

RESOLUTION OF THE APPLING COUNTY BOARD OF COMMISSIONERS EXTENDING AND SUPERSEDING THE TEMPORARY MORATORIUM ON DATA-CENTER-RELATED DEVELOPMENT APPLICATIONS

Resolution No. [_____]

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF APPLING COUNTY, GEORGIA, EXTENDING AND SUPERSEDING THE COUNTY’S EXISTING TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING, AND/OR APPROVAL OF CERTAIN DATA-CENTER-RELATED DEVELOPMENT APPLICATIONS; ESTABLISHING A FIXED MORATORIUM PERIOD OF ONE HUNDRED EIGHTY (180) DAYS FROM THE EFFECTIVE DATE OF THE ORIGINAL MORATORIUM; PROVIDING FINDINGS AND PURPOSE; IDENTIFYING THE APPLICATIONS AFFECTED; ADDRESSING PENDING APPLICATIONS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING RESOLUTIONS; AND FOR OTHER LAWFUL PURPOSES.

Recitals

WHEREAS, Appling County, Georgia (the “County”), acting through its Board of Commissioners (the “Board”), is responsible for protecting the public health, safety, and welfare and for administering its land-use, development, and permitting processes in the unincorporated area of the County; and

WHEREAS, on the 4th day of August, 2026, the Board adopted A Resolution Declaring A Temporary Moratorium on the Acceptance and Processing of Applications for Data Center Facilities Within Appling County, Georgia; Providing for the Study and Development of Appropriate Land Use Regulations Addressing the Infrastructure, Water, And Energy Demands Associated with Such Facilities; and For Other Purposes, which imposed a temporary forty (40)-day pause on Electrical Permits by the Appling County Tax Assessor and or Deputy/EMA director and any future conditional permits, future development permits, future site plan approval, future building permits or any future developmental approvals for the construction, operation of data center facilities within the unincorporated areas of Appling County that may be passed by the County in the future from the date August 4, 2026; and

WHEREAS, the Board finds that data-center development may present significant and distinctive local issues requiring careful study, including potential impacts on electric-power demand and infrastructure, water demand and availability, road capacity and traffic, noise, land-use compatibility, public safety and emergency services, environmental resources, and the County’s fiscal and public-service capacity; and

WHEREAS, the Board requires additional time to evaluate those issues, receive technical and public input, consider appropriate land-use and development standards, and determine whether amendments to County regulations or procedures are necessary; and

WHEREAS, this Resolution is intended as a temporary, countywide interim measure to preserve the status quo while the County completes that work; it is not intended to grant or deny a rezoning, special-use, variance, building permit, site-plan approval, land-disturbance permit, or other development entitlement on the merits; and

WHEREAS, the Board has determined that extending the temporary moratorium through a definite total period of one hundred eighty (180) days from the effective date of the Original Moratorium is reasonable and necessary to accomplish these limited planning and regulatory purposes.

Resolution

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF APPLING COUNTY, GEORGIA, as follows:

1.- Incorporation of Recitals. The foregoing recitals are incorporated into and made findings of the Board.

2.- Extension and Supersession of Original Moratorium. The Board hereby extends and supersedes the Original Moratorium. The temporary moratorium established by this Resolution shall remain in effect from the Original Moratorium's effective date of August 4, 2026, through January 31, 2027 [180 calendar days after original effective date], unless earlier repealed or terminated by a subsequent resolution of the Board. This Resolution does not create an additional 180-day period; it establishes a total moratorium period of 180 calendar days measured from the Original Moratorium's effective date.

3.- Purpose and Limited Effect. During the temporary moratorium period, the County shall use reasonable efforts to study the impacts identified in the recitals, develop and evaluate potential regulatory or procedural measures, and consider any proposed permanent regulations through the procedures otherwise required by law. This Resolution is a temporary interim measure and shall be construed no more broadly than necessary to preserve the County's ability to complete that work.

4.- Applications Subject to Moratorium. Subject to Section 5, County officers, employees, boards, agencies, and consultants shall not accept, process, schedule for hearing, recommend for approval, approve, or issue any of the following applications or approvals when submitted for the establishment, construction, expansion, or material alteration of a data center or a data-center campus:

- a. Electrical Permits by the Appling County Tax Assessor and or Deputy/EMA director and any future conditional permits,
- b. Future development permits,
- c. Future site plan approval,
- d. Future building permits

- e. any future developmental approvals for the construction and operation of data center facilities within the unincorporated areas of Appling County that may be passed by the County after August 4, 2026; and

For purposes of this Resolution, “data center” means any building or campus-style development designed primarily for the storage, management, processing, or transmission of digital data through computer systems, servers, or related equipment that requires significant electrical infrastructure, cooling systems or high-capacity telecommunications infrastructure.

5.- Pending and Complete Applications.

a. This Resolution applies to applications identified in Section 4 that are submitted on or after August 4, 2026.

b. An application that the County determined to be complete before August 4, 2026 shall be subject to this Resolution unless the applicant had obtained a vested right under applicable law before that date.

c. Nothing in this Resolution shall be construed to impair a vested right established under applicable law before the effective date stated in subsection (a).

6.- No Merits Determination; Other Legal Requirements. Nothing in this Resolution constitutes a determination on the merits of any application, waives any County requirement, or limits the County’s authority to enforce applicable law. Nothing in this Resolution eliminates any notice, hearing, or other procedure that may be required by state law, the County’s zoning ordinance, or other County enactment for a later zoning decision or other final action.

7.- Administration. The County Administrator, and all other affected County officers, employees, boards, agencies, and consultants are authorized and directed to implement this Resolution consistently with its terms. The County Attorney is authorized to advise County personnel concerning its implementation.

8.- Severability. If any provision of this Resolution, or its application to a person or circumstance, is held invalid or unenforceable, the remaining provisions and applications shall not be affected and shall remain in full force to the greatest extent permitted by law.

9.- Repealer. All resolutions, policies, directives, or parts thereof in conflict with this Resolution are repealed only to the extent of the conflict. The Original Moratorium remains in effect except as expressly extended and superseded by this Resolution.

10.- Effective Date. This Resolution shall be effective immediately upon its adoption by the Board.

RESOLVED AND ADOPTED this ____ day of _____, 2026, by the Board of Commissioners of Appling County, Georgia.

APPLING COUNTY BOARD OF COMMISSIONERS

By: _____
Chairman

Attest: _____
County Clerk