

RESOLUTION NO. 26-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WELLS, NEVADA, ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING, APPROVAL, AND ISSUANCE OF LAND USE APPLICATIONS, DEVELOPMENT APPROVALS, BUSINESS LICENSES, BUILDING PERMITS, AND RELATED ENTITLEMENTS FOR DATA CENTERS WITHIN THE CITY LIMITS; DIRECTING STAFF TO STUDY AND PREPARE APPROPRIATE LAND USE, UTILITY, INFRASTRUCTURE, PUBLIC SAFETY, AND ENVIRONMENTAL REGULATIONS; PROVIDING FOR LIMITED EXCEPTIONS; AND PROVIDING FOR RELATED MATTERS

RECITALS:

WHEREAS, the City of Wells, Nevada (**City**) is a municipal corporation and political subdivision of the State of Nevada, acting through its City Council (**Council**); and

WHEREAS, the Council is responsible for protecting the public health, safety, and welfare of the residents of the City and for exercising the City's land use, zoning, permitting, licensing, utility, and police powers in accordance with applicable law; and

WHEREAS, Nevada law authorizes the City Council to provide by ordinance for the manner and details of the exercise of its powers, including powers relevant to municipal governance and public welfare, including NRS 266.260; and

WHEREAS, Nevada law authorizes local planning and zoning, including the adoption and implementation of master plans, zoning districts, zoning regulations, and procedures for zoning amendments, including NRS 278.160, NRS 278.250, and NRS 278.260; and

WHEREAS, the Council finds that large-scale data centers may present land use, utility, infrastructure, emergency response, public safety, fiscal, environmental, noise, traffic, water-use, electric-power, transmission, and community-character issues that differ in kind or degree from other commercial or industrial uses currently addressed by the City's existing regulations; and

WHEREAS, the Council further finds that data center projects may require substantial electric power capacity, backup generation, water or cooling resources, telecommunications infrastructure, public road access, fire protection review, emergency response planning, and coordination with utility providers and regional agencies; and

WHEREAS, the Council desires to preserve the status quo for a limited period while the City studies whether amendments to its master plan, zoning code, development standards, utility policies, licensing requirements, and permitting procedures are necessary or appropriate for data centers; and

WHEREAS, the Council finds that accepting, processing, approving, or issuing permits or entitlements for data centers before assessing the foregoing and any resulting regulations could frustrate the City's planning process and may be inconsistent with the orderly development of the City; and

WHEREAS, the Council intends that this Resolution be temporary, limited in scope, and no broader than necessary to allow City staff and consultants to evaluate and recommend appropriate regulations for consideration by the Council; and

WHEREAS, the Council finds that this Resolution is necessary and appropriate to protect the public health, safety, and welfare and to promote orderly planning and development within the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WELLS, NEVADA, AS FOLLOWS:

1. **Findings Adopted.** The recitals set forth above are incorporated into this Resolution as findings of the Council.

2. **Purpose.** The purpose of this Resolution is to establish a temporary moratorium on new or expanded data center uses within the City while the City evaluates and, if appropriate, prepares and considers regulations addressing data centers, including but not limited to land use compatibility, zoning districts, special use permits, development standards, utility impacts, power and water demand, fire and life safety, emergency response, traffic, noise, backup generation, environmental impacts, fiscal impacts, and community compatibility.

3. **Definition of Data Center.** For purposes of this Resolution, **Data Center** means any facility, building, structure, site, campus, or portion thereof used or proposed to be used primarily to house, operate, maintain, manage, or support computer servers, networking equipment, data storage systems, telecommunications equipment, artificial intelligence computing infrastructure, blockchain or cryptocurrency mining equipment, cloud computing infrastructure, or similar digital processing, data storage, or data transmission equipment, together with associated cooling, power, backup generation, battery storage, water, security, office, warehouse, loading, utility, or accessory facilities.

4. Temporary Moratorium Established. Beginning on the effective date of this Resolution and continuing for the period stated in Section 8, the City shall not accept, process, approve, conditionally approve, or issue any of the following for a Data Center or for a project that includes a Data Center component:

a. Zoning amendment, zoning map amendment, planned development, variance, special use permit, conditional use permit, design review, site plan review, subdivision, parcel map, development agreement, or other land use entitlement;

b. Building permit, grading permit, encroachment permit, demolition permit, tenant improvement permit, certificate of occupancy, certificate of completion, or similar construction or occupancy authorization;

c. Business license, temporary business license, home occupation permit, or similar license or authorization for operation; or

d. Utility service commitment, will-serve letter, capacity reservation, infrastructure reimbursement agreement, extension agreement, or other City authorization materially related to service for a Data Center.

5. Prohibition on Evasion. The moratorium applies regardless of whether a proposed Data Center is described by another name or is proposed as part of a broader commercial, industrial, warehouse, telecommunications, technology, artificial intelligence, blockchain, cryptocurrency, cloud computing, high-performance computing, colocation, or similar project, if the project includes a Data Center as defined in this Resolution.

6. Applications Deemed Incomplete. During the moratorium, any application submitted to the City for a Data Center or Data Center component shall be deemed incomplete and shall not vest any right to processing, approval, issuance, construction, occupancy, or operation unless an exception in Section 7 applies.

7. Exceptions. This Resolution does not apply to:

a. Ordinary repair, maintenance, safety, code compliance, or emergency work at a legally established facility, provided the work does not expand or intensify any Data Center use;

b. Governmental, public safety, emergency communications, or City-owned information technology facilities used primarily for public administration or public safety purposes;

c. Small server rooms, telecommunications closets, network rooms, point-of-presence facilities, or similar accessory facilities that are incidental to a principal permitted use and are used primarily to serve the occupants or operations of that site;

d. Any project for which all required final land use approvals, building permits, and business licenses were issued before the effective date of this Resolution, provided the project remains in substantial compliance with those approvals and does not seek expansion, intensification, or material modification during the moratorium; or

e. Any other exception expressly approved by the Council after a noticed public meeting upon a finding that the exception will not frustrate the purposes of this Resolution and is necessary to avoid an unconstitutional taking, impairment of vested rights, or other violation of law.

8. Duration. This moratorium shall remain in effect for twelve months (12) days from the effective date of this Resolution, unless earlier repealed, modified, extended, or superseded by action of the Council. Any extension shall be considered only after the Council evaluates the status of the study and any proposed regulations and determines that additional time is necessary to complete the work contemplated by this Resolution.

9. Direction to Staff. The Council directs the City Manager, City Clerk, City Attorney, Planning Department, Building Official, Public Works Department, Fire Department or fire protection authority, and other appropriate City staff and consultants to study and prepare recommendations regarding Data Centers. The study may include, without limitation:

a. Appropriate zoning districts in which Data Centers could or should be permitted, conditionally permitted, or prohibited;

b. Whether Data Centers should require a special use permit, conditional use permit, development agreement, design review, or other discretionary approval;

c. Development standards for setbacks, height, lot coverage, screening, landscaping, lighting, noise, vibration, hours of construction, security, architectural design, and site access;

d. Electrical power demand, backup power generation, battery storage, renewable energy, transmission facilities, interconnection, and utility coordination;

e. Water demand, water rights, cooling systems, wastewater, stormwater, drainage, and conservation measures;

f. Road, traffic, hauling, construction staging, and public infrastructure impacts;

g. Fire protection, hazardous materials, emergency response, emergency access, and life-safety requirements;

h. Fiscal impacts, including service costs, tax revenues, infrastructure costs, utility rates, and potential development impact fees or reimbursement mechanisms;

i. Compatibility with the City's master plan, land use policies, economic development objectives, and community character; and

j. Any amendments to the Wells Municipal Code, zoning map, master plan, design standards, fee schedule, utility policies, or administrative procedures that may be necessary or appropriate.

10. Public Process. Staff is directed to present recommendations to the Council and, where required or appropriate, to the Planning Commission or other applicable advisory body. The City may conduct public workshops, stakeholder meetings, utility-provider consultations, and noticed public hearings as part of the study and ordinance-development process.

11. No Approval by Inaction. No deadline, processing period, completeness determination, administrative practice, or failure to act during the moratorium shall be construed to require approval, deemed approval, vesting, or issuance of any permit, license, entitlement, or authorization subject to this Resolution.

12. Enforcement. City staff is authorized and directed to take all administrative actions necessary to implement and enforce this Resolution, including rejecting, returning, or holding in abeyance applications subject to the moratorium; declining to issue permits or licenses subject to the moratorium; and referring violations to the City Attorney for appropriate enforcement action.

13. Reservation of Authority. Nothing in this Resolution limits the City's authority to deny, condition, suspend, revoke, or take enforcement action regarding any permit, approval, license, occupancy, construction activity, or use under applicable federal, state, or local law.

14. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Resolution. The Council declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, and portion thereof irrespective of the fact that any one or more portions may be declared invalid, unconstitutional, or unenforceable.

15. Effective Date. This Resolution shall take effect immediately upon adoption.

16. **Clerk Direction.** The City Clerk is directed to maintain this Resolution in the official records of the City and to provide notice of the moratorium to appropriate City departments, boards, commissions, applicants, consultants, and members of the public as necessary to implement this Resolution.

17. **IT IS FURTHER RESOLVED THAT** upon adoption of this Resolution by the Board of Councilmembers, it shall be signed by the Mayor and attested by the City Clerk and shall be in full force and effect after its adoption.

Upon introduction by Councilperson Savedra, and seconded by Councilperson Micheli, the above described Resolution was duly considered, PASSED and ADOPTED by the City Council of the City of Wells on June 23,, 2026 and signed this 23rd day of June, 2026.

CITY OF WELLS

By: 

GARY POLLOCK, Mayor

ATTEST:


SAMANTHA NANCE, City Clerk

AYES: Mayor Gary Pollock
Vice-Mayor Jonathan Goolsby
Councilman Chris Micheli
Councilwoman CR Beth Savedra

NAYES:
NONE

ABSENT: Councilman Richard Peltier

ABSTAIN: NONE