Data Center Permit Path: Kern County (Sample)

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Scope: a data center of 10 MW or more on unincorporated Kern County land, permitted on or after Jan 1, 2027, when most of the seven data center laws signed Sept 21, 2026 take effect.

1. Bottom line

From Jan 1, 2027, a Kern data center needs a discretionary county approval with CEQA review, utility service on the terms SB 886 sets for new large loads, air permits from one of two districts, and a CEC exemption only if its backup generation reaches 50 MW. Kern's zoning code (Title 19) does not mention data centers, so the use goes through rezoning and conditional use permits. The water supply assessment is the step most likely to slow a desert or valley-floor site: the county cannot approve the project without it.

2. Approvals in order

Step	Agency	What triggers it	Time or date	Source
1. Land use	Kern County Planning and Natural Resources	Rezoning and conditional use permits, decided by the Board	Runs with step 2	Golden Valley notice of preparation
2. CEQA review	Kern County as lead agency	SB 887 bars categorical exemptions for data centers; Mayer Brown reads it to make by-right approvals discretionary too	Recent Kern EIRs ran about 11 months (Discovery Solar, filed July 2025, approved June 16, 2026) and about 23 months (Buttonbush, filed April 2024, approved Mar 24, 2026)	Foley; Mayer Brown; Discovery NOD; Buttonbush
3. Permit disclosures	Kern County	AB 1577, for 10 MW and up: estimated annual kWh, onsite generation by type, and sound levels at the property line, filed with the discretionary permit	From Jan 1, 2027	Foley
4. Water	Kern County and the water supplier	AB 2469: no approval without a water supply assessment and, from Jan 1, 2028, a water scarcity plan; the applicant pays for water upgrades	Before approval	Foley
5. Utility service	PG&E in west Kern, SCE in east Kern	PG&E's interim Rule 30 serves transmission-level loads that pay for the transmission work up front. SB 886 adds terms for agreements signed from Jan 1, 2027	CPUC tariffs due by Jan 1, 2028	CPUC on interim Rule 30; Foley

Step	Agency	What triggers it	Time or date	Source
6. Backup power	California Energy Commission	Under 50 MW: no CEC role. 50 to 100 MW: small power plant exemption, after which the county and air district permit. Over 100 MW: full CEC certification	Past data center exemptions took about 10 months (McLaren), 22 months (Sequoia) and 42 months (Lafayette)	CEC exemption program; McLaren; Sequoia; Lafayette
7. Air permits	San Joaquin Valley APCD (valley side, including Elk Hills) or Eastern Kern APCD (desert side, including Inyokern)	Permits for the backup generators	With or after step 6	Valley district's Kern boundary; Eastern Kern jurisdiction
8. Operation	CEC and the water supplier	AB 1577: report to the CEC at energization and each year. AB 2619: give the water supplier a use estimate before the first business license, where one is required	Ongoing	Foley

3. The seven 2026 laws, as they apply to a project

Law	What it means for a data center	Starts
SB 887	No categorical CEQA exemptions. The Governor may certify a project as an environmental leadership project, which gets faster court review, if it prepays interconnection, adds no in-state fossil fuel use, keeps 4 hours of zero-carbon storage at its forecast peak, reaches 100% zero-carbon hourly electricity within 5 years (75% from new sources), uses recycled water with water-efficient or waterless cooling and signs a binding community benefits agreement	Jan 1, 2027
AB 1577	For 10 MW and up: energy, onsite generation and sound disclosures with the local permit; one-time and annual reports to the CEC (peak load, IT capacity, kWh, PUE, refrigerants, fuel, storage)	Jan 1, 2027
AB 2469	Local approval requires a water supply assessment, projected water use and efficiency measures, workforce disclosures and, from 2028, a staged water scarcity plan; the applicant pays for water upgrades. The law sets no size threshold	Jan 1, 2027; scarcity plan Jan 1, 2028
AB 2619	Good-faith water estimates to the water supplier before the first business license, and prior-year use by source at each renewal; urban water suppliers must plan for data center demand	Jan 1, 2027
SB 886	New transmission-level interconnection agreements: disclose duplicate applications, pay transmission upgrade costs, refunds capped at 75% of the utility's annual net transmission revenue from the customer, a fee for leaving within 10 years or failing to ramp load, and prevailing wage certification	Agreements from Jan 1, 2027; tariffs by Jan 1, 2028
AB 2383	Utility generation tariffs that make data centers pay the incremental generation costs their load causes for at least 10 years, with collateral and exit fees; the CPUC sets the size threshold at no more than 25 MW of peak demand	Utility filings to come; CCA and ESP tariffs by Jan 1, 2028
SB 1168	The CPUC studies rate structures so data centers pay their share of transmission, distribution and procurement costs	No set date

Sources: Governor's office, Sept 21, 2026; Foley, Sept 2026; Mayer Brown, Sept 28, 2026.

4. Two Kern projects on this path

- Golden Valley Technology Hub (California Resources Corp., Elk Hills near Taft): a 275 MW, 395,500 sq ft data center fed by the existing 550 MW Elk Hills Power Plant, with a 180 MW battery and 15 diesel generators of 2.5 MW (37.5 MW, under the CEC threshold). It asks for a zone change, conditional use permits, a variance and a parcel map. Comments on the EIR's scope close Dec 4, 2026, and the notice names no water source. Notice of preparation
- RB Inyokern Data Center (R&L Capital, near US 395 and SR 178): a 238,000 sq ft building on about 50 acres zoned industrial, with 40 Tier 4 diesel generators and up to 99 MW of backup, so it needs a CEC exemption (26-SPPE-01, under review). SCE would serve it through a new 115 kV customer substation at its Inyokern Substation. CEC project page

5. Open questions a client memo would chase

- Where a Golden Valley-type site gets its water, which the step 4 assessment must answer.
- Whether the Elk Hills plant needs changes to its existing approvals to serve the data center directly; the notice does not say.
- How Kern applies SB 887 to a project already in review on Jan 1, 2027.

This sample is research from public records, not legal advice. Confirm each step with the agency and counsel before relying on it.