

A RESOLUTION ESTABLISHING A TEMPORARY MORATORIUM ON THE CONSTRUCTION OF DATA CENTERS WITHIN MONTGOMERY TOWNSHIP, ASHLAND COUNTY, OHIO

WHEREAS, the Board of Trustees of Montgomery Township, Ashland County, Ohio, is charged with protecting the health, safety, welfare, and quality of life of Township residents; and

WHEREAS, the Board of Trustees finds it to be in the best interests of the Township to regulate land use within its jurisdiction and to establish limitations on abnormal high-energy-consumption developments; And

WHEREAS, the Board of Trustees desires additional time to study the potential impacts of large-scale data center development upon Township infrastructure, utility systems, emergency services, roads, land use patterns, environmental resources, and the general welfare of Township residents; and

WHEREAS, the Board of Trustees finds that a temporary moratorium is necessary to preserve the status quo while such study and review are conducted;

BE IT RESOLVED by the Board of Trustees of Montgomery Township as follows:

SECTION 1. ZONING RESOLUTION AMENDMENT PROCEDURES INITIATED.

Pursuant to R.C. 519.12, the Montgomery Township Zoning Commission shall conduct a hearing to consider the following proposed addition to the township zoning resolution, under Article VII, Section 801.

(A) The construction of a data center is hereby prohibited within the Township of Montgomery, Ashland County, Ohio, for a period of two (2) years from the effective date of this Resolution.

(B) As used in this Section, “construction” shall mean the erection of one or more buildings, infrastructure, facilities, and related activities, which include preparations and modifications for a common purpose.

(C) As used in this Section, “data center” shall mean one or more buildings or physical facilities or infrastructure, located on a single real property parcel or on contiguous, adjacent, or otherwise aggregated real property parcels that:

- (1) Are used primarily or exclusively for digital information services such as the management, storage, processing, and dissemination of electronic data and information through the use of computer systems, servers, networking equipment, and related components, including equipment cooling systems; and
- (2) Have an aggregate monthly demand or peak load of greater than twenty-five (25) megawatts, however derived from any energy source, or a combination thereof.

SECTION 2. PURPOSE OF MORATORIUM.

During the period of the moratorium established herein, the Township may study, evaluate, and consider the impacts of data center development and may develop, adopt, amend, or recommend regulations, resolutions, zoning provisions, or other measures deemed necessary to protect the public health, safety, and welfare of residents in the township.

SECTION 3. EXPIRATION.

Unless sooner repealed, extended, or replaced by subsequent action of the Board of Trustees, this moratorium shall automatically expire two (2) years after its effective date.

SECTION 4. CERTIFICATION TO ZONING COMMISSION AND PLANNING COMMISSION.

As required by R.C. 519.12, the township fiscal officer shall immediately certify copies of this resolution to the Montgomery Township Zoning Commission and the Ashland County Planning Commission. The Planning Commission shall forward its comments concerning the proposed amendment to the Zoning Commission to be considered at the Zoning Commission’s hearing. The Zoning Commission shall schedule a hearing not less than twenty days nor more than forty days after the date of this resolution. The hearing shall be scheduled after the next scheduled Planning Commission meeting to allow adequate time to receive the Planning Commission’s recommendations. The Zoning Commission shall cause the hearing to be announced as provided by law and shall, after the conclusion of the hearing, forward its recommendations to the Board of Township Trustees for further proceedings.

Approved: _____

Josh Boley

Steve Uhler

John Keim

MONTGOMERY TOWNSHIP BOARD OF TRUSTEES

Andrea Wertz, Fiscal Officer