment

Chairman Wood entertained a motion to adjourn.

Commissioner Chandler moved to adjourn at 4:18 pm.

Vice-Chairman Barneycastle seconded. The motion Passed.

Olivia Jessup
Clerk to the Board

Keith Wood
Chair

Exhibit 37

FILED
DATE: June 10, 2026
TIME: 3:40:16 PM
STOKES COUNTY
CLERK OF SUPERIOR COURT
BY: Z. Fox

STATE OF NORTH CAROLINA

STOKES COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
25CVS000464-840

DFC STOKES, LLC, and DFC STOKES 2, LLC

Plaintiffs,

v.

STOKES COUNTY,

Defendant.

ORDER GRANTING STAY OF PROCEEDINGS PENDING RESOLUTION OF OTHER CLAIMS

THIS MATTER coming before the Court upon the Joint Motion to Stay Proceedings filed by Plaintiffs DFC Stokes, LLC and DFC Stokes 2, LLC ("DFC") and Defendant Stokes County ("County"), pursuant to N.C.R. Civ. P. 7(b), and the Court having reviewed the motion and finding good cause shown, in that DFC is in the process of resubmitting a rezoning and text amendment application that, if approved, may render this action moot, and both parties agree that a stay will avoid unnecessary time and costs and prevent conflicting decisions that would complicate future proceedings.

IT IS HEREBY ORDERED that all proceedings in this matter are stayed pending the outcome of the resubmitted rezoning and text amendment applications. Either party may move to lift this stay upon resolution of the aforementioned applications or upon a showing of good cause.

6/10/2026 11:00:55 AM

6/10/2026

This the ____ day of _____, 2026.

Angela B. Puckett

Superior Court Judge Presiding

Exhibit 38

From: Perplexity Computer <team@mail.perplexity.ai>
Sent: Wednesday, July 01, 2026 3:23 PM EDT
To: bryanmiller@co.stokes.nc.us <bryanmiller@co.stokes.nc.us>
Subject: Your task is complete: North Carolina Data Center Regulations

Your Computer task is complete.

Task name:
North Carolina Data Center Regulations

View task

Manage your notification preferences here.

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Unsubscribe | Privacy Policy | Terms and conditions

From: Perplexity Computer <team@mail.perplexity.ai>
Sent: Tuesday, August 04, 2026 12:28 PM EDT
To: bryanmiller@co.stokes.nc.us <bryanmiller@co.stokes.nc.us>
Subject: Your task is complete: Map of FEMA Floodplain and Project Delta

Your Computer task is complete.

Task name:
Map of FEMA Floodplain and Project Delta

View task

Manage your notification preferences here.

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From: Perplexity Computer <team@mail.perplexity.ai>
Sent: Monday, August 10, 2026 1:02 PM EDT
To: bryanmiller@co.stokes.nc.us <bryanmiller@co.stokes.nc.us>
Subject: Your task is complete: Noise Levels Near Data Center and Turbines

Your Computer task is complete.

Task name:
Noise Levels Near Data Center and Turbines

View task

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From: Perplexity Computer <team@mail.perplexity.ai>
Sent: Wednesday, August 26, 2026 2:30 PM EDT
To: bryanmiller@co.stokes.nc.us <bryanmiller@co.stokes.nc.us>
Subject: Your task is complete: Project Delta Legal and Financial Analysis

Your Computer task is complete.

Task name:
Project Delta Legal and Financial Analysis

View task

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From: Perplexity Computer <team@mail.perplexity.ai>
Sent: Wednesday, September 02, 2026 11:54 AM EDT
To: bryanmiller@co.stokes.nc.us <bryanmiller@co.stokes.nc.us>
Subject: Your task is complete: Project Delta Legal and Financial Analysis

Your Computer task is complete.

Task name:
Project Delta Legal and Financial Analysis

View task

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From: Perplexity Computer <team@mail.perplexity.ai>
Sent: Tuesday, September 08, 2026 1:34 PM EDT
To: bryanmiller@co.stokes.nc.us <bryanmiller@co.stokes.nc.us>
Subject: Your task is complete: Project Delta Legal and Financial Analysis

Your Computer task is complete.

Task name:
Project Delta Legal and Financial Analysis

View task

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From: Perplexity Computer <team@mail.perplexity.ai>
Sent: Wednesday, September 02, 2026 9:00 AM EDT
To: bryanmiller@co.stokes.nc.us <bryanmiller@co.stokes.nc.us>
Subject: Your task is complete: Project Delta Staff Report Response

Your Computer task is complete.

Task name:
Project Delta Staff Report Response

View task

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From: Perplexity Computer <team@mail.perplexity.ai>
Sent: Tuesday, September 08, 2026 1:56 PM EDT
To: bryanmiller@co.stokes.nc.us <bryanmiller@co.stokes.nc.us>
Subject: Your task is complete: Project Delta Staff Report Response

Your Computer task is complete.

Task name:
Project Delta Staff Report Response

View task

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From: Perplexity Computer <team@mail.perplexity.ai>
Sent: Thursday, September 10, 2026 10:41 AM EDT
To: bryanmiller@co.stokes.nc.us <bryanmiller@co.stokes.nc.us>
Subject: Your task is complete: PROJECT DELTA FINAL

Your Computer task is complete.

Task name:
PROJECT DELTA FINAL

View task

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From: Perplexity Computer <team@mail.perplexity.ai>
Sent: Friday, September 11, 2026 10:43 AM EDT
To: bryanmiller@co.stokes.nc.us <bryanmiller@co.stokes.nc.us>
Subject: Your task is complete: PROJECT DELTA FINAL

Your Computer task is complete.

Task name:
PROJECT DELTA FINAL

View task

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Exhibit 39

From: Bryan S. Miller <bryanmiller@co.stokes.nc.us>
Sent: Tuesday, July 07, 2026 4:35 PM EDT
To: Bryan S. Miller <bryanmiller@co.stokes.nc.us>
CC: Olivia Jessup <ojessup@co.stokes.nc.us>
Subject: UPDATED DATA CENTER ENVIRONMENTAL STANDARDS
Attachment(s): "Stokes_County_DataCenter_Environmental_Standards_Report (01).pdf"

Board Members,

I would like to provide background and context regarding the continued updates to this report. Data center development is advancing at a rapid pace, as you are aware, and counties across North Carolina are actively working to address this growth—similar to our efforts, though not always using the same approaches. As a result, regulatory frameworks are evolving quickly, with new ordinances, moratoria, and technical standards being adopted frequently. This pace of change necessitates ongoing updates to ensure that the information presented, including jurisdictional statuses and regulatory measures, remains accurate and relevant.

The initial version of this report, distributed on July 3, contained errors and outdated information that were identified shortly after circulation. Once the correct information was clarified, I promptly updated the report and resubmitted it to the Board and for posting on the website. The timeline for preparing these materials was extremely tight, with the site visit occurring on June 30 and the Planning Board's submission deadline immediately following.

Given the dynamic nature of data center development and the regulatory landscape surrounding it, additional updates have emerged since the most recent version of the report was distributed. In advance of your meeting this Thursday at 6:00 p.m., I will continue to revise and update the document as new information, guidance, best practices, and county-level regulations become available.

Best Regards,

BRYAN S. MILLER
Assistant County Manager
Phone (336) 593-2448
Cellular (336) 514-3806
Mail PO Box 20 | Danbury, NC 27016
e-mail BryanMiller@co.Stokes.NC.US

Mission: Protect, promote and enhance quality of life for Stokes County residents and visitors.
Values: Service, Initiative, Teamwork, Improvement.
Pursuant to North Carolina General Statutes, Chapter 132, et.seq., this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to requests for review.

Exhibit 40

From: Bryan S. Miller <bryanmiller@co.stokes.nc.us>
Sent: Tuesday, July 07, 2026 4:08 PM EDT
To: Bryan S. Miller <bryanmiller@co.stokes.nc.us>

Here's a stronger, more polished version that reads like an executive-level clarification—measured, factual, and grounded in the realities of fast-moving data center regulation work. I've expanded it so you have options depending on how much context you want to provide.

Executive-caliber version (concise)

I can certainly refine this into something more polished:

"Yes, I'm aware there were errors in the initial draft. As soon as the correct information was clarified, I updated the report. The timeline was extremely tight—our site visit to the data center was on June 30, and the Planning Board's deadline for materials followed immediately after. That's why I came in on Friday, July 3, even though it was the observed July 4 holiday, to ensure the Board had the most accurate and complete information possible.Data center development—and the regulatory landscape around it—is evolving at a rapid pace across North Carolina. New ordinances, moratoria, and technical standards are being adopted almost monthly. It's very likely that additional information has become available since the last version of the report circulated, and I will continue updating the document as new guidance, best practices, and county-level regulations emerge."

Expanded version (more context, more defensible)

If you want something with more narrative and justification:

"I recognize there were errors in the early version of the report, and I corrected them immediately once the underlying information was clarified. The circumstances were unusually compressed: the Planning Board requested a data center site visit, which occurred on June 30, and the deadline for the regulatory summary followed almost immediately afterward.To meet that deadline and ensure the Board had the most accurate information available, I came in on Friday, July 3—the observed July 4 holiday—to finalize the report.It's important to note that data center development in North Carolina is moving extraordinarily fast. Counties are adopting new ordinances, conditional-use standards, and infrastructure requirements at a pace we haven't seen in other land-use categories. Because of that, the regulatory landscape is constantly shifting. It is entirely possible that new information exists today that was not available when the last version of the report was prepared. I will continue to update the document as additional county actions, best practices, and statewide trends emerge."

Even more robust (if you want to emphasize diligence + complexity)

This version leans into the complexity of the work and your responsiveness:

"I'm aware the initial draft contained errors, and I corrected them as soon as the underlying information was clarified. The timeline was unusually tight: the Planning Board requested a data center site visit, which took place on June 30, and the deadline for the regulatory report followed immediately afterward. To ensure the Board had the most accurate and complete information, I came in on Friday, July 3—the observed July 4 holiday—to finish the revisions.Data center regulation in North Carolina is evolving at a pace that is frankly unprecedented. Counties are implementing moratoria, adopting new zoning definitions, revising infrastructure requirements, and updating noise, water, and electrical standards in real time. Guidance that is accurate one week can be outdated the next.Given how quickly these regulations are developing, it is very likely that new information is available now that was not yet published or finalized when the last version of the report circulated. I will continue to update the document as additional county actions, regulatory models, and statewide trends emerge."

If you want, I can also produce:

• A short version suitable for a meeting

• A formal written statement for documentation

• A talking-points version for live discussion

• A version tailored to a specific audience (Planning Board, Commissioners, Manager, public inquiry)

Which direction would you like next—concise talking points, a formal written statement, or a version tailored to a specific audience?

GetOutlook for iOS

Mission: Protect, promote and enhance quality of life for Stokes County residents and visitors.
Values: Service, Initiative, Teamwork, Improvement.

Pursuant to North Carolina General Statutes, Chapter 132, et.seq., this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to requests for review.

Exhibit 41

RULES OF PROCEDURE

I. Applicability

Rule 1. Applicability of Rules. These rules apply to all meetings of the Board of Commissioners of Stokes County at which the board is empowered to exercise any of the executive, quasi-judicial, administrative, or legislative powers conferred on it by law.

II. Open Meetings

Rule 2. Meetings to Be Open.

a. It is the public policy of North Carolina and of Stokes County that the hearings, deliberations, and actions of this board and its committees be conducted openly.

b. Except as otherwise provided in these rules and in accordance with applicable law, each official meeting of the Stokes County Board of Commissioners shall be open to the public and any person is entitled to attend such a meeting.

c. For the purposes of the provisions of these rules concerning open meetings, an official meeting of the board is defined as any gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of board members for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting public business within the jurisdiction, real or apparent, of the board.

Rule 3. Closed Sessions.

a. Notwithstanding the provisions of Rule 2, the board may hold a closed session and exclude the public under the following circumstances and no others:

    1. To prevent the disclosure of information that is privileged or confidential pursuant to the law of this state or of the United States, or is not considered a public record within the meaning of Chapter 132 of the General Statutes.

    2. To consult with the county attorney or another attorney employed or retained by the county in order to preserve the attorney-client privilege.

    3. To discuss matters relating to the location or expansion of industries or other businesses in the county.

    4. To consider and take action with respect to the position to be taken by the county in negotiating the price or other material terms of an agreement for the acquisition or lease of real property.

5. To consider and take action with respect to the position to be taken by the county in negotiating the amount of compensation or other material terms of an employment contract.

6. To consider the initial employment or appointment of an individual to any office or position, other than a vacancy in the board of county commissioners or any other public body, and to consider the qualifications, competence, performance, character, and fitness of any public officer or employee, other than a member of the board of commissioners or of some other public body.

7. To hear or investigate a charge or complaint by or against an individual public officer or employee.

8. To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.

b. The board may go into closed session only upon motion made and adopted at an open meeting. A motion to go into closed session must cite one or more of the permissible purposes listed in subsection (a) of this rule. In addition, a motion to go into closed session pursuant to Rule 3(a)(1) must state the name or citation of the law that renders the information to be discussed privileged or confidential, and a motion to go into closed session pursuant to Rule 3(a)(2) must identify the parties in each existing lawsuit, if any, concerning which the board expects to receive advice during the closed session.

c. Unless the motion to go into closed session provides otherwise, the county manager, county attorney, and clerk to the board may attend the closed session. No other person may attend the closed session unless specifically invited by majority vote of the board.

III. Organization of the Board

Rule 4. Organizational Meeting.

a. **Even-numbered Years.** The board shall hold an organizational meeting at its regular meeting place at a time determined and advertised by the board on the first Monday in December of each even numbered year. The agenda for this organizational meeting shall be limited to induction of newly elected members of the board of county commissioners and other elected county officials and organization of the board for the ensuing year. [The organizational meeting shall be convened and concluded before the regular December meeting is convened.] The clerk to the board of commissioners shall call the meeting to order and shall preside until a chair is elected. As the second order, the board shall elect a chair and vice-chair from among its members. As the third and fourth order, the board may appoint a clerk and an attorney.

b. **Odd-numbered Years.** At the first regular meeting in December of each odd-numbered year, the first order of business shall be approval of the minutes of the previous meeting. The second order of business shall be election of the chair and vice-chair for the ensuing year. The third and fourth orders of business may be appointment of the clerk and county attorney.

Rule 5. Election of the Chair. The chair of the board shall be elected annually for a term of one year and shall not be removed from the office of chair unless he or she becomes disqualified to serve as a member of the board.

IV. Regular and Special Meetings

Rule 6. Regular and Special Meetings.

a. **Regular Meetings.** The board shall hold a regular meeting on the second Monday (6:00 pm) and fourth Monday (2:00 pm) of each month. If a regular meeting day is a holiday on which county offices are closed, the meeting shall be held on the next business day or such succeeding day as may be specified in the motion adjourning the immediately preceding regular meeting. Regular meetings shall be held in the Commissioners' Chambers of the Government Center.

b. **Special Meetings.** The chair or a majority of the members of the board may at any time call a special meeting of the board by signing a notice stating the time and place of the meeting and the subjects to be considered. The person or persons who call the meeting shall cause the notice to be posted on the door of the regular meeting place and delivered to the chair and all other board members at least 48 hours before the meeting. In addition, the notice shall be emailed or delivered to individual persons and news media organizations that have requested such notice as provided in subsection (d), below. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or those who are not present have signed a written waiver.

c. **Emergency Meetings.** If a special meeting is called to deal with an unexpected circumstance that requires immediate consideration by the board, the notice requirements of this rule do not apply. However, the person or persons who call an emergency meeting shall take reasonable action to inform the other members and the public of the

meeting. Local news organizations that have requested notice of special meetings as provided in subsection (d), below, shall be notified of such emergency meetings by the same method used to notify board members. Only business connected with the emergency may be discussed at the meeting.

d. **Sunshine List.** Any individual person and any newspaper, wire service, radio station, and television station may file with the clerk to the board of commissioners a written request for notice of all special meetings of the board. Requests by individuals must be renewed on or before the last day of each calendar quarter and are subject to a $10.00 nonrefundable annual fee. Requests made by news media organizations must be renewed annually on or before December 1st and are not subject to any fee.

e. **Work Sessions and Committee Meetings.** The board may schedule work sessions, committee meetings, or other informal meetings of the board or a majority of the members of the board at such times and with respect to such subject matter as may be established by resolution or order of the board. A schedule of any such meetings that are held on a regular basis shall be filed in the same place and manner as the schedule of regular meetings. Work sessions and other informal official meetings not held on a regular schedule are subject to the same notice requirements as special board meetings.

Rule 7. All Meetings within the County. All meetings shall be held within the boundaries of Stokes County except as otherwise provided herein.

1. A joint meeting with the governing board of any other political subdivision of this state or any other state may be held within the boundaries of either subdivision as may be stated in the call of the meeting. At any such joint meeting, this board reserves the right to vote separately on all matters coming before the joint meeting.

2. A special meeting called for the purpose of considering and acting upon any order or resolution requesting members of the General Assembly representing all or any portion of this county to support or oppose any bill pending in the General Assembly or proposed for introduction therein may be held in Raleigh or such other place as may be stated in the call of the meeting.

3. The Board of Commissioners will conduct its regular meetings in the Commissioners' Chambers at the Administrative Building in Danbury.

Rule 8. Broadcasting and Recording Meetings.

a. Except as provided in this rule, any radio or television station is entitled to broadcast all or any part of an official meeting of the board that is required to be open to the public. Any person may photograph, film tape-record, or otherwise reproduce any part of a meeting required to be open.

b. Any radio or television station wishing to broadcast any portion of an official meeting of the board shall so notify the county manager no later than 24 hours before the meeting. If the number of requests or the quantity and size of the necessary equipment is such that the meeting cannot be accommodated in the designated meeting room and no suitable alternative site in the county office building is available, the county manager may require the news media either to pool equipment and personnel or to secure and pay the costs of an alternative meeting site that is mutually agreeable to the board and the media representatives.

c. All open portions of Board of Commissioners meetings will be livestreamed and archived.

d. All Closed Session portions of Board of Commissioners meetings will be audio recorded. The Clerk to the Board shall use recordings to generate detailed minutes and general accounts of the meetings. Once these documents are officially approved by the Board, recordings will be destroyed accordingly.

V. Agenda

Rule 9. Agenda

a. The chairman and clerk to the board shall prepare the agenda for each regular, special, and emergency meeting. A request to have an item of business placed on the agenda for a regular meeting must be received at least 48 hours before the meeting. Any board member may, by a timely request, have an item placed on the agenda.

b. The agenda packet shall include the agenda document, any proposed ordinances or amendments to ordinances, and supporting documentation and background information relevant to items on the agenda. A copy of the agenda packet shall be delivered electronically to each member of the board no later than 48 hours prior to the Monday meeting. Documents in the agenda packet, if not previously available for public inspection, shall become so when packets have been delivered to each board member. The proposed agenda shall be posted on the county web site at least 48 hours before the meeting.

c. The board may, by majority vote, add an item that is not on the agenda or remove an item from the agenda. Any item added to the agenda or removed from the agenda must be added or removed at the time of the adoption of the agenda, any item brought up after that time will be

ruled out of order by the Chairman, action items added to the agenda at the time of the meeting cannot be acted on at the meeting unless the Board by majority vote agrees to take action.

Rule 10. Informal Public Comments. Before each regular bimonthly meeting of the Board the Clerk shall post a sign-up sheet at the entrance of the meeting room for speakers in the Public Comments section of the meeting. The sign-up sheet shall list the following rules for public comments: There will be a total time of 30 minutes allotted for public comments at each regular meeting. Each speaker shall be allowed 4 minutes for public comments with the option to yield time to another speaker or add an optional minute depending on the number of speakers that have signed up while abiding by the 30-minute total time limit. All speakers shall maintain good decorum and show respect and good manners. Vulgar language, profanity, inappropriate gestures, insults, personal attacks, and inflammatory language is prohibited. The Chairman of the Board shall enforce these rules, and anyone not complying with these rules shall not be allowed to continue. At their discretion members of the BOCC may address items from the public comments portion of the meeting during the Commissioner comment period *

*Added by the Board of Commissioners at the February 11, 2013 meeting and amended on April 26, 2021 and September 12, 2022.

Rule 11. Order of Business. At regular meetings, the board shall proceed to business in the following order:

1. Approval of the Agenda
2. Scheduled Public Hearings
3. Public Comments
4. Comments – Manager/Commissioners
5. Consent Agenda
6. Information Agenda
7. Discussion Agenda*
8. Action Agenda
9. Closed session (if necessary)

Without objection, the chair may call items in any order most convenient for the dispatch of business.

*Items of a Time Sensitive Nature on the Discussion Agenda May Be Moved to the Action Agenda Upon Approval of the Board

VI. Conduct of Debate

Rule 12. Powers of the Chair. The chair shall preside at all meetings of the board. A member must be recognized by the chair in order to address the board. The chair shall have the following powers:

1. To rule on points of parliamentary procedure, including the right to rule out of order any motion patently offered for obstructive or dilatory purposes;

2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;

3. To call a brief recess at any time;

4. To adjourn in an emergency.

Rule 13. Action by the Board. On actions items, the Board shall proceed by motion with discussion to follow. Any member including the chair, may make a motion. A motion does not require a second.

Rule 14. One Motion at a Time. A member may make only one motion at a time.

Rule 15. Substantive Motion. A substantive motion is out of order while another substantive motion is pending.

Rule 16. Adoption by Majority Vote. A motion shall be adopted if approved by a majority of the votes cast, a quorum being present, unless these rules or the laws of North Carolina require an extraordinary majority. In the case of a vote that is not unanimous the names of the voters will be clearly indicated in the minutes of yes and no votes.

Rule 17. Debate. The chair shall state the motion and then open the floor to debate, presiding over the debate according to these general principles:

1. The member making the motion or introducing the ordinance, resolution, or order is entitled to speak first.

2. A member who has not spoken on the issue shall be recognized before someone who has already spoken.

3. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

Rule 18. Procedural Motions.

a. In addition to substantive proposals, the procedural motions listed in subsection (b) of this rule, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

b. In order of priority, the procedural motions are:

1. *To Adjourn.* The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter.

2. *To Take a Recess.*

3. *To Call to Follow the Agenda.* The motion must be made at the first reasonable opportunity or it is waived.

4. *To Suspend the Rules.* The motion requires a vote equal to a quorum.

5. *To Divide a Complex Motion and Consider It by Paragraph.*

6. *To Defer Consideration.* A substantive motion whose consideration has been deferred expires one hundred days thereafter, unless a motion to revive consideration is adopted.

7. *To Call the Previous Question.* The motion is not in order until there have been at least 5 minutes of debate and every member has had one opportunity to speak.

8. *To Postpone to a Certain Time or Day.*

9. *To Refer to Committee.* Sixty days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire board, regardless of whether the committee has reported the matter back to the board.

10. *To Amend.* An amendment to a motion must be germane to the subject of the motion, but it may not achieve the opposite effect of the motion. There may be an amendment to the motion and an amendment to an amendment, but no further amendments. Any amendment to a proposed ordinance shall be reduced to writing.

11. *To Revive Consideration.* The motion is in order at any time within one hundred days of a vote deferring consideration of it. A substantive motion on which consideration has been deferred expires one hundred days after the deferral, unless a motion to revive consideration is adopted.

12. *To Reconsider.* The motion must be made at the same meeting at which the original vote was taken, and by a member who voted with the prevailing side. The motion cannot interrupt deliberation on a pending matter but is in order at any time before adjournments.

13. *To Prevent Reconsideration for Six Months.* The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires a vote equal to a quorum and is valid for six months or until the next regular election of county commissioners, whichever occurs first.

Rule 19. Renewal of Motion. A defeated motion may not be renewed at the same meeting.

Rule 20. Withdrawal of Motion. The introducer may withdraw a motion at any time before the chair puts the motion to a vote.

Rule 21. Duty to Vote. It is the duty of each member to vote unless excused by a majority vote according to law. The board may excuse members from voting on matters involving their own financial interest or official conduct. A member who wishes to be excused from voting shall so inform the chair, who shall take a vote of the remaining members. A member, who fails to vote, not having been excused, shall be recorded as voting in the affirmative. Members voting in favor of the motion say “aye” and those opposed to the motion to say “no”.

Rule 22. Prohibition of Secret Voting. No vote may be taken by secret ballot. If the board decides to vote by written ballot, each member shall sign his or her ballot and the minutes shall record the vote of each member. These ballots shall be retained and made available for public inspection until the minutes of that meeting have been approved, at which time they may be destroyed.

Rule 23. Action by Reference. The board shall not deliberate, vote, or otherwise act on any matter by reference to an agenda or document number unless copies of the agenda or documents being referenced are available for public inspection at the meeting and are so worded that people at the meeting can understand what is being discussed or acted on.

Rule 24. Introduction of Ordinances, Resolutions, and Orders. A proposed ordinance shall be deemed introduced at the first meeting at which it is on the agenda, regardless of whether it is actually considered by the board, and its introduction shall be recorded in the minutes.

Rule 25. Adoption, Amendment, or Repel of Ordinances. To be adopted at the meeting where first introduced, an ordinance or any action with the effect of an ordinance, or any ordinance amending or repealing an existing ordinance (except the budget ordinance, a bond order, or another ordinance requiring a public hearing before adoption) must be approved by all members of the board of commissioners. If the proposed measure is approved by a majority of those voting but not by all the members of the board, or if the measure is not voted on at the meeting where introduced, it shall be considered at the next regular meeting of the board. If the proposal receives a majority of the votes cast at the next meeting or within one hundred days of being introduced, it is adopted.

Rule 26. Quorum. A majority of the board membership shall constitute a quorum. The number required for a quorum is not affected by vacancies. If a member has withdrawn from a meeting without being excused by majority vote of the remaining members present, he or she shall be counted as present for the purposes of determining whether a quorum is present. The board may compel the attendance of an absent member by ordering the sheriff to take the member into custody.

Rule 27. Public Hearings. Public hearings required by law or deemed advisable by the board shall be organized by a special order, adopted by a majority vote, setting forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted to each speaker and designating representatives to speak for large groups. At the appointed time, the chair shall call the hearing to order and preside over it. When the allotted time expires, the chair shall declare the hearing ended and the board shall resume the regular order of business.

Rule 28. Quorum at Public Hearings. A quorum of the board shall be required at all public hearings required by law.

Rule 29. Minutes. Minutes shall be kept of all board meetings.

Rule 30. Appointments. The board shall use the following procedure to make appointments to fill vacancies in other boards and public offices over which the board has power of appointment.

No appointment shall be made until the meeting following the meeting at which the opening has been announced.

The chair shall open the floor to nominations, where upon the members shall put forward and debate names of possible appointees. When debate ends, the chair shall call the roll of the members, and each member shall vote. The votes shall not be tallied until each member has voted.

Each vote shall be decided by a majority of the valid ballots cast. It is the duty of each member to vote for as many appointees as there are appointments to be made, but failure to do so does not invalidate that member's ballot.

Rule 31. Reference to *Robert's Rules of Order.* To the extent not provided for in, and not conflicting with the spirit of, these rules, the chair shall refer to *Robert's Rules of Order* to resolve procedural questions.

Rule 32. Remote Participation by Board Members. In the event a member of the board is unable to participate in a meeting of the board in-person due to circumstances beyond their control said member (hereinafter "remote member") shall be allowed to participate in said meeting by means of technology that allows all persons participating in the meeting to hear each other at the same time ("simultaneous communication" technology). In such cases, the following procedures shall apply:

a. The method of simultaneous communication must allow the remote member to: (1) hear what is said by the other members of the board, (2) hear what is said by any individual addressing the board, and (3) be heard by the other members of the board and, when in open session, by the public.

b. If the method of simultaneous communication does not allow for the remote member to be physically seen, the remote member shall not participate in any closed session and the remote member must identify himself or herself when: (1) roll is taken or when the meeting commences; (2) prior to participating in the deliberations, making motions, proposing amendments, and raising points of order; and (3) prior to voting.

c. A remote member shall be counted for purposes of establishing a quorum as long as the chosen method of simultaneous communication is connected and active. If the remote member loses connection to the meeting and that connection is not promptly restored, that member shall no longer count towards quorum.

d. A remote member shall be allowed to vote and may cast the deciding vote on a matter pending before the board. If the remote member loses connection to the meeting and that connection is not promptly restored, the remote member will be excused from the vote.

e. The minutes of any meeting at which a member participates remotely shall reflect which members were participating remotely and shall reflect the times such members joined or left the meeting.

f. All documents considered by the board shall be provided to the remote member.

g. All votes shall be by roll call.

h. All chats, instant messages, texts, or other written communications between the board members and the remote member regarding the transaction of public business are deemed a public record.

i. Remote participation in any quasi-judicial functions of the board (e.g. personnel proceedings and conditional or special use permit and variance proceedings) is not permitted.

Adopted by the Stokes County Board of County Commissioners December 12, 2002 with new time and date of meetings to be effective January 1, 2003.

Amended by the Board of County Commissioners on August 8, 2016, April 26, 2021, September 12, 2022, September 26, 2022, and November 12, 2022.