

A Framework for Public Deliberation on Data Center Siting

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1. What this is

This is an operating framework for a local government body — a task force, advisory group, working group, or planning commission process — convened to address data center development.

It takes no position on whether a jurisdiction should permit, restrict, condition, or prohibit data centers. It specifies how a body can reach a defensible answer and leave behind a record that survives the people who produced it and the challenges that follow.

It is written for the people who have to make such a body work: county and city attorneys drafting the creating resolution, planning directors and administrators staffing it, and elected officials charging it.

2. Why a framework is needed

Since 2023, at least four counties have convened a body of this kind, and at least three more have been structuring or debating one. The completed ones did serious work, in public, under pressure. The difficulties they encountered were rarely about effort or access. They were structural.

Volume did not convert into code. One Maryland county's task force delivered a 462-page report with 14 recommendations, on schedule. The principal criticism was that some recommendations needed clearer definition before they could be enacted. The county adopted a two-year moratorium the following summer.

Without a comparative source, bodies imported across authority mismatches. One Illinois county without home-rule authority built its draft ordinance using a home-rule city's ordinance as its guideline, because no organized comparison of adopted mechanisms was available.

Claims entered the record unmarked. One Virginia county procured a 74-week consultant scope of work and attached its advisory group's list of potential impacts, with a note that the list should not be construed as verified, complete, or comprehensive. The county had no method for marking the list claim by claim, so it marked the whole list at once.

Bodies without a deadline ran long. One Maryland county avoided this by creating its task force and its moratorium in the same instrument, so the moratorium's end date served as the task force's deadline.

The common thread: no one was assigned to distinguish an established fact from a circulated claim, and to do it the same way regardless of who brought the claim forward.

This framework assigns that job.

3. When to use it — and when not to

A task force is not always necessary. At least one Iowa county adopted data center amendments to its development code without convening one: a moratorium, staff drafting, and adoption on third reading. Staff can do the technical work.

A task force earns its cost when a jurisdiction needs **legitimacy as well as technical answers** — when the question is contested, public trust is low, or the resulting standard is likely to be challenged. If the jurisdiction needs only the technical answer, direct staff to produce it and use Sections 5, 7, and 9 of this framework to structure the work.

Decide ownership before convening. If a planning commission expects to own this question, bypassing it can start the process with an institutional opponent. Either route the work through the planning commission or define its role in the creating resolution.

4. Charter elements

Each element exists to prevent a specific failure.

Purpose. To produce a factual record and code-ready findings on data center development within the jurisdiction's land use authority, sufficient to support action by the governing body or a documented decision not to act.

Authority. Advisory. The body determines nothing. It produces findings; the governing body decides.

Scope — included. The area within the jurisdiction's land use authority. Six domains (Section 6): land use and siting; electrical service and load; water and wastewater; physical site effects; fiscal; process and disclosure.

Scope — excluded. Areas outside the jurisdiction's land use authority. Any pending or anticipated specific application. Any named private party.

Membership. Members of the governing body; staff from planning, legal counsel, and any water, wastewater, or utility authority with jurisdiction; representation from affected service territories; and at least two members with no organizational position on the question.

Duration. A fixed term with a sunset date written into the creating instrument. Where a moratorium is in effect, tie the delivery date to its expiration.

Deliverable. A findings document meeting Section 9. Not a report. Not a statement of principles.

Record function. Named as a distinct role (Section 10).

Openness. Subject to public meetings law. All work product is public record. No participant, member, consultant, or contributor executes a non-disclosure agreement with the jurisdiction regarding the body's work.

5. The evidence standard

This is the load-bearing section. Everything else depends on it.

Every factual claim entering the record carries two marks: how it was obtained, and its current state.

How obtained

Mark	Meaning
Verified	Read in the original instrument, record, or dataset. Source identified and retrievable.
Reported	Stated by an identified source with direct knowledge; not independently confirmed against a primary record.
Derived	Calculated or inferred from marked inputs. The calculation is shown.
Unverified	Asserted, circulating, or received secondhand. Recorded because it is in public circulation, not because it is established.

Current state

Mark	Meaning
Settled	Checked and consistent across sources.
Disputed	Sources conflict. The conflict is described, not resolved by preference.
Open	Not yet checked.

Rules of use

- 1 **No unmarked claim enters a finding.**
- 2 **Unverified claims may be recorded but may not support a recommendation.** They belong in a separate public claims register (Section 9) stating what would be required to establish each.
- 3 **Marking is source-neutral.** A figure from an industry association and a figure from a residents' group are marked by how they were obtained, never by who supplied them.
- 4 **Disputes are described, not adjudicated.** The finding states the conflict, the size of the difference, and what would resolve it.
- 5 **Every mark is auditable.** A reader can retrieve the source and check it.
- 6 **State the denominator.** Any percentage, share, or count identifies what it is a share or count of. A figure without a stated denominator cannot be marked Settled.

Rule 6 is added because the most common way a correct number becomes a wrong claim is the silent change of denominator: a share of retail sales becomes a share of consumption becomes a share of demand; a count of sites becomes a count of parcels; a county-wide figure is compared with an unincorporated-only figure. In the Oregon data this month alone, public sources report four different counts of the state's data centers, each defensible under its own definition.

Why this matters to the governing body

A recommendation supported entirely by Verified, Settled findings survives a challenge. One resting on unmarked testimony does not. The marking is the difference between a standard the jurisdiction can defend and one it abandons at the first appeal.

It also disciplines the process without excluding anyone. Any participant may put any claim before the body. What they cannot do is have it treated as established without saying where it came from.

6. Domains

Each domain separates what is knowable from the record, what requires measurement, and what requires an authority the body does not hold.

6.1 Land use and siting

Which designations permit the use, under what standards, on which parcels, at what scale. *From the record:* zoning, plan designations, acreage, ownership, current use, overlays, resource-land status. *Requires outside determination:* legal sustainability of any code interpretation — legal counsel. *Note:* verify any parcel analysis to the parcel level. Summaries of site counts are easily misreported as parcel counts, and "few suitable" is easily misreported as "none available."

6.2 Electrical service and load

How service is obtained, the threshold at which a project triggers distinct treatment, who pays for infrastructure, how costs are allocated among customer classes, and how on-site, behind-the-meter, and bridge generation are treated. *From the record:* tariffs, interconnection rules, utility commission orders, state large-load statutes. *Requires outside determination:* rate design — the utility regulator. Publicly owned utilities may be locally governed and subject to different rules than investor-owned utilities.

6.3 Water and wastewater

Supply source, consumptive versus non-consumptive use, the system boundary of any efficiency claim, discharge characteristics, and effect on the capacity and permits of the wastewater authority. *From the record:* water rights, municipal and district capacity, discharge permits, system plans. *Requires measurement:* actual consumption at a specific facility. *Standing rule:* a water figure without a stated system boundary is unmarkable. Indirect water consumed in generating the facility's electricity can exceed the facility's direct use depending on the generation source.

6.4 Physical site effects

Acoustic, ground vibration, light, and traffic: applicable standards, measurement points, methods, and time periods. *From the record:* existing local standards and those adopted elsewhere. *Requires measurement:* existing ambient conditions. **These cannot be reconstructed after construction begins.** If the body intends to recommend a performance standard, the baseline must be established before, not after. *Note:* most adopted provisions attach at approval or at completion. The construction period — often the loudest and most disruptive phase of a facility's life — is usually unaddressed.

6.5 Fiscal

Assessment practice, exemption and abatement programs and their conditions, fee-in-lieu payments, revenue sharing, community benefit agreements, and the cost side: infrastructure, service demand, and the cost of administering whatever standard is adopted. *From the record:* assessment practice, abatement agreements, agreements adopted elsewhere. *Requires outside determination:* tax positions — the assessor or legal counsel. *Note:* confirm which program a figure describes. States often run several abatement programs with different terms, geographies, and eligibility, and figures from one are routinely applied to another.

6.6 Process and disclosure

Application requirements, pre-application procedure, notice, hearings, information an applicant must provide, what may be withheld, and whether the jurisdiction executes non-disclosure agreements in connection with development inquiries.

7. Sequence

Five phases. Each is unusable if the one before it is incomplete.

Phase 1 — The local record. What is true within the jurisdiction, verified: parcels and designations, utility service and known capacity, water and wastewater capacity, existing standards in all six domains, and what the current code does and does not address. *Begin here.* A body that starts by surveying other jurisdictions before establishing its own facts imports standards that do not fit.

Phase 2 — The mechanism inventory. What other jurisdictions have adopted, organized by mechanism rather than by place, each traced to its instrument, with effective date, status, and — the part usually missing — what it has been observed to fail to do. *Note each source jurisdiction's legal authority*, so a mechanism is not imported across an authority mismatch.

Phase 3 — The gap. Phase 1 against Phase 2: where the local code does not contemplate the use, what each mechanism would require the jurisdiction to have that it lacks, and what each would cost to administer.

Phase 4 — The decisions. Convert the gap into discrete decisions the governing body would actually make, each stated as a question with alternatives, the findings each alternative rests on, and its consequences.

Phase 5 — Findings. Findings on each decision, each traced to marked entries, with confidence stated. Where the record does not support a finding, say so and specify what would be required. *"We do not know this yet, and here is what it would take to know it"* is a legitimate output and is better than a recommendation resting on an unverified figure.

8. Separation of determinations

The body produces findings. It does not determine the following, and each routes explicitly:

Determination	Routes to
Legal sufficiency, code interpretation, statutory authority	Legal counsel
Rate design and cost allocation	Utility regulator or utility governing board
Engineering design, structural or electrical adequacy, stamped analysis	Licensed professional engineer
Tax position, assessment, exemption qualification	Assessor, legal counsel
Land use decision on a specific application	Governing body or hearings officer, on the record, per process

Determination	Routes to
Wastewater and water capacity and permit conditions	The water or wastewater authority
Health effects of measured physical conditions	Public health authority

A finding that crosses one of these lines is restated as a question and routed. The most common way an advisory body damages a jurisdiction is by producing something that reads as a determination it had no authority to make, which a later applicant uses on appeal.

9. Output specification

A single findings document:

- 1 **Charge and scope.**
- 2 **Method** — the evidence standard, as applied.
- 3 **Local record** — Phase 1, marked.
- 4 **Mechanism inventory** — Phase 2, by domain, traced to instrument.
- 5 **Gap statement** — Phase 3.
- 6 **Decisions and findings** — Phases 4 and 5, each traced to marked entries.
- 7 **Open items** — what remains unknown, what would resolve it, what it would cost.
- 8 **Public claims register** — claims in circulation the record does not establish, marked Unverified, with what would be required to verify each. This is not a dismissal. It is an honest statement of what a good-faith process could not confirm in the time available.
- 9 **Sources** — every instrument, record, and dataset, retrievable.

Draft findings as conditions, thresholds, and standards — language planning staff can convert directly into ordinance text. A findings document that needs translation before enactment has not finished its job.

10. Roles

Governing body. Sets the charge, receives findings, decides.

Staff. Supplies local records, identifies authority boundaries, receives findings for conversion.

Members without position. Test findings. Ask what each claim rests on.

Record function. Holds the record, applies the evidence standard identically to every claim, maintains the public claims register, and produces the findings document. This is established practice: at least one county's procured consultant scope of work assigned the consultant to serve as recording secretary at all meetings, with minutes within three working days and monthly written progress reports.

A member participates and may hold a view. The record function may not. If the role is assigned to a member with a position, the evidence standard collapses — and the evidence standard is what makes the output defensible. The record function may be performed by staff or by a contractor, and should be named in the creating instrument either way.

11. Out of scope

State these at adoption; each will be requested.

- **No finding about any specific applicant, prospective applicant, or named private party.** The body addresses the use, not the user.
 - **No adjudication of a pending application.**
 - **No finding on the motive or intent of any party,** public or private.
 - **No health-effect determination.** The body may establish measured physical conditions; it routes their health consequences to a public health authority.
 - **No statement of values in place of findings.** If the governing body wishes to acknowledge public concerns, it may do so by resolution. This body produces the record underneath.
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12. Schedule

Anchor the schedule to dates the jurisdiction does not control: a moratorium expiration, a change in the governing body, a state rulemaking or legislative session, or a pending state advisory report. A local body holding its own verified record before a state framework is adopted can comment from evidence and can tell whether a state standard fits local conditions.

Phase 1 is the longest and least contentious phase. Start it first and start it early. Every later phase compresses or expands from it.

Appendix A — Model charter clauses

For adaptation by legal counsel to local form, authority, and procedure. Not legal advice.

Establishment. "There is hereby established the [Name] Data Center Advisory Task Force, advisory to the [Governing Body], for a term ending [date], upon which it shall stand dissolved unless extended by [Governing Body] action."

Charge. "The Task Force shall produce a findings document, delivered to the [Governing Body] no later than [date], sufficient to support action on, or a documented decision not to act on, data center development within the [Jurisdiction]'s land use authority, addressing land use and siting, electrical service and load, water and wastewater, physical site effects, fiscal effects, and process and disclosure."

Evidence standard. "Every factual claim relied upon in the Task Force's findings shall be marked as to how it was obtained (Verified, Reported, Derived, or Unverified) and its current state (Settled, Disputed, or Open), as defined in [Exhibit]. No finding shall rest on a claim marked Unverified. Marking shall be applied

without regard to the identity of the party presenting the claim."

Record function. "The [Administrator/Director] shall designate a record function, performed by staff or by contract, which shall maintain the Task Force record, apply the evidence standard, maintain a public claims register, and prepare the findings document. The record function shall hold no position on the question before the Task Force."

Routing. "Questions of legal authority, rate design, engineering design, tax position, water and wastewater capacity, and health effects shall be routed to the [respective authorities] and shall not be determined by the Task Force."

Exclusions. "The Task Force shall make no finding concerning any specific applicant or named private party, any pending application, or the motive or intent of any party."

Openness. "All Task Force work product is public record. No member, participant, or contractor shall execute a non-disclosure agreement with the [Jurisdiction] concerning the work of the Task Force."

Appendix B — Localization checklist

Answer these before the creating instrument is drafted:

- 1 **Authority.** What is the jurisdiction's land use authority — Dillon's Rule, home rule, or a state-supervised planning system — and what limits does it place on permitting, conditioning, or pausing the use? (*Legal counsel.*)
- 2 **Pause mechanics.** If a moratorium is contemplated, what does state law require: notice, findings, maximum duration, extension conditions?
- 3 **Geography.** Which areas are within the jurisdiction's land use authority, and which are cities, special districts, or state land outside it?
- 4 **Utilities.** Which utilities serve the area, and are they investor-owned (state-regulated) or publicly owned (locally governed)?
- 5 **Water.** Which water and wastewater authorities have jurisdiction, and do they have independent governing boards or budgets?
- 6 **Procurement.** If the record function is contracted, what are the local procurement thresholds and methods?
- 7 **Existing work program.** What planning work would be deprioritized, or what resources added, to accommodate the effort?
- 8 **Ownership.** Does a planning commission or other standing body expect to own this question?
- 9 **State activity.** What state advisory, legislative, or rulemaking processes are underway, and on what dates?

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