

**RESOLUTION NO. 2025-23_
EMERGENCY MORATORIUM – DATA CENTERS**

WHEREAS, the Rathdrum Prairie Aquifer is part of the greater Spokane Valley-Rathdrum Prairie Aquifer which was designated as a sole source aquifer by the U.S. Environmental Protection Agency on Feb. 9, 1978; and

WHEREAS, this designation recognized that the Spokane Valley-Rathdrum Prairie Aquifer is the sole source of drinking water for over 600,000 people in Kootenai County, Idaho and Spokane County, Washington; and

WHEREAS, the Idaho Department of Environmental Quality (DEQ) has also designated the Rathdrum Prairie Aquifer as a sensitive resource aquifer; and

WHEREAS, the Director of Kootenai County Community Development has recently been advised that Kootenai County has drawn interest from developers for the placement, construction and operation of data centers within the unincorporated area of Kootenai County on parcels which are located above the Rathdrum Prairie Aquifer; and

WHEREAS, data center operations typically:

- Draw between 500,000 and five million gallons of water per day; and
- Generate approximately the same amount of non-domestic wastewater as it draws; and
- Draw up to 100 megawatts of electricity per year; and
- Employ up to 1,600 people during construction and up to 200 people during operations; and

WHEREAS, buildings housing data centers are often at least 1,000,000 square feet in size, or approximately the size of 17 football fields, and some are much larger; and

WHEREAS, concerns have also been raised in communities with data centers regarding their air, stormwater and noise pollution and expected lifespans of only 15-20 years; and

WHEREAS, the Kootenai County Board of Commissioners (“Board”) hereby finds that the typical demands of data centers with respect to water, electricity, air pollution, building size, noise, parking, and traffic circulation constitute an imminent peril to the public health, safety, and welfare of the citizens of Kootenai County, particularly with respect to the quantity and quality of water in the Rathdrum Prairie Aquifer, such that an Emergency Moratorium should be placed on new applications for building and associated development permits for data centers as defined herein;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE KOOTENAI COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

1. As stated above, the Board finds that the typical demands of data centers with respect to water, electricity, air pollution, building size, noise, parking, and traffic circulation constitute an imminent peril to the public health, safety, and welfare of the citizens of Kootenai County. This is particularly pertinent to the Rathdrum Prairie Aquifer with respect to both water quantity and water quality.
2. A moratorium on new data center building and development is the only way to avoid exacerbating the demand for water in Kootenai County and further jeopardizing the Rathdrum Prairie Aquifer's ability to provide water for residents of and visitors to Kootenai County.
3. Therefore, a moratorium is hereby imposed upon the receipt, processing, and approval of applications for building or development permits for the construction of data centers in Kootenai County. For purposes of this moratorium, "data center" is defined as a facility or portion of a facility housing networked computer systems and telecommunications equipment used for remote storage, processing, and distribution of data.
4. The purpose of this moratorium is to identify appropriate zones and to develop regulations and permitting processes which would apply to the placement, construction and operation of data centers within the unincorporated area of Kootenai County.
4. This moratorium shall not apply to any permit that has already been issued or application for a building permit that is already complete and pending. These limitations shall not prohibit the Board or Kootenai County Community Development staff from exercising the control it is otherwise authorized to exercise over any such permit, project, or development application.
5. This moratorium shall be in place for a period of one hundred eighty-two (182) days following adoption of this moratorium.
6. This moratorium shall be in full force and effect retroactive to February 27, 2025.
7. This moratorium is hereby declared to be severable. The invalidity of a section shall not affect the validity of the remaining sections.
8. If a conflict exists between this moratorium and any other ordinance, resolution, or order of Kootenai County, this moratorium shall control until its expiration or termination by the Board.

Upon a motion to adopt the text of the foregoing Resolution made by Commissioner _____, seconded by Commissioner _____, the following vote was recorded:

Commissioner Eberlein:
Commissioner Duncan:
Chair Mattare:

Upon said roll call, the text of the foregoing was duly enacted as a Resolution of the Board of Commissioners of Kootenai County, Idaho on the 11th day of March, 2025.

**KOOTENAI COUNTY
BOARD OF COMMISSIONERS**

ATTEST:
JENNIFER LOCKE, CLERK