COUNTY OF HUMBOLDT

For the meeting of: 10/6/2026

File #: 26-949

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Departmental

Vote Requirement: 4/5th

SUBJECT:
Adoption of an Interim Urgency Ordinance Establishing a 45-day Moratorium on the Acceptance of Applications to Permit Data Centers in Unincorporated Humboldt County (4/5 Vote Required)

RECOMMENDATION(S):
That the Board of Supervisors:

1. Adopt the Interim Urgency Ordinance: An Uncodified Interim Urgency Ordinance of the County of Humboldt Establishing a Temporary Moratorium on Data Centers to Prohibit Acceptance and Processing of New Applications for Data Centers, Which Shall Take Immediate Effect (Attachment 1), establishing a 45-day moratorium on all of the following: acceptance of applications for, and issuance of any permit, license, or entitlement for any data center within the unincorporated areas of Humboldt County based on the findings set forth in the Interim Urgency Ordinance under the provisions contained in California Government Code (GC) Sections 25123(d) and 65858(a) (4/5 Vote Required); and
2. Direct the Clerk of the Board to publish the Post-Adoption Summary (Attachment 2) of the ordinance within 15 days of adoption by the Board, and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinance along with the names of those Supervisors voting for and against the ordinance; and
3. Direct Planning and Building Department staff to bring forward an item, if needed, to extend the moratorium prior to the 45-day expiration date and to report on the measures taken to alleviate the condition which led to the adoption of the urgency ordinance per GC § 65858(d).

STRATEGIC PLAN:
This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Safe & Healthy Communities
Strategic Plan Category: 1008 - Update General Plan ordinances for quality of environment

DISCUSSION:

Executive Summary:
At the July 14, 2026 meeting, the Board of Supervisors directed preparation of a temporary moratorium on accepting new applications for data centers while developing regulations identifying the circumstances under which data centers could be permitted. The attached ordinance satisfies the Board's direction. The interim urgency ordinance would become effective immediately upon adoption, and the moratorium would have a 45-day effective period, unless extended 10 days prior to expiration. The Board is being asked to adopt the interim urgency ordinance (Attachment 1) on data centers while staff develops performance standards for this type of land use.

For the purposes of the ordinance, a data center is a physical facility or building that houses groups of networked computers, servers, and data storage systems used to store, process and distribute digital information.

If the Board supports a temporary moratorium on the establishment and permitting of data centers while a draft ordinance is being developed to develop standards for them, the urgency ordinance (Attachment 1) should be adopted. The urgency ordinance would expire 45 days from adoption. The Board should also direct Planning staff to bring back to the Board an extension to the ordinance for up to 10 months and 15 days, prior to its expiration. An option to the adoption of the extension is it could have provisions to allow small-scale data centers which do not use generators producing significant noise and have a sustainable water source (not a surface diversion, not water that has public trust implications).

Adoption of Interim Urgency Ordinances are allowed by California Government Code Sections 25123(d) and 65858 and requires a four-fifths (4/5ths) vote of the legislative body for adoption. The urgency ordinance must protect the public safety, health, and welfare of the community. The attached ordinance includes the factual evidence supporting the required findings.

Environmental Review
Adoption of this ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the proposed ordinance may have a significant effect on the environment. Temporarily prohibiting applications for new data centers will not result in any development so the ordinance will not have any environmental impacts.

Also, adoption of the ordinance is exempt from CEQA review by Section 15308 of the CEQA Guidelines - Actions by Regulatory Agencies for Protection of the Environment. This exemption applies to actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protecting the environment. In this case, temporarily preventing the permitting of data centers while establishing standards to protect air and water quality, water and energy resources, and noise, will ensure that when they are permitted and built to conform to the new ordinance which will have standards to protect the environment.

SOURCE OF FUNDING:
The staff costs to prepare this staff report are expected to total approximately $3,600, which will be paid by the General Fund's contribution to Long Range Planning (1100-282).

FINANCIAL IMPACT:
There is anticipated to be no significant long-term financial impact from the adoption of the urgency ordinance because it is only allowed to be in place for up to two years, at which time, it will automatically expire.

OTHER AGENCY INVOLVEMENT:
None

ALTERNATIVES TO STAFF RECOMMENDATIONS:
The Board of Supervisors could decide not to approve the urgency ordinance if it believes the limitations are unnecessary to protect public health, safety and welfare. This alternative is not recommended as it would be best to develop standards if data centers are to be allowed.

ATTACHMENTS:
1. Draft Ordinance
2. Post-Adoption Summary

PREVIOUS ACTION/REFERRAL:
Meeting of: July 14, 2026
File No.: 26-724