RESOLUTION NO. 08-12-26-1

A RESOLUTION ADOPTING AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON DATA CENTERS IN AVON TOWNSHIP

WHEREAS, Avon Township administers zoning within the Township of Avon (the "Township"), together with Stearns County;

WHEREAS, the Board may regulate land use as part of the Township's zoning authority;

WHEREAS, Minnesota Statute Section 462.355, Subd. 4, provides the Township with the authority to adopt an interim ordinance to establish a moratorium to protect the planning process while the Township studies options for amending its zoning ordinance;

WHEREAS, data centers have the potential to conflict with rural land uses, impede orderly growth and development, create safety and nuisance concerns, cause negative environmental impacts, and negatively affect the aesthetics and livability of the community;

WHEREAS, data centers are being developed in Minnesota;

WHEREAS, the Township's ordinance provisions did not contemplate data centers and potential land use concerns have not been evaluated, in particular, the appropriate siting, setbacks, density and cumulative impacts of data centers has not been examined;

WHEREAS, the Township's zoning ordinances related to data centers need to be reevaluated in light of current trends involving data centers, compatibility with existing land uses, and the impacts those might have on the orderly growth of the Township; and

WHEREAS, the Township is concerned about creating data centers within the Township under current ordinance provisions while the Township studies revisions to its zoning ordinance to protect the planning process and the health, safety, and welfare of its citizens.

NOW, THEREFORE, the Avon Township Board adopts the following findings:

1. The recitals above are incorporated into the findings;

2. The Township desires to protect rural areas of the Township, impose appropriate standards on new land uses to ensure compatibility with existing land uses, and ensure orderly development within the Township;

3. The Township acknowledges changing dynamics in its community, including but not limited to large public and private infrastructure projects, the demand for data centers, the preservation of agricultural land uses, and patterns of development;

4. The Township has determined to undertake a study to consider: (1) the impact of data centers projects on the orderly development of the Township; (2) the land use impact of data centers related to agricultural land uses; and (3) the cumulative impacts of data centers;

5. The Town Board needs an opportunity to conduct a further study of the appropriateness of data centers, potential ordinance revisions, and performance standards, and schedule a public hearing if amendments to the zoning ordinance are deemed necessary;

6. During the time of the study, it is necessary to protect existing land uses, existing property values, and preserve and protect the rights of existing property owners within the Township;

7. The Township desires to impose a moratorium on any data centers within the Township in order to facilitate further consideration of compatibility with future planning and development in the Township, and to ensure that no adverse aesthetic, environmental, social, health, or safety impacts occur as a result of data centers within the Township; and

8. An interim ordinance temporarily prohibiting data centers, is necessary to protect the planning process, development under the Comprehensive Plan, and the health, safety, and welfare of the citizens of the Township during the time of the study.

NOW, THEREFORE, pursuant to Minnesota Statutes § 462.355, the Avon Town Board hereby ordains:

Section 1. Interim Ordinance.

1. **Definition.** For purposes of this Ordinance, "Data Center" means a building, facility, campus, or portion thereof, the primary use of which is the housing, operation, or maintenance of networked computer servers, data storage systems, cloud computing infrastructure, artificial intelligence computing infrastructure, or similar information technology equipment for the storage, processing, management, transmission, or hosting of electronic data or digital services. A Data Center includes associated mechanical, electrical, cooling, backup power generation, battery energy storage, substations, and other supporting infrastructure constructed principally to serve such use.

   The term does not include:

   A. server rooms, telecommunications closets, or similar facilities that are accessory to the principal use of an office building, manufacturing facility, educational institution, medical facility, government building, retail establishment, or other lawful principal use;

   B. ordinary business information technology equipment maintained solely for the operation of the principal use of the property; or

   C. telecommunications facilities regulated separately under this Ordinance.

2. **Temporary Restriction.** A moratorium prohibiting the construction, installation, replacement, or enlargement of Data Centers within the entire Township is hereby established.

3. **Exemptions.** The restriction on Data Centers shall not apply to data centers that exist within the Township prior to the adoption of this Ordinance

4. **Duration.** This moratorium shall be in effect for a period of one year, or until such earlier time as the Avon Town Board of Supervisors determines the moratorium is no longer necessary.

5. **Effective Date.** This Ordinance shall be effective immediately upon its adoption.

6. **Validity.** Every section, provision, or part of this Ordinance is declared severable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this Interim Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

7. **Enforcement and Penalty.** The Township may enforce this Ordinance by injunction or any other appropriate civil remedy in any court of competent jurisdiction. A violation of this Interim Ordinance shall constitute a misdemeanor. Each day a violation occurs shall be considered a separate offense.

Section 2. Summary Publication.

The Town Board's members unanimously direct the Clerk to publish only the title and a summary of this Ordinance as follows:

> "AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON DATA CENTERS WITHIN AVON TOWNSHIP. It is the intent and effect of this Ordinance to prohibit Data Centers until Avon Township can study the effects of such activities and the appropriateness of existing regulations."
>
> A printed copy of the ordinance is available for inspection by any person during regular office hours at Town Hall.

ADOPTED BY AVON TOWNSHIP THIS ____ DAY OF _____, 2026.

AVON TOWNSHIP

By _____
Chad Klocker, Town Chair

ATTEST:

_____
Stephen Saupe, Town Clerk