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<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	_____
MEETING DATE:	_____
FINAL ACTION:	_____

CITY COUNCIL STAFF REPORT

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

PROJECT TEAM: *Bryan Pohl, Community Development Director
Dan Riordan, Senior Planner*

MEETING DATE: *October 14, 2024*

SUBJECT TITLE: *Second Appeal of the Staff Decision to Approve with Conditions the Proposed Crane Data Center Site Development Review Application; File No. 311-24-000038-PLNG*

ACTION REQUESTED:

<input type="checkbox"/>	Ordinance	<input type="checkbox"/>	Order	<input type="checkbox"/>	Resolution	<input checked="" type="checkbox"/>	Motion	<input checked="" type="checkbox"/>	Informational
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X all that apply

KEY TERMS

Several key terms are used in this report and will likely come up during the appeal hearing. These terms are defined below for reference.

Article 3: Development Code Article 3 which contains development standards and a list of permitted, condition, accessory, limited and conditional use for each of the City’s zoning districts.

Article 5: Development Code Article 5 which contains special provisions for project elements including natural resources and tree protection on development sites. Article 5 ensures City compliance with Metro’s Urban Growth Management Functional Plan.

Article 8: Development Code Article 8 which contains general standards for property access, landscaping, screening and buffering, off-street parking and loading, public improvements including streets, sidewalks, sanitary sewers, storm drainage facilities, water facilities, and impacts to flood management areas.

Conditions of Approval: All review bodies have the authority to impose reasonable conditions of approval to ensure that applicable criteria are, or can be, met [emphasis added].

De Novo Hearing: A legal term meaning a fresh hearing during which any issue may be raised for consideration. A de novo hearing is distinguished from a “hearing on the record” during which only those issues previously raised can be considered.

NAICS: The North American Classification System (NAICS) manual. The NAICS includes detailed descriptions for industrial uses by type use.

On the Record Issues: On the record issues are issues previously raised during a prior review process and contained in the record of proceedings.

Permitted Use: A permitted use is any use allowed in a zoning district and subject to the restrictions applicable to that zoning district as provided in the Development Code.

Site Development Review: Site Development Review is a review process leading to a decision to approve, approve with conditions or deny a land use permit. The purpose of Site Development Review focuses on how a particular use will be developed and not whether a land use should be permitted. Site development also focuses on site planning and design elements of a project. Site development is a Type II, limited land use decision as defined below and does not require a public hearing.

Type 1 Decision: A staff decision that involves no interpretation or exercise of policy or legal judgement in evaluating approval criteria. Examples include lot line adjustments, review of final partition or subdivision plan, issuing a tree removal permit, issuing a sign permit

Type II Decision: Also called a limited land use decision this a staff decision that involves the exercise of limited interpretation and discretion in evaluating approval criteria and where approval or denial is based on standards that regulate the physical characteristics of a permitted use. Examples of Type II decisions include site development review, approval of a tentative subdivision plan, or a minor modification to an approved land use permit.

Limited Land Use Decision: A Limited Land Use Decision is an administrative decision that involves the exercise of limited interpretation and discretion in evaluating approval criteria and where approval or denial is based on discretionary standards that regulate the physical characteristics of an allowed use. Site development review is a limited land use decision.

Type III Decision: A quasi-judicial decision requiring a Planning Commission public hearing. A Type III decision involves more interpretation and discretion than a Type II decision where one or several properties are affected by the decision. Examples of Type III decisions include approval of a conditional use, a land use regulation variance, approval of a design review application where flexible design guidelines are applied, demolition of a historic landmark, or approval of preliminary planned development.

Conditional Use: Certain uses listed in the Forest Grove Development Code are conditional uses instead of being allowed outright. Conditional uses are subject to greater review because the conditional use may have adverse effects on the environment, overburden public services, change the desired character of an area or create nuisances. Conditional use review is a Type III, quasi-judicial, review process that provides the opportunity for the Planning Commission to impose conditions, after a public hearing, to address identified concerns or deny the use if the concerns cannot be resolved. Uses that require conditional use review are stated in the use tables of the zoning districts.

Type IV Decision: A decision that applies to the general population and prescribe policy. The decisions involve the most discretion. Type IV decisions are made by City Council after recommendation by the Planning Commission. Example of Type IV decisions include legislative zoning map amendments or Development Code text amendments.

BACKGROUND:

Navix Engineering, on behalf of Crane Data Centers, LLC, submitted a site development review application on January 29, 2024, for a proposed data center campus to be constructed in two phases. The development

site is located west of Mountain View Lane and northwest of the Mountain View Lane and Heather Street intersection. A map showing the location of the subject property is provided below.



After initial submittal of the application in January 2024, the applicant provided additional application materials for City review on March 30, 2024, June 7, 2024, and June 24, 2024.

City staff approved the site development review application with conditions on July 31, 2024. A site development review application is defined by the Forest Grove Development Code (§17.1.505) and Oregon Revised Statutes (ORS 197.195(3)) as a Type II, Limited Land Use decision. Limited land use decisions involve the exercise of limited discretion in evaluating approval criteria where the approval or denial is based on standards that regulate the physical characteristics of an outright permitted use. A permitted use is defined in Development Code §17.12.210(P7) to mean “any use allowed in a zoning district and subject to the restrictions applicable to that zoning district as provided in the Development Code”. An outright permitted use differentiated from a conditional use which is defined in Development Code §17.12.210(C24) to mean “a use which may be permitted by the approval authority following a public hearing, upon findings by the authority that the approval criteria have been met or will be met upon satisfaction of conditions of approval [emphasis added]. The Development Code provides much more discretion in reviewing conditional use permit applications. Because of this, the review criteria for a permitted use and a conditional use are different than the conditional use review criteria cannot be used to evaluate the review criteria for a permitted use subject to a site development review application.

An appeal of the site development review decision was timely filed by a person with standing to appeal on August 12, 2024. Development Code §17.1.540 describes the appeal process for a site development review decision. As stated in §17.1.540 two appeals are allowed. The first appeal of a site decision is considered by the Planning Commission. The second appeal is considered by City Council.

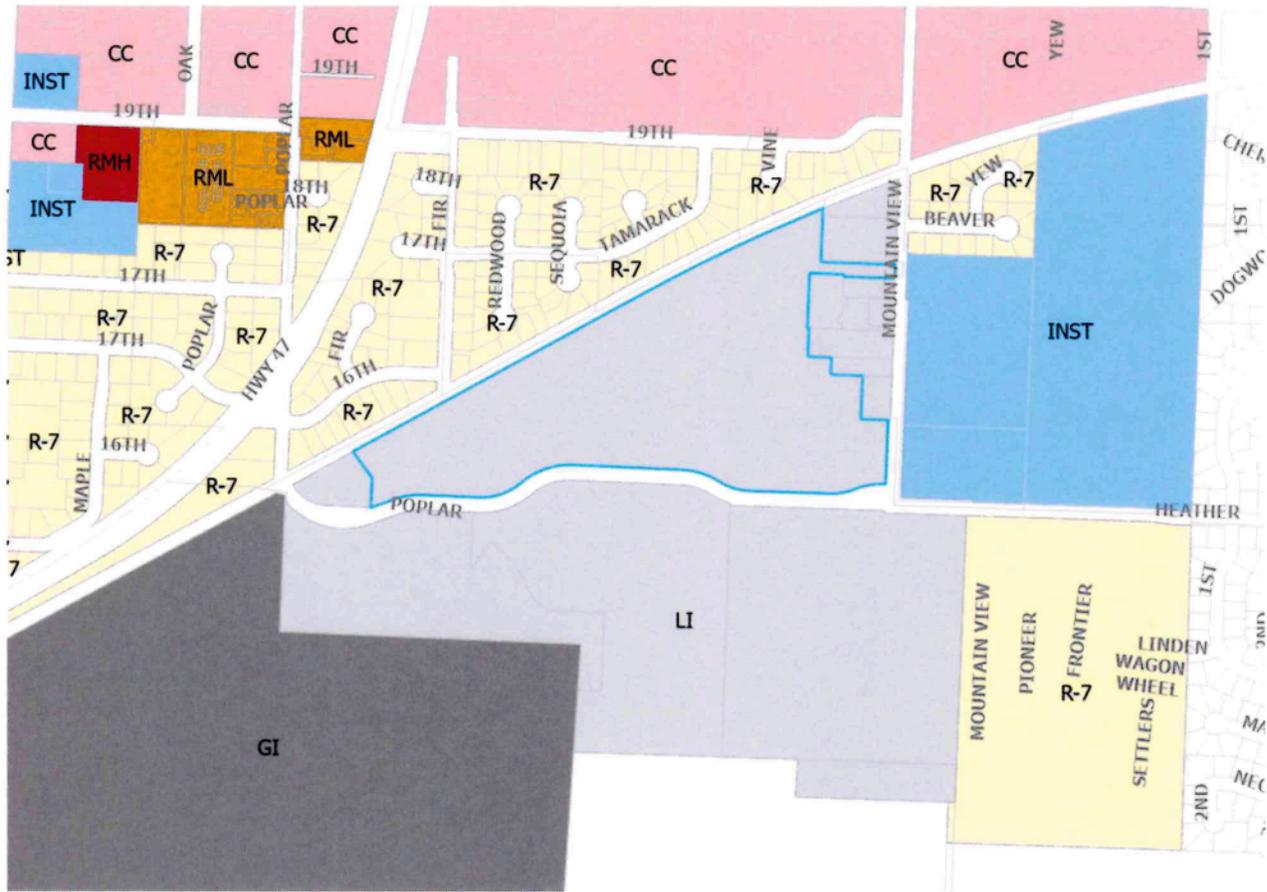
On September 3, 2024, the Planning Commission conducted a public hearing on the first appeal. After considering the testimony provided during the hearing and the information provided by the applicant and the appellant, the Planning Commission approved a motion on a 4-2 vote to affirm the staff decision and deny the appeal. In dissent one Planning Commissioner expressed the view that the data center should be located at a different site under heavy industrial zoning due to its scale and energy demands. As discussed below the site development plan provided by the applicant complies with the development standards for building height and energy demands are not related to an applicable site development review criterion. The information provided to the Planning Commission is available for viewing on the City's website by navigating to: <https://forestgroveor.portal.civicclerk.com/event/201/files/agenda/3485>. A video of the Planning Commission public hearing is available at <http://tvctv.org/forest-grove/>.

To ensure due process, a notice of the Planning Commission's decision was mailed to persons participating in the Planning Commission public hearing on September 6, 2024, as required by the Development Code. The Development Code stipulates that the second appeal must be filed within 14 days of the date of the notice of decision. A person participating in the Planning Commission proceedings, and with standing to appeal, filed the necessary paperwork for a second appeal to City Council on September 20, 2024. Tonight's public hearing provides an opportunity for the appellant, project applicant and interested parties to present information directly to City Council pertaining to the appeal issues. The City Council's decision is the final local decision on this matter. Both the appellant and the applicant have the right to appeal. The City Council's decision to the Oregon Land Use Board of Appeals also referred to as LUBA.

LUBA is a state board comprised of three members appointed by the Governor that has authority to consider appeals of government land use decisions. The members of LUBA are attorneys who are experts in land use planning law. If an appeal to LUBA is filed LUBA may dismiss the appeal, remand the appeal back to the local government for further consideration or reverse the local government's decision.

As noted above, the subject property is located west of Mountain View Lane, north of Poplar Street and Heather Street and generally east of Highway 47. The site is approximately 35 gross acres and is vacant. The property was annexed into the City in 1980 for industrial use but was not developed. When the property was annexed, the site was zoned Light Industrial (LI) consistent with the City's Comprehensive Plan map originally adopted in 1980.

A map showing the zoning of the subject property and nearby areas is provided below. The CC is Community Commercial, R-7 is lower density residential, RML is Residential Multifamily Low, INST is institutional, LI is Light Industrial, GI is General Industrial.



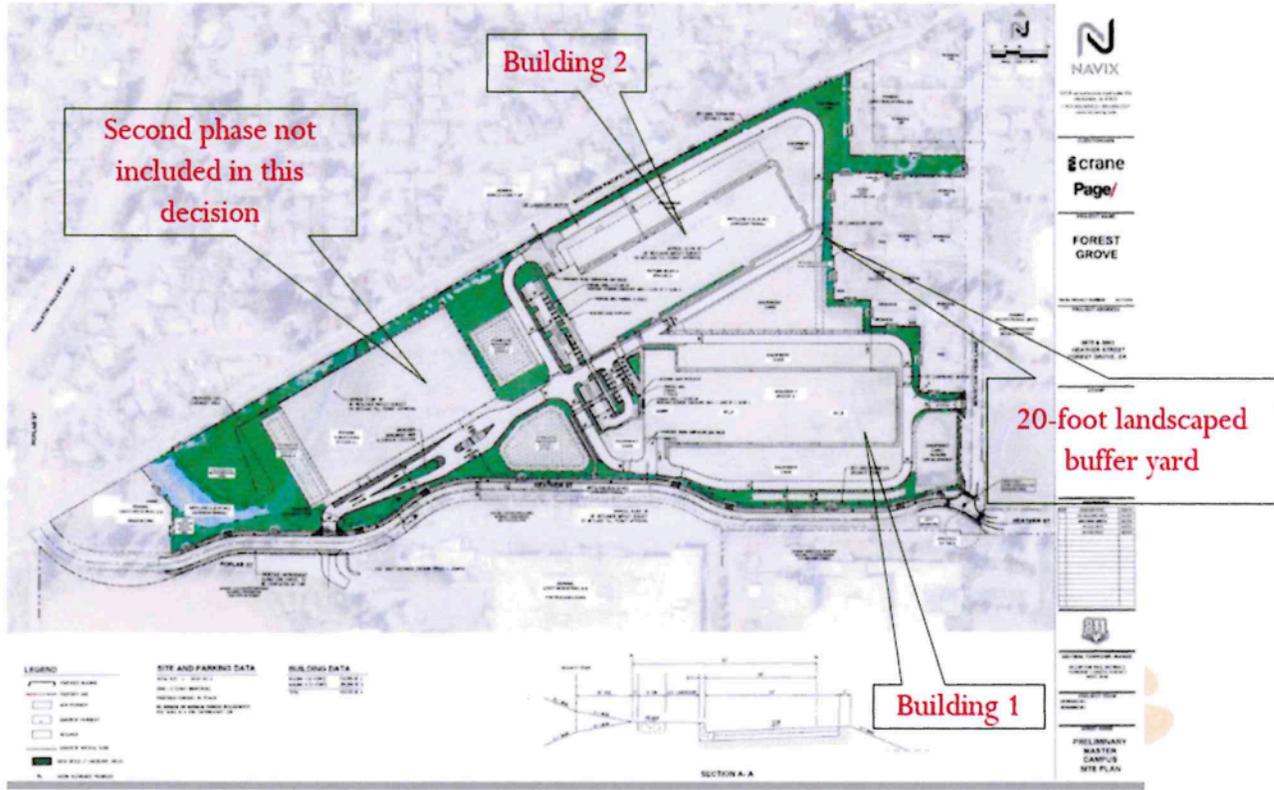
The properties located west of Mountain View Lane adjacent to the subject property is zoned LI. This area includes single unit homes on oversized lots. The homes are classified as legal non-conforming uses in the LI zone. Legal non-conforming uses may continue indefinitely. However, if the non-conforming use is destroyed (i.e. torn down) and the cost of repair is more than 60% of its assessed value, or the use is abandoned, future use of the property must comply with the requirements of the LI zone. It is expected that non-conforming uses will cease at some point and future use of the property will comply with the zoning that applies to the property.

The area south of the subject property is also zoned LI and includes a building owned by Clean Water Services, a manufacturing facility owned by TTM Technologies, and a building used for indoor cannabis growing.

The area north of the subject property and the Southern Pacific railroad corridor is zoned Residential R-7. The railroad corridor is 60 feet wide. This area is characterized by single family homes on lots approximately 7,000 square feet in area. The area along the eastside of Mountain View Lane north of Neil Armstrong Middle School is zoned Residential R-7. The area zoned R-7 is similar to the area north of the subject property. The property owned by the Forest Grove School District where Neil Armstrong Middle school and Fern Hill Elementary School are located is zoned Institutional. The Homestead Manufactured Home Community located to the southeast of the subject property is also zoned Residential R-7.

The applicant proposes to construct two industrial buildings in two phases. As shown on the site plan below, the first phase includes Building 1 and associated site improvements including off-street parking areas, equipment yard, stormwater drainage areas and site perimeter landscaping. Construction of Building 2 is proposed for the second phase of the project. Also in the second phase is development of the eastern half of

the site which is reserved for a possible future electrical substation. A substation requires a Type III conditional use permit approved by the Planning Commission.



Both Buildings 1 and 2 shown on the site plan have a footprint that is approximately 250 feet by 715 feet each. Building 1 is proposed to be approximately 42 feet in height. Building 2 is proposed to be 75 feet in height. The LI zone does not establish a maximum building height.

In addition to the on-site improvements, the developer must construct a portion of the Heather Street/Poplar Street extension along the property's southern edge. The street extension is shown on the City's Transportation System Plan map adopted by City Council. Heather Street is designated as a collector street by the Transportation System Plan. The right-of-way for the street was dedicated in 2006 when a land division was approved to create three parcels for development. The developer will install 24 feet of pavement to accommodate two-way traffic as well as curb, sidewalk and street trees which is typical for proposed development.

SITE DEVELOPMENT REVIEW CRITERIA:

Site development review (Type II decision) is required for most development on vacant sites. As stated in Forest Grove Development Code §17.2.400, site development review focuses on how a particular use permitted by zoning will be developed. Site development review addresses site planning and design elements of the project. This is underscored by the site development review application submittal requirements listed in Development Code §17.2.440 and include:

- Site development plan illustrating the following:
 - Boundaries of the development site
 - Boundaries of lots adjacent to the development site
 - Existing elevation contours

- Major existing physical and natural areas
- Environmental resource areas and environmental hazard areas
- Location of trees subject to tree protection requirements
- Historic landmarks
- Existing and or proposed structures
- Setback dimensions
- Location of existing and proposed streets, driveways, transit facilities, sidewalks, trails, off-street parking and loading space, bicycle parking areas, landscaped areas, recreation areas and trash storage areas
- Location of existing utilities and fire hydrants including the size of storm sewer, sanitary sewer, and water lines.
- Location of public streets, utility rights-of-way and easements
- Location and types of proposed drainage, water and sewer facilities to serve the development
- Elevation drawings of proposed buildings
- Landscape plan
- Location and dimension of proposed signage and lighting
- Location and dimensions of outdoor storage areas including trash areas

Development Code §17.2.450 states that the Community Development Director shall review and approve, conditionally approve or deny the site development plan based on the following criteria:

- A. The applicant demonstrates the site development plan complies with standard of the base zoning district (Article 3), any overlay district and the general development standards of Article 8.
- B. The site development plan addresses the standards in Article 5 (Natural Resource Areas, Tree Protection and Historic Resources) when such resources are present on or directly adjacent to the development site.

A site development review application is defined by the Forest Grove Development Code (§17.1.505) and Oregon Revised Statutes (ORS 197.195(3)) as a Type II, Limited Land Use decision. There are four decision types ranging from staff decisions involving no interpretation or discretion (Type I). Staff decisions involving some interpretation and discretion such as a site development review decision are classified as Type II, Type III decisions are made by the Planning Commission and involve more discretion and interpretation than Type II decisions. Type IV decisions involve the most discretion and are made by City Council after review by the Planning Commission. Type IV decisions are policy related and apply to the City as a whole. This includes adopting the City's Comprehensive Plan, amending the City's zoning map or approving Development Code text amendments.

Type II limited land use decisions involve the exercise of limited discretion in evaluating approval criteria where the approval or denial is based on standards that regulate the physical characteristics of an outright permitted use. A permitted use is defined in Development Code §17.12.210(P7) to mean "any use allowed in a zoning district and subject to the restrictions applicable to that zoning district as provided in the Development Code". An outright permitted use is differentiated from a conditional use which is defined in Development Code §17.12.210(C24) to mean "a use which may be permitted by the approval authority following a public hearing, upon findings by the authority that the approval criteria have been met or will be met upon satisfaction of conditions of approval" [emphasis added]. The Development Code provides much more discretion in reviewing conditional use permit applications. Because of this the review criteria for a permitted use and a conditional use are different and the conditional use review criteria cannot be used to evaluate the review criteria for a permitted use subject to a site development review application.

Development Code Article 3 Standards

Development Code Article 3 establishes standards for building height, building setbacks, and minimum lot size for property in the City's industrial zones which includes Light Industrial (LI), General Industrial (GI) and Business Industrial Park (BIP). IN addition, Article 3 includes development standards for:

- Parking
- Compliance with standards established by the Environmental Protection Agency, Oregon Department of Environmental Quality and Metro relative to noise, vibration, smoke, particulate matter, odors, heat and glare, insects and rodents.
- Solid waste collection areas
- Screening of mechanical equipment
- Building façade and massing
- Landscaping
- Signage
- Site circulation
- Surface water management.

Development Code Article 8 Standards

Development Code Article 8 includes standards for:

- Site access
- Natural hazards and resources
- Landscaping screening and buffering
- Off-street parking and loading
- Public improvement standards for streets, sidewalks, water facilities, sanitary sewers, storm drainage, and utilities. No development may occur unless the public facilities related to development comply with the public facility requirements of Article 8. Prior to issuance of building permits detail construction plans are reviewed by the City Engineer to ensure compliance with adopted standard specifications consistent with engineering principles.

THE APPEAL ISSUES:

The issues raised in the appeal petition summarized focus mostly on the operational characteristics of the data center including:

- Concerns about power consumption
- Effect on electricity and water rates for residents
- Was the review process used for this application, correct?
- Geo-technical report should be required before land use approval
- Stormwater/Treatment exemption in conditions of approval is inappropriate
- Concern about possible traffic issues
- Water use
- Potential noise
- Potential heat generated by machinery and equipment

The appeal also addresses several site plan elements including:

- Proposed project phasing
- The applicant has failed to show that compliance with certain conditions of approval is feasible

- Building design details
- Buffering of the site from adjacent homes in the Light Industrial area west of Mountain View Lane

The appellant included the written appeal to the Planning Commission as an exhibit to the City Council appeal. The issues in the Planning Commission appeal include:

- Good neighborhood design
- Potential loss of property value
- The Rowan Green Data Center energy needs
- Timeline for acquiring power from the Bonneville Power Administration (BPA)
- Administrative concerns including project notification procedures in the City's Development Code
- Request that an environmental impact study be prepared by the applicant
- Electromagnetic fields
- Data center land use classification under the Information category
- Impacts to wildlife
- Solar access
- Impact to natural resources including wetlands
- Potential number of jobs created.

The appeal issues for City Council consideration are described below. Some of the appeal issues are related to the site development review criteria while others are not. Issues not related to the review criteria cannot be used as basis for deciding the appeal. Each of the issues above are addressed in turn.

Concerns About Power Consumption

The appellant argues that because critical issues concerning power and water supply remain unresolved, the application is incomplete and can't be properly reviewed.

Response: The Development Code specifies what is required for a site development review application as noted elsewhere in this report. Power and water use for operations is not related to a site development review criterion and cannot be used as a basis for approving or denying a site development review application.

After land use approval the applicant must adhere to the City's line extension policy for power. Costs for upgrading the utility system to serve the development will be at the developer's expense and the developer must pay all fees and rates for power and water use.

Effect on Electricity and Water Rates for Residents

Response: The applicant will be required to enter into a rate agreement for power provided by the Light and Power Department needed for operating the data center. Electricity rates are set by City Council. Electricity and water rates are not included as a review criterion for a site development review application and cannot be used as a basis for approving or denying a site development review application.

Was the Review Process Used for this Application Correct?

Response: The Development Code states that site development review is required for all new development on vacant sites with the following exceptions: home occupations and home daycare (Development Code §17.2.410 and .420). The Development Code also states: "site development review for a single unit detached dwelling; Middle Housing dwelling; manufactured; accessory dwelling unit; or residential accessory structure on an existing individual lot shall follow the Type I procedure. A Type I Site Development Review may be processed concurrently with a building permit application. All other site development reviews shall

follow the Type II procedure unless exempt.” Since the application is not for a residential use and site development is required and not exempt the land use application was processed as site development review application subject to the Type II procedures which is the correct process.

Should the required geo-technical report be provided before land use approval?

Response: The application requirements for site development review are described in Development Code §17.2.440 and a geo-technical report is not required for a site development review application. A geo-technical report is required by the Building Official with the construction plans before a building permit is issued. Since a geo-technical report is not required for land use approval this issue cannot be used as a basis for denying the site development review application.

The stormwater treatment exemption in the conditions of approval is inappropriate

Response: The land use approval does not grant an exemption from stormwater treatment /hydromodification requirements. The condition of approval states:

“If there is insufficient area within the Heather Street extension PROW [pubic right of way] to provide treatment and/or detention of the stormwater runoff from all impervious surfaces from the ½ street improvements, construction of the new Mountain View Lane/existing Heather St/Heather St extension intersection, and for the future construction of the Heather St. extension to a full collector street cross-section as well as the future buildout of the within the PROW for full collector street section, then the developer shall:

- i. Request an exemption from providing stormwater treatment and/or hydromodification detention as defined by CWS Design & Construction Standards (DCS) Section 4.03.7 in the form of a formal engineering technical memorandum (TM). The TM will at least describe why stormwater management areas cannot be constructed in the PROW and which conditions in CWS DCS Section 4.03.7 exist. The developer shall submit the TM to the City for review by the City and CWS. CWS will make the final decision if a fee-in-lieu will be approved for the PROW Stormwater Management Facilities; or
- ii. Provide the necessary area for the stormwater management facilities outside of the through a permanent stormwater easement or dedication of PROW for this purpose”.

The condition of approval advises the applicant of the options for addressing stormwater treatment/hydromodification if there is insufficient area in the public right of way to provide treatment. Stormwater drainage related to construction of Heather Street will be addressed further through the required Public Improvement Agreement entered into after land use approval.

Since the stormwater treatment exemption referenced in this appeal is related to the Heather Street extension in the public right-of-way and not the site development plan proposed by the applicant, this issue cannot be used as a basis for approving or denying the site development review application.

Concern about possible traffic issues

Response: The applicant provided a traffic analysis with the site development review application to evaluate traffic operational considerations at the Heather Street/Mountain View Lane intersection. The analysis shows that the data center could generate a total of 80 afternoon (PM) peak hour vehicle trips. The analysis indicates the Mountain View Lane/Heather Street intersection will operate at Level of Service (LOS) A rating during the Year 2045 daytime peak hour of travel. To maximize safety the analysis recommends that a four way stop control should be implemented at the Heather Street/Mountain View Lane intersection. This recommendation has been provided to the City Engineer.

Since the applicant provided a traffic analysis and the analysis includes recommendations for improving traffic operations after the required Heather Street extension is constructed this appeal issue cannot be used as a basis for approving or denying the site development review application.

Water Use

The appeal raises concerns about water use needed to operate the data center.

Response: The appeal assumes the data center will use a large unspecified amount of water. This statement reaches a conclusion not based on substantial evidence applicable to the project under review. Furthermore, the appeal issue does not state which site development review criterion this issue pertains to and therefore, cannot be used as a basis for approving or denying the site development review application.

Since site development review doesn't focus on how a use operates and information about water usage for operations is not a submittal requirement for the application or related to a site development review criterion this issue cannot be used as a basis for approving or denying a site development review application.

Potential Noise:

The appeal raises concerns about noise that could be generated by the data center campus.

Response: The operator of the data center will be subject to noise regulations in the City's Code of Ordinances and Oregon Department of Environmental Quality (DEQ) administrative rules which set permissible maximum noise levels. For noise sensitive areas the Code of Ordinances §91 establishes the maximum permissible noise level at the receiving location is 80 decibels between 7:00 am to 10:00 pm and 70 decibels between 10:00 pm and 7:00 am in any ten-minute period.

The operator of the data center will be required to comply with the applicable noise standards. A violation could result in a code enforcement action if not resolved. Techniques such as installing sound absorbing materials, equipment enclosures and landscaping can help attenuate noise levels and ensure that noise standards are complied with.

Response: The appeal states that data centers can create noise levels of up to 96 decibels (db). However, the appellant has not basis to conclude that the project under review will create noise levels up to 96 db. Site development review criterion §17.3.540(C) requires that the operator of the data center comply with standards related to noise. This requirement applies after a project is constructed and is operating and noncompliance could result in code enforcement actions if the operator does not comply with the City's noise ordinance or applicable Oregon Administrative Rules pertaining to noise levels for new industrial uses on vacant land. The City's noise ordinance in Code of Ordinances §91.034 establishes maximum noise levels for industrial uses and the maximum amount of noise than can be received in noise sensitive areas such as residential areas. The maximum permissible noise level that can be received is 80 db during the period 7:00 am to 10:00 pm and 70 decibels overnight from 10:00 pm to 7:00 am. In addition, the Oregon Administrative Rules establishes maximum permissible noise levels which are more restrictive than the City's Code. For new industrial uses on vacant land the Oregon Administrative Rules allow for an increase in noise levels of up to 10 db above ambient noise levels. Based on information provided by the applicant to the Planning Commission on September 3, 2024, the noise level at the north boundary of the project site closest to the nearby residential area is about 60 db.

A noise analysis or construction details for the method of noise control is not required for a site development review application. Such an analysis could be required for a project subject to approval of a conditional use permit which requires that the proposed conditional use will not have significant adverse impacts on the

livability of nearby lands due to noise, glare from lights, late-night operations, odors and litter. As stated elsewhere the data center falls under the Information category as a permitted land use and is not classified as a conditional use. Applying the review criteria for a conditional use to a permitted use would be a misapplication of the applicable review standards.

Potential heat generated by machinery and equipment

The appeal raises concerns about heat potentially generated by machinery and equipment.

Response: Heat generated by machinery and equipment is not related to site development review criterion.

Proposed Project Phasing

The appeal notes that the site plan for data center campus shows two phases for the project with the second phase including a possible future electrical substation.

Response: The Development Code does not preclude project phases. Land use approval for an electrical substation requires approval of a Type III conditional use permit application. A Type III review process requires a Planning Commission public hearing. If the developer intends to use the area for a purpose other than an electrical substation then another Type II site development review process is required.

The applicant has failed to show that compliance with certain conditions of approval is feasible

Response: This appeal issue references two Engineering Division conditions of approval, Condition of Approval #24 and Condition of Approval #70.

Condition of Approval #24 states:

“The Land Use Application (LUA) states that the developer is assessing opportunities for the use of a non-potable water source in coordination with CWS. The LUA does not state what the non-potable water source is or how the source would be used. The developer’s team has informed the city, by email, that they are working with CWS to secure reclaimed water as the source for the data center cooling system. The LUA also does not identify if the developer plans on using city water for the data center cooling system. If the developer determines that city water is required for the data center system cooling system, then the developer shall perform a water system capacity analysis (Analysis) at their costs. The developer shall use the same criteria used for the water system evaluation as used in the 2022 Water System Master Plan water system analysis to evaluate if the city’s water system has sufficient capacity to supply the Data Center’s maximum daily cooling water demand at buildout and if any water system improvements are required to provide the maximum daily cooling water demand at buildout. The developer shall submit to the city prior to the water system analysis a technical memorandum stating all criteria to be used for the water system analysis. The city will review the technical memorandum and provide comments, at which point the developer may proceed with the water system capacity analysis. The developer shall be responsible for the cost of the water system improvements required to meet the data system’s maximum daily cooling water demands at buildout, unless determined otherwise by the city. If the analysis is required and then prior to the issuance of the Building Permit, the developer shall complete the analysis and the developer shall agree to design and construct the required water system improvements as part of the Public Improvement Agreement.”

Condition of Approval # 70 states:

Water used in conjunction with construction of the project shall be obtained only from pre-approved sources. A permit to take City water for this purpose shall be secured by the applicant or representative prior to start of construction.

Response: The appeal does not state why compliance with the condition of approval #24 and #70 are infeasible. Condition of approval #24 does not require a specific method for cooling mechanical equipment. Condition of Approval #24 simply states that if the applicant desires to use City water for cooling the applicant must prepare a water system capacity analysis at their expense. This makes it clear that the City will not prepare such an analysis. The condition of approval specifies the requirements for the analysis. In addition, Condition of Approval #24 specifies that required improvements to the system will be at the developer's expense and the developer shall complete the analysis and the developer shall agree to design, and construct required water system improvements as part of a Public Improvement Agreement. A public improvement agreement is typical of a large development project and is also completed after land use approval is issued.

Operational water demands are not relevant to the site development review criteria and cannot be used as a basis for approving or denying a site development review application. If the required analysis shows that there is insufficient City water capacity to serve the development, alternative methods must be used such as air cooling.

Condition of approval #70 simply states that if City water is used the applicant shall secure a permit prior to construction. The condition of approval is advisory and is not necessary to ensure compliance with the site development review criteria. The applicant has discretion to determine how mechanical equipment is cooled and whether non-potable water, City water or another method of cooling will be used. The method of cooling will be reflected in construction documents and reviewed during building permit review.

Building Design Details

The appeal raises concerns about compliance with certain Development Code requirements related to building design.

Response: FGDC §17.3.540(F) states that "Recessed entries or canopies shall be used at the entrances of buildings in order to reinforce a pedestrian-scale and to break-up large blank walls." The applicant states that "primary" entrances will have canopies as required under this section. The appellant argues that the approval criteria is not limited to "primary" entrances and all entrances including secondary ones need canopies or recessed entries under the plan language of the code.

The appellant is correct that all entrances must have canopies or recessed entries. The applicant must meet all applicable code requirements including those not specifically identified in the conditions of approval. Compliance with code requirements is reviewed at time of building permit application.

Buffering the site from adjacent homes in the Light Industrial Area west of Mountain View Lane

The appeal raises concerns about the proposed buildings at the data center campus being located adjacent to property with single family homes located along the westside of Mountain View Lane.

Response: The site plan provided by the applicant shows a landscaped area that is 20 feet wide along the perimeter of the site along the common property line separating the data center campus site and the property with single family homes located along the westside of Mountain View Lane. This landscaped strip is

consistent with the landscaping and buffering requirements contained in Development Code Article 8 (Development Code §17.8.425, Table 8-2).

OTHER APPEAL ISSUES ON THE RECORD REFERENCED IN CITY COUNCIL APPEAL ATTACHMENT D, EXHIBIT B#2

Good Neighborhood design:

The appeal questions how the project promotes good neighborhood design

Response: Neighborhood design is not a site development review criterion and cannot be used a basis for approving or denying a site development review application.

Potential loss of property value:

The appeal raises a concern about the impact the data center project may have on nearby residential property values.

Response: The site has been designated for industrial development since the 1980s. Development of the site is allowed in the Light Industrial zone. Loss of property values is not a criterion for site development review and cannot provide a basis for denying a site development review application.

The Rowan Green Data Center energy needs:

Response: The appeal includes information about the proposed Rowan Green Data project including information about potential energy needs for the project and agreements pertaining to the Bonneville Power Administration (BPA). The Rowan data center project team is not affiliated with Crane Data Center LLCs. The Rowan project had different energy needs due to scale of the project. The Rowan team decided to work with Forest Grove Light and Power to address energy needs prior to submitting a site development review application. The Crane team decided to take a different approach and apply for site development review approval prior to finalizing operational needs. Both approaches are permissible. The fact that the Rowan team decided not to submit a site development review application is irrelevant to the Crane site development review application. Conclusions reached from the outcomes of the Rowan project cannot be used as a basis for approving or denying the Crane site development review application.

Timeline for acquiring power from the Bonneville Power Administration:

The appeal questions the timeline for acquiring power from the Bonneville Power Administration.

Response: The amount of power needed is an operational issue not a criterion for site development review.

Administrative concerns including project notification procedures in the City's Development Code:

The appeal questions to the notification procedures in the City's Development Code.

Response: Required notice of the application and pending staff decision described in the Development Code were followed. For a site development review application, a notice of application is mailed to property owners listed in the Washington County property records located within the 300 feet of the property subject to development. The notification is specified in the Development Code in §17.1.515(A). The Oregon Revised Statutes in §197.195(3)(b) also specifies a required notification area of limited land use decisions which is 100 feet.

The notice of application begins a 14-day public comment period. The 14-day comment period is established by the Oregon Revised Statutes and the Development Code. Persons providing written comments during 14-day comment period have authority to appeal a limited land use decision to the Forest Grove Planning Commission.

Request that an environmental impact study be prepared by the applicant:

The appeal suggests that an environmental impact study for the project should be prepared by the applicant.

Response: An environmental impact study is not required for a site development review application.

Electromagnetic fields: The appeal noted concerns about potential electromagnetic fields emanating from the proposed data center.

Response: This is not a site development review criterion and cannot be used as a basis for approving or denying a site development review application. Nevertheless, the applicant provided a response included in the record that states:

“Power distribution within the campus occurs via a balanced three-phase system. Conductors will be arranged to cancel electromagnetic field (EMF) generated by conductors via phase cancellation. Since the conductors on campus will not be overhead structures like the utility lines already running through the neighborhood, they will be placed much closer together, and this phase cancellation will attenuate the EMF at the property line to levels below those generated by the existing utilities.”

Data center land use classification under the information category:

The appeal to the Planning Commission questioned classifying a data center under the Information Land Use Category for purposes of determining whether a data center is a permitted use and further questioned if data centers area allowed since the Development Code was adopted in 2009 and Information as defined in Development Code Article 12 references the 1997 North American Industrial Classification System. The issue expressed in the appeal is data centers were not contemplated in 1997 and not prevalent in 2009.

Response: Forest Grove Development Code §17.12.150(F) defines Information uses as uses that are engaged in the following processes: producing and distributing information and cultural products; providing the means to transmit or distribute these products as well as data communications; and processing data. Included in this definition are those establishment types within Sector 51 – Information as provided by the North American Industry Classification System, United States, 1997 Edition with the exception of § 51213, Motion Picture and Video Display.

The North American Classification System is a federal system for categorizing industrial uses. Sector 51 includes information services and data processing services including on-line information services comprising internet service providers and similar establishments engaged in providing information services including internet service providers, online information access services and establishments engaged in the provision of direct access to computer held information published by others via telecommunication networks. Examples include establishments that provide electronic mail services, bulletin boards, browsers and search routines. Sector 51 also includes telecommunications establishments primarily engaged on operating, maintaining or providing access to facilities for the transmission of voice, data, text and full motion picture video between network termination points and telecommunication reselling. Transmission facilities may be based on a single technology or combination of technologies.

Impacts to Wildlife:

The appeal raises a concern about the potential impacts to wildlife because of the data center.

Response: The property is located within the urban growth boundary and has been zoned for industrial development since 1980. It is expected that land in the urban growth boundary will be developed consistent with property's zoning and Development Code requirements. Impacts to wildlife from development in the urban growth boundary is not a site development review criterion. Furthermore, there is no evidence in the record indicating any endangered species could be impacted by development of the site. Since impacts to wildlife are not a site development review criterion this issue cannot be used as a basis for approving or denying a site development review application.

Solar access:

The appeal raises a concern about the impact the proposed development may have on solar access.

Response: Impact to solar access affecting nearby properties is not a site development review criterion. Therefore, solar access cannot be a basis for approving or denying a site development review application.

Impacts to natural resources including wetlands:

The appeal raises concerns about potential impacts to natural resources including wetlands because of the data center project.

Response: A complete land use application requires an environmental pre-screen determination form Clean Water Services. As part of the determination Clean Water Services assesses potential development impacts to sensitive natural areas including wetlands. The results of the environmental pre-screen are summarized in what's referred to a Service Provider Letter (SPL). The SPL includes conditions of approval including required mitigation for temporary and permanent impacts to sensitive natural areas. After the land use approval is finalized, the applicant may proceed to obtain necessary permits from pertaining to natural areas from the Oregon Department of Environmental Quality and Oregon Department of State Lands.

Potential Number of Jobs Created:

The appeal raises concerns about the number of jobs the data center may created

Response: Site development review assesses whether a land use meets the requirements of the Development Code. Job creation is not a criterion for site development review and cannot be used as a basis to approve or denying a site development review application.

APPEAL HEARING:

The Development Code provides guidance for conducting the appeal hearing. As described in Development Code §17.1.545(B), only "issues on the record" at the Planning Commission hearing submitted orally or in writing can be appealed to City Council and the City Council's hearing shall be limited only to those issues raised in the appeal petition (Forest Grove Development Code §17.1.545(D)). Issues in the record are listed elsewhere in this report and are described in the attached written appeal.

The public hearing will be conducted as follows. At the beginning of the public hearing the City Recorder will ask City Councilors to disclose any exparte comments since both the project applicant and the appellant are entitled to a hearing by an impartial tribunal. Exparte communications include reviewing information or discussing the project with persons prior to the public hearing not in the record. This includes reading emails

sent to City Council prior to the public hearing, reading or responding to social media posts, taking telephone calls from the applicant or appellant, or any visits to the site.

As part of the public hearing process, the nature of the exparte communication must be disclosed and a City Councilor must declare whether they can make an unbiased decision based on the information provided as part of the City Council's public hearing process. A list of known exparte communication provided to City Councilors in advance of the City Council public hearing is attached for reference.

Following disclosure of City Council exparte communications staff will present a brief overview of the proposed project, the site development review process, review criteria, and appeal issues. The project applicant will have an opportunity to address the City Council and provide additional information about their project. The applicant's presentation will be followed by the appellant's testimony. The City Council may limit the applicant's and appellant's testimony. The applicant and appellant will each have thirty minutes to present information to City Council since this is the second appeal hearing unless more time is granted by the presiding officer (the Mayor). The applicant will be provided ten minutes for rebuttal of information before the Mayor closes the public hearing.

After the presentations by the applicant and appellant persons in the audience who are not the applicant or appellant will have an opportunity to present testimony City Council. Consistent with Section 8.8 of the City Council's Rules testimony will be limited to three minutes. After testimony is completed City Council will be asked to deliberate the appeal issues and direct to staff to return with an order for City Council consideration either affirming the staff and Planning Commission decision and denying the second appeal or reversing the staff and Planning Commission decisions and denying the site development review application.

ALTERNATIVES

The following alternatives are available to City Council:

1. Adopt a motion approving a City Council Order affirming the staff and Planning Commission decisions based on the applicable review criteria and evidence in the record; or
2. Adopt a motion approving a City Council Order reversing the staff and Planning Commission decisions and approving the appeal.
3. Modify the conditions of approval to ensure the applicable site development review criteria are met.

If City Council decides to approve the appeal, the Council should identify the specific appeal issues the Council accepts and the reasons why. City Council should also identify the site development review criteria not met and the reasons why.

City Council's decision will be memorialized in a City Council Order for Council's approval on October 28, 2024, or another date certain. City Council's decision is appealable to the Oregon Land Use Board of Appeals (LUBA).

STAFF RECOMMENDATION

Staff recommends that City Council conduct the appeal hearing and direct staff to return with an Order on October 28, 2024, to memorialize City Council's appeal decision.

EXHIBITS

- A. Site Development Review Decision, July 31, 2024

- B. Planning Commission Record <https://forestgroveor.portal.civicclerk.com/event/201/files/agenda/3485>
 - a. Public hearing staff memo (September 3, 2024)
 - b. Site Development Review Decision
 - c. Public Comments
 - d. Appeal documents
 - e. Planning Commission Meeting Video (September 3, 2024) <http://tvctv.org/forest-grove/>
- C. List of known exparte communications
- D. Appeal Petition, Submitted on September 20, 2024
- E. Correspondence Received

ATTACHMENT A



A place where families and businesses thrive.

NOTICE OF ADMINISTRATIVE DECISION

DATE: July 31, 2024
FILE NUMBER: 311-24-000006-PLNG
APPLICANT: Crane Data Centers, Inc.
APPLICANT REP.: Navix
PROPERTY OWNER: Heather Street Owner, LLC
LOCATION: 3975 and 3993 Heather Street
PROPOSAL: Site Development Review for a proposed data center campus including two buildings, associated parking, equipment yard, landscaping, water quality facilities and frontage street improvements.

This is your notice that the land use application, referenced above, has been approved, with conditions, by the Forest Grove Community Development Department. This decision is based on the criteria listed below and information included in the record. The findings of fact relied upon for this decision, and the conditions of approval, are attached to this notice. The criteria for approval, for this proposed, are found within the following Forest Grove Development Code Sections:

- §17.2.450: Site Development Review Criteria
- §17.3.520: Industrial Use Regulations including Table 3-12: Industrial Zone Dimensional Requirements
- §17.3.540: Additional Industrial Zone Standards
- §17.5.130: Trees on Developable Land, Prior to and During Development
- Forest Grove Development Code Article 8: General Development Standards (§17.8.005 et. seq.)

This administrative decision is appealable to the Forest Grove Planning Commission. An appeal must be in writing and submitted to the Community Development Department, at 1924 Council Street, or mailed to PO Box 326, Forest Grove, Oregon, 97116. The appeal must be received by the Community Development Department within 14 days of the date shown on this notice. The written appeal must state specifically how the decision does not comply with the approval criteria or other applicable ordinances. The required appeal fee is \$250.00. If an issue is not raised in the appeal to the Planning Commission or explained in sufficient detail to allow for a response by the applicant, that issue cannot be used as a basis for an appeal to the Forest Grove City Council or Oregon Land Use Board of Appeals (LUBA). Contact Daniel Riordan, Senior Planner for more information about this decision or the appeal process at driordan@forestgrove-or.gov or (503) 992-3226.

FINDINGS AND CONDITIONS
File Number: 311-24-000006-PLNG

**Site Development Review for Proposed Crane Data Center Campus Including Two Buildings,
Associated Parking, Equipment Yard, Landscaping, Water Quality Facility and Frontage Street
Improvements**
3975 and 3993 Heather Street
Washington County Tax Lot 1S3050001300

PROPERTY and ZONING HISTORY: Crane Data Centers, Inc, applied for a site development review permit to construct a data center campus at the property described as 3975 Heather Street and 3993 Heather Street (Washington County Tax Lot 1S3050001300). The property is in southeast Forest Grove and is approximately 35 acres in size. The existing use of the property is an open grass field. The property is bounded by a railroad corridor to the north and Mountain View Lane to the east. A planned extension of Heather Street to Poplar Street will provide additional street frontage along the southern property boundary.

The Joyce Park and Tamarack residential developments are located north of the railroad corridor and the subject property. The Joyce Park and Tamarack area is zoned Residential R-7. There are nine older homes located along Mountain View Lane, adjacent to the property. These homes are zoned Light Industrial (LI). The Mount Hood View Homes development and Niel Armstrong Middle School are located east of Mountain View Lane. The Mount Hood View Homes development is zoned Residential R-7 and the school property is zoned Institutional. Two industrial buildings with approximately 193,000 square feet and 110,000 square feet of space respectively, and an office building owned by Clean Water Services, are located south of the subject property where the future extension of Heather Street will be constructed. These properties are zoned Light Industrial.

The parcel proposed for the data center campus is one (1) of three (3) properties created through land partition approved in 2005 (City of Forest Grove Planning file No.: LD-05-07) and recorded as "*Parcel 2*" of Partition Plat (PP) No. 2006-056 (recorded as document No. 2006-117877) on October 3, 2006. Prior to creation of the subject property in its current configuration, the "*parent parcel*" (comprised of the land area of *Parcels 1, 2 and 3* of PP No. 2006-056), was annexed into the city of Forest Grove on September 18, 1980, through *Portland Metropolitan Area Local Government Boundary Commission* Final Order No. 1630.

The stated purpose of the annexation by petitioner Tektronix, Inc., was to obtain a sewer connection to the property, specifically to facilitate development of an industrial manufacturing facility. The Tektronix development is now the "TTM Building" located on Washington County Tax Lot 1S3050001200 ("*Parcel 1*" of PP 2006-056) and the "Clean Water Services Building" located on Washington County Tax Lot 1S3050001400 ("*Parcel 3*" of PP 2006-056).

The subject property is designated Light Industrial (LI) on the Forest Comprehensive Plan Map and official Zoning Map. The City of Forest Grove implemented its first comprehensive plan through Ordinance No. 1980-06 that same year on September 8, 1980, and since the time of its incorporation into the city and

the city's adoption of the first comprehensive plan, nearly 45 years ago, the subject site and adjacent properties to the east and south have been industrially zoned.

PROPOSAL: CRANE DATA CENTERS, INC. (Applicant) applied for Site Development Review approval to construct the first phase of a data center campus. The proposal under current review incorporates two (2) buildings; a single story 180,000 square foot structure, identified as "Building 1" on the submitted site plan, and a two story 363,000 square foot structure, identified as "Building 2" on the attached site plan submitted into the record on June 224, 2024. Building 1 is proposed for the southern portion of the property. Building 2 is proposed for the northern portion of the property. The plans provided with the application indicate that Building 1 would be approximately 40 feet in height to the roofline and Building 2 would be 70 feet in height to the roofline. Associated improvements include off-street parking, equipment yard, water quality facility and frontage street improvements.

As noted above, the subject property is located within the *Light Industrial* (LI) zoning district. As further addressed in detail below, where Forest Grove Development Code (DC) §17.3.520 is addressed, the proposed use is a permitted use by right within the LI zone district. This means that the use is allowed and can be reviewed at the nondiscretionary, administrative (staff) level, if the submitted proposal demonstrates compliance with the development standards (established, non-subjective requirements) and specifications of the DC as addressed in this report.

The application was submitted on January 29, 2024, and was deemed complete by the City on March 29, 2024. The public notice, required by DC §17.2.430 and §17.1.515(A), was mailed on April 8, 2024. Three (3) written comments were received within the prescribed 14-day notice period (by 5 pm on April 22, 2024). All comments were provided via email and are included in the record. Those comments generally expressed concerns regarding:

- Proximity of proposed industrial development to adjacent residential uses
- Concerns about electromagnetic energy
- Environmental impact to the subject site and nearby Fern Hill Wetlands
- Light pollution
- Noise mitigation
- Storm ponds and potential for mosquitos
- Not wanting Forest Grove to become like Beaverton
- The smell of an unrelated nearby pot grow.

The applicant provided a statement in response to the questions submitted during the comment period. Any comments that can be answered by the development code are addressed herein.

Additional comments received after the notice period are also included in the record. Those comments expressed concerns regarding:

- General statements regarding the dislike of the recent changes and growth and development within the City of Forest Grove (residential and commercial)
- Removal of farmland
- How does a data center benefit the community?
- Chemical and electromagnetic impacts
- Noise
- Not wanting another manufacturing facility

- Concern for property values

Some of these concerns were addressed in the applicant's response letter and some are addressed below. Staff can only consider the standards, and applicable review criteria, in the Development Code when reviewing the proposal and issuing a decision. However, to provide information to answer some of the stated concerns regarding adjacency and proximity of differing land use designations, the history thereof, the planning process and concerns about property values, Staff will provide some additional background information regarding the two-part community planning and development processes.

"The foundation of statewide program for land use planning in Oregon is a set of 19 Statewide Land Use Planning Goals. The goals express the state's policies on land use and related topics, like citizen involvement, housing, and natural resources..."

Oregon's statewide goals are achieved through local comprehensive planning. State law requires each city and county to adopt a comprehensive plan and the zoning, and land-division ordinances needed to put the plan into effect."¹

As identified in the statement above, the planning process has two primary and distinct components. The initial community visioning process which provides the "30,000-foot view", is the process which considers the framework for potential growth patterns and designates specific areas ("zone districts") within the Urban Growth Boundary (UGB) to accommodate future development goals; this is the establishment of the "Comprehensive Plan". After the Comprehensive Plan, Zoning ordinances are implemented to provide the rules and requirements for development within those zone districts designated within the comprehensive plan. *Goal 1* of the above-mentioned set of 19 Statewide Land Use Planning Goals is "Citizen Involvement". A zoning ordinance must be adopted by local governance. In Forest Grove this is the City Council, the elected representatives of the community. All rules within the current and operating zoning ordinance (FGDC) have been reviewed and adopted (by municipal ordinance) by the City Council. This can only occur through the legislative review process, which requires noticing and public hearings (citizen involvement) to be conducted prior to adoption of the ordinance or any amendments of the ordinance which have occurred over the course of its existence, since 1980.

The current review is the process that occurs *after* these larger processes, when there are a set of rules in place. A submitted land use application at the administrative level of review is simply a checks and balances verification to ensure that a submitted proposal meets the rules and requirements that were already decided on and ordained in the two processes set forth above.

Zoning ordinances are important for many reasons, but particularly regarding the concept of property rights. Zoning ordinances provide a fixed goalpost and they protect the rights of the property owner, and they also protect the rights of neighboring property owners, because uses allowed in the zone are already established by the code and there are a common, known set of rules and standards for any kind of development that may occur, regardless of whether a property is currently vacant or development or developed but which may be alternatively redeveloped in the future.

¹ <https://www.oregon.gov/lcd/OP/Pages/Goals.aspx>

It is important to note that while the subject property may have been vacant up until the time of this proposal, it is not classified as farmland simply due to its vacancy. It is entirely situated within city limits and has been, and intended for industrial development, since its incorporation into the city in 1980.

FOREST GROVE DEVELOPMENT CODE (DC) APPLICABLE STANDARDS AND CRITERIA:

- §17.2.450 – *Site Development Review*
- §17.3.520 – *Industrial Zones Use Regulations; and*
Table 3-12: Industrial Zones Use Table
- §17.3.530 – *Industrial Zones Development Standards; and*
Table 3-13: Industrial Zone Dimensional Requirements
- §17.3.540 – *Additional Industrial Zone Standards*
- §17.5.130 – *Trees on Developable Land*
- §17.8.000 – *General Development Standards*

REVIEW PROCEDURE: A site Development Review application, subject to DC §17.2.410, is reviewed using the Type II procedure described in Forest Grove Development Code §17.1.500. As described in DC §17.1.500, a Type II procedure is a limited land use decision that involves the exercise of limited interpretation and discretion in evaluating approval criteria. Review of an application is based on development standards that regulate the physical characteristics of a land use allowed based on a property's zoning. The review criteria for site development review are listed in Forest Grove Development Code §17.2.450. Findings addressing the applicable criteria and conclusions are provided below.

DC §17.1.30 allows for imposing reasonable conditions of approval to ensure that all applicable approval criteria are, or can be, met. Conditions shall only be imposed where the applicant has the ability to comply without depending upon the actions of other parties that are not associated with the project unless agreements are in place prior to submittal. This requirement does not apply to a review or approval required by a public agency. Conditions of approval intended to ensure compliance with the applicable review criteria identified above, and addressed below, are listed at the end of this report.

REQUIRED FINDINGS ADDRESSING THE APPLICABLE REVIEW CRITERIA AND CONCLUSIONS:

SITE DEVELOPMENT REVIEW CRITERIA

As stated in DC §2.450: "The Director shall review and approve, conditionally approve, or deny the site development plan based on the following criteria:

- A. The applicant demonstrates the site development plan complies with standards of the base zoning district (Article3), any overlay district and the general development standards of Article 8.
- B. The site development plan addresses the development standards in Article 5 (Natural Resource Areas, Tree Protection and Historic Resources) when such resources are present or directly adjacent to the development site."

Findings addressing the review criteria above and supporting a decision on this site development review application are provided below.

DC 17.2.450(A): The applicant demonstrates the site development plan complies with standards of the base zoning district (Article 3), any overlay district and the general development standards of Article 8.

FINDING: The proposed development is subject to the Industrial Zone Development Standards contained in DC §17.3.530 and Additional Industrial Zone Standards contained in DC §17.3.540. The applicant's narrative addresses the applicable Code sections beginning with page 6 and continuing through page 9.

FINDING: The applicant submitted a narrative statement, dated January 23, 2024, addressing the site development review criteria and how the site development plan complies with the base zoning district (Article 3) and the general development standards of Article 8. The remainder of this document evaluates compliance with the sections of Forest Grove Article 3 and Article 8 applicable to this application.

FINDING: The Forest Grove Official zoning map does not identify the property as being located within an overlay district. Therefore, the requirement to address compliance with an overlay district is not applicable to this application.

DC 17.2.450(B): The site development plan addresses the development standards in Article 5 (Natural Resource Areas), Tree Protection and Historic Resources when such resources are present or directly adjacent to the development site.

FINDING: DC §17.12.205(N1) defines natural resource are to mean "The area defined by Metro as Riparian Wildlife Habitat Class I and II and Upland Wildlife Habitat Area A and B as shown on the Regionally Significant Fish and Wildlife Habitat Inventory Map dated at the time of adoption of this section or as amended in the future excluding those portions within Sensitive Areas and Vegetative Corridors as determined by Clean Water Services Design and Construction Standards."

FINDING: The online MetroMap tool: <https://gis.oregonmetro.gov/metromap-legacy/>, indicates that the project area that is subject of this decision does not contain any identified Upland Wildlife Habitat Area A or B lands. Therefore, the subject property does not contain Wildlife Habitat Areas subject to Article 5 (DC §17.5.005 – 17.5.050).



FINDING: The online MetroMap tool: <https://gis.oregonmetro.gov/metromap-legacy/>, indicates that the property subject to this application does not contain any identified Riparian Wildlife Class I or Class II lands. Therefore, the subject property does not contain Riparian Wildlife Areas subject to Article 5 (DC §17.5.005 – 17.5.050).



FINDING: A Giant Sequoia tree, listed on the Forest Grove Register of Significant Trees (Ordinance is located near the site near the Mountain View Lane and Heather Street intersection. The applicant's statement on page 2 states the primary access to the data center campus will be through a new driveway approach from an extension of Heather Street. The location of the driveway approach will not require removal of the Giant Sequoia Tree and the Development Code Article 5 development standards pertaining to protection of trees listed on the Forest Grove Register of Significant Trees do not apply to this proposal.

FINDING: Development Code §17.5.100 lists the types of trees that are protected including trees on developable land. Protected trees on developable land include trees that have a diameter of six inches or larger, or Oregon white oak trees with a diameter of three inches or larger, measured at four and one-half feet above natural grade. As stated in Development Code §17.5.100, developable land includes land subject to or undergoing development review including site review. Therefore, the protection requirements contained in the Development Code apply to this application.

FINDING: Year 2022 aerial imagery, available on Metro's online mapping portal Metro Map <https://gis.oregonmetro.gov/metromap/>, indicates the presence of trees along the periphery of the site adjacent to the railroad corridor and along the southern boundary of the property near the Heather Street extension right-of-way. The landscape plan provided by the applicant (Plan Sheet L-1) shows that trees adjacent to the railroad corridor will remain. The 2022 aerial imagery indicates that there are no trees present within the development area of the site. Therefore, no trees are subject to the tree protection requirements contained in Forest Gove Development Code Article 5.

The 2022 aerial imagery indicates the presence of trees within the public right-of-way that was dedicated for the future extension of Heather Streets. These trees will be removed to accommodate the roadway that will serve the data center campus and other properties in the industrial area. Forest Grove Development Code §17.5.120(B) (Trees in Public Rights-of-Way) provides authority or tree removal for a street improvement program. Plan Sheet L-1 indicates that the applicant will install street trees along Heather Street as part of the street project.

FINDING: The site does not contain any historic resources. Historic resources are listed in the Forest Grove Comprehensive Plan and the Oregon Historic Sites Database maintained by the Oregon Parks Department <https://heritagedata.prd.state.or.us/historic/>.

DC §17.3.510: List of Industrial Zones.

(A) *Light Industrial (LI)*. The LI zone is intended for a wide variety of manufacturing and other industrial uses with controlled external impacts. These types of industries are often involved in the secondary processing of materials into components, the assembly of components into finished products, transportation, communication and utilities, wholesaling, and warehousing. Industrial activities occur within enclosed buildings. On a limited basis, supporting commercial and office uses are permitted in the LI zone.

FINDING: The subject property is zoned Light Industrial ("LI"), and the applicable standards of the LI zone are set forth at DC § 17.3.500 et seq. The proposed site plan complies with the applicable standards

of DC § 17.3.530 / Table 3-13 and §17.3.540 as evidenced by the submitted application materials as presented further within this staff report.

DC §17.3.520: Use Regulations and Table 3-12: Industrial Zones Use Table

Refer to Article 12 for information on the characteristics of uses included in each of the Use Categories.

A. **Permitted uses.** Uses allowed in the Industrial zones are listed in Table 3-12 with a "P". These uses are allowed if they comply with the development standards and other regulations of this Code.

DC TABLE 3 -12: INDUSTRIAL ZONES USE TABLE

USE CATEGORY	LI	GI	BIP
OTHER			
Agriculture/Horticulture	P[8]	P[8]	P
- Medical and Recreational Cannabis Producers (Outdoor)	N	N	N
- Medical and Recreational Cannabis Producers (Indoor)	C	C	N
Cemeteries	N	N	N
Detention Facilities	C	P	C
Mining	N	C	N
Wireless Communication Facilities	L[9]	L[9]	L[9]
Information	P	P	P
P = Permitted L = Limited C =Conditional Use N = Not Permitted X = Cannabis facilities including warehousing requires a conditional use permit Y = Wholesale activities for cannabis requires aconditional use permit in the LI and GI zone			

FINDING: DC §17.12.100 – CLASSIFICATION OF USES

"Uses are assigned to the category whose description most closely describes the nature of the primary uses. When all of the primary uses of a development fall within one use category, then the development is assigned to that category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category."

The proposal is for construction of a Data Center campus.

The United States Federal Code (U.S.C.) Title 42 §17112(a) defines:

(1) Data center: The term "data center" means any facility that primarily contains electronic equipment used to process, store, and transmit digital information, which may be:

- (A) a free-standing structure; or
- (B) a facility within a larger structure, that uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.²

Table 3-12, the Industrial Zones Use Table provides "OTHER" within its listed use categories (see above), with "INFORMATION" being a subcategory.

² <https://uscode.house.gov>

DC §17.12.150 (F) **Information:** “Uses that are engaged in the following processes: producing and distributing information and cultural products; providing the means to transmit or distribute these products as well as data or communications; and processing data. Included in this definition are those establishment types within Sector 51 – Information as provided by the North American Industry Classification System (NAICS), United States, 1997 Edition with the exception of § 51213, Motion Picture and Video Display.”

The NAICS United States 1997 Edition referenced above is a 191-page document, The relevant pages addressing Sector 51 – “Information” from the NAICS United States 1997 Edition is included in the record and incorporated into these findings by reference. Specifically, the applicable Code Description from the NAICS 1997 Edition; #514210 “Data Processing Services” (within the “Information Services and Data Processing Services category”) is found on page 516 of the 1997 NAICS document.

As defined by DC 17.2.450(A) above, the proposed Data Center on the subject property is a permitted use by right, as long as the proposal demonstrates compliance with the relevant and applicable development standards of the development code. This criterion is met.

DC §17.5.530 and Table 3-13: set forth the dimensional requirements for a use in industrial zones, including lot size, setbacks and building height. The site and site plan demonstrate compliance with the dimensional requirements of DC §17.3.530 and Table 3-13.

STANDARD	LI	GI	BIP
Minimum Lot Size	10,000 square feet	10,000 square feet	20,000 square feet
Minimum Lot Width	100 feet	100 feet	100 feet
Minimum Lot Depth	None	None	None
Minimum Yard Setbacks [1]	None	None	Front : 20 feet Interior side: 10 feet Rear : 10 feet
Maximum Building Height [2]	None	None	45 feet
Maximum Building Coverage			50%
Minimum Landscaping			15%
Footnotes: [1] A setback and buffer may be required where a LI or GI boundary abuts a less intensive zone. See screening and buffering standards in Article 8. When an industrial site is separated from a residential zone by either a dedicated public street , or a railroad main line or spur track, nosetback shall be required in that yard adjacent to the residential zone. [2] Building height unlimited per the Building Code with the installation of a sprinkler system approved by the Forest Grove Fire Department in all buildings over two stories.			

FINDING: Table 3-13 identifies no minimum yard setbacks in the LI zone. Notwithstanding the foregoing, proposed “Building 1”, the southernmost of the two (2) proposed, will be located no closer than approximately 67 +/- feet from the common boundary with properties to the east and a 20-foot landscape buffer and 26-foot-wide access drive encircling the building will intercede. “Building 2” will be located approximately 122+/- feet from the northern property boundary and as interceded by a 20-foot landscape buffer, 30-foot-wide access drive and approximately 72-foot-wide equipment yard. “Building 2” will be located approximately 61+/- feet from the eastern property boundary and interceded by a 20-foot landscape buffer, 30-foot-wide access drive and several feet of landscaped area adjacent to the corner of the building.

The subject property is in the LI zone and bordered by property to the south that is also zoned LI. There are several tax lots that are residentially developed abutting the eastern boundary line of the subject property (1S305AD00100, 1S305AD00200, 1S305AD00400, 1S305AD00700, 1S305AD00600, 1S305AD00500, 1S305AD00800, 1S305AD00900 and 1S305AD01000). However, although residentially developed, those tax lots are also *industrially zoned* (LI) and the residential uses occurring on them are considered pre-existing “nonconforming” uses as they would not be permitted to occur in the LI zone if they were proposed under the current code. Therefore, those residential uses, not the proposed industrial use on the subject property, are actually the conflicting uses therefore, they are not subject to the buffering requirements of Article 8. The northern property boundary is directly abutted by a railway, therefore, pursuant to footnote [1] of Table 3-13 above, there is no buffering requirement between the subject property and the residential zone that exists north of the railroad track.

Notwithstanding the foregoing, the Applicant proposes placement of a 20’ landscape buffer along the entirety of the northern and eastern property boundaries. There are no criteria of this section applicable to the subject site. The applicant’s proposal exceeds what the Development Code requires.

DC §17.3.540 ADDITIONAL INDUSTRIAL ZONE STANDARDS

A. Site plan review required. Development in the LI, GI and BIP zones is subject to a Type II site plan review process.

FINDING: The application is appropriately submitted and reviewed under the Type II administrative review process as prescribed by DC §17.1.500 et seq. This criterion is met.

B. Parking. Parking, loading and unloading areas shall not be located within the required setback area.

No loading or unloading facilities shall be located adjacent to a residential district if there is an alternative location of adequate size for loading and unloading facilities that is not adjacent to a residential district.

Off-street surface parking shall not occupy more than 33% of the public street frontage. Where a site has frontage along a side street, a surface parking lot may occupy more than 33% of the side street frontage. Parking areas located along a public street frontage shall be screened with any one or combination of the following techniques: solid perimeter wall, earthen berm, or evergreen hedge with a minimum spacing of three feet and maximum height of five feet. Parking areas shall be landscaped as required in DC §17.8.415.

FINDING: As identified above, there is no required setback area. As evidenced by the submitted site plan (see **Exhibit C**) No parking is proposed along the Heather Street Frontage. Parking is proposed in the central portion of the subject property, adjacent to the western sides of “Building 1” and “Building 2”. This criterion is met.

C. Performance standards. No land or structure in the LI, GI and BIP zones shall be used or occupied unless there is continuing compliance with the standards set forth by the Environmental Protection Agency, Oregon Department of Environmental Quality and Metro relative to noise, vibration, smoke and particulate matter, odors, heat and glare, and insects and rodents.

FINDING: The applicant’s findings state that they will comply by “designing noise-generating equipment to achieve compliance within applicable noise limits. Operation of data centers are not expected to generate smoke, particulate matter, odors, heat, or glare in excess of applicable standards.” The applicant did not provide details about the noise-generating equipment to achieve compliance with applicable noise limits. The applicable noise limits to comply with are stated in Forest Grove Code of

Ordinances §91.032, Table 1 below. Noise sensitive areas are defined in §91.031 to mean "real property zoned residential or institutional in accordance with the terms and maps of the City's Development Code.

TABLE 1: Table of Maximum Allowable Sound Levels (in dBA) in any Ten-Minute Period

Type of Source by Use	Type of Received by Use					
	Noise Sensitive		Commercial		Industrial	
	Day 7:00 a.m. to 10:00 p.m.	Night 10:00 p.m. to 7:00 a.m.	Day 7:00 a.m. to 10:00 p.m.	Night 10:00 p.m. to 7:00 a.m.	Day 7:00 a.m. to 10:00 p.m.	Night 10:00 p.m. to 7:00 a.m.
Commercial	80	70	80	70	80	70
Industrial	80	70	80	70	80	70
Noise Sensitive	60	50	80	70	80	70

The Oregon Department of Environmental Quality (DEQ) also establishes allowable noise limits for industrial development on previously unused sites. The applicable regulations are contained in Oregon Administrative Rules Chapter 34-035-0035. The DEQ regulations are more stringent than the City's Code.

OAR 340-035-0035

Table 7

Existing Industrial and Commercial Noise Source Standards Allowable Statistical Noise Levels in Any One Hour

DEQ
State of Oregon
Department of
Environmental
Quality

7:00 a.m. – 10:00 p.m.	10:00 p.m. – 7:00 a.m.
L ₅₀ – 55 dBA	L ₅₀ – 50 dBA
L ₁₀ – 60 dBA	L ₁₀ – 55 dBA
L ₁ – 75 dBA	L ₁ – 60 dBA

OAR 340-035-0035		
Table 9		
Industrial and Commercial Noise Source Standards for Quiet Areas		
Allowable Statistical Noise Levels in Any One Hour		
	7:00 a.m. – 10:00 p.m.	10:00 p.m. – 7:00 a.m.
L ₅₀	50 dBA	45 dBA
L ₁₀	55 dBA	50dBA
L ₁	60 dBA	55dBA

FINDING: As required by DC §17.8.755(C)(1): "Outdoor lighting shall be provided in a manner that enhances security, is appropriate for the use, and avoids adverse impacts on surrounding properties. Glare shall not cause illumination on other properties in excess of a measurement of 0.5 foot-candles of light." DC §17.8.755(E)(2)(d) requires that parking lot lighting be equipped with a cut-off fixture to ensure that light does not spill onto adjacent residential property. This requirement will be an ongoing condition of project approval.

FINDING: The Environmental Protection Agency and Oregon Department of Environmental Quality establish air quality standards. The applicant's statement addressing DC §17.3.540(C) states the data center is not expected to generate smoke or particulate matter in excess of allowable standards.

D. Solid waste collection areas. Exterior solid waste dumpsters and solid waste collection areas must be screened from the public street and any abutting residential, commercial or town center zones.

FINDING: DC §17.12. 210 defines abutting to mean: "Two or more lots joined by a common property line." There is an existing railroad corridor that separates the subject industrial property from the residentially zoned property to the north. Mountain View Lane separates the subject property from the residentially zoned property to the east. As such, the subject property does not share common property lines with residentially zoned property and this criterion is not applicable.

E. Mechanical equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators, must be screened from the street and any abutting residential zones by walls, fences, or vegetation tall enough to screen the equipment. Mechanical equipment on roofs must be screened from the ground level of any abutting residential zone.

FINDING: Applicant proposes fencing around ground mounted mechanical equipment as visible from Heather Street. Compliance with the requirement for street screening will be reviewed at the time of building permits. There are no abutting residential zones.

F. Building facade and massing. Where building elevations are oriented to the street, architectural features, such as windows, pedestrian entrances, building off-sets, projections, change in materials or change in colors shall be used to break-up building surfaces and volumes.

Buildings exceeding 100 feet in the horizontal direction facing a public street shall include vertical relief using windows or vertical design elements incorporating change in exterior building materials or landscape screening.

Recessed entries or canopies shall be used at the entrances of buildings in order to reinforce a pedestrian-scale and to break up large blank walls.

FINDING: "Building 1" is the only building oriented to the street (Heather Street) and is proposed to be approximately 715+/- feet in length. The applicant's findings state: *"Windows and projections are proposed along the building facades, The primary entries to the buildings are recessed and include canopies. For security and flow, pedestrian entrances are not oriented towards the south. Multiple openings and louvres are proposed along the building faces to break up the long walls."*

Submitted plans sheet "A001" provides a digital rendering of the proposed building plans presented on sheet "A-201", complimenting the applicant's written findings and demonstrating understanding and intent to comply with this requirement. This criterion is feasibly met, and the standards of this section will be verified for compliance at the time of building permits.

G. Landscaping. Except for driveways and parking areas, the front setback area along a primary public street frontage shall be landscaped with lawn, trees, hedges, or ornamental flowers. Such landscaping shall be maintained in good order.

FINDING: The submitted preliminary landscape plan (sheet L-1) demonstrates compliance with the requirements of this section. A condition of approval will require that **landscaping shall be installed prior to receiving certificate of final occupancy** of "Building 1" and an **ongoing condition of approval** shall require its maintenance in good order.

H. Signage. Pole signs are prohibited within areas zoned as Business Industrial Park. Free standing signs shall be monument-type signs no more than five feet in height with a maximum area of 40 square feet including face and pedestal. Multi-tenant complexes shall provide unified monument signage for individual tenants near an access point for the complex. Such signs shall comply with the requirements of DC§ 17.8.830(D). Monument signs shall be not be placed within any clear vision area required in DC§ 17.8.155.

FINDING: Applicant states that one (1) sign will be located at the entrance to the site and states understanding of the vision clearance standard. Compliance with the requirements of this section and DC§ 17.8.830(D) and DC§ 17.8.155 will be verified at the time a sign permit is requested.

I. Site circulation. All roadways and drives shall include sidewalks on at least one side of the roadway or drive with the exception of vehicle facilities that provide access solely to loading and service areas. All pedestrian connections to the public sidewalk shall include canopy trees spaced at a maximum of 30 feet on-center. Coniferous trees are permitted with approval of the Director. Trees shall be placed within planting beds sized appropriately for the tree species using tree planting best practices adopted by the International Society of Arboriculture or similar professional organization.

FINDING: The submitted site plan shows and the applicant's findings state: *"A network of pedestrian routes is proposed around the site and data center buildings. Sidewalks are not proposed along the drives that service the loading/unloading and equipment yard areas. Canopy trees are proposed along the pedestrian route connection to the public sidewalk along Heather Street."*

No coniferous trees are proposed, and none are authorized.

J. Surface water management. When required, on-site surface water management facilities, such as detention ponds and swales, shall be incorporated into open space and landscaped areas through the use of unifying landscape elements. The Director shall make a determination as to whether the design meets the intent of this standard. The Director's determination is appealable to the Planning Commission.

FINDING: Stormwater runoff is managed in accordance with CWS standards utilizing a stormwater pond facility on site. A condition of approval shall require the development to comply with all CWS construction standards, and any standards applied by the City of Forest Grove Public Works and Engineering Department as identified in those special conditions and specifications attached hereto.

The site proposal complies with the applicable standards of DC §17.8.000 et. seq. as follows:

DC §17.8.005(C): Adoption by Reference of Clean Water Services (CWS) Standards.

FINDING: The site and all improvements are conditioned to comply with CWS Design and Construction Standards (CWS Resolution & Order 19-22), <https://cleanwaterservices.org/development/dnc/view-the-standards/>, for any discharge into either the sanitary sewer or storm drainage systems. Applicant has supplied a service provider letter – CWS File 23-003061 (**Exhibit I**) and the development shall comply with the requirements stated therein. For this reason, this criterion is met.

DC §17.8.100 – §17.8.140: Access and Circulation.

FINDING: The site is in an industrial area. Primary access to the site is expected to be by vehicle. The proposed vehicular access would comply with the provisions of this section.

DC §17.8.150: Clear Vision Area.

FINDING: The buildings are not proposed to be located near a vision clearance area. This section does not apply.

DC §17.8.200: Open Space.

FINDING: Open space requirements apply only to residential projects. Therefore, this criterion does not apply.

DC §17.8.300 Hazards and Resources

FINDING: There are wetlands located on the subject property. Pursuant to DC §17.8.305(A)(1) no site preparation or construction activity shall occur within jurisdictional wetlands until the Division of State Lands (DSL) and US Army Corps of Engineers (USACOE) have issued a permit to allow fill in a wetland. Submittal of the approved DSL/USACOE wetland fill permit will be made a **condition of approval**. No authorization for site development plans (grading) or any other construction/building permits impacting jurisdictional wetlands will occur until the DSL/USACOE wetland fill permit is supplied to the planning record and any conditions thereof are satisfied. Notwithstanding construction activity within jurisdictional wetlands, construction activities outside of jurisdictional wetlands may occur prior to approval of the wetland fill permit subject to City of Forest Grove and Clean Water Services review and approval.

DC §17.8.400: Landscaping.

FINDING: The final site design will be required to comply with the landscape standards of 17.8.545 Landscaping and Screening of Parking and Loading Areas. Compliance with landscaping requirements will be reviewed at the time of building permit application.

DC §17.8.500: Off-Street Parking.

FINDING: Oregon Administrative Rule (OAR) 660-012-0440 "Parking Reform Near Transit Corridors" precludes the city from enforcing parking requirements. Specifically, subsection (3) of the rule states: "Cities and counties may not enforce parking mandates for developments on a lot or parcel that includes lands within one-half mile of frequent transit corridors." The subject property is approximately 1/3 mile north of the intersection of Yew and Adair Streets. A TriMet Line 57 stop (ID #4332) is located at this intersection. Therefore, pursuant to OAR 660-012-0440(3), this criterion does not apply.

DC §17.8.600: Public Improvements.

FINDING: The final site design will be required to comply with City, County and CWS sidewalk, sanitary, street, and storm drainage standards and specifications.

DC §17.8.700: Building Design.

FINDING: Design standards were already addressed where the criteria of DC § 17.3.540(F) "building massing and form standards" were addressed above.

DC §17.8.750: Lighting Standards

FINDING: Any outdoor lighting will require shielding in compliance with the requirements of this section.

DC §17.8.800: Signs

FINDING: One sign at the entrance to the subject site is proposed. Signs shall be required to comply with the provisions of DC §17.8.830(D) at the time of building permit submittal.

DC §17.2.450(B): The site development plan addresses the development standards in Article 5 (Natural Resource Areas, Tree Protection and Historic Resources) when such resources are present on or directly adjacent to the development site.

FINDING: None of the features described in DC §17.2.450(B) are present on the subject property. While there are mapped areas of wetland, there are no mapped Metro Title 13 Inventory Natural Areas as applicable to Development Code Article 5 (see **Exhibit H**). Therefore, this criterion is not applicable.

DECISION: Based on the evidence in the record and the findings presented within this staff report, the application for Site Development Review to permit construction of the two (2) buildings and associated accessory site development; limited to site parking and the required public improvements to Heather/Poplar Street, is **APPROVED** subject to the following conditions:

**CONDITIONS OF APPROVAL
PROPOSED DATA CENTER CAMPUS AND ASSOCIATED IMPROVEMENT
CITY FILE NUMBER 311-24-000006-PLNG**

DEVELOPMENT CODE STANDARDS AND SPECIFICATIONS

1. All construction, landscaping and other site improvements shall conform to the project description, site plan, engineering plans and other representations made by the applicant as part of the application and during the application review process.
2. All work shall comply with current Clean Water Services standards and specifications (DC §17.8.005(C)) and all mitigation requirements as stated in CWS Provider Letter File No. 23-003061 with issue date of January 25, 2024 (expiration date: January 24, 2026).
3. All utility connections shall be underground as required by DC §17.8.645(A).
4. Outdoor lighting shall be directed downward with no cast or glare of light off-site. Any light source over 10 feet high shall incorporate a cut-off shield.
5. Any change of use from one use category to another, as listed in Forest Grove Development Code §17.3.520, Table 3-12, proposed for the site subject to this approval, shall be reviewed through the Type II Site Development Review process described in Forest Grove Development Code §17.2.400 through §17.2.450.
6. Minor modifications (which shall be defined as any proposed change that is less than a 10% deviation (less than or greater than) from any approved element to site plan approved by decision 311-24-000006-PLNG, shall be reviewed through the Type I Adjustment process described in Forest Grove Development Code §17.2.120(A). Major modifications to any approved element to the site plan (from 10% to 20%), except for height decrease which are considered a minor modification shall be reviewed through the Type II process described in Forest Grove Development Code §17.2.120(B).
7. **PRIOR TO ISSUANCE OF BUILDING PERMITS: **Including planning department authorization for site development/grading permits**** - The Applicant shall supply a copy of a completed and approved Department of Environment Quality (DEQ) 1200-C permit. Any conditions required by that permit shall be satisfied prior to issuance of grading permits. Notwithstanding construction activity within jurisdictional wetlands, construction activity outside of jurisdictional wetlands may occur prior to approval of the wetland fill permit subject to City of Forest Grove and Clean Water Services review and approval as may be provided with a phased 1200-C permit.
8. **PRIOR TO FINAL of "BUILDING 1"**: Landscaping in compliance with DC §17.3.540(G) shall be installed.
9. **EXPIRATION**: This permit shall expire two years from the date it becomes final.
10. Prior to issuance of building permits provide a geo-tech report. Include geo-tech findings in the structural design and subgrade drainage plan.
11. Applicant to sign and return a copy of Engineering Conditions of approval "Attachment A", prior to issuance of building permits.

12. Continuing compliance with the standards set forth by the Environmental Protection Agency, Oregon Department of Environmental Quality and Metro relative to noise, vibration, smoke and particulate matter, odors, heat and glare, and insects and rodents, REQUIRED.

ENGINEERING DEPARTMENT SPECIAL CONDITIONS

13. See attached Engineering specifications and conditions. Applicant to sign and return a copy of Engineering Conditions of approval prior to issuance of building permits.

LIGHT AND POWER DEPARTMENT CONDITIONS

1. The Forest Grove Light and Power Department will coordinate with the Development, TTM, Clean Water Services (CWS) and Progressive Property Management (4114 Heather Street) properties regarding Forest Grove Light and Power Department switching cabinets within the area for the extension of Heather Street. The Developer shall timely respond to coordination requests. The Developer and Forest Grove Light and Power shall memorialize terms and obligations for payment of the relocation work through an Infrastructure Agreement.
2. Roadway lighting along Poplar/Heather Street shall be designed with FGL&P- specific lights. All lighting within the interior of the property will be owned by the applicant and needs to be installed past an electrical meter.
3. Additional easements may be needed and will be determined at the completion of the electrical design.

FIRE DEPARTMENT SPECIAL COMMENTS

1. All gates shall be provided with fire department entry products from the Knox Company, as appropriate for the gate's operating mechanism. Automated gate openings require Knox brand key switches, manual gates require Knox brand padlocks or key boxes.
2. Install Knox brand key boxes in approved locations for interior building access. At minimum, we require a key box mounted near what is considered the main entrance door, as well as whatever exterior door provides access to fire protection equipment such as alarms, sprinklers, or extinguishing systems.
3. All fire hydrants shall have the large port provided with a 4-inch storz thread.
4. Fire department connections for the sprinkler systems shall be provided with a 4-inch storz thread on a 30- or 45-degree downsweep.
5. Post addresses and building identification numbers in approved locations with appropriate.

6. Post all exterior doors (except the identified main entry) with an approved numbering system that identifies each door. This numbering system shall begin with the main entry door, and each subsequent greater number will increase as in a clockwise fashion around the building exterior. Example, main door is 1, the next left door is 2, and so on.

Crane Data Center – Standards and Specifications
3975 Heather Street, Washington Co. Tax Lot 1N4360000300
File Number 311-24-000006-PLNG
July 31, 2024

ENGINEERING DEPARTMENT - PUBLIC IMPROVEMENTS

1. All plans submitted to date are considered conceptual only. Public improvement plans shall comply with the attached Engineering Conditions of Approval **dated 5/21/2024**. The public improvement plans shall be prepared in accordance with the City of Forest Grove Electronic Data Standards, including the vertical datum and horizontal datum, see Section 1.1.e, page 3. The last two sentences of the first paragraph of Section 1.1.e in the Electronic Data Standards are not applicable, as the city of Forest Grove is no longer using the Forest Grove Vertical Datum. The Electronic Data Standards document is available on the city of Forest Grove Engineering page using the following link:
<https://www.forestgrove-or.gov/engineering/page/electronic-data-standards>.
2. All public improvement work shall conform to the City of Forest Grove Municipal Code, City of Forest Grove Standard Specifications, Uniform Building Code Appendix Chapter 33 Excavation and Grading, and the Agreement Allowing the developer to Construct Public Improvements (DC 17.8.650).
3. All utilities shall be constructed to the appropriate Master Plan specifications and city Standard Construction details. The details are accessible via the following link:
[Construction and Design Standards | Forest Grove, OR \(forestgrove-or.gov\)](#)
4. All Sanitary Sewer and Surface Water Management construction shall comply with Clean Water Services Design & Construction Standards (D&CS): R&O 19-5 as Amended by R&O 19- 22, adopted November 12, 2019, for Sanitary Sewer and Surface Water Management.
5. The city of Forest Grove Standard Details and Clean Water Services Standard Drawings that are applicable to the design shall be included in the design drawing set.
6. The city of Forest Grove Standard Notes shall apply to all public improvements being constructed by the developer and the Standard Notes shall be included in the drawing set. The City of Forest Grove Standard Notes is included as part of these comments and conditions.
7. Submit Sealed and Signed Storm Water Drainage Report in accordance with Clean Water Services (CWS) D&CS 1.08.12 & 2.04.2.m.
8. Submit Sealed and Signed plans in accordance with CWS D&CS 1.08.12 & 2.04.
9. Submit a sealed and signed Geo-technical report for the site with recommendations for construction and storm drainage. The recommendations of the geotechnical report shall be incorporated into the construction plans for the development.
10. All signage (including but not limited to, street names vehicular parking restrictions, and vehicular and pedestrian traffic protection and direction) within the public right-of-way (PROW); pavement striping and marking; and pavement reflectors (including, but not limited to, blue fire hydrant markers), shall be shown on the approved plans, furnished, and installed by the developer.
11. Public improvement, site grading and erosion control plans shall incorporate the tree preservation and protection measures as per DC §17.5.130(3). Fencing shall be installed around all protected trees and signs erected indicating that the area within is to remain undisturbed during construction.
12. The developer shall construct all ½ street frontage improvements and/or repairs along the parcel's Mountain View Lane frontage as required by the City's Development Code.

13. Half Street Improvements for the Extension of Heather St:
 - a. The extension of Heather St is designated as a collector street in the city's Transportation System Plan.
 - b. Heather St shall be extended from Mountain View Lane, along the development's southern property line, to the development's western property line as shown in the preliminary plans submitted with this application.
 - c. The developer shall design and construct the ½ street frontage improvements with a minimum 24' roadway width City Development Code Section 17.8.610 Table 8-7 in accordance with the city's collector street standards and the Land Use Conditions of Approval, to include the accesses for the TTM/CWS & White Oak River Properties.
 - d. The developer is responsible for the costs to design and construct the Heather St extension half street improvements along the development's southern frontage, the new Mountain View Lane/existing Heather St/Heather St extension intersection, and the construction of the new accesses to TTM/CWS and White Oak River properties to the southern PROW of the Heather St. extension.
 - e. The developer shall coordinate with TTM, Clean Water Services, and White Oak River Inc. to identify their access requirements from their sites to the Heather St extension.
 - f. The separation between the curb cuts for the two TTM access points shall be a minimum of 105 ft per Development Code Section 17.8.130.D.2
 - g. A transition from the Heather St extension to the existing roadway at the western limit of the tax lot shall be provided as shown on the preliminary drawings from the Land Use application.
 - h. Stormwater management approaches (SWMA) for treatment and detention of stormwater runoff shall be sized for all new or modified impervious surfaces from the construction of the ½ street Heather St. improvements, construction of the new Mountain View Lane/existing Heather St/Heather St extension intersection, and for the future completion of the Heather St. extension to a full collector street cross-section. These facilities shall be solely for the treatment and detention of stormwater runoff from impervious surfaces in the PROW. The City will reimburse the developer for the portion of the stormwater management facilities required for the impervious area created by the future completion of the Heather St. extension to a full collector street cross-section.
 - i. If there is insufficient area within the Heather Street extension PROW to provide treatment and/or detention of the stormwater runoff from all impervious surfaces from the ½ street improvements, construction of the new Mountain View Lane/existing Heather St/Heather St extension intersection, and for the future construction of the Heather St. extension to a full collector street cross-section as well as the future buildout of the within the PROW for full collector street section, then the developer shall:
 - i. Request an exemption from providing stormwater treatment and/or hydromodification detention as defined by CWS Design & Construction Standards (DCS) Section 4.03.7 in the form of a formal engineering technical memorandum (TM). The TM will at least describe why stormwater management areas cannot be constructed in the PROW and which conditions in CWS DCS Section 4.03.7 exist. The developer shall submit the TM to the City for review by the City and CWS. CWS will make the final decision if a fee-in-lieu will be approved for the PROW Stormwater Management Facilities; or
 - ii. Provide the necessary area for the stormwater management facilities outside of the through a permanent stormwater easement or dedication of PROW for this purpose.
14. The developer shall furnish and install all signs within the PROW at their expense. The developer shall furnish and install all signs within the PROW at their expense.
15. The developer shall maintain continuous emergency access between Mountain View Lane and the White Oak River and TTM properties during construction.
16. The developer shall maintain continuous access to the TTM and CWS properties during construction.

17. The Emergency Intertie at the southwest corner of the new intersection of Mountain View Lane and the existing Heather St east of Mountain View Lane will likely be under construction at the same time as Phase 1 of the Data Center. The developer shall provide construction access to and from the Emergency Intertie project site to Mountain View Lane at all times.
18. Curb ramps shall be designed and constructed in accordance with ODOT Standard Drawing RD900 series, per City of Forest Grove Standards.
19. Diagonal curb ramps are not permitted on new construction projects. Each 4-way intersection shall have 8 individual ramps and each 3-way intersection shall have 6 curb ramps.
20. CWS Street Side Planters, Standard Drawings Numbers 745 & 750 are prohibited within the city of Forest Grove.
21. A Reduced-Pressure Principle Backflow Prevention Assembly (RP) shall be:
 - a. Installed on each water service being provided by city of Forest Grove including potable, fire, and irrigation.
 - b. The city will require premise isolation, meaning the RP device will be placed on the customers side and on their property before any other connections.
 - c. There shall be sufficient room between the PROW and the RP for maintenance activities. The maximum separation between the RP & the PROW/property line is 10 ft.
22. Water meters shall be in the PROW. If there is insufficient room in the PROW, then they shall be located outside of the PROW in the adjacent property and an access/maintenance easement to benefit the city shall be provided by the developer. The size of the easement will be determined during development of the Site Plans based on the meter size.
23. The private fire service line shall not be connected to any other service on site, as it is not metered.
24. The Land Use Application (LUA) states that the developer is assessing opportunities for the use of a non-potable water source in coordination with CWS. The LUA does not state what the non-potable water source is or how the source would be used. The developer's team has informed the city, by email, that they are working with CWS to secure reclaimed water as the source for the data center cooling system. The LUA also does not identify if the developer plans on using city water for the data center cooling system. If the developer determines that city water is required for the data system cooling system, then the developer shall perform a water system capacity analysis (Analysis) at their costs. The developer shall use the same criteria used for the water system evaluation as used in the 2022 Water System Master Plan water system analysis to evaluate if the city's water system has sufficient capacity to supply the Data Center's maximum daily cooling water demand at buildout and if any water system improvements are required to provide the maximum daily cooling water demand at buildout. The developer shall submit to the city prior to the water system analysis a technical memorandum stating all criteria to be used for the water system analysis. The city will review the technical memorandum and provide comments, at which point the developer may proceed with the water system capacity analysis. The developer shall be responsible for the cost of the water system improvements required to meet the data system's maximum daily cooling water demands at buildout, unless determined otherwise by the city. If the analysis is required and then prior to the issuance of the Building Permit, the developer shall complete the analysis and the developer shall agree to design and construct the required water system improvements as part of the Public Improvement Agreement.

Questions on the above items should be directed to Civil Engineer Rich Blackmun at 503-992-3192 or RBlackmun@forestgrove-or.gov.

**Crane Data Center
3975 Heather Street**

City of Forest Grove
Engineering Conditions of Approval
July 31, 2024

Applicant/representative shall sign below and return to City Engineering. Applicant/representative has read the conditional approval form and understands the conditions of approval outlined to this project. Not meeting these conditions may result in withdrawal of engineering approval to project.

GENERAL

1. All plans submitted to date are considered preliminary only. Upon completion of land use application approval, detailed construction plans and specifications must be submitted to engineering that demonstrate compliance with standards and regulations adopted by the City of Forest Grove and/or all other agencies that have jurisdiction including Clean Water Services, Washington County, Oregon Department of Transportation, and the conditions of approval as passed by the City Planning Commission for Land Use Approval. Contact engineering for questions on detail construction plan check process and the required number of construction plan sets/specification required for the detailed review.
2. All detailed construction plans submitted shall be stamped by an Oregon registered professional engineer.
3. All information related to vertical and horizontal location including in documents containing legal description, Draft Development Plan, Final Development Plan, Final Plat, Right-of-Way Deed, or Easement, and Record Drawings must be on the City of Forest Grove current City Datum. Narrative of City Datum including Bench Mark information is available through City Engineering Department.
4. Prior to issuance of Building Permit, Applicant will enter into an agreement with the City of Forest Grove for the construction of public facilities. City will prepare Agreement Allowing Developer to Construct Public facilities. The Agreement document shall be fully executed by City and Developer prior to start of construction.
5. Public improvements shall be in place and accepted by the City Engineer prior to issuance of building permits for new lots of record.
6. Final Development Plans and Specifications containing design for construction of public facilities shall receive approvals (as applicable) from City of Forest Grove, Clean Water Services, and other affected jurisdictional agencies. Developer is responsible for all submittals, approvals and permit acquisitions, unless advised otherwise by the City. Permits, if required, shall be secured by developer or authorized representative prior to start of construction (e.g. both on-site and off-site construction).
7. It is the responsibility of the Applicant to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from engineering must be received before any changes are constituted in site design, grading, building design, building colors or materials, etc.

Crane Data Center
3975 Heather Street

8. Applicant shall, at applicant's expense, and under City's direction, provide for traffic control, during construction, so as to minimize the impact on residents surrounding or adjacent to the Project. Applicant agrees that, during any construction within or as a part of the overall Project, all existing roadways as of the date of approval of this project, at all times, remain passable to a minimum of two lanes of traffic, one in each direction, or an acceptable detour approved by City. Applicant further agrees that if, at any time, City shall determine that there are not sufficient acceptable traffic lanes or acceptable detours which are passable, that all construction by applicant shall immediately cease upon written demand therefore, by City.
9. Applicant shall replace, or have replaced, or repair or have repaired, as the case may be, all existing infrastructure which have been destroyed or damaged, and applicant shall replace or have replaced, repair, or have repaired, as the case may be, or pay to the owner, the entire cost of replacement by reason of any work done hereunder, whether such property be owned by the City or any agency thereof, by any private, or by any person whomsoever, or by any combination of such owners. Any such repair or replacement shall be to the satisfaction and subject to the approval of the City Engineer.
10. Applicant shall provide such monumentation as may be required by City Engineer, in accordance with accepted standards. The applicant shall post security guaranteeing the payment of the cost of setting the monuments. The cost of setting the monuments will be determined by the City Engineer upon approval of the improvement plans. The Applicant shall pay the engineer or surveyor for the cost of setting the monuments within three (3) months from date of notification by the engineer or surveyor that the monuments have been set. If the applicant does not pay the engineer or surveyor within the three (3) months from date of notification, the City shall pay the engineer or surveyor for the security and refund the difference, if any, to the Applicant.
11. Prior to commencement of project work the project Applicant shall provide proposed trucking routes for all equipment and material deliveries as may be required by the City Engineer. The City shall, at Applicant expense, video the routes to establish preconstruction conditions. Damage to any public improvements, on or off site caused by construction operations, during construction on the subject property shall be repaired to the satisfaction of the City Engineer at full expense to the Applicant. This shall include slurry seal, overlay, or street reconstruction if deemed warranted by the City Engineer.
12. Project Applicant shall obtain, at Project Applicants sole expense, any and all easements or real property which may be required for the development of the Project, and which may be necessary and required in order for Project Applicant to comply with these Conditions of Approval, and the applicable ordinances and resolutions of the City.
13. All engineering design, including, but not limited to, storm sewers and appurtenances, sanitary sewers and appurtenances, streets including, but not limited to, geometrics, sight distances, lighting and sound walls, water systems and appurtenances, signing and striping, landscaping and appurtenances, shall be supported by applicable engineering studies/calculations, as required by the City Engineer.

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14. Project applicant shall design/install all improvements and perform all work required for this project in accordance with established City Standards or as approved by the City Engineer and Public Works. Plans for all improvements, including, but not limited to, storm drainage, water and sewer main sizes, either on-site or off-site, shall be in accordance with City Specifications and shall be approved by the City Engineer.
15. The Project Applicant shall be responsible for all work performed by any and all contractors and subcontractors.
16. Detailed plans reflecting the design and construction of all public infrastructure improvements for street, sewer, water, fiber optics and storm drain, both on- and off-site, shall be as directed by the City Engineer. Developer shall have written approval from the City Engineer for any variations from the City's master plans or standards prior to any final approval.
17. The applicant, in order to reduce the tracking of mud throughout the City, shall design/install standard construction entrances, and shall be responsible for cleaning up (or any expenses incurred by the City for cleaning up) mud, debris, etc. from City streets that is attributed to his project during construction.
18. As-built work in the public right of way are to be submitted to the engineering department on CD ROM or DVD computer disk in a format approved by engineering. Digitized information shall be submitted before requesting a final inspection and should reflect as-built status and information as approved by engineering.
19. Public facilities serving the proposed development, including but not limited to, sanitary sewers, water, streets, storm sewers, electrical power facilities, parks, public safety and schools shall be adequate and meet current City standards; or it is guaranteed that inadequate or nonexistent public facilities will be upgraded or constructed by the applicant prior to occupancy of the project.
20. Except as provided otherwise, in the City's conditions of approval or special specifications for construction of public improvements, the Design and Construction Standards for Sanitary Sewer and Surface Water Management by Clean Water Services shall apply in all matters concerning sanitary sewers and the management of storm and surface water runoff.
21. The recommendations of the traffic study, geotechnical report, and drainage report shall be incorporated into the detailed construction plans and specification review.
22. Unless approved otherwise applicant shall extend utilities and roadways through the project to site boundaries for purposes of future development.
23. Identify in plans and profile, any potential vertical conflict points between utilities. Show provisions necessary to accommodate any such questionable or otherwise close conditions.

DEDICATIONS

24. The Applicant shall provide all necessary easements for streets, alleys, sewer, and water facilities,

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irrigation, fiber optics, district facilities, and other facilities as may be required by the City. Utility easements shall be at a minimum a clear fifteen feet (15') for one utility and a clear twenty feet (20') for two or more utilities. Easements shall not be split between property lines or as otherwise determined by the City Engineer. The easement widths identified are minimums and in certain circumstances, additional easement widths may be required as determined by the City Engineer.

GRADING/DRAINAGE

25. It is the responsibility of the Applicant to meet all Clean Water Service Standard. City engineering will coordinate and submit a set of completed detailed construction plans (completed City engineering review process) for Clean Water Services review.
26. Regarding drainage, the applicant must identify if the project will impact existing surrounding uses including but not limited to agricultural uses. The applicant shall submit a drainage plan showing enough detail to address the mitigation of impacts on these existing surrounding uses or to conclusively show that there will be no impacts to the satisfaction of the City Engineer. The mitigation of these impacts is the financial responsibility of the Applicant until the City formally accepts the mitigation. Additionally, the Applicant shall bear the financial responsibility of, and shall dedicate to the City, runoff control easements, as needed.
27. The applicant must identify issues where the finished grade of the property is higher or lower than the abutting property or adjacent lots, and a suitable solution acceptable to City Engineering shall be required. Solutions including retaining walls shall be shown on grading plans. Retaining walls shall be structurally engineered if over four (4) feet in height, including surcharge, and will require a separate building permit. Applicant shall ensure proper setback requirement on these measures for mitigating grade differences, including building code requirement of two foot setback from toe of slopes.
28. A geotechnical report shall be prepared and submitted by a geotechnical engineer who will be retained by the Applicant to observe, test, and certify that all recommendations outlined in the Report are fulfilled during construction. The reports shall be less than one year old. The reports shall include information on the nature, distribution, physical, and engineering properties of the soils onsite and/or soils to be used as fill, and include recommendations on grading procedures.
29. Prepare and submit hydrology/hydraulic calculations for sizing of all proposed drainage devices. The analysis shall also determine if changes in the post-development versus pre-development conditions have occurred. The analysis shall be stamped and signed by an Oregon Civil Engineer and prepared per area standard, including Clean Water Services requirements. Local regulations requires certain new development and redevelopment projects/activities to incorporate post construction Best Management Practices (BMPs) into the grading/drainage plans to control pollutants. Please refer to the Clean Water Service guidelines for specific comments and requirements.
30. The applicant shall take every step necessary to contain all dirt, construction materials, and construction run-off on site. No grading or construction-related debris, either directly or indirectly carried by water, will be permitted to leave the construction site.

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31. All grading projects require an Erosion Control Plan as part of the grading plans. Grading permits will not be issued until an Erosion Control Plan is approved. Please refer to Clean Water Services requirements.
32. The project shall incorporate site design measures for reducing water quality impacts of the project, in compliance with Clean Water Services requirements. Where feasible, parking lots and other impervious areas shall be designed to drain stormwater runoff to, private water quality facilities, vegetated drainage swales, filter strips, and/or other treatment devices that can be integrated into required landscaping areas and traffic islands prior to discharge into storm drain systems. The use of permeable paving for parking and driveway surfaces is encouraged, to reduce runoff from the site. Such paving should meet fire department requirements and be structurally appropriate for the location. Such water quality mitigations should plan to meet manufacture required maintenance provision.
33. All new private water quality facilities will be required to sign a Private Water Quality Facility Maintenance Agreement and provide information for City master storm water connection report prior to receiving building permit.
34. Project applicant shall, at Project Applicant expense, shall prepare and submit a Dust Emission Control Plan for Project Grading. The Plan shall require that contractor work specifications shall include provisions for adequate water to be applied during construction in order to control dust disturbance resulting from grading operations. The Plan and related contractor work specifications shall be reviewed and approved by the City and Clean Water Services.
35. Prior to City issuance of a grading permit, dust control measures shall be applied in accordance with all ordinances, rules and regulations of the City, including regarding use of water for compaction or dust control purposes.
36. The Applicant shall submit a grading plan to the City Engineer for approval which reflects the recommendations of a final Geologic and Geotechnical study, including construction procedures and/or design criteria. Construction plans submitted to the City Engineering shall conform to the City Engineering Design Standards and include specifications necessary to minimize potential impacts resulting from soil conditions on the project site. The City Engineer or his representative shall verify in the field that all conditions have been satisfied.
37. The project plans shall include erosion control measures to prevent soil, dirt and debris from entering the storm drain system, in accordance with Clean Water Service standards. Drainage from parking lots and private streets to the public right-of-way will be filtered through a City approved systems. The system shall be located on the development property and maintained by the property owner.
38. Pre-development flow from adjacent properties onto the project site shall be maintained or accounted for in the final design.
39. The on-site drainage system must be properly designed to maximize infiltration of roof and/or surface runoff into the underlying soil before discharging into public storm drain, street or alley. Also, the

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storm drainage from project site can not become a nuisance to surrounding property.

40. Storm pipe video inspection shall be provided to the Engineering Division prior to final approval.

RIGHT OF WAY IMPROVEMENTS

41. Any existing damage or damage incurred during construction to the approaches, curb, gutter and/or sidewalk shall be repaired and/or replaced to the approval of the City Engineer.
42. A State Encroachment permit shall be secured prior to the construction of improvements on State or County Facilities.
43. All street improvements shall conform with the requirements of the Americans with Disabilities Act, including the placement of sidewalk at the rear of the driveway at all driveway locations and adjacent to the back of curb at all non-driveway locations.
44. All proposed streets shall be fully improved in conformance with the City standards to the width required by the City. The Project shall install normal and necessary public improvements along the property street frontages to the satisfaction of the City Engineer.
45. These improvements may include, but are not necessarily limited to, grading, curb and gutter, sidewalk, paving, make-up paving and wheel chair ramps, along with construction of all standard utilities necessary including water facilities, sanitary sewer, and storm drainage systems, street lighting, underground utilities, traffic control devices, landscaping, and automatic irrigation systems. All approved driveway locations shall be constructed to City standards.
46. Public sidewalk location shall be shown on the approved plans. Sidewalks (parallel with public streets) shall be located near property/R.O.W. line unless approved otherwise by the City Engineer. Unless designated otherwise on the approved plans, sidewalks shall be installed concurrent with development of lot(s) of record.

TRAFFIC & LIGHTING

47. Arrange for relocation of all utilities, poles, signals, street lights, etc.
48. Developer shall provide and install the following : (1) all signing including, but not limited to, street names, speed, warning, no parking, vehicular and pedestrian traffic protection and direction, for public rights-of-way and easements; and (2) pavement striping, marking and reflective pavement markers. All such signing, striping and marking shall be shown on the approved plans.
49. All signing shall conform to the City Sign Ordinance in regards to size, design, and location. All signs shall be reviewed, approved, and a sign permit obtained prior to installation.
50. Prior to acceptance of improvements by the City, the developer shall perform roadway surface improvements, such as slurry seal or overlay as required by the City Engineer, and shall install any additional traffic signs, striping and pavement markings determined necessary by the City's Traffic

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Engineer, after inspection of the final physical improvement, to insure safe operation of all intersections and segments of streets before any building can be occupied.

51. Establishment of new pedestrian crossings at uncontrolled intersections or at mid-block locations on roadways under control of the City shall be based upon an engineering study by applicant, and reviewed and approved by the City Engineer according to evaluation process set by Washington County.

STORM AND SANITARY SEWER IMPROVEMENTS

52. Sewer pipe video inspection shall be provided to the Engineering Division prior to final approval.
53. Regarding septic systems, the applicant must identify if the project will impact existing surrounding systems. The applicant shall submit a plan showing enough detail to address the mitigation of impacts on these existing surrounding uses or to conclusively show that there will be no impacts to the satisfaction of the City Engineer. The mitigation of these impacts is the financial responsibility of the Applicant until the City formally accepts the mitigation. Additionally, the Applicant shall bear the financial responsibility of, and shall dedicate to the City, runoff control easements, as needed. County standards on setbacks to existing system shall be followed.
54. Public Storm Drain and Sewer pipe materials shall be in accordance with the latest Clean Water Services design and construction standards.
55. Location of sewer and storm mains shall follow City standards or approved otherwise by the City Engineer.
56. Submit Drainage Report. Include (therein) data relevant to treatment and detention of storm and surface water runoff.

EXCAVATION, PAVING, and GRADING

57. Paving shall be per City Standards.
58. Limits of Paving Restoration shall be determined by the City Engineer or Public Works Inspector.
59. All site grading and public improvement work shall conform with the City of Forest Grove Municipal Code, development Conditions of Approval, City of Forest Grove Standard Specifications, Uniform Building Code Appendix Chapter 33-Excavation and Grading, and, if applicable, the Agreement Allowing Developer to Construct Public Improvements.

WATER

60. Water facilities must comply with plumbing cross-connection control standards as required by City Ordinance and State law for the protection of water supplies. Information on acceptable back-flow assemblies is available from the City Water Division.

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61. The size and location of all water meters shall be determined by the Engineer/Architect or authorized representative. All water meters will be furnished and installed by the Water Division at the expense of the Applicant.
62. All public water system components must be constructed within public right-of-way or public easements.
63. All water connections to the City Water Distribution system shall be shown on the construction plan submittal review. This includes irrigation water meters for general open areas in a development project. Water irrigation meters and related impact fees will be paid before the Civil/Grading plans are approved and will be based on the City current meter fee schedules.
64. Municipal Code requires that water systems shall be designed to flow a minimum 2000 gpm (medium density) with 20 psi residual pressure at all new fire hydrants. New public water mains shall be sized 8-inch minimum dia. and be D.I.P. unless approved otherwise by the City Engineer.
65. Standard location for public water mains is on the West and/or South side of the public street R.O.W. and additionally, West and/or South of public storm drains unless approved otherwise by the City Engineer.
66. Public Fire Hydrant spacing and location shall conform to City Code and as otherwise required by the City Fire Marshal.
67. All new Fire Hydrants shall conform to current City Standards. City Standards require that all hydrants be equipped with a 4-inch Storz fitting. Where possible, each hydrant location shall be identified with installation of blue reflective pavement marker, adjacent to hydrant, near centerline of street or as determined otherwise by the City Fire Marshal. Hydrants situated outside of public street R.O.W. shall be clearly marked and protected from damage as deemed necessary by the City Fire Marshall.
68. Size of the new water meter service shall be shown on the plans and shall be installed by the Applicant at his/her expense per City Standard Specifications.
69. Domestic and fire backflow-prevention devices, designed to protect the public water supply, shall be approved by the City Engineer in addition to the City Building & Plumbing Official.
70. Water used in conjunction with construction of the project shall be obtained only from pre-approved sources. A permit to take City water for this purpose shall be secured by applicant or representative prior to start of construction activity.

SPECIAL CONDITIONS

•

If you have any questions about any of the above items, please contact me at yourname@forestgrove-or.gov or (503) 992-3XXX.

Project Engineer: [Your name here]



1035 W. UNIVERSITY AVENUE, SUITE 200
 MILWAUKEE, WI 53233
 1-800-848-8881 | 414-524-2277
 www.navix.com

CLIENT/OWNER



PROJECT NAME

FOREST GROVE

MAP PROJECT NUMBER: JN17147

PROJECT ADDRESS

DATE

BY

SCALE

REVISIONS

NO. DATE

DESCRIPTION

BY

DATE



SECTIONAL TOWNSHIP, RANGE
 AS SHOWN ON THE MAP, SECTION 1,
 TOWNSHIP 10N, RANGE 10E,
 COUNTY OF MILWAUKEE, WI

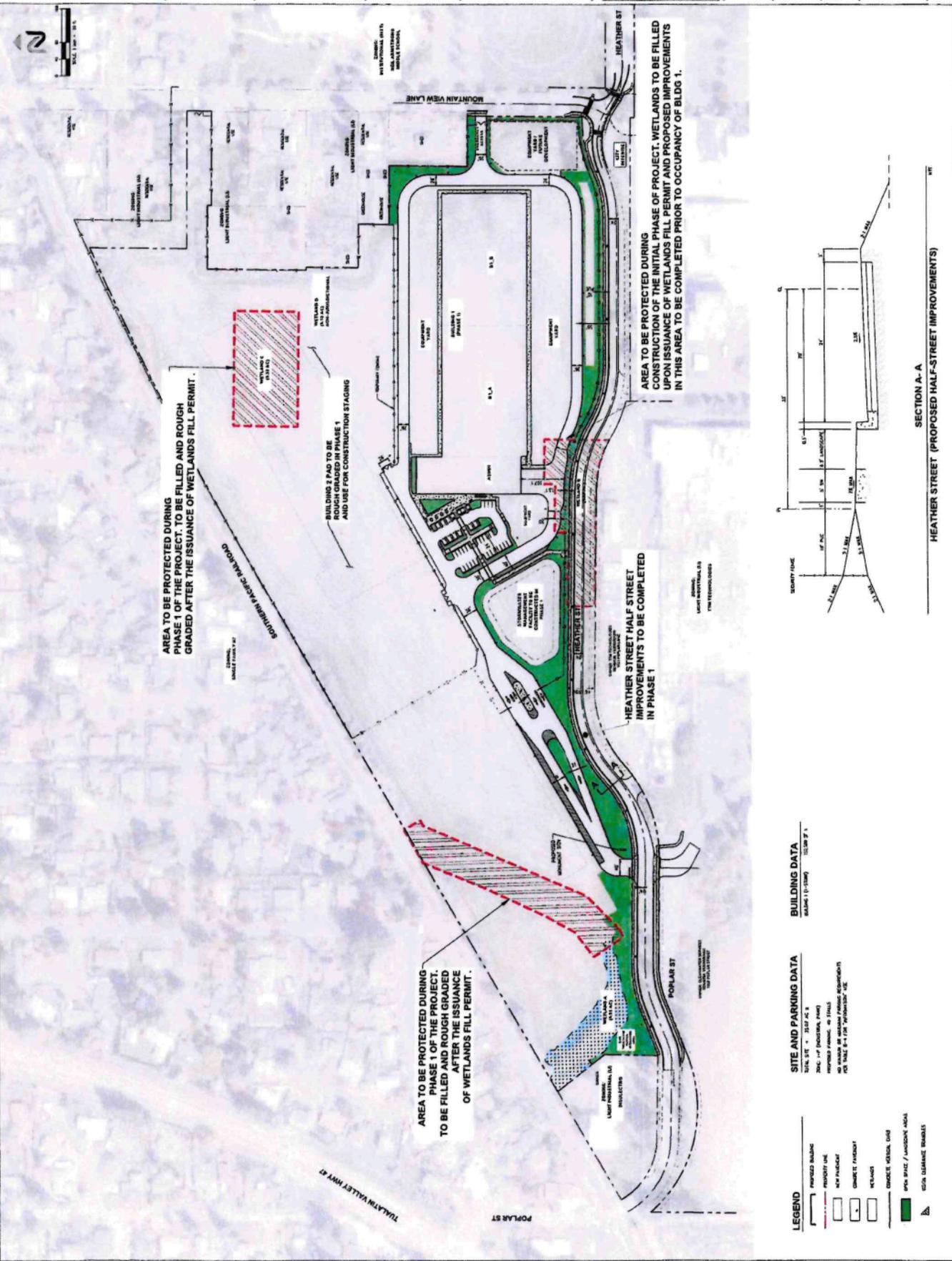
PROJECT NUMBER

PROJECT NAME

PHASE 1
 SCOPE OF
 IMPROVEMENTS

DATE

BY



AREA TO BE PROTECTED DURING PHASE 1 OF THE PROJECT. TO BE FILLED AND ROUGH GRADED AFTER THE ISSUANCE OF WETLANDS FILL PERMIT.

BUILDING 2 PAD TO BE ROUGH GRADED IN PHASE 1 AND USE FOR CONSTRUCTION STAGING

AREA TO BE PROTECTED DURING PHASE 1 OF THE PROJECT. TO BE FILLED AND ROUGH GRADED AFTER THE ISSUANCE OF WETLANDS FILL PERMIT.

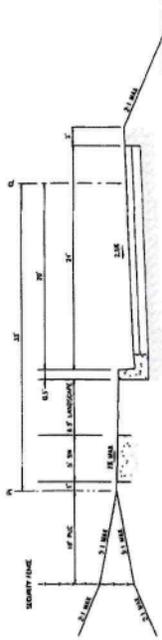
AREA TO BE PROTECTED DURING CONSTRUCTION OF THE INITIAL PHASE OF PROJECT. WETLANDS TO BE FILLED UPON ISSUANCE OF WETLANDS FILL PERMIT AND PROPOSED IMPROVEMENTS IN THIS AREA TO BE COMPLETED PRIOR TO OCCUPANCY OF BLDG 1.

HEATHER STREET HALF STREET IMPROVEMENTS TO BE COMPLETED IN PHASE 1

BUILDING DATA
 SCALE 1/8"=1'-0" SEE SHEET 1.

SITE AND PARKING DATA
 SCALE 1/8"=1'-0" SEE SHEET 1.
 ALL DIMENSIONS IN FEET UNLESS OTHERWISE NOTED.
 ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 FOR FINISH GRADE SEE "WETLANDS" SHEET.

- LEGEND**
- IMPAVED SURFACE
 - PROPOSED SIDEWALK
 - NEW PAVEMENT
 - CONCRETE FOOTING
 - WETLANDS
 - CONCRETE UTILITY LINES
 - OPEN SPACE / WOODCHIP PAD
 - GRAVEYARD BOUNDARY



SECTION A-A
 HEATHER STREET (PROPOSED HALF-STREET IMPROVEMENTS)

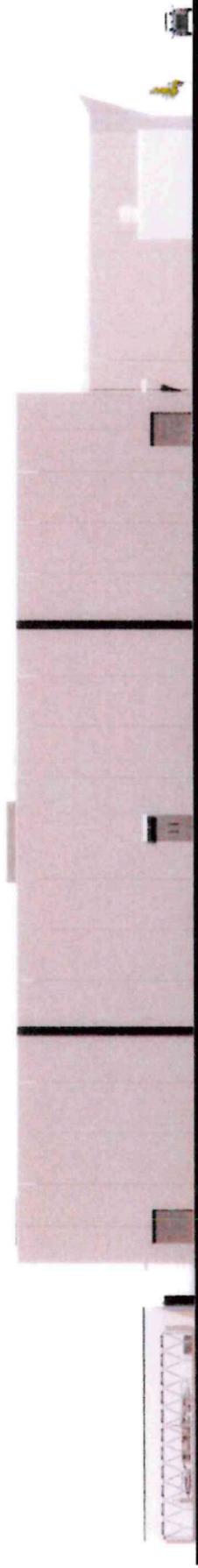
















ATTACHMENT B

<https://forestgroveor.portal.civicclerk.com/event/201/files/agenda/3485>

<http://tvctv.org/forest-grove/>

ATTACHMENT C

Attachment C
Crane Data Center Appeal to City Council
List of Known Exparte Communications

1. Email from David Haworth to Mayor Wenzl copied, 4/29/24
 - o Categorizing data center as “Information” on the zoning use table
2. Email from David Haworth to Council Gustafson, 5/14/24
 - o No City Communication is forthcoming about the Crane Data Center
3. Email from David Haworth to City Councilors, 5/23/24, 8:47 am
 - o Confirmation that comments has been received and included in the record
4. Email from David Haworth to City Councilors, 5/23/24, 8:48 am
 - o Confirmation that Mr. Haworth will receive a notice when a decision is issued.
5. Email from David Haworth to City Councilors, 5/23/24, 9:03 am
 - o 14-day notice
6. Email from David Haworth to City Councilors, 5/23/24, 9:20 am
 - o Reference to tight space of 70 ft building
7. Email from David Haworth to City Councilors, 6/3/24
 - o Link to YouTube video: How Data Centers Impact the Environments
8. Email from David Haworth to City Councilors, 6/3/24
 - o Link to YouTube video: The Danger of Data Centers (Part One)
9. Email from David Haworth to City Councilors, 6/3/24
 - o Link to YouTube video: Concerns over data centers continues to grow in northern Virginia
10. Email from David Haworth to City Councilors, 6/3/24
 - o Link to YouTube video: Explosion outside of D.C. last night | Amazon Data Center
11. Email from David Haworth to City Councilors, 7/5/24
 - o Link to YouTube video: Inside a Google Data Center
12. Email from David Haworth to City Councilors, 6/12/24
 - o Link to YouTube Video: Data center power failure
13. Email from David Haworth to City Councilors, 6/26/24
 - o Link to YouTube video: Data center cooling
14. Email from Dale Feik to Mayor, 8/9/2024
 - o Say No to Forest Grove Data Centers Petition Please Sign, Following is Why – See attachments and below
15. Online submittal to City Councilors from Cindy Ertrell, 9/3/24
 - o Water use, power, noise and pollution, taxes, future issues (expansion plans allowed)
16. Email to City Councilors from Dale Feik, 9/9/24
 - o Rowan Green Data Center Agreement and City Council Staff Report 3/20/23
17. Testimony present to City Councilors by Dale Feik, 9/23/24, dated 9/16/24
18. Email to City Councilors from Dale Feik, 9/24/24
 - o Neighborhood impacts, wildlife habitat impacts, farming

Kate McGuire

From: David Haworth [REDACTED]
Sent: Monday, April 29, 2024 5:10 PM
To: mwenzel@forestgrove-or.gov; Bryan Pohl; Jesse vanderzander; Kate McGuire
Subject: Crain Data Center

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mayor

the statutes governing light industrial zones that be used to justify the location of the data center were written 20 years ago. the uses include the word "information " which back when the law was written meant a call center not 70 ft tall buildings

Please see the email I received from Mr. Pohl siting the statute

Also, please see the article which states that five years ago these did not exist in Oregon

Please see the definition of light industrial zones that everyone has been working off of for decades

A data center cannot be built, on light industrial property because of the noise the heat, the vibration, the risk of fire and particular in our case the destruction of the geese habitat in Fernhill wetlands. I live on the proposed site and for the last 16 years, I've watched those geese use that field and then fly over to the estuary they fly about 50 feet elevation and the proposed center is 70 feet tall with huge air conditioning units on the roof. Please see that this is the wrong use of this and help preserve forest Grove a great city to live in.

Dave Haworth

[REDACTED]
forest grove

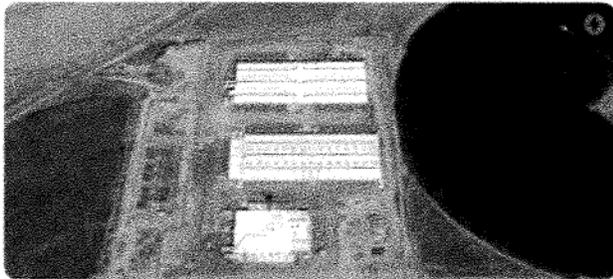


Hillsboro Data Centers: Colocation in The Hub City



A Hillsboro data center offers lower costs, robust connectivity, and a favorable climate. Explore Hillsboro colocation pricing!

Brightlio



Amazon Expanding Data Centers In NE Oregon, Reaping Massive Tax Breaks

Amazon's ever-expanding footprint in Seattle —



By Mike Rogoway | The Oregonian/OregonLive

Data centers arrived in Oregon five years ago, cloaked in mystery. There's no hiding them now.

From Umatilla to Prineville to Hillsboro, server farms are sprouting across the state. They are the physical manifestations of the cloud that hosts your free Gmail, movie streams and Facebook friends. And though not big employers -- computers do all the heavy lifting -- their technology and investment are nonetheless beginning to transform the rural communities where they operate.



The Light Industrial District provides land for light manufacturing, warehousing, processing, and distribution of goods and other low intensity industrial uses. It is intended for industrial uses which involve the low level of noise, vibration, air pollution, radiation, glare, or fire and explosive hazards.

<https://www.codepublishing.com> > ...

Chapter 2.6 Light Industrial District (LI) - Code Publishing Company



Good morning, Mr. Haworth.

The criteria were referenced on the notice that you received, but just in case you do not have it, I have attached a copy here for your reference. With respect to the definition of light industrial that you found online, I cannot comment on what that means. What I can say is that our light industrial zone use standards are found in Section 17.3.500 of the Forest Grove Development Code. In this section, Table 3-12 lists the uses that are permitted in the light industrial (LI) zoning district. In this table, under the “other use” category, “information” is enumerated as a permitted use outright in the LI zone.

Furthermore, in Section 17.12.150 (F), “information” is defined as, “*Uses that are engaged in the following processes: producing and distributing information and cultural products; providing the means to transmit or distribute these products as*

What is NAICS code 51?

About the **Information sector**

The Information sector comprises establishments engaged in the following processes: (a) producing and distributing information and cultural products, (b) providing the means to transmit or distribute these products as well as data or communications, and (c) processing data.

★ <https://www.bls.gov/tgs/iag51>

Industries at a Glance: Information: NAICS

51 – Bureau of Labor Statistics

Kate McGuire

From: David Haworth [REDACTED]
Sent: Tuesday, May 14, 2024 12:30 PM
To: Donna Gustafson; Kate McGuire; Jesse vanderzander
Subject: Re: NO City Communication is forthcoming about the CRANE DATA CENTER

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you,

You are the only person that has contacted me . Has anyone who sent emails in been notified of anything at all ? Please follow up on this and make sure somebody contacts me with information about this project by the end of this week.

I would appreciate it if you contact me again on Friday thank you

David Haworth

On May 14, 2024, at 10:40 AM, Donna Gustafson <dgustafson@forestgrove-or.gov> wrote:

Hello Mr Haworth,

My apologies that no one has reached out. Typically you would hear back that same week. I will make sure someone contacts you. If you do not hear from someone by the weeks end please feel free to contact me.

Thank you,
Councilor Gustafson

From: David Haworth [REDACTED]
Sent: Tuesday, May 14, 2024 10:04 AM
To: mwenzel@forestgrove-or.gov <mwenzel@forestgrove-or.gov>; Jesse vanderzander <jvanderzander@forestgrove-or.gov>
Subject: NO City Communication is forthcoming about the CRANE DATA CENTER

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Morning,

I address this to you Mrs. Mayor, Where is my update on the Crane Data Center ?

I was not able to attend last night's meeting.

Please let me know if there is any information you Shared about the Crane Data Center. If not Why is this being kept secret ?

We are DISTRAUGHT HERE !!!!

We are very concerned about this project because it will destroy our way of life and our property value . We were given notice but no information!!!

Is this a done deal ? My wife is particulrly scared to death .

PLEASE REPLY TO THIS E MAIL

OR " Have staff get back to me " as you

Mayor promised me at the April 22 meeting. Mayor Wenzel.

Please do not continue to STONEWALL me AND HIDE THIS FROM THE PUBLIC

It is extremely rude to upset my 71 year old wife with a threat like this and then not follow through with the INFORMATION promised

I expected better

--

DAVE HAWORTH

CCB# 197958

[REDACTED]

Forest Grove Or. 97116

[REDACTED]

Kate McGuire

From: Kate McGuire
Sent: Tuesday, May 14, 2024 12:53 PM
To: David Haworth
Cc: Bryan Pohl
Subject: RE: NO City Communication is forthcoming about the CRANE DATA CENTER
Attachments: Director Pohl 4.25 responses to Mr. Hayworth.pdf; Haworth Email 4.21.pdf

Mr. Haworth,

In point of fact, staff was responsive and in communication with you within three (3) days after the date the Mayor stated that staff would get back to you.

I have attached a PDF copy of the two (2) email correspondences Community Development Director Bryan Pohl had with you on April 25, 2024. Although we are unable to respond to each of the numerous emails you have sent, they have all been entered into the record and anything that can be addressed by the development code will be, within the staff report.

The process advised by Director Pohl's second correspondence to you in those emails dated April 25th is being followed. Staff is carefully reviewing the submitted application materials to ensure that the standards of the development code are met by the proposal. All sections of the development code that are required to be addressed by the applicant were identified in the public notice that you received in the mail, and this information is also clearly advertised on the city "Projects and Land Use" webpage <https://www.forestgrove-or.gov/474/Projects-and-Land-Use> along with the applicants submitted site plan, development and structural plans and traffic analysis under the "Crane Data Center – 3975 Heather Street" tab (3rd project up from the bottom of the list). The City of Forest Grove Development Code is also publicly available online https://codelibrary.amlegal.com/codes/forestgrove/latest/forestgrovedev_or/0-0-0-4 and the sections identified in both the letter sent to you and posted publicly for anyone in the city to see and review through the webpage link provided above, are found within the development code. If you wish to view exactly the standards that staff is reviewing the submitted proposal against, the information is all there. If one does not have access to the internet or simply prefers to view a hard copy of the code, it is also available at city hall and this was also clearly stated in the mailed letter.

Nothing is being hidden from the public.

As previously advised by Director Pohl in his timely correspondence to you dated April 25, 2024, because you submitted written comment in the form of an email (PDF of your April 21st correspondence also attached) prior to the April 22nd deadline provided in the notice of pending limited land use (administrative) decision, you are entitled to receive notice of the decision when it is issued and have "standing" to file an appeal (see §17.1.540(A) below). When issued, the decision and staff report, which will provide point by point responses to each and every applicable section of the development code, will also be posted on the website as found at that same "Projects and Land Use" link provided above, and made available to the public.

The notice you receive will contain information about your appeal rights as identified by development code §17.1.540 – APPEALS:

A Type II decision by the Director is final unless appealed.

The appeals will be heard by the Planning Commission, under the following conditions.

- A. The party must have standing, and submit a written appeal petition and pay the required fee to the city within 14 calendar days of the written notice of the decision. The written petition shall specifically state the issues being appealed.
- B. Notice of the appeal hearing shall be provided as required for quasi-judicial (Type III) public hearings.
- C. The Planning Commission shall conduct a de novo appeal hearing.
- D. The Planning Commission decision on an appeal is the city's final decision, unless an optional second appeal to the City Council is filed by the applicant, as specified in § 17.1.545.

Kate McGuire | Senior Planner
City of Forest Grove | Planning Division
Direct Phone: (503) 992-3233
kmcguire@forestgrove-or.gov



A place where families and businesses thrive.

From: David Haworth [REDACTED]
Sent: Tuesday, May 14, 2024 10:04 AM
To: mwenzel@forestgrove-or.gov; Jesse vanderzander <jvanderzander@forestgrove-or.gov>
Subject: NO City Communication is forthcoming about the CRANE DATA CENTER

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Morning,
I address this to you Mrs. Mayor, Where is my update on the Crane Data Center ?

I was not able to attend last night's meeting.
Please let me know if there is any information you Shared
about the Crane Data Center. If not Why is this being kept secret ?
We are DISTRAUGHT HERE !!!!

We are very concerned about this project because it will destroy our way of life and our property value . We were given notice but no information!!!

Is this a done deal ? My wife is particurlarly scared to death .

PLEASE REPLY TO THIS E MAIL

OR " Have staff get back to me " as you
Mayor promised me at the April 22 meeting. Mayor Wenzel.
Please do not continue to STONEWALL me AND HIDE THIS FROM THE PUBLIC

It is extremely rude to upset my 71 year old wife with a threat like this
and then not follow through with the INFORMATION promised

I expected better

--

DAVE HAWORTH
CCB# 197958

[REDACTED]
Forest Grove Or. 97116
[REDACTED]

Daniel Riordan

From: Jesse VanderZanden
Sent: Thursday, May 23, 2024 9:27 AM
To: Daniel Riordan
Cc: Bryan Pohl
Subject: FW: #6 of 6 emails. on. the CRANE DATA CENTER

Follow Up Flag: Follow up
Flag Status: Completed

fyi

From: David Haworth <ywdave55@gmail.com>
Sent: Thursday, May 23, 2024 9:20 AM
To: City Councilors <CityCouncilors@forestgrove-or.gov>
Subject: #6 of 6 emails. on. the CRANE DATA CENTER

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

city council

Pardon me if some of this information is redundant. The following pictures show how tight the space is for these 70 ft tall buildings

They speak for themselves
Thank you

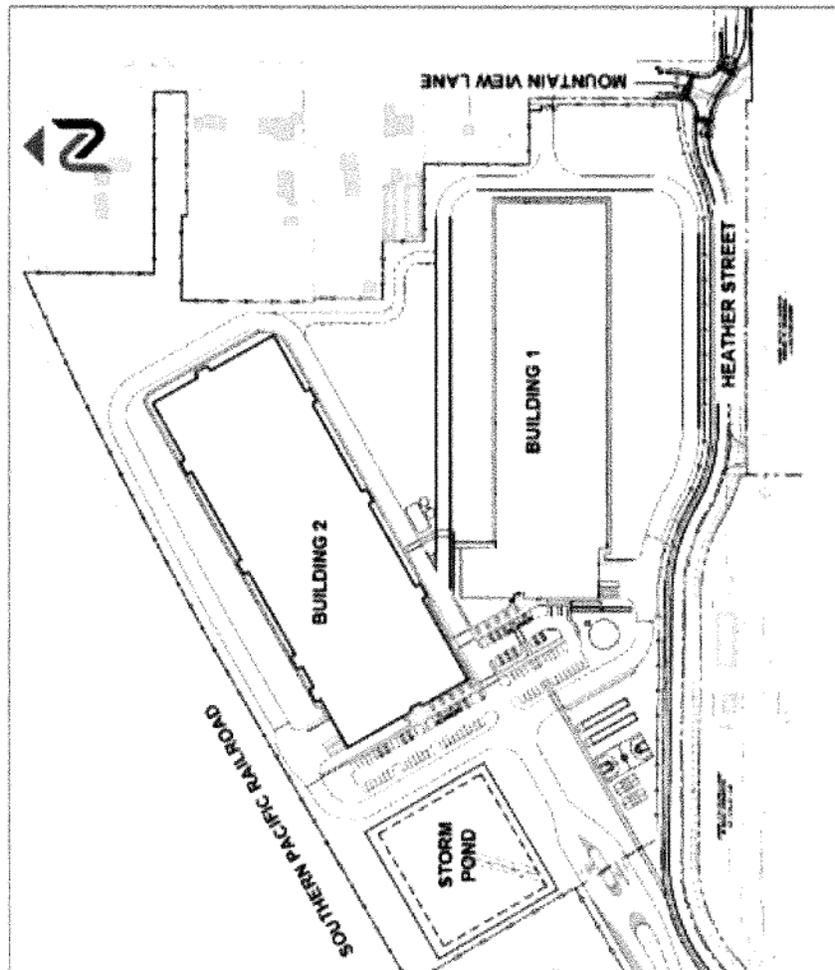
David Haworth

- §17.2.450 – *Site Development Review*
- §17.3.520 – *Industrial Zones Use Regulations* and Table 3-12: *Industrial Zones Use Table*
- §17.3.530 – *Industrial Zones Development Standards* and Table 3-13: *Industrial Zone Dimensional Requirements*
- §17.3.540 – *Additional Industrial Zone Standards*
- §17.8.000 – *General Development Standards*

****Please see the proposed site map on the back side of this page****

A link to the City of Forest Grove Development Code (hosted by "American Legal Publishing") can be located by navigating to the City of Forest Grove Planning web page, or a hard copy may be viewed between the hours of 8 a.m. – 5 p.m., Monday – Thursday and 8 a.m. – 4p.m. on Fridays.

If you wish to comment on this proposal, you must do so in writing, either via first class mail or email, prior to **Monday April 22, 2024, by 5:00 p.m.** If an issue is not raised during this comment period, or if the issue is not explained in sufficient detail to allow the applicant to respond, that issue can't be used as the basis for an appeal to the Planning Commission or to the Land Use Board of Appeals (LUBA). *Notice of final decision will be mailed only to those parties that have submitted written comments.*



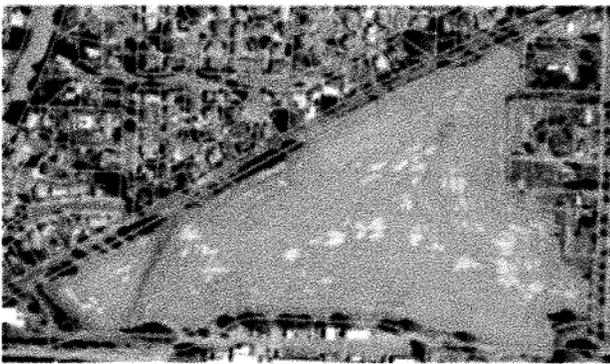
SITE PLAN



David Haworth
To: David Haworth >

9:10 AM

No Subject



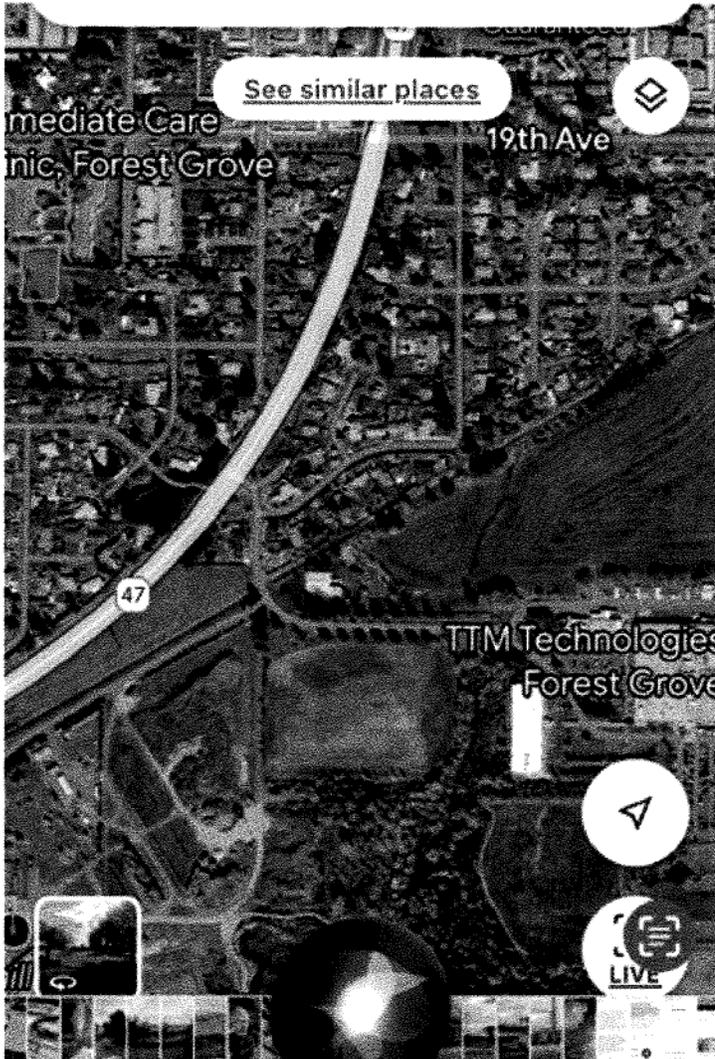
Sent from my iPhone





April 27
4:58 PM

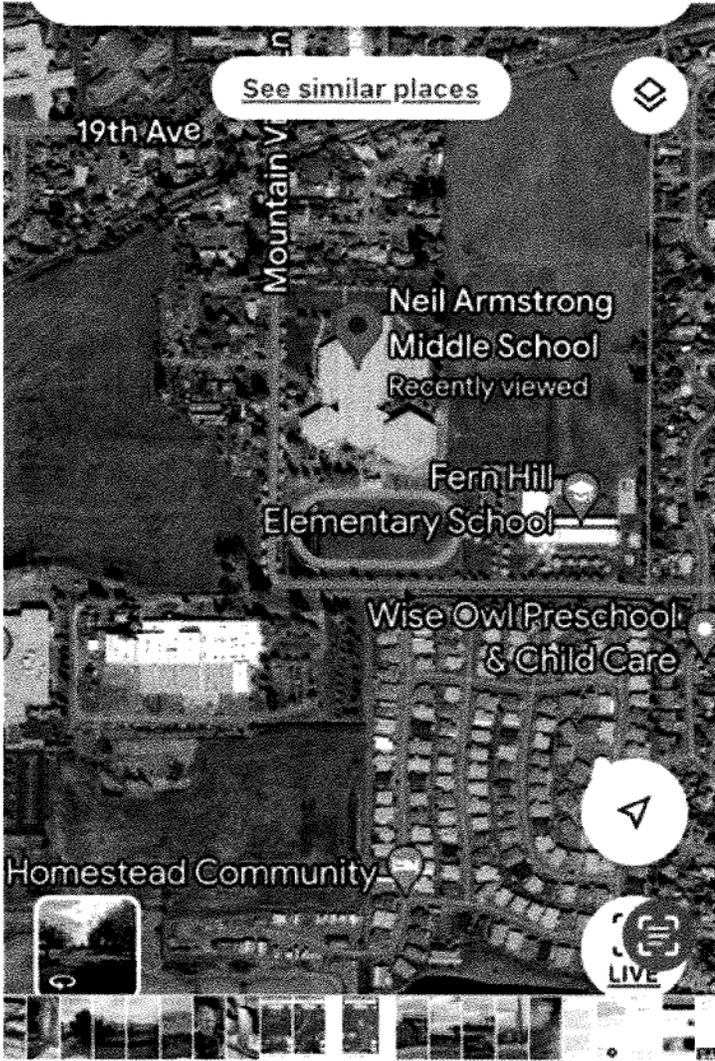
Edit





April 27
4:58 PM

Edit





Forest Grove
April 27 8:21 AM

Edit



Sent from my iPhone

Daniel Riordan

From: Jesse VanderZanden
Sent: Thursday, May 23, 2024 9:03 AM
To: Daniel Riordan
Subject: FW:
Attachments: 14 Day Notice - 4.8.2024.pdf

Follow Up Flag: Follow up
Flag Status: Completed

fyi

From: David Haworth <ywdave55@gmail.com>
Sent: Thursday, May 23, 2024 8:49 AM
To: City Councilors <CityCouncilors@forestgrove-or.gov>
Subject:

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

Sent from my iPhone



A place where families and businesses thrive.

NOTICE OF PENDING LIMITED LAND USE (ADMINISTRATIVE) DECISION

DATE: April 8, 2024
FILE NUMBER: 311-24-000006-PLNG
APPLICANT: Crane Data Centers, Inc.
OWNER: Heather Street Owner, LLC
LOCATION: 3975 Heather Street / Washington County Tax Lot 1S3050001300
PROPOSAL: SITE DEVELOPMENT REVIEW for phased construction of Data Center facility.

This notice is to advise you that the above land use application has been filed with the City of Forest Grove Community Development Department. You are receiving this notice, as required by law, because your property is within 300' of the exterior boundary of the subject property. Information pertaining to this proposal may be obtained by visiting the City of Forest Grove Planning Department, "Projects and Land Use" web page at this web address: <https://or-forestgrove.civicplus.com/474/4246/Projects-and-Land-Use> or by contacting Senior Planner Kate McGuire at the Community Development Department: 1924 Council Street / (503) 992-3233, between 9 a.m. and 4:30 p.m. Monday through Friday. Please E-mail comments or questions to kmcguire@forestgrove-or.gov.

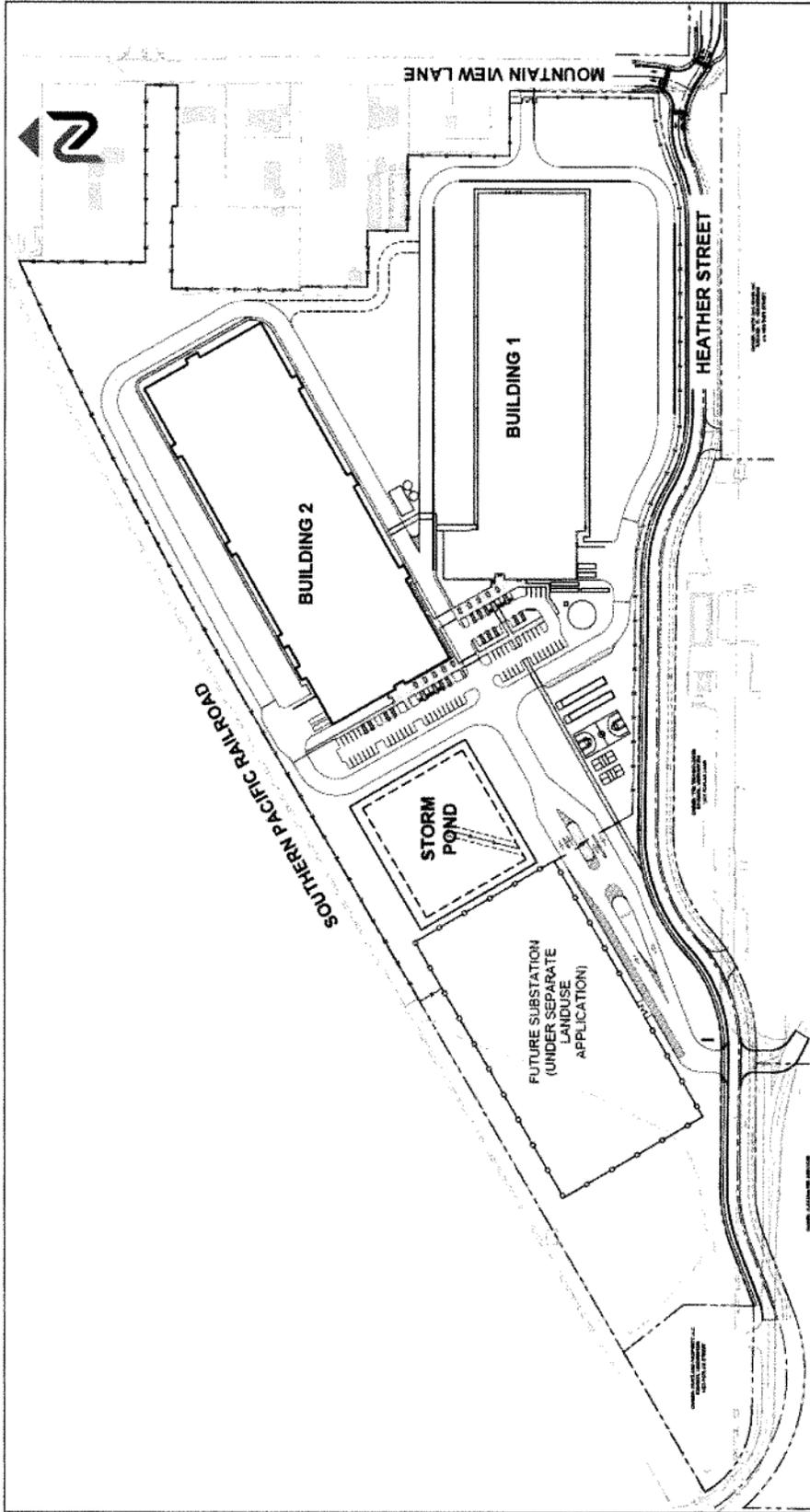
Criteria for approval of this request are found within the following development code sections ("§")

- §17.2.450 – *Site Development Review*
- §17.3.520 – *Industrial Zones Use Regulations and Table 3-12: Industrial Zones Use Table*
- §17.3.530 – *Industrial Zones Development Standards and Table 3-13: Industrial Zone Dimensional Requirements*
- §17.3.540 – *Additional Industrial Zone Standards*
- §17.8.000 – *General Development Standards*

****Please see the proposed site map on the back side of this page****

A link to the City of Forest Grove Development Code (hosted by "American Legal Publishing") can be located by navigating to the City of Forest Grove Planning web page, or a hard copy may be viewed between the hours of 8 a.m. – 5 p.m., Monday – Thursday and 8 a.m. – 4p.m. on Fridays.

If you wish to comment on this proposal, you must do so in writing, either via first class mail or email, prior to **Monday April 22, 2024, by 5:00 p.m.** If an issue is not raised during this comment period, or if the issue is not explained in sufficient detail to allow the applicant to respond, that issue can't be used as the basis for an appeal to the Planning Commission or to the Land Use Board of Appeals (LUBA). *Notice of final decision will be mailed only to those parties that have submitted written comments.*



SITE PLAN

Daniel Riordan

From: Jesse VanderZanden
Sent: Thursday, May 23, 2024 9:03 AM
To: Daniel Riordan
Subject: FW: Crane Data Project

Follow Up Flag: Follow up
Flag Status: Completed

fyi

From: David Haworth <ywdave55@gmail.com>
Sent: Thursday, May 23, 2024 8:48 AM
To: City Councilors <CityCouncilors@forestgrove-or.gov>
Subject: Fwd: Crane Data Project

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

Sent from my iPhone

Begin forwarded message:

From: Kate McGuire <kmcguire@forestgrove-or.gov>
Date: April 23, 2024 at 11:17:48 AM PDT
To: David Haworth <ywdave55@gmail.com>
Subject: RE: Crane Data Project

Good morning Mr. Haworth,

Thank you for your written comment (s), all three (3) of them will be incorporated into the record and addressed within the staff report. Pursuant to Forest Grove Development Code §17.1.535, because you submitted comment, you will receive a notice when the decision is issued.

Regards,
Kate

Kate McGuire | Senior Planner
City of Forest Grove | Planning Division
Direct Phone: (503) 992-3233
kmcguire@forestgrove-or.gov

Daniel Riordan

From: Jesse VanderZanden
Sent: Thursday, May 23, 2024 9:02 AM
To: Daniel Riordan
Subject: FW: data center

Follow Up Flag: Follow up
Flag Status: Completed

fyi

From: David Haworth <ywdave55@gmail.com>
Sent: Thursday, May 23, 2024 8:47 AM
To: City Councilors <CityCouncilors@forestgrove-or.gov>
Subject: Fwd: data center

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

Begin forwarded message:

From: Kate McGuire <kmcguire@forestgrove-or.gov>
Date: April 29, 2024 at 12:11:44 PM PDT
To: David Haworth <ywdave55@gmail.com>, Debbie Haworth <debbiehaworth16@gmail.com>, Richard Marsee <richard.marsee@gmail.com>
Cc: Bryan Pohl <BPohl@forestgrove-or.gov>
Subject: RE: data center

Mr. Haworth,

Your comment has been received and entered into the record.

Regards,
Kate
kmcguire@forestgrove-or.gov

From: David Haworth <ywdave55@gmail.com>
Sent: Monday, April 29, 2024 12:05 PM
To: Debbie Haworth <debbiehaworth16@gmail.com>; Richard Marsee <richard.marsee@gmail.com>; Kate McGuire <kmcguire@forestgrove-or.gov>
Subject: data center

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please see the attached

from these documents, it is demonstrated that the city is using a statute over 20 years old

To justify putting in a data center when none existed in Oregon six years ago

The colloquial definition of light industrial completely bans everything about a gigantic noisy data center

The loophole word is "information"

Back in 1997 information was a call Center

A data center is not a light industrial use. It should be put out in open spaces like the one off Brookwood not nestled into a neighborhood 1500 feet from Fernhill estuary and Neil Armstrong school.

Xfinity Mobile

7:14 PM

86%



By Mike Rogoway | The Oregonian/OregonLive

Data centers arrived in Oregon five years ago, cloaked in mystery. There's no hiding them now.

From Umatilla to Prineville to Hillsboro, server farms are sprouting across the state. They are the physical manifestations of the cloud that hosts your free Gmail, movie streams and Facebook friends. And though not big employers -- computers do all the heavy lifting -- their technology and investment are nonetheless beginning to transform the rural communities where they operate.



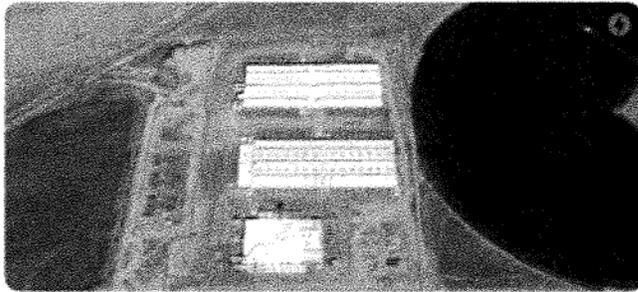


Hillsboro Data Centers: Colocation in The Hub City



A Hillsboro data center offers lower costs, robust connectivity, and a favorable climate. Explore Hillsboro colocation pricing!

 Brightlio



Amazon Expanding Data Centers In NE Oregon, Reaping Massive Tax Breaks

Amazon's ever-expanding footprint in Seattle —

What is NAICS code 51?

About the **Information sector**

The Information sector comprises establishments engaged in the following processes: (a) producing and distributing information and cultural products, (b) providing the means to transmit or distribute these products as well as data or communications, and (c) processing data.

★ <https://www.bls.gov/tgs/iag51>

Industries at a Glance: Information: NAIC

51 - Bureau of Labor Statistics

The Light Industrial District provides land for light manufacturing, warehousing, processing, and distribution of goods and other low intensity industrial uses. It is intended for industrial uses which involve the low level of noise, vibration, air pollution, radiation, glare, or fire and explosive hazards.

🔗 <https://www.codepublishing.com> > ...

Chapter 2.6 Light Industrial District (LI) - Code Publishing Company



Good morning, Mr. Haworth.

The criteria were referenced on the notice that you received, but just in case you do not have it, I have attached a copy here for your reference. With respect to the definition of light industrial that you found online, I cannot comment on what that means. What I can say is that our light industrial zone use standards are found in Section 17.3.500 of the Forest Grove Development Code. In this section, Table 3-12 lists the uses that are permitted in the light industrial (LI) zoning district. In this table under the “other use” category, “information” is enumerated as a permitted use outright in the LI zone.

Furthermore, in Section 17.12.150 (F), “information” is defined as, “*Uses that are engaged in the following processes: producing and distributing information and cultural products; providing the means to transmit or distribute these products as*

Daniel Riordan

From: Jesse VanderZanden
Sent: Tuesday, June 4, 2024 9:16 AM
To: Bryan Pohl; Daniel Riordan
Subject: FW: Explosion outside of D.C. last night. | Amazon Data Centre

Follow Up Flag: Follow up
Flag Status: Completed

Just fyi.

-----Original Message-----

From: David Haworth [REDACTED]
Sent: Monday, June 3, 2024 6:17 PM
To: City Councilors <CityCouncilors@forestgrove-or.gov>
Subject: Explosion outside of D.C. last night. | Amazon Data Centre

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

<https://youtu.be/1NHXs1d3kRw?si=YQXy-OPYzEOKJetm>

Sent from my iPhone

Daniel Riordan

From: Jesse VanderZanden
Sent: Tuesday, June 4, 2024 9:17 AM
To: Bryan Pohl; Daniel Riordan
Subject: FW: Concerns over data centers continue to grow in northern Virginia

Follow Up Flag: Follow up
Flag Status: Completed

Just fyi

-----Original Message-----

From: David Haworth <ywdave55@gmail.com>
Sent: Monday, June 3, 2024 6:14 PM
To: City Councilors <CityCouncilors@forestgrove-or.gov>
Subject: Concerns over data centers continue to grow in northern Virginia

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

https://youtu.be/xa_q2fykgCM?si=JN7UvKPmfxdg-pT0

Sent from my iPhone

Daniel Riordan

From: Jesse VanderZanden
Sent: Tuesday, June 4, 2024 9:15 AM
To: Bryan Pohl; Daniel Riordan
Subject: FW: How Data Centers Impact the Environment

Follow Up Flag: Follow up
Flag Status: Completed

Just fyi.

-----Original Message-----

From: David Haworth [REDACTED]
Sent: Monday, June 3, 2024 8:13 PM
To: City Councilors <CityCouncilors@forestgrove-or.gov>
Subject: How Data Centers Impact the Environment

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

<https://youtu.be/Y9IXWCAN0wE?si=eOPc1VpBrDx-GLfA>

Sent from my iPhone

Daniel Riordan

From: Jesse VanderZanden
Sent: Tuesday, June 4, 2024 9:17 AM
To: Bryan Pohl; Daniel Riordan
Subject: FW: The Danger of Data Centres (Part One)

Follow Up Flag: Follow up
Flag Status: Completed

Just fyi.

-----Original Message-----

From: David Haworth [REDACTED]
Sent: Monday, June 3, 2024 6:08 PM
To: City Councilors <CityCouncilors@forestgrove-or.gov>
Subject: The Danger of Data Centres (Part One)

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

<https://youtu.be/bucw38roFlc?si=ZuYBII1p7MBNAbqV>

Sent from my iPhone

Daniel Riordan

From: Jesse VanderZanden
Sent: Thursday, June 13, 2024 8:09 AM
To: Bryan Pohl; Daniel Riordan
Subject: FW: Data centre power failure, temporary UPS only last 30 minutes!

Just fyi

-----Original Message-----

From: David Haworth [REDACTED]
Sent: Wednesday, June 12, 2024 9:30 PM
To: City Councilors <CityCouncilors@forestgrove-or.gov>
Subject: Data centre power failure, temporary UPS only last 30 minutes!

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

<https://youtu.be/LeFtwty4Wc?si=XY08kXqvmNaF1A47>

Lets not put this potentially
disastrous installation in the middle of a neighborhood

Watch this for a short time
And see the man in charge say I think it may be just the load
Very scary to have this 100 feet from my back door

"it's obviously getting worse and worse, he says"

Please do the right thing and vote against the crane data center

Dave Haworth
[REDACTED]

forest grove

Daniel Riordan

From: Jesse VanderZanden
Sent: Thursday, June 27, 2024 1:23 PM
To: Bryan Pohl; Daniel Riordan
Subject: FW: Data Center Cooling - how are data centre cooled cold aisle containment ...

Just fyi

-----Original Message-----

From: David Haworth [REDACTED]
Sent: Wednesday, June 26, 2024 2:45 PM
To: City Councilors <CityCouncilors@forestgrove-or.gov>
Subject: Data Center Cooling - how are data centre cooled cold aisle containment ...

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

<https://youtu.be/vZkA0z9JRgw?si=f9UIyJRtNq4LICpA>

Data centers Heat the local climate by 2° Disrupting Bird migration
Lets not create City Warming
and double our utility rates while destroying our quality of life

Please do not approve any data center projects keep Oregon green

David Haworth
Oregonians Against High Tech
Environmental Destriction

Daniel Riordan

From: Jesse VanderZanden
Sent: Friday, July 5, 2024 1:20 PM
To: Bryan Pohl; Daniel Riordan
Subject: FW: Inside a Google data center

Follow Up Flag: Follow up
Flag Status: Flagged

not sure what you guys are doing with these but they are also going into the council packet under public comment.

-----Original Message-----

From: David Haworth [REDACTED]
Sent: Thursday, July 4, 2024 3:49 PM
To: City Councilors <CityCouncilors@forestgrove-or.gov>
Subject: Inside a Google data center

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

why all the security if a data center is a safe thing to put in my neighborhood ?

<https://youtu.be/XZmGGAbHqa0?si=hd26zP9cBkCN8jsE>

Daniel Riordan

From: Jesse VanderZanden
Sent: Friday, August 9, 2024 4:59 PM
To: Bryan Pohl; Daniel Riordan
Subject: FW: No Forest Grove Data Centers petition, please sign
Attachments: No Forest Grove Data Centers petition please sign.pdf

fyi

From: dfeik33@comcast.net [REDACTED]
Sent: Tuesday, August 6, 2024 5:11 AM
To: 'Kathryn Harrington' <Kathryn_Harrington@washingtoncountyor.gov>; 'Jerry W Willey' <Jerry_Willey@washingtoncountyor.gov>; 'Pam Treece' <Pam_Treece@washingtoncountyor.gov>; 'Roy Rogers' <roy_rogers@washingtoncountyor.gov>; 'Nafisa Fai' <N_Fai@washingtoncountyor.gov>; Malynda Wenzl <mwenzl@forestgrove-or.gov>; 'Steve Callaway' <steve.callaway@hillsboro-oregon.gov>
Cc: John@Oregonexploration.news; 'Tanya Ange' <Tanya_Ange@washingtoncountyor.gov>; 'Diane Taniguchi-Dennis' <DennisD@CleanWaterServices.org>; 'Kevin Moss' <Washcoclerk@washingtoncountyor.gov>; Jesse VanderZanden <jvanderzanden@forestgrove-or.gov>; 'Amber Ames' <Amber.Ames@hillsboro-oregon.gov>; 'Lauren Bishop' <lbishop@pamplinmedia.com>; 'Nicholas LaMora' <nlamora@pamplinmedia.com>; 'WC CAN Board' <board@wc-can.org>; Dani_Ledezma@WashingtonCountyOR.gov; Aaron Nichols <stoneboatpdx@gmail.com>; Aaron Nichols <reply.en-US@reply.e.change.org>; John@Oregonexploration.news
Subject: No Forest Grove Data Centers petition, please sign

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

To: Kathryn Harrington, Chair of Washington County Commission and Commissioners Roy Rogers, Jerry Willey, Pam Treece, Nafisa Fai

To: Housing Authority Board of Directors

To: Malynda Wenzl, Mayor of Forest Grove, and City Councilors

To: Steve Callaway, Mayor of Hillsboro, City Councilors

Re: 'Say No to Forest Grove Data Centers' petition, please sign, Following is why - See attachment and below

1. Extra tax revenue for the town (Forest Grove)? NO!
2. Job Creation? NO!
3. Do they care about the wildlife! NO!
4. How large are these buildings? Both buildings are 250'x715' There will be a 20'landscapoe buffer, and the remaining field will be concrete.
5. What about noise and pollution? Up to 80 decibels allowed in application.
6. What about our property values? A manufacturing facility next door, a marijuana plant a block away. A 20' landscaping barrier of arborvitae trees is not going to do anything to help curb appeal.

7. What about the residents of Forest Grove? Don't WE have a say? The city officials had the ability to make the entire town aware; they chose not to. The city officials had the ability to hold a community meeting; they chose not to.
8. How much water do data centers consume? Huge amounts. Forest Grove has a limited supply of water, especially since they okayed a huge amount to be used by the extra pure hydrogen peroxide plant to be built in Forest Grove.
9. So what *did* they do? The city officials mailed out a handful on notices on a Friday, turning a two-week deadline into an even shorter one for most people. They restricted notices to only those within 300 feet of the proposed site, despite (Crane Data Center) affecting the entire town. Many of the residents within 300 feet speak Spanish. No notices were sent in Spanish. Rowen Green Data Center applied for a land-use permit about three years ago, and they finally withdrew their application because Bonneville Power Corporation told the city of Forest Grove that they could not provide the enormous amount of power to the site. Is this also going to be the case for Crane Data Center?

Sincerely, on behalf of the group called 'SAY NO TO DATA CENTERS IN FOREST GROVE'

Dale Feik
Chair, Washington County Citizen Action Network (WC CAN)

"Justice and freedom; discussion and criticism; intelligence and character--these are the indispensable ingredients of the democratic state. We can be rich and powerful without them but not for long."

-Robert M. Hutchins

Cc: Tanya Ange, WCounty Administrator
Diane Taniguchi-Dennis, Clean Water Services Chief Executive Officer
Kevin Moss, WC Clerk
Jesse Vanderzanden, Forest Grove City Manager, please forward to all City Councilors
Amber Ames, Hillsboro City Council clerk
Lauren Bishop, The Pamplin Media Newspapers
Nick LaMora, Pamplin Media reporter
WC CAN Board of Directors
Dani Ledezman: The County is conducting a recruitment for the next Equity Officer and currently Dani Ledezma, ACA is acting director
Aaron Nichols, Farmland First
John Schrag, cofounder of Exploration Oregon News

Bcc: Darci Henning, Brian Hurley, David Harworth, John & Taylor Elwess (SAY NO TO DATA CENTERS IN FOREST GROVE)

SAY NO TO DATA CENTERS IN FOREST GROVE!

Fellow Residents of Forest Grove,

On April 8, 2024, a small percentage of households received a notice in the mail informing them that there are plans to build a data center at 3975 Heather Street. Only residents within 300 feet of the proposed structure received a notice. The letter included contact information for who to reach out to at City Planning, and a deadline of April 22, 2024 at 5:00pm to submit any letters of opposition to the plans. Although the City Planning office had the ability to hold a community meeting, they declined to do so.

While many people were vocal in public and on social media forums, only 22 Forest Grove residents submitted a response, with 21 opposed and 1 neutral (although listed in support) of the Data Center plan going through. Out of the 21 people who opposed it, only 4 responded on time. With the initial plans approved, the 4 citizens who responded on time have the standing to file an appeal. We have come together to continue the fight against this data center, and we want YOUR help.

Please sign our petition today to show our city officials that we, the Citizens of Forest Grove are saying NO to the Crane Data Center Campus at 3975 Heather Street.

NO TO DATA CENTERS!

Extra tax revenue for the town? NO!

This is likely going to be an "Enterprise Zone", which means that there will be tax breaks, resulting in less money going towards things like our schools. Many large companies such as Facebook and Amazon set up data centers in rural parts of Oregon as a way to get an extended type of tax break through being part of a "Long Term Rural Enterprise Zone"

Job Creation? NO!

Although the construction of data centers and the surrounding infrastructure will provide people with employment, this is only temporary. Most data centers have minimal staff once established.

Do they care about the wildlife? NO!

Ask anyone at Crane Data Centers and they will brag about saving one tree in the proposed building site field. This field is a significant natural resource. Thousands of birds that migrate through this wetland every year. Their resting spot is going to be turned into a field of concrete, with massive buildings, the highest being over 70 feet tall! There are also major concerns with rodents. As other parts of our town have seen with the uptick in construction, mice and rats will become roommates with people living nearby as soon as their home is destroyed.

How large are these buildings?

Both buildings are 250'x715'. One building's rooftop is 40' tall and the other is 70' tall. There will be a 20' landscape buffer, and the remaining field will be concrete.

What about noise and light pollution?

The people pushing this project will be the first to tell you that these centers are not loud at all, but this is extremely subjective and data will vary based on the range from the building while testing decibel levels. Massive temperature controlled buildings are definitely going to create some additional noise.

With almost 100 LED pole lights ranging from 25'-30' tall each, this field is going to turn into a glowing, humming, eye sore!

What about our property values?

One can only speculate about how another massive building in the area will affect property values, especially those of the nearby homes. With a manufacturing facility next door, and a marijuana plant a block away, our neighborhood is becoming an industrial park. Despite what planners may think, a 20' landscaping barrier of arborvitae trees is not going to do anything to help with curb appeal.

What about the residents of Forest Grove? Don't WE have a say?

The unfortunate reality is that only a handful of people can appeal this project. We have come together to try and fight this thing. The city officials had the ability to make the entire town aware; they chose not to. The city officials had the ability to hold a community meeting; they chose not to.

So what did they do?

The city officials mailed out a handful of notices on a Friday, knowing that most people wouldn't get it until the following week, turning a two week deadline into an even shorter one for most people. They restricted notices to only those within 300 feet of the proposed site, despite the project affecting the entire town. They have known about this project for years, have fully drafted plans, and sprung it on residents from left field. They had years to develop this, and yet they gave us the people mere weeks to find out about this and submit a case against it. The now-former city planner Kate McGuire started her position in Forest Grove just a couple years ago, gave this project the rubber stamp, let us residents know via an "Administrative Decision", and has since left her job. The city officials have taken every step possible to sneak this monstrosity into our town. And we are saying NO!

We, the citizens with standing to appeal this DISASTER are asking for YOUR help. Let YOUR voice be heard by signing our petition AGAINST the development of CRANE DATA CENTERS at 3975 Heather Street, and show the city officials that WE DO NOT WANT DATA CENTERS IN FOREST GROVE!

Mariah Woods

From: [REDACTED]
Sent: Monday, September 16, 2024 5:07 AM
To: 'Lindsay Trapp'
Cc: 'Leah Feldon'; Ali.Mirzakhilili@deq.oregon.gov; Michael.Orman@deq.oregon.gov; board@wc-can.org; 'Mike Rogoway'; 'Kevin moss'; Nicholas LaMora; City Councilors; Ken Dobson; Diane Taniguchi-Dennis Taniguchi-Dennis
Subject: Data Centers, EQC, Sept 27, 2024 public Comment by Dale Feik - written and oral
Attachments: Noise Hungry Data Centers Are Catching Communities by Surprise N York Time Opinion Sept 15 2024.docx; Crane Data Center Petition (2).pdf; SignaturesOpposingCraneDataCenterProject.pdf

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

To: Environmental Quality Commissioners via Lindsay Trapp (Please forward this email to the four Commissioners - Matt Donegan, Chair, and Commissioners, Amy Schlusser, Mark Webb, Karen Moynahan; and DEQ Director Leah Feldon

To: Washington County Board of Commissioner's Chair Kathryn Harrington and Commissioners

To: Forest Grove City Mayor Malynda Wenzl and City Councilors

To: Diane Taniguchi-Dennis, Clean Water Services Chief Executive Officer

Re: Data Centers in Oregon, specifically Crane Data Center in Forest Grove

Please read and act to prevent Data Centers in Oregon and specifically Crane Data Center in Forest Grove from becoming the nightmare that is described in the Sept. 15, 2024, New York Guest essay by Sean Cooper. In the attachment titled 'Noisy, Hungry Data Centers Are Catching Communities by Surprise',

Cooper states:

"The revolution in artificial intelligence that promised us breakthroughs in medical research and corporate productivity seems to be running a little behind. But already A.I. has become something of a nightmare for the Americans who happen to live near one of the more than 5,000 data centers that power it and keep the cloud above our digital world running...

Across the country, from Indiana to Oregon, companies such as Amazon, Meta and Microsoft are building data centers on sites that can stretch over 1,000 acres, ringed with guard towers and razor wire fences....

People who live near one Northern Virginia center have complained that the mechanical whirl of the fleet of industrial fans needed to cool the sensitive computer equipment inside can sound like a leaf blower that never turns off. Cooling the heavy equipment also diverts great volumes of water even in places where it's scarce. And some of the costs of powering the centers are shouldered by utility customers, in the form of hundreds of dollars a year added to household energy bills.

Residents rarely learn how data centers may affect their lives until it's too late....

The tactics companies have deployed in recent years to build their massive data center networks are downright mercenary, and regulators now need to step in to make sure the communities most affected by these industrial projects can learn about and evaluate them for themselves.

At the moment, without those measures in place, residents and environmental groups have to go up against the tech firms largely on their own just to obtain basic details about the water, energy and noise impacts.

Google and its big tech rivals are trying to get out in front of blowback from local constituents, and are investing in community engagement or tapping public relations spin shops. They argue that disclosing how much water and electricity their data centers require will put them at a competitive disadvantage. And they promise their data centers will eventually be “water positive” and use only renewable energy. It will be years until the cooling technology and green-energy infrastructure is in place to make those promises a reality.

Protecting communities and the environment from the malignant impact of data center projects won't spell the end of the A.I. industry. Though new rules could take a bite out of potential profits for big tech companies, ensuring the transparency of data center development as it proliferates is all but essential for the A.I. revolution to become a reality.

Sincerely,

Dale Feik
Chair, Washington County Citizen Action Network (WC CAN) -
<http://www.wc-can.org/>
Resident of Forest Grove since 1966
Cell: [REDACTED]

Cc: Leah Feldon, DEQ Director
Ali Mirzakhali, DEQ Air Administrator
Michael Orman, DEQ Air Manager
Washington County Board of Commissioners via Kevin Moss, clerk
Diane Taniguchi-Dennis, Clean Water Services Chief Executive Officer
Mariah Woods, Clerk/Recorder, City of Forest Grove
Mike Rogoway, The Oregonian Reporter who has written extensive stories about Data Centers
Nicholas LaMora, a Pamplin Papers reporter
Ken Dobson, Land-use attorney
Washington County Citizen Action Network, WC CAN,, Board of Directors

Bcc: No Forest Grove Data Center leaders - Darci Hanning, Brian Hurley, John & Taylor Elwess

Please open the attachments titled:

1. Crane Data Center petition that describes why to oppose Crane's Land-Use Application without signatures; and
2. signatures opposing Crane Data center.

Daniel Riordan

From: Jesse VanderZanden
Sent: Tuesday, September 3, 2024 8:08 AM
To: City Councilors
Cc: Bryan Pohl; Daniel Riordan
Subject: RE: Online Form Submittal: Contact City Council

Mayor and City Councilors,

Please know staff will respond to these concerns, which are also included in the appeal before the Planning Commission this evening. If you have any questions, please let me know.

Regards,

Jesse VanderZanden
City Manager, Forest Grove

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Monday, September 2, 2024 5:12 PM
To: City Councilors <CityCouncilors@forestgrove-or.gov>
Subject: Online Form Submittal: Contact City Council

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

Contact City Council

First Name	Cindy
Last Name	Ertell
Address	[REDACTED]
City	Forest Grove
State	OR
Zip	97116-2535
Email	[REDACTED]
Whom would you like to contact?	Entire Forest Grove City Council (Includes Mayor Wenzl)

Would you like a response?

Yes

Question / Comment

To the Forest Grove City Council,

Regarding the proposed Crane Data Center in Southeast Forest Grove September 2, 2024

I have several areas of concern to submit to the city.

1. Water Use

"The typical data center uses about 3-5 million gallons of water per day -- the same amount of water as a city of 30,000-50,000 people," said Venkatesh Uddameri, professor and director of the Water Resources Center at Texas Tech University. He goes on to say "this level of water use can still create potential competition with local communities over the water supply in areas where water is scarce."

What kind of cooling system with this data center use? How much water will they require daily and will it be ground water? Will they recycle and reuse their water? How will the release of heat from their cooling systems affect our local environment?

2. Power

"Data centers present a unique challenge because they require a lot of power – commonly 300 MW or more, which is enough to power all of the homes in a medium-size city." Theresa Hall, spokeswoman for Appalachian Power Company in Virginia.

How will the data center's power use affect our utility rates? Are they paying at least as much per kilowatt hour as the average citizen pays? If there is a strain on the power grid, who gets priority to the power – the data center or the citizens? Who will pay for future improvements needed in the power grid - the data centers or the consumers?

3. Noise and Pollution

How will they mitigate noise pollution?

What is the impact on the nearby Fernhill Wetlands from noise, vibration or environmental pollution?

4. Taxes

Will they be paying taxes and if so, what kind of break are they getting?

5. Future Issues

What kind of expansion plans will be allowed in the future? Is

there a guaranteed amount of expansion allowed in the agreement?

Thank you for reading my concerns.
Cindy Ertell

Email not displaying correctly? [View it in your browser.](#)

Daniel Riordan

From: Jesse VanderZanden
Sent: Monday, September 9, 2024 1:23 PM
To: Paul Downey
Cc: Keith Hormann; Bryan Pohl; Daniel Riordan
Subject: FW: Rowan Green Data Center, FG request to BPA to do feasibility of getting 100+ MW of power to purchased site
Attachments: BPA Engineering Contract.pdf; BPA Engineering Contract-Amended.pdf; FG payment to Bonneville a pass thru for Rowan Data Page 1.jpg; FG payment to Bonneville a passthru with Rowan Green page 2.jpg

Paul, just fyi in the event it comes up tonight during consideration of the resolution. jv

From: [REDACTED]
Sent: Monday, September 9, 2024 10:41 AM
To: Malynda Wenzl <mwenzl@forestgrove-or.gov>; Timothy Rippe <trippe@forestgrove-or.gov>; Donna Gustafson <dgustafson@forestgrove-or.gov>; Karen Martinez <kmartinez@forestgrove-or.gov>; Michael Marshall <mmarshall@forestgrove-or.gov>; Mariana Valenzuela <mvalenzuela@forestgrove-or.gov>; Elena Uhing <euhing@forestgrove-or.gov>
Cc: City Councilors <CityCouncilors@forestgrove-or.gov>; Bryan Pohl <BPohl@forestgrove-or.gov>; Daniel Riordan <driordan@forestgrove-or.gov>
Subject: Rowan Green Data Center, FG request to BPA to do feasibility of getting 100+ MW of power to purchased site

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

To: Mayor Malynda Wenzl, President Timothy Rippe, and Councilors Donna Gustafson, Karen Martinez, Michael Marshall, Mariana Valenzuela, Elena Uhing

At the Crane Data Center Hearing before the Planning Commission, Bryan Pohl said that Rowan Green Data Center's purchase of land to build a data center north of McMenamin's Grand Lodge could not be used as evidence during the Crane Data Center Administrative Decision. So, this email is only about Rowan Green Data Center and Resolution 2023-37 at this evening's Council meeting. After reading the two attachments, the 9/26/2023 or 4/26/23 (couldn't read the print) of Forest Grove's original request to Bonneville and then an amendment to that agreement dated 4/25/2014, I have a better understanding of Rowan Green's decision to not pursue building a data center on their property. I received those two attachments via a Public Records Request to Mariah Woods. Rowen Green never filled out a land-use application because they were told that it would take 5 to 10 years to get the huge amount of (150 MW) power to their site in Forest Grove. That is a good decision for the residents of Forest Grove.

Please open two attachments titled 'FG payment to Bonneville to pass thru for Rowan Data Center pages 1 and 2'

Sincerely,

Dale Feik

[REDACTED]

Forest Grove, OR 97116

Cc: Bryan Pohl, Community Development Director
Dan Riordan, Senior Planner

**U.S. DEPARTMENT OF ENERGY
BONNEVILLE POWER ADMINISTRATION
AGREEMENT**

1. AGREEMENT NUMBER 23TP-12968	2. AGREEMENT EFFECTIVE FROM DATE IN BLOCK 4 UNTIL See Section 7 of the Division of Responsibilities Statement	3. AMENDMENT NO. -0-	4. EFFECTIVE DATE Same as Block #17
5. ORGANIZATION AND ADDRESS City of Forest Grove ATTN: Mr. Keith Hormann, Light & Power Director 1818 B Street Forest Grove, OR 97116		6. ORGANIZATION AND ADDRESS U.S. Department of Energy Bonneville Power Administration ATTN: Brian Galbraith - TPCC/TPP-1 P.O. Box 61109 Vancouver, WA 98666	
7. TECHNICAL CONTACT Keith Hormann	PHONE NUMBER (503) 992-3252	8. TECHNICAL CONTACT Gordon Markley	PHONE NUMBER (360) 619-6052
9. ADMINISTRATIVE CONTACT Keith Hormann	PHONE NUMBER (503) 992-3252	10. ADMINISTRATIVE CONTACT Martin Wick	PHONE NUMBER (360) 619-6818
11. TITLE/BRIEF DESCRIPTION OF WORK TO BE PERFORMED UNDER THIS AGREEMENT			

PRELIMINARY ENGINEERING ACTIVITIES AND FACILITIES STUDY FOR LINE AND LOAD INTERCONNECTION REQUEST NO. L0508 - MEADOWLARK CENTER

Background: On November 5, 2021, the City of Forest Grove (Forest Grove) submitted a Line and Load Interconnection Request, seeking interconnection on the Bonneville Power Administration's (BPA) Forest Grove-McMinnville No. 1 115kV line. The Request was entered into BPA's Interconnection Queue as Request No. L0508 (Request). BPA performed a Line and Load Interconnection System Impact Study (LLSIS) to assess the impact of interconnecting Forest Grove's facilities to BPA's transmission system, and on the transmission systems of any third parties. The LLSIS report was issued to Forest Grove on August 11, 2022.

Agreement: This Reimbursable Agreement (Agreement) provides for BPA, at BPA's expense, to perform a Line and Load Interconnection Facilities Study (LLIFS) as part of the planning obligation to serve load growth for Network Integration Transmission Service customers, and for BPA, at Forest Grove's expense, to perform preliminary engineering activities required to facilitate the Request. BPA requires \$6,000,000 in advance funding under this Agreement for completing the preliminary engineering activities.

Specific duties are defined in the attached Division of Responsibilities Statement.

The following documents are attached to and become a part of this Agreement:

- Division of Responsibilities Statement
- Financial Terms and Conditions Statement

12. AMOUNT TO BE PAID BY BPA \$-0-	13. AMOUNT TO BE PAID TO BPA \$6,000,000 (estimated)
14. SUBMIT SIGNED AGREEMENT TO U.S. Department of Energy Bonneville Power Administration ATTN: Brian Galbraith - TPCC/TPP-1 P.O. Box 61109 Vancouver, WA 98666	15. ACCOUNTING INFORMATION (For BPA Use Only)
	16. SUBMIT INVOICE TO (Name and Address): Same as Block #5 above.
PARTICIPANT	BPA
17. APPROVED BY (Signature):  9/26/23	18. APPROVED BY (Signature): Suzanne Zoller Digitally signed by Suzanne Zoller Date: 2023.09.07 11:42:41 -0700
NAME AND TITLE: M. Jesse VanderBanden, City manager	NAME AND TITLE: Transmission Account Executive Transmission Sales

BPA and Forest Grove hereby agree as follows:

1. DIVISION OF RESPONSIBILITIES

- (a) **BPA shall, at BPA's expense:**
 - Perform an LLIFS.

- (b) **BPA shall, at Forest Grove's expense:**
 - (1) Perform preliminary engineering activities required to facilitate the Request as stated in 1(b)(2) and 1(b)(3) below:

 - (2) Develop the Project Scope Package (Phase 1), including:
 - a. Preliminary total project estimates.
 - b. Preliminary project schedule.
 - c. Technical scoping information, preliminary bill of materials, and early risk identification.
 - d. Schedule and estimate to complete Phase 2 activities.

 - (3) Develop the Firm Fixed Price Package (Phase 2), including:
 - a. Approximately 50% design;
 - b. Refined project schedule;
 - c. Refined total project cost estimates;
 - d. Project risk register;
 - e. Identification of long lead-time materials.

2. UNCONTROLLABLE FORCES

The parties shall not be in breach of their respective obligations to the extent the failure to fulfill any obligation is due to an Uncontrollable Force. "Uncontrollable Force" means an event beyond the reasonable control of, and without the fault or negligence of, the party claiming the Uncontrollable Force, that prevents that party from performing its contractual obligations under this Agreement and which, by exercise of that party's reasonable care, diligence and foresight, such party was unable to avoid. Uncontrollable Forces include, but are not limited to:

- (a) strikes or work stoppage;

- (b) floods, earthquakes, fire, or other natural disasters; terrorist acts; epidemics, pandemics and

- (c) final orders or injunctions issued by a court or regulatory body having competent subject matter jurisdiction which the party claiming the Uncontrollable Force, after diligent efforts, was unable to have stayed, suspended, or set aside pending review by a court of competent subject matter jurisdiction.

Neither the unavailability of funds or financing, nor conditions of national or local economics or markets shall be considered an Uncontrollable Force. The economic hardship of either party shall not constitute an Uncontrollable Force. Nothing contained in this provision shall be construed to require either party to settle any strike or labor dispute in which it may be involved.

If an Uncontrollable Force prevents a party from performing any of its obligations under this Agreement, such party shall: (1) immediately notify the other party of such Uncontrollable Force by any means practicable and confirm such notice in writing as soon as reasonably practicable; (2) use its best efforts to mitigate the effects of such Uncontrollable Force, remedy its inability to perform, and resume full performance of its obligation hereunder as soon as reasonably practicable; (3) keep the other party apprised of such efforts on an ongoing basis; and (4) provide written notice of the resumption of performance. Written notices sent under this section must comply with Section 3, Notices below.

3. NOTICES

Any notice or other communication related to this Agreement shall be delivered in person, by email, First Class mail or overnight delivery service to the Technical or Administrative contact set forth above. Notices are effective on the date received.

4. LIMITATION OF LIABILITY

Neither party shall be liable to the other party for any lost or prospective profits or any special, punitive, exemplary, consequential, incidental or indirect losses or damages under this Agreement.

Forest Grove is solely responsible to BPA for damage to United States (BPA) property caused by Forest Grove, and its employees, contractors, and agents. Forest Grove is also solely responsible for any claims arising out of negligent conduct by its employees, contractors, and agents performing the work described in this Agreement on or at United States-owned (BPA-owned) real property, facilities, or equipment. Any claim for personal injury, death, or property damage against BPA (the United States) must be made in accordance with the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 1402(b), 2401(b), and ch. 171. Forest Grove and its contractors must carry general liability insurance in the amount of at least \$1 million for all performance under this Agreement, and the policy must name the United States/BPA as an additional insured.

5. TRANSMISSION CREDITS

If applicable, BPA and Forest Grove intend to enter into a separate long-term agreement that describes the classification of network upgrades eligible for transmission credits, and the terms of repayment of such credits.

6. PROJECT SCHEDULE

The estimated completion date for the activities being performed under this Agreement is twenty-four (24) months following BPA's receipt of an executed Agreement and advance funding from Forest Grove. BPA reserves the right to

modify the project schedule by providing written notice to Forest Grove of the schedule change

7. TERMINATION

This Agreement shall become effective upon execution by both parties and shall terminate upon full performance by both parties of their respective obligations set forth herein, but in no event shall the term of this Agreement exceed five years from its effective date.

FINANCIAL TERMS AND CONDITIONS STATEMENT

BPA's cost of performing preliminary engineering at Forest Grove's expense shall be the actual cost of doing the work specified in this Agreement, plus an overhead rate of 22%, representing the indirect costs of performing the work plus the contractual support costs of contract negotiation, billing and accounting functions, and contract management.

Forest Grove hereby agrees to advance \$6,000,000, the estimated preliminary engineering cost, to BPA based on the following payment schedule:

Payment	Amount	Date Due
1	\$1,500,000	Upon Agreement execution
2	\$1,500,000	January 3, 2024
3	\$1,500,000	May 30, 2024
4	\$1,500,000	September 30, 2024

If BPA needs additional funds to complete the work at any time during performance of preliminary engineering, BPA may request, in writing, for Forest Grove to advance such additional funds to BPA for deposit in the account. Forest Grove shall advance such additional funds within 30 days of BPA's written request, and BPA may temporarily stop work until Forest Grove supplies the requested funds. If Forest Grove does not advance such additional funds by the due date or, if at any time before completion of preliminary engineering Forest Grove elects to stop work under this Agreement, BPA has the right to cease all work and restore, as a cost to preliminary engineering at Forest Grove's expense, government facilities and/or records to their condition prior to the beginning of work under this Agreement.

Within a reasonable time after completion of preliminary engineering, BPA shall make a full accounting to Forest Grove showing the actual costs charged against the account. BPA shall either remit any unexpended balance in the account to Forest Grove or bill for any costs in excess of the deposits in the account. Forest Grove shall pay any excess costs within 30 days of the invoice date (due date).

Payments not received by the due date will accrue interest on the amount due beginning the first calendar day after the due date to the date paid, at an annual interest rate equal to the higher of i) the prime rate (as reported in the Wall Street Journal in the first issue published during the month in which payment by Forest Grove is due) plus 4 percent; or ii) such prime rate multiplied by 1.5.

**U.S. DEPARTMENT OF ENERGY
BONNEVILLE POWER ADMINISTRATION
AGREEMENT**

1. AGREEMENT NUMBER 23TP-12968	2. AGREEMENT EFFECTIVE FROM DATE IN BLOCK 4 UNTIL See Section 7 of the Division of Responsibilities Statement	3. AMENDMENT NO. -1-	4. EFFECTIVE DATE Same as Block #17
5. ORGANIZATION AND ADDRESS City of Forest Grove ATTN: Mr. Keith Hormann, Light & Power Director 1818 B Street Forest Grove, OR 97116		5. ORGANIZATION AND ADDRESS U.S. Department of Energy Bonneville Power Administration ATTN: Brian Galbraith - TPCCT/PPP-4 P.O. Box 61409 Vancouver, WA 98666	
7. TECHNICAL CONTACT Keith Hormann	PHONE NUMBER (503) 992-3252	8. TECHNICAL CONTACT Gordon Markley	PHONE NUMBER (360) 619-6052
9. ADMINISTRATIVE CONTACT Keith Hormann	PHONE NUMBER (503) 992-3252	10. ADMINISTRATIVE CONTACT Suzanne Zoller	PHONE NUMBER (360) 418-2942

11. TITLE/BRIEF DESCRIPTION OF WORK TO BE PERFORMED UNDER THIS AGREEMENT

AMENDMENT NO. 1: PRELIMINARY ENGINEERING ACTIVITIES AND FACILITIES STUDY FOR LINE AND LOAD INTERCONNECTION REQUEST NO. L0508 - MEADOWLARK

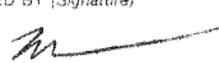
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Amendment No. 1: This Amendment No. 1 to the Agreement (Amendment) revises the Limitation of Liability provision in the Division of Responsibilities Statement and modifies the payment due dates in the Financial Terms and Conditions Statement.

This Amendment replaces the prior version of the Agreement in its entirety.

The following documents are attached to and become a part of this Amendment:

- Division of Responsibilities Statement, Amendment No. 1
- Financial Terms and Conditions Statement, Amendment No. 1

12. AMOUNT TO BE PAID BY BPA \$-0-	13. AMOUNT TO BE PAID TO BPA \$6,000,000 (estimated)
14. SUBMIT SIGNED AGREEMENT TO U.S. Department of Energy Bonneville Power Administration ATTN: Brian Galbraith - TPCCT/PPP-4 P.O. Box 61409 Vancouver, WA 98666	15. ACCOUNTING INFORMATION (For BPA Use Only)
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PARTICIPANT	BPA
17. APPROVED BY (Signature) DATE (mm/dd/yyyy)  04/25/2024	18. APPROVED BY (Signature) DATE (mm/dd/yyyy) SUZANNE ZOLLER Digitally signed by SUZANNE ZOLLER Date: 2024.02.09 12:09:09 -08'00'
NAME AND TITLE Jesse Vander Zanden City Manager	NAME AND TITLE Transmission Account Executive Transmission Sales

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DIVISION OF RESPONSIBILITIES STATEMENT

7. TERMINATION

This Agreement shall become effective upon execution by both parties and shall terminate upon full performance by both parties of their respective obligations set forth herein, but in no event shall the term of this Agreement exceed five years from its effective date.

FINANCIAL TERMS AND CONDITIONS STATEMENT

BPA's cost of performing preliminary engineering at Forest Grove's expense shall be the actual cost of doing the work specified in this Agreement, plus an overhead rate of 22%, representing the indirect costs of performing the work plus the contractual support costs of contract negotiation, billing and accounting functions, and contract management.

Forest Grove hereby agrees to advance \$6,000,000, the estimated preliminary engineering cost, to BPA based on the following payment schedule:

Payment	Amount	Date Due
1	\$1,500,000	<i>Received on October 3, 2023</i>
2	\$1,500,000	<i>Received on January 3, 2024</i>
3	\$1,500,000	November 1, 2024
4	\$1,500,000	February 1, 2025

If BPA needs additional funds to complete the work at any time during performance of preliminary engineering, BPA may request, in writing, for Forest Grove to advance such additional funds to BPA for deposit in the account. Forest Grove shall advance such additional funds within 30 days of BPA's written request, and BPA may temporarily stop work until Forest Grove supplies the requested funds. If Forest Grove does not advance such additional funds by the due date or, if at any time before completion of preliminary engineering Forest Grove elects to stop work under this Agreement, BPA has the right to cease all work and restore, as a cost to preliminary engineering at Forest Grove's expense, government facilities and/or records to their condition prior to the beginning of work under this Agreement.

Within a reasonable time after completion of preliminary engineering, BPA shall make a full accounting to Forest Grove showing the actual costs charged against the account. BPA shall either remit any unexpended balance in the account to Forest Grove or bill for any costs in excess of the deposits in the account. Forest Grove shall pay any excess costs within 30 days of the invoice date (due date).

Payments not received by the due date will accrue interest on the amount due beginning the first calendar day after the due date to the date paid, at an annual interest rate equal to the higher of i) the prime rate (as reported in the Wall Street Journal in the first issue published during the month in which payment by Forest Grove is due) plus 4 percent; or ii) such prime rate multiplied by 1.5.



A place where families and businesses thrive.

CITY RECORDER USE ONLY:

AGENDA ITEM #: F. 3.

MEETING DATE: 03/20/2023

FINAL ACTION: RESO 2023-10

CITY COUNCIL STAFF REPORT

TO: City Council

FROM: Jesse VanderZanden, City Manager

MEETING DATE: March 20, 2023

PROJECT TEAM: Paul Downey, Assistant City Manager/Finance Director
Keith Hormann, Light & Power Director

SUBJECT TITLE: Resolution to Appropriate of Funds to Pay Bonneville Power Administration (BPA) Deposit Funds

ACTION REQUESTED: Ordinance Order Resolution Motion Informational
X all that apply

ISSUE STATEMENT:

Rowan Green Data LLC (Rowan) is in the planning process to build a data center that will use up to 150 megawatts (MW) of electricity. Currently the electric system needs to be expanded to get that amount of power to Forest Grove. BPA is going to do preliminary engineering activities related to the system expansion and is requiring a \$6 million deposit for their work. The City is BPA's customer so the City must contract for the work with BPA and pay the \$6 million deposit to BPA. Rowan is Forest Grove's customer and will provide the \$6 million to the City to pay to BPA. The Council needs to appropriate the funds in the City's Budget so the City has the legal authority to pay these funds to BPA. Staff has prepared a resolution for Council consideration to appropriate budget authority to make the payment to BPA.

BACKGROUND:

Rowan has purchased the former Woodfold property along Oak Street and Highway 47 to build a data center that will use up to 150 MW of electricity. To meet these power needs, BPA will need to upgrade its transmission lines to Forest Grove and build a separate substation that will be located on Rowan's property. BPA is ready to commence the preliminary engineering activities to do that system expansion and is requiring a \$6 million deposit payment from the City who must contract with BPA as BPA will only sign the contract for this work with its customer. The City is completing an agreement with BPA for the scope of the work to be performed. The City will pay those funds to BPA only after the City receives the funds from Rowan. The City is completing an agreement with Rowan to guarantee that Rowan will pay the \$6 million deposit and to protect the City from any contract risks with respect to this work.

Approval of this resolution to appropriate the expenditure of these funds does not mean the City is approving this project. Before the data center project can be constructed, the project will have to go through all required land-use approval processes. The action being taken today permits the City to pay BPA the \$6 million deposit once it is received from Rowan. If the City does not receive the deposit from Rowan, then all agreements will be null and void.

FISCAL IMPACT

There is no fiscal impact to the City as the funds to pay BPA are being provided to the City by Rowan. If the project costs less than \$6 million, the City will refund to Rowan any portion of the deposit refunded by BPA. If the project costs more than \$6 million, then Rowan is required to pay the additional costs.

RECOMMENDATION

Staff recommends the City Council approve the attached resolution.

ATTACHMENTS

Resolution

Mariah Woods

From: dfeik33@comcast.net
Sent: Monday, September 16, 2024 5:07 AM
To: 'Lindsay Trapp'
Cc: 'Leah Feldon'; Ali.Mirzakhali@deq.oregon.gov; Michael.Orman@deq.oregon.gov; board@wc-can.org; 'Mike Rogoway'; 'Kevin moss'; Nicholas LaMora; City Councilors; Ken Dobson; Diane Taniguchi-Dennis Taniguchi-Dennis
Subject: Data Centers, EQC, Sept 27, 2024 public Comment by Dale Feik - written and oral
Attachments: Noise Hungry Data Centers Are Catching Communities by Surprise N York Time Opinion Sept 15 2024.docx; Crane Data Center Petition (2).pdf; SignaturesOpposingCraneDataCenterProject.pdf

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

To: Environmental Quality Commissioners via Lindsay Trapp (Please forward this email to the four Commissioners - Matt Donegan, Chair, and Commissioners, Amy Schlusser, Mark Webb, Karen Moynahan; and DEQ Director Leah Feldon

To: Washington County Board of Commissioner's Chair Kathryn Harrington and Commissioners

To: Forest Grove City Mayor Malynda Wenzl and City Councilors

To: Diane Taniguchi-Dennis, Clean Water Services Chief Executive Officer

Re: Data Centers in Oregon, specifically Crane Data Center in Forest Grove

Please read and act to prevent Data Centers in Oregon and specifically Crane Data Center in Forest Grove from becoming the nightmare that is described in the Sept. 15, 2024, New York Guest essay by Sean Cooper. In the attachment titled 'Noisy, Hungry Data Centers Are Catching Communities by Surprise',

Cooper states:

"The revolution in artificial intelligence that promised us breakthroughs in medical research and corporate productivity seems to be running a little behind. But already A.I. has become something of a nightmare for the Americans who happen to live near one of the more than 5,000 data centers that power it and keep the cloud above our digital world running...

Across the country, from Indiana to Oregon, companies such as Amazon, Meta and Microsoft are building data centers on sites that can stretch over 1,000 acres, ringed with guard towers and razor wire fences....

People who live near one Northern Virginia center have complained that the mechanical whir of the fleet of industrial fans needed to cool the sensitive computer equipment inside can sound like a leaf blower that never turns off. Cooling the heavy equipment also diverts great volumes of water even in places where it's scarce. And some of the costs of powering the centers are shouldered by utility customers, in the form of hundreds of dollars a year added to household energy bills.

Residents rarely learn how data centers may affect their lives until it's too late....

The tactics companies have deployed in recent years to build their massive data center networks are downright mercenary, and regulators now need to step in to make sure the communities most affected by these industrial projects can learn about and evaluate them for themselves.

At the moment, without those measures in place, residents and environmental groups have to go up against the tech firms largely on their own just to obtain basic details about the water, energy and noise impacts.

Google and its big tech rivals are trying to get out in front of blowback from local constituents, and are investing in community engagement or tapping public relations spin shops. They argue that disclosing how much water and electricity their data centers require will put them at a competitive disadvantage. And they promise their data centers will eventually be “water positive” and use only renewable energy. It will be years until the cooling technology and green-energy infrastructure is in place to make those promises a reality.

Protecting communities and the environment from the malignant impact of data center projects won't spell the end of the A.I. industry. Though new rules could take a bite out of potential profits for big tech companies, ensuring the transparency of data center development as it proliferates is all but essential for the A.I. revolution to become a reality.

Sincerely,

Dale Feik
Chair, Washington County Citizen Action Network (WC CAN) -
<http://www.wc-can.org/>
Resident of Forest Grove since 1966
Cell: [REDACTED]
[REDACTED]

Cc: Leah Feldon, DEQ Director
Ali Mirzakhali, DEQ Air Administrator
Michael Orman, DEQ Air Manager
Washington County Board of Commissioners via Kevin Moss, clerk
Diane Taniguchi-Dennis, Clean Water Services Chief Executive Officer
Mariah Woods, Clerk/Recorder, City of Forest Grove
Mike Rogoway, The Oregonian Reporter who has written extensive stories about Data Centers
Nicholas LaMora, a Pamplin Papers reporter
Ken Dobson, Land-use attorney
Washington County Citizen Action Network, WC CAN,, Board of Directors

Bcc: No Forest Grove Data Center leaders - Darci Hanning, Brian Hurley, John & Taylor Elwess

Please open the attachments titled:

1. Crane Data Center petition that describes why to oppose Crane's Land-Use Application without signatures; and
2. signatures opposing Crane Data center.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, September 4, 2024 12:14 PM
To: info <info@forestgrove-or.gov>
Subject: Online Form Submittal: Contact Us!

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

Contact Us!

First Name: Katie

Last Name: Countryman

Would you like a response? No

Question, Concern, or Comment: Dear Mayor and Councilors - I have concerns regarding the possibility of data centers coming to Forest Grove. Please consider the following in your decision to allow data centers to be built here (or not). Have any concessions been made to bring these companies here? If so, what are they? Is there currently enough electricity and water to meet the needs of data centers? If not, where would additional electricity and water come from, and how would that affect current residential rates? Would data centers be required to produce some of their own electricity (solar panels of other)? Do these projects align

with the city's vision for sustainability? Is there a climate impact? My understanding is that, post construction, data centers employ very few workers, so the economic advantage to the area could be very small. How will these centers affect our rural character? I am obviously using a computer to send these comments, so yes, I understand that data centers are necessary, but the needs of the citizens of Forest Grove to have a livable community in all respects is my first concern. Thank you for your consideration. Katie Countryman

Email not displaying correctly? [View it in your browser.](#)

Daniel Riordan

From: David Haworth <ywdave55@gmail.com>
Sent: Tuesday, September 24, 2024 9:56 AM
To: City Councilors; Daniel Riordan
Subject: The Crane Data Center

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

Good morning,

I would like to pose this question:

Dose a land owner have the right to use the land in such a way as to destroy the adjacent properties for their intended use?

An example would be putting a dairy right next to a lettuce farm.

In our case it is a 75 ft wall emitting EM radiation. heat. and 40 decibels of continuous noise.

This will be 122 ft from homes.

This will destroy the homes for their intended use, rendering their value worthless, the quality of life gone.

40 decibels of noise like a jet engine 24 hours a day

7 days a week. never a break.

My yard, in my bedroom window all day all night for the rest of our lives.

I do not believe that it can be legal to destroy our whole neighborhood

Just so Crane can get low rates on power, water and tax breaks.

Pure Greed.

Crane makes it sound like any other use of this rich land would be even more of an intrusion. No use could possibly be more Intrusive !

My wife Zarah and I are scared! We are 70 years old. We have lived here in this house paying taxes for the past 14 years. Farmers are able to harvest 2 crops a year with no irrigation,

wheat and flaxseed.

Then, when the rain comes and the field floods, thousands of geese make this field part of their permanent habitat.

Making the land more fertile.

Please consider why you joined the city council and help save our little part of the city of Forest Grove.

Thank you,

Dave Haworth

forest grove 97116

ATTACHMENT D

I, Dale Feik, hand delivered the following document to the city before the deadline of Friday September 20, 4:00 pm. I attached it to my two-page signed appeal form.

To: Dan Riordan, City Planner, September 20, 2024
Community Development Department
PO Box 326
1924 Council Street, Second Floor
driordan@forestgrove-or.gov

RECEIVED
SEP 20 2024
CITY OF FOREST GROVE
11:49 am

The following is submitted as part of my appeal to The City of Forest Grove Councilors **RE: The decision of the Planning Commission who voted 4 in favor and 2 in opposition to the City's Administrative Decision to approve Crane's Land-Use application.**

Re: File 311-24-000006-PLNG / Appeal 311-24-000033

I paid Ken Dobson, Land-use attorney, to represent David Haworth, appellant, and me, an agent of David, as declared by the city, during the Planning Commission Hearing; I am now using what Mr. Dobson submitted to the Planning Commission as part of my appeal to the Forest Grove City Council. I may hire Mr. Dobson again in further appeals.

I have not hired Mr. Dobson to represent me during my appeal to the City Council.

Because Critical Issues Concerning Power and Water Supply Remain Unresolved, the Application is Incomplete and Can Not Be Properly Reviewed

The Forest Grove Development Code ("FGDC") sets forth various submittal requirements for a site development review, including diagrams showing the location of setbacks, parking, proposed structures, and related infrastructure including sewer, water, and other utilities serving the development. FGDC § 17.2.440; see also FGDC § 17.3.540 (requiring site plan review for LI development).

This is a phased development, wherein applicant seeks initial approval for the development of two approximately 180,000 square foot¹ buildings with related parking, outdoor storage areas, and stormwater control facilities. The location of these buildings and related infrastructure are shown in the application submittals. However, the applicant also proposes to construct an electrical substation on the site with related infrastructure needed to power the data center. The applicant did not address development standards associated with the proposed substation and related infrastructure in its current land use application. Instead, applicant simply showed the location of the "substation pad" and proposes to submit a separate application sometime in the future addressing the details of the electrical substation and how it will comply with the applicable approval criteria. This approach is putting the cart before the horse.

(¹The 180,000 square feet represents the overall building footprint. The two-story building will have 360,000 of total floor space.)

While phased developments are not prohibited by the Development Code and are common with some types of developments, such as PUDs, this situation is different. Data centers are notorious for their massive consumption of electrical power. According to the US Department of Energy, data centers use 10 to 50 times the energy per floor space of a typical commercial office building.² This power consumption will only increase. A recent report by the International Energy Agency projects that the proliferation of AI and cryptocurrency mining will double data center energy demands in the next few years.³

In light of a data center's voracious energy consumption, the substation will be a critical component in the overall design and operation of the facility as a whole. Until the details of the substation operations are reviewed, it is impossible to determine whether the facility layout as shown in the current site diagrams will accurately depict the physical characteristics of the development. This is especially true considering the need for power lines and other related infrastructure for the substation which the site layout will need to physically accommodate. For example, if modifications to the site layout are needed to comply with applicable approval criteria in a future application, that could affect compliance with FGCD 17.8.645 (Utilities) and FGDC § 17.3.540(E) (Mechanical Equipment Screening) as it relates to the current application.

The facility is also planning on using massive amounts of water for cooling. This process water has to go somewhere, but the current plans only show stormwater facilities for normal runoff from impervious surfaces. If additional infrastructure is needed to handle the water, that too will affect the site layout and compliance with the various setback, screening, and other requirements under the development code. It is also important to note that the site is already constrained by the presence of wetlands and natural drainage ways, including in the immediate area of the proposed substation pad. This makes a full understanding of what the site will look like once the energy and water infrastructure is in place all the more important. Because it is impossible to determine the ultimate site layout and physical characteristics of the development without more information on how power and water will be supplied to the facility (and how the process water will be handled), the site development review is premature and should be put on hold until the applicant provides more information regarding these critical pieces of the proposed development.⁴

Applicant Has Failed to Show That Compliance with the Conditions of Approval is Feasible

In approving the application, the City imposed various conditions of approval, including Engineering Department – Public Improvements Condition of Approval no. 24 which notes:

² <https://www.energy.gov/eere/buildings/data-centers-and-servers>

³ <https://www.datacenterfrontier.com/energy/article/33038469/iea-study-sees-ai-cryptocurrency-doubling-data-center-energy-consumption-by-2026>

⁴ The premature nature of the site development review is not an academic issue. Recent plans to construct the Rowan Green Data Center in Forest Grove were cancelled after it became apparent

that it would be unable to meet the proposed development's projected 150-megawatt needs.

"The Land Use Application (LUA) states that the developer is assessing opportunities for the use of a non-potable water source in coordination with CWS. The LUA does not state what the non-potable water source is or how the source would be used. The developer's team has informed the city, by email, that they are working with CWS to secure reclaimed water as the source for the data center cooling system. The LUA also does not identify if the developer plans on using city water for the data center cooling system."

Engineering Condition of Approval No. 70 states:

"Water used in conjunction with construction of the project shall be obtained only from pre-approved sources. A permit to take City water for this purpose shall be secured by applicant or representative prior to start of construction activity."

This latter condition of approval requires that applicant obtain approval to obtain sufficient water, either from the City or from some other source, to operate the facility. However, the former condition of approval expressly discusses how the applicant has so far been unable to identify the pre-approved source of the needed water.

Oregon courts and LUBA have held that in a two-stage approval process such as this, where a problem is identified that raises concerns whether proposed development can comply with applicable approval criteria, the local government may impose conditions of approval requiring future compliance. However, conditions of approval require findings demonstrating that solutions to the identified problem are "feasible." Meyer v. Portland, 67 Or App 274, 280 n5 (1984); Butte Conservancy v. City of Gresham, 52 Or LUBA 550, 554-555 (2006). "Feasible" means that "substantial evidence supports findings that solutions to certain problems . . . are possible, likely and reasonably certain to succeed." Meyer, 67 Or App at 280 n 5. If compliance with approval standards is "uncertain," the development must be denied, postponed, or made more certain by a condition of approval requiring a further public hearing. Gould v. Deschutes County, 216 Or App 150, 161-63 (2007) (conclusion that it was feasible to prepare a wildlife mitigation plan was not sufficient to conclude that the plan would actually result in adequate mitigation).

An average mid-sized data center consumes around 300,000 gallons of water a day, or about as much as 1,000 U.S. households.⁵ In this case, it is uncertain how applicant will comply with Engineering Condition of Approval no. 70 requiring the data center obtain the necessary water from a "pre-approved source." Until applicant can demonstrate where it will obtain the hundreds of thousands of gallons of water needed each day to cool the servers, the development application must be denied or postponed.

⁵ <https://www.npr.org/2022/08/30/1119938708/data-centers-backbone-of-the-digital-economy-face-water-scarcity-and-climate-ris>

Applicant Has Failed to Show that Existing Public Water and Sewer Facilities Can Safely Handle the Data Center's Tremendous Anticipated Water Usage

Under FGDC § 17.8.630(D), a development application may be denied if the applicant fails to demonstrate that the existing public water supply systems can support the new development in a safe manner and in compliance with applicable federal and state regulations. As discussed above, data centers are voracious consumers of water needed to cool the systems and an average center needs 300,000 gallons of water per day to operate properly. Applicant states it intends to connect the two buildings to the City's existing 12- and 10-inch water mains near the property. Application p. 48. However, applicant makes no effort to demonstrate that this public water supply is sufficient to meet the tremendous needs.

Similarly, under FGDC § 17.8.625, a development application may be denied if the existing sanitary sewers are incapable of safely handling additional flow generated by the proposed development. In this case, the applicant states that the two buildings will be connected to the City's existing 30-inch main sewer line located south of the Heather Street extension. Application p. 48. What goes in has to come out and to the extent the applicant proposes to discharge process water into the sanitary sewer, additional information is needed to ensure that the existing 30-inch main line and the public treatment works in general can safely handle this additional flow.

Applicant Has Failed to Demonstrate How Noise and Heat Standards Will Be Met

FGDC § 17.3.540 states:

"No land or structure in the LI, GI and BIP zones shall be used or occupied unless there is continuing compliance with the standards set forth by the Environmental Protection Agency, Oregon Department of Environmental Quality and Metro relative to noise, vibration, smoke and particulate matter, odors, heat and glare, and insects and rodents."

In this case, the proposed data center will generate noise from the massive fans and air conditioning needed to cool the facility. Data centers can create noise levels of up to 96db, which is the equivalent of a train whistle or industrial alarm.⁶ Therefore, the applicant must demonstrate that the data center will comply with applicable environmental regulations applicable to noise.

OAR 340-035-0035(1)(b)(A) states:

"No person owning or controlling a new industrial or commercial noise source located on a previously used industrial or commercial site shall cause or permit the operation of that noise source if the statistical noise levels generated by that new source and measured at an appropriate measurement point, specified in

subsection (3)(b) of this rule, exceed the levels specified in Table 8. . .”

⁶ <https://www.datacenterknowledge.com/sustainability/why-data-centers-are-loud-and-how-to-quiet-them-down>

Applicant acknowledges this standard and states that it will be met by “designing noise generating machinery.” Application p. 7. However, it is unclear what applicant means by “noise generating machinery” and its conclusory statement is insufficient to demonstrate how the data center will actually meet this standard. The lack of specific solutions is especially problematic considering the data center will be operating 24 hours per day and is located near residential areas. It is the applicant’s burden of proof to show that applicable approval criteria will be met. FGDC § 17.2.07. In this case, additional and specific information is needed regarding the proposed “noise generating machinery” or other measures applicant intends to employ to mitigate the loud noise that will be generated by the data center day and night. Until then, applicant has not demonstrated compliance with this requirement or that a condition of approval requiring compliance is feasible.

In addition to noise, data centers create an incredible amount of heat and require massive amounts of water to keep the servers and other machinery from overheating. The heated process water needs to go somewhere and the federal Clean Water Act and analogous state regulations consider heat a pollutant under the National Pollutant Discharge Elimination System. 33 USC § 1326(b); OAR 340-041-0028. In this case, applicant has made no effort to explain how the heated process water will be handled, let alone how it will comply with applicable federal and state environmental laws concerning the discharge of heated water. Without this basic information, applicant has failed to demonstrate compliance with FGDC § 17.3.540 or that compliance with a related condition of approval is feasible.

Compliance with Other Development Code Requirements

FGDC § 17.3.540F states in relevant part: “Recessed entries or canopies shall be used at the entrances of buildings in order to reinforce a pedestrian-scale and to break-up large blank walls.” In its submittals, applicant states that “primary” entrances will have canopies as required under this section. However, the approval criteria is not limited to “primary” entrances and all entrances, including secondary ones, need canopies or recessed entries under the plain language of the code.

Applicant also incorrectly states that the Buffering and Screening requirements of FGDC § 17.8.425 do not apply noting that “all abutting properties are zoned light industrial, railroad, or public right of way.” Application p. 29. However, the determination of what buffering and screening requirements apply is based on the “abutting uses or zoning districts.” FGDC § 17.8.425(D)(1) & tbl 8.2. (emphasis added). As shown on the buffering matrix, buffering and screening requirements apply where the light industrial development abuts “detached single units.” Although not located in a residential district, the nearby non-

conforming single-family dwellings are nevertheless “detached single units” thereby triggering the buffering and screening requirements under the plain language of the code.

Sincerely,

Dale Feik

[REDACTED]
Forest Grove, Oregon 97116

[REDACTED]
Resident of Forest Grove since 1966

P.S. I hired Ken Dobson to represent David Haworth, appellant, and me, an agent of Mr. Haworth, during the September 3, 2024, Planning Commission Hearing.

Kenneth P. Dobson
Attorney at Law
telephone: (971) 717-6582
324 S. Abernethy Street
Portland, Oregon 97239
email: landlaw.oregon@gmail.com
www.pdxlandlaw.com

Exhibit Attachment A

Contains:

1. Email from Dale Feik to Mike Rogoway, the Oregonian investigative/business report dated Sept 9, 2024. This email explains the issue of Forest Grove Power and Light using a Green Data Center City Resolution and US Department of Energy, Bonneville Power Administration Agreement and then an amended agreement that was used for Crane Data Center before the City dissolved the Rowen Green Resolution Agreement.
This email to Mike Rogoway has four attachments which are part Exhibit attachment A.
 - 1.1 Resolution No. 2023-10, resolution appropriating expenditures of funds in the Light and Power (L&P Department for Payment

of a \$6 million deposit to Bonneville Power Administration for preliminary engineering activities for a Proposed dAtaa Center/

- 1.2 US Department of Energy Bonneville Power Agreement dated 9/26/23 by Jesse Vanderzanden, city manager
 - 1.3 US Department of Energy Bonneville Power Agreement amendment No 1 to above agreement dated April 25. 2024 signed by Jesse Vanderzanden, city manager
 - 1.4 Energy demand for Data centers growing faster than West can supply, experts say. Hillsboro listed among massive data center locations pulling power in Oregon
 - 1.5 City Council Meeting, September 9, 2024 in which the Rowen Green Data Center resolution was dissolved, which was after the 36 Mega Watt of power for Crane Data Center was requested – the 6 million dollar request was made to Bonneville Power from Forest Grove Power and Light – but for for Crane Data Center, not Rowan Green Data Center
2. Note: I have an active Public Records request to the city to get Emails to and from Jesse Vanderzanden to and from Keith Hormann and/or Eddie Littlefield related to Crane Data Center and Rowan Green Data Center from January 2020 to current date.

Exhibit Attachment B

Contains:

1. Transcription September 3, 2024 of my oral public testimony before the Planning Commission- Please note the comments that Washington County Board of Commissioner Chair Kathryn Harrington said after my public comment to her and the Commissioners.

2. Written testimony submitted to the Planning Commission before the September 3, Hearing titled Crane Data Center Appealing FG City Administrative Decision to approve land-use edited not inserted. When David Harworth signed the Appeal form I attached my 47 attachment to the form. David signed that form, and it was entered into the record as part of reason to appeal the Administrative Decision. The city said that the first two codes that I addressed were not codes that they used in analyzing Crane's Land Use application. Crane hired the firm Navix from Clackamas County to write Crane's Land-use application to the city. The first two codes I reference may become important if/when I make an appeal to the State Land Board of Appeals. Goal 5 is an important part of appealing land-use decisions.

Exhibit Attachment C

Contains:

1. Transcript of my Sept 17, 2024, public comment to the Washington County Board of Commissioners about the email that I sent TO:1, Oregon Environmental Quality Commission; 2. The Washinton County Board of Commissioners; 3. Mayor Malynda Wenzl and Forest Grove Councilors, and 4. Clean Water Services Chief Executive Officer Diane Taniguchi-Dennis who sits at the table during Washington County Board of Commissioners Business meetings. Please note that after I made my oral comments Chair Kathryn Harrington said: *Just for the sake of the public, Mr. Feik has spoken to us several times about the Crane Data Center application that is within the city of Forest Grove. The Washington County Board of Commissioners has no standing with regard to the siting of that data center within the city of Forest Grove. And thus far that business has not made any overtures to ask for any particular special service from Clean Water Services.*

Kathryn Harrington, I assume consulted with Chief Executive Officer of Clean Water Services Diane Taniguchi-Dennis before making that statement. The Washington County Board of Commissioners are the Board of Directors

for Clean Water Services. Evidently Diane Taniguchi-Dennis and Chair Harrington are not aware of the communication between Jared Kinnear and Crane Data center staff. I made a Public Records request of CWS of the emails/text messages between Jared Kinnear, recycling water specialist for CWS, and Crane Data Center personnel. They met/meet regularly on Thursdays, once a week or once every two weeks, at 1:30 pm. Crane's land-use application has many CWS design and construction codes referenced.

2. My email to the above recipients with one attachment printed titled 'Noise Hungry Data Centers Are Catching Communities by Surprise' by New York Times Reporter Sean Cooper, September 15, 2024.
-

Exhibit Attachment D

Contains:

1. Data Center development sparks outrage, News-Times September 12, 2024, story written by Nick LaMora, reporter. Link to story is: https://www.forestgrovenewstimes.com/news/data-center-development-sparks-outrage-in-forest-grove/article_036021ac-6c5d-11ef-a98e-2fecf5440e8b.html#tncms-source=block-behavioral A word document of the above story is part of Exhibit D.
2. Petition with signatures of people agreed – No Data Centers in Forest Grove. By signing the petition, they agreed to the two page explanation and the statement on the Petition that said: By signing this petition, I am saying that I OPPOSE the development of CRANE DATA Centers at 3975 Heather Street, Forest Grove, Oregon. By signing I recognize that: My personal information will become part of public records, which may be accessed via a public records request.

3,

 Outlook

Exhibit Attachment A

Dale Feik Fw: Public Records Response

From

Date Sat 9/7/2024 3:00 AM

To Mike Rogoway <mrogoway@oregonian.com>

 4 attachments (8 MB)

BPA Engineering Contract.pdf; BPA Engineering Contract-Amended.pdf; Resolution pay engineering eval 2023-10 (PDF) Forest Grove Rowan data center.pdf; Energy demand from data centers growing faster than West can supply Forest Grove NewsTimes Sept 5 2024.docx;

Mike,

Please click on this link to read the Pamplin Paper Forest Grove NewsTimes story by Nick LaMora who sat thru the entire 9/3/2024 Planning Commission Hearing before writing the story titled 'data center development sparks outrage in forest grove'.

https://www.forestgrovenewstimes.com/news/data-center-development-sparks-outrage-in-forest-grove/article_036021ac-6c5d-11ef-a98e-2fecf5440e8b.html#tncms-source=block-behavioral

At the Hearing before Forest Grove's Planning Commission, The Director of Planning and Development stated that Rowen Green's Data Center information could not be considered by the Planning Commission. I totally disagreed inwardly and will be putting my disagreement in writing to the City officials. I submitted a public records request asking the Director of Power and Light, Keith Hormann, for the two attached documents, but I got them the day after the Sept 3, 2024, Planning Commission Hearing. It appears that Rowan Green's 6 million dollar pass through (gave it to Forest Grove Power and Light to pass thru to Bonneville Power so BP would do an assessment of whether power could be delivered to Rowan Green purchased site in Forest Grove) is being used by Crane now. I was told by Keith's Power manager Eddie Littlefield that power could not be delivered to Rowen Green. I was also told this by a Clean Water Services person. I thought originally that Rowen Green had applied for a Land -Use application to the city, but it had not. Even though they purchased 40 some acres and got an easement on that property Rowen Green decided that it was not feasible to continue with their plans of building a data center in Forest Grove.

Any money that was not used by Bonneville power to do that assessment was supposed to be returned to Rowen Green. Based upon the second attachment, the city extended that agreement. It appears that Crane Data Center is capitalizing on that agreement in getting in the cue with Bonneville Power. I am trying to figure this out. I will submit another PRR to get documentation about that when and how much money was returned to Rowen Green or why the agreement was extended and whether another city resolution was signed by the Mayor and City Manager to that affect. I had already in my PRR asked whether the city passed a resolution for Crane Data Center. It appears that they had not.

I attached the only resolution that I know of. In my former public records request I asked whether the city made a resolution for Crane Data Center.

Previously I email you this:

See the attachment titled Resolution pay engineering eval 2023-10 PDF Forest Rowan data center. About 2 ½ years ago Rowan Data Center applied for a Land-Use application for a Data Center. (updated 9/7/2024 - I learned that Rowan never applied for a land-use application) Just recently Rowan pulled its application because Bonneville power decided they could not supply the power. The resolution explains the payment plan.

A similar issue will be the case with Crane Data Center (Campus). Maybe this is why Crane has proposed during the application in phases. If Crane gets the first phase approved, then the second phase may never occur because power will not be available. The city should not allow this type of phased application for Crane, to get power.

I attached the resolution again to this email.

Dale

P.S. The Pamplin papers published a story about data center energy demands in its papers, the Forest Grove NewsTimes written publication Sept 5, 2024: See attachment titled 'Energy demand from data centers.....'

From: Mariah Woods <mwoods@forestgrove-or.gov>

Sent: Wednesday, September 4, 2024 9:27 AM

To: [REDACTED]

Subject: Public Records Response

To: Dale Feik

In accordance with ORS 192.329(2), this is to complete our response to your public records request for the following records:

- Crane Data Center – passthrough agreement between FG Power & Light & the City – money received from Crane Data to be sent to Bonneville Power to do an assessment of power available to provide huge amount of electricity to Crane Data – Like Rowan Green agreement

We have enclosed copies of all the requested records in our custody.

Regards,

Mariah Woods | City Recorder

503.992.3235 | mwoods@forestgrove-or.gov

Subscribe to our [newsletter](#) | forestgrove-ongov



CITY OF FOREST GROVE

1924 Council Street
Forest Grove, Oregon 97116

Public Records Law Disclosure: This e-mail may be a public record of the City of Forest Grove and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

Exhibit Attachment A-1.1

RESOLUTION NO. 2023-10

RESOLUTION APPROPRIATING EXPENDITURE OF FUNDS IN THE LIGHT AND POWER (L&P) DEPARTMENT FOR PAYMENT OF A \$6 MILLION DEPOSIT TO BONNEVILLE POWER ADMINISTRATION (BPA) FOR PRELIMINARY ENGINEERING ACTIVITIES FOR A PROPOSED DATA CENTER

WHEREAS, the Local Budget Law (ORS 294.338(3)) allows the expenditure of a request for services or facilities that will be paid by another entity, the government may appropriate for that purpose by resolution or ordinance to the extent that non-property funds are available for the expenditure without going through a formal supplemental budget process; and

WHEREAS, Rowan Green Data LLC (Rowan) is planning on building a data center that will use up to 150 megawatts (MW) of power; and

WHEREAS, the electric system will need to be upgraded and BPA is requiring a \$6 million deposit to do the preliminary engineering activities for the system upgrade from the City; and

WHEREAS, the Rowan is paying the \$6 million to the City who will then pay those funds to BPA; and

WHEREAS, the expenditure of the payment to BPA needs to be appropriated so the payment can be made.

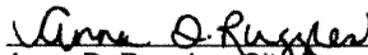
NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:

Section 1. In the Light & Power Fund, Reimbursements Revenue (6104143 4800) is increased by \$6,000,000 and the appropriations expenditure account titled Professional Services (6104143 6305) is increased by \$6,000,000 for the payment of the deposit to BPA. Total Light & Fund Power Fund Appropriations are increased to \$30,198,100.

Section 2. Council authorizes that the payment to BPA is not to be made until after the receipt of the funds from Rowan.

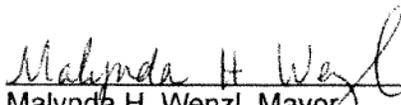
Section 3. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 20th day of March, 2023.



Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 20th day of March, 2023.



Malynda H. Wenzl, Mayor



A place where families and businesses thrive.

<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	F. 3.
MEETING DATE:	03/20/2023
FINAL ACTION:	RESO 2023-10

CITY COUNCIL STAFF REPORT

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

MEETING DATE: *March 20, 2023*

PROJECT TEAM: Paul Downey, Assistant City Manager/Finance Director
Keith Hormann, Light & Power Director

SUBJECT TITLE: *Resolution to Appropriate of Funds to Pay Bonneville Power Administration (BPA) Deposit Funds*

ACTION REQUESTED:	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Order	<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Motion	<input type="checkbox"/> Informational
--------------------------	------------------------------------	--------------------------------	------------------------------------------------	---------------------------------	----------------------------------------

X all that apply

ISSUE STATEMENT:

Rowan Green Data LLC (Rowan) is in the planning process to build a data center that will use up to 150 megawatts (MW) of electricity. Currently the electric system needs to be expanded to get that amount of power to Forest Grove. BPA is going to do preliminary engineering activities related to the system expansion and is requiring a \$6 million deposit for their work. The City is BPA's customer so the City must contract for the work with BPA and pay the \$6 million deposit to BPA. Rowan is Forest Grove's customer and will provide the \$6 million to the City to pay to BPA. The Council needs to appropriate the funds in the City's Budget so the City has the legal authority to pay these funds to BPA. Staff has prepared a resolution for Council consideration to appropriate budget authority to make the payment to BPA.

BACKGROUND:

Rowan has purchased the former Woodfold property along Oak Street and Highway 47 to build a data center that will use up to 150 MW of electricity. To meet these power needs, BPA will need to upgrade its transmission lines to Forest Grove and build a separate substation that will be located on Rowan's property. BPA is ready to commence the preliminary engineering activities to do that system expansion and is requiring a \$6 million deposit payment from the City who must contract with BPA as BPA will only sign the contract for this work with its customer. The City is completing an agreement with BPA for the scope of the work to be performed. The City will pay those funds to BPA only after the City receives the funds from Rowan. The City is completing an agreement with Rowan to guarantee that Rowan will pay the \$6 million deposit and to protect the City from any contract risks with respect to this work.

Approval of this resolution to appropriate the expenditure of these funds does not mean the City is approving this project. Before the data center project can be constructed, the project will have to go through all required land-use approval processes. The action being taken today permits the City to pay BPA the \$6 million deposit once it is received from Rowan. If the City does not receive the deposit from Rowan, then all agreements will be null and void.

FISCAL IMPACT

There is no fiscal impact to the City as the funds to pay BPA are being provided to the City by Rowan. If the project costs less than \$6 million, the City will refund to Rowan any portion of the deposit refunded by BPA. If the project costs more than \$6 million, then Rowan is required to pay the additional costs.

RECOMMENDATION

Staff recommends the City Council approve the attached resolution.

ATTACHMENTS

Resolution

Exhibit Attachment A-1.2

U.S. DEPARTMENT OF ENERGY BONNEVILLE POWER ADMINISTRATION AGREEMENT

1. CONTRACT NUMBER	2. AGREEMENT EFFECTIVE DATE (MO/DA/YR)	3. AGREEMENT NO.	4. EFFECTIVE DATE
277P 12985	See Section 7 of the Division of Responsibilities Statement	0	Same as Block #11
ISSUED TO		ISSUED BY	
5. OFFER, ZONING AND ADDRESS		6. OFFER/MAKE/DELIVERABLES	
City of Forest Grove ATTN: Mr. Keith Hornmann, Light & Power Director 1818 B Street Forest Grove, OR 97116		U.S. Department of Energy Bonneville Power Administration ATTN: Brian Galbreath - TPC/C/TPP-1 P.O. Box 61400 Vancouver, WA 98666	
7. TECHNICAL CONTACT	8. PHONE NUMBER	9. TECHNICAL CONTACT	10. PHONE NUMBER
Keith Hornmann	(503) 992-3252	Gordon Mackley	(360) 619-6052
11. ADMINISTRATIVE CONTACT	12. PHONE NUMBER	13. ADMINISTRATIVE CONTACT	14. PHONE NUMBER
Keith Hornmann	(503) 992-3252	Martin Wick	(360) 619-6818
15. TITLE BRIEF DESCRIPTION OF WORK TO BE PROVIDED UNDER THIS AGREEMENT			

PRELIMINARY ENGINEERING ACTIVITIES AND FACILITIES STUDY FOR LINE AND LOAD INTERCONNECTION REQUEST NO. L0508 - MEADOWLARK CENTER

Background: On November 2, 2001, the City of Forest Grove requested a preliminary engineering study for the proposed interconnection of the Meadowlark Center with Bonneville Power Administration (BPA) Line 104-105 (BPA Line 104-105). The Request was under a BPA Interconnection Program (BIP) Request No. L0508-01-0001. BPA performed a Line and Load Interconnection System Impact Study (LILSI) to assess the impact of the proposed interconnection. BPA's LILSI report, containing information on the proposed interconnection, was issued to Forest Grove on August 11, 2002.

Agreement: This Reimbursable Agreement is an agreement between the BPA and BPA's approved contractor, Line and Load Interconnection Facilities Study (LILSI) to provide preliminary engineering study for the proposed interconnection of the Meadowlark Center with Bonneville Power Administration (BPA) Line 104-105. The BPA will provide the Request, BPA Line 104-105, and the LILSI report. The contractor will provide the preliminary engineering study for the proposed interconnection of the Meadowlark Center with BPA Line 104-105. The contractor will also provide the preliminary engineering study for the proposed interconnection of the Meadowlark Center with BPA Line 104-105. The contractor will also provide the preliminary engineering study for the proposed interconnection of the Meadowlark Center with BPA Line 104-105.

Approved and authorized on behalf of the Division of Responsibility by: *[Signature]*

The following documents are attached to and become a part of this Agreement:

- Division of Responsibilities Statement
- Financial Terms and Conditions Statement

16. PROJECT TO BE PROVIDED BY EPA	17. PROJECT ESTIMATED COSTS
# 0	\$6,000,000 (estimated)
18. PARTICIPANT'S ADDRESS TO:	19. CONTACT PERSON/NAME (For BPA Use Only)
U.S. Department of Energy Bonneville Power Administration ATTN: Brian Galbreath - TPC/C/TPP-1 P.O. Box 61400 Vancouver, WA 98666	
PARTICIPANT	EPA
20. PROJECT APPROVAL DATE (MO/DA/YR)	21. PROJECT APPROVAL DATE (MO/DA/YR)
<i>[Signature]</i> 9/26/13	Suzanne Zoller 09/26/13
22. CONTACT NAME	23. CONTACT NAME
<i>L. Jesse VanderZanden, City manager</i>	Transmission Account Executive Transmission Sales

BPA and Forest Grove hereby agree as follows:

1. DIVISION OF RESPONSIBILITIES

- (a) BPA shall, at BPA's expense:
 - Perform an LLPS.
- (b) BPA shall, at Forest Grove's expense:
 - (1) Perform preliminary engineering activities required to facilitate the Request as stated in 1(b)(2) and 1(b)(3) below.
 - (2) Develop the Project Scope Package (Phase 1), including:
 - a. Preliminary total project estimates.
 - b. Preliminary project schedule.
 - c. Technical scoping information, preliminary bill of materials, and early risk identification.
 - d. Schedule and estimate to complete Phase 2 activities.
 - (3) Develop the Firm Fixed Price Package (Phase 2), including:
 - a. Approximately 50% design.
 - b. Refined project schedule.
 - c. Refined total project cost estimates.
 - d. Project risk register.
 - e. Identification of long lead-time materials.

2. UNCONTROLLABLE FORCES

The parties shall not be in breach of their respective obligations to the extent the failure to fulfill any obligation is due to an Uncontrollable Force. "Uncontrollable Force" means an event beyond the reasonable control of, and without the fault or negligence of, the party claiming the Uncontrollable Force, that prevents that party from performing its contractual obligations under this Agreement and which, by exercise of that party's reasonable care, diligence and foresight, such party was unable to avoid. Uncontrollable Forces include, but are not limited to:

- (a) strikes or work stoppage;
- (b) floods, earthquakes, fire, or other natural disasters; fires, riots, epidemics, pandemics and
- (c) final orders or injunctions issued by a court or regulatory body having competent subject matter jurisdiction which the party claiming the Uncontrollable Force, after diligent efforts, was unable to have stayed, suspended, or set aside pending review by a court of competent subject matter jurisdiction.

Neither the unavailability of funds or financing, nor conditions of national or local economies or markets shall be considered an Uncontrollable Force. The economic hardship of either party shall not constitute an Uncontrollable Force. Nothing contained in this provision shall be construed to require either party to settle any strike or labor dispute in which it may be involved.

If an Uncontrollable Force prevents a party from performing any of its obligations under this Agreement, such party shall: (1) immediately notify the other party of such Uncontrollable Force by any means practicable and confirm such notice in writing as soon as reasonably practicable; (2) use its best efforts to mitigate the effects of such Uncontrollable Force, remedy its inability to perform, and resume full performance of its obligation hereunder as soon as reasonably practicable; (3) keep the other party apprised of such efforts on an ongoing basis; and (4) provide written notice of the resumption of performance. Written notices sent under this section must comply with Section 4, Notices below.

3. NOTICES

Any notice or other communication related to this Agreement shall be delivered in person, by email, First Class mail or overnight delivery service to the Technical or Administrative contact set forth above. Notices are effective on the date received.

4. LIMITATION OF LIABILITY

Neither party shall be liable to the other party for any lost or prospective profits or any special, punitive, exemplary, consequential, incidental or indirect losses or damages under this Agreement.

Forest Grove is solely responsible to BPA for damage to United States (BPA) property caused by Forest Grove, and its employees, contractors, and agents. Forest Grove is also solely responsible for any claims arising out of negligent conduct by its employees, contractors, and agents performing the work described in this Agreement on or at United States-owned (BPA-owned) real property, facilities, or equipment. Any claim for personal injury, death, or property damage against BPA (the United States) must be made in accordance with the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 1402(b), 2401(b), and ch. 171. Forest Grove and its contractors must carry general liability insurance in the amount of at least \$1 million for all performance under this Agreement, and the policy must name the United States/BPA as an additional insured.

5. TRANSMISSION CREDITS

If applicable, BPA and Forest Grove intend to enter into a separate long-term agreement that describes the classification of network upgrades eligible for transmission credits, and the terms of repayment of such credits.

6. PROJECT SCHEDULE

The estimated completion date for the activities being performed under this Agreement is twenty-four (24) months following BPA's receipt of an executed Agreement and advance funding from Forest Grove. BPA reserves the right to

modify the project schedule by providing written notice to Forest Grove of the schedule change.

7. TERMINATION

This Agreement shall become effective upon execution by both parties and shall terminate upon full performance by both parties of their respective obligations set forth herein, but in no event shall the term of this Agreement exceed five years from its effective date.

FINANCIAL TERMS AND CONDITIONS STATEMENT

BPA's cost of performing preliminary engineering on Forest Grove's expense shall be the actual cost of doing the work specified in this Agreement, plus an overhead rate of 22%, representing the indirect costs of performing the work plus the contractual support costs of contract negotiation, billing and accounting functions, and contract management.

Forest Grove hereby agrees to advance \$6,000,000, the estimated preliminary engineering cost, to BPA based on the following payment schedule:

Payment	Amount	Date Due
1	\$1,500,000	Upon Agreement execution
2	\$1,500,000	January 31, 2024
3	\$1,500,000	May 30, 2024
4	\$1,500,000	September 30, 2024

If BPA needs additional funds to complete the work at any time during performance of preliminary engineering, BPA may request, in writing, for Forest Grove to advance such additional funds to BPA for deposit in the account. Forest Grove shall advance such additional funds within 30 days of BPA's written request, and BPA may temporarily stop work until Forest Grove supplies the requested funds. If Forest Grove does not advance such additional funds by the due date or, if at any time before completion of preliminary engineering Forest Grove elects to stop work under this Agreement, BPA has the right to cease all work and restore, as a cost to preliminary engineering on Forest Grove's expense, government facilities and/or records to their condition prior to the beginning of work under this Agreement.

Within a reasonable time after completion of preliminary engineering, BPA shall make a full accounting to Forest Grove showing the actual costs charged against the account. BPA shall either remit any unexpended balance in the account to Forest Grove or bill for any costs in excess of the deposits in the account. Forest Grove shall pay any excess costs within 30 days of the invoice date (due date).

Payments not received by the due date will accrue interest on the amount due beginning the first calendar day after the due date to the date paid, at an annual interest rate equal to the higher of i) the prime rate (as reported in the Wall Street Journal in the first issue published during the month in which payment by Forest Grove is due), plus 1 percent; or ii) such prime rate multiplied by 1.5.

Exhibit Attachment A: - 1.3

U.S. DEPARTMENT OF ENERGY BONNEVILLE POWER ADMINISTRATION AGREEMENT

1. AGREEMENT NUMBER 23TP-12068	2. AGREEMENT EFFECTIVE FROM DATE IN BLOCK 4 UNTIL See Section 7 of the Division of Responsibilities Statement	3. AMENDMENT NO. 1-	4. EFFECTIVE DATE Same as Block #1
ISSUED TO		ISSUED BY	
5. ORGANIZATION AND ADDRESS City of Forest Grove ATTN: Mr. Keith Hormann, Light & Power Director 1818 B Street Forest Grove, OR 97115		6. ORGANIZATION AND ADDRESS U.S. Department of Energy Bonneville Power Administration ATTN: Brian Galbraith - TPC/UTPP-1 P.O. Box 61409 Vancouver, WA 98666	
7. TECHNICAL CONTACT Keith Hormann	PHONE NUMBER (503) 992-2352	8. TECHNICAL CONTACT Gordon Markley	PHONE NUMBER (360) 619-5033
9. ADMINISTRATIVE CONTACT Keith Hormann	PHONE NUMBER (503) 992-2352	10. ADMINISTRATIVE CONTACT Suzanne Zoller	PHONE NUMBER (360) 418-2932
11. BRIEF DESCRIPTION OF WORK TO BE PERFORMED UNDER THIS AGREEMENT <p style="text-align: center;">AMENDMENT NO. 1: PRELIMINARY ENGINEERING ACTIVITIES AND FACILITIES STUDY FOR LINE AND LOAD INTERCONNECTION REQUEST NO. L0508 - MEADOWLARK</p> <p>Background: On November 5, 2021, the City of Forest Grove (Forest Grove) submitted a Line and Load Interconnection Request, seeking interconnection on the Bonneville Power Administration's (BPA) Forest Grove-McMinnville No. 115KV line. The Request was entered into BPA's Interconnection Queue as Request No. L0508 (Request). BPA performed a Line and Load Interconnection System Impact Study (LLSIS) to assess the impact of interconnecting Forest Grove's facilities to BPA's transmission system, and on the transmission systems of any third parties. The LLSIS report was issued to Forest Grove on August 11, 2022. On September 26, 2023, Forest Grove and BPA entered into Reimbursable Agreement No. 23TP-12068 (Agreement) which provides for BPA performing preliminary engineering activities and a Line and Load Interconnection Facilities Study (LLFS) associated with the Request.</p> <p>Amendment No. 1: This Amendment No. 1 to the Agreement (Amendment) revises the Limitation of Liability provision in the Division of Responsibilities Statement and modifies the payment due dates in the Financial Terms and Conditions Statement.</p> <p>This Amendment replaces the prior version of the Agreement in its entirety.</p> <p>The following documents are attached to and become a part of this Amendment:</p> <ul style="list-style-type: none"> • Division of Responsibilities Statement, Amendment No. 1 • Financial Terms and Conditions Statement, Amendment No. 1 			
12. AMOUNT TO BE PAID BY BPA \$-0-		13. AMOUNT TO BE PAID TO BPA \$6,000,000 (estimated)	
14. SUBMIT SIGNED AGREEMENT TO U.S. Department of Energy Bonneville Power Administration ATTN: Brian Galbraith - TPC/UTPP-1 P.O. Box 61409 Vancouver, WA 98666		15. ADDITIONAL INFORMATION (for BPA Use Only)	
		16. SUBMIT INVOICE TO (Name and Address) Same as Block #5 above.	
PARTICIPANT		BPA	
17. APPROVED BY (Signature) 	DATE (mm/dd/yyyy) 04/25/2024	18. APPROVED BY (Signature) SUZANNE ZOLLER	DATE (mm/dd/yyyy) Digitally signed by SUZANNE ZOLLER (2024.02.09 17:09:00 -0800)
NAME AND TITLE Jesse VanderZanden City Manager		NAME AND TITLE Transmission Account Executive Transmission Sales	

DIVISION OF RESPONSIBILITIES STATEMENT

BPA and Forest Grove hereby agree as follows:

1. **DIVISION OF RESPONSIBILITIES**

- (a) **BPA shall, at BPA's expense:**
Perform an LLPS.
- (b) **BPA shall, at Forest Grove's expense:**
 - (1) Perform preliminary engineering activities required to facilitate the Request as stated in 1(b)(2) and 1(b)(3) below:
 - (2) Develop the Project Scope Package (Phase 1), including:
 - a. Preliminary total project estimates.
 - b. Preliminary project schedule.
 - c. Technical scoping information, preliminary bill of materials, and early risk identification.
 - d. Schedule and estimate to complete Phase 2 activities.
 - (3) Develop the Firm Fixed Price Package (Phase 2), including:
 - a. Approximately 50% design;
 - b. Refined project schedule;
 - c. Refined total project cost estimates;
 - d. Project risk register;
 - e. Identification of long lead-time materials.

2. **UNCONTROLLABLE FORCES**

The parties shall not be in breach of their respective obligations to the extent the failure to fulfill any obligation is due to an Uncontrollable Force. "Uncontrollable Force" means an event beyond the reasonable control of, and without the fault or negligence of, the party claiming the Uncontrollable Force, that prevents that party from performing its contractual obligations under this Agreement and which, by exercise of that party's reasonable care, diligence and foresight, such party was unable to avoid. Uncontrollable Forces include, but are not limited to:

- (a) strikes or work stoppage;
- (b) floods, earthquakes, fire, or other natural disasters; terrorist acts; epidemics, pandemics and
- (c) final orders or injunctions issued by a court or regulatory body having competent subject matter jurisdiction which the party claiming the Uncontrollable Force, after diligent efforts, was unable to have argued, suspended, or set aside pending review by a court of competent subject matter jurisdiction.

DIVISION OF RESPONSIBILITIES STATEMENT

Neither the unavailability of funds or financing, nor conditions of national or local economies or markets shall be considered an Uncontrollable Force. The economic hardship of either party shall not constitute an Uncontrollable Force. Nothing contained in this provision shall be construed to require either party to settle any strike or labor dispute in which it may be involved.

If an Uncontrollable Force prevents a party from performing any of its obligations under this Agreement, such party shall: (1) immediately notify the other party of such Uncontrollable Force by any means practicable and confirm such notice in writing as soon as reasonably practicable; (2) use its best efforts to mitigate the effects of such Uncontrollable Force, remedy its inability to perform, and resume full performance of its obligation hereunder as soon as reasonably practicable; (3) keep the other party apprised of such efforts on an ongoing basis; and (4) provide written notice of the resumption of performance. Written notices sent under this section must comply with Section 3. Notices below.

3. NOTICES

Any notice or other communication related to this Agreement shall be delivered in person, by email, First Class mail or overnight delivery service to the Technical or Administrative contact set forth above. Notices are effective on the date received.

4. LIMITATION OF LIABILITY

Neither party shall be liable to the other party for any lost or prospective profits or any special, punitive, exemplary, consequential, incidental or indirect losses or damages under this Agreement.

Forest Grove is solely responsible to BPA for damage to United States (BPA) property caused by Forest Grove, and its employees, contractors, and agents. Forest Grove is also solely responsible for any claims arising out of negligent conduct by its employees, contractors, and agents performing the work described in this Agreement on or at United States-owned (BPA-owned) real property, facilities, or equipment. Any claim for personal injury, death, or property damage against BPA (the United States) must be made in accordance with the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 1402(b), 2401(b), and ch. 171.

5. TRANSMISSION CREDITS

If applicable, BPA and Forest Grove intend to enter into a separate long-term agreement that describes the classification of network upgrades eligible for transmission credits, and the terms of repayment of such credits.

6. PROJECT SCHEDULE

The estimated completion date for the activities being performed under this Agreement is twenty-four (24) months following BPA's receipt of an executed Agreement and advance funding from Forest Grove. BPA reserves the right to modify the project schedule by providing written notice to Forest Grove of the schedule change.

DIVISION OF RESPONSIBILITIES STATEMENT

7. **TERMINATION**

This Agreement shall become effective upon execution by both parties and shall terminate upon full performance by both parties of their respective obligations set forth herein, but in no event shall the term of this Agreement exceed five years from its effective date.

FINANCIAL TERMS AND CONDITIONS STATEMENT

BPA's cost of performing preliminary engineering at Forest Grove's expense shall be the actual cost of doing the work specified in this Agreement, plus an overhead rate of 22%, representing the indirect costs of performing the work plus the contractual support costs of contract negotiation, billing and accounting functions, and contract management.

Forest Grove hereby agrees to advance \$6,000,000, the estimated preliminary engineering cost, to BPA based on the following payment schedule:

Payment	Amount	Date Due
1	\$1,500,000	<i>Received on October 3, 2023</i>
2	\$1,500,000	<i>Received on January 3, 2024</i>
3	\$1,500,000	November 1, 2024
4	\$1,500,000	February 1, 2025

If BPA needs additional funds to complete the work at any time during performance of preliminary engineering, BPA may request, in writing, for Forest Grove to advance such additional funds to BPA for deposit in the account. Forest Grove shall advance such additional funds within 30 days of BPA's written request, and BPA may temporarily stop work until Forest Grove supplies the requested funds. If Forest Grove does not advance such additional funds by the due date or, if at any time before completion of preliminary engineering Forest Grove elects to stop work under this Agreement, BPA has the right to cease all work and restore, as a cost to preliminary engineering at Forest Grove's expense, government facilities and/or records to their condition prior to the beginning of work under this Agreement.

Within a reasonable time after completion of preliminary engineering, BPA shall make a full accounting to Forest Grove showing the actual costs charged against the account. BPA shall either remit any unexpended balance in the account to Forest Grove or bill for any costs in excess of the deposits in the account. Forest Grove shall pay any excess costs within 30 days of the invoice date (due date).

Payments not received by the due date will accrue interest on the amount due beginning the first calendar day after the due date to the date paid, at an annual interest rate equal to the higher of i) the prime rate (as reported in the Wall Street Journal in the first issue published during the month in which payment by Forest Grove is due) plus 1 percent; or ii) such prime rate multiplied by 1.5.

Exhibit Attachment A₃' - 1.4

Energy demand from data centers growing faster than West can supply, experts say, Hillsboro listed among massive data center locations pulling power in Oregon.

By Alex Baumhardt (Oregon Capital Chronicle) (printed in the Forest Grove NewsTimes paper September 5, 2024)

<https://www.opb.org/article/2024/08/26/fast-growing-energy-demand-data-centers-pose-challenges-west/>

Aug. 26, 2024 10 a.m.

In a webinar hosted by regional transmission authorities, data centers were called a “major challenge” for the energy industry, as well as extreme weather

Data centers being rapidly built in the West are becoming an “emerging risk” to electrical grid reliability in the region, according to regional transmission experts.

New data centers, which can be built in as little as 18 months, are far outpacing the growth in new electrical energy supply and transmission, according to members of the Western Electricity Coordinating Council, a nonprofit organization based in Salt Lake City that ensures grid connection and reliability between utilities in 14 western states and parts of Canada and Mexico. Members of the council discussed challenges to grid reliability at a recent webinar first [reported](#) by the trade publication RTO Insider.



Data centers like this Google data center, pictured in The Dalles, Ore., in this Oct. 5, 2021 file photo, are far outpacing the growth in new electrical energy supply and transmission, according to a recent study by a nonprofit organization based in Salt Lake City, Utah.

Andrew Selsky / AP

In it, council members said new energy demand from data centers has emerged as a more prescient challenge than meeting energy demand for transportation, also becoming rapidly electrified. The energy and transmission buildout needed to meet these demands is lagging, they said. By the end of 2023, just about half of the new energy buildout anticipated for the West had been completed. This is due in large part to supply chain issues, prices and skilled labor shortages, according to Branden Sudduth, the commission's vice president of reliability planning.

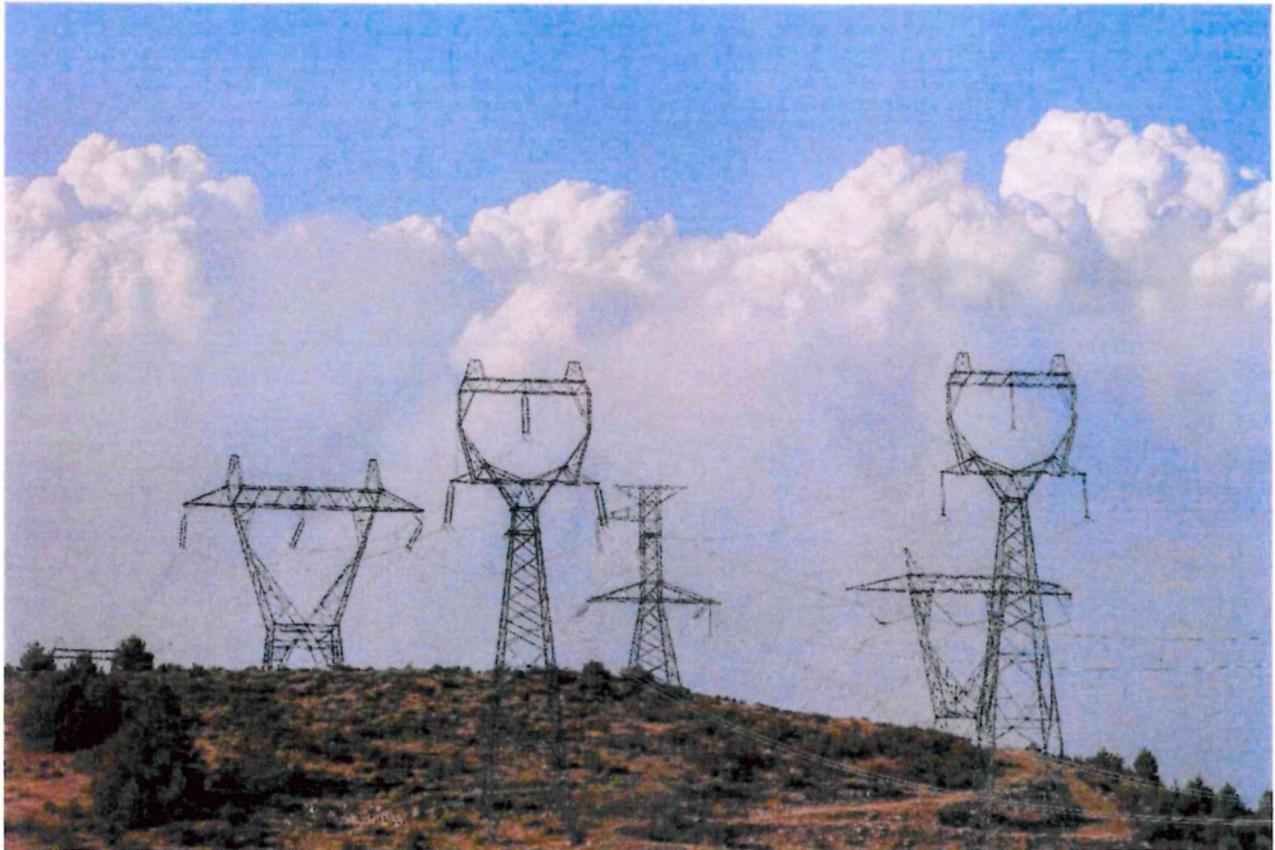
There are more than 700 data centers within those 14 states, including 109 in Oregon, according to the company [Data Center Map](#), and there are more than 5,000 data centers throughout the U.S. according to [Statista](#) – the most for any single country in the world.

Oregon's data center market is the fifth largest in the nation, according to Chicago-based commercial real estate group Cushman & Wakefield. Amazon, Apple, Facebook, Google and X, formerly named Twitter, have massive data centers in eastern Oregon as well as in The Dalles, Hillsboro and Prineville that require enormous

amounts of energy to operate. Amazon is planning to build at least 10 more data centers in eastern Oregon, according to [reporting](#) by The Oregonian/OregonLive.

“We’re going to see an industry that wants to come online quickly with very large loads, and how are we going to address that?” Sudduth said.

The council in 2023 [projected](#) that demand for electricity in the West would increase about 17% by 2033 – that’s about twice what it had predicted just the year before. That leap in projected energy use is due largely to the number of large data centers being built, they said. Data centers run on large amounts of energy needed for processing and for cooling servers.



The power grid in the West faces another big challenge besides data centers: Extreme weather, which can down power lines like those shown in this July 12, 2021 file photo taken near Klamath Falls, Ore.

Nathan Howard / AP

The Portland-based industry trade group Pacific Northwest Utilities Conference Committee has [projected](#) electricity demand to grow 30% in the region in the next decade, also due in large part to data centers.

Another major challenge to grid reliability discussed was extreme weather. Sudduth said more energy sources and transmission would need to be developed both at the local level and across the region to ensure a reliable electricity supply.

“Pretty much since the August 2020 heat wave event, the weather patterns that we’re experiencing are different from what we’ve typically planned for in the past. A lot of the weather events are more widespread and they last a lot longer than they have in the past,” Sudduth said.

A growing number of utilities in Oregon and Washington are joining a new western regional market for buying and selling energy from one another at set prices for the day ahead, so that they can better handle demand spikes during extreme weather events, such as heat waves or ice storms. The Bonneville Power Administration – responsible for about 28% of all power consumed in the Northwest – is expected to announce soon whether it will join most other Western utilities in this Western day ahead market, or go to a competing day ahead market run by the Southwest Power Pool, based in Arkansas.

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Exhibit Attachment A:

CITY COUNCIL MEETING

Monday, September 9, 2024

Community Auditorium, 1915 Main Street

Malynda Wenzl, Mayor

Timothy A. Rippe, Council President

Donna Gustafson, Councilor

Michael Marshall, Councilor

Karen Martinez, Councilor

Elena Uhing, Councilor

Mariana Valenzuela, Councilor

1.5

8:10 RESOLUTION 2024-37 APPROPRIATING EXPENDITURE OF FUNDS IN THE
LIGHT & POWER DEPARTMENT FOR PAYMENT OF A REFUND FROM THE
BONNEVILLE POWER ADMINISTRATION (BPA) TO ROWAN GREEN DATA LLC
FOR PRELIMINARY ENGINEERING ACTIVITIES FOR A PROPOSED DATA
CENTER

Staff: Paul Downey, Assistant City Manager/Finance Director

Exhibit Attachment B: #1

Virginia (Ginny) Sanderson, FG Chair Planning Comm:

Dale Fike?

Dale Feik, testifier Planning Commission Hearing 9/3/2024 – appealing the city's administrative decision to Okay Crane's Land-Use application.

I am Dale Feik. Most people do say Fike, but it is Feik (feek). 3363 Lavina Drive, Forest Grove. I've been a resident of Forest Grove since 1966. I started as a fifth-grade teacher, and retired in 2000. You've got my testimony in writing now. I want you to be able to read it in print. It's just on your computer.

You, and Development Director, Bryan Pohl, said not to talk about Rowen Green Data Center, but it really has application to this, because it had to do with Power; I'd like to have the Director of Power & Light, Keith Hormann, to address what Crane has said in their website. It's a 36-megawatt first phase, 100+ megawatt, the second phase. Rowen Green Data Center couldn't get the electrical power, so they didn't apply for a land-use permit. I've been told it'll take five to seven years, five to 10 years to get the power to the Rowen Green site based upon the wattage, based upon the megawatts that they want, and so that's very important piece of information.

I filed a public records request. I have not received that from the Power & Light, and I'm waiting for that to address ... But Keith is here. Maybe you can ask him that question.

Some of the things I said that have already been said. The land-use attorney that was here, Ken Dobson, he's a very good land use attorney. He asked very good questions, especially based upon code. Please consider his public testimony seriously and address the codes that he talked about.

I filed an appeal to the Clean Water Services. They haven't acted on that yet. I have a meeting with the director, the Chief Executive Officer, Diane Taniguchi-Dennis. I have an appointment with her I think September 11th. I'm going to address specifically the water reuse issue that was in the administrative plan that's been changed now, so I'll have more information after I get a public records request information and an appeal outcome from Clean Water Services.

I met with many planners, engineers, managers, directors, and clerks of Forest Grove. I took a picture of the statements on the wall between the two offices, the Planning Engineer Office and the Bills and City Manager's Office. It states Forest Grove, City Hall, the arrow pointed to the left indicates go here for city administration, the use of color and so forth. The arrow pointed to the right indicates go for the building permits, engineer and planning. Then below each of those arrows are arrows indicating the same message in Spanish.

At no time during ending of the notification processes did the city considered translating to Spanish notices. During the time that I served on the City of Sustainability Commission, we translated our notices. I ended up being chair at some meetings only with Spanish-speaking participants. This is a major mistake and oversight by the city. I have attached to this letter a Spanish translation, and you have it there, of the flyer that we wrote titled Stop the Data Center. This is our attempt to compensate for a very serious oversight by the city.

When I made a public comment about Crane Data Center before the Washington County Commissioners and the Housing Authority Board of Directors, Chair Katherine Harrington, made the following statement:

"So, for the sake of the Housing Authority board of directors, I believe the intersection between Mr. Feik's comments and what he has provided us in writing, and the role of the Housing Authority board of directors is as he has mentioned. The possibility that additional data centers in Forest Grove might increase the rates of electricity and water in the City of Forest Grove, it might possibly impact the low-income and middle-income residents for which the Housing Authority Board of Directors has programmed to help them thrive. So, I believe, I'm not speaking for Mr. Feik, but given that this is a public comment relative to our role as the Housing Authority Board of Directors, I wanted to make sure that that was clear, not only for all of us, but to our community members who might be listening or watching this meeting."

And that's a recorded meeting just like this is.

So, I know my three minutes is up. I did get that timer up here, and I don't know why you as Planning Commissioners don't have it. The councilors have it, because I made sure they got it up there. So when I'm here speaking, I can see when the time's up, just like when I make public comment at the County Commissioners', or when I make it to the Environmental Quality Commission. You're in charge. You see the time. I don't know how much time I talk; I don't keep track of it. You look at the clock, but I really want you looking at me, and listening to me, not looking at the clock. So, thank you.

Virginia (Ginny) Sanderson, FG Chair Planning Comm:

Thank you. I'll take a quick break. (clapping occurred) Fellow commissioners, we've probably got another 45 minutes of testimony. Does anyone need us to take anything-

[Handwritten signature]

Date: 8-12-24

[Handwritten signature]

Person who signed the appeal form

Dale Feik, Facilitator

This document is an attachment to the two-page Land Use Application,

the form being used to file an Appeal of the Notice of Administrative Decision

for the Crane Data Center (Campus) dated July 31, 2024.

Exhibit Attachment B-#2

[Handwritten note: and agent]

The Forest Grove Planning Department Administrative Decision was converted from a PDF file to a word file so that appeal information can be submitted to the Planning Commission. Please note that the conversion has typo errors, so please read and compare to the PDF File. Note that anything in red print has been added to the Notice of Administrative Decision and is not part of Forest Grove's administrative decision but is part of the appeal. Anything highlighted in yellow has been added as part of the appeal process, not part of the Administrative Decision.

The appeal will be submitted before the 14 days to submit an appeal is up. I (Dale Feik) was told by FG Director of Development, Brian Pohl, (the Director in the following document) that another notice will be published and that anyone can submit appeal information, not only the four people who originally met the deadline to appeal and that information will be considered by the Planning commission members.

Note also that

DESIGN REVIEW, & 17.2.300 Purpose will be addressed: The purpose of design review is to:

- A: Establish guidelines and standards that will promote good neighborhood design;
- B. Encourage development that upholds property values and becomes a long-term asset to the community.

RECEIVED
AUG 13 2024

And

& 17,3,510 LIST OF INDUSTRIAL ZONES.

CITY OF FOREST GROVE

- A. Light industrial (LI). The Li zone is intended for a wide variety of manufacturing and other industrial uses with controlled external impacts. These types of industries are often involved in the secondary processing of materials into components. The assembly of components into finished products, transportation, communication and utilities, wholesaling and warehousing. Industrial activities occur within enclosed buildings. On a limited basis supporting commercial and office uses are permitted in the LI zone

[Handwritten circled number 1]

First:

1. We don't see how Crane's Land-use application promotes good neighborhood design and will address this in further submission to the Planning Commission.
2. Crane's Land-Use application does not uphold property values and certainly will not be a long-term asset to the community.

Why: Please read in detail Mike Rogoway's (The Oregonian Reporter who received journalist awards for stories on Data Centers in Oregon) stories. Please open this link and do so: <https://www.oregonlive.com/datacenters>

Why: The applicants (Crane Data Center) are not residents and have no real interest in the well-being of the community. What they want is cheap and accessible huge amounts of power and access to huge amounts of water. Please open the attachment document titled 'Crane data center web sites states that Forest Grove has already been approved by the city' or copy and Google these links:

<https://www.cranedc.com/wp-content/uploads/Crane-Portland-PDX-1-Site-Specifications.pdf>

<https://www.cranedc.com/about/>

Please note that Crane Data Corporation asserts that they have already received approval of their land-use application in their advertising for customers.

From their website: Headquartered in San Francisco, Crane was founded after realizing there was a need to develop and operate data centers in a new and more sustainable way. As both former buyers of capacity and developers of hyperscale data centers for some of the world's largest technology companies, our team has a unique perspective on innovation and design. We put our clients first and offer flexible, sustainable data center capacity when and where they need it most.

Our team has helped design and build some of the largest hyperscale data centers in the world. We have extensive experience in data center design, engineering, site selection, retrofitting, leasing, and operations.

Crane Team, formed within the last three years, but note who they worked for previously:

1. **Matt Pfile, founder & CEO:** spent the previous 12+ years at Google leading over \$5B of global infrastructure acquisitions, and led data center site selection strategy, third-party data center leasing, utility interconnections, and land acquisitions across the Americas and Asia.
2. **Adam Witkop, CT:** ...At Facebook, he led teams responsible for operationalizing some of the world's largest and most advanced data centers.
3. **Connie Zweigle, People & Marketing:** ...extensive experience building

teams and helping some of the world's fastest growing startups and largest technology companies scale including Slack (acquired by Salesforce), Twitter, and Google.

4. **Chelsea Kulhanek, Site Acquisition & Development:...** At Google, Chelsea was involved in more than \$5 billion of global infrastructure investments and held multiple roles, including leading development of best practices for the company's global site selection and portfolio management team.

These team members of Crane Data Center do not represent the best interest of the community of Forest Grove. They represent their financial interests and work from the perspective of getting their plans approved in the quickest time possible.

WHY: Rowen Green Data Center applied about three years ago for a land-use application for a Data Center to be sited adjacent to and just north of McMenamins. After working with FG Power and Light (Rowen Green giving them around 6 million dollars so that FG Power and Light could send the money to Bonneville Power Corporation) Rowen Green was told by Bonneville Power that they could NOT bring the power necessary to operate the Data Center within the timeframe required in their land-use application. So, Rowen Green withdrew its application. During that process an easement was granted, and the Historical Society wants that easement rescinded.

I was told by two people in the know, that Crane Data Center will most likely not be able to get the power lines to service their data center Campus. And even if so, it could take between 5 and 10 years to do so. Campus is an important word. Crane has applied for a land-use application in two phases. For the city of Forest Grove and its residents a phased land-use application is not in the best interest of its residents. The first phase needs to be not approved because likely the second phase will not be feasible. When Crane gets the necessary power then they can reapply for a Land-use or appropriate permit.

Clean Water services, even though they have already approved an easement though their property, and even though they might benefit from the first-time use of recycled water for industrial site use, too many

variables are involved. I made public record requests of CWS because their documents are referenced in the administrative approval. If the first phase is approved, no infrastructure should be allowed to be built. That is sewer lines and the other things necessary to make the Data Center operationalized should not be approved in Phase one. Septic tank systems and temporary structures should be only allowed if the first phase is approved (it should be denied.).

Why: A 'No Forest Grove Data Centers' organization was formed by the four people who submitted comment by the time to be considered to appeal the approval of Crane's Land-Use decision. Darci Henning summarized the following at the third meeting they had recently. This does not address specific codes, as will be addressed in the converted PDF to a word document, but please consider the statements. I am adding the following to emphasize her comment about the number of low-income residents and the number of Spanish speaking residents within the 300 feet notification area. I read the 'No Forest Grove Data Centers' petition during my 5-minute public comment to the Housing Authority Board August 6, 2024. (the five County Commissioners and two Housing Authority Commissioners). After I made my comments County Commission Chair Kathryn Harrington said:

"So, for the sake of the Housing Authority Board of Directors, I believe the intersection between Mr. Feik's comments and what he has provided us in writing, and the role of the Housing Authority of Board of Directors is as he has mentioned, the possibility that additional data centers in Forest Grove might increase the rates for electricity and water in the city of Forest Grove might possibly impact the low income and middle income residents for which the Housing Authority Board of Directors has programmed to help them thrive. So, I believe, I'm not speaking for Mr. Feik, but given that this is public comment relative to our role as the Housing Authority Board of Directors, I wanted to make sure that that was clear not only to all of us, but to our community members who might be listening or watching this meeting."

Darci Hennings comments:

- What is the timeline for acquiring power from BPA? (Must be within 6-12 months or might as well deny the application).
- Deny the application because it's using a phased approach which doesn't allow for appeal process at the appropriate time.
- What is the guarantee that CWS will be able to provide enough water to meet the data center needs?
- Increased power use, increased water use will lead to higher prices which impacts low-income people disproportionately.

Administrative issues:

- Only residents that live within 300' of the property were notified. This is a development that will impact the entire city.
- Notifications were sent in English only; there are a number of Spanish-reading residents within the notification area. These residents did NOT have the opportunity to comment on the proposal.
- Residents were notified by mail only, and comments were due 14 days from the time the notification was mailed. Residents did NOT have the full 14 days to review the materials and compose their comments.

In summary, the city had every opportunity to inform the entire community and get input from everyone in the city; instead, the city did the very minimum it was **required** to do. This is not how city leadership acts in the best interests of its residents.

Environmental Impact:

- The city should demand that an environmental impact study be provided. Data centers have a huge impact on power and water resources; create noise and light pollution; and can be disruptive to nearby natural resources (e.g. the Fernhill Wetlands). The city and its residents should be FULLY INFORMED before making a decision of this magnitude.
- There is nothing "green" about data centers. By their very nature, they are resource hogs. They require huge amounts of electrical power and huge amounts of water in order for data processing to be available 24 hours a day, 7 days a week.

Property values:

- Having a data center next to a residential area is going to cause a significant drop in property value for the residents that live next to the property being proposed for the data center. Who wants to live RIGHT NEXT to a data center?

Submitted by Darci Henning, one of four, not three as stated in the administrative decision, who submitted comments within the time-frame required.

The 'No Forest Grove Data Centers' members and I (Dale Feik) acting as a facilitator have sought

the advice of two land-use attorneys and one former land-use administrator. The land-use administrator suggested that we have an attorney represent us. The land use administrator said that....

Land-use administrator: "you're really signing a contract for a very large project that's contingent on things that may or may not happen. And really, the approval should be conditioned upon like, for example, adequate power, adequate water, these kinds of things.

What you're doing is that you're approving a use that your code didn't anticipate. You are using an old code, old development code that was developed even in the 80s and 90s for an information use, and you have something that is way beyond an information use right now. Using the repair shop analogy, for example, as an automotive use, you're interpreting your code to allow an automotive factory instead of automotive use. So you're using outdated criteria that has far greater impacts on the community than was anticipated.

The phase development, as you described it to me, this project is really a massive project that is totally unanticipated. And as we talked about previously, it's using up valuable employment land that should be used for more jobs for people in Forest Grove.

And so, they should approve this only in phases and that the approval should be conditioned on a guarantee that it'll actually occur as they're proposing. Because what they're doing is that they're doing a speculative kind of approval. If they get the first phase, they may or may not get the second phase.

If they do approve this, the subsequent phases need to be conditioned on adequate power and water, those kinds of things that will support it.

The city, these kinds of projects are really profound in their impacts. And what they're doing is that they're doing administrative approvals. And this is something for the future or for them to even consider now in this project is that these kinds of projects have enormous impacts on the community because of the things we've talked about. And they're really policymaking kinds of decisions. And the community needs to be involved at the very beginning in a broader discussion of what you want your community to be like.

Dale Feik resident of Forest Grove since 1966: Yes. One of the things we talked about yesterday is there's quite a few people that are Spanish-speaking within that 300 feet, and they never put the notice out in Spanish, so they didn't really get notified.

Land-use administrator: This is an issue that is important to point out. And I don't know what the politics are there, but I have experience with this when my daughter lived in Tacoma in that you had a lot of Spanish-speaking people who lived in the vicinity of heavy industry in Tacoma, and they were not ever involved in decision-making for the heavy industry that required lots and lots of truck traffic, air pollution, and really things integrated into their environment. And so, you have kind of an equity issue here because if these people cannot participate, then they're going to get whatever consequences are of this project- It's a citizen engagement fairness issue.

Dale Feik resident of Forest Grove since 1966: As chair and member charter member of Forest Grove City Sustainability Commission, we addressed Social Equity and Environmental sustainability. We really worked hard to get information translated into Spanish and have interpreters and even had some meetings only in Spanish. This land-use application and city staff did not address the needs of the low income and Spanish speaking community.

Land-use administrator: There is a real social equity in this because if you look at what's happened in the Central Valley in California, a lot of those warehousing, truck depots, data centers and the like are in communities of people of color and who have a different language.

You can address it from a moral standing perspective.

Let's put it this way, they're making administrative decisions on a big project of such scale that has major policy issues.

This project has really profound implications that go beyond just the decision-making criteria. And you could emphasize this and that it was mishandled in a way that doesn't address its size and impacts, particularly from the kind of water issue, is that if they don't get the water and they don't get the power, then it's going to be a beached whale.

And then, if they do actually build it, then a very large company, in concert with the economic development folks that influence politics in the region will go to bat for them and make things happen that'll be contrary to the community, particularly regarding water and the other kinds of environmental issues.

The former land-use administrator also said:

"...interesting that a straightforward Type 1 development review proposal was advertised as a limited land use decision. I think that might have been done as a fail-safe move. However, an argument could be that the use is not identified specifically in the Development Code as allowed and Council needs to go through a process to amend the code. One could also argue that even if it was not raised as part of the limited land use decision notice, the Planning Director cannot approve a use not specifically allowed. He needs to attempt an interpretation at least, but that would be hard to do without a legislative process (Council approval) which is subject to appeal.

FOREST GROVE OREGON

A little way from the mountains, in the heart of the state.

NOTICE OF ADMINISTRATIVE DECISION

DATE: July 31, 2024
FILE NUMBER: 311-24-000006-PLNG
APPLICANT: Crane Data Centers, Inc.
APPLICANT REP.: Navix
PROPERTY OWNER: Heather Street Owner, LLC
LOCATION: 3975 and 3993 Heather Street
PROPOSAL: Site Development Review for a proposed data center campus including two buildings, associated parking, equipment yard, landscaping, water quality facilities and frontage street improvements

This is your notice that the land use application, referenced above, has been approved, with conditions, by the Forest Grove Community Development Department. This decision is based on the criteria listed below and information included in the record. The findings of fact relied upon for this decision; and the conditions of approval, are attached to this notice. The criteria for approval, for this proposed, are found within the following Forest Grove Development Code Sections:

- §17.2.450: Site Development Review Criteria
- §17.3.520: Industrial Use Regulations including Table 3-12: Industrial Zone Dimensional Requirements
- §17.3.540: Additional Industrial Zone Standards
- §17.5.130: Trees on Developable Land, Prior to and During Development
- Forest Grove Development Code Article 8: General Development Standards (§17.8.005 et. seq.)

This administrative decision is appealable to the Forest Grove Planning Commission. An appeal must be in writing and submitted to the Community Development Department, at 1924 Council Street, or mailed to PO Box 326, Forest Grove, Oregon, 97116. The appeal must be received by the Community Development Department within 14 days of the date shown on this notice. The written appeal must state specifically how the decision does not comply with the approval criteria or other applicable ordinances. The required appeal fee is \$250.00. If an issue is not raised in the appeal to the Planning Commission or explained in sufficient detail to allow for a response by the applicant, that issue cannot be used as a basis for an appeal to the Forest Grove City Council or Oregon Land Use Board of Appeals (LUBA). Contact Daniel Riordan, Senior Planner for more information about this decision or the appeal process at driordan@forestgrove-or.gov or (503) 992-3226.

FINDINGS AND CONDITIONS
File Number: 311-24-000006-PLNG

**Site Development Review for Proposed Crane Data Center Campus Including Two Buildings,
Associated Parking, Equipment Yard, Landscaping, Water Quality Facility and Frontage Street
Improvements**
3975 and 3993 Heather Street
Washington County Tax Lot 1S3050001300

PROPERTY and ZONING HISTORY: Crane Data Centers, Inc, applied for a site development review permit to construct a data center campus at the property described as 3975 Heather Street and 3993 Heather Street (Washington County Tax Lot 1S3050001300). The property is in southeast Forest Grove and is approximately 35 acres in size. The existing use of the property is an open grass field. The property is bounded by a railroad corridor to the north and Mountain View Lane to the east. A planned extension of Heather Street to Poplar Street will provide additional street frontage along the southern property boundary.

The Joyce Park and Tamarack residential developments are located north of the railroad corridor and the subject property. The Joyce Park and Tamarack area is zoned Residential R-7. There are nine older homes located along Mountain View Lane, adjacent to the property. These homes are zoned Light Industrial (LI). The Mount Hood View Homes development and Niel (Neil) Armstrong Middle School are located east of Mountain View Lane. The Mount Hood View Homes development is zoned Residential R-7 and the school property is zoned Institutional. Two industrial buildings with approximately 193,000 square feet and 110,000 square feet of space respectively, and an office building owned by Clean Water Services, are located south of the subject property where the future extension of Heather Street will be constructed. These properties are zoned Light Industrial.

The parcel proposed for the data center campus is one (1) of three (3) properties created through land partition approved in 2005 (City of Forest Grove Planning file No.: LD-05-07) and recorded as "Parcel 2" of Partition Plat (PP) No. 2006-056 (recorded as document No. 2006-117877) on October 3, 2006. Prior to creation of the subject property in its current configuration, the "parent parcel" (comprised of the land area of *Parcels 1, 2 and 3* of PP No. 2006-056), was annexed into the city of Forest Grove on September 18, 1980, through *Portland Metropolitan Area Local Government Boundary Commission* Final Order No. 1630.

The stated purpose of the annexation by petitioner Tektronix, Inc., was to obtain a sewer connection to the property, (Sewage connection to Crane Data should only occur after Crane can guarantee that they have acquired the huge amount of power required to operate the Data Processing facility and only after CWS has made an assurity bond or similar legal document that if the recycled water does not work out, they will still pay for regular city water.) specifically to facilitate development of an industrial manufacturing facility. The Tektronix development is now the "TIM Building" located on Washington County Tax Lot 1S3050001200 ("*Parcel 1*" of PP 2006-056) and the "Clean Water Services Building" located on Washington County Tax Lot 1S3050001400 ("*Parcel 3*" of PP 2006-056).

The subject property is designated Light Industrial (LI) on the Forest Comprehensive Plan Map and official

Zoning Map. The City of Forest Grove implemented its first comprehensive plan through Ordinance No. 1980-06 that same year on September 8, 1980, and since the time of its incorporation into the city and

the city's adoption of the first comprehensive plan, nearly 45 years ago, the subject site and adjacent properties to the east and south have been industrially zoned.

PROPOSAL: CRANE DATA CENTERS, INC (Applicant) applied for Site Development Review approval to construct the first phase of a data center campus. (They should have applied for both phases. A two phase approach is not in the best interest of the residents of Forest Grove, only in the best interest of Crane Data Center – Campus). The proposal under current review incorporates two (2) buildings: a single story 180,000 square foot structure, identified as "Building 1" on the submitted site plan, and a two story 363,000 square foot structure, identified as "Building 2" on the attached site plan submitted into the record on June 224, 2024. Building 1 is proposed for the southern portion of the property. Building 2 is proposed for the northern portion of the property. The plans provided with the application indicate that Building 1 would be approximately 40 feet in height to the roofline and Building 2 would be 70 feet in height to the roofline. Associated improvements include off-street parking, equipment yard, water quality facility and frontage street improvements.

As noted above, the subject property is located within the Light Industrial (LI) zoning district. As further addressed in detail below, where Forest Grove Development Code (DC) §17.3.520 is addressed, the proposed use is a permitted use by right within the LI zone district. This means that the use is allowed and can be reviewed at the nondiscretionary, administrative (staff) level, if the submitted proposal demonstrates compliance with the development standards (established, non-subjective requirements) and specifications of the DC as addressed in this report.

The application was submitted on January 29, 2024, and was deemed complete by the City on March 29, 2024. The public notice, required by DC §17.2.430 and §17.1.515(A) was mailed on April 8, 2024. Three (3) written comments were received within the prescribed 14-day notice period (by 5 pm on April 22, 2024). (No attempt was made to inform the Spanish Speaking residents in the language they could understand – not information was mailed sent in Spanish.) All comments were provided via email and are included in the record. Those comments generally expressed concerns regarding:

- Proximity of proposed industrial development to adjacent residential uses
- Concerns about electromagnetic energy
- Environmental impact to the subject site and nearby Fern Hill Wetlands
- Light pollution
- Noise mitigation
- Storm ponds and potential for mosquitos
- Not wanting Forest Grove to become like Beaverton
- The smell of an unrelated nearby pot grow.

The applicant provided a statement in response to the questions submitted during the comment period. Any comments that can be answered by the development code are addressed herein.

Additional comments received after the notice period are also included in the record. (One of the reasons that those 18 other commenters who did not get their comments in on time was because of not enough time for the residents to get, get informed and submit their comments.) Those comments expressed concerns regarding:

- General statements regarding the dislike of the recent changes and growth and development within the City of Forest Grove (residential and commercial)
- Removal of farmland

- How does a data center benefit the community?

(The comments written at the beginning of this document describe how the data center does not benefit the community. It describes how it is detrimental to the community.)

- Chemical and electromagnetic impacts
- Noise
- Not wanting another manufacturing facility

- Concern for property values (please read Mike Rogoway's extensive reporting and the feelings of the commenters.)

Some of these concerns were addressed in the applicant's response letter and some are addressed below. Staff can only consider the standards, and applicable review criteria, in the Development Code when reviewing the proposal and issuing a decision. However, to provide information to answer some of the stated concerns regarding adjacency and proximity of differing land use designations, the history thereof, the planning process and concerns about property values, Staff will provide some additional background information regarding the two-part community planning and development processes.

"The foundation of statewide program for land use planning in Oregon is a set of 19 Statewide Land Use Planning Goals. The goals express the state's policies on land use and related topics, like citizen involvement, housing, and natural resources. (lack of Citizen involvement, and natural resources will be addressed later.)"

Oregon's statewide goals are achieved through local comprehensive planning. State law requires each city and county to adopt a comprehensive plan and the zoning, and land-division ordinances needed to put the plan into effect."

As identified in the statement above, the planning process has two primary and distinct components. The initial community visioning process which provides the "30,000-foot view", is the process which considers the framework for potential growth patterns and designates specific areas ("zone districts") within the Urban Growth Boundary (UGB) to accommodate future development goals; this is the establishment of the "Comprehensive Plan". After the Comprehensive Plan, Zoning ordinances are implemented to provide the rules and requirements for development within those zone districts designated within the comprehensive plan. Goal/ 1 of the above-mentioned set of 19 Statewide Land Use Planning Goals is "Citizen Involvement". A zoning ordinance must be adopted by local governance. In Forest Grove this is the City Council, the elected representatives of the community. All rules within the current and operating zoning ordinance (FGDC) have been reviewed and adopted (by municipal ordinance) by the City Council. This can only occur through the legislative review process, which requires noticing and public hearings (citizen involvement) to be conducted prior to adoption of the ordinance or any amendments of the ordinance which have occurred over the course of its existence, since 1980.

The current review is the process that occurs *after* these larger processes, when there are a set of rules in place. A submitted land use application at the administrative level of review is simply a checks and balances verification to ensure that a submitted proposal meets the rules and requirements that were already decided on and ordained in the two processes set forth above.

Zoning ordinances are important for many reasons, but particularly regarding the concept of property rights. Zoning ordinances provide a fixed goalpost and they protect the rights of the property owner, and they also protect the rights of neighboring property owners, because uses allowed in the zone are already established by the code and there are a common, known set of rules and standards for any kind of development that may occur, regardless of whether a property is currently vacant of development or developed but which may be alternatively redeveloped in the future.

¹ <https://www.oregon.gov/lcd/OP/Pages/Goals.aspx>

It is important to note that while the subject property may have been vacant up until the time of this proposal, it is not classified as farmland simply due to its vacancy. It is entirely situated within city limits and has been, and intended for industrial development, since its incorporation into the city in 1980.

FOREST GROVE DEVELOPMENT CODE (DC) APPLICABLE STANDARDS AND CRITERIA:

§17.2.450- *Site Development Review*

§17.3.520- *Industrial Zones Use Regulations; and*

Table 3-12: Industrial Zones Use Table

§17.3.530- *Industrial Zones Development Standards; and*

Table 3-13: Industrial Zone Dimensional Requirements

§17.3.540- *Additional Industrial Zone Standards*

§17.5.130- *Trees on Developable Land*

§17.8.000- *General Development Standards*

REVIEW PROCEDURE: A site Development Review application, subject to DC §17.2.410, is reviewed using the Type II procedure described in Forest Grove Development Code §17.1.500. As described in DC §17.1.500, a Type II procedure is a limited land use decision that involves the exercise of limited interpretation and discretion in evaluating approval criteria. Review of an application is based on development standards that regulate the physical characteristics of a land use allowed based on a property's zoning. The review criteria for site development review are listed in Forest Grove Development Code §17.2.450. Findings addressing the applicable criteria and conclusions are provided below.

DC §17.1.30 allows for imposing reasonable conditions of approval to ensure that all applicable approval criteria are, or can be, met. Conditions shall only be imposed where the applicant has the ability to comply without depending upon the actions of other parties that are not associated with the project unless agreements are in place prior to submittal. This requirement does not apply to a review or approval required by a public agency. Conditions of approval intended to ensure compliance with the applicable review criteria identified above, and addressed below, are listed at the end of this report.

REQUIRED FINDINGS ADDRESSING THE APPLICABLE REVIEW CR/TE/RA AND CONCLUSIONS:

SITE DEVELOPMENT REVIEW CRITERIA

As stated in DC §2.450: "The Director shall review and approve, conditionally approve, or deny the site development plan based on the following criteria:

- A. The applicant demonstrates the site development plan complies with standards of the base zoning district (Article 3), any overlay district and the general development standards of Article 8.
- B. The site development plan addresses the development standards in Article 5 (Natural Resource Areas, Tree Protection and Historic Resources) when such resources are present or directly adjacent to the development site."

Findings addressing the review criteria above and supporting a decision on this site development review application are provided below.

DC 17.2.450(A): The applicant demonstrates the site development plan complies with standards of the base zoning district (Article 3), any overlay district and the general development standards of Article 8.

FINDING: The proposed development is subject to the Industrial Zone Development Standards contained in DC §17.3.530 and Additional Industrial Zone Standards contained in DC §17.3.540. The applicant's narrative addresses the applicable Code sections beginning with page 6 and continuing through page 9.

FINDING: The applicant submitted a narrative statement, dated January 23, 2024, addressing the site development review criteria and how the site development plan complies with the base zoning district (Article 3) and the general development standards of Article 8. The remainder of this document evaluates compliance with the sections of Forest Grove Article 3 and Article 8 applicable to this application.

FINDING: The Forest Grove Official zoning map does not identify the property as being located within an overlay district. Therefore, the requirement to address compliance with an overlay district is not applicable to this application.

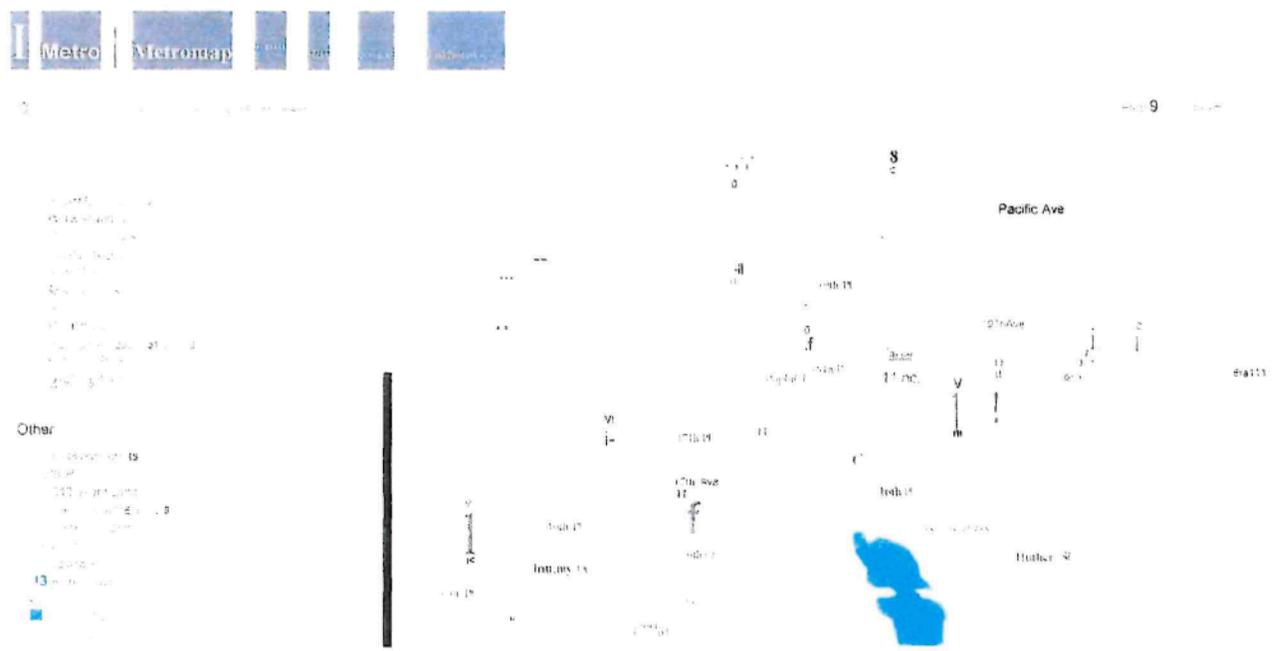
DC 17.2.450(8): The site development plan addresses the development standards in Article 5 (Natural Resource Areas), Tree Protection and Historic Resources when such resources are present or directly adjacent to the development site.

FINDING: DC §17 12 205(N1) defines natural resource are to mean "The area defined by Metro as Riparian Wildlife Habitat Class I and II and Upland Wildlife Habitat Area A and B as shown on the Regionally Significant Fish and Wildlife Habitat Inventory Map dated at the time of adoption of this section or as amended in the future excluding those portions within Sensitive Areas and Vegetative Corridors as determined by Clean Water Services Design and Construction Standards." (These are being studied in more detail and further comment will be provided.)

FINDING: The online MetroMap tool <https://gis.oregonmetro.gov/metromap-legacy/> indicates that the project area that is subject of this decision does not contain any identified Upland Wildlife Habitat Area A or B lands. Therefore, the subject property does not contain Wildlife Habitat Areas subject to Article 5 (DC §17 5.005 - 17.5.050).



FINDING: The online MetroMap tool: <https://gis.oregonmetro.gov/metromap-legacy/>, indicates that the property subject to this application does not contain any identified Riparian Wildlife Class I or Class II lands. Therefore, the subject property does not contain Riparian Wildlife Areas subject to Article 5 (DC §17.5.005 - 17.5.050). (We are obtaining maps and other information.)



FINDING: A Giant Sequoia tree, listed on the Forest Grove Register of Significant Trees (Ordinance is located near the site near the Mountain View Lane and Heather Street intersection. The applicant's statement on page 2 states the primary access to the data center campus will be through a new driveway approach from an extension of Heather Street. The location of the driveway approach will not require removal of the Giant Sequoia Tree and the Development Code Article 5 development standards pertaining to protection of trees listed on the Forest Grove Register of Significant Trees do not apply to this proposal.

FINDING: Development Code §17.5.100 lists the types of trees that are protected including trees on developable land. Protected trees on developable land include trees that have a diameter of six inches or larger, or Oregon white oak trees with a diameter of three inches or larger, measured at four and one-half feet above natural grade. As stated in Development Code §17.5.100, developable land includes land subject to or undergoing development review including site review. Therefore, the protection requirements contained in the Development Code apply to this application.

FINDING: Year 2022 aerial imagery, available on Metro's online mapping portal Metro Map <https://gis.oregonmetro.gov/metromap/>, indicates the presence of trees along the periphery of the site adjacent to the railroad corridor and along the southern boundary of the property near the Heather Street extension right-of-way. The landscape plan provided by the applicant (Plan Sheet L-1) shows that trees adjacent to the railroad corridor will remain. The 2022 aerial imagery indicates that there are no trees present within the development area of the site. Therefore, no trees are subject to the tree protection requirements contained in Forest Gove Development Code Article 5.

The 2022 aerial imagery indicates the presence of trees within the public right-of-way that was dedicated for the future extension of Heather Streets. These trees will be removed to accommodate the roadway that will serve the data center campus and other properties in the industrial area. Forest Grove Development Code §17.5.120(8) (Trees in Public Rights-of-Way) provides authority or tree removal for a street improvement program. Plan Sheet L-1 indicates that the applicant will install street trees along Heather Street as part of the street project.

FINDING: The site does not contain any historic resources. Historic resources are listed in the Forest Grove Comprehensive Plan and the Oregon Historic Sites Database maintained by the Oregon Parks Department <https://heritagedata.prd.state.or.us/historic/>.

DC §17.3.510: List of Industrial Zones.

(A) *Light Industrial (LI)* The LI zone is intended for a wide variety of manufacturing and other industrial uses with controlled external impacts. These types of industries are often involved in the secondary processing of materials into components the assembly of components into finished products, transportation, communication and utilities, wholesaling, and warehousing. Industrial activities occur within enclosed buildings. On a limited basis, supporting commercial and office uses are permitted in the LI zone. * (Crane provides a detailed rational from their point of view. Other points of view are available. 'Information' as a subcategory for Data Centers could be interpreted differently.)

FINDING: The subject property is zoned Light Industrial ("LI"), and the applicable standards of the LI zone are set forth at DC§ 17.3.500 et seq. The proposed site plan complies with the applicable standards

of DC § 17.3.530 / Table 3-13 and §17.3.540 as evidenced by the submitted application materials as presented further within this staff report.

DC §17.3.520: Use Regulations and Table 3-12: Industrial Zones Use Table

Refer to Article 12 for information on the characteristics of uses included in each of the Use Categories.

A. **Permitted uses.** Uses allowed in the Industrial zones are listed in Table 3-12 with a "f". These uses are allowed if they comply with the development standards and other regulations of this Code.

DC TABLE 3 -12: INDUSTRIAL ZONES USE TABLE

Tablo 3-12: Industrial Zones Use Table			
USE CATEGORY		GI	B/P
OTHER			
Agriculture/Horticulture	P[8]	P(B)	P
- Medical and Recreational Cannabis Producers (Outdoor)	N	N	N
- Medical and Recreational Cannabis Producers (Indoor)	C	C	N
Cemeteries	N	N	N
Detention Facilities	C	P	C
Mining	N	C	N
Wireless Communication Facilities	L[9]	L[9]	L[9]
Information	® P	P	P

P = Permitted L = Limited C = Conditional Use N = Not Permitted
 X = Cannabis facilities including warehousing requires a conditional use permit
 Y = Wholesale activities for cannabis requires a conditional use permit in the LI and GI zone

FINDING: DC §17.12.100-CLASSIFICATION OF USES

"Uses are assigned to the category whose description most closely describes the nature of the primary uses. When all of the primary uses of a development fall within one use category, then the development is assigned to that category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category."

The proposal is for construction of a Data Center campus.

The United States Federal Code (U.S.C.) Title 42 §17112(a) defines

(1) Data center: The term "data center" means any facility that primarily contains electronic equipment used to process, store, and transmit digital information, which may be:

(A) a free-standing structure; or

(B) a facility within a larger structure, that uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment 2

Table 3-12, the Industrial Zones Use Table provides "OTHER" within its listed use categories (see above), with "INFORMATION" being a subcategory. (This will be researched – history and how should be applied to Data Centers.)

² <https://uscode.house.gov>

DC §17.12.150 (F) **Information:** "Uses that are engaged in the following processes: producing and distributing information and cultural products; providing the means to transmit or distribute these products as well as data or communications, and processing data. Included in this definition are those establishment types within Sector 51 - Information as provided by the North American Industry Classification System (NAICS), United States, 1997 Edition with the exception of § 51213 Motion Picture and Video Display."

The NAICS United States 1997 Edition referenced above is a 191-page document. The relevant pages addressing Sector 51 - "Information" from the NAICS United States 1997 Edition is included in the record and incorporated into these findings by reference. Specifically, the applicable Code Description from the NAICS 1997 Edition, #514210 "Data Processing Services" (within the "Information Services and Data Processing Services category") is found on page 516 of the 1997 NAICS document.

As defined by DC 17.2.450(A) above, the proposed Data Center on the subject property is a *permitted use by right*, as long as the proposal demonstrates compliance with the relevant and applicable development standards of the development code. This criterion is met. (Whose rights – the residents or a company whose main goal is to make huge amounts of profit at the public expense?)

DC §17.5.530 and Table 3-13: set forth the dimensional requirements for a use in industrial zones, including lot size, setbacks and building height. The site and site plan demonstrate compliance with the dimensional requirements of DC §17.3.530 and Table 3-13.

STANDARD	LI	GI	BIP
Minimum Lot Size	10,000 square feet	10,000 square feet	20,000 square feet
Minimum Lot Width	100 feet	100 feet	100 feet
Minimum Lot Depth	None	None	None
Minimum Yard Setbacks [1]	None	None	Front : 20 feet Interior side 10 feet Rear 10 feet
Maximum Building Height [2]	None	None	45 feet
Maximum Building Coverage			50%
Minimum Landscaping			15%
Footnotes: [1] A setback and buffer may be required where a LI or GI boundary abuts a less intensive zone. See screening and buffering standards in Article 8. When an industrial site is separated from a residential zone by either a dedicated public street or a railroad main line or spur track, no setback shall be required in that yard adjacent to the residential zone. [2] Building height unlimited per the Building Code with the installation of a sprinkler system approved by the Forest Grove Fire Department in all buildings over two stories.			

FINDING: Table 3-13 identifies no minimum yard setbacks in the LI zone. Notwithstanding the foregoing, proposed "Building 1", the southernmost of the two (2) proposed, will be located no closer than approximately 67 +/- feet from the common boundary with properties to the east and a 20-foot landscape buffer and 26-foot-wide access drive encircling the building will intercede. "Building 2" will be located approximately 122 +/- feet from the northern property boundary and as interceded by a 20-foot landscape buffer, 30-foot-wide access drive and approximately 72-foot-wide equipment yard. "Building 2" will be located approximately 61 +/- feet from the eastern property boundary and interceded by a 20-foot landscape buffer, 30-foot-wide access drive and several feet of landscaped area adjacent to the corner

of the building.

The subject property is in the LI zone and bordered by property to the south that is also zoned LI. There are several tax lots that are residentially developed abutting the eastern boundary line of the subject property (1S305AD00100, 1S305AD00200, 1S305AD00400, 1S305AD00700, 1S305AD00600, 1S305AD00500, 1S305AD00800, 1S305AD00900 and 1S305AD01000). However, although residentially developed, those tax lots are also *industrially zoned* (LI) and the residential uses occurring on them are considered pre-existing "nonconforming" uses as they would not be permitted to occur in the LI zone if they were proposed under the current code. Therefore, those residential uses, not the proposed industrial use on the subject property, are actually the conflicting uses therefore, they are not subject to the buffering requirements of Article 8. The northern property boundary is directly abutted by a railway, therefore, pursuant to footnote [1] of Table 3-13 above, there is no buffering requirement between the subject property and the residential zone that exists north of the railroad track.

Notwithstanding the foregoing, the Applicant proposes placement of a 20' landscape buffer along the entirety of the northern and eastern property boundaries. There are no criteria of this section applicable to the subject site. The applicant's proposal exceeds what the Development Code requires.

DC §1L3-54Q ADDITIONAL INDUSTRIAL ZONE STANDARDS

A. Site plan review required. Development in the LI, GI and BIP zones is subject to a Type II site plan review process.

FINDING: The application is appropriately submitted and reviewed under the Type II administrative review process as prescribed by DC §17.1.500 et seq. This criterion is met. (Is the Type II the correct administrative review process as explained by the former land-use administrator?)

B. Parking. Parking, loading and unloading areas shall not be located within the required setback area.

No loading or unloading facilities shall be located adjacent to a residential district if there is an alternative location of adequate size for loading and unloading facilities that is not adjacent to a residential district.

Off-street surface parking shall not occupy more than 33% of the public street frontage. Where a site has frontage along a side street, a surface parking lot may occupy more than 33% of the side street frontage. Parking areas located along a public street frontage shall be screened with any one or combination of the following techniques: solid perimeter wall, earthen berm, or evergreen hedge with a minimum spacing of three feet and maximum height of five feet. Parking areas shall be landscaped as required in DC §17.8.415.

FINDING: As identified above, there is no required setback area. As evidenced by the submitted site plan (see **Exhibit C**) No parking is proposed along the Heather Street Frontage. Parking is proposed in the central portion of the subject property, adjacent to the western sides of "Building 1" and "Building 2". This criterion is met.

C. Performance standards. No land or structure in the LI, GI and BIP zones shall be used or occupied unless there is continuing compliance with the standards set forth by the Environmental Protection Agency, Oregon Department of Environmental Quality and Metro relative to noise, vibration, smoke and particulate matter, odors, heat and glare, and insects and rodents.

FINDING: The applicant's findings state that they will comply by "designing noise-generating equipment to achieve compliance within applicable noise limits. Operation of data centers are not expected to generate smoke, particulate matter, odors, heat, or glare in excess of applicable standards." The applicant did not provide details about the noise-generating equipment to achieve compliance with applicable noise limits. (Details need to be provided before approval.) The applicable noise limits to comply with are stated in Forest Grove Code of

Ordinances §91.032, Table 1 below. Noise sensitive areas are defined in §91.031 to mean "real property zoned residential or institutional in accordance with the terms and maps of the City's Development Code.

TABLE 1 Table of Maximum Allowable Sound Levels (in dBA) in any Ten-Minute Period

Type of Source by Use	Type of Receiver by Use					
	Noise Sensitive		Commercial		Industrial	
	Day 7:00 a.m. to 10:00 p.m.	Night 10:00 p.m. to 7:00 a.m.	Day 7:00 a.m. to 10:00 p.m.	Night 10:00 p.m. to 7:00 a.m.	Day 7:00 a.m. to 10:00 p.m.	Night 10:00 p.m. to 7:00 a.m.
Commercial	80	70	80	70	80	70
Industrial	80	70	80	70	80	70
Noise Sensitive	60	50	80	70	80	70

The Oregon Department of Environmental Quality (DEQ) also establishes allowable noise limits for industrial development on previously unused sites. The applicable regulations are contained in Oregon Administrative Rules Chapter 34-035-0035. The DEQ regulations are more stringent than the City's Code. (Data Centers operate 24 hrs a day for 365 days a year. Even low volumes can produce agitation and health related problems, especially when it never the noise never quits.)

OAR 340-035-0035
Table 7
Existing Industrial and Commercial Noise Source Standards
Allowable Statistical Noise Levels in Any One Hour

DEQ
 Skills to Support
 Oregon's Quality
 Environment

7:00 a.m. – 10:00 p.m.	10:00 p.m. – 7:00 a.m.
L50 - 55 dBA	L50 - 50 dBA
L10 - 60 dBA	L10 - 55 dBA
L1 - 75 dBA	L1 - 60 dBA

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OAR 340-035-0035		
Table 9		
Industrial and Commercial Noise Source Standards for Quiet Areas		
Allowable Statistical Noise Levels in Any One Hour		
	7:00 a.m. – 10:00 p.m.	10:00 p.m. – 7:00 a.m.
Leq	50 dBA	45 d'13A
L ₁	55 dBA	50 dBA
L ₅	60 dBA	55 dBA

FINDING: As required by DC §17.8.755(C)(1): "Outdoor lighting shall be provided in a manner that enhances security, is appropriate for the use, and avoids adverse impacts on surrounding properties. Glare shall not cause illumination on other properties in excess of a measurement of 0.5 foot-candles of light." DC §17.8.755(E)(2)(d) requires that parking lot lighting be equipped with a cut-off fixture to ensure that light does not spill onto adjacent residential property. **This requirement will be an ongoing condition of project approval.**

FINDING: The Environmental Protection Agency and Oregon Department of Environmental Quality establish air quality standards. The applicant's statement addressing DC §17.3.540(C) states the data center is not expected to generate smoke or particulate matter in excess of allowable standards.

D. Solid waste collection areas. Exterior solid waste dumpsters and solid waste collection areas must be screened from the public street and any abutting residential, commercial or town center zones.

FINDING: DC §17.12. 210 defines abutting to mean: "Two or more lots joined by a common property line." There is an existing railroad corridor that separates the subject industrial property from the residentially zoned property to the north. Mountain View Lane separates the subject property from the residentially zoned property to the east. As such, the subject property does not share common property lines with residentially zoned property and this criterion is not applicable.

E. Mechanical equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators, must be screened from the street and any abutting residential zones by walls, fences, or vegetation tall enough to screen the equipment. Mechanical equipment on roofs must be screened from the ground level of any abutting residential zone.

FINDING: Applicant proposes fencing around ground mounted mechanical equipment as visible from Heather Street. Compliance with the requirement for street screening will be reviewed at the time of building permits. There are no abutting residential zones.

F. Building facade and massing. Where building elevations are oriented to the street, architectural features, such as windows, pedestrian entrances, building off-sets, projections, change in materials or change in colors shall be used to break-up building surfaces and volumes.

Buildings exceeding 100 feet in the horizontal direction facing a public street shall include vertical relief using windows or vertical design elements incorporating change in exterior building materials or landscape screening.

Recessed entries or canopies shall be used at the entrances of buildings in order to reinforce a pedestrian-scale and to break up large blank walls.

FINDING: "Building 1" is the only building oriented to the street (Heather Street) and is proposed to be approximately 715+/- feet in length. The applicant's findings state: *"Windows and projections are proposed along the building facades, The primary entries to the buildings are recessed and include canopies. For security and flow, pedestrian entrances are not oriented towards the south. Multiple openings and louvres are proposed along the building faces to break up the long walls."*

Submitted plans sheet "A001" provides a digital rendering of the proposed building plans presented on sheet "A-201", complimenting the applicant's written findings and demonstrating understanding and intent to comply with this requirement. This criterion is feasibly met, and the standards of this section will be verified for compliance at the time of building permits.

G. Landscaping. Except for driveways and parking areas, the front setback area along a primary public street frontage shall be landscaped with lawn, trees, hedges, or ornamental flowers. Such landscaping shall be maintained in good order.

FINDING: The submitted preliminary landscape plan (sheet L-1) demonstrates compliance with the requirements of this section. A condition of approval will require that **landscaping shall be installed prior to receiving certificate of final occupancy** of "Building 1" and an **ongoing condition of approval** shall require its maintenance in good order.

H. Signage. Pole signs are prohibited within areas zoned as Business Industrial Park. Free standing signs shall be monument-type signs no more than five feet in height with a maximum area of 40 square feet including face and pedestal. Multi-tenant complexes shall provide unified monument signage for individual tenants near an access point for the complex. Such signs shall comply with the requirements of DC§ 17.8.830(0). Monument signs shall be not be placed within any clear vision area required in DC§ 17.8.155.

FINDING: Applicant states that one (1) sign will be located at the entrance to the site and states understanding of the vision clearance standard. Compliance with the requirements of this section and DC§ 17.8.830(0) and DC§ 17.8.155 will be verified at the time a sign permit is requested.

I. Site circulation. All roadways and drives shall include sidewalks on at least one side of the roadway or drive with the exception of vehicle facilities that provide access solely to loading and service areas. All pedestrian connections to the public sidewalk shall include canopy trees spaced at a maximum of 30 feet on-center. Coniferous trees are permitted with approval of the Director. Trees shall be placed within planting beds sized appropriately for the tree species using tree planting best practices adopted by the International Society of Arboriculture or similar professional organization.

FINDING: The submitted site plan shows and the applicant's findings state: *"A network of pedestrian routes is proposed around the site and data center buildings. Sidewalks are not proposed along the drives that service the loading/unloading and equipment yard areas. Canopy trees are proposed along the pedestrian route connection to the public sidewalk along Heather Street."*

No coniferous trees are proposed, and none are authorized.

J. Surface water management. When required, on-site surface water management facilities, such as detention ponds and swales, shall be incorporated into open space and landscaped areas through the use of unifying landscape elements. The Director shall make a determination as to whether the design meets the intent of this standard. The Director's determination is appealable to the Planning Commission. (What criteria will the Director make this determination? Infill is proposed to mitigate some of the wetland areas. How much infill is proposed? How does that)

FINDING: Stormwater runoff is managed in accordance with CWS standards utilizing a stormwater pond facility on site. A condition of approval shall require the development to comply with all CWS construction standards, and any standards applied by the City of Forest Grove Public Works and Engineering Department as identified in those special conditions and specifications attached hereto. (Getting CWS Construction standards.)

The site proposal complies with the applicable standards of DC §17.8.000 et. seq. as follows:

DC §17.8.005(C): Adoption by Reference of Clean Water Services (CWS) Standards

FINDING: The site and all improvements are conditioned to comply with CWS Design and Construction Standards (CWS Resolution & Order 19-22). <https://cleanwaterservices.org/development/view-the-standards/>, for any discharge into either the sanitary sewer or storm drainage systems. Applicant has supplied a service provider letter - CWS File 23-003061 (Exhibit I) and the development shall comply with the requirements stated therein. For this reason, this criterion is met. (Did not see Exhibit I labeled as such or a copy of the service provider letter.)

DC §17.8.100 - §17.8.140: Access and Circulation.

FINDING: The site is in an industrial area. Primary access to the site is expected to be by vehicle. The proposed vehicular access would comply with the provisions of this section.

DC §17.8.150: Clear Vision Area.

FINDING: The buildings are not proposed to be located near a vision clearance area. This section does not apply.

DC §17.8.200: Open Space.

FINDING: Open space requirements apply only to residential projects. Therefore, this criterion does not apply.

DC §17.8.300 Hazards and Resources

FINDING: There are wetlands located on the subject property. Pursuant to DC §17.8.305(A)(1) no site preparation or construction activity shall occur within jurisdictional wetlands until the Division of State Lands (DSL) and US Army Corps of Engineers (USACOE) have issued a permit to allow fill in a wetland. Submittal of the approved DSL/USACOE wetland fill permit will be made a condition of approval. No authorization for site development plans (grading) or any other construction/building permits impacting jurisdictional wetlands will occur until the DSL/USACOE wetland fill permit is supplied to the planning record and any conditions thereof are satisfied. Notwithstanding construction activity within jurisdictional wetlands, construction activities outside of jurisdictional wetlands may occur prior to approval of the wetland fill permit subject to City of Forest Grove and Clean Water Services review and approval. (Need to see/read the wetland fill permit that is required as a condition of approval.)

DC §17.8.400: Landscaping.

FINDING: The final site design will be required to comply with the landscape standards of 17.8.545 Landscaping and Screening of Parking and Loading Areas. Compliance with landscaping requirements will be reviewed at the time of building permit application.

DC §17.8.500: Off-Street Parking.

FINDING: Oregon Administrative Rule (OAR) 660-012-0440 "Parking Reform Near Transit Corridors" precludes the city from enforcing parking requirements. Specifically, subsection (3) of the rule states: "Cities and counties may not enforce parking mandates for developments on a lot or parcel that includes lands within one-half mile of frequent transit corridors." The subject property is approximately 1/3 mile north of the intersection of Yew and Adair Streets. A TriMet Line 57 stop (ID #4332) is located at this intersection. Therefore, pursuant to OAR 660-012-0440(3), this criterion does not apply.

DC §17.8.600: Public Improvements.

FINDING: The final site design will be required to comply with City, County and CWS sidewalk, sanitary, street, and storm drainage standards and specifications.

DC §17.8.700: Building Design.

FINDING: Design standards were already addressed where the criteria of DC § 17.3.540(F) "building massing and form standards" were addressed above.

DC §17.8.750: Lighting Standards

FINDING: Any outdoor lighting will require shielding in compliance with the requirements of this section.

DC §17.8.800: Signs

FINDING: One sign at the entrance to the subject site is proposed. Signs shall be required to comply with the provisions of DC §17.8.830(0) at the time of building permit submittal.

DC §17.2.450(8). The site development plan addresses the development standards in Article 5 (Natural Resource Areas, Tree Protection and Historic Resources) when such resources are present on or directly adjacent to the development site.

FINDING: None of the features described in DC §17.2.450(8) are present on the subject property. While there are mapped areas of wetland, there are no mapped Metro Title 13 Inventory Natural Areas as applicable to Development Code Article 5 (see **Exhibit H**). Therefore, this criterion is not applicable. (Washington Planning Department did not any mapping of the wetland. We will be checking with Metro for verification. The people who live closest to the wetlands know the most about the various conditions during various times of the year. Please consult with them.)

DECISION: Based on the evidence in the record and the findings presented within this staff report, the application for Site Development Review to permit construction of the two (2) buildings and associated accessory site development; limited to site parking and the required public improvements to Heather/Poplar Street is **APPROVED** subject to the following conditions:

**CONDITIONS OF APPROVAL
PROPOSED DATA CENTER CAMPUS AND ASSOCIATED IMPROVEMENT
CITY FILE NUMBER 311-24-000006-PLNG**

DEVELOPMENT CODE STANDARDS AND SPECIFICATIONS

1. All construction, landscaping and other site improvements shall conform to the project description, site plan, engineering plans and other representations made by the applicant as part of the application and during the application review process.
2. All work shall comply with current Clean Water Services standards and specifications (DC §17.8.005(C)) and all mitigation requirements as stated in CWS Provider Letter File No. 23-003061 with issue date of January 25, 2024 (expiration date January 24, 2026). (Want to read the letter.)
3. All utility connections shall be underground as required by DC §17.8.645(A).
4. Outdoor lighting shall be directed downward with no cast or glare of light off-site. Any light source over 10 feet high shall incorporate a cut-off shield.
5. Any change of use from one use category to another, as listed in Forest Grove Development Code §17.3.520, Table 3-12, proposed for the site subject to this approval, shall be reviewed through the Type II Site Development Review process described in Forest Grove Development Code §17.2.400 through §17.2.450.
6. Minor modifications (which shall be defined as any proposed change that is less than a 10% deviation (less than or greater than) from any approved element to site plan approved by decision 311-24-000006-PLNG, shall be reviewed through the Type I Adjustment process described in Forest Grove Development Code §17.2.120(A). Major modifications to any approved element to the site plan (from 10% to 20%), except for height decrease which are considered a minor modification shall be reviewed through the Type II process described in Forest Grove Development Code §17.2.120(8).
7. PRIOR TO ISSUANCE OF BUILDING PERMITS. **Including planning department authorization for site development/grading permits** - The Applicant shall supply a copy of a completed and approved Department of Environment Quality (DEQ) 1200-C permit. Any conditions required by that permit shall be satisfied prior to issuance of grading permits. Notwithstanding construction activity within jurisdictional wetlands, construction activity outside of jurisdictional wetlands may occur prior to approval of the wetland fill permit subject to City of Forest Grove and Clean Water Services review and approval as may be provided with a phased 1200-C permit. (Important – also but a phased 1200-C permit should not be permitted.)
8. PRIOR TO FINAL of "BUILDING 1": Landscaping in compliance with DC §17.3.540(G) shall be installed.
9. EXPIRATION: This permit shall expire two years from the date it becomes final. (Was the amount of time that was in the Rowan Green Data Center Land-Use application?)
10. Prior to issuance of building permits provide a geo-tech report. Include geo-tech findings in the structural design and subgrade drainage plan (These geo-tech findings should occur before the Planning Commission decides whether to agree with the administrative decision, and the public

should know first too.)

11. Applicant to sign and return a copy of Engineering Conditions of approval "Attachment A", prior to issuance of building permits.

12. Continuing compliance with the standards set forth by the Environmental Protection Agency, Oregon Department of Environmental Quality and Metro relative to noise, vibration, smoke and particulate matter, odors, heat and glare, and insects and rodents, REQUIRED.

ENGINEERING DEPARTMENT SPECIAL CONDITIONS

13. See attached Engineering specifications and conditions. Applicant to sign and return a copy of Engineering Conditions of approval prior to issuance of building permits.

LIGHT AND POWER DEPARTMENT CONDITIONS

1. The Forest Grove Light and Power Department will coordinate with the Development, TTM, Clean Water Services (CWS) and Progressive Property Management (4114 Heather Street) properties regarding Forest Grove Light and Power Department switching cabinets within the area for the extension of Heather Street. The Developer shall timely respond to coordination requests. The Developer and Forest Grove Light and Power shall memorialize terms and obligations for payment of the relocation work through an Infrastructure Agreement.
2. Roadway lighting along Poplar/Heather Street shall be designed with FGL&P- specific lights. All lighting within the interior of the property will be owned by the applicant and needs to be installed past an electrical meter.
3. Additional easements may be needed and will be determined at the completion of the electrical design.

As stated at the beginning of this document:

WHY: Rowen Green Data Center applied about three years ago for a land-use application for a Data Center to be sited adjacent to and just north of McMenamins. After working with FG Power and Light (Rowen Green giving them around 6 million dollars so that FG Power and Light could send the money to Bonneville Power Corporation) Rowen Green was told by Bonneville Power that they could bring the power necessary to operate the Data Center within the timeframe required in their land-use application. So, Rowen Green withdrew its application. During that process an easement was granted, and the Historical Society wants that easement rescinded.

I was told by two people in the know, that Crane Data Center will most likely not be able to get the power lines to service their data center Campus. And even if so, it could take between 5 and 10 years to do so. Campus is an important word. Crane has applied for a land-use

application in two phases. For the city of Forest grove and its residents a phased land-use application is not in the best interest of its residents. The first phase needs to be not approved because likely the second phase will not be feasible. When Crane gets the necessary power then they can reapply for a Land-use or appropriate permit.

FIRE DEPARTMENT SPECIAL COMMENTS

1. All gates shall be provided with fire department entry products from the Knox Company, as appropriate for the gate's operating mechanism. Automated gate openings require Knox brand key switches, manual gates require Knox brand padlocks or key boxes.
2. Install Knox brand key boxes in approved locations for interior building access. At minimum, we require a key box mounted near what is considered the main entrance door, as well as whatever exterior door provides access to fire protection equipment such as alarms, sprinklers, or extinguishing systems.
3. All fire hydrants shall have the large port provided with a 4-inch storz thread.
4. Fire department connections for the sprinkler systems shall be provided with a 4-inch storz thread on a 30- or 45-degree downsweep.
5. Post addresses and building identification numbers in approved locations with appropriate.

6. Post all exterior doors (except the identified main entry) with an approved numbering system that identifies each door. This numbering system shall begin with the main entry door, and each subsequent greater number will increase as in a clockwise fashion around the building exterior. Example, main door is 1, the next left door is 2, and so on.

Crane Data Center - Standards and Specifications
3975 Heather Street, Washington Co. Tax Lot 1N4360000300
File Number 311-24-000006-PLNG
July 31, 2024

ENGINEERING DEPARTMENT - PUBLIC IMPROVEMENTS

1. All plans submitted to date are considered conceptual only. (The devil is in the details as the old saying goes. So how are the concepts put into practice for the benefit of the community of Forest Grove.) Public improvement plans shall comply with the attached Engineering Conditions of Approval dated 5/21/2024. The public improvement plans shall be prepared in accordance with the City of Forest Grove Electronic Data Standards, including the vertical datum and horizontal datum, see Section 1.1.e, page 3. The last two sentences of the first paragraph of Section 1.1.e in the Electronic Data Standards are not applicable, as the city of Forest Grove is no longer using the Forest Grove Vertical Datum. The Electronic Data Standards document is available on the city of Forest Grove Engineering page using the following link:
<https://www.forestgrove-or.gov/engineering/page/electronic-data-standards>.
2. All public improvement work shall conform to the City of Forest Grove Municipal Code, City of Forest Grove Standard Specifications, Uniform Building Code Appendix Chapter 33 Excavation and Grading, and the Agreement Allowing the developer to Construct Public Improvements (DC 17.8.650).
3. All utilities shall be constructed to the appropriate Master Plan specifications and city Standard Construction details. The details are accessible via the following link:
[Construction and Design Standards | Forest Grove, OR \(forestgrove-or.gov\)](#)
4. All Sanitary Sewer and Surface Water Management construction shall comply with Clean Water Services Design & Construction Standards (D&CS): R&O 19-5 as Amended by R&O 19- 22, adopted November 12, 2019, for Sanitary Sewer and Surface Water Management (But no Sanitary Sewer and Surface Water Management Construction should begin until both phases are approved together. No phase one and two applications should be allowed.)
5. The city of Forest Grove Standard Details and Clean Water Services Standard Drawings that are applicable to the design shall be included in the design drawing set.
6. The city of Forest Grove Standard Notes shall apply to all public improvements being constructed by the developer and the Standard Notes shall be included in the drawing set. The City of Forest Grove Standard Notes is included as part of these comments and conditions.
7. Submit Sealed and Signed Storm Water Drainage Report in accordance with Clean Water Services (CWS) D&CS 1.08.12 & 2.04.2 m. (Still in process of getting from CWS)
8. Submit Sealed and Signed plans in accordance with CWS D&CS 1.08.12 & 2.04.
9. Submit a sealed and signed Geo-technical report for the site with recommendations for construction and storm drainage. The recommendations of the geotechnical report shall be incorporated into the construction plans for the development. (Does a signed and sealed mean that it is not a public document? Or does it mean it has to be independent of Crane Data corporation.)
10. All signage (including but not limited to, street names vehicular parking restrictions, and vehicular and pedestrian traffic protection and direction) within the public right-of-way (PROW); pavement striping and marking; and pavement reflectors (including, but not limited to, blue fire hydrant markers), shall be shown on the approved plans, furnished, and installed by the developer.
11. Public improvement, site grading and erosion control plans shall incorporate the tree preservation and protection measures as per DC §17.5.130(3). Fencing shall be installed around all protected trees and signs erected indicating that the area within is to remain undisturbed during construction.

12. The developer shall construct all ½ street frontage improvements and/or repairs along the parcel's Mountain View Lane frontage as required by the City's Development Code.

13. Half Street Improvements for the Extension of Heather St:
- a. The extension of Heather St is designated as a collector street in the city's Transportation System Plan.
 - b. Heather St shall be extended from Mountain View Lane, along the development's southern property line, to the development's western property line as shown in the preliminary plans submitted with this application.
 - c. The developer shall design and construct the ½ street frontage improvements with a minimum 24' roadway width City Development Code Section 17.8.610 Table 8-7 in accordance with the city's collector street standards and the Land Use Conditions of Approval, to include the accesses for the TTM/CWS & White Oak River Properties.
 - d. The developer is responsible for the costs to design and construct the Heather St extension half street improvements along the development's southern frontage, the new Mountain View Lane/existing Heather St/Heather St extension intersection, and the construction of the new accesses to TTM/CWS and White Oak River properties to the southern PROW of the Heather St. extension.
 - e. The developer shall coordinate with TTM, Clean Water Services, and White Oak River Inc. to identify their access requirements from their sites to the Heather St extension.
 - f. The separation between the curb cuts for the two TTM access points shall be a minimum of 105 ft per Development Code Section 17.8.130.D.2
 - g. A transition from the Heather St extension to the existing roadway at the western limit of the tax lot shall be provided as shown on the preliminary drawings from the Land Use application.
 - h. Stormwater management approaches (SWMA) for treatment and detention of stormwater runoff shall be sized for all new or modified impervious surfaces from the construction of the ½ street Heather St. improvements, construction of the new Mountain View Lane/existing Heather St/Heather St extension intersection, and for the future completion of the Heather St. extension to a full collector street cross-section. These facilities shall be solely for the treatment and detention of stormwater runoff from impervious surfaces in the PROW. The City will reimburse the developer for the portion of the stormwater management facilities required for the impervious area created by the future completion of the Heather St. extension to a full collector street cross-section.
 - i. If there is insufficient area within the Heather Street extension PROW to provide treatment and/or detention of the stormwater runoff from all impervious surfaces from the ½ street improvements, construction of the new Mountain View Lane/existing Heather St/Heather St extension intersection, and for the future construction of the Heather St. extension to a full collector street cross-section as well as the future buildout of the within the PROW for full collector street section, then the developer shall:
 - Request an exemption from providing stormwater treatment and/or hydromodification detention as defined by CWS Design & Construction Standards (DCS) Section 4.03.7 in the form of a formal engineering technical memorandum (TM). The TM will at least describe why stormwater management areas cannot be constructed in the PROW and which conditions in CWS DCS Section 4.03.7 exist. The developer shall submit the TM to the City for review by the City and CWS. CWS will make the final decision if a fee-in-lieu will be approved for the PROW Stormwater Management Facilities; or (We are not in favor of giving the exemption – Those hydromodifications detention requirements are important to not exempt.)
 - ii. Provide the necessary area for the stormwater management facilities outside of the through a permanent stormwater easement or dedication of PROW for this purpose.
14. The developer shall furnish and install all signs within the PROW at their expense. The developer shall furnish and install all signs within the PROW at their expense.
15. The developer shall maintain continuous emergency access between Mountain View Lane and the White Oak River and TTM properties during construction.
16. The developer shall maintain continuous access to the TTM and CWS properties during construction.

17. The Emergency Intertie at the southwest corner of the new intersection of Mountain View Lane and the existing Heather St east of Mountain View Lane will likely be under construction at the same time as Phase 1 of the Data Center. The developer shall provide construction access to and from the Emergency Intertie project site to Mountain View Lane at all times.
18. Curb ramps shall be designed and constructed in accordance with ODOT Standard Drawing RD900 series, per City of Forest Grove Standards.
19. Diagonal curb ramps are not permitted on new construction projects. Each 4-way intersection shall have 8 individual ramps and each 3-way intersection shall have 6 curb ramps.
20. CWS Street Side Planters, Standard Drawings Numbers 745 & 750 are prohibited within the city of Forest Grove.
21. A Reduced-Pressure Principle Backflow Prevention Assembly (RP) shall be:
 - a. Installed on each water service being provided by city of Forest Grove including potable, fire, and irrigation.
 - b. The city will require premise isolation, meaning the RP device will be placed on the customers side and on their property before any other connections.
 - c. There shall be sufficient room between the PROW and the RP for maintenance activities. The maximum separation between the RP & the PROW/property line is 10 ft.
22. Water meters shall be in the PROW. If there is insufficient room in the PROW, then they shall be located outside of the PROW in the adjacent property and an access/maintenance easement to benefit the city shall be provided by the developer. The size of the easement will be determined during development of the Site Plans based on the meter size.
23. The private fire service line shall not be connected to any other service on site, as it is not metered.
24. The Land Use Application (LUA) states that the developer is assessing opportunities for the use of a non-potable water source in coordination with CWS. The LUA does not state what the non-potable water source is or how the source would be used. (This needs to be spelled out in detail with a legal document. CWS has never used recycled water for an industrial site before. They have used it for test pilots for Golf courses and a few other smaller uses. They are working with the DEQ on their experimental recycling water program. If the recycling water program does not work, the city needs to be guaranteed that CWS has enough water from the cities reservoir and from Haag Lake. When the MGC Chemical applied for a permit to produce ultra-pure hydrogen peroxide, a question then arose whether the City of Forest Grove had enough capacity to quench their thirst. Rob Foster, Public Works director at the time, decided that they did. However, another huge water user wants a limited resource – water.) The developer's team has informed the city, by email, that they are working with CWS to secure reclaimed water as the source for the data center cooling system. The LUA also does not identify if the developer plans on using city water for the data center cooling system. If the developer determines that city water is required for the data system cooling system, then the developer shall perform a water system capacity analysis (Analysis) at their costs. The developer shall use the same criteria used for the water system evaluation as used in the 2022 Water System Master Plan water system analysis to evaluate if the city's water system has sufficient capacity to supply the Data Center's maximum daily cooling water demand at buildout and if any water system improvements are required to provide the maximum daily cooling water demand at buildout. The developer shall submit to the city prior to the water system analysis a technical memorandum stating all criteria to be used for the water system analysis. The city will review the technical memorandum and provide comments, at which point the developer may proceed with the water system capacity analysis. The developer shall be responsible for the cost of the water system improvements required to meet the data system's maximum daily cooling water demands at buildout, unless determined otherwise by the city. If the analysis is required and then prior to the issuance of the Building Permit, the developer shall complete the analysis and the developer shall agree to design and construct the required water system improvements as part of the Public Improvement Agreement. (This needs to be done before the Planning Commission makes its recommendation to the City Council.)

The Crane Data Center staff considers this so important that they have set up weekly meetings to get CWS approval.

Questions on the above items should be directed to Civil Engineer Rich Blackmun at 503-992-3192 or

RBlackmun@forestgrove-or.gov.

**Crane Data Center
3975 Heather Street**

**City of Forest Grove
Engineering Conditions of Approval
July 31, 2024**

Applicant/representative shall sign below and return to City Engineering. Applicant/representative has read the conditional approval form and understands the conditions of approval outlined to this project. **Not meeting these conditions may result in withdrawal of engineering approval to project.**

GENERAL

1. All plans submitted to date are considered preliminary only. Upon completion of land use application approval, detailed construction plans and specifications must be submitted to engineering that demonstrate compliance with standards and regulations adopted by the City of Forest Grove and/or all other agencies that have jurisdiction including Clean Water Services, Washington County, Oregon Department of Transportation, and the conditions of approval as passed by the City Planning Commission for Land Use Approval. Contact engineering for questions on detail construction plan check process and the required number of construction plan sets/specification required for the detailed review. (Agree all plans should be considered preliminary only. The land -use application has been approved by the Planning department, but before the Planning Commission gives their stamp of approval, they also should make sure that the above has been approved.)
2. All detailed construction plans submitted shall be stamped by an Oregon registered professional engineer.
3. All information related to vertical and horizontal location including in documents containing legal description, Draft Development Plan, Final Development Plan, Final Plat, Right-of-Way Deed, or Easement, and Record Drawings must be on the City of Forest Grove current City Datum. Narrative of City Datum including Bench Mark information is available through City Engineering Department.
4. Prior to issuance of Building Permit, Applicant will enter into an agreement with the City of Forest Grove for the construction of public facilities. City will prepare Agreement Allowing Developer to Construct Public facilities. The Agreement document shall be fully executed by City and Developer prior to start of construction.
5. Public improvements shall be in place and accepted by the City Engineer prior to issuance of building permits for new lots of record.
6. Final Development Plans and Specifications containing design for construction of public facilities shall receive approvals (as applicable) from City of Forest Grove, Clean Water Services, and other affected jurisdictional agencies. Developer is responsible for all submittals, approvals and permit acquisitions, unless advised otherwise by the City. Permits, if required, shall be secured by developer or authorized representative prior to start of construction (e.g. both on-site and off-site construction).
7. It is the responsibility of the Applicant to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from engineering must be received before any changes are constituted in site design, grading, building design, building colors or materials, etc.

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8. Applicant shall, at applicant's expense, and under City's direction, provide for traffic control, during construction, so as to minimize the impact on residents surrounding or adjacent to the Project. Applicant agrees that, during any construction within or as a part of the overall Project, all existing roadways as of the date of approval of this project, at all times, remain passable to a minimum of two lanes of traffic, one in each direction, or an acceptable detour approved by City. Applicant further agrees that if, at any time, City shall determine that there are not sufficient acceptable traffic lanes or acceptable detours which are passable, that all construction by applicant shall immediately cease upon written demand therefore, by City.
9. Applicant shall replace, or have replaced, or repair or have repaired, as the case may be, all existing infrastructure which have been destroyed or damaged, and applicant shall replace or have replaced, repair, or have repaired, as the case may be, or pay to the owner, the entire cost of replacement by reason of any work done hereunder, whether such property be owned by the City or any agency thereof, by any private, or by any person whomsoever, or by any combination of such owners. Any such repair or replacement shall be to the satisfaction and subject to the approval of the City Engineer.
10. Applicant shall provide such monumentation as may be required by City Engineer, in accordance with accepted standards. The applicant shall post security guaranteeing the payment of the cost of setting the monuments. The cost of setting the monuments will be determined by the City Engineer upon approval of the improvement plans. The Applicant shall pay the engineer or surveyor for the cost of setting the monuments within three (3) months from date of notification by the engineer or surveyor that the monuments have been set. If the applicant does not pay the engineer or surveyor within the three (3) months from date of notification, the City shall pay the engineer or surveyor for the security and refund the difference, if any, to the Applicant.
11. Prior to commencement of project work the project Applicant shall provide proposed trucking routes for all equipment and material deliveries as may be required by the City Engineer. The City shall, at Applicant expense, video the routes to establish preconstruction conditions. Damage to any public improvements, on or off site caused by construction operations, during construction on the subject property shall be repaired to the satisfaction of the City Engineer at full expense to the Applicant. This shall include slurry seal, overlay, or street reconstruction if deemed warranted by the City Engineer.
12. Project Applicant shall obtain, at Project Applicants sole expense, any and all easements or real property which may be required for the development of the Project, and which may be necessary and required in order for Project Applicant to comply with these Conditions of Approval, and the applicable ordinances and resolutions of the City.
13. All engineering design, including, but not limited to, storm sewers and appurtenances, sanitary sewers and appurtenances, streets including, but not limited to, geometrics, sight distances, lighting and sound walls, water systems and appurtenances, signing and striping, landscaping and appurtenances, shall be supported by applicable engineering studies/calculations, as required by the City Engineer.

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14. Project applicant shall design/install all improvements and perform all work required for this project in accordance with established City Standards or as approved by the City Engineer and Public Works. Plans for all improvements, including, but not limited to, storm drainage, water and sewer main sizes, either on-site or off-site, shall be in accordance with City Specifications and shall be approved by the City Engineer.
15. The Project Applicant shall be responsible for all work performed by any and all contractors and subcontractors.
16. Detailed plans reflecting the design and construction of all public infrastructure improvements for street, sewer, water, fiber optics and storm drain, both on- and off-site, shall be as directed by the City Engineer. Developer shall have written approval from the City Engineer for any variations from the City's master plans or standards prior to any final approval. (Agree.)
17. The applicant, in order to reduce the tracking of mud throughout the City, shall design/install standard construction entrances, and shall be responsible for cleaning up (or any expenses incurred by the City for cleaning up) mud, debris, etc. from City streets that is attributed to his project during construction.
18. As-built work in the public right of way are to be submitted to the engineering department on CD ROM or DVD computer disk in a format approved by engineering. Digitized information shall be submitted before requesting a final inspection and should reflect as-built status and information as approved by engineering.
19. Public facilities serving the proposed development, including but not limited to, sanitary sewers, water, streets, storm sewers, electrical power facilities, parks, public safety and schools shall be adequate and meet current City standards; or it is guaranteed that inadequate or nonexistent public facilities will be upgraded or constructed by the applicant prior to occupancy of the project.
20. Except as provided otherwise, in the City's conditions of approval or special specifications for construction of public improvements, the Design and Construction Standards for Sanitary Sewer and Surface Water Management by Clean Water Services shall apply in all matters concerning sanitary sewers and the management of storm and surface water runoff.
21. The recommendations of the traffic study, geotechnical report, and drainage report shall be incorporated into the detailed construction plans and specification review.
22. Unless approved otherwise applicant shall extend utilities and roadways through the project to site boundaries for purposes of future development.
23. Identify in plans and profile, any potential vertical conflict points between utilities. Show provisions necessary to accommodate any such questionable or otherwise close conditions.

DEDICATIONS

24. The Applicant shall provide all necessary easements for streets, alleys, sewer, and water facilities,

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irrigation, fiber optics, district facilities, and other facilities as may be required by the City. Utility easements shall be at a minimum a clear fifteen feet (15') for one utility and a clear twenty feet (20') for two or more utilities. Easements shall not be split between property lines or as otherwise determined by the City Engineer. The easement widths identified are minimums and in certain circumstances, additional easement widths may be required as determined by the City Engineer.

GRADING/DRAINAGE

25. It is the responsibility of the Applicant to meet all Clean Water Service Standard. City engineering will coordinate and submit a set of completed detailed construction plans (completed City engineering review process) for Clean Water Services review. (We want to see these plans before the final hearing before the Planning Commission.)
26. Regarding drainage, the applicant must identify if the project will impact existing surrounding uses including but not limited to agricultural uses. The applicant shall submit a drainage plan showing enough detail to address the mitigation of impacts on these existing surrounding uses or to conclusively show that there will be no impacts to the satisfaction of the City Engineer. The mitigation of these impacts is the financial responsibility of the Applicant until the City formally accepts the mitigation. Additionally, the Applicant shall bear the financial responsibility of, and shall dedicate to the City, runoff control easements, as needed.
27. The applicant must identify issues where the finished grade of the property is higher or lower than the abutting property or adjacent lots, and a suitable solution acceptable to City Engineering shall be required. Solutions including retaining walls shall be shown on grading plans. Retaining walls shall be structurally engineered if over four (4) feet in height, including surcharge, and will require a separate building permit. Applicant shall ensure proper setback requirement on these measures for mitigating grade differences, including building code requirement of two foot setback from toe of slopes.
28. A geotechnical report shall be prepared and submitted by a geotechnical engineer who will be retained by the Applicant to observe, test, and certify that all recommendations outlined in the Report are fulfilled during construction. The reports shall be less than one year old. The reports shall include information on the nature, distribution, physical, and engineering properties of the soils onsite and/or soils to be used as fill, and include recommendations on grading procedures. (We want to read the report.)
29. Prepare and submit hydrology/hydraulic calculations for sizing of all proposed drainage devices. The analysis shall also determine if changes in the post-development versus pre-development conditions have occurred. The analysis shall be stamped and signed by an Oregon Civil Engineer and prepared per area standard, including Clean Water Services requirements. Local regulations requires certain new development and redevelopment projects/activities to incorporate post construction Best Management Practices (BMPs) into the grading/drainage plans to control pollutants. Please refer to the Clean Water Service guidelines for specific comments and requirements. (We want to read the report.)
30. The applicant shall take every step necessary to contain all dirt, construction materials, and construction run-off on site. No grading or construction-related debris, either directly or indirectly carried by water, will be permitted to leave the construction site.

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31. All grading projects require an Erosion Control Plan as part of the grading plans. Grading permits will not be issued until an Erosion Control Plan is approved. Please refer to Clean Water Services requirements.
32. The project shall incorporate site design measures for reducing water quality impacts of the project, in compliance with Clean Water Services requirements. Where feasible, parking lots and other impervious areas shall be designed to drain stormwater runoff to, private water quality facilities, vegetated drainage swales, filter strips, and/or other treatment devices that can be integrated into required landscaping areas and traffic islands prior to discharge into storm drain systems. The use of permeable paving for parking and driveway surfaces is encouraged, to reduce runoff from the site. Such paving should meet fire department requirements and be structurally appropriate for the location. Such water quality mitigations should plan to meet manufacture required maintenance provision.
33. All new private water quality facilities will be required to sign a Private Water Quality Facility Maintenance Agreement and provide information for City master storm water connection report prior to receiving building permit.
34. Project applicant shall, at Project Applicant expense, shall prepare and submit a Dust Emission Control Plan for Project Grading. The Plan shall require that contractor work specifications shall include provisions for adequate water to be applied during construction in order to control dust disturbance resulting from grading operations. The Plan and related contractor work specifications shall be reviewed and approved by the City and Clean Water Services.
35. Prior to City issuance of a grading permit, dust control measures shall be applied in accordance with all ordinances, rules and regulations of the City, including regarding use of water for compaction or dust control purposes.
36. The Applicant shall submit a grading plan to the City Engineer for approval which reflects the recommendations of a final Geologic and Geotechnical study, including construction procedures and/or design criteria. Construction plans submitted to the City Engineering shall conform to the City Engineering Design Standards and include specifications necessary to minimize potential impacts resulting from soil conditions on the project site. The City Engineer or his representative shall verify in the field that all conditions have been satisfied.
37. The project plans shall include erosion control measures to prevent soil, dirt and debris from entering the storm drain system, in accordance with Clean Water Service standards. Drainage from parking lots and private streets to the public right-of-way will be filtered through a City approved systems. The system shall be located on the development property and maintained by the property owner.
38. Pre-development flow from adjacent properties onto the project site shall be maintained or accounted for in the final design.
39. The on-site drainage system must be properly designed to maximize infiltration of roof and/or surface runoff into the underlying soil before discharging into public storm drain, street or alley. Also, the

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storm drainage from project site can not become a nuisance to surrounding property.

40. Storm pipe video inspection shall be provided to the Engineering Division prior to final approval.

RIGHT OF WAY IMPROVEMENTS

41. Any existing damage or damage incurred during construction to the approaches, curb, gutter and/or sidewalk shall be repaired and/or replaced to the approval of the City Engineer.

42. A State Encroachment permit shall be secured prior to the construction of improvements on State or County Facilities.

43. All street improvements shall conform with the requirements of the Americans with Disabilities Act, including the placement of sidewalk at the rear of the driveway at all driveway locations and adjacent to the back of curb at all non-driveway locations.

44. All proposed streets shall be fully improved in conformance with the City standards to the width required by the City. The Project shall install normal and necessary public improvements along the property street frontages to the satisfaction of the City Engineer.

45. These improvements may include, but are not necessarily limited to, grading, curb and gutter, sidewalk, paving, make-up paving and wheel chair ramps, along with construction of all standard utilities necessary including water facilities, sanitary sewer, and storm drainage systems, street lighting, underground utilities, traffic control devices, landscaping, and automatic irrigation systems. All approved driveway locations shall be constructed to City standards.

46. Public sidewalk location shall be shown on the approved plans. Sidewalks (parallel with public streets) shall be located near property/R.O.W. line unless approved otherwise by the City Engineer. Unless designated otherwise on the approved plans, sidewalks shall be installed concurrent with development of lot(s) of record.

TRAFFIC & LIGHTING

47. Arrange for relocation of all utilities, poles, signals, street lights, etc.

48. Developer shall provide and install the following: (1) all signing including, but not limited to, street names, speed, warning, no parking, vehicular and pedestrian traffic protection and direction, for public rights-of-way and easements; and (2) pavement striping, marking and reflective pavement markers. All such signing, striping and marking shall be shown on the approved plans.

49. All signing shall conform to the City Sign Ordinance in regards to size, design, and location. All signs shall be reviewed, approved, and a sign permit obtained prior to installation.

50. Prior to acceptance of improvements by the City, the developer shall perform roadway surface improvements, such as slurry seal or overlay as required by the City Engineer, and shall install any additional traffic signs, striping and pavement markings determined necessary by the City's Traffic

**Crane Data Center
3975 Heather Street**

Engineer, after inspection of the final physical improvement, to insure safe operation of all intersections and segments of streets before any building can be occupied.

51. Establishment of new pedestrian crossings at uncontrolled intersections or at mid-block locations on roadways under control of the City shall be based upon an engineering study by applicant, and reviewed and approved by the City Engineer according to evaluation process set by Washington County.

STORM AND SANITARY SEWER IMPROVEMENTS

52. Sewer pipe video inspection shall be provided to the Engineering Division prior to final approval.

53. Regarding septic systems, the applicant must identify if the project will impact existing surrounding systems. The applicant shall submit a plan showing enough detail to address the mitigation of impacts on these existing surrounding uses or to conclusively show that there will be no impacts to the satisfaction of the City Engineer. The mitigation of these impacts is the financial responsibility of the Applicant until the City formally accepts the mitigation. Additionally, the Applicant shall bear the financial responsibility of, and shall dedicate to the City, runoff control easements, as needed. County standards on setbacks to existing system shall be followed.

54. Public Storm Drain and Sewer pipe materials shall be in accordance with the latest Clean Water Services design and construction standards.

55. Location of sewer and storm mains shall follow City standards or approved otherwise by the City Engineer.

56. Submit Drainage Report. Include (therein) data relevant to treatment and detention of storm and surface water runoff.

EXCAVATION, PAVING, and GRADING

57. Paving shall be per City Standards.

58. Limits of Paving Restoration shall be determined by the City Engineer or Public Works Inspector.

59. All site grading and public improvement work shall conform with the City of Forest Grove Municipal Code, development Conditions of Approval, City of Forest Grove Standard Specifications, Uniform Building Code Appendix Chapter 33-Excavation and Grading, and, if applicable, the Agreement Allowing Developer to Construct Public Improvements.

WATER

60. Water facilities must comply with plumbing cross-connection control standards as required by City Ordinance and State law for the protection of water supplies. Information on acceptable back-flow assemblies is available from the City Water Division.

- b 1. The size and location of all water meters shall be determined by the Engineer/Architect or authorized representative. All water meters will be furnished and installed by the Water Division at the expense of the Applicant.
- b 2. All public water system components must be constructed within public right-of-way or public easements.
- b 3. All water connections to the City Water Distribution system shall be shown on the construction plan submittal review. This includes irrigation water meters for general open areas in a development project. Water irrigation meters and related impact fees will be paid before the Civil/Grading plans are approved and will be based on the City current meter fee schedules.
- b 4. Municipal Code requires that water systems shall be designed to flow a minimum 2000 gpm (medium density) with 20 psi residual pressure at all new fire hydrants. New public water mains shall be sized 8-inch minimum dia. and be D.I.P. unless approved otherwise by the City Engineer.
- b 5. Standard location for public water mains is on the West and/or South side of the public street R.O.W. and additionally, West and/or South of public storm drains unless approved otherwise by the City Engineer.
- b 6. Public Fire Hydrant spacing and location shall conform to City Code and as otherwise required by the City Fire Marshal.
- b 7. All new Fire Hydrants shall conform to current City Standards. City Standards require that all hydrants be equipped with a 4-inch Storz fitting. Where possible, each hydrant location shall be identified with installation of blue reflective pavement marker, adjacent to hydrant, near centerline of street or as determined otherwise by the City Fire Marshal. Hydrants situated outside of public street R.O.W. shall be clearly marked and protected from damage as deemed necessary by the City Fire Marshall.
- b 8. Size of the new water meter service shall be shown on the plans and shall be installed by the Applicant at his/her expense per City Standard Specifications.
- b 9. Domestic and fire backflow-prevention devices, designed to protect the public water supply, shall be approved by the City Engineer in addition to the City Building & Plumbing Official.
- b 10. Water used in conjunction with construction of the project shall be obtained only from pre-approved sources. A permit to take City water for this purpose shall be secured by applicant or representative prior to start of construction activity.

SPECIAL CONDITIONS

If you have any questions about any of the above items, please contact me at yourname@forestgrove-or.gov or (503) 992-3XXX.

Project Engineer: [Your name here] (This was not completed in the Administrative Decision by Planning Department staff.)

Exhibit Attachment C1 1

Following is a transcript of Dale Feik's public comment via Zoom to the Washington County Commissioners on September 17, 2024, about Crane Data Center's Land-Use application to the City of Forest Grove. I emailed my written comments

TO:

1. Oregon's Environmental Quality Commissioners,
2. The Washington County Board of Commissioners,
3. Mayor Malynda Wenzl and Forest Grove Councilors, and to
4. Clean Water Services Chief Executive Officer Diane Taniguchi-Dennis who sits at the table during Washington County Board of Commissioners Business meetings.

***The Washington County Board of Commissioners are the Board of Directors of Clean Water Services.

Kevin Moss, Washington County clerk/recorder:

Commissioner Harrington, the Washington County Board of Commissioners. Also meeting is the Board of Directors for Clean Water Services and all other county services districts, is now meeting this regular session, September 17th, 2024. Commissioner Treece.

Pam Treece WC Commissioner:

Here.

Kevin Moss, WC clerk/recorder:

Commissioner Willey.

Jerry Willey, District 4 Commissioner:

Here.

Kevin Moss, WC clerk/recorder:

Commissioner Rodgers.

Roy Rogers, WC Commissioner:

Here.

Kevin Moss, WC clerk/recorder:

Vice Chair Feige.

Nafisa Fai, WC Commissioner:

Present.

Kevin Moss, WC clerk/recorder:

Chair Harrington.

Kathryn Harrington, Chair, Washington County Board of Commissioners:

Here. Thank you. Next on the agenda is our first of two public comment periods. This is an opportunity for members of our community to come and address the board for up to two minutes as an individual. Clerk Moss, do we have anyone who wishes to do so this evening?

Kevin Moss, WC clerk/recorder:

Thank you, Chair Harrington. I did not see anyone sign up in the back room. If anyone in the auditorium wishes to provide public comment for up to two minutes on any county-related topic? I'll give you just a moment to raise your hand or start coming forward. Not seeing any in the room. Would any member online wish to provide public comment for up to two minutes on any county-related topic? I'll give you just a moment to utilize raise hand function. So we have one hand. Dennis Erickson. Dennis, can you hear us? Are you able to unmute Dennis?

Dennis Erickson whose ipad Dale Feik used :

What did you say? Unmute?

Kevin Moss, WC clerk/recorder:

Yep. You were on mute. Please go ahead for up to two minutes.

Dale Feik, 2- minute public commenter about Crane Data Center's Land-Use application

Good. Dennis and I are at Heather Cox Richardson's lecture at the Schnitzer. We're at the Schnitzer, at Heather Cox Richardson's lecture talking about her book titled: Democracy Awakening, Notes on the State of America. Democracy. Can you hear me?

Kathryn Harrington, Chair, Washington County Board of Commissioners:

Yes. It's a little low.

Dale Feik, 2- minute public commenter about Crane Data Center's Land-Use application

We have it as loud as we can here.

Kathryn Harrington, Chair, Washington County Board of Commissioners:

Okay, great. Thank you.

Dale Feik, 2- minute public commenter about Crane Data Center's Land-Use application

Thank you. All right. I'm Dale Feik, chair of the Washington County Citizen Action Network. I already sent you an email about Crane Data Center's land-use application to the City of Forest Grove. I just want to quickly do a two-minute summary of it. And I sent my email to the Environmental Quality Commission; to you, Washington County Board of Commissioners; the Forest Grove mayor Malynda Wenzl and Councilors; and to Diane Taniguchi-Dennis, Clean Water Services' Chief Executive Officer

And this specifically relates to the Crane Data Center, but also data centers in general in Oregon. And also, I gave a link to you so you can read what journalist Cooper said. It was in the New York Times, and it pertains not only to Washington County, Forest Grove, it pertains to regions in Oregon. Okay.

There's a revolution of artificial intelligence that promises breakthroughs in medical research and corporate productivity. The problem with all that is people like Amazon, Meta, and Microsoft, they're building centers over a thousand acres, ringed with guard towers and razor... Whatever. And the problem is there's all kinds of problems related to noise and power.

And they're overwhelming the power system. Bonneville Power, PG&E, they don't have the power for all these things. And the Crane Data Center applied for a land-use permit in Forest Grove, and I'm fighting it. And I address this to Diane Taniguchi-Dennis because they want to use recycled water. And I know Clean Water Service wants to use their recycled water and do it for the first time commercially.

It's a bad idea. Please stop it. Don't go along with it. It's not good. That is my comment. Thanks for listening. I am at the Arlene Schnitzer Concert Hall with Dennis Erickson going to a lecture by Heather Cox Richards who wrote the book titled Democracy Awakening, Notes on the State of America.

Kathryn Harrington, Chair, Washington County Board of Commissioners:

Just for the sake of the public, Mr. Feik has spoken to us several times about the Crane Data Center application that is within the city of Forest Grove. The Washington County Board of Commissioners has no standing with regard to the siting of that data center within the city of Forest Grove. And thus far that business has not made any overtures to ask for any particular special service from Clean Water Services. Thank you.

Kevin Moss, WC clerk/recorder:

Would any other person online wish to provide public comment for up to two minutes, I'll give you just one more moment to raise hand function. Not seeing any additional hands.

Data Centers, EQC, Sept 27, 2024 public Comment by Dale Feik - written and oral

From [REDACTED]

Date Mon 9/16/2024 5:08 AM

To 'Lindsay Trapp' <lindsay.trapp@deq.oregon.gov>

Cc 'Leah Feldon' <Leah.feldon@deq.oregon.gov>; Ali.Mirzakhali@deq.oregon.gov <Ali.Mirzakhali@deq.oregon.gov>; Michael.Orman@deq.oregon.gov <Michael.Orman@deq.oregon.gov>; board@wc-can.org <board@wc-can.org>; 'Mike Rogoway' <mrogoway@oregonian.com>; 'Kevin moss' <Washcoclerk@washingtoncountyor.gov>; Nicholas LaMora <nlamora@pamplinmedia.com>; Mariah Woods <citycouncilors@forestgrove-or.gov>; Ken Dobson <kdobson@pdxlandlaw.com>; Diane Taniguchi-Dennis <DennisD@CleanWaterServices.org>

Bcc Darci Hanning <darci.hanning@gmail.com>; Brian Hurley <res71cjz@frontier.com>; John & Taylor Elwess <jtelw22@gmail.com>

 3 attachments (2 MB)

Noise Hungry Data Centers Are Catching Communities by Surprise N York Time Opinion Sept 15 2024.docx; Crane Data Center Petition (2).pdf; SignaturesOpposingCraneDataCenterProject.pdf

To: Environmental Quality Commissioners via Lindsay Trapp (Please forward this email to the four Commissioners - Matt Donegan, Chair, and Commissioners, Amy Schlusser, Mark Webb, Karen Moynahan; and DEQ Director Leah Feldon

To: Washington County Board of Commissioner's Chair Kathryn Harrington and Commissioners

To: Forest Grove City Mayor Malynda Wenzl and City Councilors

To: Diane Taniguchi-Dennis, Clean Water Services Chief Executive Officer

Re: Data Centers in Oregon, specifically Crane Data Center in Forest Grove

Please read and act to prevent Data Centers in Oregon and specifically Crane Data Center in Forest Grove from becoming the nightmare that is described in the Sept. 15, 2024, New York Guest essay by Sean Cooper. In the attachment titled 'Noisy, Hungry Data Centers Are Catching Communities by Surprise',

Cooper states:

"The revolution in artificial intelligence that promised us breakthroughs in medical research and corporate productivity seems to be running a little behind. But already A.I. has become something of a nightmare for the Americans who happen to live near one of the more than 5,000 data centers that power it and keep the cloud above our digital world running...

Across the country, from Indiana to Oregon, companies such as Amazon, Meta and Microsoft are building data centers on sites that can stretch over 1,000 acres, ringed with guard towers and razor wire fences....

People who live near one Northern Virginia center have complained that the mechanical whir of the fleet of industrial fans needed to cool the sensitive computer equipment inside can sound like a leaf blower that never turns off. Cooling the heavy equipment also diverts great volumes of water even in places where it's scarce. And

some of the costs of powering the centers are shouldered by utility customers, in the form of hundreds of dollars a year added to household energy bills.

Residents rarely learn how data centers may affect their lives until it's too late....

The tactics companies have deployed in recent years to build their massive data center networks are downright mercenary, and regulators now need to step in to make sure the communities most affected by these industrial projects can learn about and evaluate them for themselves.

At the moment, without those measures in place, residents and environmental groups have to go up against the tech firms largely on their own just to obtain basic details about the water, energy and noise impacts.

Google and its big tech rivals are trying to get out in front of blowback from local constituents, and are investing in community engagement or tapping public relations spin shops. They argue that disclosing how much water and electricity their data centers require will put them at a competitive disadvantage. And they promise their data centers will eventually be "water positive" and use only renewable energy. It will be years until the cooling technology and green-energy infrastructure is in place to make those promises a reality.

Protecting communities and the environment from the malignant impact of data center projects won't spell the end of the A.I. industry. Though new rules could take a bite out of potential profits for big tech companies, ensuring the transparency of data center development as it proliferates is all but essential for the A.I. revolution to become a reality.

Sincerely,

Dale Feik

Chair, Washington County Citizen Action Network (WC CAN) -

<http://www.wc-can.org/>

Resident of Forest Grove since 1966



Cc: Leah Feldon, DEQ Director

Ali Mirzakhali, DEQ Air Administrator

Michael Orman, DEQ Air Manager

Washington County Board of Commissioners via Kevin Moss, clerk

Diane Taniguchi-Dennis, Clean Water Services Chief Executive Officer

Mariah Woods, Clerk/Recorder, City of Forest Grove

Mike Rogoway, The Oregonian Reporter who has written extensive stories about Data Centers

Nicholas LaMora, a Pamplin Papers reporter

Ken Dobson, Land-use attorney

Washington County Citizen Action Network, WC CAN,, Board of Directors

Bcc: No Forest Grove Data Center leaders - Darci Hanning, Brian Hurley, John & Taylor Elwess

Please open the attachments titled:

1. Crane Data Center petition that describes why to oppose Crane's Land-Use Application without signatures; and
2. signatures opposing Crane Data center.

Noisy, Hungry Data Centers Are Catching Communities by Surprise

By Sean Patrick Cooper

Mr. Cooper is a journalist and an author.

- Sept. 15, 2024
- <https://www.nytimes.com/2024/09/15/opinion/data-centers-ai-amazon-google-microsoft.html>

The revolution in artificial intelligence that promised us breakthroughs in medical research and corporate productivity seems to be running a little behind. But already A.I. has become something of a nightmare for the Americans who happen to live near one of the more than [5,000](#) data centers that power it and keep the cloud above our digital world running.

Across the country, from Indiana to Oregon, companies such as Amazon, Meta and [Microsoft](#) are building data centers on sites that can stretch over 1,000 acres, ringed with guard towers and razor wire fences.

People who live near one Northern Virginia center have complained that the mechanical whir of the fleet of industrial fans needed to cool the sensitive computer equipment inside can sound like a leaf blower that never turns off. Cooling the heavy equipment also diverts great volumes of water even in places where it's scarce. And some of the costs of powering the centers are shouldered by utility customers, in the form of [hundreds of dollars](#) a year added to household energy bills.

Residents rarely learn how data centers may affect their lives until it's too late. Big tech operators are [aggressively deploying](#) nondisclosure agreements to [force](#) local officials, construction workers and others to keep these projects under wraps.

For tech firms, the incentives to build more of these centers are immense: A McKinsey analysis projected the generative A.I. business could eventually be worth [nearly \\$8 trillion](#) worldwide. Tech companies don't want to tip off rivals who might try to swoop in and steal a viable site for development. That's part of the reason they so zealously enforce nondisclosure agreements. But it's more than that — they also seem to want to avoid angering locals who might learn of the coming disruptions and protest zoning changes.

Sign up for the Opinion Today newsletter Get expert analysis of the news and a guide to the big ideas shaping the world every weekday morning. [Get it sent to your inbox.](#)

The tactics companies have deployed in recent years to build their massive data center networks are downright mercenary, and regulators now need to step in to make sure the communities most affected by these industrial projects can learn about and evaluate them for themselves.

At the moment, without those measures in place, residents and environmental groups have to go up against the tech firms largely on their own just to obtain basic details about the water, energy and noise impacts.

In bucolic Frederick County, Md., county officials [signed](#) a nondisclosure agreement with Amazon in 2019 around a possible data center project that fell through in 2021. Sugarloaf Alliance, a local land conservation group with concerns about the project, wasn't able to get details on the company's plans to rezone parcels of land and the potential environmental impacts until it sued the county in 2022.

"Prying the details out of county government was a giant wake-up call," Steve Black, Sugarloaf Alliance's president, told me.

In Orange County, Va., [residents learned](#) Amazon was holding secret discussions with a group of nearly a dozen local officials who'd signed nondisclosure agreements. The agreements meant officials couldn't disclose negotiations over energy needs and water usage for a data center project that is part of a 2,600-acre mixed-use development. A historical preservation group has continued to fight the project, arguing that it would undermine the character of a Civil War battlefield nearby. But they may not succeed in stopping the project from breaking ground.

Even when local leaders don't sign nondisclosure agreements, it can be difficult for community members to assess the impact of a proposed center. In Cass County, Mo., local officials held private meetings with representatives of a company interested in building a facility in their small farming community, but few details emerged from those conversations, and residents eventually formed a group to host citizen town halls to crowdsource information on tax increases, noise issues and the potential strain on the electric grid.

Google and its big tech rivals are trying to get out in front of blowback from local constituents, and are investing in community engagement or tapping [public relations spin shops](#). They [argue that disclosing](#) how much water and electricity their data centers require will put them at a competitive disadvantage. And they promise their data centers will eventually be "[water positive](#)" and use [only renewable energy](#). It will be years until the cooling technology and green-energy infrastructure is in place to make those promises a reality.

Local leaders who run interference on behalf of tech giants often play up the benefits, [particularly the jobs and advanced technical training opportunities](#) they tout. Recently, a small but growing number of officials have begun to question these deals. In Georgia, where electricity demand and energy grid strain from more than 50 data centers pushed residential utility bills [up almost \\$200 a year](#) on average per household, state senators passed a bill earlier this year that would pause tax incentives for data center development for the next two years.

Yielding to intense lobbying from big tech, Gov. Brian Kemp vetoed the legislation in May, but the bipartisan support behind the new tax rules pointed to the emergence of a new sentiment summed up by State Senator John Albers, a sponsor of the bill, who said simply that the [return on the tax incentives "is not there."](#)

A similar resistance from residents critical of the impact a 10-acre data center campus would have on electricity demand in Cascade Locks, Ore., led to the recall of two officials who'd supported the project. In Chesterton, Ind., concerns about energy use and noise from a proposed data center's

75,000-square-foot yard of backup diesel generators were glossed over by the developer. In the end, the [\\$1.3-billion project](#) was nixed.

Those local victories will remain the exception to the rule unless regulators, Congress or both intervene to prohibit the use of nondisclosure agreements and require independent audits of how data center development could raise energy bills, drain water resources and increase noise pollution.

Protecting communities and the environment from the malignant impact of data center projects won't spell the end of the A.I. industry. Though new rules could take a bite out of potential profits for big tech companies, ensuring the transparency of data center development as it proliferates is all but essential for the A.I. revolution to become a reality.

Sean Patrick Cooper is the author of "The Shooter at Midnight: Murder, Corruption, and a Farming Town Divided." Reporting for this guest essay was supported by the Robert B. Silvers Foundation

More on A.I.'s demands on the electric grid – Three stories with links below (you have to copy and paste the link)

1.

[A.I.'s Insatiable Appetite for Energy July 11, 2024](#)

<https://www.nytimes.com/2024/07/11/climate/artificial-intelligence-energy-usage.html?pgtype=Article&action=click&module=RelatedLinks>

The soaring electricity demands of data centers and A.I. are straining the grid in some areas, pushing up emissions and slowing the energy transition.

2.

Opinion by Jonathan Mingle

[We Can Get the Electricity We Need Without Frying the Planet \(or Our Pocketbooks\) May 13, 2024](#)

<https://www.nytimes.com/2024/05/13/opinion/electricity-demand-surge.html?pgtype=Article&action=click&module=RelatedLinks>

Electric utilities from Georgia to Wisconsin to Virginia are predicting a dizzying surge in power demand from new industrial facilities, electric vehicles and, most of all, the [data centers](#) that store our digital photos and will enable large-language models for artificial intelligence. For months now, they have been signaling that they won't be able to keep up.

3.

[A New Surge in Power Use Is Threatening U.S. Climate Goals](#)

<https://www.nytimes.com/interactive/2024/03/13/climate/electric-power-climate-change.html?pgtype=Article&action=click&module=RelatedLinks>

Something unusual is happening in America. Demand for electricity, which has stayed largely flat for two decades, has begun to surge.

Over the past year, electric utilities have nearly doubled their forecasts of how much additional power they'll need by 2028 as they confront an unexpected explosion in the number of data centers, an abrupt resurgence in manufacturing driven by new federal laws, and millions of electric vehicles being plugged in.

Many power companies were already struggling to keep the lights on, especially during extreme weather, and say the strain on grids will only increase. Peak demand in the summer is projected to grow by 38,000 megawatts nationwide in the next five years, according to [an analysis by the consulting firm Grid Strategies](#), which is like adding another California to the grid.

"The numbers we're seeing are pretty crazy," said Daniel Brooks, vice president of integrated grid and energy systems at the Electric Power Research Institute, a nonprofit organization.

In an ironic twist, the swelling appetite for more electricity, driven not only by electric cars but also by battery and solar factories and other aspects of the clean-energy transition, could also jeopardize the country's plans to fight climate change.

Exhibit Attachment D: # 1

Data center development sparks outrage in Forest Grove

by Nick LaMora, journalist, News-Times

https://www.forestgrovenewstimes.com/news/data-center-development-sparks-outrage-in-forest-grove/article_036021ac-6c5d-11ef-a98e-2fecf5440e8b.html#tnems-source=block-behavioral

Sep 6, 2024, Updated Sep 12, 2024



Community objections failed to sway city leaders in a heated battle over one of the latest land-use projects approved for Forest Grove.

Residents stormed out of the Forest Grove Community Auditorium late Tuesday, Sept. 3, criticizing city leadership after the planning commission reaffirmed its decision to greenlight the development of a local data center campus in a 4-2 vote.

Initially approved with conditions in late July, the project has faced significant pushback from residents concerned about its proximity to homes, environmental impacts and potential effects on power and utility rates. Signs reading “No Forest Grove Data Center” are displayed in lawns across the city — and were held high by many during the packed meeting.

The proposed site at 3975 Heather St. is set for a multi-phase development by San Francisco-based Crane Data Centers, providing a physical location that would store, process and distribute data for private companies.

Project developers envision two buildings erected on the vacant grass field: the first, on the southern end, will span 180,000 square feet and rise 40 feet high; the second, planned for the northern end, will be 363,000 square feet and 75 feet tall.

With the verdict finalized, it’s only a matter of time before developers look to break ground — and neighbors aren’t happy.

Pressing against the boundary

David Haworth, who lives about 100 feet from the proposed site, filed the appeal to the planning commission that prompted the Tuesday meeting, challenging the data center over concerns of noise, light pollution and the way it will obscure the neighborhood skyline.

“This building (will be) 75 feet tall. It’s the size of the Titanic.” Haworth said. “My house will be in perpetual shade — that’s intrusive. It’ll be in perpetual light at night because of the floodlights.”

A resident since 2010, Haworth questioned if the data center was properly zoned. The site is located in the city’s Light Industrial District, which allocates land for “low-intensity” industrial uses.

Bryan Pohl, the city’s community development director, explained that zoning classifications are broad, and the data center’s zoning aligns with descriptions that “most closely match the nature of its primary uses.”

“Information is listed as an outright permitted use of the light industrial zone,” Pohl said.

Under the definition written in Forest Grove city code, “information” encompasses the process of producing and distributing information, providing means to transmit or distribute products, as well as data or communications.

Residential homes primarily surround the site, and Neil Armstrong Middle School will have a clear view of the massive buildings from just across the street.

A chorus of concerns

Nearly 20 community members voiced their discontent to the planning commission, additionally citing concerns about traffic congestion, impacts on property values and disruption to migratory birds near the site.

“That is a migrating path for geese — I don’t think you’ve thought about the ecosystem of the wetlands to the left of the building and the future damage to the local environment and the animal life that is around that area,” resident Maureen Murphy said. “The amount of noise is going to affect animals. it’s going to affect us.”

Ken Dobson, a lawyer representing Haworth, raised questions about the center's power needs — a concern shared by many residents.

"In this case, the issue of power is so central to the operations of this facility, we really need more information on how this thing is going to get powered," Dobson argued.

Dobson also highlighted the immense water usage typical of data centers, which can require up to 300,000 gallons per day for cooling — around the same use as 100,000 households. While Crane CEO Matt Pfile stated that the first building would use an air-based cooling system to address water usage concerns, the attorney claimed that there was insufficient evidence to show that it would work or that the data center would even use that method.

Despite the outcry, Pohl emphasized that many grievances, including power and water availability, are not part of the site development review criteria. The review focuses on compliance with zoning and general development standards, including specific natural resource protections.

As a condition of approval, Crane must maintain water drainage of nearby wetlands to prevent flooding, and operations must also adhere to the city's noise ordinance. The company also plans to fund and construct a new extension of Heather Street between Mountain View Lane and Poplar Street as part of the project.

As long as Crane follows the approval criteria, whether the company is able to power the site is an issue for later, city staff said.

"If they can't get the power ... then that's going to really send them back to the drawing board," Pohl said.

Procedure vs. personal reservations

A large majority of meeting attendees showed disapproval, but the planning commission cited criteria restrictions ultimately tied its hands to approve the site.

"I was very open to all that was said tonight, both on the actual application and current status, and I understand a lot of the residents nearby and the concerns, but our job as planning commission is we have to go with what the laws are. I didn't hear anything from the appellant that was outside what was approved under the administration," commissioner Tim Farrell said.

Commission Chair Virginia Sanderson agreed, noting how her own views on the project are irrelevant in the scope of the commission's legal purview.

"I'm a Forest Grove resident that doesn't like to see my town change ... I don't like to see what I feel are some of the small town characteristics go away, and I don't like to see empty fields and open space disappear and have things pop up in their place, particularly intrusive things," Sanderson said. "Unfortunately, we're putting the position on the commission of having to set some of those personal preferences aside and say, well, what's the law here?"

Not all of the council agreed to uphold the initial approval — Seth Berdahl and Brandon Culbertson both voted to reverse the commission's decision. Culbertson, particularly, argued that the data center should be reviewed for a different site under heavy industrial zoning due its scale and energy demands.

“Light industrial zones are intended for moderate intensity uses, which includes smaller scale manufacturing, less energy intensive operations. A facility of the scale with significant infrastructure and energy needs I feel is better suited for the heavy industrial zone,” Culbertson said.

The path forward

While the initial application has been approved, the project still faces several procedural hurdles. This stage essentially provides Crane the “surety” to move forward in the permitting processes, with additional reviews down the road.

“There will be both economic and procedural kind of gatekeeping along the way that will prevent some of the kind of doomsday scenarios a lot of us are worried about from happening, either because the city says ‘no,’ or because the applicant finds out it’s not feasible and moves on elsewhere,” Sanderson said.

“This is a process ... there are conditions that have to be met,” she added. “There would be another public hearing if there are changes.”

Side bar report of main story

Community Development Director Bryan Pohl addressed concerns raised by opponents, particularly the limited notification radius of 300 feet from the property and the lack of multilingual notices.

“Certainly, those are issues that are relevant with Spanish translation. Those are great ideas for the future. Our code specifies nothing of the sort, just that we provide notice. We’ve never done that in the past; we could do it in the future,” Pohl said.

According to the 2021 census, over 27% of Forest Grove’s population identifies as Hispanic or Latinx.

Commissioner Seth Berdahl formally acknowledged the need for change, recommending future notifications include Spanish translations.

“I want to acknowledge the request to have these statements put in both English and Spanish. That’s extremely valid. I didn’t know that was the case, but I would like to formally recommend that the city do that going forward,” Berdahl said.

As for the 300-foot notification range, Pohl said it actually exceeds state statute, which only requires notifying residents within 150 feet of the site.

Exhibit Attachment D: #2

No Data Centers In Forest Grove

Citizens Opposed to the Development of Crane Data Centers Campus

3975 Heather Street, Forest Grove, Oregon, 97116

Performs with signature

Collected by

Rob Feek-

only over
turned in

Del signed 30

them - are

model of how

to sign perform

SAY NO TO DATA CENTERS IN FOREST GROVE!

Fellow Residents of Forest Grove,

On April 8, 2024, a small percentage of households received a notice in the mail informing them that there are plans to build a data center at 3975 Heather Street. Only residents within 300 feet of the proposed structure received a notice. The letter included contact information for who to reach out to at City Planning, and a deadline of April 22, 2024 at 5:00pm to submit any letters of opposition to the plans. Although the City Planning office had the ability to hold a community meeting, they declined to do so. While many people were vocal in public and on social media forums, only 22 Forest Grove residents submitted a response, with 21 opposed and 1 neutral (although listed in support) of the Data Center plan going through. Out of the 21 people who opposed it, only 4 responded on time. With the initial plans approved, the 4 citizens who responded on time have the standing to file an appeal. We have come together to continue the fight against this data center, and we want YOUR help.

Please sign our petition today to show our city officials that we, the Citizens of Forest Grove are saying NO to the Crane Data Center Campus at 3975 Heather Street.

NO TO DATA CENTERS!

Extra tax revenue for the town? NO!

This is likely going to be an "Enterprise Zone", which means that there will be tax breaks, resulting in less money going towards things like our schools. Many large companies such as Facebook and Amazon set up data centers in rural parts of Oregon as a way to get an extended type of tax break through being part of a "Long Term Rural Enterprise Zone"

Job Creation? NO!

Although the construction of data centers and the surrounding infrastructure will provide people with employment, this is only temporary. Most data centers have minimal staff once established.

Do they care about the wildlife? NO!

Ask anyone at Crane Data Centers and they will brag about saving one tree in the proposed building site field. This field is a significant natural resource. Thousands of birds that migrate through this wetland every year. Their resting spot is going to be turned into a field of concrete, with massive buildings, the highest being over 70 feet tall! There are also major concerns with rodents. As other parts of our town have seen with the uptick in construction, mice and rats will become roommates with people living nearby as soon as their home is destroyed.

How large are these buildings?

Both buildings are 250'x715'. One building's rooftop is 40' tall and the other is 70' tall. There will be a 20' landscape buffer, and the remaining field will be concrete.

What about noise and light pollution?

The people pushing this project will be the first to tell you that these centers are not loud at all, but this is extremely subjective and data will vary based on the range from the building while testing decibel levels. Massive temperature controlled buildings are definitely going to create some additional noise. With almost 100 LED pole lights ranging from 25'-30' tall each, this field is going to turn into a glowing, humming, eye sore!

What about our property values?

One can only speculate about how another massive building in the area will affect property values, especially those of the nearby homes. With a manufacturing facility next door, and a marijuana plant a block away, our neighborhood is becoming an industrial park. Despite what planners may think, a 20' landscaping barrier of arborvitae trees is not going to do anything to help with curb appeal.

What about the residents of Forest Grove? Don't WE have a say?

The unfortunate reality is that only a handful of people can appeal this project. We have come together to try and fight this thing. The city officials had the ability to make the entire town aware; they chose not to. The city officials had the ability to hold a community meeting; they chose not to.

So what *did* they do?

The city officials mailed out a handful of notices on a Friday, knowing that most people wouldn't get it until the following week, turning a two week deadline into an even shorter one for most people. They restricted notices to only those within 300 feet of the proposed site, despite the project affecting the entire town. They have known about this project for years, have fully drafted plans, and sprung it on residents from left field. They had years to develop this, and yet they gave us the people mere weeks to find out about this and submit a case against it. The now-former city planner Kate McGuire started her position in Forest Grove just a couple years ago, gave this project the rubber stamp, let us residents know via an "Administrative Decision", and has since left her job. The city officials have taken every step possible to sneak this monstrosity into our town. And we are saying NO!

We, the citizens with standing to appeal this DISASTER are asking for YOUR help. Let YOUR voice be heard by signing our petition AGAINST the development of CRANE DATA CENTERS at 3975 Heather Street, and show the city officials that WE DO NOT WANT DATA CENTERS IN FOREST GROVE!

By signing this petition, I am stating that I OPPOSE the development of CRANE DATA CENTERS at 4375 HEATHLIER STREET, FOREST GROVE, OREGON.

I recognize by signing this petition that:

- *My personal information will become part of public records, which may be accessed via a public records request.
- *Petition organizers may contact me using the provided information for the purposes of: organizing community action, current and future endeavors related to appealing the data center decision, and related activities.

NAME	DATE	PHONE	EMAIL	MAILING ADDRESS	SIGNATURE
Adele Feik	8/4/24	503-524-5972	afeik33@gmail.com	3308 Lucina Dr Forest Grove, OR 97116	Adele Feik
LYNE WILSON	8/7/2024	503-357-5757	lynemwilson@gmail.com	3150 NW International Forest Grove, OR 97116	Lynne Wilson
Bill Jepson	8/14/24	259-417-1425	JEAN@S.P.U.L.E@gmail.com	1444 Rosserden Dr Forest Grove, OR 97116	Bill Jepson
Drew Zengel	8/4/24			1914 B St E Forest Grove, OR 97116	Drew Zengel
Maura McG	8/14/24	503-961-3511		1914 B St E Forest Grove, OR 97116	Maura McG
Dina Kim	8/4/24	503-476-6082	dinakim@gmail.com	1914 B St E Forest Grove, OR 97116	Dina Kim
Lee Pope	8/14/24	203-312-3335	lee@lee106.com	3004 NW 1st Cir Forest Grove, OR 97116	Lee Pope
Emily Foley	8/14/24	503-557-4588		2835 Antares Forest Grove, OR 97116	Emily Foley
Primas Crucker	8/9/24	503-724-9065	democracysign@gmail.com	7365 SW Hwy 1 Forest Grove, OR 97116	Primas Crucker
ROBERT KLEIN	8-16-24	503-357-5519	RSKLEIN74@GMAIL.COM	1824 NW 16th St Forest Grove, OR 97116	Rob Klein
Sharon Klein	8-16-24	503-357-5587		1824 NW 16th St Forest Grove, OR 97116	Sharon Klein
KATHY BRIGGS	8-16-24	424-262-2152	briggskathy@gmail.com	3200 NW 16th St Forest Grove, OR 97116	Kathy Briggs
Paul Halla	8/16/24	907-338-6361			Paul Halla
PAUL HALLA	8/16/24	503-367-5266	phalla1994@gmail.com	3303 AVENUE D Forest Grove, OR 97116	Paul Halla

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NAME	DATE	PHONE	EMAIL	MAILING ADDRESS	SIGNATURE
WILL HARTMANN	8/16/24	971-226-5766		1102 SOMMER 4 DR	<i>Will Hartmann</i>
Jose	8/17/24	503-547-7936		4129 Beaver Way	<i>Jose</i>
Ron	8/17/24	503-715-7880		1828 Mt View L.	<i>Ron</i>
Amanda Hammond	8/17/24	503-799-0415		1402 Sorella Dr	<i>Amanda Hammond</i>
Marie Perkins	8/18/24	503-806-4344 1844-4344		1876 Commons Dr. Forest Grove	<i>Marie Perkins</i>
Sharon Perkins	8/18/24	503-799-3815		1444 NE ZACHARY ST FOREST GROVE, OR 97116	<i>Sharon Perkins</i>
Ryan Perkins	8/18/24	503-830-1115		2333 16th Ave Forest Grove, OR 97116	<i>Ryan Perkins</i>
Stacya Rockett	8/18/24	(503) 907-4403		2333 16th Ave Forest Grove, OR 97116	<i>Stacya Rockett</i>
Chris Ross	8/18/24	471-777-9198	chris.ross.200@yahoo.com	1919 Young Court Forest Grove, OR 97116	<i>Chris Ross</i>
Nancy Rogers	8/18/24	541-404-9038		4100 Beaver Way Forest Grove, OR 97116	<i>Nancy Rogers</i>
MARIA VAQUERO	8/19/24	503-875-2469		1782 Mountain View Forest Grove, OR 97116	<i>Maria Vaquero</i>
Marlee Espinoza	8/19/24	503-482-3671			
Evall Chavez	8/19/24	971-259-7106		4112 Beaver Way	<i>Evall Chavez</i>
Sydney Walters	8/19/24	971-268-3068	sydney.walters@natix.com	4212 Beaver Way	<i>Sydney Walters</i>
Jasmine Glass	8/19/24	503-270-0574		4702 Beaver Way	<i>Jasmine Glass</i>

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8/13/24 11:20 AM

NAME	DATE	PHONE	EMAIL	MAILING ADDRESS	SIGNATURE
Dale Ferk	8/6/24	503-504-5972	dferk@comcast.net	563 Adams Drive Forest Grove, Oregon	<i>Dale Ferk</i>
MAX KUK FURNITURE INSTALLMENTS	8/12/24	503-310-0849	maxkuk@comcast.net	25095 SW Burnside Ln Hillsboro, OR 97123	<i>Max Kuk</i>
Jim Breen	8-13-24	503-357-0825	jbreen@comcast.net	3900 NW Pastor Ln Forest Grove, OR 97123	<i>Jim Breen</i>
Tom Schlegel	8/14/24	503-219-2318	tschlegel@comcast.net	PA Box 3159 Hillsboro 97123	<i>Tom Schlegel</i>
Stephanie Lind	8/14/24	503-347-2353	slind@stephanie.org	3574 Reuter Lane Forest Grove, Oregon	<i>Stephanie Lind</i>
Nancy Petrus	8/19/24	503-769-5861	npetrus@comcast.net	3543 Forest Grove Dr Forest Grove, OR 97116	<i>Nancy Petrus</i>
John Petrus	8/19/24	503-719-1544	jpetrus@comcast.net		<i>John Petrus</i>
Jack Nadelik	8/21/24	218-251-1256	jacknadelik@comcast.net	2318 A St. Forest Grove	<i>Jack Nadelik</i>
Elaine Horre	8-21-24	503-576-3513	ehorre@comcast.net	113 E. Main St. Forest Grove	<i>Elaine Horre</i>
Bruce E. Horre	8/21/24	503-516-3524	brucehorre@comcast.net	336 N. 2nd Pl. Forest Grove, Oregon	<i>Bruce E. Horre</i>



ATTACHMENT E

Daniel Riordan

From: David Haworth [REDACTED]
Sent: Thursday, September 19, 2024 2:53 PM
To: Daniel Riordan
Subject: NYTimes.com: Noisy, Hungry Data Centers Are Catching Communities by Surprise.
comment on Forest Grove Data Center

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Dan.

Please see that the city council gets a chance to read this article

I was very upset that the appeal hearing was so biased and the information given to us about the format was false .

Crane got an hour and a half to wear everyone down. not 15 minutes

Dales lawyer was inept. He never challenged anyone, even Brian Pohl's weak dismissal of the "information" loophole. and cranes argument that this land could only be used for some type of business. This land paid for itself producing two crops a year with no irrigation. the past 15 years at least. It is farmland.

The farmer was kicked off two years ago because it was deemed permanent habitat for geese

There's no thought being put into this Just the Question. Who Benefits ?

But the biggest transgression to fairness was that after all the time and work I put in filing the appeal

I was denied my right to present my 3 minute case. This was disgraceful

Whoever that lady was who tried to shut me down was negligent and biased against the people of Forest Grove.

So now I am not taking an active part in this appeal.

But I hope to comment further on this man-made disaster.

Thank you Dave Haworth

From The New York Times:

Noisy, Hungry Data Centers Are Catching Communities by Surprise

Residents rarely learn how data centers and their noise and energy and water use may affect their lives until it's too late.

<https://www.nytimes.com/2024/09/15/opinion/data-centers-ai-amazon-google-microsoft.html?smid=em-share>

Sent from my iPhone

Daniel Riordan

From: David Haworth [REDACTED]
Sent: Tuesday, September 24, 2024 9:56 AM
To: City Councilors; Daniel Riordan
Subject: The Crane Data Center

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

Good morning,

I would like to pose this question:

Dose a land owner have the right to use the land in such a way as to destroy the adjacent properties for their intended use?

An example would be putting a dairy right next to a lettuce farm.

In our case it is a 75 ft wall emitting EM radiation. heat. and 40 decibels of continuous noise.

This will be 122 ft from homes.

This will destroy the homes for their intended use, rendering their value worthless, the quality of life gone.

40 decibels of noise like a jet engine 24 hours a day

7 days a week. never a break.

My yard, in my bedroom window all day all night for the rest of our lives.

I do not believe that it can be legal to destroy our whole neighborhood

Just so Crane can get low rates on power, water and tax breaks.

Pure Greed.

Crane makes it sound like any other use of this rich land would be even more of an intrusion. No use could possibly be more intrusive !

My wife Zarah and I are scared! We are 70 years old. We have lived here in this house paying taxes for the past 14 years. Farmers are able to harvest 2 crops a year with no irrigation,

wheat and flaxseed.

Then, when the rain comes and the field floods, thousands of geese make this field part of their permanent habitat.

Making the land more fertile.

Please consider why you joined the city council and help save our little part of the city of Forest Grove.

Thank you,

Dave Haworth
[REDACTED]

forest grove 97116
[REDACTED]

Daniel Riordan

From: jake haworth [REDACTED]
Sent: Friday, September 27, 2024 1:00 PM
To: Daniel Riordan
Subject: Stop the Crane Data Center construction!

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

How about you people stop the Crane Data center from being built in Forest Grove right now and help prevent literal environmental damage in a designated wetland.

The people of Forest Grove are begging you people right now and the city commissioners are ignoring them.

It's horrible and hypocritical of an Oregonian politician to yell and cry about the environment, and waste money on silly programs that do little more than waste tax payer money, and then turn around and let big tech from San Francisco move in to our rural communities and destroy the environment like that!

This is Oregon, home of endless forests and countless wildlife. Preserve this and kick out big tech please! 🙏

V/r,
Jake Haworth

Tim Schauermann
PO Box 310
Forest Grove, OR, 97116



To: Forest Grove City Council
From: Tim Schauermann
Subject: Crane Data Center
Date: 9-28-2024

Dear Council Members,

I previously submitted testimony to the Planning Commission about the Crane Data Center, so I will not repeat what I submitted in that document.

I am going to submit testimony that goes to the larger picture of Industrial Development, Zoning, and balanced communities.

Zoning Should matter

This property has been zoned industrial for 44 years. Zoning should matter. It should matter to those owning the subject property as they have relied on the zoning being correct for 44 years. To decide that the zone allows something the neighbors don't want, thus the zone needs to be ignored, is a disservice to the property owner and to the town as a whole. Unless you are sure those old zoning decisions are incorrect, then turning down this data center which complies with the zone, is a bad way to do business. These zoning and planning decisions have been ratified numerous times over the years.

Senate Bill 100 and Urban Growth boundaries are the law in Oregon

I was on the planning commission and later testified dozens of times in the late 1970's and early 1980's as Forest Grove made long range decisions about a healthy community. The community of Forest Grove was constrained by the concept of Urban Growth Boundaries, which was a new Oregon idea. That concept has been ratified many times by Oregon voters over the years. It is the law. It does what it was intended to do. It limits urban growth to tightly controlled areas and thus protects forest and farmland from leap frog development.

The bad side effects are that it condenses and pushes urban uses closer and closer together. Any and all residential, commercial and industrial uses must be shoved close to each other to stay within the boundaries. Without those boundaries, Crane and others could just go out of town ½ mile or more and buy a farm and not be next door to housing. But that can no longer be done and has been mostly stopped for the last 44 years.

Forest Grove has become in my lifetime more and more of a bedroom for businesses to our East.

Being a bedroom community means that those living in the city are forced to pay higher property taxes to fund things like police, fire and schools. Places like Lake Oswego with many high wage earners can afford to pay higher tax burdens on homes. Places like Forest Grove struggle to do the same. That is one of the purposes of attempting to attract industry. Industry sells its product to areas beyond the city limits and thus brings dollars into the community to help spread the tax burdens.

Data Centers are noisy.

The opponents have argued that Data Centers use too much water and electricity and are noisy.

I will leave the use of water and power up to the Cities own experts. If their testimony is that they can supply both water and power and charge a fair price for that use, then they should know much more than I or the opponents, and you should ask your own experts to clarify those issues.

I also see that the applicant has hired acoustical engineers to deal with the noise issue. Since they are the applicant's expert, it is OK for you to question them thoroughly about these issues. I will give my input as a non expert citizen. I downloaded an app on my Iphone that measures decibel levels. I live in the subdivision that is next to about 1000 acres of Hillsboro Industrial land. It now has over 10 large data centers that were built within the last 2 to 3 years. So, I took a short walk and went across the street from one of the newest and biggest. I stood and walked up and down the street for about 15 minutes. The center emits a pretty steady 49 decibels. When a car would go by it would increase to about 69 which is 20 times louder than 49. A bicycle went by and my device jumped to 59. I wandered down the street a few blocks and found a baseball bat manufacturer that ran a steady 79. My small survey gives me a fairly certain confidence that modern recently built data centers are very quiet.