

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. 3381

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON, RELATING TO GROWTH MANAGEMENT, ADOPTING A TEMPORARY MORATORIUM ON ACCEPTING, PROCESSING, OR APPROVING LAND USE AND PERMIT APPLICATIONS FOR DATA CENTERS.

WHEREAS, the information, communication, and technology sectors are expected to significantly expand over the coming years with estimates that the number of online devices will grow to 29.3 billion by 2030, up from 18.4 billion in 2018; and

WHEREAS, the use of generative artificial intelligence by individuals, businesses, and governments is expanding at a rapid pace; and

WHEREAS, these uses of technology are expected to promote economic growth, enable more efficient delivery of services, and provide other benefits to the residents of Marysville; and

WHEREAS, the rapid expansion of the use of various technologies has created a corresponding need for infrastructure necessary to support its effective use; and

WHEREAS, data centers provide essential infrastructure for the processing, communication, and storage of data and benefit all sectors of the economy; and

WHEREAS, the city desires to support the data needs of existing businesses, government entities, including public safety, as well as healthcare facilities, educational institutions, and others; and

WHEREAS, data centers may be an appropriate land use in some areas of Marysville, but they may also bring significant impacts that must be considered in developing appropriate zoning regulations, planning for utility infrastructure, and setting utility rates; and

WHEREAS, data centers can place substantial demands on electricity and water resources; and

WHEREAS, depending on the type of cooling utilized by a data center, water consumption can be high, particularly with evaporative cooling systems; and

WHEREAS, peak water demand from data centers can be significant and follow different consumption patterns than other residential, commercial, and industrial uses, requiring analysis of the city's water sourcing, storage, transmission, and distribution infrastructure; and

WHEREAS, a single large water user may present substantial challenges for the sourcing, storage, transmission, and distribution of water resources and have corresponding impacts on the collection and treatment requirements of the wastewater system; and

WHEREAS, the city is currently developing a water system plan and a wastewater system plan that address both infrastructure and rate structures for these utilities; and

WHEREAS, data centers are not defined in the municipal code and would be considered an unlisted use and if such a use were proposed would require the community development director to determine whether the proposed land use is allowed in a zone for which the application is filed, resulting in uncertainty for potential applicants and probable misalignment between regulations, mitigation, and utility infrastructure and rates; and

WHEREAS, the city needs time to complete the water and wastewater comprehensive plans and associated rate studies and analyze and determine if regulatory changes are needed and to address potential impacts associated with data centers and a moratorium will provide time to complete this work; and

WHEREAS, Article XI, Section 11 of the Washington Constitution provides that any city may "make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws," granting cities jurisdiction over land use issues like zoning; and

WHEREAS, RCW 36.70A.390 provides that the City Council may adopt a moratorium, interim zoning ordinance, interim zoning map, or interim official control; and

WHEREAS, moratoria, interim zoning ordinances, interim zoning maps, and interim official controls enacted under RCW 36.70A.390 are methods by which local governments may preserve the status quo so that new regulations will not be rendered moot by intervening development; and

WHEREAS, RCW 35A.63.220 provides that the City Council must hold a public hearing on the proposed moratorium or interim zoning ordinance within at least sixty days of its adoption; and

WHEREAS, for these reasons, the City proposes a moratorium that prohibits the filing, acceptance, processing, or approval of applications for new or expanded large-scale data centers, as principal or accessory uses, to allow the city time to consider and adopt appropriate permanent legislation.

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

SECTION 1. Moratorium Established. This ordinance establishes a moratorium on the acceptance, processing, and approval of applications for land use or permit approval for any data center proposed to be sited in the City of Marysville.

SECTION 2. Definition. "Data Center" means a building, facility, or group of buildings or facilities in which the principal use is the operation, storage, management, processing, or transmission of digital data through computer servers, network equipment, data storage systems, or associated electronic equipment. The term includes associated cooling systems, electrical equipment, backup power systems, and other infrastructure primarily serving the data center.

It does not include computer servers, network equipment, telecommunications equipment, or data storage systems that are accessory and incidental to another use of a property.

SECTION 3. Duration. This moratorium takes effect immediately upon passage by the City Council and approval by the Mayor and remains in effect for six months unless earlier repealed or extended by the City Council.

SECTION 4. Exceptions. This moratorium does not apply to any ordinary maintenance, repair or in-kind replacement of existing facilities, or emergency repair, outage restoration, or other work necessary to maintain safe and reliable existing utility service.

SECTION 5. Work Program. During the moratorium period, the City will undertake a work program and draft development regulations addressing data centers, including:

1. Review of regulatory approaches used by other jurisdictions;
2. Evaluation of:
 - Siting criteria;
 - Safety and emergency response considerations;
 - Compatibility with surrounding land uses;
3. Consideration of public input;
4. Preparation of water and sewer comprehensive plans and proposed rate structures.
5. Preparation of proposed amendments to the municipal code.

SECTION 6. Public Hearing. A public hearing will be held within sixty days of adoption of this ordinance.

SECTION 7. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

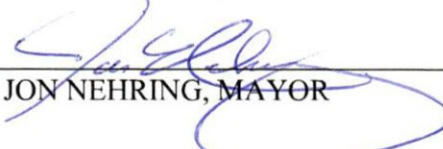
SECTION 8. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener's errors or

clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

SECTION 9. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this 13th day of July, 2026.

CITY OF MARYSVILLE

By 
JON NEHRING, MAYOR

Attest:

By 
CHARI TABER, DEPUTY CITY CLERK

Approved as to form:

By 
JON WALKER, CITY ATTORNEY

Date of publication: July 16, 2026

Effective Date (5 days after publication): July 21, 2026