



CALHOUN COUNTY, TEXAS

Industrial High-Load Facility Site Impact Permit Policy

Effective Date September 2nd, 2026

SECTION 1. PURPOSE AND INTENT

1.1 Purpose

The purpose of this policy is to ensure that industrial facilities with significant electrical demand, mechanical cooling systems, or continuous industrial operations are developed and operated in a manner that protects:

- Public health and safety
- Fire protection and emergency response
- County road and drainage infrastructure
- Floodplain integrity
- Water supply infrastructure and wastewater systems
- Adjacent properties and land uses

This policy is intended to ensure that such impacts are identified and addressed prior to construction or operation, rather than through reactive enforcement.

This policy does not regulate zoning, land use, water rights, business models, digital activity, or financial transactions, and shall not be construed as such.

SECTION 2. STATUTORY AUTHORITY

This policy is adopted pursuant to the authority granted to counties under Texas law, including but not limited to:

- Texas Local Government Code § 232.001–232.003 (Subdivision and development authority)
- Texas Local Government Code § 251.016 (County authority over roads and rights-of-way)
- Texas Local Government Code § 232 & 251 (General authority over county property and infrastructure)
- Texas Health & Safety Code § 365.012 (Public nuisance authority)
- Texas Water Code Chapter 16 & Chapter 50 (Floodplain and drainage authority)
- Texas Government Code Chapter 418 (Emergency management and disaster preparedness)

Calhoun County requires that all applicants submit the required documents and receive approval of the Site Impact Permit before any development of the property has begun. All commercial buildings and structures subject to this policy shall comply with the current state fire codes in effect at the time of application.

Nothing in this policy shall be construed as zoning or land-use regulation.



SECTION 3. APPLICABILITY

3.1 Facilities Subject to Permit

A Site Impact Permit shall be required prior to construction, installation, expansion, or operation of any Industrial High-Load Facility meeting one or more of the following criteria:

1. Electrical demand equal to or exceeding 1 megawatt (MW) of connected load;
2. Continuous operation exceeding 18 hours per day, excluding routine maintenance;
3. Use of industrial-scale mechanical ventilation or cooling systems operating continuously;
4. Installation of on-site power generation or fuel storage;
5. Use of modular or containerized industrial equipment deployed outdoors or within non-traditional structures.

3.2 Technology-Neutral Application

This policy applies based on infrastructure and operational impacts, regardless of industry or purpose, including but not limited to:

- High-density computing facilities
- Data processing centers
- Digital asset mining operations
- Artificial Intelligence (AI) or machine-learning computing facilities
- Industrial cold storage or similar high-load operations
- Other industrial facilities with comparable electrical, mechanical, or water demands

The County shall not regulate or consider the content, purpose, or nature of any computing, data processing, or financial activity conducted at the facility.

SECTION 4. PERMIT APPLICATION REQUIREMENTS

Applicants shall submit sufficient documentation to allow the County to evaluate site-specific impacts, which may include:

4.1 Site and Infrastructure Information

- Legal description and site plan
- Location of buildings, equipment, access points, and setbacks
- Total acreage
- Site and infrastructure submittals shall be sealed by a professional engineer or land surveyor registered in the state of Texas.

4.2 Electrical and Utility Disclosure

- Electric utility or cooperative providing service
- Maximum connected electrical load
- Description of on-site generation or backup power systems
- Electrical load submittal shall be sealed by a professional engineer registered in the state of Texas.



4.3 Noise and Mechanical Systems Disclosure

- Description of cooling and ventilation systems
- Manufacturer noise ratings (dB)
- Anticipated continuous noise levels at property boundaries
- Proposed noise mitigation measures, if applicable (walls, setbacks, enclosures)

4.4 Fire and Life Safety

- Electrical equipment layout
- Fire suppression systems
- Fire fighting equipment, trucks and trained personnel
- Fuel storage type, quantity, and containment
- Emergency access and shutdown provisions

Compliance with State Fire Codes shall be required by having a Fire Protection Engineer submit sealed plans for the facility.

4.5 Traffic, Roads, and Access

- Anticipated construction and operational traffic
- Heavy vehicle routes
- Proposed use of county roads, including required road cuts, bores, or right-of-way use
- Evaluation by a professional engineer registered in the state of Texas demonstrating that existing county roads serving the facility have sufficient capacity for the existing and proposed traffic.

A Road Use or Right-of-Way Permit may be required pursuant to Texas Local Government Code § 251.016

4.6 Floodplain and Drainage (if applicable)

- Floodplain determination
- Drainage impact analysis and mitigation measures
- Compliance with County flood damage prevention orders
- Demonstrate that increased ten-year flood frequency stormwater runoff rate will not result in exceeding capacity of public drainage facilities and that increased one-hundred year flood frequency stormwater runoff rate will not result in potentially-hazardous or destructive conditions.
- Stormwater runoff calculations
- Grading/drainage plan, including existing and proposed drainage patterns and runoff rates.
- All plans and calculations shall be sealed by a professional engineer registered in the state of Texas.

SECTION 5. WATER USE AND COOLING SYSTEMS

5.1 Disclosure Requirements

As part of the Site Impact Permit application, the applicant shall disclose:



1. The source or sources of water used by the facility, including:
 - On-site groundwater wells
 - Public water systems
 - Surface water
 - Trucked or delivered water
2. Estimated average and peak daily water demand;
3. Estimated peak water demand and frequency of such demand;
4. The cooling methodology utilized, including air-cooled, liquid-cooled, evaporative, or hybrid systems;
5. Statement that the cooling methodology used is closed-loop, as open loop cooling systems will not be permitted;
6. On-site water storage capacity and system layout;
7. Wastewater disposal or discharge method and estimated 30-day average, 2-hour peak, and probable maximum discharge rates;
8. Copy of wastewater discharge permit application and approved permit.

5.2 Regulatory Coordination

Nothing in this policy shall be construed as regulating groundwater or surface water rights.

- Groundwater withdrawals are subject to regulation by the Calhoun County Groundwater Conservation District, as applicable.
- Surface water use and discharges are subject to regulation by the Guadalupe Blanco River Authority and other applicable state or regional authorities.

The County may coordinate with these entities for informational and planning purposes to evaluate infrastructure capacity, emergency response considerations, and environmental health impacts.

5.3 County Review Scope

County review under this section is limited to evaluating infrastructure, public safety, drainage, wastewater, floodplain, and emergency response impacts associated with water use and cooling systems.

Facilities shall comply with all applicable County well permitting requirements, wastewater system regulations, floodplain standards, and state fire codes.

SECTION 6. ENGINEERING REVIEW AND FEES

All permit applications shall be subject to engineering review by the County's Engineer on retainer. A non-refundable engineering review retainer fee of \$6,000.00 shall be required at the time of application submittal.

If engineering review fees exceed the retainer amount, the permittee must pay in full prior to approval of the facility. Any unused portion of the retainer will be returned to the applicant.



Engineering review fees are in addition to any other permit fees established by the County.

SECTION 7. REVIEW PROCESS

7.1 Interdepartmental Review

Permit applications shall be reviewed by applicable County offices, which may include:

- Permits / Environmental Health
- Emergency Management
- Road & Bridge
- Floodplain Administrator
- County or Appointed Engineer

7.2 Utility Coordination

Applicants shall identify the electric utility or cooperative providing service.

Nothing in this policy authorizes the County to regulate electric rates, grid operations, or utility service decisions. The County may request confirmation that required utility infrastructure and agreements are in place prior to commencement of operations.

SECTION 8. FIRE CODE COMPLIANCE

All facilities subject to this policy shall comply with all State Fire codes and hire a Fire Protection Engineer to submit sealed plans to Calhoun County, including requirements related to:

- Electrical systems
- Fire suppression
- Fuel storage and containment
- Emergency access and shutdown

SECTION 9. PERMIT CONDITIONS

The County may impose reasonable, site-specific conditions necessary to mitigate documented impacts, including but not limited to:

- Noise mitigation measures
- Construction hour limitations
- Road maintenance or bonding requirements
- Emergency access provisions
- Drainage or flood mitigation measures
- Light pollution mitigation

All conditions shall:

- Be directly related to identified impacts
- Not prohibit lawful operations



- Not regulate business type, technology, or content

SECTION 10. LIMITATION OF LIABILITY

The issuance of a Site Impact Permit under this policy solely constitutes a ministerial review of submitted documentation for the limited purpose of determining compliance with the criteria set forth herein. Issuance of a permit does not constitute a warranty, guarantee, or representation by Calhoun County or any of its officers, employees, agents, assigns or engineers that the facility is safe, properly designed, or compliant with any federal, state and/or local laws, rules, regulations, statutes or ordinances of any kind whatsoever. The County assumes no liability for any damage, losses, injuries, or claims, based in contract, tort or any other theory of recovery arising from or related to the construction, maintenance operation, failure, or closure of any permitted facility.

Applicants are strongly encouraged to consult independent legal counsel regarding their obligations and liabilities. The County's review does not relieve the permittee of any duty of care owed to the public, adjacent landowners, or other parties.

SECTION 11. INSPECTIONS AND ENFORCEMENT

The County may conduct reasonable inspections to verify compliance with permit conditions and applicable codes.

Failure to comply may result in:

- Written notice of violation
- Suspension or revocation of permit
- Enforcement actions authorized by law

Nothing herein limits the County's authority to address public nuisances under Texas Health & Safety Code § 365.012.

SECTION 12. EXISTING LAWFUL FACILITIES

Facilities lawfully operating prior to the effective date of this policy shall not be required to obtain a Site Impact Permit unless the facility expands, modifies, or upgrades operations in a manner that causes the facility to meet or exceed the thresholds established in Section 3.

SECTION 13. APPEALS

An applicant may appeal permit determinations or conditions to the Calhoun County Commissioners Court within 30 days of issuance.



SECTION 14. SEVERABILITY

If any provision of this policy is held invalid, such invalidity shall not affect other provisions that can be given effect without the invalid provision.

PASSED AND APPROVED THIS THE 2nd DAY OF September, 2026.

A handwritten signature in blue ink, appearing to read "Vern L. Lyssy", written over a horizontal line.

Vern L. Lyssy, County Judge

A handwritten signature in blue ink, appearing to read "John Martinez", written over a horizontal line.

John Martinez
Calhoun County Commissioner, Pct. 1

A handwritten signature in blue ink, appearing to read "Ronny Best", written over a horizontal line.

Ronny Best
Calhoun County Commissioner, Pct. 2

A handwritten signature in blue ink, appearing to read "Joel Behrens", written over a horizontal line.

Joel Behrens
Calhoun County Commissioner, Pct. 3

A handwritten signature in blue ink, appearing to read "Gary Reese", written over a horizontal line.

Gary Reese
Calhoun County Commissioner, Pct. 4

Attest: Anna Goodman, County Clerk

A handwritten signature in blue ink, appearing to read "Kaddie Smith", written over a horizontal line.

By: Deputy Clerk

