



To: Interested Parties

From: Planning Division

Date: July 29, 2026

**Subject: NOTICE OF DECISION – City Council – Land Use Moratorium
Case File No. DSMISC26-0002 Data Center and BESS Facility Moratorium**

This letter is to inform you of the decision of the City Council to impose a land use moratorium on the submittal of new or expanded data centers and BESS facilities. During the 120-day moratorium, land use applications for new or expanded data centers and BESS facilities proposed as a primary use will not be accepted. Projects that had submitted applications prior to the moratorium being adopted at 12:21pm on July 27, 2026 may continue to develop.

The temporary moratorium will provide time for the City Council to evaluate how these facilities fit into Hillsboro's long-term land use planning and to consider potential updates to the Community Development Code. After the initial 120-day period, City Council could extend the moratorium for an additional six months.

The City Council's decision, Resolution No. 2932, is final and effective upon passage. A copy of the resolution is attached for your convenience. The decision may be appealed to the State Land Use Board of Appeals by the required date and time and in the form and manner provided in Oregon Revised Statutes (ORS) 197.805 to 197.850.

If you have any questions, please call me at 503-681-6153.

Sincerely,

A handwritten signature in black ink that reads 'Rachel Marble'.

Rachel Marble
Code and Policy Project Manager

Attachment: Resolution No. 2932

Cc: Interested Parties
File

RESOLUTION NO. 2932

A RESOLUTION APPROVING A TEMPORARY MORATORIUM ON DATA CENTER AND BATTERY ENERGY STORAGE SYSTEM DEVELOPMENTS PURSUANT TO ORS 197.505 TO 197.540 IN ORDER TO ALLOW SUFFICIENT TIME TO CONDUCT NECESSARY STUDIES AND DEVELOP APPROPRIATE REGULATIONS.

WHEREAS, the City of Hillsboro (“City”) has recently experienced a high level of development activity relating to data center projects; and

WHEREAS, the City has also seen the beginning of an influx of Battery Energy Storage System (“BESS”) developments, including two such developments in the last 32 months; and

WHEREAS, due to the high levels of energy use by data centers, it is likely that in the future, data centers will rely on BESS facilities in greater numbers for their energy needs; and

WHEREAS, data centers and BESS facilities are generally low employment density, land extensive developments which, if over-developed, consume land needed for developments within other sectors; and

WHEREAS, due to the high number of data center projects within close proximity to each other, a cluster effect has occurred, which is creating unknown impacts and uncertainty regarding whether existing regulations provide adequate protection to the health and safety of the community; and

WHEREAS, BESS developments rely on relatively new technology, with potential and not yet fully understood impacts on surrounding neighborhoods; and

WHEREAS, batteries used by BESS developments pose a fire risk as there are multiple documented instances in which they have spontaneously ignited, and fires involving BESS facilities are extremely difficult and hazardous to control or extinguish; and

WHEREAS, the City does not have regulations in place to govern the development of BESS facilities; and

WHEREAS, the United States Environmental Protection Agency has provided comprehensive guidance to help communities safely plan for installation and operation of BESS facilities, which the City needs to further study; and

WHEREAS, the foregoing has raised questions relating to the impacts of these developments; and

WHEREAS, as a result, the City has initiated processes to study the impacts of these developments and to analyze possible amendments to the City’s development code in order to more appropriately regulate these developments; and

WHEREAS, the Governor’s task force on data centers is scheduled to issue a report in October 2026 with guidelines for data center development, which may further inform the City’s processes for developing appropriate regulations; and

WHEREAS, while the City is working to complete the above processes as expeditiously as possible, the complexity of these issues will require time to thoroughly review and analyze, and the public interest in these issues will require a robust public process; and

WHEREAS, the unprecedented and unanticipated rate of development of data centers and the potential of additional BESS facilities present a risk of irrevocable public harm through overconsuming the City’s limited land supply needed for other sectors, upsetting the City’s economic development balance goals, and resulting in an inability for the City to achieve the job growth necessary to maintain a robust economy and healthy community; and

WHEREAS, the City Council therefore finds it necessary to temporarily pause data center and BESS developments in order to avoid the negative impacts of additional developments occurring before the City completes the studies and development code amendment processes currently underway; and

WHEREAS, this Resolution is authorized by ORS 197.505 to 197.540.

NOW, THEREFORE, THE CITY OF HILLSBORO RESOLVES AS FOLLOWS:

Section 1. No person shall submit, and the City shall not accept, process, or approve, any new application for land use approval under the Hillsboro Community Development Code for a new data center or battery energy storage system as a primary use, or expansion of an existing data center or battery energy storage system as a primary use, during the effective period of this Resolution.

Section 2. For purposes of this Resolution:

- A. “Battery energy storage system” means one or more devices for storing and discharging electricity which is primarily intended to supply electricity to a building or to the electrical grid.
- B. “Data center” means a facility for the storage, management, processing, and/or transmission of digital data, which houses computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data operations. For the avoidance of doubt, “data center” includes, but is not limited to, facilities used for colocation services, cloud computing services, artificial intelligence training or inference services, or digital asset mining services, whether such services are internal or external services, i.e. provided to third parties or operated for the owner’s own commercial operations. “Data center” does not include a telecommunications switching, routing, or network transmission center whose primary design and function is the carriage of voice, video, or broadband communications rather than the storage, processing, or hosting of data for end users.

C. "Primary use" means an activity or combination of activities of chief importance on a site and which is one of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use. For purposes of determining whether a use is a primary use on a site, such use shall be considered primary if it meets any of the following criteria:

1. The use occupies more than twenty percent (20%) of the total gross square footage of all buildings and structures on the site;
2. The use accounts for more than twenty percent (20%) of the original construction cost of all real and personal property on the site; or
3. The use draws more than twenty percent (20%) of the site's total contracted or available electrical service capacity, or exceeds 20 megawatts (MW) of contracted or available capacity

D. "Site" means a lot or parcel, or a combination of lots or parcels in common ownership.

Section 3. The City Council shall review this Resolution and determine whether there is a need to extend or repeal the moratorium it establishes not more than 120 calendar days after the effective date of this Resolution.

Section 4. This Resolution is based on the recitals above and the findings of fact set forth in the attached Exhibits A.

Section 5. This resolution is effective immediately upon adoption and shall remain in effect for a period of 120 calendar days, unless earlier extended or repealed.

Approved and adopted by the Hillsboro City Council at a special meeting held on the 27th day of July 2026.



Beach Pace, Mayor



ATTEST:

Amber Rios, City Recorder

EXHIBIT A

FINDINGS OF FACT

1. These findings are intended to supplement the findings stated in the recitals to Resolution No. 2932 (the “Resolution”).

2. ORS 197.520 provides:

(1) No city, county or special district may adopt a moratorium on construction or land development unless it first:

(a) Provides written notice to the Department of Land Conservation and Development at least 45 days prior to the final public hearing to be held to consider the adoption of the moratorium;

Finding: The City e-mailed notice to DLCD on June 10, 2026, which is 47 days before the public hearing on the Resolution was held on July 27, 2026. This criterion is satisfied.

(b) Makes written findings justifying the need for the moratorium in the manner provided for in this section; and

Finding: The findings stated in the recitals to the Resolution and this Exhibit A are written findings justifying the need for the moratorium. This criterion is satisfied.

(c) Holds a public hearing on the adoption of the moratorium and the findings which support the moratorium.

Finding: The City Council held a hearing on the adoption of the moratorium and the findings during a duly noticed public meeting on July 27, 2026. This criterion is satisfied.

(3) A moratorium not based on a shortage of public facilities under subsection (2) of this section may be justified only by a demonstration of compelling need. Such a demonstration shall be based upon reasonably available information and shall include, but need not be limited to, findings:

Finding: The basis for the moratorium is a compelling need and is based on reasonably available information, as demonstrated in the findings below. This criterion is satisfied.

(a) For urban or urbanizable land:

Finding: The land affected by this moratorium is the land within the city limits of the City of Hillsboro. All such land is “urban or urbanizable land” within the meaning

of ORS 197.520(3)(a) because it is within an urban growth boundary. The criteria in this subsection are applicable to this moratorium and are met as demonstrated in the findings below.

(A) That application of existing development ordinances or regulations and other applicable law is inadequate to prevent irrevocable public harm from development in affected geographical areas;

Finding: The overall economic health of the City of Hillsboro depends upon the City achieving an appropriate balance in economic development by employment sector. A healthy balance must take into consideration such factors as employment density and achieving a mix of land intensive and land extensive development.

This is particularly important in Hillsboro because, as described in the Hillsboro Economic Opportunities Analysis (EOA), the City faces a “pronounced shortfall of employment land” under all three of the growth scenarios analyzed in the EOA. EOA p. 70. As a result, over-development within a low employment density, land extensive sector would harm the public by overconsuming the City’s limited land supply needed for other sectors, upsetting the City’s economic development balance goals, and resulting in an inability for the City to achieve the job growth necessary to maintain a robust economy and healthy community. Due to the numerous barriers to increasing available land supply, this public harm would be irrevocable.

The EOA notes that data centers have one of the lowest employment densities among the analyzed industrial sectors, estimated at three employees per acre, compared to 17 employees per acre for general industrial. EOA p. 62. The EOA further notes that “[d]ata center acreage demand is estimated at 6-10% of the total employment land need.” *Id.*

Growth of data centers has dramatically outpaced the forecasts in the EOA. The EOA analyzed the City’s needs for a 20-year period ending in 2040. EOA p. ii. It found that the industrial land available for development totaled 1,225 acres. *Id.* Therefore, based on the forecasts and analysis in the EOA, without additional developable land being made available, data centers were anticipated to consume between 73.5 and 122.5 acres over that 20-year period. In less than six years since December 2020 (when the employment buildable lands inventory data was gathered), the City has issued land use approvals for data center developments consuming approximately 179 acres of developable industrial land in the City. Additional data centers are currently in land use review which, if approved, will consume approximately 143 more acres.

Although some deviation from the forecasts in an EOA are to be expected, the degree by which data center growth has exceeded forecasts is concerning. Continued over-development within this low employment density, land extensive sector will harm the public by overconsuming the City’s limited land supply needed for other sectors, upsetting the City’s economic development balance goals, and resulting in an

inability for the City to achieve the job growth necessary to maintain a robust economy and healthy community.

This over-development of data centers has occurred under the City's existing development ordinances and regulations and other applicable law, which demonstrates that these regulations are inadequate to prevent this irrevocable public harm. More specifically, under current law, data centers are classified as an "industrial service" use under Section 12.10.310 of the Hillsboro Community Development Code (HCDC) ("data storage, processing and information technology centers"). They are outright permitted in the commercia-general (C-G) zone (HCDC 12.23.230) and nearly all industrial zones (HCDC 12.25.130, 12.25.230, 12.25.330, 12.25.430, 12.25.530), without any data center specific additional regulations except in portions of the I-S zone under HCDC 12.25.350(F)(3). They are also permitted with a maximum facility size of 25,000 square feet in the Urban Center – Neighborhood Center (UC-NC) zone under HCDC 12.25.800. This current regulatory environment would not prevent development of data centers from consuming additional industrially zoned land in the City, until all such land is consumed.

Currently, data centers are permitted in 12 different zones within the City. However, to date, all data center developments in the City have occurred in just two zones, the I-P and I-S zones. Prior to December 2020, there were approximately 260 acres in these two zones that had received land use approval for data center development. Between December 2020 and July 2026, an additional 179 acres received land use approval for data center development in these two zones. There are currently an additional 143 acres under land use review for data center development. This has created an unprecedented clustering effect of data center development in a relatively small area of the City.

This clustering effect, which has more than doubled the acreage being used by data centers in the City in the last six years, has created unknown impacts on the community. Because the City does not currently have design and construction standards in place within its development code to address the impacts of this clustering, the clustering needs to be studied and potentially regulated in order to prevent irrevocable harm to the health of the community.

For example, a recent study released by the Virginia Commonwealth University determined that the clustering of data centers in northern Virginia has created significant air pollution issues. Notably, the report determined that the cumulative emissions exposure in certain neighborhoods near clusters of data centers is already comparable to, and sometimes exceeds, the neighborhood-level emissions exposure from a local power station and other notable facilities in the region. See Pitt, D., Suen, E., and Plisko, E. (2026). VCU Institute for Sustainable Energy and

Environment. *"Localized Air Pollution Impacts from Data Centers in Northern Virginia."*¹

Noise issues are also a potential concern due to the clustering of data centers within the City. For example, a 2024 report by the Virginia Joint Legislative Audit and Review Commission, explained that while data centers emit low-frequency noise that is not loud enough to damage nearby residents' hearing and rarely loud enough to violate noise ordinances, the constant hum that certain data centers emit can nonetheless create health concerns in the community. As a result, the report recommends that noise restrictions for data centers could be more effective if they were included in zoning ordinances instead of traditional noise ordinances. As explained in the report, "zoning ordinances that establish maximum allowable sound levels for both new and existing data centers would allow localities to better account for the low-frequency noise data centers emit, prescribe a better process for measuring potential noise violations, and impose more effective penalties for addressing any violations." Virginia Joint Legislative Audit and Review Commission, *Report to the Governor and the General Assembly of Virginia, Data Centers in Virginia* (2024).² While individual data centers in Hillsboro have yet to demonstrate any specific noise pollution concerns, the clustering effect of noise being emitted from multiple data centers needs to be studied and potentially addressed as recommended in the report.

Potential issues related to the creation of heat islands is another environmental concern raised by the clustering of data centers. A study still under peer review being conducted by a professor from Cambridge University and other universities across the world found that large hyperscale data centers increased surface temperatures by an average of 3.6 degrees Fahrenheit, and in extreme cases, nearby temperatures increased by up to 16.4 degrees Fahrenheit. Marononi, A. et al, (2026) *"The data heat island effect: quantifying the impact of AI data centers in a warming world."*³ The clustering of data centers in Hillsboro could be having a similar warming effect as the hyperscale data centers had in this study, and accordingly, the City needs additional time to study the impact of this clustering effect to determine its impact on the health of the community.

In addition, recent research conducted in Phoenix, Arizona estimates that a large data center can emit waste heat comparable to that produced by tens or even hundreds of thousands of households. Sailor, D., Abolhassani, S., and Martin, E. (2026) *Journal of Engineering for Sustainable Buildings and Cities*, "Data Center

¹ Available at: https://scholarscompass.vcu.edu/cgi/viewcontent.cgi?article=1003&context=isee_pubs/ (last visited July 23, 2026).

² Available at <https://jlarc.virginia.gov/pdfs/reports/Rpt598.pdf> (last visited July 23, 2026)

³ Available at https://www.researchgate.net/publication/403073048_The_data_heat_island_effect_quantifying_the_impact_of_AI_data_centers_in_a_warming_world (last visited July 23, 2026).

*Waste Heat as an Emerging Urban Thermal Hazard: First Field Measurements of Neighborhood-Scale Air Temperature Impacts.”*⁴

As explained by professors from the Yale School of the Environment, “[w]hile more research is needed, these findings suggest that data centers can worsen heat exposure in neighborhoods that are already impacted by the urban heat island effect. Given that cities are typically 1-7°F warmer than surrounding areas, additional warming from data center waste heat can further increase air conditioning energy demand and human health risks in nearby communities. In order to mitigate these impacts, cities and industry leaders should work together on better facility design and neighborhood cooling strategies, including parks and reflective surfaces.” Seto, K., Yale School of the Environment (2026) *“Data Centers, Urban Heat, and AI Growth”*⁵

Additionally, a recent paper from researchers at the University of California, Riverside and Caltech found that the health impacts of data centers vary significantly across counties. The highest county-level per-household health cost is about seven times the national average and approximately 200 times the lowest county-level value. According to the paper, this substantial disparity highlights the need to carefully examine local and regional health impacts to support more responsible data center siting. Han, Y., Wu, Z., Li, P., Wierman, A., Ren, S. (2024) *“Health-Informed Computing: Estimating and Addressing the Public Health Impact of Data Centers.”*⁶ To that end, it is imperative for the City to be able to conduct studies that analyze the effects that the clustering of data centers in Hillsboro will have on the community rather than relying on data from other areas.

BESS facilities create a similar need for study and possible regulation. Existing development regulations and other applicable City laws do not regulate the siting nor the design and development of BESS facilities. But BESS facilities have the potential to cause irrevocable public harm if they continue to be developed without adequate regulations within the City’s industrial zones.

As explained by the United States Environmental Protection Agency (“EPA”), “lithium battery fires at some [BESS] installations have raised legitimate safety concerns in many communities.” Such fires create unique challenges, including:

- **Fire Suppression:** Lithium battery fires are extremely difficult to extinguish and may reignite hours or days later.
- **Emissions:** Battery fires can release harmful gases that pose health risks to nearby residents and first responders.
- **Environmental Impact:** Proper cleanup and disposal of damaged batteries requires specialized procedures.

⁴ Available at <https://asmedigitalcollection.asme.org/sustainablebuildings/article/7/2/024501/1233035/Data-Center-Waste-Heat-as-an-Emerging-Urban> (last visited July 23, 2026).

⁵ Available at <https://environment.yale.edu/news/article/data-centers-urban-heat-and-ai-growth> (last visited July 23, 2026).

⁶ Available at <https://arxiv.org/pdf/2412.06288> (last visited July 23, 2026).

Accordingly, the EPA has suggested that proactive safety measures should be included in a BESS site design to minimize the risk of a BESS fire. United States Environmental Protection Agency, (2025) *“Battery Energy Storage Systems: Main Considerations for Safe Installation and Incident Response.”*⁷

BESS facilities utilize new and evolving technologies, which have not been fully studied to determine their impact on communities that host such facilities. Potential concerns related to noise pollution, similar to those discussed above for data centers, are possible regulatory areas that the City will need to address for BESS facilities. BESS facilities also create a low hum that can necessitate sound reduction measures. See North American Clean Energy (2025) *“A Quieter Place: Addressing noise at energy storage sites.”*⁸ Given that the City’s current development regulations do not specifically address BESS facilities, there is a gap in the regulatory scheme that needs to be addressed.

In the last 32 months, two BESS facilities were permitted and built within the City. See Hillsboro Land Use Files, MOD-018-23 and DR-040-25. This is a new trend that is expected to continue to expand in the upcoming years. According to some reports, the development of energy storage facilities is expected to experience a nearly sixfold growth spurt over the next 8 years. See Darmani, A., and Weis, A., (2026) *“Global energy storage market surpasses 100 GW annual installation milestone in 2025.”*⁹ Given the expansive need for energy by the cluster of data centers in Hillsboro as well as other large industrial users, it is expected that this trend will continue to play out in the City. In order to prepare for such a surge in growth, and to protect the community from potential harms from fire and environmental impacts, the City needs to update its development code for both use allowances as well as construction and design requirements for BESS facilities. Allowing BESS facilities to proliferate before such regulations can be imposed will cause irreparable harm to the community.

This criterion is satisfied.

(B) That the moratorium is sufficiently limited to ensure that a needed supply of affected housing types and the supply of commercial and industrial facilities within or in proximity to the city, county or special district are not unreasonably restricted by the adoption of the moratorium;

Finding: The scope of this moratorium is limited to data center and BESS facility development as a primary use. Therefore, this moratorium will not have any effect on housing or commercial facilities.

⁷ Available at <https://www.epa.gov/electronics-batteries-management/battery-energy-storage-systems-main-considerations-safe> (last visited July 23, 2026).

⁸ Available at <https://www.nacleanenergy.com/energy-storage/a-quieter-place-addressing-noise-at-energy-storage-sites> (last visited July 23, 2026).

⁹ Available at <https://www.woodmac.com/news/opinion/global-energy-storage-market-surpasses-100-gw-annual-installation-milestone-in-2025/> (last visited July 23, 2026).

The above findings demonstrate that, based on currently reasonably available information, the needed supply of data centers in the City has already been exceeded. Therefore, the supply of data center facilities within or in proximity to the City will not be unreasonably restricted by the adoption of this moratorium.

Moreover, the above findings demonstrate that, in the absence of this moratorium, unfettered growth of data center developments will have the effect of continuing to overconsume the City's limited available industrial land, thereby unreasonably restricting the supply of industrial facilities of other types. Adoption of this moratorium is therefore necessary to avoid precisely the harm that this criterion seeks to address.

Likewise, because BESS facilities are relatively new, a significant impact on existing and planned commercial and industrial uses in the City will not occur by pausing development of BESS facilities for a short period of time. Commercial and industrial uses in the City are not heavily reliant on BESS facilities at this time (given that only two exist in the City), and to that end, imposing the proposed moratorium should have a minimal effect on such uses.

The limited duration of this moratorium and the number of projects which submitted land use applications prior to enactment of this moratorium, and which will therefore be allowed to continue notwithstanding this moratorium, further ensures that its restrictions are not unreasonable.

This criterion is satisfied.

(C) Stating the reasons alternative methods of achieving the objectives of the moratorium are unsatisfactory;

Finding: The overall objective of this moratorium is to limit the development of data centers and BESS facilities until the City can complete studies regarding the impacts of data centers and BESS facilities and devise and adopt appropriate regulations to address those impacts. The only alternative method of achieving this objective that is reasonably available to the City would be to enact development code amendments to prohibit or restrict development of data centers or BESS facilities. This alternative is unsatisfactory because the processes and timelines required for such an action by state law and the City code would enable additional data center and BESS facility developments to proceed before the amendments could be enacted and take effect, thus substantially undermining the objective. Moreover, this alternative is unsatisfactory because any regulations enacted prior to completion of the impact studies would not benefit from being informed by the results of those studies. This criterion is satisfied.

(D) That the city, county or special district has determined that the public harm which would be caused by failure to impose a moratorium outweighs the adverse effects on other affected local governments, including shifts in demand for housing or economic development, public facilities

and services and buildable lands, and the overall impact of the moratorium on population distribution; and

Finding: Due to the limited scope of this moratorium, the only effect on other local governments that can reasonably be anticipated is a potential for data center or BESS facility developments to shift to other locations.

Reasonably available information evidences that a disproportionate share of the data center developments in the region have already occurred within the City. Therefore, any such shift would serve to better balance the deployment of data centers across the region.

Specifically, a map of probable data center locations prepared by the Oregon Department of Land Conservation and Development (DLCD) in April 2026 reveals that data center development in the region has largely occurred in Hillsboro, with a minimal number of likely data centers located in neighboring jurisdictions.

A shift in demand for data center developments to local governments which do not already face the over-development of data centers that has occurred in the City may be considered a positive result, rather than an adverse effect. Even to the extent it can be considered an adverse effect, it is a comparatively minor one due to the current imbalance of data center development across the region. The public harm which would be caused by a failure to impose this moratorium outweighs that adverse effect because of the degree of over-development of data centers within the City and the City's shortfall of developable land. As discussed in the findings above, this public harm is substantial because it has resulted in overconsuming the City's limited land supply needed for other sectors, upsetting the City's economic development balance goals, and an inability for the City to achieve the job growth necessary to maintain a robust economy and healthy community.

Similarly, it does not appear that the moratorium on BESS facilities will have any significant impact on other jurisdictions. As noted in a recent University of Michigan guide for local governments on BESS planning and zoning practices, "[a]lthough there is no strict rule about how close a BESS must be to a power line or substation, sites located closer are generally more cost-effective, as they eliminate the need to extend lines to the substation or construct new substations. Besides the cost benefits, closer proximity also helps reduce energy losses." University of Michigan, Graham Sustainability Institute Center for Empowering Communities (2026), "Planning & Zoning for Battery Energy Storage Systems."¹⁰ Accordingly, a BESS system will either connect directly to the building it is supporting, to a transmission grid or to a local distribution grid. *See id.* As a result, the siting of a BESS facility is more about proximity to the equipment it will connect to rather than to other factors. Thus, to the extent that BESS facilities are needed to support energy needs in Hillsboro, it is unlikely that such facilities will be built in other jurisdictions.

¹⁰ Available at <https://graham.umich.edu/media/files/BESS-guide.pdf> (last visited July 23, 2026).

Furthermore, when weighing the potential harm described above against any potential impact on other jurisdictions, the balance tips in favor of imposing the moratorium. Due to the clustering of data centers in the City, it is very likely that if they remain unregulated, BESS facilities will also create a cluster to support such data centers. The harm caused by the relocation of a few BESS facilities to other jurisdictions, if that were to even occur, does not rise to the level of the potential harm that could occur if BESS facilities remain unregulated in Hillsboro.

Finally the relatively short time period in which the moratorium will be imposed makes it unlikely that a large number of BESS facilities will be built in other jurisdictions while the moratorium is in effect.

This criterion is satisfied.

(E) That the city, county or special district proposing the moratorium has determined that sufficient resources are available to complete the development of needed interim or permanent changes in plans, regulations or procedures within the period of effectiveness of the moratorium.

Finding: The City has established and resourced a work plan to complete the development of needed interim and permanent changes in plans, regulations, and procedures. This work plan is described in detail in the materials for the July 21, 2026 City Council work session on data centers and related issues, and includes work performed both by existing City staff and third-party consultants, for which the City has budgeted funds available and with which the City is currently in the process of contracting, demonstrating that these resources are available.

The work plan schedule demonstrates that Phase 1 code amendments will be completed within the initial period of effectiveness of this moratorium. Other aspects of the work plan will require additional time. After completing the Phase 1 code amendments, and prior to expiration of this moratorium, the City will evaluate whether the Phase 1 code amendments have sufficiently addressed the public harm giving rise to this moratorium or whether the criteria in ORS 197.520(4) are met for extension of the moratorium in order to allow completion of additional work.

This criterion is satisfied.

(4) No moratorium adopted under subsection (3)(a) of this section shall be effective for a period longer than 120 days, but such a moratorium may be extended provided the city, county or special district adopting the moratorium holds a public hearing on the proposed extension and adopts written findings that:

- (a) Verify the problem giving rise to the need for a moratorium still exists;
- (b) Demonstrate that reasonable progress is being made to alleviate the problem giving rise to the moratorium; and
- (c) Set a specific duration for the renewal of the moratorium. No extension may be for a period longer than six months.

Finding: The effective period of the moratorium adopted by the Resolution is 120 days. This criterion is satisfied.

3. The Resolution is based on and directly implements state law. There are no applicable requirements, goals, or policies in the Hillsboro Comprehensive Plan, the Statewide Planning Goals, or the Hillsboro Development Code.