

ORDINANCE NO. _____

**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**

WHEREAS, “Data Centers” provide the necessary computing hardware, including servers, storage systems, and networking equipment, to power the digital economy; such hardware enables large-scale software systems to handle traditional computational workloads, supports cloud-based storage and web services, and provides the massive processing capabilities required for generative artificial intelligence; and

WHEREAS, pursuant to the County’s police power, the Mendocino County Board of Supervisors has the authority to enact and enforce ordinances and regulations for the public health, safety and welfare of the County and its residents; and

WHEREAS, the Mendocino County Code does not currently define or regulate Data Centers; and

WHEREAS, Data Centers and other similar high-intensity computing facilities generate large amounts of heat and use some combination of air or water cooling systems. These cooling systems create various impacts on the surrounding environment and infrastructure, from increased power demand or strain on electrical grids, to increased water usage and water discharges, to noise and air pollution from diesel generators and equipment; and

WHEREAS, Mendocino County has a history of drought and has limited water infrastructure, giving rise to concerns regarding data centers potentially depleting the County’s groundwater and surface water supplies; and

WHEREAS, additional concerns created by Data Centers, including but not limited to, impacts on electrical infrastructure, 24-hour operation and security concerns, aesthetic impacts, and noise and air pollution warrant analysis and review in order to study regulations which would impact the siting or development of Data Centers; and

WHEREAS, the absence of comprehensive regulations and procedures governing Data Centers, combined with the facts recited above and the fact that Data Centers may currently apply for entitlements to locate and establish in the County, pose a current and immediate threat to the health, safety and welfare of the citizens of the County. Data Centers are being applied for and developed at a rapid pace throughout the nation. The County must take immediate action in order to study and process appropriate regulations before the County could be required to process permit applications for such facilities without being able to safeguard against the adverse impacts they may have on the County and the quality of life of its residents; and

WHEREAS, California Government Code section 65858 provides that, without following the procedures otherwise required prior to the adoption of a zoning ordinance and for the purpose of protecting the public safety, health and welfare, the Board of Supervisors may 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 that the Board of Supervisors, planning commission or the planning department is considering or studying or intends to study within a reasonable time; and

WHEREAS, consistent with the above authority the Board of Supervisors desires to adopt a moratorium prohibiting the processing and approval of Data Centers to allow for evaluation of the acceptable scope and development standards of such uses within the unincorporated County; and

WHEREAS, for the reasons more fully described within, the Board of Supervisors determines, by at least a four-fifths (4/5) vote, that this Urgency Ordinance is a matter of County-wide importance, is a reasonable and necessary measure designed for the immediate preservation of public safety, health, or welfare.

NOW, THEREFORE, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ORDAINS AS FOLLOWS:

Section 1. The above recitals are incorporated herein by this reference.

Section 2. Moratorium Findings.

A. Local governments nationwide have received, and the County anticipates receiving, inquiries and applications for new Data Centers and similar high-intensity computing uses, and such proposals may be processed and approved under existing regulations in the absence of this interim ordinance.

B. Existing General Plan and zoning provisions do not comprehensively address whether, where, and under what conditions Data Centers and similar high-intensity computing uses should be permitted, nor do they establish adequate standards concerning location, size, utility demand, water use, cooling systems, backup generation, noise, buffering from adjacent uses, public health and safety protections, or related operational characteristics.

C. Data centers and similar high-intensity computing uses may create substantial and unique impacts, including but not limited to significant electrical demand, increased water consumption, substantial mechanical cooling equipment, noise from cooling systems and generators, air emissions from backup generation, fire and life safety considerations, and demands on public infrastructure and emergency services.

D. There is a reasonable likelihood that approvals granted during the County's study and consideration of potential policy and regulatory changes would be in conflict with, or would substantially undermine, contemplated amendments to the General Plan or Zoning code.

E. There is a current and immediate threat to the public health, safety, and welfare because the County's current regulatory framework does not adequately address the potential land use, environmental, utility, infrastructure, and operational impacts associated with Data Centers and similar high-intensity computing uses.

F. The approval of additional use permits, variances, building permits, site development permits, grading permits, or any other applicable entitlement, permit, or approval for the establishment, expansion, or intensification of Data Centers or similar high-intensity

computing uses during the County's study period would result in the threat described above by allowing such uses to proceed before appropriate standards and safeguards are established.

G. The adoption of this interim urgency ordinance is therefore necessary for the immediate preservation of public health, safety, and welfare within the meaning of Government Code section 65858.

Section 3. Moratorium Imposed. The County and its agents, employees and departments shall not approve any subdivision, use permit, variance, building permit, site development permit, grading permit, or any other applicable entitlement, permit, or approval for the establishment, expansion, or intensification of any Data Center Use or similar high-intensity computing uses. During the effective period of this Ordinance, no County official, officer, employee, department, board, commission, or agency shall accept as complete, process, approve, issue, or grant any discretionary or ministerial permit, approval, license, clearance, or entitlement that would authorize any of the following:

A. The establishment, construction, installation, occupancy, or operation of any new Data Center Use;

B. The conversion of any existing building, structure, or site to a Data Center Use;

C. The expansion, enlargement, or intensification of any existing Data Center Use, including but not limited to increases in gross floor area devoted to such use, server capacity, rack density, electrical service capacity, cooling capacity, backup generation capacity, or water demand; or

D. Any subdivision, site development, grading, building, electrical, mechanical, or similar permit to the extent it would facilitate or enable any activity prohibited by this Ordinance.

Section 4. Definition of Data Center Use. For purposes of this Ordinance, "Data Center Use" means any facility, campus, building, structure, or portion thereof used primarily or substantially for the housing, operation, or support of computer servers, server racks, data storage devices, networking equipment, switching equipment, or similar electronic equipment for data processing, storage, transmission, cloud computing, colocation services, artificial intelligence model training or inference, high-performance computing, blockchain operations, digital asset mining, cryptocurrency mining, or other similar high-intensity computing activities. "Data Center Use" includes, without limitation, hyperscale data centers, colocation facilities, server farms, cloud computing facilities, artificial intelligence compute facilities, digital asset mining facilities, blockchain mining facilities, and other substantially similar uses, whether or not such use is separately defined or listed in the County Code.

"Data Center Use" does not include any of the following:

A. Customary accessory server rooms, IT rooms, or equipment rooms that are clearly incidental and subordinate to a primary permitted use and that serve only on-site business, institutional, governmental, or facility operations;

B. Ordinary office, retail, school, hospital, or industrial computer equipment used solely to support on-site operations;

C. Public safety, emergency communications, or emergency operations facilities; or

D. Telecommunications carrier facilities or public utility facilities necessary to provide essential communications or utility services to the public, to the extent such facilities are not principally used or designed as a commercial data center, colocation facility, cloud computing facility, artificial intelligence computing facility, or digital asset mining facility.

Section 5. Study and Review. During the moratorium period established by this Ordinance and any extension thereof, the Chief Executive Officer, or designee, and the Department of Planning and Building Services are authorized and directed to:

A. Evaluate the potential land use, infrastructure, environmental, public health, public safety and fiscal implications of data centers and similar high-intensity computing uses within the County, including but not limited to electricity demand, water use, wastewater demand, cooling systems, backup generation, noise, air quality, greenhouse gas emissions, emergency response, fire and life safety, and compatibility with surrounding land uses;

B. Review the County's existing General Plan, Zoning Code and development standards to determine whether amendments are necessary to address data centers and similar high-intensity computing uses;

C. Consult, as appropriate, with utility providers, water agencies, fire and emergency service providers, public health agencies, environmental professionals, residents, businesses, and other stakeholders regarding the potential impacts of such uses and possible regulatory responses;

D. Develop and present to the Board of Supervisors for consideration any proposed amendments to the General Plan, Zoning Code and other applicable regulations, including but not limited to use classifications, permitted zoning districts, conditional use requirements, development agreements, siting criteria, separation from sensitive uses, operational standards, utility and water demand standards, noise standards, buffering and screening requirements, generator standards, sustainability measures, and decommissioning requirements; and

E. Prepare and issue, prior to the expiration of this Ordinance or any extension thereof, a written report to the Board of Supervisors describing the measures taken to alleviate the conditions that led to the adoption of this Ordinance, consistent with Government Code section 65858.

Section 6. Applicability and Exemptions.

A. This Ordinance applies to all property within the unincorporated County of Mendocino.

B. The following are exempt from the moratorium established by this Ordinance:

1. Data Center Uses for which all required discretionary approvals and ministerial permits necessary to authorize construction and operation were finally granted prior to the effective date of this Ordinance, provided that the project is developed in substantial conformance with those approvals;

2. Ordinary accessory server rooms, IT rooms, and similar facilities expressly excluded from the definition of Data Center Use in Section 4 hereof;

3. Public safety, emergency communications, and emergency operations facilities;

4. Telecommunications carrier facilities and public utility facilities necessary to provide essential public services, to the extent exempted by Section 4 hereof; and

5. Minor repairs, maintenance, replacement in kind, or interior tenant improvements to an existing lawful facility that do not expand the gross floor area devoted to a Data Center Use and do not increase server capacity, electrical service capacity, cooling capacity, backup generation capacity, or water demand.

C. Nothing in this Ordinance shall be construed to deprive any person of vested rights legally obtained prior to the effective date of this Ordinance, as those rights may be determined under applicable state law.

Section 7. Severability. If any section, subsection, sentence, clause phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 8. CEQA. The Board of Supervisors finds that this Ordinance is not a “project” under the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*; “CEQA”) because it has no potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. This Ordinance merely maintains the status quo and prohibits certain new development while the County studies potential additional regulations. For the same reason, in the alternative, the Ordinance is exempt from CEQA pursuant to State CEQA Guidelines section 15060(c)(2) as a regulatory action that will not result in a direct or reasonably foreseeable indirect change in the environment, and by State CEQA Guidelines section 15061(b)(3) as it can be seen with certainty that there is no possibility that this Ordinance may have a significant effect on the environment. Further, this Ordinance is exempt from CEQA pursuant to State CEQA Guidelines section 15308, because it is a regulatory action taken by the County for the protection of the environment that prohibits certain new development while the County studies additional regulations.

Section 9. Effective Date; Duration and Extension. This Ordinance is adopted as an urgency measure pursuant to Government Code section 65858 and is necessary for the immediate preservation of the public safety, health, and welfare. This Ordinance shall take effect immediately upon its adoption by at least a four-fifths (4/5) vote of the Board of Supervisors.

This Ordinance shall remain in effect for forty-five (45) days from the date of its adoption to October 16, 2026, unless extended by the Board of Supervisors in accordance with Government Code section 65858. Any extension of this Ordinance shall require notice and a public hearing in compliance with Government Code section 65858 and shall be supported by written findings that the conditions warranting the moratorium continue to exist.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mendocino, State of California, on this ____ day of September, 2026, by the following roll call vote:

AYES:

NOES:

ABSENT:

WHEREUPON, the Chair declared the Ordinance passed and adopted and **SO ORDERED**.

ATTEST: SARA PIERCE
Interim Clerk of the Board

BERNIE NORVELL, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT
Interim County Counsel

BY: SARA PIERCE
Interim Clerk of the Board

Deputy