BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of **October 6, 2026**

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.

ORDINANCE NO. _____
NOW, THEREFORE, The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. Findings and Declarations.

A. Government Code Section 65858 allows a county, without following the procedures otherwise required prior to adoption of a zoning ordinance, to adopt, as an urgency measure, an interim ordinance prohibiting any uses which may be in conflict with a contemplated general plan, specific plan, or zoning proposal which the legislative body, planning commission or planning department is intending to study within a reasonable time.

B. The County of Humboldt ("County") regulates land uses in the unincorporated area of the County through various regulations including the General Plan, Local Coastal Plans, and the Zoning Ordinance, including land uses that are permitted by-right or through a discretionary review.

C. For the purposes of this 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.

D. Data Centers are not a defined use type within the Humboldt County Code and therefore could only be permitted with a conditional use permit under the provision that it is not enumerated within the Zoning Ordinance.

E. The County is aware of concerns regarding adverse effects of Data Centers, including the proximity of such uses to residential neighborhoods, schools and other potentially sensitive receptors and uses.

F. The Planning and Building Department has received a significant number of comments from the public expressing concern for the potential use of warehousing, storage, and distribution center permit approvals to be utilized as Data Centers, which have shown to have potentially significant environmental impacts in other areas in the United States.

G. Data Centers have resulted in adverse impacts upon the surrounding environment and communities due to overuse of water, electricity usage, noise impacts, and impacts to water quality, and air quality when generators are utilized for supplemental power. This constitutes a current and immediate threat to the public health, safety, and/or welfare.

H. The County intends to develop performance standards to allow development of Data Centers while precluding the unacceptable environmental and social impacts experienced in other areas.

I. The County has an interest in protecting the environment and the public health, safety and welfare of its residents by regulating Data Center Facilities as a land use.

J. A temporary prohibition of new applications for Data Center Facilities is needed while an ordinance regulating Data Centers in the County is being drafted.

K. There is a current and immediate threat to the public health, safety and welfare if permits or entitlements for construction of new Data Center Facilities are issued without the benefit of performance standards. Such permits or entitlements may result in the development of facilities that conflict with the contemplated amendments to the County's land use regulations (Zoning Code) that are under review, and imposition of the moratorium will give the County time to introduce, review and adopt a revision of land use regulations in the Zoning Code.

L. In consideration of the concerns noted herein, it is in the interest of the public health, safety and welfare to adopt this urgency ordinance establishing a moratorium on Data Centers.

M. California Government Code Section 65858 allows the County to adopt an interim ordinance that prohibits uses when those uses conflict with a pending land use study. Such a measure requires a 4/5ths vote of the Board of Supervisors; must contain a finding that there is a current and immediate threat to public health, safety and welfare; and may be adopted without following the notice and adoption procedures required for other zoning ordinances. The interim moratorium has an initial duration of forty-five (45) days and may be extended as specified by Government Code Section 65858.

N. The Board of Supervisors finds this urgency ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Title 14, California Code of Regulations Section 15308 because it is a regulatory action taken to protect the

environment, and Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and therefore the activity is not subject to CEQA.

O. The Board of Supervisors considers it necessary to adopt this urgency interim ordinance to explicitly prohibit Data Centers while the updates to the Zoning Ordinance and other land use regulations are studied and developed.

P. The Board of Supervisors intends that this temporary prohibition and moratorium apply to all new applications for Data Center Facilities received during the moratorium period.

SECTION 2. Declaration of Urgency.

A. Based on the findings set forth above, the Board finds and declares that there is a current and immediate threat to public health, safety and welfare due to the potential environmental risks of new permits or entitlements for Data Centers.

B. Based on the findings above, the Board of Supervisors determines that this interim urgency ordinance establishing a moratorium on data centers as stated below is urgently needed for the immediate preservation of the public health, safety and welfare pursuant to the Government Code Sections 25123(d), and 65858, and is necessary to prevent potentially significant impacts to the environment and surrounding communities relating to noise, water and power usage, and water quality and discharge while comprehensive modifications to the existing Humboldt County Zoning Code are developed and considered for adoption which balance the interests of businesses, residents and the public in protecting the environment and the communities in the unincorporated areas of Humboldt County.

SECTION 3. Moratorium.

In order to protect the public health, safety and welfare and pursuant to the provisions of Government Code Sections 25123(d) and 65858, during the term of this ordinance, including any extensions hereto (except as modified therein), a moratorium is hereby placed on the acceptance of any application for, or issuance of any license, permit or entitlement, or approval of any type, that authorizes the establishment, operation, maintenance, development or construction of any Data Center in the unincorporated area of the County.

SECTION 4. Effective Date.

Pursuant to Government Code Section 25123, subdivision (d), this urgency ordinance shall become effective immediately upon adoption.

SECTION 5. Enforceability.

Violations of this ordinance shall constitute a public nuisance and may be enforced and abated through any available remedy provided by the Humboldt County Code or other law.

SECTION 6. Expiration.

This moratorium shall be of no further force or effect upon the expiration of forty-five (45) days from the date of adoption, unless extended in accordance with Government Code Section 65858.

SECTION 7. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or circumstance is held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the remaining portions or other applications of the ordinance, and the provisions of this ordinance are declared to be severable.

PASSED, APPROVED AND ADOPTED this_____day of _____, 2026, on the following vote, to wit:

AYES: Supervisors: --

NOES: Supervisors: --

ABSENT: Supervisors: --

_____

Mike Wilson, Chair
Board of Supervisors of the County of Humboldt, State of California

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(SEAL)

ATTEST:

Tracy Damico, Clerk of the Board of Supervisors
of the County of Humboldt, State of California

By: _____

Kaleigh Maffei, Deputy Clerk