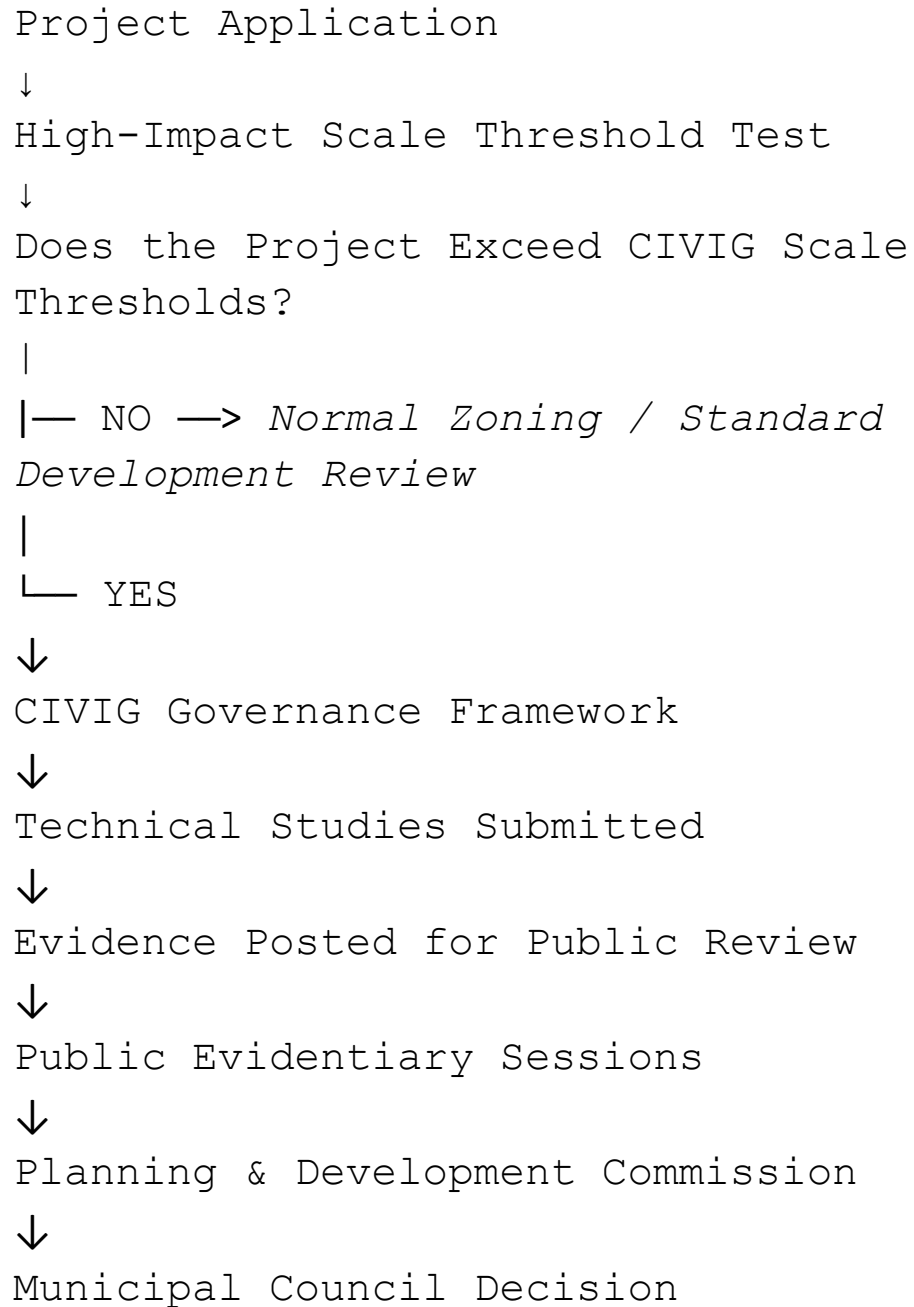


## Diagram 1: The CIVIG Governance Sequence



Given these goals and through this process structure, CIVIG separates **infrastructure evaluation** from **political approval** – allowing each stage of the process to operate more clearly and

more effectively by reducing usual tensions through transparency, increased public involvement, and CIVIG's implicit consensus building.

### **How CIVIG Differs from Traditional Zoning**

The framework activates only when projects exceed defined **high-impact thresholds**, ensuring that ordinary development proposals continue through normal review processes.

Significantly, CIVIG also evaluates cumulative or phased development activity to ensure that multiple smaller proposals cannot collectively exceed infrastructure thresholds without triggering review.

When CIVIG is triggered, technical studies must be completed and publicly available before hearings occur, evidentiary sessions are scheduled to allow structured public examination of the evidence, and expanded notice requirements ensure broader participation in the review process.

Together these features are intended to move the most complex technical questions to the beginning of the decision process rather than leaving them unresolved until final hearings.

### **What CIVIG Achieves**

When implemented thoughtfully, a governance framework like CIVIG offers several practical

benefits for both communities and responsible project developers.

#### **Better-informed decisions**

Major infrastructure proposals often involve complex technical questions regarding electrical demand, water consumption, construction impacts, housing pressures, and long-term infrastructure capacity.

CIVIG ensures these issues are examined in an organized, transparent way **before final political decisions are made.**

#### **Improved public transparency**

By placing technical studies, modeling assumptions, and infrastructure analysis into a structured public review process, CIVIG allows residents, staff, and elected officials to examine the same information at the same time.

This reduces confusion, speculation, and last-minute surprises.

#### **Protection for responsible developers**

A clear evaluation process can benefit developers as well.

When expectations are defined in advance, applicants know what information must be provided and what standards will guide decision making.

That predictability can reduce uncertainty and improve long-term planning.

#### **Balanced integration among growth, infrastructure, resources, and quality of life**

Cities regularly face difficult trade-offs among economic opportunity, infrastructure capacity, available resources, and the everyday quality-of-life experience of residents.

CIVIG does not eliminate those trade-offs – but it helps ensure that infrastructure realities and community impacts are understood before long-term commitments are made.

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### **Common Concerns — and Practical Responses**

Like any governance reform, CIVIG raises reasonable questions.

#### **“Would CIVIG apply to every development application?”**

No.

CIVIG activates only when a project exceeds defined **high-impact scale thresholds**. Most development proposals would continue through the city’s **standard zoning and project review processes**. CIVIG is designed specifically for projects whose infrastructure requirements or community impacts potentially operate at citywide scale.

#### **“Won’t this slow down development?”**

Not necessarily.

CIVIG “front-loads” much of high-impact project technical evaluation **earlier in the process**, before formal approval hearings begin.

In many cases, this streamlines later

deliberations by resolving major questions in advance.

**“Does this create unnecessary bureaucracy?”**

CIVIG does not create new regulatory layers. Instead, it organizes information that already must be evaluated when projects reach this scale.

The difference is that the evaluation occurs **in a structured, transparent sequence rather than in fragmented discussions.**

**“Could it discourage investment?”**

It could *improve* investment. Responsible investors generally prefer clarity, structure, and stability in local governance and politics.

Projects involving billions of dollars in infrastructure commitments benefit from knowing that a community has a clear, predictable evaluation framework and an openness to balanced growth.

**What if a high-impact project enters municipal consideration through another process?**

Sometimes infrastructure projects emerge through zoning amendments, infrastructure planning decisions, or other legislative actions before a formal development application appears.

CIVIG anticipates this possibility.

If a legislative action would effectively authorize a high-impact project, the CIVIG review framework still applies.

In this way the system protects against major infrastructure commitments being approved

indirectly without the same level of public evaluation.

### How do CIVIG “scale thresholds” work, and what are some examples?

CIVIG is designed so that it does not apply to ordinary development proposals.

Instead, the framework activates only when a project application shows that the proposal exceeds one or more defined **scale thresholds** – indicators that a proposal may *place unusually large demands on city infrastructure or resources*.

In practice, this scale-threshold verification step occurs early in the application or project review process to determine whether CIVIG review is required.

For example, a project proposing modest electrical use or typical commercial water consumption would proceed through the city’s normal zoning and development review processes.

But a project requiring extremely large amounts of electricity or water – levels comparable to those used by major industrial facilities or large infrastructure systems – could trigger CIVIG review.

The same principle applies to other indicators such as land area, construction workforce size, transportation impacts, or infrastructure capacity demands.

In simple terms, **scale thresholds act as an early warning signal.**

When a project begins to operate at infrastructure scale, CIVIG ensures that a more comprehensive evaluation process begins before final approvals are considered.

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### **Balanced Growth, Now and Into the Future**

Across Texas and the United States, communities of every size are confronting infrastructure proposals like data centers whose impacts extend far beyond a single land parcel.

Frameworks like CIVIG are designed to meet and manage that reality.

They provide communities with a purposeful and transparent process for evaluating high-impact projects before irreversible commitments are made.

With these governance tools, municipalities can keep pace with growth while preserving quality of life.

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*(Municipal officials in San Angelo and other Concho Valley communities are welcome to review the CIVIG ordinance framework for provisions that may be useful or adaptable to their own local circumstances.)*



# CRITICAL INFRASTRUCTURE VERIFICATION AND IMPACT GOVERNANCE (CIVIG)

*Prepared by Richard Summers*

*In consultation with local planning professionals*

This *Critical Infrastructure Verification & Impact Governance* framework was developed drawing upon publicly available materials, staff presentations, Round Rock code language, and discussions with local stakeholders including planning professionals. Portions of the structural analysis reflect publicly presented City of San Angelo materials and staff draft guidelines. This governance framework operates in coordination with the City's Data Center Design Requirements ordinance, which establishes physical design and operational standards for large-scale data center facilities.

## **Governance Objectives**

This ordinance establishes a structured governance framework for evaluating high-impact infrastructure proposals whose scale may affect municipal infrastructure, resources, and community stability. CIVIG is designed to achieve the following governance objectives:

1. **Ensure infrastructure and resource realities are evaluated early.**  
Major projects can affect electrical capacity, water supply, housing markets, transportation systems, and emergency services. CIVIG ensures these realities are examined before political approvals occur.
2. **Establish a clear factual record.**  
Technical studies, modeling data, and engineering analyses are organized into a transparent evidentiary record so that decision-makers and the public evaluate the same information.
3. **Strengthen transparency and public confidence.**  
Residents are able to review evidence and raise questions before final decisions are made.
4. **Provide clarity and predictability for responsible developers.**  
Applicants understand what information must be provided and what standards guide evaluation.
5. **Support balanced integration among growth, infrastructure, resources, and quality of life.**

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CHAPTER \_\_\_\_ - ZONING

ARTICLE \_\_\_\_ - **Critical Infrastructure Verification & Impact Governance**

This Article establishes the design and operational standards applicable to data center facilities within the City and shall be administered in conjunction with Article \_\_\_\_ (Data Center Design Requirements).

**Section \_\_\_\_ .01. Purpose and Intent.**

This Article establishes supplemental eligibility, capacity, and performance standards applicable to high-impact industrial or infrastructure projects whose operational characteristics materially affect municipal energy, water, wastewater, transportation, or related civic systems.

This Article is adopted pursuant to the City's zoning authority and establishes procedural and performance requirements applicable to qualifying uses. Nothing herein shall eliminate Council discretion; however, qualifying projects must comply with the procedural and performance requirements of this Article in addition to existing zoning procedures.

**Section \_\_\_\_ .02. Applicability and Legislative Trigger.**

**(a) Legislative Enablement Trigger**

This Article shall apply not only to specific development applications but also to any City-initiated zoning amendment, text amendment, district creation, adoption of an overlay district, infrastructure reclassification, service allocation decision, or other legislative action that materially enables, expands, or authorizes capacity for uses meeting the eligibility thresholds established herein, whether or not a specific development applicant has been identified, including circumstances in which such action reasonably appears intended to enable a specific or anticipated project.

**(b) Project Scale Threshold Triggers**

This Article shall apply to any proposed industrial or infrastructure use that meets or exceeds one or more of the eligibility thresholds set forth herein.

**(c) Applicability Upon Trigger**

Upon the occurrence of any legislative enablement action described in subsection (a) or upon a project meeting any eligibility threshold described in subsection (b), such action or project shall be subject to the requirements of this Article in addition to all otherwise applicable zoning regulations.

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**Approval Mechanism**

Any qualifying project or legislative action subject to this Article shall be approved, if at all, only through zoning mechanisms capable of incorporating enforceable performance standards, including but not limited to Planned Development (PD) districts or equivalent site-specific zoning ordinances adopted by ordinance.

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**Non-Waivability**

The requirements of this Article shall apply automatically upon the occurrence of any legislative enablement action or project meeting any eligibility threshold and shall not be waived, deferred, substituted, materially modified, or avoided through administrative interpretation, development agreement, incentive agreement, memorandum of understanding, infrastructure participation agreement, or other instrument not adopted by ordinance expressly referencing this Article.

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**Zoning Supremacy**

No Chapter 380 agreement, tax abatement, memorandum of understanding, development agreement, or similar instrument

shall be construed to confer land-use entitlement or to alter, supersede, substitute for, or precede zoning authority exercised pursuant to this Article.

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### **Review Sequence**

The review process established by this Article shall proceed sequentially through:

1. Technical Study Submission
2. Application Completeness Review
3. Pre-Hearing Evidentiary Session
4. Planning & Development Commission Recommendation
5. Council Action

No Chapter 380 agreement, tax abatement, development agreement, or similar public incentive shall be executed prior to completion of such sequence.

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### **Sequencing Requirement**

No zoning approval, site plan approval, building permit issuance, infrastructure participation agreement, service allocation, or incentive agreement related to a qualifying project or legislative enablement action shall be granted, executed, or authorized prior to completion of the full review sequence required by this Article and formal Council action adopting the applicable PD or equivalent zoning ordinance.

### **Section \_\_.03. Operational Scale Threshold Triggers.**

For purposes of scale threshold determination, phased developments, related facilities, or projects under common ownership or coordinated development shall be evaluated cumulatively.

A project meeting any one of the following triggers shall be subject to this Article:

3.01. Water Consumption. Projected potable or non-potable water use exceeding 250,000 gallons per day or 0.5% of municipal treated water capacity, whichever is less, whether supplied by the municipal system, private well, aquifer withdrawal, or other source, including cooling, industrial, auxiliary, or indirectly attributable usage.

3.02. Electrical Demand. Continuous or peak electrical demand exceeding twenty-five (25) megawatts continuous demand or 10% of serving substation rated throughput, whichever is less, including substations, dedicated utility upgrades, or on-site generation.

3.03. Continuous Operations. Twenty-four-hour or near-continuous operations materially affecting municipal utility demand or ambient conditions.

3.04. Noise Impact. Fence-line or modeled sound levels exceeding adopted residential or mixed-use standards, including cumulative or tonal industrial noise.

3.05. Land Use and Scale. Conversion or occupation of land exceeding 20 contiguous acres or any project exceeding 150,000 square feet of industrial floor area, including agricultural, grazing, or publicly held lands.

3.06. Traffic and Infrastructure Load. Generation of 50 or more heavy truck trips per day, or any project requiring new public road construction or signalization.

3.07. Neighborhood and ETJ Impact. Impacts materially affecting incorporated neighborhoods or Extra-Territorial Jurisdiction communities.

3.08. Anti-Loophole Clause. A project meeting any trigger shall be deemed a High-Impact Industrial or Infrastructure Project regardless of phased construction, segmentation, shell entities, affiliate structures, or post-hoc operational amendments.

3.09. High-Intensity Compute Operations. Facilities primarily engaged in cryptocurrency mining, artificial intelligence model training, large-scale data processing, or similar high-density computational activities involving dedicated server infrastructure and sustained high electrical load.

3.10. Wastewater Discharge. Projected wastewater discharge exceeding 200,000 gallons per day average discharge, or any discharge requiring dedicated pretreatment or facility expansion, modification, or dedicated upgrade of municipal wastewater collection, conveyance, or treatment infrastructure.

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**Section \_\_.04. Hybrid Quantitative Thresholds.**

The scale thresholds in this Section operate cumulatively with Section \_\_.03. Satisfaction of any scale threshold in either Section shall trigger applicability under this Article.

A project shall qualify if its proposed connected electrical load exceeds the lesser of:

- (a) Seventy-five (75) megawatts;
- (b) Twenty percent (20%) of the rated throughput of the serving substation; or
- (c) Fifteen percent (15%) of total municipal peak electrical load capacity.

Whichever is lower shall govern.

A project shall also qualify if projected average annual water consumption exceeds the lesser of:

- (a) Five hundred thousand (500,000) gallons per day;
- (b) One percent (1%) of municipal average daily treated water production capacity; or
- (c) Two percent (2%) of available firm supply under declared drought-year planning conditions.

Whichever is lower shall govern.

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**Section \_\_\_\_ .05. Cumulative Capacity Limitation.**

No additional approvals shall be granted where cumulative permitted high-impact load exceeds:

- (a) Thirty percent (30%) of municipal peak electrical load capacity; or
- (b) Five percent (5%) of treated water production capacity.

If cumulative permitted load reaches:

- (a) Twenty-five percent (25%) of municipal peak electrical load capacity; or
- (b) Four percent (4%) of treated water production capacity,

the City shall conduct a formal Infrastructure Capacity Review prior to further approvals.

**Section \_\_\_\_ .06. Post-Approval Capacity Modification and Material Change.**

Any project approved pursuant to this Article shall operate within the electrical load, water consumption, wastewater discharge, acreage, operational intensity, and other Civic Resource impact parameters disclosed in the approval record.

A project shall be subject to review under this Article as a new application for purposes of capacity evaluation and cumulative analysis if it proposes to:

- (a) increase electrical load beyond its authorized maximum;
- (b) increase water consumption or wastewater discharge beyond approved projections;
- (c) expand physical footprint or acreage;

(d) materially modify cooling systems, on-site generation, or infrastructure affecting Civic Resources; or

(e) otherwise increase operational intensity in a manner reasonably likely to increase demand on municipal utility systems or materially affect ambient conditions.

Any increase of more than ten percent (10%) of originally approved load, discharge, or footprint shall trigger full review.

Routine equipment replacement, modernization, or technological upgrades shall not require review under this Section unless such changes increase approved impact parameters.

Operation in excess of approved capacity or impact parameters shall constitute a violation of this Article.

**Section \_\_.07. Scale Thresholds Verification.**

**(a) Mandatory Pre-Application Submission.**

Prior to submission of any zoning application, development application, or legislative action reasonably capable of meeting the eligibility thresholds established in Sections \_\_.03 or \_\_.04 of this Article, a prospective applicant **shall submit** a Pre-Application Threshold Verification Form to Planning Staff.

**(b) Form Requirement.**

Planning Staff shall prepare and maintain a standardized **Pre-Application Threshold Verification Form** designed to capture information necessary to evaluate the applicability of this Article. The form may be updated administratively to reflect evolving infrastructure planning practices or technical requirements.

**(c) Minimum Disclosure Requirements.**

The Pre-Application Threshold Verification Form shall include, at minimum, disclosure of the following anticipated project characteristics:

- projected electrical demand (continuous and peak, in megawatts);
- projected potable and non-potable water consumption (average and peak gallons per day);
- projected wastewater discharge (average gallons per day);
- estimated project acreage and total building floor area;
- anticipated operational characteristics, including hours of operation and operational intensity;
- projected heavy truck traffic associated with construction and operation;
- general cooling system type and associated infrastructure;
- anticipated on-site generation or backup power configuration; and
- any additional operational characteristic reasonably necessary to evaluate applicability of the thresholds established in this Article.

(d) **Threshold Verification Determination.**

Upon receipt of a completed Pre-Application Threshold Verification Form, Planning Staff shall review the submitted information and issue a written **Threshold Verification Determination** indicating whether:

- (1) the proposed project does not appear to meet the eligibility thresholds established in this Article and may proceed through otherwise applicable zoning procedures; or
- (2) the proposed project appears reasonably likely to meet one or more eligibility thresholds and shall therefore be subject to the requirements of this Article.

(e) **Effect of Determination.**

A Threshold Verification Determination issued pursuant to this Section shall serve solely to determine procedural applicability of this Article and shall not constitute zoning approval, development authorization, or any binding determination regarding final Council action.

(f) **Material Misrepresentation or Omission.**

Any material misrepresentation or omission in a Pre-Application Threshold Verification submission shall render the

application incomplete and may require review of the project as a new application under this Article for purposes of threshold determination and cumulative capacity evaluation.

(g) **Relationship to Subsequent Review Sequence.**

Projects determined to be subject to this Article shall proceed through the sequential review process established herein, including technical study submission, application completeness review, Pre-Hearing Evidentiary Session, Planning & Development Commission recommendation, and Council action.

**Section \_\_\_\_ .08. Required Technical Studies.**

Prior to any Planning & Development Commission hearing or discretionary zoning approval, a qualifying project shall submit and post publicly the following completed studies:

(a) **Electrical Load and Substation Analysis** –

Projected peak and continuous load (MW), substation capacity implications, required upgrades, and timing of energization.

(b) **Water Demand and Drought-Year Analysis** –

Projected daily and peak consumption (GPD), treated capacity impacts, wastewater discharge, and demand under drought-year firm supply conditions.

(c) **Noise Impact Modeling** –

Operational and backup-generation sound modeling, including low-frequency impacts, measured against adopted standards and baseline ambient conditions.

(d) **Lighting and Glare Analysis** –

Evaluation of site lighting design, reflective materials, and potential off-site glare impacts.

(e) **Cooling System Disclosure** –

Description of cooling methodology and associated water and energy demands under peak operating conditions.

(f) **Traffic and Infrastructure Impact Assessment** –

Construction and operational traffic projections, heavy truck routing, and required roadway or signal modifications.

(g) **Construction Workforce Housing Impact Assessment –**  
Estimated peak construction workforce size and duration; anticipated lodging distribution; and evaluation of short-term and middle-term effects on rental availability, housing stability, municipal services, transportation demand, utility infrastructure capacity, and other civic systems associated with temporary population concentrations and resulting local market conditions.

(h) **Utility Infrastructure and Cost Allocation Analysis –**  
Identification of required electrical and water infrastructure improvements; projected capital improvement costs; allocation of upgrade responsibility; and evaluation of potential ratepayer or municipal fiscal exposure.

(i) **Additional Bottleneck-Related Modeling –**  
Any additional modeling shall be conducted to identify civic system constraints, including public infrastructure, housing, utilities, and related services.

Incomplete or materially deficient submissions shall not be scheduled for hearing.

**Section \_\_.09. Application Completeness.**

Failure to submit required technical studies shall render the application incomplete.

An incomplete application shall not be scheduled for public hearing or considered by the Planning & Development Commission or City Council.

If required materials are not submitted within forty-five (45) days after written notice of incompleteness, the application shall be deemed withdrawn without prejudice and removed from any pending agenda. Any resubmitted application shall be treated as a new application for purposes of review timelines and cumulative capacity evaluation.

**Section \_\_.10. Pre-Hearing Evidentiary Sessions.**

Pre-Hearing Evidentiary Sessions shall be conducted following determination that a CIVIG application is complete **and that all required studies have been submitted**, and prior to any Planning & Development Commission recommendation under this Article.

**(a) Posting of Materials**

All required studies, modeling, and supporting technical materials shall be completed and **first publicly posted** prior to scheduling a Pre-Hearing Evidentiary Session.

All technical studies, modeling data, infrastructure analyses, staff memoranda, and supporting documentation shall remain publicly available for the duration of the CIVIG review process and shall not be removed until final action has been taken on the application.

**(b) Scheduling of Evidentiary Sessions.**

After public posting of such materials, Planning Staff **may schedule** the first Pre-Hearing Evidentiary Session.

**(c) Notice of Hearing**

Following scheduling of the first Pre-Hearing Evidentiary Session, Planning Staff **shall mail hearing notice** to all property owners within one-half mile of the proposed site, or to the outer boundary of the nearest recognized neighborhood, whichever distance is greater, regardless of whether such property lies within the municipal jurisdiction.

The Pre-Hearing Evidentiary Session shall not occur fewer than **seventeen (17) business days** after the date on which public notice is mailed.

Mailing of notice shall occur not later than three (3) business days after scheduling of the first Pre-Hearing Evidentiary Session.

Planning Staff shall prepare and file a Certificate of Mailing identifying the date and time on which notice was mailed and describing the method used to generate the notice list. The

Certificate of Mailing shall be incorporated into the administrative record.

**(d) Purpose of Evidentiary Session**

Evidentiary sessions conducted under this Article shall provide for presentation of technical studies, structured questioning, and clarification of submitted evidence. The purpose of such sessions is to develop a factual record regarding reasonably foreseeable impacts associated with the proposed project.

**(e) Hearings Sequencing**

At least **two evidentiary sessions** shall be conducted, including one daytime session and one evening session, in any order, and at least eight (8) days apart. The Planning and Development Commission may schedule additional evidentiary sessions when necessary to clarify technical evidence or address substantial public concerns.

**(f) Structured Presentation**

The Session shall include presentation of technical findings and modeling results relevant to eligibility thresholds and cumulative capacity impacts. Technical presentations and submitted studies shall include clear explanations of assumptions, methodologies, and key variables, sufficient to allow meaningful public and Commission evaluation of the findings.

**(g) Structured Response**

The applicant and/or responsible City representatives shall provide factual responses to identified infrastructure, service allocation, and cumulative capacity concerns raised in submitted materials or during the Session.

**(h) Public Engagement**

Members of the public shall be afforded opportunity to present questions, request clarification of technical assumptions, and identify perceived gaps in submitted studies. All such

questions and responses shall be received as part of the official administrative record.

**(i) Follow-Up Responses**

If a question raised during the Session cannot be answered at the time presented, the appropriate City staff or applicant representative shall provide a factual written response within a reasonable time period. Such response shall be transmitted to the originator of the question, if contact information has been provided, and shall be incorporated into the administrative record prior to Planning & Development Commission consideration.

**(j) Record and Evidence Incorporation**

The Session shall be recorded. All oral testimony, written submissions, presentation materials, and follow-up responses shall be preserved as part of the administrative record and transmitted to the Planning & Development Commission for consideration.

**(k) Staff Summary**

Planning Staff shall prepare a written summary, identifying and representative of material issues raised during the Session and any resulting revisions, supplemental studies, or clarifications. Such summary shall be included in the Planning & Development Commission packet.

**Section \_\_\_\_ .11. Planning & Development Commission Recommendation.**

Following the Pre-Hearing Evidentiary Session and review of all required materials incorporated into the administrative record, the Planning & Development Commission shall issue a written advisory recommendation to Council.

The recommendation shall be accompanied by written findings addressing:

(a) Infrastructure capacity impacts, including water, wastewater, electrical load, and cumulative allocation;

- (b) Fiscal and long-term municipal service implications;
- (c) Compliance with required technical studies and eligibility thresholds established under this Article;
- (d) Material issues, data gaps, or technical concerns raised during the Pre-Hearing Evidentiary Session and any written follow-up responses incorporated into the administrative record;
- (e) the adequacy of proposed enforceable performance standards in mitigating identified impacts.

The Commission shall issue one of the following advisory recommendations to Council:

1. Recommend Approval;
2. Recommend Approval Subject to Identified Compliance Conditions; or
3. Recommend Denial.

**Section \_\_\_\_ .12. Council Action.**

City Council may:

- (a) Approve;
- (b) Deny; or
- (c) Hold for additional Infrastructure Capacity Review.

In taking action under this Article, Council shall consider the complete administrative record, including the Pre-Hearing Evidentiary Session and any supplemental record developed pursuant to a HOLD.

If Council votes to HOLD consideration of a qualifying project or legislative enablement action, the matter shall be returned for limited further study, capacity clarification, mitigation analysis, or refinement of proposed performance standards prior to final Council action.

(a) Council shall remand the matter to the Planning & Development Commission for limited reconsideration of the identified issues and oversight of any necessary additional technical review, supplemental study, or negotiated revisions.

(b) Any new or revised technical materials shall be made publicly available not less than ten (10) days prior to the Planning & Development rehearing.

(c) The public shall be afforded opportunity to submit written comments or questions regarding such supplemental materials prior to Council rehearing. Follow-up responses shall be provided consistent with the procedures established in Section \_\_\_\_\_.09 and incorporated into the administrative record.

(d) All supplemental materials, public submissions, and written responses shall be incorporated into the administrative record.

(e) Following supplemental recommendation by the Planning & Development Commission, the matter shall return to Council for final legislative action.

(f) Upon rehearing, Council shall consider the complete supplemental record and take final legislative action to approve, approve with incorporated and enforceable zoning conditions, or deny the zoning or legislative enablement action. No further remand or continuation shall occur absent a new motion to HOLD with specifically defined scope.

**Section \_\_\_\_\_.13. Infrastructure Capacity Review.**

Where triggered under Section \_\_\_\_\_.05 or ordered by Council, an Infrastructure Capacity Review shall evaluate:

- (a) System bottlenecks;
  - (b) Upstream regulatory constraints;
  - (c) Infrastructure upgrade requirements;
  - (d) Long-term municipal exposure;
  - (e) Consistency with adopted capacity planning assumptions;
- and

(f) Regional cumulative infrastructure context, including reasonably ascertainable high-impact facilities within the applicable regional planning jurisdiction and their projected load on shared utility or transmission systems.

**Section \_\_\_\_ .14. Supplemental Performance Standards.**

Projects subject to this Article shall comply with all applicable performance standards relating to:

- (a) Noise;
- (b) Lighting;
- (c) Screening and buffering;
- (d) Generator operation;
- (e) Cooling system design; and
- (f) Infrastructure compatibility.

Such standards shall, where adopted, be incorporated by reference into the Planned Development ordinance approving the project and shall be enforceable as zoning conditions.

**Section \_\_\_\_ .15. Annual Operational Reporting.**

Each facility subject to this Article shall submit an annual operational report to the City Manager, or the City Manager's designee, documenting:

- (a) total annual electrical consumption and peak electrical demand;
- (b) total annual water consumption, identifying municipal supply, private well, aquifer withdrawal, or other sources, where applicable;
- (c) total annual wastewater discharge and any material changes to discharge characteristics;
- (d) utilization of on-site generation, backup systems, or auxiliary power infrastructure;

(e) any material modification to cooling systems, infrastructure configuration, or operational practices affecting Civic Resources; and

(f) confirmation that the facility has operated within the electrical load, water consumption, wastewater discharge, and other impact parameters authorized in the approval record.

The report shall include a representative operational snapshot sufficient to demonstrate continued compliance with approved capacity limitations.

Reports shall be submitted within ninety (90) days following the close of each calendar year and shall be retained as part of the public record, subject to applicable law.

Failure to submit a required report or submission of materially false or incomplete information shall constitute a violation of this Article.

**Section \_\_\_\_ .16. Incentive and Infrastructure Conditioning.**

No Chapter 380 agreement, tax abatement, infrastructure participation agreement, or similar public incentive related to a qualifying project shall be executed, approved, or materially negotiated unless and until:

(a) the project demonstrates documented compliance with all requirements of this Article;

(b) the project has received final zoning approval through a PD or equivalent site-specific zoning ordinance incorporating enforceable performance standards;

(c) infrastructure upgrades, utility participation, and capacity allocations attributable to the project are proportionately assigned; and

(d) Council makes written findings that public fiscal exposure, direct and indirect, is reasonably neutral relative to the project's projected public benefit.

Incentive agreements shall not be used to substitute for, defer, or alter compliance with zoning requirements imposed pursuant to this Article.

**Section \_\_\_\_ .17. Successors and Assigns.**

All approvals, conditions, capacity limitations, and obligations established pursuant to this Article shall run with the land and be binding upon successors, assigns, transferees, and entities acquiring ownership or operational control through sale, merger, foreclosure, or other transfer.

**Section \_\_\_\_ .18. Decommissioning and Abandonment.**

If a qualifying facility ceases operations for a continuous period exceeding twelve (12) months or is materially destroyed and not reconstructed within eighteen (18) months, the site shall be deemed abandoned for purposes of this Article.

Council may require submission of a decommissioning plan addressing site stabilization, infrastructure disconnection, environmental compliance, and safe termination of utility services.

No reactivation of an abandoned facility shall occur without review under this Article as a new application.

**Section \_\_\_\_ .19. Enforcement.**

Any violation of this Article shall constitute a violation of the City's zoning regulations and shall be subject to all remedies available under Chapter \_\_\_\_ of the Code of Ordinances, including but not limited to injunctive relief, civil penalties, permit revocation, and any other lawful enforcement action.

Each day of continued violation shall constitute a separate offense.

**Section \_\_\_\_ .20. Threshold Adjustment Authority.**

For the various cap and hybrid limits established in this Article, City Council may modify numeric thresholds by

ordinance amendment based upon updated municipal capacity studies, infrastructure reports, or officially adopted utility planning documents. Any such modification shall include written findings describing the evidentiary basis for adjustment.