RESOLUTION NO. 2026- 16

A RESOLUTION PROVIDING FOR A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS RELATING TO THE ESTABLISHMENT, OPERATION OR EXPANSION OF DATA CENTERS WITHIN THE UNINCORPORATED AREA OF LEAVENWORTH COUNTY; AND DIRECTING THE DEVELOPMENT OF REGULATIONS FOR DATA CENTERS FOLLOWING A PAUSE.

WHEREAS, the Leavenworth County Zoning Regulations ("Zoning Regulations") presently do not directly define and address a land use associated with "Data Centers," as herein defined; and

WHEREAS, Kansas statutes authorize counties to establish land development regulations to address their local development concerns and needs; and

WHEREAS, there has been an increased nationwide interest in Data Center development and impacts; and

WHEREAS, on May 13, 2026, the Board of County Commissioners adopted a ninety (90) day moratorium on the acceptance, processing, and consideration of applications relating to data centers, battery energy storage systems, and cryptocurrency mining facilities which expired on August 10, 2026; and

WHEREAS, on August 12, 2026, the Leavenworth County Planning Commission considered and tabled discussion of proposed zoning regulation amendments pertaining to Data Centers and related matters; and

WHEREAS, due to a number of impacts that Data Centers have or might have on nearby property owners, the region, and also future development, the Board of County Commissioners recognizes that a need exists to further consider, and potentially adopt, additional land development regulations and/or standards that may pertain to such property uses; and

WHEREAS, the County has received one (1) application for a proposed development with respect to Data Centers within the unincorporated areas of Leavenworth County; and

WHEREAS, the Board of County Commissioners desires to provide adequate time for the Leavenworth County Planning and Zoning Commission to properly evaluate and implement the aforementioned actions by providing for the suspension of acceptance or processing of applications or permits pertaining or related to the establishment, construction, operation or expansion of any Data Center in the interim period defined in this Resolution; and

WHEREAS, pursuant to K.S.A. 12-741, *et seq.*, and K.S.A. 19-101 *et seq.*, Leavenworth County has the police power and statutory authority to regulate the conduct of development through this Resolution. This moratorium is a legislative action.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS that:

1. Within the unincorporated area of Leavenworth County, the consideration and issuance of any **new** Special Use Permits for applications submitted after this Resolution's effective

date that would include or involve Data Centers is temporarily suspended as indicated within this Resolution. For purposes of this Resolution, Data Centers shall be generally construed as one or more buildings, facilities or other sites that are constructed, reconstructed, enlarged, remodeled, leased or used to principally house a group of networked computer servers for the storage, processing, management and dissemination of data and information, or a substantially similar use.

2. The Leavenworth County Planning and Zoning Department and Planning Commission are hereby directed to suspend accepting or acting upon any **new** application or permit received for operation, development, erection and/or construction of a Data Center or related activities and components associated with this property in the unincorporated area of Leavenworth County for the period stated within this Resolution.

3. Leavenworth County staff and the Leavenworth County Planning Commission are directed to continue their review of the existing zoning regulations and bring forward any proposed Zoning Regulation amendments pertaining to Data Centers and related matters within the Zoning Regulations pursuant to K.S.A. 12-741 *et seq.* If deemed appropriate by the Leavenworth County Planning Commission, potential amendments pertaining to Data Centers and related matters may be proposed to be made to the Leavenworth County Comprehensive Plan.

4. The interim development control imposed by this Resolution may be extended, amended, or terminated earlier than its expiration date by subsequent resolution approved by the Board of County Commissioners.

5. If any section of this Resolution shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this resolution as a whole or any part or provision thereof, other than the part so declared invalid or unconstitutional.

6. This Resolution shall take effect upon its adoption and publication once in the official County newspaper. The Resolution shall remain in effect until the County adopts zoning regulations or amendments to its existing zoning regulations addressing data centers and related matters pursuant to K.S.A. 12-741 *et seq.* The County Clerk is directed to publish this Resolution once in the official county newspaper.

ADOPTED this ___ day of September, 2026

Mike Stieben, Chairman

Jeff Culbertson, Member

ATTEST:

Fran Keppler, Leavenworth County Clerk

Vanessa Reid, Member

absent

Willie Dove, Member

Mike Smith, Member