

RESOLUTION NO. 2026-25

AN ORDINANCE OF LOUP COUNTY, NEBRASKA, IMPOSING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING AND APPROVAL OF APPLICATIONS FOR HIGH-DENSITY DATA PROCESSING FACILITIES, DATA CENTERS, AND DIGITAL ASSET MINING OPERATIONS; PROVIDING DEFINITIONS; MAKING LEGISLATIVE FINDINGS; ESTABLISHING THE SCOPE, DURATION, AND EXCEPTIONS; DIRECTING COMPLETION OF PERMANENT REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE AND SUNSET.

WHEREAS, Loup County, Nebraska, existing under the laws of the State of Nebraska and possesses zoning and land-use regulatory authority pursuant to Neb. Rev. Stat. SS 19-901 et seq. and its general police powers to promote the health, safety, morals and general welfare of the community; and

WHEREAS, the County has a paramount obligation to maintain reliable electric service and reasonable rates for its existing residential, commercial, and industrial customers; and

WHEREAS, high density data processing facilities, including large-scale data centers and digital asset mining operations, create unique and significant demands on municipal infrastructure, including continuous high electrical loads that could adversely affect system reliability, require substantial utility upgrades at ratepayer expense, and potentially water resources, wastewater systems, emergency services, and surrounding land uses; and

WHEREAS, the County's zoning regulations do not contain specific, tailored standards addressing the siting, design, performance, noise, cooling systems, decommissioning, or utility impacts of such facilities, and the County is actively engaged in a public process, including Planning Commission review and hearings, to develop and adopt comprehensive permanent zoning amendments and performance standards for High-Density Data Processing Facilities; and

WHEREAS, the imposition of a temporary moratorium is necessary and appropriate to prevent the submission and processing of applications under the current, less specific zoning framework while the County completes its ongoing work to adopt permanent, protective regulations that safeguard public health, safety, welfare, utility infrastructure, and the interests of existing ratepayers; and

WHEREAS, a temporary one-year moratorium is a reasonable and limited measure that allows the County time to finalize and adopt permanent regulations without creating a rush of applications or undermining the integrity of the planning process;

NOW, THEREFORE, BE IT ORDAINED BY THE LOUP COUNTY COMMISSIONER, OF NEBRASKA:

Section 1. Definitions. For the purposes of this Ordinance, the following terms shall have the meanings ascribed below. These definitions are intended to be consistent with those used in Loup County's ongoing drafting of permanent zoning regulations for such facilities:

- "DATA CENTER" means a facility primarily engaged in the procession, storage, hosting, or transmission of digital data through centralized computing and networking equipment, including associated accessory structure such a cooling equipment and related utility infrastructure.
- "DIGITAL ASSET MINING OPERATIONS" means any facility, room, structure, or specialized mobile container unit utilizing specialized electronic computing equipment for blockchain transaction validation, cryptocurrency mining, or similar high-density computational processing activities.
- "HIGH-DENSITY DATA PROCESSING FACILITY" means and Data Center or Digital Asset Mining Operation with a connected electrical service capacity or peak power demand of sixty-five kilowatts (65kW) or greater.

Section 2. Temporary Moratorium Imposed. A temporary moratorium is hereby imposed on the acceptance, processing, review, or approval of any application for rezoning, conditional use permit (or special use permit), site plan approval, building permit, certificate of occupancy, variance, or any other land-use or development approval required under the County's zoning ordinance or building codes for a High-Density Data Processing Facility within the corporate limits of the County zoning jurisdiction.

Section 3. Scope and Authority. A. This moratorium applies only to applications submitted on or after the Effective Date of this Ordinance. B. Any application for a High-Density Data Processing Facility that was complete and accepted by the County prior to the Effective Date shall be processed in accordance with the zoning and building regulations in effect at the time of submission and shall not be subject to this moratorium. C. this moratorium does not apply to ordinary maintenance, repair. Or internal equipment upgrades to existing lawful facilities that do not increase electrical demand or expand the footprint of the facility.

Section 4. Duration. This moratorium shall remain in effect for a period of 12 months from the Effective Date of this Ordinance, or until Loup County Commissioners adopts and makes effective permanent zoning regulations specifically addressing High-Density Processing Facilities (whichever occurs first). The Loup County Commissioners, by resolution, may extend the moratorium for one or more additional periods, upon making findings that additional time is reasonably necessary to complete permeant regulations.

Section 5. Exceptions and Hardship Relief. A. Loup County Commissioners may, by resolution, grant relief from the moratorium upon a written application demonstrating that:

1. Strict application of the moratorium would cause undue and unique hardship to the applicant that is not self-created.
2. The proposed facility would not adversely affect the reliability or capacity of the County's utility systems or impose unreasonable costs on existing ratepayers;
3. The relief is consistent with the purposes of their Ordinance and will not undermine the County's ongoing planning process; and
4. Any conditions necessary to protect the public interest can be imposed.

B. The burden of proof shall be on the applicant. The Commissioners decision shall be final and not subject to administrative appeal.

Section 6. Direction to Planning Commission and Staff. During the term of this moratorium, the Planning Commission, Zoning Administrator, and County Staff are directed to expedite the completion of permanent zoning amendments and performance standards for High-Density Data Processing Facilities, including continuation of the public hearing and review process already underway, and to present recommended permanent regulations to the Loup County Commissioners for consideration as soon as practicable.

Section 7. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid such decision shall not affect the validity of the remaining portions of this Ordinance. The Loup County Commissioners hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 8. Repealer. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 9. Effective Date. This Ordinance shall take effect and be in full force from and after its passage, approval by the Loup County Commissioners, and publication as required by law.

PASSED AND APPROVED this _____ day of _____ 2026.

ATTEST:

BOARD OF COMMISSIONERS
LOUP COUNTY, NEBRASKA

Jamie Copsey
Loup County Clerk

David Larson, Chairman