

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF OCEAN, STATE OF NEW JERSEY, ENCOURAGING THE THIRTY-THREE MUNICIPALITIES OF OCEAN COUNTY TO UNDERTAKE COMPREHENSIVE DUE DILIGENCE AND ADOPT APPROPRIATE LAND-USE SAFEGUARDS BEFORE APPROVING DATA CENTER DEVELOPMENT

WHEREAS, Data centers are critical components of the modern digital economy and may provide private investment, construction activity, tax revenue, and employment opportunities; however, large-scale and hyperscale facilities can also impose extraordinary and long-term demands upon electric generation and transmission systems, water supplies, wastewater systems, roads, emergency services, and other public infrastructure; and

WHEREAS, The rapid growth of artificial intelligence and cloud-computing services has accelerated the development of data centers whose scale, operational characteristics, and resource requirements may differ substantially from conventional office, warehouse, or industrial uses; and

WHEREAS, The State of New Jersey has recognized that data-center development may affect energy costs, water and energy consumption, local communities, infrastructure, and the environment, and recent State executive and legislative activity has emphasized the need for stronger guardrails, transparency, resource-impact analysis, and protection of residential and commercial ratepayers; and

WHEREAS, Pursuant to the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., including N.J.S.A. 40:55D-62, municipal governing bodies possess the principal local authority to adopt and amend zoning ordinances governing the nature and extent of land uses and buildings within their borders, while municipal planning boards and zoning boards exercise the development-review authority assigned to them by law; and

WHEREAS, Although data-center projects may also require approvals from State, federal, regional, county, utility, environmental, or other agencies, those approvals do not replace the host municipality's responsibility to determine, within the limits of applicable law, whether and where data centers are an appropriate land use and what local standards and conditions should govern them; and

WHEREAS, A zoning ordinance that does not expressly define and regulate data centers may result in a proposal being evaluated under a broad existing use category that was adopted without consideration of the scale-specific impacts of modern data-center development; and

WHEREAS, Advance planning, supported by competent legal, planning, engineering, environmental, utility, financial, and public-safety advice, is more effective and more protective of the public interest than attempting to develop standards only after a particular application has been filed; and

WHEREAS, The Board of Commissioners supports innovation and responsible economic development while also recognizing that decisions concerning facilities of this magnitude should be made transparently, on a complete factual record, and with due consideration for taxpayers, ratepayers, neighboring communities, natural resources, and future generations.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the County of Ocean, State of New Jersey, as follows:

1. Each of Ocean County's thirty-three municipalities is strongly encouraged to promptly review its master plan, zoning ordinance, site-plan ordinance, redevelopment plans, and related development regulations to determine whether data centers are clearly defined, appropriately classified, and subject to standards proportionate to their scale and impacts. Each municipality should undertake that review with advice from its attorney, planner, engineer, financial professionals, utilities, and public-safety officials and should consider distinctions based upon factors such as electric demand, water use, building area, generator capacity, and operational intensity.
2. Before approving a data-center application or entering into any redevelopment, financial, infrastructure, or community-benefit agreement concerning such a project, a host municipality is strongly encouraged to require a complete and independently tested record addressing, to the fullest extent permitted by law
3. The Board affirms that responsible economic development must be compatible with public health and safety, sound land-use planning, infrastructure capacity, environmental protection, fiscal responsibility, transparency, and the long-term interests of the host community and the County as a whole.
4. Nothing in this Resolution shall be construed to describe municipal jurisdiction as exclusive of any approval, permit, or authority conferred upon another governmental entity by applicable law.
5. The Clerk of the Board is directed to transmit a certified copy of this Resolution to the governing body of each Ocean County municipality; the Ocean County Planning Board; the Governor; the Senate President; the Assembly Speaker; the Ocean County Legislative Delegation; the New Jersey Board of Public Utilities; the New

Jersey Department of Environmental Protection; the State Planning Commission;
and the New Jersey Pinelands Commission.