

# SAWYER COUNTY

## BOARD OF SUPERVISORS

ORDINANCE NO. \_\_\_\_\_

### TEMPORARY MORATORIUM ON DATA CENTERS AND ASSOCIATED INFRASTRUCTURE

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**WHEREAS**, the Sawyer County Board of Supervisors (“County Board”) has the authority to enact zoning regulations and adopt interim measures to protect the public health, safety, and general welfare pursuant to Wis. Stat. §§ 59.03, 59.69, and other applicable provisions of Wisconsin law; and

**WHEREAS**, the County Board recognizes that recent technological advancements have significantly increased the demand for large-scale data centers and associated infrastructure supporting cloud computing, artificial intelligence, digital communications, electronic commerce, financial services, governmental operations, scientific research, and other data processing activities; and

**WHEREAS**, modern data centers are substantially different from traditional commercial buildings because they often require extensive electrical infrastructure, high-capacity transmission facilities, substations, backup generation systems, battery energy storage systems, cooling equipment, fiber optic infrastructure, water supply systems, wastewater facilities, and other specialized improvements necessary for continuous operation; and

**WHEREAS**, the County Board further finds that data centers may require substantial public and private infrastructure improvements, including roadway improvements, utility extensions, electrical substations, transmission lines, telecommunications facilities, and emergency service capabilities that are not currently addressed by the existing Sawyer County Zoning Ordinances; and

**WHEREAS**, the County Board recognizes that data centers may create land use issues involving noise from mechanical cooling equipment and emergency generators, exterior lighting, visual impacts, construction traffic, water consumption, wastewater generation, stormwater management, emergency response planning, hazardous materials, fire suppression systems, and compatibility with neighboring residential, agricultural, commercial, industrial, and forest properties; and

**WHEREAS**, the County Board finds that associated infrastructure serving a data center may extend well beyond the principal building and may include electrical substations, transmission facilities, battery energy storage systems, cooling towers, water storage facilities, wastewater treatment equipment, fuel storage, fiber optic infrastructure, security improvements, and other accessory structures necessary for operation of the facility; and

**WHEREAS**, the Sawyer County Code of Ordinances, including the Sawyer County Zoning Ordinance, presently contain no specific definition of a Data Center or Associated Infrastructure (as defined herein) and do not establish zoning districts, permitting procedures,

development standards, setback requirements, landscaping standards, noise limitations, buffering requirements, decommissioning requirements, financial assurance requirements, or other regulations specifically applicable to Data Centers and Associated Infrastructure, and the unique impacts of use resulting from such facilities; and

**WHEREAS**, the County Board finds that allowing applications for Data Centers and Associated Infrastructure to proceed before comprehensive zoning regulations are considered and may be adopted could result in inconsistent land use decisions, insufficient development standards, conflicts with surrounding land uses, increased demands on public infrastructure, and impacts to the health, safety, and general welfare of Sawyer County's residents, natural resources, property, businesses and visitors; and

**WHEREAS**, the County Board has discussed whether it is in the public interest to temporarily preserve the status quo while Sawyer County researches the impacts of Data Centers and Associated Infrastructure, to consult with municipalities, utilities, emergency responders, property owners, planning professionals, environmental agencies, and other stakeholders, and prepare comprehensive zoning regulations addressing the location, construction, operation, expansion, maintenance, and decommissioning of such facilities; and

**WHEREAS**, the County Board intends that this temporary moratorium shall not prohibit future Data Centers and Associated Infrastructure, but instead provide sufficient time to develop objective, reasonable, and legally defensible land use regulations that provide certainty to both the public and prospective applicants while protecting the public health, safety, and general welfare; and

**WHEREAS**, the County Board has discussed the appropriate timeframe for a temporary moratorium, and whether an eighteen (18) month temporary moratorium is in the best interest of the public health, safety, and general welfare, during which there will be a moratorium upon the consideration of any application to develop, construct or operate a Data Center and Associated Infrastructure and/or issuance of any permits or approvals for Data Centers and Associated Infrastructure is necessary to allow reasonably necessary to allow adequate time for research, ordinance preparation, public review, Town Board recommendations, Zoning Committee consideration, legal counsel review, County Board action, and implementation of comprehensive regulations governing Data Centers and Associated Infrastructure.

**NOW, THEREFORE**, the County Board of Supervisors of the county of Sawyer does ordain as follows:

## **SECTION 1. DECLARATION OF MORATORIUM**

There is hereby imposed a temporary moratorium on the acceptance of any application to construct or operate any Data Center and Associated Infrastructure (as defined herein), and consideration and/or issuance of any zoning permit, building permit, conditional use permit, and zoning approval for a Data Center and Associated Infrastructure under any part of the Sawyer County Code of Ordinances or any other provision of applicable law. The temporary moratorium as set forth in this Section 1 shall be referred to herein as the "Moratorium Ordinance".

For purposes of this Moratorium Ordinance, the following definitions shall apply:

**“Data Center”** means a building, campus, or group of buildings used for the primary purpose of cloud computing, artificial intelligence computing, digital storage, networking, internet hosting, colocation services, cryptocurrency processing, high-performance computing, or other electronic data processing activities, together with all Associated Infrastructure necessary for operation.

**“Associated Infrastructure”** means any building, facility, equipment or improvement (temporary or permanent) that is reasonably necessary for the construction, operation, maintenance, expansion, or decommissioning of a Data Center, including but not limited to: server buildings and supporting structures; electrical substations; electrical transmission and distribution facilities; battery energy storage systems (BESS); emergency backup generators; fuel storage facilities; cooling equipment and cooling towers; chilled water systems; water supply and storage facilities; wastewater collection and treatment facilities; fiber optic infrastructure; telecommunications equipment; security buildings and fencing; parking, loading, and access roads; and any other infrastructure constructed primarily to support the operation of a Data Center.

This Moratorium Ordinance shall not apply to:

1. Routine maintenance or repair of existing legally established facilities.
2. Server rooms or computer equipment accessory to an existing principal use that does not meet the definition of a Data Center.
3. Public safety communication facilities owned or operated by a governmental entity.
4. Utility facilities that are not constructed solely or primarily to serve a proposed Data Center.

Nothing contained herein shall be construed to authorize any use otherwise prohibited under the Sawyer County Code of Ordinances.

## **SECTION 2. PURPOSE**

The purpose of this Moratorium Ordinance is to preserve the status quo while Sawyer County researches, evaluates, and develops comprehensive zoning regulations governing the siting, construction, operation, expansion, maintenance, and decommissioning of Data Centers and Associated Infrastructure.

## **SECTION 3. AUTHORITY**

This Moratorium Ordinance is adopted pursuant to the authority granted to counties under Wis. Stat. § 59.03; Wis. Stat. § 59.69; Wis. Stat. Ch. 87, where applicable; and any other applicable provisions of Wisconsin law authorizing counties to regulate land use and adopt temporary moratoriums to preserve the public health, safety, and general welfare.

The County Board finds that adoption of this temporary Moratorium Ordinance constitutes a reasonable exercise of its police powers and zoning authority for the preservation and protection of the public health, safety and general welfare of Sawyer County’s residents, natural resources, property, businesses and visitors throughout the process.

## **SECTION 4. DURATION OF MORATORIUM**

This temporary moratorium set forth in this Moratorium Ordinance shall become effective upon adoption and publication as required by law, and shall remain in effect for a period of **eighteen (18) months**, unless sooner repealed, modified, superseded, or replaced by action of the County Board.

The temporary moratorium set forth in this Moratorium Ordinance shall automatically terminate upon the effective date of an ordinance establishing permanent zoning regulations governing Data Centers and Associated Infrastructure regardless of whether the full eighteen-month period has elapsed, unless otherwise determined by the County Board.

The County Board reserves the right to amend this Moratorium Ordinance as permitted by Wisconsin law if it determines such amendment is necessary to protect the public health, safety, and general welfare or to facilitate implementation of permanent zoning regulations.

## **SECTION 5. DIRECTION TO DEVELOP DATA CENTER AND ASSOCIATED INFRASTRUCTURE MORATORIUM ORDINANCE ORDINANCES**

During the period of this Moratorium Ordinance, the SCZC, and the Sawyer County Zoning and Conservation Department Administrator (the “SCZC Administrator”), or the SCZC Administrator’s delegate(s), are directed to research and draft an ordinance providing comprehensive and appropriate regulations of Data Centers and Associated Infrastructure to protect the health, safety and general welfare of Sawyer County’s residents, natural resources, property, businesses, visitors and the public. It is the intention of the Sawyer County Board of Supervisors to amend the Sawyer County Comprehensive Plan and the Sawyer County Zoning Ordinances, either by adopting an amendment to the existing Sawyer County Zoning Ordinances or as part of the comprehensive revision process, to address regulations for the development and use of Data Centers and Associated Infrastructure, before the expiration of the moratorium set forth in this Moratorium Ordinance.

## **SECTION 6. SUBJECTS FOR CONSIDERATION**

In preparing an amendment to the existing Sawyer County Zoning Ordinances or as part of a comprehensive revision process, the SCZC and the SCZC Administrator shall review the possible impacts that Data Centers and Associated Infrastructure may have on the health, safety and general welfare of the residents, natural resources, property, businesses and visitors of Sawyer County. The SCZC Administrator may, in his discretion, consult with other counties and municipalities and review and research appropriate studies and information pertaining to data centers and associated infrastructure, and then report back to the SCZC. The SCZC Administrator may also, in his discretion, consult with any professionals, experts or scholars with knowledge about the possible impacts of these systems, including but not limited to engineers, lawyers, law enforcement officers, fire fighters and those with specialized knowledge in the fields of geology, soils, water quality and conservation, or other public health or environmental protection issues, and then report back to the SCZC. The SCZC shall provide opportunities for public participation in this process as required by law, and consider the public health, safety and general welfare of Sawyer County’s residents, natural resources, property, businesses and visitors throughout the process.

## **SECTION 7. SEVERABILITY**

If a section, subsection, paragraph, sentence, clause, or phrase of this Moratorium Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Moratorium Ordinance.

#### **SECTION 8. CONSTRUCTION**

If the provisions of this Moratorium Ordinance are found to be inconsistent with other provisions of the Sawyer County Code of Ordinances, this Moratorium Ordinance is deemed to control.