

- 7.1 The Board may authorize an exception to the temporary moratorium for specific premises when it finds, based upon substantial competent evidence presented to it, that:
  - 7.1.1 But for the temporary moratorium a Data Center Facility could be lawfully permitted and operated on the premises; and,
  - 7.1.2 If the exception is not granted, the temporary moratorium will impose an extraordinary hardship on an applicant.
- 7.2 An application for an exception to the temporary moratorium based upon extraordinary hardship shall be filed with the County Manager or designee, and must include a non-refundable fee of \$350.00 by the applicant to cover processing and advertising costs, and must include a recitation of the specific facts that are alleged to support the claim of extraordinary hardship, and shall contain such other information as the County Manager shall prescribe as necessary for the Board to be fully informed with respect to the application. If the applicant is not the owner or tenant of the premises, the application must include the written consent of the owner. An application cannot be accepted without payment of the required fee.
- 7.3 A public hearing on any application for an exception for extraordinary hardship shall be held by the Board at its first regularly scheduled meeting that occurs after the expiration of the period for publication of notice of the application for an exception.
- 7.4 Notice of the filing of an application for an exception, and the date, time, and place of the hearing thereon shall be published once at least ten days prior to the hearing in a newspaper of general circulation in the County.
- 7.5 In reviewing an application for an exception based upon a claim of extraordinary hardship, the Board shall consider, at a minimum, the following criteria:
  - 7.5.1 The extent to which the applicant has, prior to the commencement of the temporary moratorium, received any permits for a Data Center Facility to be located on the premises.
  - 7.5.2 The extent to which the applicant has, prior to the commencement of the temporary moratorium, made a substantial expenditure of money or resources in an attempt to commence the location of the Data Center Facility on the premises.
  - 7.5.3 The extent to which the applicant has, prior to the commencement of the