BOARD OF COUNTY COMMISSIONERS

COUNTY OF KITTITAS

STATE OF WASHINGTON

RESOLUTION NO. 2026-150

ADOPTING A WORK PLAN FOR THE STUDY OF DATA CENTER REGULATIONS; EXTENDING THE EMERGENCY MORATORIUM ON THE ACCEPTANCE, PROCESSING, AND APPROVAL OF LAND USE APPLICATIONS FOR DATA CENTERS FOR AN ADDITIONAL PERIOD OF SIX MONTHS PURSUANT TO RCW 36.70A.390.

WHEREAS, on August 10, 2026, the Board of County Commissioners of Kittitas County adopted Resolution No. 2026-141 establishing an emergency six-month moratorium on the acceptance, processing, review, and approval of land use applications for the siting, establishment, construction, expansion, conversion, or operation of data centers within unincorporated Kittitas County, pursuant to RCW 36.70A.390; and

WHEREAS, RCW 36.70A.390 authorizes a county to adopt a moratorium without first holding a public hearing, provided a public hearing is held within sixty days of adoption, and further provides that such a moratorium may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period; and

WHEREAS, RCW 36.70A.390 further provides that a moratorium may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal; and

WHEREAS, the Board held a public hearing on the original moratorium on September 15th, 2026, within the time required by law, received public testimony, and adopted or reaffirmed findings of fact supporting the continued need for the temporary restriction; and

WHEREAS, data centers remain 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's existing land use, zoning, development, environmental, building, infrastructure, and permitting regulations do 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 interest in evaluating whether data centers should be specifically defined and regulated within the Kittitas County Code and Comprehensive Plan, including 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, Community Development Services has prepared a one-year Work Plan, attached hereto as Exhibit A and incorporated by this reference, that provides for related studies, stakeholder and public engagement, alternatives analysis, and the development of Comprehensive Plan policies and development regulations addressing data centers; and

WHEREAS, the Work Plan is structured to address the findings supporting the original moratorium and to produce legally sound, Growth Management Act-compliant legislative proposals ready for Planning Commission recommendation and Board consideration before expiration of the extended moratorium; and

WHEREAS, the Board finds that adoption of the Work Plan and extension of the moratorium for a total period of up to one year from the original effective date is necessary and appropriate to preserve the status quo, protect public health, safety, and welfare, and allow sufficient time for the studies and public process contemplated by the Work Plan; and

WHEREAS, the Board finds that an emergency continues to exist 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 adopt the Work Plan as Exhibit A, extend the moratorium for six months consistent with RCW 36.70A.390, and continue the public process set forth in the Work Plan;

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 and reaffirms the findings of fact set forth in Resolution No. 2026-141 (the original emergency moratorium resolution) and finds that the conditions giving rise to the original emergency continue to exist. The Board additionally finds:

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 use 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 and operational traffic; fire protection and emergency access; hazardous material or battery storage; stormwater, grading, and impervious surface impacts; and impacts to 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 one-year Work Plan attached as Exhibit A provides for the related studies necessary to support an extended moratorium period under RCW 36.70A.390 and establishes a clear path for public engagement, alternatives analysis, and development of Comprehensive Plan policies and development regulations.
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. Extension of the 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 as extended by this Resolution remains limited in scope to land use applications for data centers and is limited in duration as set forth herein.
8. The attached work plan anticipates one year to complete the process. An additional public hearing may be necessary after six months to ensure compliance with RCW 36.70A.390.

Section 2. Work Plan Adopted. The Work Plan for the Development of Regulations and Comprehensive Plan Policies Associated with the Siting and Permitting of Data Centers in Kittitas County, dated September 2026, attached hereto as Exhibit A, is hereby adopted. Community Development Services is directed to implement the Work Plan, provide regular progress updates to the Board and Planning Commission, and prepare legislative proposals consistent with the Work Plan for consideration by the Planning Commission and BOCC.

Section 3. Moratorium Extended. The temporary emergency moratorium established by Resolution No. 2026-141 on the acceptance, processing, review, and approval of any land use application for the siting, establishment, construction, expansion, conversion, or operation of a data center within unincorporated Kittitas County is hereby extended and shall remain in effect for a total period of up six months from the effective date of this Resolution, unless earlier repealed or further extended by the Board after a subsequent public hearing and findings of fact as required by RCW 36.70A.390. The definition of "data center," the list of applications subject to the moratorium, and all other operative provisions of the original moratorium resolution remain in full force and effect during the extended period.

Section 4. Public Process. The Board directs Community Development Services to continue implementation of the public engagement and formal public process elements of the Work Plan, including Planning Commission and Board hearings on any proposed Comprehensive Plan or development regulation amendments. At or following any subsequent public hearing on the

moratorium itself, the Board may adopt additional findings of fact, modify the moratorium, continue the moratorium, or repeal the moratorium.

Section 5. 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 6. This Resolution shall take effect immediately upon adoption.

ADOPTED this 15 day of September 2026.

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

Brett Wachsmith, Chairman

Attest:

☐ Clerk of the Board- Julie Kjorsvik

☒ Deputy Clerk of the Board- ~~Mandy Buehholz~~ Jodi Larsen

Laura Osiadacz, Vice-Chairman

Jeff Leichleiter, Commissioner

EXHIBIT A

WORK PLAN FOR THE DEVELOPMENT OF REGULATIONS AND COMPREHNSIVE PLAN POLICIES ASSOCIATED WITH THE SITING AND PERMITTING OF DATA CENTERS IN KITTITAS COUNTY

Kittitas County Community Development Services
September 2026

Purpose

This work plan guides Community Development Services (CDS), the Planning Commission, and the Board of County Commissioners (BOCC) in evaluating whether and how data centers should be defined, classified, sited, and regulated in the Kittitas County Comprehensive Plan and development regulations.

This work plan is structured to directly address the findings in the emergency moratorium resolution: data centers present unique, significant impacts (electrical demand, backup generation/fuel storage, water/wastewater, cooling, noise, lighting/visual, scale/massing, traffic, fire/emergency access, hazardous materials/batteries, stormwater/impervious surfaces, and compatibility with agricultural, rural residential, commercial, and industrial uses) that existing code may not adequately address.

Duration September 2026 – September 2027 (one year). The work plan may be updated by Board direction. A subsequent public hearing and new findings would be required for any further six-month renewal to complete the process in accordance with the work plan schedule.

Primary Objectives

1. Research data center impacts both to the natural environment and relevant community impacts.
2. Evaluate and compare policies and regulations from other jurisdictions, especially those jurisdictions within Washington State.
3. Conduct stakeholder and public engagement.
4. Produce legally sound, GMA-compliant legislative proposals ready for Planning Commission and BOCC adoption before moratorium expiration.

Task 1: Research, Inventory & Baseline Analysis: September – December 2026

- Inventory existing Kittitas County Comprehensive Plan policies and development regulations relevant to data centers, large industrial/utility uses, noise, lighting, critical areas, shorelines, SEPA thresholds, and infrastructure concurrency.
- Compile and analyze regulations and outcomes from Grant, Skagit, Snohomish, Spokane, , Douglas/Chelan, and other rural jurisdictions plus any relevant state or national model ordinances.
- Identify potential suitable locations relative to existing zoning, agricultural lands of long-term commercial significance, critical areas, transmission corridors, and water availability.
- Engage Kittitas PUD, Puget Sound Energy (where overlapping), BPA, and water purveyors on existing capacity, large-load policies, upgrade cost allocation, and reliability impacts. Coordinate with Ecology (air quality/generators, water rights, SEPA) and local fire districts.
- Identify data gaps (e.g., local noise baselines, water balance in drought years).

Milestone/Deliverable: Staff technical memo to Board and Planning Commission code gaps, peer-jurisdiction standards, and infrastructure constraints. (December 2026)

Task 2: Stakeholder Engagement & Public Outreach: October 2026 – April 2027

- Facilitate a series of focused meetings including CDS, Planning Commission members, utility providers, agricultural organizations, environmental groups, emergency services, economic-development interests, and industry representatives.
- Host public open houses or workshops and maintain a dedicated webpage with frequently updated materials and participation information.
- Solicit written comments; brief BOCC and Planning Commission at regular intervals.
- Document input on priorities (e.g., ag protection, utility ratepayer impacts, rural character, economic benefits).

Milestone/Deliverable: Public participation summary and key themes report to Board by April 2027.

Task 3: Alternatives Analysis & Policy Framework: December 2026 – April 2027

- Develop and evaluate regulatory alternatives:
    - Definition of "data center" (align with or refine the emergency-resolution language to cover AI, cloud, crypto, high-density computing, and associated infrastructure).
    - Zoning treatment (permitted/conditional/prohibited by district; preference for heavy industrial or specific overlays; strong limitations or prohibition in Commercial Agriculture, Forest & Range, Rural Residential, etc.).
    - Development standards: setbacks/buffers, building height/massing, screening/fencing, noise, lighting, generator enclosures/fuel storage, water-use and cooling-system requirements, stormwater/impervious limits,

traffic/construction management, fire/emergency access, hazardous materials/batteries, visual impacts.
    - Process requirements: mandatory utility capacity letters, sound studies, water-availability demonstration, SEPA, possible development agreements or mitigation fees.
    - Comprehensive Plan policy amendments (land-use, utilities, economic development, rural/ag protection, climate/resiliency if relevant).

- Assess fiscal/economic impacts (jobs, tax revenue after incentives, infrastructure costs borne by ratepayers vs. applicant).

  Milestone/Deliverable: Alternatives analysis memo with preferred framework recommendation and staff report ready for Planning Commission review by April 2027.

Task 4: Draft Code & Comprehensive Plan Amendments: April – June 2027

- Prepare draft ordinance(s) amending Kittitas County Code (definitions, use tables, performance standards, procedures) and any necessary Comprehensive Plan text/map amendments.
- Integrate SEPA review and comment period.
- Internal review by legal.
- Planning Commission/BOCC Joint Study Session.

  Milestone/Deliverable: Public-review draft code and plan amendments + SEPA checklist/determination.

Task 5: Formal Public Process, Recommendation & Adoption: June – September 2027

- Planning Commission work sessions and public hearing(s); recommendation to BOCC.
- BOCC public hearing(s) and adoption of permanent regulations (or decision to prohibit/restrict further).
- If needed, prepare findings supporting any additional moratorium renewal while final adoption occurs.

Milestone/Deliverable: Adopted ordinance(s) and any related plan amendments; updated permitting procedures

Reporting & Accountability

CDS will provide brief progress updates to the BOCC and Planning Commission regularly and as outlined in the work plan. The work plan itself, progress, and any recommended code changes will be available for public review. Upon completion (or earlier if permanent regulations are adopted), the moratorium can be allowed to expire or be formally repealed.

This Work Plan may be amended from time to time by Board direction to reflect new information, resource availability, or evolving circumstances.

Workplan Table

Purpose: Provide a structured process to evaluate the impacts and appropriate development criteria for data centers and similar uses, as will be determined through the adopted definition. The work plan satisfies RCW 36.70A.390 requirements for extending the moratorium beyond six months. The table below is an abridged version of the proposed workplan.

Duration: September 2026 – September 2027 (one year). Regular progress reports to the Board of County Commissioners and Planning Commission as indicated in the workplan.

Task	Timeframe	Description	Primary Deliverables
1. Research, Inventory & Baseline Analysis	Months 1–3	• Inventory existing Comprehensive Plan policies and development regulations • Compile and analyze peer regulations • Identify potential locations relative to zoning, agricultural lands, critical areas, transmission corridors, and water availability • Engage stakeholders and experts • Identify data gaps	Technical memo summarizing code gaps, peer standards, and infrastructure constraints
2. Stakeholder Engagement & Public Outreach	Months 2–7 (concurrent with Phases 1 & 3)	• Facilitate a series of focused meetings • Host public open house/workshop • Maintain dedicated webpage with materials, FAQs, and comment form • Solicit written comments and brief BOCC/Planning Commission regularly • Document input on priorities	Public participation summary and key themes report

3. Alternatives Analysis & Policy Framework	Months 4–7	• Develop and evaluate regulatory alternatives. • Zoning treatment by district. • Development standards. • Process requirements. • Comprehensive Plan policy amendments. • Assess fiscal/economic impacts.	Alternatives analysis memo with preferred framework recommendation
4. Draft Code & Comprehensive Plan Amendments	Months 7–9	• Prepare draft ordinance(s) amending Kittitas County Code. • Prepare any necessary Comprehensive Plan text/map amendments • Conduct internal review • Complete SEPA review	Public-review draft code and plan amendments + SEPA checklist/determination
5. Formal Public Process, Recommendation & Adoption	Months 9–12	• Planning Commission work sessions and public hearing(s); formal recommendation to BOCC • BOCC public hearing(s) and adoption of permanent regulations	Adopted ordinance(s) and related plan amendments; updated permitting procedures