

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;

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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;

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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

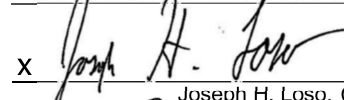
Notes from Committee:

Signature of Committee Chair: _____

Committee 2: Select a Committee

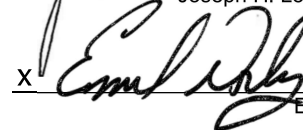
RESOLUTION REVIEW COMPLETED BY:

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