

MEMORANDUM

TO: Charly Ray, Chair, Bayfield County Planning and Zoning Committee

FROM: Mary Dougherty

DATE: July 14, 2026

RE: Data centers, the zoning ordinance rewrite, and a proposed interim moratorium

Purpose

This memo asks the Planning and Zoning Committee to take two related actions. First, incorporate data center definitions and a Large-Scale Development review tier into the General Zoning chapter of the code rewrite. Second, initiate an interim county moratorium on data center permitting to bridge the gap between now and adoption of the rewritten code. Each action strengthens the other, and both build on work the county has already funded and staffed.

Why now

Data center development has moved into Wisconsin fast. Once a building permit application is filed, a developer can acquire vested rights that survive later ordinance changes. The window for setting terms is before a proposal arrives, not after.

Local governments across the state have responded. Madison adopted a one-year moratorium in January. Manitowoc County adopted an 18-month moratorium in April after three towns under county zoning petitioned the board. Door County followed in May, and Dane County in June with an 18-month moratorium covering the towns under its zoning authority. And Polk County is considering a one-year moratorium, with a public hearing scheduled for July 15th. Superior adopted a one-year moratorium on June 16, with no application pending, citing the need to define and study these facilities before one is proposed.

Our county is not a bystander. Google is building a data center campus of roughly \$2 billion in Hermantown, Minnesota, about 90 minutes from Washburn. Further, public sentiment supports extreme caution with data center development. A February [Marquette Law School Poll](#) found 70 percent of Wisconsin voters believe the costs of data centers outweigh the benefits.

Legal framework for a county moratorium

While counties are prohibited from passing development moratoriums (s. 66.10015, created by 2017 Act 67), Manitowoc, Dane, and Polk County's moratoriums don't appear to run afoul of that prohibition. Their ordinances pause the acceptance of applications and the issuance of permits for a specifically defined use. I'd recommend corporation counsel review the Manitowoc, Dane, and Polk ordinance language before Board introduction, and that our findings section lean on a fact those counties didn't have: our zoning code is being rewritten right now. Accepting

an application for a use the code doesn't define, mid-rewrite, would let one project acquire 'vested rights' before our code is finalized.

The moratorium is a bridge, and a short one: it should run until adoption of the rewritten code or 12 months, whichever comes first. The pause protects work already underway, and it expires on a deadline the county set for itself.

Proposed: a Large-Scale Development review tier

Rather than writing a standalone data center ordinance, I'd propose the rewrite include a defined review tier for large-scale development, with data centers as the first use category regulated under it. The core principle is based on our [CAFO Operations Ordinance](#), while incorporating [changes made by towns in western WI](#) in 2020/2021 that require the applicant to present plans related to their business operations. The applicant, not the taxpayer, carries the burden of demonstrating impacts and pays for the costs related to conditioning the permit. The structure could look like this:

- **Threshold criteria.** The tier applies when a proposal exceeds thresholds for building footprint or projected utility demand, whichever comes first.
- **A menu of plan requirements, assigned by use category.** The code would establish a menu of applicant-funded plans, including water use, energy and grid impact, noise, fire and emergency response, road use and maintenance agreements, and stormwater. Each use category regulated under the tier is assigned the plans relevant to its actual impacts. Data centers would carry water, energy, noise, fire, and decommissioning requirements. A large warehouse would carry road, stormwater, and fire requirements. This 'bespoke' approach to what plans are required keeps this framework defensible..
- **Financial assurance.** Facilities in the tier post a decommissioning risk bond so the county never inherits a stranded building. This is standard practice for wind, solar, and mining, and increasingly for data centers.
- **Applicant-funded enforcement.** Permit conditions include cost recovery for monitoring and inspection, so compliance oversight doesn't compete with other county budget priorities.
- **Measurable standards.** Under the conditional use framework established by 2017 Act 67, permit conditions must be reasonable, measurable, and supported by substantial evidence. Every requirement in the tier should be written to a verifiable standard, such as decibel limits at the property line or documented water sourcing, so approvals and denials alike hold up.
- **Express carve-outs for state-preempted uses.** Livestock facility siting, wind and solar under s. 66.0401, telecommunications facilities under s. 66.0404, and nonmetallic mining each sit under their own state regimes. Excluding them by name makes the tier preemption-proof by design and keeps the focus where local authority is clearest.

Requested actions

1. Direct staff and HKGi to incorporate data center definitions and the Large-Scale Development review tier into the General Zoning chapter ahead of its August 14 release, and enter this framework into the comment record before the September 25 close as a backstop.
2. Ask corporation counsel to review the Manitowoc County, Dane County, and Polk County moratorium ordinances as drafting models for Bayfield County.
3. Place an interim data center permitting moratorium on a Planning and Zoning Committee agenda for recommendation to the County Board, with a term running until adoption of the rewritten code or 12 months, whichever comes first.

The Manitowoc, Dane, Door, and Polk Counties moratoriums are attached to this memo.

Thank you for considering this.

Mary Dougherty
marydougherty57@gmail.com



DOOR COUNTY

ROLL CALL Board Members	Aye	Nay	Exc.
Dist. 1 D. Englebert			
Dist. 2 T. Thayse			
Dist. 3 J. Tlachac			
Dist. 4 N. Robillard			
Dist. 5 J. Miller			
Dist. 6 K. Fisher			
Dist. 7 C. Morkin			
Dist. 8 C. Jeanquart			
Dist. 9 R. Shaw			
Dist. 10 A. Helm Peter			
Dist. 11 H. Bacon			
Dist. 12 N. Norton			
Dist. 13 D. Vogel			
Dist. 14 H. Zettel			
Dist. 15 E. Gauger			
Dist. 16 T. Cain-Bieri			
Dist. 17 D. Smith			
Dist. 18 V. Hancock			
Dist. 19 P. Pluff			
Dist. 20 W. Kalms			
Dist. 21 N. Goss			

BOARD ACTION

Vote Required: Majority Vote of a Quorum

Motion to Approve

Adopted ☒

Defeated ☐

1st Thayse

2nd Shaw

Yes: _____ No: _____ Exc: _____

Reviewed by:

Sam D. Smith Corp. Counsel

Reviewed by:

LR Administrator

FISCAL IMPACT: There is no fiscal impact associated with the adoption of this resolution. STW

Certification:

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 26th day of May, 2026 by the Door County Board of Supervisors.

Jill M. Lau
County Clerk, Door County

RESOLUTION 2026-41

DATA CENTER AND BATTERY ENERGY STORAGE SYSTEM DEVELOPMENT MORATORIUM

TO THE DOOR COUNTY BOARD OF SUPERVISORS:

WHEREAS, the County of Door, pursuant to the authority granted by §§ 59.69 and 59.692, Wis. Stat., has enacted zoning ordinances applicable to and effective within Door County's unincorporated areas; and

WHEREAS, the County of Door, pursuant to Chapter 59 of the Wisconsin Statutes, has adopted a comprehensive plan as authorized by § 66.1001(4)(a), Wis. Stat., to establish land use goals and policies for the unincorporated areas of the county; and

WHEREAS, a recent land use commonly referred to as Data Centers, being establishments used primarily 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 and operations, are being proposed throughout Wisconsin; and

WHEREAS, a recent land use commonly referred to as Battery Energy Storage Systems, being an electrochemical device that charges, or collects, energy from the electric grid or a generation facility, stores that energy and then discharges that energy at a later time to provide electricity or other electric grid services are being proposed throughout Wisconsin; and

WHEREAS, the County of Door had not contemplated the potential impacts of Data Centers and Battery Energy Storage Systems when first developing and subsequently revisiting its zoning ordinance regulations or policies contained within its comprehensive plan; and

WHEREAS, to provide time to investigate and address, through regulation, planning, and otherwise, the potential impact of these land uses, the Door County Resource Planning Committee and the Door County Administrative Committee recommends the Door County Board of Supervisors impose a moratorium on the development of Data Centers and Battery Energy Storage Systems for up to twelve (12) months from adoption of this resolution, with the potential to extend the moratorium by subsequent action.

NOW, THEREFORE, BE IT RESOLVED, that the Door County Board of Supervisors imposes a moratorium on the development of Data Centers and Battery Energy Storage Systems within the unincorporated areas of Door County to provide time to investigate and address, through regulation, planning, and otherwise, the potential impact of such land uses. The moratorium is necessary to maintain public health, safety, and general welfare, in addition to other aforementioned reasons.

BE IT FURTHER RESOLVED, the moratorium shall be in effect within the unincorporated areas of Door County for a period of up to twelve (12) months from the date of this Resolution; and the Door County Board of Supervisors reserves the right to extend the moratorium by separate action if deemed necessary.

SUBMITTED BY: ADMINISTRATIVE COMMITTEE

David Englebert

David Englebert, Chair

Todd J. Thayse

Todd Thayse

Helen Bacon

Helen Bacon

Elizabeth Gauger

Elizabeth Gauger

Walter I. Kalms

Walter Kalms

Nancy Robillard

Nancy Robillard

Ryan Shaw

Ryan Shaw

Amended
No. 2026/2028-10

**ORDINANCE AMENDING MANITOWOC COUNTY CODE CH. 8 ENACTING A
MORATORIUM ON DATA CENTERS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, a “Data Center” is one or more facilities that house computing and networking
2 equipment, along with storage and management systems, to support the storage, processing,
3 retrieval, and distribution of digital data and applications; and
4

5 WHEREAS, data centers typically feature high-performance servers, storage arrays,
6 networking equipment, cooling systems, and power backup solutions to ensure uninterrupted
7 operation; and
8

9 WHEREAS, the towns of Mishicot, Two Creeks and Two Rivers (“Towns”) are under the
10 zoning jurisdiction of Manitowoc County; and
11

12 WHEREAS, the Towns have requested a moratorium on the receipt of applications and the
13 granting of permits relating to Data Centers; and
14

15 WHEREAS, pursuant to Wis. Stat. § 59.69(4), Manitowoc County may enact a moratorium
16 that is not a “development moratorium” as that term is defined in Wis. Stat. § 66.1002(1)(b); and
17

18 WHEREAS, the Towns have concerns about potential health and safety issues related to the
19 construction and operation of Data Centers, including electrical connections, electrical and
20 magnetic fields, impacts on air quality and water resources, water use, electricity demand, and fire
21 hazards; and
22

23 WHEREAS, the Towns have concerns that the construction and operation of Data Centers
24 will result in an overburdening of public services and infrastructure in Manitowoc County,
25 including electrical and water utilities, town roads, and fire and emergency services; and
26

27 WHEREAS, the Towns have concerns about the potential secondary impacts of the
28 construction and operation of Data Centers, including impacts on property values, noise and visual
29 impacts, and impacts on the public health, safety and general welfare of residents, businesses, and
30 visitors; and
31

32 WHEREAS, the construction and operation of Data Centers is not consistent with existing
33 county plans and ordinances including the Manitowoc County Comprehensive Plan, the
34 Manitowoc County Farmland Preservation Plan, and the Farmland Preservation Zoning District;
35 and
36

WHEREAS, the Manitowoc County General Zoning and Land Use Regulation Ordinance does not contain language addressing the location, construction, and operation of Data Centers; and

WHEREAS, a moratorium would allow the county to fully explore, analyze, and research the environmental, economic, health, and safety impacts of Data Centers and develop consistent zoning and regulatory standards to be applied to Data Centers in Manitowoc County; and

WHEREAS, the Planning and Park Commission conducted a public hearing on March 30, 2026, and after careful consideration and review, recommends that the county board amends chapter 8 of the Manitowoc County code and approves a moratorium;

NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain as follows:

Manitowoc County Code Section 8.495 is created to read as follows:

8.495 Moratorium.

- (1) For the purpose of this s. 8.495 “Data Center” means one or more facilities that house computing and networking equipment with the capability of managing more than 1 petabyte of data, along with storage and management systems, to support the storage, processing, retrieval, and distribution of digital data and applications.
- (2) Pursuant to Wis. Stat. § 59.69(4), Manitowoc County enacts the following moratorium: Notwithstanding any other provision in this Ch. 8, there shall be a moratorium on the receipt of applications and the granting of all permits or approvals for the placement or construction of data centers. The purpose of the moratorium is to allow Manitowoc County time to research the possible environmental, economic, public health, safety, and general welfare effects of data centers and establish consistent zoning and regulatory standards to be applied to data centers in Manitowoc County and to allow the Planning and Park Commission to conduct hearings and make recommendations to the County Board regarding amendments to this or other county ordinances. The moratorium shall be in effect for a period of 18 months from the date this ordinance is published (*i.e.* its effective date) or until the County Board adopts and the County Executive approves amendments to this ordinance or rescinds this moratorium, or both. The moratorium enacted in this s. 8.495 is not intended to be, and does not, constitute a “development moratorium” as that term is defined in Wis. Stat. § 66.1002(1)(b).

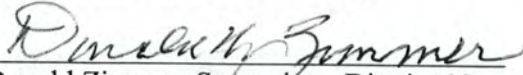
and

BE IT FURTHER ORDAINED that if applicable, the table of contents shall be updated to reflect this amendment; and

BE IT FURTHER ORDAINED that this ordinance shall be effective upon publication.

Dated this 28th day of April 2026.

Respectfully submitted by the
Planning and Park Commission

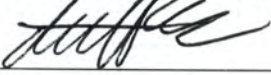

Donald Zimmer, Supervisor, District 10

FISCAL IMPACT: None.

FISCAL NOTE: Reviewed and approved by Finance Director.

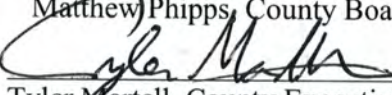
LEGAL NOTE: Reviewed and approved as to form by Corporation Counsel.

COUNTERSIGNED:


Matthew Phipps, County Board Chair

Date

APPROVED:


Tyler Martell, County Executive

Date

SUB 1 to 2026 RES-039

**IMPOSING A MORATORIUM ON THE RECEIPT OF APPLICATIONS FOR OR
ISSUANCE OF ZONING PERMITS FOR THE SITING OR PLACEMENT OF DATA
CENTERS IN DANE COUNTY**

The Dane County Board of Supervisors finds:

(1) There are potential health and safety concerns related to the construction and operation of data centers, including overburdening public services and infrastructure.

(2) There are potential impacts on property values, conversion of productive agricultural land, and the general welfare of residents, businesses, and visitors.

(3) The construction and operation of data centers is not consistent with existing county plans and ordinances, including the Dane County Comprehensive Plan and the Dane County Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED that the purpose of this Resolution is to establish a moratorium that would allow Dane County to fully explore, analyze, and research the environmental, economic, health and safety aspects of data centers and to develop reasonable zoning regulations to be applied to data centers consistent with the Dane County Comprehensive Plan.

BE IT FURTHER RESOLVED that for the purposes of this Resolution, a data center is any facility housed in one or more structures that primarily contains electronic equipment used to process, store, manage, and transmit digital information and applications, and that uses environmental control equipment to maintain the conditions for the operation of electronic equipment; and

BE IT FURTHER RESOLVED that for the purposes of this resolution, a hyperscale data center is a data center scaled to support high-volume processing, storage, management, and transmission of digital information and applications, and uses at least 5,000 servers and 10,000 square feet of floor space.

BE IT FURTHER RESOLVED that (1) Pursuant to Wis. Stat. §59.69(4), Dane County enacts a moratorium on the receipt of applications for and the granting of all zoning related permits for the placement or construction of hyperscale data centers; and (2) The moratorium shall be in effect for a period of 18 months from (clerk to insert effective date of the ordinance) or until it is rescinded, whichever is earlier.

BE IT FURTHER RESOLVED that the moratorium enacted herein is not intended to be, and does not constitute a “development moratorium” as that term is defined in Wis. Stat. §66.1002(1)(b).

Resolution No. 29-26
**RESOLUTION CREATING POLK COUNTY CODE CH. 42-41, ENACTING
A TEMPORARY MORATORIUM ON DATA CENTERS**

TO THE POLK COUNTY BOARD OF SUPERVISORS:

WHEREAS, a “Data Center” is any facility housed in one or more structures that primarily contain computing and networking equipment, along with storage and management systems, to support the storage, processing, retrieval, management, transmission, and distribution of digital data and applications; and

WHEREAS, data centers typically feature high-performance servers, storage arrays, networking equipment, cooling systems, and power backup solutions to ensure uninterrupted operation; and

WHEREAS, the towns of West Sweden, Sterling, Luck, Bone Lake, McKinley, Eureka, Milltown, Johnstown, Balsam Lake, Beaver, Osceola, Lincoln, Clayton, Alden, Black Brook, and Clear lake (“Towns”) are under the zoning jurisdiction of Polk County; and

WHEREAS, pursuant to Wis. Stat. § 59.69(4), Polk County may enact a moratorium that is not a “development moratorium” as that term is defined in Wis. Stat. § 66.1002(1)(b); and

WHEREAS, the people of Polk County have concerns about potential health and safety issues related to the construction and operation of Data Centers, including electrical connections, electrical and magnetic fields, impacts on air quality and water resources, water use, electricity demand, and fire hazards; and

WHEREAS, the people of Polk County have concerns that the construction and operation of Data Centers will result in an overburdening of public services and infrastructure in Polk County, including electrical and water utilities, town roads, and fire and emergency services; and

WHEREAS, the people of Polk County have concerns about the potential secondary impacts of the construction and operation of Data Centers, including impacts on property values, noise and visual impacts, and impacts on the public health, safety and general welfare of residents, businesses, and visitors; and

WHEREAS, the construction and operation of Data Centers is not consistent with existing county plans and ordinances including the Polk County Comprehensive Plan, the Polk County Farmland Preservation Plan, and the Farmland Preservation Zoning District; and

WHEREAS, the Polk County General Zoning and Land Use Regulation Ordinance does not contain language addressing the location, construction, and operation of Data Centers; and

WHEREAS, a moratorium would allow the county to fully explore, analyze, and research the environmental, economic, health, and safety impacts of Data Centers and develop consistent zoning and regulatory standards to be applied to Data Centers in Polk County;

Resolution No. 29-26
**RESOLUTION CREATING POLK COUNTY CODE CH. 42-41, ENACTING
A TEMPORARY MORATORIUM ON DATA CENTERS**

NOW, THEREFORE, BE IT RESOLVED, the Polk County Board of Supervisors does ordain as follows:

Polk County Code Section 42-41 is created to read as follows:

42-41 Moratorium

(1) For the purposes of Section 42-41, “Data Center” is defined as any facility housed in one or more structures that primarily contain computing and networking equipment, along with storage and management systems, to support the storage, processing, retrieval, management, transmission, and distribution of digital data and applications

(2) Pursuant to Wis. Stat § 59.69(4), Polk County hereby enacts the following moratorium: Notwithstanding any other provision in Chapter 42, there shall be a moratorium on the receipt of applications and granting of all permits or approvals for the placement or construction of data centers. The purpose of the moratorium is to allow Polk County time to research the possible environmental, economic, public health, safety, and general welfare effects of data centers and establish consistent zoning and regulatory standards to be applied to data centers in Polk County and to allow the Environmental Services Committee to conduct hearings and make recommendations to the County Board regarding amendments to this or other county ordinances. The moratorium shall be in effect for a period of twelve months from the date this ordinance is published (*i.e.* its effective date) or until the County Board adopts amendments to this ordinance or rescinds this moratorium, or both. The moratorium enacted in this subsection (42-41) is not intended to be, and does not, constitute a “development moratorium” as that term is defined in Wis. Stat. § 66.1002(1)(b).

(3) This moratorium may be extended for up to six additional months by a resolution passed by a simple majority vote of the Polk County Board of Supervisors if necessary to complete any necessary work or enact and necessary ordinance amendments.

BE IT FURTHER RESOLVED, that this ordinance shall be effective upon passage and publication as provided in Wis Stat. § 59.14;

BE IT FURTHER RESOLVED, that this ordinance shall not be codified;

Resolution No. 29-26

**RESOLUTION CREATING POLK COUNTY CODE CH. 42-41, ENACTING
A TEMPORARY MORATORIUM ON DATA CENTERS**

VOTE BY ROLL CALL

Board Members	Aye	Nay	Excu.
Olson			
Route			
Bethke			
Garvey			
Gilbertson			
Jarchow			
Kelly			
Hall			
O'Connell			
Moris			
Luke (2 nd Vice Chair)			
Duncanson			
Arcand (Chair)			
Karpenski			
Bonneprise (Vice Chair)			

BOARD ACTION

Vote Required: _____

Motion to Approve

Adopted ☐

1st _____

Defeated ☐

2nd _____

Yes: _____ No: _____ Excu: _____

☐ Approved by unanimous voice vote

☐ Approved by majority voice vote

☐ Defeated by lack of majority voice vote

COMMITTEE(S) REVIEW & RECOMMENDATION

Committee 1: Environmental Services

- ☐ Recommended
☐ Not Recommended
☐ Neutral

Notes from Committee:

Signature of Committee Chair: _____

Committee 2: Select a Committee

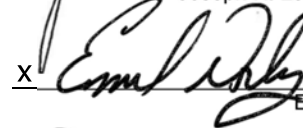
RESOLUTION REVIEW COMPLETED BY:

X



Joseph H. Loso, Corporation Counsel

X



Emil Norby, Administrator

X



Donald W. Wortham, General Government
Division Director

Fiscal & Legal Impact(s):

No Fiscal Impact.
No Legal Impact.

RESOLUTION SPONSOR(S):

Supervisor: 

Supervisor: _____

Supervisor: _____

Administrator: _____

Emil Norby, Administrator

Resolution Staff/Department Request:

Certification:

The above is a true and correct copy of a resolution that was adopted on the ____ day of _____, 2026 by the Polk County Board of Supervisors.

Signed: _____
Russell Arcand, County Board Chair

Attest: _____
Shabana Lundeen, Polk County Clerk