



*A place where families and businesses thrive.*

**Zoom Video Conferencing**  
**Public Webinar ID: 892 8271 9175**  
**Pass Code: 090324**

**PLANNING COMMISSION MEETING**  
**TUESDAY, SEPTEMBER 3rd, 2024 at 7 p.m.**  
**ZOOM WEBINAR**  
**COMMUNITY AUDITORIUM, 1915 MAIN STREET**

**CLICKLink:** <https://us06web.zoom.us/j/89282719175?pwd=xGasryR4I9MSFCY8yqEdaqKauaYXAH.1>

The public can observe the meetings **LIVE** on **Zoom Webinar** or next day via television on Tualatin Valley Community Television(TVCTV) Government Access Programming **Channel 30** on their website: [http://tvctv.org/?page\\_id=550](http://tvctv.org/?page_id=550). Wi-Fi at the Forest Grove City Library is available from 7:00 a.m. to 11:00 p.m. every day in the parking lot. Written comments may be submitted by 3:00 p.m. the day of the meeting by e-mail to: [scurtis@forestgrove-or.gov](mailto:scurtis@forestgrove-or.gov)

**Virginia “Ginny” Sanderson**  
**Nicole Ellis**  
**Julie Stenberg**  
**Brandon Culbertson**

**Seth Berdahl**  
**Angel Falconer**  
**Tim Farrell**

All regular meetings may be televised live and open to the public and persons are permitted to attend any meeting except as otherwise provided by ORS 192. **Accommodations:** In accordance with the Americans with Disabilities Act, the City of Forest Grove will make reasonable accommodations for participation in the meeting. Request for assistance can be made by contacting City Recorder’s Office, [mwoods@forestgrove-or.gov](mailto:mwoods@forestgrove-or.gov), 503-992-3235, at least 48-hours advance notice of the meeting.

## **AGENDA**

**1. Call to Order and Roll Call:**

**2. Public Meeting:**

- A. Public Comment Period for Non-Agenda Items: Anyone wishing to speak on an item not on the agenda may be heard at this time. In the interest of time, please limit comments to three minutes or less.
- B. Public Hearing:
  - (1.) File No. 311-24-000006-PLNG – Appeal of Type II administrative/staff decision approving Crane Data Center Campus project including phased construction of two buildings, equipment yard, recreation area, parking area and street improvements in the City’s Light Industrial (LI) Zone located at 3975 Heather St.
- C. Action Items: None scheduled

**3. Business Meeting:**

- A. Approval of Minutes from Monday, 2/5/2024
- B. Directors Report: Bryan Pohl
- C. Announce next meeting: TBD

**4. Adjournment:**





*A place where families and businesses thrive.*

## PLANNING COMMISSION MEMORANDUM

---

**TO:** *Planning Commission*

**FROM:** *Bryan Pohl, Community Development Director  
Daniel Riordan, Senior Planner*

**MEETING DATE:** *September 3, 2024*

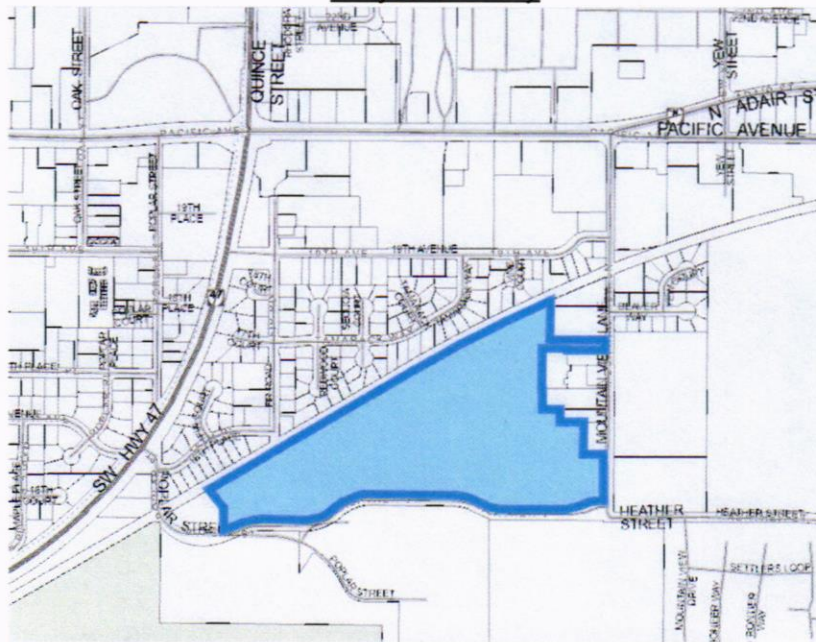
**SUBJECT:** *Appeal of the Staff Decision Approving the Crane Data Center Campus Site Development Review Application*

---

**ISSUE STATEMENT:** On January 29, 2024, Crane Data Centers, Inc., applied for a site development permit for a two-phase industrial development on a vacant site zoned Light Industrial (LI). The subject property is located west of Mountain View Lane and north of Heather Street. Site development review is required for all new development on vacant sites except for home occupations and family day care (Development Code §17.2.410).

After several revisions to the application submitted by the applicant, Planning Division staff administratively approved the application on July 31, 2024 (Attachment A). The owner of property located north of the project site has appealed the staff decision to the Planning Commission (Attachment B). The appeal issues are addressed elsewhere in this memorandum.

### Project Vicinity



**PUBLIC COMMENTS:** A notice of appeal was mailed to property owners within 300 feet of the project site. The comments received are attached (Attachment C).

**PROJECT BACKGROUND:** Crane Data Center, Inc. proposes to construct a data center campus in two phases on a vacant site that is zoned Light Industrial (LI) on the City's official zoning map. The site is approximately thirty-five acres in size. The portion of the property subject to this review is roughly the eastern one-half of the property.

The applicant proposes to construct two industrial buildings each with a building footprint that is approximately 250 feet by 715 feet. Building 1 is the southernmost building and is proposed to be forty-five feet in height. Building 2 is the northern most building located near the Pacific and Western Railroad corridor and is proposed to be 70 feet in height. There is an existing residential area north of the railroad corridor. Building 2 would be constructed as part of the second phase of the project. The timing of the second phase is dependent on demand for services and power needs.

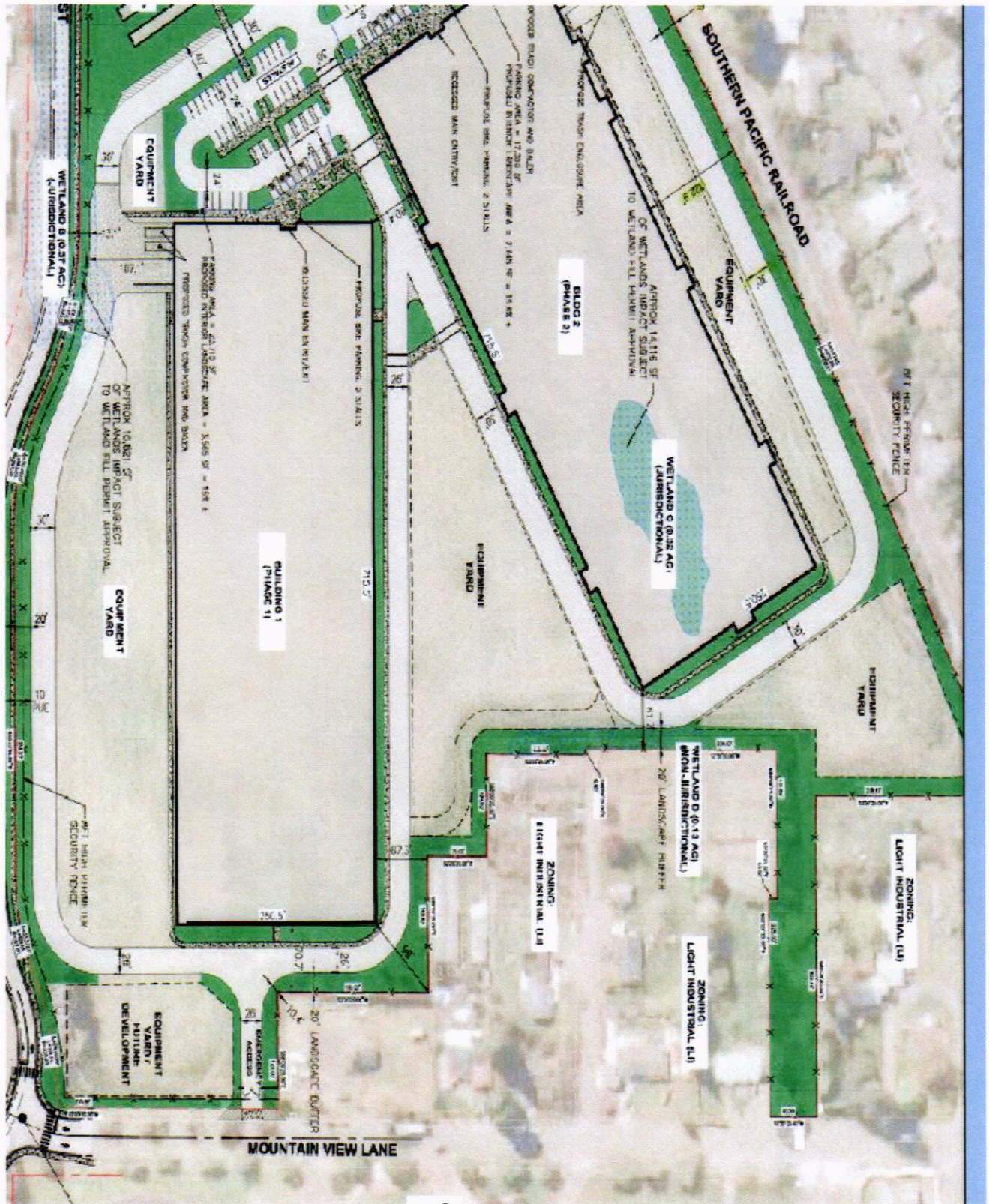
The proposed project also includes associated site improvements including off-street parking, two stormwater quality facilities, equipment yard and landscaping. Initially a recreation area was proposed west of Building 1. That area is now identified as a stormwater quality facility.

In addition, to the on-site improvements, the applicant is required to construct a portion of the Heather Street extension west of Mountain View Lane. This includes a half street improvement with twenty-four feet of pavement to accommodate two-way traffic as well as curb and sidewalk. The Heather Street extension is identified in the City's Transportation System Plan. As the development of other parcels occurs, Heather Street will provide a direct connection from Mountain View Lane to Poplar Street and Highway 47. The right-of-way for the Heather Street extension was dedicated in 2006.

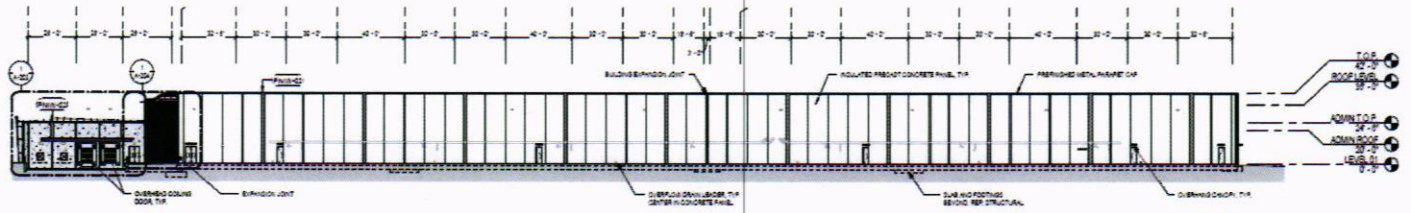
Diagrams showing the proposed site plan and building elevations are shown below.



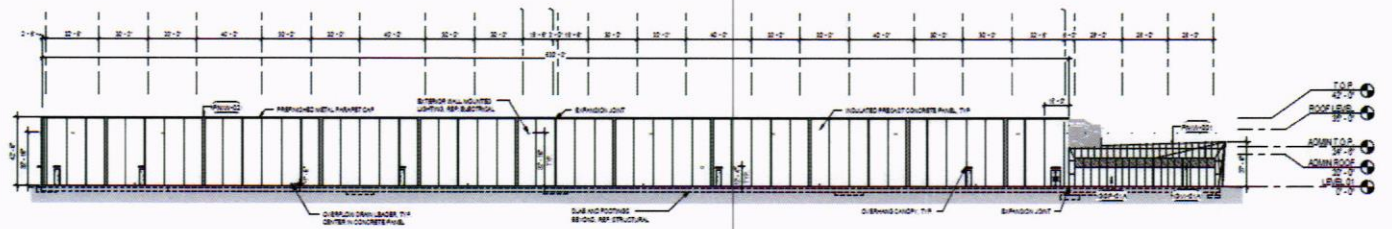
Site Plan Enlarged



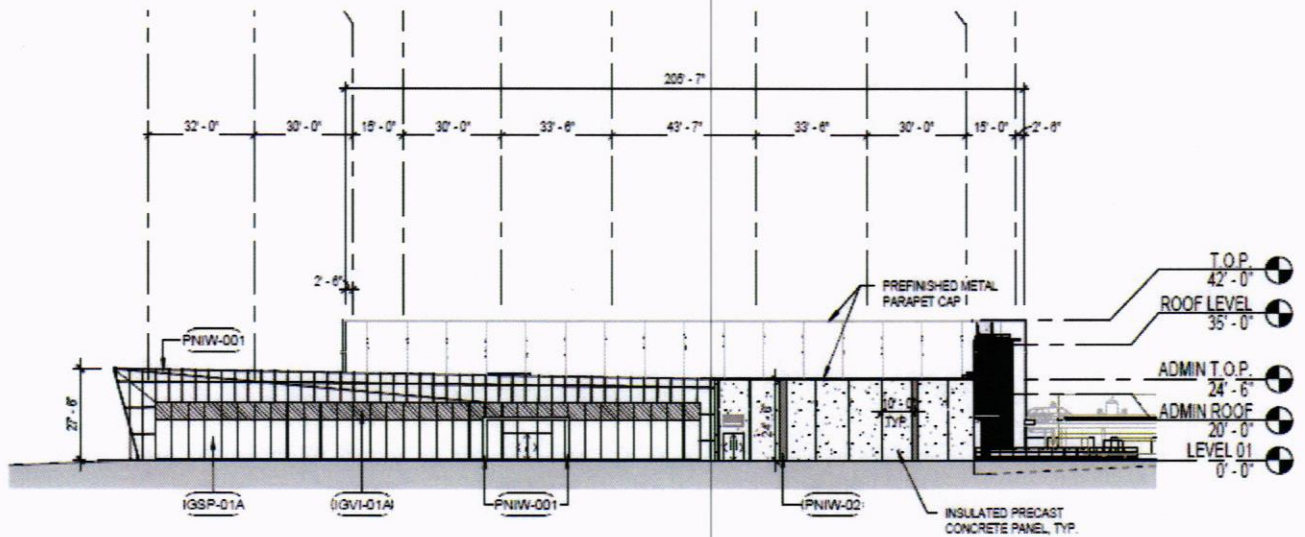
## Building 1 (South Building) Representative Elevations



**1** EXTERIOR OVERALL ELEVATION - SOUTH  
SCALE: 1/32" = 1'-0"

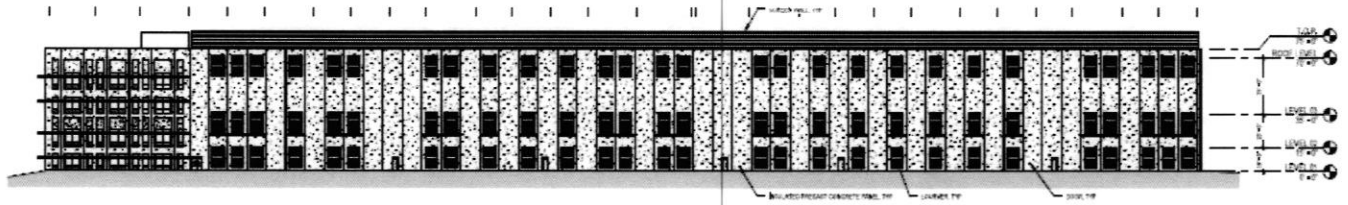


**2** EXTERIOR OVERALL ELEVATION - NORTH  
SCALE: 1/32" = 1'-0"

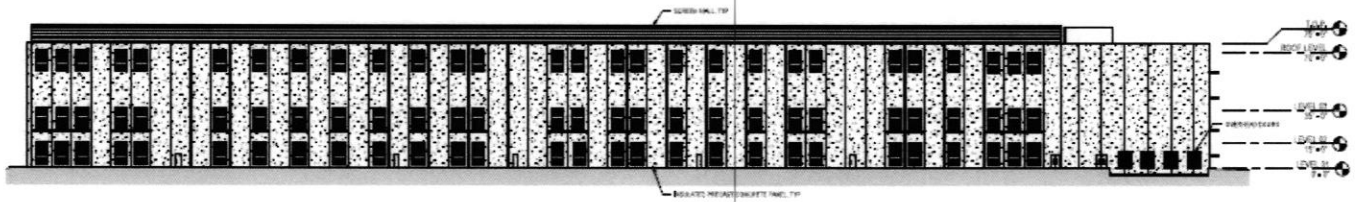


**3** EXTERIOR OVERALL ELEVATION - WEST  
SCALE: 1/32" = 1'-0"

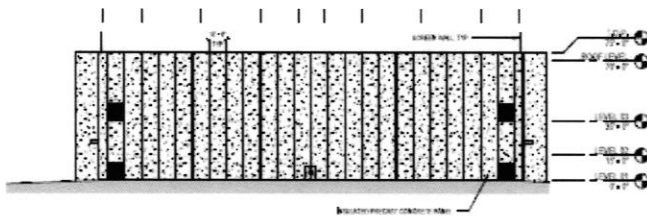
### Building 2 (North Building) Representative Elevations



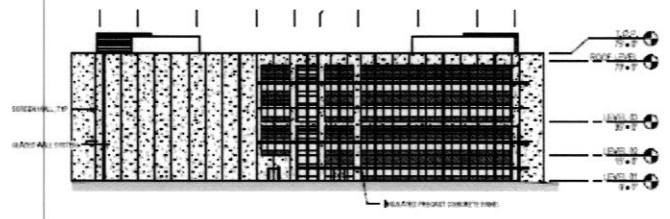
4 BUILDING 2 - EXTERIOR OVERALL ELEVATION - SOUTH  
SCALE: 1/32" = 1'-0"



3 BUILDING 2 - EXTERIOR OVERALL ELEVATION - NORTH  
SCALE: 1/32" = 1'-0"



1 BUILDING 2 - EXTERIOR OVERALL ELEVATION - EAST  
SCALE: 1/32" = 1'-0"



2 BUILDING 2 - EXTERIOR OVERALL ELEVATION - WEST  
SCALE: 1/32" = 1'-0"

Buildings  
Representative Renderings



**REVIEW PROCEDURE:** Site development review is required for development of vacant land. Except for single unit detached dwelling, middle housing dwelling, manufactured home, accessory dwelling unit, or residential accessory structure site development reviews shall follow a Type II procedure unless exempt (Development Code §17.2.430). The only exemptions are home occupations and family daycare uses.

Type II review is defined as a limited land use decision by the Oregon Revised Statutes and the City's Development Code (Development Code §17.1.500). Type II decisions are made administratively by City staff unless appealed. A limited land use decision involves the exercise of limited interpretation and discretion when evaluating approval criteria. Site development review approval involves the application of development standards that regulate the physical characteristics of an outright permitted use allowed by the zoning district. The review typically focuses on what form the use will take or how it will look (Forest Grove Development Code §17.1.500).

**REVIEW CRITERIA:** The criteria applicable to site development review are listed in Forest Grove Development Code §17.2.450. The criteria include:

- A. The applicant demonstrates the site development plan complies with the base zoning district (Article 3), an 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 uses are present on or directly adjacent to the site.

Development Code §17.2.450 states the Community Development Director shall review and approve, conditionally approve, or deny the site development plan based on the criteria in §17.2.450. Emphasis is added to reinforce that the review is focused on the site plan and physical characteristics of the proposed use allowed in the zoning district.

**Article 3 (Zoning District) Review Standards:** Development Code §17.3.530 establishes industrial zone development standards including minimum lot size, minimum lot width, minimum yard setbacks, and minimum building height for the three industrial zoning districts including Light Industrial:

- **Minimum Yard Setback:** None. A setback and buffer may be required where a LI boundary abuts a less intensive zone. When an industrial site is separated from a residential zone by either a dedicated public street or railroad main line or spur track, no setback shall be required in that yard adjacent to the residential zone.
- **Maximum Building Height:** None. Building height is 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.

Forest Grove Development Code §17.3.540 identifies additional industrial zone development standards. These standards address:

- A. Site plan review required.
- B. Parking.
- C. Performance standards for compliance with 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.
- D. Solid waste collection areas.
- E. Mechanical equipment.
- F. Building façade and massing where building elevations are oriented to the street.'
- G. Landscaping
- H. Signage
- I. Site Circulation
- J. Surface Water Management

Article 8 (General Development Standards). Article 8 establishes development standards for the development of the site. The general development standards applicable to this application include:

- Site access and circulation
- Landscaping screening and buffering
- Off-street parking and loading
- Public improvements
- Lighting standards
- Signs

Article 5 (Special Provisions): Article 5 establishes special provisions for natural areas, tree protection, and historic landmarks. The administrative decision addresses the applicable review criteria and development standards in detail (Attachment A). Attachments D.3 and D.5 provide additional information pertaining to natural areas. This includes the Clean Water Services environmental pre-screen service provider letter and the Metro Title 13 Natural Resources Inventory Map.

**APPEAL PROCEDURE:** The procedure for appeal of a Type II administrative decision is spelled out in Development Code §17.1.540. Appeals of Type II decisions are heard by the Planning Commission. The party appealing the decision must have standing and submit a written appeal petition and pay the required fee to the City within fourteen calendar days of the written notice of decision. The written petition must specifically state the issues being appealed. A person has standing to appeal if they provide written comments within the 14-day public comment period initiated when the City's notice of application, pending administrative decision and invitation to comment. The notice is provided to the applicant, owner of the subject property, property owners within three hundred feet of the perimeter of the subject property and any recognized interested party. Interested parties include a person, group or organization expressing interest in receiving public notices consistent with the provisions of the Code, on land use matters based on location or topic.

Notice of appeal must be provided consistent with the requirements for a Type III quasi-judicial public hearing including publishing notice in the Forest Grove News-Times, providing the notice at locations such as City Hall, Community Auditorium and library, mailing notice to the owners of property within 300 feet of the perimeter of the subject property, and posting the property with a sign.

The Planning Commission public hearing is a “de novo” hearing meaning additional testimony and evidence may be provided to the Planning Commission for consideration. The Planning Commission’s decision on the appeal becomes final unless a second optional appeal to the City Council is filed. Only issues on the record at the Planning Commission hearing submitted in writing or orally can be appealed to the City Council.

**APPEAL ISSUES:** The appeal petition submitted by the appellant is attached. The petition includes the following issues:

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.

The appeal petition questions how the application promotes good neighborhood design. Neighborhood design is not a review criterion for industrial development. Since neighborhood design is not a review criterion and the Development Code does not provide standard for evaluating neighborhood design related to industrial development this issue cannot not provide a basis for a decision on the site development review application.

2. Crane’s land-use application does not uphold property values and certainly will not be a long-term asset to the community.

The site development review application must be evaluated based on the review criteria in the Development Code. Perceived impacts to the value of adjacent or nearby properties are speculative and not within the scope of the adopted review criteria and cannot be considered in the Planning Commission’s decision.

The applicable review criteria and development standards also do not address whether a development will be a long-term asset to the community. Whether or not a development is a long-term asset to the community is subjective and does not provide a clear and objective basis for evaluating a development proposal. The Oregon Land Use Board of Appeals has found that subjective factors are not review criteria for evaluating a development proposal unless the applicable review criteria expressly require findings demonstrating whether the proposal adheres to subjective factors. Oftentimes subjective factors such as quality of life, promoting the general welfare, enhancing the appearance and function of the City are found in purpose and intent statements in Development Codes. Since the review criteria for site development review in Development Code §17.2.450 does not require evaluation of subjective factors or compliance with purpose and intent statements considerations such as whether a development will be a long-term asset to the community may not provide a basis for approving or denying the land use application. A decision on a site development review application must be made on the objective review criteria in Development Code §17.2.450.

3. The applicants are not residents and have no real interest in the well-being of the community.

The site development review application must be evaluated based on the review criteria in the Development Code. The Development Code does not require that an applicant be a resident of the City and an applicant's residency cannot be considered in making a decision on the site development review application.

The applicant's interest in the well-being of the community is subjective. Consideration of an applicant's intention with respect to the well-being of the community is not a review criterion for site development review and cannot be used as basis for a decision on the site development review application.

4. The appeal petition references the Rowan Green Data Center project.

The group that proposed the Rowan Green Data Center (Rowan) project in north-central Forest Grove is not affiliated with the Crane Data Center project. The Rowan team did not submit a formal site development review land use application for review by the City.

5. The Crane Data Center will most likely not be able to get the power lines to serve their data center.

The site development review application is evaluated based on the review criteria in the Development Code. Site development review focuses on the physical aspects of the project and the proposed layout of the development site. The application is based on whether the proposal meets the requirements for elements such as building setback from property lines, building height, and access. Approval of the site development review application provides assurance to the applicant the project can be constructed as proposed. With this assurance the applicant can commit resources to secure the utilities necessary to serve both phases of the proposed project.

6. 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.

Phased development is not prohibited by the Development Code. Development often occurs in phases.

7. There are a low income and Spanish speaking residents in the 300 feet notification area. Notifications were sent in English only.

The Development Code establishes the requirements for notification of development applications. The notification requirements for a Type II land use application are contained in Development Code §17.1.515. The Development Code does not require that notices be provided in Spanish. Although providing notices in Spanish may be desirable this cannot be used as a basis for denying the site development review application.

8. Only residents that live within 300' of the property were notified. This development will impact the entire City.

The Development Code establishes the requirements for mailed notification for development applications. The notification requirements for a Type II land use application are contained in Development Code §17.1.515. The Development Code does not require that mailed notices be provided beyond the 300-foot notification area. Although mailing notices to a larger notification area may be desirable this cannot be used as a basis for denying the site development review application.

9. What is the timeline for acquiring power from BPA?

The site development review application must be evaluated based on the review criteria in the Development Code. Site development review focuses on the physical aspects of the project and the proposed layout of the development site. The application is based on whether the proposal meets the requirements for elements such as building setback from property lines, building height, and access. Approval of the site development review application provides assurance to the applicant the project can be constructed as proposed. With this assurance the applicant can commit resources to secure the utilities necessary to serve both phases of the proposed project.

10. What is the guarantee that CWS will be able to provide enough water to meet the data center needs?

The applicant is assessing opportunities for the use of a non-potable (reclaimed) water source in coordination with Clean Water Services (CWS). This is an operational aspect of the data center project that is unrelated to the site development review criteria.

If the applicant is unable to secure water from Clean Water Services (CWS) to meet data center needs and the applicant determines that City water is required for the data center, then the developer must prepare water system capacity analysis at the applicant's cost. The City will provide the applicant with water system model from the 2022 Water System Master Plan to use for evaluating the water system capacity to supply the data center needs.

11. Increased power use and increased water use will lead to higher prices which impacts low-income persons disproportionately.

The perceived impact to utility rates is not a review criterion for site development review and cannot be used as a basis for denying the site development review application. Utility rates are based on many factors and beyond the scope of site development review.

12. Impact to Natural Resources

The administrative decision addresses the applicable review criteria and development standards pertaining to natural resources (Attachment B) including water quality areas and tree protection. In addition to the City's Development Code requirements the applicant must also comply with other agency requirements. This includes design and construction standards adopted by Clean Water Services. The City requires a Service Provider Letter (SPL) from Clean Water Services for a complete land use application. The SPL identifies mitigation requirements necessary to offset development impacts. The SPL also includes conditions that

the applicant must meet in order to comply with Clean Water Services' water quality protection requirements. The SPL for the Crane Data Center project is attached (Attachment D.4).

13. The City should demand that an environmental impact study be provided. 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.

The Development Code in §17.1.225 identifies what is required for a land use application. An environmental impact study is not required by the Development Code and the City does not have the authority to require an environmental impact study. The project is not a public project receiving federal funding and is not subject to the requirements of the National Environmental Policy Act pertaining to environmental impact statements.

Approval of the site development review application provides assurance to the applicant the project can be constructed as proposed. With this assurance the applicant can commit resources to secure the utilities necessary to serve both phases of the proposed project.

14. Noise: Data centers operate 24 hours a day for 365 days per year. Even low volumes can produce agitation and health related problems, especially when the noise never quits.

The appeal raises noise as a concern. This concern was also raised during the application review process. 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 eighty 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.

#### 15. Electromagnetic Fields (EMF)

During the application review process concerns were expressed about EMF from the data center. The applicant provided information in response stating the "Power distribution within the campus occurs via a balanced, three-phase system. Conductors will be arranged to cancel the electromagnetic fields (EMF) generated by the 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 thus phase cancellation will attenuate the EMF at the property line to levels far below those generated by the existing utilities."

The site development review criteria do not require evaluation of potential EMF levels. As stated in Development Code §17.2.450, the Director shall review and approve, conditionally approve, or deny a site development plan based on the criteria in Development Code §17.2.450. Therefore, EMF cannot be used as a basis for a decision on the site development review application.

#### 16. Review Process

The written appeal questions if Type II (administrative, limited land use decision) is the correct review process for the Crane Data Center site development review application. Development Code §17.2.430 establishes the procedure for site development review and states: "Site Development Review is categorized as a Type I procedure for a single-unit detached dwelling on an individual lot; townhouse on an individual lot; duplex on an individual lot; triplex on an individual lot; cottage cluster project; or manufactured home on an individual lot. All other site development reviews shall follow the Type II procedure unless exempt." The exemptions are listed in Development Code §17.2.420 and include home occupations and family daycare. Since the data center is not one of the uses listed for Type I review and is not exempt the correct review procedure is Type II.

#### 17. Data Center Land Use Classification

The appeal argues that the data center project should not be approved because data centers did not exist when the 2009 Development Code was adopted, and the City's Development Code references the 1997 North American Industrial Classification System (NAICS). This argument is inconsistent with the framework for classifying land use in the Development Code based not on specific uses but intentionally broad categories of uses with certain characteristics. This is in contrast to the 2009 Zoning Ordinance which preceded the current Development Code. The 2009 Zoning Ordinance enumerated specific uses allowed within each of the City's zoning districts.

As stated in Article 12 of the Development Code "land uses and activities are classified into categories based on common functional, product, or physical characteristics, thereby providing a consistent basis for the regulation of uses. The use categories provide a systematic basis for assignment of present and future uses to zones." Development Code §17.12.100 goes on to state uses are assigned to categories whose description most closely describes the nature of the primary uses. Although the term "data center" is not used in either the Development Code or the 1997 NAICS this use can be assigned to a use category listed on the Industrial Use Table in Article 3 of the Development Code (Development Code §17.3.520, Table 3-12. The Industrial Use Table in the Development Code includes "Information" as a land use which is permitted in the City's LI zoning district. The Development Code defines the "Information" category as uses that are engaged in the following processes: producing and distributing information and cultural products; providing a means to transmit and 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 North American Classification System, United States, 1997 Edition (Attachment D.4) with the exception of §51213, Motion Picture and Video Display.

The NAICS provides considerable detail in describing industries and activities. Sector 51 of the NAICS includes telecommunications, information services, data processing services and other information services. NAICS Sector 51 includes establishments engaged in operating, maintaining, or providing access to facilities for the transmission of voice, data and text between network terminating points and, industries providing information, storing information, providing access to information and processing information. Internet service providers, online information access services, and firms engaged in providing direct access to computer-held information published by others via telecommunication networks are also included in Sector 51.

Based on the definition of the “Information” category in the Development Code and description of industry in NAICS Sector 51 data centers would be categorized as “Information”. As such, data centers would be considered as a listed use.

**CONCLUSION:** The site development review approval process provides limited discretion. A decision must be based on the site development review criteria. Based on the information in the record the applicant appears to have met the burden of proof that the site development approval criteria are met with the conditions of approval contained in the administrative decision.

**RECOMMENDATION:** Staff recommends that the Planning Commission conduct the appeal hearing to gather the facts necessary to make a decision on whether to uphold the staff decision or deny the site development review application based on the applicable review criteria and development standards.

**ATTACHMENTS:**

- A. Administrative Decision and Findings
- B. Appeal Petition
- C. Public Comments Received For Appeal Hearing
  
- D. Supplemental Information Included in the Record
  - D.1 Public Comments Received During 14-Day Comment Period
  - D.2 Applicant’s Response to Public Comments
  - D.3 Public Comments Received After 14-Day Comment Period
  - D.4 Clean Water Services Service Prover Letter
  - D.5 North American Industrial Classification System, 1997 Sector 57
  - D.6 Metro Title 13 Natural Areas Inventory Map
- E. Other Communication After Issuing July 31, 2024, Notice of Administrative Decision
- F. Crane Data Center Campus Site Development Review Narrative, Navix, March 20, 2024
- G. PowerPoint Presentation

# Attachment A Administrative Decision



*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](mailto: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."<sup>1</sup>*

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.

---

<sup>1</sup> <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 (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(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:** 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
<b>OTHER</b>			
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 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.<sup>2</sup>

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

<sup>2</sup> <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.

<b>STANDARD</b>	<b>LI</b>	<b>GI</b>	<b>BIP</b>
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 I: 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**



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

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

**Crane Data Center**  
**3975 Heather Street**

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,

**Crane Data Center  
3975 Heather Street**

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.

**Crane Data Center**  
**3975 Heather Street**

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

**Crane Data Center  
3975 Heather Street**

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.

**Crane Data Center**  
**3975 Heather Street**

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](mailto:yourname@forestgrove-or.gov) or (503) 992-3XXX.

Project Engineer: [Your name here]









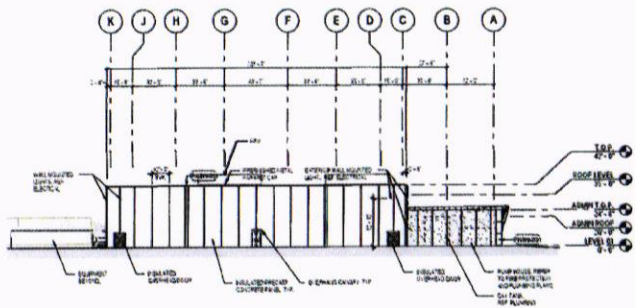


**EXTERIOR MATERIAL LEGEND**

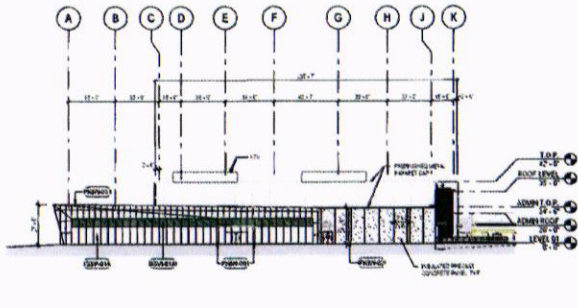
1. PERMANENT METAL ROOF PANEL  
 - 24" X 36" METAL PANEL  
 - 1/2" THICK ALUMINUM EXTERIOR FINISH (UNPAINTED)  
 - 1/2" X 1/2" X 1/2" ALUMINUM STUDS  
 - 1/2" X 1/2" X 1/2" ALUMINUM TRACKS
2. PERMANENT METAL ROOF PANEL  
 - 24" X 36" METAL PANEL  
 - 1/2" THICK ALUMINUM EXTERIOR FINISH (UNPAINTED)  
 - 1/2" X 1/2" X 1/2" ALUMINUM STUDS  
 - 1/2" X 1/2" X 1/2" ALUMINUM TRACKS
3. PERMANENT METAL ROOF PANEL  
 - 24" X 36" METAL PANEL  
 - 1/2" THICK ALUMINUM EXTERIOR FINISH (UNPAINTED)  
 - 1/2" X 1/2" X 1/2" ALUMINUM STUDS  
 - 1/2" X 1/2" X 1/2" ALUMINUM TRACKS
4. PERMANENT METAL ROOF PANEL  
 - 24" X 36" METAL PANEL  
 - 1/2" THICK ALUMINUM EXTERIOR FINISH (UNPAINTED)  
 - 1/2" X 1/2" X 1/2" ALUMINUM STUDS  
 - 1/2" X 1/2" X 1/2" ALUMINUM TRACKS
5. PERMANENT METAL ROOF PANEL  
 - 24" X 36" METAL PANEL  
 - 1/2" THICK ALUMINUM EXTERIOR FINISH (UNPAINTED)  
 - 1/2" X 1/2" X 1/2" ALUMINUM STUDS  
 - 1/2" X 1/2" X 1/2" ALUMINUM TRACKS

**EXTERIOR ELEVATION LEGEND**

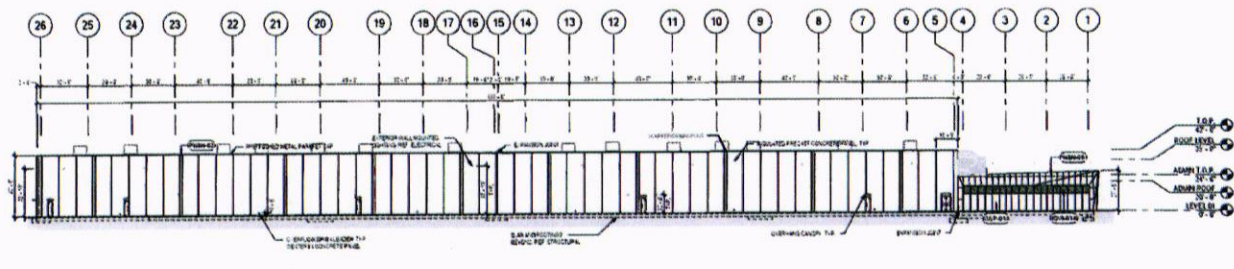
SYMBOL	DESCRIPTION
	ROOF LEVEL
	MAIN LEVEL
	LEVEL 1
	LEVEL 2
	LEVEL 3
	LEVEL 4



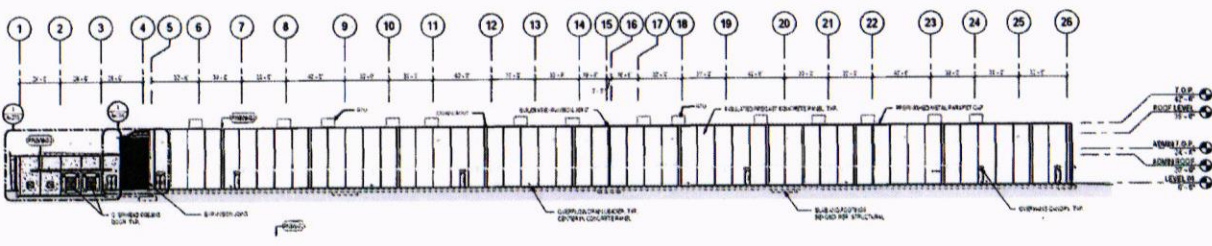
4 EXTERIOR OVERALL ELEVATION - EAST  
 SCALE 1/8" = 1'-0"



3 EXTERIOR OVERALL ELEVATION - WEST  
 SCALE 1/8" = 1'-0"



2 EXTERIOR OVERALL ELEVATION - NORTH  
 SCALE 1/8" = 1'-0"



1 EXTERIOR OVERALL ELEVATION - SOUTH  
 SCALE 1/8" = 1'-0"

REVISION	DATE	DESCRIPTION
1	18 APR 2024	ISSUED FOR PERMIT
2	18 APR 2024	ISSUED FOR PERMIT
3	18 APR 2024	ISSUED FOR PERMIT
4	18 APR 2024	ISSUED FOR PERMIT
5	18 APR 2024	ISSUED FOR PERMIT
6	18 APR 2024	ISSUED FOR PERMIT
7	18 APR 2024	ISSUED FOR PERMIT
8	18 APR 2024	ISSUED FOR PERMIT
9	18 APR 2024	ISSUED FOR PERMIT
10	18 APR 2024	ISSUED FOR PERMIT
11	18 APR 2024	ISSUED FOR PERMIT
12	18 APR 2024	ISSUED FOR PERMIT
13	18 APR 2024	ISSUED FOR PERMIT
14	18 APR 2024	ISSUED FOR PERMIT
15	18 APR 2024	ISSUED FOR PERMIT
16	18 APR 2024	ISSUED FOR PERMIT
17	18 APR 2024	ISSUED FOR PERMIT
18	18 APR 2024	ISSUED FOR PERMIT
19	18 APR 2024	ISSUED FOR PERMIT
20	18 APR 2024	ISSUED FOR PERMIT
21	18 APR 2024	ISSUED FOR PERMIT
22	18 APR 2024	ISSUED FOR PERMIT
23	18 APR 2024	ISSUED FOR PERMIT
24	18 APR 2024	ISSUED FOR PERMIT
25	18 APR 2024	ISSUED FOR PERMIT
26	18 APR 2024	ISSUED FOR PERMIT

INTERIOR REVIEW  
 THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIOR REVIEW UNDER THE AUTHORITY OF ARCHITECT J. HANCE, ARCHITECT CRANE DATA CENTERS, 3975 HEATHER STREET, FOREST GROVE, OR 97116. IT IS NOT TO BE USED FOR REGULATORY APPROVAL, RECORDING, PERMIT, OR CONSTRUCTION PURPOSES.



CRANE DATA CENTERS  
 FOREST GROVE BUILDING 1  
 3975 HEATHER STREET  
 FOREST GROVE, OR 97116

PROJECT NUMBER: CRANE-2024-001  
 DRAWING NUMBER: EX-201  
 DRAWING DATE: 18 APR 2024  
 100% SD

ARCHITECTURAL - EXTERIOR ELEVATIONS

X-201

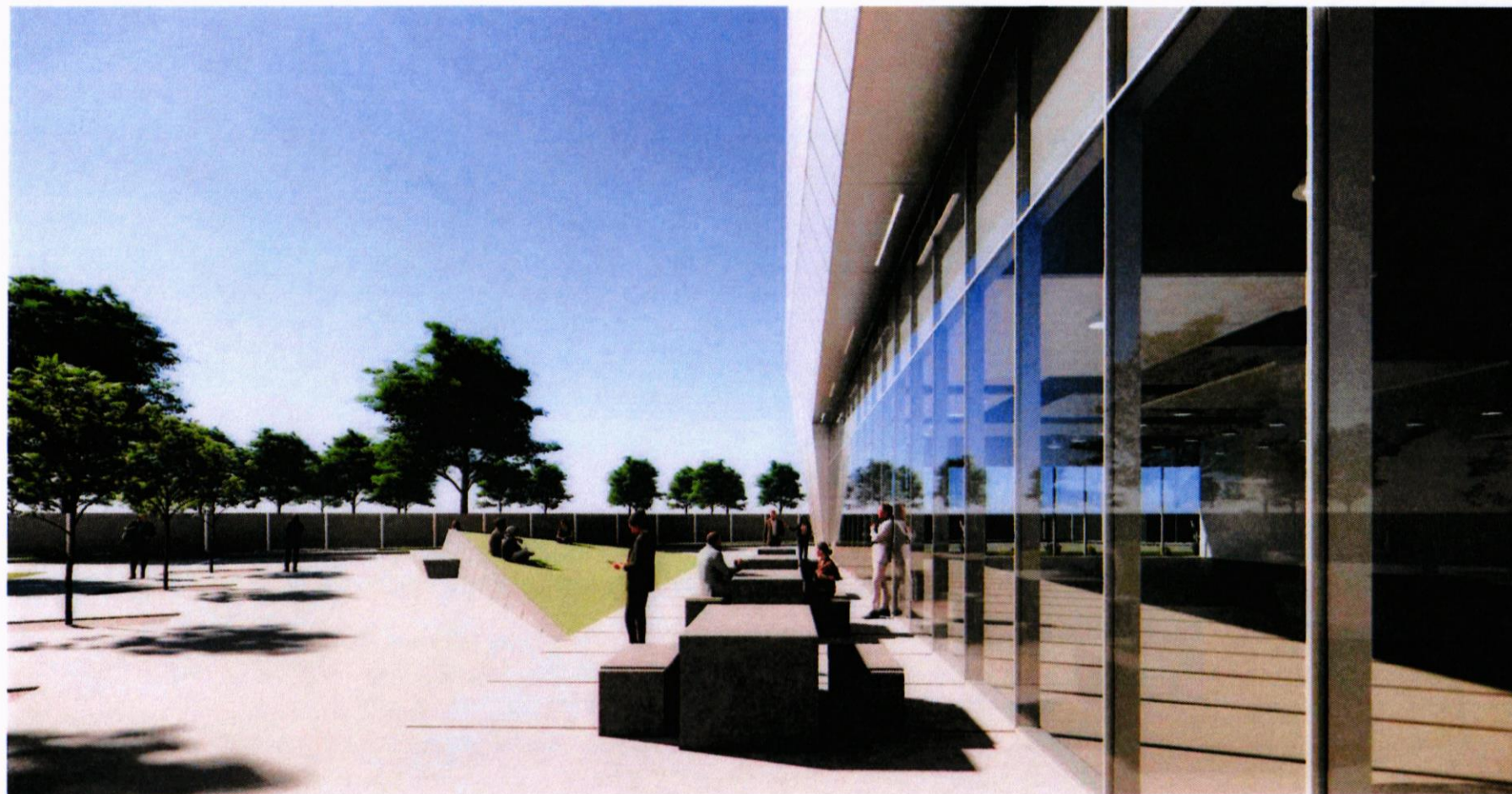


**Soar**  
North Fold at 1/3

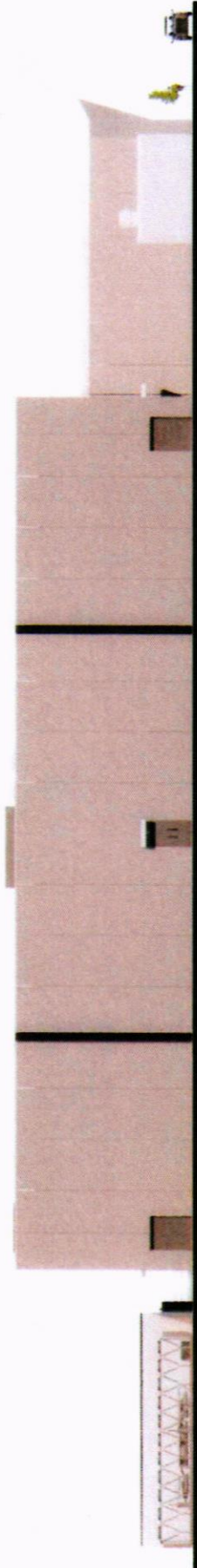
**Perspectives**  
View 02















# Attachment B

## Appeal Petition

*[Handwritten signature]*

Date: 8-12-24

*[Handwritten signature: Dale Feik]*

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.

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 12 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

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 public utility /11 miles mu( l.wiu. ...\_ thrir.

# 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 [drordan@forestgrove-or.gov](mailto:drordan@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."<sup>1</sup>*

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 under development or developed but which may be alternatively redeveloped in the future.

---

<sup>1</sup> <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.

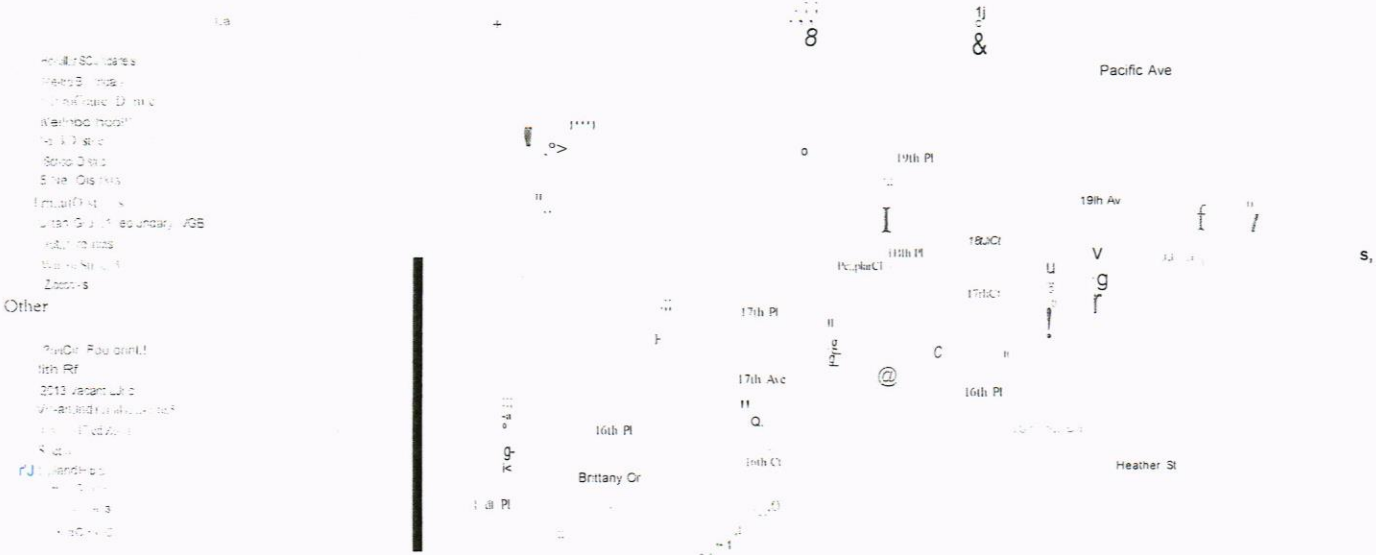
**FINDING:** The applicant submitted a narrative statement, dated January 23, 2024, addressing the site development review criteria and how the site development plan complies with the base zoning district (Article 3) and the general development standards of Article 8. The remainder of this document evaluates 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 area 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 rationale 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 "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

Tablo 3-12: Industrial Zones Use Tablo			
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	(R) 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 ini 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.)

<sup>2</sup> <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 I. Table of Maximum Allowable Sound Levels (in dBA) in any Ten-Minure Period						
	Type of Received by Use					
	Noise Sensirive		Commercial		Indusriial	
Type of Source by Use	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.)

<b>OAR 340-035-0035</b>	
<b>Table 7</b>	
<b>Existing Industrial and Commercial Noise Source Standards</b>	
<b>Allowable Statistical Noise Levels in Any One Hour</b>	
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

24

<b>OAR 340-035-0035</b>		
<b>Table 9</b>		
<b>Industrial and Commercial Noise Source Standards for Quiet Areas</b>		
<b>Allowable Statistical Noise Levels in Any One Hour</b>		
	7:00 a.m. – 10:00 p.m.	10:00 p.m. – 7:00 a.m.
L <sub>50</sub>	50 dBA	45 dBA
L <sub>5</sub>	55 dBA 60 dBA	50 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 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.

26

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/developmentUdnc/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.)
    - 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](mailto:RBlackmun@forestgrove-or.gov).

39

**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.

**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.

**Crane Data Center**  
**3975 Heather Street**

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,

**Crane Data Center**  
**3975 Heather Street**

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.

**Crane Data Center**  
**3975 Heather Street**

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

**Crane Data Center**  
**3975 Heather Street**

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.

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.
2. All public water system components must be constructed within public right-of-way or public easements.
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.
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.
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.
6. Public Fire Hydrant spacing and location shall conform to City Code and as otherwise required by the City Fire Marshal.
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.
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.
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.
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](mailto: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.)

Attachment C  
Public Comments  
Received for Appeal Hearing

## Daniel Riordan

---

**From:** David Haworth [REDACTED]  
**Sent:** Tuesday, August 13, 2024 8:19 PM  
**To:** Daniel Riordan  
**Subject:** 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.

Planning department,

I filed an appeal this week in the hope of stopping this ill conceived mega build from destroying my neighborhood .

Noise pollution is a major concern !

Please see the attached documents

Highlighting the fact that shielding does not mask the low consistent hum and high pitched wail that we will be subjected to, This will destroy our quality of life. I have lived in this house for 15 years. We are 70 years old. This San Francisco mega company has scammed the city into allowing the massive construction of a Data Center in the worst possible location.

They bought the land but they did not buy unlimited noise rights over my property. I can not do that to my neighbors ...run an airplane engine 24 hours a day...

We have miles of open land. Make them buy a suitable parcel and. re apply

This Big Teck AI company will  
deplete our power and water  
not pay any taxes

destroy prime farmland and wetlands

If this is passed then The statute written 27 years ago is more important than common sense and standing up for the interests of Forest Grove and what morally is right.

Please do not let this pass .

Dave Haworth  
[REDACTED]





MAIN MENU

+1 888.258.3222

**LARSON DAVIS**

A PCB DIVISION

Search



2. Low-frequency tones or hum -  
Low-frequency tones from data centers (fan hum) are often particularly bothersome because they are not reflected well in A-weighted measurements (a common frequency weighting applied to noise measurements

Intel AI Performance

Cloud Benefits

Int

## ◆ AI Overview

[Learn more](#) ⋮

The average noise level outside of a data center is often caused by exhaust vents from cooling equipment or power generation.

The noise can be a low, consistent hum, or a high-pitched whirring noise that some say sounds like an idling airplane engine. The hum can travel long distances and is caused by the aerodynamic interactions of the fan impellers. The pitch of the hum may change as the fan speed changes with temperature. Other sources of

Sent from my iPhone

**Daniel Riordan**

---

**From:** Darci Hanning [redacted]  
**Sent:** Tuesday, August 13, 2024 3:02 PM  
**To:** Daniel Riordan  
**Subject:** Sept. 3 Planning Commission Meeting

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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

Hello Mr. Riordan,

Can you please share when the Planning Commission's September 3rd meeting details will be posted to the City of Forest Grove's online calendar (city website)? Thank you.

Warmly,  
Darci Hanning



## Daniel Riordan

---

**From:** Debora Osborn [REDACTED]  
**Sent:** Friday, August 16, 2024 10:17 AM  
**To:** Daniel Riordan  
**Subject:** Stop 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.

Dan,

Please take into consideration the long term health effect, by letting a Data Center be built near a school and in a residential area.

Data centers noise has a low-frequency humming sound that travels long distances., which have been an issue in other neighborhoods keeping people up at night. This would be very disruptive to residents.

Data centers can be loud because of the noise generated by the equipment inside them, such as servers, HVAC systems, and generators.

Noise levels near servers and other equipment can reach up to 96 decibels (dB(A)), which is similar to the sound of a motorcycle or lawnmower. Long-term exposure to these levels could potentially cause hearing loss.



## Daniel Riordan

---

**From:** Daniel Riordan  
**Sent:** Friday, August 16, 2024 10:44 AM  
**To:** Debora Osborn  
**Subject:** RE: Stop Crane Data Center

Good morning Debora,

Thank you taking the time to provide your comments about the proposed data center. I just wanted to let you know your comments were received and will be provided to the Planning Commission.

Best Regards,

Dan Riordan | Senior Planner  
City of Forest Grove | Planning Division Direct Phone: (503) 992-3226

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

From: Debora Osborn <[REDACTED]>  
Sent: Friday, August 16, 2024 10:17 AM  
To: Daniel Riordan <driordan@forestgrove-or.gov>  
Subject: Stop 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.

Dan,  
Please take into consideration the long term health effect, by letting a Data Center be built near a school and in a residential area.

Data centers noise has a low-frequency humming sound that travels long distances., which have been an issue in other neighborhoods keeping people up at night. This would be very disruptive to residents. Data centers can be loud because of the noise generated by the equipment inside them, such as servers, HVAC systems, and generators. Noise levels near servers and other equipment can reach up to 96 decibels (dB(A)), which is similar to the sound of a motorcycle or lawnmower. Long-term exposure to these levels could potentially cause hearing loss.



## Daniel Riordan

---

**From:** Suzie Curtis  
**Sent:** Monday, August 19, 2024 7:55 AM  
**To:** Daniel Riordan  
**Cc:** Shannon Reynolds  
**Subject:** FW: Crane data center objection

Please see the response below in regards to the data center.

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

**From:** Paul Haller [mailto:phaller@forestgrove-or.gov]  
**Sent:** Sunday, August 18, 2024 11:48 AM  
**To:** Suzie Curtis <scurtis@forestgrove-or.gov>  
**Subject:** Crane data center objection

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 day,

I totally agree that we do not want a data center here. Our growing population (please stop) is already taking a huge bite out of our water and power supply.

Each year the city switches from our watershed to the shared tualatin pumping station sooner. The water tastes different and leaves water spots if you wash your car. Our cheap power rates are also a limited resource.

I see no need for accommodating more AI. As one who has done much computer programming I am not a big believer. I haven't seen any evidence that it is anything other than adaptive, statistic or brute force programming. One example, when big blue defeated the best chess players I had used the same approach to program a complex metal chemical treating process. The AI they are using to combat porch pirates is simply statistical analysis. And I can spot a political AI impersonation in less than 15 seconds.

I haven't seen any evidence that AI is anything other than adaptive, statistic or brute force programming. The only real advantage is that it is not influenced by human prejudices and conventional thinking.

Unless the data center is going to make a large contribution to our tax base I see no advantage for our community.

plh

Physical therapy progress has been slow but steady.



## Daniel Riordan

---

**From:** Amy Allred [mailto:allredamy78@yahoo.com]  
**Sent:** Thursday, August 22, 2024 11:43 AM  
**To:** Daniel Riordan  
**Subject:** Data Center forest Grove

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

I'm confused and considered as to why this data center is even being considered. As a nine year resident/property owner of Forest Gove I don't see this as a positive thing. There are so many important things that would need to be addressed before this was ever built. Just to name one would be the traffic infrastructure. Plus who would want this massive data center near homes and a school?

Please add my name to the list of Residents who oppose this data center.

Amy Duris

[Yahoo Mail: Search, Organize, Conquer](#)



Attachment D.1  
Public Comments  
Received  
During 14-Day Comment  
Period

**Kate McGuire**

---

**From:** Darci Hanning <[REDACTED]>  
**Sent:** Sunday, April 21, 2024 9:27 PM  
**To:** Kate McGuire  
**Subject:** Proposal: SITE DEVELOPMENT REVIEW for phased construction of Data Center facility

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

Ms. McGuire,

I'm writing regarding the SITE DEVELOPMENT REVIEW for phased construction of Data Center facility.

As a resident on Tamarack Way in Forest Grove, I have the following questions and/or concerns:

Has an environmental impact study been performed concerning noise pollution and light pollution and how residents may be impacted? If so, has it been share publicly? If not, is one planned?

Will a barrier of some kind be built along the northern property of the data center property?

Has an environmental impact study been performed concerning noise pollution and light pollution and how the wildlife at the Fernhill Wetland may be impacted? If so, has it been shared publicly? If not, is one planned?

If approved and completed, what recourse will residents have if noise and/or lighting interferes with their quality of daily life?

Respectfully,  
Darci Hanning  
1810 Tamarack Way  
Forest Grove, OR 97116

[REDACTED]

**Kate McGuire**

---

**From:** David Haworth <[REDACTED]>  
**Sent:** Sunday, April 21, 2024 8:35 AM  
**To:** Kate McGuire  
**Subject:** crane 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

For you to put this in my backyard when there is thousands of acres of farmland all around is a crime.

I haven't said much about the stupid greed of Forest Grove, allowing all the building of all these multilevel apartments, destroying our quality of life.

if this proceeds, it will be the worst thing anyone has ever done to me personally Kate .

david haworth

[https://www.reddit.com/r/Virginia/comments/185gmqm/virginia\\_s\\_data\\_center\\_alley\\_residents\\_say\\_an/?utm\\_source=share&utm\\_medium=mweb3x&utm\\_name=mweb3xcss&utm\\_term=1&utm\\_content=share\\_button](https://www.reddit.com/r/Virginia/comments/185gmqm/virginia_s_data_center_alley_residents_say_an/?utm_source=share&utm_medium=mweb3x&utm_name=mweb3xcss&utm_term=1&utm_content=share_button)

Sent from my iPhone



**Kate McGuire**

---

**From:** res71cjz@frontier.com [Redacted]  
**Sent:** Monday, April 22, 2024 6:28 AM  
**To:** Kate McGuire  
**Subject:** file number 311-24-000006-plng

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

Hello and good morning,  
I have received your notice in the mail. Thank you for the information.  
This tax lot in Washington county(1S305001300) has always been agricultural in nature. Aside from the homeless population that moves in at times, my concern will always be the noise pollution that this will bring within 300 feet of my home. "Data Center" can mean a variety of things not all of them would be good neighbors. There is also a proposed "storm pond" at this site at some future time. Mosquitos? Smell? The reason for my moving to Forest Grove many years ago was the quiet and serenity of the area. I don't want to see it becoming another Beaverton! We already have some kind of Pot grow near this proposed site and the smell at times is unbearable. I am hoping that careful planning and consideration is being taken to prevent these things in this future plan. Thank you for giving me this opportunity to weigh in to my concerns.

Sincerely, Brian Hurley  
1719 Fir rd.  
Forest Grove Or. 97116-2126



**Attachment D.2  
Applicant's  
Response to Public  
Comments**

April 26, 2024

City of Forest Grove  
Kate McGuire  
Planning Division

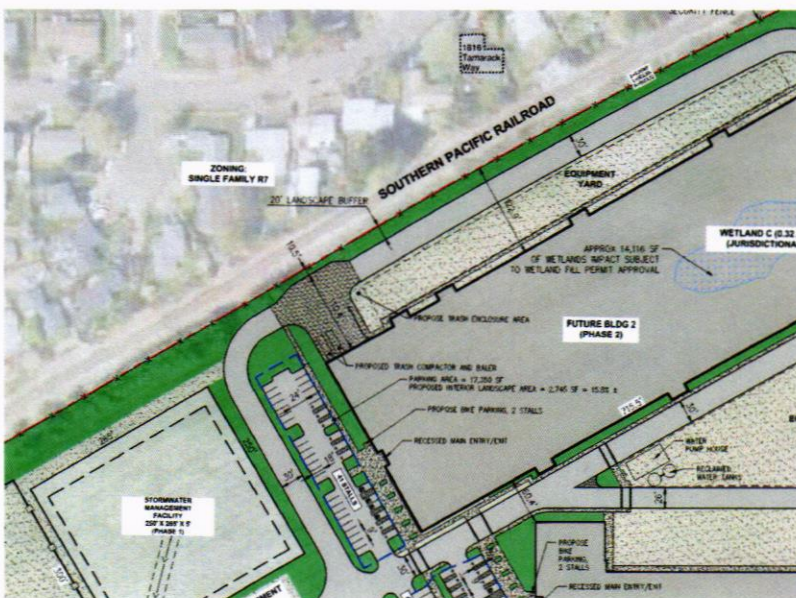
Subject: Crane Data Center – Response to Public Comments

Navix has prepared this memo in response to the comments provided by the public during the 14-day public comment period of the Site Development Application for the Crane Data Center project.

1. David Haworth (1816 Tamarack Way): I would really like to see where my house falls in relation to building two and the storm pond. I'd also like to know how tall the buildings are, and I'm concerned about electromagnetic energy.

*Response:*

*Here's a map showing the house in question in relation to Building 2 and the storm water facility.*



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

2. James and Cassandra Cullin: We both have questions regarding this project, including the environmental impact on the area including the nearby Fern Hill Wetlands, light pollution, and noise mitigation.

*Response:*

*The proposed project is designed and operated in compliance with applicable regulations and guidelines concerning environmental impact, light pollution, and noise. We will address each of these points to provide you with more information.*

- a. *The City of Forest Grove relies on the stormwater design guidelines of Clean Water Services, which establish treatment requirements for both stormwater quantity and quality. The proposed data center development either meets or exceeds the Clean Water Service stormwater requirements. The stormwater facility detains the stormwater runoff from the site and proposed Heather St improvements up to the 100-yr rainfall event (Clean Water Services only requires detention for the 25-yr rainfall event). This detention restricts the amount of stormwater released from the site so that runoff from the site after it is developed is equal to or less than the runoff from the site when it is undeveloped. Water quality treatment of stormwater runoff is accomplished through the use of vegetated swales and mechanical treatment devices accepted by Clean Water Services. Clean Water Services' standards address the necessary stormwater treatment requirements for both quantity and quality to protect upstream and downstream systems – including Fern Hill wetlands – from a project's stormwater impact.*

*As part of the initial land-use development process, the City of Forest Grove requires that Clean Water Services review the project's preliminary stormwater treatment approach to confirm general compliance with their standards before the city will accept the land-use application. Clean Water Services reviewed the project's proposed development plan and found general compliance with their standards. This is only the first step in the city and Clean Water Services review process. A detailed review of the design will be performed by both the city and Clean Water Services to assure the project meets or exceeds their*

*applicable stormwater quantity and quality treatment requirements before issuing a permit to construct the project.*

- b. *The project recognizes the importance of minimizing light pollution. City development code for off-street parking and loading provide this requirement: Artificial lighting on all off-street parking facilities shall be designed to deflect all light away from surrounding residences and so as not to create a glare hazard to the public use of any road or street. The city does not have lighting standards for Industrial zones. Light fixtures are directed downward with shielding as necessary to reduce the amount of light emitted upward and outward. This approach reduces the impacts on surrounding area and helps preserve the night sky by minimizing light pollution as much as possible.*
  - c. *The data center project strives to be a low noise generator and comply with relevant noise regulations. While data centers are typically designed to minimize noise emissions, they also adhere to specific noise regulations and guidelines enforced by local authorities. Implementing sound-absorbing materials, equipment enclosures, and other noise reduction measures, these facilities ensure that they meet or exceed the required noise limits set by regulatory bodies.*
3. John Elwes (1774 Mountain View): I (Kate) just concluded a telephone call with this gentleman regarding the proposal. He indicated that he has been dealing with ongoing drainage issues from the Crane property and indicated that he had been “working with the previous owner” to address this, however, he was under the impression that the site was owned by TTM. I explained to him the history of the partition of the properties occurring in 2007 and that the County Assessment record would provide a simplified chain of title and provide the current property owners name (which I also provided) but I identified that I was not at liberty without a public record request submitted to provide any owner contact information which may be present on the submitted application form.

*Response: The project includes the construction of a storm water system to manage all runoff onsite and convey it to the stormwater management pond facility. Stormwater runoff is not anticipated to flow to adjoining properties.*

4. Brian Hurley (1719 Fir Road) : Hello and good morning, I have received your notice in the mail. Thank you for the information. This tax lot in Washington county(1S305001300) has always been agricultural in nature. Aside from the homeless population that moves in at times, my concern will always be the noise pollution that this will bring within 300 feet of

my home. "Data Center" can mean a variety of things, not all of them would be good neighbors. There is also a proposed "storm pond" at this site at some future time. Mosquitos? Smell? The reason for my moving to Forest Grove many years ago was the quiet and serenity of the area. I don't want to see it becoming another Beaverton! We already have some kind of Pot grow near this proposed site and the smell at times is unbearable. I am hoping that careful planning and consideration is being taken to prevent these things in this future plan. Thank you for giving me this opportunity to weigh in to my concerns.

*Response: The stormwater pond is designed to be an extended dry pond and maintained in accordance with CWS requirements. During the wet season, it will fill up to limit peak flows from the site to predevelopment rates in accordance with CWS requirements. Standing water is not anticipated during the dry season.*

5. Darci Hanning (1810 Tamarack Way): I'm writing regarding the SITE DEVELOPMENT REVIEW for phased construction of Data Center facility. As a resident on Tamarack Way in Forest Grove, I have the following questions and/or concerns: Has an environmental impact study been performed concerning noise pollution and light pollution and how residents may be impacted? If so, has it been share publicly? If not, is one planned? Will a barrier of some kind be built along the northern property of the data center property? Has an environmental impact study been performed concerning noise pollution and light pollution and how the wildlife at the Fernhill Wetland may be impacted? If so, has it been shared publicly? If not, is one planned? If approved and completed, what recourse will residents have if noise and/or lighting interferes with their quality of daily life?

*Response: An environmental impact study is not required by the city. The proposed project is designed and operated in compliance with applicable regulations and guidelines concerning environmental impact, light pollution, and noise. We will address each of these points to provide you with more information.*

- a. *The City of Forest Grove relies on the stormwater design guidelines of Clean Water Services, which establish treatment requirements for both stormwater quantity and quality. The proposed data center development either meets or exceeds the Clean Water Service stormwater requirements. The stormwater facility detains the stormwater runoff from the site and proposed Heather St improvements up to the 100-yr rainfall event (Clean Water Services only requires detention for the 25-yr rainfall event). This detention restricts the amount of stormwater released from the site so that runoff from the site after it is developed is equal to or less than the runoff from the site when it is undeveloped. Water quality treatment of stormwater runoff is accomplished through*

*the use of vegetated swales and mechanical treatment devices accepted by Clean Water Services. Clean Water Services' standards address the necessary stormwater treatment requirements for both quantity and quality to protect upstream and downstream systems – including Fern Hill wetlands - from a project's stormwater impact.*

*As part of the initial land-use development process, the City of Forest Grove requires that Clean Water Services review the project's preliminary stormwater treatment approach to confirm general compliance with their standards before the city will accept the land-use application. Clean Water Services reviewed the project's proposed development plan and found general compliance with their standards. This is only the first step in the city and Clean Water Services review process. A detailed review of the design will be performed by both the city and Clean Water Services to assure the project meets or exceeds their applicable stormwater quantity and quality treatment requirements before issuing a permit to construct the project.*

- b. The project recognizes the importance of minimizing light pollution. City development code for off-street parking and loading provide this requirement: Artificial lighting on all off-street parking facilities shall be designed to deflect all light away from surrounding residences and so as not to create a glare hazard to the public use of any road or street. The city does not have lighting standards for Industrial zones. Light fixtures are directed downward with shielding as necessary to reduce the amount of light emitted upward and outward. This approach reduces the impacts on surrounding area and helps preserve the night sky by minimizing light pollution as much as possible.*
  - c. The data center project strives to be a low noise generator and comply with relevant noise regulations. While data centers are typically designed to minimize noise emissions, they also adhere to specific noise regulations and guidelines enforced by local authorities. Implementing sound-absorbing materials, equipment enclosures, and other noise reduction measures, these facilities ensure that they meet or exceed the required noise limits set by regulatory bodies.*
6. David Haworth (1816 Tamarack Way): Please see attached. For you to put this in my backyard when there is thousands of acres of farmland all around is a crime. I haven't said much about the stupid greed of Forest Grove, allowing all the building of all these multilevel apartments, destroying our quality of life. if this proceeds, it will be the worst thing anyone has ever done to me personally Kate .

*Response: We cannot comment on data centers in other jurisdictions which may have different requirements than Oregon. The data center project strives to be a low noise generator and comply with relevant noise regulations. While data centers are typically designed to minimize noise emissions, they also adhere to specific noise regulations and guidelines enforced by local authorities. Implementing sound-absorbing materials, equipment enclosures, and other noise reduction measures, these facilities ensure that they meet or exceed the required noise limits set by regulatory bodies*

We appreciate the opportunity to provide responses to comments from the public. Should you require any further clarification or additional information, please do not hesitate to contact our team.

Sincerely,



Navix Engineering Inc.

Shawn Nguy, P.E.  
[snguy@navixeng.com](mailto:snguy@navixeng.com)

**Attachment C(3)  
Public Comments  
Received After 14-Day  
Comment Period**

**Attachment D.3  
Public Comments  
Received After 14-Day  
Comment Period**

## Kate McGuire

---

**From:** David Haworth <[REDACTED]>  
**Sent:** Tuesday, April 23, 2024 9:20 PM  
**To:** Kate McGuire  
**Subject:** Re: Crane Data Project

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

Soooo

that is it ?

we will let you know when we decide your fate ?

is there no more feedback possible?

Is there any way I can be assured that the person making the decision to build this project knows the first thing about data centers ?

I've only begun to compose emails

Thank you

On Apr 23, 2024, at 11:17 AM, Kate McGuire <kmcguire@forestgrove-or.gov> wrote:

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  
<image001.jpg>

## Kate McGuire

---

**From:** David Haworth [mailto:dhaworth55@gmail.com]  
**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

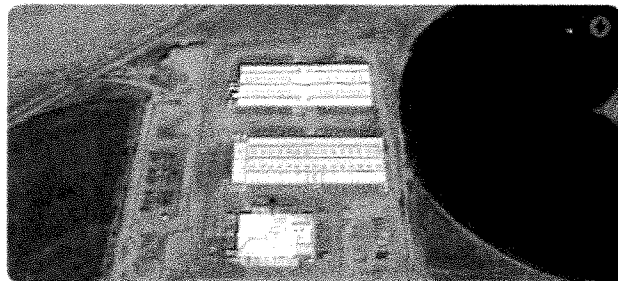


## Hillsboro Data Centers: Colocation in The Hub City



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

Sent from my iPhone

## Kate McGuire

---

**From:** David Haworth [redacted]  
**Sent:** Wednesday, April 24, 2024 12:40 PM  
**To:** Bryan Pohl  
**Cc:** Kate McGuire  
**Subject:** Re: Crain data center

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

thank you

May I know upon what criteria this decision is made ?

hopefully, Kate will reply to this and answer my other questions

Since this affects & my entire neighborhood personally, the results of which will cost us all tens of thousands of dollars

I would like to have a hearing before the decision is made or at least a meeting with everybody involved  
my immediate question for you

Mr. pohl is according to Your knowledge is the published definition of light industrial zone accurate ?

Is that in fact what this field is zoned as ?

thank you Dave H

On Apr 24, 2024, at 11:44 AM, Bryan Pohl <BPohl@forestgrove-or.gov> wrote:

Kate makes the initial staff decision. After her decision is rendered, anyone submitting comments to the record is entitled to notice of the decision and the right to appeal. The staff decision is appealable to the Planning Commission, and the Planning Commission's decision can be appealed to the City Council.

Bryan W. Pohl, CFM  
Community Development Director  
1924 Council Street  
PO Box 326  
Forest Grove, OR 97116-0326  
(503)992-3227



*A place where families and businesses thrive.*

**From:** David Haworth <[REDACTED]>  
**Sent:** Wednesday, April 24, 2024 11:41 AM  
**To:** Bryan Pohl <BPohl@forestgrove-or.gov>  
**Subject:** Re: Crain data center

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

mr. pohl

I have gotten some information from Kate McGuire  
But I've been referred to you so I'm sorry, but who's in charge of making the decision ?

On Apr 24, 2024, at 10:19 AM, Bryan Pohl <BPohl@forestgrove-or.gov>  
wrote:

Mr. Haworth,

My apologies. I hit send before I intended to. For the answer to the questions posed below, I will defer to our Senior Planner, Kate McGuire, who is the planner reviewing the application.

Kate- to the extent that you are able, can you address Mr. Haworth's questions below?

Bryan W. Pohl, CFM  
Community Development Director  
1924 Council Street  
PO Box 326  
Forest Grove, OR 97116-0326  
(503)992-3227

<image001.jpg>

**From:** David Haworth <[REDACTED]>  
**Sent:** Wednesday, April 24, 2024 10:08 AM

**To:** Bryan Pohl <BPohl@forestgrove-or.gov>; Kate McGuire <kmcguire@forestgrove-or.gov>; Jesse vanderzander <jvanderzander@forestgrove-or.gov>  
**Subject:** Crain data center

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

Mr. Pohl,

When I called a few months ago I was told that the farmland behind my house is zoned light industrial.

Google defines light industrial as the following

" The light industrial district provides land for light manufacturing, warehousing, processing, and distribution of goods and other low intensity industrial uses"

The definition continues: " It is intended for industrial uses which involve the LOW LEVEL OF NOISE, VIBRATION,

AIR POLLUTION, RADIATION, GLARE, OR FIRE AND EXPLOSION HAZARDS."

Clearly the Seventy foot tall data center with it's Noise, Heat, Electromagnetic radiation, plus the Risk of explosion, fire or terrorism .

is NOT LIGHT INDUSTRIAL by definition.

I attended the council meeting on Monday

Please read the transcript of what I had to say.

None of the city council leaders showed the least interest in this and none would answer

my main question Is this just a proposal or is it now being planned ?

Nor would they address the following questions:

Why was this site chosen ?

When there is open land all around us this seems obviously wrong

Is this a Proposal or a plan ? Time line ? Do they have power ? financing? Who makes the final decision to destroy my neighborhood ? And Why ? Do they know anything about data centers?

Is this just for the Greed of the land owner and the city ?

Do not take this the wrong way but this whole thing is so outrageous that I think

if this goes through I think there may be corruption involved.

Who is going to compensate the neighborhood for our lost equity and quality of life ?

The Fernhill Wetlands and estuary lies just beyond this land

The geese fly right over and use this land. The height of the buildings 70 feet, blocks this path.

The noise, the heat, and the electromagnetic radiation will all affect this estuary.

Since a data center is outside the definition of light industrial

this fact alone should kill this proposal.

Hopefully sanity will prevail without any class action lawsuits

On a personal note,

We are retired and have lived in this house for 15 years .

This is a scary thing for us

My wife and I are concerned that the destruction of our quality of life will force us out of our home.

Please reply Thank you

David and Zarah Haworth

--

1816 Tamarack Way  
Forest Grove Or. 97116  
503-860-6755

## Kate McGuire

---

**From:** David Haworth [REDACTED]  
**Sent:** Thursday, April 25, 2024 11:08 AM  
**To:** Bryan Pohl; Kate McGuire; Jesse vanderzander  
**Subject:** Haworth  
**Attachments:** 14 Day Notice - 4.8.2024.pdf

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

just to be clear, Mr. pohl

You're standing on the word "information " as a justification for building this enormous data center ?  
" Information "

back in the 1960s and 70s when this was written was not defined this way.  
these enormous data centers did not exist then.

A call center is very different from this huge modern data center

It is my hope that the city of Forest Grove will see this

And look at what the common sense definition of light industrial is that I provided.  
and not let the money and greed of a few force this terrible project upon us

David Haworth

On Apr 25, 2024, at 7:28 AM, Bryan Pohl <BPohl@forestgrove-or.gov> wrote:

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 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, United States, 1997 Edition with the of § 51213, Motion Picture and Video Display.*"

The subject site's use is governed by these regulations. I am unable to comment on anything outside of how the Development Code regulates the uses. I hope this is helpful. Kate's response is still to follow.

Bryan W. Pohl, CFM  
Community Development Director  
1924 Council Street  
PO Box 326  
Forest Grove, OR 97116-0326  
(503)992-3227



*A place where families and businesses thrive.*

**From:** David Haworth <[REDACTED]>  
**Sent:** Wednesday, April 24, 2024 12:40 PM  
**To:** Bryan Pohl <BPohl@forestgrove-or.gov>  
**Cc:** Kate McGuire <kmcguire@forestgrove-or.gov>  
**Subject:** Re: Crain data center

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

thank you

May I know upon what criteria this decision is made ?

hopefully, Kate will reply to this and answer my other questions

Since this affects & my entire neighborhood personally, the results of which will cost us all tens of thousands of dollars

I would like to have a hearing before the decision is made or at least a meeting with everybody involved

my immediate question for you

Mr. pohl is according to Your knowledge is the published definition of light industrial zone accurate ?

Is that in fact what this field is zoned as ?

thank you Dave H

On Apr 24, 2024, at 11:44 AM, Bryan Pohl <BPohl@forestgrove-or.gov>  
wrote:

Kate makes the initial staff decision. After her decision is rendered, anyone submitting comments to the record is entitled to notice of the decision and the right to appeal. The staff decision is appealable to the Planning Commission, and the Planning Commission's decision can be appealed to the City Council.

Bryan W. Pohl, CFM  
Community Development Director  
1924 Council Street  
PO Box 326  
Forest Grove, OR 97116-0326  
(503)992-3227



*A place where families and businesses thrive.*

**From:** David Haworth <[REDACTED]>  
**Sent:** Wednesday, April 24, 2024 11:41 AM  
**To:** Bryan Pohl <[BPohl@forestgrove-or.gov](mailto:BPohl@forestgrove-or.gov)>  
**Subject:** Re: Crain data center

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

mr. pohl

I have gotten some information from Kate McGuire  
But I've been referred to you so I'm sorry, but who's in charge of making the decision?

On Apr 24, 2024, at 10:19 AM, Bryan Pohl <[BPohl@forestgrove-or.gov](mailto:BPohl@forestgrove-or.gov)> wrote:

Mr. Haworth,

My apologies. I hit send before I intended to. For the answer to the questions posed below, I will defer to our Senior Planner, Kate McGuire, who is the planner reviewing the application.

Kate- to the extent that you are able, can you address Mr. Haworth's questions below?

Bryan W. Pohl, CFM  
Community Development Director  
1924 Council Street  
PO Box 326  
Forest Grove, OR 97116-0326  
(503)992-3227

<image001.jpg>

**From:** David Haworth <[REDACTED]>  
**Sent:** Wednesday, April 24, 2024 10:08 AM  
**To:** Bryan Pohl <BPohl@forestgrove-or.gov>; Kate McGuire <kmcguire@forestgrove-or.gov>; Jesse vanderzander <jvanderzander@forestgrove-or.gov>  
**Subject:** Crain data center

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

Mr. Pohl,

When I called a few months ago I was told that the farmland behind my house is zoned light industrial.

Google defines light industrial as the following

" The light industrial district provides land for light manufacturing, warehousing, processing, and distribution of goods and other low intensity industrial uses"

The definition continues: " It is intended for industrial uses which involve the LOW LEVEL OF NOISE, VIBRATION, AIR POLLUTION, RADIATION, GLARE, OR FIRE AND EXPLOSION HAZARDS."

Clearly the Seventy foot tall data center with it's Noise, Heat, Electromagnetic radiation, plus the Risk of explosion, fire or terrorism .

is NOT LIGHT INDUSTRIAL by definition.

I attended the council meeting on Monday

Please read the transcript of what I had to say.

None of the city council leaders showed the least interest in this and none would answer

my main question Is this just a proposal or is it now being planned ?

Nor would they address the following questions:

Why was this site chosen ?

When there is open land all around us this seems obviously wrong

Is this a Proposal or a plan ? Time line ? Do they have power ?  
financing?

Who makes the final decision to destroy my neighborhood ?

And Why ? Do they know anything about data centers?

Is this just for the Greed of the land owner and the city ?

Do not take this the wrong way but this whole thing is so  
outrageous that I think

if this goes through I think there may be corruption involved.

Who is going to compensate the neighborhood for our lost  
equity and

quality of life ?

The Fernhill Wetlands and estuary lies just beyond this land

The geese fly right over and use this land. The height of the  
buildings 70 feet, blocks this path.

The noise, the heat, and the electromagnetic radiation will  
all affect this estuary.

Since a data center is outside the definition of light industrial  
this fact alone should kill this proposal.

Hopefully sanity will prevail without any class action lawsuits

On a personal note,

We are retired and have lived in this house for 15 years .

This is a scary thing for us

My wife and I are concerned that the destruction of our quality  
of life will force us out of our home.

Please reply Thank you

David and Zarah Haworth

--

1816 Tamarack Way  
Forest Grove Or. 97116  
503-860-6755

## Kate McGuire

---

**From:** David Haworth [REDACTED]  
**Sent:** Thursday, April 25, 2024 11:35 AM  
**To:** Bryan Pohl; Kate McGuire; Jesse vanderzander  
**Subject:** Re: Haworth

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

thank you for your reply

I would like all my statements in these emails that we've exchanged to be included in the comments for consideration  
David Haworth

On Apr 25, 2024, at 11:30 AM, Bryan Pohl <BPohl@forestgrove-or.gov> wrote:

Mr. Haworth,

Thank you for your email again. We have received your comments. Thank you. However, I apologize that I cannot continue engaging over email in this manner. I just want to be clear that I am not reviewing this application, nor will I interfere with the planner who is doing so. I am simply providing you with an explanation of what staff is relying on in rendering a decision. Arguing over email will not change that. Staff's decision will come in the form of a written staff report with findings as to staff's determination of compliance with the applicable criteria. Because you have provided comments, you will receive the notice of decision once the decision is rendered. As outlined in previous emails, you have the right to file an appeal after the decision is rendered by filing the paperwork in this office and paying the \$250 appeal fee. If you receive notice of decision and review the written staff report (which will be available online), you will have the right to appeal to the Planning Commission, and if you disagree with the Planning Commission's decision, you have the right to appeal to City Council. There are further appeals at higher bodies and courts subsequent to those appeals.

With regards to your previous email, the City is neither for or against this proposal. We are the reviewing authority and must protect the rights of both surrounding property owners to provide comment, as well as the applicant's right to an impartial, unbiased process.

Sincerely,

Bryan W. Pohl, CFM  
Community Development Director  
1924 Council Street  
PO Box 326  
Forest Grove, OR 97116-0326  
(503)992-3227



*A place where families and businesses thrive.*

**From:** David Haworth [REDACTED]  
**Sent:** Thursday, April 25, 2024 11:08 AM  
**To:** Bryan Pohl <BPohl@forestgrove-or.gov>; Kate McGuire <kmcguire@forestgrove-or.gov>; Jesse vanderzander <jvanderzander@forestgrove-or.gov>  
**Subject:** Haworth

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

just to be clear, Mr. pohl

You're standing on the word "information " as a justification for building this enormous data center ?

" Information "

back in the 1960s and 70s when this was written was not defined this way.

these enormous data centers did not exist then.

A call center is very different from this huge modern data center

It is my hope that the city of Forest Grove will see this

And look at what the common sense definition of light industrial is that I provided.

and not let the money and greed of a few force this terrible project upon us

David Haworth

On Apr 25, 2024, at 7:28 AM, Bryan Pohl <BPohl@forestgrove-or.gov> wrote:

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 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, United States, 1997 Edition with the of § 51213, Motion Picture and Video Display.”

The subject site’s use is governed by these regulations. I am unable to comment on anything outside of how the Development Code regulates the uses. I hope this is helpful. Kate’s response is still to follow.

Bryan W. Pohl, CFM  
Community Development Director  
1924 Council Street  
PO Box 326  
Forest Grove, OR 97116-0326  
(503)992-3227



*A place where families and businesses thrive.*

**From:** David Haworth <[REDACTED]@forestgrove-or.gov>  
**Sent:** Wednesday, April 24, 2024 12:40 PM  
**To:** Bryan Pohl <BPohl@forestgrove-or.gov>  
**Cc:** Kate McGuire <kmcguire@forestgrove-or.gov>  
**Subject:** Re: Crain data center

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

thank you

May I know upon what criteria this decision is made ?

hopefully, Kate will reply to this and answer my other questions

Since this affects & my entire neighborhood personally, the results of which will cost us all tens of thousands of dollars

I would like to have a hearing before the decision is made or at least a meeting with everybody involved  
my immediate question for you  
Mr. pohl is according to Your knowledge is the published definition of light industrial zone accurate ?  
Is that in fact what this field is zoned as ?  
thank you Dave H

On Apr 24, 2024, at 11:44 AM, Bryan Pohl <[BPohl@forestgrove-or.gov](mailto:BPohl@forestgrove-or.gov)> wrote:

Kate makes the initial staff decision. After her decision is rendered, anyone submitting comments to the record is entitled to notice of the decision and the right to appeal. The staff decision is appealable to the Planning Commission, and the Planning Commission's decision can be appealed to the City Council.

Bryan W. Pohl, CFM  
Community Development Director  
1924 Council Street  
PO Box 326  
Forest Grove, OR 97116-0326  
(503)992-3227



*A place where families and businesses thrive.*

**From:** David Haworth <[REDACTED]>  
**Sent:** Wednesday, April 24, 2024 11:41 AM  
**To:** Bryan Pohl <[BPohl@forestgrove-or.gov](mailto:BPohl@forestgrove-or.gov)>  
**Subject:** Re: Crain data center

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

mr. pohl

I have gotten some information from Kate McGuire  
But I've been referred to you so I'm sorry, but who's in charge  
of making the decision ?

On Apr 24, 2024, at 10:19 AM, Bryan Pohl  
<[BPohl@forestgrove-or.gov](mailto:BPohl@forestgrove-or.gov)> wrote:

Mr. Haworth,

My apologies. I hit send before I intended to. For the  
answer to the questions posed below, I will defer to  
our Senior Planner, Kate McGuire, who is the planner  
reviewing the application.

Kate- to the extent that you are able, can you address  
Mr. Haworth's questions below?

Bryan W. Pohl, CFM  
Community Development Director  
1924 Council Street  
PO Box 326  
Forest Grove, OR 97116-0326  
(503)992-3227

<image001.jpg>

**From:** David Haworth <[REDACTED]>  
**Sent:** Wednesday, April 24, 2024 10:08 AM  
**To:** Bryan Pohl <[BPohl@forestgrove-or.gov](mailto:BPohl@forestgrove-or.gov)>; Kate  
McGuire <[kmcguire@forestgrove-or.gov](mailto:kmcguire@forestgrove-or.gov)>; Jesse  
vanderzander <[jvanderzander@forestgrove-or.gov](mailto:jvanderzander@forestgrove-or.gov)>  
**Subject:** Crain data center

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

Mr. Pohl,

When I called a few months ago I was told that  
the farmland behind my house is zoned light  
industrial.

Google defines light industrial as the following  
" The light industrial district provides land for  
light manufacturing, warehousing, processing,

and distribution of goods and other low intensity industrial uses"

The definition continues: " It is intended for industrial uses which involve the LOW LEVEL OF NOISE, VIBRATION, AIR POLLUTION, RADIATION, GLARE, OR FIRE AND EXPLOSION HAZARDS."

Clearly the Seventy foot tall data center with it's Noise, Heat, Electromagnetic radiation, plus the Risk of explosion, fire or terrorism .

is NOT LIGHT INDUSTRIAL by definition.

I attended the council meeting on Monday Please read the transcript of what I had to say.

None of the city council leaders showed the least interest in this and none would answer my main question Is this just a proposal or is it now being planned ?

Nor would they address the following questions:

Why was this site chosen ?

When there is open land all around us this seems obviously wrong

Is this a Proposal or a plan ? Time line ? Do they have power ? financing?

Who makes the final decision to destroy my neighborhood ? And Why ? Do they know anything about data centers?

Is this just for the Greed of the land owner and the city ?

Do not take this the wrong way but this whole thing is so outrageous that I think if this goes through I think there may be corruption involved.

Who is going to compensate the neighborhood for our lost equity and quality of life ?

The Fernhill Wetlands and estuary lies just beyond this land

The geese fly right over and use this land. The height of the buildings 70 feet, blocks this path. The noise, the heat, and the electromagnetic radiation will all affect this estuary.

Since a data center is outside the definition of light industrial

this fact alone should kill this proposal.

Hopefully sanity will prevail without any class  
action lawsuits

On a personal note,

We are retired and have lived in this house for 15  
years .

This is a scary thing for us

My wife and I are concerned that the destruction  
of our quality of life will force us out of our home.

Please reply Thank you

David and Zarah Haworth

--

1816 Tamarack Way  
Forest Grove Or. 97116  
503-860-6755

**Kate McGuire**

---

**From:** michelle anderson [REDACTED]  
**Sent:** Sunday, April 28, 2024 8:07 AM  
**To:** Kate McGuire  
**Subject:** Crane data center

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

I'm writing to appear the Crane Data Center. The proposed area and is family neighborhood, between the heat, noise, and electromagnetic energy, this will destroy the neighborhood, severely lower house values, kill the geese that use that path to get to the wetlands near by. These type of plants, need to be way out of the city, away from all houses. We have a right to enjoy our houses and live in peace.

Michelle Anderson  
Forrest Grove

## Kate McGuire

---

**From:** Bentz, Brittany [REDACTED]  
**Sent:** Saturday, April 27, 2024 1:45 PM  
**To:** 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.

Hello Kate,

Totally against this development. Forest Grove doesn't need to downgrade of property or the annoyingness of traffic this will cause!

Sincerely,  
Concerned citizen

**Kate McGuire**

---

**From:** Nathan Boyd <[REDACTED]>  
**Sent:** Friday, April 26, 2024 2:42 PM  
**To:** Kate McGuire  
**Subject:** Crane Data Center

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

A data center is not what we need or want. Forest Grove is a small town, low traffic, cozy neighborhoods, personable business community. Well, it was. The more you keep adding high density housing and large industry to the small town appeal, the further away the quaint feel of Forest Grove we get.

Stop developing the land! Save our beloved city. Keep us small and clean and safe. Clean policy and high quality please.

Thanks,  
Nate  
The Gym  
Forest Grove

**Kate McGuire**

---

**From:** Ramiro Campos <[REDACTED]>  
**Sent:** Friday, April 26, 2024 5:37 PM  
**To:** Kate McGuire  
**Subject:** Sorry my address is 1709 redwood ct forest grove or 97116 and my name is Ramiro Campos thanks

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

Sent from my iPhone

**Kate McGuire**

---

**From:** Ramiro Campos [REDACTED]  
**Sent:** Friday, April 26, 2024 5:32 PM  
**To:** Kate McGuire  
**Subject:** Me Ramiro Campos do not want you guys to build the buildings because it will be too noisy in the nights and they will disturb me and my family for sleep. Thanks

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

Sent from my iPhone

## Kate McGuire

---

**From:** JD 360 around! [REDACTED]  
**Sent:** Sunday, April 28, 2024 3:36 PM  
**To:** Kate McGuire  
**Subject:** Crane data center


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

Hi Kate! I'm writing about the Crane data center project!

- Project ID: 311-24-000006-PLNG
- Project Type: Land Use
- Project Status: In Review
- Location: 3975 Heather Street in Forest Grove, OR 97116 . I lives on beaver way and this new project will affect the environment especially the noise and the extra foot print that will bring to our neighborhood. Please take that into consideration thank you Jose Castellanos 503 5477936

## Kate McGuire

---

**From:** Eva Conway   
**Sent:** Saturday, April 27, 2024 9:08 AM  
**To:** Kate McGuire  
**Subject:** Proposal for Crane Data Center

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

Dear Kate,

I live and teach in Forest Grove and recently read a notice on Facebook about the proposed building of a data center just west of Neil Armstrong. It sounds like the size of the buildings and noise generated might negatively impact the sweet little neighborhood located nearby and NAMS.

Do you have more information about the proposal that you can send or post for public viewing? I'm in support of bringing new business to Forest Grove and Cornelius, but not at the cost of homeowners' property values or the neighborhood's quality of life. I hate to see development that disproportionately affects less wealthy neighborhoods. These people don't deserve to have their quality of life nor the biggest investment they have negatively impacted.

Thank you for your help.

Eva Conway-McGuire  
2112 D Street  
Forest Grove, OR 97116

## Kate McGuire

---

**From:** Marni Doerfler- [REDACTED]  
**Sent:** Saturday, April 27, 2024 10:02 AM  
**To:** Kate McGuire  
**Subject:** Data Centers coming to FG

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

Hello,

I have been a member of the Forest Grove community for 15 years and I own two properties here. I love Forest Grove and hope to stay here another 15 years and more.

I am very curious about the two recent proposals to build data centers in FG. In 2022 a group was hoping to build on Oak Street and now there appears to be a proposal for one on the other side of Pacific Ave near Poplar St, I would like to know what happened with the Meriwether Data Center proposal for Oak St. Did they reconsider, are they moving forward, are they still deciding? Is that company connected to the company now interested in the property in the other direction? I am also curious as to why these companies keep coming to FG to build (or this one company keeps trying to build in FG). Has the City of Forest Grove and/or any of its councils or commissions or your office been inviting companies to bring data centers here? Or are they learning of the opportunities in Forest Grove in other ways?

I look forward to your answers about these proposals.

In the meantime, I stand with others who are opposed to data centers coming to FG. Any benefit (construction jobs) data centers would bring to our community would be temporary, but the massive over utilization of resources will impact us for decades to come. We can do better to create economic growth and development.

Thank you for your time,

~ Marni Doerfler  
503-949-5866

*Sent with [Right Inbox](#)*

## Kate McGuire

---

**From:** J&T E [REDACTED]  
**Sent:** Monday, April 22, 2024 4:30 PM  
**To:** Kate McGuire  
**Subject:** Crane Data Center Property Concerns

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

Hello, we have the following concern with the data center plans on Heather Street.

The field that the site is being proposed on & the surrounding properties already have huge issues with water drainage during the wet season. The plans show storm drains in place, but they also vastly under-represent how swamp-like the field gets; it is not simply one or two "wetland" areas, it is the entire field. We are concerned that since most of the field is going to be concrete & already sits at a higher elevation, that our property & our neighbors will have an increase in runoff causing additional flooding for us and our neighbors to deal with. Many of us already have trenches around our properties, which in our case, already reaches capacity during the rainy season, mostly due to runoff from the field, and the added groundwater produces an issue with needing to run two sump pumps to keep the water out from under our crawl space.

Please let us know how our concern intends on being addressed & alert us to any changes. We look forward to hearing back, thank you.

John & Taylor Elwess  
(503) 953-5563  
1774 Mountain View Lane, Forest Grove, OR, 97116

## Kate McGuire

---

**From:** David Haworth <[REDACTED]>  
**Sent:** Monday, April 29, 2024 12:05 PM  
**To:** Debbie Haworth; Richard Marsee; Kate McGuire  
**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.

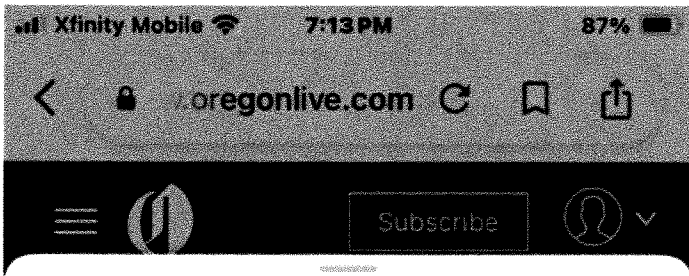


By Mike Rogoway | The Oregonian/OregonLive

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.



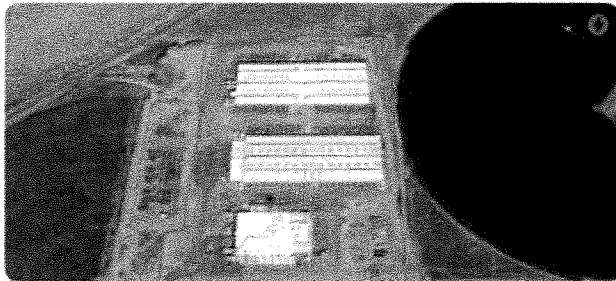


### Hillsboro Data Centers: Colocation in The Hub City



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: NAICS  
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*

Sent from my iPhone

## Kate McGuire

---

**From:** David Haworth [REDACTED]  
**Sent:** Wednesday, April 24, 2024 10:08 AM  
**To:** Bryan Pohl; Kate McGuire; Jesse vanderzander  
**Subject:** Crain data center

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

Mr. Pohl,

When I called a few months ago I was told that the farmland behind my house is zoned light industrial. Google defines light industrial as the following

" The light industrial district provides land for light manufacturing, warehousing, processing, and distribution of goods and other low intensity industrial uses"

The definition continues: " It is intended for industrial uses which involve the LOW LEVEL OF NOISE, VIBRATION,

AIR POLLUTION, RADIATION, GLARE, OR FIRE AND EXPLOSION HAZARDS."

Clearly the Seventy foot tall data center with it's Noise, Heat, Electromagnetic radiation, plus the Risk of explosion, fire or terrorism .

is NOT LIGHT INDUSTRIAL by definition.

I attended the council meeting on Monday

Please read the transcript of what I had to say.

None of the city council leaders showed the least interest in this and none would answer my main question Is this just a proposal or is it now being planned ?

Nor would they address the following questions:

Why was this site chosen ?

When there is open land all around us this seems obviously wrong

Is this a Proposal or a plan ? Time line ? Do they have power ? financing?

Who makes the final decision to destroy my neighborhood ? And Why ? Do they know anything about data centers?

Is this just for the Greed of the land owner and the city ?

Do not take this the wrong way but this whole thing is so outrageous that I think if this goes through I think there may be corruption involved.

Who is going to compensate the neighborhood for our lost equity and quality of life ?

The Fernhill Wetlands and estuary lies just beyond this land

The geese fly right over and use this land. The height of the buildings 70 feet, blocks this path. The noise, the heat, and the electromagnetic radiation will all affect this estuary.

Since a data center is outside the definition of light industrial this fact alone should kill this proposal.

Hopefully sanity will prevail without any class action lawsuits

On a personal note,

We are retired and have lived in this house for 15 years .

This is a scary thing for us

My wife and I are concerned that the destruction of our quality of life will force us out of our home.

Please reply Thank you

David and Zarah Haworth

--

[REDACTED]

Forest Grove Or. 97116

503-860-6755

## Kate McGuire

---

**From:** David Haworth [mailto:dhaw55@gmail.com]  
**Sent:** Thursday, April 25, 2024 10:28 AM  
**To:** Bryan Pohl; Kate McGuire; Jesse vanderzander  
**Subject:** Re: Crain data center  
**Attachments:** 14 Day Notice - 4.8.2024.pdf

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

Thank you for your reply

Why is the city so motivated to make this happen ? Who benefits ?

Clearly it is an affront to

the intension of the statute .

I believe that we will find that this use criteria was written prior to the data centers becoming exactly what the definition I provided prohibits

Gigantic noisy dangerous monsters.

This is a loophole to put a gigantic industrial building into a light industrial area. Again what is the motivation to do this ? Who benefits ?

The high-tech industry can sit on high and Rake in billions of dollars while destroying my environment .

If I am allowed to burn in my back yard. It does not mean I can have a 70 ft tall burn pile.

Dave Haworth

On Apr 25, 2024, at 7:28 AM, Bryan Pohl <BPohl@forestgrove-or.gov> wrote:

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 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, United States, 1997 Edition with the of § 51213, Motion Picture and Video Display.*"

The subject site's use is governed by these regulations. I am unable to comment on anything outside of how the Development Code regulates the uses. I hope this is helpful. Kate's response is still to follow.

Bryan W. Pohl, CFM  
Community Development Director  
1924 Council Street  
PO Box 326  
Forest Grove, OR 97116-0326  
(503)992-3227



*A place where families and businesses thrive.*

**From:** David Haworth <[REDACTED]>  
**Sent:** Wednesday, April 24, 2024 12:40 PM  
**To:** Bryan Pohl <BPohl@forestgrove-or.gov>  
**Cc:** Kate McGuire <kmcguire@forestgrove-or.gov>  
**Subject:** Re: Crain data center

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

thank you

May I know upon what criteria this decision is made ?

hopefully, Kate will reply to this and answer my other questions

Since this affects & my entire neighborhood personally, the results of which will cost us all tens of thousands of dollars

I would like to have a hearing before the decision is made or at least a meeting with everybody involved

my immediate question for you

Mr. pohl is according to Your knowledge is the published definition of light industrial zone accurate ?

Is that in fact what this field is zoned as ?

thank you Dave H

On Apr 24, 2024, at 11:44 AM, Bryan Pohl <BPohl@forestgrove-or.gov> wrote:

Kate makes the initial staff decision. After her decision is rendered, anyone submitting comments to the record is entitled to notice of the decision and the right to appeal. The staff decision is appealable to the Planning Commission, and the Planning Commission's decision can be appealed to the City Council.

Bryan W. Pohl, CFM  
Community Development Director  
1924 Council Street  
PO Box 326  
Forest Grove, OR 97116-0326  
(503)992-3227



*A place where families and businesses thrive.*

**From:** David Haworth [REDACTED]  
**Sent:** Wednesday, April 24, 2024 11:41 AM  
**To:** Bryan Pohl <[BPohl@forestgrove-or.gov](mailto:BPohl@forestgrove-or.gov)>  
**Subject:** Re: Crain data center

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

mr. pohl

I have gotten some information from Kate McGuire  
But I've been referred to you so I'm sorry, but who's in charge of making the decision ?

On Apr 24, 2024, at 10:19 AM, Bryan Pohl <[BPohl@forestgrove-or.gov](mailto:BPohl@forestgrove-or.gov)> wrote:

Mr. Haworth,

My apologies. I hit send before I intended to. For the answer to the questions posed below, I will defer to our Senior Planner, Kate McGuire, who is the planner reviewing the application.

Kate- to the extent that you are able, can you address Mr. Haworth's questions below?

Bryan W. Pohl, CFM  
Community Development Director  
1924 Council Street  
PO Box 326  
Forest Grove, OR 97116-0326  
(503)992-3227

<image001.jpg>

**From:** David Haworth [REDACTED]  
**Sent:** Wednesday, April 24, 2024 10:08 AM  
**To:** Bryan Pohl <[BPohl@forestgrove-or.gov](mailto:BPohl@forestgrove-or.gov)>; Kate McGuire <[kmcguire@forestgrove-or.gov](mailto:kmcguire@forestgrove-or.gov)>; Jesse vanderzander <[jvanderzander@forestgrove-or.gov](mailto:jvanderzander@forestgrove-or.gov)>  
**Subject:** Crain data center

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

Mr. Pohl,

When I called a few months ago I was told that the farmland behind my house is zoned light industrial.

Google defines light industrial as the following

" The light industrial district provides land for light manufacturing, warehousing, processing, and distribution of goods and other low intensity industrial uses"

The definition continues: " It is intended for industrial uses which involve the LOW LEVEL OF NOISE, VIBRATION, AIR POLLUTION, RADIATION, GLARE, OR FIRE AND EXPLOSION HAZARDS."

Clearly the Seventy foot tall data center with it's Noise, Heat, Electromagnetic radiation, plus the Risk of explosion, fire or terrorism .

is NOT LIGHT INDUSTRIAL by definition.

I attended the council meeting on Monday

Please read the transcript of what I had to say.

None of the city council leaders showed the least interest in this and none would answer

my main question Is this just a proposal or is it now being planned ?

Nor would they address the following questions:

Why was this site chosen ?

When there is open land all around us this seems obviously wrong

Is this a Proposal or a plan ? Time line ? Do they have power ?  
financing?

Who makes the final decision to destroy my neighborhood ?

And Why ? Do they know anything about data centers?

Is this just for the Greed of the land owner and the city ?

Do not take this the wrong way but this whole thing is so  
outrageous that I think

if this goes through I think there may be corruption involved.

Who is going to compensate the neighborhood for our lost  
equity and

quality of life ?

The Fernhill Wetlands and estuary lies just beyond this land

The geese fly right over and use this land. The height of the  
buildings 70 feet, blocks this path.

The noise, the heat, and the electromagnetic radiation will  
all affect this estuary.

Since a data center is outside the definition of light industrial  
this fact alone should kill this proposal.

Hopefully sanity will prevail without any class action lawsuits

On a personal note,

We are retired and have lived in this house for 15 years .

This is a scary thing for us

My wife and I are concerned that the destruction of our quality  
of life will force us out of our home.

Please reply Thank you

David and Zarah Haworth

--

1816 Tamarack Way  
Forest Grove Or. 97116  
503-860-6755

**Kate McGuire**

---

**From:** David Haworth [REDACTED]  
**Sent:** Tuesday, May 7, 2024 10:03 AM  
**To:** Kate McGuire; Bryan Pohl; Jesse vanderzander  
**Subject:** Fwd: The great crane data wall

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

Good morning,

I have tried my best to bring awareness to the Great Data Wall of Forest Grove. Proposal  
I can only appeal now to you  
as people who clearly care about this town, please do your best to stop it  
Thank you Dave

**From:** David Haworth

Mayor Wenzel and the ForestGrove city council,

I moved into my house 15 years ago to retire. PLease do not destroy my little piece of heaven here  
I am 70 now and cannot afford nor am I able to move away.  
Clearly you can see by these pictures that this is a innapropriate location for this 70 ft tall noisy 2 building complex  
This monstrosity will destroy the environment harm wildlife At Fern Hill Estuary  
And **cost everyone in my neighborhood HUNDREDS of Thousands in lost equity.**

I know you care about Forest Grove That is why we have functioning stores, no homeless camps  
safe streets great roads and infrastructure Forest Grove is a great place to live  
This horrible Data Center will destroy our serenity .....


Please consider us the retired citizens in my neighborhood and  
locate this way out away from homes like the Brookwood complex pictured

Thank you ,  
Dave haworth  
[REDACTED]

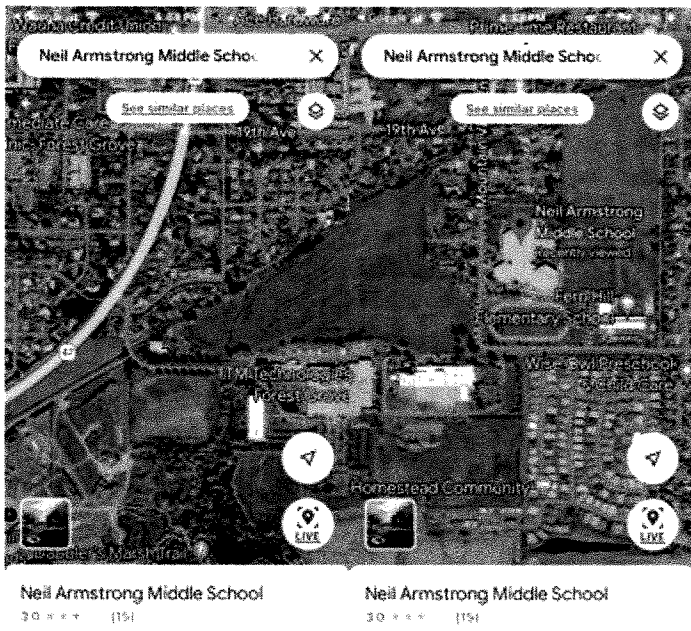
Sent from my iPhone

--

DAVE HAWORTH  
HAWORTH PAINTING  
CCB# 197958

  
Forest Grove Or. 97116  
503-860-6755







## Kate McGuire

---

**From:** GARETT KOSSLER [REDACTED]  
**Sent:** Tuesday, April 30, 2024 10:23 AM  
**To:** Kate McGuire  
**Subject:** Data center

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

Hello, I just learned about the new data centers that are going in two blocks from my home. I have many questions and I would like them answered

First, how many jobs is this going to provide our community? Not construction jobs as we know contractors come from all over and not many are located in Forest Grove. But how many actual jobs will this provide for such a massive use of land and resources

Second, is there going to be anything done about the infrastructure for the roads? There's already a surge of vehicles racing through the neighborhood to get to tektronics on the other side of the proposed data center site and if these monument sized buildings are full of employees I can only see the problem getting worse. There are many children walking to school and waiting at bus stops. This is another Anna and Abby waiting to happen.

Third, what is this going to do to the migration patterns of the thousands of birds that visit the protected wetlands right next to this proposed site?

Thank you for taking the time to read my concerns, I anticipate your response  
-Garett Kossler

[Sent from Yahoo Mail for iPhone](#)

**Kate McGuire**

---

**From:** Melanie Locke [REDACTED]  
**Sent:** Saturday, April 27, 2024 10:05 AM  
**To:** Kate McGuire  
**Subject:** Crain Data Center - No

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

Hello,

I'm a resident in Forest Grove and just heard about the Crain Data Center construction. I would like to say that I'm very against this building being built. It doesn't fit with the community and does nothing for the town. Please consider choosing a different location where there are already similar buildings.

-Melanie

**Kate McGuire**

---

**From:** Dirk Nadauld <[REDACTED]>  
**Sent:** Monday, April 29, 2024 2:44 PM  
**To:** Kate McGuire  
**Subject:** Data Center

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

To whom this may concern,

The data center you're planning to put in near my home in Forest Grove is not something we like the idea of. I realize that it'll bring in jobs which are very necessary but can't you find a location that's not right next to people's homes?

Thanks,

**Dirk Nadauld**  
**DNA Insurance**  
**[REDACTED]**  
**Forest Grove, OR 97116**  
**Office Landline # 503-357-3736**  
**Fax # 503-359-1258**



## Kate McGuire

---

**From:** Debora Osborn [REDACTED]  
**Sent:** Friday, April 26, 2024 7:52 AM  
**To:** Kate McGuire  
**Subject:** Crane Data Center Pending limited land use

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

As a resident of Forest Grove I would like to voice my concerns. My Voice my not make a difference, but at least I tried. Having the Data center so close to residents will cause our property value to decline, the noise the DC will make , will make it impossible to enjoy life in the neighborhood. And the potential effect it will have on wildlife. We already have TTM Technologies close by, and at times the noise it makes will wake you up in the middle of the night. Having two manufacturing facilities in the same area will make it not a good place to live, and we will have problems selling our property, to find a nice place to live. We have retired and planned to live out our lifetime here, with the DC going in, we will not have a Good Quality of Life living in Forest Grove in this area.

Deb

**Kate McGuire**

---

**From:** Dustin Ostrand [REDACTED]  
**Sent:** Friday, April 26, 2024 10:06 AM  
**To:** Kate McGuire  
**Subject:** Data center concerns

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

Hello. I'm a home owner in Forest Grove and I am concerned about the proposed data center. I am worried what it will do our property value as well as noise pollution and a 70ft eye sore in our community. It will also use our resources and likely increase our utility bills. This doesn't seem like it will provide jobs or opportunities for the community. It seems like a money grab for the land owner with no regard to their neighbors.

Please inform me of the benefits the data center will contribute to our community.

Concerned FG resident  
Dustin Ostrand

## Kate McGuire

---

**From:** Pat Otte [REDACTED]  
**Sent:** Tuesday, April 23, 2024 2:31 PM  
**To:** Kate McGuire  
**Subject:** Re: Crane Data Center and info about what's going on at the corner of 19th and Hawthorne

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

"I appreciate your quick response. I was able to open the plans and was happy to see the words "Protect the Tree" written on them. I have a special attachment to that tree. As I look at the plans, I have some concerns about extending Heather through to Poplar. If the end result looks good, then I am okay with it. I also checked about the impact of the Data Center on the nearby neighborhoods, and I was told that there would be no noise pollution. Overall, it seems like the Data Center will be a well-landscaped and well-maintained building that will contribute to the local economy, pay taxes, and also donate to local organizations. So far, it sounds like a good plan."

Take Care  
Pat Otte

---

**From:** Kate McGuire <kmcguire@forestgrove-or.gov>  
**Sent:** Tuesday, April 23, 2024 12:36 PM  
**To:** Bryan Pohl <BPohl@forestgrove-or.gov>; Pat Otte [REDACTED]  
**Subject:** RE: Crane Data Center and info about what's going on at the corner of 19th and Hawthorne

Good afternoon Pat,

It is so refreshing to hear that the projects page is being used by the community to find out more about what is going on! I know that it probably took a while for those PDF's of the plans to load but I hope that you were able to get them opened and reviewed.

Unfortunately I do not know the exact timing of construction for the initial phase of the Crane Data Center, once they are through the land use process. I will be conducting the detailed review and preparation of the staff report in the next couple of weeks. It is a non-discretionary staff level review that can only be approved if the proposal satisfies the standards of the development code. With that in mind, I anticipate issuing an approval/authorization on the outset of my review and they will then be issued a notice of tentative decision with a 14 day appeal period identified and I will be posting the staff report on the website once issued. Once that 14 day appeal period lapses, the decision then becomes "final" with an expiration date of two (2) years from that date. I would anticipate that they are going to begin site grading/preparation work sometime in June. As well, they are required to participate in frontage improvements for the Heather/Poplar Street right of way improvements as a component of development of the site and I am not sure of the timing of those improvements; if they will begin before or after the subject site preparation and improvements begin.

Regarding your initial curiosity about the demolition of the old house you see occurring on the corner of 19<sup>th</sup> and Hawthorne, they are clearing the site for construction of a 4-plex. This is a use that is permitted by

right in the zone and as such, does not require application and higher level review that would earn it a place on the website.

Please let me know if you have any additional questions.

Regards,  
Kate

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



*A place where families and businesses thrive.*

**From:** Bryan Pohl <BPohl@forestgrove-or.gov>  
**Sent:** Tuesday, April 23, 2024 8:47 AM  
**To:** Pat Otte [REDACTED]  
**Cc:** Kate McGuire <kmcguire@forestgrove-or.gov>  
**Subject:** Re: Crane Data Center

Hi Pat!

Nice to hear from you. I don't recall Crane's construction timeline, but I am copying the planner who is reviewing the application, Kate McGuire, on this to see if she knows. The land use approval is only the first step- building and development permits will likely take a significant amount of time, as well. But maybe Kate can comment if Crane has included anything about their timeline in the application.

Thanks!

-BP  
Sent from my iPhone

On Apr 23, 2024, at 8:19 AM, Pat Otte <[REDACTED]> wrote:

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

"I recently noticed some construction work being done at the intersection of 19th and Hawthorn and I was curious about what's being built there. To find out more information, I visited the Forest Grove planning page on the website and came across the Crane Data

Center listed at the bottom. I realized that the data center is located very close to my home, which is at Homestead Mobile Home Park. Although I don't have strong feelings for or against data centers, I am interested to know when the construction will start."

Thanks  
Pat Otte

**Kate McGuire**

---

**From:** Bryan Pohl  
**Sent:** Thursday, April 25, 2024 11:31 AM  
**To:** David Haworth; Kate McGuire  
**Subject:** RE: Haworth

Mr. Haworth,

Thank you for your email again. We have received your comments. Thank you. However, I apologize that I cannot continue engaging over email in this manner. I just want to be clear that I am not reviewing this application, nor will I interfere with the planner who is doing so. I am simply providing you with an explanation of what staff is relying on in rendering a decision. Arguing over email will not change that. Staff's decision will come in the form of a written staff report with findings as to staff's determination of compliance with the applicable criteria. Because you have provided comments, you will receive the notice of decision once the decision is rendered. As outlined in previous emails, you have the right to file an appeal after the decision is rendered by filing the paperwork in this office and paying the \$250 appeal fee. If you receive notice of decision and review the written staff report (which will be available online), you will have the right to appeal to the Planning Commission, and if you disagree with the Planning Commission's decision, you have the right to appeal to City Council. There are further appeals at higher bodies and courts subsequent to those appeals.

With regards to your previous email, the City is neither for or against this proposal. We are the reviewing authority and must protect the rights of both surrounding property owners to provide comment, as well as the applicant's right to an impartial, unbiased process.

Sincerely,

Bryan W. Pohl, CFM  
Community Development Director  
1924 Council Street  
PO Box 326  
Forest Grove, OR 97116-0326  
(503)992-3227



*A place where families and businesses thrive.*

**From:** David Haworth [REDACTED]  
**Sent:** Thursday, April 25, 2024 11:08 AM  
**To:** Bryan Pohl <BPohl@forestgrove-or.gov>; Kate McGuire <kmcguire@forestgrove-or.gov>; Jesse vanderzander <jvanderzander@forestgrove-or.gov>  
**Subject:** Haworth

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

just to be clear, Mr. pohl

You're standing on the word "information " as a justification for building this enormous data center ?  
" Information "

back in the 1960s and 70s when this was written was not defined this way.

these enormous data centers did not exist then.

A call center is very different from this huge modern data center

It is my hope that the city of Forest Grove will see this

And look at what the common sense definition of light industrial is that I provided.

and not let the money and greed of a few force this terrible project upon us

David Haworth

On Apr 25, 2024, at 7:28 AM, Bryan Pohl <[BPohl@forestgrove-or.gov](mailto:BPohl@forestgrove-or.gov)> wrote:

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 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, United States, 1997 Edition with the of § 51213, Motion Picture and Video Display.*"

The subject site's use is governed by these regulations. I am unable to comment on anything outside of how the Development Code regulates the uses. I hope this is helpful. Kate's response is still to follow.

Bryan W. Pohl, CFM  
Community Development Director  
1924 Council Street  
PO Box 326  
Forest Grove, OR 97116-0326  
(503)992-3227



*A place where families and businesses thrive.*

**From:** David Haworth <[REDACTED]>  
**Sent:** Wednesday, April 24, 2024 12:40 PM  
**To:** Bryan Pohl <[BPohl@forestgrove-or.gov](mailto:BPohl@forestgrove-or.gov)>  
**Cc:** Kate McGuire <[kmcguire@forestgrove-or.gov](mailto:kmcguire@forestgrove-or.gov)>  
**Subject:** Re: Crain data center

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

thank you

May I know upon what criteria this decision is made ?

hopefully, Kate will reply to this and answer my other questions

Since this affects & my entire neighborhood personally, the results of which will cost us all tens of thousands of dollars

I would like to have a hearing before the decision is made or at least a meeting with everybody involved

my immediate question for you

Mr. pohl is according to Your knowledge is the published definition of light industrial zone accurate ?

Is that in fact what this field is zoned as ?

thank you Dave H

On Apr 24, 2024, at 11:44 AM, Bryan Pohl <[BPohl@forestgrove-or.gov](mailto:BPohl@forestgrove-or.gov)> wrote:

Kate makes the initial staff decision. After her decision is rendered, anyone submitting comments to the record is entitled to notice of the decision and the right to appeal. The staff decision is appealable to the Planning Commission, and the Planning Commission's decision can be appealed to the City Council.

Bryan W. Pohl, CFM  
Community Development Director  
1924 Council Street  
PO Box 326

Forest Grove, OR 97116-0326  
(503)992-3227



*A place where families and businesses thrive.*

**From:** David Haworth [REDACTED]  
**Sent:** Wednesday, April 24, 2024 11:41 AM  
**To:** Bryan Pohl <[BPohl@forestgrove-or.gov](mailto:BPohl@forestgrove-or.gov)>  
**Subject:** Re: Crain data center

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

mr. pohl

I have gotten some information from Kate McGuire  
But I've been referred to you so I'm sorry, but who's in charge of making the decision ?

On Apr 24, 2024, at 10:19 AM, Bryan Pohl <[BPohl@forestgrove-or.gov](mailto:BPohl@forestgrove-or.gov)> wrote:

Mr. Haworth,

My apologies. I hit send before I intended to. For the answer to the questions posed below, I will defer to our Senior Planner, Kate McGuire, who is the planner reviewing the application.

Kate- to the extent that you are able, can you address Mr. Haworth's questions below?

Bryan W. Pohl, CFM  
Community Development Director  
1924 Council Street  
PO Box 326  
Forest Grove, OR 97116-0326  
(503)992-3227

<image001.jpg>

**From:** David Haworth [REDACTED]  
**Sent:** Wednesday, April 24, 2024 10:08 AM  
**To:** Bryan Pohl <BPohl@forestgrove-or.gov>; Kate McGuire <kmcguire@forestgrove-or.gov>; Jesse vanderzander <jvanderzander@forestgrove-or.gov>  
**Subject:** Crain data center

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

Mr. Pohl,

When I called a few months ago I was told that the farmland behind my house is zoned light industrial.

Google defines light industrial as the following

" The light industrial district provides land for light manufacturing, warehousing, processing, and distribution of goods and other low intensity industrial uses"

The definition continues: " It is intended for industrial uses which involve the LOW LEVEL OF NOISE, VIBRATION, AIR POLLUTION, RADIATION, GLARE, OR FIRE AND EXPLOSION HAZARDS."

Clearly the Seventy foot tall data center with it's Noise, Heat, Electromagnetic radiation, plus the Risk of explosion, fire or terrorism .

is NOT LIGHT INDUSTRIAL by definition.

I attended the council meeting on Monday

Please read the transcript of what I had to say.

None of the city council leaders showed the least interest in this and none would answer

my main question Is this just a proposal or is it now being planned ?

Nor would they address the following questions:

Why was this site chosen ?

When there is open land all around us this seems obviously wrong

Is this a Proposal or a plan ? Time line ? Do they have power ? financing?

Who makes the final decision to destroy my neighborhood ?

And Why ? Do they know anything about data centers?

Is this just for the Greed of the land owner and the city ?

Do not take this the wrong way but this whole thing is so outrageous that I think

if this goes through I think there may be corruption involved.

Who is going to compensate the neighborhood for our lost equity and

quality of life ?

The Fernhill Wetlands and estuary lies just beyond this land

The geese fly right over and use this land. The height of the buildings 70 feet, blocks this path.

The noise, the heat, and the electromagnetic radiation will all affect this estuary.

Since a data center is outside the definition of light industrial this fact alone should kill this proposal.

Hopefully sanity will prevail without any class action lawsuits

On a personal note,

We are retired and have lived in this house for 15 years .


This is a scary thing for us

My wife and I are concerned that the destruction of our quality of life will force us out of our home.

Please reply Thank you

David and Zarah Haworth

--

  
Forest Grove Or. 97116  
503-860-6755

## Kate McGuire

---

**From:** Bryan Pohl  
**Sent:** Thursday, April 25, 2024 7:29 AM  
**To:** David Haworth  
**Cc:** Kate McGuire  
**Subject:** RE: Crain data center  
**Attachments:** 14 Day Notice - 4.8.2024.pdf

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 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, United States, 1997 Edition with the of § 51213, Motion Picture and Video Display.*”

The subject site’s use is governed by these regulations. I am unable to comment on anything outside of how the Development Code regulates the uses. I hope this is helpful. Kate’s response is still to follow.

Bryan W. Pohl, CFM  
Community Development Director  
1924 Council Street  
PO Box 326  
Forest Grove, OR 97116-0326  
(503)992-3227



*A place where families and businesses thrive.*

**From:** David Haworth [REDACTED]  
**Sent:** Wednesday, April 24, 2024 12:40 PM  
**To:** Bryan Pohl <BPohl@forestgrove-or.gov>  
**Cc:** Kate McGuire <kmcguire@forestgrove-or.gov>  
**Subject:** Re: Crain data center

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

thank you

May I know upon what criteria this decision is made ?  
hopefully, Kate will reply to this and answer my other questions  
Since this affects & my entire neighborhood personally, the results of which will cost us all tens of thousands of dollars  
I would like to have a hearing before the decision is made or at least a meeting with everybody involved  
my immediate question for you  
Mr. pohl is according to Your knowledge is the published definition of light industrial zone accurate ?  
Is that in fact what this field is zoned as ?  
thank you Dave H

On Apr 24, 2024, at 11:44 AM, Bryan Pohl <BPohl@forestgrove-or.gov> wrote:

Kate makes the initial staff decision. After her decision is rendered, anyone submitting comments to the record is entitled to notice of the decision and the right to appeal. The staff decision is appealable to the Planning Commission, and the Planning Commission's decision can be appealed to the City Council.

Bryan W. Pohl, CFM  
Community Development Director  
1924 Council Street  
PO Box 326  
Forest Grove, OR 97116-0326  
(503)992-3227



*A place where families and businesses thrive.*

**From:** David Haworth <[REDACTED]>  
**Sent:** Wednesday, April 24, 2024 11:41 AM  
**To:** Bryan Pohl <BPohl@forestgrove-or.gov>  
**Subject:** Re: Crain data center

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

mr. pohl

I have gotten some information from Kate McGuire  
But I've been referred to you so I'm sorry, but who's in charge of making the decision ?

On Apr 24, 2024, at 10:19 AM, Bryan Pohl <[BPohl@forestgrove-or.gov](mailto:BPohl@forestgrove-or.gov)>  
wrote:

Mr. Haworth,

My apologies. I hit send before I intended to. For the answer to the questions posed below, I will defer to our Senior Planner, Kate McGuire, who is the planner reviewing the application.

Kate- to the extent that you are able, can you address Mr. Haworth's questions below?

Bryan W. Pohl, CFM  
Community Development Director  
1924 Council Street  
PO Box 326  
Forest Grove, OR 97116-0326  
(503)992-3227

<image001.jpg>

**From:** David Haworth <[REDACTED]>  
**Sent:** Wednesday, April 24, 2024 10:08 AM  
**To:** Bryan Pohl <[BPohl@forestgrove-or.gov](mailto:BPohl@forestgrove-or.gov)>; Kate McGuire <[kmcguire@forestgrove-or.gov](mailto:kmcguire@forestgrove-or.gov)>; Jesse vanderzander <[jvanderzander@forestgrove-or.gov](mailto:jvanderzander@forestgrove-or.gov)>  
**Subject:** Crain data center

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

Mr. Pohl,

When I called a few months ago I was told that the farmland behind my house is zoned light industrial.

Google defines light industrial as the following

" The light industrial district provides land for light manufacturing, warehousing, processing, and distribution of goods and other low intensity industrial uses"

The definition continues: " It is intended for industrial uses which involve the LOW LEVEL OF NOISE, VIBRATION,

AIR POLLUTION, RADIATION, GLARE, OR FIRE AND EXPLOSION HAZARDS."

Clearly the Seventy foot tall data center with it's Noise, Heat, Electromagnetic radiation, plus the Risk of explosion, fire or terrorism . is NOT LIGHT INDUSTRIAL by definition.

I attended the council meeting on Monday

Please read the transcript of what I had to say.

None of the city council leaders showed the least interest in this and none would answer

my main question Is this just a proposal or is it now being planned ? Nor would they address the following questions:

Why was this site chosen ?

When there is open land all around us this seems obviously wrong

Is this a Proposal or a plan ? Time line ? Do they have power ? financing? Who makes the final decision to destroy my neighborhood ? And Why ? Do they know anything about data centers?

Is this just for the Greed of the land owner and the city ?

Do not take this the wrong way but this whole thing is so outrageous that I think

if this goes through I think there may be corruption involved.

Who is going to compensate the neighborhood for our lost equity and quality of life ?

The Fernhill Wetlands and estuary lies just beyond this land

The geese fly right over and use this land. The height of the buildings 70 feet, blocks this path.

The noise, the heat, and the electromagnetic radiation will all affect this estuary.

Since a data center is outside the definition of light industrial this fact alone should kill this proposal.

Hopefully sanity will prevail without any class action lawsuits

On a personal note,

We are retired and have lived in this house for 15 years .


This is a scary thing for us

My wife and I are concerned that the destruction of our quality of life will force us out of our home.

Please reply Thank you

David and Zarah Haworth

--

  
Forest Grove Or. 97116  
503-860-6755

**Kate McGuire**

---

**From:** Megan Rydman <[REDACTED]>  
**Sent:** Saturday, April 27, 2024 4:19 PM  
**To:** Kate McGuire  
**Subject:** Data center and anymore expansion in general

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

Hello, I am writing you to address the proposed Crane Data Center. I have watched my beautiful town of Forest Grove, which I grew up in, slowly turn into an ugly city resembling Beaverton or Portland. I am already disappointed at the amount of growth of retail businesses, housing developments everywhere, now this retail space on hwy 47 and also this Crane Data Center. These buildings are removing our beautiful farm land, way of life and quality of life. Not to mention the data center will only depreciate homes values. Who wants to live next to that?! I strongly urge anyone making these decisions to remember the citizens of Forest Grove and how this Data center will ruin our way of life. This is all about greed and adding this Data Center will only line the riches pockets more than they already are and lower the citizens quality of life more than it has already been. NO on more buildings, housing and especially this disgusting data center!

Megan Rydman

## Kate McGuire

---

**From:** Melissa Sauer [REDACTED]  
**Sent:** Thursday, April 25, 2024 8:57 PM  
**To:** Kate McGuire  
**Subject:** Data Center project  
**Attachments:** Data Center impacts.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

Good morning Ms. McGuire,

Please see the attached letter with our concerns. I would also like an email back confirming receipt of my letter and when the next city council meeting will be held to discuss this matter further. Thank you.

--  
Sincerely,  
Melissa Bigsby-Sauer  
Ph: 971-263-5559

Dear Ms. McGuire,

As a resident of 16th Place, we have concerns about the Crane Data Center being proposed south of our neighborhood. Please see the following:

- 1) Natural Habitat: This space is a natural habitat for many animals. The city of Forest Grove has already pushed out animals from their homes. We've seen the impact in other areas of the community due to the housing developments being put in. Where are those animals supposed to go once the project starts? Many of the homes from Highway 47 to Mountain View, including the nearby schools, have already had an increase in rodent infestation since the apartment complexes went in on Highway 47 and 19th Avenue. This would greatly impact surrounding areas. The wetland/field area is home to geese and ducks among other birds as well. These poor animals will have no where to go. Will the city be reimbursing everyone in the neighborhood when these animals take up home inside our homes?
- 2) Loud noise: we have visited the data center that was built in Hillsboro. The building runs 24/7 and creates a constant noise for the area. These homes near the site were not built for sound deadening. The constant loud noise will be a nuisance for the entire area.
- 3) What benefit is it for the community: data centers are automated, meaning no employees or very minimal employees. I could possibly understand a business being built if it provided some sort of opportunity for the community to supply jobs. This does absolutely nothing.
- 4) Chemical and/or Electromagnetic impact: what are the impacts of this data center for the surrounding areas? Fluorinated gases are used in large scale. What happens if and when some sort of spill happens? What will be the impact to our homes, our animals, our agriculture and our children? They also give off a large carbon footprint exposing the surrounding areas and people to harmful gas emissions. In 5/10/20 years from now when this impact our lives, will the city be covering all medical and/or physical damages? Data center are known to generate air and noise pollution, impacting the health and well being of all of the nearby residents.
- 5) Home Values: not only will this lower our home values but what will be the impact of our taxes? We are already seeing a large increase in the property taxes causing many of the nearby residents to struggle with surviving day to day. We have seen a huge increase in the homeless population. Causing the impact on our home values and property tax may cause people to lose their homes. We already don't do enough for our homeless population; we shouldn't be adding to it.

6) Power Issues: Forest Grove is on our own power grid. Years ago, we were far lower in cost than PGE or surrounding areas. This was a huge value to the community and brought in many people. We have seen a spike in our billing for years now. Bringing in a business like the Data Center will greatly impact the power supply for the community. The prices will skyrocket and we will again see many people struggle to survive because of this. Data Centers are known to have challenges revolving around power and resource consumption. When something happens in the area that caused power loss, the home owners will not be priority. There is a massive elderly community nearby. Many of those residents require lifesaving equipment that will be impacted by the power loss. Is the City of Forest Grove willing to sacrifice the members of its community for a Data Center that brings no benefit to the community? Also- we are a small town that still that does not have the resources when power surges or outages happen. We are not prepared to handle to the number of issues this data center will cause.

I understand the town is needing to grow but all of the above truly shows the negative impacts it will have on the town and on its community members. We need to remember that the community is what built this great town and we need to take care of each other. I was born and raised in Forest Grove; I plan to raise my family here as well. I have 2 young boys that I want to show what a great town this is but we need to maintain the integrity of the town.

Thank you,  
Melissa Sauer  
Homeowner at  
[REDACTED]  
Forest Grove OR

**Kate McGuire**

---

**From:** SkylorSkip [REDACTED]  
**Sent:** Friday, April 26, 2024 11:37 AM  
**To:** Kate McGuire  
**Subject:** Data Center

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

Hello,

I'm in full support of well paying jobs and innovation being brought to our town. But this doesn't seem like a long lasting contribution to ours.

Initially the construction jobs would be amazing, especially that I'd be one of them. But I'd be much more interested in a field that I'd see long employment, not temporary.

5-10 long term employees while siphoning off our land, grid and I'd assume water, feels like a leech on our town.

Thank you,

-Skylor Skipworth  
[REDACTED]

**Kate McGuire**

---

**From:** Jenna Wilson [REDACTED]  
**Sent:** Saturday, April 27, 2024 6:12 AM  
**To:** Kate McGuire  
**Subject:** Data center construction

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

Hello

I am concerned about the planned building of a massive data center in my community.

I moved to this area to get away from the noise, pollution, congestion, and commercialization of our state.

This potential building will ruin property values and ruin the environment!

We don't need this in our community!

Sincerely,

Mrs. Jennifer Taylor

**Kate McGuire**

---

**From:** Emily Wendt [REDACTED]  
**Sent:** Saturday, April 27, 2024 9:26 AM  
**To:** Kate McGuire  
**Subject:** Please Stop

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

Please please stop and do not approve any more building unless it's something this community actually needs- another grocery store. No more apartments. No more shopping centers. No more tech companies. Keep Forest Grove little and quaint it's turning into what seems to be a town for profit not for its people.

**Attachment D.4**  
**Clean Water Services**  
**Service Provider Letter**

**RECEIVED**  
By K McGuire at 4:36 pm, Feb 28, 2024



CWS File Number

**23-003061**

## Service Provider Letter

**This form and the attached conditions will serve as your Service Provider Letter in accordance with Clean Water Services Design and Construction Standards (R&O 19-5, as amended by R&O 19-22).**

**Jurisdiction:** City of Forest Grove **Review Type:** Tier 2 Analysis  
**Site Address / Location:** Heather Street / Poplar Street **SPL Issue Date:** January 25, 2024  
Forest Grove, OR 97116 **SPL Expiration Date:** January 24, 2026

**Applicant Information:**

Name SHAWN NGUY  
 Company NAVIX ENGINEERING  
10135 SE SUNNYSIDE RD  
 Address SUITE 200  
CLACKAMAS, OR 97015  
 Phone/Fax (503) 659-9500  
 E-mail: snguy@navixeng.com

**Owner Information:**

Name MATTHEW PFILE  
 Company HEATHER STREET OWNER LLC  
77 VAN NESS AVENUE  
 Address SUITE 101-1000  
SAN FRANCISCO, CA 94102  
 Phone/Fax (617) 800-0010  
 E-mail: pfile@cranedc.com

**Tax lot ID**

1S3050001300

**Development Activity**

Data Centers, Substation

**Pre-Development Site Conditions:**

Sensitive Area Present:  On-Site  Off-Site  
 Vegetated Corridor Width: Variable  
 Vegetated Corridor Condition: Degraded

**Post Development Site Conditions:**

Sensitive Area Present:  On-Site  Off-Site  
 Vegetated Corridor Width: Variable

**Enhancement of Remaining Vegetated Corridor Required:**

**Square Footage to be enhanced:** 34,267

**Encroachments into Pre-Development Vegetated Corridor:**

Type and location of Encroachment:	Square Footage:
<u>Data Center, Substation, Road Improvements (Permanent Encroachment; Mitigation Required)</u>	<u>118,998</u>
_____	_____
_____	_____

**Mitigation Requirements:**

Type/Location	Sq. Ft./Ratio/Cost
<u>Per R&amp;O 13-12 VC mitigation requirement for impacts associated with wetland mitigation bank credit purchase is met</u>	<u>98,304</u>
<u>On-site VC replacement and public benefit mitigation</u>	<u>32,297/1:1.56</u>

Conditions Attached  Development Figures Attached (2)  Planting Plan Attached  Geotech Report Required

**This Service Provider Letter does NOT eliminate the need to evaluate and protect water quality sensitive areas if they are subsequently discovered on your property.**

**In order to comply with Clean Water Services water quality protection requirements the project must comply with the following conditions:**

1. No structures, development, construction activities, gardens, lawns, application of chemicals, uncontained areas of hazardous materials as defined by Oregon Department of Environmental Quality, pet wastes, dumping of materials of any kind, or other activities shall be permitted within the sensitive area or Vegetated Corridor which may negatively impact water quality, except those allowed in R&O 19-5, Chapter 3, as amended by R&O 19-22.
2. Prior to any site clearing, grading or construction the Vegetated Corridor and water quality sensitive areas shall be surveyed, staked, and temporarily fenced per approved plan. During construction the Vegetated Corridor shall remain fenced and undisturbed except as allowed by R&O 19-5, Section 3.06.1, as amended by R&O 19-22 and per approved plans.
3. **Prior to any activity within the sensitive area, the applicant shall gain authorization for the project from the Oregon Department of State Lands (DSL) and US Army Corps of Engineers (USACE). The applicant shall provide Clean Water Services or its designee (appropriate city) with copies of all DSL and USACE project authorization permits. Proof of purchase of wetland mitigation bank credits is required prior to construction permitting.**
4. An approved Oregon Department of Forestry Notification is required for one or more trees harvested for sale, trade, or barter, on any non-federal lands within the State of Oregon.
5. Prior to any ground disturbing activities, an erosion control permit is required. Appropriate Best Management Practices (BMP's) for Erosion Control, in accordance with Clean Water Services' Erosion Prevention and Sediment Control Planning and Design Manual, shall be used prior to, during, and following earth disturbing activities.
6. Prior to construction, a Stormwater Connection Permit from Clean Water Services or its designee is required pursuant to Ordinance 27, Section 4.B.
7. Activities located within the 100-year floodplain shall comply with R&O 19-5, Section 5.10, as amended by R&O 19-22.
8. Removal of native, woody vegetation shall be limited to the greatest extent practicable.
9. The water quality swale and detention pond shall be planted with Clean Water Services approved native species, and designed to blend into the natural surroundings.
10. **Should final development plans differ significantly from those submitted for review by Clean Water Services, the applicant shall provide updated drawings, and if necessary, obtain a revised Service Provider Letter.**
11. **For remaining on-site Vegetated Corridors up to 50 feet wide, the applicant shall enhance the entire Vegetated Corridor to meet or exceed good corridor condition as defined in R&O 19-5, Section 3.14.2, Table 3-3, as amended by R&O 19-22.**
12. Removal of invasive non-native species by hand is required in all Vegetated Corridors rated ""good."" Replanting is required in any cleared areas larger than 25 square feet using low impact methods. The applicant shall calculate all cleared areas larger than 25 square feet prior to the preparation of the required Vegetated Corridor enhancement/restoration plan.
13. Prior to any site clearing, grading or construction, the applicant shall provide Clean Water Services with a Vegetated Corridor enhancement/restoration plan. Enhancement/restoration of the Vegetated Corridor shall be provided in accordance with R&O 19-5, Appendix A, as amended by R&O 19-22, and shall include planting specifications for all Vegetated Corridor, including any cleared areas larger than 25 square feet in Vegetated Corridor rated ""good.""
14. Prior to installation of plant materials, all invasive vegetation within the Vegetated Corridor shall be removed per methods described in Clean Water Services' Integrated Pest Management Plan, 2019. During removal of invasive vegetation care shall be taken to minimize impacts to existing native tree and shrub species.
15. Clean Water Services and/or City shall be notified 72 hours prior to the start and completion of enhancement/restoration activities. Enhancement/restoration activities shall comply with the

guidelines provided in Planting Requirements (R&O 19-5, Appendix A, as amended by R&O 19-22).

16. **Maintenance and monitoring requirements shall comply with R&O 19-5, Section 2.12.2, as amended by R&O 19-22. If at any time during the warranty period the landscaping falls below the 80% survival level, the owner shall reinstall all deficient planting at the next appropriate planting opportunity and the two year maintenance period shall begin again from the date of replanting.**
17. **Performance assurances for the Vegetated Corridor shall comply with R&O 19-5, Section 2.07.2, Table 2-1 and Section 2.11, Table 2-2, as amended by R&O 19-22.**
18. **Clean Water Services shall require an easement over the remaining Sensitive Area and Vegetated Corridor conveying storm and surface water management to Clean Water Services or the City that would prevent the owner of the Vegetated Corridor from activities and uses inconsistent with the purpose of the corridor and any easements therein. Prior to release of the existing platted easement over the Sensitive Area and Vegetated Corridor, the applicant must have obtained permits from DSL and USACE and have made a development submittal to the City of Forest Grove.**

#### **FINAL PLANS**

19. **Final construction plans shall include landscape plans.** In the details section of the plans, a description of the methods for removal and control of exotic species, location, distribution, condition and size of plantings, existing plants and trees to be preserved, and installation methods for plant materials is required. Plantings shall be tagged for dormant season identification and shall remain on plant material after planting for monitoring purposes.
20. **A Maintenance Plan shall be included on final plans** including methods, responsible party contact information, and dates (minimum two times per year, by June 1 and September 30).
21. **Final construction plans shall clearly depict the location and dimensions of the sensitive area and the Vegetated Corridor** (indicating good, marginal, or degraded condition). Sensitive area boundaries shall be marked in the field.
22. Protection of the Vegetated Corridors and associated sensitive areas shall be provided by the installation of permanent fencing and signage between the development and the outer limits of the Vegetated Corridors. **Fencing and signage details to be included on final construction plans.**

**This Service Provider Letter is not valid unless CWS-approved site plan is attached.**

*Stacy Benjamin*

**Stacy Benjamin  
Environmental Plan Review**

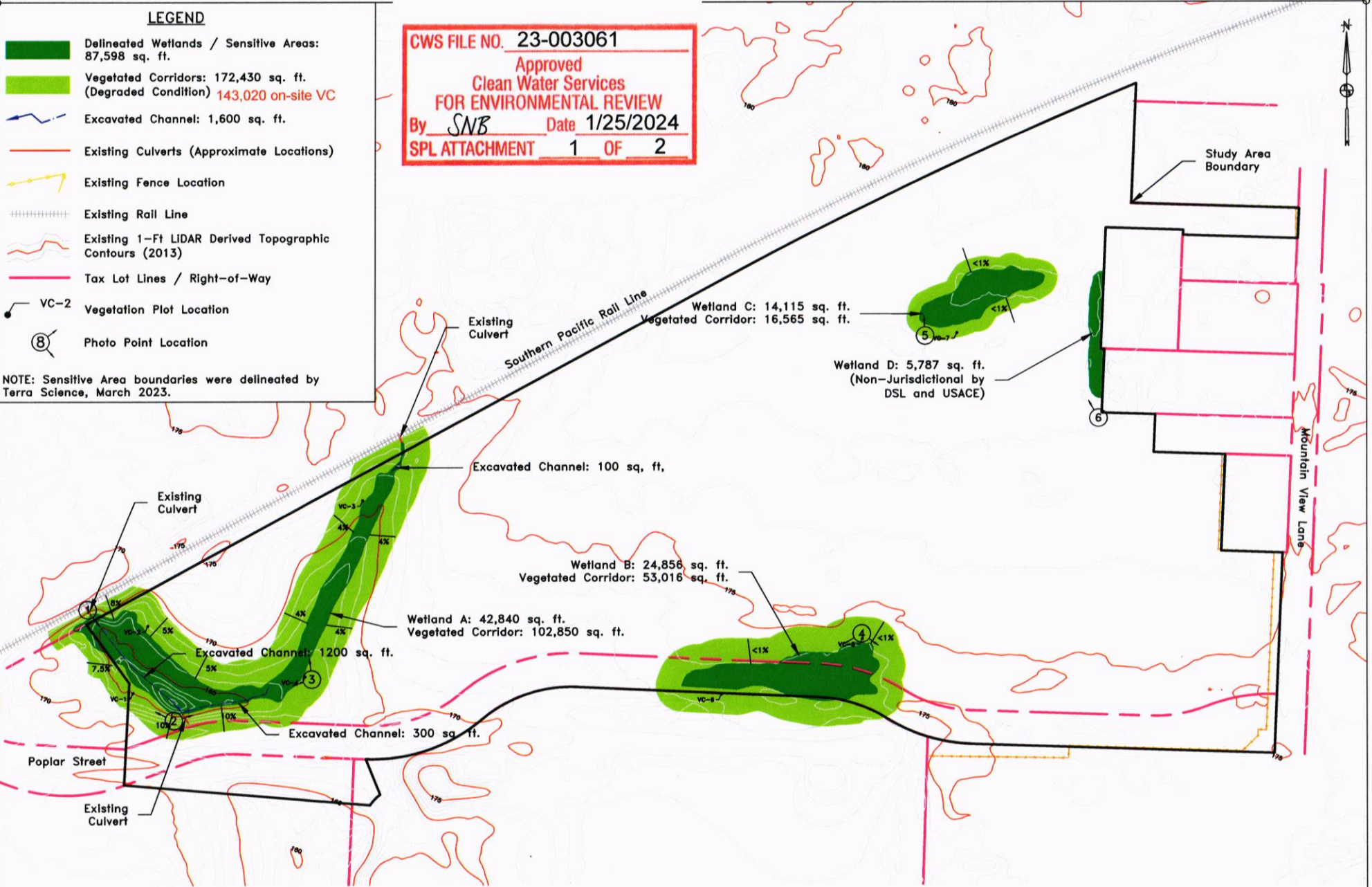
**Attachments (2)**

**LEGEND**

- Delineated Wetlands / Sensitive Areas: 87,598 sq. ft.
- Vegetated Corridors: 172,430 sq. ft. (Degraded Condition) **143,020 on-site VC**
- Excavated Channel: 1,600 sq. ft.
- Existing Culverts (Approximate Locations)
- Existing Fence Location
- Existing Rail Line
- Existing 1-Ft LIDAR Derived Topographic Contours (2013)
- Tax Lot Lines / Right-of-Way
- VC-2 Vegetation Plot Location
- Photo Point Location

NOTE: Sensitive Area boundaries were delineated by Terra Science, March 2023.

**CWS FILE NO. 23-003061**  
**Approved**  
**Clean Water Services**  
**FOR ENVIRONMENTAL REVIEW**  
 By SNB Date 1/25/2024  
**SPL ATTACHMENT 1 OF 2**



SOURCE: 2014 Oregon Department of Geology and Mineral Industries (DOGAMI) LIDAR: Metro Portland, OR (topography) and S&F Land Services land title survey, 2022 (tax lot boundaries / right-of-ways).

**EXHIBIT 1**  
4 of 5

**Terra Science, Inc.**  
Soil, Water, & Wetland Consultants

GRAPHIC SCALE  
0' 125' 250' 500'


**SENSITIVE AREAS & VEGETATED CORRIDORS**  
**SITE ASSESSMENT REPORT**  
 FOR TAX LOT 1300 (T. 1S, R. 3W, SEC. 5)  
 Forest Grove, Washington County, Oregon

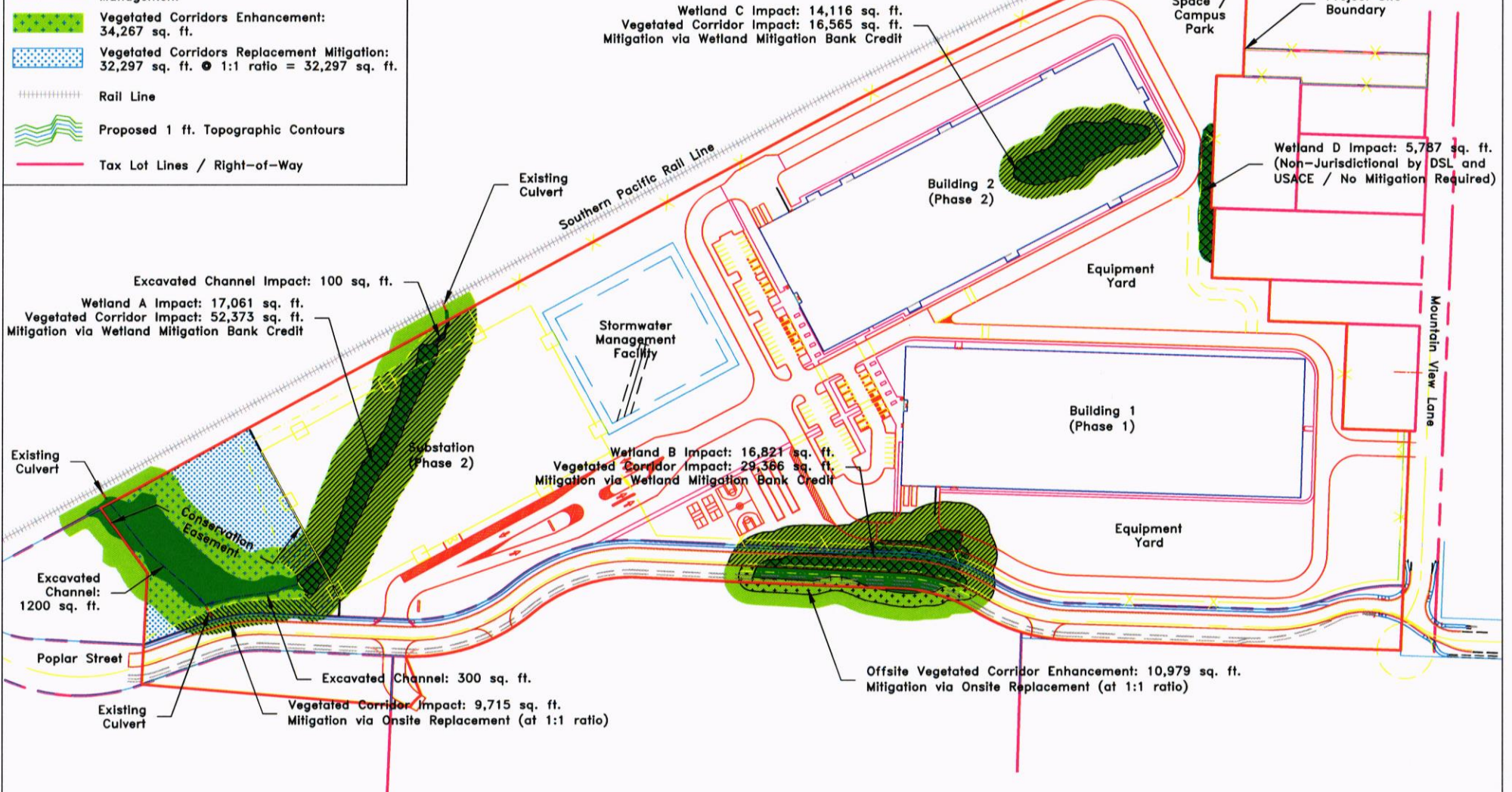
January 2024

**SENSITIVE AREAS & VEGETATED CORRIDORS**  
**EXISTING CONDITIONS MAP**

**FIGURE 3**

**LEGEND**

-  Jurisdictional Wetland / Sensitive Areas  
Impacts: 47,998 sq. ft.
-  Vegetated Corridors Impacts: 108,019 sq. ft.  
(Degraded Condition)
-  Excavated Channel Impacts: 100 sq. ft.
-  Wetland / Sensitive Areas Weed Management
-  Vegetated Corridors Enhancement:  
34,267 sq. ft.
-  Vegetated Corridors Replacement Mitigation:  
32,297 sq. ft. @ 1:1 ratio = 32,297 sq. ft.
-  Rail Line
-  Proposed 1 ft. Topographic Contours
-  Tax Lot Lines / Right-of-Way



SOURCE: 2014 Oregon Department of Geology and Mineral Industries (DOGAMI) LIDAR: Metro Portland, OR (topography) and

**Terra Science, Inc.**  
Soil, Water, & Wetland Consultants

EXHIBIT 1  
5 of 5

GRAPHIC SCALE  
0' 125' 250' 500'

**SENSITIVE AREAS & VEGETATED CORRIDORS  
SITE ASSESSMENT REPORT**  
FOR TAX LOT 1300 (T. 1S, R. 3W, SEC. 5)  
Forest Grove, Washington County, Oregon

February 2024 (REVISED)

**CWS FILE NO. 23-003061**

Approved  
Clean Water Services  
FOR ENVIRONMENTAL REVIEW

By *SNB* Date 2/6/2024

SPL ATTACHMENT 2 OF 2

of boundaries / right-of-ways.

PROPOSED DEVELOPMENT &  
FINAL CONDITIONS  
SITE PLAN MAP

**FIGURE 4**

**Attachment D.5**  
**North American Industrial**  
**Classification System 1997**  
**Sector 57**

**Attachment C(5)**  
**North American Industrial**  
**Classification System 1997**  
**Sector 57**

## Sector 51—Information

### The Sector as a Whole

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.

The main components of this sector are the publishing industries, including software publishing, the motion picture and sound recording industries, the broadcasting and telecommunications industries, and the information services and data processing industries.

The expressions “information age” and “global information economy” are used with considerable frequency today. The general idea of an “information economy” includes both the notion of industries primarily producing, processing, and distributing information, as well as the idea that every industry is using available information and information technology to reorganize and make themselves more productive.

For the purpose of developing NAICS, it is the transformation of information into a commodity that is produced and distributed by a number of growing industries that is at issue. The Information sector groups three types of establishments: (1) those engaged in producing and distributing information and cultural products; (2) those that provide the means to transmit or distribute these products as well as data or communications; and (3) those that process data. Cultural products are those that directly express attitudes, opinions, ideas, values, and artistic creativity; provide entertainment; or offer information and analysis concerning the past and present. Included in this definition are popular, mass-produced, products as well as cultural products that normally have a more limited audience, such as poetry books, literary magazines, or classical records. These activities were formerly classified throughout the existing national classifications. Traditional publishing is in manufacturing; broadcasting in communications; software production in business services; film production in amusement services; and so forth.

The unique characteristics of information and cultural products, and of the processes involved in their production and distribution, distinguish the Information sector from the goods-producing and service-producing sectors. Some of these characteristics are:

1. Unlike traditional goods, an “information or cultural product,” such as a newspaper on-line or television program, does not necessarily have tangible qualities, nor is it necessarily associated with a particular form. A movie can be shown at a movie theater, on a television broadcast, through video-on-demand or rented at a local video store. A sound recording can be aired on radio, embedded in multimedia products, or sold at a record store.
2. Unlike traditional services, the delivery of these products does not require direct contact between the supplier and the consumer.
3. The value of these products to the consumer lies in their informational, educational, cultural, or entertainment content, not in the format in which they are distributed. Most of these products are protected from unlawful reproduction by copyright laws.
4. The intangible property aspect of information and cultural products makes the processes involved in their production and distribution very different from goods and services. Only those possessing the rights to these works are authorized to reproduce, alter, improve, and

---

US—United States industry only. CAN—United States and Canadian industries are comparable. When neither US nor CAN appears, Canadian, Mexican, and United States industries are comparable.

distribute them. Acquiring and using these rights often involves significant costs. In addition, technology is revolutionizing the distribution of these products. It is possible to distribute them in a physical form, via broadcast, or on-line.

5. Distributors of information and cultural products can easily add value to the products they distribute. For instance, broadcasters add advertising not contained in the original product. This capacity means that unlike traditional distributors, they derive revenue not from sale of the distributed product to the final consumer, but from those who pay for the privilege of adding information to the original product. Similarly, a database publisher can acquire the rights to thousands of previously published newspaper and periodical articles and add new value by providing search and software and organizing the information in a way that facilitates research and retrieval. These products often command a much higher price than the original information.

The distribution modes for information commodities may either eliminate the necessity for traditional manufacture, or reverse the conventional order of manufacture-distribute: A newspaper distributed on-line, for example, can be printed locally or by the final consumer. Similarly, it is anticipated that packaged software, which today is mainly bought through the traditional retail channels, will soon be available mainly on-line. The NAICS Information sector is designed to make such economic changes transparent as they occur, or to facilitate designing surveys that will monitor the new phenomena and provide data to analyze the changes.

Many of the industries in the NAICS Information sector are engaged in producing products protected by copyright law, or in distributing them (other than distribution by traditional wholesale and retail methods). Examples are traditional publishing industries, software and database publishing industries, and film and sound industries. Broadcasting and telecommunications industries and information providers and processors are also included in the Information sector, because their technologies are so closely linked to other industries in the Information sector.

### **511 Publishing Industries**

Industries in the Publishing Industries subsector group establishments engaged in the publishing of newspapers, magazines, other periodicals, and books, as well as database and software publishing. In general, these establishments, which are known as publishers, issue copies of works for which they usually possess copyright. Works may be in one or more formats including traditional print form, CD-ROM, or on-line. Publishers may publish works originally created by others for which they have obtained the rights and/or works that they have created in-house. Software publishing is included here because the activity, creation of a copyrighted product and bringing it to market, is equivalent to the creation process for other types of intellectual products.

In NAICS, publishing, the reporting, writing, editing, and other processes that are required to create an edition of a newspaper, is treated as a major economic activity in its own right, rather than as a subsidiary activity to a manufacturing activity, printing. Thus, publishing is classified in the Information sector; whereas, printing remains in the NAICS Manufacturing sector. In part, the NAICS classification reflects the fact that publishing increasingly takes place in establishments that are physically separate from the associated printing establishments. More crucially, the NAICS classification of book and newspaper publishing is intended to portray their roles in a modern economy, in which they do not resemble manufacturing activities.

---

US—United States industry only. CAN—United States and Canadian industries are comparable. When neither US nor CAN appears, Canadian, Mexican, and United States industries are comparable.

Music publishers are not included in the Publishing Industries subsector, but are included in the Motion Picture and Sound Recording Industries subsector. Reproduction of prepackaged software is treated in NAICS as a manufacturing activity; on-line distribution of software products is in the Information sector, and custom design of software to client specifications is included in the Professional, Scientific, and Technical Services sector. These distinctions arise because of the different ways that software is created, reproduced, and distributed.

The Information sector does not include products, such as manifold business forms. Information is not the essential component of these items. Establishments producing these items are included in Subsector 323, Printing and Related Support Activities.

### **5111 Newspaper, Periodical, Book, and Database Publishers**

This industry group comprises establishments primarily engaged in publishing newspapers, magazines, other periodicals, books, databases, and other works, such as calendars, greeting cards, and maps. These works are characterized by the intellectual creativity required in their development and are usually protected by copyright. Publishers distribute or arrange for the distribution of these works.

Publishing establishments may create the works in-house, contract for, purchase, or compile works that were originally created by others. These works may be published in one or more formats, such as print and/or electronic form, including on-line. Establishments in this industry may print, reproduce, or offer direct access to the works themselves or may arrange with others to carry out such functions.

Establishments that both print and publish may fill excess capacity with commercial or job printing. However, the publishing activity is still considered to be the primary activity of these establishments.

#### **5111 Newspaper Publishers**

See industry description for 511110 below.

#### **511110 Newspaper Publishers**

This industry comprises establishments known as newspaper publishers. Establishments in this industry carry out operations necessary for producing and distributing newspapers, including gathering news; writing news columns, feature stories, and editorials; and selling and preparing advertisements. These establishments may publish newspapers in print or electronic form.

#### *Cross-References.*

- Establishments primarily engaged in printing newspapers without publishing are classified in Industry 32311, Printing;
- Establishments, such as trade associations, schools and universities, and social welfare organizations that publish newsletters for distribution to their membership, but that are not commonly known as newspaper publishers, are classified according to their primary activity designation;

US—United States industry only. CAN—United States and Canadian industries are comparable. When neither US nor CAN appears, Canadian, Mexican, and United States industries are comparable.

- Establishments primarily engaged in supplying the news media with information, such as news, reports, and pictures, are classified in Industry 514110, News Syndicates; and
- Establishments of independent representatives primarily engaged in selling advertising space are classified in Industry 541840, Media Representatives.

### **51112 Periodical Publishers**

See industry description for 511120 below.

### **511120 Periodical Publishers**

This industry comprises establishments known as magazine or periodical publishers. These establishments carry out the operations necessary for producing and distributing magazines and other periodicals, such as gathering, writing, and editing articles, and selling and preparing advertisements. These establishments may publish magazines and other periodicals in print or electronic form.

#### *Illustrative Examples:*

Comic book publishers  
Magazine publishers  
Newsletter publishers

Radio and television guide publishers  
Scholarly journal publishers  
Trade journal publishers

#### *Cross-References.*

- Establishments primarily engaged in printing periodicals without publishing are classified in Industry 32311, Printing;
- Establishments, such as trade associations, schools and universities, and social welfare organizations, that publish magazines and periodicals for distribution to their membership, but that are not commonly known as periodical publishers, are classified according to their primary activity designation;
- Establishments primarily engaged in publishing databases and directories are classified in Industry 511140, Database and Directory Publishers; and
- Establishments of independent representatives primarily engaged in selling advertising space are classified in Industry 541840, Media Representatives.

### **51113 Book Publishers**

See industry description for 511130 below.

### **511130 Book Publishers**

This industry comprises establishments known as book publishers. Establishments in this industry carry out design, editing, and marketing activities necessary for producing and distributing books. These establishments may publish books in print, electronic, or audio form.

---

US—United States industry only. CAN—United States and Canadian industries are comparable. When neither US nor CAN appears, Canadian, Mexican, and United States industries are comparable.

*Illustrative Examples:*

Book publishers	School textbook publishers
Encyclopedia publishers	Technical manual publishers
Religious book publishers	Travel guide book publishers

*Cross-References.*

- Establishments primarily engaged in printing books without publishing are classified in Industry 32311, Printing;
- Establishments known as music publishers are classified in Industry 512230, Music Publishers;
- Establishments, such as trade associations, schools and universities, and social welfare organizations, that publish books for distribution to their membership, that are not commonly known as book publishers, are classified according to their primary activity designation; and
- Book clubs primarily engaged in direct sales activities without publishing are classified in Industry 454390, Other Direct Selling Establishments.

**51114 Database and Directory Publishers**

See industry description for 511140 below.

**511140 Database and Directory Publishers**

This industry comprises establishments primarily engaged in publishing compilations and collections of information or facts that are logically organized to facilitate their use. These collections may be published in print or electronic form. Electronic versions may be provided directly to customers by the establishment or offered through on-line services or third-party vendors.

*Illustrative Examples:*

Business directory publishers	Mailing list publishers
Database and directory publishers	Telephone directory publishers

*Cross-References.* Establishments primarily engaged in—

- Printing without publishing databases and directories—are classified in Industry 32311, Printing;
- Publishing encyclopedias—are classified in Industry 511130, Book Publishers;
- Direct access to databases developed by others—are classified in U.S. Industry 514191, On-Line Information Services; and
- Publishing computer software—are classified in Industry 511210, Software Publishers.

US—United States industry only. CAN—United States and Canadian industries are comparable. When neither US nor CAN appears, Canadian, Mexican, and United States industries are comparable.

**51119 Other Publishers**

This industry comprises establishments known as publishers (except newspaper, magazine, book, directory, database, and music publishers). These establishments may publish works in print or electronic form.

*Illustrative Examples:*

Art print publishers  
Atlas publishers  
Calendar publishers

Greeting card publishers  
Map publishers

*Cross-References.*

- Establishments known as newspaper publishers are classified in Industry 51111, Newspaper Publishers;
- Establishments known as magazine and other periodical publishers are classified in Industry 51112, Periodical Publishers;
- Establishments known as book publishers are classified in Industry 51113, Book Publishers;
- Establishments primarily engaged in directory and database publishing are classified in Industry 51114, Database and Directory Publishers;
- Establishments known as music publishers are classified in Industry 51223, Music Publishers; and
- Establishments primarily engaged in manufacturing manifold business forms are classified in Industry 32311, Printing.

**51191 Greeting Card Publishers<sup>US</sup>**

This U.S. industry comprises establishments primarily engaged in publishing greeting cards.

*Cross-References.*

Establishments primarily engaged in printing greeting cards without publishing are classified in Industry 32311, Printing.

**51199 All Other Publishers<sup>US</sup>**

This U.S. industry comprises establishments generally known as publishers (except newspaper, magazine, book, directory, database, music, and greeting card publishers). These establishment may publish works in print or electronic form.

*Illustrative Examples:*

Art print publishers  
Atlas publishers  
Calendar publishers

Map publishers  
Street map guide publishers

<sup>US</sup>—United States industry only. <sup>CAN</sup>—United States and Canadian industries are comparable. When neither <sup>US</sup> nor <sup>CAN</sup> appears, Canadian, Mexican, and United States industries are comparable.

*Cross-References.*

- Establishments known as newspaper publishers are classified in Industry 511110, Newspaper Publishers;
- Establishments known as magazine or other periodical publishers are classified in Industry 511120, Magazine Publishers;
- Establishments known as book publishers are classified in Industry 511130, Book Publishers;
- Establishments primarily engaged in directory and database publishing are classified Industry 511140, Database and Directory Publishers;
- Establishments primarily engaged in greeting card publishing are classified in U.S. Industry 511191, Greeting Card Publishers;
- Establishments known as music publishers are classified in Industry 512230, Music Publishers;
- Establishments primarily engaged in manufacturing manifold business forms are classified in U.S. Industry 323116, Manifold Business Forms Printing; and
- Establishments primarily engaged in manufacturing day schedulers are classified in U.S. Industry 323118, Blankbooks, Looseleaf Binders and Devices Manufacturing.

**5112 Software Publishers****51121 Software Publishers**

See industry description for 511210 below.

**511210 Software Publishers**

This industry comprises establishments primarily engaged in computer software publishing or publishing and reproduction. Establishments in this industry carry out operations necessary for producing and distributing computer software, such as designing, providing documentation, assisting in installation, and providing support services to software purchasers. These establishments may design, develop, and publish, or publish only.

*Cross-References.* Establishments primarily engaged in—

- Reselling packaged software—are classified in Sector 42, Wholesale Trade or Sector 44-45, Retail Trade;
- Designing software to meet the needs of specific users—are classified in U.S. Industry 541511, Custom Computer Programming Services; and
- Mass duplication of software—are classified in U.S. Industry 334611, Software Reproducing.

US—United States industry only. CAN—United States and Canadian industries are comparable. When neither US nor CAN appears, Canadian, Mexican, and United States industries are comparable.

## **512 Motion Picture and Sound Recording Industries**

Industries in the Motion Picture and Sound Recording Industries subsector group establishments involved in the production and distribution of motion pictures and sound recordings. While producers and distributors of motion pictures and sound recordings issue works for sale as traditional publishers do, the processes are sufficiently different to warrant placing establishments engaged in these activities in a separate subsector. Production is typically a complex process that involves several distinct types of establishments that are engaged in activities, such as contracting with performers, creating the film or sound content, and providing technical postproduction services. Film distribution is often to exhibitors, such as theaters and broadcasters, rather than through the wholesale and retail distribution chain. When the product is in a mass-produced form, NAICS treats production and distribution as the major economic activity as it does in the Publishing Industries subsector, rather than as a subsidiary activity to the manufacture of such products.

This subsector does not include establishments primarily engaged in the wholesale distribution of video cassettes and sound recordings, such as compact discs and audio tapes; these establishments are included in the Wholesale Trade sector. Reproduction of video cassettes and sound recordings that is carried out separately from establishments engaged in production and distribution is treated in NAICS as a manufacturing activity.

### **5121 Motion Picture and Video Industries**

This industry group comprises establishments primarily engaged in the production and/or distribution of motion pictures, videos, television programs, or commercials; in the exhibition of motion pictures; or in the provision of postproduction and related services.

#### **51211 Motion Picture and Video Production**

See industry description for 512110 below.

#### **512110 Motion Picture and Video Production**

This industry comprises establishments primarily engaged in producing, or producing and distributing motion pictures, videos, television programs, or television and video commercials.

*Cross-References.* Establishments primarily engaged in—

- Producing motion pictures and videos on contract as independent producers—are classified in Industry 711510, Independent Artists, Writers, and Performers;
- Providing teleproduction and other postproduction services—are classified in U.S. Industry 512191, Teleproduction and Other Postproduction Services;
- Providing video taping of weddings, special events, and/or business inventories—are classified in Industry 54192, Photographic Services;
- Providing motion picture laboratory services—are classified in U.S. Industry 512199, Other Motion Picture and Video Industries;

US—United States industry only. CAN—United States and Canadian industries are comparable. When neither US nor CAN appears, Canadian, Mexican, and United States industries are comparable.

- Providing mass duplication and packaging of video tapes—are classified in U.S. Industry 334612, Prerecorded Compact Disc (except Software), Tape, and Record Reproducing; and
- Acquiring distribution rights and distributing motion pictures and videos—are classified in Industry 512120, Motion Picture and Video Distribution.

**51212 Motion Picture and Video Distribution**

See industry description for 512120 below.

**512120 Motion Picture and Video Distribution**

This industry comprises establishments primarily engaged in acquiring distribution rights and distributing film and video productions to motion picture theaters, television networks and stations, and exhibitors.

*Cross-References.* Establishments primarily engaged in—

- Producing and distributing motion pictures and videos—are classified in Industry 512110, Motion Picture and Video Production;
- Wholesaling video cassette tapes and discs—are classified in Industry 421690, Other Electronic Parts and Equipment Wholesalers;
- Providing mass duplication and packaging of video tapes—are classified in U.S. Industry 334612, Prerecorded Compact Disc (except Software), Tape, and Record Reproducing;
- Providing motion picture footage (via film libraries) to producers—are classified in U.S. Industry 512199, Other Motion Picture and Video Industries;
- Renting video tapes and discs to the general public—are classified in Industry 532230, Video Tape and Disc Rental; and
- Selling video cassettes and discs to the general public—are classified in Industry 451220, Prerecorded Tape, Compact Disc and Record Stores.

**51213 Motion Picture and Video Exhibition**

This industry comprises establishments primarily engaged in operating motion picture theaters and/or exhibiting motion pictures or videos at film festivals, and so forth.

**512131 Motion Picture Theaters (except Drive-Ins)<sup>US</sup>**

This U.S. industry comprises establishments primarily engaged in operating motion picture theaters (except drive-ins) and/or exhibiting motion pictures or videos at film festivals, and so forth.

**512132 Drive-In Motion Picture Theaters<sup>US</sup>**

This U.S. industry comprises establishments primarily engaged in operating drive-in motion picture theaters.

<sup>US</sup>—United States industry only. CAN—United States and Canadian industries are comparable. When neither US nor CAN appears, Canadian, Mexican, and United States industries are comparable.

**51219 Postproduction Services and Other Motion Picture and Video Industries**

This industry comprises establishments primarily engaged in providing postproduction services and other services to the motion picture industry, including specialized motion picture or video postproduction services, such as editing, film/tape transfers, subtitling, credits, closed captioning, and computer-produced graphics, animation and special effects, as well as developing and processing motion picture film.

*Illustrative Examples:*

Motion picture film laboratories  
Postproduction facilities

Stock footage film libraries  
Teleproduction services

*Cross-References.* Establishments primarily engaged in—

- Mass duplicating video tapes and film—are classified in Industry 33461, Manufacturing and Reproducing Magnetic and Optical Media;
- Providing audio services for film, television, and video productions—are classified in Industry 51224, Sound Recording Studios;
- Renting wardrobes and costumes for motion picture production—are classified in Industry 53222, Formal Wear and Costume Rental;
- Renting studio equipment—are classified in Industry 53249, Other Commercial and Industrial Machinery and Equipment Rental and Leasing; and
- Casting actors and actresses with production companies—are classified in Industry 56131, Employment Placement Agencies.

**512191 Teleproduction and Other Postproduction Services<sup>US</sup>**

This U.S. industry comprises establishments primarily engaged in providing specialized motion picture or video postproduction services, such as editing, film/tape transfers, subtitling, credits, closed captioning, and animation and special effects.

*Cross-References.* Establishments primarily engaged in—

- Mass duplicating video tapes and film—are classified in Industry 33461, Manufacturing and Reproducing Magnetic and Optical Media;
- Developing and processing motion picture film—are classified in U.S. Industry 512199, Other Motion Picture and Video Industries;
- Providing audio services for film, television, and video productions—are classified in Industry 512240, Sound Recording Studios; and
- Acquiring distribution rights and distributing film and video productions to motion picture theaters, television networks and stations, and exhibitors—are classified in Industry 512120, Motion Picture and Video Distribution.

<sup>US</sup>—United States industry only. CAN—United States and Canadian industries are comparable. When neither US nor CAN appears, Canadian, Mexican, and United States industries are comparable.

**512199 Other Motion Picture and Video Industries<sup>US</sup>**

This U.S. industry comprises establishments primarily engaged in providing motion picture and video services (except motion picture and video production, distribution, exhibition, and teleproduction and other postproduction services).

*Illustrative Examples:*

Motion picture film laboratories

Stock footage film libraries

*Cross-References.* Establishments primarily engaged in—

- Renting wardrobes and costumes for motion picture production—are classified in Industry 532220, Formal Wear and Costume Rental;
- Renting studio equipment—are classified in Industry 532490, Other Commercial and Industrial Machinery and Equipment Rental and Leasing;
- Casting actors and actresses with production companies—are classified in Industry 561310, Employment Placement Agencies;
- Motion picture and video production—are classified in Industry 512110, Motion Picture and Video Production;
- Motion picture and video distribution—are classified in Industry 512120, Motion Picture and Video Distribution;
- Teleproduction and other postproduction services—are classified in U.S. Industry 512191, Teleproduction and Other Postproduction Services; and
- Motion picture and video exhibition—are classified in Industry 51213, Motion Picture and Video Exhibition.

**5122 Sound Recording Industries**

This industry group comprises establishments primarily engaged in producing and distributing musical recordings, in publishing music, or in providing sound recording and related services.

**51221 Record Production**

See industry description for 512210 below.

**512210 Record Production**

This industry comprises establishments primarily engaged in record production (e.g., tapes, CDs). These establishments contract with artists and arrange and finance the production of original master recordings. Establishments in this industry hold the copyright to the master recording and derive most of their revenues from the sales, leasing, and licensing of master recordings. Establishments in this industry do not have their own duplication or distribution capabilities.

<sup>US</sup>—United States industry only. CAN—United States and Canadian industries are comparable. When neither US nor CAN appears, Canadian, Mexican, and United States industries are comparable.

*Cross-References.* Establishments primarily engaged in—

- Releasing, promoting, and distributing recordings—are classified in Industry 512220, Integrated Record Production/Distribution;
- Promoting and authorizing the use of musical works in various media—are classified in Industry 512230, Music Publishers;
- Mass duplication services—are classified in U.S. Industry 334612, Prerecorded Compact Disc (except Software), Tape, and Record Reproducing;
- Wholesaling music recordings—are classified in Industry 421690, Other Electronic Parts and Equipment Wholesalers;
- Managing the careers of artists—are classified in Industry 711410, Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures;
- Providing facilities and technical expertise for recording musical performances—are classified in Industry 512240, Sound Recording Studios; and
- Producing albums on contract as independent producers—are classified in Industry 711510, Independent Artists, Writers, and Performers.

#### **51222 Integrated Record Production/Distribution**

See industry description for 512220 below.

#### **51220 Integrated Record Production/Distribution**

This industry comprises establishments primarily engaged in releasing, promoting, and distributing sound recordings. These establishments manufacture or arrange for the manufacture of recordings, such as audio tapes/cassettes and compact discs, and promote and distribute these products to wholesalers, retailers, or directly to the public. Establishments in this industry produce master recordings themselves, or obtain reproduction and distribution rights to master recordings produced by record production companies or other integrated record companies.

*Cross-References.* Establishments primarily engaged in—

- Contracting with musical artists, arranging for the production of master recordings, and marketing the reproduction rights—are classified in Industry 512210, Record Production;
- Providing facilities and technical expertise for recording musical performances—are classified in Industry 512240, Sound Recording Studios;
- Mass duplication of recorded products—are classified in U.S. Industry 334612, Prerecorded Compact Disc (except Software), Tape, and Record Reproducing;
- Wholesaling records, tapes, and compact discs without producing recordings—are classified in Sector 42, Wholesale Trade; and
- Retailing records, tapes, and compact discs without producing recordings—are classified in Sector 44-45, Retail Trade.

US—United States industry only. CAN—United States and Canadian industries are comparable. When neither US nor CAN appears, Canadian, Mexican, and United States industries are comparable.

**51223 Music Publishers**

See industry description for 512230 below.

**512230 Music Publishers**

This industry comprises establishments primarily engaged in acquiring and registering copyrights for musical compositions in accordance with law and promoting and authorizing the use of these compositions in recordings, radio, television, motion pictures, live performances, print, or other media. Establishments in this industry represent the interests of the songwriter or other owners of musical compositions to produce revenues from the use of such works, generally through licensing agreements. These establishments may own the copyright or act as administrator of the music copyrights on behalf of copyright owners.

*Cross-References.*

Establishments primarily engaged as independent songwriters who act as their own publishers are classified in Industry 711510, Independent Artists, Writers, and Performers.

**51224 Sound Recording Studios**

See industry description for 512240 below.

**512240 Sound Recording Studios**

This industry comprises establishments primarily engaged in providing the facilities and technical expertise for sound recording in a studio. Establishments in this industry may provide audio production or postproduction services for producing master recordings, and may provide audio services for film, television, and video productions.

*Cross-References.* Establishments primarily engaged in—

- Releasing, promoting, and distributing sound recordings—are classified in Industry 512220, Integrated Record Production/Distribution;
- Providing mass duplication of recorded products—are classified in U.S. Industry 334612, Pre-recorded Compact Disc (except Software), Tape, and Record Reproducing; and
- Contracting with musical artists, arranging for the production of master recordings, and marketing the reproduction rights—are classified in Industry 512210, Record Production.

**51229 Other Sound Recording Industries**

See industry description for 512290 below.

**512290 Other Sound Recording Industries**

This industry comprises establishments primarily engaged in providing sound recording services (except record production, distribution, music publishing, and sound recording in a studio). Establishments in this industry provide services, such as the audio recording of meetings and conferences.

---

US—United States industry only. CAN—United States and Canadian industries are comparable. When neither US nor CAN appears, Canadian, Mexican, and United States industries are comparable.

*Cross-References.* Establishments primarily engaged in—

- Producing records, including contracting with musical artists, arranging and financing the production of master recordings, and marketing the reproduction rights—are classified in Industry 512210, Record Production;
- Releasing, promoting, and distributing sound recordings—are classified in Industry 512220, Integrated Record Production/Distribution;
- Promoting and authorizing the use of musical works in various media—are classified in Industry 512230, Music Publishers;
- Providing facilities and expertise for recording musical performance—are classified in Industry 512240, Sound Recording Studios;
- Providing mass duplication of recorded products—are classified in U.S. Industry 334612, Pre-recorded Compact Disc (except Software), Tape, and Record Reproducing; and
- Organizing and promoting the presentation of performing arts productions—are classified in Industry Group 7113, Promoters of Performing Arts, Sports and Similar Events.

### **513 Broadcasting and Telecommunications**

Industries in the Broadcasting and Telecommunications subsector include establishments providing point-to-point communications and the services related to that activity. The industry groups (Radio and Television Broadcasting, Cable Networks and Program Distribution, and Telecommunications) are based on differences in the methods of communication and in the nature of services provided. The Radio and Television Broadcasting industry group includes establishments that operate broadcasting studios and facilities for over the air or satellite delivery of radio and television programs of entertainment, news, talk, and the like. These establishments are often engaged in the production and purchase of programs and generating revenues from the sale of air time to advertisers and from donations, subsidies, and/or the sale of programs. The Cable Networks and Program Distribution industry group includes two types of establishments. Those in the Cable Networks industry operate studios and facilities for the broadcasting of programs that are typically narrowcast in nature (limited format, such as news, sports, education, and youth-oriented programming). The services of these establishments are typically sold on a subscription or fee basis. Delivery of the programs to customers is handled by other establishments, in the Cable and Other Program Distribution industry, that operate cable systems, direct-to-home satellite systems, or other similar systems. The Telecommunications industry group is primarily engaged in operating, maintaining, and/or providing access to facilities for the transmission of voice, data, text, sound, and full motion picture video between network termination points. A transmission facility may be based on a single technology or a combination of technologies. Establishments primarily engaged as independent contractors in the maintenance and installation of broadcasting and telecommunications systems are classified in Sector 23, Construction.

#### **5131 Radio and Television Broadcasting**

This industry group comprises establishments primarily engaged in operating broadcast studios and facilities for over-the-air or satellite delivery of radio and television programs. These establishments are often engaged in the production or purchase of programs or generate revenues from the sale of air time to advertisers, from donations and subsidies, or from the sale of programs.

US—United States industry only. CAN—United States and Canadian industries are comparable. When neither US nor CAN appears, Canadian, Mexican, and United States industries are comparable.

**51311 Radio Broadcasting**

This industry comprises establishments primarily engaged in broadcasting audio signals. These establishments operate radio broadcasting studios and facilities for the transmission of aural programming by radio to the public, to affiliates, or to subscribers. The radio programs may include entertainment, news, talk shows, business data, or religious services.

*Cross-References.*

Establishments primarily engaged in producing taped radio programming are classified in Industry 51229, Other Sound Recording Industries.

**513111 Radio Networks<sup>US</sup>**

This U.S. industry comprises establishments primarily engaged in assembling and transmitting aural programming to their affiliates or subscribers via over-the-air broadcasts, cable, or satellite. The programming covers a wide variety of material, such as news services, religious programming, weather, sports, or music.

*Cross-References.*

Establishments primarily engaged in producing taped radio programming are classified in Industry 512290, Other Sound Recording Industries.

**513112 Radio Stations<sup>US</sup>**

This U.S. industry comprises establishments primarily engaged in broadcasting aural programs by radio to the public. Programming may originate in their own studios, from an affiliated network, or from external sources.

**51312 Television Broadcasting**

See industry description for 513120 below.

**513120 Television Broadcasting**

This industry comprises establishments primarily engaged in broadcasting images together with sound. These establishments operate television broadcasting studios and facilities for the programming and transmission of programs to the public. These establishments also produce or transmit visual programming to affiliated broadcast television stations, which in turn broadcast the programs to the public on a predetermined schedule. Programming may originate in their own studios, from an affiliated network, or from external sources.

*Cross-References.* Establishments primarily engaged in—

- Producing taped television program materials—are classified in Industry 512110, Motion Picture and Video Production;

<sup>US</sup>—United States industry only. <sup>CAN</sup>—United States and Canadian industries are comparable. When neither US nor CAN appears, Canadian, Mexican, and United States industries are comparable.

**51334 Satellite Telecommunications**

See industry description for 513340 below.

**513340 Satellite Telecommunications**

This industry comprises establishments primarily engaged in providing point-to-point telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications.

*Cross-References.*

Establishments primarily engaged in providing direct-to-home satellite television systems to individual households or consumers are classified in Industry 513220, Cable and Other Program Distribution.

**51339 Other Telecommunications**

See industry description for 513390 below.

**513390 Other Telecommunications**

This industry comprises establishments primarily engaged in (1) providing specialized telecommunications applications, such as satellite tracking, communications telemetry, and radar station operations or (2) providing satellite terminal stations and associated facilities operationally connected with one or more terrestrial communications systems and capable of transmitting telecommunications to or receiving telecommunications from satellite systems.

*Cross-References.* Establishments primarily engaged in—

- Providing satellite telecommunications—are classified in Industry 513340, Satellite Telecommunications; and
- Providing custom design, programming, or facilities management services for integrated computer and telecommunications systems or operations—are classified in Industry 54151, Computer Systems Design and Related Services.

**514 Information Services and Data Processing Services**

Industries in the Information Services and Data Processing Services subsector group establishments providing information, storing information, providing access to information, and processing information. The main components of the subsector are news syndicates, libraries, archives, on-line information service providers, and data processors.

**5141 Information Services**

This industry group comprises establishments primarily engaged in providing information, storing information, and/or providing access to information.

---

US—United States industry only. CAN—United States and Canadian industries are comparable. When neither US nor CAN appears, Canadian, Mexican, and United States industries are comparable.

are establishments providing wireless telecommunications network services, such as cellular telephone or paging services.

*Cross-References.*

Establishments primarily engaged in providing telephone answering services using pagers are classified in Industry 56142, Telephone Call Centers.

**513321 Paging<sup>US</sup>**

This U.S. industry comprises establishments primarily engaged in operating paging networks. The establishments of this industry may also supply and maintain equipment used to receive signals.

*Cross-References.*

Establishments primarily engaged in providing telephone answering services using pagers are classified in U.S. Industry 561421, Telephone Answering Services.

**513322 Cellular and Other Wireless Telecommunications<sup>US</sup>**

This U.S. industry comprises establishments primarily engaged in operating cellular telecommunications and other wireless telecommunications networks (except paging).

*Cross-References.*

Establishments primarily engaged in operating paging networks are classified in U.S. Industry 513321, Paging.

**51333 Telecommunications Resellers**

See industry description for 513330 below.

**513330 Telecommunications Resellers**

This industry comprises establishments primarily engaged in purchasing access and network capacity from owners and operators of the networks and reselling wired and wireless telecommunications services to businesses and households. Establishments in this industry resell telecommunications; they do not operate and maintain telecommunications switching and transmission facilities.

*Cross-References.* Establishments primarily engaged in—

- Operating and maintaining wired telecommunications networks—are classified in Industry 513310, Wired Telecommunications Carriers;
- Reselling satellite telecommunications services—are classified in Industry 513340, Satellite Telecommunications; and
- Operating and maintaining wireless telecommunications—are classified in Industry 51332, Wireless Telecommunications Carriers (except Satellite).

<sup>US</sup>—United States industry only. <sup>CAN</sup>—United States and Canadian industries are comparable. When neither <sup>US</sup> nor <sup>CAN</sup> appears, Canadian, Mexican, and United States industries are comparable.

*Cross-References.* Establishments primarily engaged in—

- Producing and broadcasting television programs for cable and satellite television systems— are classified in Industry 513210, Cable Networks; and
- Maintenance and installation of cable systems as independent contractors—are classified in Sector 23, Construction.

### **5133 Telecommunications**

This industry group comprises establishments primarily engaged in operating, maintaining or providing access to facilities for the transmission of voice, data, text, and full motion picture video between network termination points and telecommunications reselling. Transmission facilities may be based on a single technology or a combination of technologies.

#### **51331 Wired Telecommunications Carriers**

See industry description for 513310 below.

#### **513310 Wired Telecommunications Carriers**

This industry comprises establishments engaged in (1) operating and maintaining switching and transmission facilities to provide direct communications via landlines, microwave, or a combination of landlines and satellite linkups or (2) furnishing telegraph and other nonvocal communications using their own facilities.

*Cross-References.* Establishments primarily engaged in—

- Broadcasting scheduled television programs via cable or satellite facilities on a subscription or fee basis—are classified in Industry 513220, Cable and Other Program Distribution;
- Providing coin-operated pay telephones—are classified in Industry 812990, All Other Personal Services;
- Operating and maintaining wireless networks—are classified in Industry 51332, Wireless Telecommunications Carriers (except Satellite);
- Reselling telecommunications, without operating a network—are classified in Industry 513330, Telecommunications Resellers;
- Publishing telephone directories—are classified in Industry 511140, Database and Directory Publishers; and
- Maintaining and installing wired telecommunication systems as independent contractors—are classified in Sector 23, Construction.

#### **51332 Wireless Telecommunications Carriers (except Satellite)**

This industry comprises establishments primarily engaged in operating and maintaining switching and transmission facilities that provide direct communications via airwaves. Included in this industry

US—United States industry only. CAN—United States and Canadian industries are comparable. When neither US nor CAN appears, Canadian, Mexican, and United States industries are comparable.

- Furnishing cable and other pay television services—are classified in Industry 513220, Cable and Other Program Distribution; and
- Producing and broadcasting television programs for cable and satellite television systems—are classified in Industry 513210, Cable Networks.

### **5132 Cable Networks and Program Distribution**

This industry group comprises establishments that primarily assemble program material and transmit television programs for cable and satellite systems, or that operate these systems.

#### **51321 Cable Networks**

See industry description for 513210 below.

#### **513210 Cable Networks**

This industry comprises establishments primarily engaged in operating studios and facilities for the broadcasting of programs on a subscription or fee basis. The broadcast programming is typically narrowcast in nature (e.g., limited format, such as news, sports, education, or youth-oriented). These establishments produce programming in their own facilities or acquire programming from external sources. The programming material is usually delivered to a third party, such as cable systems or direct-to-home satellite systems, for transmission to viewers.

*Cross-References.* Establishments primarily engaged in—

- Producing taped television program material—are classified in Industry 512110, Motion Picture and Video Production;
- Producing and transmitting television programs to affiliated stations—are classified in Industry 513120, Television Broadcasting;
- Furnishing cable and other pay television services—are classified in Industry 513220, Cable and Other Program Distribution; and
- Retailing merchandise by electronic media, such as television,—are classified in Industry 454110, Electronic Shopping and Mail-Order Houses.

#### **51322 Cable and Other Program Distribution**

See industry description for 513220 below.

#### **513220 Cable and Other Program Distribution**

This industry comprises establishments primarily engaged as third-party distribution systems for broadcast programming. The establishments of this industry deliver visual, aural, or textual programming received from cable networks, local television stations, or radio networks to consumers via cable or direct-to-home satellite systems on a subscription or fee basis. These establishments do not generally originate programming material.

US—United States industry only. CAN—United States and Canadian industries are comparable. When neither US nor CAN appears, Canadian, Mexican, and United States industries are comparable.

**51411 News Syndicates**

See industry description for 514110 below.

**514110 News Syndicates**

This industry comprises establishments primarily engaged in supplying information, such as news reports, articles, pictures, and features, to the news media.

*Cross-References.*

Independent writers and journalists (including photojournalists) are classified in Industry 711510, Independent Artists, Writers, and Performers.

**51412 Libraries and Archives**

See industry description for 514120 below.

**514120 Libraries and Archives**

This industry comprises establishments primarily engaged in providing library or archive services. These establishments are engaged in maintaining collections of documents (e.g., books, journals, newspapers, and music) and facilitating the use of such documents (recorded information regardless of its physical form and characteristics) as are required to meet the informational, research, educational, or recreational needs of their user. These establishments may also acquire, research, store, preserve, and generally make accessible to the public historical documents, photographs, maps, audio material, audiovisual material, and other archival material of historical interest. All or portions of these collections may be accessible electronically.

*Cross-References.* Establishments primarily engaged in—

- Providing stock footage (via motion picture and video tape libraries) to the media, multimedia, and advertising industries—are classified in Industry 512199, Other Motion Picture and Video Industries; and
- Distributing film and video productions to motion picture theaters, television networks and stations, and exhibitors—are classified in Industry 512120, Motion Picture and Video Distribution.

**51419 Other Information Services**

This industry comprises establishments primarily engaged in providing information services (except news syndicates, libraries, and archives). Included in this industry are Internet service providers, on-line information access services, and telephone-based (i.e., toll call) information services. On-line information services establishments are engaged in the provision of direct access to computer-held information published by others via telecommunications networks. These establishments often provide electronic mail services, bulletin boards, browsers, and search routines.

US—United States industry only. CAN—United States and Canadian industries are comparable. When neither US nor CAN appears, Canadian, Mexican, and United States industries are comparable.

*Cross-References.* Establishments primarily engaged in—

- Publishing or compiling and offer direct on-line access to information that they publish or compile—are classified in Subsector 511, Publishing Industries, according to activity;
- Supplying information to the news media—are classified in Industry 514110, News Syndicates; and
- Operating libraries and archives—are classified in Industry 514120, Libraries and Archives.

#### **514191 On-Line Information Services<sup>CAN</sup>**

This U.S. industry comprises Internet access providers, Internet service providers, and similar establishments primarily engaged in providing direct access through telecommunications networks to computer-held information compiled or published by others.

*Illustrative Examples:*

Information access services, on-line  
Internet access providers

Internet service providers

*Cross-References.*

Establishments primarily engaged in publishing or compiling information and offering direct on-line access to the information that they publish or compile are classified in Subsector 511, Publishing Industries, according to activity.

#### **514199 All Other Information Services<sup>CAN</sup>**

This U.S. industry comprises establishments primarily engaged in providing information services (except news syndicates, libraries, archives, and on-line information access). Activities performed by establishments in this industry include telephone-based information recordings and information search services on a contract basis.

*Cross-References.* Establishments primarily engaged in—

- Publishing or compiling and offer direct on-line access to information that they publish or compile—are classified in Subsector 511, Publishing Industries, according to activity;
- Supplying information to the news media—are classified in Industry 514110, News Syndicates;
- Operating libraries and archives—are classified in Industry 514120, Libraries and Archives; and

US—United States industry only. CAN—United States and Canadian industries are comparable. When neither US nor CAN appears, Canadian, Mexican, and United States industries are comparable.

- Providing on-line information services—are classified in U.S. Industry 514191, On-Line Information Services.

### **5142 Data Processing Services**

#### **51421 Data Processing Services**

See industry description for 514210 below.

#### **514210 Data Processing Services**

This industry comprises establishments primarily engaged in providing electronic data processing services. These establishments may provide complete processing and preparation of reports from data supplied by customers; specialized services, such as automated data entry services; or may make data processing resources available to clients on an hourly or timesharing basis.

#### *Illustrative Examples:*

Computer input preparation services  
Computer time rental

Electronic data processing services  
Optical scanning services

#### *Cross-References.* Establishments primarily engaged in—

- Providing text processing and desktop publishing services—are classified in Industry 561410, Document Preparation Services;
- Providing on-site management and operation of a client's data-processing facilities—are classified in U.S. Industry 541513, Computer Facilities Management Services;
- Providing on-line access to information and services developed by others—are classified in U.S. Industry 514191, On-Line Information Services;
- Providing access to microcomputers and office equipment, as well as other office support services—are classified in Industry 56143, Business Service Centers;
- Processing financial transactions, such as credit card transactions,—are classified in Industry 522320, Financial Transactions Processing, Reserve, and Clearinghouse Activities; and
- Providing payroll processing services using data processing techniques—are classified in U.S. Industry 541214, Payroll Services.

US—United States industry only. CAN—United States and Canadian industries are comparable. When neither US nor CAN appears, Canadian, Mexican, and United States industries are comparable.

**Attachment D**  
**Metro Title 13**  
**Natural Areas Inventory Map**

123.09°W

45.52°N



### Legend

#### Title 13 Inventory, Portland Metro Region, Oregon

- Class A
- Class B
- Class C
- Class I
- Class II
- Class III
- Areas Where nearby Activities have an impact on Resources

45.51°N

123.08°W

### Datasets



#### Title 13 Inventory, Portland Metro Region, Oregon

<https://databasin.org/datasets/afdbf390255549418f26855af59b2f79/>

- Credits:** Metro Data Resource Center  
© Oregon Metro [www.oregonmetro.gov/rli](http://www.oregonmetro.gov/rli)
- Layers:**
- Title 13 Inventory, Portland Metro Region, Oregon

EXHIBIT H  
1 of 1

**Attachment D.6**  
**Metro Title 13**  
**Natural Areas Inventory Map**

<image001.png>

---

**From:** David Haworth [REDACTED]  
**Sent:** Tuesday, August 20, 2024 8:46 AM  
**To:** Daniel Riordan <driordan@forestgrove-or.gov>  
**Cc:** Dale Feik <[REDACTED]>, Bryan Pohl <BPohl@forestgrove-or.gov>  
**Subject:** Failure to Notify

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

Dan

As the appellant I did not receive this notice  
my wife passed away three years ago  
My name is on the appeal

This is not acceptable

<image002.jpg>

Sent from my iPhone

[Redacted]

[Redacted]

## Daniel Riordan

---

**From:** Daniel Riordan  
**Sent:** Tuesday, August 20, 2024 9:26 AM  
**To:** David Haworth  
**Cc:** Dale Feik; Bryan Pohl  
**Subject:** RE: Failure to Notify

Good morning David,

The notice addressed to you was placed in the mail yesterday. The notice was also provided to Dale Feik on August 14<sup>th</sup> who has represented himself as your agent so notice was provided to you.

Best Regards,

Dan Riordan | Senior Planner  
City of Forest Grove | Planning Division  
Direct Phone: (503) 992-3226



*A place where families and businesses thrive.*

---

**From:** David Haworth <[REDACTED]>  
**Sent:** Tuesday, August 20, 2024 8:46 AM  
**To:** Daniel Riordan <driordan@forestgrove-or.gov>  
**Cc:** Dale Feik <[REDACTED]>; Bryan Pohl <BPohl@forestgrove-or.gov>  
**Subject:** Failure to Notify

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

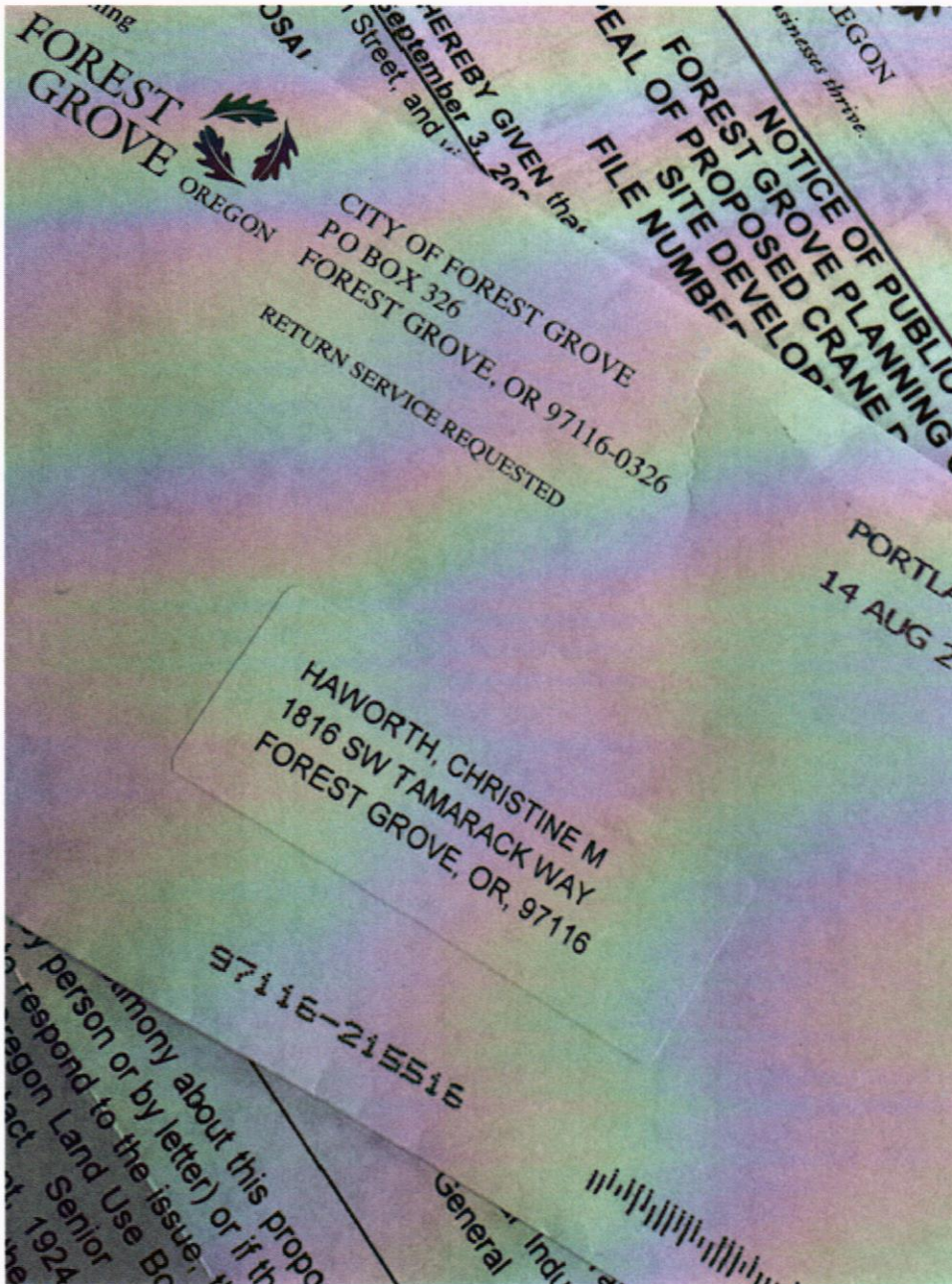
Dan

As the appellant I did not receive this notice  
my wife passed away three years ago  
My name is on the appeal

This is not acceptable

[REDACTED]

[REDACTED]



Sent from my iPhone

## Daniel Riordan

---

**From:** Daniel Riordan  
**Sent:** Friday, August 16, 2024 5:29 PM  
**To:** David Haworth; Bryan Pohl  
**Subject:** RE: failure to properly notify me  
**Attachments:** A201120240816\_170523.pdf

David,

Attached is the sheet for building two.

I appreciate you bringing the notice to our attention. That notice you received went to the property owners of record within the 300 foot notification area. I checked the County's property records and just Christine M Haworth is listed as property owner. I will be sure to place a notice in the mail to you addressed to you.

Best Regards,

Dan Riordan | Senior Planner  
City of Forest Grove | Planning Division  
Direct Phone: (503) 992-3226



---

**From:** David Haworth [REDACTED]  
**Sent:** Friday, August 16, 2024 4:48 PM  
**To:** Bryan Pohl <BPohl@forestgrove-or.gov>; Daniel Riordan <driordan@forestgrove-or.gov>  
**Subject:** failure to properly notify me

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

Brian

I filed an appeal  
I'm entitled to get proper notification and proper information  
This notice of the public hearing is addressed to my deceased wife  
She did not file the appeal I did  
please send me a notice of hearing as required by law.

Also, the architectural drawings in the packet that came to me are unreadable and incomplete I've requested the digital files so that I can actually read the architectural drawings. but that has not happened

There is also a very detailed engineering drawing of building one but nothing for building two.

That is not acceptable

I will need that in order for the notice of administration decision to be complete



Thank you  
Dave Haworth

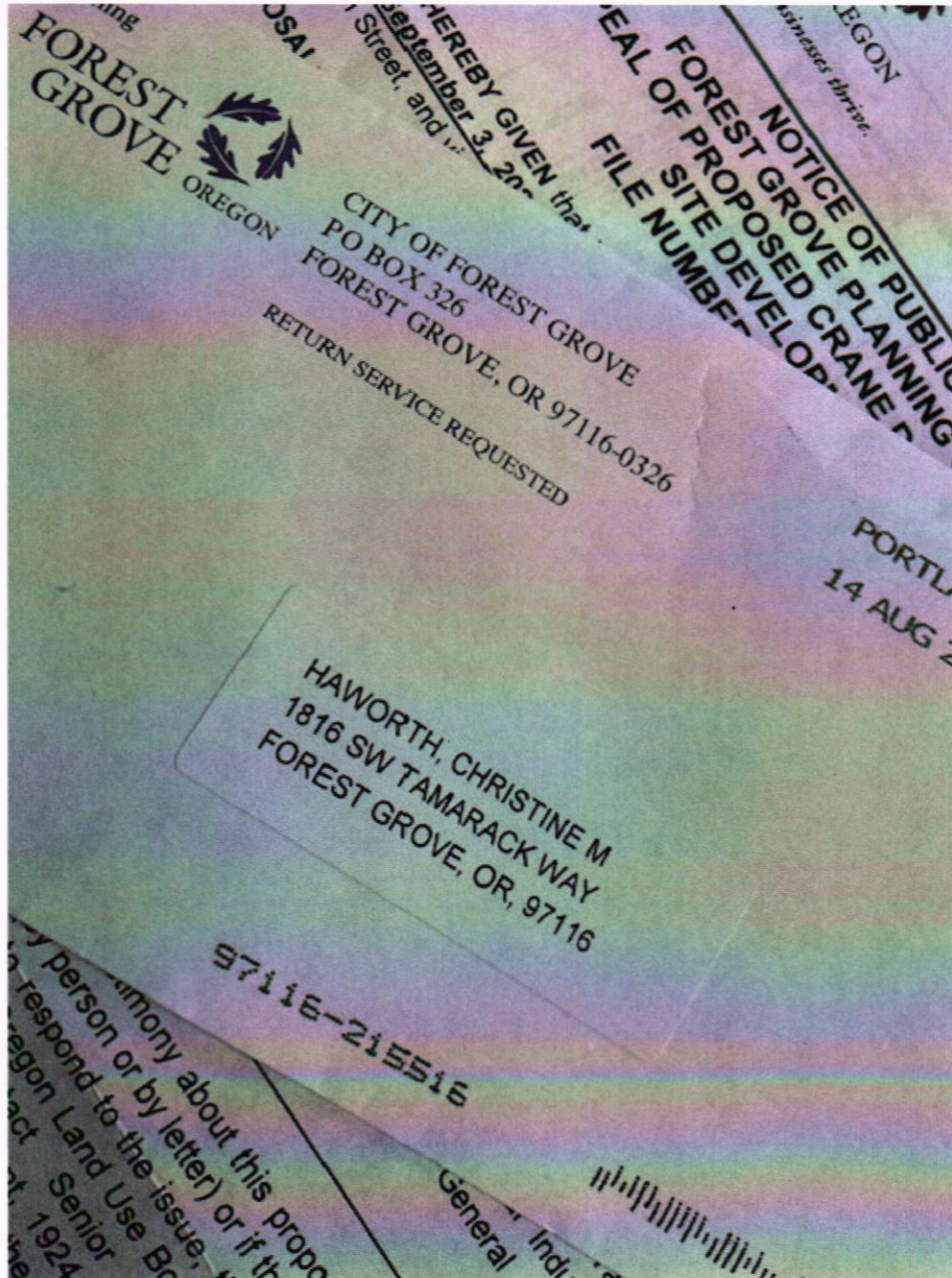
Please consider this question :  
Did the forest Grove planning commission plan the location of this data center?

it seems to me this land was purchased with no clear plan in mind

And if your hands are tied so that you indeed have to just go ahead and let them build this without any consideration other than the fact that they satisfied all the items in a 25-year-old statute

Then what planning does the forest Grove planning department really do ?

Dave Haworth



Sent from my iPhone

## Daniel Riordan

---

**From:** Daniel Riordan  
**Sent:** Friday, August 16, 2024 8:54 AM  
**To:** David Haworth  
**Cc:** [REDACTED]  
**Subject:** RE: Crane Plan Sheet PC-1digital file  
**Attachments:** Crane Sheet PC-1-Zoom.JPG

Good morning Dave,

I'm sorry you're having trouble with the resolution of the image. The image is a scan of the larger paper plan sheets. Attached is an enlargement of the site plan for the area around proposed building two. The resolution is very good when viewing on my computer. This is the best I can do. Hopefully, the attachment will meet your needs.

Best Regards,

Dan Riordan | Senior Planner  
City of Forest Grove | Planning Division  
Direct Phone: (503) 992-3226



---

**From:** David Haworth <[REDACTED]>  
**Sent:** Thursday, August 15, 2024 3:29 PM  
**To:** Daniel Riordan <driordan@forestgrove-or.gov>  
**Subject:** Re: Crane Plan Sheet PC-1digital file

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

Dan

I would like the digital file for this by tomorrow at the latest  
. they can e mail it to me  
the copy I have is not readable

Thank you  
Haworth

On Aug 14, 2024, at 4:05 PM, Daniel Riordan <driordan@forestgrove-or.gov> wrote:

Dave,



Attached is a fresh scan of the original paper plan sheet that has better resolution.

Best Regards,

Dan Riordan | Senior Planner  
City of Forest Grove | Planning Division  
Direct Phone: (503) 992-3226  
<image001.png>

---

**From:** Daniel Riordan  
**Sent:** Wednesday, August 14, 2024 3:12 PM  
**To:** David Haworth [REDACTED]  
**Subject:** Crane Plan Sheet PC-1

Dave,

Electronic copies of Sheet PC-1 for the Crane project are attached.

Best Regards,

Dan Riordan | Senior Planner  
City of Forest Grove | Planning Division  
Direct Phone: (503) 992-3226  
<image001.png>

<Scan\_pc120240814\_154516.pdf>



## Daniel Riordan

---

**From:** Daniel Riordan  
**Sent:** Wednesday, August 14, 2024 4:05 PM  
**To:** David Haworth  
**Subject:** RE: Crane Plan Sheet PC-1  
**Attachments:** Scan\_pc120240814\_154516.pdf

Dave,

Attached is a fresh scan of the original paper plan sheet that has better resolution.

Best Regards,

Dan Riordan | Senior Planner  
City of Forest Grove | Planning Division  
Direct Phone: (503) 992-3226



---

**From:** Daniel Riordan  
**Sent:** Wednesday, August 14, 2024 3:12 PM  
**To:** David Haworth <[REDACTED]>  
**Subject:** Crane Plan Sheet PC-1

Dave,

Electronic copies of Sheet PC-1 for the Crane project are attached.

Best Regards,

Dan Riordan | Senior Planner  
City of Forest Grove | Planning Division  
Direct Phone: (503) 992-3226





## Daniel Riordan

---

**From:** Daniel Riordan  
**Sent:** Wednesday, August 14, 2024 3:12 PM  
**To:** David Haworth  
**Subject:** Crane Plan Sheet PC-1  
**Attachments:** Crane Sheet PC-1.pdf; Crane Sheet PC-1.JPG

Dave,

Electronic copies of Sheet PC-1 for the Crane project are attached.

Best Regards,

Dan Riordan | Senior Planner  
City of Forest Grove | Planning Division  
Direct Phone: (503) 992-3226



## Daniel Riordan

---

**From:** Daniel Riordan  
**Sent:** Tuesday, August 13, 2024 10:03 AM  
**To:** David Haworth  
**Subject:** RE: Crane Data Center Email List

Good morning David,

I placed your list on the counter where we met yesterday. Public comments about the data center can be sent to me for the Planning Commission meeting.

Best Regards,

Dan Riordan | Senior Planner  
City of Forest Grove | Planning Division  
Direct Phone: (503) 992-3226



---

**From:** David Haworth <[REDACTED]@gmail.com>  
**Sent:** Tuesday, August 13, 2024 7:21 AM  
**To:** Daniel Riordan <driordan@forestgrove-or.gov>  
**Subject:** Re: Crane Data Center Email List

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

thank you I would like my list back  
I will pick it up

On Aug 12, 2024, at 5:28 PM, Daniel Riordan <driordan@forestgrove-or.gov> wrote:

Hello David,

I checked the email addresses that I have for everyone that provided comments in response to the Crane Data Center notice and they seem correct. Dale Feik requested copies of the emails we received so he could verify the email addresses if any seem incorrect.

Best Regards,

Dan Riordan | Senior Planner  
City of Forest Grove | Planning Division



Direct Phone: (503) 992-3226

<image001.png>

<David Haworth Contact List.pdf>

## Daniel Riordan

---

**From:** David Haworth [REDACTED]  
**Sent:** Tuesday, August 13, 2024 8:19 PM  
**To:** Daniel Riordan  
**Subject:** 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.

Planning department,

I filed an appeal this week in the hope of stopping this ill conceived mega build from destroying my neighborhood .

Noise pollution is a major concern !

Please see the attached documents

Highlighting the fact that shielding does not mask the low consistent hum and high pitched wail that we will be subjected to, This will destroy our quality of life. I have lived in this house for 15 years. We are 70 years old. This San Francisco mega company has scammed the city into allowing the massive construction of a Data Center in the worst possible location.

They bought the land but they did not buy unlimited noise rights over my property. I can not do that to my neighbors ...run an airplane engine 24 hours a day...

We have miles of open land. Make them buy a suitable parcel and. re apply

This Big Teck AI company will  
deplete our power and water  
not pay any taxes

destroy prime farmland and wetlands

If this is passed then The statute written 27 years ago is more important than common sense and standing up for the interests of Forest Grove and what morally is right.

Please do not let this pass .

Dave Haworth  
[REDACTED]

[REDACTED]

[REDACTED]



MAIN MENU

+1 888.258.3222

**LARSON DAVIS**

A PCB DIVISION

Search



- ...
2. Low-frequency tones or hum -  
Low-frequency tones from data centers (fan hum) are often particularly bothersome because they are not reflected well in A-weighted measurements (a common frequency weighting applied to noise measurements)

## ◆ AI Overview

[Learn more](#) ⋮

The average noise level outside of a data center is often caused by exhaust vents from cooling equipment or power generation. The noise can be a low, consistent hum, or a high-pitched whirring noise that some say sounds like an idling airplane engine. The hum can travel long distances and is caused by the aerodynamic interactions of the fan impellers. The pitch of the hum may change as the fan speed changes with temperature. Other sources of

## Daniel Riordan

---

**From:** Daniel Riordan  
**Sent:** Monday, August 12, 2024 2:08 PM  
**To:** dfeik33@comcast.net; Bryan Pohl  
**Cc:** Darci Hanning; Brian Hurley; David Haworth; John & Taylor Elwess  
**Subject:** RE: Crane Data Center administratively approved - Questions and procedures, please clarify

Hi Dale,

Please see responses to your question below.

Best Regards,

Dan Riordan | Senior Planner  
City of Forest Grove | Planning Division  
Direct Phone: (503) 992-3226



*A place where families and businesses thrive.*

---

**From:** dfeik33@comcast.net [REDACTED]  
**Sent:** Friday, August 9, 2024 4:16 PM  
**To:** Bryan Pohl <BPohl@forestgrove-or.gov>  
**Cc:** Daniel Riordan <driordan@forestgrove-or.gov>; Darci Hanning <[REDACTED]>; Brian Hurley <[REDACTED]>; David Haworth <[REDACTED]>; John & Taylor Elwess <[REDACTED]>  
**Subject:** Crane Data Center administratively approved - Questions and procedures, please clarify

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

Hi Bryan Pohl, Forest Grove Community Development Director, (cell: 971-992-3224)

This email is a follow up to our telephone conversation August 8, 2024.

1. Did the Planning Commission get polled, and will there be a quorum for a specially called meeting Sept 3, 2024? Yes, the Planning Commission were polled. Based on the polling there should be a quorum.
2. Were there Clommission members who were not able to attend the Tuesday Sept. 3, 2024, 7:00 pm meeting? If so who were they? This meeting is a rescheduled meeting because they usually meet on Monday but that is a holiday. All Planning Commission members indicated that they could attend a September 3<sup>rd</sup> Planning Commission meeting when they were polled. It's standard



practice for the Planning Commission and City Council to meet on the Tuesday if the Monday meeting date falls on a holiday.

3. Why not wait until the next scheduled planning meeting September 16, 2024? It's been our practice to schedule an appeal and the earliest Planning Commission meeting date, when available, to keep the process moving forward.
4. There was not a legal notice published in the News-Times August 8, 2024 paper about the Planning Commission meeting with the one topic - Crane Data Center. When will that be published? The City's Development Code requires publication of a Planning Commission hearing in the newspaper at least seven days before the hearing date (Development Code §17.1.610(A)). The notice for the September 3<sup>rd</sup> Planning Commission hearing will be published on August 22<sup>nd</sup>.
5. As we discussed, four people were eligible to appeal the Administrative action to okay Crane's land-use decision. So one or all can submit an appeal to the city within 14 days from July 31, 2024. Any person that is eligible can submit an appeal within the 14-day appeal period. A consolidated appeal submitted by one person is fine as well.
6. Then after the News-Times is used to notify the residents of Forest Grove and others who read or learn about the notice; and that notice is published then anyone can submit written comments challenging the city's administrative decision; those comments will be considered by the Planning Commission members in their recommendation to the City Councilors. Yes, anyone can provide written or verbal comments to the Planning Commission during the public hearing. The Commission will consider the comments in making their decision. The Planning Commission's decision is appealable to the City Council.
7. Please explain the 7/7/7 rule. The 7/7/7 rule works like this, during the Planning Commission public hearing any participant in the appeal process can request that the Planning Commission keep the public record open for at least seven days to allow for submittal of additional information. The applicant then has 7 days after the additional information is submitted to review the information and provide a response. After the applicant provides a response all of the information is forwarded to the Planning Commission seven days before the Planning Commission's meeting date when a decision is made.

Thank you for saying that you would email a reply to these questions Monday August 12, 2024.

Sincerely,

Dale Feik  
3363 Lavina Drive  
Forest Grove, OR 97116  
Cell: 503-504-5972  
[dfeik33@comcast.net](mailto:dfeik33@comcast.net)

Cc: Darci Henning, Brian Hurley, David Harworth, John & Taylor Elwess, eligible to appeal to the Planning Commission

## Daniel Riordan

---

**From:** Daniel Riordan  
**Sent:** Wednesday, July 31, 2024 2:01 PM  
**To:** Dale Feik ([REDACTED])  
**Subject:** FW: Notice of Administrative Decision Proposed Crane Data Center City File No. 311-24-000006-PLNG  
**Attachments:** Notice of Administrative Decision City File No 311-24-000006-PLNG 7-31-24.pdf

Good afternoon Dale,

The notice of administrative decision for the proposed Crane Data Center is attached for your information.

Best Regards,

Dan Riordan | Senior Planner  
City of Forest Grove | Planning Division  
Direct Phone: (503) 992-3226



*A place where families and businesses thrive.*

---

**From:** Daniel Riordan <driordan@forestgrove-or.gov>  
**Sent:** Wednesday, July 31, 2024 1:59 PM  
**To:** Daniel Riordan <driordan@forestgrove-or.gov>  
**Subject:** Notice of Administrative Decision Proposed Crane Data Center City File No. 311-24-000006-PLNG

Dear Interested Party,

The City's administrative decision for the proposed Crane data center campus at 3975 and 3993 Heather Street is attached for your information. You are receiving this notice because you provided comments during the 14-day public comment period. The City's administrative decision is based on the applicable review criteria identified in the notice and attached findings. The administrative decision is to approve the proposal with conditions. The conditions of approval are included in the attachment.

This administrative decision is appealable to the Forest Grove Planning Commission. Information about the appeal process is included in the attached notice.

Please do not hesitate to call or email me with any questions you may have.

Best Regards,

Dan Riordan | Senior Planner  
City of Forest Grove | Planning Division  
Direct Phone: (503) 992-3226





*A place where families and businesses thrive.*

**Daniel Riordan**

---

**From:** Darci Hanning [mailto:darcihanning@gmail.com]  
**Sent:** Tuesday, August 13, 2024 3:02 PM  
**To:** Daniel Riordan  
**Subject:** Sept. 3 Planning Commission Meeting

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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

Hello Mr. Riordan,

Can you please share when the Planning Commission's September 3rd meeting details will be posted to the City of Forest Grove's online calendar (city website)? Thank you.

Warmly,  
Darci Hanning

\_\_\_\_\_

## Daniel Riordan

---

**From:** David Haworth <[REDACTED]>  
**Sent:** Tuesday, August 20, 2024 9:42 AM  
**To:** Daniel Riordan  
**Subject:** Re: Failure to Notify

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

Thank you Dan  
please confirm that all future communication will go to me and my lawyer  
Dave

On Aug 20, 2024, at 9:26 AM, Daniel Riordan <driordan@forestgrove-or.gov> wrote:

Good morning David,

The notice addressed to you was placed in the mail yesterday. The notice was also provided to Dale Feik on August 14<sup>th</sup> who has represented himself as your agent so notice was provided to you.

Best Regards,

Dan Riordan | Senior Planner  
City of Forest Grove | Planning Division  
Direct Phone: (503) 992-3226  
<image001.png>

---

**From:** David Haworth <[REDACTED]>  
**Sent:** Tuesday, August 20, 2024 8:46 AM  
**To:** Daniel Riordan <driordan@forestgrove-or.gov>  
**Cc:** Dale Feik <dfeik33@comcast.net>; Bryan Pohl <BPohl@forestgrove-or.gov>  
**Subject:** Failure to Notify

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

Dan  
As the appellant I did not receive this notice  
my wife passed away three years ago  
My name is on the appeal

This is not acceptable

[REDACTED]

[REDACTED]

<image002.jpg>

Sent from my iPhone

## Daniel Riordan

---

**From:** David Haworth <[REDACTED]>  
**Sent:** Tuesday, August 20, 2024 8:46 AM  
**To:** Daniel Riordan  
**Cc:** Dale Feik; Bryan Pohl  
**Subject:** Failure to Notify

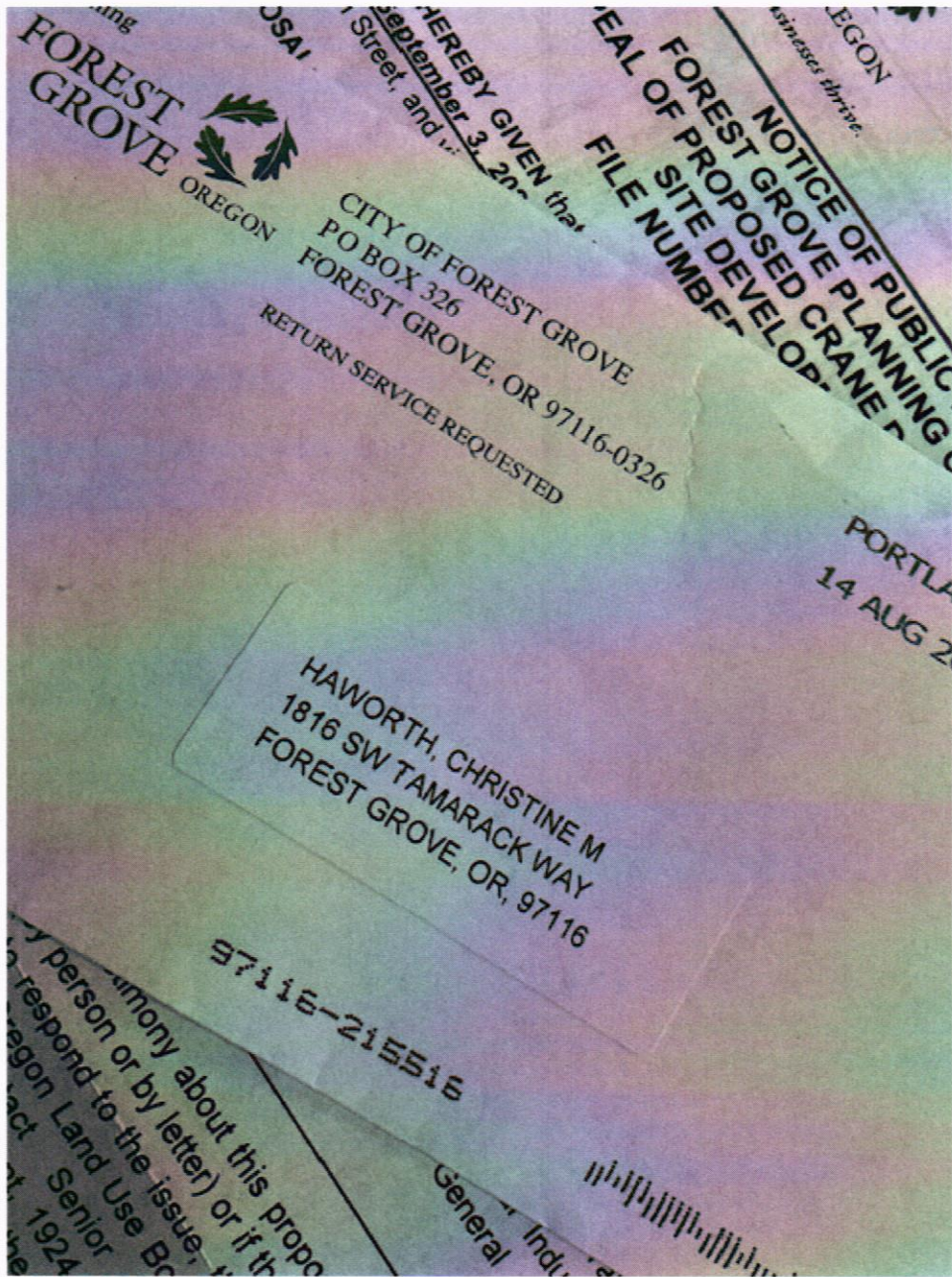
Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

Dan

As the appellant I did not receive this notice  
my wife passed away three years ago  
My name is on the appeal

This is not acceptable

~~XXXXXXXXXX~~



Sent from my iPhone

**Daniel Riordan**

---

**From:** David Haworth [REDACTED]  
**Sent:** Tuesday, August 20, 2024 8:42 AM  
**To:** Daniel Riordan  
**Cc:** Dale Feik; Bryan Pohl  
**Subject:** Appeal Communications

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

Dan,

I did not receive the Notice of public hearing.

As the Appellant I expect to be on a separate mailing list from the home owners within 300 ft.

I have hired Ken Dobson to represent me. Any communication you send to me must go to him.

As of today I have not been notified by mail or e mail that this public hearing will take place.

Today, marks 2 weeks prior to this hearing

I believe the city is obligated to inform me within 2 weeks

NOW I am asking that you send me and my Attorney Ken Dobson this notice of hearing and all future communication.

My Name and address are on the appeal not my late wife.

Dave Haworth

--

DAVE HAWORTH  
HAWORTH PAINTING  
CCB# 197958  
[REDACTED]  
Forest Grove Or. 97116  
503-860-6755

[REDACTED]

[REDACTED]

## Daniel Riordan

---

**From:** David Haworth [REDACTED]  
**Sent:** Thursday, August 15, 2024 3:29 PM  
**To:** Daniel Riordan  
**Subject:** Re: Crane Plan Sheet PC-1digital file

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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

Dan

I would like the digital file for this by tomorrow at the latest  
. they can e mail it to me  
the copy I have is not readable

Thank you  
Haworth

On Aug 14, 2024, at 4:05 PM, Daniel Riordan <driordan@forestgrove-or.gov> wrote:

Dave,

Attached is a fresh scan of the original paper plan sheet that has better resolution.

Best Regards,

Dan Riordan | Senior Planner  
City of Forest Grove | Planning Division  
Direct Phone: (503) 992-3226  
<image001.png>

---

**From:** Daniel Riordan  
**Sent:** Wednesday, August 14, 2024 3:12 PM  
**To:** David Haworth [REDACTED]  
**Subject:** Crane Plan Sheet PC-1

Dave,

Electronic copies of Sheet PC-1 for the Crane project are attached.

Best Regards,

Dan Riordan | Senior Planner  
City of Forest Grove | Planning Division

[REDACTED]

[REDACTED]

Direct Phone: (503) 992-3226

<image001.png>

<Scan\_pc120240814\_154516.pdf>

## Daniel Riordan

---

**From:** [REDACTED]  
**Sent:** Wednesday, August 21, 2024 4:56 AM  
**To:** Daniel Riordan; Ken Dobson  
**Cc:** David Haworth; Darci Hanning; Brian Hurley; John & Taylor Elwess  
**Subject:** Ken Dobson, attorney, representing David Haworth (and the three other people with standing to appeal)

**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: Dan Riordan, and Ken Dobson, attorney

As David Haworth's agent (I was told that I was his agent by Shannon Reynolds who recorded that on a city document), I am letting you know Dan Riordan that:

David asked me to contact his attorney, Ken Dobson, to let him know that he represents you, the four people who have the standing to appeal the Administrative Decision, and that David volunteered to sign the appeal document which meant that he would be the one receiving the official communication from the city and from Crane Data Center and their representatives.

David's understanding is that his attorney, Ken Dobson, will also receive all of the official communication between the city and Crane Data Center. David Harworth also knows that you, Ken Dobson, will be able to speak for him at the September 3, 2024, Hearing and that you will have unlimited amount of time to do so, just like Crane's representative (attorney probably) will have before the three-minute public comment time starts.

Ken Dobson's contact information:

Kenneth P. Dobson  
Attorney at Law  
324 S. Abernethy Street  
Portland, Oregon 97239  
Office: (971) 717-6582  
Mobile: (503) 684-8198  
kdobson@pdxlandlaw.com  
[www.pdxlandlaw.com](http://www.pdxlandlaw.com)

Dan Riordan, Senior Planner  
P.O. Box 326  
Forest Grove, OR 97116  
email: [driordan@forestgrove-or.gov](mailto:driordan@forestgrove-or.gov)  
503-992-3226

Sincerely,



Dale Feik, agent for David Harworth

[REDACTED]

[REDACTED]

Cc: David Harworth, Darci Henning, Brian Hurley, John and Taylor Elwess, the four people who had standing to file the appeal about the Administrative Decision to the Planning Commission



## Daniel Riordan

---

**From:** [REDACTED]  
**Sent:** Thursday, August 15, 2024 5:22 AM  
**To:** Daniel Riordan  
**Cc:** David Haworth; Darci Hanning; Shannon Reynolds; Suzie Curtis; Richard Blackmun; Yvette Hamilton  
**Subject:** Agent of record for Dave Haworth, signer of appeal

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

Dan (Riordan), Senior Planner

Thank you for participating on Wed, August 14th, in our discussion with Rich Blackmun, engineering Division and Project Manager, and Yvette Hamilton, Building Official, while I stopped by the Planning Department office to discuss Crane's land-use application. Very informative. Thank you for giving me the official Notice of Public Hearing document as a courtesy. You had that notice sent to Dave Harworth, the signer of the appeal.

Monday when Dave and I came to file the appeal with my 47-page attachment, Shannon Reynolds, Community Development specialist, asked me when she was filling out a form whether I wanted to be put down as an agent. After she explained that I would receive the same information at the same time that Dave Harworth would and the communications between Crane Data Center representatives I said "yes", please state that I am an Agent of Dave (and of the No Forest Grove Data Center - the four who had standing to file an appeal.).

Sincerely,

Dale Feik

[REDACTED]  
[REDACTED]  
[REDACTED]

Cc: Dave Harworth, signer of appeal  
Darci Hanning, one of four people with standing to appeal and the minute/ recorder of 'No Forest Grove Data' group  
Shannon Reynolds, Community Development specialist  
Suzie Curtis, Permit Coordinator and receiver of written Hearing Testimony for Sept. 3, Planning Commission appeal  
Rich Blackmun, Engineering  
Yvette Hamilton, Building Official

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~  
~~XXXXXXXXXX~~

## Daniel Riordan

---

**From:** [REDACTED]  
**Sent:** Friday, August 9, 2024 4:16 PM  
**To:** Bryan Pohl  
**Cc:** Daniel Riordan; Darci Hanning; Brian Hurley; David Haworth; John & Taylor Elwess  
**Subject:** Crane Data Center administratively approved - Questions and procedures, please clarify

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

Hi Bryan Pohl, Forest Grove Community Development Director, (cell: 971-992-3224)

This email is a follow up to our telephone conversation August 8, 2024.

1. Did the Planning Commission get polled, and will there be a quorum for a specially called meeting Sept 3, 2024?
2. Were there Commission members who were not able to attend the Tuesday Sept. 3, 2024, 7:00 pm meeting? If so who were they? This meeting is a rescheduled meeting because they usually meet on Monday but that is a holiday.
3. Why not wait until the next scheduled planning meeting September 16, 2024?
4. There was not a legal notice published in the News-Times August 8, 2024 paper about the Planning Commission meeting with the one topic - Crane Data Center. When will that be published?
5. As we discussed, four people were eligible to appeal the Administrative action to okay Crane's land-use decision. So one or all can submit an appeal to the city within 14 days from July 31, 2024.
6. Then after the News-Times is used to notify the residents of Forest Grove and others who read or learn about the notice; and that notice is published then anyone can submit written comments challenging the city's administrative decision; those comments will be considered by the Planning Commission members in their recommendation to the City Councilors.
7. Please explain the 7/7/7 rule.

Thank you for saying that you would email a reply to these questions Monday August 12, 2024.

Sincerely,

Dale Feik

[REDACTED]  
Forest Grove, OR 97116  
[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

Cc: Darci Henning, Brian Hurley, David Harworth, John & Taylor Elwess, eligible to appeal to the Planning Commission

## Daniel Riordan

---

**From:** [REDACTED]  
**Sent:** Wednesday, July 17, 2024 10:49 AM  
**To:** Shannon Reynolds  
**Cc:** Daniel Riordan; Suzie Curtis; Bryan Pohl  
**Subject:** Re: Communication Request

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

Thanks for the clarification, Shannon.

Dale

Cc: Dan Riordan  
Suzie Curtis  
Bryan Pohl

---

**From:** Shannon Reynolds <sreynolds@forestgrove-or.gov>  
**Sent:** Wednesday, July 17, 2024 8:13 AM  
**To:** [REDACTED]  
**Cc:** Daniel Riordan <driordan@forestgrove-or.gov>; Suzie Curtis <scurtis@forestgrove-or.gov>; Bryan Pohl <BPohl@forestgrove-or.gov>  
**Subject:** Communication Request

Hello Mr. Feik,

We appreciate you reaching out and asking questions to gain a better understanding of what's going on in the community. After checking further with our City Recorder, Mariah Woods I was given additional clarification on the correct communication channels to follow. Due to the ORS 192.355 they are exempt from releasing their information.

There are other official channels to use to communicate with our planning commissioners and they are as follows:

Attend the next planning commission meeting (date TBD) either in person or via Zoom  
Email (or mail) letter to Dan Riordan who is the Senior Planner for the City of Forest Grove

- Email: [DRiordan@forestgrove-or.gov](mailto:DRiordan@forestgrove-or.gov) your specific request or
- Mail: 1924 Council St Forest Grove, OR 97116

\*Please make note in your written communication that it is intended for public comment for the Planning Commission.

Any ex-parte contact is strongly discouraged and if made it must be noted on the record. We have clear channels of communication to assist with allowing the information to be presented to the commissioners in the most ethical and efficient way.

\_\_\_\_\_

\_\_\_\_\_

Again, thank you for reaching out and please keep an eye out for upcoming planning commission meetings to be posted on our City of Forest Grove website.

*Shannon Reynolds* | Community Development

**Permit Technician/Planning Coordinator**

[sreynolds@forestgrove-or.gov](mailto:sreynolds@forestgrove-or.gov)

1924 Council St | PO Box 326

Forest Grove, OR 97116

503-992-3262 (Direct)

Building Department | [Forest Grove Oregon \(forestgrove-or.gov\)](http://Forest Grove Oregon (forestgrove-or.gov))



*A place where families and businesses thrive.*

**Daniel Riordan**

---

**From:** [REDACTED]  
**Sent:** Thursday, July 11, 2024 3:16 PM  
**To:** Daniel Riordan; Dave Haworth  
**Subject:** Crane Data Center land use application, contact information

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**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: Dan Riordan, Senior Planner who took over former senior planner, Katie, who received public comment about the Crane Data Land Use Application.  
Cc: Dave Haworth

I talked with Dave and he said he would like to meet with you, Dan, to discuss the Crane Data land use application.

Contact information:

Dan:  
Business phone: 503-992-3226  
email: driordan@forestgrove-or.gov

Dave:  
Cell: 503-860-6755  
email: wdave55@gmail.com

Best regards,

Dale Feik  
[REDACTED]  
[REDACTED]

[Redacted]

[Redacted]

## Daniel Riordan

---

**From:** Shannon Reynolds  
**Sent:** Wednesday, July 17, 2024 8:14 AM  
**To:** 'dfeik33@comcast.net'  
**Cc:** Daniel Riordan; Suzie Curtis; Bryan Pohl  
**Subject:** Communication Request

Hello Mr. Feik,

We appreciate you reaching out and asking questions to gain a better understanding of what's going on in the community. After checking further with our City Recorder, Mariah Woods I was given additional clarification on the correct communication channels to follow. Due to the ORS 192.355 they are exempt from releasing their information.

There are other official channels to use to communicate with our planning commissioners and they are as follows:

Attend the next planning commission meeting (date TBD) either in person or via Zoom  
Email (or mail) letter to Dan Riordan who is the Senior Planner for the City of Forest Grove

- Email: [DRiordan@forestgrove-or.gov](mailto:DRiordan@forestgrove-or.gov) your specific request or
- Mail: 1924 Council St Forest Grove, OR 97116

\*Please make note in your written communication that it is intended for public comment for the Planning Commission.

Any ex-parte contact is strongly discouraged and if made it must be noted on the record. We have clear channels of communication to assist with allowing the information to be presented to the commissioners in the most ethical and efficient way.

Again, thank you for reaching out and please keep an eye out for upcoming planning commission meetings to be posted on our City of Forest Grove website.

*Shannon Reynolds* | Community Development  
**Permit Technician/Planning Coordinator**  
[sreynolds@forestgrove-or.gov](mailto:sreynolds@forestgrove-or.gov)  
1924 Council St | PO Box 326  
Forest Grove, OR 97116  
503-992-3262 (Direct)  
[Building Department | Forest Grove Oregon \(forestgrove-or.gov\)](http://BuildingDepartment|ForestGroveOregon(forestgrove-or.gov))



*A place where families and businesses thrive.*

**Attachment E**  
**Other Communication**  
**Received After Issuing**  
**July 31, 2024**  
**Notice of Administrative**  
**Decision**

## Daniel Riordan

---

**From:** Daniel Riordan  
**Sent:** Tuesday, August 20, 2024 9:59 AM  
**To:** David Haworth  
**Subject:** RE: Failure to Notify

David,

Can you provide your lawyer's contact information? Thank you.

Best Regards,

Dan Riordan | Senior Planner  
City of Forest Grove | Planning Division  
Direct Phone: (503) 992-3226



---

**From:** David Haworth <[REDACTED]>  
**Sent:** Tuesday, August 20, 2024 9:42 AM  
**To:** Daniel Riordan <driordan@forestgrove-or.gov>  
**Subject:** Re: Failure to Notify

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

Thank you Dan  
please confirm that all future communication will go to me and my lawyer  
Dave

On Aug 20, 2024, at 9:26 AM, Daniel Riordan <driordan@forestgrove-or.gov> wrote:

Good morning David,

The notice addressed to you was placed in the mail yesterday. The notice was also provided to Dale Feik on August 14<sup>th</sup> who has represented himself as your agent so notice was provided to you.

Best Regards,

Dan Riordan | Senior Planner  
City of Forest Grove | Planning Division  
Direct Phone: (503) 992-3226

Attachment F  
Crane Data Center Campus  
Site Development Review  
Narrative

Navix  
March 20, 2024



10135 s.e sunnyside road, suite 200  
clackamas, or 97015  
navixeng.com

t 503.659.9500  
f 503.659.2227  
e info@navixeng.com

## Site Development Review



### Data Center Campus

3975 Heather Street  
Forest Grove, Oregon

March 20, 2024

## Index

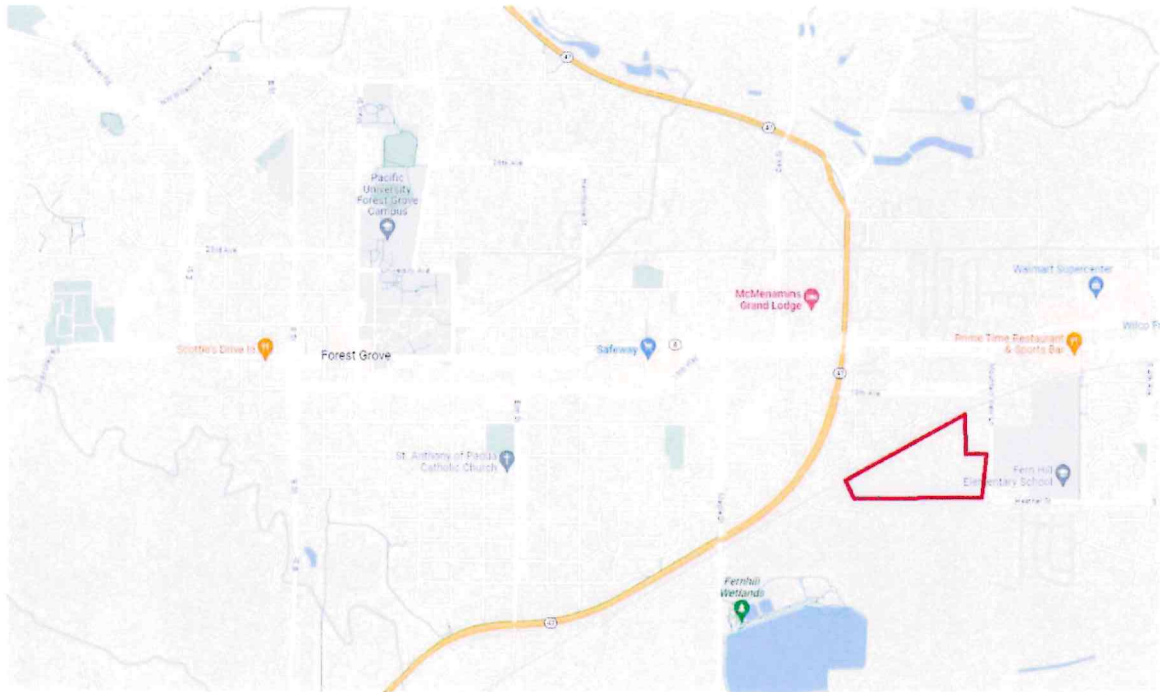
- Land Use Application
- Property Description and Assessor Map Parcel #
- Narrative Statement
- Development Code Response
- Proposed Development Plans
  - Cover Sheet
  - Preliminary Campus Site Plan
  - Preliminary Grading and Drainage Plan
  - Preliminary Utility Plan
  - Preliminary Landscape Plan
  - Building Architectural Elevations
  - Preliminary Lighting Photometrics Plan
  - Existing Conditions Survey
- Traffic Analysis Memo – Heather / Mt View Intersection

## LAND USE APPLICATION

## PROPERTY DESCRIPTION AND ASSESSOR MAP #

## Site Location and Property Description

The project site is located at 3975 Heather Street in Forest Grove, Oregon. (see Figure 1 below for Vicinity Map).



**Figure 1: Site Location**

- **Location:** 3975 Heather Street
- **Section, Township, Range:** SECTION 5, T1S, R3W
- **Parcel/Tax Lot:** 1300, MAP 1S30500
- **Size:** 1,527,649 SF (35.08 AC)
- **City, County, State:** Forest Grove, Washington County, Oregon
- **Governing Agency:** City of Forest Grove
- **Zoning:** LI (Light Industrial)

## NARRATIVE STATEMENT & CODE RESPONSE

PROJECT NARRATIVE  
PROPOSED CRANE DATA CENTER DEVELOPMENT  
3975 HEATHER STREET, FOREST GROVE, OR

INTRODUCTION

**Development Description:**

The project proposes the development of a data center campus in multiple phases. The subject site is currently a vacant grass field that gently slopes from northeast to southwest and has historically been used for agricultural purposes. The first phase of the project will involve the construction of Building 1 and associated access, parking, landscaping, lighting, stormwater, utility infrastructure, construction staging, and frontage street improvements. These improvements will serve the proposed use in accordance with the City of Forest Grove development codes and standards. Building 2 and a substation are planned for future phases of the project. However, rough grading of Building 2 and the substation are planned with the initial phase to support construction staging for Building 1 (rough grading phased based on wetland fill permitting).

**Project Location:**

The project site is located at 3975 and 3993 Heather Street within the city limits of Forest Grove in Washington County, Oregon.

**Land Use Action:**

A pre-development conference for the proposed project was held in April and September of 2023. The project seeks Type II Site Development Review Approval.

**Existing Zoning:**

The property is currently zoned Light Industrial (LI), and no change is requested. The proposed data center use is permitted outright in the LI zone as "Information" use as identified in Forest Grove Development Code (FGDC) Article 3 Table 3-12.

**Site Data:**

Site Data: Uses	Existing Conditions by Area (acres)	Proposed Development By Area (acres)	Proposed Development By Coverage (%)
Buildings	0	7.55	21.5%
Parking/Driveway/Sidewalk/ Gen yard	0	18.08	51.6%
Landscape / Open Space / Storm Pond	35.07	9.44	26.9%
<b>Total project Area</b>	<b>35.07</b>	<b>35.07</b>	<b>100%</b>

**Site Access and Transportation:**

The primary access to the data center campus will be through a new driveway approach from an extension of Heather Street. A secondary access is proposed on Mountain View Lane for emergency access. Please see accompanying development plans.

A summary of the estimated trip generation is provided in the Table 1 and 2 below:

**Table 1 -- Trip Generation Rates**

ITE Land Use & Code	Units	Trip Ends Rate (trips per t.s.f)		In/Out Split (percent)	
		PM Peak Hour	Daily	PM Peak Hour	Daily
Data Centers (160)	1,000 sf	0.10	0.99	30/70	50/50

**Table 2 – Trip Generation Forecast**

ITE Land Use & Code	Daily	PM Peak Hour		
		In	Out	Total
Data Centers (160)	538*	18	42	60

\* based on total building areas of Approximately 543,000 sf (Bldg 1 – 180ksf, Bldg 2 – 363ksf)

Based on coordination with Forest Grove Planning and Engineering staff, the expected trip generation from the proposed development does not warrant a Traffic Impact Analysis.

**Utility Infrastructure:**

Existing public utilities, including sanitary sewer, water, power, telephone, and gas are available on Mountain View and Heather Street. The applicant proposes to extend these utilities into the project area as necessary to provide services to the proposed data center buildings. Refer to the Preliminary Utility Plan included with this application.

Potable water, fire protection, and sanitary services are accomplished by connecting to the city's existing system directly. Opportunities for non-potable water source are being assessed by the Crane team in coordination Clean Water Services.

**Stormwater Management:**

Most of the stormwater runoff from the site currently flows toward an existing 24" culvert located at the southwest corner of the site. Runoff from the post-developed site will be routed to a network of trapped catch basins, underground pipes, manholes, stormwater pond, vegetated swale, and flow control structure to mitigate stormwater runoff in accordance with Clean Water Services requirements prior to discharging off site. The facilities have been sized using based on Clean Water Services (CWS) design standards. Upstream flow exiting the railroad ROW and flowing through the proposed substation pad will be captured in a storm pipe system and rerouted to accommodate the proposed improvements. Please refer to the Grading and Drainage Plan.

**Automobile Parking:**

There are no minimum parking requirements for the proposed data center ("Information") use in Table 8-4 Parking Requirements. The project proposes approximately 81 parking spaces to support the proposed data center campus.

**Signs:**

The development proposes one free-standing sign to be located along Heather Street near the main access to the site.

## FOREST GROVE DEVELOPMENT CODE RESPONSE

### ARTICLE 3 ZONING DISTRICTS

#### INDUSTRIAL ZONES

##### 17.3.500 PURPOSE

The City of Forest Grove has established two industrial zones to implement the Industrial designation of the Comprehensive Plan. Non-industrial uses are restricted to protect industrial lands for employment and to minimize land use conflicts.

##### 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 ware- housing. Industrial activities occur within enclosed buildings. On a limited basis, supporting commercial and office uses are permitted in the LI zone.

***RESPONSE: The subject property is in the Light Industrial zone and no zone change is proposed with the project.***

##### 17.3.520 USE REGULATIONS

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.
- B. Limited Uses. Uses that are allowed subject to specific limitations are listed in Table 3-12 with an "L". These uses are allowed if they comply with the limitations listed in the footnotes to the table and the development standards and other regulations of this Code.
- C. Conditional Uses. Uses that are allowed if approved through the conditional use process are listed in Table 3-12 with a "C". These uses are allowed provided they comply with the

conditional use approval criteria, the development standards, and other regulations of this Code. §17.2.200 contains the conditional use process and approval criteria.

- D. Prohibited Uses. Uses listed in Table 3-12 with an “N” are prohibited. Existing uses may be subject to the regulations of §10.7.700 Nonconforming Development.
- E. Accessory Uses. Uses that are accessory to a primary use are allowed if they comply with specific regulations for accessory uses and all development standards.

TABLE 3-12: Industrial Zones Use Table

USE CATEGORY	LI	GI	BIP
<b>INDUSTRIAL</b>			
Industrial Services	L <sup>[6]</sup>	P	L <sup>[6]</sup>
Manufacturing and Production:			
- Light Industrial	P <sup>[8]</sup>	P <sup>[8]</sup>	L <sup>[8]</sup>
- General Industrial	N	P	L <sup>[8]</sup>
- Medical and Recreational Marijuana Processors	N	C	N
Call Centers	P	P	P
Railroad Yards	N	P	N
Research and Development	P	P	P
Warehouse / Freight Movement	P/C(X)	P/C(X)	P/C(X)
Waste – Related	C	C	C
Wholesale Sales	P <sup>[8]</sup> /C(Y)	P <sup>[8]</sup> /C(Y)	C
<b>OTHER</b>			
Agriculture / Horticulture	P <sup>[8]</sup>	P <sup>[8]</sup>	P
- Medical and Recreational Marijuana Producers (Outdoor)	N	N	N
- Medical and Recreational Marijuana Producers (Indoor)	C	C	N
Cemeteries	N	N	N
Detention Facilities	C	P	C
Mining	N	C	N
Wireless Communication Facilities	L <sup>[9]</sup>	L <sup>[9]</sup>	L <sup>[9]</sup>
Information	P	P	P

P = Permitted    L = Limited    C = Conditional Use    N = Not Permitted X

*RESPONSE: The project proposes a data center campus to be built in phases. The data center use is permitted outright as “information” in the table above. A substation is proposed in a future phase in coordination with BPA and Forest Grove Light and Power and will be requested under a separate land use application at a later date. The current project seeks Site Plan Review approval for development of*

*the proposed 2-building campus and associated infrastructure (less substation Conditional Use Approval).*

17.3.530 INDUSTRIAL ZONE DEVELOPMENT STANDARDS

The development standards listed below are applicable to all development within the Light Industrial, General Industrial, and Business Industrial Park zones. Development within these zones shall also comply with all other applicable requirements of this Code, including the general development standards in Article 8.

TABLE 3-13: Industrial Zone Dimensional Requirements

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

STANDARD	LI	GI	BIP
Minimum Yard Setbacks <sup>[1]</sup>	None	None	Front: 20 feet Interior Side: 10 feet Rear: 10 feet
Maximum Building Height <sup>[2]</sup>	None	None	45 feet
Maximum Building Coverage			50%
Minimum Landscaping			15%

*RESPONSE: The project is consistent with the dimensional requirements noted above. The proposed building height is 42'-0" feet for building 1 and 75'-0" for building 2. While minimum landscaping is not required per Table 3-13, the project is anticipated to maintain an open space/landscape area of approximately 9.44 acres, which is approximately 26.9% of the overall site. The open space/landscape areas include areas of new landscaping, areas of existing wetlands and vegetation that are to remain, and the stormwater pond facility.*

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.

*RESPONSE: Acknowledged. The applicant seeks Site Plan Review approval for the phased construction of data center buildings and associated parking, stormwater, sanitary, water, utility, landscape, construction staging, and frontage improvements.*

- B. Parking. Parking, loading and unloading areas shall not be located within a 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 3 feet and maximum height of 5 feet. Parking areas shall be landscaped as required in §17.8.415.

*RESPONSE: Acknowledged. The proposed parking, loading, and unloading areas are not positioned within any required setbacks. The subject site is adjacent to the Southern Pacific Railroad right of way to the north, Heather Street right of way to the south, industrial zoned property to the west and industrial zoned properties and Mountain View Street right of way to the east. Loading and unloading areas are not proposed adjacent to a residential district. The parking area is located west of Building 1 and 2 and not along the Heather Street frontage.*

- 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.

*RESPONSE: Acknowledged. The applicant 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 proposed lighting will be directed downward, so as not to shine on or create glare on neighboring property or adjacent street.*

- 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.

*RESPONSE: Acknowledged. Fully enclosed trash compactors and balers are proposed at the loading docks of the buildings.*

- 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.

*RESPONSE: The subject site does not abut a residential zone. Ground mounted electrical equipment is located as far from the street as practicable and is screened from the Heather Street extension by fencing surrounding the equipment. Additionally, proposed landscaping breaks up the visual mass of the proposed equipment yards. Please see the Preliminary Site Plan and Landscape Plan.*

- F. Building Façade 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.

*RESPONSE: Windows and projections are proposed along of 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. Refer to the proposed building elevations included with this application.*

- 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.

*RESPONSE: The project proposes landscaping that meets or exceeds the noted standards. Please refer to the Preliminary Landscape Plan.*

- I. 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 §17.8.830(D). Monument signs shall not be placed within any clear vision area required in §17.8.155.

*RESPONSE: Acknowledged. A monument sign is proposed by the entry to the site outside the clear vision area and a sign permit will be pursued at a later date.*

- J. 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.

*RESPONSE: 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 connecting to the public sidewalk along Heather Street. Refer to the Preliminary Site Plan and Preliminary Landscape Plan, included with this application.*

- K. 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.

*RESPONSE: Acknowledged. Stormwater runoff is managed in accordance with CWS standards utilizing a stormwater pond facility on site and street planters on Heather Street. Refer to the Preliminary Site, Drainage, and Landscape Plans included with this application.*

## ARTICLE 8 GENERAL DEVELOPMENT STANDARDS

### 17.8.000 OVERVIEW OF ARTICLE 8

This Article describes general development and improvement standards that apply to development authorized by this Code. In the event the standards of this Article conflict with the provisions of the base zoning district, the standards of this Article shall prevail.

The following list summarizes the topics covered in Article 8:

- Access & Circulation
- Clear Vision Area
- Open Space, Recreation Facilities and Common Areas
- Hazard and Resources
- Landscaping, Screening and Buffering
- Off-Street Parking and Loading
- Public Improvements
- Building Design and Development Standards
- Lighting Standards
- Signs
- Other Development Review Standards
- Land Division Standards
- Covenants, Conditions And Requirements

These headings can assist the user in locating information. The table of contents contains a complete list of the material included in this Article.

### 17.8.005 ADOPTION OF OTHER AGENCY STANDARDS BY REFERENCE

Unless modified by the provisions of this Code, the following standards and requirements as they may be amended are adopted by reference and shall be complied with, as applicable, as part of the development standards set forth in this Article:

- A. City of Forest Grove standards and specifications for public improvements;
- B. Washington County "Uniform Road Improvement Design Standards" as may be applied by the Forest Grove Public Works Department;
- C. Clean Water Services "Design and Construction Standards for Sanitary Sewer and Surface Water Management;"

- D. Regionally Significant Fish and Wildlife Habitat Inventory Map dated at the time of adoption of this section or as amended in the future.

Nothing in this Section limits or reduces compliance with the provisions of §17.1.125.

*RESPONSE: Acknowledged.*

## ACCESS AND CIRCULATION

### 17.8.100 PURPOSE

The purpose of this section is to establish standards and regulations for safe and efficient vehicle access and egress on a site and for general circulation within the site, including pedestrian circulation.

### 17.8.105 APPLICABILITY

- A. When Provisions Apply. The provisions of this article shall apply to all development, including the construction of new structures, and the remodeling or new structures or a change of use which increases the on-site parking or loading requirements, or which changes the access requirements.
- B. When Site Plan/Design Review Is Not Required. Where the provisions of site plan review or design review do not apply to the proposed developments, the Director shall approve, approve with conditions, or deny an access plan submitted under the provisions of this Article in conjunction with another permit or land use action.
- C. Conflict with Land Division Requirements. The requirements and standards of this article shall not apply where they conflict with the land division rules and standards of Article 6.

*RESPONSE: The applicant acknowledges that the standards of Access and Circulation applies to the proposed project.*

### 17.8.110 GENERAL PROVISIONS

- A. Continuing Obligation of Property Owner. The provision and maintenance of access and egress stipulated in this section are continuing requirements for the use of any structure or parcel of real property in the City.

- B. Access Plan Requirements. No building or other permit shall be issued until a scaled site plan is submitted that shows how access, egress and circulation requirements are to be fulfilled. The Director shall provide the applicant with information about the submittal requirements for an access plan.
- C. Joint Access. Owners of two or more uses, structures, or parcels of land may agree to jointly use the same access and egress when the combined access and egress of both uses, structures, or parcels of land satisfies their requirements as designated in this Article, provided:
1. Satisfactory legal evidence shall be presented in the form of deeds, easements, leases or contracts to establish the joint use; and
  2. Copies of the deeds, easements, leases or contracts are placed on permanent file with the City.
- D. Public Street Access. All vehicular access and egress shall connect directly with a public or private street approved by the City for public use, except where joint access is provided through adjacent or other property which is connected to a street. Vehicular access to a residential use shall be provided within the same lot for single-family and two-family dwellings, and within the same lot or development for multi-family dwellings. Access to multi-family units shall avoid being located through single family residential areas before being connected to a collector or arterial as designated by the City's Transportation Plan.
- E. Transit Agency Referral. The City shall submit all development proposals located along the Pacific Avenue/19th Avenue transit corridor to Tri-Met and along existing and proposed collectors and arterials in the Westside Planning Area to Ride Connection/GroveLink for review and comment regarding facilities necessary to support transit. The following facilities may be required as a condition of a permit:
1. Walkways to transit stops;
  2. Bus stop shelters or waiting areas;
  3. Turnouts for buses.
- F. Where hard surfaces are stipulated by these requirements, pervious surfaces are encouraged to be used. Where improvements are within the public rights-of-way, such surfaces can be used upon approval by the City Engineer.

- G. Landscaped areas should include water quality features such as bio-swales or wetlands, trees, grass, shrubs, and other plant material when possible so as to cover landscape areas.

*RESPONSE: The applicant acknowledges the General Provisions noted above. A Preliminary site plan is included with the application showing the proposed access and circulation routes to and from the site. The site will have one primary access driveway approach from Heather Street serving the proposed use. A secondary access driveway is proposed on Mountain View for emergency access purposes. All access and circulation drives are proposed to be paved. Refer to the Preliminary Landscape showing proposed planting concepts throughout the campus.*

#### 17.8.115 ON-SITE PEDESTRIAN WALKWAYS

- A. Required Walkways. On-site pedestrian walkways are required as follows:

1. Walkways shall extend from the ground floor entrances or from the ground floor landing of stairs, ramps, or elevators of all commercial, institutional, and industrial uses, to the public sidewalk or curb of the public street or streets which provide the required access and egress. Walkways shall provide convenient connections between buildings in multi-building commercial, institutional, and industrial complexes. Walkways shall be constructed between a new development and neighboring developments. If connections aren't currently available, then planned connections shall be designed to provide an opportunity to connect adjoining developments.

*RESPONSE: A network of walkways is proposed throughout the site for pedestrian connection between the buildings, parking areas, campus amenities, and Heather Street.*

2. The maximum distance between a parking space and a walkway shall not exceed forty-five (45) feet. All walkways constructed within parking lots shall be raised to standard sidewalk height. All surface treatment of walkways shall be firm, stable and slip resistant.

*RESPONSE: All parking spaces are within approximately 45ft of a walkway. Refer to the Preliminary Site Plan.*

3. Required walkways shall be paved with hard-surfaced materials such as concrete, asphalt, stone, brick, etc. Walkways may be required to be lighted and/or signed as needed for safety purposes. Lighting and or signs may be required for walkways for safety purposes.

*RESPONSE: All walkways are proposed to be composed of hard-surface concrete or asphalt pavement.*

4. Whenever required walkways cross vehicle access driveways or parking lots, such crossings shall be designed and located for pedestrian safety. Required walkways shall be physically separated from motor vehicle traffic and parking by either a minimum six (6)-inch vertical separation (curbed) or a minimum three (3)-foot horizontal separation, except that pedestrian crossings of traffic aisles are permitted for distances no greater than thirty-six (36) feet if appropriate landscaping, pavement markings, or contrasting pavement materials are used. Walkways shall be a minimum of four (4) feet in width, exclusive of vehicle overhangs and obstructions such as mailboxes, benches, bicycle racks, and sign- posts, and shall be in compliance with ADA standards.

*RESPONSE: Proposed walkways are separated by curbing except where they cross the driveways. In those areas, the walkways are striped, to provide contrast with adjoining asphalt pavement. Refer to the Preliminary Site Plan.*

5. Where required for pedestrian access, interior landscape areas in combination with pedestrian walkways between rows of parking shall be at least ten (10) feet in width to accommodate walkways, shrubbery, and trees 20 to 30 feet on-center. This ten (10) foot width may be reduced between tree areas depending on the characteristics of the vegetation. Angled or perpendicular parking spaces shall provide bumper stops or widened curbs to prevent bumper overhang into interior landscaped areas or walkways.

*RESPONSE: Proposed walkways in combination with landscape areas between rows of parking exceed the noted minimum width of 10 feet. Refer to the Preliminary Site Plan.*

#### 17.8.125 MINIMUM ACCESS REQUIREMENTS FOR NON-RESIDENTIAL USES

- A. Service Drives for Non-Residential Uses shall be fully improved with hard surface pavement with a minimum width of:
  1. 15 feet when accommodating one-way traffic, or
  2. 24 feet when accommodating two-way traffic.

- B. All non-residential uses shall be served by one (1) or more service drives as determined necessary to provide convenient and safe access to the property. In no case shall the design of said service drive or drives require or facilitate the backward movement or other maneuvering of a vehicle within a street, other than an alley.

*RESPONSE: The project proposes one primary access to the data center campus from the extension of Heather Street. The circulation drive aisles around the site exceed the noted minimum width of 24' to accommodate 2-way traffic and the maneuvering of vehicles and trucks. Proposed access drives are designed such that backward movement or other maneuvering of a vehicle within a street is not required. Refer to the Preliminary Site Plan.*

#### 17.8.130 WIDTHS AND LOCATIONS OF DRIVEWAYS AND CURB CUTS

- A. Minimum Driveway Widths at the street right-of-way line shall be fifteen (15) feet for institutional, commercial, industrial, and multi-family residential uses, and ten (10) feet for single-family and two-family residential uses.

*RESPONSE: The proposed driveway width exceeds the noted minimum.*

- B. Maximum Driveway Widths at the street right-of-way line shall be as follows:
1. In residential zones –
    - a. 24 feet for lots with less than 60 feet of street frontage
    - b. 30 feet for lots with street frontages of 60 feet or greater
    - c. There shall be a minimum distance of 30 feet between any two adjacent curb cuts on the same lot
  2. 36 feet in institutional, town center or commercial zones
  3. 40 feet in industrial zones

*RESPONSE: To accommodate unimpeded entry and exit of WB-67 trucks, as well as future access needs for the substation, the project proposes a single 40-ft wide driveway approach. A secondary 26-ft access is proposed along Mountain View Lane for emergency access.*

- C. Location of Curb Cut. No portion of a curb cut shall be located closer to an intersecting street right-of-way line than:

1. 100 feet on an arterial street with four or more travel lanes
2. 50 feet on an arterial street with two or three travel lanes
3. 50 feet on a collector street
4. 20 feet on a local street

*RESPONSE: Acknowledged. The project proposes one curb cut along the Heather Street extension and a secondary access along Mountain View Lane, The proposed curb cuts are positioned at a distance greater than 50ft from the nearest intersecting street..*

- D. Minimum Distance between Curb Cuts. On arterial and collector streets, minimum distances shall be maintained as follows between adjacent curb cuts on the same side of any such street:
1. 85 feet where the speed limit is 20 mph or less
  2. 105 feet where the speed limit is 25 mph
  3. 125 feet where the speed limit is 30 mph
  4. 150 feet where the speed limit is 35 mph
  5. 185 feet where the speed limit is 40 mph
  6. 230 feet where the speed limit is 45 mph
  7. 275 feet where the speed limit is 50 mph or greater

*RESPONSE: Acknowledged. The project proposes one curb cut along Heather Street and another along Mountain View lane. Both streets are categorized as a collector street with a design speed of 25mph.*

- E. In measuring the distance between curb cuts on arterial and collector streets, existing curb cuts, or accesses serving single-family and two-family dwellings shall not be considered.

*RESPONSE: The site is located in an industrial zone. Existing curb cuts and accesses to existing residential dwellings are located on Mountain View Lane. The proposed secondary access drive on Mountain View Lane is located approximately 115ft from an existing curb cut.*

- F. City Engineer's Authority to Restrict Driveway Widths and Locations. To ensure that driveways do not conflict with public infrastructure, the City Engineer has the authority to restrict the width and location of any driveway.

*RESPONSE: Acknowledged.*

17.8.135 SPECIAL ACCESS-EGRESS PROVISIONS

- A. One-Way Vehicular Access Points. Where a proposed parking facility indicates only one-way traffic flow on the site, it shall be accommodated by a specific driveway serving the facility; the entrance drive shall be situated closest to oncoming traffic and the exit drive shall be situated farthest from oncoming traffic.
- B. Director's Authority to Restrict Access. The Director has the authority to restrict access when the need to do so is required by one or more of the following conditions:
1. To provide for increased traffic movement on congested streets and to eliminate turning movement problems, the Director may restrict the location of driveways on streets and require that the location of driveways be placed on adjacent streets, upon the finding that the proposed access would:
    - a. Cause or increase existing hazardous traffic conditions; or
    - b. Provide inadequate access for emergency vehicles; or
    - c. Cause hazardous conditions to exist, which would constitute a clear and present danger to the public health, safety, and general welfare.
  2. To eliminate the need to use public streets for movements between commercial or industrial properties, parking areas shall be designed to connect with parking areas on adjacent properties unless not feasible. The Director shall require access easements between properties where necessary to provide for parking area connections.
  3. To facilitate pedestrian and bicycle circulation, access and parking area plans shall provide efficient sidewalk and/or a pathway connection, as feasible, between neighboring developments and land uses.
  4. A decision by the Director per subsection (B) 1-3 above may be appealed by means of a Type II procedure.

- C. Joint Access in the Community Commercial Zone. If feasible, joint access and the provision of reciprocal easements shall be required as a condition of issuing a building permit in the Community Commercial (CC) Zone.
- D. In all zones where the spacing of access and egress drives cannot be readily achieved within a particular parcel; joint access with an adjoining property shall be sought. If the Director is satisfied that sufficient attempts to secure joint access have been made and the joint access is not possible, and access separation as specified in §17.8.130 cannot be maintained, driveway access may be granted with less separation between adjacent driveways. The spacing shall be the minimum required to provide adequate, yet safe and convenient access to the property. The clear vision area requirements of Article 8 are applicable.

*RESPONSE: Acknowledged. However, the design of data center campus prioritizes site security, making it impractical to permit cross and joint access to neighboring properties, especially considering that these properties have existing access to public streets. Cross access with adjacent properties is not proposed. Refer to the Preliminary Site Plan for the proposed access location.*

## CLEAR VISION AREA

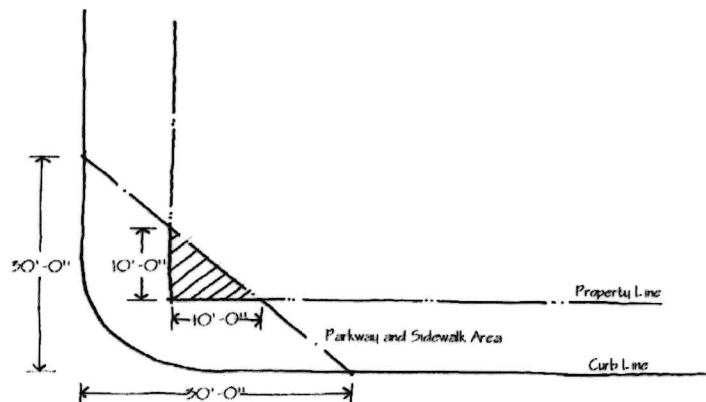
### 17.8.155 STANDARDS

Except in the Town Center zones, a clear vision area shall be maintained on the corners of all property adjacent to the intersection of two streets, a street and a railroad, or a driveway providing vehicular access to a public street, excluding alleys.

- A. On Corner Lots, no vehicle, fence, wall, hedge or other planting or structure shall be parked, erected, planted, placed, located or maintained, except for occasional tree trunks or poles, so as to impede visibility within the greater of the two clear vision areas defined below (see Figure 8-5):
  - 1. The triangular area formed by the curb lines along such lots and a straight line joining said curb lines at points which are 30 feet distant from the intersection of the curb lines and measured along such lines; or

2. The triangular area formed by the property lines of such lots and a straight line joining said property lines at points which are 10 feet distant from the intersection of the property lines and measured along such lines.
- B. A Private Access shall be treated as a public street for the purpose of this section. The edge of the paved surface area of the private access, be it roadway, curb or sidewalk, shall be treated as the curb line in determining the vision clearance area.
  - C. The vision clearance area for all commercial, industrial, institutional, and multi-family uses shall be determined in the manner set forth in §§(A)(1) above.
  - D. The vision clearance area for single-family homes and duplexes shall be determined in the manner set forth in §§(A)(2) above.
  - E. Any obstruction maintained in violation of this section shall be deemed in violation of the Development Code and shall be abated pursuant to §17.1.400 enforcement procedures.

Figure 8-5: Clear Vision Area



*RESPONSE: Acknowledged. The vision clearance areas are unobstructed as shown on the Preliminary Site Plan.*

## LANDSCAPING, SCREENING AND BUFFERING

### 17.8.400 PURPOSE

The purpose of this section is to establish standards for landscaping, buffering, and screening of land use within Forest Grove in order to enhance the aesthetic and environmental quality of the City:

- A. By requiring street trees in new developments;
- B. By using plant materials as a unifying design element;
- C. By using plant materials to define spaces and articulate the uses of specific areas; and
- D. By using trees and other landscape materials to mitigate the effects of noise and lack of privacy and provide buffering and screening.

### 17.8.405 APPLICABILITY

- A. Applicability. The provisions of this section shall apply to all new development and to a change of use that result in the need for increased on-site parking.
- B. When Site Development/Design Review Does Not Apply. Where the provisions of Site Development Review or Design Review do not apply, the Director shall approve, approve with conditions, or deny a landscape plan submitted under the provisions of this section by means of a Type I procedure.
- C. Landscape Plan. The applicant shall submit a landscape plan. The Director shall provide the applicant with information on the submittal requirements.

**RESPONSE:** *The applicant acknowledges the applicability of these provisions. Refer to the Preliminary Landscape Plan included with this application.*

### 17.8.410 GENERAL PROVISIONS

- A. Obligation to Maintain. It shall be the continuing obligation of the property owner to maintain required landscaped areas in an attractive manner free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained.

- B. Ground Preparation. The ground in all required landscaped areas should be properly prepared with suitable soil and fertilizer. Specifications shall be submitted with the landscape plans showing that adequate preparation of the top soil and sub-soil will be undertaken prior to planting to support the plantings over a long period of time.
- C. Installation Requirements. The installation of all landscaping shall be as follows:
  - 1. All landscaping shall be installed according to accepted planting procedures and the provisions of this article;
  - 2. The plant materials shall be of high grade, and shall meet the size and grading standards of the American Standards for Nursery Stock;
  - 3. All required landscaped areas must be provided with a piped underground irrigation system unless a licensed landscape architect or certified nurseryman submits written verification that the proposed plant materials do not require irrigation.
- D. Pruning Required. All plant growth in landscaped areas of developments shall be controlled by pruning or trimming so that it will not:
  - 1. Interfere with the maintenance or repair of any public utility;
  - 2. Restrict pedestrian or vehicular access; and
  - 3. Constitute a traffic hazard because of reduced visibility.
- E. Certificate of Occupancy. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or other arrangements have been made and approved by the City such as the posting of a performance bond or security equal to 125% of the cost of the landscaping.
- F. Care Of Landscaping Along Public Rights-Of-Way. Appropriate methods for the care and maintenance of street trees and landscaping materials shall be provided by the owner of the property abutting the rights-of-way unless otherwise required for emergency conditions and the safety of the general public.

*RESPONSE: The applicant acknowledges the requirements of these provisions.*

17.8.415 GENERAL STANDARDS.

- A. Non-invasive native vegetation is encouraged to be used for all landscaping except within 100 feet of a natural resource area. In such situations, native vegetation is required.

*RESPONSE: Acknowledged. The project proposes to use non-invasive vegetation and plantings that meet Clean Water Services standards for areas within the vegetative corridor.*

- B. Installation of bio-swales or preservation of wetlands should be located where possible in landscaped areas.

*RESPONSE: Acknowledged. Where feasible, bioswales will be incorporated into the landscape design. Existing wetlands are preserved where possible while still allowing for the proposed development. Any wetlands impacted by the proposed development will seek permit approval through the Oregon Department of State Lands and the US Army Corps of Engineers.*

- C. Required landscaping adjacent to public rights-of-way. A strip of land at least five feet in width located between the abutting right-of-way and the off-street parking area or vehicle use area which is exposed to an abutting right-of-way, except in required vision clearance areas.

*RESPONSE: Acknowledged. Proposed parking and vehicle use areas are located in excess of five (5) feet away from public rights-of-way and the railroad right-of-way along the site's northern border. Refer to the Preliminary Site Plan.*

- D. Perimeter landscaping relating to abutting properties. On the site of a building or structure or open lot use providing an off-street parking area or other vehicular use area, where such areas will not be entirely screened visually by an intervening building or structure from abutting property, a five-foot landscaped strip shall be between the common lot line and the off-street parking area or other vehicular use area exposed to abutting property. Landscaped areas should include where possible water quality features such as bio-swales or wetlands, trees, grass, shrubs and other plant material so as to cover the landscape area.

*RESPONSE: Acknowledged. A landscape strip greater than 5ft is proposed between the subject site and the abutting properties to the west and east.*

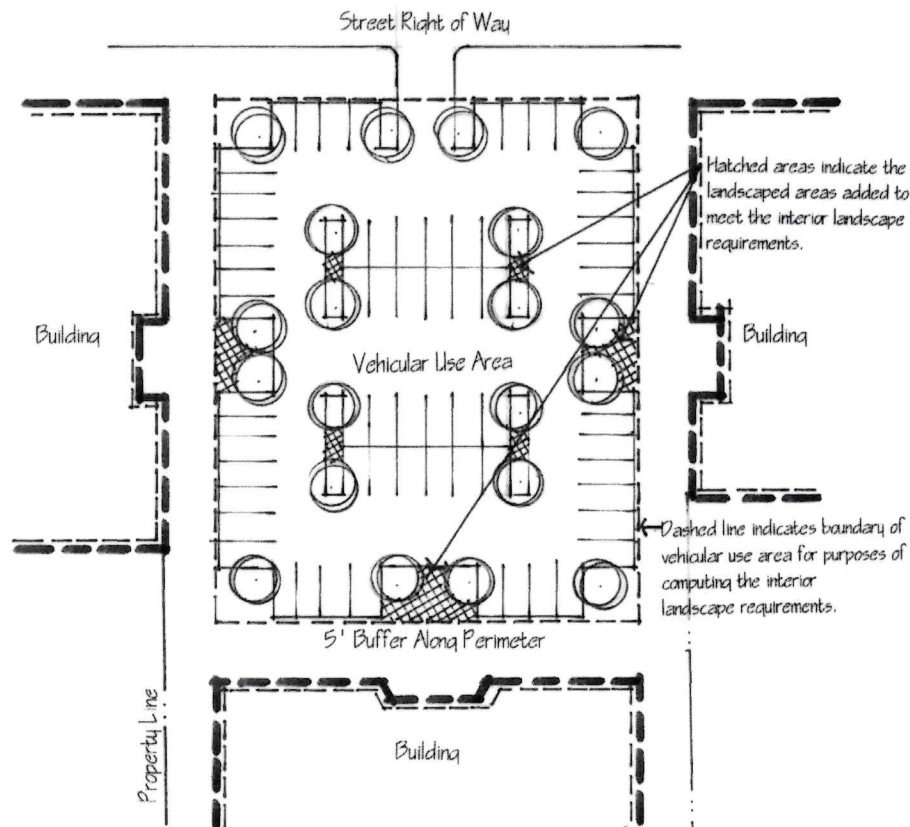
- E. Parking area interior landscaping. Landscaped areas shall be appropriately distributed to break up large expanses of pavement, improve the appearance and climate of the site, improve safety and delineate pedestrian walkways and traffic lanes. *Except for industrial development within industrial zones, the following interior landscaping shall be met.*

*RESPONSE: The proposed is located within an Industrial Zone and as result, the interior parking landscaping requirements are not applicable. However, to improve the appearance and climate of the site, the proposed parking area either meets or exceeds the standards noted below.*

1. Percentage approach. For the purpose of this section, INTERIOR PARKING LOT AREA is defined as the hard surface parking area (parking stalls and aisles). Such area does not include loading and unloading zones or perimeter landscaping around the lot. Where perimeter landscaping intrudes into the parking lot four or more feet, that area is included in both the interior parking lot area and interior parking lot landscaping.

Figure 8-7: Parking Lot Landscaping

Interior Landscaping for Vehicular Use Areas



1. A required landscaped area shall have a minimum interior dimension of 6 feet and be no less than 48 square feet in area.

*RESPONSE: The proposed landscape areas are consistent with the noted minimum dimension.*

2. At least 8% of the Interior Parking Lot Area shall be landscaped. Landscaped areas may include water quality features such as bio-swales or wetlands, trees, grass, shrubs, and other plant material so as to cover the landscape area.

*RESPONSE: The proposed interior landscaping for the interior parking areas is approximately 15%. Refer to the Preliminary Site Plan for the boundary of the vehicular area use and the calculated interior landscaping.*

3. One tree shall be required for every 1,600 square feet of Interior Parking Lot Area as defined in (1) above. Trees shall have a minimum 2-inch caliper and 6-foot branch height at time of planting.

*RESPONSE: The total parking area for building 1 is approximately 21,205 sf, resulting in a need for 13 trees. The total parking area for building 2 is approximately 17,350 sf, resulting in a need for 11 trees. Refer to the Preliminary Site and Landscape Plans.*

4. Interior parking area landscaping and trees must be dispersed throughout the parking area. Some trees may be grouped, but the groups must be dispersed. Required trees may be planted within 5 feet of the edges of the parking area.

*RESPONSE: Acknowledged. Refer to the Preliminary Site and Landscape Plans.*

5. Perimeter landscaping area may not substitute for interior landscaping. However, interior landscaping may join perimeter landscaping as long as it extends 4 feet or more into the parking area from the perimeter landscape line.

*RESPONSE: Acknowledged. Refer to the Preliminary Landscape Plans.*

#### 17.8.425 BUFFERING AND SCREENING STANDARDS

##### A. General Provisions

1. It is the intent that these requirements shall provide for privacy and protection and reduce or eliminate the adverse impacts of visual or noise pollution at a development site, without unduly interfering with the view from neighboring properties or jeopardizing the safety of pedestrians and vehicles;
2. Buffering and screening is required to reduce the impacts on adjacent uses which are of a different type in accordance with the matrices in this chapter (Tables 8-2, 8-3 and 8-4). The owner of each proposed development is responsible for the installation and effective maintenance of buffering and screening.
3. In lieu of these standards, a detailed buffer area landscaping and screening plan may be submitted for the Director's approval as an alternative to the standards, provided it affords the same degree of buffering and screening as required by this code.

B. Buffering and Screening Requirements

1. A buffer consists of an area within a required setback adjacent to a property line and having a depth equal to the amount specified in the buffering and screening matrix and containing a length equal to the length of the property line of the abutting use or uses.
2. Utilities, screening, sidewalks and bikeways, and landscaping may only occupy a buffer area. No buildings, accessways or parking areas shall be allowed in a buffer area except where an accessway has been approved by the City.
3. The minimum improvements within a buffer area shall consist of combinations for landscaping and screening as specified in Tables 8-2, 8-3 and 8-4. In addition, improvements shall meet the following specifications:
  - a. At least one (1) row of trees shall be planted. They shall have a minimum caliper of two (2) inches at four (4) feet in height above grade for deciduous trees and a minimum height of five (5) feet high for evergreen trees at the time of planting. Spacing for trees shall be as follows:
    1. Small or narrow-stature trees, less than twenty-five (25) feet tall or less than sixteen (16) feet wide at maturity shall be spaced no further than twenty (20) feet apart;

2. Medium-sized trees between twenty-five to forty (25-40) feet tall and with sixteen to thirty-five (16-35) feet wide branching at maturity shall be spaced no greater than thirty (30) feet apart;
    3. Large trees, over forty (40) feet tall and with more than thirty-five (35) feet wide branching at maturity, shall be spaced no greater than forty (40) feet apart.
  - b. In addition, at least ten (10) five-gallon shrubs or twenty (20) one-gallon shrubs shall be planted for each 1,000 square feet of required buffer area;
  - c. The remaining area shall be planted in lawn or other living ground cover.
4. *Where screening is required* the following standards shall apply in addition to those required for buffering:
  - a. A hedge of narrow or broad leaf evergreen shrubs shall be planted which will form a four (4)-foot continuous screen of the height specified in Table 8-3 within two (2) years of planting; or
  - b. An earthen berm planted with evergreen plant materials shall be provided which will form a continuous screen of the height specified in Table 8-3 within two (2) years; or
  - c. A fence or wall of the height specified in Table 8-3 shall be constructed to provide a continuous sight-obscuring screen.
5. Buffering and screening provisions shall be superseded by the clear vision area requirements as set forth in §17.8.150.
6. When the use to be screened is downhill from the adjoining zone or use, the prescribed heights of required fences, walls, or landscape screening shall be measured from the actual grade of the adjoining property. In this case, fences and walls may exceed the permitted six (6)-foot height at the discretion of the Director as a condition of approval. When the grades are so steep so as to make the installation of walls, fences or landscaping to the required height impractical, a detailed landscape/screening plan shall be submitted for approval.
7. Fences and Walls
  - a. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood, stone, rock or brick, or otherwise acceptable by the Director;
  - b. Such fence or wall construction shall be in compliance with other City regulations;
  - c. Walls shall be a minimum of six (6) inches thick; and

- d. Chain link fences with slats shall qualify for screening. However, chain link fences without slats shall require the planting of a continuous evergreen hedge to be considered screening.

C. Screening: Special Provisions

1. *Screening and Landscaping Of Parking and Loading Areas.* Screening and landscaping of parking and loading areas is required as provided in this Article.
2. *Screening of Service Facilities.* Except for one-family and two-family dwellings, any service facilities such as gas meters and air conditioners which would otherwise be visible from a public street, customer or resident parking area, any public facility or any residential area shall be screened from view by placement of a solid wood fence or masonry wall between five and eight (5-8) feet in height.
3. *Screening of Refuse Containers.* Except for one- and two-family dwellings, any refuse container or refuse collection area which would be visible from a public street, parking lot, residential or commercial area, or any public facility such as a school or park shall be screened or enclosed from view by placement of a solid wood fence, masonry wall or evergreen hedge. All refuse shall be contained within the screened area.

D. Buffer Matrix

1. The Buffer Matrices contained in Tables 8-2, 8-3 and 8-4 shall be used in calculating widths of buffering/screening and required improvements to be installed between proposed uses and abutting uses or zoning districts.

**TABLE 8-2: BUFFER MATRIX PROPOSED USE**

DEVELOPMENT SITE ABUTTING USE	Single Units, Detached; Manufactured Units	Attached Single Units and Multifamily, 1-5 Units; Duplexes	Attached Single Units and Multifamily, 5+ Units	Commercial and Institutional Zones (NC, CC, INST)	Town Center Zones (TCC, TCT)	Industrial Zones (LI, GI)
Detached Single Units; Manufactured Units	--	A	C	D	C	E
Attached Single Units and Multifamily, 1-5 Units, Duplexes	A	--	B	D	C	E

Attached Single Units and Multifamily, 5+ Units	A	A	--	D	C	E
Commercial Zones (NC, CC)	C	C	C	--	--	D
Town Center Zones (TCC, TCT)	C	C	C	--	--	D
<b>Industrial Zones (LI, GI)</b>	D	D	D	B	--	<b>--</b>

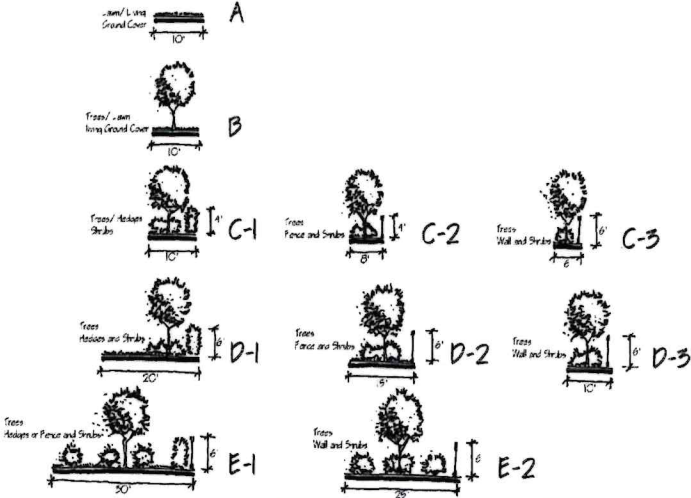
Note: See Table 8-3 for alternative combinations for meeting these screening requirements.

**TABLE 8-3**  
**BUFFER COMBINATIONS FOR LANDSCAPING AND SCREENING [1]**

	Options	Minimum Width (feet)	Trees (per linear feet of buffer)	Shrubs or Groundcover	Screening
A	--	10	--	Lawn / living groundcover	--
B	--	10	20' min / 30' max spacing	Lawn / living groundcover	--
C	1	10	15' min / 30' max spacing	Shrubs	4' hedges
	2	8		Shrubs	5' fence
	3	6		Shrubs	6' wall
D	1	20	10' min / 20' max spacing	Shrubs	6' hedge
	2	15		Shrubs	6' fence
	3	10		Shrubs	6' wall
E	1	30	10' min / 20' max spacing	Shrubs	6' hedge or fence
	2	25		Shrubs	5' earthen berm or wall

[1] Buffers are not required between abutting uses that are not of a different type when the uses are separated by a street. Adjustments from these requirements can be obtained; see Article 2.

**FIGURE 8-9 BUFFER COMBINATIONS FOR LANDSCAPING AND SCREENING**



*RESPONSE: The site is zoned Light Industrial, and all abutting properties are either zoned Light Industrial, railroad or public right of way. Per Table 8-2, buffers and screening are not required for abutting industrial uses.*

## OFF-STREET PARKING AND LOADING

### 17.8.515 OFF-STREET PARKING REQUIREMENTS

This section identifies parking requirements within multiple use zones and defines Parking Zones A and B.

*RESPONSE: The proposed data centers are classified as Information use. According to Table 8-4 Parking Requirements, there are no specified minimum or maximum parking requirements for the Light Industrial zone. The project proposes 81 parking spaces for the entire campus.*

### 17.8.525 DESIGN AND MAINTENANCE STANDARDS FOR OFF-STREET PARKING AND LOADING

- A. No Backing Movement. Excluding single family and duplex residences, groups of more than two (2) parking spaces shall be served by a service drive so that no backing movements or other maneuvering within a street or other public right-of-way would be required.
- B. Free Flow of Traffic. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site.
- C. Parking Accessible From Street. Each parking and/or loading space shall be accessible from a street and the access shall be of a width and location as described in §17.8.100 et. seq. for Access and Circulation.
- D. Parking Space, Stall and Access Aisle Dimensions. Parking space configuration, stall and access aisle size shall be of sufficient width for all vehicles turning and maneuvering, based on the standards shown in Figures 8-8 and 8-9.
- E. Permanent Marking. Except for single family and duplex residences, any area intended to be used to meet the off-street parking requirements shall have all parking spaces clearly marked using permanent paint. All interior drives and access aisles shall be clearly marked and signed to show direction of traffic flow and maintain vehicular and pedestrian safety.

- F. Surfacing. Except for single family and duplex residences, all areas used for the parking and/or storage and/or maneuvering of any vehicle, boat and/or trailer shall be improved with asphalt or concrete surfaces according to the same standards required for the construction and acceptance of city streets. Off-street parking spaces for single family and duplex residences shall be improved with an asphalt or concrete surface to specifications as approved by the Building Official. Where possible, pervious surfacing should be used for off-street parking areas.
- G. Wheel Stops. Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four (4) inches high located 1 ½ feet back from the front of the parking stall as defined in Figure 8-8.
- H. Drainage. Off-street parking and loading areas shall provide stormwater drainage in accordance with specifications approved by the City Engineer. Off-street parking and loading facilities shall be drained to avoid flow of water across public sidewalks.
- I. Lighting. Artificial lighting on all off-street parking facilities shall be designed to deflect all light away from surrounding residences and so as not to create a glare hazard to the public use of any road or street.
- J. Maintenance. All parking lots shall be kept clean and in good repair at all times. Breaks in paved surfaces shall be repaired promptly and broken or splintered wheel stops shall be replaced so that their function will not be impaired.
- K. Parking Lots Over 3 Acres in Size. Parking lots over 3 acres in size shall be designed to incorporate curbs and sidewalks along major drive aisles.

*RESPONSE: The proposed parking areas consist of 90-degree parking stalls that are 9 feet wide and 18 feet long, with a minimum drive aisle width of 24'. There is no need to back up onto public streets when entering or exiting the parking areas. All parking areas are paved, and stormwater runoff is collected and conveyed to the stormwater management facility. Lighting will be provided and designed to shine downward to minimize glare on adjoining uses and public streets. Refer to the Preliminary Site Plan and site lighting plans included with this application.*

#### 17.8.540 BICYCLE PARKING

- A. When Required. Bicycle parking shall be provided on-site in conjunction with the following uses:
  - 1. Multi-family housing

2. Retail and office development
  3. Industrial development
  4. Institutional development
  5. Transit stations, park-and-ride lots, and automobile parking structures
- B. Required Number Of Spaces. The number of bicycle parking spaces required shall be at least 20% of the required automobile parking for the use, but not less than two (2) spaces.

*RESPONSE: As noted above, according to Table 8-4 Parking Requirements, there are no specified minimum or maximum parking requirements for data centers, which is typically classified as Information use. Since there are no "required" automobile parking spaces, this section provides a default requirement of at least two (2) bicycle parking spaces. Two (2) bike parking spaces are proposed for each building.*

#### 17.8.545 LANDSCAPING AND SCREENING OF PARKING AND LOADING AREAS

- A. Purpose. The purpose of this section is to improve the appearance of off-street parking and open lot sales and service areas in Forest Grove and to protect and preserve the appearance, character, and value of the surrounding neighborhoods. It is also the purpose of this section to allow for increased seepage by providing openings in impervious surface; increased safety by breaking up large expanses of pavement; and increased shading to reduce overheating of car interiors, and reduce glare and radiation from large number of vehicles.
- B. Applicability. This section is applicable to all areas used for the display or parking of any and all types of vehicles, boats or heavy construction equipment, whether such vehicles, boats or equipment are self-propelled or not, and all land upon which vehicles traverse the property as a function of the primary use, hereinafter referred to as "other vehicular uses", including but not limited to activities of a drive-in nature such as, but not limited to, filling stations, grocery and dairy stores, banks, restaurants and the like. Screening and landscaping of parking and loading areas is required, with the exception of parking areas serving single-family dwellings and duplexes, and parking areas that are under or within buildings. The interior landscaping requirements do not apply to parking areas for industrial uses in the industrial zones.

*Response: The proposed project is located within an Industrial Zone and as result, the interior landscaping requirements in this section are not applicable. However, to improve the appearance and*

*climate of the site, landscaping is proposed in the parking and loading area either meets or exceeds the standards noted below.*

- C. Required Landscaping for Parking Lots Adjacent to Public Rights-of-Way. A minimum five (5)-foot landscaped strip is required between the abutting right-of-way and the off- street parking area or vehicle use area.

*Response: A planting strip greater than 5ft is proposed between the vehicle use areas and the abutting public rights-of-way.*

- D. Perimeter Parking Lot Landscaping. When the off-street parking area or other vehicular use area is not visually screened from an abutting property by an intervening building or structure, a minimum five (5)-foot landscaped strip shall be installed between the common property line and the off-street parking area or other vehicular use area that is visually exposed.

*RESPONSE: Acknowledged. A proposed landscape strip exceeding 5ft is proposed between abutting Heather Street and railroad right of way and the parking and loading areas. Refer to the Preliminary Site Plan.*

- E. Interior Parking Lot Landscaping. Landscaped areas shall be appropriately distributed to break up large expanses of pavement, improve the appearance and climate of the site, improve safety, and delineate pedestrian walkways and traffic lanes. For the purpose of this section, interior parking lot area is defined as the hard surface parking area (parking stalls and aisles). Such area does not include loading and unloading zones or perimeter landscaping around the lot.
1. At least 8% of the interior parking lot area shall be landscaped. Landscaped areas should include water quality features such as bio-swales or wetlands, trees, grass, shrubs, and other material when possible so as to cover the landscape area.
  2. A required landscaped area shall have a minimum interior dimension of six (6) feet and be no less than forty-eight (48) square feet in area. Landscaping shall be protected from vehicular damage by some form of wheel guard or curb.
  3. One (1) tree shall be required for every 1,600 square feet of interior parking lot area. Trees shall have a minimum two (2)-inch caliper and six (6)-foot branch height at the time of planting.
  4. Interior parking area landscaping and trees must be dispersed throughout the parking area. Some trees may be grouped, but the groups must be dispersed.

5. Perimeter landscaping may not substitute for interior landscaping. However, interior landscaping may join perimeter landscaping as long as it extends four (4) feet or more into the parking area from the perimeter landscape line.

*Response: The proposed project is located within an Industrial Zone and as a result, the interior parking landscaping requirements are not applicable. However, to improve the appearance and climate of the site, the proposed parking area either meets or exceeds the standards noted above. Refer to the Preliminary Site Plan.*

- F. Landscaping Within Clear Vision Areas. All landscaping of parking lots within clear vision areas shall provide unobstructed cross-visibility at a level between three-to-ten (3-10) feet above the curb line. With the exception of grass or groundcover, no landscaping shall be located closer than three (3) feet from the edge of any accessway pavement.

*Response: Acknowledged. Sight obstructing trees and shrubs are not proposed within clear vision areas.*

## PUBLIC IMPROVEMENTS

### 17.8.600 PURPOSE

- A. Purpose. The purpose of this chapter is to provide standards for the implementation of public and private facilities and utilities such as streets, sewers, and drainage.

### 17.8.605 GENERAL PROVISIONS

- A. When Standards Apply. Unless otherwise provided, the standard specifications for construction, reconstruction or repair of streets, sidewalks, curbs and other public improvements within the City shall occur in accordance with the standards of this article. No development may occur unless the public facilities related to development comply with the public facility requirements established in this section.
- B. Standard Specifications. The City Engineer shall establish standard specifications consistent with the application of engineering principles.
- C. Adjustments. Adjustments to the provisions in this chapter related to street improvements may be granted by means of a Type II procedure, as governed by §17.2.100.
- D. Use of Pervious Surfaces. Where improvements subject to these off-street parking and loading

provisions result in hard surfaces, previous surfaces should be used where possible. Where improvements are within the public rights-of-way, such surfaces can be used upon approval by the City Engineer.

- E. Open Drainage Facilities. Where public storm sewer lines are proposed, drainage swales and other open drainage facilities may be used with the approval of the City Engineer.

*RESPONSE: The applicant acknowledges the requirements of these provisions.*

17.8.610      STREETS

- A. Improvements. No development shall occur unless the development has frontage or approved access to a public street:
  - 1. Streets within a development and streets adjacent shall be improved in accordance with this article;
  - 2. Any new street or additional street width planned as a portion of an existing street shall be dedicated and improved in accordance with this code;
  - 3. New development shall be connected to a collector or arterial by a paved street;
  - 4. Where transportation-related improvements are required as a result of a transportation study pursuant to §17.1.225(D), the developer shall install said improvements to the satisfaction of the City Engineer, or participate in the financing of said improvement where the impacts are beyond the responsibility of one project; and
  - 5. The City Engineer may accept a future improvement guarantee in lieu of street or other transportation related improvements if one or more of the following conditions exist:
    - a. A partial improvement is not feasible due to the inability to achieve proper design standards;
    - b. A partial improvement may create a potential safety hazard to motorists or pedestrians;
    - c. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;
    - d. The improvement would be in conflict with an adopted capital improvement plan;
    - e. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new

- streets; or
- f. Additional planning work is required to define the appropriate design standards for the street and the application is for a project that would contribute only a minor portion of the anticipated future traffic on the street.
6. Improvements to streets shall be made according to adopted City standards, unless the approval authority determines that the standards will result in an unacceptable adverse impact on existing development or on the proposed development or on natural features such as wetlands, steep slopes or existing mature trees.

*RESPONSE: The applicant acknowledges the requirements of these provisions. Based on the requirements of the partition plat 2006-056 that created the subject property and the associated Street Development Agreement dated 05/24/06, the applicant acknowledges the requirement to construct a half-street improvement necessary to accommodate 2-way traffic along the Heather Street frontage. A cross section of the proposed half-street improvement is shown on the Preliminary Site Plan.*

- B. Creation of Rights-Of-Way for Streets and Related Purposes. Rights-of-way shall be created through the approval of a final subdivision plat or major partition; however, the Council may approve the creation of a street by acceptance of a deed, provided that such street is deemed essential by the Council for the purpose of general traffic circulation:
  1. The Council may approve the creation of a street by deed of dedication without full compliance with the regulations applicable to subdivisions or major partitions if any one or more of the following conditions are found by the Council to be present:
    - a. Establishment of a street is initiated by the Council and is found to be essential for the purpose of general traffic circulation, and partitioning or subdivision of land has an incidental effect rather than being the primary objective in establishing the road or street for public use; or
    - b. The tract in which the road or street is to be dedicated is an isolated ownership of one (1) acre or less and such dedication is recommended by the Commission to the Council based on a finding that the proposal is not an attempt to evade the provisions of this title governing the control of subdivisions or major partitions.
  2. With each application for approval of a road or street right-of-way not in full compliance with the regulations applicable to the standards, the proposed dedication shall be made a condition of subdivision and major partition approval:
    - a. The applicant shall submit such additional information and justification as may be necessary to enable the Commission in its review to determine whether or not a recommendation for approval by the Council shall be made;

- b. The recommendation, if any, shall be based upon a finding that the proposal is not in conflict with the purpose of this title;
- c. The Commission in submitting the proposal with a recommendation to the Council may attach conditions which are necessary to preserve the standards of this title; and
- d. All deeds of dedication shall be in a form prescribed by the City and shall name "the public" as grantee.

**RESPONSE:** *Additional ROW dedication is not required or anticipated to accommodate the half-street improvement along Heather Street.*

- C. Creation of Access Easements. The approval authority may approve an access easement established by deed without full compliance with this title provided such an easement is the only reasonable method by which a lot large enough to develop can be created:
1. Access easements shall be provided and maintained in accordance with the Uniform Fire Code;
  2. Access shall be in accordance with §17.8.100 et. seq.

**RESPONSE:** *Access easement is not required to access the subject property.*

- D. Street Location, Width and Grade. Except as noted below, the location, width and grade of all streets shall conform to an approved street plan and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets:
1. Street grades shall be approved by the City Engineer in accordance with subsection(M) below; and
  2. Where the location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either:
    - a. Provide for the continuation or appropriate projection of existing streets in the surrounding areas, or
    - b. Conform to a plan adopted by the Commission, if it is impractical to conform to existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.

3. The City Engineer may require slope easements due to topography, the size and shape of the tract, or other conditions.

*RESPONSE: The location of Heather Street extension will be within an established street right of way created by Partition Plat 2006-056. Slope easements are not anticipated with the half-street improvement.*

E. Minimum Rights-Of-Way and Street Widths. Unless otherwise indicated on an approved street plan, or as needed to continue an existing improved street, street right-of-way and roadway widths shall not be less than the minimum width described below. Where a range is indicated, the width shall be determined by the appropriate decision-making authority based upon anticipated average daily traffic (ADT) on the new street segment. These are presented in Table 8-8.

1. The decision-making body shall make its decision about desired right-of-way width and pavement width of the various street types within the subdivision or development after consideration of the following:
  - a. The type, design and location of the road as set forth in the Transportation System Plan. Standards for specific streets identified in the Transportation System Plan shall apply;
  - b. Anticipated traffic generation;
  - c. On-street parking needs;
  - d. Sidewalk and bikeway requirements;
  - e. Requirements for placement of utilities;
  - f. Street lighting;
  - g. Drainage and slope impacts;
  - h. Street tree location;
  - i. Planting and landscape areas;
  - j. Safety and comfort for motorists, bicyclists, and pedestrians;
  - k. Access needs for emergency vehicles.

**Table 8-8: Street Standards**

Street Classification	Minimum R.O.W. Width	Minimum Roadway Width
Principal Arterial	90-96 feet	52-64 feet
Arterial	66 feet	40 feet
<b>Collector</b>	<b>66 feet</b>	<b>40 feet</b>
Local Industrial	66 feet	40 feet
Local Street	58 feet	32 feet
Local Street	54 feet	28 feet <sup>[1]</sup>
Local Street	50 feet	24 feet <sup>[2]</sup>
Local Street	50 feet <sup>[3]</sup>	15 feet <sup>[4]</sup>

Neighborhood Route	54 feet	28 feet <sup>[7]</sup>
Cul-de-sac	58 feet	32 feet
Circular end of cul-de-sac	55 feet (radius)	42 feet (radius)
Cul-de-sac	50 feet	24 feet <sup>[5]</sup>
Circular end of Cul-de-sac	40 feet (radius)	34 feet (radius) <sup>[6]</sup>
Alley	15 feet	12 feet
Half-Street	35 feet	24 feet <sup>[8]</sup>

Table 8-8 Footnotes:

- [1] These streets shall not exceed 330 feet in length for any one segment. Each end of the segment shall connect to an existing or planned street with a minimum roadway width of 32 feet. Fire hydrants shall be placed at one-third intervals along the street segment. Driveways shall be placed in a manner to provide queuing space to allow for adequate traffic passage including emergency vehicles.
- [2] These streets shall not exceed 330 feet in length for any one segment or the length needed to traverse a wetland or natural resource area. Each end of the segment shall connect to an existing or planned street with a minimum roadway width of 32 feet. Fire hydrants shall be placed at one-third intervals along the street segment. On-street parking is permitted on one side only.
- [3] Street right-of-way may be reduced if approved by the City Engineer to preserve natural features, crossing a wetland or natural resource area or where construction of a full-width street would result in excessive cut- and-fill due to existing topography.
- [4] One-way traffic only; no on-street parking permitted. One-way streets may be permitted only to preserve natural features or where the construction of a full-width street would result in excessive cut-and-fill due to existing topography, as determined by the City Engineer.
- [5] No on-street parking permitted.
- [6] Sidewalks permitted adjacent to curb.
- [7] On-street parking permitted on one side only.
- [8] Half-street improvements apply where a new development requires the installation of a new street or extension of an existing street on the boundary of the development project in order to provide access to that development. The standard identified in the table is based on two 12-foot travel lanes and no parking shall be allowed on either side of the street. The developer may have the option to widen the street to 16-foot lane widths in one or both directions. Where a lane width is 16 feet, on-street parking is allowed for that lane. Such widening does not change sidewalk and parkway requirements.

**RESPONSE:** *A 66-ft wide right of way was established for the Heather Street extension by Partition Plat 2006-056. Additional right of way dedication is not required to meet the requirements noted above.*

F. Future Street Plan and Extension of Streets

- 1. A future street plan shall:
  - a. Be filed by the applicant in conjunction with an application for a subdivision or partition. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other parcels within 500 feet surrounding and adjacent to the proposed land

- division. At the applicant's request, the City shall prepare a future streets proposal. A street proposal may be modified when subsequent subdivision proposals are submitted.
- b. Identify existing or proposed bus routes, pullouts or other transit facilities, bicycle routes and pedestrian facilities on or within 530 feet of the site.
2. For new residential and mixed-use development, possible local street connections to contiguous vacant or primary undeveloped land must be identified in conformance with street projections outlined on the Local Street Connectivity Plan, as shown on the Comprehensive Plan Map.
  3. Where necessary to give access or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary lines of the tract to be developed, and
    - a. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets at such time as the adjoining property is developed.
    - b. A barricade shall be constructed at the end of the street by the property owners which shall not be removed until authorized by the City Engineer, the cost of which shall be included in the street construction cost.
    - c. Temporary hammerhead turnouts or temporary cul-de-sac bulbs shall be constructed for stub streets in excess of 150 feet in length.

***RESPONSE: A future public street is not proposed on or through the subject property.***

G. Street Alignment and Connections

1. Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that jogs of less than 300 feet on such streets are created, as measured from the centerline of such street.
2. Spacing between local street intersections shall have a minimum separation of 125 feet.
3. All local and minor collector streets that abut a development site shall be extended within the site to provide through circulation when not precluded by environmental or topographical constraints, existing development patterns or strict adherence to other standards in this code. A street connection or extension is considered precluded when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15% for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the constraint precludes some

reasonable street connection.

4. Proposed street or street extensions shall be located to provide direct access to existing or planned transit stops, commercial services, and other neighborhood facilities, such as schools, shopping areas and parks.
5. All developments should provide an internal network of connecting streets that provide short, direct travel routes and minimize travel distances within the development.

**RESPONSE:** *A future public street is not proposed on or through the subject property.*

H. Intersection Angles. Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle, but in no case shall the angle be less than 75° unless there is special intersection design, and:

1. Streets shall have at least twenty-five (25) feet of tangent adjacent to the right-of-way intersection unless topography requires a lesser distance;
2. Intersections which are not at right angles shall have a minimum corner radius of twenty (20) feet along the right-of-way lines of the acute angle; and
3. Right-of-way lines at intersection with arterial streets shall have a corner radius of not less than twenty (20) feet.

**RESPONSE:** *New streets are not proposed on or through the subject property. The proposed angle of the access driveway to Heather Street is 90°. The Heather Street and Mountain View Lane intersection is proposed as a realigned three-way stop-controlled intersection meeting the geometric requirements of this section. As requested by city staff, the traffic analysis was completed for the proposed three-way stop-controlled intersection. The result of the analysis shows that the proposed intersection would operate at a Level of Service (LOS) A, which exceeds the city's adapted mobility standard of LOS D. Refer to the Traffic study and Preliminary Site Plan.*

I. Existing Rights-Of-Way. Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be provided at the time of subdivision or development.

**RESPONSE:** *A 66-ft wide right of way was established for the Heather Street extension by Partition Plat 2006-056. This width is consistent with city standards for a collector street as noted in Table 8-8. Additional right of way dedication is not required.*

- J. Partial Street Improvements. Partial street improvements resulting in a pavement width of less than twenty (20) feet; while generally not acceptable may be approved where essential to reasonable development when in conformity with the other requirements of these regulations, and when it will be practical to require the improvement of the other half when the adjoining property developed.

**RESPONSE:** *A half-street improvement is proposed with a minimum 24' pavement width to accommodate 2-way traffic.*

- K. Cul-de-sacs. A cul-de-sac shall be no more than 200 feet long, shall not provide access to greater than twenty (20) dwelling units, and shall only be used when environmental or topographical constraints, existing development pattern, or strict adherence to other standards in this code preclude street extension and through circulation:

1. All cul-de-sacs shall terminate with a turnaround. Use of turnaround configurations other than circular shall be approved by the City Engineer; and
2. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.
3. If a cul-de-sac is more than 300 feet long, a lighted direct pathway to an adjacent street may be required to be provided and dedicated to the City.

**RESPONSE:** *Cul-de-sacs are not proposed with the project. These standards are not applicable.*

- L. Street Names. No street name shall be used which will duplicate or be confused with the names of existing streets in Washington County, except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area.

**RESPONSE:** *New street names are not proposed with the project. Based on the city assigned address for the site, it's our understanding that the frontage street will be named Heather Street and not Poplar Street.*

- M. Grades and Curves. Grades shall not exceed 10% on arterials, 12% on collector streets, or 12% on any other street (except that local or residential access streets may have segments with grades of up to 15% for distances of no greater than 250 feet), and:

1. Centerline radii of curves shall not be less than 700 feet on arterials, 500 feet on major

collectors, 350 feet on minor collectors, or 100 feet on other streets; and

2. Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization shall provide a landing averaging 5% or less. Landings are that portion of the street within twenty (20) feet of the edge of the intersecting street at full improvement.

**RESPONSE:** *The radii of Heather Street was established with the approved Partition Plat 2006-056 and modifications to the established ROW is not proposed. Proposed grades along Heather Street are less than the maximum grade standards noted above.*

- N. Curbs, Curb Cuts, Ramps, and Driveway Approaches. Concrete curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in this chapter; and:

1. Concrete curbs and driveway approaches are required; except
2. Where no sidewalk is planned, an asphalt approach may be constructed with City Engineer approval; and
3. Asphalt and concrete driveway approaches to the property line shall be built to City configuration standards.

**RESPONSE:** *Acknowledged. The proposed driveway will be concrete and be consistent with city standards.*

- O. Streets Adjacent To Railroad Right-Of-Way. Wherever the proposed development contains or is adjacent to a railroad right-of-way, provision shall be made for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land. The distance shall be determined with due consideration at cross streets or the minimum distance required for approach grades and to provide sufficient depth to allow screen planting along the railroad right-of-way in nonindustrial areas.

**RESPONSE:** *New public streets are not proposed adjacent to railroad right-of-way.*

- P. Access Control. Access control as described for each classification of street within the transportation element (Transportation System Plan (TSP), shall be implemented when a new street or street extension is built.

**RESPONSE:** *Acknowledged. The site proposes one primary access from Heather Street and an emergency access drive from Mountain View Lane. Both access driveways meet city spacing standards.*

- Q. Access to Arterials and Major Collectors. Where a development abuts or is traversed by an existing or proposed arterial or major collector street, the development design shall provide adequate protection for residential properties and shall separate residential access and through traffic, or if separation is not feasible, the design shall minimize the traffic conflicts. The design shall include any of the following:
1. A parallel access street along the arterial or major collector;
  2. Lots of suitable depth abutting the arterial or major collector to provide adequate buffering with frontage along another street;
  3. Screen planting at the rear or side property line to be contained in a non-access reservation along the arterial or major collector; or
  4. Other treatment suitable to meet the objectives of this subsection;
  5. If a lot has access to two streets with different classifications, primary access should be from the lower classification street.

**RESPONSE:** *The project does not have access to Arterials or Major Collector streets.*

- R. Alleys, Public or Private
1. Alleys shall be no less than fifteen (15) feet in width. In commercial and industrial districts, alleys shall be provided unless other permanent provisions for access to off-street parking and loading facilities are made.
  2. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than twelve (12) feet.

**RESPONSE:** *Alleys are not proposed with the project.*

- S. Survey Monuments. Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments shall be reestablished and protected.

*RESPONSE: Acknowledged. Existing survey monuments will be protected and if damaged by the proposed project, will be re-established by a Professional Surveyor.*

T. Private Streets

1. Design standards for private streets shall be established by the City Engineer; and
2. The City shall require legal assurances for the continued maintenance of private streets, such as a recorded maintenance agreement.
3. Private streets serving more than six (6) dwelling units are permitted only within planned developments, mobile home parks, and multi-family residential developments.

*RESPONSE: Private streets are not proposed with the project.*

U. Railroad Crossings. Where an adjacent development results in a need to install or improve a railroad crossing, the cost for such improvements may be a condition of development approval, or another equitable means of cost distribution shall be determined by the Public Works Director and approved by the Commission.

*RESPONSE: Railroad crossings are not proposed with the project.*

V. Street Signs. The City shall install all street signs, relative to traffic control and street names, as specified by the City Engineer for any development. The cost of signs shall be the responsibility of the developer.

*RESPONSE: Acknowledged.*

W. Traffic Signals. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed. The cost shall be included as a condition of development.

*RESPONSE: Traffic signals are not required to mitigate the impacts of the proposed project.*

X. Street Light Standards. Street lights shall be installed in accordance with regulations adopted by the City's direction.

*RESPONSE: Acknowledged.*

- Y. Street Name Signs. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.

*RESPONSE: Acknowledged.*

- Z. Street Cross-Sections. The final lift of asphalt concrete pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway and within one (1) year of the conditional acceptance of the roadway unless otherwise approved by the City Engineer. The final lift shall also be placed no later than when 90% of the structures in the new development are completed or three (3) years from the commencement of initial construction of the development, whichever is less.

*RESPONSE: Acknowledged.*

#### 17.8.615 EASEMENTS

- A. Easements. Easements for sewers, drainage, water mains, electric lines or other public utilities shall be either dedicated or provided for in the deed restrictions, and where a development traversed by a watercourse, or drainageway, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the watercourse.
- B. Utility Easements. A property owner proposing a development shall make arrangements with the City, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The City's standard width for public main line utility easements shall be fifteen (15) feet unless otherwise specified by the utility company, applicable district, or City Engineer.
- C. Where the alignment of a utility easement (other than those required perimeter easements) is such that it would also serve as a suitable easement for originating or continuing a pedestrian/bicycle path, the Community Development Director may require that such easement be designated as serving both functions. The walkway shall be designed and improved consistent with the requirements of §17.8.100 Access and Circulation.

*RESPONSE: Acknowledged.*

#### 10.8.620 SIDEWALKS

- A. Sidewalks Required. Sidewalks shall be constructed, replaced or repaired to City design standards as set forth in the standard specifications manual and located as follows:

1. On both sides of arterial and collector streets to be built at the time of street construction;
2. On both sides of all other streets and in pedestrian easements and rights-of-way, except as provided further in this section, to be constructed along all portions of the property designated for pedestrian ways in conjunction with development of the property; and
3. On one side of any industrial street to be constructed at the time of street construction or after determination of curb cut locations.

*RESPONSE: Acknowledged. Sidewalk construction is included on the north side of Heather Street with the proposed half-street improvement, together with sidewalk on both the north and south sides of Heather Street in the vicinity of the relocated Heather/Mt View intersection. Refer to the half-street improvement cross section on the Preliminary Site plan.*

- B. Parkway Requirements. A parkway at least five (5) feet between the curb and the sidewalk shall be required in the design of any arterial or collector street where parking is prohibited adjacent to the curb, except where the following conditions exist: there is inadequate right-of-way; the curbside sidewalks already exist on predominant segments of the street; or it would conflict with the utilities.

*RESPONSE: Acknowledged. Refer to the half-street improvement cross section on the Preliminary Site plan. Storm filters are proposed to treat stormwater runoff from the street is proposed within the 5ft parkway along Heather Street.*

- C. Sidewalks in Town Center District. In the Town Center District, sidewalks shall be ten (10) feet in width, and:
1. All sidewalks shall provide a continuous unobstructed path; and
  2. The width of curbside sidewalks shall be measured from the back of the curb.

*RESPONSE: The project is not located in Town Center District.*

- D. Maintenance. Maintenance of sidewalks, curbs, and planter strips is the continuing obligation of the adjacent property owner.

*RESPONSE: Acknowledged.*

- E. Application for Permit and Inspection. If the construction of a sidewalk is not included in a

performance bond of an approved subdivision or the performance bond has lapsed, then every person, firm or corporation desiring to construct sidewalks as provided by this chapter, shall, before entering upon the work or improvement, apply for a street opening permit to the Engineering department to so build or construct:

1. An occupancy permit shall not be issued for a development until the provisions of this section are satisfied.
2. The City Engineer may issue a permit and certificate allowing temporary noncompliance with the provisions of this section to the owner, builder or contractor when, in his opinion, the construction of the sidewalk is impractical for one or more of the following reasons:
  - a. Sidewalk grades have not and cannot be established for the property in question within a reasonable length of time;
  - b. Forthcoming installation of public utilities or street paving would be likely to cause severe damage to the new sidewalk;
  - c. Street right-of-way is insufficient to accommodate a sidewalk on one or both sides of the street; or
  - d. Topography or elevation of the sidewalk base area makes construction of a sidewalk impractical or economically infeasible; and
3. The City Engineer shall inspect the construction of sidewalks for compliance with the provision set forth in the standard specification manual.

***RESPONSE: Acknowledged. Sidewalk construction is included in the half-street improvement along Heather Street.***

#### 17.8.625 SANITARY SEWERS

- A. Sewers Required. Sanitary sewers shall be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth in Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 1996 and including any future revisions or amendments) and the adopted policies of the Comprehensive Plan and the City's Master Sewer Plan.
- B. Sewer Plan Approval. The City Engineer shall approve all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service.
- C. Over-Sizing. Proposed sewer systems shall include consideration of additional development within the area as projected by the Comprehensive Plan.

- D. Permits Denied. Development permits may be restricted by the Commission or Hearings Officer where a deficiency exists in the existing sewer system or portion thereof which cannot be rectified within the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of the sewage treatment system.

*RESPONSE: Acknowledged. The project proposes to connect sanitary sewers serving Buildings 1 and 2 to the existing 30-inch sewer main located south of the Heather Street extension. Refer to the Preliminary Utility Plan included with this application.*

#### 17.8.630 WATER FACILITIES

- A. Water Facilities Required. Water facilities shall be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth in the adopted policies of the Comprehensive Plan and the City's Master Water Plan.
- B. Water Plan Approval. The City Engineer shall approve all plans for water facilities and proposed systems prior to issuance of development permits involving water service.
- C. Over-Sizing. Proposed water facilities shall include consideration of additional development within the area as projected by the Comprehensive Plan.
- D. Permits Denied. Development permits may be restricted by the Planning Commission or Hearings Officer where a deficiency exists in the existing water system or portion thereof which cannot be rectified within the development and which, if not rectified, will result in a threat to public health or safety or violations of local, state or federal standards pertaining to the operation of the water system.

*RESPONSE: Acknowledged. The project proposes to connect water lines serving Buildings 1 and 2 to the existing 12-inch water main located south of the Heather Street extension and the 10-inch water main located on Mountain View Lane. Refer to the Preliminary Utility Plan included with this application.*

#### 17.8.635 STORM DRAINAGE

- A. General Provisions. The Director and City Engineer shall issue a development permit only where adequate provisions for storm water and flood water runoff have been made, and:

1. The storm water drainage system shall be separate and independent of any sanitary sewerage system;
  2. Where possible, inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street; and
  3. Surface water drainage patterns shall be shown on every development proposal plan.
- B. Easements. Where a watercourse, drainageway, channel or stream traverses a development, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width as will be adequate for conveyance and maintenance.
- C. Accommodation of Upstream Drainage.
1. A culvert or other drainage facility shall be large enough to accommodate runoff from its entire upstream drainage area, whether inside or outside the development, and;
  2. The City Engineer shall approve the necessary size of the facility, based on the provisions of Design and Construction Standards for Sanitary and Surface Water Management (as adopted and amended by Clean Water Services) and the City's Master Storm Water Sewer Plan.
- D. Effect on Downstream Drainage. Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the Director and Engineer shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with the Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services and including any future revisions or amendments).

*RESPONSE: Acknowledged. The project proposes to manage stormwater runoff from the site using a stormwater pond and vegetative swale facility located west of Building 2. The pond facility is designed to over detain and meet CWS flow control and water quality requirements. Runoff from the new half-street improvements shall use storm filters based on CWS standards within the parkway of Heather Street. Upstream flow exiting the railroad ROW and flowing through the proposed substation pad will be captured in a storm pipe system and rerouted to accommodate the proposed improvements. Refer to the Preliminary Grading and Drainage Plan included with this application.*

17.8.640 BIKeways

- A. Bikeway Extension. Developments adjoining proposed bikeways identified on the City's adopted pedestrian/bikeway plan shall include provisions for the future extension of such bikeways through the dedication of easements or rights-of-way.
- B. Cost of Construction. Development permits issued for planned unit developments, conditional use permits, subdivisions, and other developments which will principally benefit from such bikeways shall be conditioned to include the cost or construction of bikeway improvements.
- C. Minimum Width. Minimum width for bikeways within the roadway is five (5) feet per bicycle travel lane. Minimum width for two-way bikeways separated from the road is eight (8) feet.

**RESPONSE:** *The subject property is not located along the bikeways identified in the City's TSP and bicycle system plan.*

**17.8.645 UTILITIES**

- A. Underground Utilities. All utility lines in new developments shall be placed underground, and:
  - 1. The developer shall make all necessary arrangements with the serving utility to provide the underground services;
  - 2. The City reserves the right to approve location of all surface mounted facilities;
  - 3. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
  - 4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
- B. Information on Development Plans. The applicant for a development shall show on the development plan or in the explanatory information, easements for all underground utility facilities, and:
  - A. Plans showing the location of all underground facilities as described herein shall be submitted to the City Engineer for review and approval; and
    - 1. Care shall be taken in all cases to ensure that above ground equipment does not obstruct vision clearance areas for vehicular traffic.
- C. Exception to Under-Grounding Requirement for Infill Development. An applicant for infill development, which is served by above ground utilities, may be exempt from the requirement for undergrounding utilities. This exception shall apply only to existing utility lines.

*RESPONSE: Acknowledged. New telephone and electrical service lines serving buildings 1 and 2 are proposed to be placed underground. Refer to the Preliminary Utility Plan. Easements will be provided as requested by the utility provider. Above ground equipment is not proposed within the vision clearance areas.*

17.8.650      AGREEMENT

For projects involving public improvements, the applicant shall enter into an agreement with the City Engineer prior to any site preparation or, where there is a partition or subdivision, prior to approval of the final map. The agreement shall be in a form as approved by the City Engineer. At a minimum, it shall include detailed plans for public improvements and provide adequate assurance to guarantee the installation of the improvements (known as Performance Assurance) and the workmanship and material of the installation (known as Maintenance Assurance). The agreement may be waived by the City Engineer if the level of work is considered minor. However, the assurances shall be required for any public improvements. The assurance shall be based on the following requirements:

- A.      Maintenance Assurance. All improvements installed by the developer shall be guaranteed as to workmanship and material for a period of one (1)-year following acceptance by the City Engineer.
- B.      Form of Assurance. All assurances shall be secured by cash deposit, bond or irrevocable letter of credit in the amount of 100% of the cost to complete the project as set by the City Engineer.

*RESPONSE: The applicant acknowledges the requirement to enter into a development agreement with the city for the construction of the half-street improvements along Heather Street.*

17.8.660      INSTALLATION PREREQUISITE

- A.      Approval Required. No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued.
- B.      Permit Fee. The permit fee is required to defray the cost and expenses incurred by the City for construction and other services in connection with the improvement. The permit fee shall be set by Council resolution.

*RESPONSE: Acknowledged.*

17.8.665      INSTALLATION CONFORMATION

- A.      Conformance Required. In addition to other requirements, improvements installed by the developer either as a requirement of these regulations or at his own option, shall conform to the requirements of this chapter and to improvement standards and specifications followed by the City.
  
- B.      Adopted Installation Standards. The Standard Specifications for Public Works Construction, Oregon Chapter A.P.W.A., and Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services and including any future revisions or amendments) shall be a part of the City's adopted installation standard(s); other standards may also be required upon recommendation of the City Engineer.

*RESPONSE: Acknowledged.*

17.8.670      PLAN CHECK

- A.      Submittal Requirements. Work shall not begin until construction plans and construction estimates have been submitted and checked for adequacy and approved by the City Engineer in writing. The developer can obtain detailed information about submittal requirements from the City Engineer.
  
- B.      Compliance. All such plans shall be prepared in accordance with requirements of the City.

*RESPONSE: Acknowledged.*

17.8.675      NOTICE TO CITY

- A.      Commencement. Work shall not begin until the City has been notified in advance.
  
- B.      Resumption. If work is discontinued for any reason, it shall not be resumed until the City is notified.

*RESPONSE: Acknowledged.*

17.8.680 CITY INSPECTION

- A. Inspection of Improvements. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest.

*RESPONSE: Acknowledged.*

17.8.685 ENGINEER'S CERTIFICATION

- A. Written Certification Required. The developer's engineer shall provide written certification of a form provided by the City that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices, and are of high grade, prior to City acceptance of the subdivision's improvements or any portion thereof for operation and maintenance.

*RESPONSE: Acknowledged.*

## BUILDING DESIGN AND DEVELOPMENT STANDARDS

17.8.705 APPLICABILITY

The standards in this section apply to all multi-unit residential and commercial projects, and all projects within Town Center zoning districts.

*RESPONSE: The project is an industrial project within an industrial zone. The standards of the section are not applicable.*

## LIGHTING STANDARDS

17.8.755 GENERAL PROVISIONS

- A. When Standards Apply. Unless otherwise provided, the provisions of this section apply to lighting that is part of a multi-family or commercial project, or lighting within one of the Town Center zoning districts.

*RESPONSE: The project is in an industrial zone and the provisions of this section are not applicable. However, the security of the site is a priority and site lighting are proposed throughout the campus to create a safe environment. Refer to the Preliminary Lighting Plan included with this application.*

## **CONCLUSION**

*The applicant respectfully requests that this application be approved, based on the substantial evidence and the responses contained in these applications demonstrating compliance with all of the applicable requirements.*

# Proposed Development Plans





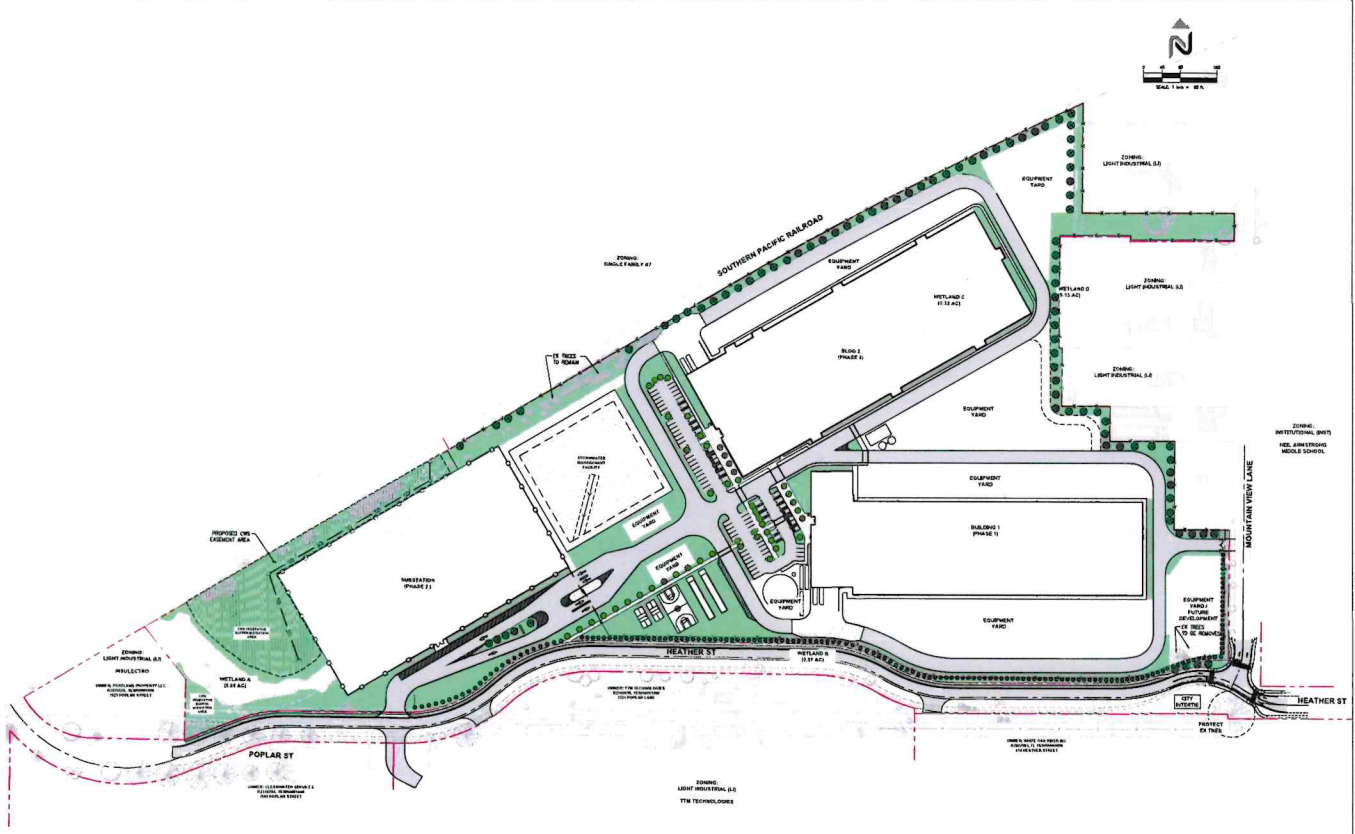






P:\Projects\Level 2\Drawings\Site\Drawings\Site\LANDSCAPE\LANDSCAPE\_PRELIMINARY\_LANDSCAPE\_PLAN.dwg, 2024, 03/27/24, 10:38 AM

- LEGEND**
- PROPOSED BUILDING
  - PROPERTY LINE
  - NEW PAVEMENT
  - CONCRETE PAVEMENT
  - WELANDS
  - CONCRETE KERB/DURA
  - 5 FT SERVICE FENCE
  - OPEN SPACE / LANDSCAPE AREAS
  - VEG. CLEARANCE TRIANGLES
  - TREE
  - SHRUBS / HEDGE



CLIENT OWNER  
 crane  
 Page/  
 PROJECT NAME  
**FOREST GROVE**

PROJECT NUMBER: 01719401  
 PROJECT ADDRESS  
 3375 & 3393  
 HEATHER STREET  
 FOREST GROVE, OR

REVISIONS		
NO.	DATE	DESCRIPTION

**811**

SECTION, TOWNSHIP, RANGE:  
 42 E 10 S 09 E SECTION 1,  
 TOWNSHIP 10 SOUTH, RANGE 9  
 WEST 10 W.

PROJECT TEAM  
 DRAWING BY:  
 SHEET NAME  
**PRELIMINARY  
 LANDSCAPE  
 PLAN**  
 SHEET NUMBER  
**L-1**

Page Architecture Firm, Inc.  
 1000 Peachtree Street, N.E.  
 Atlanta, Georgia 30309  
 Tel: 404.525.1100  
 Fax: 404.525.1102

PROJECT:  
 CRANE DATA CENTERS  
 FOREST GROVE BUILDING 1  
 3075 HEATHER STREET  
 FOREST GROVE, GA 30135

DATE:  
 08/11/2011

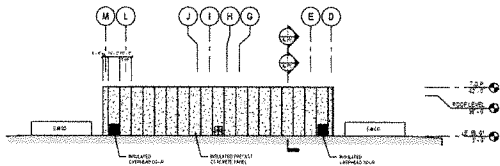
BY:  
 J. L. ...

CHECKED:  
 J. L. ...

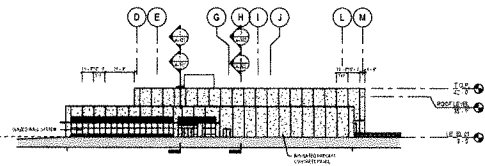
DATE:  
 08/11/2011

EXTERIOR GENERAL NOTES

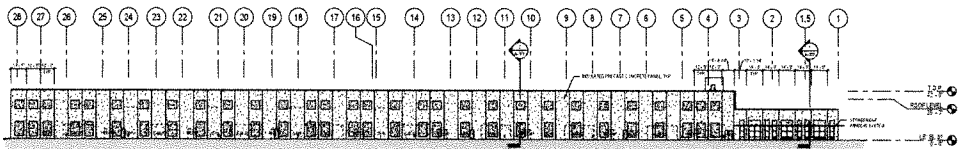
KEYED NOTES



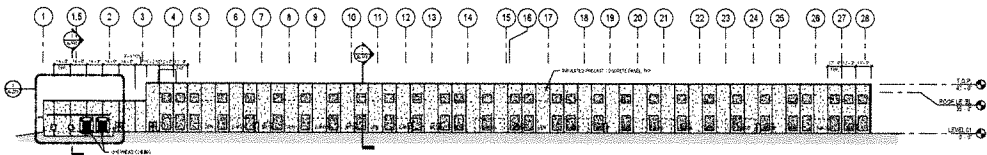
4 EXTERIOR OVERALL ELEVATION - EAST  
 SCALE 1/8" = 1'-0"



3 EXTERIOR OVERALL ELEVATION - WEST  
 SCALE 1/8" = 1'-0"



2 EXTERIOR OVERALL ELEVATION - NORTH  
 SCALE 1/8" = 1'-0"



1 EXTERIOR OVERALL ELEVATION - SOUTH  
 SCALE 1/8" = 1'-0"

EXTERIOR ELEVATION LEGEND

SYMBOL	DESCRIPTION
	INSULATED CONCRETE PANEL
	INSULATED CONCRETE CURB
	GENERAL NOTE
	MATERIAL
	SECTION

INTERNET REVIEW  
 THIS DOCUMENT IS RELEASED FOR THE  
 PURPOSES OF INTERVIEW ONLY. IT IS  
 NOT TO BE USED FOR REGULATORY  
 APPROVAL, BIDDING, PERMITS, OR  
 CONSTRUCTION PURPOSES.



PROJECT  
 CRANE DATA CENTERS  
 FOREST GROVE BUILDING 1

3075 HEATHER STREET  
 FOREST GROVE, GA 30135

ARCHITECT  
 J. L. ...

DATE  
 08/11/2011

SCALE  
 1/8" = 1'-0"

DESCRIPTION  
 ARCHITECTURAL - EXTERIOR  
 ELEVATIONS

A-201









TOPOGRAPHIC SURVEY

MATCH LINE  
SEE SHEET 5 OF 7

MATCH LINE  
SEE SHEET 6 OF 7



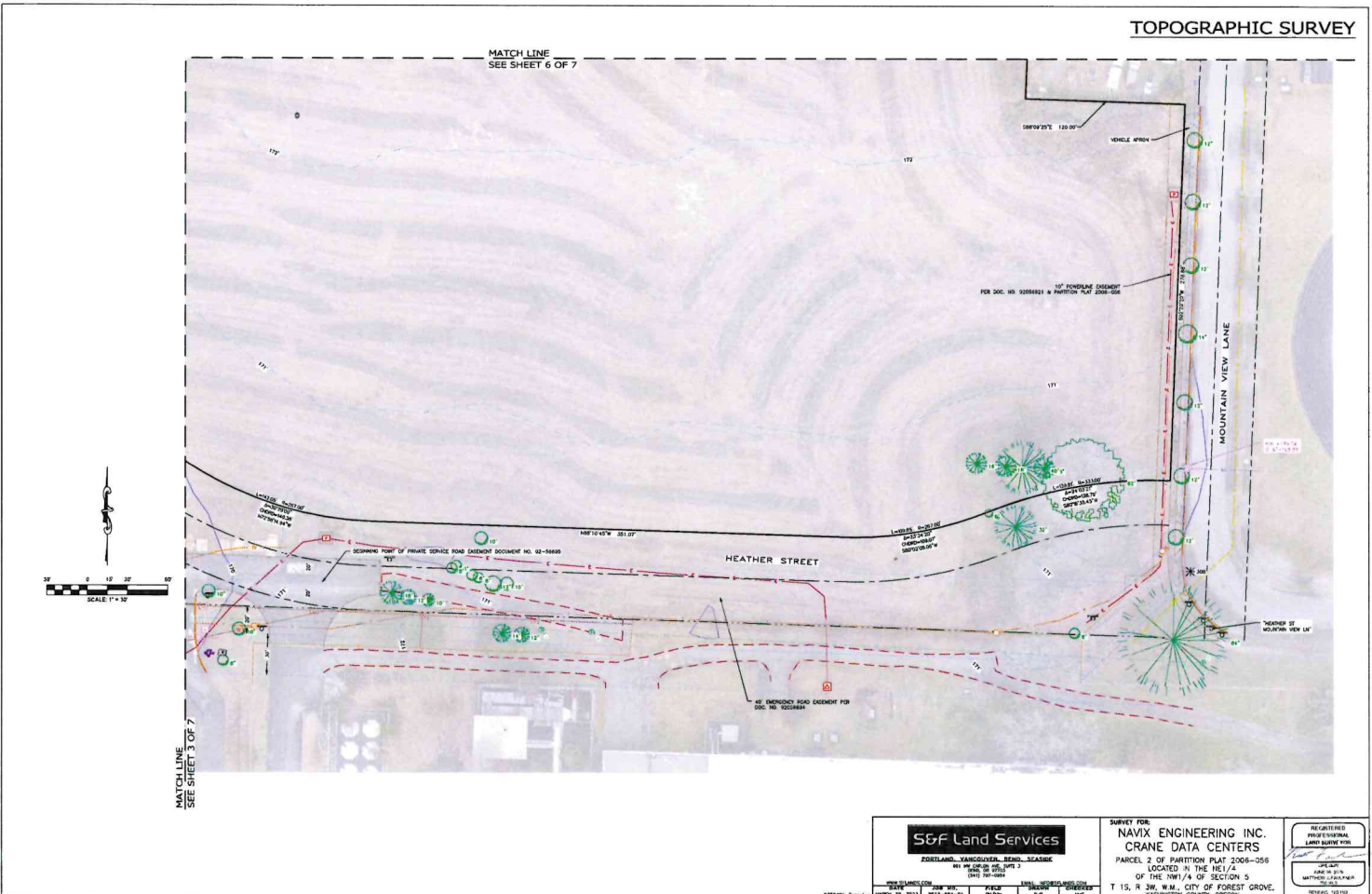
MATCH LINE  
SEE SHEET 2 OF 7

MATCH LINE  
SEE SHEET 4 OF 7



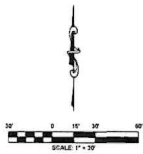
<p><b>S&amp;F Land Services</b> FORELAND, VANCOUVER, BEND, SEASIDE</p>	<p>SURVEY FOR: NAVIX ENGINEERING INC. CRANE DATA CENTERS PARCEL 2 OF PARTITION PLAT 2009-056 LOCATED IN THE NE 1/4 OF THE NW 1/4 OF SECTION 5 T 1 S, R 3 W, W.M., CITY OF FOREST GROVE, WASHINGTON COUNTY, OREGON</p>	<p>REGISTERED PROFESSIONAL LAND SURVEYOR</p> <p>DATE: MAY 12, 2011</p> <p>BY: DANIEL J. HANSEN</p>						
	<p>WWW.SANDL.COM PHONE: 503.325.1200 1206401 - map.dwg</p>	<p>PROJECT: CRANE DATA CENTERS</p> <p>DATE: 04/11/11</p>	<p>REVISIONS:</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>1</td> <td>04/11/11</td> <td>ISSUED FOR PERMITS</td> </tr> </table>	NO.	DATE	DESCRIPTION	1	04/11/11
NO.	DATE	DESCRIPTION						
1	04/11/11	ISSUED FOR PERMITS						

**TOPOGRAPHIC SURVEY**



<p><b>S&amp;F Land Services</b></p> <p>FORETLAND, VANCOUVER, BRIT. COLUMBIA          811 W. 42ND ST., SUITE 2          VANCOUVER, BC V6V 2G9          (604) 799-8888</p> <p>WWW.SANDSOF.COM    FAX: (604) 799-8887    EMAIL: INFO@SANDSOF.COM</p> <p>2013-01-01    2013-04-01    2013-07-01    2013-10-01    2014-01-01</p>	<p>SURVEY FOR:</p> <p><b>NAVIX ENGINEERING INC.</b></p> <p><b>CRANE DATA CENTERS</b></p> <p>PARCEL 2 OF PARTITION PLAT 2008-0586          LOCATED IN THE NE1/4          OF THE NW1/4 OF SECTION 5          T 15, N 36, W 4, CITY OF FOREST GROVE,          WASHINGTON COUNTY, OREGON.</p>	<p>REGISTERED          PROFESSIONAL          LAND SURVEYOR</p> <p>WILLIAM J. COLLIER          2013-01-01          2013-07-01</p>
	<p>DATE: 2013-04-01</p> <p>BY: WJC</p> <p>CHECKED: WJC</p> <p>DATE: 2013-04-01</p>	

**TOPOGRAPHIC SURVEY**



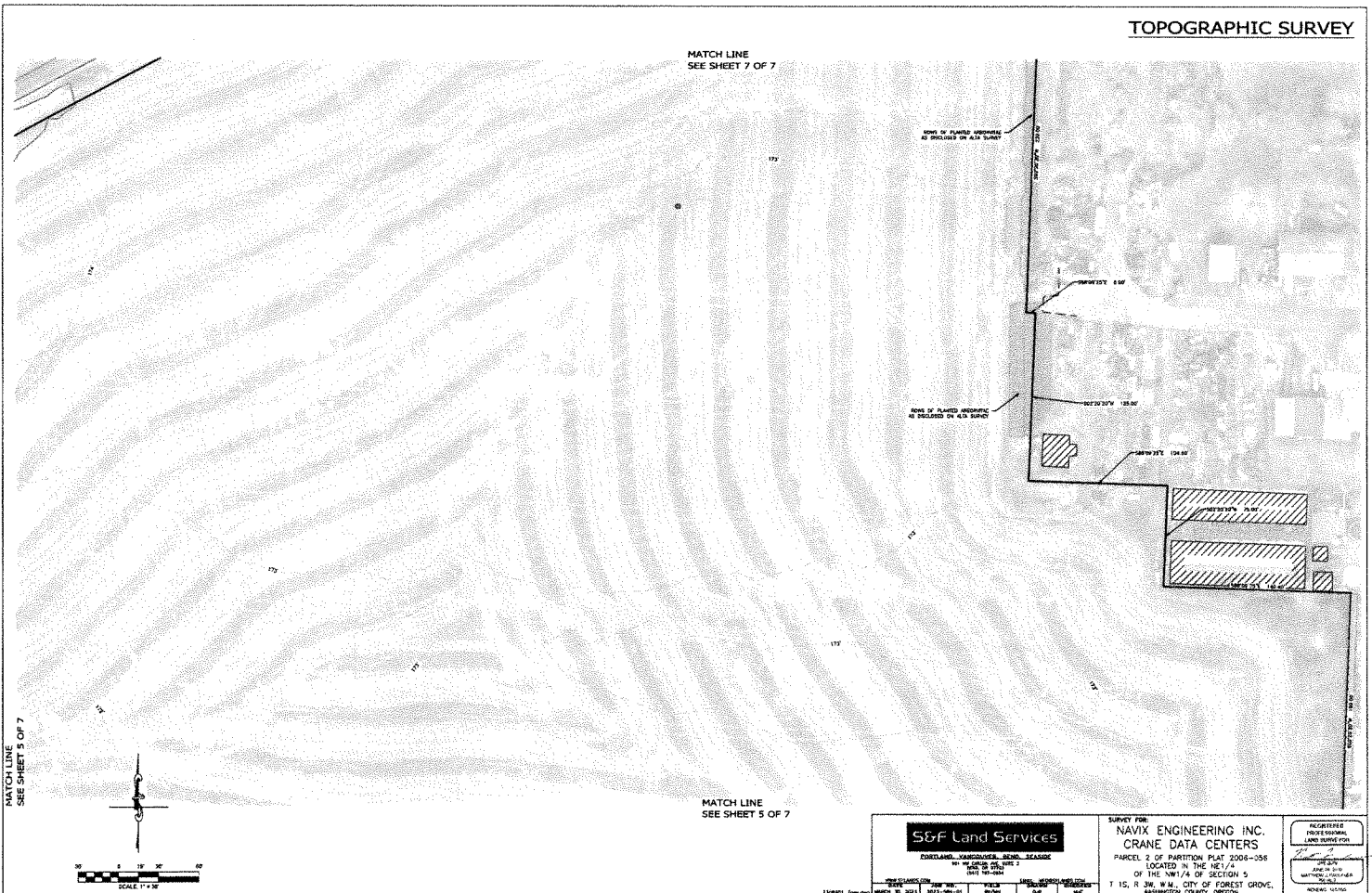
MATCH LINE  
SEE SHEET 3 OF 7

MATCH LINE  
SEE SHEET 6 OF 7

<p><b>S&amp;F Land Services</b>          FORELAND, WASHINGTON, WASH. SEASIDE          10000 15th St. SW          (206) 797-0244  <a href="http://www.sandfland.com">www.sandfland.com</a></p>	SURVEY FOR: <b>NAVIX ENGINEERING INC.                  CRANE DATA CENTERS</b>	REGISTERED PROFESSIONAL LAND SURVEYOR JEFFREY L. COOPER 00000000000000000000 WASHINGTON STATE
	PARCEL 2 OF PARTITION PLAT 2006-056 LOCATED IN THE NE1/4 OF THE NW1/4 OF SECTION 5 T 15, N 36, W 14, CITY OF FOREST GROVE, WASHINGTON COUNTY, OREGON	

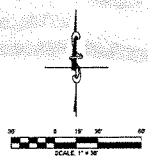
**TOPOGRAPHIC SURVEY**

MATCH LINE  
SEE SHEET 7 OF 7



MATCH LINE  
SEE SHEET 5 OF 7

MATCH LINE  
SEE SHEET 5 OF 7



<p><b>S&amp;F Land Services</b>          PORTLAND, VANDERBURGH, BEND, SEASIDE          800 W. 10th St., Suite 2          97142-1000</p>		<p>SURVEY FOR:  <b>NAVIX ENGINEERING INC.</b>  <b>CRANE DATA CENTERS</b>          PARCEL 2 OF PARTITION PLAT 2008-058          LOCATED IN THE NE1/4          OF THE NW1/4 OF SECTION 5,          T 15S, R 36E, W 4N, CITY OF FOREST GROVE,          WASHINGTON COUNTY, OREGON.</p>		<p>REGISTERED          PROFESSIONAL          LAND SURVEYOR          2015          10000          10000          10000</p>
<p>PROJECT NO. 2021-001</p>	<p>DATE: MARCH 20, 2021</p>	<p>SCALE: 1" = 40'</p>	<p>BY: [Signature]</p>	

**TOPOGRAPHIC SURVEY**



MATCH LINE  
SEE SHEET 6 OF 7

**SEWER STRUCTURE TABLE**

**STORM STRUCTURE TABLE**

NO.	DESCRIPTION	COORDINATES	DEPTH	DIAMETER	LENGTH	INVERT	OUTLET
1	12" DIA. 10' LONG	...	...	12"	10'	...	...
2	18" DIA. 10' LONG	...	...	18"	10'	...	...
3	24" DIA. 10' LONG	...	...	24"	10'	...	...
4	30" DIA. 10' LONG	...	...	30"	10'	...	...
5	36" DIA. 10' LONG	...	...	36"	10'	...	...
6	42" DIA. 10' LONG	...	...	42"	10'	...	...
7	48" DIA. 10' LONG	...	...	48"	10'	...	...
8	54" DIA. 10' LONG	...	...	54"	10'	...	...
9	60" DIA. 10' LONG	...	...	60"	10'	...	...
10	66" DIA. 10' LONG	...	...	66"	10'	...	...
11	72" DIA. 10' LONG	...	...	72"	10'	...	...
12	78" DIA. 10' LONG	...	...	78"	10'	...	...
13	84" DIA. 10' LONG	...	...	84"	10'	...	...
14	90" DIA. 10' LONG	...	...	90"	10'	...	...
15	96" DIA. 10' LONG	...	...	96"	10'	...	...
16	102" DIA. 10' LONG	...	...	102"	10'	...	...
17	108" DIA. 10' LONG	...	...	108"	10'	...	...
18	114" DIA. 10' LONG	...	...	114"	10'	...	...
19	120" DIA. 10' LONG	...	...	120"	10'	...	...
20	126" DIA. 10' LONG	...	...	126"	10'	...	...
21	132" DIA. 10' LONG	...	...	132"	10'	...	...
22	138" DIA. 10' LONG	...	...	138"	10'	...	...
23	144" DIA. 10' LONG	...	...	144"	10'	...	...
24	150" DIA. 10' LONG	...	...	150"	10'	...	...
25	156" DIA. 10' LONG	...	...	156"	10'	...	...
26	162" DIA. 10' LONG	...	...	162"	10'	...	...
27	168" DIA. 10' LONG	...	...	168"	10'	...	...
28	174" DIA. 10' LONG	...	...	174"	10'	...	...
29	180" DIA. 10' LONG	...	...	180"	10'	...	...
30	186" DIA. 10' LONG	...	...	186"	10'	...	...
31	192" DIA. 10' LONG	...	...	192"	10'	...	...
32	198" DIA. 10' LONG	...	...	198"	10'	...	...
33	204" DIA. 10' LONG	...	...	204"	10'	...	...
34	210" DIA. 10' LONG	...	...	210"	10'	...	...
35	216" DIA. 10' LONG	...	...	216"	10'	...	...
36	222" DIA. 10' LONG	...	...	222"	10'	...	...
37	228" DIA. 10' LONG	...	...	228"	10'	...	...
38	234" DIA. 10' LONG	...	...	234"	10'	...	...
39	240" DIA. 10' LONG	...	...	240"	10'	...	...
40	246" DIA. 10' LONG	...	...	246"	10'	...	...
41	252" DIA. 10' LONG	...	...	252"	10'	...	...
42	258" DIA. 10' LONG	...	...	258"	10'	...	...
43	264" DIA. 10' LONG	...	...	264"	10'	...	...
44	270" DIA. 10' LONG	...	...	270"	10'	...	...
45	276" DIA. 10' LONG	...	...	276"	10'	...	...
46	282" DIA. 10' LONG	...	...	282"	10'	...	...
47	288" DIA. 10' LONG	...	...	288"	10'	...	...
48	294" DIA. 10' LONG	...	...	294"	10'	...	...
49	300" DIA. 10' LONG	...	...	300"	10'	...	...
50	306" DIA. 10' LONG	...	...	306"	10'	...	...
51	312" DIA. 10' LONG	...	...	312"	10'	...	...
52	318" DIA. 10' LONG	...	...	318"	10'	...	...
53	324" DIA. 10' LONG	...	...	324"	10'	...	...
54	330" DIA. 10' LONG	...	...	330"	10'	...	...
55	336" DIA. 10' LONG	...	...	336"	10'	...	...
56	342" DIA. 10' LONG	...	...	342"	10'	...	...
57	348" DIA. 10' LONG	...	...	348"	10'	...	...
58	354" DIA. 10' LONG	...	...	354"	10'	...	...
59	360" DIA. 10' LONG	...	...	360"	10'	...	...
60	366" DIA. 10' LONG	...	...	366"	10'	...	...
61	372" DIA. 10' LONG	...	...	372"	10'	...	...
62	378" DIA. 10' LONG	...	...	378"	10'	...	...
63	384" DIA. 10' LONG	...	...	384"	10'	...	...
64	390" DIA. 10' LONG	...	...	390"	10'	...	...
65	396" DIA. 10' LONG	...	...	396"	10'	...	...
66	402" DIA. 10' LONG	...	...	402"	10'	...	...
67	408" DIA. 10' LONG	...	...	408"	10'	...	...
68	414" DIA. 10' LONG	...	...	414"	10'	...	...
69	420" DIA. 10' LONG	...	...	420"	10'	...	...
70	426" DIA. 10' LONG	...	...	426"	10'	...	...
71	432" DIA. 10' LONG	...	...	432"	10'	...	...
72	438" DIA. 10' LONG	...	...	438"	10'	...	...
73	444" DIA. 10' LONG	...	...	444"	10'	...	...
74	450" DIA. 10' LONG	...	...	450"	10'	...	...
75	456" DIA. 10' LONG	...	...	456"	10'	...	...
76	462" DIA. 10' LONG	...	...	462"	10'	...	...
77	468" DIA. 10' LONG	...	...	468"	10'	...	...
78	474" DIA. 10' LONG	...	...	474"	10'	...	...
79	480" DIA. 10' LONG	...	...	480"	10'	...	...
80	486" DIA. 10' LONG	...	...	486"	10'	...	...
81	492" DIA. 10' LONG	...	...	492"	10'	...	...
82	498" DIA. 10' LONG	...	...	498"	10'	...	...
83	504" DIA. 10' LONG	...	...	504"	10'	...	...
84	510" DIA. 10' LONG	...	...	510"	10'	...	...
85	516" DIA. 10' LONG	...	...	516"	10'	...	...
86	522" DIA. 10' LONG	...	...	522"	10'	...	...
87	528" DIA. 10' LONG	...	...	528"	10'	...	...
88	534" DIA. 10' LONG	...	...	534"	10'	...	...
89	540" DIA. 10' LONG	...	...	540"	10'	...	...
90	546" DIA. 10' LONG	...	...	546"	10'	...	...
91	552" DIA. 10' LONG	...	...	552"	10'	...	...
92	558" DIA. 10' LONG	...	...	558"	10'	...	...
93	564" DIA. 10' LONG	...	...	564"	10'	...	...
94	570" DIA. 10' LONG	...	...	570"	10'	...	...
95	576" DIA. 10' LONG	...	...	576"	10'	...	...
96	582" DIA. 10' LONG	...	...	582"	10'	...	...
97	588" DIA. 10' LONG	...	...	588"	10'	...	...
98	594" DIA. 10' LONG	...	...	594"	10'	...	...
99	600" DIA. 10' LONG	...	...	600"	10'	...	...
100	606" DIA. 10' LONG	...	...	606"	10'	...	...
101	612" DIA. 10' LONG	...	...	612"	10'	...	...
102	618" DIA. 10' LONG	...	...	618"	10'	...	...
103	624" DIA. 10' LONG	...	...	624"	10'	...	...
104	630" DIA. 10' LONG	...	...	630"	10'	...	...
105	636" DIA. 10' LONG	...	...	636"	10'	...	...
106	642" DIA. 10' LONG	...	...	642"	10'	...	...
107	648" DIA. 10' LONG	...	...	648"	10'	...	...
108	654" DIA. 10' LONG	...	...	654"	10'	...	...
109	660" DIA. 10' LONG	...	...	660"	10'	...	...
110	666" DIA. 10' LONG	...	...	666"	10'	...	...
111	672" DIA. 10' LONG	...	...	672"	10'	...	...
112	678" DIA. 10' LONG	...	...	678"	10'	...	...
113	684" DIA. 10' LONG	...	...	684"	10'	...	...
114	690" DIA. 10' LONG	...	...	690"	10'	...	...
115	696" DIA. 10' LONG	...	...	696"	10'	...	...
116	702" DIA. 10' LONG	...	...	702"	10'	...	...
117	708" DIA. 10' LONG	...	...	708"	10'	...	...
118	714" DIA. 10' LONG	...	...	714"	10'	...	...
119	720" DIA. 10' LONG	...	...	720"	10'	...	...
120	726" DIA. 10' LONG	...	...	726"	10'	...	...
121	732" DIA. 10' LONG	...	...	732"	10'	...	...
122	738" DIA. 10' LONG	...	...	738"	10'	...	...
123	744" DIA. 10' LONG	...	...	744"	10'	...	...
124	750" DIA. 10' LONG	...	...	750"	10'	...	...
125	756" DIA. 10' LONG	...	...	756"	10'	...	...
126	762" DIA. 10' LONG	...	...	762"	10'	...	...
127	768" DIA. 10' LONG	...	...	768"	10'	...	...
128	774" DIA. 10' LONG	...	...	774"	10'	...	...
129	780" DIA. 10' LONG	...	...	780"	10'	...	...
130	786" DIA. 10' LONG	...	...	786"	10'	...	...
131	792" DIA. 10' LONG	...	...	792"	10'	...	...
132	798" DIA. 10' LONG	...	...	798"	10'	...	...
133	804" DIA. 10' LONG	...	...	804"	10'	...	...
134	810" DIA. 10' LONG	...	...	810"	10'	...	...
135	816" DIA. 10' LONG	...	...	816"	10'	...	...
136	822" DIA. 10' LONG	...	...	822"	10'	...	...
137	828" DIA. 10' LONG	...	...	828"	10'	...	...
138	834" DIA. 10' LONG	...	...	834"	10'	...	...
139	840" DIA. 10' LONG	...	...	840"	10'	...	...
140	846" DIA. 10' LONG	...	...	846"	10'	...	...
141	852" DIA. 10' LONG	...	...	852"	10'	...	...
142	858" DIA. 10' LONG	...	...	858"	10'	...	...
143	864" DIA. 10' LONG	...	...	864"	10'	...	...
144	870" DIA. 10' LONG	...	...	870"	10'	...	...
145	876" DIA. 10' LONG	...	...	876"	10'	...	...
146	882" DIA. 10' LONG	...	...	882"	10'	...	...
147	888" DIA. 10' LONG	...	...	888"	10'	...	...
148	894" DIA. 10' LONG	...	...	894"	10'	...	...
149	900" DIA. 10' LONG	...	...	900"	10'	...	...
150	906" DIA. 10' LONG	...	...	906"	10'	...	...
151	912" DIA. 10' LONG	...	...	912"	10'	...	...
152	918" DIA. 10' LONG	...	...	918"	10'	...	...
153	924" DIA. 10' LONG	...	...	924"	10'	...	...
154	930" DIA. 10' LONG	...	...	930"	10'	...	...
155	936" DIA. 10' LONG	...	...	936"	10'	...	...
156	942" DIA. 10' LONG	...	...	942"	10'	...	...
157	948" DIA. 10' LONG	...	...	948"	10'	...	...
158	954" DIA. 10' LONG	...	...	954"	10'	...	...
159	960" DIA. 10' LONG	...	...	960"	10'	...	...
160	966" DIA. 10' LONG	...	...	966"	10'	...	...
161	972" DIA. 10' LONG	...	...	972"	10'	...	...
162	978" DIA. 10' LONG	...	...	978"	10'	...	...
163	984" DIA. 10' LONG	...	...	984"	10'	...	...
164	990" DIA. 10' LONG	...	...	990"	10'	...	...
165	996" DIA. 10' LONG	...	...	996"	10'	...	...
166	1002" DIA. 10' LONG	...	...	1002"	10'	...	...
167	1008" DIA. 10' LONG	...	...	1008"	10'	...	...
168	1014" DIA. 10' LONG	...	...	1014"	10'	...	...
169	1020" DIA. 10' LONG	...	...	1020"	10'	...	...
170	1026" DIA. 10' LONG	...	...	1026"	10'	...	...
171	1032" DIA. 10' LONG	...	...	1032"	10'	...	...
172	1038" DIA. 10' LONG	...	...	1038"	10'	...	...
173	1044" DIA. 10' LONG	...	...	1044"	10'	...	...
174	1050" DIA. 10' LONG	...	...	1050"	10'	...	...
175	1056" DIA. 10' LONG	...	...	1056"	10'	...	...
176	1062" DIA. 10' LONG	...	...	1062"	10'	...	...
177	1068" DIA. 10' LONG	...	...	1068"	10'	...	...
178	1074" DIA. 10' LONG	...	...	1074"	10'	...	...
179	1080" DIA. 10' LONG	...	...	1080"	10'	...	...
180	1086" DIA. 10' LONG	...	...	1086"	10'	...	...
181	1092" DIA. 10' LONG	...	...	1092"	10'	...	...
182	1098" DIA. 10' LONG	...	...	1098"	10'	...	...
183	1104" DIA. 10' LONG	...	...	1104"	10'	...	...
184	1110" DIA. 10' LONG	...	...	1110"	10'	...	...
185	1116" DIA. 10' LONG	...	...	1116"	10'	...	...
186	1122" DIA. 10' LONG	...	...	1122"	10'	...	...
187	1128" DIA. 10' LONG	...	...	1128"	10'	...	...
188	1134" DIA. 10' LONG	...					

## Traffic Analysis - Heather /Mt View Intersection

## Technical Memo

**To:** Shawn Nguy, Navix  
**From:** Anne Sylvester, PTE, Senior Consultant and Ryan Shea, PTP, Senior Transportation Planner  
**Date:** December 26, 2023  
**Project:** #23-001152  
**Subject:** Heather Street/Mountain View Lane Intersection Analysis, City of Forest Grove

---

### Introduction

This memorandum has been prepared to evaluate preliminary engineering feasibility and traffic operational considerations associated with an extension of Poplar Street in the City of Forest Grove eastward to connect with the existing western terminus of Heather Street at its intersection with Mountain View Lane. The project location is shown in **Figure 1**. This analysis is being conducted in conjunction with the development of a data center to be located on property to the north and west of the new Heather Street/Mountain View Lane intersection. Primary access to the new data center will be provided at a driveway on the north side of Poplar Street opposite the main driveway serving an industrial site located on the south side of Poplar Street. A preliminary site plan illustrating the data center property including site access is presented in **Figure 2**.

Figure 1. Site Vicinity Map

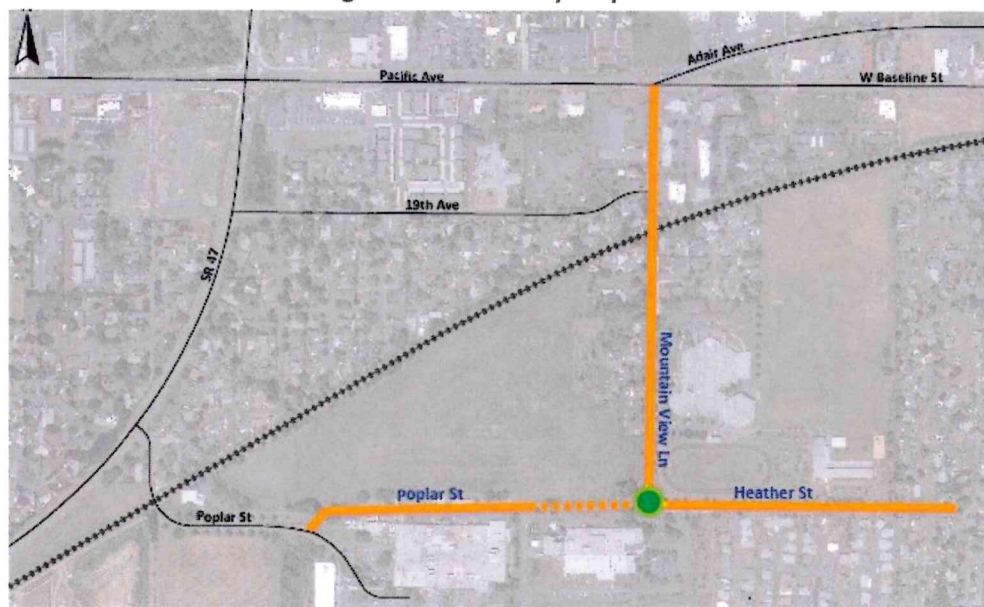
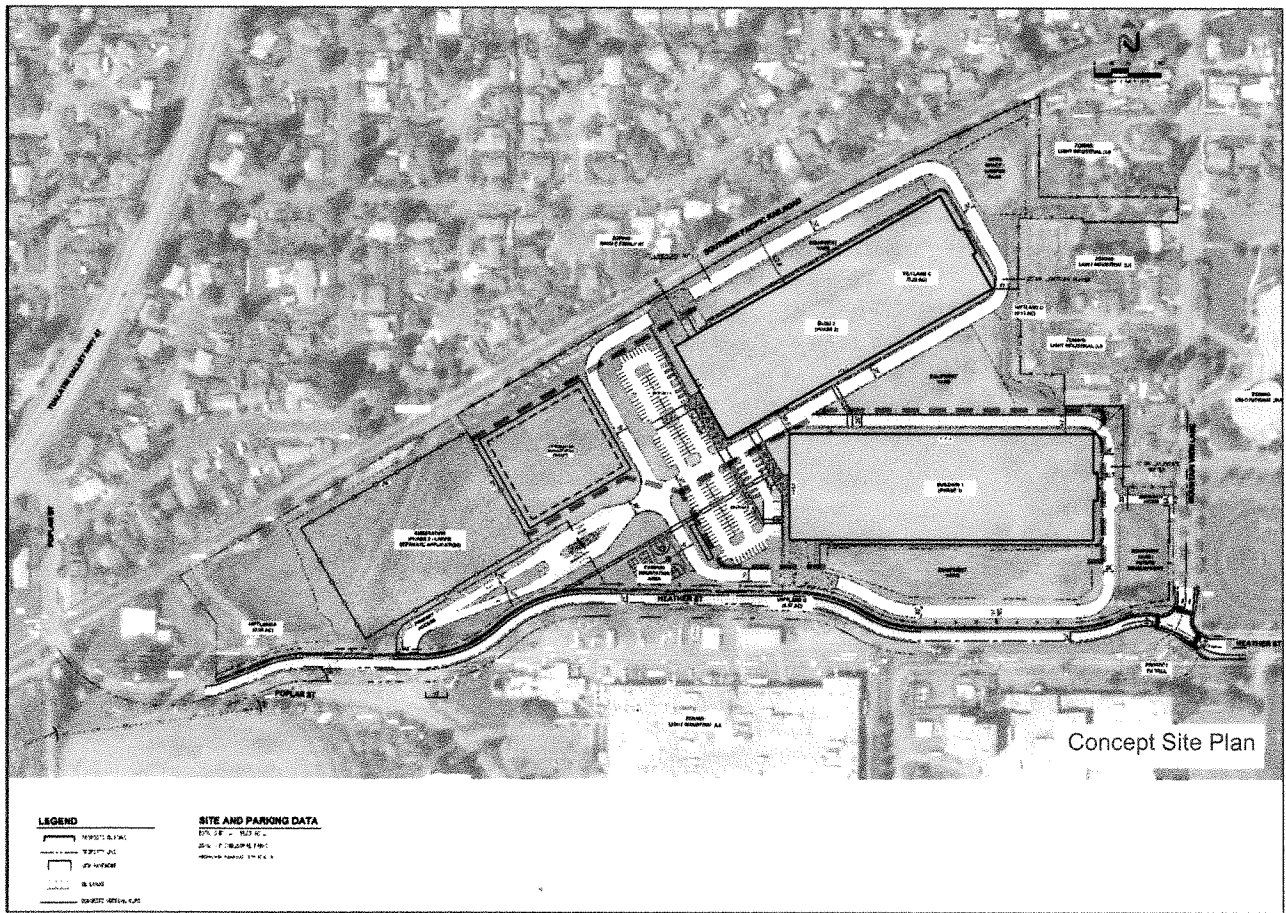


Figure 2. Preliminary Site Plan for Proposed Data Center





The City of Forest Grove’s Transportation System Plan includes a future alignment of Poplar Street between OR 47 and Mountain View Lane which this project would accomplish. Key issues identified by the city in making this connection included:

- To the maximum extent possible avoid adverse impacts to the heritage tree currently located to the southwest of the existing Heather Street/Mountain View Lane intersection
- Avoid property impacts to the Neil Armstrong Middle School (NAMS) to the northeast of the intersection.
- Provide acceptable traffic operations at the new three-legged intersection.
- Provide adequate sight distance and address engineering challenges including drainage and stormwater management.
- Incorporate active transportation facilities.

Each of these issues will be addressed in this memo.

## Study Area

As shown in **Figure 1**, the study area for this memo focuses on the intersection of Heather Street with Mountain View Lane, but also includes the surrounding transportation network that will influence the movement of traffic through this intersection. To the west, the study area includes traffic movement along the existing segment of Poplar Street to the east of its intersection with OR 47. To the north, the study area includes the existing segment of Mountain View Lane as it approaches Pacific Avenue. To the east, the project area recognizes the existing patterns of land use and traffic circulation but does not specifically address changes in traffic patterns that would result from the connection of Poplar Street.

## Report Content and Organization

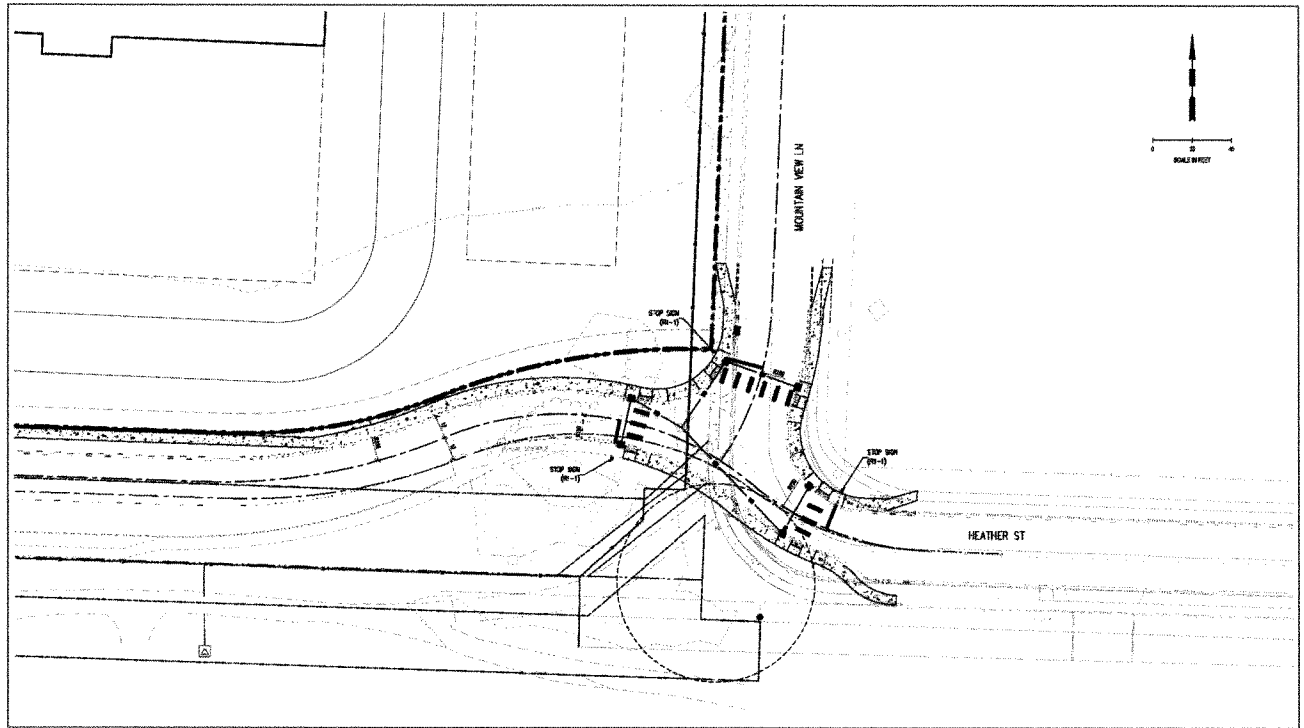
This report is organized into four major sections, the first of which is this Introduction. The second section presents a discussion related to the development of a preferred intersection concept and cost estimate. The third section discusses key transportation planning issues including the evaluation of planning horizon year traffic forecasts and operations analysis, and the effect of the new intersection on active transportation mobility. The final section presents a summary of conclusions and recommendations.

## Intersection Concept Development

This section documents the development of an intersection improvement concept to address the issues and concerns raised by the City of Forest Grove and discussed in the Introduction to this report. The concept will accommodate a connection between Heather Street and Poplar Street as prescribed in the City’s Transportation System Plan, which will minimize impacts to the heritage tree, the middle school and site development for the proposed data center to be located to the north and west of the new Heather Street/Mountain View Lane intersection. This section will also present an engineering cost estimate for the improvement project.

**Figure 3** illustrates the proposed improvement concept.

Figure 3. Preliminary Intersection Concept





## Preliminary Engineering Assumptions

Key assumptions inherent in the intersection concept include:

- Lane widths are 12 feet, with 24 feet from flow line to flow line.
- Sidewalks are 6 feet wide.
- The tee intersection is all-way stop controlled.
- Assumed design speed is 20 mph because of the recommended stop condition. A 25 mph design speed would require a minimum radius is 197 feet which is difficult to fit into the available ROW. Warning signs could be added for the curves and with speed posted for 20 mph. This speed is not inconsistent with the existing posted 20 mph speed in the adjacent school zone on school days between the hours of 7 am and 5 pm.
- Per AASHTO Green Book, Table 3-13, the minimum radii for curves in the intersection with a normal crown of 2% at design speed of 20 mph is R=107 feet. A radius of 150 feet was used in this concept.
- Roadway Structural Section is based on ODOT Drawing No. 312 and, while Poplar and Heather Streets are designated collectors in the City's TSP, an Arterial Street section was assumed to account for truck loading, particularly for the adjacent industrial site.
- Bicyclists will ride with vehicle traffic through the intersection.
- Proposed stormwater system will tie into the existing system.
- All storm pipes are 5 feet or less from the existing grade.
- Crosswalk locations from ODOT Highway Design Manual - Appendix L, Chapter 5: Street Crossing, Figure 5-2: Crosswalks Defined for T-Intersections.

## Cost Estimate

A planning level cost estimate was prepared for the improvement concept as is illustrated in Figure 3. This estimate does not include the cost of roadway extension from the existing eastern terminus to the beginning of the intersection improvement. The estimate assumes the following:

- All items were based on ODOT Bid Item List
- Cost/Unit based on ODOT Awarded Prices by Contract 2022
- Mobilization was assumed to be 7.5% of the costs of the items (not including contingency)
- Erosion Control was assumed to be 10% of the costs of the items (not including mobilization or contingency)
- Temporary Traffic Control is assumed to be 10% of the costs of the items (not including mobilization, erosion control or contingency)
- Contingency of 40% was used.

The total estimated cost of the intersection improvement is \$516,700. Details of the cost estimate are included in **Appendix A**.

## Transportation Analysis

The transportation analysis conducted for the proposed Poplar Street extension focused on three elements:

- Estimation of future (2045 PM peak hour) traffic volumes that would use the new through street after completion of the extension project.
- Future operations of the new three-legged intersection of Heather Street at Mountain View Lane and consideration of recommended traffic control based on the future year projected volumes.
- Integration of active transportation elements in the proposed project with the larger community-wide pedestrian and bicycle system.

Each of these topic areas is discussed in the relevant sections below.

### Estimation of 2045 PM Peak Hour Traffic Volumes

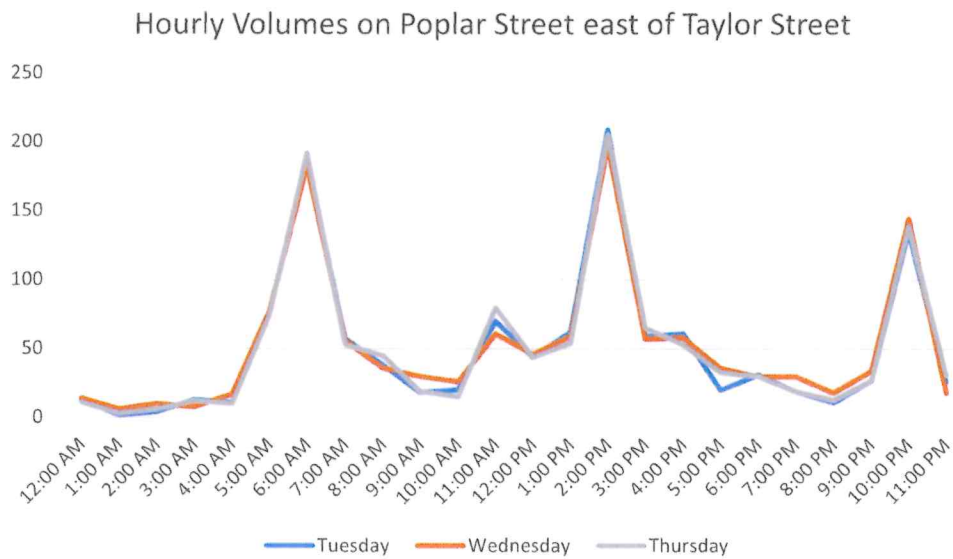
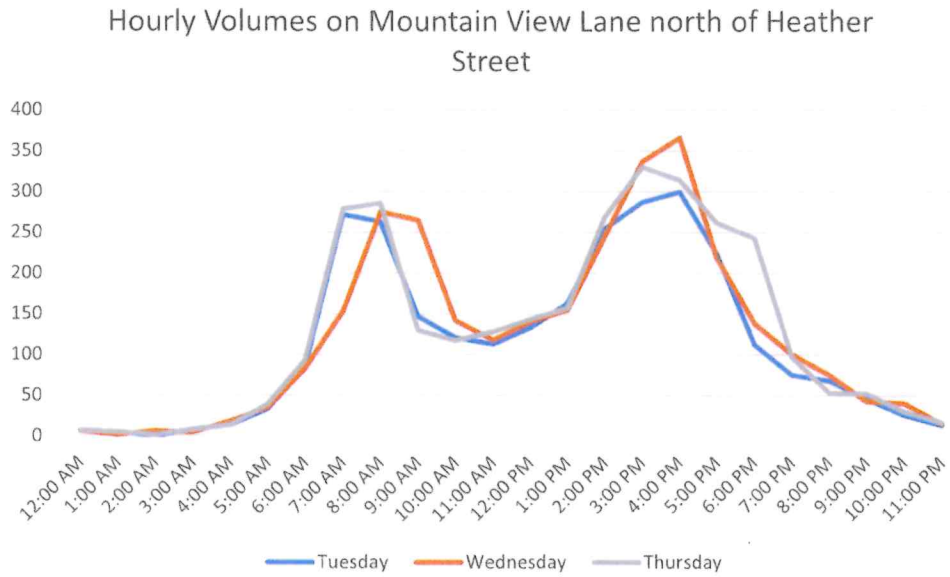
The estimation of PM peak hour traffic volumes for the proposed Poplar Street extension and development of a new three-legged intersection at Heather Street/Mountain View Lane included a multi-step process:

1. Obtaining existing hourly traffic count data for roadway links in the vicinity of the intersection and future year projections from the Washington County travel demand model that were used in preparing the City's Transportation System Plan (TSP).
2. Modify existing count data to reflect expected traffic growth on Poplar Street and Mountain View Lane as identified in the TSP which would include the extension of Poplar Street to connect with Mountain View Lane.
3. Prepare future year peak hour turning movement projections for the new three-legged intersection.
4. Incorporate traffic expected to divert from the existing industrial land use on Poplar Street and that would be generated by the new proposed data center.
5. Use final projected 2045 PM peak hour turning movement projections as the basis to evaluate expected operations of the new three-legged intersection.

### Existing Hourly Traffic Volumes

Since the existing intersection of Heather Street with Mountain View Lane constitutes only a turn in the road and not a true intersection, traffic count data collection focused on the two roadway links that would ultimately connect with the new three-legged intersection, created after the extension of Poplar Street to the east. 24-hour hose counts were taken on Mountain View Lane north of Heather Street and on Poplar Street east of Taylor Way over a three day period including November 28 through November 30, 2023, inclusive. This data is illustrated in **Figure 4**. Raw traffic count data is included in **Appendix B**.

**Figure 4. Hourly Traffic Count Data**



### Existing Hourly Vehicle Classification Counts

In addition to the total volume counts that are shown in Figure 4, data was also collected on vehicle classification to identify the mix of vehicles, including trucks, that could be attracted to the new corridor.

Vehicle classification data indicates that, over the 72-hour count period, 71.5 percent of all vehicles on Mountain View Lane north of Heather Street were cars and trailers, 19.6 percent were 2-axle trucks and 5.2

percent were 2-axle six-tire trucks. All other vehicle types each represented less than one percent of total vehicles. Eleven bicycles were included in the count.

On Poplar Street east of Taylor Way 79.9 percent of all vehicles were cars and trailers, 13.3 percent were 2-axle trucks, and 3.4 percent were 2-axle six-tire trucks. All other vehicle types each represented less than one percent of total vehicles. Eleven bicycles were included in the count.

### Existing Speed Data

Speed data was also collected at the two data locations. This data was stratified generally in five mile per hour increments between 1 and 76 mph over the three-day data collection period.

Analysis of speed data focused on identifying the 85 percentile speed, which is the maximum speed that a “reasonable” driver will travel given prevailing conditions related to the roadway, weather, etc. The posted speed for Mountain View Lane north of Heather Street is 25 mph except on school days between 7 AM and 5 PM which the school zone speed is 20 mph. The 85<sup>th</sup> percentile speed is 26 mph. The median speed is 22 mph indicating that more than half of the traveling public is traveling at less than the posted speed but more than the school zone speed. This difference may be due to the fact that the speed data includes all hours of travel and not just during school hours.

The posted speed for Poplar Street east of Taylor Way is 25 mph. The 85<sup>th</sup> percentile speed is 23 mph and the median speed is 18 mph. This indicates that the traveling public is generally moving at less than the posted speed. Only five vehicles traveling over the 72-hour study period were traveling at greater than 26 mph and all of these were traveling at less than 31 mph.

### 2045 PM Peak Hour Traffic Volumes

Based on the existing traffic volume data presented above, several analysis steps were undertaken to produce future year turning movement traffic projections at the new intersection. These projections then form the basis for the operations analysis discussed in the next section which validate the feasibility of the intersection concept and proposed traffic control.

The future year PM peak hour turning movement projections consist of existing volumes, expected growth in background traffic volumes resulting from general community growth between 2023 and 2045 as well as a redistribution of traffic resulting from the new Poplar Street connection, and traffic attributable to the new data center. Assumptions with respect to each of these elements are described below.

#### Traffic Volume Growth along Poplar Street and Mountain View Lane

The estimate of future traffic growth along Poplar Street and Mountain View Lane considered expected growth in volumes between the base and future years as presented in the City’s TSP. The future year traffic volumes included in the TSP were developed using the Washington County regional travel demand model which identified the expected diversion of traffic from existing streets to the new Poplar Street connection. The model projections reflect the desirability of the new Poplar Street connection and provide a solid basis for estimating the extent of traffic that will divert from other roads to use the new facility . Existing and future year volumes at the intersection of OR 47/Poplar Street and Pacific Avenue/Mountain View Lane as included in the TSP were reviewed and the expected increase in traffic volumes was calculated.

This calculated growth was added to the 2023 PM peak hour roadway traffic counts on Mountain View Lane and Poplar Street as presented earlier in this report to estimate 2045 PM peak hour roadway traffic projections. 75-80 percent of Poplar Street growth was assumed to use Heather Street as it is unlikely that much traffic will divert from OR 47 to connect with Pacific Avenue via Mountain View Lane and vice versa.

While the calculation of future 2045 forecasts was based on the absolute growth in volumes predicted using the County’s model, this growth equates to an annualized percent growth from base year to future year of about 1 percent per year along Mountain View Lane. The annualized percentage growth rate along the Poplar Street extension is higher (ranging between 5 and 6 percent per year) due to the low level of existing traffic that was used as a starting point.

Addition of Traffic from Existing Industrial Site

PM peak hour traffic volumes for the existing industrial use on Poplar Street are captured in the counts taken on that street. Some reassignment of that volume was necessary to reflect the attractiveness of the new connection to/from the east, particularly to reach the Pacific Avenue/Baseline Road corridor. For purposes of this report, it was assumed that about ½ of outbound industrial trips would use the Poplar Street connection. At the subject intersection, it was further assumed that this traffic would split with two-thirds heading north on Mountain View Lane to Pacific Avenue and one-third continuing east on Heather Street.

Addition of Data Center Traffic

The two project-related characteristics having the most effect on area traffic conditions are peak hour trip generation and the directional distribution of traffic volumes on the surrounding roadway network. These are discussed in the following paragraphs.

Vehicle trip generation was calculated using the trip generation rates contained in the 11<sup>th</sup> edition of the *Trip Generation Manual* by the Institute of Transportation Engineers (ITE) for the proposed use. Data Center (land-use code #160) was determined to be the most applicable to this project.

The trip generation rates in the PM peak hour for this development are shown in **Table 1**.

**Table 1. PM Peak Hour Trip Generation Rates**

Land Use	Land Use Code (LUC)	Unit	Trip Rate	Enter %	Exit %
Data Center	160	1,000 sqft	0.10	30%	70%

The total trip generation expected from this project is calculated by applying the unit measure for each land use category to the appropriate trip generation rate. The PM peak hour trip generation calculations are shown in **Table 2**.

Table 2. PM Peak Hour Trip Generation

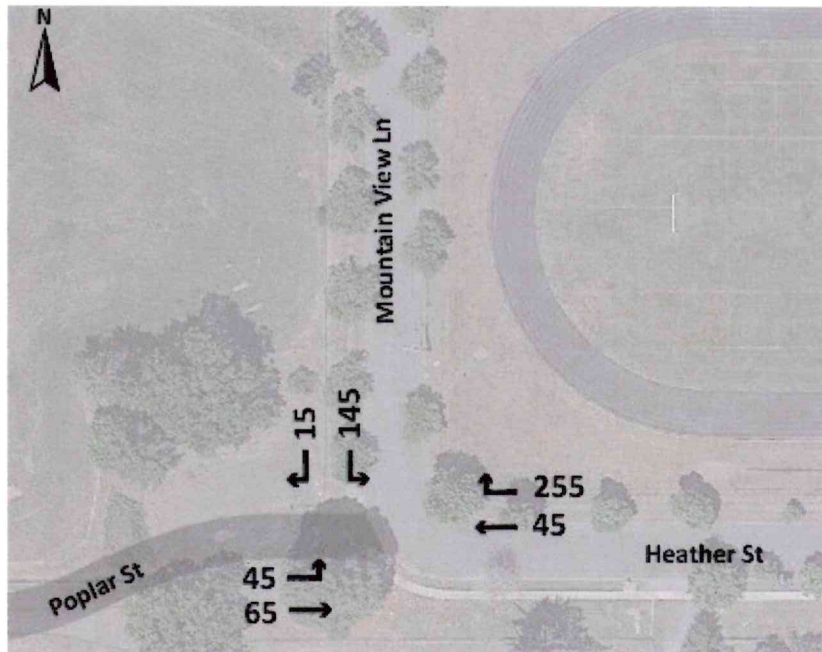
Land Use Category	Size	Total Trips	Enter %	Exit %
Data Center	780.0	80	24	56

These generated trips were then assigned to the surrounding street system based on the locations of residential neighborhoods and regional highway facilities in relation to the data center site. It was assumed that 40 percent of the generated trips would travel to/from the west and 60 percent would use the new intersection (with 40 percent using Mountain View Lane to reach Pacific Avenue and 20 percent continuing further along Heather Street. The distribution pattern of these trips through the intersection of Heather Street and Mountain View Lane is shown in **Appendix C**.

Total 2045 PM Peak Hour Traffic Projections

The roadway traffic volume projections produced through the process described above were converted into turning movement projections at the subject intersection. **Figure 5** illustrates the projected turning movements for the 2045 PM peak hour. This data was used to evaluate expected future traffic operations at the study area intersection to ensure that the design concept would be viable. It should be noted that it is not expected that the Poplar/Heather Street corridor will attract a significant volume of traffic once the connection is completed or that the area will experience significant growth as it is fairly well built-out. Details of the traffic estimation process are included in Appendix C.

Figure 5. 2045 PM Peak Hour Intersection Traffic Projections



## 2045 PM Peak Hour Traffic Operations

Two traffic control alternatives were evaluated at the newly-configured intersection of Heather Street and Mountain View Lane – two-way stop control affecting only the approach leg on Mountain View Lane and all-way stop control affecting all three legs. The results of this analysis for the 2045 PM peak hour are summarized in **Table 3**. As shown in the table, both intersections would operate substantially better than the city’s adopted mobility standard of LOS D. The two way stop control would operate at LOS B for the worst movement, while the all-way stop control would operate at LOS A for the combined average movements. Operations analysis worksheets are included in **Appendix D**.

**Table 3. 2045 PM Peak Hour Intersection Operations**

Intersection	Traffic Control	Mobility Standard	PM Peak Hour		
			V/C	Delay	LOS
Heather Street/Mountain View Lane	TWSC <sup>1</sup>	LOS D	0.27 <sup>3</sup>	12.8	B
Heather Street/Mountain View Lane	AWSC <sup>2</sup>	LOS D	0.36 <sup>3</sup>	9.3	A

1. Two-way Stop Control
2. All-way Stop Control
3. Worst movement

Additional sensitivity tests were conducted for this analysis by evaluating a much more significant growth in traffic through the Poplar/Heather Street corridor to identify the extent of additional capacity available with the two traffic control concepts. This analysis indicates with all-way stop control there is sufficient additional intersection capacity for projected volumes to double from the expected 2045 PM peak hour projections before the mobility standard could not be met. For two-way stop control, volumes would need to increase by about 80 percent before congestion would occur. Thus, it can be concluded that the intersection configuration shown in Figure 3 would be more than sufficient to meet the city’s operational standards with plenty of room to grow over time.

## Safety Considerations

Based on roadway curvature through the intersection necessitated by both right of way limitations and the location of the heritage tree, it is recommended that the intersection be signed for 20 mph approach speeds and that consideration be given to installing curvature warning signage. All-way stop control should be implemented to maximize safety of the new intersection. This recommendation is supported by review of Crash Modification Reduction factors published in the FHWA Crash Modification Factor (CMF) Clearinghouse that indicate an all-way stop would likely experience about 43 percent fewer crashes than a two-way stop.

## Active Transportation Connections

Review of the City’s TSP indicates that the Poplar Street corridor is recommended for pedestrian system improvements in the form of sidewalks along both sides of the existing street and the future street extension (see Pedestrian Plan map in **Appendix E**). Sidewalks already exist on both sides of Heather Street east of



Mountain View Lane and along the east side of Mountain View Lane north of Heather Street, so improvements through the new intersection will allow for a seamlessly connected system. The proposed sidewalk through the new three-legged intersection is shown in Figure 3. West of the intersection the sidewalk would run along the north side of the Poplar Street extension and would connect to a future sidewalk along the west side of Mountain View Lane. Modification to the existing sidewalks on the east side of Mountain View Lane and the south side of Heather Street would be needed while passing through the intersection and would be reconnected to existing sidewalks. Crosswalks are proposed for all three legs of the intersection to accompany the recommended all-way stop control.

The City's TSP does not include the extension of specific bicycle facilities on Poplar Street, Heather Street or Mountain View Lane. It is expected that traffic volumes and speeds are sufficiently low that bicycles would operate within the existing travel lane. Consideration could be given to indicating shared use through the installation of Sharrow pavement markings.

## Conclusions and Recommendations

This report illustrates a preliminary design concept to connect the easterly extension of Poplar Street with the current Mountain View Lane/Heather Street intersection by creating a new three-legged intersection. This intersection would have one approach lane from each direction (north, east, and west) with recommended all-way stop control and 20 mph approach speeds. The intersection would include sidewalks connecting with the existing sidewalks system to the north and east and would provide crosswalks on all approach legs. The intersection successfully avoids adverse impacts to the existing heritage tree, the Neil Armstrong Elementary School and the proposed future data center.

Traffic operations at the new intersection would operate at LOS A during the 2045 PM peak hour with all-way stop control and safety would be maximized.

If you have any questions or need additional information, please call me at 360.352.1465.

N:\Projects\6885 Navix Engineering\23-001152 Heather and Mountain View Intersection\Phase 03-Project Memo\2023-1226 Heather-Mtn View Analysis.docx

# Appendix A

## Cost Estimate



Heather Road/Mountain View Lane Intersection Modification Cost Estimate 12/26/2023

Item Number	Item Description	Unit	Quantity	Cost/Unit	Cost
0210-010000A	MOBILIZATION	LS	1	\$26,000.00	\$26,000.00
0280-010000A	EROSION CONTROL	LS	1	\$32,000.00	\$32,000.00
0330-010500K	GENERAL EXCAVATION	CUYD	830	\$75.00	\$62,250.00
0445-035012AF	12 INCH STORM SEWER PIPE, 5 FT DEPTH	FOOT	235	\$100.00	\$23,500.00
0470-0332000e	CATCH BASINS, TYPE 3	EACH	6	\$2,000.00	\$12,000.00
0596-A001000J	SIDEWALK COPING	SQFT	3790	\$12.00	\$45,480.00
0641-0110000M	1/2 INCH - 0 AGGREGATE BASE	TON	1085	\$40.00	\$43,400.00
0641-0112000M	3/4 INCH - 0 AGGREGATE BASE	TON	180	\$40.00	\$7,200.00
0745-0620000M	PG 64-22 ASPHALT IN 1/2 ACP	TON	275	\$150.00	\$41,250.00
0759-0103000F	CONCRETE CURBS, CURB AND GUTTER	FOOT	725	\$60.00	\$43,500.00
0860-0200000F	LONGITUDINAL PAVEMENT MARKINGS - PAINT	Foot	320	\$1.00	\$320.00
0867-0145100J	PAVEMENT BAR, TYPE B-HS	SQFT	260	\$10.00	\$2,600.00
0940-0202000J	SIGNS, STANDARD SHEETING, SHEET ALUMINUM	SQFT	27	\$20.00	\$540.00
Nstd	Temporary Traffic Control	LS	1	\$29,000.00	\$29,000.00
Sub Total					\$369,040.00
Contingency 40%					\$147,616.00
Total					\$516,656.00



# Appendix B

## Traffic Counts



Type of report: Tube Count - Volume Data

LOCATION: Mountain View Ln north of Heather St										QC JOB #: 16409501
SPECIFIC LOCATION:										DIRECTION: NB
CITY/STATE: Forest Grove, OR										DATE: Nov 28 2023 - Nov 30 2023
Start Time	Mon 28 Nov 23	Tue 29 Nov 23	Wed 30 Nov 23	Thu 30 Nov 23	Fri	Average Weekday Hourly Traffic	Sat	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM		1	1	3		2			2	
01:00 AM		3	0	3		2			2	
02:00 AM		0	4	1		2			2	
03:00 AM		7	4	7		6			6	
04:00 AM		10	14	9		11			11	
05:00 AM		27	26	28		27			27	
06:00 AM		44	43	49		45			45	
07:00 AM		172	76	180		143			143	
08:00 AM		131	164	148		148			148	
09:00 AM		90	159	78		109			109	
10:00 AM		64	79	69		71			71	
11:00 AM		58	66	65		63			63	
12:00 PM		81	79	77		79			79	
01:00 PM		91	75	77		81			81	
02:00 PM		119	117	117		118			118	
03:00 PM		170	194	194		186			186	
04:00 PM		197	228	186		204			204	
05:00 PM		152	130	135		139			139	
06:00 PM		65	81	86		77			77	
07:00 PM		41	53	58		51			51	
08:00 PM		37	50	27		38			38	
09:00 PM		24	22	28		25			25	
10:00 PM		13	23	11		16			16	
11:00 PM		6	4	4		5			5	
Day Total		1603	1692	1640		1648			1648	
% Weekday Average		97.3%	102.7%	99.5%						
% Week Average		97.3%	102.7%	99.5%		100%				
AM Peak Volume		7:00 AM 172	8:00 AM 164	7:00 AM 180		8:00 AM 148			8:00 AM 148	
PM Peak Volume		4:00 PM 197	4:00 PM 228	3:00 PM 194		4:00 PM 204			4:00 PM 204	

Comments:

Report generated on 12/4/2023 8:43 AM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: Mountain View Ln north of Heather St										QC JOB #: 16409501
SPECIFIC LOCATION:										DIRECTION: SB
CITY/STATE: Forest Grove, OR										DATE: Nov 28 2023 - Nov 30 2023
Start Time	Mon 28 Nov 23	Tue 29 Nov 23	Wed 30 Nov 23	Thu 30 Nov 23	Fri	Average Weekday Hourly Traffic	Sat	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM		6	5	4		5			5	
01:00 AM		2	2	2		2			2	
02:00 AM		0	2	1		1			1	
03:00 AM		1	1	1		1			1	
04:00 AM		4	4	5		4			4	
05:00 AM		6	9	11		9			9	
06:00 AM		41	40	44		42			42	
07:00 AM		100	77	99		92			92	
08:00 AM		132	111	138		127			127	
09:00 AM		57	106	52		72			72	
10:00 AM		57	63	48		56			56	
11:00 AM		55	52	63		57			57	
12:00 PM		52	61	66		60			60	
01:00 PM		72	80	80		77			77	
02:00 PM		135	128	152		138			138	
03:00 PM		117	143	136		132			132	
04:00 PM		103	138	128		123			123	
05:00 PM		72	89	127		96			96	
06:00 PM		47	57	157		87			87	
07:00 PM		34	47	39		40			40	
08:00 PM		31	25	26		27			27	
09:00 PM		22	21	24		22			22	
10:00 PM		13	17	19		16			16	
11:00 PM		8	11	13		11			11	
Day Total		1167	1289	1435		1297			1297	
% Weekday Average		90%	99.4%	110.6%						
% Week Average		90%	99.4%	110.6%		100%				
AM Peak Volume		8:00 AM 132	8:00 AM 111	8:00 AM 138		8:00 AM 127			8:00 AM 127	
PM Peak Volume		2:00 PM 135	3:00 PM 143	6:00 PM 157		2:00 PM 138			2:00 PM 138	

Comments:

Report generated on 12/4/2023 8:43 AM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: Poplar St east of Taylor Wy								QC JOB #: 16409502	
SPECIFIC LOCATION:								DIRECTION: EB	
CITY/STATE: Forest Grove, OR								DATE: Nov 28 2023 - Nov 30 2023	
Start Time	Mon 28 Nov 23	Tue 29 Nov 23	Wed 30 Nov 23	Fri	Average Weekday Hourly Traffic	Sat	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM	4	5	3		4			4	
01:00 AM	1	1	0		1			1	
02:00 AM	2	5	2		3			3	
03:00 AM	7	3	7		6			6	
04:00 AM	6	13	7		9			9	
05:00 AM	62	63	62		62			62	
06:00 AM	118	112	113		114			114	
07:00 AM	27	33	29		30			30	
08:00 AM	28	23	33		28			28	
09:00 AM	12	18	10		13			13	
10:00 AM	10	9	5		8			8	
11:00 AM	28	23	33		28			28	
12:00 PM	28	31	26		28			28	
01:00 PM	48	46	43		46			46	
02:00 PM	89	82	87		86			86	
03:00 PM	6	5	9		7			7	
04:00 PM	6	9	9		8			8	
05:00 PM	11	16	16		14			14	
06:00 PM	10	9	9		9			9	
07:00 PM	12	16	12		13			13	
08:00 PM	7	13	8		9			9	
09:00 PM	22	27	22		24			24	
10:00 PM	59	60	63		61			61	
11:00 PM	3	2	4		3			3	
<b>Day Total</b>	<b>606</b>	<b>624</b>	<b>612</b>		<b>614</b>			<b>614</b>	
% Weekday Average	98.7%	101.6%	99.7%						
% Week Average	98.7%	101.6%	99.7%		100%				
AM Peak Volume	6:00 AM 118	6:00 AM 112	6:00 AM 113		6:00 AM 114			6:00 AM 114	
PM Peak Volume	2:00 PM 89	2:00 PM 82	2:00 PM 87		2:00 PM 86			2:00 PM 86	

Comments:

Report generated on 12/4/2023 8:43 AM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: Poplar St east of Taylor Wy							QC JOB #: 16409502			
SPECIFIC LOCATION:							DIRECTION: WB			
CITY/STATE: Forest Grove, OR							DATE: Nov 28 2023 - Nov 30 2023			
Start Time	Mon 28 Nov 23	Tue 29 Nov 23	Wed 30 Nov 23	Thu 30 Nov 23	Fri	Average Weekday Hourly Traffic	Sat	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM		8	9	8		8			8	
01:00 AM		1	5	3		3			3	
02:00 AM		2	5	4		4			4	
03:00 AM		6	5	5		5			5	
04:00 AM		5	4	3		4			4	
05:00 AM		14	14	12		13			13	
06:00 AM		71	71	79		74			74	
07:00 AM		30	23	24		26			26	
08:00 AM		10	13	12		12			12	
09:00 AM		6	12	9		9			9	
10:00 AM		10	17	10		12			12	
11:00 AM		42	38	47		42			42	
12:00 PM		16	15	18		16			16	
01:00 PM		14	13	11		13			13	
02:00 PM		120	116	118		118			118	
03:00 PM		53	52	56		54			54	
04:00 PM		55	49	44		49			49	
05:00 PM		9	20	17		15			15	
06:00 PM		21	21	21		21			21	
07:00 PM		7	14	7		9			9	
08:00 PM		4	5	5		5			5	
09:00 PM		5	7	5		6			6	
10:00 PM		76	84	76		79			79	
11:00 PM		23	16	27		22			22	
<b>Day Total</b>		<b>608</b>	<b>628</b>	<b>621</b>		<b>619</b>			<b>619</b>	
% Weekday Average		98.2%	101.5%	100.3%						
% Week Average		98.2%	101.5%	100.3%		100%				
AM Peak Volume		6:00 AM 71	6:00 AM 71	6:00 AM 79		6:00 AM 74			6:00 AM 74	
PM Peak Volume		2:00 PM 120	2:00 PM 116	2:00 PM 118		2:00 PM 118			2:00 PM 118	

Comments:

Report generated on 12/4/2023 8:43 AM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

# Appendix C

## Traffic Volume Estimates





# Forest Grove Data Center

## PM Peak Hour Volumes

Intersection	Movement		Existing	Background	Growth	Baseline	Site	Projected
			2023			2045	Generated	2045
			Volumes	Growth	Reassignment	Volumes	Total	Volumes
<b>1</b> <b>Poplar St/Heather St</b> <b>Mountain View Lane</b>  TMC Date: 04/13/2021  4:30 - 5:30 PHF: 0.97		L	0	8	17	25	22	47
	EB	T	0	43	8	51	12	63
		R	0	0	0	0	0	0
		L	0	0	0	0	0	0
	WB	T	0	39	0	39	4	43
		R	204	50	0	254	0	254
		L	0	0	0	0	0	0
	NB	T	0	0	0	0	0	0
		R	0	0	0	0	0	0
		L	123	20	0	143	0	143
	SB	T	0	0	0	0	0	0
	R	0	6	0	6	10	16	
			<b>327</b>			<b>518</b>		<b>566</b>



# Appendix D

## Traffic Operations Worksheets



**Intersection**

Int Delay, s/veh 4.2

**Movement** EBL EBT WBT WBR SBL SBR

Lane Configurations		↕	↔		↕	
Traffic Vol, veh/h	45	65	45	255	145	15
Future Vol, veh/h	45	65	45	255	145	15
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	1	1	1	1	1	1
Mvmt Flow	49	71	49	277	158	16

**Major/Minor** Major1 Major2 Minor2

Conflicting Flow All	326	0	-	0	357	188
Stage 1	-	-	-	-	188	-
Stage 2	-	-	-	-	169	-
Critical Hdwy	4.11	-	-	-	6.41	6.21
Critical Hdwy Stg 1	-	-	-	-	5.41	-
Critical Hdwy Stg 2	-	-	-	-	5.41	-
Follow-up Hdwy	2.209	-	-	-	3.509	3.309
Pot Cap-1 Maneuver	1239	-	-	-	643	857
Stage 1	-	-	-	-	846	-
Stage 2	-	-	-	-	863	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1239	-	-	-	617	857
Mov Cap-2 Maneuver	-	-	-	-	617	-
Stage 1	-	-	-	-	811	-
Stage 2	-	-	-	-	863	-

**Approach** EB WB SB

HCM Control Delay, s	3.3	0	12.8
HCM LOS			B

**Minor Lane/Major Mvmt** EBL EBT WBT WBR SBLn1

Capacity (veh/h)	1239	-	-	-	634
HCM Lane V/C Ratio	0.039	-	-	-	0.274
HCM Control Delay (s)	8	0	-	-	12.8
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0.1	-	-	-	1.1

Intersection	
Intersection Delay, s/veh	9.3
Intersection LOS	A

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↕	↕		↕	
Traffic Vol, veh/h	45	65	45	255	145	15
Future Vol, veh/h	45	65	45	255	145	15
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Heavy Vehicles, %	1	1	1	1	1	1
Mvmt Flow	49	71	49	277	158	16
Number of Lanes	0	1	1	0	1	0

Approach	EB	WB	SB
Opposing Approach	WB	EB	
Opposing Lanes	1	1	0
Conflicting Approach Left	SB		WB
Conflicting Lanes Left	1	0	1
Conflicting Approach Right		SB	EB
Conflicting Lanes Right	0	1	1
HCM Control Delay	8.7	9.3	9.6
HCM LOS	A	A	A

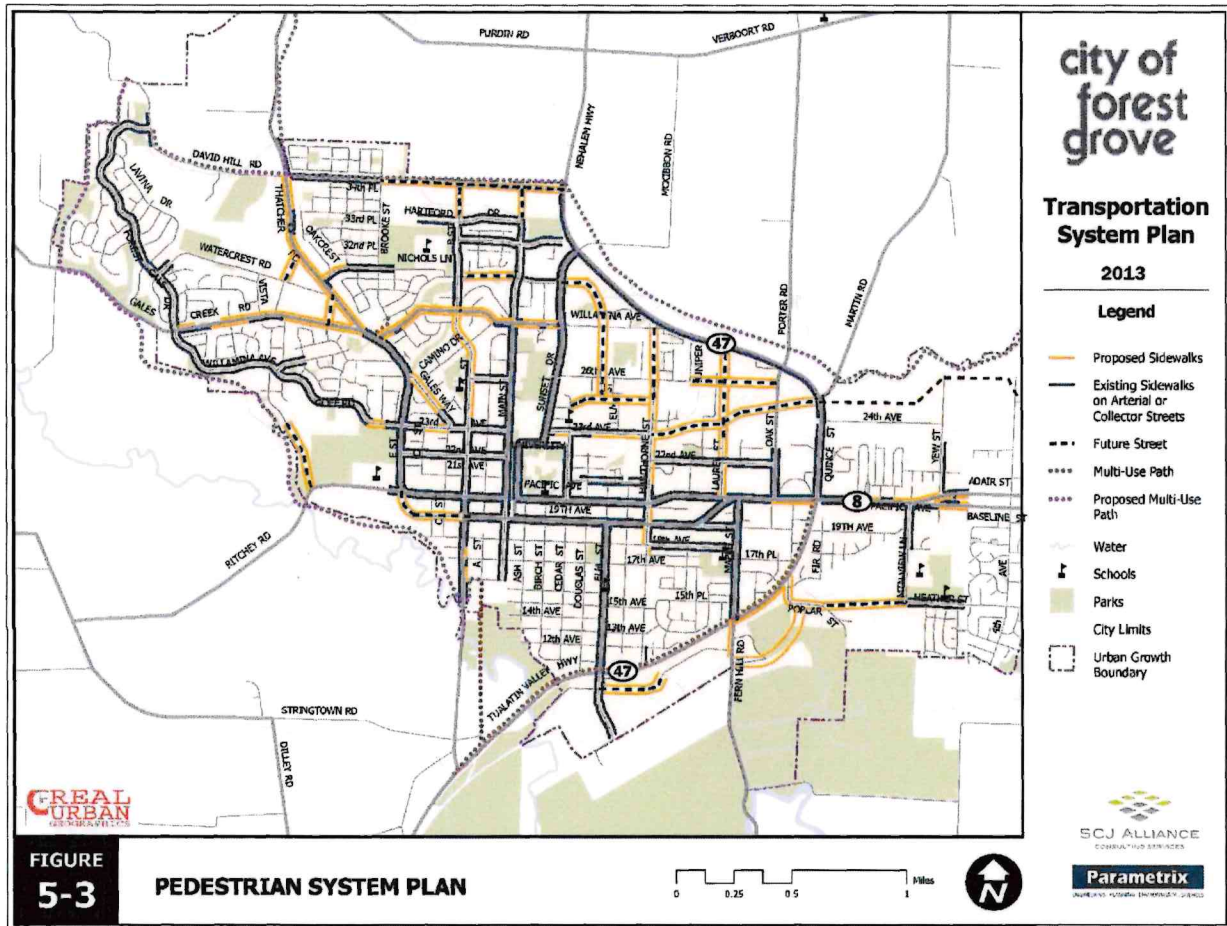
Lane	EBLn1	WBLn1	SBLn1
Vol Left, %	41%	0%	91%
Vol Thru, %	59%	15%	0%
Vol Right, %	0%	85%	9%
Sign Control	Stop	Stop	Stop
Traffic Vol by Lane	110	300	160
LT Vol	45	0	145
Through Vol	65	45	0
RT Vol	0	255	15
Lane Flow Rate	120	326	174
Geometry Grp	1	1	1
Degree of Util (X)	0.159	0.363	0.24
Departure Headway (Hd)	4.778	4.003	4.978
Convergence, Y/N	Yes	Yes	Yes
Cap	750	900	720
Service Time	2.812	2.026	3.023
HCM Lane V/C Ratio	0.16	0.362	0.242
HCM Control Delay	8.7	9.3	9.6
HCM Lane LOS	A	A	A
HCM 95th-tile Q	0.6	1.7	0.9

# Appendix E

## Pedestrian Plan



Forest Grove TSP – Recommended Pedestrian Plan



**NOTICE OF PUBLIC HEARING  
FOREST GROVE PLANNING COMMISSION  
APPEAL OF PROPOSED CRANE DATA CENTER CAMPUS  
SITE DEVELOPMENT REVIEW  
FILE NUMBER 311-24-0000006-PLNG**

**NOTICE IS HEREBY GIVEN** that the Forest Grove Planning Commission will hold a **Public Hearing** on **Tuesday, September 3, 2024**, at **7:00 p.m.** or thereafter, at the Forest Grove Community Auditorium, 1915 Main Street, and via Zoom video conferencing, to consider the following proposal:

**PROPOSAL:** Appeal of the Type II administrative/staff decision approving the proposed Crane Data Center Campus project including phased construction of two buildings 250.5 feet by 715.5 feet and one being 75 feet in height and one being 40 feet in height, equipment yard, recreation area, parking area and street improvements in the City's Light Industrial (LI) Zone.

**LOCATION:** 3975 Heather Street / Washington County Tax Lot 1S3050001300

**APPLICANT:** Crane Data Centers Inc.

**APPELLANT:** Dave Haworth

**FILE NUMBER:** Project: 311-24-0000006-PLNG / Appeal: 311-24-000033-PLNG

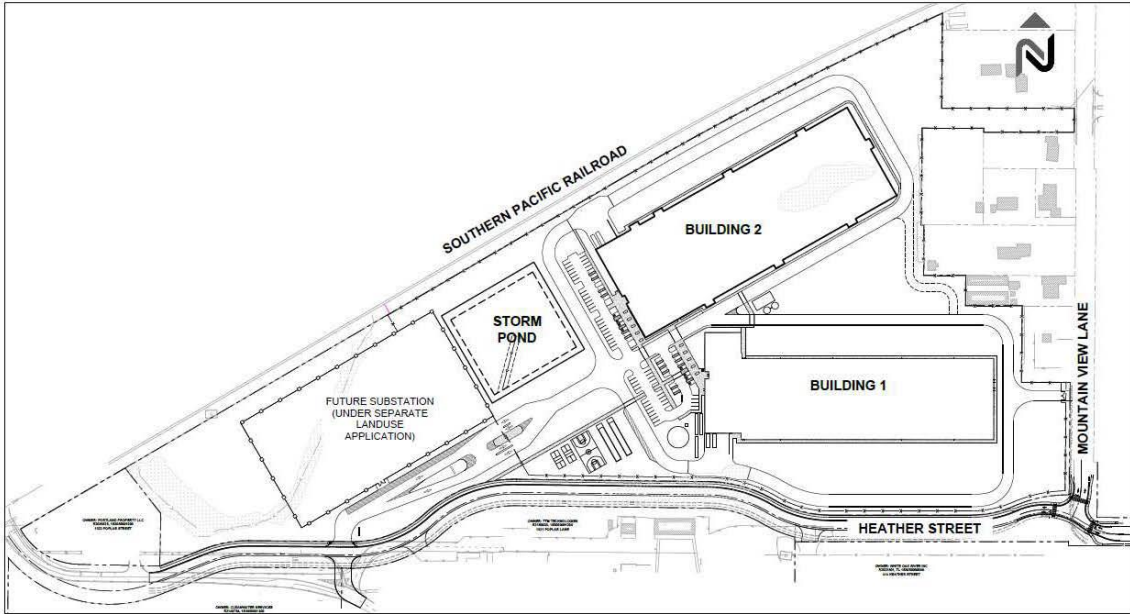
**CRITERIA:** Forest Grove Development Code §17.2.450: Site Development Review Criteria, §17.3.520: Industrial Zones Use Regulations & Table 3-12: Industrial Zones Use Table, §17.3.530: Industrial Zones Development Standards including Table 3-13: Industrial Zone Dimensional Requirements, §17.3.540: Additional Industrial Zone Standards, Forest Grove Development Code Article 8 General Development Standards (§17.8.005 et. seq.).

---

All persons will be given reasonable opportunity to give testimony about this proposal responding to the review criteria. If an issue is not raised in the hearing (by person or by letter) or if the issue is not explained in sufficient detail to allow the Planning Commission to respond to the issue, then that issue cannot be used for an appeal to the Forest Grove City Council or Oregon Land Use Board of Appeals. For further information pertaining to this proposal, please contact Senior Planner Daniel Riordan, [driordan@forestgrove-or.gov](mailto:driordan@forestgrove-or.gov), Community Development Department, 1924 Council Street, Forest Grove, OR 97116, (503) 992-3226, between 9 a.m. and 5 p.m. A copy of the staff report will be available for inspection at least seven days prior to the Planning Commission hearing.

The hearing will be held in a "hybrid" format allowing the public to attend the meeting virtual via Zoom and in-person. A copy of the meeting agenda with Zoom instructions and staff report are available seven days prior to the hearing and are published on the City's website at <https://www.forestgrove-or.gov/meetings>. To provide testimony via Zoom, please email [scurtis@forestgrove-or.gov](mailto:scurtis@forestgrove-or.gov) at least 24 hours prior to the hearing. Written comments or testimony be submitted at the hearing or sent prior to the hearing to the attention of the Community Development Department, P.O. Box 326, 1924 Council Street, 2nd Floor, Forest Grove, OR 97116, [scurtis@forestgrove-or.gov](mailto:scurtis@forestgrove-or.gov). For assistance, please call the Community Development Department at (503) 992-3227.

Mariah S. Woods, City Recorder  
City of Forest Grove  
To be published in the News Times on August 22, 2024



**SITE PLAN**



# Crane Data Center Appeal Staff Presentation

Bryan W. Pohl – Director

9/3/24 Planning Commission  
Meeting

---

# Purpose

- ❖ To hold a public hearing for an appeal of a Type II staff decision approving a site plan review for a new data center campus at 3975 and 3993 Heather Street in Forest Grove
- ❖ For the Planning Commission to decide if relevant findings of fact and conclusions were correctly determined by staff.



---

# Background and Timeline

- ❖ Application made on January 31, 2024
- ❖ Notice of pending administrative decision April 8, 2024
- ❖ Comments received from four parties during the 14-day comment period
- ❖ Staff decision – July 31, 2024
- ❖ Notice of decision sent to the four property owners who submitted comment during the 14-day comment and applicant
- ❖ Appeal filed August 12, 2024
- ❖ Notice of public hearing sent to owners within 300 feet of subject site on August 14, 2024
- ❖ Planning Commission hearing on September 3, 2024

---

# Proposal

- ❖ Development of a date center campus with two buildings with footprints of 178,000 square feet each.
- ❖ Building 1 (southern portion) – 45 feet tall- as first phase of construction
- ❖ Building 2 (northern portion) – 70 feet tall- as second phase of construction
- ❖ Parking, storm water quality facilities, equipment yard, landscaping
- ❖ Connection of Heather Street to Mountain View (half-street)
  - ❖ Identified in City's TSP
  - ❖ Would be completed by City after completion and acceptance of street construction





---

# Relevant Criteria

Forest Grove Development Code §17.2.450. The criteria include:

- A. The applicant demonstrates the site development plan complies with the base zoning district (Article 3), an 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 uses are present on or directly adjacent to the site.



---

# Relevant Criteria

- ❖ Required Setbacks – None
  - ❖ Building Height Limitation – None
  - ❖ Requirements for circulation, parking, DEQ, Metro, etc.
  - ❖ Solid waste collection areas
  - ❖ Landscaping
  - ❖ Public improvements
  - ❖ And more
- ❖ These are all covered in detail in the original staff decision, but are not enumerated as a basis for appeal.



---

# Staff Decision

- ❖ Approved with conditions on 7/31/24 (Decisions and Findings in record)
- ❖ Notice of Administrative Decision sent
- ❖ Appeal filed 8/12/14



# Analysis of Appeal Issues

- ❖ While many issues were raised, only a few of them have a basis in the code and criteria that apply to the project. Staff will address what is possible below and in following slides.
- ❖ Promoting good neighborhood design and upholding property values:
  - ❖ These are not development code criteria
  - ❖ Some mention of these goals are found in purpose statements, but purpose statements are NOT regulatory. (myriad of case law confirms this)
- ❖ Applicants are not residents- not a Development Code criterion
- ❖ Rowan Green Data Center – not germane to the approval of this application



---

# Analysis of Appeal Issues

- ❖ Most likely not able to get power to serve proposed development – not a criterion for land use approval
- ❖ Multi-phase development approach – not prohibited by Development Code’
- ❖ Notification issues - notice requirements in §17.1.515 were followed
- ❖ Timeline for power from BPA? – not a Development Code criterion
- ❖ Water availability – not a Development Code criterion
- ❖ Increased power use and higher rates – not a Development Code criterion



---

# Analysis of Appeal Issues

- ❖ City should demand EIS – not a Development Code criterion – will be addressed through permitting with DEQ and CWS
- ❖ Noise – applicant will be subject to City’s noise ordinance
- ❖ Electromagnetic fields – not a Development Code criterion, but was addressed by applicant



---

# Analysis of Appeal Issues

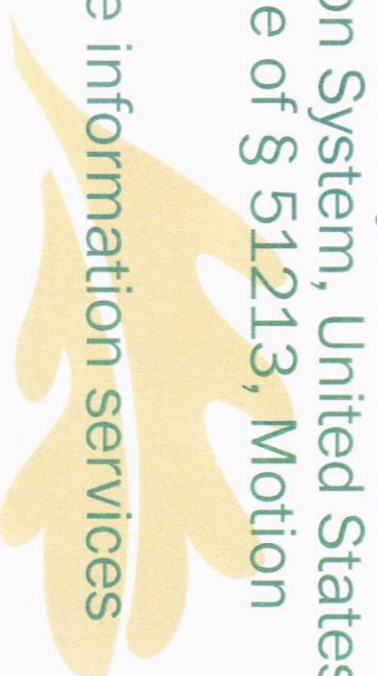
- ❖ Data Center Land Use Classification
  - ❖ Appeal argues that data centers were not in existence when Development Code was written
  - ❖ Development Code also references 1997 North American Industry Classification System (NAICS)
  - ❖ Land use classifications are based on broad categories of uses based on common functional, product, or physical characteristics that allow for present and future uses of the zone.
  - ❖ §17.12.100 – “uses are assigned to categories whose description most closely matches the nature of the primary uses.”
  - ❖



---

# Analysis of Appeal Issues

- ❖ Data Center Land Use Classification
  - ❖ §17.3.250, Table 3-12: “Information” as outright permitted use in Light Industrial (LI) zone.
  - ❖ §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, United States, 1997 Edition with exception the of § 51213, Motion Picture and Video Display.”
  - ❖ 1997 NAICS 51 includes online information services and data processing services



# Questions?





**PLANNING COMMISSION  
REGULAR MEETING  
MINUTES** Monday, February 5, 2024

**Community Auditorium, 1915 Main  
Street**

*Minutes are unofficial until approved by the Planning Commission.*

**A. Call to Order**

**Roll Call**

Staff:

**Planning Commission Present in Person and via Zoom Remotely:** Chair Ginny Sanderson (in person); Nicole Ellis (in person), Tim Farrell (in person), Julie Stenberg (in person) and Seth Berdahl (Zoom).

**Planning Commission Excused/Absent:** Commissioners Culbertson

**Staff Present:** Bryan Pohl, Community Development Director (Zoom); Dan Riordan, Senior Planner; Shannon Reynolds, Permit Technician; Suzie Curtis, Permit Coordinator.

**B. Public Comment:** Public Comment Period for Non-Agenda Items: Anyone wishing to speak on an item not on the agenda may be heard at this time. In the interest of time, please limit comments to three minutes or less.

1. Written Public Comment

None

**C. Additions/Deletions: N/A**

**D. Public Hearing**

1. Design and site development review for a proposed 16-room motel building and site improvements at 3224 Pacific Avenue (Holiday Motel); Washington County Tax Lots 1S305BB00300, 00301 & 00302; File No. 311-23-000031-PLNG

City of Forest Grove Sr. Planner Dan Riordan provided the Commissioners with a staff report and PowerPoint presentation detailing the subject property and proposals.

Dan responded to Commissioner's questions and requested that the application be approved with the conditions discussed/outlined.

Applicant: Matthew Newman with NW Engineers, LLC  
Owner's Rep: Steve Doss with Doss Quality Homes

Matt Newman spoke about the proposal for the 16-room motel and shared a bit more details on the plan, placement, parking, landscaping etc.

The applicant responded to the Commissioner's questions after presenting.

There was no public comment.

Commissioner Ellis moved a motion to recommend approval of the proposed Holiday Motel expansion and site improvements, File Number 311-23-000031-PLNG, and that the planning commission adopt the staff report, dated January 29<sup>th</sup>, 2024, including the analysis, findings and conditions of approval recommended by staff.

Commissioner Stenberg seconded the motion.

Roll Call Vote on Motion: AYES: Chair Sanderson; Commissioners Ellis, Farrell, Stenberg, Berdahl. NOES: None ABSTAIN: None

MOTION CARRIED 5-0

**E. Work Session: N/A**

**F. Business Meeting**

1. Director's Report

Community Development Director Bryan Pohl spoke to Senate Bill 1537 that was being proposed in Salem and potential changes that could come. Asking the Commissioners to do some homework, ask questions and have conversation around it.

Chair Sanderson welcomed Seth Berdahl to the Planning Commission as a Commissioner. Seth shared a bit about himself and experience both professionally and personally.

2. Announce next meeting:

No meeting dates have been set at this time.

**G. Adjournment**