



October 10, 2026

Klickitat County Board of County Commissioners
115 W. Court Street, Box 103
Goldendale, WA 98620

Dear Board of County Commissioners,

Please accept these comments on behalf of Columbia Riverkeeper and Friends of the Columbia Gorge on the proposed interim zoning controls for data centers. Columbia Riverkeeper and Friends of the Columbia Gorge are nonprofit organizations with thousands of members and supporters who live, work, and recreate in Klickitat County. We respectfully urge the Board of County Commissioners to consider the following before taking action.

I. The County Should Enact a Moratorium

Instead of rushing through an interim zoning ordinance with little public input and inadequate legal and technical analysis, Klickitat County should enact a one-year moratorium on data centers. Hundreds of municipalities are taking a smart approach by passing a moratorium on any data center approvals while they consider new ordinances. [Skamania County](#), for example, passed a moratorium on data centers on August 18, 2026. Pierce County also took action: "[Pierce County Council](#) passed an emergency ordinance on Tuesday, August 25, that prohibits filing, processing, or approval of permits for new and expanded data centers exceeding 10 megawatts in unincorporated Pierce County for up to one year." Klickitat County should do the same.

The County has not explained why it is rushing forward with a new ordinance without public input and the time to complete the necessary legal and technical research required. A moratorium is the clear solution. A weak data center ordinance is worse than the existing code. The County may be creating vesting issues and other serious

problems. It does not make sense for the County to give away its authority to tech giants. Many other counties have learned this lesson the hard way.

II. The Interim Ordinance is Improper

A. No emergency exists to justify bypassing public input

Washington law authorizes interim zoning in limited circumstances. RCW 36.70.790 describes interim zoning as an emergency measure intended to protect public health, safety, and general welfare while the planning agency conducts zoning studies. RCW 36.70.790 provides only a limited exception to the notice and hearing requirements that ordinarily apply to zoning changes. [*Jablinske v. Snohomish County*, 28 Wash. App. 848 \(Wash. Ct. App. 1981\)](#). The County should not invoke this exceptional procedure unless the circumstances warrant it. Here, the County has not articulated a genuine, factually-supported planning emergency that justifies bypassing the required public process.

The proposed [resolution](#) to enact the interim zoning control identifies no pending application, imminent development, or other specific event requiring immediate action. Instead, it relies on generalized predictions about potential harms. For example, the resolution states that data centers “*may* be able to locate in the County without necessary regulation” unless the County acts immediately (emphasis added). These statements describe potential future concerns, not specific facts demonstrating an immediate emergency that requires the County to act before hearing from the public. In addition, as described below, data centers are not an allowed use in the Industrial Park zone so there is no risk of data centers in that zone.

In *Jablinske*, the court concluded that Snohomish County was not required to provide notice and hold a public hearing before adopting its interim ordinance, emphasizing that both the County Planning Commission and the Board of County Commissioners had determined that an emergency existed. In that case, a developer had applied for building permits for housing that would have blocked a planned airport expansion. Here, the proposed resolution identifies no comparable factual basis for an emergency. In fact, two commissioners recently rejected a proposed six-month moratorium because none of the proposed data center projects were far enough along to submit an application this year.

The County cannot rely on the absence of imminent applications to reject a moratorium while simultaneously asserting an emergency that requires it to impose interim zoning restrictions without prior public input.

Interim zoning should serve as a temporary, evidence-based planning safeguard, not as a substitute for public participation in a consequential legislative decision. The County has not identified specific facts establishing an emergency and explained why immediate action is necessary. The County must, therefore, follow the ordinary zoning process and give the public a meaningful opportunity to be heard.

B. The interim process cannot be used to authorize a new use

Data centers are not allowed in the current Industrial Park zoning as an allowed use. The principal uses permitted outright are limited to the following:

1. Assembly and fabrication of products.
2. Auto reconditioning, painting, upholstering, motor rebuilding.
3. Assembly of electrical appliances, electronic instruments and devices.
4. Boat building.
5. Body and fender work; farm equipment repair.
6. Cereal mills.
7. Enameling or metal coating (galvanizing), electroplating.
8. Machine shop.
9. Manufacture, compounding, processing, packaging or treatment of such products.
10. Manufacture, compounding, assembling or treatment of articles or merchandise from previously prepared materials, such as but not limited to bone, cellophane, canvas, cloth and glass.
11. Spinning or knitting of cotton, wool, flax or other fibrous materials.
12. Warehouses.

The code does not include data centers, or anything similar to data centers. Data centers are not assembling or manufacturing, nor are they spinning wool or flax. There is no risk of data centers in the Industrial Park zone because data centers are not an allowed use. The Planning Commission issued a 2023 data center “[code interpretation](#),” but this is not a valid land use decision and relies on strained logic (e.g. comparing a data center to a warehouse, “Just as a warehouse would store a product, like cereal, fabrics, or motors, data centers store products (i.e., data) on behalf of their customers on the servers within the data center.”)

Klickitat County proposes to use the emergency interim ordinance process to allow a new use—data centers in the Industrial Park zone. The interim emergency ordinance process is suited to prohibiting uses, not allowing a new industry.

III. The County's Public Notice is Inadequate

The County has not provided adequate public notice to adopt a new zoning ordinance. The County included a draft ordinance as Attachment A in the Board of County Commissioners' (BOCC) packet for the October 13, 2026, meeting. The County also posted a vastly different version of the ordinance, labeled "DRAFT Data Center Ordinance 10-01-26 (Most Recent)" on its website. The website states, "Please be aware, these drafts are IN PROGRESS AND INCOMPLETE."

The County did not identify which version, if any, it plans to adopt. Overall, the time was too constrained and the materials insufficient for adequate public participation. Even more concerning, the County is apparently not allowing any public testimony before enacting a major new ordinance. The County should provide the public the clear text of the ordinance under consideration, give adequate time for review, and take public testimony at a hearing.

IV. State Environmental Protection Act (SEPA) Analysis is Required

The County must complete a SEPA analysis prior to passing a zoning ordinance because the zoning ordinance is likely to have a significant adverse environmental impact that cannot be mitigated. SEPA rules require environmental review for all agency actions, including adopting plans, regulations, or ordinances (also called nonproject proposals).¹ WAC 197-11-704 defines nonproject actions as the adoption or amendment of comprehensive land use plans or zoning ordinances. The County's interim zoning ordinance triggers SEPA.

The County should make a determination of significance because the ordinance will facilitate data center growth, which is a probable significant adverse environmental impact under WAC 197-11-360. By permitting data centers in the zoning ordinance, the environmental impacts of new data centers—excessive electricity use, including from fossil fuels; excessive water use, noise, air pollution, and more—are clearly foreseeable and a direct result of the County's zoning ordinance.

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¹ The County's interim zoning action is not categorically exempt because it is not an emergency action, as explained above.

V. The Interim Ordinance is Inconsistent with the Comprehensive Plan and the Dallesport Subarea Plan

The interim ordinance is inconsistent with the requirements of the County's Comprehensive Plan and the Dallesport Subarea Plan, which require the County to consider public input, provide for orderly development and future infrastructure for public service needs, and minimize conflicts between resources uses and non resources uses.

Data centers use large volumes of water for cooling. Groundwater in Klickitat County supports domestic wells, agriculture, and streamflow for fish and other species. Data centers are energy-intensive and demand far more electricity than is consumed by all the residents and businesses in Klickitat County. Large data centers may require new electricity transmission and generation. Those costs can shift to other ratepayers. Data centers also produce constant noise from cooling equipment, rooftop fans, and transformers. The low-frequency noise carries farther at night and can degrade quiet rural settings. In addition, data centers create few permanent jobs relative to their land, power, and water use.

VI. Recommendations

We recommend that the County enact a moratorium to give the County time to pass a legitimate new ordinance on data center development. The proposed interim ordinance is woefully insufficient. After the moratorium, we recommend a new zoning ordinance that contains the following provisions.

Account for government input from Tribal Nations

Tribal governments have raised significant concerns about the impacts of data centers, including damage to treaty-protected resources, and made recommendations on how to address impacts. See [*The Yakama Nation Findings and Recommendations to the Washington Governor and Legislature: A Report Based on Participation on the Washington Data Center Workgroup*](#) (Nov. 10, 2025); Columbia River Inter-Tribal Fish Commission, [*The Energy & Water Use Impacts of Building System Design for Data Centers*](#), (Feb. 14, 2025). In developing an ordinance, the County should consider and account for the input of sovereign Tribal Nations.

Require a minimum number of public hearings

Given the strong public interest, the County should require at least three public hearings on any data center proposal due to the strong public interest. Many residents do not want to sacrifice their natural resources, local economy, energy affordability, and quality of life to promote artificial intelligence and large tech companies.

Establish strong transparency measures

The public deserves transparency on which companies will utilize local public resources like water and electricity. The County should require that proposals disclose which tech companies will own, operate, and use the data.

Prohibit Nondisclosure Agreements (NDAs)

NDAs are secrecy documents that prohibit the County from sharing information with the public. Klickitat County should ban NDAs, either in the zoning ordinance or in a separate ordinance. The ban should cover County staff, officials, and agents acting on their behalf. The County should also make all documents related to a data center proposal available to the public and establish a minimum review and comment period before any decision, including a 90-day sunshine period for all documents before any approval.

Establish a data center overlay for a better planning and review process

To properly plan for data centers, the County should adopt a data center overlay. This allows the County to thoughtfully examine all land and determine the best place, if any, to allow a data center. The overlay can also place restrictions on the scale and impact. This is a smarter approach than simply waiting for a tech company to tell the County where it wants to build.

[Smartgrowth America](#) suggests “completely eliminating by-right data center development and requiring a dedicated discretionary review process that includes land use experts, environmental specialists, economists, and industry stakeholders.” The County’s current draft ordinance is the weakest version of by-right data center development.

If the County does not adopt a data center overlay, it should at least require a conditional use permit for any data center. The County should not allow data centers as a permitted use. This removes the County’s power to evaluate each proposal and establish appropriate conditions.

Protect critical areas and shorelines

The ordinance should prohibit data centers and data center infrastructure from impacting critical areas or their buffers, including wetlands, fish and wildlife habitat, frequently flooded areas, geologically hazardous areas, and critical aquifer recharge areas or wellhead protection areas. Data centers must also comply with the County’s Shoreline Master Program and Critical Areas Ordinance.

Protect water use

The County should require the applicant to prove that the data center will not impair any existing domestic or agricultural well, water right, or instream flow. Obtaining an existing water right is not sufficient to satisfy this criteria. The ordinance should also ban the use of wells to supply data centers due to the immense water usage and the impact on local wells, now or in the future. This includes prohibiting water from exempt wells.

In addition, the ordinance should require the best available technology to reduce water use by the data center. All water use shall be metered at each source and the data center operator shall report monthly use to the County, which shall post it publicly.

When the County or State of Washington declares a drought emergency covering the site, the operator shall cut water use by at least 50 percent from its prior-year average for that month.

Protect cultural resources**Prioritize residential electricity use and salmon recovery**

The ordinance should limit power use from the grid when Klickitat County residents are facing an emergency or the grid power is strained. Local residents must take priority. The operator shall reduce load or switch to clean on-site backup when the utility or County declares an energy emergency

Any data center shall be supplied by 100 percent carbon-free electricity on an annual basis from the start of operations. The ordinance should prohibit behind-the-meter power generation, including from generators, using fossil fuels. In addition, data center operators and utilities need to demonstrate that there is no degradation in grid reliability or impacts on salmon protection measures.

Prohibit cryptocurrency mining

The ordinance should prohibit cryptocurrency mining facilities over 0.5 MW in all zones.

Limit accessory uses

The ordinance should make clear that it does not permit outright accessory uses.

Protect the rural character

The applicant must prove that the data center is compatible with the rural character of the area.

Assess fiscal impacts

The ordinance should require that the applicant prove that the data center will not create a net fiscal cost to the County. The developer should pay for the County to conduct a fiscal impact analysis that discloses the costs for roads, emergency services, water and electricity infrastructure, and administration.

Require an independent review

The ordinance should require that the developer pay for the County to conduct an independent review of any studies submitted by the developer, including noise, water use, electricity use, and wastewater.

VII. Conclusion

Columbia Riverkeeper and Friends of the Columbia Gorge are deeply concerned by Klickitat County's rushed ordinance and associated process. We urge the County to consider Tribal governments' rights and input; public engagement and local knowledge; and research, including studies, on data centers' impacts and ways to mitigate impacts. Ultimately, the County must carefully examine lawful approaches to address the myriad of impacts posed by the data center industry. Like other rural counties and communities targeted by Big Tech, Klickitat County should adopt a moratorium to provide time to develop an ordinance that considers lessons learned from other rural communities across the Pacific Northwest and the country.

Sincerely,

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