

**ORDER AND ORDINANCE OF COUNTY COMMISSION OF NODAWAY COUNTY,
MISSOURI**

**AN ORDER AND ORDINANCE ENACTING A TEMPORARY MORATORIUM ON
DATA CENTERS WITHIN NODAWAY COUNTY, MISSOURI FOR PURPOSES OF
DUE DILIGENCE**

WHEREAS, recent advances in artificial intelligence, cloud computing, and high-performance computing have led to a rapid increase in the development of large-scale data centers across Missouri and the rest of the country, including in rural areas; and

WHEREAS, the County Commission desires to study the potential impacts of data centers within Nodaway County, Missouri, now and in the future; and

WHEREAS, the County Commission acknowledges that there is considerable interest and concern for the public health on the part of residents of Nodaway County, Missouri related to the possible development of data centers within the unincorporated territories of Nodaway County; and

WHEREAS, the County Commission desires to study the potential impacts of data centers on local infrastructure, specifically regarding the quantities of energy and water such facilities may consume, to ensure that such development does not negatively impact the availability or reliability of utilities for existing users; and

WHEREAS, the County Commission finds that data centers may consume substantial electricity, which requires further investigation and coordination with local electrical utilities to evaluate grid stability and to identify any potential risks of localized power disruptions to critical residential, medical, and climate control systems; and

WHEREAS, because data centers may utilize continuous cooling systems and emergency backup generators, the County Commission requires time to assess the potential light and ambient noise impacts of these facilities and to determine what specific community light and noise standards or setbacks may be necessary to preserve public health and the quiet enjoyment of adjacent properties; and

WHEREAS, the construction of data centers introduces substantial impervious surface acreage, and the County Commission seeks to investigate how such development alters localized drainage patterns and storm water runoff and discharge in order to determine the appropriate scope of management controls necessary to prevent erosion, downstream flooding, or public health hazards related to water quality and discharge; and

WHEREAS, the County Commission intends to evaluate whether and to what extent the unique operational characteristics of data centers, including without limitation light, noise, utility strain, and storm water runoff and discharge, could impact adjacent property or the surrounding area's economic viability, so that any future regulations or agreements, or both, will appropriately safeguard the local tax base, protect property rights, and promote stable economic development pursuant to § 49.650, RSMo.; and

WHEREAS, the County Commission recognizes the need to collaborate with local emergency management and first responders to evaluate potential safety hazards unique to data center operations and to determine what emergency response planning and coordination should be required prior to construction; and

WHEREAS, § 49.650, RSMo., authorizes a county to adopt ordinances and resolutions relating to its property, affairs, and local government for which no provision has been made in the constitution or laws of Missouri regarding nuisance abatement and storm water control, excluding agricultural and horticultural property, the promotion of economic development for job creation purposes, and for emergency management when the safety and welfare of the inhabitants of the county are jeopardized; and

WHEREAS, the County Commission further finds that data center development commonly includes supporting or ancillary facilities, whether located on the same site or developed in connection with the principal facility, including without limitation substations, switchyards, transmission or distribution infrastructure, water supply or storage facilities, wastewater facilities, backup generation facilities, and other energy generating facilities constructed or operated to serve a data center, and that such supporting infrastructure may independently create impacts on public health, safety, utilities, noise, storm water, drainage, discharge, and surrounding property that require study during the moratorium period; and

WHEREAS, the County Commission further finds that an important purpose of the temporary moratorium is to allow the County Commission to undertake reasonable and necessary due diligence concerning proposed data center development, including to provide the County, the public, and any affected owner or developer with sufficient time to identify, review, discuss, and work through the issues presented by such development in an orderly, transparent, and informed manner; and

WHEREAS, during the moratorium period, the County Commission is available and willing to meet with residents, affected property owners, developers, utility providers, consultants, and other stakeholders, to receive and review additional information and proposals, to evaluate available legislative and regulatory options, to negotiate and evaluate proposed development-related agreements or other contractual arrangements, and to consider whether appropriate safeguards may be established through duly adopted regulations, negotiated agreements, or a combination thereof; and

WHEREAS, the County Commission recognizes that Chapter 100, RSMo., authorizes counties to issue industrial development revenue bonds and to enter into related agreements, including payment-in-lieu-of-tax arrangements, as a tool for promoting economic development, and the County Commission desires during the moratorium period to study and evaluate whether, and on what terms and conditions, such incentives may be appropriate in connection with data center development so as to safeguard the local tax base while promoting stable economic development; and

WHEREAS, § 192.300, RSMo., authorizes a county to make and promulgate orders, ordinances, rules or regulations as will tend to enhance the public health and the prevention of

infectious, contagious, communicable, or dangerous diseases, including potential health impacts arising from noise, air emissions from backup generators, and water quality degradation; and

WHEREAS, the citizens of Nodaway County may consider adoption of county planning and zoning in accordance with §§ 64.510 to 64.727, RSMo., or alternatively, §§ 64.800 to 64.905, RSMo. in the event that the County Commission determines that it is unable to meet the regulatory needs of Nodaway County with respect to data centers through less-stringent means; and

WHEREAS, § 64.510, RSMo., and alternatively § 64.800, RSMo., authorize counties to, after approval by vote of the people of the county, provide for the preparation, adoption, amendment, extension, and carrying out of a county plan for all areas of the county outside the corporate limits of any city, town or village which has adopted a city plan in accordance with the laws of the state; and

WHEREAS, § 64.530, RSMo., and alternatively § 64.800, RSMo., authorizes the County Commission to adopt any plan or create any commission, by ordering the question as to whether or not the county commission shall adopt county planning or zoning submitted to the voters of the county; and

WHEREAS, as an alternative to the procedures set forth in § 64.510 to 64.550, RSMo., § 64.725, RSMo., authorizes the County Commission to create a temporary county or township planning commission prior to an election to adopt county or township planning and zoning; and

WHEREAS, the County Commission of Nodaway County concludes that a temporary moratorium on the construction and operation of data centers in the unincorporated portions of Nodaway County is necessary to provide the County with a reasonable time to investigate, study, and develop a comprehensive, evidence-based framework that protects public health and safety, safeguards the local tax base, protects property rights, and promotes stable economic development as authorized pursuant to state law, including but not limited to § 49.650, RSMo., and § 192.300, RSMo., and to consider the adoption of planning and/or zoning in accordance with the provisions of §§ 64.510 to 64.727, RSMo., or § 64.800 to 64.905, RSMo.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE COUNTY COMMISSION OF NODAWAY COUNTY, MISSOURI, AS FOLLOWS:

1. Incorporation of Recitals. The WHEREAS clauses set forth above are incorporated herein as the findings of the Nodaway County Commission as if fully set forth herein.

2. Moratorium. The County Commission of Nodaway County, Missouri, hereby enacts and establishes a moratorium on the construction, conversion, establishment, commencement of new operations, or expansion of any Data Center, or any supporting or ancillary facility constructed, installed, operated, or used in connection with or to serve a Data Center, including the issuance of any permits related thereto, with said moratorium to run for a period of six (6) months from the date of adoption of this Order. The moratorium established by

this Order shall automatically terminate at the expiration of the moratorium period established herein unless the County Commission terminates this moratorium at an earlier date or extends the moratorium by further order of the County Commission, adopted at a duly noticed public meeting and supported by written findings, for a period not to exceed six (6) additional months if the County Commission determines that comprehensive regulations or other appropriate measures cannot be adopted and finalized, or that additional time is otherwise necessary, on or before the expiration of the moratorium period. During the moratorium period, the County Commission shall research the nature and extent of local impacts of Data Centers, evaluate potential methods of regulation suitable to minimize such impacts, undertake due diligence as the County Commission deems necessary and appropriate, and engage with elected officials, residents, stakeholders, property owners, developers, utility providers, and legal counsel to determine the type and extent of regulation permissible and advisable as well as the type and extent of agreements relating to Data Center projects advisable for Nodaway County following the moratorium period. Without limitation, the County Commission may during the moratorium period meet with members of the public and any interested developer, receive and review studies, plans, reports, and other information, evaluate legislative and regulatory options, negotiate and evaluate proposed agreements or other contractual arrangements relating to the development or operation of a Data Center, evaluate and consider requests for economic development incentives and financing tools that may be available in connection with Data Center development, including without limitation industrial development revenue bonds authorized under Chapter 100, RSMo., and consider whether appropriate safeguards may be achieved through regulatory means, contractual commitments, or a combination of both. Any construction, establishment, commencement of new operations, or expansion of a Data Center, or any supporting or ancillary facility subject to this moratorium, in violation of this moratorium shall be subject to enforcement action by the County, including but not limited to injunctive relief, cease-and-desist orders, recovery of the County's costs and reasonable attorneys' fees incurred in enforcement, and any other remedies available at law or in equity. This moratorium shall not apply to any Data Center, or any supporting or ancillary facility thereof, which is in existence as of the date of adoption of this Order or for which the owner or developer has physically commenced on-site construction activities, including but not limited to foundation work, vertical construction, or installation of permanent infrastructure, prior to the date of adoption of this Order. For the avoidance of doubt, site grading or site preparation alone shall not constitute commencement of construction for purposes of this exemption.

3. Definitions. For the purposes of this Order and Ordinance, the term “**Data Center**” shall mean a building, group of buildings, or facility whose primary or substantial use is data processing or data storage, and which (i) is 2,500 square feet or more, or (ii) has an aggregate information technology power capacity of 250 kilowatts or more, and is used to house computer systems, servers, and associated components, such as, but not limited to, facilities housing central processing units, graphics processing units, quantum computing hardware, quantum processors, memory, data routing equipment, or data storage equipment, or facilities used for data warehousing, server farm, cryptocurrency mining or processing, virtual server hosting, artificial intelligence training or processing, image processing, cloud computing, email

servicing, telecommunications hotel or colocation services, or associated data center infrastructure characterized by total peak power capacity of 250 kilowatts or more, specialized industrial cooling systems, and significant noise-generating components, as reasonably determined by the County Commission, including any future technology or use that is determined by the County Commission to be substantially similar in operational characteristics to the foregoing, particularly with respect to high-density energy consumption, specialized industrial cooling requirements, or significant noise generation. "Data Center" shall include any supporting or ancillary facility, whether on-site or off-site, that is constructed, installed, operated, or used in whole or in substantial part in connection with or to serve a Data Center, including without limitation any substation, switchyard, transmission or distribution infrastructure, battery energy storage system, backup generator installation, solar facility, wind energy facility, natural gas-fired or other fuel-fired generating facility, cooling facility, water withdrawal, storage, treatment, or distribution facility, wastewater handling or treatment facility, or other energy generating facility serving a Data Center. "Data Center" shall not include: (i) any server room, network closet, or similar installation that (a) occupies no more than 2,500 square feet, (b) consumes less than 250 kilowatts of power, and (c) is co-located on the business premises and used on-site solely to support the internal operations of such business; or (ii) any such building, group of buildings, facility, or supporting or ancillary facility that was existing or for which the owner or developer had physically commenced on-site construction activities (as further set forth in Section 2 hereof) prior to the date of adoption of this Order.

4. Applicability. This Order shall not apply to the core utility operations or regulated activities of any railroad company, telecommunications or wireless company, public utility, rural electric cooperative, or municipal utility, or other electrical corporation regulated by the Public Service Commission; provided, however, that this exemption shall not apply to any Data Center or supporting or ancillary facility as defined herein that is owned, operated, developed, or hosted by or on behalf of any such entity. This Order shall only apply to the unincorporated sections of Nodaway County.

5. Severability. If any section, subsection, clause, or provision of this Ordinance, or its application to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared severable. Any provision held invalid shall be reformed to the minimum extent necessary to render it valid and enforceable while preserving the County Commission's original intent.

6. Legal Effect. This Ordinance shall be in full force and effect from and after its passage and approval.

7. Order of Printing and Publication. Upon adoption of this Order, the County Commission declares and orders that this Order and Ordinance be printed and made available for distribution to the public in the Office of the County Clerk and orders a copy of this Order to be

published in a newspaper in the county for three successive weeks, not later than thirty (30) days after the entry of this Order.

By Order of the County Commission of Nodaway County, Missouri on this ____ day of _____, 2026.

Bill Walker, Presiding Commissioner

Chris Burns, Northern District Commissioner

Scott Walk, Southern District Commissioner

ATTEST:

Melinda Patton, County Clerk