Extension of Interim Urgency Ordinance on Detention and Correctional Facilities (Item No. 12)

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Previous Action by the Board: 45-Day Moratorium

On August 25, 2026, the Board unanimously adopted an interim urgency ordinance imposing a temporary 45-day moratorium on:

- The siting, construction, conversion, and/or operation of any new or expanded detention facility or correctional facility in every zoning district in the unincorporated County; and
- The filing, acceptance, processing, or approval of any permit application to site, construct, convert, and/or operate any public or private detention facility or correctional facility in the unincorporated County

Definitions

- **Detention Facility** means “a facility in which persons are held and housed involuntarily while in custody under process of law, pending the outcome of legal proceedings, but not for the purposes of punishment, correction, or rehabilitation following conviction of a criminal offense”
- **Correctional Facility** means “a facility in which persons are held and housed involuntarily primarily for the purposes of punishment, correction, or rehabilitation following conviction of a criminal offense”

Urgency Ordinance: Legal Authorization

- Government Code Section 65858 authorizes adoption of an interim urgency ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the County is considering or studying or intends to study within a reasonable time
- Interim ordinance can only remain in place for 45 days but can be extended by the Board

Urgency Ordinance: Required Findings for Extension

- That a current and immediate threat to the public health, safety, or welfare remains; and
- That the approval of additional subdivisions, use permits, variances, building permits or other applicable entitlements would result in that threat to public health, safety or welfare

Need For Extended Urgency Ordinance

- Recent efforts by the federal government to construct new detention facilities or convert existing facilities into detention facilities in the Bay Area
- County Zoning Regulations do not currently include adequate provisions to ensure that the siting, construction, conversion, and/or operation of detention facilities (or other similar land uses) are sufficiently regulated to avoid harm to the public
- Such facilities could pose current and immediate threat to public health, safety, and welfare of County residents

Report of Measures Taken by Staff

- 10 days prior to extension of the 45-day moratorium, the Board must issue a report describing measures taken to alleviate the conditions leading to the moratorium
- On September 4, 2026, staff posted the report, which is summarized in the Board materials

Extension of Urgency Ordinance

- Extension of the urgency ordinance requires a public hearing
- Must be approved by 4/5 vote of the Board
- Takes effect October 9, 2026 (45 days from adoption of interim urgency ordinance)
- Remains in effect for 10 months and 15 days
- Can be extended again for up to an additional one year

Questions?