

**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.**

WHEREAS, the Appling County Board of Commissioners is entrusted with protecting the public health, safety, and welfare of the citizens of Appling County and ensuring responsible stewardship of the County's natural resources, infrastructure, and long-term economic sustainability; and

WHEREAS, Georgia Law recognizes that local governments may impose moratoria on zoning decisions, building permits and other development approvals where exigent circumstances warrant the same (*see, City of Roswell et al v. Outdoor Systems, in.*, 274 Ga 130 (2001); *Lawson v. Macon*, 214 Ga. 278 (1958); *Taylor v. Shetzen*, 212 Ga 101 (1955)); and

WHEREAS, Appling County is located within the Georgia Coastal Plain region, an area that relies heavily upon groundwater resources from the Floridan Aquifer system, which has historically been subject to significant management and conservation efforts due to long-term sustainability concerns; and

WHEREAS, state and regional planning efforts led by the Georgia Environmental Protection Division (EPD) and the Georgia Department of Natural Resources Coastal Resources Division emphasize the importance of careful management of groundwater withdrawals and water resources to ensure long-term environmental and economic stability; and

WHEREAS, large-scale data center facilities are known to require substantial water resources for cooling systems and substantial electrical power to support continuous computing operations, which in some cases can require infrastructure demands comparable to small municipalities; and

WHEREAS, such facilities have the potential to place significant demands on regional groundwater supplies, water treatment infrastructure, and electrical grid capacity, particularly in rapidly growing areas of Georgia; and

WHEREAS, the Board of Commissioners finds that Appling County currently lacks specific zoning provisions or development regulations addressing the unique operational characteristics, infrastructure requirements, and environmental considerations associated with facilities like large-scale data center facilities; and

WHEREAS, the Board of Commissioners further finds that allowing such facilities to proceed without appropriate regulatory standards could create risks to the County's water

resources, electrical infrastructure capacity, land use planning objectives, and long-term community development strategy; and

WHEREAS, Appling County's is located in the Coastal Plain of Georgia and is in close proximity to sensitive ecosystems, wetlands, estuarine systems, and maritime forests which further underscores the importance of ensuring that new forms of industrial-scale development are evaluated carefully and responsibly; and

WHEREAS, the Board of Commissioners finds that a temporary moratorium is a reasonable and necessary planning tool to allow the County time to study this emerging land use and develop appropriate regulatory standards that protect the public interest; and

WHEREAS, temporary moratoria have been widely recognized by courts as a legitimate planning mechanism when adopted for a limited duration and for the purpose of allowing local governments to study land use impacts and adopt appropriate regulations; and

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

Section 1. Authority

This Moratorium is adopted pursuant to the constitutional and statutory authority of Georgia counties to protect the public health, safety, and welfare, including the County's home rule authority to adopt ordinances relating to county affairs, provided such ordinances are not inconsistent with general law.

Nothing herein shall be construed as adopting zoning regulations or establishing permanent land use controls.

Section 2. Temporary Moratorium Established

A temporary moratorium is hereby established on the acceptance, review, processing, or approval of any:

- Electrical Permits issued by the Appling County Tax Assessor and/or Deputy EMA director
- Any future conditional use permits
- Any future development permits
- Any future site plan approvals
- Any future building permits
- Any future development approvals for the construction, expansion, or operation of data center facilities within the unincorporated areas of Appling County.

Section 3. Definition

For the purposes of this Resolution, "data center facility" shall mean 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.

Section 4. Duration

This moratorium shall remain in effect for an emergency period of Forty Days **(40) Days** from the date of adoption unless earlier lifted by the Board of Commissioners or until the County adopts a revision of the Code, Development Regulations, Zoning Ordinance or Comprehensive Plan related to the above referenced users. It may be extended by subsequent action if additional time is reasonably necessary to complete the regulatory review process after a public hearing conducted in compliance with Georgia Zoning Procedures Law (O.C.G.A. 36-66.1, et seq.).

Section 5. Severability

If any section, subsection, or other provision of this Resolution is held invalid or unenforceable by a court of competent jurisdiction, the remainder of this Resolution shall not be affected by same and shall remain in full force and effect.

Section 6. Effective Date

This Resolution shall take effect immediately upon adoption.

SO RESOLVED, this 4th day of AUGUST, 2026.

APPLING COUNTY BOARD OF COMMISSIONERS

By: E. Lisle Burch
Chairman

ATTEST: [Signature]
County Clerk

[Affix Seal]

