

CITY ADMINISTRATOR
ROBERT OMANS

ASSISTANT CITY
ADMINISTRATOR
ERICA KRUM

CITY CLERK

FINANCE DIRECTOR
ROBIN NEWCOMB

PUBLIC WORKS DIRECTOR
MATHEW BAILEY

POLICE CHIEF
RICH ALBO

FIRE CHIEF
ED MILLS

PLANNER
SHANNON JOHNSON

Special Meeting
Agenda
July 31, 2026
9:00 AM



119 W FIRST STREET
CLE ELUM, WA 98922

MAYOR
MATTHEW LUNDH

DEPUTY MAYOR
CASSIDY BUECHLE - CURTIS

CITY COUNCIL
BETH WILLIAMS
KEN RATLIFF
STEVEN COOK
AUDREY MALEK
STEVEN HARPER

CITY ATTORNEY
CURTIS CHAMBERS

Join Virtually via Zoom: <https://zoom.us/j/7573184018?pwd=dERndiBJVC9GdVQ1d2ISRExwZFhXZz09>
Meeting ID: 757 318 4018 Passcode: 98922

Join by Phone: 1-(253)215-8782, Meeting ID: 757 318 4018, Passcode:98922

TextMyGov

Receive city text alerts: text CLEELUM to 91896

DISCLAIMER: The City does not guarantee that virtual or telephonic access to the City Council meeting will be available, and the City does not warrant audio quality. Attendees are encouraged to attend in person.

1. **Call to Order, Pledge of Allegiance, and Roll Call**
2. **Unfinished Business**
 - a. [Ordinance 1733 — Emergency Data Center Moratorium](#)
3. **New Business**
4. **Other Committee Comments**
5. **Adjournment**

Upcoming Meetings:

Public Works & Community Development Committee Meeting — July 31, 2026, at 10:00 a.m.

Planning Commission Meeting — August 4, 2026, at 6:00 p.m.

Regular Council Meeting — August 11, 2026, at 6:00 p.m.

Lodging Tax & Events Committee Meeting — August 12, 2026, at 8:30 a.m.

Public Safety & Health Committee Meeting — August 13, 2026, at 10:00 a.m.

Civil Service Commission Meeting — August 19, 2026, at 5:15 p.m.

Regular Council Meeting — August 25, 2026, at 6:00 p.m.

General Government Committee Meeting — August 26, 2026, at 8:30 a.m.

CITY OF CLE ELUM WASHINGTON

ORDINANCE NO. 1733

AN ORDINANCE OF THE CITY OF CLE ELUM, WASHINGTON, IMPOSING AN IMMEDIATE TEMPORARY SIX-MONTH MORATORIUM ON THE FILING, ACCEPTANCE, PROCESSING, REVIEW, AND APPROVAL OF APPLICATIONS TO ESTABLISH OR EXPAND DATA CENTERS AND HIGH-INTENSITY COMPUTING FACILITIES; ESTABLISHING EXCEPTIONS, A PUBLIC HEARING, AND A DETAILED WORK PLAN; PROVIDING FOR SHORELINE NOTICE AND EXISTING USES; AND DECLARING AN EMERGENCY

WHEREAS, data centers and high-intensity computing facilities, depending on their size, design, cooling technology, electrical demand, emergency-power systems, and location, have the potential to significantly affect the City of Cle Elum's energy and water infrastructure, utility affordability and reliability, fire protection, emergency response, jobs and economic development, public health, neighborhood compatibility, and the environment; and

WHEREAS, some data centers and high-intensity computing facilities may consume large amounts of electricity and may use significant amounts of water for cooling equipment, while the magnitude of those impacts varies by facility design and operation; and

WHEREAS, the Washington State Department of Revenue's Data Center Workgroup Preliminary Report found that global electricity requirements of data centers are substantial and growing rapidly, that data centers are the largest source of expected load growth in the Pacific Northwest, and that potential growth in Washington may require significant expansion of generating resources, substations, and local and regional transmission capacity; and

WHEREAS, substantial new electrical loads may require utility-system studies, service extensions, substation or transmission improvements, or other upgrades, and may affect utility planning, reliability, and costs depending on available system capacity and the characteristics of the proposed facility; and

WHEREAS, the Washington State Department of Revenue's Data Center Workgroup Preliminary Report, published in December 2025, found that direct water requirements can be substantial depending on facility size and cooling technology and identified potential effects on water availability, water quality, municipal facilities, habitats, species, critical areas, and Tribal rights, interests, and resources; and

WHEREAS, the City of Cle Elum participates in a regional water system in which the Town of South Cle Elum and Suncadia Resort are also partners; and

WHEREAS, water supplied by the regional system is used not only for household purposes such as drinking, bathing, cooking, and cleaning, but also for irrigation and fire protection; and

WHEREAS, the primary water sources serving the City and its regional partners include the Yakima River and its tributary, the Cle Elum River; and

WHEREAS, water is a shared resource affecting communities in upper Kittitas County and downstream users of the Yakima River, including the Yakama Nation; and

WHEREAS, drought has been a recurring concern in Washington and the western United States, and drought conditions and curtailment risk reinforce the need to evaluate proposed high-volume water demands carefully; and

WHEREAS, residents of the City of Cle Elum have expressed concern about water availability and the cumulative effects of additional development; and

WHEREAS, in September 2025 the Washington State Department of Ecology issued a temporary curtailment order affecting the City of Cle Elum and other Yakima River water-right holders, demonstrating the potential for interruption of water availability during constrained conditions; and

WHEREAS, the Yakama Nation, in comments and findings supplementing the Washington State Department of Revenue's Data Center Workgroup Preliminary Report, identified concerns regarding treaty-protected resources and recommended governmental evaluation of the potential effects of data centers and high-intensity computing facilities; and

WHEREAS, City of Cle Elum Comprehensive Plan Policy CF 3.7 states that development proposals should incorporate construction designs that minimize water and energy consumption; and

WHEREAS, water and energy conservation are recognized throughout the City's Comprehensive Plan; and

WHEREAS, data centers and high-intensity computing facilities may generate continuous mechanical noise, heat, lighting, traffic, and emergency-generator emissions that can affect surrounding properties depending on design, location, and mitigation; and

WHEREAS, the City of Cle Elum's Comprehensive Plan Policy LU 15.1 calls for reducing noise pollution within City limits to improve livability, and Policy LU 15.4 calls for consideration of noise impacts during development review; and

WHEREAS, the City's Comprehensive Plan seeks to maintain residential quality and livability suitable for a rural town and to preserve Cle Elum's natural environment while allowing for growth and development; and

WHEREAS, the City's Comprehensive Plan also seeks a wide range of services and employment opportunities for current and projected residents; and

WHEREAS, the fiscal and employment effects of data centers vary according to facility type, scale, automation, construction activity, tax treatment, and the availability of local workers and suppliers, and therefore require location-specific analysis; and WHEREAS,

the Cle Elum Municipal Code does not presently define or establish use-specific review standards for data centers or high-intensity computing facilities, and existing regulations were not developed with full consideration of their potentially unique utility, land-use, environmental, fire, and emergency-response impacts; and

WHEREAS, the City is engaged in comprehensive planning and development-regulation review and has an opportunity to evaluate these facilities in a coordinated manner; and

WHEREAS, the City requires a limited period of time to obtain technical information, consult with affected utilities, agencies, Tribal governments, residents, businesses, and applicants, and determine whether amendments to the Comprehensive Plan or development regulations are warranted; and

WHEREAS, information presented to the City Council indicates that property within the City may be under consideration for one or more such facilities; and

WHEREAS, because a valid and fully complete application may obtain vested rights under Washington law, an application could vest before the City can complete ordinary legislative study and public review; and

WHEREAS, a temporary moratorium is the least permanent means available to preserve the status quo while the City conducts that review, and the moratorium does not determine whether such facilities will ultimately be allowed, prohibited, or allowed subject to development standards; and

WHEREAS, the City Council intends to protect legally vested applications, issued permits, development agreements, lawful existing uses, ordinary maintenance and repair, and emergency work as provided in this ordinance; and

WHEREAS, immediate effectiveness is necessary to prevent the vesting of new applications before the City can complete the temporary review authorized by this ordinance and thereby to protect public health, public safety, public property, utility systems, and the public welfare;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLE ELUM, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Findings of Fact.

The recitals set forth above are adopted as the City Council's initial findings of fact in support of the temporary citywide moratorium established by this ordinance. The City Council may adopt additional or revised findings immediately after the public hearing described in Section 6.

Section 2. Definitions.

For purposes of this temporary moratorium only: (a) "Data Center" means a building, facility, or separately occupiable portion of a building whose principal use is to house arrays of computer servers and associated equipment for the storage, processing, transmission, or management of digital data, including cloud-computing and colocation operations. (b) "High-Intensity Computing Facility" means a building, facility, or separately occupiable portion of a building whose principal use is artificial-intelligence training or

inference, cryptocurrency mining, machine learning, high-performance computing, or other computationally intensive activity. (c) “Principal use” means a use that occupies more than fifty percent of the gross floor area of the building or separately occupiable area, or is reasonably projected to account for more than fifty percent of the site’s peak electrical demand. (d) “Expansion” means an increase in gross floor area devoted to a regulated use or a material increase in electrical-service capacity, cooling-water demand, mechanical-cooling capacity, or emergency-generator capacity serving that use. (e) “Incidental server room” means computing equipment used solely to support another lawful principal use located on the same site and not operated primarily to provide data-hosting, cloud-computing, cryptocurrency-mining, artificial-intelligence-computing, or similar services to third parties. Hospitals, schools, government facilities, public utilities, and telecommunications facilities are excluded only to the extent the computing use is an incidental server room and not an independently operated principal use.

Section 3. Moratorium Imposed.

Except as provided in Section 4, a citywide moratorium is imposed on the filing, acceptance, completeness determination, processing, review, and approval of any land-use, site-development, building, grading, change-of-use, or other development application to establish or expand a Data Center or High-Intensity Computing Facility, whether the regulated use is proposed as the entire project, a principal use, an accessory use, or a component of a larger project.

The Planning Director shall issue a written determination when the applicability of this moratorium is disputed. Any administrative appeal shall be governed by the appeal procedures otherwise applicable under the Cle Elum Municipal Code and state law. Unrelated portions of a mixed-use application may continue to be processed when the Planning Director determines in writing that they are legally and functionally severable from the regulated use.

Section 4. Exceptions and Protection of Existing Rights.

This moratorium does not apply to:

- A valid and fully complete application that obtained vested rights under Washington law before the effective date and time of this ordinance;
- A permit or approval issued before the effective date, or a subsequent application necessary to implement that permit or approval, to the extent required by the permit, approval, or applicable vested rights;
- Development governed by a valid development agreement to the extent the agreement controls and vests the proposed use or development standards;
- Ordinary maintenance, repair, replacement in kind, decommissioning, or emergency work that does not establish a new regulated use or materially increase its capacity;
- An incidental server room as defined in Section 2; or
- Acceptance of materials submitted solely to determine whether an exception applies, provided that such acceptance does not confer vested rights or require substantive processing of an otherwise prohibited application.

Nothing in this ordinance shall be interpreted to impair a right protected by state or federal law. City staff shall document the basis for any exception in the applicable permit file.

Section 5. Duration of Moratorium.

The moratorium shall remain in effect for six months from its effective date and shall expire automatically at 11:59 p.m. on the date six calendar months after its effective date, unless terminated earlier by the City Council. Any renewal must comply with RCW 35A.63.220, RCW 36.70A.390, and any other applicable law, including a public hearing and findings adopted before the renewal. During the moratorium, the City shall evaluate whether amendments to the Comprehensive Plan, zoning code, development regulations, utility standards, fee schedules, or review procedures are appropriate.

Section 6. Public Hearing and Notice.

Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall hold a public hearing on this moratorium on September 8, 2026, at the time and place stated in the City's published notice. Immediately after the public hearing, the City Council may consider whether to adopt additional or revised findings of fact. If this moratorium applies within shoreline jurisdiction, the City Clerk shall notify the Washington State Department of Ecology immediately after adoption and shall include the time, place, and date of the public hearing as required by RCW 90.58.590.

Section 7. Detailed Work Plan and Advisory Committee.

The City shall create an advisory ad hoc committee, reporting to and chaired by a member of the City's Public Works and Community Development Committee, to develop a "Data Center Impact Review and Policy Framework." The committee is advisory only and has no authority to decide permit applications, bind the City, or exercise final legislative authority.

The following shall be voting ex officio members of the committee:

- One member of the City of Cle Elum Public Works and Community Development Committee, who shall serve as Chair
- City Public Works Director or designee
- Cle Elum Fire Chief or designee
- City Planning Director or designee

The Mayor shall appoint the following additional voting members:

- One residential water customer of the City of Cle Elum
- One commercial water customer of the City of Cle Elum

The following entities shall be invited to designate one voting representative each:

- Town of South Cle Elum
- Yakama Nation

The committee shall also solicit technical information and public feedback from Puget Sound Energy, the City's regional water partners, Kittitas County, the Kittitas County Economic Development Partnership, the Kittitas County Chamber of Commerce, residents,

businesses, property owners, labor representatives, public-health and environmental agencies, and developers or operators with relevant experience. These participants are not committee members unless appointed above.

The committee and City staff shall complete the following work-plan milestones:

- Within thirty days after adoption: organize the committee, establish a meeting schedule, identify needed technical information, and publish the work plan for public review;
- Within seventy-five days after adoption: obtain available information concerning electrical capacity, water supply and fire flow, wastewater, noise, heat, lighting, air emissions, emergency generators, transportation, land use, fiscal effects, tax treatment, employment, public safety, and cumulative impacts;
- Within ninety days after adoption: conduct consultation with affected utilities, regional partners, the Yakama Nation, public agencies, residents, businesses, property owners, and prospective applicants;
- Within one hundred twenty days after adoption: publish draft policy alternatives and potential development standards for public review;
- Within one hundred fifty days after adoption: transmit recommendations and any proposed code or Comprehensive Plan amendments to the Planning Commission and City Council for the hearings and review required by law; and
- No later than fifteen days before expiration: present a final recommendation to the City Council for action.

All committee meetings shall be noticed and conducted in compliance with chapter 42.30 RCW, and committee records shall be maintained and disclosed in accordance with chapter 42.56 RCW. A majority of appointed voting members constitutes a quorum. The City Clerk or designee shall provide notice and records support.

Section 8. Shoreline Existing Uses.

To the extent RCW 90.58.590 applies, all lawfully existing shoreline uses, structures, and other development shall continue to be deemed lawful conforming uses and may be maintained, repaired, and redeveloped without expansion under the land-use and shoreline regulations in effect when this moratorium is adopted. Nothing in this ordinance amends the City's Shoreline Master Program or authorizes an expansion inconsistent with that program.

Section 9. Declaration of Public Emergency.

The City Council finds that the existing municipal code lacks definitions and use-specific standards for Data Centers and High-Intensity Computing Facilities; that information presented to the Council indicates such a facility may be proposed within the City; and that a new application could obtain vested rights before ordinary legislative review can be completed. The City Council therefore declares a public emergency requiring immediate temporary action to protect public health, public safety, public property, utility systems, and

the public welfare. This declaration is made for purposes of RCW 35A.12.130 and does not constitute a SEPA emergency determination.

Section 10. Severability.

If any section, subsection, sentence, clause, phrase, or provision of this ordinance, or its application to any person or circumstance, is held invalid or unconstitutional, the remainder of the ordinance and its application to other persons or circumstances shall not be affected.

Section 11. Effective Date and Publication.

If this ordinance is passed by a majority plus one of the whole membership of the City Council as required by RCW 35A.12.130, it shall take effect immediately upon passage and approval. If the ordinance receives the vote otherwise required for passage but not the enhanced vote required for immediate effectiveness, it shall take effect five days after publication as provided by law. The City Clerk is directed to publish this ordinance or a lawful summary promptly after passage.

PASSED BY THE CLE ELUM CITY COUNCIL, AT A SPECIAL MEETING THEREOF ON THE 31ST DAY OF JULY 2026.

CITY OF CLE ELUM

Matthew Lundh, Mayor

ATTEST/AUTHENTICATED

Erica Krum, City Clerk

Approved as to form:

Curtis Chambers, City Attorney

Filed with City Clerk: _____

Passed by the City Council: _____

Ordinance No.: 1733

Date Posted: _____