

SUMMARY

AN URGENCY ORDINANCE OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS IMPOSING A TEMPORARY MORATORIUM PROHIBITING THE PROCESSING AND APPROVAL OF NEW DATA CENTER USES WITHIN THE UNINCORPORATED COUNTY TO ALLOW FOR EVALUATION OF THE PUBLIC HEALTH, ENVIRONMENTAL AND FISCAL IMPACTS AND THE ENACTMENT OF FURTHER AND APPROPRIATE REGULATIONS CONCERNING SUCH USES

This urgency ordinance creates a moratorium on the processing and approval of new “Data Center Uses”, as defined in the ordinance, for a period of 45 days. Under the ordinance, the County is prohibited from issuing any land use entitlement or determination that would permit the establishment of such Data Center Uses within the County. Generally, a “Data Center Use” is a facility or portion thereof primarily or substantially used for housing computer equipment for data processing and storage, cloud computing, artificial intelligence computing or similar high-intensity computing activities. Excluded from “Data Center Use” are customary server or IT rooms or computer equipment that serve on-site operations, for customary server rooms or ordinary computer equipment that supports on-site operations, public safety or emergency operations facilities, and telecommunications facilities that provide essential services to the public. In addition, to the extent applicable, certain repairs or maintenance of any existing lawful facility that could be considered a Data Center Use is not prohibited, nor is the ordinance to be construed as depriving any person of a vested right. The ordinance contains findings establishing the urgency as required by Government Code section 65858. The ordinance is effective for a 45-day period, but the Board of Supervisors may extend the ordinance following notice and a public hearing.