

## **RESOLUTION No. 26-25**

### **ESTABLISHING A TEMPORARY MORATORIUM ON APPROVAL OF APPLICATIONS FOR REZONING, SUBDIVISION, OR ZONING PERMITS FOR DATA CENTERS IN UNINCORPORATED EMMET COUNTY, IOWA**

**WHEREAS**, the Emmet County Board of Supervisors is vested with the authority to protect the public health, safety, and general welfare of county residents, and to regulate land uses within the unincorporated areas of the County pursuant to Chapters 331 and 335 of the Code of Iowa;

**WHEREAS**, facilities used for the storage, management, processing, and transmission of digital data, which house computer or network equipment, systems, servers, appliances, and other associated components related to digital data storage including but not limited to High Density Computing Facilities ("Data Centers") have the potential to create an excessive burden on energy and water resources, affecting nearby property owners as well as all residents who rely on the local power distribution grid for electricity or subterranean aquifers for potable water; and

**WHEREAS**, the Emmet County Board of Supervisors recognizes that data centers have the potential to affect the availability of water and reliable electricity to the surrounding area and the Board desires that all applications for data centers be considered consistently with the stated goals of the Emmet County Comprehensive Plan so that the most appropriate uses of land are encouraged throughout unincorporated Emmet County; and

**WHEREAS**, the Emmet County Board of Supervisors recognizes that data centers have the potential to affect the character of the surrounding area and the Board desires all applications for data centers be considered within the purpose and intent of the Emmet County Zoning Ordinance so that the most appropriate uses of land are encouraged throughout unincorporated Emmet County; and

**WHEREAS**, the Emmet County Board of Supervisors desires to explore the possibility of adopting supplemental conditions and changing the procedural review and approval requirements for data centers; and adding said supplemental conditions and changing said procedural review for data centers may necessitate amendment of the Emmet County Zoning Ordinance, which is subject to the public hearing process;

**NOW, THEREFORE, BE IT RESOLVED** that the Emmet County Board of Supervisors hereby establishes a temporary moratorium on Emmet County staff accepting, processing, considering, or approving any applications for rezoning, subdivision, or zoning permits related to the siting or construction of a data center in unincorporated Emmet County.

#### **1. Defining Data Centers.**

For purposes of this Resolution, the term "data center" shall include any facility primarily used for the centralized storage, management, processing, or transmission of digital data; and any facility whose principal use involves high-density servers, information technology equipment, specialized mechanical cooling systems, or related digital infrastructure. This definition is intended to be interpreted broadly and includes enterprise data centers, colocation data centers, hyperscale data centers, server farms, cloud-computing facilities, and similar operations.

#### **2. Geographic Scope.**

This moratorium applies only to properties located within the unincorporated territory of Emmet County, Iowa.

**3. Duration of Moratorium.**

Such moratorium shall, expiring one (1) year from the date of adoption of this moratorium, unless extended by further action of the Board of Supervisors, to allow any proposed changes to the Emmet County Zoning Ordinance concerning data centers to be duly considered by the Planning & Zoning Commission and the Board of Supervisors

**4. Exemptions.**

This moratorium shall not apply to legally established existing data center facilities currently in operation; or permit applications that have received all required final approvals prior to the effective date of this resolution; or routine maintenance, repair, or upgrades to existing lawful facilities that do not constitute expansion or the establishment of a new data center.

**5. Direction to County Staff.**

County staff and other relevant departments, are hereby directed to:

- a. Review zoning provisions related to data centers with the Planning & Zoning Commission;
- b. Propose updated definitions, standards, and regulatory frameworks designed to address data-center land-use impacts;
- c. Present draft recommendations to the Planning & Zoning Commission and Board of Supervisors for further consideration.
- d. Consult with the County Attorney's Office regarding legal and regulatory implications of any proposed changes.

**BE IT FURTHER RESOLVED** that the Emmet County Board of Supervisors reserves the right to end the moratorium prior to the approved term of the moratorium upon completion of the amendments to the county's zoning ordinance and satisfactory resolution of the issues as determined by the Board of Supervisors; and

**SEVERABILITY.** If any portion of this resolution is determined to be invalid or unenforceable by a court of competent jurisdiction, such determination shall not affect the validity of the remaining provisions.

It is moved by Jeff Quastad and seconded by John Ruxton. The resolution shall take effect immediately upon its passage and approval this 25<sup>th</sup> day of August, 2026.

  
Chair, Emmet County Board of Supervisors

ATTEST:

  
Emmet County Auditor