STATE OF GEORGIA)
EFFINGHAM COUNTY)

RESOLUTION NO. ____
RESOLUTION ENACTING A MORATORIUM ON FUTURE LAND USE AMENDMENTS, REZONING OR SPECIAL AND CONDITIONAL USE PERMIT APPLICATIONS, VARIANCE APPLICATIONS, AND ALL PUBLIC HEARINGS FOR DATA CENTER DEVELOPMENT

WHEREAS, data center development has expanded across the country; and

WHEREAS, the Board of Commissioners of Effingham County, Georgia (hereinafter referred to as "Board") is vested with substantial powers, rights and functions to generally regulate the practice, conduct, or use of property for the purposes of maintaining health, morals, safety, security, peace, and the general welfare of the unincorporated areas of the County; 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, pursuant to the case law found at Taylor v. Shetzen, 212 Ga. 101, 90 S.E.2d 572 (1955); Lawson v. Macon, 214 Ga. 278, 104 S.E.2d 425 (1958); and City of Roswell et al v. Outdoor Systems, Inc., 274 Ga. 130, 549 S.E.2d 90 (2001); and

WHEREAS, the Courts take judicial notice of a local government's inherent ability to impose moratoria on an emergency basis; and

WHEREAS, the Georgia Supreme Court, in the case of DeKalb County v. Townsend, 243 Ga. 80 (1979), held that, "To justify a moratorium, it must appear first, that the interests of the public generally, as distinguished from those of a particular class, require such interference; and second, that the means are reasonably necessary for the accomplishment of the purpose, and not unduly oppressive upon individuals." The Board has found that the interests of the public necessitate the enactment of a moratorium for health, safety, morals and general welfare purposes by means which are reasonable and not unduly oppressive; and

WHEREAS, the Board, therefore, considers it paramount that land use regulation continues in the most orderly and predictable fashion with the least amount of disturbance to landowners and to the citizens of the County. The Board has always had a strong interest in growth management so as to promote the traditional police power goals of health, safety, morals, aesthetics and the general welfare of the community; and in particular the lessening of congestion on County roads, security of the public from crime and other dangers, promotion of health and general welfare of its citizens, protection of the aesthetic qualities of the County including access to air and light, and facilitation of the adequate provision of transportation and other public requirements; and

WHEREAS, the Board is, and has been interested in developing a cohesive and coherent policy regarding residential, commercial, and industrial growth and zoning in the County, and have intended to promote community development through stability, predictability and balanced growth which will further the prosperity of the County as a whole; and

WHEREAS, the Board has directed Development Services to evaluate possible revisions to the Effingham County Code of Ordinances and development regulations with respect to the regulation of data centers so as to address current development trends and impacts; and

WHEREAS, the Board has determined that it is in the best interests of the health, safety, and welfare of the County to enact a moratorium on data centers in order to give County staff time to study and develop an ordinance revisions governing the zoning, permitting, and development of data centers; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF EFFINGHAM COUNTY, GEORGIA, in regular meeting assembled and pursuant to lawful authority thereof, as follows:

1. In order to adequately study said issues and any zoning ordinance amendments determined to be required, the Board finds as follows: the zoning ordinance and comprehensive land use plan require review as they relate to data centers; said review of the ordinance and plan requires that a cessation of limited duration of rezoning be implemented with regard to data center developments; and it is necessary and in the public's interest to delay, for a reasonable and finite period of time, the acceptance or processing of any applications for such developments to ensure that the design, development, and location are consistent with the long-term planning objectives of the County.

2. There is hereby imposed a moratorium on the acceptance by County staff of land use amendments, rezoning or the acceptance of applications for rezonings, special and conditional use permit applications, and variance applications for the development of data centers.

3. The duration of this moratorium shall be until the County adopts amendments to its zoning ordinance, abandons this effort by vote of the Board, or until the close of business on May 3, 2027.

4. This moratorium shall not apply or prevent the review, processing, and approval or denial of any applications, permits, or development plans of any kind for data center rezonings, special and conditional use permit applications, variance applications, plan review, permitting, or all public hearings for the development of data centers occurring before the effective date of this Resolution.

5. This moratorium shall have no effect on the real property described in the Limited Warranty Deed from Effingham County Industrial Development Authority to OCTANS GA, LLC, dated July 24, 2026, and recorded in Deed Book 3059, Pages 291-296, in the records of the Clerk of

the Superior Court of Effingham County, which is incorporated herein, and further known as Project Camellia data center site because this project associated with these properties has been approved for zoning and development and is, therefore, a lawfully-vested use.

6. Any person or entity believing they have a lawful nonconforming use or a vested right to proceed with use or development of property that would otherwise be in violation of this moratorium may present such claims for quasi-judicial review under the procedures established in Article 11 of the Zoning Ordinance of Effingham County, Georgia.

7. It is hereby declared to be the intention of the Board that all sections, paragraphs, sentences, clauses and phrases of this Resolution are and were, upon their enactment, believed by the Board to be fully valid, enforceable and constitutional. It is hereby declared to be the intention of the Board that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase therein. It is hereby further declared to be the intention of the Board, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution. In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolution and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Resolution shall remain valid, constitutional, enforceable, and of full force and effect.

8. All Resolutions or parts of Resolutions in conflict with this Resolution are, to the extent of such conflict, hereby repealed.

9. The preamble of this Resolution shall be considered to be and is hereby incorporated by reference as if fully set out herein.

10. The proper officers and agents of the County are hereby authorized to take any and all further actions as may be required in connection with this Resolution.

11. The Resolution shall take effect immediately upon its adoption.

[SIGNATURES ON FOLLOWING PAGE]

SO ADOPTED THIS ____ DAY OF NOVEMBER, 2026.

BOARD OF COMMISSIONERS OF EFFINGHAM COUNTY, GEORGIA

_____
DAMON RAHN, CHAIRMAN

ATTEST:

_____
STEPHANIE JOHNSON, CLERK

[COUNTY SEAL]