BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON

RESOLUTION NO. 2026-141

ADOPTING AN EMERGENCY SIX-MONTH MORATORIUM ON THE ACCEPTANCE, PROCESSING, AND APPROVAL OF LAND USE APPLICATIONS FOR DATA CENTERS; SETTING A PUBLIC HEARING; ESTABLISHING A WORK PROGRAM; ADOPTING FINDINGS OF FACT; AND DECLARING AN EMERGENCY PURSUANT TO RCW 36.70A.390

WHEREAS, Kittitas County is as Washington county planning under the Growth Management Act, RCW 36.70A; and

WHEREAS, RCW 36.70A.390 authorizes the Board of County Commissioners to adopt a moratorium or interim official control, including without first holding a public hearing, provided that a public hearing is held within the time required by law; and

WHEREAS, RCW 36.70A.390 provides that a moratorium or interim official control adopted pursuant to that section may be effective for not longer than six months unless a work plan is developed for related studies supporting a longer period; and

WHEREAS, Data Centers are a rapidly evolving land use involving large-scale buildings, high electrical demand, backup power systems, mechanical cooling systems, water or wastewater considerations, noise-producing equipment, exterior lighting, traffic and construction impacts, emergency response considerations, and potential impacts to public infrastructure and neighboring land uses; and

WHEREAS, Kittitas County existing land use, zoning, development, environmental, building, infrastructure, and permitting regulations may not adequately define, classify, review, condition, or mitigate data center development or data center-related facilities; and

WHEREAS, the County has a legitimate and substantial public interesting evaluating whether data centers should be specifically defined and regulated within Kittitas County Code, including but not limited to review of zoning districts, conditional use requirements, development standards, utility and infrastructure impacts, energy and water demand, emergency access, fire protection, noise, lighting, screening, environmental review, transportation impacts, and compatibility with surrounding rural, agricultural, commercial, industrial, and residential uses; and

WHEREAS, accepting new land use applications for data centers before the County has completed this review may result in development vesting under existing regulations that may be inadequate to protect public health, safety, welfare, infrastructure capacity, environmental resources, and the orderly development of the County; and

WHEREAS, the Board finds that immediate adoption of a temporary moratorium is necessary to protect the public from associated impacts while County staff, the Planning Commission, and the Board evaluate appropriate comprehensive plan policies, zoning regulations, development standards, permitting procedures, and environmental review processes for data centers; and

WHEREAS, the Board finds that this moratorium is temporary, limited in scope, and necessary to provide sufficient time for the County to study and, if appropriate, prepare amendments to the Kittitas County Code and related development regulations; and

WHEREAS, the Board finds that an emergency exists because allowing data center land use applications to be submitted, processed, or vested before completion of the County's review could frustrate the purpose of future regulations and may result in impacts that the County's existing code does not adequately address; and

WHEREAS, the Board desires to establish a six-month emergency moratorium on the acceptance, processing, and approval of land use applications for data centers, effective immediately upon adoption of this Resolution; and

WHEREAS, the Board further desires to direct Community Development Services to prepare a work program for review and to schedule the public hearing required by RCW 36.70A.390.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Kittitas County, Washington, as follows:

Section 1. Findings of Fact Adopted.

The Board adopts the recitals above as findings of fact in support of this Resolution. The Board further adopts the following findings:

1. Data Centers may have unique and significant land use, infrastructure, environmental, and public service impacts that differ from other commercial, industrial, utility, warehouse, or technology related uses.

2. Potential impacts associated with data centers may include, but are not limited to:

- Electrical transmission and distribution demand;
- Backup generator uses and fuel storage;
- Water demand and wastewater impacts;
- Cooling system impacts;
- Noise from mechanical and backup power equipment;
- Exterior lighting and visual impacts;
- Building scale, massing, and screening;
- Construction traffic and operational traffic;
- Fire protections and emergency access;
- Hazardous material or battery storage;
- Stormwater, grading, and impervious surface impacts;
- Impacts on agricultural, rural residential, commercial, or industrial land use compatibility.

3. Kittitas County's current development regulations may not contain data center-specific definitions, siting criteria, development standards, mitigation requirements, or permitting procedures.

4. The County needs time to evaluate whether amendments to the Kittitas County Code, zoning regulations, comprehensive plan policies, environmental review procedures, or other development standards are necessary.

5. Immediate acceptance of land use applications for data centers may result in applications vesting under existing regulations before the County completes its review.

6. A temporary moratorium is necessary to preserve the status quo and protect the public health, safety, and welfare while the County evaluates appropriate regulatory measures.

7. The moratorium established by this resolution is limited in duration to six months and is limited in scope to land use applications for data centers.

Section 2. Moratorium Established. A temporary emergency moratorium is hereby established on the acceptance, processing, review, and approval of any land use application for the siting, establishment, expansion, conversion, or operation of a data center within unincorporated Kittitas County.

Section 3. Definition of A Data Center. For this moratorium, "data center" means:

" A facility, building, structure or portion thereof used primarily to house computer servers, network equipment, digital storage systems, telecommunications equipment, cloud computing infrastructure, artificial intelligence computing infrastructure, cryptocurrency mining equipment, or similar high-density computing systems, together with associated electrical, mechanical, cooling , backup power, batter storage, security , and utility infrastructure."

Section 4. Applications Subject to Moratorium.

- All land use and building applications associated with the development, approval or operation of a data center.

Section 5. Public Hearing Required.

If this Resolution is adopted without a public hearing, the Board shall hold a public hearing on the moratorium within the time required by RCVW 36. 70A.390.

The Board directs Community Development Services to schedule and provide notice of the public hearing in accordance with the applicable law.

At or following the public hearing, the Board may adopt additional findings of fact, modify the moratorium, continue the moratorium, or repeal the moratorium.

Section 6. Severability. If any section, sentence, clause, or phrase of this Resolution is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase.

Section 7. Effective Date. This Resolution shall take effect immediately upon adoption.

ADOPTED this 10th day of August 2026.

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

Brett Wachsmith, Chairman

Laura Osiadacz, Vice-Chairman

Vacant
Commissioner

Attest:

☐ Clerk of the Board- Julie Kjorsvik

☐ Deputy Clerk of the Board, Mandy Buchholz