

1 SNOHOMISH COUNTY COUNCIL
2 Snohomish County, Washington

3
4 EMERGENCY ORDINANCE NO. 26-026

5
6 RELATING TO GROWTH MANAGEMENT; ADOPTING A MORATORIUM ON DATA
7 CENTERS WITHIN UNINCORPORATED SNOHOMISH COUNTY; ADDING NEW
8 SECTIONS TO CHAPTER 30.28 SCC AND CHAPTER 30.91D SCC; AND
9 DECLARING AN EMERGENCY

10
11 WHEREAS pursuant to the Growth Management Act, Chapter 36.70A RCW
12 (“GMA”), the Snohomish County Council has adopted the Snohomish County
13 Comprehensive Plan and title 30 of the Snohomish County Code (SCC), which is known
14 as the Unified Development Code and contains Snohomish County’s (“County”) zoning
15 and development regulations for all unincorporated areas of Snohomish County; and
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17 WHEREAS, RCW 36.70A.390 authorizes the County Council to adopt moratoria,
18 interim zoning ordinances, and interim official controls to preserve the status quo while
19 new plans and regulations are being developed; and
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21 WHEREAS, RCW 36.70A.390 and SCC 30.73.090(3) permit the County to adopt
22 such measures without notice and public hearing when deemed appropriate to promote
23 the public health, safety and welfare, provided that the County holds a public hearing
24 within sixty (60) days after the adoption of the moratorium ordinance; and
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26 WHEREAS, human activity has become increasingly dependent on rapidly
27 expanding digital computing and storage capacity, creating significant economic interest
28 in the development of data centers; and
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30 WHEREAS, data centers require land as well as large amounts of energy, can
31 consume significant quantities of cooling water, and involve noise and other
32 environmental impacts, all of which can place untenable strain on the communities and
33 ecosystems in which they are sited; and
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35 WHEREAS, Snohomish County Code Title 30 does not currently define data
36 centers and regulations currently in effect do not adequately ensure the protection of
37 Snohomish County, its lands, waters, natural resources, natural environment and
38 human community, from the potential impacts from data centers; and
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40 WHEREAS, Snohomish County intends to develop permanent regulations to
41 address the deficiencies in the current regulations; and
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43 WHEREAS, adopting land use regulations for data centers will ensure that such
44 facilities are sited in locations that provide appropriate facility infrastructure and that
45 such services are consistent with best practices; and

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2 WHEREAS, Snohomish County needs time to analyze and determine how best
3 to update its regulations to address data centers; and
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5 WHEREAS, the Snohomish County Council finds that an emergency exists within
6 the County, and the immediate adoption of a moratorium on the filing, acceptance,
7 processing, or approval of applications for new or expanded or changes of use to data
8 centers within Snohomish County is necessary for the immediate preservation of the
9 public peace, health, and safety and for the support of Snohomish County government
10 and its existing institutions; and
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12 WHEREAS, this action is taken and is consistent with the State Environmental
13 Policy Act (SEPA) provisions at WAC 197-11-880 regarding emergency actions;
14

15 NOW, THEREFORE, BE IT ORDAINED:
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17 Section 1. The County Council makes the following findings of fact and
18 conclusions in support of this ordinance:
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- 20 A. The foregoing recitals are adopted as findings as if set forth in full herein.
21
22 B. Allowing new development applications for data centers to become vested under
23 the current regulations within unincorporated Snohomish County before additional
24 study and analysis of potential environmental and other hazards and impacts are
25 completed and before the adoption of appropriate regulations governing data
26 centers could increase potential degradation of Snohomish County waters, land,
27 energy supply and grid.
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29 C. It is necessary and desirable to conduct further study, analysis, and public
30 involvement on the topic of data centers to determine whether new regulations are
31 necessary for the protection of public safety, health and welfare.
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33 D. Proposals to open data centers within the region have highlighted the lack of
34 regulation of such facilities and uses within unincorporated Snohomish County. It is
35 in the best interest of Snohomish County to require thoughtful development,
36 regulation, and siting of such facilities. Providing standards for the location and
37 operation of data centers will minimize conflicts with proximate neighbors.
38 E. If the County were to follow its regular, non-emergency public participation
39 procedures to adopt new regulations related to data centers without first adopting a
40 moratorium, permit applications could be submitted during the period that potential
41 new regulations were being developed, which would frustrate the purpose of any
42 such potential new regulations by increasing the number of people, lands, water,
43 energy grid, and natural resources that could be affected by a data center.
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1 F. It is in the best interest of health, safety and welfare of the citizens of Snohomish
2 County to suspend, temporarily, the filing, acceptance, processing, and approval of
3 applications for development of data centers within unincorporated Snohomish
4 County.

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6 G. This ordinance is exempt from the public participation requirements of the GMA
7 and chapter 30.73 SCC, subject to requirements of RCW 36.70A.390.

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9 H. An emergency exists and the immediate adoption of a moratorium imposed by
10 this ordinance is necessary for the protection of public health, safety, property,
11 and peace.

12
13 I. Pursuant to WAC 197-11-880 and SCC 30.61.020, the adoption of this ordinance
14 is exempt from the requirements for the threshold determination under the State
15 Environmental Policy Act (SEPA) because it is an action to avoid an imminent
16 threat to public health or safety or to prevent an imminent danger to public or
17 private property.

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19 Section 2. Pursuant to section 2.120 of the Snohomish County Charter, the
20 Snohomish County Council finds as a fact and concludes that adopting an emergency
21 ordinance and a moratorium on data center development is necessary for the
22 immediate preservation of the public peace, health or safety. Non-emergency options
23 may not provide adequate protection to people and property that may be affected by the
24 associated risks with potential long-term consequences on people, lands, water and
25 regional energy grids impacted by data centers. Based on the foregoing, the
26 Snohomish County Council declares that an emergency exists, and this ordinance shall
27 take effect immediately.

28
29 Section 3. The County Council hereby adopts the following moratorium:

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31 A. A moratorium has been adopted on the filing, acceptance, processing, or
32 approval of applications to establish or expand data centers (including as incidental
33 uses) or change of use to data centers (including as incidental uses) in all zones. The
34 moratorium applies to all data centers, whether as a component of a project or as the
35 entire project for which a permit is sought. This moratorium is a specific requirement
36 that supersedes any general regulation in chapter 30.22 SCC that could be interpreted
37 to allow a data center.

38
39 B. This moratorium shall be effective for six months and will automatically expire
40 unless renewed. It may be renewed for one or more six-month periods if a subsequent
41 public hearing is held and findings of fact are made prior to each renewal.

1 Section 4. Pursuant to RCW 36.70A.390, the Council will hold a public hearing
2 within 60 days of adoption of this ordinance to take public testimony and to consider
3 adopting further findings.
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5 Section 5. A new section is added to chapter 30.28 of the Snohomish County
6 Code to read:
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8 **30.28.032 Data centers - moratorium.**
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10 Pursuant to [Emergency Ordinance No. 26-026], a moratorium has been adopted on the
11 filing, acceptance, processing, or approval of applications to establish or expand data
12 centers (including as incidental uses) or change of use to data centers (including as
13 incidental uses) in all zones. The moratorium applies to all data centers, whether as a
14 component of a project or as the entire project for which a permit is sought. This
15 moratorium is a specific requirement that supersedes any general regulation in chapter
16 30.22 SCC that could be interpreted to allow a data center. This section shall be
17 repealed automatically within six months after the effective date of [Emergency
18 Ordinance No. 26-026] unless renewed.
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20 Section 6. A new section is added to chapter 30.91D of the Snohomish County
21 Code to read:
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23 **30.91D.025 Data center.**
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25 “Data center” means a facility used primarily for the housing, operation, or co-location of
26 computer and networking equipment and the handling, storing, managing, processing,
27 and backing up of digital data, and having a total planned electrical load of 2 megawatts
28 (mW) or greater, and generally requiring uninterruptible power supplies and associated
29 infrastructure such as cooling systems, backup power systems and battery storage.
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31 Section 7. Severability and Savings. If any section, sentence, clause, or phrase
32 of this ordinance shall be held to be invalid by the Growth Management Hearings Board
33 (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or
34 unconstitutionality shall not affect the validity or constitutionality of any other section,
35 sentence, clause, or phrase of this ordinance. Provided, however, that if any section,
36 sentence, clause, or phrase of this ordinance is held to be invalid by the Board or court
37 of competent jurisdiction, then the section, sentence, clause, or phrase in effect prior to
38 the effective date of this ordinance shall be in full force and effect for that individual
39 section, sentence, clause, or phrase as if this ordinance had never been adopted.
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PASSED this ____ day of _____, 2026.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Council Chair

ATTEST:

Asst. Clerk of the Council

- () APPROVED
- () EMERGENCY
- () VETOED

DATE: _____

County Executive

ATTEST:

Approved as to form only:

Deputy Prosecuting Attorney