

RESOLUTION NO. R-26-54

NOTICE OF INTENT TO CONSIDER AN ORDINANCE ESTABLISHING A TEMPORARY ONE-YEAR MORATORIUM PROHIBITING DATA CENTERS AND DIRECT SUPPORTING INFRASTRUCTURE WITHIN THE UNINCORPORATED AREAS OF GRANT COUNTY

WHEREAS, pursuant to Section 4-37-1 et seq., a county is authorized to adopt ordinances necessary to protect the public health, safety and welfare and to regulate land use within unincorporated areas of the County; and

WHEREAS, Grant County currently does not maintain countywide zoning, does not issue general building permits, and does not license data centers; however, the County retains its general police powers under NMSA 1978, Section 4-37-1 (1975) its authority over county interests and county property under NMSA 1978, Section 4-38-18 (1876) and its existing authority to regulate subdivisions and related matters as provided by law; and,

WHEREAS, NMSA 1978, Section 3-53-2.1 (2007) authorizes a county or municipality, for the purpose of preserving and protecting water resources and providing an assured water supply for the community, to require site development standards to conserve water and minimize water loss, water harvesting and storage, low water use landscaping and plant materials, nonagricultural residential and commercial water use limitations, and recycling and reuse of water, provided such requirements are implemented consistent with State Engineer rules; and,

WHEREAS, the Board of Grant County Commissioners desires to consider an ordinance that is temporary, limited, prospective, and directed toward preserving the status quo while the County evaluates reasonable regulations, and further intends that this Ordinance does not deprive any property owner of all economically beneficial use of property; and,

WHEREAS, the Board finds that a one-year moratorium is a reasonable period for County staff, legal counsel, consultants, water resource professionals, utility providers, affected agencies, emergency services, members of the public, and the Board to evaluate whether regulations should be adopted for data centers and direct supporting infrastructure; and,

WHEREAS, the Board finds that immediate adoption of this temporary prohibition is necessary to protect the public health, safety, welfare, water resources, property, and orderly development of Grant County. **WHEREAS**, in order to consider such an ordinance, the Commission must publish notice of its intention to do so at least 14 days before the meeting at which the ordinance will be considered, in accordance with Section 4-37-7 NMSA 1978.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF GRANT COUNTY, NEW MEXICO:**

1. That an ordinance, entitled ESTABLISHING A TEMPORARY ONE-YEAR MORATORIUM PROHIBITING DATA CENTERS AND DIRECT SUPPORTING INFRASTRUCTURE WITHIN THE UNINCOPORATED AREAS OF GRANT COUNTY.
2. That notice of intent shall be published one time in the Silver City Daily Press, a newspaper of general circulation in the County, following the adoption of this resolution.

PASSED, ADOPTED, SIGNED AND APPROVED THIS 24th DAY OF SEPTEMBER 2026.

[seal]

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
GRANT COUNTY, NEW MEXICO**

Connie Holguin, Clerk

Chris Ponce, Chairman

Eloy Medina, Vice-Chair

Eddie Flores, Member

Thomas Shelley, Member

Nancy Stephens, Member