BILL NO. ____ -C.S.
ORDINANCE NO. ___-C.S.

AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EUREKA IMPOSING A MORATORIUM ON THE SITING OF DATA CENTERS IN THE CITY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA AS FOLLOWS:

WHEREAS, California Government Code § 65858 authorizes the City Council of the City of Eureka to adopt as urgency measures interim ordinances imposing a moratorium of up to a total of two years in length; and

WHEREAS, on September 1, 2026 the Eureka City Council adopted by the necessary four-fifths vote Bill No. 1061 imposing a 45-day moratorium on the siting of Data Centers anywhere in the City of Eureka; and

WHEREAS, in connection with its consideration of Bill No. 1061, the City Council requested its planning staff to research whether Data Centers should be regulated as a possible land use in the City in any zoning district for purposes of protecting the public health, safety, and welfare; and

WHEREAS, on September 15, 2026, the City Council in regular session heard and considered the written and oral report of Cristin Kenyon, AICP, Development Services director of the City of Eureka, presenting a "Data Center Regulations Discussion," and the City Council takes notice of that presentation for purposes of findings that the moratorium imposed by this present Bill is necessary for the protection of the public health, safety, and welfare; and

WHEREAS, for purposes of this interim ordinance, "Data Center" means a facility or part of a facility housing computing infrastructure, including processors, servers, storage, networking equipment, and associated power/cooling systems, for the primary purpose of processing, storing, or distributing electronic Data; and

WHEREAS, Data Centers with electric service capacity of one megawatt or below are excluded from the moratorium created by this ordinance; and

WHEREAS, the stated definition and the threshold of one megawatt are subject to further refinement in the course of studies undertaken during the pendency of this interim ordinance; and

WHEREAS, proposed Data Centers often spark significant local opposition; and

WHEREAS, the potential impacts of a Data Center that require in-depth study include, but are not limited to:

(a) Massive power consumption, drawing from and straining the grid;

(b) electricity rate impacts;

(c) high rates of water consumption for cooling systems in competition with residential, agricultural, and other needs;

(d) constant noise pollution from large industrial chillers, exhaust fans, and frequent testing of backup generators;

(e) depending on the source of power, a potentially massive increase in the City's carbon footprint; and

(f) the water quality of effluent from water-based cooling systems; and

WHEREAS, Data Centers frequently promote their proposed locations by arguments that they bring jobs and massive increases in local government revenues, leading to requests for tax incentives; and

WHEREAS, the City intends to engage in a comprehensive review of the zoning standards and regulations that should apply in both the inland and coastal zones of the City; and

WHEREAS, the City also intends to study whether the size of a Data Center would enlarge or possibly mitigate any adverse effects found likely to exist in conjunction with the siting of a Data Center in order to minimize identified impacts and preserve the livability of the City's neighborhoods; and

WHEREAS, the City Council finds that the ordinance is not in conflict with the California Coastal Act and does not modify the existing land uses allowed in the Local Coastal Plan; and

WHEREAS, California Government Code § 65858 provides that a city, including a charter city, after a public hearing and upon a four-fifth vote, to protect the public safety, health and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time; and

WHEREAS, the City Council of the City of Eureka wants to impose a moratorium in both the inland and coastal zones of the City on the siting of Data Centers in all inland and coastal zone districts to prevent additional issues not fully understood resulting from such siting(s); and

WHEREAS, the City Council desires to impose said moratorium in order to engage in a comprehensive review of the standards and regulations pertaining to Data Centers; and

WHEREAS, the City Council finds that an extended moratorium is necessary and appropriate within all inland and coastal zoning districts of the City to preserve the status quo and discourage significant investment pending the review of the regulations pertaining to the siting, size, and design of Data Centers; and

WHEREAS, the City Council finds that Data Centers pose a current and immediate threat to the public health, safety, and welfare, and that the approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare; and

WHEREAS, the City Council finds, determines, and concludes that an emergency exists, in that (a) neither City staff nor the Planning Commission have had sufficient opportunity to review and study the effects of Data Centers should they be located in the City; and (b) the immediate imposition of this moratorium will preserve the status quo to enable the City to further study the effects of such uses and to devise appropriate zoning and regulatory controls to address the effects of such uses; and

WHEREAS, the adoption of this moratorium interim ordinance is exempt from CEQA pursuant to § 15001 of the California Environmental Quality Act ("CEQA") Guidelines because this moratorium interim ordinance would not be considered a "project" within the meaning of CEQA Guidelines § 15378 since it has no potential for resulting in a direct or indirect physical change to the environment, and instead has the potential to temporarily prevent such changes for the term of the interim ordinance; and further, this ordinance is exempt pursuant to CEQA § 15061(b)(3) since the proposed ordinance preserves the status quo in regard to Data Centers and therefore does not have the potential to significantly impact the environment; and

WHEREAS, for the reasons set forth above, this ordinance is declared by the City Council of the City of Eureka to be necessary for preserving the public health, safety and welfare and to avoid a current and immediate threat to the public health, safety and welfare, and the findings clauses above taken together constitute the Council's statement of the reasons constituting such necessity and urgency.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF EUREKA DOES ORDAIN AS FOLLOWS:

SECTION 1. Interim Ordinance. During the term of this Urgency Interim Ordinance, no Data Center with an electrical capacity of greater than one megawatt may be sited in any zone of the City.

SECTION 2. Term. The moratorium imposed by this ordinance will be effective immediately upon adoption, as an interim urgency ordinance, in order to protect the public health, safety and welfare, and will continue in full force and effect for a period of 10 months and 15 days days from the date of adoption. This 10 month 15-day period may be extended by the City Council in accordance with the provisions of California Government Code § 65858 for an additional period of one year for a total not to exceed two years.

SECTION 3. Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision will

not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 4. Posting. Within fifteen (15) days after its passage, the City Clerk shall cause this Ordinance to be published once in a newspaper of general circulation.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 6th day of October, 2026, by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

_____
Leslie Castellano, Mayor Pro Tem

THE ABOVE ORDINANCE WAS PRESENTED TO THE MAYOR on the ___ day of _____, 2026, and hereby approved.

_____
Kim Bergel, Mayor

Approved as to Administration:

_____
Miles Slattery, City Manager

Approved as to form:

_____
Robert N. Black, City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the____ day of _____, 2026.

_____
Pamela J. Powell, City Clerk