

STATE OF COLORADO )  
 ) ss  
COUNTY OF PHILLIPS )

RESOLUTION No. 2026-02-27-01

**AUTHORIZING THE ADOPTION OF A TEMPORARY MORATORIUM ON PROCESSING APPLICATIONS FOR DATA CENTER FACILITIES LOCATED WHOLLY OR PARTIALLY WITHIN UNINCORPORATED PHILLIPS COUNTY, COLORADO**

**WHEREAS**, Phillips County ("County") is a statutory county vested with the authority by the Colorado Revised Statutes to enact laws to govern and regulate the use of land within the County; and

**WHEREAS**, under the County's current Land Use Code, data center facility projects ("Projects") require Major Land Use Change Permits before such Projects can proceed in the County; and

**WHEREAS**, the existing County regulations do not sufficiently address the potential adverse impacts to the County of Projects; and

**WHEREAS**, regionally, counties are experiencing a significant increase in data center facility development, and the County has experienced an increase in questions regarding its regulations; and

**WHEREAS**, the Phillips County Board of County Commissioners ("Board") has directed County staff to consider revisions to County regulations to address impacts of such Projects; and

**WHEREAS**, the County desires to institute a moratorium while undertaking revisions to the County regulations, during which time the County will not review and process applications for Projects; and

**WHEREAS**, at its February 27, 2026 public meeting, the Board considered instituting a moratorium on the processing of applications for Projects located wholly or partially in the County, pending the County revisions to its regulations regarding the same; and

**WHEREAS**, based on evidence presented at the public meeting and matters included in the record, the Board desires to adopt a six-month moratorium on processing Project applications while it develops or revises its regulations; and

**WHEREAS**, the County has express and implied authority granted by the Colorado Revised Statutes and multiple Colorado and federal appellate decisions upholding temporary moratoria on land use applications while considering amendments to regulations.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF PHILLIPS, COLORADO:**

1. **Findings.** The above findings are hereby incorporated by reference as specific findings and determinations of this Board.
2. **Moratorium Enacted.** The Board hereby enacts a six-month temporary moratorium



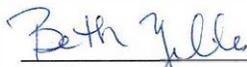
("Moratorium") on processing applications for data center facilities located wholly or partially within Phillips County. The Moratorium shall end on August 27, 2026, unless terminated or extended by a resolution of the Board.

- 3. **Definitions.** For purposes of this Moratorium, the following definition shall apply.
  - A. "Data Center Facility" means a facility consisting of buildings or structures specifically designed or modified to house networked computers and data and transaction processing equipment and all related components thereof, including without limitation power and cooling equipment and interconnection lines.
- 4. **Direction to Revise Regulations.** The Board hereby directs County staff to review and revise the existing County regulations pertaining to data center facilities to ensure that the regulations will sufficiently protect public health, safety, welfare, and the environment.
- 5. **Emergency Declared.** The Board hereby finds that that passage of this Resolution is necessary for the immediate preservation of the public peace, health, and safety, in order to prevent the filing of a Permit application for a data center facility until the County has had a reasonable opportunity to determine what regulations should be imposed or revised to address impacts from such projects. Failure to immediately impose the moratorium may create adverse impacts to the County. The Board further finds that adopting this Resolution as an emergency resolution is in the best interest of the County.
- 6. **Effective Date.** This Resolution shall take effect as of the date of the adoption of this Resolution by the Board.

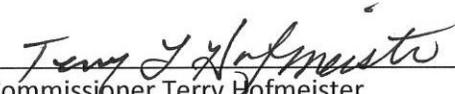
THE ABOVE AND FOREGOING RESOLUTION WAS, ON A MOTION DULY MADE AND SECONDED, ADOPTED THIS 27<sup>th</sup> DAY OF FEBRUARY 2026, BY VOTE OF THE BOARD OF PHILLIPS COUNTY COMMISSIONERS.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF PHILLIPS, COLORADO

  
Clerk & Recorder, Beth Zilla

  
Commissioner Garold Roberts, Chairman

  
Commissioner Terry Hofmeister

  
Commissioner Tom Timm