

NO. _____

DRAFT PROPOSAL

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON

IN THE MATTER OF ADOPTING A)
TEMPORARY MORATORIUM ON THE)
ACCEPTANCE OF LAND USE AND)
PERMIT APPLICATIONS FOR DATA)
CENTERS.

RESOLUTION

WHEREAS, pursuant to the Constitution and laws of the State of Washington, Spokane County, Washington is a class A county duly organized and existing (“Spokane County”); and

WHEREAS, pursuant to the provisions of RCW 36.01.030, the powers of Spokane County can only be exercised through the Board of County Commissioners of Spokane County, Washington (“Board” or “Board of County Commissioners”); and

WHEREAS, pursuant to the provisions of RCW 36.32.120(6), the Board of County Commissioners has the care of county property and the management of county funds and business; and

WHEREAS, pursuant to RCW 36.70.795 and RCW 36.70A.390, the Board of County Commissioners of Spokane County can impose a six-month long moratorium, or a twelve-month long moratorium if a work plan is developed for related studies providing for such a longer period, without holding a public hearing or entering findings of fact, so long as a public hearing occurs within sixty (60) days of the adoption of this Resolution and findings of fact are entered no later than immediately after the public hearing; and

WHEREAS, moratoriums and interim zoning control enacted under RCW 36.70.795 and/or RCW 36.70A.390 are methods by which local governments may preserve the status quo; and

WHEREAS, pursuant to the provisions of Chapters 36.70 RCW and 36.70A RCW, the Board of County Commissioners of Spokane County has adopted the Spokane County Zoning Code for the unincorporated areas of Spokane County; and

WHEREAS, no definition or classification for “Data Center” exists within the current Spokane County Code of Ordinances, and no specific development or performance standards for the erection of a “Data Center” exist within Spokane County Zoning Code Sections 14.612.220 (Commercial Zone Matrix) or 14.614.220 (Industrial Zones Matrix); and

WHEREAS, solely for purposes of this Resolution, “Data Center” is defined as one or more facilities to house computing and networking equipment, along with storage and management systems, to support the storage, processing, retrieval, and distribution of digital data and applications, which exceed a total electrical load of 25 megawatts (MW) or greater; and while a site may have multiple uses, only those uses meeting the definition of a “Data Center” shall be restricted; and any use of a site or facility functioning primarily as an internet exchange point (IXP) shall be exempted from this definition; and

WHEREAS, human activity has become increasingly dependent on rapidly expanding digital computing and storage capacity, creating significant economic interest in the development of Data Centers; and

WHEREAS, public reporting and public testimony before the Board of County Commissioners indicates Data Centers can often require substantial land developments, consume large amounts of energy, consume significant amounts of water, and involve noise and other environmental impacts, all of which can, without adequate regulation, place untenable strain on Spokane County's communities and ecosystems; and

WHEREAS, several instances of interest in building a Data Center within Spokane County have been expressed, including once such instance publicly reported to be a Data Center with a total planned electrical load of approximately 500 MW; and

WHEREAS, Avista Utilities, the electrical utility for many residents and businesses throughout Spokane County, announced on June 12, 2026 it is pausing processing of large load energy requests for such projects in response to community concerns in order to pursue a "coordinated planning effort" with regional stakeholders including governmental entities; and

WHEREAS, numerous other local governments within the proximity of Spokane County and across Washington State, including Kootenai County, Idaho, Snohomish County, and the City of Spokane, have adopted moratoriums, conditions, and/or restrictions on the development of Data Centers within their jurisdictions; and

WHEREAS, Spokane County benefits from developing and implementing a comprehensive plan by: (1) identifying the major trends and issues that will affect the County's future form, livability and overall health; (2) assuring the protection and enhancement of the County's natural resources, environmental systems and neighborhood and community character in the midst of anticipated growth and change; (3), using capital improvements, regulatory programs and incentives to guide new development and encourage appropriate redevelopment; and, (4), acting strategically to improve the County's economic future and its ability to attract and retain well-paying jobs. SCCP Ch.1, p.I-1; and

WHEREAS, a significant portion of Spokane County sits above, or within the watershed of, the Spokane Valley – Rathdrum Prairie Aquifer which is a designated sole source aquifer that is highly susceptible to contamination and serves most people in Spokane County and Kootenai County, Idaho; and

WHEREAS, the Spokane Valley-Rathdrum Prairie Aquifer is one of the most productive aquifers in the United States. SCCP Ch. 10, p. NE-1; and

WHEREAS, the purpose of the Spokane County Comprehensive Plan is to protect and enhance Spokane County's unique natural environment by ensuring the availability of clean air and water and preserving critical areas and natural features. SCCP Ch. 10, p. NE-1; and

WHEREAS, the Spokane County Comprehensive Plan aims to protect public water supplies in highly susceptible critical aquifer recharge areas, in part by prohibiting "new industries that will store, handle or use critical materials from locating within a wellhead protection area designated by a public water supplier." SCCP Ch. 10, p. NE-8; and

WHEREAS, the Spokane County Comprehensive Plan recognizes economic development and requires that sewer, water, transportation facilities and communications facilities be available or easily obtained and that industrial use requires usable lands unencumbered by conflicting land uses and/or environmental constraints. SCCP Ch.8, p. ED-8; and

WHEREAS, during the moratorium, Spokane County staff will conduct the following work plan. Staff shall study the potential effects of Data Centers on the health, safety, economy, welfare, and natural environment of Spokane County and engage with regional stakeholders such as electric utilities, local government planning departments, and water purveyors as part of this study. The Spokane County Building and Planning Departments, together with the Spokane County Planning Commission, shall expeditiously develop and recommend proposed amendments to the Spokane County Code that take into consideration the potential impacts Data Centers may have on Spokane County's health, safety, economy, welfare, and natural environment and define what a Data Center is. The proposed amendments should address, at a minimum, requiring a conditional use permit for Data Center construction, the appropriate zones and/or locations where Data Centers may be constructed, measures to ensure Spokane County utility ratepayers do not subsidize the costs for Data Center power infrastructure or power generation, measures to address efficient and transparent use of water at such as facilities; and

WHEREAS, pursuant to RCW 36.70.580, the Spokane County Planning Commission is expected to conduct a public hearing related to the adoption of such definition of "Data Center" and the associated proposed amendments to the Spokane County Code by the end of 2026, and subsequent to such public hearing, forward a recommendation(s) to the Board of County Commissioners for its consideration; and

WHEREAS, it is the intent of the Board of County Commissioners to ensure the adoption of fair and reasonable requirements related to the classification, performance standards, and development standards for Data Centers for development in the unincorporated areas of Spokane County; and

WHEREAS, in order to develop fair and reasonable standards and requirements related to Data Centers, it is necessary to update and amend the Spokane County Zoning Code; and

WHEREAS, if the County began public consideration of permanent regulations and amendments without first adopting a moratorium, those involved in the development industry could frustrate effective land use planning by obtaining vested rights to construct Data Centers, thereby rendering the proposed amendments moot; and

WHEREAS, if the Board were to advertise its intent to regulate Data Centers and impose regulations through the normal process in the absence of a moratorium, building permit applications and land use applications seeking development of said Data Centers that would occur prior to an ordinance amendment would undermine the Board's ability to regulate such development; and

WHEREAS, if a moratorium is not enacted, the filing of applications during the time necessary to conduct the public hearings and develop a recommendation to the Board of County Commissioners as described hereinabove is likely to impact effective long-range planning and result in the status quo not being preserved during consideration of the amendments to the Spokane County Zoning Code; and

WHEREAS, it is in the best interest of the public health, safety, and welfare to temporarily suspend the filing and acceptance of applications for permits seeking the development of Data Centers in the unincorporated areas of Spokane County; and

WHEREAS, the adoption of the moratorium as addressed herein must be done within a time too short to allow full compliance with the State Environmental Policy Act as codified in Chapter 43.21C RCW and to avoid an imminent threat to public health or safety as provided for in WAC 197-11-880, and as such is exempt from the requirements of a threshold determination under the State Environmental Policy Act; and

WHEREAS, the adoption of the moratorium as addressed herein must be done as soon as possible to avoid undercutting the County's long-range planning decisions and comprehensive planning, as well as imminent threats to the public health, safety, or welfare;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Spokane County, Washington, pursuant to the provisions of RCW 36.70.795 and RCW 36.70A.390, that the Board declares an emergency and adopts the following moratorium:

The Spokane County Building and Planning Departments shall not accept for filing any applications for land use approvals or permits for the development of Data Centers in the unincorporated areas of Spokane County; and shall suspend processing of any such applications received that have not yet been determined to be complete applications; and

- 1) Pursuant to RCW 36.70.795 and RCW 36.70A.390, the Board shall hold a public hearing on the moratorium within sixty days of the adoption of this resolution;
- 2) The moratorium is effective until May 16, 2027, or twenty days after the conclusion of the 2027 Washington State legislative session, whichever is later, but for no more than twelve months after this moratorium goes into effect without further action of the Board of County Commissioners;
- 3) The 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.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Spokane County, Washington, that the Board finds that the adoption of the moratorium is exempt from the requirements of a threshold determination under the State Environmental Policy Act pursuant to WAC 197-11-880.

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Spokane County that in taking the action set forth herein, the Board adopted each and every recital as a finding in support thereof.

BE IT FURTHER RESOLVED, that the effective date of the moratorium is August 11, 2026 upon vote of the Board of Spokane County Commissioners.

PASSED AND ADOPTED This _____ day of _____, 2026.

BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON

MARY L. BROOKS, CHAIR

ATTEST:

JOSH KERNS, VICE-CHAIR

Ginna Vasquez, Clerk of the Board

AL FRENCH, COMMISSIONER

AMBER WALDREF, COMMISSIONER

CHRIS JORDAN, COMMISSIONER