

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 905

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, ADOPTING A ONE-YEAR MORATORIUM ON THE ACCEPTANCE, PROCESSING, AND/OR APPROVAL OF APPLICATIONS FOR BUILDING AND LAND DEVELOPMENT PERMITS FOR DATA CENTERS, DECLARING AN EMERGENCY, PROVIDING FOR SEVERABILITY, AND PROVIDING THAT THE MORATORIUM WILL TAKE EFFECT IMMEDIATELY UPON PASSAGE.

WHEREAS, the proliferation of data centers has the potential to significantly affect Burien's energy and water infrastructure, utility affordability and reliability, jobs and economic development, public health, and the environment;

WHEREAS, data centers are power-intensive and require significant water supplies for cooling equipment. Data centers may also be emissions-intensive if using fossil fuels;

WHEREAS, data centers can produce a significant amount of noise and heat that can negatively impact the health and wellbeing of surrounding communities;

WHEREAS, Burien desires to support the data needs of existing businesses, government entities, including public safety, as well as healthcare facilities, educational institutions, and others, and therefore values striking a balance that recognizes those needs and previous investment, and anticipates growing needs and future investment, in existing facilities;

WHEREAS, the combined and cumulative impacts of large electrical loads, emissions, and water use associated with new or expanded data centers may: (1) Exceed available infrastructure capacity and resource supply; (2) Require substantial unplanned capital investments; (3) Affect environmental quality, including watershed and aquatic systems, and wastewater treatment; (4) Impair the City's ability to meet climate and resource management goals; and (5) Affect the health and wellbeing of residents from air pollution, noise, and heat emissions;

WHEREAS, the Burien Municipal Code (BMC) does not currently regulate data centers explicitly in any zoning districts; however, the code anticipates that there may be uses that evolve over time and provides a path for review of uses that are not addressed in the use charts, which could be used to site a data center in Burien;

WHEREAS, upon review of the BMC, concerns have been raised about the lack of clarity

in the procedures and uses that could be allowed in Burien with respect to data centers;

WHEREAS, the City Council has significant concerns about the impact of data centers in Burien under current regulations in the context of the vision and goals of the City, is discussing how to best accommodate growth and development in both general and specific ways, and finds that unless the City acts immediately to preserve the status quo, there are likely to be adverse impacts on the City and its citizens;

WHEREAS, the City Council's concerns regarding likely adverse impacts related to data centers under existing regulations require immediate attention by the Council and City staff and include, but are not limited to, the standards and procedures for the acceptance and processing of data center permit applications and allowed uses in the zone;

WHEREAS, plans and mitigation measures for identified impacts, appropriate fee structures for electricity, water usage, and water treatment, and appropriate levels of permit review and costs should be clearly delineated in the City's fee schedules and development regulations before the filing of any permit for new or expanded large-scale data centers;

WHEREAS, the City needs time to analyze and determine how best to update its regulations to address data centers and to identify what mitigation measures and community benefit policies, if any, would be most appropriate to address the impacts of locating new or expanded large-scale data centers in Burien;

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria related to land uses, specifically as provided by RCW 35A.63.220;

WHEREAS, pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City may adopt a moratorium of no longer than six (6) months; however, the City may adopt a moratorium of up to one year if a work plan is developed for related studies providing for such a longer period;

WHEREAS, to promote the public health, safety and welfare the City Council deems it appropriate to impose a moratorium on applications for data centers for a period of one (1) year;

WHEREAS, the City Council shall hold a public hearing on July 13, 2026 at 5:30 P.M., and may adopt additional findings at the conclusion of said public hearing; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section One. Preliminary Findings. The recitals set forth above are hereby adopted as

the City Council's preliminary findings in support of the moratorium imposed by this ordinance. The City Council may, in its discretion, adopt additional findings at the conclusion of the public hearing referenced in Section 5 below.

Section 2. Moratorium Imposed. Pursuant to the provisions of Article 11, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, a moratorium is hereby enacted on the acceptance, processing, and/or approval of applications to establish or expand data centers, either as principal or accessory uses, or change of use to data centers, either as principal or accessory uses, in all districts of Burien. This moratorium applies to data centers defined below, whether as a component of a project or as the entire project for which a permit is sought.

"Data center" means a facility: (1) used primarily for the housing, operation, or co-location of computer and networking equipment and the handling, storing, managing, processing, and backing up of digital data; (2) having capacity in excess of 20 Megavolt Amperes (MVA); and (3) generally requiring uninterruptible power supplies and associated infrastructure such as cooling systems, backup power systems, and battery storage.

Section 3. Effect on Vested Rights. The moratorium imposed under Section 2 of this ordinance shall apply prospectively only, and shall operate to prevent acceptance of permit applications submitted after the effective date of this ordinance. Nothing in this ordinance shall be construed to extinguish, limit, or otherwise infringe on any permit applicant's vested development rights as defined by state law and City of Burien regulations, provided that such a permit applicant has filed a completed permit application before the effective date of this ordinance.

Section Four. Effective Period for Moratorium. The moratorium set forth in this ordinance shall be in effect for a period of one (1) year from the effective date of this ordinance and shall automatically expire at the conclusion of that one-year period unless the same is extended as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the City Council.

Section Five. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council will hold a public hearing, at the City Council's regular meeting, at 5:30 p.m., on Monday, July 13, 2026, or as soon thereafter as the business of the City Council shall permit in order to take public testimony and to consider adopting further findings.

Section Six. Work Plan and Referral to Staff. Pursuant to RCW 36.70A.390, the Council approves the work plan shown in Exhibit A. City Staff and the Business and Economic Development Partnership are hereby authorized and directed to study these issues and develop appropriate land use regulations for review and recommendation for inclusion in the zoning regulations or other provisions of the Burien Municipal Code.

Section Seven. Severability. Should a court of competent jurisdiction find any clause, paragraph, phrase, section, or sentence of this ordinance, or its application to any person or circumstance, unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining parts of this ordinance or its application to other persons or circumstances.

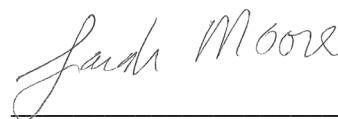
Section Eight. Edits. For purposes of this ordinance, additions are underlined, and deletions are stricken with brackets around the deleted language.

Section Nine. Corrections. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Section Ten. Declaration of Emergency and Effective Date. The City Council hereby finds and declares that there is a potential under current development regulations for establishment and development of data centers in the City to have negative secondary effects if not first addressed by adequate and appropriate regulations, and that, therefore, an emergency exists which necessitates that this ordinance become effective immediately in order to preserve the public health, safety and welfare. This ordinance shall become effective immediately upon passage. The City Clerk is directed to publish a summary of this ordinance at the earliest possible publication date.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR BUSINESS MEETING THEREOF THIS 29TH DAY OF JUNE, 2026.

CITY OF BURIEN



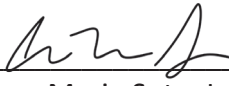
Sarah Moore, Mayor

ATTEST/AUTHENTICATED:



Heather McCoy, City Clerk

Approved as to form:



Ann Marie Soto, Interim City Attorney

Filed with the City Clerk: June 18, 2026
Passed by the City Council: June 29, 2026
Ordinance No.: 905
Date of Publication: July 3, 2026